

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

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

The Committee on Education was called to order by Chair Shannon Bilbray-Axelrod at 1:23 p.m. on Tuesday, April 11, 2023, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda [[Exhibit A](#)], the Attendance Roster [[Exhibit B](#)], and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [www.leg.state.nv.us/App/NELIS/REL/82nd2023](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:**

Assemblywoman Brittney Miller, Assembly District No. 5

**STAFF MEMBERS PRESENT:**

Alex Drozdoff, Committee Policy Analyst  
Asher Killian, Committee Counsel  
Cameron Newton, Committee Counsel

Minutes ID: 775



Nick Christie, Committee Manager  
Funmi Sheddy, Committee Secretary  
Ashley Torres, Committee Assistant

**OTHERS PRESENT:**

Sandra Koch, M.D., representing Nevada Section of the American College of Obstetricians and Gynecologists  
Rochelle Proctor, Sexuality, Health and Responsibility Education Coordinator, Washoe County School District  
Alexander Marks, Communications Specialist, Nevada State Education Association  
Serena Evans, Policy Director, Nevada Coalition to End Domestic and Sexual Violence  
Annette Magnus, Executive Director, Battle Born Progress  
Elyse Monroy-Marsala, representing Nevada Primary Care Association; and Nevada Public Health Association  
Lea Case, representing Nevada Psychiatric Association; and National Alliance on Mental Illness Nevada  
Stephanie Cook, Private Citizen, Carson City, Nevada  
Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada  
Leann McAllister, Executive Director, Nevada Chapter, American Academy of Pediatrics  
Steven Horner, President, Nevada State Education Association-Retired  
Carissa Pearce, Health Policy Director, Children's Advocacy Alliance of Nevada  
Anna Binder, Private Citizen, Henderson, Nevada  
A'Esha Goins, representing National Association for the Advancement of Colored People, Las Vegas Branch No. 1111  
Stella Thornton, Private Citizen, Carson City, Nevada  
Catherine Nielsen, Executive Director, Nevada Governor's Council on Developmental Disabilities  
Erin Phillips, President, Power2Parent Union  
Janine Hansen, State President, Nevada Families for Freedom  
Richard Nagel, Private Citizen, Carson City, Nevada  
Melissa Clement, Private Citizen, Reno, Nevada  
Lori Johnson, Private Citizen, Carson City, Nevada  
Joy Trushenski, Private Citizen, Carson City, Nevada  
Casey Rogers, Private Citizen, Minden, Nevada  
Betsy Stasburg, Private Citizen, Carson City, Nevada  
Pauline Lee, Private Citizen, Las Vegas Nevada  
Susan Proffitt, Director at Large, Nevada Republican Club  
Leslie Quinn, Private Citizen, Las Vegas, Nevada  
Catalina Collinsworth, Private Citizen, Las Vegas, Nevada  
Katrin Ivanoff, Private Citizen, Las Vegas, Nevada  
Theresa Degraffenreid, Private Citizen, Minden, Nevada  
Lorena Cardenas, Private Citizen, Las Vegas, Nevada

Alida Benson, Executive Director, Nevada Republican Party  
Patricia Haddad, Director, Government Relations, Clark County School District  
Chris Daly, Deputy Executive Director, Government Relations, Nevada State Education Association  
Laura Ellis, Private Citizen, Reno, Nevada  
Ryan Small, Private Citizen, Reno, Nevada  
Calen Evans, President, Washoe Education Association  
Jeff Horn, Executive Director, Clark County Association of School Administrators and Professional-Technical Employees  
Mary Pierczynski, representing the Nevada Association of School Superintendents  
A.J. Delap, representing Nevada Association of School Administrators  
Brent Busboom, Private Citizen, Reno, Nevada

**Chair Bilbray-Axelrod:**

[Roll was taken. Committee protocol was reviewed.] We will be losing Grant Sawyer State Office Building in Las Vegas at 3:30 p.m. Hopefully, if there are folks there, they can get in to testify. We have three bills today, so we are going to have to limit testimony. We will do it in 20-minute windows. We will take 20 minutes of support testimony, followed by 20 minutes of opposition testimony, and 20 minutes of neutral testimony. We will start with Assembly Bill 357. Then we will hear Assembly Bill 269 and Assembly Bill 339.

I will be presenting Assembly Bill 357, because I am a glutton for punishment—no, I am just kidding. I will turn the gavel over to my Vice Chair, Assemblywoman Taylor, and then we will begin the hearing. We will take a one-minute recess [at 1:26 p.m.].

[The meeting was reconvened at 1:27 p.m.]

[Assemblywoman Taylor assumed the Chair.]

**Vice Chair Taylor:**

I will now open the hearing on Assembly Bill 357.

**Assembly Bill 357: Revises provisions governing sexual education in public schools. (BDR 34-163)**

**Assemblywoman Bilbray-Axelrod, Assembly District No. 34:**

I will be doing the majority of the presentation, but I have two experts with me whom I wanted to introduce. I have Sandra Koch, who is an OB-GYN from Carson City. For anything in the purview of an OB-GYN, I will defer to her. I also have Rochelle Proctor, who is a program coordinator for Washoe County School District's Sexuality, Health and Responsibility Education (S.H.A.R.E.) program. As I mentioned, I will be doing the majority of the presentation, but we are happy to answer any questions.

Evidence-based, robust sexual education is immensely important for helping our children accurately develop their knowledge about the subject and make healthy, informed choices that can impact their future. According to the Centers for Disease Control and Prevention (CDC), students who participate in well-designed sexual health education are more likely to delay initiation of sexual intercourse and have fewer experiences with unprotected sex. A 2008 UNESCO [United Nations Educational, Scientific, and Cultural Organization] publication noted only about one-third of young people can demonstrate accurate knowledge of HIV prevention and transmission. It further established that lack of appropriate education in this area can leave children vulnerable to harmful sexual behaviors and exploitation. *Education Week*, too, stated that accurate sexual education can help young people reduce the risk of outcomes like unwanted pregnancies and sexually transmitted infections (STI).

Thus, it is critical our schools provide thorough, factual, appropriate sexual education, which is the intent of Assembly Bill 357. As many of you know, this is not a new discussion in this building. A similar bill was brought in 2013, Assembly Bill 230 of the 77th Session, which did not pass. Another bill was brought in 2017, Assembly Bill 348 of the 79th Session, and was vetoed by then-Governor Sandoval. I brought this bill in 2019 as Assembly Bill 295 of the 80th Session. It did not get a hearing. I am back here in 2023, knowing a lot of discussions have changed. I think we have evolved in a lot of ways. We all know kids are getting information right on their phones. There is no lack of information out there. We want to make sure kids have evidence- and fact-based information, because otherwise, they are getting information that is incorrect.

One of the reasons I brought the exact same bill as 2019 is because I did not want the narrative to be that we were promoting an agenda that has taken over a lot of the dialogue with people. I do not want to use the terms, but we are all familiar with the terms people use—that we are trying to do something we are not. I am a mom. Someday, I hope to be a grandmother, but I would like to put that off as long as possible and provide my daughter with evidence-based information on sex ed.

I will provide you with a summary of the bill. First, it requires the board of trustees of a school district to establish and periodically revise a course or course unit of evidence-based, factual instruction in sexual education. Now, it is important to say, they already do this, but we are just laying out that we want it to be evidence-based and factual. I would not think I would need to say that, but I think that is really important. We have learned a lot, if we talk about HIV in particular, since the '80s. In 2019, I became aware of at least one county that was still using information from the '80s. I think that has been corrected, but I did want that to be listed in *Nevada Revised Statutes* (NRS) so we make sure we are using evidence-based, factual instructions.

This bill further establishes conditions of the course, including its content, design, and certain standards. Once again, this is not new; it is just laying that out. It also makes certain changes to the advisory committee relating to the course. It adds two students to the committee membership and shows their parameters. The reason we did that is because there were only four folks. If the school board designated a student, a lot of times it was a

religious person who was left out. From having discussions, I felt that was something important to people. We wanted to make this a much broader advisory commission so we could have a lot of different schools of thought and create something that was really meaningful for the community.

Additionally, Assembly Bill 357 provides certain conditions concerning course instruction and parental notifications. That is probably what a lot of you have been seeing in your emails. We currently have an opt-in system. I signed it for my daughter, who is a sophomore. She came home with a piece of paper I had to sign.

As I was signing it, I was a little annoyed. I was like, Do not forget to turn this in; if you do not turn this in, you are not getting this class. She said, I might not turn it in—because kids are kids. Of course, she did. I am thinking, Here we are in 2023. It is crazy we are still having this discussion when we do everything online. I know Washoe County uses Infinite Campus if they want to opt in. We are just changing that to opting out. I know for every parent who is active in their kids' lives, you keep hearing about how we are taking away parental rights—we are absolutely not. You are on Infinite Campus. We can make it really easy. If you want to opt your child out, and you want to have those discussions with your child yourself, absolutely do that.

However, there are so many people whose parents cannot, for whatever reason, whether they are working two jobs or are just not engaged. Maybe the kid is a homeless youth—we hear the stories of homeless youth and kids who are couch surfing all the time. It is more important than ever that these folks get this information. I think its being opt-out rather than opt-in is a real no-brainer.

Furthermore, the bill requires the board of trustees to annually prepare and submit a report to certain bodies concerning the courses, outlines, and information. It lets us know the information that is being put out there—who is opting in and who is opting out—so we can make an informed decision. So many times, this body is taking a shot in the dark that we are actually making a difference, but when we have those data and those facts, and we can line them up—you see my folder here; this is research that has been going on, at least for me, since 2018. We know graduation rates go up. Teen moms oftentimes drop out of school. After they drop out of school, their kids—if they choose not to put them up for adoption or whatever they do—are more likely to grow up in poverty. This goes right back to sexual education.

Finally, A.B. 357 requires the standards of instruction and health to be adopted by the Council to Establish Academic Standards for Public Schools and include in them standards for sexual education and establish that courses may include such topics as appropriate. The Department of Education created these standards, and they can easily be adopted. This is not more work for the school districts to do. They can easily go in. You should all have a copy of pages 20 and 21 of their standard curriculum [[Exhibit C](#)]. It is done by each age, starting in grade school all the way up to high school. This is not supposed to cause any headaches for school districts. It is just so we can have a unified standard in the state, because the lack

of uniformity across the state means some students are receiving better education and will likely have better outcomes.

Those wishing to end sexual violence in Nevada should be deeply concerned with the opt-in policy requirements and their effect on the well-being of students. With that, I am going to open it up for questions. Like I said, I have my two phone-a-friends up here. I can very much speak to the bill and the bill's intent, but for anything beyond that, I have my experts.

**Vice Chair Taylor:**

We have some questions.

**Assemblywoman Thomas:**

You did kind of answer my question. At the beginning of fifth grade, I believe—boys and girls are taught sex ed. From what I understand from my boy and girl, the girl went to one room and the boy went to another. My question is, how detailed will the curriculum be for teaching sex ed? When my kids were that age, it was basically biology. How detailed will that information be? I will have a follow-up.

**Assemblywoman Bilbray-Axelrod:**

I will give a bit of an overview. Dr. Koch was involved in the writing of the standards, but I will give you a couple examples. In Grade 3, according to the Department of Education, it says, "Identify the functions of the major body parts using correct anatomical terms" [page 20, [Exhibit C](#)]. I am not going to go further, but you know what that means. When you have a baby, you give things different names than they are actually called, right? That is in Grade 3 as opposed to Grade 5. In Grade 5, it says, "Identify the structures and functions of the human reproductive systems using correct anatomical terms" [page 20]. Do you want to speak any more to that, Dr. Koch?

**Sandra Koch, M.D., representing Nevada Section of the American College of Obstetricians and Gynecologists:**

I represent the American College of Obstetricians and Gynecologists. I think you have spoken very well. I wanted to say that, having participated in the process, the standards are set by the State Board of Education. They have nothing to do with this bill, but they start in third grade and go all the way up. I think it is important for students to get this education. They are defined; they are not in the bill.

**Assemblywoman Thomas:**

So, third grade parents would be able to opt out?

**Assemblywoman Bilbray-Axelrod:**

That is correct.

**Assemblywoman Thomas:**

I have one more. When I first came to Nevada, and Las Vegas in general, the pregnancy rate was unbelievable. Has that rate changed at all? Has the implementation of sex ed in our schools lowered the pregnancy rate for our students at all?

**Assemblywoman Bilbray-Axelrod:**

Unfortunately, this bill has not passed so we still have our—I hate to use the term—archaic opt-out system. Our pregnancy rates have stayed pretty stagnant, except during COVID-19. That being said, literally right before this meeting, I got an alert on my phone about rises across every single sector post-COVID-19 in sexually transmitted diseases (STD), pregnancy rates, and something else that just went out of my head. Right here, I also have research from—I cannot believe I am saying this—the University of Nevada, Reno (UNR) School of Public Health. It highlights how young our kids are becoming sexually active. I am going to phone a friend for a second while I pull up these numbers—if you could speak to the pregnancy rate and the fact that we are not trending in the right direction in a meaningful way, because we are not offering them.

**Rochelle Proctor, Sexuality, Health and Responsibility Education Coordinator, Washoe County School District:**

The information I brought up, because I am always looking for this data as well, is that currently, Nevada is seventeenth in teen pregnancy. As far as STIs, for chlamydia and gonorrhea, we are in the high twenties, and for syphilis, we are number one. It is not where we want to be. There is some of that information to support what you are discussing.

**Assemblywoman Bilbray-Axelrod:**

I am looking at the percentage of high school students who have ever had sexual intercourse. At 18, it is 50 percent; at 17, it is 40 percent; at 16, it is 29 percent; at 15, it is still almost 16 percent; and at 14, it is 13 percent—so 13 percent of our 14-year-olds are sexually active. It is pretty crazy. It also talks about drinking alcohol and using illegal drugs. This one in particular says, percentage of high school students who drank alcohol or used drugs before their last sexual intercourse: for 17-year-olds, 20 percent of them; for 16-year-olds, 19 percent of them. This is important information for us to get out.

In this bill, we talk about what consent means as well. For me, growing up in the '90s, consent was a bit different than what we are teaching our kids today. That is a good thing. We are also recognizing that if a young person is under the influence, their decision-making process is definitely different. Not to mention—and I said this on another bill I had in 2018—your cerebral cortex is not even fully formed until you are about 25 to 29. You are making bad decisions when you are a kid. We want to provide our kids with the most informed information, so hopefully, those better angels can come in the air instead of some others. Is there anything else you would like to add?

**Assemblywoman Mosca:**

My question was on section 1, subsection 2, which talks about the reporting. I was wondering if you had thought about, or if there was any discussion about, adding schools so we could see if certain schools are opting in or opting out more people than others. It mentions districts, but not at the school level.

