

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

**Eighty-Second Session
May 11, 2023**

The Committee on Education was called to order by Chair Shannon Bilbray-Axelrod at 1:34 p.m. on Thursday, May 11, 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.

COMMITTEE MEMBERS PRESENT:

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

COMMITTEE MEMBERS ABSENT:

Assemblywoman Melissa Hardy (excused)

GUEST LEGISLATORS PRESENT:

Senator Dina Neal, Senate District No. 4



STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Sue Matuska, representing Nevada State Education Association; and representing Education Support Employees Association
Donna Etcheverry, President, Nevada State Education Association
Randy Soltero, representing Education Support Employees Association
Patricia Haddad, Director, Government Relations, Clark County School District
Erica Nungaray, Education Support Professional At-Large, Nevada State Education Association
Dylan Keith, Assistant Director, Government Affairs, Vegas Chamber
Bruce K. Snyder, Commissioner, Government Employee-Management Relations Board, Department of Business and Industry
Chris Daly, Deputy Director, Government Relations, Nevada State Education Association
Nicole Rourke, Director, Government and Public Affairs, City of Henderson
Gil Lopez, Executive Director, Charter School Association of Nevada
Mary Pierczynski, representing Nevada Association of School Superintendents
Tess Opferman, representing Washoe County School District
Kelly Crompton, Manager, Government Affairs, City of Las Vegas
Will Pregman, Communications Director, Battle Born Progress
Brett Harris, Labor Commissioner, Office of the Labor Commissioner, Department of Business and Industry

Chair Bilbray-Axelrod:

[Roll was called. Committee rules and protocol were explained.] We have two hearings scheduled today. Because the Senate is currently in session, Senator Flores's copresenter will be presenting Senate Bill 251. I will open the hearing for Senate Bill 251.

Senate Bill 251: Revises provisions relating to employees of school districts. (BDR 34-685)

Sue Matuska, representing Nevada State Education Association; and representing Education Support Employees Association:

The Education Support Employees Association is the union that represents support staff employees in Clark County. Senate Bill 251 is addressing an issue that began right after the

reorganization of the Clark County School District, that issue being the authority and responsibility of the district over the transfer and reassignment of surplus employees or employees who are subject to a layoff.

As you all know, the reorganization of the Clark County School District was created by legislative enactment under Assembly Bill 469 of the 79th Session. That bill did not break the district up into many districts, rather it reorganized it so every school in the district was designated a local school precinct. They were given more authority over their budgets and how to allocate those budgets and select staff within them. However, the district remained the employer, and the district also remained responsible for all responsibilities that were necessary for the operation of all the local school precincts and the district as a whole. The bill contained a long list of those subjects—about 20 of them. On the top of that list was negotiating terms and conditions of employment for all the employees of the school district.

That type of negotiation of terms and conditions is and has always been governed by *Nevada Revised Statutes* (NRS) Chapter 288, specifically NRS 288.150, which we have amended in section 2 of the bill. That section requires certain subjects to be mandatory and must be bargained, including transfer and reassignment and procedures for reduction in work force. Maybe every collective bargaining agreement between school districts and the union that represents their employees contains articles that govern this process. It is a detailed and structured process so this issue can be handled efficiently.

A "surplus situation" is defined in the bill in section 2, subsection 14, paragraph (c). This is what happens when employees need to be moved from one area of a district or one school of a district to another, not because of anything they have done but because of specific things, such as a change in the concentration of population from one area of the district to another or a change in the pupil/staff allocation formula. A surplus situation and the process for dealing with it is not about handling an ineffective employee. That is not what it is about. It is about dealing with necessary events that happen when employees need to be moved around to best serve the students of the district.

That is what S.B. 251 does. We have amended the reorganization section in Chapter 388G of NRS to specify that yes, the local school precincts have the authority to select their staff, but it is subject to NRS 288.150, which is the section requiring mandatory bargaining that gets reduced to the collective bargaining agreements. In section 2, it amends NRS 288.150 where those subjects are specifically listed to make crystal clear the subject of policies, transfers, and reassignments extends to all employees and specifically to those of a large school district. Again, we are just making everything crystal clear moving forward.

As I mentioned, this has been an issue almost immediately after the reorganization of the district, and it did result in litigation. I am very pleased to report to you that just this morning we got an opinion from the Nevada Supreme Court [[Exhibit C](#)]. The holding of that opinion is entirely consistent with what you see in S.B. 251. As we argued to the courts over these last three years in the litigation process, the court held that the local school precinct selection authority is subject to collective bargaining.

I want to say, we do still think this bill is very important for the Legislature to enact. Given three years of confusion and dispute over this, we think it is important for you to clearly state your intent. We thought it was clear the way you drafted it in 2017, nevertheless, we did end up with a lot of disputes and litigation. We thought it was clear because you very clearly did not amend NRS 288.150 to provide any kind of exceptions at that time. Once again, differences of opinion and litigation resulted. We think it is important for you to enact S.B. 251 to make clear the district remains responsible for the negotiation of all terms and conditions of employment, including the policies of transferring and reassigning all employees of a school district, and we specifically mentioned the employees of a large school district who are subject to surplus or a reduction in force.

I hope that takes you through everything, but I am happy to stay for questions.

Chair Bilbray-Axelrod:

Thank you for bringing up the Supreme Court opinion [[Exhibit C](#)]. It is on the Nevada Electronic Legislative Information System (NELIS) in case anyone did not see it. I believe the opinion came down today. I will ask Legal Counsel if this bill is even necessary with the opinion and how that works.

Asher Killian, Committee Counsel:

That is correct, the Supreme Court issued its opinion on this subject today, helpfully in the final weeks of session. As to whether this bill is necessary or not, that is a difficult question to answer. The Supreme Court's opinion, as represented by the witness, is consistent with our office's interpretation of statute. Effectively, one of the canons of statutory construction is to read different statutes together in a harmonious fashion. That is effectively what the Supreme Court did in this decision. It found that the large school district is the employer, the large school district is the entity with whom the unions negotiate to conclude collective bargaining agreements, and the transfer of power from the large school district to the local precincts for the selection of staff can only be a transfer of the power that the large school district had. Since the large school district is bound by collective bargaining agreements, the only power for selection of staff they can transfer to the local precincts is a power bound by those collective bargaining agreements.

The provisions of this bill would clarify the law in a manner that is consistent with the Supreme Court's opinion. Whether it is necessary or not is a difficult question to answer. I think it would be the view of our office that before the issuance of the Supreme Court opinion, it would have been clarifying the law in a way that is consistent with this opinion. After the issuance of this opinion, I think it would be our position that it is codifying the law in a manner that is consistent with the Supreme Court opinion.

Chair Bilbray-Axelrod:

Thank you. That helps immensely. We do have some questions. We will start with Assemblywoman Anderson.

Assemblywoman Anderson:

I did a quick search and brought up the contract between Clark County School District—which is the large school district being addressed—and the Nevada State Education Association. Currently, there is transfer language in Article 37. Without this bill being passed or without today's opinion, does that mean this transfer language would be null and void? I was going to try to look at a few other past contracts as well that again has this transfer language. Is that what I am understanding with the statements you are making, or am I totally misunderstanding and misinterpreting the information?

Sue Matuska:

I believe that was the argument the administrators were making. As it pertains to a large school district, which is the only thing this bill affects, the collective bargaining agreements as written that included detailed and structured processes for dealing with these transfers and reassignments would not be applicable.

Assemblywoman Anderson:

Thank you for the clarification. If we look at page 5 of the bill, section 2, subsection 2, paragraph (u), it basically states the policies for transfer and reassignment must be discussed, if I am correctly understanding NRS Chapter 288. You are just making sure that is there and, unfortunately, we had to clarify that specifically because it has not been interpreted that way in the past.

