

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

**Eighty-Second Session  
April 6, 2023**

The Committee on Education was called to order by Chair Shannon Bilbray-Axelrod at 12:37 p.m. on Thursday, April 6, 2023, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, 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:**

Assemblyman Duy Nguyen, Assembly District No. 8

**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  
Janet Osalvo, Committee Assistant

**OTHERS PRESENT:**

Brenda Pearson, Director of Strategic Initiatives, Clark County Education Association  
Katie Broughton, Legislative Liaison, Nevada Department of Education  
Marie Neisess, President, Clark County Education Association  
Kristofer Dipaolo, Field Representative, Clark County Education Association  
Sue Goodman, Private Citizen  
Jacqueline Spicer, Field Representative, Clark County Education Association  
Anna Binder, Private Citizen, Mesquite, Nevada  
Chris Daly, Deputy Executive Director, Government Relations, Nevada State Education Association  
Patricia Haddad, Director, Government Relations, Clark County School District  
Mary Pierczynski, representing Nevada Association of School Superintendents  
Tessyn Opferman, representing Washoe County School District  
John Eppolito, representing Protect Nevada Children  
Donald G.T. Gallimore, representing Protect Nevada Children

**Chair Bilbray-Axelrod:**

[Roll was taken and Committee rules and protocol were explained.] Please note that we will limit our bill testimony to 20-minute windows. We will have 20 minutes of support, followed by 20 minutes of opposition, and 20 minutes of neutral. With that, let us get started. We are going to start our meeting with a work session. Then we will hear one bill, Assembly Bill 296. Today, we will conduct the work session to take action on measures the Committee has heard in previous meetings. It is not customary for the Committee to take testimony or otherwise rehear the bills during the work session. However, I may invite a witness to come forward for clarification or questions during consideration of the measure. We will be having 12 bills on work session. We will start with Assembly Bill 42. I will turn it over to Alex Drozdoff, Committee Policy Analyst.

**Assembly Bill 42: Revises provisions relating to class sizes. (BDR 34-276)**

**Alex Drozdoff, Committee Policy Analyst:**

[Reviewed the work session document, Exhibit C.] Assembly Bill 42 revises provisions relating to class sizes. The Committee heard this bill on February 14, 2023. Assembly Bill 42 makes various changes relating to class sizes. It increases the maximum pupil-teacher ratios in kindergarten through grade 3 and prescribes maximum ratios in certain courses for grades 4 through 12. The bill also makes changes to the variance process. Furthermore, the bill eliminates the ability for a school district to comply with certain alternative pupil-teacher ratios. Additionally, it requires Nevada's Department of Education (NDE) to develop guidance concerning the use of money for the purposes of reducing

pupil-teacher ratios and eliminate certain requirements of NDE regarding certain policy development and communication. Finally, the bill makes certain provisions applicable to charter schools, university schools, and each campus of a school that operates at different campuses.

The Department of Education submitted an amendment adding charter schools and university schools to certain provisions of section 5 and outlining certain requirements concerning class size variances for such schools. The amendment also leaves in the alternative pupil-teacher ratios for certain school districts. Next, NDE submitted an amendment returning the pupil-teacher ratio for kindergarten and grades 1 and 2 to 16:1, and grade 3 to 18:1. The amendment also restores language concerning alternative ratio plans and Assemblywoman La Rue Hatch submitted an amendment that adds science and social studies as classes that requires certain pupil-teacher ratios for grades 4 through 12 and specifies when this change will take effect. The amendment also makes additions relating to pupil-counselor ratios and certain reporting requirements for school districts.

**Chair Bilbray-Axelrod:**

Members, are there any questions?

**Assemblywoman Taylor:**

This is just a comment. I want the record to reflect that Assemblywoman La Rue Hatch and I worked on that amendment together, so that it is known that we worked together to put that in.

**Chair Bilbray-Axelrod:**

Thank you, duly noted. Thank you for your work on that.

**Assemblywoman Anderson:**

I want to comment that I really appreciate the amount of work that happened over the last 48 hours when it came to adding both these topics: the subjects, as well as clarifications around grades 7 through 12. I realize that the Department of Education worked very diligently with the two Assembly members who were just mentioned, and I just wanted to express my thanks for that as well as we continue to address the issues of class sizes in our state.

**Chair Bilbray-Axelrod:**

Yes, we have a committee who is very able and willing to take up those tasks. I thank the Department of Education for working with our members as well. With that, I will take a motion to amend and do pass.

ASSEMBLYWOMAN TAYLOR MADE A MOTION TO AMEND AND  
DO PASS ASSEMBLY BILL 42.

ASSEMBLYWOMAN ANDERSON SECONDED THE MOTION.

Is there any discussion?

**Assemblywoman Hansen:**

I know there has been a lot of work going on, especially in the last few hours. I am going to have to be a no at this point. I have gotten a lot of feedback from my districts that I am trying to work with. I cover a lot of school districts, and there are some fiscal concerns that we are still working through. Maybe we can get some comfort by the time we get to the floor. But for now, I am sorry, I have to be a no in Committee.

**Chair Bilbray-Axelrod:**

Thank you very much.

THE MOTION PASSED. (ASSEMBLYMEN HANSEN, HARDY,  
KOENIG, AND MCARTHUR VOTED NO.)

The floor statement will go to Assemblywoman La Rue Hatch. We will move to the next item in the work session.

**Assembly Bill 65: Revises provisions relating to education. (BDR 34-275)**

**Alex Drozdoff, Committee Policy Analyst:**

The next bill on work session is Assembly Bill 65. [Reviewed the work session document, Exhibit D.] The Committee heard this bill on February 21, 2023. Assembly Bill 65 makes various changes relating to education. It revises provisions relating to defining bullying and investigating and reporting certain instances of bullying, cyberbullying, and discrimination based on race. Furthermore, it requires that the Superintendent of Public Instruction, rather than the State Board of Education, approve work-based learning programs, and it makes changes to teacher and administrator evaluation requirements. The bill also makes certain changes relating to kindergarten and starting school. Finally, A.B. 65 makes various changes to school discipline related to restorative justice.

The Nevada Department of Education submitted an amendment removing the changes related to restorative justice in sections 1, 4, 5, 7, 8, 13, 14, and 15. Assemblywoman La Rue Hatch submitted an amendment removing the new language in sections 10 and 11, which relates to teacher and administrator evaluations. Furthermore, the amendment revises the mandatory age for starting school as outlined in *Nevada Revised Statutes* 392.040 to 6 years of age. It requires that a child complete kindergarten and makes certain changes to the bill language concerning the birthdate parameters for starting kindergarten. Finally, it removes all language regarding school start dates for children who are 7 years of age, and it specifies that language relating to age changes in section 12 will be effective starting in the School Year 2024-2025.

**Chair Bilbray-Axelrod:**

Members, are there any questions?

**Assemblywoman Hansen:**

I was really comfortable with this, and then the amendment led me to have some questions. In regard to the amendment, section 12 striking out—if I am understanding it right; I am sure somebody will address this—we were going to have an assessment by the school district or charter school if applicable for those who are going to be admitted to first grade. But now it just says, "If the child has not completed kindergarten, be admitted to kindergarten at the beginning of that school year" [page 3, [Exhibit D](#)]. We know in Nevada, school attendance is not compelled until 7 years of age, so what happens to a child who has not gone to school yet? Say they are 7 and about to go to school. Do they not have the ability to be assessed to be put into first grade and skip kindergarten?

**Chair Bilbray-Axelrod:**

The amendment changes that, so the mandatory age would start at 6 in Nevada.

**Assemblywoman Hansen:**

Okay, so a 7-year-old would—

**Chair Bilbray-Axelrod:**

They should have started school the year before.

**Assemblywoman Hansen:**

When the 7-year-old comes to the school district, will they be in first grade or kindergarten?

**Chair Bilbray-Axelrod:**

Mr. Killian, our committee counsel, can speak to this, but I imagine there would be a year grandfathered in. But the point of the amendment was to change the school start age to 6 years old. I would like to say, anecdotally, that up until a couple of years ago, you could be tried as an adult in Nevada at age 8, and we did not make kids start school until age 7. So just a little Chair's prerogative.

**Asher Killian, Committee Counsel:**

The net effect of this amendment is that there would be a transition year before mandatory start at age 6 would take effect. For that transition year, the provisions of existing law would remain in effect. For a child who is coming to school for the first time at age 7, if they have completed kindergarten and first grade, they would be admitted to the second grade. If they have only completed kindergarten, they would be admitted to first grade. If they have not completed any education, they would be given an assessment and placed into either kindergarten or first grade on the basis of that assessment. After that transition year, all children would be required to start by the age of 6, and the provisions of existing law for children who start at age 6 would have the child either placed into kindergarten if they have not completed kindergarten, or first grade if they have completed kindergarten.

**Assemblywoman Hansen:**

That gave me some clarity. There would be an assessment for those children, but the age is dropping to 6 by the amendment. Okay, thank you. I still have some concerns, but we will get this going out of Committee.

**Chair Bilbray-Axelrod:**

Just to remind Assemblywoman Hansen, this was discussed pretty robustly during the hearing and seemed to be the will of the Committee at the time. Thank you and of course you can always reserve your right. Are there any other questions, members? [There were none.] With that, I will entertain a motion to amend and do pass.

ASSEMBLYWOMAN LA RUE HATCH MADE A MOTION TO AMEND  
AND DO PASS ASSEMBLY BILL 65.

ASSEMBLYWOMAN ANDERSON SECONDED THE MOTION.

Are there any questions on the motion?

**Assemblywoman Hansen:**

I was fine with the bill before. The amendment, pulling out 7 at this point, I am going to say yes with reservation and do some homework. I am reserving my right for the floor, but with some reservations, I will be a mild yes.

**Chair Bilbray-Axelrod:**

Does anybody else want to say the same thing? Assemblywoman Hardy, are you saying the same?

**Assemblywoman Hardy:**

Yes, the same.

THE MOTION PASSED. (ASSEMBLYMAN MCARTHUR VOTED NO.)

