

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

**Eighty-Second Session
April 13, 2023**

The Committee on Education was called to order by Chair Shannon Bilbray-Axelrod at 1:44 p.m. on Thursday, April 13, 2023, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda [[Exhibit A](#)], the Attendance Roster [[Exhibit B](#)], and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/82nd2023.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Shannon Bilbray-Axelrod, Chair
Assemblywoman Angie Taylor, Vice Chair
Assemblywoman Natha C. Anderson
Assemblyman Reuben D'Silva
Assemblywoman Alexis Hansen
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 Summers-Armstrong, Assembly District 6

STAFF MEMBERS PRESENT:

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

Minutes ID: 776



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

OTHERS PRESENT:

Athar Haseebullah, Executive Director, American Civil Liberties Union of Nevada
Brandon Summers, Private Citizen, Las Vegas, Nevada
Calen Evans, President, Washoe Education Association
Chris Daly, Deputy Executive Director, Government Relations, Nevada State
Education Association
Kathleen Seline, Private Citizen, Fallon, Nevada
Terri Shuman, Private Citizen, Las Vegas, Nevada
Anna Binder, Private Citizen, Mesquite, Nevada
Patricia Haddad, Director, Government Relations, Clark County School District
Mary Pierczynski, representing Nevada Association of School Superintendents
Tessyn Opferman, representing Washoe County School District

Chair Bilbray-Axelrod:

[Roll was taken. Committee rules were explained.] Welcome to the meeting of Assembly Committee on Education for the 2023 Legislative Session. We will be hearing 12 bills on work session today. We will start with Assembly Bill 182.

Assembly Bill 182: Revises provisions governing educational personnel. (BDR 34-121)

Alex Drozdoff, Committee Policy Analyst:

[Read from Exhibit C.] The first bill on work session today is Assembly Bill 182, which revises provisions governing educational personnel. The Committee heard this bill on March 28, 2023. Assembly Bill 182 makes several changes related to licensing for education, including requiring a baccalaureate degree to obtain certain licenses for teachers and other educational personnel and allowing for the issuance of an endorsement or license to a person to serve as a substitute teacher in certain circumstances. The bill also makes specifications concerning teacher limitations for a person with endorsements in the field of specialization relating to career and technical education. Finally, it adds certain degree requirements prior to participating in an alternative route to licensure program, and it adds a license to serve as a substitute teacher to the kinds of licenses for teachers and other educational personnel. Assemblywoman Miller proposed an amendment [page 2, Exhibit C] to exclude the holder of a special license issued as described in *Nevada Revised Statutes* 391.031 from the requirement to hold a baccalaureate degree.

Chair Bilbray-Axelrod:

Members, are there any questions? [There were none.] I would entertain a motion to amend and do pass Assembly Bill 182.

ASSEMBLYWOMAN LA RUE HATCH MOVED TO AMEND AND DO PASS ASSEMBLY BILL 182.

ASSEMBLYWOMAN ANDERSON SECONDED THE MOTION.

Members, is there any discussion on the motion? [There was none.]

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

I will assign the floor statement to Assemblywoman La Rue Hatch. Next, we will work session Assembly Bill 226.

Assembly Bill 226: Revises provisions governing tuition for certain students. (BDR 34-668)

Alex Drozdoff, Committee Policy Analyst:

[Read from [Exhibit D](#).] The next bill on work session is Assembly Bill 226, which revises provisions governing tuition for certain students. The Committee heard this bill on March 28, 2023. Assembly Bill 226 prohibits the Board of Regents from assessing tuition charges against a student who successfully completed the high school equivalency assessment and from denying tuition exemption to a student on the sole basis that the student or their family is not lawfully present in the United States, if certain circumstances are met.

The Nevada System of Higher Education submitted an amendment [page 2, [Exhibit D](#)] revising the language concerning tuition exemptions for certain students to better align with and address federal requirements related to in-state tuition for certain students. The amendment also provides that a student who takes certain high school equivalency exams be exempted from nonresident tuition and recommends limiting this expansion by requiring that it applies to students who successfully complete such an exam in Nevada.

Chair Bilbray-Axelrod:

Members, are there any questions? [There were none.] I will take a motion to amend and do pass Assembly Bill 226.

ASSEMBLYWOMAN MOSCA MOVED TO AMEND AND DO PASS ASSEMBLY BILL 226.

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

Members, is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will, of course, give that floor statement to Assemblyman D'Silva. Next, we have Assembly Bill 228.

Assembly Bill 228: Revises provisions governing required courses in high school. (BDR 34-572)

Alex Drozdoff, Committee Policy Analyst:

[Read from [Exhibit E](#).] The next bill on work session is Assembly Bill 228, which revises provisions governing required courses in high school. The Committee heard this bill on March 30, 2023. Assembly Bill 228 increases the required high school units of social studies credits from three to four and outlines the specific credits. It also outlines certain obligations of the State Board of Education concerning the requirements to receive a standard high school diploma.

Assemblywoman La Rue Hatch submitted an amendment making certain date changes within the bill and adding Assemblywoman Thomas as a cosponsor.

Chair Bilbray-Axelrod:

Are there any questions, members? [There were none.] I will entertain a motion to amend and do pass Assembly Bill 228.

ASSEMBLYWOMAN ANDERSON MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 228.

ASSEMBLYWOMAN THOMAS SECONDED THE MOTION.

Members, is there any discussion on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYWOMEN BILBRAY-AXELROD,
TAYLOR, AND TORRES VOTED NO.)

I will assign the floor statement to Assemblywoman La Rue Hatch. Next, we will work session Assembly Bill 241.

Assembly Bill 241: Revises provisions governing the education of pupils enrolled in a public high school. (BDR 34-625)

Alex Drozdoff, Committee Policy Analyst:

[Read from [Exhibit F](#).] The next bill on work session is Assembly Bill 241, which revises provisions governing the education of pupils enrolled in a public high school. The Committee heard this bill on March 30, 2023. Assembly Bill 241 requires a public high school pupil to enroll in the courses and credits required by the State Board of Education to receive a college and career ready (CCR) high school diploma. The bill also outlines circumstances in which students are not required to enroll in such courses and credits, as well as certain implementation dates for the bill.

Assemblywoman Mosca proposed an amendment that does the following:

- Establish the CCR diploma requirements in the bill language to ensure the Nevada Department of Education can only establish different regulations upon approval of the Legislative Commission;
- Include transitory language that excludes a pupil enrolled in a school district located in a county whose population is less than 100,000 from being required to satisfy the bill's requirements until on or after July 1, 2026;
- Establish that pupils in grade 9 will be enrolled in courses that align them with the CCR or Honors track. In the first semester of grade 10, pupils will meet with a counselor, at which time they may opt out of these diploma tracks; and
- Add Assemblymen Bilbray-Axelrod, Taylor, Anderson, D'Silva, La Rue Hatch, Thomas, Torres, and Koenig, and Senators Doñate, Flores, Nguyen, and Pazina as cosponsors to the bill.

Chair Bilbray-Axelrod:

Are there any questions, members? Seeing none, I will entertain a motion to amend and do pass Assembly Bill 241.

ASSEMBLYMAN D'SILVA MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 241.

ASSEMBLYWOMAN HANSEN SECONDED THE MOTION.

Members, is there any question or comment on the motion?

Assemblywoman Mosca:

Thank you, Chair, and I just wanted to thank this Committee because all of these amendments came directly from the items in the hearing.

Chair Bilbray-Axelrod:

I appreciate your diligence in working on this bill and making it even better.

THE MOTION PASSED UNANIMOUSLY.

Assemblywoman Mosca, please have that floor statement. Next, we will work session Assembly Bill 245.