Sue Matuska:

Yes. We have proposed to amend section 2, subsection 2, paragraph (u) of NRS 288.150 to make clear the policies for the transfer and reassignment of all employees of a school district—not just teachers, but all employees—is a mandatory subject to bargaining. That would be for all school districts. Where it is specifically specifying that it includes those same policies for a large school district in regard to the surplus situation because that, of course, was the impetus for the bill.

Chair Bilbray-Axelrod:

Thank you for putting that on the record because I think that is an important section. We will take the next question from Assemblywoman Mosca.

Assemblywoman Mosca:

In an implementation point, if someone is in a surplus situation and is supposed to go to another school, would the principal have to take that person, or does the district have to take that person?

Sue Matuska:

During the surplus process, as I have said a couple of times already, there is a detailed and structured process. It ends up in a surplus reassignment meeting. Ultimately, it is the district that works with the union on effectuating that, then the district would determine the persons who would be on the appropriate lists that a local school precinct would be able to select from.

Assemblywoman Taylor:

I have a couple of questions, probably more for clarification. As someone who lives in the north, we do not have school precincts. Is the precinct the school, or does the precinct extend beyond a particular school?

Sue Matuska:

Only in Clark County because that is the only large school district defined by the Legislature. Every school is its own local school precinct.

Assemblywoman Taylor:

Every school is a precinct, correct?

Sue Matuska:

That is correct.

Assemblywoman La Rue Hatch:

Thank you for bringing this bill, which is really just codifying what was decided this morning. There has been a narrative—I have heard it from folks in the building and we may hear it in opposition today—that this forces principals to take unqualified individuals. I want to clarify that during this process, the individuals being transferred are not necessarily the lowest evaluated, it is based on seniority. It could be the person who was hired most recently. Is that correct?

Sue Matuska:

The surplus process, as I said in the beginning, is necessary for when changes have to be made to staffing due to other considerations, such as population changes. Some of the things included in those collective bargaining agreements are seniority. Certainly, it is not the process for assigning a person who is determined to be ineffective in some area. I am hoping I answered your question. I am not sure I got to the granular of it.

Assemblywoman La Rue Hatch:

I think you did. My question is about this narrative of taking power away from principals, but that is not necessarily the case. These are Clark County School District employees; they have already been vetted. They are not ineffective, as you just stipulated. We are ensuring they can continue to serve the district where they are most needed.

Sue Matuska:

Yes, that is exactly it. These are people who are working at the district and through no fault of their own need to be moved because of changes in populations, pupil/faculty ratio formulas, or whatever it is. We need this process for getting them there.

Assemblywoman Thomas:

Thank you for the presentation. You did a great job without Senator Flores. Would the surplus situation include any carry-over funds the precincts have? Would that also be the district's decision on how they want to use those funds?

Sue Matuska:

The surplus process, to my knowledge, is not going to affect the way funds are directed. It is just assigning the staff who needs to be moved around. There may be other people in the room who have more input about how that may or may not affect a budget.

Chair Bilbray-Axelrod:

Seeing no other questions from members, I will open the hearing for support testimony. Is there anyone in Carson City or Las Vegas wishing to provide support testimony?

Donna Etcheverry, President, Nevada State Education Association:

Nevada State Education Association supports S.B. 251 to ensure clarity and fairness in the employee surplus process in the Clark County School District (CCSD). As negotiated between the Clark County School District and Education Support Employees Association, the reassignment process related to surplus situations or the reduction in force allows for the districts to determine appropriate staffing levels and make adjustments while providing a fair process for impacted employees. Education support professionals (ESPs) with the lowest seniority in their positions go through the surplus process when schools can no longer afford and no longer need their positions. This process has nothing to do with job performance.

Before the passage of Assembly Bill 469 of the 79th Session, this had been a practice for decades. In the fall of 2020, CCSD began requiring education support professionals to interview with school principals as part of the surplus process, impacting over 50 ESPs. Several ESPs were rejected from lateral positions through no fault of their own at the individual principal's discretion. This created an intangible situation for these workers who were still technically employed but without positions. During this new process, serious questions of racial bias were raised. Education support professionals are the lowest-paid employees of CCSD and reflect the diversity of the school communities they serve. A decision by the Government Employee-Management Relations Board (EMRB) [Department of Business and Industry] halted the new process.

Harmonious with today's Supreme Court decision, S.B. 251 is pro union, honoring the collective bargaining process of two parties coming to an agreement. Senate Bill 251 is also about fairness, providing policies for transfers and reassignments of all school district employees is mandatory subject to bargaining, which expands existing language which only includes teachers.

Randy Soltero, representing Education Support Employees Association:

Education Support Employees Association represents the support staff workers you have heard about already who work in the Clark County School District. We are in full support of S.B. 251 and appreciate your consideration for passage.

Patricia Haddad, Director, Government Relations, Clark County School District:

As you have heard multiple times throughout the presentation and testimony, the Supreme Court affirmed CCSD's interpretation of our ability to go ahead and move forward with these different processes. We are in support of this legislation that codifies the interpretation.

Chair Bilbray-Axelrod:

Seeing no one else in person in Carson City or Las Vegas, is there anyone waiting on the phone to provide support testimony?

Erica Nungaray, Education Support Professional At-Large, Nevada State Education Association:

As ESP at-large for Nevada State Education Association, I am in support of this bill. Not passing this bill affects the lowest-paid employees in the school district who, through no fault of their own, have been reassigned to different positions. I want to believe that A.B. 469 of the 79th Session was not an attempt to hurt the most-underpaid employees in the school district. Recently, to fill vacant positions, paraprofessionals from CCSD were removed on one or two aides from an elementary autism program. Some were surplus. Should my fellow coworkers not be treated with respect by honoring the collective bargaining agreements between unions and have secure places of employment? Does this body justify the unfair practice done to my fellow coworkers? If not, who would defend the most-underpaid professionals? Not passing this bill will hurt the students we serve because employees will leave the school district entirely when we are in dire straits for employees. Please pass this bill.

Chair Bilbray-Axelrod:

Having no other callers waiting to provide support testimony, I will open testimony in opposition to S.B. 251. Is there anyone in Carson City or Las Vegas wishing to provide opposition testimony?

Dylan Keith, Assistant Director, Government Affairs, Vegas Chamber:

As you know, the Vegas Chamber is engaged on education bills because we do want students to succeed. We believe it is imperative that we focus on student achievement, and we believe this bill still does the opposite. The Vegas Chamber is opposed to this bill because we believe it removes the accountability piece for employees. This bill removes the ability for principals to grow a staff who are qualified for their students and their organization. The Vegas Chamber believes this legislation is a disservice to those students. The Vegas Chamber believes it is necessary for Nevada school employees to be qualified and give our students every possibility to learn and succeed. For those reasons, we are in opposition.

[[Exhibit D](#) was submitted in opposition to S.B. 251, and is part of the record.]

Chair Bilbray-Axelrod:

Seeing no one else in Carson City or Las Vegas wishing to provide opposition testimony, is there anyone waiting on the phone to provide opposition testimony? [There was no one.] I will close opposition testimony and open neutral testimony. Is there anyone in Carson City or Las Vegas wishing to provide neutral testimony?

Bruce K. Snyder, Commissioner, Government Employee-Management Relations Board, Department of Business and Industry:

I posted two documents on NELIS: one is a one-page history of the litigation [[Exhibit E](#)], and the second is the Supreme Court decision that came out this morning [[Exhibit C](#)]. In that regard, I would like to read the conclusion of that Supreme Court decision, which not only affirmed the district court but also our Board's decision.

In reorganizing large school districts into local school precincts, the Legislature required superintendents of large school districts to transfer the authority to select teachers and staff to local school precincts. This authority, however, remains subject to collective bargaining, a responsibility the Legislature expressly left to large school districts.