**Chair Bilbray-Axelrod:**

I will take that floor statement. Next is Assembly Bill 72.

**Assembly Bill 72: Creates the Advisory Committee on the Safety and Well-Being of Teachers. (BDR 34-442)**

**Alex Drozdoff, Committee Policy Analyst:**

[Reviewed the work session document, [Exhibit E](#).] Assembly Bill 72 creates the Advisory Committee on the Safety and Well-Being of Teachers. The Committee heard this bill on March 7, 2023. Assembly Bill 72 creates the Advisory Committee on the Safety and Well-Being of Teachers and outlines certain provisions for the Advisory Committee, including its membership, term details for members, and certain conditions guiding meetings and members. The bill also outlines the duties of the Advisory Committee. Assemblywoman

Anderson proposed an amendment altering the membership of the Advisory Committee, specifically increasing the membership from 9 to 13 voting members; requiring all appointments by the Governor to be licensed pursuant to Chapter 391 of *Nevada Revised Statutes*, and at least four of those people to be classroom teachers; adding one education support professional employed by a school district who works primarily at a single public school, appointed by the Senate Majority Leader; adding one education support professional employed by a school district who works primarily for the school district and is assigned to multiple public schools, appointed by the Speaker; adding one administrator of an elementary school in this state, appointed by the Senate Majority Leader; and adding one administrator of a high school in this state, appointed by the Speaker. The amendment also revises the name of the body to the Advisory Committee on the Safety and Well-Being of Public School Staff.

**Chair Bilbray-Axelrod:**

Members, are there any questions?

**Assemblywoman Hansen:**

I am fine with this bill, but I have a question. I saw the amendment, which is fine, but I remember the discussion in the Committee. There was a good suggestion by Assemblywoman Torres—and I think, Chair, you agreed. I was just curious if we are going to see it eventually. The idea that the report due date being August or the first part of September, and this would give an opportunity to legislators to maybe bring a bill draft request in relationship to what this Committee—because Assemblywoman La Rue Hatch mentioned advisory committees can be a little frustrating because they do not have action items and this might give us that ability. I am just wanting to know if that is out there still.

**Chair Bilbray-Axelrod:**

For some reason, that did not get captured, but I will make sure that it will either be a floor amendment or we will get it on the other side. That was a great idea and I definitely agree.

**Assemblywoman Anderson:**

Thank you for bringing up the report due date. I knew I had not captured something that we had all talked about and I could not remember what. I really appreciate the Chair having the conversation with me and a few others about making sure that it is more than the teachers that are being represented. In particular, I asked for four of the five to be licensed individuals so our counselors and our speech language pathologists could also possibly be a part of this. They oftentimes are meeting in a very small room with students, and then also adding in our bus drivers or substitute teachers under the area of those assigned to multiple public schools would allow for, again, a stronger discussion. I really appreciate the Chair's work on this with me.

**Chair Bilbray-Axelrod:**

Thank you very much. With that, I will entertain a motion to amend and do pass.

ASSEMBLYWOMAN ANDERSON MADE A MOTION TO AMEND AND DO PASS ASSEMBLY BILL 72.

ASSEMBLYWOMAN TAYLOR SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will give that floor statement to Assemblywoman Anderson. Next, we will go to work session item Assembly Bill 73.

**Assembly Bill 73: Provides right of public school pupils to wear certain adornments at school graduation ceremonies. (BDR 34-440)**

**Alex Drozdoff, Committee Policy Analyst:**

[Reviewed the work session document, [Exhibit F](#).] Assembly Bill 73 provides the right of public school pupils to wear certain adornments at school graduation ceremonies. The Committee heard this bill on March 7, 2023. Assembly Bill 73 establishes that a public school pupil, including, without limitation, a pupil of a university school is entitled to wear traditional tribal regalia or recognized objects of religious or cultural significance as an adornment at a high school graduation ceremony. The bill also outlines the abilities of certain school governance bodies to prohibit items that may cause a substantial disruption or material interference with the ceremony. Assemblywoman Anderson submitted an amendment providing that if an item is prohibited, a pupil may petition for an appeal through the Superintendent in consultation with the Nevada Indian Commission and Nevada Commission on Minority Affairs. The amendment further specifies that the appeal should contain an explanation of the cultural connection, and the appeal should be resolved within five days.

**Chair Bilbray-Axelrod:**

Members, are there any questions?

**Assemblyman Hansen:**

I just want to clarify that I read the bill correctly; I support the bill completely. I think there was some confusion if somehow the cap or the gowns were not being utilized, but if the Legal Division could reinforce the idea that in section 1, subsection 3, paragraph (a), not replacing the cap and gown customarily worn at school graduation ceremonies—we are not replacing caps. They will still have their cap.

**Asher Killian, Committee Counsel:**

Yes. The provisions of section 1 of the bill allow pupils to wear tribal regalia or recognized objects of religious or cultural significance as adornments at a graduation ceremony. The definition of adornment is something "attached to, or worn with, but not replacing, the cap and gown customarily worn . . . ." The cap and gown would still be required to be worn.



**Assemblyman McArthur:**

This is not a question. I will be voting yes, but reserve my right.

**Chair Bilbray-Axelrod:**

Thank you very much. We just ask that you stay in touch. Are there any other questions? [There were none.] I will entertain a motion to amend and do pass.

ASSEMBLYMAN D'SILVA MADE A MOTION TO AMEND AND DO  
PASS ASSEMBLY BILL 73.

ASSEMBLYWOMAN MOSCA SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will give the floor statement to Assemblyman D'Silva. Next, we have Assembly Bill 118.

**Assembly Bill 118: Revises provisions relating to the Nevada System of Higher Education. (BDR 34-127)**

**Alex Drozdoff, Committee Policy Analyst:**

[Reviewed the work session document, [Exhibit G](#).] Assembly Bill 118 revises provisions relating to the Nevada System of Higher Education. The Committee heard this bill on March 2, 2023. Assembly Bill 118 makes certain changes concerning the Board of Regents. Specifically, it revises overall membership from 13 to 9 members, revises terms to four-year periods, and outlines provisions concerning election districts, dates, and terms. No amendments were proposed for this measure.

**Chair Bilbray-Axelrod:**

Members, are there any questions? [There were none.] I will entertain a motion to do pass.

ASSEMBLYWOMAN TORRES MADE A MOTION TO DO PASS  
ASSEMBLY BILL 118.

ASSEMBLYWOMAN TAYLOR SECONDED THE MOTION.

Is there any discussion on the motion?

**Assemblywoman Hardy:**

I will continue to work with the sponsors and stakeholders on the bill. I will vote it out of Committee at this time, but reserve my right.

**Assemblyman Koenig:**

Ditto.

**Assemblywoman La Rue Hatch:**

I support the changes of the terms, but I do also share some concerns about limiting the number. I will vote it out of Committee, but I would also like to reserve my right.

**Chair Bilbray-Axelrod:**

Thank you. As a reminder, you always have the right to change your vote. We just ask that you tell me and the bill sponsor.

THE MOTION PASSED. (ASSEMBLYMEN HANSEN AND MCARTHUR  
VOTED NO.)

I will assign that floor statement to Assemblywoman Mosca. Next, on work session we have Assembly Bill 150.

**Assembly Bill 150: Revises provisions governing the waiver of certain fees by the Board of Regents of the University of Nevada. (BDR 34-88)**

**Alex Drozdoff, Committee Policy Analyst:**

[Reviewed the work session document, [Exhibit H](#).] Assembly Bill 150 revises provisions governing the waiver of certain fees by the Board of Regents. The Committee heard this bill on March 2, 2023. Assembly Bill 150 outlines requirements for the Board of Regents to grant certain fee waivers to Native American students. To receive such a fee waiver, a student must, among other conditions, have been a resident of the state, resided on certain qualified tribal land, or both. It also adds provisions for granting waivers for certain dual credit courses, and specifies that a student must complete the Free Application for Federal Student Aid (FAFSA), unless the student is enrolled exclusively in dual credit courses. Assemblywoman Anderson submitted an amendment adding criteria under which a student may be granted a waiver. The amendment also expands the waiver use for all programs, and it includes eligibility for a high school student enrolled in a credit-bearing course at a Nevada System of Higher Education (NSHE) institution. Further, it removes the year residency requirement and certain conditions concerning FAFSA. Finally, it proposes funding at \$450,000 a year for the biennium.

**Chair Bilbray-Axelrod:**

Are there any questions?

**Assemblywoman Anderson:**

This is more of a comment. I am continuing to work with NSHE on cleaning up some language because there are one or two areas that are a bit wonky, for lack of a better term. I want to thank Mr. Rodriguez, who worked with me up until 3:45 yesterday on trying to get that language. We decided not to try to muddy the waters and bring it up to this Committee, but if it is sent to another committee, to bring up that other language. Again, I want to thank NSHE for working on making sure this language is accurate.

**Chair Bilbray-Axelrod:**

With that, I will entertain a motion to amend and do pass.

ASSEMBLYWOMAN ANDERSON MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 150.

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

Is there any discussion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will give that floor statement to Assemblywoman Anderson. Next, on work session we have Assembly Bill 175.

**Assembly Bill 175: Revises provisions governing boards of trustees of school districts.  
(BDR 34-692)**

**Alex Drozdoff, Committee Policy Analyst:**

[Reviewed the work session document, [Exhibit I.](#)] Assembly Bill 175 revises provisions governing boards of trustees of school districts. The Committee heard this bill on March 9, 2023. Assembly Bill 175 adjusts the composition of the boards of trustees of certain county school districts to provide for the election of four of the seven members, while outlining conditions for the appointment of the remaining three members. The bill also outlines provisions relating to election districts, duties of the appointing authority, terms of office, and vacancies. Assemblywoman Bilbray-Axelrod submitted an amendment specifying that this bill will be specific to Clark County School District and will no longer include Washoe County School District, though it does provide for permissive language for the other county school districts. The amendment also retains seven elected members in the identified district and adds four nonvoting, appointed members, specifying the appointment process for such members. Furthermore, the amendment clarifies certain roles and responsibilities of the nonvoting, appointed members.