Assembly Bill 245: Revises provisions governing education. (BDR 34-818)

Alex Drozdoff, Committee Policy Analyst:

[Read from [Exhibit G](#).] The next bill on work session is Assembly Bill 245, which revises provisions governing education. The Committee heard this bill on March 30, 2023. Assembly Bill 245 makes various changes relating to sexual misconduct. It requires the board of trustees of each school district to enter into a memorandum of understanding (MOU) with an organization that assists victims of sexual misconduct and outlines certain conditions for the MOU. It also adds certain provisions concerning the Office for a Safe and Respectful Learning Environment within the Nevada Department of Education related to sexual misconduct. Finally, the bill abolishes the existing task force on sexual misconduct at institutions of higher education, creates the Commission on Higher Education Campus Safety, transfers certain duties to the Commission, and prescribes the Commission's membership.

Assemblywoman Torres submitted an amendment [pages 2 through 5, [Exhibit G](#)] changing the term "sexual misconduct" to "power-based violence," requiring certain actions of the Committee on Statewide School Safety and requiring actions of school personnel and the statewide phone number related to power-based violence. The amendment further makes certain requirements of the Commission, including its membership and duties, and of the Board of Regents. Finally, the amendment applies certain provisions to charter schools and removes all changes in section 3 of the bill.

Chair Bilbray-Axelrod:

Members, are there any questions?

Assemblywoman Taylor:

I was in conversation with Assemblywoman Torres, and I asked that she add me as a cosponsor on this and Assemblywomen Mosca and Thomas as well; it is a triad.

Chair Bilbray-Axelrod:

I would appreciate it if we could do that as a floor amendment, unless Mr. Killian can fold it in. [Committee Counsel assented.] He is so good. All right, we will do it.

Assemblywoman Taylor:

Thank you, Madam Chair, and thank you, Assemblywoman Torres.

Assemblywoman Torres:

I did want to make one clarification. Based on the amendment language as introduced and the conversation we had during the hearing, I want to remind the Committee that permissive language for the Nevada System of Higher Education to create that climate survey and for the programming on sexual misconduct, in sections 7 and 8 respectively [pages 4 and 5, [Exhibit G](#)], will be used in the bill to ensure they are within the scope of our powers.

Chair Bilbray-Axelrod:

All right, we are adding an additional amendment adding Vice Chair Taylor, Assemblywoman Thomas, and Assemblywoman Mosca as sponsors. I will entertain a motion to amend and do pass Assembly Bill 245.

ASSEMBLYWOMAN TAYLOR MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 245.

ASSEMBLYWOMAN THOMAS SECONDED THE MOTION.

Members, are there any questions on the motion? [There were none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Torres. Next, we will move on to Assembly Bill 264.

**Assembly Bill 264: Revises provisions governing attendance in public schools.
(BDR 34-639)**

Alex Drozdoff, Committee Policy Analyst:

[Read from [Exhibit H](#).] The next bill on work session is Assembly Bill 264, which revises provisions governing attendance in public schools. The Committee heard this bill on March 28, 2023. Assembly Bill 264 makes various changes relating to school absences due to the observance of religious holidays. It outlines provisions related to such absences in terms of people, eligibility for certain awards, school district reporting, attendance credits contingent upon coursework completion, and the duties of a parent or legal guardian related to notification regarding such absences.

Assemblywoman Taylor submitted an amendment [page 2, [Exhibit H](#)] making certain changes related to the notification of such absences, capping the number of such absences at five days, clarifying that such absences shall not impact the Nevada State Performance Framework Absenteeism Index Score, and clarifying language regarding award eligibility.

Chair Bilbray-Axelrod:

Members, do we have any questions? Seeing none, I will entertain a motion to amend and do pass Assembly Bill 264.

ASSEMBLYWOMAN ANDERSON MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 264.

ASSEMBLYMAN D'SILVA SECONDED THE MOTION.

Members, is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Taylor. Next is Assembly Bill 269.

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

Alex Drozdoff, Committee Policy Analyst:

[Read from [Exhibit I](#).] The next bill on work session is Assembly Bill 269, which revises provisions governing education. The Committee heard this bill on April 11, 2023. Assembly Bill 269 makes certain changes to evaluation cycles. It specifies that if a post probationary teacher receives an evaluation designating overall performance as effective or highly effective for two consecutive evaluations, that teacher is given the option to request to participate in an observation cycle during the following school year and outlines further related details to such an evaluation or observation cycle. The bill also adds certain provisions regarding coercion and consent related to evaluations.

Assemblywoman Miller proposed an amendment [page 2, [Exhibit I](#)] removing student learning goals from teacher evaluations and outlining the provisions of this change.

Chair Bilbray-Axelrod:

Members, are there any questions? [There were none.] With that, I will take a motion to amend and do pass Assembly Bill 269.

ASSEMBLYWOMAN ANDERSON MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 269.

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

Members, is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will give the floor statement to Assemblywoman Anderson. Next, we will work session Assembly Bill 279.

Assembly Bill 279: Revises provisions governing the waiver of tuition and registration and certain fees for students who are children of certain veterans. (BDR 34-531)

Alex Drozdoff, Committee Policy Analyst:

[Read from [Exhibit J](#).] The next bill on work session is Assembly Bill 279, which revises provisions governing the waiver of tuition and registration and certain fees for students who are children of certain veterans. The Committee heard this bill on April 4, 2023. Assembly Bill 279 prohibits the Board of Regents from assessing tuition charges against the child of a veteran who has been awarded the Purple Heart and requires the Board of Regents to waive certain fees for such a child.

Nevada System of Higher Education submitted an amendment [page 2, [Exhibit J](#)] clarifying the length of time that a child may use such a waiver.

Chair Bilbray-Axelrod:

Members, are there any questions? [There were none.] With that, I would take a motion to amend and do pass Assembly Bill 279.

ASSEMBLYWOMAN MOSCA MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 279.

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

Members, is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblyman D'Silva. Next is Assembly Bill 285.

**Assembly Bill 285: Revises provisions governing school safety and student behavior.
(BDR 34-638)**

Alex Drozdoff, Committee Policy Analyst:

[Read from [Exhibit K](#).] The next bill on work session is Assembly Bill 285, which revises provisions governing school safety and student behavior. The Committee heard this bill on March 16, 2023. Assembly Bill 285 removes the requirement that each school district establish a plan to provide for the restorative discipline of pupils, requiring instead that the board of trustees of each school district establish a plan of progressive discipline, which may include disciplinary practices based on restorative justice. Additionally, the bill removes the requirement that, in general, a public school must provide a plan of action based on restorative justice before suspending, expelling, or removing a pupil from a classroom, and outlines certain conditions related to removing a pupil. Finally, A.B. 285 provides for the suspension, expulsion, and permanent expulsion of certain pupils less than 11 years old.

Assemblywoman Taylor submitted an amendment [pages 2 through 6, [Exhibit K](#)] applying bill provisions to university schools; adding certain definitions relating to progressive discipline, restorative practices, and assault to the bill; adding certain age parameters; and making certain changes to data reporting and collection. The amendment also makes certain changes relating to restorative justice and restorative practices, including changes relating to training, use, and certain plans made using such techniques. Finally, the amendment makes certain changes to the duties of a school district superintendent, parent conferences, consideration of Individualized Educational Plan needs, a plan for reinstatement of certain students, and an appeals process for disciplinary actions.

Assemblywoman Taylor proposed an amendment adding Assemblywomen Hansen and Bilbray-Axelrod as primary sponsors to the bill.

Chair Bilbray-Axelrod:

Members, are there any questions? You have a question on your bill?

Assemblywoman Taylor:

No, I do not have a question; it is a comment.