Whether or not the bill is still needed, or whether or not people in the future would rely solely on the Supreme Court's decision and the EMRB's decision, I leave that up to you. I am here to answer any questions you may have.

Chair Bilbray-Axelrod:

Seeing no one else in person to provide neutral testimony, is there anyone waiting on the phone to provide neutral testimony? [There was no one.] I will close neutral testimony. Are there any closing comments?

Sue Matuska:

Thank you for the opportunity to be here today, and thank you to Senator Flores for sponsoring the bill. I would like to close by saying in no way does this bill affect the accountability of employees. This is simply about codifying the mandatory subject of bargaining and establishing these policies so employees who, through no fault of their own, need to be moved and can be moved pursuant to a structured and detailed process that has been negotiated and renegotiated over decades. We urge your support of this bill.

One more closing comment is this bill, in addition to addressing or codifying, as some people have said, the Supreme Court opinion also does amend the paragraph in NRS 288.150 to make clear these policies for transfer and reassignment extend not just to teachers but to all school district employees, which is the way it has been handled in most, if not all, collective bargaining agreements.

Chair Bilbray-Axelrod:

I will close the hearing on Senate Bill 251. We are waiting for Senator Neal, so we will take a short recess. [The meeting was recessed at 2:03 p.m.]

[The meeting was reconvened at 2:15 p.m.] I will open the hearing for Senate Bill 344 (1st Reprint), and welcome Senator Neal to the table.

Senate Bill 344 (1st Reprint): Revises provisions governing education. (BDR 34-4)

Senator Dina Neal, Senate District No. 4:

I am here to present Senate Bill 344 (1st Reprint). The bill has several provisions. I am going to give a high-level overview and then open myself up to questions related to the bill. The bill does several things. First, it deals with public comment, trying to make sure public comment is not going to be restricted. There were a lot of conversations related to large school districts in terms of citizens feeling the 24-hour rule and having to do this prenotice, even though they do allow for citizens to sign up the same day. I want to make sure it is clear that public comment should be exactly the way we have it designed here. There should be no restrictions.

The other portion of the bill establishes a standard for superintendents or associate superintendents who are hired. For superintendents who are hired in the state, it mandates that they must have ten years of knowledge related to any statute, regulations, or academic policy in the state. Why is that necessary? Currently, there are people I have encountered who I feel do not understand the academic policies that have been passed in the state. I also think it is important, in order to lead a district forward, they should at least know the past; and they should also know the present. You cannot carve out the future if you do not understand the academic policies, laws, and regulations we have actually moved in the state in order to try to better serve students.

I will give you a quick example. Most of you on this Committee come from education or have an education influence. In my mind, if superintendents do not understand the laws we have passed relating to the reorganization of schools that came up in a series of conversations, not understanding the impact, not understanding why we passed it, not understanding the tentacles that were created because of that, they are then going to come in making decisions that may, in effect, violate the law. We saw that in the interim where the reorganization of schools was in place. There was an action that tried to change the 80/20 split and take power that was not actually designated or given by statute.

I also think it is helpful for a superintendent or an associate superintendent who is over a region to make sure when they are going in and having to evaluate a principal, if they do not know academic policy, law, statute, or regulation, then how exactly is it they are able to make sure it is being followed? We have practice and then we have theory. I just want a knowledge standard for individuals who are going to be over a large district and make sure they at least have some wisdom of what is going on.

The other part of the bill talks about substitutes. There was an amendment in the Senate. The initial part in section 7.2 brings in the current standard, which is an associate's degree or 60 hours. The reason I brought this in is because during COVID—and I understand we were in an emergency situation—we allowed substitutes to come into the school who had a high school diploma. That grieved me to no end. We are not talking about maturity; we are talking about in terms of what they know. You should not be in a position to teach children and try to figure out how to break down content. I did not feel someone with a high school

diploma was going to move the needle, but potentially move the needle in a regressive way. Even with the two-week training, three-week training, or a series of moments when they would have to go back to substitute services, they would not be able to actually break down content. It is very important while in a classroom to have classroom management, number one; number two, to be able to explain content in a way a student can break it down and ascertain that information so he or she is actually smarter in that engagement, in that moment, and hopefully after they leave.

I wanted to make sure there was a clear standard in law because I do not ever want to go back to high school diploma substitutes being in our classrooms. I do not think it is appropriate. Even when it was happening, I was a critic. I asked what the training would look like, how were we going to make sure substitute services comes in and tries to break down more than the fact a person may have a bloodborne pathogen. It must go way deeper than someone who has a high school diploma in a classroom. You are going to have to do a little more beefing up around what they know. I am not sure if that happened, but I do want to avoid it in the future.

The other part of the bill deals with charter schools and counties and cities that were seeking to run charter schools or they currently run charter schools. In effect, on the county side it limits their ever being able to run a charter school. On the city side, I grandfathered in the existing activity, but not allowing them to grow. Meaning I feel very strongly about cities doing city services: sewer, trash, redevelopment, taking care of homelessness. There are other ranges of services they are responsible for. The criticism was they are doing well in early kindergarten in the City of Las Vegas. However, when this measure passed, I was on the Assembly Committee on Government Affairs. I was grudgingly allowing that to happen. It was allowing them to use their 9 percent set aside in order for them to get into early kindergarten because, at the time, there was a moratorium on affordable housing of 18 percent, and there was 9 percent that could be used in order to try to do some redevelopment. At the time, it was Dr. Hibbler who presented the measure in the Assembly Committee on Government Affairs. I made the same arguments then. I did not understand why the cities were getting into this business. She wanted to run some pilots, which are now the schools the City of Las Vegas runs. I feel very strongly about per pupil expenditure going to these schools, and the per pupil expenditure we do have should be going to the schools that are run under the district. We have a separate Nevada State Public Charter School Authority, but I do not feel the city should be in the business of running schools. That is why that provision is there.

The amendment to the bill still allows them, if they are going to do a grant to a nonprofit or to a school, to give money to the school, but in terms of running a K-12 or K-8, they would be limited in that behavior.

The final piece of the bill picks up in sections 11 and 12. I had a constituent come to me who asked about why we cannot have paid leave. She is actually a radio disc jockey. She said more minority parents would engage in coming to parent-teacher conferences, being available at school, and it would enhance parent engagement if they were allowed to have

paid leave. Typically, there may be an employer who has not set employees up to leave for a parent-teacher conference, award ceremonies, or meetings related to grades or academic performance. This was scaled to that narrow piece because I had opposition on the other side that said we are just giving parents a blanket opportunity to leave work saying they are doing something for their kid. The idea was to create a narrow parameter in which they could. The business community opposed this section, saying we needed to be more narrowly tailored. Even after I narrowly tailored the section, they still had some concerns. I felt this made sense.

We do want more parent engagement. One of the largest concerns we have had historically—I do not care what year it was—we have always questioned the role of parents within the academic environment. We also know parents within the academic environment will change the narrative related to a child. If a parent could actually show up related to award ceremonies instead of saying they have to go to work so cannot be there to see their child receive the award, they cannot be there for a certificate, they cannot be there for a counseling session. More often than not, we know parents are the ones who are absent where the teacher is present. These sections create a pathway to allow those parents to engage. We need them for a couple of reasons. We need them for backup around classroom management. We also need them because we talk about the state of kids and the disappointment that potentially our kids face and what they run into. Having a parent there to give that pat on the back versus the teacher goes a million miles. Having a parent there to show up and say, Cut it out, also goes a million miles. For the mental space of a child, I think it also moves the needle for children.