**Chair Bilbray-Axelrod:**

Members, are there any questions? [There were none.] With that, I would take a motion to amend and do pass.

ASSEMBLYWOMAN TORRES MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 175.

ASSEMBLYMAN D'SILVA SECONDED THE MOTION.

Do we have any discussion on the motion?

**Assemblywoman Hardy:**

I will make the same statement. I am still working on discussion with stakeholders and sponsors, so I will vote it out of Committee at this time.

**Chair Bilbray-Axelrod:**

Thank you. As I said, we just appreciate the discussion, so let us know if you change.

THE MOTION PASSED. (ASSEMBLYMEN ANDERSON, HANSEN,  
LA RUE HATCH, AND MCARTHUR VOTED NO.)

I will take the floor statement. With that, we will go to Assembly Bill 185.

**Assembly Bill 185: Revises provisions governing the education of pupils who are children of military personnel. (BDR 34-524)**

**Alex Drozdoff, Committee Policy Analyst:**

[Reviewed the work session document, [Exhibit J](#).] Assembly Bill 185 revises provisions governing the education of pupils who are children of military personnel. The Committee heard this bill on March 14, 2023. Assembly Bill 185 requires the governing body of a charter school or university school, in addition to the superintendent of the school district, to take certain actions relating to military transfers that impact pupils. First, it states that such bodies shall authorize a pupil who plans to transfer schools due to the documented pending military transfer of a parent or legal guardian to enroll in the school and participate in any application or lottery process necessary to be eligible for enrollment. It also specifies if a student plans to leave a school during a school year due to such military transfers, the school governance shall make reasonable efforts to accommodate the student. Assemblywoman Mosca has submitted an amendment that deems the military installation's address to be the address used by the pupil for enrollment purposes until the pupil establishes a different address. Such a pupil shall provide certain proof of residency prior to the beginning of the subsequent school year. Finally, the amendment authorizes the pupil and a parent or legal guardian to specify an additional address to be used solely for the purpose of receiving correspondence.

**Chair Bilbray-Axelrod:**

Members, are there any questions?

**Assemblywoman Mosca:**

This is a comment. I want to thank everybody on the Committee for the suggestion of making sure that pupils could show they actually did move there, so that is why we added it.

**Chair Bilbray-Axelrod:**

Are there any other questions? [There were none.] With that, I will take a motion to amend and do pass.

ASSEMBLYWOMAN TORRES MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 185.

ASSEMBLYWOMAN HANSEN SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will give Assemblywoman Mosca the floor statement. Next, we have Assembly Bill 207.

**Assembly Bill 207: Revises provisions governing work-based learning programs.  
(BDR 34-835)**

**Alex Drozdoff, Committee Policy Analyst:**

[Reviewed the work session document, [Exhibit K](#).] Assembly Bill 207 revises provisions governing work-based learning programs. The Committee heard this bill on March 14, 2023. Assembly Bill 207 establishes that the board of trustees of a school district or the governing body of a charter school that has been approved to offer a work-based learning program may purchase and maintain insurance against any liability arising out of a pupil's participation in the program. It also outlines certain conditions concerning the insurance coverage. Next, the bill explains that a school district or charter school may not charge a pupil or their parent or legal guardian for the cost of obtaining such insurance coverage. Finally, it states the board of trustees and charter school governing body are immune from civil liability for actions based upon the failure of such entities to obtain such insurance coverage or a particular amount thereof. The Nevada Justice Association submitted an amendment to remove subsection 3 of section 1, which concerns immunity from civil liability.

**Chair Bilbray-Axelrod:**

Members, are there any questions? [There were none.] With that, I would entertain a motion to amend and do pass.

ASSEMBLYWOMAN MOSCA MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 207.

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will give that floor statement to Assemblyman Koenig. Next, we have Assembly Bill 217.

**Assembly Bill 217: Revises provisions governing higher education. (BDR 34-464)**

**Alex Drozdoff, Committee Policy Analyst:**

[Reviewed the work session document, [Exhibit L](#).] The next bill on work session is Assembly Bill 217, which revises provisions governing higher education. The Committee heard this bill on March 21, 2023. Assembly Bill 217 requires the Board of Regents to waive certain fees for homeless or unaccompanied pupils. It limits the documentation the Board of Regents is required to request in such circumstances, includes provisions regarding the waiver amount, and requires that each institution designate one employee as a point of contact for fee waiver questions. The bill also makes changes to the Liaison for Post-Secondary Education for Homeless Pupils, and it requires the Nevada System of Higher Education institutions to take certain actions related to the liaison. The bill authorizes the Board of Regents to require an institution to provide certain students with priority registration for courses that provide certain credits. Assemblyman Watts submitted an amendment removing the authorization for the Board of Regents to grant priority registration for homeless or unaccompanied pupils and certain foster youth, clarifying that a fee waiver shall be granted for a pupil identified as a homeless or unaccompanied pupil at any time prior to achieving age 25, and adding language requiring certain documentation.

**Chair Bilbray-Axelrod:**

Members, are there any questions? [There were none.] I would entertain a motion to amend and do pass.

ASSEMBLYWOMAN TAYLOR MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 217.

ASSEMBLYMAN D'SILVA SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Taylor. Next, we will go to Assembly Bill 256.

**Assembly Bill 256: Revises provisions relating to work-based learning programs. (BDR 34-534)**

**Alex Drozdoff, Committee Policy Analyst:**

[Reviewed the work session document, [Exhibit M](#).] Assembly Bill 256 revises provisions relating to work-based learning programs. The Committee heard this bill on March 21, 2023. Assembly Bill 256 revises the definition of "volunteer" to exclude certain employees whose place of work participates in a work-based learning program. The bill also requires Nevada's Department of Education to prescribe a method for a school district board of trustees to determine if a business, agency, or organization's work-based learning volunteer must follow

certain fingerprinting provisions. The bill further specifies certain inclusions required of this method and outlines certain circumstances for fingerprinting exemptions. Assemblywoman Mosca submitted an amendment that requires students who participate in work-based learning to be provided training related to harassment and healthy relationships in the workplace. The amendment also clarifies that the board of trustees may choose whether to examine a business, agency, or organization for the purpose of exempting its employees from the requirement to submit fingerprints for a background check. If a board of trustees chooses not to conduct such an examination, the employees would remain subject to the provisions of existing law.

**Chair Bilbray-Axelrod:**

Members, do we have any questions?

**Assemblywoman Mosca:**

For this one, I want to thank Assemblywoman Torres, who had the suggestion for the first amendment, and Assemblywoman La Rue Hatch, who had the suggestion for the second amendment.

**Chair Bilbray-Axelrod:**

We have a very engaged committee, and I really appreciate all the work. With that, I would entertain a motion to amend and do pass.

ASSEMBLYWOMAN HARDY MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 256.

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

Assemblywoman Mosca, it is your bill, so I will give you that floor statement. Finally, we have Assembly Bill 274.

**Assembly Bill 274: Revises provisions governing required instruction in financial literacy. (BDR 34-759)**

**Alex Drozdoff, Committee Policy Analyst:**

[Reviewed the work session document, [Exhibit N](#).] Assembly Bill 274 revises provisions governing required instruction in financial literacy. The Committee heard this bill on March 23, 2023. Assembly Bill 274 revises the one-half credit of economics, in which a public high school pupil must enroll, to include financial literacy. The bill also adds understanding and budgeting for certain costs to the description of skills necessary to manage finances. Assemblyman Nguyen submitted an amendment that makes certain changes to the Statewide Financial Literacy Council, including adjustments to its reporting and membership.

Assemblyman Nguyen would also like to propose an amendment adding Assemblyman Gray as a cosponsor.

**Chair Bilbray-Axelrod:**

Members, are there any questions?

**Assemblywoman Anderson:**

When I spoke with Assemblyman Nguyen earlier, I was under the impression that the specific item of including a very specific assignment was going to be removed, and now I cannot seem to find it. It had to do with creating a budget plan. Can I ask if that is still the intent? Because I know that we had discussed that, so if you could clarify that for me.

**Chair Bilbray-Axelrod:**

Assemblyman Nguyen is here in the audience.

**Assemblyman Duy Nguyen, Assembly District No. 8:**

Yes, you are correct. That was in the presentation on the hearing on March 23 where there was a requirement to add—Sorry, let me go back to the work document. If you look back on the exhibit on A.B. 274 for the original proposed conceptual amendment that was to add section 2, subsection 1, paragraph (b), subparagraph (3), to add a student must complete a financial plan as part of their course requirement. That has not been taken out.

**Chair Bilbray-Axelrod:**

That is not in the amendment currently?

**Assemblyman Nguyen:**

Correct.

**Assemblywoman Anderson:**

I just want to thank you for that because I agree with the intent of the idea. But quite frankly, I think the proper place for those changes is to put it into policy on the Department of Education, as opposed to putting a specific item into law. I greatly appreciate your understanding where I believe there are other educators on this Committee and outside this Committee that brought that up. Thank you for hearing those concerns.

**Chair Bilbray-Axelrod:**

Are there any other questions? [There were none.] With that, I would entertain a motion to amend and do pass.

ASSEMBLYWOMAN ANDERSON MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 274.

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.



Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

Assemblyman Nguyen, I will assign you the floor statement. Assemblywoman Thomas, you will be backup.

**Assembly Bill 164 (1st Reprint): Revises provisions related to outdoor recreation.  
(BDR S-487)**

[Assembly Bill 164 (1st Reprint) was agendized but not considered.]

With that, we will close the work session and move on to our bill hearing for today. We have one bill, Assembly Bill 296.

**Assembly Bill 296: Revises provisions governing instructional time in public schools.  
(BDR 34-607)**

**Assemblyman Reuben D'Silva, Assembly District No. 28:**

I am presenting Assembly Bill 296, which seeks to revise provisions governing the utilization of certain standardized testing in our state public schools. The bill before you today is addressing a major issue that is prevailing both in our state and our nation at large. To quote LeVar Burton, the longtime host of the PBS Kids show, *Reading Rainbow*, "We test our kids too damn much." It is a quote, so I believe I am allowed to say that on the record.