Chair Bilbray-Axelrod:

Let us have the comment after the motion. I do not see any questions, so with that, I will take a motion to amend and do pass Assembly Bill 285.

ASSEMBLYWOMAN TORRES MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 285.

ASSEMBLYWOMAN HANSEN SECONDED THE MOTION.

Now is an appropriate time to make a question or comment.

Assemblywoman Taylor:

I will make it clear to the Committee that you may be missing Assembly Bill 194, which was submitted by the primary sponsor, Assemblywoman Hansen. You may have noticed that we combined the bills, and I want to thank her for her support in that, to make it a better bill and to strengthen them together, and I want to thank everyone who provided feedback and input so we could get to where we are today.

Assemblywoman Thomas:

Unfortunately, or fortunately, I will be a strong no on this bill. My reason for it is, no child in the state of Nevada should be a throwaway. This bill, with the expulsion of children, would make it so that we have throwaway children. Nowhere in this bill does it give us a reentry plan to get kids back into school so that we can teach them how to behave and how to learn and exercise their rights as citizens of the State of Nevada and of the United States of America.

Chair Bilbray-Axelrod:

Thank you, Assemblywoman Thomas. I know you are quite passionate about that, and I appreciate that. I am wearing Assemblyman Tyrone Thompson's pin today to remind myself, but I do want to point out that in the amendment, there is a plan for reinstatement. It says a plan for reinstatement must be included [page 4, [Exhibit K](#)], so we are addressing that issue. I appreciate your passion.

Assemblywoman Thomas:

It is not in here. It does not give us a direction. With Clark County School District not having direction, these kids will be expelled, and we know that they will be Black, Indigenous, and people of color children, especially in my district. We know there are people among us who do not believe that children of color deserve to be in school.

Chair Bilbray-Axelrod:

I want to put this on the record; Mr. Killian, would you discuss that specific aspect as it was addressed in the amendment?

Asher Killian, Committee Counsel:

Chair, it is on page 3 of the proposed amendment in the work session document [page 4, [Exhibit K](#)], the second row up from the bottom. This is detailing the things that must be included in a restorative justice plan of action. The final item on that list is a plan for reinstatement of a student who was expelled, after the successful completion of certain steps. There would obviously be additional detail added for that by the school districts, but the bill does require that their plan of action include that plan of reinstatement for a student who has been expelled.

Chair Bilbray-Axelrod:

We have a couple of comments, but I did want to say on the record, that was my concern too. Kids are kids. I do not care if they are Black, Brown, white, or whatever. They are kids, and they should have an option to be reinstated. We do not want to throw these kids away. We do not want to throw Nevada's kids away.

Assemblywoman Hansen:

Thank you, Madam Chair, and thank you, Committee, for the work on this. I really want to thank Assemblywoman Taylor and Assemblywoman Torres; there has been a lot of collaboration. I am more than glad to have these bills married, and I think I can speak for all of us. We are here because we love kids. We want to do what is best for kids, and I can assure you I would never be involved with a bill that would throw away children. We are all in support of a reinstatement plan as spelled out in the amendment. We worked with those who were in opposition during the original hearing, and I think we have reflected that in the amendments, but we will continue to have conversations. We are open to those if we have missed something, but we need to establish the equilibrium in the classroom and safety to our teachers and to our students, but still watch and try to protect these kids from—we want them to have a path back when that is possible. Thank you, again, for all the time and effort that everybody has put into this.

Assemblywoman Torres:

I also want to commend the sponsor for working together on this piece of legislation. We have met, at this point, for hours and hours so that we could come to a piece of legislation that makes sense for Nevada. Teachers make sense for Nevada students. This piece of legislation does exactly that.

I do want the Committee and the members of the public to know, some language has gone in to address some of those concerns, specifically regarding reentry, as has already been noted, but also language ensuring that this also ties more to social-emotional learning and the emotional health of our students. One of the pieces of this legislation that makes it so monumental is, it will require that once a student has been suspended or expelled, the restorative justice plan would be created. That is not requiring for that plan to be created

before you can suspend or expel. It is saying, Now that you have done this, think about how we are going to make sure that the student is getting the services they need. That includes determining whether or not that student needs an IEP [Individual Education Plan]; that includes determining whether or not that student needs wraparound services; that also includes whether or not the student needs additional family support or interventions on campus. These are supports that are often already provided by the school. This is really going to ensure students who are disproportionately impacted by school discipline, who are disproportionately suspended and expelled, get access to the services our schools have to offer. For me, this piece of legislation is going to really be key to keeping our students in the classroom, and if they are given time out of the classroom, they get the supporting services they need and they deserve.

Assemblywoman Thomas:

Just one more comment. When I look at this amendment and I look at, "Establishes the age of 6 and above for expulsion," [page 3, [Exhibit K](#)]—"6 and above." At six years old, they do not even know how to write their name, and you are ready to take them out of class. Then you say, Oh well, once they are out of class, then we will give them those wraparound services. No, that is not the answer. So again, no. Emphatically, no.

Assemblywoman Mosca:

I want to put on the record that I was a no during the hearing, but because of the amendment that has the quarterly data to be collected by each school district, I will vote it out of Committee today. I want to put on record that the purpose of that is so we can see, by each quarter, what is happening in the schools in our school districts. If there is disproportionality, it is on each of us to be watching and making sure we are acting on that in real time. I thank the sponsor for making sure that was added in.

Chair Bilbray-Axelrod:

Thank you for that, Assemblywoman Mosca. Are there any other questions? [There were none.] With that, I will take a vote.

THE MOTION PASSED. (ASSEMBLYWOMAN THOMAS VOTED NO.)

I will assign the floor statement to Vice Chair Taylor. Next, we have Assembly Bill 296.

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

Alex Drozdoff, Committee Policy Analyst:

[Read from [Exhibit L](#).] The next bill on work session is Assembly Bill 296, which revises provisions governing instructional time in public schools. The Committee heard this bill on April 6, 2023. Assembly Bill 296 prohibits the use of more than 2 percent of the total

number of annual attendance minutes required for a pupil for conducting or preparing an examination or assessment and outlines certain exceptions to this prohibition. It also outlines certain provisions related to the count of pupils for apportionment purposes regarding instructional time and provides further details concerning such time.

Assemblyman D'Silva submitted an amendment [page 2, [Exhibit L](#)] adding certain test exemptions, removing the apportionment penalty, outlining certain tracking provisions, defining assessment, and clarifying language concerning instructional time.

Chair Bilbray-Axelrod:

Members, are there any questions? Seeing none, I would take a motion to amend and do pass Assembly Bill 296.

ASSEMBLYWOMAN TAYLOR MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 296.

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

Members, is there any discussion on the motion?

Assemblywoman Anderson:

I wanted to thank the sponsor because I told him only two hours ago about some items that had been brought up to me; two of the items have been addressed now with this amendment. I greatly appreciate the amendment being in there. However, I will be a no at this time for the main reason that I am concerned about the amount of work tracking this will place onto teachers' and administrators' shoulders. I look forward to being able to work with the sponsor about possibly bringing forward language about that, because I am very concerned about it being one more thing on educators' shoulders, and I do not want the data to be based upon who received the training correctly and who did not get the training correctly. At this time, I will be a no, but I look forward to being able to bring forward an amendment by working with the sponsor.

Chair Bilbray-Axelrod:

Thank you, Assemblywoman Anderson. Is there any other discussion?

Assemblywoman Hansen:

I wanted to thank Assemblyman D'Silva. I had some concerns around not wanting recess to be hurt by any of this, and he reflected that in the amendment. Thank you so much for that. I will be able to be yes at this time.

Chair Bilbray-Axelrod:

Is there anyone else?