**Rochelle Proctor:**

I can respond for our school district about what we do. For my teachers who are teaching S.H.A.R.E., who have been appointed to and trained in it, we have a Microsoft form they fill out. It has their names, school, how many students participated, and how many students did not, as well as any additional notes they want to add to that.

**Assemblywoman Bilbray-Axelrod:**

I bring up Washoe County because I think it is doing a really good job, and it can be a model for the state—once again, so it is all uniform.

**Assemblywoman Hansen:**

Let us get the joke out there already—Assemblywoman Hansen, mother of 8, grandmother of 20. I have my doctorate in sexual education. Yes, we did have sex ed at Sparks High School in 1978. I have several ideas—questions—but I will limit them.

I was a little surprised we are saying the teenage pregnancy or birth rate is up in Nevada, because I looked at the Guinn Center. I know maybe different organizations track it differently, but the Guinn Center—this is 2014 to 2020—showed that in 2014, it dropped. There was quite a dramatic drop those years, from 2014 to 2020, just to put that on the record, and from a few other sites I looked at, our teen birth rate is dropping in Nevada.

I have been around this discussion for a long time. I was highly involved in the Washoe County School District hearings when they adopted S.H.A.R.E. From where we are now, I am trying to understand where this bill is addressing something we are not doing. The S.H.A.R.E. program addresses HIV. It addresses age-appropriate things—some people would argue maybe not quite appropriate for that age—but I am seeing those components. You said Washoe County is the model. I do not know why Clark County or other counties cannot adopt it already without having to have this bill, per se. Could you explain to me what we are not doing that you think this is going to cover?

**Assemblywoman Bilbray-Axelrod:**

When I say Washoe County is the model—I think they are doing a good job—I do think our goal as the state of Nevada would be to have uniformity and have us all doing the same thing. Are there things Washoe County could be doing better? You look at aspects of what our kids see in the media, TikTok, and Instagram, and what our kids talk about on apps like Discord that parents do not even know about, unless you have a kid who is completely transparent with you.



Having the idea of what we are doing right now in some counties—like I said, in Clark County, we have the whole housing of the homeless youth, the Shannon West Homeless Youth Center. They are not able to get this information. I had a friend of mine who works with the youth, and the little girl was crying. My friend said, What is wrong? She thought she was pregnant. She had never had sex before. She had no idea, but she was convinced she was pregnant and that she had symptoms. We talk about sex trafficking and exploitation. These kids are exactly who gets preyed on.

Giving that information and having it be universal—and I am happy Washoe County has taken the initiative—but what is our job here as legislators? Our job is to do it for the whole state of Nevada. What are we doing different? We are making it standard in the whole state of Nevada, because every kid in Nevada deserves to have accurate, evidence-based information provided to them in a trusted place through a teacher, a school nurse, or a trusted provider who really understands. That is another thing that is going to come up.

I am sorry, I am going on a tangent about these trusted providers. When we are talking about issues of sexual violence, we are talking about folks like the ones at SafeNest who really understand what that looks like. I went off on a tangent, but to be honest, every kid deserves it, not just certain counties who decide they are going to take the lead on it. Do you want to say anything about the S.H.A.R.E. program, Ms. Proctor? I am sorry, I am a little passionate about this.

**Rochelle Proctor:**

When looking at the statute as it stands currently, it is pretty broad. Topics such as the ones that were brought up—consent is not part of that law. The key phrase "evidence-based, factual instruction" needs to be included. I was really excited to see this bill come through. It supports what we are doing in the district and gives me some leverage when I bring updated curriculum to the board of trustees to say, We are doing what is in the law.

**Vice Chair Taylor:**

Assemblywoman Hansen, you said you had a couple of questions.

**Assemblywoman Hansen:**

I just double-checked—that Guinn Center quote I had was that we had been second in the nation in teen pregnancies, and I think you said we are seventeenth. There has been some movement, I would say, in the positive direction. In relationship to making it consistent in the state, maybe later, Clark County could come to the table in testimony and explain to us what it is doing. Do they have an equivalent to S.H.A.R.E.? Are they addressing this? All of us cannot know what every county is doing. That would be a request.

Certainly, this happens. We all feel very passionately about our kids, and I have every belief that you want to do what is right by them. It is just trying to make the causation and the correlations—what do those really look like? In my own opinion, we have the most sexualized children in history. I think about what our children are exposed to on social media in particular. We talk about proper words for proper body parts. Maybe we need a

bill to try to control what kind of language is in songs about our body parts as women. This is a whole storm, and I know we are trying to find solutions to protect our youth, but I am encouraged that the rates are dropping. I am being open-minded as to how this is going to help us to fill any gap I am not seeing yet in the state of Nevada. I am sorry, that was more of a statement.

**Assemblywoman Bilbray-Axelrod:**

We can find a question in there. I have a couple of things, but I am going to go to Dr. Koch first.

**Sandra Koch:**

I simply want to say that in the version we have right now, where students need a parent signature in order to take the class, we have a much smaller percentage of students taking that class. If you switch to the opt-out method, then we have a lot more students involved, and they have the advantage of that education.

**Assemblywoman Bilbray-Axelrod:**

To that end, I did point out that we know kids given factual, evidence-based sex ed are tending to delay moving on to sexual activity. I also wanted to point out that I talked to some folks in the district, too, about the opt-in policy. One of the concerns that brought this up is that parents do not respond. One district in particular reported that 50 to 60 percent of the parents return the permission slip, so we are losing 40 to 50 percent of the kids just by not returning the permission slip. Some districts have the ability to contact parents by phone to make sure, but in a district like Clark County, that is not a viable option. The other thing is, especially in Clark County, we tend to be kind of a transient state too. Capturing those kids and capturing the parents, for whatever reason—once again, we are just trying to reach as many kids as possible.

**Vice Chair Taylor:**

Assemblywoman Hansen, I think you are good. You are nodding.

**Assemblywoman Hansen:**

I have another question.

**Vice Chair Taylor:**

We will see if we can loop back around. Let us go through everyone first.

**Assemblywoman La Rue Hatch:**

As a high school teacher, there are many things in here I really love and think my kids need to know, especially about domestic violence, healthy relationships, and that kind of thing. My question came on section 2, subsection 6, when we are talking about who can teach this subject. It said it must be taught by a "teacher, school nurse, provider of health care, or other person . . . ." I wanted some clarification on the "other person," because I do not know that any of us want some random person off the streets to come in and teach this very delicate topic to our students.

**Assemblywoman Bilbray-Axelrod:**

I wanted this to be clarified. With your indulgence, Vice Chair, I will ask our committee counsel to discuss the intention of that term.

**Asher Killian, Committee Counsel:**

The existing law allowed for a teacher or school nurse whose qualifications were approved by the board of trustees. The language in this bill would add a provider of health care or other person who has been approved by the board of trustees. It is not just a person; it is a person who has been approved by the board of trustees. Section 2, subsection 6 also adds language to guide the board of trustees by setting a standard for the approval of persons. The standard that is set is that the person has to have demonstrated competency in the applicable subject and the use of the required instructional materials. Whereas before, the board of trustees did not have a standard set in statute for the approval of people, the language in this bill would add a standard for the board of trustees that requires, effectively, competency in the subject matter.

**Assemblywoman La Rue Hatch:**

Thank you for that clarification, as I think it is important. My concern is that sometimes school boards are political, and if it says, Any other person that the board approves, what if it is someone who believes in conversion therapy? They are going to come and teach that to our kids—or it is another person who is an extreme radical on the other side, and they are going to come teach that to the kids. The board approves it, because the board is a political body. Are there any safeguards to ensure we are getting someone who really has scientific knowledge in this area?

**Assemblywoman Bilbray-Axelrod:**

We have a bill for that, Assembly Bill 175, to talk about our board. That was a little joke, but I would also point out that in 2017, we outlawed conversion therapy in the state. Also, there is the fact that we have the terms "evidence" and "fact-based"; those would be the standards we would use for that. The intent of the bill—once again, as we discussed, the domestic violence and things like that—is that we could have someone who actually deals with issues of domestic violence and healthy relationships come in to discuss that. Would you like to expand further, Ms. Proctor?

**Rochelle Proctor:**

Let me clarify who is currently teaching S.H.A.R.E. in Washoe County, so everybody is aware. In Washoe County, in high school, S.H.A.R.E. is taught by the high school health teacher or the ROTC [Reserve Officer Training Corps] person. Those people are trained by me. We go over the curriculum. In middle school, it is the science teacher. In an elementary school, it is a counselor or teacher. Now, there is a caveat: The counselor has to have a teaching degree as well. This part of the proposed bill is great as far as looking at the other person. That would open it up to some of our other counselors who do not have a teaching degree, even though they have a master's degree and everything else. This would open it up for them as well, so they would not have to have a teacher and the counselor to coteach. Does that make sense? That is what it looks like in our district.

**Vice Chair Taylor:**

Does that take care of that for you, Assemblywoman La Rue Hatch?

**Assemblywoman La Rue Hatch:**

Yes.

**Assemblyman D'Silva:**

I know you touched upon this topic, but I want to see if we can get a take from the two resident experts who are also presenting here. I got messages, and I know many of our Committee members did as well, specifically discussing having two students on the advisory board. My question is, why do you think it is important to have the actual student voices on these boards as well?

**Rochelle Proctor:**

In the past, we have had a student sit on our committee, but they did not have voting power or a voting right. This was pre-COVID-19, because everything fell apart with our student involvement during COVID-19. It is so important to hear students' voices, and it is so interesting to hear what their take on anything we are proposing is, as far as updating curricula. They are like, Okay, we know this; or, We need something more in-depth on this; or, We do not think this curriculum is covering whatever topic it is. It is really important that we hear the voice of our students, because those are who we are educating, and they are the ones who need the information.

**Chair Bilbray-Axelrod:**

I also wanted to point out, I love having students involved, because once students get involved, they tend to not stop getting involved. I see my fellow legislators shaking their head, because we were all that kid. I also liked the idea that we were adding the two people in addition—as I mentioned before, we have the two students, medical or nursing, counseling, religion, and a teacher. It is a nice, broad group of people, but I think it is important for the kids to be involved.

**Assemblywoman Torres:**

It is so important that our students have access to this information. I imagine there is a large deficit of students who just do not have access because their parents are unavailable to fill out that form at all. Teaching in my community in east Las Vegas, we have a number of students whose parents are sometimes traveling and are not there. They are 16 years old. There is sometimes no parent at home to sign that form. Additionally, we have students who are experiencing homelessness and may not have somebody at home whom they can rely on to fill out that form.

Quite honestly, I know in some instances, parents are not active enough to be engaged with the student's situation. That does not make it right, but it is definitely occurring. I remember speaking with a student whose parents were alcoholics and were often not home. My understanding was, with a piece of legislation like this, they would be able to have access to this education. Is that correct?

**Assemblywoman Bilbray-Axelrod:**

Yes, that is exactly correct. We have a lot of parents—whom I am sure you have heard from by email—who seem to be very active in their child's life. They can easily opt their child out on that electronic form through Infinite Campus, which I am on almost every day. However, for the students you spoke of, the students I spoke of before, that is absolutely right. They would automatically get this information unless their parents chose to opt them out.

**Assemblywoman Torres:**

That seems critical, because my understanding from the information I have regarding teen pregnancy is that the students who are most likely to be pregnant as a teenager are those populations that right now, would not have any access—likely not even access from their parents—because they are not in those situations. It seems like this would help identify the gap where we see some of the highest rates of teen pregnancy.

Additionally, I have a question to build off of Assemblywoman La Rue Hatch's question regarding the other person. It seems to me as I read the bill—and from my understanding of some of the community-based organizations, AIDS, sexual violence survivors, and survivors of domestic violence—this would allow for some of those shelters to help provide that training. To me, this would seem to be a benefit. We can ensure our students understand consent in a relationship. We had a presentation a couple of weeks ago where we had the teenagers talk to us about the harms of teen dating violence. It seems like this bill would help make sure there are those conversations the students said we were not having in school. This would help make sure those conversations occurred. Is that right?

**Assemblywoman Bilbray-Axelrod:**

That is exactly right. These are the people who are working with these issues every single day and know how to talk to young women and young men, because that is what their specialty is.

**Rochelle Proctor:**

Currently, we have some of those fabulous resources coming into our high school as guest speakers. They have their hands tied, in a sense, as they have to follow our board-approved curriculum exactly, but it is so important to have. I have the Division of Public and Behavioral Health coming and explaining the law behind consent, because it is as clear as mud to explain it to a high school student. Well, if you are this age—there are some discrepancies when you are trying to explain the law to them. I am always super appreciative of the Division. I have the health district come in to talk about STIs as well. They have background knowledge; maybe the health teacher they are teaching along with does not have the answer for specifics on certain diseases. I am super appreciative of this.

**Assemblywoman Thomas:**

My two cents is that, of course, I have been getting inundated with these emails. I understand the parents, I really do. However, my lived experience—me being the oldest in the family, and my mother, God rest her soul, being a '50s lady—is for a long time, there were certain things that when you had a family, you did not mention. Sex was a four-letter

word in our house. That could get you backhanded. As time progressed, since I was the eldest, I was the one who was appointed to discuss my sisters'—there were five of us—menstruation. It was the whole nine yards: what to do and how to take care of your body. I got that information from school, because my mother did not discuss that.

When I read these emails, sometimes I feel, Are we going backwards? I think it is necessary for us to go forward and speak of this in a clinical way. It is not dirty when we talk about our bodies, because females need to know that their body is not dirty, that consensual sex with your husband is not dirty. I think a lot of times, we get that embedded in our heads. That is my comment.

As we were sitting here and talking about statistics, I looked up the CDC. Their records showed 2020, and the state of Nevada is in there. It is 16.8 of 1,000 teen births—live births—that our state has a record of. It is really not going away, and that is a huge number.

**Assemblywoman Anderson:**

I am going to start off by saying how much I appreciate all of page 4—in particular, section 2, subsection 1, paragraph (a), subparagraphs (8) and (9), which go into the statutes this body creates as it relates to the age of consent and statutory rape. Thank you for recognizing the importance of bringing that forward.

Could you go into a bit more of section 2, subsection 1, paragraph (a), subparagraph (9), which has to do with the statutes related to the transmission and possession of sexually explicit images? I know if I were to listen to many news reports, we have children as young as sixth, fifth, and even fourth grade sharing pictures of their peers. I do not know if that is something currently being done, since this law is, in fact, not enacted, but how do you envision utilizing subparagraph (9) at this time? At what age do you believe that should start to be discussed?