Even for me, I went into the Legislature in 2011, and my kid was 9 years old. My sister had to take over. By the time he was 17, he said I went to one viola concert because I was always in the community, always doing something. The truth is my political life took me away from my own children. That mattered to him. When I did show up for a viola concert, waving at him, he could not believe I was physically present. He wished I would have been present more because my personal support was his motivation to continue to do extracurricular activities and engage in other things on campus. He would say, Grandpa was there, but you were not there. It did make him happy when I showed up, but I did not know that. When we think about children, they are very sensitive to the things we ignore as adults. They are very traditional. If they do not get the Easter basket and the Easter Bunny was supposed to show up, Give me the Easter basket. You do not know a child is getting ready to say, I remember the 15 times you did not give me an Easter basket. You are thinking you did not have time, or you were working the graveyard shift. To me, this revision will go a long way in allowing parents to show up and be a part of their children's educational story, which I think is important for the goals and the things we have been moving in this Legislature.

With that, I would be happy to answer questions.

Chair Bilbray-Axelrod:

I know much about what you speak about missing out on some of those things. I see some nods from around the Committee. It is tough. You want to give every parent the opportunity

to be there. I would agree with you, parental involvement, parental engagement, and being there for your kids is paramount in a child's success. We do have some questions. We will start with Assemblywoman Taylor.

Assemblywoman Taylor:

Thank you for sharing your personal story. It is easy to talk about the successes, but it is difficult to talk about what we missed. I will concur, the formula for success that many people aspire to is good schools with great teachers, a supportive community, and family involvement. Those are the three legs on the stool. I love the idea of making it easier, at least in those cases where we can for public employees and private sector employees to be there.

I have a clarifying question on page 6, section 4, subsection 2, it says, "Each board of trustees of a school district, following consultation" Should that be of a large school district? Is that the intent? I want to make sure I am following your intention. When we say "large school district," that basically means Clark County.

Senator Neal:

Probably. That is where I want it to apply.

Assemblywoman Taylor:

I thought so. In that same vein, ". . . following consultation with and involvement of elected representatives of administrative personnel . . .," what does that mean?

Senator Neal:

I skipped over that. We all know what happened with the evaluation process at Clark County School District.

Chair Bilbray-Axelrod:

Apparently, not all of us know.

Assemblywoman Taylor:

Excuse those of us who live in the north.

Senator Neal:

Basically, in terms of the National Adult Literacy Agency (NALA) standards, I wanted to make sure they were going to be evaluated, and they were going to be able to demonstrate mastery within their evaluations. Typically, the school board will set what the goals are. The superintendent will then do the how and the implementation of whatever those goals are. In this context, I want these ten years of knowledge to also be a part of a demonstration and mastery in the evaluation. I want proof that you know what you know. When evaluated, I think a person who happens to be a superintendent should know academic policy and law. How can they do the "how" if they are not clear on the education practice law that tells them what to do? If they are not familiar with the academic policies in which they are being forced to administer from Nevada's Department of Education, then how are they

administering the "how?" We are putting on their shoulders that they are going to move the needle for the kids because they are setting an academic and educational framework in which to do that work. I feel a part of that equation is the knowledge they are coming to the table with in order to implement it.

If you have a superintendent who is saying—and I am not saying this is true—that he is not clear when Common Core was actually adopted in the state of Nevada, how it actually works, and how we potentially tweaked it, or what came before. We had Nevada Academic Content Standards and everyone was building strands, and everyone was setting their 12-month or 6-month benchmarks to figure out what they were going to teach for this period. If the superintendents do not understand that, how are they leading the associate superintendents and the principals? I want it to be a part of the evaluation instead of their meeting the goal. I want to know what they know. That is the short end of what that section is doing.

Assemblywoman Taylor:

Thank you for the background. It gives me some context for not having known that. When you say "involvement of elected representatives," who does that refer to?

Senator Neal:

I am talking about the school board trustees.

Assemblywoman Taylor:

It says, "Each board of trustees of a school district, following consultation with and involvement of elected representatives of administrative personnel or their designated representatives"

Senator Neal:

I think that is just written weird. The only elected representatives that would be in this conversation would be the school board trustees.

Assemblywoman Taylor:

That is what I am saying. Who else is in this?

Senator Neal:

I am not giving any other elected representative power other than the school board trustees. I think that is a typo.

Assemblywoman Taylor:

That may be something that needs to be tightened up then.

Chair Bilbray-Axelrod:

I am concerned that could be a union representative.

Assemblywoman Taylor:

Right, I was not sure where that fell exactly.

Senator Neal:

I have never seen a union representative be involved with the objective evaluation of an associate superintendent or superintendent, and I would never open that door for a union to come in to evaluate the superintendent. It is my understanding that is the role of the board of trustees to evaluate what they do.

Assemblywoman Taylor:

One of the responsibilities of the board of trustees is the evaluation of the superintendent. There are opportunities for input, which can certainly include the associations and so on, and parents as necessary. I guess that is why I did not quite follow to whom we were referring in this piece.

Chair Bilbray-Axelrod:

I see Mr. Killian on Zoom. Would you like to discuss that, and if you could give clarification about the large school district as well?

Asher Killian, Committee Counsel:

To answer the first question, the language in section 4, subsection 2, the reference to "following consultation with and involvement of elected representatives of administrative personnel or their designated representatives," does capture whichever appropriate union it is that would represent these school associate superintendents, that level of administrative personnel. It is our understanding there is some level of involvement, and it may be in applicable CBAs [collective bargaining agreements], concerning how these types of personnel are evaluated. That language, as written, would give the appropriate union officials the ability to consult with the board of trustees in determining how this particular evaluation would be implemented.

To address the other question regarding the absence of "large school district," that is a simple Scrivener error and something the Legislative Counsel Bureau has the authority to fix under *Nevada Revised Statutes* 220.120 and codification. We would simply insert the missing word "large" when we codify this bill, assuming it is adopted by the Legislature.

Assemblywoman Taylor:

I am more comfortable with your intent. I think it is difficult because the associations are important partners in the school district and also negotiate with the superintendent. That is a difficult role to have if it is codified. I would ask that it be looked at. I like your view better.

Senator Neal:

I will make that correction because that was not my intent.

Assemblywoman Taylor:

Regarding the five years for associate superintendents to get their background knowledge and the ten years, if I read it correctly, you said after they are hired, they should get that knowledge and be able to demonstrate that knowledge after the first year of doing the evaluation.

Senator Neal:

The intent was if you are coming from somewhere else and do not have specific knowledge about Nevada or Clark County, you will get it. It just made sense to have it as an afterthought for the associate superintendents. I will not say all superintendents are like this, but I want to make sure the associate superintendents are held to a similar standard as well. We have regions where there could possibly be over 90 schools or more. I want to make sure the same thing applies because the idea of the region is to have a smaller subset in order to have more control and academic influence over the principals in a smaller subset of schools. Do I believe we probably need more regions? Yes, and we used to. However, this was to ensure if a person is promoted, they are going to have to have an additional standard of what they know. We know we have had people promoted who may have had good relationships with other people but not necessarily the right fit. This makes sure that, regardless of whether or not they are promoted because they are in alignment with the current leadership in power, they are also going to exhibit some role of knowledge and expertise. I am hoping this is a baseline of what they should already know, but I think most associate superintendents came from a principalship. Sometimes there is a gap between running a school and then running a region. I want to make sure everyone is remaining up to speed on what they need to know in order to have academic achievement occur within the district.

Chair Bilbray-Axelrod:

Which union are associate superintendents a part of?

Senator Neal:

I thought they were part of administrative.

Chair Bilbray-Axelrod:

[Clarification was given by an unidentified person.] Thank you for that clarification. We have a question from Assemblywoman Mosca.

Assemblywoman Mosca:

I appreciate your giving background on where the municipal charter schools come from, as that was helpful to me. To be transparent, I was on the Nevada State Charter School Authority when we approved the City of Las Vegas. The Charter School Authority does have the needs assessment that comes from the Legislative body, so we approve or do not approve schools based on that needs assessment. What do you think about the role of the Charter School Authority?