Assemblywoman Mosca:

I will be a yes out of Committee. I am worried whether, when the time comes for making sure that different schools have different tests, there will be equitable access. The sponsor and I have been in multiple discussions about the state role versus the local role, and I will be watching for that when and if it goes through.

Assemblywoman La Rue Hatch:

I echo some similar concerns about teacher time, but I have talked to the sponsor, and he is committed to working on an amendment to make sure this is not put on our teachers. With that, I will be a yes, but I will continue to work with him.

Assemblyman D'Silva:

Thank you, Madam Chair, and thank you, colleagues, for your input. As I said during the presentation of this bill, this is not a perfect bill, but we are working on addressing several of these issues. We did specifically try to add language that addresses the burden that we are going to put on reporting vis à vis the teachers themselves; that was a little bit too late, I know, because of the deadline that the Chair put upon us. That will be addressed and will be part of this bill moving forward. I want to thank you all for your other considerations, and we will be implementing most of those into our bill as we move forward.

Chair Bilbray-Axelrod:

Are there any other comments? Seeing none, we will vote.

THE MOTION PASSED. (ASSEMBLYWOMAN ANDERSON VOTED NO.)

I will assign the floor statement to Assemblyman D'Silva. Next, we will work session Assembly Bill 323.

Assembly Bill 323: Revises provisions relating to education. (BDR 34-114)

Alex Drozdoff, Committee Policy Analyst:

[Read from [Exhibit M](#).] The next bill on work session is Assembly Bill 323, which revises provisions relating to education. The Committee heard this bill on April 4, 2023. Assembly Bill 323 addresses various teacher recruitment measures. It requires the Superintendent of Public Instruction to develop a strategic plan in this regard. It also outlines certain requirements for the Commission on Professional Standards in Education to adopt regulations relating to competency test requirements; establish standards for professional development training; and adopt certain regulations concerning provisional licensing. The bill also authorizes a school district to compensate an assigned student for certain training purposes. Finally, the bill creates a permanent Incentivizing Pathways to Teaching program, outlines certain provisions concerning the program, and outlines certain authorization and eligibility requirements for certain scholarships and stipends relating to teacher preparation.

Assemblywoman Torres submitted an amendment that makes changes related to the transcript translation process, prescribes the study of certain licensing tests, and makes certain inclusions of alternative route to licensure teachers as well as charter schools and university schools. It also adds certain requirements relating to professional development on family engagement and multicultural studies and adds certain development and presentation requirements for a plan that expands awareness and eliminates barriers for the teacher pathway scholarship programs. Finally, the bill removes sections 2, 9, and 10.

Chair Bilbray-Axelrod:

Are there any questions, members? Seeing none, I will take a motion to amend and do pass Assembly Bill 323.

ASSEMBLYWOMAN MOSCA MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 323.

ASSEMBLYWOMAN ANDERSON SECONDED THE MOTION.

Members, is there any discussion on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMAN MCARTHUR VOTED NO.)

I will assign the floor statement to Assemblywoman Torres. Next, we will work session Assembly Bill 330.

Assembly Bill 330: Revises provisions governing education. (BDR 34-1087)

Alex Drozdoff, Committee Policy Analyst:

[Read from [Exhibit N](#).] The next bill on work session is Assembly Bill 330, which revises provisions governing education. The Committee heard this bill on March 23, 2023. Assembly Bill 330 makes various changes to pupil discipline and behavior. The bill removes the reference to a statewide framework for restorative justice, outlines certain data reporting requirements, and outlines certain duties of the Superintendent of Public Instruction and school principals related to pupil discipline. It also puts in place certain conditions relating to removing a pupil from a classroom and outlines provisions relating to certain removals, such as suspensions, significant suspensions, expulsions, and permanent expulsions. Furthermore, the bill makes certain changes relating to the discipline for homeless pupils and applies bill provisions to charter schools and university schools.

Assemblywoman Bilbray-Axelrod submitted an amendment restoring provisions concerning the statewide framework for restorative justice, adding certain age parameters to the bill, and adding certain definitions relating to progressive discipline, restorative justice, and assault to the bill. The amendment also removes and restores certain language relating to homeless pupils, removes certain authorizations related to principal actions, and removes certain language concerning disciplinary actions. Finally, it adds certain language from regulation into statute.

Chair Bilbray-Axelrod:

Are there any questions, members?

Assemblywoman Torres:

I would like to clarify language in section 8 of the amendment [page 3, [Exhibit N](#)]. It is there to separate them out, but I want to make sure it is permissive language as to suspension, expulsion, or permanent expulsion. That language would look similar to what A.B. 194 was on that— The amendment seeks to separate them out and then add permissive language to allow the principal to make exceptions to the procedures. Would they be able to suspend, expel, and then permanently expel? How would that look?

Chair Bilbray-Axelrod:

Section 8 removes the term, "for first occurrence." What we are going for in that is, for example, an illegal substance; this gives the principal the option when someone comes in who accidentally brought a gummy from home. That is very different than someone going out and selling.

Assemblywoman Torres:

Thank you, that clarifies it; I just want to be very clear for the record. It gives permissive ability now for principals to do that as necessary.

Assemblywoman Taylor:

Madam Chair, for clarification purposes, number 2 on the amendment mentions "permanently expelled," and A.B. 285, which we just approved said that students always have a way back. How do those work together? Does "permanently expelled" not really mean permanent?

Chair Bilbray-Axelrod:

In this bill, that is specifically for a child under age six who cannot be permanently expelled. Mr. Killian, would you like to add— He is saying yes.

Assemblywoman Taylor:

That implies that anyone over age six can be permanently expelled, whereas in A.B. 285— Do we not worry about how they coexist?

Chair Bilbray-Axelrod:

We will take a one-minute recess.

[The Committee recessed at 2:27 p.m. and reconvened at 2:28 p.m.]

The proposed language of this bill addressed that a child under age six could not be permanently expelled. I do, however, believe it is the Governor's intent that we do not give up on any kid in Nevada, either. We will continue to have discussions about those reentry

programs, but currently in the bill, under age six was the only thing that was addressed. In good faith, we will—I am nodding over at someone in the audience from the Office of the Governor—continue to talk about those reentry programs as I believe that is the intent of the bill.

Are there any other comments or questions on the bill? Seeing none, I will entertain a motion to amend and do pass Assembly Bill 330.

ASSEMBLYWOMAN TORRES MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 330.

ASSEMBLYMAN D'SILVA SECONDED THE MOTION.

Members, is there any discussion on the motion?

Assemblywoman Thomas:

Again, I will be a hard no, when I look at significant suspensions, expulsions, and permanent expulsions. As far as I am concerned, the bill does not address—it gives a pass to under age six. It mentions homeless children, but it does not mention disabled children or kids on IEPs. It is unbelievable to me that we in the United States of America, in the State of Nevada, are willing to put our children through this garbage when we have the money and the willpower and we can have kids rehabilitate, instead of waiting for them to get into prison to rehabilitate them there. This is unbelievable. Bar it be the Governor's bill. I do not give a sugar. I am upset that we would do something like this to our children in the state of Nevada.

Assemblywoman Mosca:

I will be a yes in Committee and reserving my right to change my vote on the floor.

Assemblywoman Torres:

I had proposed a number of recommendations to this piece of legislation. I appreciate the Chair and the sponsor for working with me so I could get to a place where I am content with passing this language, and I look forward to continuing to pass legislation that is going to keep our kids safe while also prioritizing ensuring that our students have access to the resources they need on our school campuses.