**Assemblywoman Bilbray-Axelrod:**

You are always so thorough in your depth of knowledge when it comes to statutes and exactly what we are trying to get at. This was not an issue before; we did not all have cameras on our person at all times and the ability to send an immediate picture. It was just 2007 that the iPhone came out. We have to deal with this issue. That is the important thing we have to address, that kids are doing these things. It is not like we are giving them the idea. Ms. Proctor, do you want to address how you address it through the S.H.A.R.E program?

**Rochelle Proctor:**

Yes, we are addressing that topic starting in middle school, as we have recently updated the curriculum. It is rampant, given what our kids have on their digital devices and what they have access to. Does that answer your question?

**Assemblywoman Anderson:**

I would like to continue with Ms. Proctor, if possible. I think one of my peers brought this up earlier as well, but on page 5, you discuss how there are people who are able to participate in creating these lessons. Could you discuss the process that has been utilized in Washoe County? I am aware of it, because you and I have worked together on many things. I wanted to bring in, if you could, who has been part of this discussion in the past, how those discussions have gone, and how that has helped or hindered the current method being utilized in Washoe County in your opinion.

**Rochelle Proctor:**

Looking at curriculum development—I am assuming that is what you are referring to—when I came into this position a little over five years ago, our curriculum had not been updated since 2003. It was a little outdated. I had my S.H.A.R.E committee made up of seven individuals. We had a couple of students on the side for information. What I did was, I reached out to some of our national resources to have scientific, factually comprehensive sex ed curriculum, ideas, and support. I reached out; I brought in information to my S.H.A.R.E. advisory committee. From there, they vetted whatever I brought in and either sent it back for edits and changes or pushed it to the board of trustees for their vote. I have been fortunate to have a committee that is very articulate. They do a lot of research on their own. They are very passionate about the subject. Currently, we have updated sixth grade through high school, and we have fourth and fifth grade waiting to go to the board this summer.

**Assemblywoman Anderson:**

To verify, were the individuals who served on this advisory committee appointed and selected by the school board of trustees, or was that an advisory committee made up of others?

**Rochelle Proctor:**

Our committee members apply for the committee positions. They are volunteer positions. They are advertised on the district website. We gather whoever is interested, and there seems to be quite a few these days. Then we have an interview committee. We have somebody who sits in from human resources, me, and my direct supervisor. Generally, we might also have somebody from UNR's human development and family studies program sit in on the interview as well. From that, we vet our interviewees. Then we present whoever that interview committee chooses to the board of trustees for their final vote.

**Assemblywoman Anderson:**

My last question is not for Ms. Proctor. You mentioned there are many states that have these items. Do we know how many states are opt-in versus opt-out? Do we have that data at this time? I have no idea, so I am just curious.

**Sandra Koch:**

There are ten states that do not require any consent forms at all. Thirty-four states use an opt-out consent form. Four states use an opt-in form, and two states have an either/or option. We are one of those four with an opt-in.

**Assemblywoman Hardy:**

This is a perfect segue into my questions regarding the opt-in versus opt-out in the form. Since we are changing it from opt-in to opt-out, if we have parents who are involved and participating in the child's education, they are under the assumption that it is still opt-in. Now it has changed. I want to understand the whole process of the form. In section 2, subsection 7, it says they must be given the form "in the usual manner." What is the usual manner? On page 6, lines 10 through 12, it says the form "May be made available on the secure Internet website . . . and may be included with any online registration . . . ."

I am concerned that a parent goes, Oh, I am good; it is an opt-in situation. Now it has changed. Maybe they do not know that, not because they are not involved with their child, but because they assume it has not changed. How do we ensure they are getting the form? It says that at any time during the year, they can do this, but if they are not aware, now their student is in the class. Then they come home and tell the parent, Hey, I was in this class. The parent is like, What? I want to know the process of the notice of the form currently—what that is and how we can ensure parents are aware they now need to adhere to the new process.

**Assemblywoman Bilbray-Axelrod:**

I actually got an email today saying that registration was now open for my daughter's school next year. I literally got it today, so I can start filling out those forms. If you know anything about online forms, it will not let you go to the next thing if you have not filled out the previous item. When this—hopefully—goes into statute, you would not be able to progress to the next thing without filling out either "opt-out" or "opt-in." If you had already opted in, you would have to opt out. Is that what you are saying?

**Vice Chair Taylor:**

If I may, Assemblywoman Hardy, I think what you are saying is, if you are accustomed to not opting in, how would you know about the change? Am I right? Yes.

**Assemblywoman Bilbray-Axelrod:**

It would be a new registration, right?

**Rochelle Proctor:**

We do it as part of Infinite Campus student registration. Just as was said, you cannot go on to the next item until you say okay or no—or if your child is not in the age range to attend any other S.H.A.R.E. classes. I am assuming we would have to send something home. We have to notify our parents anyhow, before S.H.A.R.E. is taught. Our parents can change their mind at any time. They can say, I said yes on Infinite Campus; I want to say no, and vice versa. We have not had a real problem in the past. The only issue is for our transient homeless youth, where perhaps their family is not doing their online registration. Then we have nothing for them, which would tie into what you were speaking about earlier, Assemblywoman Bilbray-Axelrod.



**Assemblywoman Bilbray-Axelrod:**

What I am trying to make clear is that even if it is opt-out, the information is still going to be there. You would still have to acknowledge you read it, especially when we are changing the law. I am trying to think of another example of this I have seen recently, where it is automatically assumed you would be part of it. Say there is a photography release—those are on there as well. You can check the box if you do not want your child to be part of that. That is how you would opt out. It would automatically assume your child—you are going to have that information. If you choose to opt out, that is where the check mark would be. By moving forward, you would be opting in. By checking the box, you would be opting out.

**Assemblywoman Hardy:**

On page 6, lines 10 through 12, it says the form may be available on the Internet and "may be included . . . ." I am just saying that seems optional. Then, one more thing. I remember my daughters would come home sometimes—like the first day of school—with all these forms from a class. I cannot remember them all now, but they would allow things like, They can participate in this, their image can be used in materials or something like that. Would it still be in a paper form? Could they come home if they are registered in this class, so if the parents do not do it online, they could still say something? Is there more than one option for saying, I do not want my child to participate? I guess that is what I am getting at.

**Assemblywoman Bilbray-Axelrod:**

Yes, that is always the intent. I think we are obviously going that way, where everything is going to be completely computerized, but I do not think we are going to see it. We are clearly not there yet—as I hold my folder of 1,000 pages. I am sure you have both options. I also know we have all sorts of sizes of school districts. I have talked to superintendents. I was actually just talking to the library district. They were saying that up in Jackpot, they have no Internet access at all. Obviously, we are going to have that ability until it is no longer needed. I do not think we are there yet.

**Vice Chair Taylor:**

Does that answer that for you, Assemblywoman Hardy? Yes? Okay. Are there any other questions from the Committee members? Seeing none, we are going to open it up for testimony in support. I see a couple of people in Las Vegas. When we get to you, go ahead and come forward, but we will start here in Carson City. We will ask you to keep your comments succinct if you would.

**Alexander Marks, Communications Specialist, Nevada State Education Association:**

I am speaking in support of Assembly Bill 357. Despite the prickly challenges this issue presents, sexual education has always been an issue many educators have championed. Sexual education should be taught sensitively, thoughtfully, factually, and comprehensively in every school throughout Nevada, and we stand in support.

**Serena Evans, Policy Director, Nevada Coalition to End Domestic and Sexual Violence:**

This bill is long overdue, and it is time to stop believing the negative rhetoric that sex education goes against family values. Comprehensive and age-appropriate sex education as

violence prevention programming increases better success outcomes for our students, which is why we are here in strong support of A.B. 357 today. Best practices show opt-out policies produce better outcomes. Opt-in policies create unnecessary hurdles and are designed to make accessing sex education more difficult, especially for those with absent or uninvolved parents. Making sex education harder to obtain does not mean students will not learn about it. Rather, their curiosity will cause them to seek out this information from problematic and incredible sources like peers and the Internet, where they are likely to learn unsafe and harmful information.

Without sex education, our students do not understand how their bodies are changing, how to protect themselves, or how to name harmful acts. Making this information accessible in safe environments will allow students to make informed decisions about their sexual health and know where and when to reach out for help. As a victim-survivor of sexual assault that took place in my adolescence, to this day, I know my assaulter does not think what they did was wrong or is considered sexual assault. I know that if my perpetrator had comprehensive sex education and learned about boundaries and healthy relationships, my assault very likely would not have happened. Comprehensive opt-out sex education is one of the most effective ways to end sexual violence in our community. We urge the Committee to prioritize the safety and success of our students.

**Annette Magnus, Executive Director, Battle Born Progress:**

Ten years ago today, I watched a very similar bill pass out of this Committee, as I was reminded by a Facebook post this morning. I still feel as passionate about this issue today as I did then. Today, I may actually feel more passionate about this issue, after an extremely serious bout with HPV [human papillomavirus] in my personal life—or after something that in 2013, I would never dare speak about. But now I will say that when I was 19, as an intern in this very building on this very floor, I was sexually assaulted. I did not know how to say no or even that I had the ability to consent. I felt so ashamed of what happened, I could not talk about it until 2017. As a young person, I did not have comprehensive sex ed in the Clark County School District (CCSD). Having a bill like this could have changed my life.

I was lucky I did have parents who gave me information and were very involved. Clearly, that was not enough, as I learned as an adult. As the sponsor said, this is not new. I feel like a broken record sitting here today. Let us be clear, with social media and the amount of disinformation available, this issue has only gotten worse. This is not, and never has been, about the scare tactics that the opposition will state. This is about medical information for young people, to keep them safe and healthy as they move through their lives and make good decisions about their bodies—that is all.

I cannot believe that in a state like Nevada, where we have people on billboards talking about sex and legalized prostitution, we even need to have this conversation. This is about common sense. We are Nevada. We are not, and never have been, afraid to use sex to sell our tourism, but I still cannot quite grasp how we do not do a better job teaching our young people about their own health. This is so basic. Ten years later, I am still begging this body

to do the right thing on this issue and help young people like me say no. Please pass A.B. 357. Our young people's lives depend on this bill, and every session that goes by, we do a disservice to them.

**Elyse Monroy-Marsala, representing Nevada Primary Care Association; and Nevada Public Health Association:**

Nevada Primary Care Association and the Nevada Public Health Association both support this bill. There is a wealth of information and evidence that supports medically accurate, evidence-based sex ed. This bill seeks to reduce a barrier to students accessing medically accurate, evidence-based sex ed. The CDC has provided some information about the benefits of providing students medically accurate sex education, and I wanted to list those for the record today. Per the CDC website, they see that for students who receive evidence-based sexual ed, the benefits include delay in initiation of intercourse, fewer sexual partners, fewer experiences of unprotected sex, increased condom use, and higher academic performance. Please support this bill.

**Lea Case, representing Nevada Psychiatric Association; and National Alliance on Mental Illness Nevada:**

Both the Nevada Psychiatric Association and the Nevada Chapter of the National Alliance on Mental Illness (NAMI) are in strong support of A.B. 357. Access to medically accurate sexual education—including anything that touches on gender identity and helps our LGBTQ youth know that who they are is who they are and that they are loved no matter what—is helpful. That will decrease suicides. That will decrease the rates of our children self-harming.

We also want to note something about having healthy relationships and knowing what healthy relationships are from an educational standpoint. Not everybody has the privilege of seeing a healthy relationship in their home life. Knowing and learning what that is in a school setting, in a safe setting, is very important for our children.

Finally, the bill also requires that this education go over psychological and emotional changes. We know early adolescence and young adulthood is often the moment where people will experience their first episode of psychosis. Knowing that is a possibility you can be ready for, especially if you have a family history, is very important to our young people as they grow up. On behalf of NAMI Nevada and the Nevada Psychiatric Association, please support this bill.

**Stephanie Cook, Private Citizen, Carson City, Nevada:**

[Read from [Exhibit D](#).] I am representing myself as a parent representative. I am currently serving on the Family Life Committee within the Carson City School District. I have recently been appointed a second three-year term and have two children in the Carson City School District—eleventh grade and fifth grade. I am here in support of A.B. 357.

Our committee meets once a month during the school year. We have an obligation to review and approve curricula presented to us for inclusion in a toolkit that is available to help teachers within the district. We spend a few hours a month reviewing content that is presented to us or re-reviewing older content to ensure the resources are aligned to current standards and accurately reflect the topics that are being taught. We take time to discuss the specific grade level of the material and evaluate the appropriateness for the children in our schools. Many times, subject matter experts are brought in to present their curricula to our committee. These meetings are posted per Open Meeting Law and are open to the public for comment and participation. This bill strengthens language relating to specific objectives of these committees.

I wanted to touch on a specific reference to student participation on page 5, line 3 of A.B. 357. Since I have been serving on this committee, we have had one student representative, Miss Stella Thornton, and she has been instrumental in attending the meetings and offering her insight. She is an honors student in her senior year who has provided great ideas and suggestions to our committee. However, as a student, she has never had a right to vote on the Family Life Committee. If we want student participation, would it not be advantageous of us to include their voice and allow their vote? It is so crucial to respect and include the students' perspective when reviewing this type of content. Will it be content and curricula that is appropriate and understandable within our health classes? Also, we struggled with obtaining student representation to serve on this committee.

As we review old items in our toolbox, a lot of the tools we offer our health teachers are outdated, with videos or presentations from 15 years ago. One, technology has changed, and two, the way we engage our students in learning has also changed. In conclusion, I support A.B. 357 and enjoy my participation in this committee. Thank you for your consideration of this bill.

**Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada:**

I am here in support of Assembly Bill 357. As a youth, I had the opportunity to begin my advocacy and organizing career through reproductive health organizations. I participated in a program called Teen to Teen through Cascade AIDS Project in Oregon. These experiences gave me a thorough and comprehensive sex education and made me feel prepared to make smart and healthy decisions in my future. It also made me a resource to my peers who did not have access to the information. Every student deserves to have access to evidence-based, factual instruction in sexuality education, and we urge your support of this bill.

**Vice Chair Taylor:**

Seeing no one else here in Carson City, is there anyone in Las Vegas who would like to testify in support of A.B. 357? I do not see anyone coming forward, so we will go to the phone lines.

**Leann McAllister, Executive Director, Nevada Chapter, American Academy of Pediatrics:**

I am in strong support of this bill. We are a professional association for board-certified pediatricians who very much want to see medically accurate sex education in our schools.

**Steven Horner, President, Nevada State Education Association-Retired:**

I am a proud constituent of Assembly District 8 and Senate District 11. When I was a fifth-grade teacher, I had a young girl come forward and tell me she thought she was pregnant. I was floored. [Inaudible] in support of A.B. 357 and add my voice to those who are in support.