**Chair Bilbray-Axelrod:**

I do not think "damn" is a bad word anymore. I think we have established that.

**Assemblyman D'Silva:**

I just wanted to clarify. I would like to first begin with some brief background information as to how this problem developed. The idea of formalized testing is kind of a newer development in the schema of things here. Prior to the middle of the nineteenth century, we did not really have formalized testing. Schooling itself was something that was really the purview of the elite, the wealthy, the affluent. As we move towards a more public education, to be honest with you, this idea that every child in this country should have an education, we started delving into this notion of a formalized written test. This is something that developed throughout the course of the late nineteenth century.

We had an important development during the second decade of the twentieth century. In the year 1914, the National Education Association endorsed the idea of formalized standardized testing, and the U.S. military, as well, put out an aptitude test for folks who wanted to enlist and join the ranks of the military. Even if you were drafted, you would have to take this aptitude test. We still have this in place today, a version of it. This is the Armed Services Vocational Aptitude Battery testing. We see testing does continue to develop; formalized

written tests at the school level, at the district level, and at the state level throughout the twentieth century.

A very important thing to also consider is the 1965 Elementary and Secondary Education Act, under the Lyndon B. Johnson administration—and this is important to consider because this was part of the anti-poverty, Great Society movement of the late 1960s. This is also a piece of legislation that catapulted testing. There was a concern that we wanted to measure student performance in a weighted way. One of the things that we embraced in the country during the late 1960s was formalized standardized testing. We see, because of this act, a real proliferation of standardized testing throughout the 1970s and the 1980s. Some of you who may have grown up during those eras will remember all the bubbling in. The Scantron machine was actually developed in the early 1970s. This became how we tested our students, and it is the way that we were expected to gauge performance with young people. In the 1990s, some debates start about this. There are concerns, especially when it comes to socioeconomics and equity issues, that standardized testing is actually tying the hands of some students behind their backs; some think it is actually a hindrance and curtailing student growth and not actually serving as any sort of a measurement or a catapult towards opportunity or success.

Some will say the low point in all of this is probably in the early 2000s when the U.S. Congress passed the No Child Left Behind Act of 2001. The notion was that standardized testing is the ultimate measure. It is how we measure all student aptitude, all student performance, all student growth levels. And that is when this issue started coming to a head. I was in high school at the time and in college minoring in education. My major was history. This was one of the big talking points and the big discussions of the time: standardized testing—What do we do about it?

Fast forward ten years. Around 2015-2016, we start implementing the Every Student Succeeds Act (ESSA) with this notion, now, that the testing should not be brought down from the federal level all the way to the local level, to the states, into the districts and into the schools; but that the State should have some control as to how we go about utilizing and administering standardized testing. This is also important because this is when the idea of what we are going to be talking about in this bill today, a cap, is first mentioned. This idea is something that comes from the philosophy behind ESSA and is an implementation of the Obama Administration. Now there is a movement to revisit and reexamine this idea of formalized testing, standardized testing, regulated testing; not only in our country but in our states and also at the school level. Many states at this time start implementing a cap.

Of course, the last thing I want to mention before I get back to my written notes is the year 2020. This is the pandemic. We as a nation, including several lawmakers, went through this pandemic—I am a freshman; this is my first term—and we had a huge issue with education. The real tragedy in some ways is that we lost the instruction time. I was a teacher at the time. I was trying to teach concepts that I already had a difficult time within my overcrowded classroom, now I had to have 60 little bubbles on a computer screen who all ended up turning their cameras off after the first two weeks, and I am just looking at a blank screen. I did that

for a whole year, as did several other educators who are sitting on this Committee. We know we had significant issues when it came to the loss of instruction time during the pandemic. And now in this postpandemic era that we are in, it is a huge issue, it is a problem we want to address today, and something we should consider as lawmakers. How do we make up for the loss of instruction time during this pandemic crisis that we all experienced as a state, as a country, and as a human species?

Now, to review the important specifics of this bill. First, this bill seeks to place a limit on certain types of tests given in our public schools. According to state and local mandates, Nevada students are required to receive a determined amount of time spent in our schools annually. But we know that formalized testing takes away valuable time from instruction and diverts it towards testing. This bill seeks to place a 2 percent cap on the amount of instructional time allotted towards the preparation and administration of certain formalized testing in our public schools. You may ask which tests this legislation will be applicable to. This will not apply to Advanced Placement (AP) testing, career and technical education (CTE) testing, or teacher-created evaluations—which are good, especially those that the teachers create themselves, where they evaluate the students in their classrooms. Federal- and state-mandated tests cannot be eliminated but will be impacted by preparation and administration time. District-adopted tests are not required by law and can be eliminated if need be. By creating this cap and eliminating assessments that are not required, our state public school students will see an increase in the amount of in-class instruction time available to them. It is our strong belief that in doing so, we will create better performance and educational outcomes for our students. At this time, I would like to turn things over to my copresenter, Dr. Brenda Pearson, who will go a bit deeper into how this test cap will be implemented and what kinds of outcomes we hope to see through this testing reform.

**Brenda Pearson, Director of Strategic Initiatives, Clark County Education Association:** Assembly Bill 296 seeks to prioritize instructional time in our classrooms. Excessive testing in our schools has always been a concern of this body. Many of you who have been around know this comes in front of you every session, but there is a finite amount of time in class where students should be learning. State law requires students to receive a certain number of hours of instruction annually, but student assessments continually take away from that time when students should be learning. I want to remind you of a few facts that were presented by the Clark County School District (CCSD) last week in front of the joint money committees. Only 25 percent of Black students and 18 percent of English learners in elementary schools are proficient in reading and writing. Only 8 percent of Black students and 2 percent of English learners in middle schools are proficient in mathematics, and only 8 percent of Black students and 2 percent of English learners in tenth grade are proficient in science. The solution to these extremely low proficiency rates is not to expand testing, but to expand the amount of time our students have with instruction. In front of you is a list of ten federal- and state-mandated assessments [page 3, [Exhibit O](#)]. Together, these assessments span K-12 and align with the federal ESSA requirements in Nevada state statute.

The list of ten assessments is only the tip of the iceberg. For you fellow teachers, we all know this. There are layers of assessments offered in schools, and this is a very slippery

slope. Districts add assessments so they can practice for the state assessments, and schools add assessments to the district assessments to practice for the state and district assessments. It is a pyramid of assessments that are taking place in our schools and pull away from the time students should be learning. The highlighted assessments you see on the screen are just an example of some of the extra assessments that CCSD offers [page 4, [Exhibit O](#)]. There is no quality or judgment on the assessments you see. Our concern is that these assessments take away from the valuable instructional time. We need to place guardrails in order to maximize student instructional time. Assembly Bill 296 places a 2 percent limit on the amount of annual instructional time that students can spend conducting or preparing for assessments. Clark County School District published a document on testing time that is cited in one of the documents that has been shared with you [[Exhibit P](#)]. In this report, it says that the average student in CCSD spends 3.5 percent of their school year on assessments. That is only taking assessments. We can all remember the time when we would do bootcamps for Smarter Balanced Assessments Consortium (SBAC) or Criterion Referenced Test or ACT. Those are not included within that 3.5 percent of the instructional year.

This is way too much time taken away from our students. Federal and state assessments are mandated, as Assemblyman D'Silva said, and they cannot be adjusted. What we do have control over, and what you have control over, is the amount of instructional time that can be taken away by districts and given to assessments. We must maximize and prioritize our instructional time in our classrooms. Nevada must reclaim our students' time—time that has been hijacked by assessments. A reduction in the amount of time on assessments from 3.5 percent to 2 percent. Now, this is only for the assessments—the act of giving the assessment. That earns you back 18 hours, or 30 minutes per week, of instructional time. That is not including practicing. We want to make sure we have conversations constantly about the benefits of increasing student time within the classroom. This is an easy way, within the parameters we have within the school day, to increase instructional time.

I want to review the three components that are included within this bill. The first is, Assembly Bill 296 defines instructional time to be "the time during a school day used for providing instruction to a pupil and excludes . . . time spent conducting or preparing for examinations or assessments." That is part one. The second part is it places the 2 percent limit on the total number of annual minutes of attendance required for a student. Last, it provides exceptions to the rule. Some assessments that are not included in this 2 percent maximum are assessments that comply with federal law for Individuals with Disabilities Education Act (IDEA), or special education students, as well as the Equal Educational Opportunities Act (EEOA) for those students who are English learners. Additionally, students who are participating in AP courses, CTE programs, and the Nevada Read by Grade 3 program.

**Assemblyman D'Silva:**

At this time, Madam Chair, we will stand for questions.

**Chair Bilbray-Axelrod:**

Thank you for your presentation. This issue has been discussed a lot and I know it was discussed last session as well. I know in section 2, there is existing language that the Department of Education (NDE) shall adopt regulations for examinations and assessments. I know we did that in Senate Bill 353 of the 81st Session, and a significant amount of money was appropriated to the NDE over the biennium to the tune of about \$250,000. Have they adopted those regulations? Have you seen changes? I know we have someone from NDE here if you want to phone a friend.

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

I would have to do some research on that. Can you say the details again?

**Chair Bilbray-Axelrod:**

Yes. Over the last biennium, it was Senate Bill 353 of the 81st Session. And in fiscal year 2021-22 it was appropriated \$65,364. In fiscal year 2022-23 it was \$187,500. So over \$250,000 was appropriated to NDE to establish regulations. It is section 2 of A.B. 296; it is in *Nevada Revised Statutes* 390.805: Departments shall adopt regulations for examinations and assessments administered pursuant to this chapter to be required to the board of trustees. I hate that we keep coming back to do the same thing even when the money was appropriated. I do not think that has been done which is why we are here again. I would like to see if you could come back to me and let me know the status of that. With that, I will open questions to other members.