Assemblywoman Taylor:

I am going to concur with the whole idea of providing the opportunity for all students to come back and for the supports to be around them. I can support this bill because we just passed A.B. 285. I think they work in concert. In A.B. 285 there was discussion about students with IEPs, wraparound services, social-emotional learning, and about the training that is required, those supports that will be necessary to make sure the whole idea is to keep children on the path where they can continue to move forward, while keeping schools safe. I feel comfortable passing A.B. 330 knowing there are other conversations occurring to close the door on permanent expulsion. I do not think anybody wants that, because we have passed A.B. 285.

Chair Bilbray-Axelrod:

Thank you, Vice Chair Taylor. I believe it is the feeling that they would very much work in concert with each other. With that, we will vote.

THE MOTION PASSED. (ASSEMBLYWOMAN THOMAS VOTED NO.)

I will take that floor statement. Next, we will move on to Assembly Bill 339.

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

Alex Drozdoff, Committee Policy Analyst:

[Read from [Exhibit O](#).] The next bill on work session is Assembly Bill 339, which revises provisions governing accountability reports of public schools. The Committee heard this bill on April 11, 2023. Assembly Bill 339 adds requirements for certain annual accountability reports on pupil achievement to include information on pupils who have accrued ten or more absences within the school year, and pupils who received at least four weeks of instruction in a core academic subject by someone other than a certified teacher, unless certain prohibitions relating to the data apply. Additionally, this information should be disaggregated by gender and other groups identified in the statewide system of accountability for public schools.

Assemblywomen Miller and Torres proposed an amendment indicating that the four weeks of instruction by a person other than a certified teacher, as referenced in the bill, be specified as four consecutive weeks that occur anytime during that school year.

Chair Bilbray-Axelrod:

Members, are there any questions? Seeing none, I would entertain a motion to amend and do pass Assembly Bill 339.

ASSEMBLYWOMAN ANDERSON MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 339.

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

Members, is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Thomas. Next, we will work session Assembly Bill 357.

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

Alex Drozdoff, Committee Policy Analyst:

[Read from [Exhibit P](#).] The next bill on work session is Assembly Bill 357, which revises provisions governing sexual education in public schools. The Committee heard this bill on April 11, 2023. Assembly Bill 357 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 sexuality education and establishes certain conditions of the course, including conditions concerning the course instructor. It also makes certain changes to the advisory committee relating to such a course. Additionally, A.B. 357 provides certain conditions concerning parental or guardian notification and abilities, including the ability for a parent or guardian to refuse authorization for a pupil to attend the course or certain lessons. Furthermore, the bill requires that the board of trustees annually prepare and submit a report to certain bodies concerning the course. Finally, it outlines certain standards for instruction in health related to sexuality education. No amendments were proposed for this measure.

Chair Bilbray-Axelrod:

Are there any questions on that? [There were none.] I will take a motion to do pass Assembly Bill 357.

ASSEMBLYWOMAN ANDERSON MADE A MOTION TO DO PASS
ASSEMBLY BILL 357.

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

Members, is there any discussion on the motion? [There was none.]

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

I am going to take the floor statement as well on Assembly Bill 357. We go next to Assembly Bill 372.

Assembly Bill 372: Revises provisions relating to higher education. (BDR 34-704)

Alex Drozdoff, Committee Policy Analyst:

[Read from [Exhibit Q](#).] The last bill on work session is Assembly Bill 372, which revises provisions relating to higher education. The Committee heard this bill on April 4, 2023. Assembly Bill 372 authorizes the Board of Regents to enter into an agreement with a nonprofit organization, community entity, or governmental agency to jointly provide families and caretakers with training, workshops, and resources designed to facilitate family engagement in early childhood education. The bill further outlines certain provisions relating to such agreements. No amendments were proposed for this measure.

Chair Bilbray-Axelrod:

Members, are there any questions? Seeing none, I will take a motion to do pass Assembly Bill 372.

ASSEMBLYWOMAN TORRES MADE A MOTION TO DO PASS
ASSEMBLY BILL 372.

ASSEMBLYWOMAN ANDERSON SECONDED THE MOTION.

Members, is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblyman McArthur.

Good job, everyone. We will close our work session and open our hearing for today. We will now open the hearing on Assembly Bill 282. This measure establishes provisions governing a subsidy for certain substitute teachers. To present this measure, we have Assemblywoman Summers-Armstrong. Welcome to the most excellent Committee on Education. Please begin when you are ready.

Assembly Bill 282: Establishes provisions governing a subsidy for certain substitute teachers. (BDR 34-841)

Assemblywoman Summers-Armstrong, Assembly District No. 6:

Thank you, Madam Chairwoman Bilbray-Axelrod, Vice Chair Taylor, and all the members of the Education Committee. You will love all these words. I am helping you out with some new ones today. It is wonderful to see you all, and it is a pleasure and an honor to sit in front of you today to present to you Assembly Bill 282, which is requesting that school districts provide health insurance for their substitute teachers.

We will start off with a little levity, but this is a very serious issue in Clark County. There are over 1,360 permanent openings in the school district alone, and those openings are being filled by about 4,000 substitutes, one-fifth or about 800 of whom are long-term subs. Without these folks, we would have no one in our classrooms to teach our children. You will hear from my copresenter, Athar Haseebullah, executive director of the American Civil Liberties Union (ACLU) of Nevada, that these substitutes make somewhere around \$120 on average a day. I am not a mathematician. I always have to have a calculator or Excel, which is my best friend, to help me figure things out, but I can tell you just at a glance, \$120 is not enough money for anyone, even if you are working every day, to afford rent, groceries, and health insurance.

Some folks might say, well they can buy it on the health insurance exchange. I would challenge you to go to the health exchange and see how much it would cost for an individual or an individual with a family and see if you can make that math work.

I appreciate your attention. I am going to turn this presentation over to Mr. Haseebullah and he will take you through the bill.

Athar Haseebullah, Executive Director, American Civil Liberties Union of Nevada:

I am a civil rights lawyer by background. We are going to begin this presentation today—and I understand it is committee deadline day—but we have a very short video that will contextualize some of what is going on. [Presenter experienced technical difficulties.] I am not sure what is going on with the video. It is on the Nevada Electronic Legislative Information System (NELIS) [[Exhibit R](#)]. I will go ahead and share the highlights though, what you would hear in that video if it were to play. For anybody who is tuning in, you would be able to actually hear from a couple of long-term substitute educators about their experiences.

One of the biggest statewide challenges we are running into right now is teacher shortages. Something that continues to exist statewide, though, is our substitute educators are not afforded basic dignity, basic decency. These are the same educators who fill classrooms, and they are not entitled to any benefits. In fact, many districts statewide actually have specifications in place wherein a long-term substitute teacher, a short-term substitute teacher, or any substitute teacher will be entitled to no benefits—that includes health insurance coverage. What do we have? We have individuals who are stuck filling the gaps, day in and day out, teaching our kids, and no support.

These individuals do not always have the ability to be in a position where they are able to bargain. There is no bargaining unit that represents substitute educators as of right now because the cost, the time equity, and the challenges associated with doing so are sometimes too much. These folks are making \$120 a day and being taken advantage of. It is critical that we get some level of support in place for them.

We continue to talk about a teacher shortage overall, and we focus on not retaining our current licensed teachers. We focus on not being able to recruit new teachers. These are all true. What is true simultaneously is we are running into a substitute teacher shortage as well. That includes long-term subs. That is the fire that is not being put out. It is the fire nobody is talking about, but it is a fire that is going to impact the state for years to come if we do not figure out ways to address it right now.