**Carissa Pearce, Health Policy Director, Children's Advocacy Alliance of Nevada:**

I am calling to express our strong support for A.B. 357. The Children's Advocacy Alliance houses the Annie E. Casey Foundation Kids Count grant. One of the indicators measured that has contributed to our ranking of 47 out of 51 in the Annie E. Casey Foundation Kids Count report is teen pregnancy. While Nevada has shown improvement by way of a slight decrease in teen pregnancy over the last ten years, we still have strides to make. We know teen pregnancy has implications for middle and high school dropout; underemployment in adulthood; and contact with a number of public systems, including child welfare, criminal justice, and public assistance. Further, denying our children access to well-designed sexual health education leaves them vulnerable to sextortion, misinformation, and other predatory practices on the Internet. We see giving youth factual information about sexual health as an investment in the next generation of Nevadans by reducing untimely and unwanted pregnancies, teaching empowerment by promoting consent, and reducing STI transmission.

Finally, passive consent, or opting out, has been used to promote student health in Nevada. It has been used for vision, hearing, and suicide screening. We fully support passive consent for sexual education, as it offers all youth the opportunity to have access to this information while empowering parents to opt out if they would like. As a woman, I want young women in Nevada to have access to this potentially lifesaving information. We believe age-appropriate, scientifically based sexuality and reproductive education should be provided to all children in Nevada. Please support A.B. 357.

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

I am a parental member of the Children's Advocacy Alliance. I am just calling in to repeat the testimony I gave to the CCSD board of trustees when they had their meeting on their legislative priorities. This is one of them. I am thankful this is coming forward with so much support. I am a domestic violence survivor and was in a very long, unfortunate relationship because I did not know what "healthy" was. I did not learn it here in Clark County, and I did not learn it at home. Unfortunately, because of that, my three oldest children had to learn what dysfunction looks like before I learned what healthy relationships were like. If we can do anything to prevent that cycle for another family, I am all for it. We need to remove the barriers so there are not people like me walking around at 18 years old not knowing anything. I support this bill.

**Vice Chair Taylor:**

We potentially have a couple more callers. We have about five minutes left, so we ask you to make your comments and be as succinct as you can. We would like to hear from everyone.

**A'Esha Goins, representing National Association for the Advancement of Colored People, Las Vegas Branch No. 1111:**

I strongly support updating the curriculum and parents' opt-out for sexuality education to include the comprehensive topics outlined in this bill. "The most common way people give up their power is by thinking they do not have any." This quote by Alice Walker highlights the importance of education and empowerment. Addressing the impact of media and peers on students' thoughts, feelings, and behaviors related to sexuality and teaching them how to identify, prevent, and respond to domestic violence, sexual abuse, and sexual assault empowers them with the knowledge and resources to take control of their own lives. It is crucial that we do not allow students to feel powerless. I urge you to support this bill.

**Stella Thornton, Private Citizen, Carson City, Nevada:**

I am a youth legislator for Senate District 16 and the head student representative for the Carson City School District Family Life Committee. However, today I am representing myself. As a current nonvoting student member of the Family Life Committee, I am calling to express my strong support for Assembly Bill 357. I believe comprehensive, evidence-based, accessible sexual education is essential for the health and well-being of our youth. As a member of the Family Life Committee, I have learned about the importance of accurate and comprehensive information on sexual health and relationships. I believe this education should be based on evidence-based research and should be accessible to all students, regardless of their background or where they attend school. By providing students with this education, we can help reduce the spread of sexually transmitted infections and promote healthy relationships.

I also support the change from an opt-in position to an opt-out position for parents. Parental involvement is important. It is also crucial that students have access to comprehensive sexual education, and an opt-out policy ensures all students have access to this important education while still giving parents the option to review the curriculum and opt their child out if they choose to do so.

Furthermore, I strongly believe students should have a vote on the committee as a student. We are the ones who are directly impacted by the education we receive. We have unique perspectives and experiences that should be taken into account when making decisions about the curriculum. Our voices should be heard, and we should have a say in the education we receive. I urge you to support A.B. 357 and to ensure all students in Nevada have access to evidence-based, comprehensive sexual education. I urge you to include student voting members on the family life advisory committees. This is an important step in ensuring students have a voice in the education they receive. Thank you for your attention to this important matter.

**Vice Chair Taylor:**

It looks like we have one more caller and one more minute.

**Catherine Nielsen, Executive Director, Nevada Governor's Council on Developmental Disabilities:**

Sexual health and sexuality education is vital for all students, especially students with intellectual and developmental disabilities. The rate of sexual assault among students with intellectual and developmental disabilities is staggeringly high, and all students should have access to education and opportunities that meet their specific learning needs. Sexuality education must teach skills to prevent abuse and encourage students to report unwanted sexual contact. It is our job to create safe, open lines of communication to encourage access to support, sexuality information, and sexual health services.

Many people think sexuality education is focused on sexual education, but it is more than teaching about sexual activity. It should be an ongoing process starting early and covering basic body awareness, health information, communication skills, decision-making skills, and social skills. Educating students with and without disabilities empowers and educates students, professionals, and parents to gain confidence, comfort, knowledge, and skills to teach and talk openly about sexuality, which enables students with and without disabilities to lead sexually healthy lives.

[[Exhibit E](#) and [Exhibit F](#) were submitted but not discussed and are included as exhibits for the hearing.]

**Vice Chair Taylor:**

We will now close testimony in support of A.B. 357. We will open testimony in opposition and start here in Carson City.

**Erin Phillips, President, Power2Parent Union:**

We represent over 15,000 parents across the state of Nevada. I am also a mom of five kiddos. My organization has effectively mobilized and organized parents since 2015, this being one of our key issues. Assembly Bill 357 requires the implementation of expansive sexuality education. It grants the state power to decide on sex ed standards for the entire state—depriving parents and communities of local control—and changes the terms of parental permission for their children to participate.

Current law requires parents to sign a permission slip for their child to participate in sex ed. Our data, which was from the ACLU [American Civil Liberties Union] from 2015, said that 95 percent of those permission slips statewide were being returned. Assembly Bill 357 changes this opt-in process by requiring the parent to go online, as you heard, and opt out. But if a parent fails to do so, the student will be required to participate. It makes it more difficult for parents to provide meaningful, informed consent. Also, if it passes, the state—not the local school boards—will establish academic standards, which will require specific topics to be addressed and also determine the age at which a child should be exposed to that information.

If the state sets sex ed standards, communities and families will be deprived of local control when it comes to sex education curriculum at their schools. Parental control would be significantly diminished in this important aspect of their child's education. The current law requires a health teacher or an employee to teach sex education. This law allows outside entities who are not accountable to parents—like Planned Parenthood, which was not mentioned earlier—to teach sex education at school.

In 2017, Governor Brian Sandoval vetoed Assembly Bill 348 of the 79th Session, which as you heard, was a nearly identical bill to this one. Parents lobbied hard to defeat it. His reasons were just as instructive then as they are today. He states:

Finally, without a doubt, the policy changes . . . involving sex education are ones that should be determined by parents, educators, and education policymakers at local school boards. These environments invite and include optimum discussion, debate, and decisions for the children who attend the schools in those neighborhoods . . . . But a uniform, one-size-fits-all approach to sex education would be ill-advised, and these policy changes, if made, should be made at the local level.

I would like to point out one more important issue and remind the Committee that Nevada remains at the bottom for educational outcomes. Only 26 percent of our third through eighth graders are proficient in math. Less than 40 percent are proficient in English. I think we should make sure we are educating our children instead of expanding graphic sexuality education. For that reason, we oppose A.B. 357.

**Janine Hansen, State President, Nevada Families for Freedom:**

This has been a long, ongoing battle in this Legislature, even before 2013. We continually see the same kind of issues come up. This is anti-family, anti-parent, and antidemocratic. On page 3, lines 23 through 26, this bill eliminates the necessity of a local committee: "The course or unit of a course of instruction must comply with the standards of content and performance for a course of study in health established by the Council to Establish Academic Standards for Public Schools . . . ."

Previously, local sex education advisory committees determined what the curriculum would be. You heard some of the testimony on that previously. This is because local parents have input. They can talk to their school board. They can even go to the sex education advisory committee and discuss with them what they want in their own local schools. This bill makes them irrelevant, because the standards will be set by the state. We believe the government that governs best is closest to the people, and this sex education advisory committee has allowed parents to be involved.

Every county is different. I live in Elko County. I started out in Washoe County. Every county is different and has different needs, priorities, and feelings of their parents. We should not take away the important input local counties will have, but this bill does, because it deprives them of being relevant.



One of the other things we continue to oppose is changing from opt-in to opt-out. Parents need to be recognized. This undermines parental involvement and consent.

A third issue we have is the part on page 5, line 26 that provides for a "provider of health care," or another person who would be teaching this instead of a school nurse or a teacher. The reason that was put there in the original law was because—we knew, and it has always been the case—Planned Parenthood has been promoting this bill. Their lobbyists have, over the years, promoted this bill. They want to be in the classroom, to mine the classroom for clients. They want to be in the classroom to promote their philosophy, which is certainly of concern to many of us who are concerned about the philosophy they would have. Another issue in this bill is that the students will be able to locate and access reproductive health services without limitation. What does that mean? Well, they are going to give them Planned Parenthood's address so they can get contraceptives, abortions, or whatever it is Planned Parenthood is promoting.

We also have concerns about using instructional methods and materials for issues that essentially undermine the traditional family, including gender identity, expression, and sexual orientation. We are concerned about that being promoted in the bill.

The reason we have concerns about the two students is because we think adults, who have far more information, experience, and a hand in the game should be making the decisions as to what our children learn in the classroom. This bill allows two students to be appointed on the local committee and for them to vote. We feel this once again undermines parental consent. It takes away local control, and it is antidemocratic and anti-family. We encourage you to oppose this bill.

**Richard Nagel, Private Citizen, Carson City, Nevada:**

I support everything Janine Hansen said. I think she is spot-on. The other thing I have to make a comment on is "evidence-based." "Evidence-based," a lot of times, can be subjective. It depends upon which sources are used. None of that is stated here. People did not name or state their sources for their information or where they are getting it from so we could make a logical choice on this issue. We can cloud the issues with a lot of ideas and thoughts. One person will say, Yes, that is right. Another person will say, Hey, this is something different.

We cannot come to a consensus if we do not know exactly what they are teaching. We need to get something better than "evidence-based." We need to know exactly what it is. Until we know exactly what it is, we cannot vote for this, because it will be the whim or the flavor of the month, because that will be what statistics tell them at that month, at that moment. We have to get away from that. We need hard facts and things that are done in black and white so we can make an objective choice on the matter. This is why I am in opposition to this bill, because I do not believe there is enough definition of what it is supposed to accomplish.

**Melissa Clement, Private Citizen, Reno, Nevada:**

While I graduated last year as a school parent, I still have such feeling for this issue. Madam Chair, it is good to be in front of you again talking about our favorite issue. It feels like old times.

**Vice Chair Taylor:**

Platinum member.

**Melissa Clement:**

Exactly. I am here in opposition to A.B. 357 for the following reasons. First of all, I believe it is important for parents to be involved in the process. Making decisions concerning education should rightly be made closest to home so parents have an active voice in policy-making. Making decisions at a state level does not take into consideration the very real differences of our communities of interest. Janine Hansen already mentioned that. Then, opt-in versus opt-out is essential. Every child is different. I have three children, and each was ready at a different time to discuss these very sensitive topics. All three of them went to school in Washoe County. We did every single variety of education you can imagine. I had homeschool, I had private school, and I had public school. For two of my children, I opted them out, because I felt it was not good for those two.

I did opt in the third, because we had long discussions about whether or not that child was ready. This child told me, Absolutely, I am ready; you have to trust me—so I let that child go through. To this day, that is one of the biggest mistakes I have ever made, because I had a sex ed teacher who told them they did not know anything about abortion and did not know anything about whether or not it is a human child. The teacher told this child to stop talking and actually sent them to detention for speaking out after they were told, This is a safe space; we can talk about whatever your questions on sex and gender are. To this day, I cannot tell you how much damage that did to our family. It is hard for a child to stand up to an authority figure. Quite honestly, it is hard for a child to grow up as the child of a right-to-life advocate. This kid got to see their mom disparaged all over the place and then felt like they needed to fight the fight at school. They never told me until right before graduation. This is pretty sensitive to me, obviously.

I want you to vote no on A.B. 357, but I wanted to point out this grid right here [[Exhibit C](#)]. Please look at what it says for middle school. The very last thing on page 21 is, "Identify the laws relating to pregnancy, abortion, adoption, and parenting" [page 21, [Exhibit C](#)]. In the state of Nevada, a child as young as eight or nine, if they are old enough to get pregnant, is old enough to go get an abortion without a parent even knowing. Basically, what you are saying here is, We want to make sure children in Nevada know that. Now, please tell me, what is a good situation where an adult who is not a child's parent takes them to get an abortion? It is almost never a good one. Every once in a while, it is something like a Romeo and Juliet thing, I get that. But when it is a 35-year-old man, I think it is a bit different. Please take this into consideration. Also, there are thousands of parents who feel just like me, but who do not feel comfortable enough coming in and giving their testimony.

**Vice Chair Taylor:**

We have about ten minutes left for opposition to balance it out. We have a few people here, and we have a few people in Las Vegas. Then I do not know if we have anyone on the phone lines. If you can be concise, I appreciate it, because we want to hear from everyone.

**Lori Johnson, Private Citizen, Carson City, Nevada:**

I oppose this bill. It would lessen the parents' involvement in their child's sex education. This bill is taking control from current curriculum without accountability to the public and removing teachers and school nurses to assist in the help of the children. It also provides health care such as Planned Parenthood without an unlimited subject, such as reproduction, reproductive services, and gender identification.

**Joy Trushenski, Private Citizen, Carson City, Nevada:**

Please vote no on A.B. 357, which removes control of sex education curriculum from local sex education advisory committees under the elected school board and gives it to an appointed and unavailable Council to Establish Academic Standards for Public Schools. This greatly limits parents' participation in this matter. I oppose the change from opt-in to opt-out, in which many times parents are not notified of the opt-out requirements. Also, this bill allows outside people to teach in our schools, who could be people with an agenda, like people from Planned Parenthood pushing abortion.

I oppose teaching sex education to third graders and even fifth graders. They do not need to be subjected to discussing sex in an explicit manner. Also teaching sex education in a secular way is wrong. I do not want graphic, pornographic sex education taught in our schools. Please vote no on this bill. Parents have a right to be involved in the sex education of their children.

**Casey Rogers, Private Citizen, Minden, Nevada:**

Vice Chair Taylor, I want to thank you for always listening and paying attention when people are speaking. I have always appreciated that about you. I have a real problem with this local control thing, because what happens down in Las Vegas does not happen in Douglas County. I walk down the streets in Las Vegas, and I have seen naked women with their bodies painted. In Douglas County, that would never fly. When you are going down the road with your families, it is a different situation than when you are coming down here.