**Assemblywoman Hardy:**

Having been on this Committee since 2019, this has been a discussion many times about the testing. I want to make sure that I understand this correctly. On your slide which showed the federal- and state-mandated assessments [page 3, [Exhibit Q](#)], those cannot be adjusted and do not apply to the 2 percent cap. And then, your example of the Clark County School District [page 4]—those four tests in yellow, that would apply to the 2 percent. And then you also have the exceptions for AP, Read by Grade 3, CTE, IDEA, and the EEOA. I want to make sure; that is my first question. Secondly, how does a teacher determine how much of their day allows for spending on this? How do they keep track of that?

**Brenda Pearson:**

I am going to answer your first question and then ask Assemblyman D'Silva to answer the second. In front of you, you all have a document that looks like this [[Exhibit P](#)]. What I tried to do was add more detail to your point on the assessments that are included within this legislation. The first page that you have details the assessments that are included within the 2 percent. The first page specifically outlines the number of assessments that are included within the 2 percent maximum. On the second page, these are the exceptions. They delineate the Read by Grade 3 assessments, along with English language assessments, and also college and career readiness assessments, which are AP and CTE. Additionally, there is a special education assessment that is not included in this list because that is an individual specific assessment that needs to be given. On the last page, there are the district and/or school required assessments. These are examples of what you will find within the schools

and the districts. These were pulled from Washoe County School District as well as Clark County School District. The district- and/or school-required assessments can be removed to hit that 2 percent maximum. These are decisions that need to be made by the districts to determine what needs to be assessed on an annual basis. The first page shows the federal, and these cannot be removed.

**Chair Bilbray-Axelrod:**

Members, are there any questions?

**Assemblywoman La Rue Hatch:**

I know it has been talked about a lot, but testing is a real issue and it seems to be going up rather than down, which is disappointing. My question is similar to my colleague's. The first part of my question is, How will this be tracked? I am concerned that even if we say this is on the districts, it will then be put onto teachers to track their minutes. Then teachers have another thing they have to log, and it is just another thing on the plate that takes away from actual instruction. Could you give us your plan or your vision for that?

**Assemblyman D'Silva:**

That is something that we have considered. When we first drafted this bill, we really wanted to make this a work in progress. We know that it is not addressing the totality of the issue of standardized testing in Nevada, but we wanted to work with the districts and the state Department of Education to come up with some way of creating accountability. As to how and when the 2 percent cap is met, we are still working on that. If need be, I am willing to put an amendment in there with more expressed intents as to how we can go about creating that sense of accountability. I am willing to work with you on that, Assemblywoman La Rue Hatch, if you would like to.

**Assemblywoman La Rue Hatch:**

I would be happy to. The second part of my question is, I love this chart that you laid out because I think it makes it very clear, all of the tests that are going on. I am concerned that even the federally- and the state-mandated tests might make up more than 2 percent—I do not know because I have never sat down and actually calculated. What happens if those make up more than 2 percent? Are we setting up districts to fail because they cannot reduce below that threshold?

**Brenda Pearson:**

I did the calculations, and they are less than 2 percent.

**Assemblyman D'Silva:**

The 2 percent cap is something that we did not just make up. It is something that has been addressed by the academy, research institutions, some of our most dynamic universities that are doing research in education, and it was also a recommendation that was made by the U.S. Department of Education—that the 2 percent cap is the number you want to work with. When you look at the actual hours at play with this cap in place for the seventh to twelfth grade levels—which I am more familiar with as a high school teacher—this still leaves you

with about 20 hours of time that you can then utilize towards the preparation, execution, and administration. It is a lot of time—20 hours over the course of the school year. I think that we are good there, according to the recommendations in the guidelines that we are following. I know Dr. Pearson has actually gone and seen the researcher and that more than likely the number is below that 2 percent cap.

**Assemblywoman Hansen:**

I share your concerns and the educators' concerns about the testing. It is just onerous, and I think back to when I was in school in the 1960s and 1970s and this was not there. I certainly see the concern. Specific to this bill, in section 1, subsection 3, when we talk about class instructional time—the 98 percent—I have huge concerns that kids are not getting enough recess. I think that is a huge component to the learning environment. When we say 98 percent of time in classes is instructional time, are we going to count recess as part of instructional time even though it is not actually indoors, per se, in a class? I am hoping that is the interpretation. If it is not, are we going to see a reduction in recess time?

**Brenda Pearson:**

I am going to ask NDE to confirm, but I believe instructional time does not include recess time within the school day. It takes recess time out of that calculation. However, I would like to have NDE confirm.

**Katie Broughton:**

I would have to double-check to see the definition of instructional time.

**Asher Killian, Committee Counsel:**

Obviously, I cannot opine on NDE internal procedures, but the way this bill is written, since the 98 percent is calculated on the basis of how much time is spent in classes, instructional time—since time spent in recess would not be time in class—it would not count against that 98 percent. Spending time on recess would not put you under that 98 percent cap. That would effectively be free time outside of the time measured by this cap.

**Assemblyman D'Silva:**

I very quickly want to address that issue. It was one that came up, and as the bill sponsor, I was concerned about it. From working with the stakeholders and some legal minds on this, it seemed to be that instruction time was the time that you spent during the school day with the children. The recess was not a part of that. I know there has been an ongoing debate about expanding the amount of recess. Children need that break for their brains. From everything we saw, including some of the national opinions on this, recess is something separate. That is where you can have an extended recess. That is different from the mandated number of hours that you need to utilize towards the direct instruction of children. That is something that we do have a policy and written language on. Again, I am a high school teacher, so I believe in my school district, Clark County, it is about 990 hours to be utilized towards the direct instruction of students, and there are different hours for other grade levels. But it is separate from what I, at least, interpret, and we did take it into consideration while we were drafting the language for this bill.

**Assemblywoman Hansen:**

Thank you for that, and the Legal Division, because yes, we would not want to be out of sync with Assemblyman Yeager's bill, Assembly Bill 164, which was the Outdoor Education Advisory Working Group bill. This looks like we could be in harmony.

**Assemblywoman Mosca:**

I do appreciate the intent of the legislation, but I know there is also a balance when it comes to summative assessments. Those came because we were ignoring our most marginalized youth back then. Also, formative assessments are supposed to inform instruction to support summative for our youth. If I look at the assessments listed, like the WIDA Screener, I am pretty sure it is supposed to determine, when students come, if they can access English language learner courses. The PSAT as well, allows young people to get full-ride scholarships based on their scores. I know you had mentioned it would be different between districts, so do you see it as being different between the schools as well? How will we make sure that all youth still have access?

**Assemblyman D'Silva:**

I will let our test expert get on the WIDA question, but I will give an example of the PSAT. That is something the teachers brought up with me in Clark County and at my school, Rancho High School. Several teachers get together, and we talk about—we all know this as educators—that we test too much and that sometimes we are burdened with testing that removes us from teaching. We mandated the PSAT at the tenth-grade level; every single tenth grader has to take the test at my school. That is another example of time lost, I believe. There are some students who will utilize that time to actually work through the test and get those scores to make them eligible for the National Merit Scholarship. We know that, but we also know that probably the majority are not, and are just bubbling C down the answer sheet, or are not taking the test. I was looking at the actual test packets of the students who were turning them into me. I would mention this year after year: some students would not even do anything. It would just be a couple of bubbles here and there. This is the majority of students now, and that is analysis on the ground. This is something that was confirmed with my colleagues from school to school. This is exactly what we mean by having to force teachers to administer these tests that are taking away from class time. That is my perspective on the PSAT. This is something that I think would be unique to Clark County, but Dr. Pearson, please go ahead.

**Brenda Pearson:**

Yes, I understand your concern, Assemblywoman Mosca. First of all, formative assessments are not included within those teacher-based assessments that inform clearly what is going to be done on the summative, as well as what instruction is given during the school day. Those are not included within this, so those would not be calculated into the 2 percent. That being said, we want to make sure things like the WIDA Screener are available. But that is going to be a district requirement or a district decision to make. We wanted to specifically bifurcate the number of, or the assessments that, were federally-mandated and state-mandated versus those that are not, and the WIDA Screener is not a federally-mandated or state-mandated



assessment. That does not mean that it is not valuable and should not be used. We simply want to make sure that the 2 percent maximum is adhered to.

**Assemblywoman Anderson:**

My question was along those same lines. I am making sure that I am understanding correctly that none of the tests actually have a grade; the grade is still something that is in the teacher's control. Thank you for that clarification. My second question has to do with some language currently on page 4, and it is in the current language. It has to do with the waiver that is mentioned in the current law, in particular, lines 23-24. My question is, Do we know if any waivers have been granted? And if so, how many with the current law which has been enacted? Or is that too new to know that information? I already know I am going to have a follow-up after that.

**Katie Broughton:**

Because that is in response to the regulations that I need to research, I will follow up in the same research with information regarding the waivers.

**Chair Bilbray-Axelrod:**

If you would, please get that to me and then I will distribute it.

**Assemblywoman Anderson:**

My follow-up question is for Assemblyman D'Silva. If in fact, we do not know what those are, if there is a way to maybe ask NDE or even direct through this language with amendment that that has to be part of the waiver, How much currently is the district asking for? How much time is currently utilized for that? And that is why they are coming. I do not know what that waiver looks like, but I think that would be a smart addition to have—is that the district has to be aware of it on their own as well. That is just something to put out there.

**Chair Bilbray-Axelrod:**

We are going to do a quick one-minute recess [at 1:50 p.m.]. [Meeting reconvened at 1:51 p.m.]

[Assemblywoman Taylor assumed the Chair.]

**Vice Chair Taylor:**

Do we have any other questions from the Committee members?

**Assemblywoman Torres:**

Thank you, Dr. Pearson, for taking the time to meet with me ahead of hearing this bill and talking to me more about what this would look like and what the goals of it are. I really appreciate this. As an educator, we have continued to see the amount of testing required increase and increase. Districts are continuing to require more and more testing on educators. I can think of a couple of the assessments that are here that would take days. And then, if somebody was out, I was responsible for the testing, not an assessment coordinator.