Assembly Bill 282 would provide a subsidy to provide support for long-term educators. We dubbed this the Health Insurance for Long-Term Substitute Teachers Act or HILSA for that specific reason. What would it do? The very first thing it would do is define "long-term substitute." There is an amendment on NELIS [[Exhibit S](#)] that we shared with most of the stakeholders involved here, and it makes the definition clear statewide. We used the most stringent definition of what a long-term substitute teacher is [page 2, [Exhibit T](#)] because it is important that they get something. Every substitute teacher we have spoken to has told us the same thing, that regardless of what the day count is, they continue to run into the same challenges, and they do not have the basic ability to afford health insurance. They do not

have the basic ability to functionally live, and it has become too much and too burdensome, so they would rather leave and go into a different position altogether.

How can we justify as a society, individuals being in a classroom for a prolonged period of time not being afforded any dignity and forced to be under Nevada Medicaid? It makes no sense. The bill would define "long-term substitute." It would provide a monthly subsidy for long-term substitute teachers and up to three dependents, exclusively for the purchase of health insurance. This is not a general-purpose subsidy. Regardless of what may be said or how things might be characterized, this is specifically for these individuals to purchase health insurance. It also ensures subsidies are utilized for the intended purposes involved.

As we mentioned, long-term substitutes who work for lower pay can be capped at \$120 per day and they receive no other benefits, despite oftentimes performing the work of permanent teachers. How do we define "long-term substitute teacher" pursuant to this bill? The proposed amendment that is on NELIS [[Exhibit S](#)] says at section 6 that a "long-term substitute teacher" means a substitute teacher endorsed pursuant to *Nevada Revised Statutes* (NRS) Chapter 391 or pursuant to *Nevada Administrative Code* 391.0896 or 391.0897 who is employed at any school district for 30 consecutive available instructional days within a single school year. District policies are all over the place right now; some are 10, some are 12. We have bumped it to 30 consecutive available instructional days. The key word there is "available," more than anything else. The reason why we say "available" is we recognize there is sometimes a tendency by certain governments to make certain days unavailable to make sure that the requirement cannot be met. This definition is only for the purposes of determining subsidy eligibility, so it is very, very limited.

The current number of substitutes we have is staggering. Before I jump into the other language, I want to make sure I provide the definition of "30 consecutive days" and the other criteria for eligibility, which I will share momentarily. Here are the current substitute totals by district [page 5, [Exhibit T](#)]. We have also uploaded a set of exhibits onto NELIS, including health insurance average costs [[Exhibit U](#)]. Public records request responses from all of the districts are listed here on the screen [page 5, [Exhibit T](#)]. It is a painstaking process to get this information, as you all might imagine. This is the total we have statewide. These are the current number of subs we have. Here is our current teacher shortage [page 6]; that is a staggering number. We go to the long-term subs falling under the definition of "30 consecutive available instructional days"; that is the total [page 7]. It is staggeringly high. Number one, we have over 700 long-term subs under that definition in Clark County School District alone. Then, you add 130-plus in Washoe County. These are all individuals who are in these classrooms, consistently, more than 30 days consecutively with no benefits; when they get sick in a classroom, either they can go through a collection process or try to force themselves to get on Nevada Medicaid to have some level of support.

Qualifications for a subsidy pursuant to this bill are here [page 8]. Again, you have to meet the definition of a long-term substitute educator: teach 30 consecutive available instructional days and you continue to teach 70 percent of the available instructional days each month. We have included that in the amendment [[Exhibit S](#)] as well. It is an elemental requirement

that you would have to make sure you did not go more than 45 days without teaching a single day. We recognize there were concerns from some districts in that regard. We also included language specifically to state that you need to furnish proof of the health insurance purchase to a school district in order to maintain eligibility thereafter; that language has been specified within the bill language as well.

Additionally, there is a final caveat that a school district shall not prevent any substitute teacher from working the necessary number of days to qualify for the subsidy specified within the section solely for the purposes of precluding eligibility. That is a catchall to make sure that once you have hit day 29 the district cannot say, We have decided to make no days available so you cannot get the subsidy. I heard some chuckles. I am not sure why, because we could imagine that might actually be the reality for some folks here.

The subsidy will work in the following way: Each person who falls under this definition would be entitled to a minimum of \$450 per month per beneficiary. They would be able to bring on up to three dependents at the same rate; so that would be a maximum of \$1,800 per month. Why \$450? That is based on the average monthly cost of non-Medicare and Medicaid insurance plans in the state. We included that information within the exhibits that are on NELIS so you can understand where our perspective comes from. That \$450 is not a random number that we pulled out of the sky; this is the average rate that exists. Further proof of health insurance purchase would be required.

There are a couple of other things I will say to this issue before we open it up for questions. First and foremost, the concept right now and the reason why we took this issue on is not because this is, at its core, the civil liberties issue of the day, but this is a civil rights issue. It is a deep civil rights issue because the actions that are occurring as with our substitute teachers statewide are predatory. This is a predatory process. These folks have been left out to dry. There is nobody pleading their story right now. There are only a couple of bills up at session right now that address this.

Our hope is that this bill can do two things. One, it can help stabilize the labor force within the substitute teacher universe. Two, this might inspire some of the folks who are subs right now, especially our long-term subs, to enter into the pipeline to become a licensed educator. We recognize that every educator we have spoken to is running into challenges, but the fact of the matter is these folks are facing challenges that are incomprehensible at this point.

The other thing I want to share before I open it up for questions—you are going to hear feedback from school districts that are going to call this an unfunded mandate. I was a government lobbyist at one point. It is my favorite two words to throw out at a legislative hearing, "unfunded mandate," because you end up getting referred somewhere. It is not an unfunded mandate. If you have licensed educators in place, these provisions will not apply to you because you will not have substitutes at this number, so it is not unfunded. You funded these positions for licensed educators over the course of time. On average, the

additional expenditure, the difference in salary, could be between \$20,000 and \$30,000 per educator. Multiply that by the number of long-term subs we have shared, and the average amount that is spent on a licensed educator for health insurance purposes alone, from the data we received, was a little over \$8,000 per year, and these folks do not get any of it.

In fact what has happened is, there has been budgeted actual numbers to include full licensed teachers, and there has been accrued savings as a result of predatory actions towards our long-term subs. Any notion that this is an unfunded mandate is simply untrue unless this body knew that it was not funding an appropriate number of educators, or funding educators at that level. You have been funding the full amount of money for these educators, and they have not been filling the vacancies. So where is that money going? We do not have an answer to that. What we do know is our long-term subs are not receiving any health insurance support whatsoever. They are going in the classrooms, they are getting sick, and there is no benefit for them at the end of this. We had two subs who came to us to tell us that in recent weeks they ended up in the hospital. They were afraid to go to the hospital because—you are, at that point, choosing between the collections account or trying to force yourself to work because you need to make that \$120 a day to stay stable. This bill is not a perfect solution. It is not going to solve the crisis as a whole, but not doing this at this point is, quite frankly, absurd.

We are hoping this body considers this and takes it up today. I recognize it might get referred to another committee. I am happy to argue about unfunded mandates and accrued savings and budgeted actual numbers at a Ways and Means Committee hearing as well, no problem there. We are going to end up hearing, consistently, unfunded mandate, unfunded mandate. It has been funded; it has not been used on these folks; and we really need to do something about that.

Before we go into questions, we had 210 people sign the petition in support of this bill in the last 24 hours alone [[Exhibit V](#)]. I told these individuals they did not need to call in. We are happy to do that for you all, should there be such a desire, but I figured it might not be the most prudent use of your time. There are also a series of support letters not only from long-term substitute teachers who have shared their experiences, but also from other organizations that work in the education space and other spaces that want to see this come to fruition. With that, I am happy to answer any questions.

[[Exhibit W](#), [Exhibit X](#), [Exhibit Y](#), [Exhibit Z](#), [Exhibit AA](#), [Exhibit BB](#), and [Exhibit CC](#) were submitted in support as mentioned by presenter.]