Also, I have been to almost every county school board in this area, in the north, and I have been online in the south. I have seen when parents are showing up and when they are not. Parents are not showing up, and I feel like they are busy; most of them are working. I feel like that is being used against us. Our voices are not being heard. They are our kids, and when it comes to sex education, I believe it is our choice. I would like to be able to view what is being taught to my kid when it comes to sex education.

**Betsy Stasburg, Private Citizen, Carson City, Nevada:**

I have been involved in the Family Life Committee in Carson City. The composition and the process already exist under NRS 389.036. Why reinvent the wheel? I am glad two people

spoke out from the Carson City Family Life Committee, because they would have told you the school implemented the course material recommended by the Family Life Committee without the approval of the school board. That only came to light when the parents got involved. One of the instructors was not vetted, and that also came into light when the parents got involved. We need the Family Life Committee or equivalent to be accountable to the parents, the school board, and the advisors, not an amorphous, outside body. We need specific approval from parents, opt-in, which is accomplished through the registration process in Carson City.

**Vice Chair Taylor:**

We are at five minutes. We are going to go to Las Vegas. If you can keep your comments to a minute, we have a few callers as well.

**Pauline Lee, Private Citizen, Las Vegas Nevada:**

I am the mother of four children. I am also a former president of the parents' association for the middle school. However, today I testify on behalf of myself. Sex education covers a very broad and controversial subject matter, subject matter typically reserved for parents and families. Parents and families are and should be responsible for deciding what constitutes sex education for their children, not an institution or a Big Brother. An opt-in policy will require teachers and educators to set forth a standardized curriculum and syllabus and to be specific on how they intend to present the sensitive subject matter. Often policies will result in parent engagement and parent empowerment, which is always a positive phenomenon. Often policies require parents to take the time to talk to their students and review the content and the syllabus themselves. The problem with opt-out policies is that it enables lazy parents, and for them to not ask questions of their teachers or to talk to their own students. We need to encourage, not discourage, parent involvement in our school communities. Please vote no on A.B. 357.

**Susan Proffitt, Director at Large, Nevada Republican Club:**

I would like to ditto everything that Pauline Lee said. The previous speakers in Carson City all had an awful lot of good information. I hope you were listening and take some of their advice—starting with the fact that we parents do not want to coparent with the government. When the government gets involved, things tend to go wrong. Ultimately, the parent is legally responsible for their child, and we would like to have an input on their education.

I would like to tell you a short story about a situation with my family. We were warned my step-grandchild-in-law may be gay. My stepson called and let us know before they came to visit. This was when he was in elementary school. Several years later, we got a call letting us know he was not going to be transgender, that he now had a girlfriend. These things happen too young. I do not think we should be having people outside of our family influencing our children in a sexual way. To me, it seems like they are being groomed, and that should not be happening.

**Vice Chair Taylor:**

I am going to have to ask you to bring those remarks to a close, if you would. Can you wrap that up, please?

**Susan Proffitt:**

Excuse me, I only had one minute and 36 seconds, and you interrupted me when I had half a minute left. Since you do not want to hear what I have to say, I am going to say goodbye.

**Leslie Quinn, Private Citizen, Las Vegas, Nevada:**

I oppose A.B. 357. Why are legislation and schools not focused on teaching civics, music, finance, cooking, reading, writing, math, social studies, sports, art, or science? This is what our schools should be focused on. Assembly Bill 357 threatens the future of our children and grandchildren by encouraging sexuality starting at Grade 3. It strips our children of their innocence and places a burden on them that is too heavy for a third grader—seven years old—to bear. Nevada is seventeenth in teen pregnancy, yet A.B. 357 starts with third graders. On page 3, line 22 through page 4, line 42—why would a third grader need to know how to avoid pregnancy or sexually transmitted diseases, for starters? Just because teens are sexually active does not mean the entire school population is. This sounds more like grooming than education. This is not informed education or health. Assembly Bill 357 encourages the exploitation of our children.

This type of education is better left to parents who in most cases love them more than any educator or government entity would. It is a shame parents do not only have to be concerned with sex trafficking in the outside world. Now the public school system will be promoting the grooming of our children and the likes of A.B. 357. It bites like a viper and stings like a bee that this type of education will not protect our youth. I am a mother of five and a grandma. This is never something I would want for them to learn in school, at least until they are 16 or above. Legislators, I beseech you, listen to your constituents, calls, and emails, not those of special interest groups, agendas, or ideology. They are the ones who elected you to be their voice, not just your own. We are not raising our children to be pimps and prostitutes. What is next? Legalizing pedophilia? Please oppose A.B. 357.

**Vice Chair Taylor:**

We are several minutes past the 20 minutes we allocated, but we do want to catch those who are on the telephone, if we do have a couple of callers. We will go ahead and take those for opposition. Again, if you can keep your comments concise, we are looking for no more than a minute.

**Catalina Collinsworth, Private Citizen, Las Vegas, Nevada:**

I want to testify against A.B. 357, because I do not think the government is the personal. We make the decision as parents if we want to teach them or not. For us, this is grooming. No to A.B. 357.

**Katrin Ivanoff, Private Citizen, Las Vegas, Nevada:**

I am from Assembly District 42. I want to ditto everything that everybody said before me. I want to point out that when Assemblywoman Bilbray-Axelrod was presenting that bill, she giggled, and she said, Oh, you know—she did not even want to say what was going to be taught in schools in front of the adults who are going to be voting on that law. She was embarrassed to say what is in there.

**Vice Chair Taylor:**

I am sorry, we will not have personal attacks. If you would like to comment on the bill, we certainly welcome those comments.

**Katrin Ivanoff:**

I am sorry, this is not a personal attack; this is a statement of fact. She did not specify what is in the bill when she presented it. She said, You know what I mean. If she cannot specify it, if she is embarrassed to say it in front of adults, how is this content good for kids? This is my question. Also, if we start naming bills with the rightful name, this should be called the grooming bill. It probably would have never seen the light of day to be listened to if we started calling bills what they really are. Please vote no on the grooming bill, A.B. 357. Please listen to the constituents.

**Theresa Degraffenreid, Private Citizen, Minden, Nevada:**

I am representing myself this evening, as a resident of Douglas County, Nevada. Assembly Bill 357 seeks to take away the ability of local school boards, who are most accountable to parents, to set the sex education curriculum and determine the ages that are appropriate for this information. Instead, the state will set a one-size-fits-all curriculum. In addition, it will require parents to opt out in place of the current opt-in system.

We know from testimony on other bills in this session that the goal of this Legislature is to promote a statewide agenda that as many as half of Nevada parents oppose. Local control allows Nevada parents to direct local school boards to set curriculum that aligns with their values. Assembly Bill 357 does not require that these subjects be taught by a teacher or even a school district employee, but rather, specifically allows these subjects to be taught by strangers with ulterior motives from outside the school system.

In 2017, Governor Sandoval vetoed A.B. 348 of the 79th Session, a bill identical to this one, that parents lobbied hard to defeat. His veto message stated the reasons this is a bad idea, but these reasons are just as valid today as they were at that time. Do not circumvent local school boards and parent involvement with this bill. Please oppose A.B. 357 to protect Nevada families and children.

**Lorena Cardenas, Private Citizen, Las Vegas, Nevada:**

I strongly oppose this bill. When a California school district began using a Planned Parenthood lesson plan, students were prepped with questions such as, Is it okay to masturbate? What does semen taste like? It promoted terms such as "people with a penis" and "people with a vulva." Here in Las Vegas, my group, My Children's Advocate, engages

daily with parents, many of whom are your constituents. They are appalled and outraged by this progressive approach to sex education. Many, such as I, have resorted to homeschooling. Private conversations such as these should be had under parental discretion at home. It is not for the government to decide what is appropriate, and of course, these topics are not appropriate in a classroom setting.

Also, the Planned Parenthood curriculum is based on Advocates for Youth, which teaches and instruct kids to become activists for Planned Parenthood. It is a dirty scheme; it is all a dirty scheme. It is to maintain the profitable market of baby organ trafficking. It keeps Planned Parenthood in business. We parents see it for [inaudible], and we are pleading with you to please stop. Pump the brakes on this progressive ideology that is corrupting our children.

**Alida Benson, Executive Director, Nevada Republican Party:**

I am testifying in opposition to [A.B. 357](#). The sponsors of this bill seem to think they know what is better for Nevada's children than the parents of those children. This bill is an attack on parental rights, attempting to usurp the role of discussions parents should have with their children on health and sexuality and instead bring strangers with ulterior motives—who do not work for the school district and are not accountable to parents—into a school to have these discussions. What is "sexuality education," and why would adults discuss it with minors? This bill seeks to replace fact-based discussions on the human reproductive system with a vague discussion on sexuality with children too young to legally consent to sex. If that makes you feel uncomfortable, it should, because it is wrong. The government should fight to protect the rights of parents, not try to erode the nuclear family.

Section 2, subsection 2, paragraph (c) is particularly disturbing, with the phrase, "provide equally meaningful instruction to pupils regardless of their level of sexual experience . . . ." Why would adults be talking to minors about any level of sexual experience? Why would it be happening in public schools? In Clark County, an elementary school principal was busted in a sexual predator investigation by the police. It seems like there should be more focus on keeping predators out of our schools than discussing sexual experience with minors who cannot consent to sex. This bill further attacks the rights of parents to decide and direct their child's education by changing what would formerly be known as sex ed to an opt-out procedure and making it harder for the parents to do so. There is no required mailing, but an obscure online form they would have to complete. The current system works. Parents have repeatedly demanded the right to only have opt-in sex ed. Respect what your constituents want and not what your donors requested. Please vote no on [A.B. 357](#).

[[Exhibit G](#), [Exhibit H](#), and [Exhibit I](#) were submitted but not discussed and included as exhibits for the hearing.]

**Vice Chair Taylor:**

We went over several minutes for opposition. I want to make sure I am being fair and balanced in this. If there is anyone who did not get an opportunity to comment in support,

we will go ahead and take that now. I do not want to miss anyone. [There was no one.] We will go to neutral testimony on Assembly Bill 357. If there is anyone here or in Las Vegas who would like to testify in neutral, please come forward.

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

I am here in neutral. According to the Clark County School District legislative platform approved by our CCSD board of trustees, we do support an opt-out provision for any legislation related to sex education. In response to a question that was posed by Assemblywoman Hansen, if that is okay, I want to highlight that documents and resources on CCSD's delivery of sex education content standards can all be found on the CCSD website. It has information and bylaws on the Sex Education Advisory Committee, the operational guide for K-12 curriculum development, materials, review request form, fifth-grade growth and development units of instruction, and K-5 curriculum objectives. Those are all available, and anyone can access them online.

**Vice Chair Taylor:**

I will add, you can find the same online for the Washoe County School District—and maybe other districts across the state. Is there anyone else here for neutral testimony on A.B. 357? [There was no one.] Is there anyone for neutral testimony on A.B. 357? We are going to welcome back the bill sponsor. Do you have any closing remarks?

**Assemblywoman Bilbray-Axelrod:**

I would like to thank everyone for coming out. This is obviously something people feel very passionate about. I would like to thank the opposition; I think for the most part, it was very respectful, and that is what I like to have in my Committee. I also wanted to point out that those kids are lucky. They have parents who are active in every day of their lives, clearly. That option to opt out—absolutely.

I brought this bill, as I said, in 2019. I kind of worked in a silo, other than working with health care organizations, because I really wanted this bill—which is the same bill—to come from an evidence-based place. Evidence is the same thing as hard facts. One member of the opposition said we need hard facts instead of evidence, but that is the same thing, and that is truly the intent of this bill.

Another thing that came up was that the advisory committee would no longer be relevant. This bill absolutely makes it relevant. It actually increases the size by engaging those students. The specific wording in section 2, subsection 3 is, "Each board of trustees shall appoint . . . ." We were trying to make this local, and I have had several conversations with people over the years about changing that language so we would include someone from the religious area as well, such as a priest, because not every kid is the same. I know that; we all know that.



Parents do know what is right for their kid. If you do not think this is appropriate, by God, opt them out—but for those other kids who are not lucky enough to have a parent who is active in their life every day, let us give them every chance we can. Let us give them that chance.

I will end with one thing, because it always goes back to this: Millions of dollars a year can be saved in Nevada. It shows that the public cost of teen childbearing in Nevada in 2008 was \$84 million. It is a lot of money.

I appreciate the opposition, the folks who came and talked to me, the folks who called in, and that student who called in and spoke so eloquently. The last thing I will say is, it came up that the state would start making standards. The state does make standards. I got this from the website of the Department of Education. We do that. These are in the *Nevada Administrative Code*. This is what the state is using. My bill does not do this. It is already there. I gave you pages 20 and 21 [[Exhibit C](#)]*—that is already happening. That is all I have to say.*

**Vice Chair Taylor:**

I would concur—thank you to all who shared their comments and called in. I rushed as we got towards the end to get everybody in.

Also, there is a request, Assemblywoman Bilbray-Axelrod. Assemblywoman Thomas would like to be added to your bill as a cosponsor.

**Assemblywoman Bilbray-Axelrod:**

I am happy to do that. We actually have a lot of people—the bill got in on deadline day, so we turned it in with very few sponsors, but there are quite a few of you. I know who would like to be on and am happy to have you.

**Vice Chair Taylor:**

We will have a brief recess while the Chair comes and resets [at 3:25 p.m.].

[Meeting reconvened at 3:26 p.m.]

[Assemblywoman Bilbray-Axelrod reassumed the Chair.]

**Chair Bilbray-Axelrod:**

As a reminder, we have to be down on the floor in an hour and 20 minutes for Senator Cortez Masto. Are you ready, Assemblywoman Miller? Fantastic. We will open the hearing on Assembly Bill 269.

**Assembly Bill 269: Revises provisions governing education. (BDR 34-123)**

**Assemblywoman Brittney Miller, Assembly District No. 5:**

I do not know what I did, but I certainly cleared the room. We will try to get through these in the next hour and a half. There must have been something very light and fluffy going on in here before I arrived.

Today, I am presenting Assembly Bill 269. Before we get into the bill, here is little bit of background. We routinely ask a tremendous amount of our teachers. This does not include all the work that goes into the actual classroom operations and learning. I can attest for myself, when I taught fifth grade, that lesson planning alone was 8 to 12 hours a week. That is in addition to grading; instruction; helping students socially, physically, emotionally, and academically; parent meetings; staff development reports; reports; reports; and more reports. It often feels like we spend more time writing about teaching than actually teaching, but I am sure you have all heard an earful already this session.