It was me who had to make sure that kid was tested and then create a testing environment. So maybe you are taking some of these tests for literally two weeks. That is taking a lot of time out of our classroom and out of that education instruction, but we are still trying to hit those goals. We are still trying to teach those standards. I definitely think there is a need for us to limit the amount of testing we are giving while still ensuring we are meeting our state and federal requirements, because this bill does not do that, and it does not include the Individualized Education Program (IEP) testing, so our students with special needs will still be able to ensure that they are getting the testing that they need to ensure we are meeting their educational goals.

The only recommendation I have as I look at this language is, I do feel that we need to strengthen it a bit to prevent there from being a misunderstanding that it would include the curriculum assessments. A school might say, You are required to—my school uses Springboard—so we say, You have to give your embedded assessment every quarter. That is technically a school requirement and the school-required assessment, but it is a part of the curriculum. My understanding, and please clarify me if I am wrong, is the intent is not to capture those curriculum assessments that educators are using to drive their instruction, but rather capture these other tests.

**Brenda Pearson:**

That is correct.

**Assemblyman D'Silva:**

That is a very important consideration. The goal in this language is to cap and curtail the number of district-mandated tests. The school issue was not brought up, but that is a concern. There are some formalized—almost standardized—tests that schools will also give. But that is an important consideration that we will look at here. Thank you for bringing that up, Assemblywoman Torres.

**Assemblywoman Torres**

In that, you also might want to make sure we are defining "curriculum," because I could see that somebody says everything is a part of the curriculum; I have seen that term misused a little too frequently lately in educational settings. No, not every assessment that you give is a part of the curriculum, but I want us to be very intentional about creating that definition and ensuring we are really hitting that target.

**Vice Chair Taylor:**

Are there any other questions? [There were none.] I will jump in with a couple myself. As a former member of the school board, testing time has constantly been something before us and thinking about how we reduce it and meet those requirements and so on. This is really making sure that that happens, and I think that is best for our students and best for our staff, quite frankly, as well. I have a clarifying question. This is in the bill, and I want to make sure I followed it correctly. The prep time that would ordinarily happen, let us say for the PSAT or the SBAC or whatever mandated test—well the PSAT is not mandated—but let us

say the SBAC or something along those lines, prep time for those tests does not count. Did I get that right?

**Assemblyman D'Silva:**

It actually does count towards the total amount, the 2 percent. What we are looking at here is reducing the amount from 3.5 percent, which we see, maybe even a little bit upwards of that, where we actually administer the test and prepare for the test. All of those workshops and test prep courses you are mandated to take to get ready for the test that we implement on our students—that is also part of the 2 percent cap.

**Vice Chair Taylor:**

I said it wrong. It is 2 percent. I said it wrong. What I meant was it did not count. That was a double negative thing in my thought process. But yes, that is what I meant—that it is not exempt.

**Assemblyman D'Silva:**

It is important to get this on the record. Especially in this postpandemic world that we are living in, this has become a growing concern among educators—that we lost so much instruction time during that crisis. Putting a cap on the tests is one way we could actually fix it. We are not removing tests, period. We are actually putting a cap on the amount of preparation and time that is spent administering those highly formalized, standardized tests that are regulated and we know are problematic. We want to actually expand the amount of instruction time that is taking place. This is why I mentioned the Elementary and Secondary Education Act of 1965, which is still in law today. No Child Left Behind and the Every Student Succeeds Act is just reimplementation of that act. It was done for a specific purpose: to test and measure student performance. I think it came from a place of goodwill, but we overdid it, so this is what this bill is doing. It is not a perfect bill, but it is addressing the issue by looking to cap and curb the amount of growth that we see. But also, keeping some time in place for the actual preparation and administration of those tests. They can still give us some sort of ability to measure student performance levels.

**Vice Chair Taylor:**

I appreciate that. That takes me to the second question I have. Knowing Dr. Pearson in the limited way that I do, you have probably considered this in coming up with this. One of the things that gets my attention is those tests for dyslexia, for example, or the test that you give—in Washoe County at least—for the Gifted and Talented Education (GATE) Program. That was something to do to ensure equity in those programs. That happens in the third grade, for an example. That is a district thing, but it is also something that is really important for the child and that balance. It just makes me think about, Are we striking that best? I hear you with the 2 percent. I think we do test too much. I think if we take a survey, everybody in here would say that. There is no question. It is a matter of balancing that, but not taking those important supports away, especially from some of the vulnerable populations who might need it.

**Brenda Pearson:**

Yes, that has been taken into consideration. The Gifted and Talented Education Program is generally under the umbrella of special education, so that would not apply under the IDEA exception.

**Vice Chair Taylor:**

So, something like testing for dyslexia, for an example—any of that?

**Brenda Pearson:**

I think that is a district decision because that does not fall into the category of special education, so in the same way that the WIDA Screener would.

**Vice Chair Taylor:**

That is the thing, is the balance in that, because we want the WIDA Screener when it is appropriate, and we want to test the child for learning disabilities, whether dyslexia or otherwise. I do not want schools to be in a position where they are now picking and choosing, saying, Well, we cannot give this to this kid because that is going to—. It is a balance in there. We have to find the balance because this is important legislation. I do not want to take away from some of those students we might need to identify who need some help.

**Brenda Pearson:**

We completely agree with you. The point is to prioritize our instructional time to ensure students are able to get what they need. Back to Assemblyman D'Silva's discussion about assessments, we need to ensure that students are not sitting down practicing to take a bubbled-in test. You can do formative assessments and you can do project-based learning that assesses the ability of these students to apply the standards and the knowledge. When you are simply bubbling in tests, that does not help you grow in any way, shape, or form. That is what this is fighting against. To your point, I think we need to think about whether that is the dyslexia screener or the WIDA Screener—we need to make sure those are included, but that is maybe a further conversation.

**Vice Chair Taylor:**

Right, exactly. On the record, the single most important thing we can do for most children is instructional time. It is time in the classroom with a good teacher. That is certainly the single most important thing we can do for children education-wise. So yes, let us chat about that piece.

**Assemblywoman Torres:**

I am sorry; I have obviously read the bill a number of times, and as I am looking at it, I am wondering if maybe we should insert language that it should be the average of that school's time or that grade level or something along those lines, just because I am thinking about the practicality of calculating it for people. In a setting, we are not generally testing every kid for dyslexia. We are not testing every kid with WIDA, for example. We might want to consider maybe an average or some easier way to measure that for practicality purposes.

Additionally, as I look at section 1, subsection 4, I know we have exclusions for AP, CTE, and a couple of other groups. I think we might want to include International Baccalaureate testing in there as well.

**Assemblyman D'Silva:**

Yes, we can definitely look into doing that.

**Assemblywoman Anderson:**

As your questions were being answered, I did have one more thought. I just want to make sure this is also clear: this is not for an after-school tutoring program or for—in my school district, in secondary education, we have what I would call homeroom—but let us say that a student had signed up to have that be a test-taking skills class. That is not being considered in this language. I just want to make sure that that is clearly stated as well.

**Assemblyman D'Silva:**

Yes, you are 100 percent absolutely right. This is only for the allotted school day, which is in a county statute or county policy. Yes, those are actually encouraged. If you want to take a test and prep for it and there is an after-school program that your school implements or a study group that is set up, or if the principal decides to bring in a contractor or a resource—that is actually encouraged and that would be outside the confines of this legislation.

**Vice Chair Taylor:**

Committee members, are there any other questions? [There were none.] We will see if we have any testimony in the room in support. Is there anyone here to testify in support of A.B. 296?

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

While I am in support of A.B. 296, I would like to read a letter from a frontline educator [page 4, [Exhibit Q](#)]:

My name is Amanda Fisher. I have been a public school teacher in the Clark County for eighteen years. I'm a proud member of the Clark County Education Association, and more importantly I am a parent of one middle school student and one elementary school student in the CCSD. I am writing in support of Assembly Bill 296.

As a teacher, I know the importance of instructional minutes in a classroom. I also see the exhaustion of students when they are expected to formally test so often. Teachers are trained in assessment practices and know what is best for their students. Teachers already have ways to assess their students which provide data on mastery of standards and content to help drive instruction. Too many additional district-mandated assessments use up a lot of instructional time.

As a parent I see the stress my children deal with having "big, important" assessments to take. I also see the frustration when data isn't available soon after testing so that my children have an idea of how they are doing. Having more time with their teachers for instruction and conferencing would be a more valuable use of their classroom time. Thank you for considering my thoughts as you discuss Assembly Bill 296.

Sincerely,  
Amanda Fisher

Veteran Educator, Clark County School District  
Proud Member, Clark County Education Association.

**Vice Chair Taylor:**

Thank you. We will now go to the phones.

**Kristofer Dipaolo, Field Representative, Clark County Education Association:**

I am staff for the Clark County Education Association (CCEA), and I am reading on behalf of member Keri Taylor [page 5, [Exhibit Q](#)]:

I am a veteran educator in Clark County School District, a National Board-Certified Teacher, and a member of Clark County Education Association. I am writing in support of AB 296.

I serve as the site testing coordinator at my elementary school. In the three weeks since Spring Break and over the next four weeks, 3rd, 4th, and 5th graders on my campus have taken or are taking three MAP [Measures of Academic Progress] assessments, and five to seven separate portions of the SBAC summative assessment. Both are mandated assessments at the federal, state, or district level. Some students finish quickly, some take the average amount of time, but others take multiple hours to complete each. For example, our 5th grade classes recently took the first of two parts of the SBAC Science. Lunch was after two and a half hours of active testing time, but less than half of this class had completed the assessment in that time. Spread this out over ten testing dates in a thirty-two school day period, ALL in the 4th quarter, and students are missing out on very significant amounts of critical instructional time . . . The MAP assessments alone are administered three times each year, with numerous other hours dedicated to test preparation instruction.