Chair Bilbray-Axelrod:

Assemblywoman Summers-Armstrong, do you want to make any other comments, or are you ready for questions?

Assemblywoman Summers-Armstrong:

We are ready.

Chair Bilbray-Axelrod:

We do have a number of questions. I am going to start. I get it; I totally get it. Based on what you are saying about the amount, using a calculator—if you worked nine months a year and you make \$120 a day, it comes to under \$24,000. Would they not be eligible for subsidies through the Affordable Care Act?

Athar Haseebullah:

Yes, that includes portions that might end up being subsidized, but the actual portion that is mentioned is based on a calculation of the respective income level for what the purchase would be. Generally, those plans end up being significantly higher. The bill considers they are working during that time period. The other portion which we ran into is, these folks would work for about nine months, and they are normally paid the daily rate, and they are not paid over the summer. We have talked to a number of long-term substitute teachers about this. One of the things they mention is they will normally end up taking on other work over the summer that might be able to provide them the difference.

Hopefully, we can expand this out in the future. There are a number of school districts across the country right now that are providing full health insurance benefits for those who are not even long-term subs but for all subs. The number of districts nationwide that provides health insurance for long-term subs is even greater. This is but a subsidy, but it is a subsidy that goes a long way to help them get what they need, specifically for the purpose of being able to address their medical needs.

Assemblywoman Summers-Armstrong:

It has been evident over the last couple of years with COVID-19. We get notices all the time about upper respiratory diseases and things. Our children are germ carriers. I do not care how much we instruct them to wash their hands. They are germ carriers, and classrooms are incubators for germs. We know these substitute teachers are exposed every day to germs in an environment that could get them sick. Those of us who have health insurance often take it for granted that you can just call your doctor and get a prescription. That is not the case for them. This is important for us to recognize from our positions. Many of us have the privilege of having the type of insurance that is not available to them. I am sad that the school district is on the list of employers having some of the most employees receiving Medicaid. We need to take that under consideration.

Assemblywoman Mosca:

Thank you for this. Especially in the district I represent, a lot if not most of the long-term subs are Black, Indigenous, people of color individuals from the community, so I really appreciate it. You have answered my question about how many people are affected, and you touched on my other question about other districts. Can you go a little more in-depth or give examples of what other districts are doing and how that relates to this model, or whether we are doing it a little differently?

Athar Haseebullah:

It depends on the district. Most of these districts we looked at are actually providing comprehensive coverage in this way, in terms as I have mentioned before, for their substitute educators or their long-term subs. At some large districts like Houston Independent School District or Los Angeles Unified School District or the Portland Public Schools, long-term, full-time subs are qualifying for full health insurance coverage. In a couple of other states, you will end up seeing quite the same; there is an even broader pool of health insurance coverage provided for their employees, whether it is in Duval County or in Dallas, and at a few of the other ones nationwide.

We are here right now for the purpose of getting a subsidy because it has been an uphill battle to get to a point where substitute educators have a voice to be able to push this narrative and have a bill heard before the Legislature where they might end up with at least a modicum of dignity afforded to them to go out and purchase health insurance. This is a significant step. The hope would be, moving forward, they would have health insurance as well—that would be the ACLU's goal as a whole—to not have to utilize a subsidy to go out and purchase it. Sometimes we recognize the challenges there, but the exchange is available for that purpose.

One other point: Assemblywoman Summers-Armstrong commented on Medicaid. I had mentioned accrued savings and unfunded mandates. Is it an unfunded mandate if your employees are forced on the state coverage through Nevada Medicaid because you do not want to give them enough money to purchase health insurance? That is something that does not come up with an asterisk next to it. It is something, though, that we should take into account when we are doing this, because these are folks who have been working full-time. There is no question. If you compare this to a full-time schedule, the requirements put here are even more rigorous than the requirements to qualify under a full-time schedule. In an ordinary full-time schedule, to qualify with 30 consecutive days is not something that normally happens; you might be able to take a break, normally after the first month you are eligible. That is not what is happening here because we recognize this is an uphill battle. From our vantage point, there should be universal support for this, unless someone is against private health insurance or they are against the concept of working almost indefinitely for next to nothing.

Assemblywoman Torres:

I have a couple of logistical questions and points for clarification. I am looking at section 1, subsection 6, at the definition of long-term sub. We checked the *Nevada Administrative Code* and the *Nevada Revised Statutes* to see whether there were any other definitions of long-term substitute teacher, and there is not, which is weird because it is also referred to in other places in the NRS. I have a couple of issues with the definition as is because I need to understand what the intent is.

My understanding of long-term sub, as an educator, is an educator who is put into a classroom, replacing an educator for a long period of time. However, my reading of this definition is it would be a substitute teacher who is teaching for 15 or more consecutive days

within a school year. So, is it just any substitute teacher? If that is the case, I would like us to change the word from "long-term sub" to a different word, because they have two different meanings.

Athar Haseebullah:

With respect to "long-term," that language was specifically amended and put into the amendment. I will provide a couple of other qualifying criteria, most important of which is that this is only for the purpose of determining eligibility for the subsidy. This cannot be utilized in other sections if there were to be other benefits given or something else of the sort. Here, the requirements for determining eligibility would begin at 30 consecutive available instructional days and 70 percent of the available instructional days in the months thereafter. That provides that you are working the first 30-day period consecutively and 70 percent of the days thereafter in a district at that time.

The reason why we cannot specifically prescribe to a specific classroom is, we recognize the changing needs within districts; they will utilize long-term subs to move them around. You might be in a class for two months, and a month later you will be in a separate class for the next two months, and going on, and so forth. What we do not want to happen is for someone during that time period to move into a different classroom and then be precluded from eligibility for subsidy purposes.

Assemblywoman Torres:

Based on that, then, we are really talking about full-time substitute teachers. Those are two different conversations. It helps to clarify things. It might be helpful to use that language, because in education our use of "long-term" is so different. I think our intent is to ensure that it is available for full-time substitute teachers.

I would like to strengthen the language used in the amendment. I am looking at Amendment #4 [\[Exhibit S\]](#). It says the school district shall not prevent the substitute teacher from working those days. My understanding is schools are actually doing this right now: You may be a teacher who might be serving a paraprofessional role. You get more pay when you have reached so many weeks in this paraprofessional role. Then they will switch you into a day subbing so you will get less pay and cannot get more pay. Office managers make that decision because that funding comes at the discretion of the schools. The language needs to be clarified to include "schools" along with school districts.

Additionally, I would like to see language where school districts are protecting paraprofessionals so when the districts are switching the duties of that assigned educator, that educator would still be included in this, essentially.

Athar Haseebullah:

With respect to whether they are deemed long-term subs or full-time subs, we are happy to work through the language. For us, the main thing is that there are health insurance subsidies in place, regardless of their title.

With respect to the second point, in terms of amendment: We specifically utilized this language because we did not want to show up to a Committee hearing and include the language that we initially had, which was related to good cause, in recognition of the litigious nature of these things. We are happy to work with you on making sure that language is modified. If we can tighten it in any way, we would be happy to do that. The main thing is we want to make sure this gets across the aisle and it does not get held up for any arbitrary reason because, as it stands right now, these folks are operating without any benefits whatsoever. To the degree we can make a better bill, we are happy to do that. We are very grateful to hear your words on this. I am sure the substitute teachers who are tuned in and watching will be appreciative as well.

Assemblyman Koenig:

First off, when I hear this, I put on my school board hat and go back to the day when there were underfunded mandates. I am looking at— This is going to cost Las Vegas almost \$17 million. It is going to cost Washoe County a little under \$3 million. It is going to cost Carson City \$700,000. I calculated the cost to Churchill County at about \$500,000. I am thinking unfunded mandate. It has happened before, sitting on the school board—all of a sudden you have to find this extra money in your budget.