We also pack teachers' workloads with statutory, regulatory, and policy requirements, which also takes up more of their time and attention—not to mention the extensive, enormous amount of standardized testing we expect teachers to administer regularly throughout the year. Frequently, we do not find opportunities to reward teachers for doing all this work or have our actions speak louder than our words when it comes to supporting and trusting teachers, especially those who go above and beyond.

I want to add that much of the work we are talking about is also done unpaid. It is done after contract time, when teachers are not getting paid. Imagine if we simply paid teachers for the actual hours they work. It is critical we examine the current work we expect our teachers to shoulder and discuss options for making that workload more manageable. A few summers ago, as part of the Council of State Governments West, on the education committee, there was the chair of the Senate education committee, either from Wyoming or North Dakota—I want to believe it was Wyoming. I will never forget what he said in committee. He said, Every year we legislators get together and talk about how we need to take things off teachers' plates, and every year we go into session and put more stuff on teachers' plates.

Assembly Bill 269 focuses on one of the things on teachers' plates, and that is teacher evaluations. Assembly Bill 269 makes changes to the current evaluation structure to better support and benefit teachers, specifically our experienced, productive, veteran teachers. The bill does make several changes to the process. I know no one has been in the Assembly this long, but since I came into the Assembly, and in the past decade, the teacher evaluation system continues to be a consistent issue. That is why every year you see bills presented in front of you dealing with the teacher evaluations. With that, what you often see is the challenge of the overall inconsistency in its administration and holding teachers accountable for what they have absolutely no control over—again, a decade of this. A huge part of the frustration also comes from the time it takes to administer. It is an excessive amount of time for both the teachers and the administrators.

First, this bill specifies that if a postprobationary teacher—that is someone who, after their third year of successful evaluations when they first begin teaching—has an overall performance as "effective" or "highly effective" for two consecutive years, that teacher is given the option to request, rather than be required, to participate in an observation and evaluation cycle during the following year. If a teacher does make such a request, that teacher may receive one evaluation upon their own request, based in part on the observation cycle. Currently, this is law for those who score "highly effective," but it will actually include those who are "effective."

Furthermore, Assembly Bill 269 makes clear that an administrator may not directly or indirectly threaten, intimidate, coerce, compel, or take similar action to require a postprobationary teacher to participate or not participate in an observation or evaluation in such circumstances. I know that may seem like strong language to use, but again, as I believe you have heard this session, those are the words we need to use, because in some cases, those are the environments we are working in. Administrators also may not perform an observation or evaluation without the consent of that teacher that year.

Finally, the bill specifies that a teacher must receive one evaluation in the second school year following a consecutive designation of "effective" or "highly effective." What that means is, it would be two years of "effective" or "highly effective," one year off, and then the cycle starts again. Again, the choice is also given to the teacher, because they may, for a variety of reasons, want an additional evaluation.

There were two proposed amendments that were submitted for this measure [[Exhibit J](#)]. One seeks to remove the use of student learning goals from teacher evaluations. This has been a continual issue and struggle for teachers. Such metrics can no longer be conducted or counted in evaluations.

Also, while this measure takes effect July 1, the second proposed amendment [[Exhibit J](#)] would also make this retroactive for the last two years for any teachers who have been employed in Nevada public schools and gone through evaluations. Obviously, it does not help our current teachers if they do not see relief immediately.

This bill offers an opportunity to reward our hardworking teachers for positive evaluations. Such an approach not only helps mitigate their substantial workload, but also shows our teachers we value and appreciate the good work they are doing in our classrooms—often in the most counterproductive environments and working conditions. It also shows we understand the immense workload, and we are listening to them. At some point, we truly have to start listening to and trusting teachers. We know teachers reflect on their practice daily, often hour to hour, class to class, and day to day. Teachers hold themselves to high levels of accountability, often blaming themselves for all the things they do not have under their control, staying up late at night worrying about every single decision they made and the impact it has on our children.

Most importantly, teachers are professionals. They do not need this process to keep them on their game, keep them reflecting, or keep them providing the highest level of instruction possible. No teachers are going to start slipping. No one is going to say, Yay, we get a year off. Instead, they will have one less major thing to worry about, one less issue stealing from much-needed instructional time for our students and planning time for our teachers. It gives our students a break, because they will not be required to take yet another test multiple times throughout the year. What are the Student Learning Objectives (SLOs) in Washoe County and Student Learning Goals (SLGs) in Clark County? They are another test our students are expected to take, taking more instructional time away and putting more anxiety and apathy on our students.

With that, I urge your support of Assembly Bill 269. I am available for any questions.

**Chair Bilbray-Axelrod:**

We have a question from Assemblywoman Mosca.

**Assemblywoman Mosca:**

Can you tell us what the other tiers are? There is "highly effective" and "effective." Then I have a question after that.

**Assemblywoman Miller:**

That is an excellent question. It has changed a few times—"developing" or "unsatisfactory." It would be on a four-point scale, which as you can see, I am not familiar with.

**Asher Killian, Committee Counsel:**

You are very close: "developing" and "ineffective."

**Assemblywoman Miller:**

Before we go further, let me add that this bill does not change any of the current procedures or processes for teachers who are still "developing" or "ineffective." It does not change anything for probationary teachers either.

**Assemblywoman Mosca:**

My question is, is it your intent that principals and administrators would then have more time with "developing" or "ineffective" teachers, because they are not with "effective" or "highly effective" teachers?

**Assemblywoman Miller:**

Absolutely. Again, this is a challenge for not just principals, but administration. I will say "admin," because in the schools, who is considered administration would be your principals, your assistants, vice principals, deans—I know we use different terms. That is the admin team, and all of them are supervisors. It takes an enormous amount of time. You are looking at 52 indicators, all the time they have to spend observing in the classroom, all the things the

teachers have to get proof of that the admin has to see and document, and then, of course, the writing up of it. Do not forget, there is writing the teacher has to do that happens even before the evaluation.

I have had principals tell me, straight up, that because it is so exhaustive compared to the previous format of about a decade ago, they do not have time to spend coaching those teachers who really need that development or help. They do not have time to help those who are really struggling, or, in some cases, those who need to be coached out the door, as the term we use—those for whom this really is not the right profession. Yes, it would allow more time across the board for teachers to actually get to the work. Also, again, anything that relieves our student of one less test is also a win.

**Assemblywoman La Rue Hatch:**

The number-one thing we can do to retain our teachers and boost our morale is to trust them and take something off their workload. For my colleagues who do not have to do these SLOs or SLGs, I would like to give a metaphor: It is like if I was a firefighter, and I had to write an essay before I went to go fight a fire. Midway through fighting the fire, I had to write an essay about how it was going. Then after I fought the fire, I had to write an essay about how it was going. That is essentially what SLOs and SLGs are. I think it takes a lot of time away from our students, as you mentioned, so I appreciate your bringing that.

My question is about the observations. We have talked about how the third year is supposed to be a break for the "highly effective" teacher, because they have clearly shown they can teach and are doing a great job. It is not that way currently, right? Currently, they still have to do a preconference. They still have to do a postconference. They still have to do all these write-ups. I wanted to clarify on the record that none of that paperwork would be required at this point. You would have the two years of full evaluation, and then the third year would be truly time to focus on your own teaching. Is that correct?

**Assemblywoman Miller:**

Yes, that is correct according to my understanding. Mr. Killian and I worked to make sure the language reflected that, because to say you just do not have an evaluation is not enough if you are still going through this entire process. Last session, this body passed Assembly Bill 57 of the 81st Session, which said you did not have to do that. Teachers would have a one-year break from SLOs and SLGs. I am glad my fellow Washoe County teachers got to enjoy that.

Instead, in Clark County we still did SLGs. What they based it on was, they just said they do not count, but we still had to do them. We still had to do the writing. Our students still had to succumb to that. We did it, and it did not count for anything except for in some specific cases, like some of our Victory schools, where it was tied to additional salary. That was the loophole. I wanted to make sure it was not something where you still go through this process for nothing.

**Assemblywoman La Rue Hatch:**

Thank you for walking us through that, because it is important we know that. I want to confirm, if a teacher is "effective" or "highly effective," then we do not need to worry about those teachers having this year off, right? I think some people's concern is, What if they are suddenly bad at teaching? Can you walk us through how difficult it may be to actually get "effective" or "highly effective" and what kind of teaching you have to be doing to get that?

**Assemblywoman Miller:**

I did not come in with the dog and pony show as I could have. I will allow everyone to go on the Nevada state education website and the NDE [Department of Education] themselves. It is extensive. It is literally about 30 pages of things we are reviewed on. There are 52 indicators. It takes multiple observations and multiple meetings. They are all the things we have to prove or demonstrate are happening in our classroom. There are some things we have control over and some things we do not. It is always fascinating to be judged on how you rearranged your classroom's physical space when you have 45 or 50 kids in a room or a portable. It is intensive. Often, it is not just one proof; it is often two and three levels of proof to document that you did something or not. Every teacher will say that like anything else, when you have the magnifying glass on you, there is a different level of anxiety.

The real magic in teaching happens when it is unplanned and unexpected. It is organic, intuitive, and natural. There are moments where you see the light bulbs going off in kids' heads, or the excitement, or the energy is so high. It seems like your admin is never around for that. Your admin is always walking in on disasters—you know, kids puking, technology going out, and stuff like that. Most admin do understand and appreciate that, but it is very intensive. It is not a checklist. Even as a professional myself, I never received evaluations like this. I really never received evaluations at all; I just always got promotions and raises without evaluation. One evaluation I recall from before becoming a teacher was when I walked in and the CEO said, Oh, here is your evaluation. I looked at it, and he said, Yes, it is all fours; just sign it and move on. However, here, we have a legislated evaluation, which is remarkable because I cannot think of anyone else's that is legislated.

I would like to add one more thing about the observation. This does not in any way keep admin out of the room. This does not mean you cannot come in my classroom. We encourage admin to stop in, interact with the kids, and see what is going on. It also does not exclude admin from still coaching staff if there is an issue of correction or development that needs to be addressed. It is just taking this heavy lift off both our plates.

**Assemblywoman Anderson:**

You brought up the exact best thing about being an educator. Those are the days you cannot plan. I also want to bring forward that a number of years ago, I was literally evaluated when I was doing the book for a basketball game, because the administration could not figure out when they could come into my classroom. I really appreciate this language being brought forward and the opt-out availability. Me doing the book for a high school basketball game had nothing to do with what I could do as an educator, yet I was literally evaluated on my

ability to connect with students, because I was helping out with an activity. I wanted to bring that up so people were aware of how difficult it is for administrators to get into all of our classrooms.

**Assemblywoman Bilbray-Axelrod:**

We need those real-world examples for sure.

**Assemblywoman Taylor:**

To my colleague, I hope she got the book right, because in basketball, that matters. I am sorry to hear you did not get to take advantage of the Washoe County School District bill that was intended to give you some relief.

I want to make sure I have my arms around this. This is what would happen: I am a teacher, and I get a great evaluation—"highly effective"—two years in a row. Next year, I can request an observation if I want to have an observation, but I will not have an evaluation that third year, right?

**Assemblywoman Miller:**

Correct.

**Assemblywoman Taylor:**

The fourth year, I would have an evaluation.

**Assemblywoman Miller:**

The fourth and fifth, yes.

**Assemblywoman Taylor:**

Oh, so two years in a row. Okay, I missed that piece. In a nutshell, that is what we are saying. Of course, there is what you said at the very end. In section 1, subsection 4, it says there is no threat, intimidation, or anything like that if I say, You know what? No, I do not want an evaluation in the third year. That cannot be held over my head, if you will.

**Assemblywoman Miller:**

Correct, and again, it would include "effective" and "highly effective."

**Assemblywoman Taylor:**

Yes, for both of those categories.

**Assemblywoman Miller:**

It includes postprobationary.

**Assemblywoman Taylor:**

Okay, great, I got it.

**Assemblywoman Bilbray-Axelrod:**

With that, we will have you sit back, and I will invite folks to come up in support of Assembly Bill 269. We will start here in Carson City. I am not sure if there is anyone in Las Vegas. I know we are losing Las Vegas soon—I do see a couple of people, and it looks like you are leaving.

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

The Nevada State Education Association has been the voice of Nevada educators for over 120 years. I am in support of A.B. 269 to allow postprobationary teachers to request an observation and evaluation in the third year after two consecutive years of being rated "effective" or "highly effective." We are also very happy about the amendment to remove student data from teacher evaluations [[Exhibit J](#)]. We think it greatly strengthens the bill, ensuring that teacher evaluations are fair measures of their performance. In previous sessions, we have submitted reams of paper on this topic, but I will leave our public testimony at that today.

**Laura Ellis, Private Citizen, Reno, Nevada:**

I represent the Washoe Education Association. I am an experienced geologist with a master's degree in geology and a strong career background in mineral exploration, mining, and geochemistry. I switched careers about eight years ago to follow my childhood dream of becoming a teacher. Luckily, my husband—also a geologist—and I were at a place in our lives where our finances were stable and his salary was high enough for our family not to sacrifice our standard of living. I could take a significant pay cut to follow my dream. As a sidenote, had I stayed in the same career path as my husband, my salary would probably be at least three times what it is today.

However, in my dream job, I teach eighth-grade science at Dilworth Middle School in Sparks. I love my school, I love my students, and I love my administration. I am happy to give my energy and my heart to my school community. However, the working conditions, the demands on teachers behind the scenes, and our salary are almost embarrassing to discuss with my geologist friends. Most conversations end with, Why not just go back to being a geologist? Well, that is because I am not ready to walk away from my students and give up my dream job when I have hope there are changes coming soon.

This bill regards SLOs and evaluations for qualified and highly qualified teachers. I appreciate that, as a highly qualified science teacher, I might soon have slightly less on my plate. Time is not in anyone's favor, so removing SLOs, which take each of us multiple hours, would be a lovely relief. Each year, I see teachers around me completely stressed because of SLOs. I no longer stress about them. I only become irritated and feel insulted. Does somebody, somewhere, who is deciding my performance actually think I am not going to assess my students with data meaningful to me for instruction? Instead of wasting hours of my time and hours of my evaluators' time sorting through the evaluation platform and completing extra paperwork, can I please spend that time creating meaningful instruction and assessments that make sense for my practice? Can we all agree that SLOs are just



another thing for us to do—a box to check—when we could be spending that time creating engaging lessons and thinking about how to best support our students? We could be freeing up hours for administrators to put their time into the teachers who would benefit more from their time and support.

At the end of the day, teaching is not about us. It is about our students and their success. The less paperwork and hoops we educators need to jump through, the more we can focus on our students—and focusing on our students is why we are all here.