Senator Neal:

I am not sure you want me to answer that question. I am not against the Charter School Authority. The members do not know a lot about my weird background. I have a juris doctorate (JD). However, I ended up being in the schools and at the college level from 2003 to I do not know when. I took a break. I actually taught at 100 Academy School of Engineering and Technology when it first opened. The reason why I got involved is I have a helping spirit and met a retired African American teacher at West Middle School who was saying we are literally dying out. Teachers who want to do the work of engaging and coming in with a different kind of cultural competency are dying out of the system. I was at West Middle School in 2003 when it was an Edison school. That is where I met this woman.

Coming in with a JD, they had me in an English classroom with two mentors who were 20 years in and basically training me, getting me up to speed. Asking questions, since I was coming in with a law degree, about how to break down content. Clearly, every lawyer can read a great deal of information. That is when this whole journey started. I ended up at 100 Academy because I was asked by the principal because I established a reputation. I ended up having seventh grade. At the time, I saw the flexibility and the ability to be under a different model, but I also saw the weaknesses because they did not have the funding. They did not have everything they needed in order to sustain themselves like a public school. A public school can actually follow an individualized education plan and have special education teachers. That is a weakness within the charter system, I think. I also think another weakness is not having the same structure and support around the curriculum materials and everything else you can get.

I am familiar with how it works because I spent three years at 100 Academy. I ended up being the middle school academy leader over sixth, seventh, and eighth grades, and it was a unique experience. I understand it. In this particular instance, I do not want cities running schools. I think the role of running schools is for the school district, and I do not want that diluted and bifurcated off. Charter School Authority is an entirely separate entity that we created through statute. Having cities running schools opens a door that I do not feel is the direction in which we should go as a state. I feel the dollars we spend from the state to the school district should go to the school districts and the expertise of running schools comes from the school district. I feel a city, if you read their charter, have many tasks they should be performing, and if it is going to take on a school, that means all of the other boxes the city must administer in terms of service—it should be doing those at 100 percent. If that is not the case, then the city should not be in the business of education. If you want to do mentoring and put your dollars into a public school in order to have some expansion and to use city dollars to build a more robust mentoring, tutoring, parent engagement program, no problem, but physically running a school, opening a building, and having the same concerns and things I have seen in charter schools, no.

The tax dollars set up for a charter school which has established itself under the Charter School Authority—and I know a city may debate this and disagree with this—they have other things they are supposed to take care of as a city. It is not a charter school. There is an actual city to run. I have never liked the policy, and I passed it begrudgingly. I made

arguments on the floor that I felt there was a lack of transparency related to whether the redevelopment dollars paying for some staff or city dollars per pupil expenditure, I am not sure how that weave is working. I do not know what pays for what. I do not know what the RDA [redevelopment area funds] pays for, I do not know what the per pupil expenditures pay for, and I do not know what the city dollars pay for, but they are running an academic program. It is not a question of their success, which is why I grandfathered in the existing without the potential to grow.

The argument was made, Do you not see all the great change that is happening within the Westside community? I want to see that kind of change in the public schools where we are spending the public dollar. If they want to build into those schools, go ahead, because I think that makes the most sense. Why would you just wrap around those existing schools rather than create new ones? This is my opinion, and I am sure you will have plenty to say about it.

Chair Bilbray-Axelrod:

I know how difficult it is for you to give your opinion, so I appreciate it, Senator Neal. Assemblyman Koenig has the next question.

Assemblyman Koenig:

As background, I spent 12 years on the Churchill County School Board, and during that time, I was also president of the Nevada Association of School Boards. I still have a lot of contacts in education, and one of the sentiments I hear a lot is, Let Clark County make themselves a whole bunch of rules, just leave us alone. A lot of this bill makes sense to me, but the one question I have is in section 1, subsection 6, where it says, "the board of trustees of a large school district . . . may not impede or interfere with the ability of a member of the public to give comment during a meeting" Why did you feel the need to have just the large school district? No district in the state should be impeding or interfering with public comment. What was the reason for adding "large school district" to that section?

Senator Neal:

The simple answer is, I was limiting who I was going to have to fight on this bill. I feel there is another bill—Assemblywoman Torres's bill—that might solve that problem in general. Her bill is dealing with the public comment period and allowing for folks to speak. I do not believe her bill was limited to a large school district, but I will double-check.

Assemblywoman Torres:

It is not.

Assemblywoman La Rue Hatch:

As a parent and a teacher, I want to say I love section 11. I think it is essential that parents get to be actively involved in their students' education and that we are allowing them, regardless of their income or what they are doing in order to do that. My first question is on

page 11, lines 29 through 31, where it talks about the 24-hour notice and that they need to give notice to their employer. Does that mean they have to ask permission, or can they just let the employer know they are going and the employer has to allow them? Obviously, I know there are dynamics there, but legally.

Senator Neal:

I believe you would have to ask for permission. That is the way I intended it. I do not know what job, unless you have your own firm, where you could tell your employer you are leaving and try to get it approved. That is the short answer.

Assemblywoman La Rue Hatch:

I appreciate that, and I was just asking because we have had principals in my district decide they are not approving anyone's leave because they do not like a certain individual. I wanted to make sure there were some protections there, but I know it is hard to tell an employer they have to let someone leave.

My next question is on section 12. I really like subsection 3, page 12, lines 5 through 15. I like all the protections that are there for employees: they cannot retaliate, cannot fire them, cannot penalize them. I noticed that is only in the section for private employers. Is the intention for those protections to also apply to the public employers?

Senator Neal:

No. It was supposed to apply to both. I was looking to see if the reference to section 11 was referenced in NRS Chapter 608. It would make sense for it to apply to both.

Asher Killian:

The provisions added in section 12 to NRS Chapter 608, that chapter in general and those provisions in particular, apply only to private employers, and specifically private employers with 50 or more employees. Those particular antiretaliation provisions, which may be the best way to describe them, would apply only to private employers. That could be added to section 11 to have public employers subject to the same restrictions. It was not in the bill as introduced.

Senator Neal:

If it is the will of this Committee to have the antiretaliation, I was just thinking of another bill I had in the past that dealt with the public side. I think the retaliation piece makes sense. I know that does happen within school district environments more often than not, and they typically do not have redress because it is not as public as it happens on the private side.

Chair Bilbray-Axelrod:

Our next question is from Assemblywoman Hansen.

Assemblywoman Hansen:

I apologize. I had to step out because I had Chairman Mason from the Duck Valley Tribe drive seven hours for a meeting he had, and I needed to see him. I will go back and watch

this hearing because I think I missed some important discussion. My question might be a repeat. When we were talking about the charter portion and some of the things we were seeing on the Westside, you mentioned you would prefer to see those monies go to help existing public schools. It is my thought they are different sometimes because of the structure. There is a certain structure to charter schools, and charters are public. I get your concerns about a municipality sponsoring one, but the structure of it and some of the autonomy a charter school may have in a given neighborhood might help address some of the things their local nearby public school cannot. What is the difference in your mind?

Senator Neal:

First, the concern is the municipality piece. It is not about the other charter schools that are there because we have a mix of charter schools in my particular district and spread throughout the east and west sides. When I look at how they are performing, in my particular district, I have seen almost equal performance or equal failure, not necessarily one being able to achieve over the other. Because the resources are not there in order for them to fully serve the same way on the public side, there are some good things and some bad things. Autonomy, everyone loves that—the ability to not have to follow certain district or cultural rules and be a little more creative or flexible in terms of what they are doing.