In CCSD, students spend 3.5% of their instructional time taking assessments, on average. When we are looking for students' best efforts, getting the biggest bang for our buck, and then using these results to judge our schools' effectiveness, this is simply too much! By imposing a time cap of 2% on conducting and preparing for mandated assessments, we will increase

classroom instructional time by eighteen hours every year! It would make a great difference.

Please support AB 296. Thank you for your consideration in deciding to do what is best for our students.

Sincerely,  
Keri Taylor

**Sue Goodman, Private Citizen:**

I am calling because I am in support of Assembly Bill 296, which is requesting the cap on the federal, state, and district testing. I am currently a special education teacher, and I have witnessed students experiencing burnout, test anxiety, and simply marking answers on the test. I am trying to figure out a reduction in testing to provide more time on instruction and an opportunity to implement a variety of assessments to assess our students that I feel will be more effective. I urge you to support the passage of Assembly Bill 296.

**Jacqueline Spicer, Field Representative, Clark County Education Association:**

I am a staff member of the CCEA. I am reading on behalf of frontline educator, Isabel Apple:

Greetings, Committee Chair and members. My name is Isabel Apple. I am a kindergarten teacher in the Clark County School District and a member of the CCEA. I am writing to you to ask you to support A.B. 296. Regarding the amount of instructional time we teachers currently spend on assessing our students, I am mandated testing such as the MAP test and the i-Ready test. These are probably the most stressful times my students have during the school year. Every time we must administer these assessments, I must allocate at least five days to test and perform makeups. This represents two hours a day each day for a whole week. That is ten hours where I am not able to pull small group instruction. As I mentioned, I am a kindergarten teacher and my students need more support than other grades. The amount of time that I must allocate for each round of assessments takes away too much time from their instruction. If the assessment time is reduced with a cap, I will have more opportunity to continue working with my students on the skills they need to practice the most to be successful and have adequate growth by the end of the school year. Assembly Bill 296 would ensure that teachers like me recover several days of instruction for their students by capping non-mandated unnecessary testing to 2 percent of total instructional time each year.

Thank you for your time and consideration,  
Isabel Apple

**Anna Binder, Private Citizen, Mesquite, Nevada:**

I support A.B. 296. I echo everyone's words. I have two kids in elementary school, an eighth grader, and a junior in high school. My junior just took the [unintelligible] for the state. My eighth grader has been SBAC testing this week, and so has my fourth grader. What has always been really concerning to me is the Measures of Academic Progress (MAP) testing. They test three times a year for that in elementary, K-5. I can give you a great example. My first grader, during his winter MAP testing, it showed he only grew 1 percent, but that is because he has an IEP. He does not like doing nonpreferred tasks, and despite how much growth he has, he probably should not have taken it, but they got him to do it. Yesterday, I got a text message from my eighth grader. He was done with the SBAC in about 25 minutes, if that tells you how much time he cared to take to actually take the test. Anything we can do to reduce the burden, not just on our educators, but on our students, is greatly welcomed.

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

We are in support of the bill. We have been working on the issue of overtesting at least since the 2017 Session, with various ideas. When there is a good idea that comes up that is going to help our educators and our students in our classrooms, we are going to support it. We appreciate Assemblyman D'Silva for [unintelligible] interesting mechanism in order to prioritize instructional time in our classrooms.

**Vice Chair Taylor:**

We are almost exactly at 20 minutes. Thank you all. If you wanted to call in to make comments and did not have a chance to, please feel free to send your remarks to our committee secretary. You have until 24 hours after this time to get those in and we will make sure those remarks are on the record. [[Exhibit R](#) was submitted but not discussed and will become part of the record.]

Now, we will go to opposition. Is there anyone here in opposition to Assembly Bill 296?

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

We have submitted a letter of opposition [[Exhibit S](#)] that outlines much of the discussion that occurred today with the Committee. A couple of things I want to highlight beyond that is, it sounds like there is still a lot of work to be done and a lot that needs to be worked out to make this make sense. As far as tracking, there is a lack of clarity on what assessments we are even talking about here. The conversation around GATE sort of triggered me a bit, as well as some of these screeners and how they relate to equity. I will tell a personal story briefly. I was in the fourth grade. I was in a Clark County School District school, and I would watch students walk out the door, and I asked my teacher one day, Where are those kids going? Those are the smart kids. And he said, They are in GATE. I said, What is GATE? He said, Well, you have to take a test to test into it, and I do not know. And I said, Can I take that test? He said, I do not know; I am not so sure. I went home. I told my parents about it. I said, I do not know what this thing is, but I would like to take the test. I took the test and ended up in the 99th percentile in at least one of them, and I had to self-



advocate in that moment as a fourth grader to be able to have access. When we are talking about some of these screeners and some of these options, it really is a question of equity.

The only other thing I would like to add that I do not feel was discussed in an adequate way in this conversation today, was the consequences that are associated with this policy. Yes, certainly we need to continue to look at our assessment framework: Does it make sense? Does it give us the information that we need in order to know how our kids are doing and what needs to be adjusted along the way? But if I am understanding correctly, the consequences, removing funding—to me, it is inappropriate to even consider that, as some policy that this committee or that the Legislature would put forward at this time.

**Mary Pierczynski, representing Nevada Association of School Superintendents:**

I want to echo some of the things that my colleague had to say about this whole bill, but the mechanics of the bill are tough. I do not know how you go about figuring out 2 percent. Along with that critical amount of time is money attached to it. If you look at section 1, subsection 3, the apportionment—you lose the money if you are taking too much time with the testing. I think the mechanics of it are difficult, and I think it is going to fall right on the shoulders of our teachers in the classroom trying to monitor how much time they are spending on this. They have enough to do. From that standpoint, I thought Assemblywoman La Rue Hatch's question about who is going to keep track of this was right on target. There is going to be some pressure to ensure the information is correct, because as I said, money is tied to it. I appreciate the Assemblyman talking with us about the bill, and he was so gracious to try to go through the bill with us, but we see a lot of issues with this, and tying money to time and putting one more thing on our teachers—I think it is too much. We are opposed to the bill for those reasons.

**Tessyn Opferman, representing Washoe County School District:**

First, I want to thank Assemblyman D'Silva for bringing this bill forward and for the conversation we have been able to have around it. The Washoe County School District (WCSD) absolutely agrees that the testing requirements right now are incredibly burdensome for our teachers. They are spending a lot of time prepping for those tests and taking those tests, and it is very difficult. In fact, the WCSD legislative platform—one of the calls we have is for the elimination of nonessential and duplicative testing, reporting, and redundant processes to maximize educators' instructional time. I want to say this is incredibly important to us. That said, we unfortunately are in opposition to this bill for all of the reasons stated. We are very concerned about the funding element. Our school districts are already fighting against a shoestring budget, and we cannot imperil it further with a punitive approach to addressing classroom time.

We are absolutely concerned with the tracking element. How exactly do we track this? Are we requiring our teachers to be the ones who are tracking their time? We think that if anything, this could be putting an increased burden on them rather than easing any burdens. We are also concerned about the test prep itself; some test prep is required. We do have tests that are required by ESSA and NDE. We are concerned that higher-income students and schools that have more access to technology will use out-of-school time for test prep, while

low-income families and schools will simply fail the tests and face the consequences of funding cuts. Currently, our school district estimates that the schools where more than 2 percent of instructional time is being used for test preparation are also likely to be the schools where students have the least resources and require the most time for prep. We are really concerned about the potential inequity of this bill.

Finally, we must acknowledge the elephant in the room by attempting to address class time while exempting the time taken for state and federally mandated testing. It is tying one hand behind our backs. State-mandated testing should strategically align with district goals rather than be given special protections from bills like this. With all of that, I want to emphasize that we very much value this conversation and the issue brought forward. It is absolutely an issue for the WCSD. We simply do not want to threaten our limited school funding to address this issue.

**Assemblywoman Thomas:**

I have a question for all three in opposition. I am trying to understand the relevance of funding and educating our children. If the federal government or—you can find more money by more testing, you would implement more testing in our schools at the sake of educating our children.

**Vice Chair Taylor:**

Any of you can answer. Would you talk a little bit about the connection to the funding, if you would, please?

**Tessyn Opferman:**

The Legal Division might be the right person to answer this question. Specifically, we are looking at section 1, subsection 3 where it says, "The count of pupils for apportionment purposes . . . inclusive, if less than 98 percent of the time the pupil spends in class is instructional time." We read that that if more than 2 percent is spent on instructional time, the per pupil funding, the apportionment, would be cut. That is specifically what we are very concerned about.

**Vice Chair Taylor:**

Thank you, Ms. Opferman. Let us ask the Legal Division. That might clarify more exactly what this language means in the proposed bill.

**Asher Killian:**

Section 1 of the bill does tie the provision of a required amount of instructional time to funding. The count for apportionment purposes is decreased by the number of pupils who do not receive at least the minimum amount of instructional time during the school year. Additionally, section 2 of the bill incorporates the existing requirement for NDE to adopt regulations limiting the amount of testing and requires those regulations to include a similar limit on testing to carry out the instructional time requirement. Yes, section 1 of the bill would not include in the count for apportionment purposes, so not fund any pupil who does not receive at least the minimum amount of instructional time during the school year.

**Vice Chair Taylor:**

Assemblywoman Thomas, did that clarify your question? Did you have further questions? [There were none.]

**Assemblywoman Torres:**

I want to express my frustration though, that if districts are going to pose any time that we have any type of teeth to a bill, that is exactly why districts have not followed through with other legislation. That is why we see that consistently. I think it is really critical that there are some teeth, and maybe that is not it, but there have to be some teeth to this legislation because otherwise districts will do what they currently do, which is not implement legislation.

**Vice Chair Taylor:**

Is there any other opposition? [There was none.] We will go to neutral testimony. Is there anyone who would like to testify in neutral?