**Assemblywoman Bilbray-Axelrod:**

We are so happy you pursued your childhood dream.

**Ryan Small, Private Citizen, Reno, Nevada:**

I am a member of the Washoe Education Association. I work at one of two Title I schools in the Washoe County School District as an English teacher. I have served this state, in Elko County and Carson City, as an educator for over seven years. I have a slew of credentials, endorsements, professional development, and the like, and I continue to hone my practice to better serve my students in my school. I am here today to talk about A.B. 269. During my tenure, I have never been recognized as a "highly effective" teacher on my evaluation, nor have I been given constructive feedback that is conducive to overall performance and success of the school and the student body on my student learning objectives.

This is a twofold problem. One, each year I have been observed in the classroom, both as a probationary and postprobationary teacher, my evaluations have been conducted from a different administrator each term. Every single administrator who has evaluated my effectiveness as a teacher has never had any knowledge of my content. None of these administrators have degrees in the field of education, nor have they had any experience of the pedagogy involved in the student body demographics and the needs of my students, yet they are required by law to rank and score my effectiveness. My most recent evaluation was conducted by an administrator whose only experience in the classroom before her administrative job was teaching kindergarten for one year—a person evaluating my performance effectiveness in accelerated and honors-level English courses.

Two, student learning objectives are widely inaccurate to the true academic growth of the student body and only bog down students who are already overtested. Often my own SLO data points have been dropped because of attendance and transient populations. Tests are naturally shunned by students because, well, they are tests. Mandating SLOs are a waste of already-deprived resources in schools.

Let me provide an anecdote. Imagine you are an incumbent politician who has served a decade. You know your constituents, have walked, worked, shared experiences, and struggled with them. You have vast experience and schooling required to understand the laws to better serve your population. You have poured your heart and your passion into campaigns that work for your constituents. Now imagine the Governor decides that your efforts need more transparency, since you are a state employee—by the way, we are the only

state employees that get evaluated like this. They stop by once in 184 days during the year—one time—to observe you for less than one hour while directly working with laws or your voters. The scale on this rubric is one to four, as previously mentioned by Assemblywoman Miller, and it has 52 indicators, all distinct from one another. This person or committee has no knowledge of your job description, who you are personally, what you stand for or believe in, or how you make an impact in the Silver State.

Do you think you would be evaluated fairly? What about accurately? Do you think less than an hour of time would do justice to your effectiveness and worth in your position? If you did not score well, your job could be at risk. If 3 of 36 constituents were unhappy or not growing or contributing to the community because of the laws you put into place, would you consider that merits for being reprimanded or terminated? This is why I believe the state should strongly consider cutting SLOs and changing the nature and criteria by which teachers are deemed effective, as it is a suggestive scoring criteria method.

**Calen Evans, President, Washoe Education Association:**

We represent the certified professionals in the Washoe County School District. I want to speak in support of this bill. There were a couple of things discussed here I wanted to highlight. What I want to start with is, we gave a survey to our members to start the school year. The survey was about, if you could choose, what was one thing that did not have a fiscal note we could take off your plate to help support you in the school system? We understood money was off the table. What is one thing we could do to best support you? Overwhelmingly, the survey came back from educators surrounding SLOs and student assessments. The amount of time and energy we are spending on assessments is significant. We come in here and talk in these committees, and a lot of these discussions—not this one—are centered around money. We know we have a finite amount of money, but we all understand and would agree teacher retention and recruitment is one of the top priorities of this state. Right here is something that can make a significant impact on the morale of a workforce that needs a boost more than anybody right now. Thinking about ways we can literally take things off their plate is exactly what we would be doing with this bill.

Assemblywoman Mosca spoke to the idea that this is not just about educators. We have a significant number of new teachers, probationary teachers, and if you talk to administrators, they will be the first to tell you they are as stressed to the max as educators are. They are overwhelmed with the amount of supports they need to bring toward their staff. Allowing that third year off would allow them to put a significant amount of time towards newer teachers or teachers who are developing and need more support. I think across the board, this is not just about teachers. This has a significant impact on administrators and our educators throughout the school.

**Chair Bilbray-Axelrod:**

We will now go to the phone lines for callers in support of A.B. 269.

**Steven Horner, President, Nevada State Association-Retired:**

I am a proud resident of Assembly District 8 and Senate District 11. I am a retired special ed teacher. This bill allows effective teachers the opportunity to have the time they need to educate, not to test. The most effective observations I ever had were those where I asked someone to come in—whether it was another teacher or an administrator—to help me with a certain problem, not one that was scheduled with all the ups and downs and extra paperwork that goes with that. This is a very important bill. This is going to help all teachers, all administrators, and all students, so I urge the support of A.B. 269.

[[Exhibit K](#) and [Exhibit L](#) were submitted but not discussed and are included as exhibits for the hearing.]

**Chair Bilbray-Axelrod:**

Can we get the next caller in support of A.B. 269? [There was no one.] With that, we will move on to opposition testimony in Carson City.

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

We represent over 1,400 Clark County School District (CCSD) administrators, of which nearly 98 percent are members. Site-based administrators recognize and applaud the efforts of educators to achieve the status of "highly effective." Strong leaders know with these educators, we need to simply get out of their way, remove unneeded barriers, and let them teach. The concern we have with A.B. 269 is restricting an administrator's ability to coach, collaborate, and provide meaningful feedback to educators evaluated as "effective."

The rating of "effective" has a large range. At the upper end of "effective," such as 3.3 and above, the skill level is extremely high. These educators simply need support and feedback regarding continuing improvement. However, educators at the middle and lower end of "effective" usually require more support and collaboration to help them continue to grow in their instruction. For example, a teacher can receive a score of one on three instructional indicators. Assuming they have threes on all other indicators, they are still considered "effective." In this example, it is obvious that this teacher would need consistent coaching, observation, and feedback to ensure impactful instruction is taking place. This is just one example of many different scenarios.

We ask that consideration be given to amending A.B. 269 to reflect the wide range of expertise when an educator is rated as "effective." Handcuffing administrators from providing meaningful feedback and observations will ultimately impact student outcomes.

If I may, I am married to a teacher. My daughter is a teacher. I love teachers. My wife is working weekends and nights preparing lesson plans. I know how hard they work, so it is not about that at all. It is about making sure the individual teachers that need the work are receiving it.

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

Clark County School District continues to prioritize discussions about accountability at every level of the public education system. I want to point out, during the 2021-2022 school year, 99.6 percent of CCSD educators who were evaluated received a rating of "effective" or "highly effective"—skipping the COVID-19 year. Looking at the 2020 school year, that number was 99.5 percent. By extending the third-year evaluation grace to all educators categorized as "effective" in addition to "highly effective," and with this amendment [\[Exhibit J\]](#) making it retroactive to the past two years, the evaluation system for teachers is essentially negated every third year.

In comparison to our student outcome data, it is clear that the Nevada Educator Performance Framework (NEPF) needs to be reviewed to better align with our expectations for student outcomes. It is also important to note this trend of 99 percent or more educators receiving an "effective" or "highly effective" rating. It will continue to persist as long as the status quo remains in relation to this framework. As with any performance evaluation system for any profession, ensuring this framework is understood as a nonpunitive coaching tool that can be leveraged to continue to strengthen an educator's craft is paramount.

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

First, I want to thank Assemblywoman Miller for once again focusing her time and attention on education. I am sorry to be in a position where we are opposing this bill but look forward to working with her. Oh my goodness, it was years of putting this whole evaluation process together. The idea is that it is a coaching model. It is to help teachers—even the really good teachers you have heard my colleague here talk a bit about. For teachers who are "effective," there is a wide range, and the coaching needs to continue so the teacher can be the very best they can. The fear with this is that with the additional year being taken off, the coaching is not happening. All of us can improve in what we are doing. I was a product of when there was no coaching attached to your evaluation process, and much like Assemblywoman Anderson talked about, it was, frankly, a joke. We have come a long way. Perhaps this needs to be tweaked a bit to make it a little easier for everyone. But the idea is to coach and mentor, and that is what this evaluation process was designed to do.

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

I would like to read a brief testimony into the record regarding [A.B. 269](#), which the Nevada Association of School Administrators is opposed to.

The Nevada Association of School Administrators essay believes administrators who provide ongoing, meaningful evaluations to positively impact student learning are critical to ensure teacher growth. Classroom teachers impact students' learning most. We are opposing [A.B. 269](#) because it is essential for school administrators to provide this ongoing support to teachers.

Administrators have a responsibility to address any issue that may impact student learning. The Nevada Association of School Administrators believes this language could be considered by some as punitive and does not provide principals with a fair opportunity to

address potential concerns. Principals are hired to, and are responsible for, leading all aspects of their school, most importantly, achievement gains of students. To solely prohibit a principal from performing an observation cycle or evaluation without the consent of a postprobationary teacher strongly lessens principals' responsibilities to which they are held accountable in order to support the students on their campuses and the achievement gains they are expected to deliver for students.

**Chair Bilbray-Axelrod:**

Would you provide those remarks to us?

**A.J. Delap:**

I certainly will.

**Chair Bilbray-Axelrod:**

Is there anybody in Las Vegas in opposition? [There was no one.] We will go to the phone lines for opposition.

**Alida Benson, Executive Director, Nevada Republican Party:**

I am testifying in opposition to A.B. 269 on behalf of the Nevada Republican Party. To paraphrase, there are lies, darn lies, and statistics. This bill is aiming to use misleading statistics to even further erode educational standards in our state. In 2022, in Clark County, Nevada, of the 15,269 teachers employed, only 11 were rated "ineffective." The worst county for education in one of the lowest-ranking states for education only had 11 "ineffective" teachers. Perhaps due to the great inflation affecting both students and teachers, the Clark County School District also decided to give the man overseeing this failure a raise. The bill sponsor says this bill would reward teachers who received positive evaluations while removing any requirement for evaluations and proposing they not be measured on the impact they have had on students.

Saying a teacher is "effective" if only 11 were rated "ineffective" district-wide, how on earth could anyone trust the grading system in our largest school district? Students have grade inflation in Clark County; they are not even allowed to get a zero. It sounds like the teachers might too. People respect what you inspect. Most people see their boss daily and receive evaluations monthly, or at least semiannually. Why would teachers be exempt from this very minimal standard of evaluation? This bill reduces transparency and accountability for teachers.

Our school systems are not underfunded. However, the administrators are certainly overpaid. Our neighboring state of Utah spends \$3,000 less per child annually and is in the top ten for reading achievement. We have an accountability problem endemic through our entire education system, which would only be amplified by this bill and its amendments [[Exhibit J](#)]. When CCSD has only 4 percent of African-American students proficient in math, we should not be lowering standards and evaluations for teachers. We should be raising them.

Every parent should be able to freely access the database where they can see any teacher's evaluation scores and metrics. They should be able to direct their child's education and in-demand, high-achieving teachers should receive merit raises—perhaps taken from the salaries of failed superintendents. This bill is the opposite of transparency.

Nevada's children deserve uncompromised legislators. A number of sponsors of this bill have conflicts of interest due to their concurrent employment within school districts, which is prohibited by *Nevada Revised Statutes*. We respectfully request they recuse themselves entirely from discussion or votes on the bill. Please vote no on A.B. 269.

**Katrin Ivanoff, Private Citizen, Las Vegas, Nevada:**

I am from Assembly District 42. I would like to express my opposition for this bill, and I ditto everything the previous caller said. She was very eloquent, so I would not even attempt to talk after her.

**Chair Bilbray-Axelrod:**

Can we have the next caller in opposition to A.B. 269? [There was no one.] With that, I will move on to neutral testimony on A.B. 269. Is there anyone in Carson City for neutral testimony? [There was no one.] I am not seeing anyone in Las Vegas there for neutral testimony. Is there anyone on the phone lines in neutral?

**Brent Busboom, Private Citizen, Reno, Nevada:**

This is my twenty-fourth year teaching English. Twenty-one of them were at Reno High School. I am also a proud member of the Washoe Education Association. I would like to thank the Chair and members of Committee for this opportunity to testify in support of A.B. 269. I did not get to; I hit the wrong button.

**Chair Bilbray Axelrod:**

We will put you down in the support column. We are hearing neutral testimony now. Is there anyone calling in neutral? [There was no one.] I will invite the bill sponsor back up.

**Assemblywoman Miller:**

I do have a few responses to some of the opposition. One is about coaching and mentoring. I think someone, an educator, already testified that coaching and mentoring is not what occurs. It is, Here is this long form of everything we went through, all the boxes we checked, and everything we wrote—go ahead and sign here. Maybe they do coach teachers who need more development. I am not sure. In my experience with multiple admin over the years, I would not at all call it coaching or development.

Also, I would appreciate—we all would appreciate—there was a comment made about it, but yes, if the districts would actually follow current and existing laws, that would be helpful. In no way does this bill handcuff any admin from naturally observing, coaching, or correcting a teacher, or anyone, at any time in the building. The problem with SLOs and SLGs is that,

again, they are not administered as legislated or as the policy is. It is supposed to be a student learning goal based on the teacher, where the teacher sets the goal, and the teacher decides the measurement. Instead what happens is, admin directs teachers on what their goal will be—and also, here is the test you will measure it with.

Accountability at all levels—fascinating remarks. Again, teachers are highly accountable. Additionally, the comment about someone just getting a three—getting a three would equate to a B. Guess what? If my students get a B or a B-plus, I do not make them do it over again. I do not tell them it was not good enough. I celebrate that. That is a fantastic score.

Here are other things that I would like us to consider. Teachers are literally the most highly held-accountable professionals in our state. I mean that, because not only is it this, but teachers are held responsible for all societal issues—for behaviors, for actions, for everything that is out of their control. Do we hold doctors responsible for what their patients do? No, we do not.

Also, just so you know, full-time subs are not evaluated by the NEPF, and not all of our charter schools use it. Our charter schools use a variety of different evaluative methods. Some use it. Some use programs similar to it. Some are still using portfolios. I want you to think about this: We have been saying this has been around for a decade. I am not sure what the original goal was, but I am going to ask you this: Since its inception, has student achievement increased? It has not. Since its inception, has retention increased? It has not. If we see there is no link, student achievement data is actually decreasing, and more teachers are leaving, then it is time to take a serious look at what we are spending our time and energy on.

I remember four years ago, I had a hearing in the Assembly Committee on Education. I literally ended that hearing by asking, If we do not do this now, where will we be in ten years? That was four years ago. I am asking you again, but I am not going to give you ten years this time: Where are we going to be in four years? With that, Chair, I am done.

**Assemblywoman Bilbray-Axelrod:**

I will close the hearing on A.B. 269. I will now open the hearing on Assembly Bill 339.