My main issue is the city's municipalities running schools and getting into that business. I feel we have enough to manage within our particular school district, and I also feel they are very different roles. I feel a city has a very distinct role and a different set of charges which they must perform for citizens. I think they should stick to that. I understand everyone wants to figure out how to be a good partner, but why are they running schools when that job and that delegation of authority is already within the school board? I believe it creates issues.

I also believe the funding is not clear or transparent on how the money works because I do not know what pays for what. I do think that was envisioned for cities to run schools. Although it has been effective for early kindergarten, I do not think it should go beyond what they are currently doing.

Assemblywoman Hansen:

I get the concern on a municipality having a lot to do. I would be interested to hear testimony as to whether the municipalities were on board with this or not on board. I see it as charter management associations. The municipality would not run it, per se. They would have these organizations that already run some of the charters in our state do that. If municipalities are willing to enter into such an arrangement, then I do not understand why we might want to preclude that in statute.

Senator Neal:

Let me further elaborate. This was all rumored, so the City of Las Vegas does not need to come to the table. When we thought they were going to close Matt Kelly Elementary School because the enrollment went down, there was a rumor that the city was looking to buy a school. It was seriously concerning that we would lose a public school to then have a city take over a building that we bonded for, paid for, and they would then run. This was the first

time I started to pay more attention to what was going on, and I was wondering if we were looking for a school building to take over because if we are, I have serious concerns and I will adamantly fight against that every day of the week.

That started me on this journey, then during COVID-19, my particular city—because I represent two—started to open these micro schools. It was a problem because they were not licensed under Nevada's Department of Education (NDE). They were licensed through some separate outside organization that said they were teachers. I was super concerned. There were several legislators who had a series of conversations saying we are uncomfortable with the fact that the licensure is not coming from NDE. The second thing we were uncomfortable with is you are having them disenroll from the school system in order to then become a part of your school. They had to disenroll, then become a home school, then get into their school. It opened all kinds of questions on how this would work, how this would perform, what is the data, who is measuring it, there are no licensed teachers, what is going on? It was an answer and response to COVID-19 because schools were closed and parents did not know what to do.

We went through the process and said, All right, you agree this will just be a COVID remedy and will cease. All of a sudden, no, they were going to do their own schools; no, we are going to expand. I was like, we are not expanding that existing model. The largest concern for me was who is licensing them. Everyone can have data when you have 90 kids. Give me the data when you have all 300 kids who are at risk and you actually have to serve them. That is a very different population that needs to be served and comes with different challenges. The scaffolding is very different. If I have a smaller group, it is just like when you pull small groups and have to run a classroom. I have my high to mid to low learners. If they just have high learners, of course they are going to excel in every moment because they do not have any of the other challenges. There are no students with attention deficit disorder, no students who have not eaten breakfast, no students who do not have any clothes, no students who are coming in not knowing the language and looking for a peer to teach them English. They do not have these subsets to manage. My issue is they did well with early kindergarten and at the time, we were not even funding early child care in Nevada. Assemblywoman Diaz was fighting the battle since 2013 in order for us to get money to fund early kindergarten literacy. We were not doing it. The appeal to me at the time was we are going to take care of a gap in the system, which made perfect sense. We were not funding it. Now we are. They are being grandfathered in, but why should a city run fifth grade? Why should they have sixth grade, seventh grade, and eighth grade, and be doing high school? Why do they need to do that? What is the purpose? If you want to help education, build in and wrap into the schools. In terms of the Charter School Authority that is there, it exists and I am okay with that existence. I am just not okay with the municipality or county engaging in that work.

When we passed Victory and Zoom, the idea was how can we then take care of the lowest of low and the poorest of poor and wrap into those schools. We wrote the legislation so community partners, parents, or whoever could come into the school because we were looking at a community model. How is that further diluted when you are not really allowing

that work to happen now that we are funding education? I think we need to have a look back on what their role really is. Do your charge as a municipality. There are so many other problems, why are you tackling education? Tackle education in the way of mentorship, wraparound services, and tutoring. If that is what they want to do, go for it. We need that too, but do not get into the business of running a school and then asking where is the per pupil expenditure for the kids now that they have grown it. I am saying, You want to build staff here but do you not have other problems? Do you not have citizens with other issues who you need to manage and take care of?

Chair Bilbray-Axelrod:

We have a few more questions.

Assemblywoman Torres:

Regarding section 9, I am not going to discuss or address the merits, whether or not we should do it, or prevent local governments from sponsoring or operating these schools. The way it is written, I do not know if this is the intent based on the conversation being had, but in section 9, subsection 1, paragraph (c), it says, "Expend money for the direct or indirect support of a charter school." This would inherently prevent any type of partnership with the cities or local governments and the schools. I do not believe, based on this conversation, that is the intent, that it would prevent any type of support. For example, a school getting books or partnering for community events directly or indirectly.

Senator Neal:

Section 9 deals with NRS Chapter 244, which relates to counties. Section 10 deals with Chapter 268 of NRS, which relates to cities. In NRS Chapter 244, I did not grandfather them in. On counties, when it says "shall not," I meant that list. I grandfathered in under Chapter 268 of NRS.

Assemblywoman Torres:

Let me elaborate on that a little bit more. The way it is written, it prevents any type of support of a charter school within that county or municipality as well, not just those that are operated by that county. For example, a charter school exists—I will use 100 Academy because that was the school used earlier—that school already exists and this would prevent the city or county from providing any type of support to those existing schools as well as establishing their own.

Senator Neal:

In NRS Chapter 244, that is correct. If you look at section 10, subsection 2 of the bill, it says, "The provisions of this section do not apply to any public educational activities and programs for which a city council or other governing body of an incorporated city of the State has expended money to support, either directly or indirectly, on or before July 1, 2023."

Assemblywoman Torres:

If there are new schools created after July 1, 2023, they would not be—

Senator Neal:

Be excluded. The July 1, 2023, date was the effect of walking back and grandfathering in their existing activity, but on the county in NRS Chapter 244—first of all I do not know of a county commission that is running a school—I limited it.

Assemblywoman Taylor:

I have a question on the public comment and not impeding. Certainly, we want to make sure people can give their public comment. The way it is written in section 5, subsection 2, it says, "may not impede or interfere." My concern is, by putting my school board hat back on, there have been times when someone is being inappropriate during their comments so we have to interrupt them. The person who is the manager of the meeting has to ask them to comply. Could that be construed as interfering with their ability?

Senator Neal:

The idea was to make sure public comment is exactly what it is. In this building, we have enjoyed someone coming in for public comment. We open public comment and people can say their peace for the amount of time allowed. There are no hurdles. They sign in at the table maybe, but there is no 24-hour advance notice to make sure they have this, get the blue card, sit—I just want a straight public comment experience.

I also believe there is some level of speech that citizens should be allowed to have. Parents come in to school meetings upset. Does that mean coming in and saying, I am going to throw a grenade at you? Does this mean if a parent comes in upset you say it is interfering with the meeting? They are highly passionate about what is going on with their child. I have seen instances where a member believes they should have no criticism whatsoever. What world do they live in because this particular job, regardless of what planet you are on, is filled with criticism. It is filled with angry people and bitter people. If those bitter people show up at the meeting talking about little Johnny, then members need to at least allow them to have their say. Interfering and impeding is somehow saying when their time is up, keep coming back to the microphone and continuing. We have had that in this building. We have had heated arguments. The chair then redirects and lets them know their time is up, Please submit your written comments. We appreciate what you have to say. However, to respect the others in the audience, we would like for you to step aside and continue.

To me, it would be the same application. The principal and organizational team cannot impede or interfere. They set the rules, the rules say three minutes. Those are your three minutes; use them wisely and say what you need to say.

Assemblywoman Taylor:

I will follow up offline regarding this.