**John Eppolito, representing Protect Nevada Children:**

We are definitely for less testing in the schools, like almost everybody in their right mind is. In fact, for several sessions we have tried here in Carson City to get the SBAC test out of our schools. There are only 10 or maybe 11 states left that are doing the SBAC test. When Common Core came in, all the states were supposed to use SBAC or PARCC [Partnership for Assessment of Readiness for College and Career], and most states dropped it. Nevada was one of the few states to hang on. The SBAC test is a ridiculous test. It is a ten-hour test. You are putting a kid in front of a computer for ten hours, and who knows what they are doing. It is ridiculous. In Oregon, in one of the largest districts in the state, all of the board members suggested parents opt their kids out of the SBAC test. That is because in Oregon, there is a law that allows parents to opt out. This year is the most calls and emails I have gotten from parents saying that Clark County School District is supposedly not allowing parents to opt out of the SBAC tests. I have never had this many calls. You all know I have been talking about it for a long time in Washoe County; this year is the worst. The other thing with the SBAC—I was just talking to Superintendent Ebert about this. These alphabet entities, AIR [American Institutes for Research], DRC [Data Recognition Corporation], CREST [Data Systems], eMetric, that are stationed in or housed in Washington, D.C., and Silicon Valley—they get much more data than we get when kids take those tests. The reason is because it is all electronic—that ten-hour test—they are able to tell when a kid gives up on that test by how much time delay there is. Those entities get it. Superintendent Ebert just told me downstairs, if they want more data, they have to reach out to these entities. That is another problem that Protect Nevada Children has with these tests, especially SBAC. I think MAP is a computer-adaptive test. I have twins. If I did allow my kids to take the SBAC, they would not be taking the same test. My son would have different math questions than my daughter would have.

**Vice Chair Taylor:**

Mr. Eppolito, I am sorry, we are over two minutes. Can you wrap up your testimony, please?

**John Eppolito:**

I can. One of the entities that is most problematic is American Institutes for Research (AIR).

**Donald G.T. Gallimore, representing Protect Nevada Children:**

Basically, the data collection is something we have been fighting for over 12 years.

**Vice Chair Taylor:**

We are on testing, sir.

**Don Gallimore:**

Yes, well, the testing is the biggest part of it. We have seen SBAC come in as a psychological test, and all of these tests for the minority communities are harmful. The testing that is already done is scientifically proven that minorities do not know some of the terminology that other people know. Most of these tests that are presented to our minority children—they have no reference as to what it is. We have been fighting DESSA [Devereaux Student Strengths Assessment] and SANE and AIR for many years because the AIR administers the SBAC and takes all the data from the SBAC and school climate testing. They have all the data for our children. John Flanagan, who was a chief psychologist for AIR, was also a member of the eugenics groups. Pioneer Fund was saying they wanted to increase birth rates for superior groups, and now AIR claims to have the world's largest behavioral and social science research and evaluation organization. We are looking at the world's largest, and with some of the things that they are doing, we have to be very careful with what we present to them from our children. Testing is purely for profit. We have been fighting the elimination of SBAC, and it is for profit, whether it be monetary or data mining.

**Vice Chair Taylor:**

Would anyone else like to testify in neutral? [There was no one.] Would the bill sponsor like to have closing remarks?

**Assemblyman D'Silva:**

Thank you again, Madam Vice Chair, and distinguished members of the Education Committee. I have a few remarks in closing. I want to again thank all the stakeholders we are working with, including the districts. This is a bill that is addressing a very complicated, complex issue. There is not one fix to it. This is a comprehensive approach that we need to take in the end. The reality is that we test our children way too much in our schools and we have to do something about it. This bill is taking that initial step forward. About the 2 percent cap, I want to say there are several states that already have this in effect. I know for a fact that Maryland, Ohio, and South Dakota have already implemented the 2 percent cap on testing, and it seems to be working well in those states. They also have significant teethered accountability policies in place. To address the issue with the funding, yes, the bill does tie violating the 2 percent cap with monies being removed if that pupil has extended past that 2 percent limit. That is an important sort of the guardrail and accountability piece that is necessary for our districts to implement. It is a significant one, and it is real. We could have a conversation about that. I, as the bill sponsor, am willing to have a conversation

with all stakeholders who are concerned about that matter. I think it was very important for us to put a real sense of accountability in there, and the apportionment language is the one that we went with.

There are a few more things I want to discuss here. There was a comment brought up about tracking. At the high school level I think most schools, in the Clark County School District at least, do have a site testing coordinator who oversees the actual implementation and the administration of the tests. The students are usually pulled out of class to take these tests and I think those individuals would be the ones who would also track the actual data in terms of the time limits and the time spent testing. It would not be put on teachers. I would have to ask for clarification for the lower-level grades, but I believe that most of the schools will have somebody who can do this. It would not necessarily be placed upon teachers. Again, I am willing to talk to stakeholders and anybody who is concerned about that topic and that matter. That would be one of the things I do want to highlight in my closing remarks here.

There was a question about equity and access to testing. I think this is a fair argument. It is an important one. Addressing the equity issues, some schools are going to have the resources to implement after-school programs, or to implement a contract to a company that can help with its test-taking. I think there is also a significant counterargument to be made over here as well. We know that there is a lot of data that shows that especially folks in the lower socioeconomic ladder and also ethnic minorities do not test as well for a variety of reasons, including cultural reasons. There are issues with language access, issues with English language learner students, issues with the students who perform in a lower percentile of the English Language Arts testing, so on and so forth. There are significant issues there. We do not get the best estimates, but gauge the students' performance levels based upon the standardized tests. What is important is instruction time in the classroom and expanding that. I think across the board, whatever sort of university research you look at, academic research you look at, and some of the actual data we can see from states who have implemented these caps, there is significant data that shows the instruction time does help in the overall performance of a student. I think that is also something that is tremendously important to consider here. Lastly, I will say again, this bill is not perfect. It is not a catch-all. I know in my conversation with several of you while we were discussing this bill—and I am surprised that it was not brought up, maybe because they left for another hearing—some of the individuals who brought this up said that this bill does not go far enough, and that we should address some of the state testing and put some teeth and some sort of effort in curbing the state-mandated tests as well. But I think this is an ongoing conversation that we as educators, community members, and people of the state, should start in a more aggressive way, pursuing policy that addresses this matter. This is not just for our young people.

My distinguished colleague, Assemblywoman Torres, brought this up in her own bill when she addressed the practice issue for teachers themselves who have to take a test in order to get a license. I think we need to reform that. Mr. Killian, our legal counsel, feels that way about the LSAT [Law School Admission Test]. There are significant institutions that are looking at removing that as a prerequisite to apply for law school. Again, we are having a greater conversation about testing, and if that testing actually gauges the aptitude of an

individual, and we should pursue that conversation. This bill is looking at addressing the fact that we over-test our kids and we have to do something about it. We have to do something about it in a serious fashion. Yes, there is an apportionment question in place here. That is important and we can look at addressing that, but we need to do something about it. This bill does that. Again, if any stakeholders have issues or concerns with this bill, please, my door is open, but let us do this for our young people. We test too much, and we need to address that in this legislative session.

**Vice Chair Taylor:**

We are going to close the hearing on A.B. 296 and go to our last agenda item, which is public comment. [There was no public comment.] Our next meeting will be at the call of the Chair. Our meeting is adjourned [at 2:37 p.m.].

RESPECTFULLY SUBMITTED:

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Funmi Sheddy  
Recording Secretary

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Elizabeth Lepe  
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 the Work Session Document for [Assembly Bill 42](#), presented by Alex Drozdoff, Committee Policy Analyst, Legislative Counsel Bureau.

[Exhibit D](#) is the Work Session Document for [Assembly Bill 65](#), presented by Alex Drozdoff, Committee Policy Analyst, Legislative Counsel Bureau.

[Exhibit E](#) is the Work Session Document for [Assembly Bill 72](#), presented by Alex Drozdoff, Committee Policy Analyst, Legislative Counsel Bureau.

[Exhibit F](#) is the Work Session Document for [Assembly Bill 73](#), presented by Alex Drozdoff, Committee Policy Analyst, Legislative Counsel Bureau.

[Exhibit G](#) is the Work Session Document for [Assembly Bill 118](#), presented by Alex Drozdoff, Committee Policy Analyst, Legislative Counsel Bureau.

[Exhibit H](#) is the Work Session Document for [Assembly Bill 150](#), presented by Alex Drozdoff, Committee Policy Analyst, Legislative Counsel Bureau.

[Exhibit I](#) is the Work Session Document for [Assembly Bill 175](#), presented by Alex Drozdoff, Committee Policy Analyst, Legislative Counsel Bureau.

[Exhibit J](#) is the Work Session Document for [Assembly Bill 185](#), presented by Alex Drozdoff, Committee Policy Analyst, Legislative Counsel Bureau.

[Exhibit K](#) is the Work Session Document for [Assembly Bill 207](#), presented by Alex Drozdoff, Committee Policy Analyst, Legislative Counsel Bureau.

[Exhibit L](#) is the Work Session Document for [Assembly Bill 217](#), presented by Alex Drozdoff, Committee Policy Analyst, Legislative Counsel Bureau.

[Exhibit M](#) is the Work Session Document for [Assembly Bill 256](#), presented by Alex Drozdoff, Committee Policy Analyst, Legislative Counsel Bureau.

[Exhibit N](#) is the Work Session Document for [Assembly Bill 274](#), presented by Alex Drozdoff, Committee Policy Analyst, Legislative Counsel Bureau.

[Exhibit O](#) is a copy of a PowerPoint presentation titled "[Assembly Bill 296](#): Prioritizing Instructional Time," presented by Assemblyman Reuben D'Silva, Assembly District No. 28.

[Exhibit P](#) is a document titled "State and Federally Mandated Assessments," submitted and presented by Assemblyman Reuben D'Silva, Assembly District No. 28, regarding [Assembly Bill 296](#).

[Exhibit Q](#) is a collection of letters submitted by Clark County Education Association, in support of [Assembly Bill 296](#).

[Exhibit R](#) is a fact sheet submitted by Teach Plus Nevada, in support of [Assembly Bill 296](#).

[Exhibit S](#) is a letter submitted by Patricia Haddad, Director, Government Relations, Clark County School District, in opposition to [Assembly Bill 296](#).