**Assembly Bill 339: Revises provisions governing accountability reports of public schools. (BDR 34-786)**

**Assemblywoman Brittney Miller, Assembly District No. 5:**

Assembly Bill 339 revises provisions governing accountability reports of public schools. Each legislative session, we work to develop laws and policies we think will improve education in our state. It seems much of this revolves around the collection of student achievement data. As we know, student achievement data is not one-dimensional. Anyone trained or experienced in evaluative methods understands all data has variables that manipulate or dilute its reliability, particularly as it pertains to learning.

The worst mantra people could have ever started saying is that kids are sponges, and they just learn. Even as a kid, I would hear, Oh, kids just soak up information—implying it takes no effort or participation on the kids' or students' part. In reality, learning is a participatory sport, one that requires participation, effort, and engagement on the part of the recipient, someone who is ready, prepared, and willing to receive. I always explain to my own students that it is like trying to feed a little baby when they refuse to eat. If that baby refuses to eat, you are not getting the spoon in that mouth, and you have gotten baby food all over their face.

Sadly, in the past two decades, everything has become more about data and test scores, but there are many issues and considerations that impact this. Again, I trust you have heard teachers explain the things that are not in their control all session. For the sake of time, let us just acknowledge that there are things within a student's control and things not in their control. There are things within the parent's control and things not within the parent's control. There are things within the teacher's control and things not within the teacher's control—and even things that are not within the control of the school or the district.

Classrooms are full of students with a variety of intellectual abilities, aptitudes, interests, and home environments. That is not to place blame or judge anyone, but we know the reality of some of the environments our students are living in. We also know this impacts their ability to learn. I always say, Michael Jordan or LeBron James could come in and teach us how to play basketball. How well would you all actually play basketball? Would you blame LeBron James for not being a good teacher, or would there be other factors involved in your performance?

The other thing we see impacting our kids and increasing anxiety and apathy is the over-amount of testing they are subject to. In reality, though, we understand in a data-prioritized and data-driven institution, we cannot quantify all the things that impact student achievement results. However, there are two key things we actually can quantify, and those pertain to student absenteeism and who is in the class teaching.

A recent publication, which is just one piece of extensive research that has gone on for years now, establishes the links between absenteeism and student achievement, referencing absenteeism as a predictor for course failure and citing its association with lower achievement in reading and math specifically. As such, it is necessary that our student data collection methods take these factors into account so we can better understand the issues impacting student achievement data. This bill does not attempt to correct or create any attendance policy. Rather, the intent of Assembly Bill 339 is to disaggregate student achievement data as we collect it to examine and compare these factors.

Existing law currently requires the board of trustees of school districts, the sponsors of charter schools, and the State Board of Education to prepare and disseminate annual accountability reports that include information on pupil achievement. This bill would require such reports to include information on pupils who have accrued ten or more absences within



the school year and pupils who have received at least four weeks of instruction in a core academic subject by someone other than a certified teacher. This proposal, of course, continues to have any existing prohibitions or included groups related to data collection as a whole.

In 2021, I wrote and passed Assembly Bill 266 of the 81st Session. One of the requirements was for the districts to post on their website the number of positions within the school district that are held by full-time substitute teachers and teachers licensed—or working towards obtaining a license—through an Alternative Route to Licensure (ARL). As a result, we know Clark County School District (CCSD)—I will say CCSD because I could not find the data on any of the other district websites—reported in 2021 to 2022 that there were 592 full-time subs, meaning they were covering vacancy spots. They were, in fact, the teacher for the year. Within one year—which was this current year, 2022 to 2023—it has nearly doubled to 1,064 full-time subs. That was as of August 31, and it has not been updated since, nor has there been any detail or explanation to the numbers. The number of ARLs reported in the last school year was 963 compared to a lesser 824 for this year. I am not sure if that means that these are the same individuals or that fewer people are attempting a license through ARL. Nonetheless, the other thing the districts are required to do is to post job vacancies based on the number of licensed teachers needed to achieve recommended class sizes, not on having some of the largest class sizes in the country. Substitutes cannot count. If a sub is in that position, it is still a vacancy.

Now, why is this important? It is because, though I recognize some of them may have multiple degrees and multiple skills, these individuals who fill in full-time substitute positions have not been trained in the pedagogy or in actual teaching, nor have they gone through practicums, student teaching, and so on. We appreciate them, and I will say, first and foremost, substitute teaching is extremely hard. No one is going to take that away. Yes, our districts have relied on them to fill in these positions where they cannot hire teachers.

However, let us also be real. There is no such thing as a substitute police officer. There is no substitute pilot. There is no substitute nurse. The only person who can cover a shift for an R.N. is another R.N. Substitutes are not evaluated. There are many legitimate reasons why a licensed teacher may not be in the classroom in addition to vacancies that cannot be covered. A full-time sub is actually the best-case scenario. The worst-case scenario is when our children do not have a full-time sub covering the vacancy for that semester or year, and they have different subs daily, if not weekly. I have had my own students come to me at the beginning of the year and say, Yes, Ms. Miller, we had five teachers last year; we had seven teachers last year. In the worst-case scenarios, when they knew I was leaving, they might ask, It is not going to be like last year when we had a different teacher every day, is it? We know this impacts our students' ability to learn.

Let me also explain, this bill will separate the data—not just for students attending school who have missed ten or more days, but also for those who have had a certified teacher compared to those who have not.

The real reason why I believe this is necessary is because I am sick and tired of the mantra here, of everyone marching around saying, We are fiftieth out of 50; we are the worst. It seems no matter how much we explain what those rankings are based on—having some of the largest class sizes in the country and other conditions we have—it does not matter. People just love to march around saying we are the worst. Words matter. Narrative matters. I am in that classroom with sixth graders. Imagine what it is like to hear 11- and 12-year-olds say to you, But Ms. Miller we have the worst schools in the country; does our education suck? What can I expect to learn in here?

This does not motivate or encourage our students. It does not build trust in our parents. Our parents want to believe their kids are in an institution where they can grow and thrive. It is absolutely demoralizing for our teachers and educators who give so much of themselves every day, often at the sacrifice of their own family, social life, physical and emotional well-being, and finances. Then we act like we are not sure why teachers are leaving.

Again, this bill is simple. The other benefit I hope comes out of this bill is that we can see and examine the factors impacting their achievement. Hopefully, this encourages student attendance, because what we already know is, kids who are in school have a way of just doing better. I also acknowledge our businesses here in Nevada have challenges. I have heard from them as well that it is difficult to diversify our economy or bring more business into our economy because of, again, those who will say, Our failing education system. What if we could provide the data to suggest that yes, there are those scores, but we need you to look at the scores—the differences—between when children are in school and when they are not? What if we could also look at the differences from our students who have had certified teachers compared to those who have not and whether it is consistent full-time subs or a line of different substitutes the entire time?

Ultimately, this bill will demonstrate the result of the factors that impact student achievement, which will provide vital information as we continue to strive to improve education in Nevada. I promise you that too many of our students and too many of our teachers are working too hard, and their effort and work should be reflected, praised, and documented. With that, I urge your support of Assembly Bill 339, and I am available for questions.

**Chair Bilbray-Axelrod:**

I know we have at least two questions. We are up against time, but I want to fully vet this bill. If we have to come back, we are going to come back.

**Assemblywoman Torres:**

I do have a couple questions regarding the wording of "pupil achievement." I am wondering whether or not that is meant to be test data, because it is not very clear in that language. Additionally, in section 2, subsection 8, where it is requiring "at least 4 weeks of instruction by a person other than a certified teacher," I am wondering how that is going to be measured

too, especially in middle school and high school settings where they might have those four weeks in a physical education classroom or a different classroom that might not affect English class data. Additionally, what happens if a teacher is out on family leave or something like that? Was that included or not?

**Assemblywoman Miller:**

First, the data would pertain to any of the standardized test data that is presented if you go onto the website for schools, districts, or even the Department of Education—for example, the Nevada Report Card, SBAC [Smarter Balanced Assessment Consortium] scores, and all of those scores that are put out. For your second question about how it would be measured, it would be in the core academic classes for a consecutive four weeks.

Also yes, while there are real issues where teachers have to take family leave or come serve in the Legislature, the reality is still that the students had at least four weeks, consecutively, of not having a certified teacher. Again, it is not their certified teacher, but if there were four or more weeks of not having a consistent certified teacher, that is what the bill would measure.

**Assemblywoman Torres:**

I would like to see some clarification of that language if this bill moves forward, because it does not state "consecutive weeks" in here. I would like to make sure that was added, and that it was also restricted to only core classes. Additionally, I would remind you that not all grades are tested, specifically in high school. I am wondering what that might look like. That could be a conversation we have offline, though.

**Assemblywoman Miller:**

Certainly.

**Chair Bilbray-Axelrod:**

That is insightful, for sure.

**Assemblywoman La Rue Hatch:**

This bill is important, especially when talking about absences. I can say, every year I calculate my fail rates with my world history sophomores. Some years, I will have a 30 percent fail rate. When I take out the absences, then it suddenly goes to a 4 percent fail rate, because those are kids who have literally never showed up to my class or maybe showed up once or twice. I appreciate the intent here. I want to confirm, you are not changing the metrics of which grades we are taking data from or anything like that; you are just saying, When we have these metrics, it needs to be broken out in this way. Is that correct?

**Assemblywoman Miller:**

Absolutely. If they want to continue to present it as a whole, that works—but again, with two separate categories comparing students who had been in school or missed ten or more days compared to those who did not. It is the same with those who had certified teachers

compared to those who did not. Again, it is four consecutive weeks because a month of school is where you really see the impact. Yes, it does not change anything else that is currently existing.

**Chair Bilbray-Axelrod:**

Members, are there other questions? No? Okay. We will move on to support testimony. I threatened to come back, and look at everyone—no, I am just teasing. No, we will fully vet the bills. If there is anyone in support, come up.

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

I am in support of A.B. 339. Sometimes it is these little bills that end up having a big impact, because we have heard a lot this session about accountability. Oftentimes, educators will lean into accountability, and I think that is what is happening in this bill. When you look at data and the difficulty of measuring all these factors, I think it is fair that we should be taking a step back and looking at a bigger picture whenever possible. As Assemblywoman La Rue Hatch said, if you account for student absenteeism in her class, the fail rate goes way down. Obviously, if you do not have a licensed teacher in front of students you are going to have performance that falls off. This is additional accountability in a session where accountability is stressed. We think you should support A.B. 339.

**Chair Bilbray-Axelrod:**

Is there anybody else in support of A.B. 339? It looks like everyone in Las Vegas left. Is there anyone on the phone line in support. [There was no one.] Do we have anyone in Carson City in opposition? I am not seeing anyone. It does not look like we have anyone in Las Vegas. Is there anyone on the phone line in opposition? [There was no one.] Is there anyone in the room here to provide neutral testimony? I will make the same call to Las Vegas; I do not think there is anyone. Please go ahead.

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

I want to first applaud and send our appreciation to Assemblywoman Miller for her efforts in bringing this legislation forward and also for engaging with us on the different provisions that are in there. I definitely believe it is a worthwhile effort from a statewide perspective to review and analyze student performance data based on these disaggregations that have been proposed. Specifically for the four consecutive weeks without a certified teacher part, we know new systems at both the district and the state level are going to need to be developed to ensure that information is pulled and aligned appropriately. We also recommend amending the tracking of the performance of students from ten days to 10 percent of days enrolled, aligning with the chronic absenteeism metric already within the performance framework rather than creating a new measure here. I hope to continue to engage with the Assemblywoman on this legislation.

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

We also want to thank the Assemblywoman for bringing this forward and pointing out important issues as far as reflecting student performance. The only concerns we have are

some of the mechanics of actually carrying the bill out. We do not want more burden on teachers who have to report how many days the student did not have a certified teacher or a substitute teacher in the classroom. I think Assemblywoman Torres brought up a couple of questions we had about the bill initially that were answered, which I appreciate. It is just the mechanics of the bill, and we look forward to working with the Assemblywoman on that.

**Chair Bilbray-Axelrod:**

We have plenty of time—just kidding. Do we have anyone on the phone lines in neutral? [There was no one.] I will invite the bill sponsor back up. I will say, as you are walking back up, that we have nominated Assemblywoman Torres to work with you—we are doing our work session on Thursday.

**Assemblywoman Miller:**

Perfect. This was not in any way setting an expectation or effort for teachers to report back their absentees or who is filling the classrooms. This can be done through Infinite Campus and human resources. This is at the school and district level.

To the comment from CCSD, the reason why I am not supporting the idea of 10 percent of the school days is because 10 percent of the school days is now 18 school days a year. Every educator will tell you, we have students who often miss 30, 40, and sometimes even 50 days of school. That is why I am not accepting it. We need to keep it at 10. I appreciate your listening and your questions. I am happy to work with Assemblywoman Torres. With that, I am finished.

**Chair Bilbray-Axelrod:**

I should have said we volun-told Assemblywoman Torres—but same thing. With that, we will close the hearing on A.B. 339. We will now move to our final item, which is public comment. [There was none.] We will adjourn. Our next meeting will be Thursday at the call of the Chair. This concludes our meeting [at 4:37 p.m.].

RESPECTFULLY SUBMITTED:

RESPECTFULLY SUBMITTED:

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Funmi Sheedy  
Recording Secretary

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Lindsey Howell  
Transcribing Secretary

APPROVED BY:

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Assemblywoman Shannon Bilbray-Axelrod, Chair

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

## EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a document published by the Nevada Department of Education titled "2020 Nevada Academic Content Standards (NVACS) for Health," dated November 2021, submitted by Assemblywoman Shannon Bilbray-Axelrod, Assembly District No. 34.

[Exhibit D](#) a collection of letters in support of [Assembly Bill 357](#).

[Exhibit E](#) is a letter dated April 10, 2023, submitted by Beth Flory, Executive Director, S.A.F.E. House, in support of [Assembly Bill 357](#).

[Exhibit F](#) is a letter dated April 11, 2023, submitted by Kevin Dick, District Health Officer, Washoe County Health District, in support of [Assembly Bill 357](#).

[Exhibit G](#) is a letter submitted by Reva Crump, Private Citizen, Sparks, Nevada, in opposition to [Assembly Bill 357](#).

[Exhibit H](#) is a collection of letters in opposition to [Assembly Bill 357](#).

[Exhibit I](#) is a collection of letters in opposition to [Assembly Bill 357](#).

[Exhibit J](#) is a proposed conceptual amendment to [Assembly Bill 269](#), submitted by Assemblywoman Brittney Miller, Assembly District No. 5.

[Exhibit K](#) is a letter submitted by the Nevada State Education Association, in support of [Assembly Bill 269](#).

[Exhibit L](#) is a letter submitted by Susan Kaiser, Private Citizen, Reno, Nevada, in support of [Assembly Bill 269](#).