Assemblywoman Anderson:

Thank you for bringing forward the language. I appreciate all of it, especially the dedications for parents. That actually has to do with my question. It is from section 11, subsection 1, and then it is the exact same language in section 12. It has to do with the language on

page 11, line 15 where it is permissive with the word "may." I want to make sure I am understanding that correctly. It states, "An employee in the public service, whether in the classified or unclassified service, who is the parent or legal guardian of a child may be granted" I am double-checking that based on some of the opposition letters that have been filed and/or sent that this is based upon a discussion between the employer and the employee, or is this based upon collective bargaining, or is this based upon other areas as you see it?

Senator Neal:

I think I had "shall" in the prior bill. The negotiation was to make it permissive, meaning this is the conversation, not between the collective bargaining, between the employee and the employer, whoever that may be. In terms of wanting to leave and go to a school event, that is specified in section 11, subsection 1, paragraphs (a), (b), and (c). It is permissive for a reason. People did not want their hands tied and feeling like they had to give this, and maybe there are some other considerations. Maybe their shift or other things may not allow this person to leave for this moment in this time. It allows the employer to determine whether it is even possible for the employee to do so.

Assemblywoman Anderson:

That is what I thought, but I wanted to double-check to make sure it was on the record. My second question is with section 11, subsection 2, and section 12. Page 11, line 24 says, "Any administrative leave granted . . . must be issued" in a consistent fashion. Is that why it went from "may" in subsection 1 to "must" to make sure it is consistently counted? Am I understanding that language correctly?

Senator Neal:

Are you in section 11, line 25 where we are talking about administrative leave "must" be issued to the public employee without loss of his or her regular compensation?

Assemblywoman Anderson:

That is correct. I want to make sure the change from "may" to "must" is to make sure the compensation is being done correctly.

Senator Neal:

That is correct.

Assemblyman D'Silva:

As you know, I am not astutely seasoned in this whole issue with the municipal schools and the micro academies, et cetera. I know North Las Vegas set up a micro academy in 2020-2021. Aside from that school or micro academy, were there any others the county or city attempted to create? Were any state funds used in any of those endeavors, or was it a potential intent for state funds to be used in those academies?

Senator Neal:

The City of Las Vegas runs an early kindergarten program. It started by their using a portion of their redevelopment dollars, which is set aside for blighted areas. They started an early literacy program and it has grown from there. I do not know what it is called. They can tell us what it is called because I do not want to misname it. It is happening in the City of Las Vegas. My understanding is it is not happening in Henderson. That is why the provision is there. If they were already doing something, because they were saying they were already giving money to their schools, that is why that caveat is there. I am not aware of a county running an educational program. Cities may have Safekey, but I am not aware of the county commission adopting and saying they are doing a school.

In terms of public money, my issue is in terms of RDA and the redevelopment area, which happens to be a blighted area; it still has blight. If that blight has not been remedied—and they can explain the portion of the RDA that is there because it is mixed—if the RDA dollars are paying for teachers or staff, or whatever it is paying for, it was never intended to just continue to use whatever the percentage that was left over out of the 18 percent, and continue to not take care of the blight in that community. That is why I say they have other charges. If there is historical blight and the redevelopment chapter is set up for that and takes care of that, and then this adoption came in to do this portion of education, I want them to now reverse out and take care of the needs happening in those spaces.

Now we are having the conversation around affordable housing. In NRS Chapter 279, one of the charges in the redevelopment area was to be able to do affordable housing. It was also to make sure the areas that had blight would be redeveloped in order to change the economic dynamic. Tell me if that still does not exist on the Westside, because it does. It is still deeply needed and there is still deep poverty. I want them to do the city services that are still needed for those citizens and to put a placeholder and stop going further into education because they are saying the RDA does not need to reverse and have a look back.

Since I have been in this building beginning in 2011, we have had several bills that dealt with the redevelopment areas and looking at changing needs; this is different. Maybe we need to switch the allocation or do something different. Why not here? At the same time, I was uncomfortable with it when it passed, but because Dr. Hibbler made the argument, I was willing to wait and see. After they decided they wanted to do K-8 and K-3, I was wondering why. Stay in the lane in which we need help and do not go further than that. There are other dollars being expended in order to do that work, and maybe they should refocus on the work that needs to be completed.

Chair Bilbray-Axelrod:

Seeing no other questions from members, I will open the hearing for support testimony.

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

Nevada State Education Association has been the voice of Nevada educators for over 120 years. We are in support of S.B. 344 (R1), which we call the "school district good

government bill." Leave for parental engagement in their children's education, ensuring members of the public can provide public comment and their input into school district operations and schools in their communities, requiring district leaders to know the history and issues of their school district, requiring substitute teachers to have some basic qualifications, ensuring local governments focus on providing the services they are charged to provide without duplicating government function—that is good government. We hope you support the bill.

Chair Bilbray-Axelrod:

Seeing no one else in person in Carson City or Las Vegas, is there anyone on the phone wishing to provide support testimony? [There was no one.] I will close support testimony and open opposition testimony. Is there anyone in Carson City or Las Vegas wishing to provide opposition testimony?

Nicole Rourke, Director, Government and Public Affairs, City of Henderson:

We have talked to Senator Neal about this bill, and we still have concerns in section 10 about the prohibition on providing any funding. For the last several years, the City of Henderson has provided grants to our public schools, including district and charter schools. We use our marijuana business licensing funds, actually 30 percent of those funds that come into the city for that purpose. We read that section as anything beyond July 1 we could not distribute new grants. We do this on an annual basis. The schools apply and have various needs. It could be tutoring issues indicated, mentoring, pens and pencils, and a variety of different things. We have funded those for our various schools. We have great concerns with that section.

We are currently not authorized to sponsor charter schools. You probably know that, so this prohibition solidifies that. I will say we are interested in sponsoring charter schools and this is why. Currently, the Clark County School District does not have the capacity to address the overcrowding that exists in our current schools from a facilities perspective. Those resources are very limited, they are using them in a variety of different ways to help build schools in some areas, but they certainly have a very large need to modernize existing schools. We see the charter schools as being a potential solution to alleviating that overcrowding. There would have to be some statutory changes for that, but this prohibition would preclude all of that. For those reasons, we oppose S.B. 344 (R1).

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

We are here in opposition to this bill, specifically sections 9 and 10. We feel this will have a chilling effect on the ability of cities and local entities to partner up and work together with our different charter schools. During the pandemic, it was some of our charter schools that started doing the resource drives and vaccines. That is a testament to the autonomy that charter schools do have, and we were able to respond to the needs of the community fairly quickly. We feel this will have a chilling effect on any future partnerships. That is why we oppose those two sections. We do like the other sections of the bill.

Patricia Haddad, Director, Government Relations, Clark County School District:

We are in opposition to S.B. 344 (R1). I want to touch on a couple of points. Sections 1 and 6 regarding the Open Meeting Law I think was discussed, impede or interfere. It is broad and undefined. For section 1, these matters are governed by Nevada's Open Meeting Law. The Open Meeting Law for boards of trustees should be aligned to requirements that exist for other public agencies as well, including other boards of trustees throughout the state, which I think was discussed.

I also want to draw your attention to section 2, which has to do with audits and auditing requirements. The Clark County School District is, as I am sure you already know, already subject to extensive auditing requirements. The provision would create an additional administrative burden without regard to whether the money is available and does not say how the audit would be paid for. Furthermore, it ignores the fact the large school district undergoes a financial statement audit every year, so we see this as superfluous.

We have some other comments we will submit online to keep it short today. [No comments were received.]

Mary Pierczynski, representing Nevada Association of School Superintendents:

I think all of us always appreciate the bill sponsor's conversation, and the dialogue this afternoon was very interesting and very thoughtful. However, the school superintendents have some concerns with this bill, and that is why we are in opposition today.

First of all, school districts undergo a lot of auditing that is done all the time, and every year there has to be a school audit. This bill requires an additional audit, especially for the Clark County School District, and I think others could be brought in as well as time goes on. That is a concern.

The second concern the superintendents have is over the evaluation process. What is to be included in a superintendent's evaluation? That is a local control issue. Local school districts and local school boards have the authority and they should be the ones deciding what they want in the evaluation of their superintendent. This requires 25 percent to be on student achievement, and that is fair, but it should be the local school boards' decision to put that in there. There are concerns about the evaluation process.

We appreciate some changes were made in the bill, but we are still in the opposed position.

Tess Opferman, representing Washoe County School District:

Ms. Pierczynski discussed many of our points quite well. We are in opposition because we do feel the board of trustees is elected by the population they represent and, therefore, they should be the ones able to make their evaluation process for the superintendent. For that reason, we are in opposition. We appreciated working with the sponsor. I know this bill was amended in the Senate, and those amendments made it significantly better for us, so we appreciate her efforts there.

Kelly Crompton, Manager, Government Affairs, City of Las Vegas:

The City of Las Vegas is in opposition to S.B. 344 (R1), specifically language in section 10 prohibiting local governments from sponsoring, supporting, or operating a charter school. In 2022, the city applied for, through the Nevada State Charter School Authority process, and was granted the ability to support, through nonprofit partners, the Strong Start Academy Elementary School. Currently in its first year, it serves children in grades K-2, adding a grade level through the next few years to add up to grade 5. The Strong Start Academy supports low-income students within Wards 1, 3, and 5 in the downtown core, and areas where there are currently no 3-, 4-, or 5-star schools available. The school is a bilingual/biliterate model with all core subjects being taught in English and Spanish. Current map scores show that in its first year the small class size and the small school size are allowing students to achieve greater outcomes.

Our primary concern is with section 10, subsection 2. The City of Las Vegas entered into a six-year contract of commitment to these partners, the community, and the students of the Strong Start Academy, and the language in section 10 will impact support after the July deadline that we are currently providing and committed to.

Our second concern is section 10, subsection 1, which would prohibit any grant dollars from local governments to support charter schools outside the Strong Start Academy. The city has awarded charter schools with opportunity zones through grant funds.

In closing, one of the most common phone calls cities get and our constituents' interaction with our elected leaders in the community is about education within our community. Supporting the Strong Start Academy Elementary School is one effort to make a positive impact for low-income students who most need these services within the city's jurisdiction.

I would also like to offer if anyone would like to tour or see how that school operates, we would love to have you after session. I do have some answers to some of the questions that were asked, but I can wait and see if I get any questions too.

Chair Bilbray-Axelrod:

Members, are there any questions for the City of Las Vegas? [There were none.] Ms. Crompton, is there something specific you wanted to address?

Kelly Crompton:

I want to address the question about RDA dollars. The city does not use RDA dollars within the charter school. The RDA dollars are about \$1.5 million per year. The budget for the RDA dollars is done every two years, and it is approved by the Clark County School District, the superintendent, and our city council. Those dollars were intended for blight within the city within those RDA areas, but with \$1.5 million it is pretty hard to build or refurbish a building. In 2017 or 2019—do not quote me on the year—the city came back and asked for some flexibility around those dollars to make impacts in pre-kindergarten, which is what the Senator is talking about when she said the city has been doing work in the pre-K area.

Chair Bilbray-Axelrod:

I believe it was 2019, if memory serves. Is there anyone else in opposition in Carson City or Las Vegas? [There was no one.] Is there anyone on the phone wishing to provide opposition testimony?

Will Pregman, Communications Director, Battle Born Progress:

I am actually calling in support. I missed the first prompt to testify in support. Is it okay if I speak now?

Chair Bilbray-Axelrod:

Yes, go ahead.

Will Pregman:

I am calling in strong support of S.B. 344 (R1). Having better requirements for those who can serve as substitute teachers is incredibly important. Not just anyone can manage a classroom. We need to make sure the right people are teaching our kids.

Regarding the public comment section, public comment is one of the ways constituents make their voices heard on school policies and procedures. Additionally, educators, parents, and students deserve an opportunity to voice their concerns on school funding and school safety issues within their districts. I know this can be challenging, especially with the division we have seen in the past three years. The purpose of public comment is valuable for educators, students, and parents so we can improve our schools. We urge the Committee to move this bill forward.

[[Exhibit F](#) and [Exhibit G](#) were submitted in opposition and are part of the record.]

Chair Bilbray-Axelrod:

Moving back to opposition, are there any other callers wishing to testify in opposition? [There were none.] I will close opposition testimony and open neutral testimony. Is there anyone in Carson City or Las Vegas wishing to provide neutral testimony?

Brett Harris, Labor Commissioner, Office of the Labor Commissioner, Department of Business and Industry:

We would provide enforcement on section 12 of this bill, so I just wanted to be present to answer any questions.

Chair Bilbray-Axelrod:

Do any of the members have questions for Ms. Harris? [There were none.] Is there anyone else waiting on the phone to provide neutral testimony? [There was no one.] I will close neutral testimony. Are there any closing remarks?

Senator Neal:

Thank you for hearing S.B. 344 (R1). I did talk to Mr. Killian. He did say the educational activities the City of Henderson was describing are not codified in that section, but what the

City of Las Vegas is doing is, if they were doing any of those activities prior to July 1, 2023, but not those educational grant dollars that the City of Henderson was describing. He said that is an easy fix.

On the discussion in section 2, you cannot be burdensome and superfluous at the same time. I rely on the wisdom of this Committee. The bill is rectifying what I think is a public policy concern and a public policy issue that I wanted to deal with in this body, outside of the many pieces of education policy that have moved throughout this building. I feel very strongly about cities doing what cities are supposed to do and schools doing what they are supposed to do. I also feel very strongly about audit provisions because there was actually going to be a much stronger audit. We do not have the ability to go in and do more than just look at it and have them tell us what money they spent. I had intended to do an educational audit to make sure they were actually performing for students.

This is the watered-down version, but I appreciate having the dialogue and having this Committee ask me questions. You pointed out errors I did not see in the bill, being that I think I have 22 bills. I appreciate it, and thanks again for the hearing and this Committee.

Chair Bilbray-Axelrod:

I will close the hearing on S.B. 344 (R1). That takes us to our final agenda item, which is public comment. Is there anyone wishing to provide public comment in Carson City, Las Vegas, or on the phone? [There was no one.] Our next meeting will be Tuesday, May 16, 2023, at 1:30 p.m. This meeting is adjourned [at 3:38 p.m.].

RESPECTFULLY SUBMITTED:

RESPECTFULLY SUBMITTED:

Funmi Sheddy
Recording Secretary

Lori McCleary
Transcribing Secretary

APPROVED BY:

Assemblywoman Shannon Bilbray-Axelrod, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is 139 Supreme Court Advanced Opinion No. 12, May 11, 2023, submitted by Bruce K. Snyder, Commissioner, Government Employee-Management Relations Board, Department of Business and Industry.

[Exhibit D](#) is a letter submitted by Jesse Law, Chairman, Clark County Republican Party of Nevada, in opposition to Senate Bill 251.

[Exhibit E](#) is written testimony submitted by Bruce K. Snyder, Commissioner, Government Employee-Management Relations Board, Department of Business and Industry, in neutral on Senate Bill 251.

[Exhibit F](#) is a letter dated May 10, 2023, submitted by Aviva Gordon, Chair, Legislative Committee, Henderson Chamber of Commerce, and Emily Osterberg, Director, Government Affairs, Henderson Chamber of Commerce, in opposition to Senate Bill 344 (1st Reprint).

[Exhibit G](#) is a letter submitted by Jesse Law, Chairman, Clark County Republican Party of Nevada, in opposition to Senate Bill 344 (1st Reprint).