I think you are a very good attorney because you have convinced me they would have been paying benefits to these people. The ideal is to not have a long-term sub in the class; the ideal is to have a teacher. If you have the teacher as you wanted, you would be paying that teacher benefits.

I have a son-in-law who is just finishing up his teaching degree. He has been teaching eighth-grade English for the whole year, so he is a long-term sub. He and my daughter are in the process of buying a house. They cannot use any of his income towards qualifying for a loan because he is a long-term sub. Consequently, I had to cosign for them and fill out 500 pages of financial stuff, and I am really, really mad about the whole damn thing.

Assemblywoman Anderson:

I have three questions, but I will try to make them quick. The first one has to do with the decision in the amendment to change it from 15 to 30 days [\[Exhibit S\]](#). If I were to take a look at the Clark County School District calendar for next year, Day One is on August 7, 2024. If somebody is a long-term or full-time sub, whatever the phrase will be, he would not even be eligible for this until September 19, 2024. Then, if I take a look at Washoe County School District, they will start August 14, 2024, and again, it would not be until September 25, 2024. Why was the decision made in the amendment to make it from 15 to 30 days? Also, can a school district or board of trustees make a decision to bring that 30 days back down to 15 as is originally described in this bill?

Athar Haseebullah:

The decision to bump it up to 30 days came because we had extensive conversations with stakeholders. One of the things that kept coming up was that 15 days is too short of a period of time. You would never qualify for health insurance or any other benefits in other

employment settings if you have been working only 15 days. The standard form ends up being that you work 30 days and you are eligible for it thereafter. We had to put in the "available instructional days" for that period of time because many times, those days are not made available, and if those days are not made available, again, we run into challenges on the back end. To Assembly Koenig's point, one thing we recognized was that the goal is not to have subs in place in classrooms, especially long-term subs. We want licensed educators there. That does not tend to be the case in terms of where the numbers are trending. We are recognizing that this is becoming more of a phenomenon. It is not an ideal scenario, but that is where we are.

With respect to the second point on whether or not a district has the ability to modify downward, they would. The district would have the ability to also voluntarily decide to provide their long-term substitute educators health insurance. They have just chosen, through their own policies, to make sure they have no benefits. While we would love to see that good, kind, egalitarian nature in how districts act, that simply has not been the case. Therefore, the limited nature of this language is to make sure this specific definition was only applicable for purposes of determining a subsidy. The reason why it ends up being a little bit distinct is because right now, the Clark County School District policy, for instance, sets it at 15 days. However, it also precludes any sort of benefits associated. The preclusion at that point makes that definition somewhat arbitrary. What becomes the benefit outside of a minor, incremental pay bump of \$10 to \$20 more per day because you have been doing it for a period of years? It is not even sufficient to keep up with limited levels of inflation versus anything else. That is why we ended up landing on that.

Assemblywoman Anderson:

Thank you for the detailed answer. My other question has to do with the date of effect of the bill. It is currently proposed as July 1, 2023. Amendment #2 [\[Exhibit S\]](#) has the board of trustees adopting a procedure. Is that also the plan, to try to adopt that procedure with that quick turnaround, or is there going to be a little bit more time? I was wondering about the date of implementation.

Athar Haseebullah:

The date this would take effect would be the date that is specified, because we want to make sure this goes into effect next year. If we kick it out another year or kick it out ten months, it will end up being too long.

The specific Amendment #2 [\[Exhibit S\]](#) discusses the procedure to track when it goes into effect. That tracking becomes critical because, as we know, we come back with data which we attempted to parse through as we were going through the public records requests. I also enjoy a good Excel sheet here and again, but it is probably not best for the purpose of determining some of this. We wanted to make sure it was uniform. That procedure to track when the subsidy goes into effect could also provide us insightful data in the next legislative session when we come back and see how we will build on this, where we go from here. This is the first step in getting to that process. From our vantage point, you can never have too much data, and the goal for doing it would be to make sure that is twofold.

Assemblywoman Anderson:

My final question is, is it possible for a substitute to get the district-provided insurance and pay for it in that fashion, or is the intent to have the substitute look outside of the district for his health insurance?

Athar Haseebullah:

If the districts were willing to provide health insurance, we probably would not have been here in the first place. We recognize that bargaining is in effect in many counties statewide, and nothing about this bill should preclude the ability of any of these units to bargain. We do not necessarily want to impact that right away. The goal here would be for them to be able to purchase private health insurance through the exchange where it is sufficient. We tried to make sure, as we were constructing this, that there was an understanding of what the reality is and what we might like to do. What we might like to do is have every long-term substitute and every substitute educator have health insurance. The reality is, the bureaucratic elements associated with developing such a model—to afford to provide upwards of 1,000 individuals statewide with health insurance outside of this model—probably would not be sufficient.

The other thing to keep in mind is there might be some long-term substitute educators, at least amongst the ones we have talked to, who might be covered under a spouse's policy or another individual's policy. If that ends up being the case, they may not need to be able to do this. That is why we included the parameters, specifically, with respect to making sure that proof of health insurance is provided and it is not for a general purpose. It fills the gap, and it continues to drive down any potential notion of a cost associated which does not really exist in the first place.

Assemblywoman Hansen:

I do not take my health insurance for granted. Being self-employed and having catastrophic health insurance because we could not afford anything else for such a long time because we have so many dependents, and with a \$15,000 deductible, I feel the pain. I am not a teacher. Do regularly employed, full-time district teachers have their dependents already covered, or do they have to buy coverage for their dependents?

Athar Haseebullah:

It is based on the bargaining units. I am not familiar with every bargaining unit, for instance those in other counties outside of Clark and Washoe. I do know what coverage is provided. There is a slew of issues with respect to health insurance coverage. From what I was told, some of the parameters, in terms of eligibility for dependents, are associated with whether or not you are married and how many folks you are able to cover. Our research indicated it was two dependents and a spouse—but also there were other elements in place in terms of whether or not a familial apparatus stays together that would preclude the ability to maintain individuals on their insurance. It may vary depending on what has been bargained for by each unit.

Assemblywoman Hansen:

To follow up for clarification on what you just said: For some teachers, some dependents are covered, and in some places they are not; it is not uniform. Is that what you said?

Athar Haseebullah:

The parameters by which coverage is given may differ district to district. I can give an example and speak plainly. My understanding of conversations we have had—there are folks on the Committee far better equipped to address this than I am at this point, but if individuals are married, for instance, and have multiple dependents, let us say four children, if they become divorced it may modify the way, at least in Clark County, the apparatuses will provide. There is a provision in place for every dependent to be covered, but it is up to a specific amount and then potentially additional expenditures thereafter. We are happy to also look into that and get back to you if there is further information needed or phone a friend on the Committee.

Assemblywoman La Rue Hatch:

Thank you for bringing this bill. I really do think it is critical. I spent two years as a long-term sub before I became a teacher. Many of our teachers do that as they are going through their education programs. I was in college, and I did not realize I should have had these benefits, and I just winged it, but I do not know whether that is what everyone should be doing.

To answer the previous question, in Washoe County, we do have to pay extra for our dependents. I pay \$250 a month to add my daughter on. I do not know what everyone else is doing.

Here is my question. You touched on this, but I want to get clarity on the record. Under this proposal, our substitutes would have coverage potentially from September through June. Is that correct? They would not have coverage over the summer.

Athar Haseebullah:

It depends on the date of start and when the qualification ends up kicking in. Let us say it is at the beginning of the school year; they end up hitting the 30-day period; it would likely end up taking effect the following month, so October; it would go through the period of time for school.

One thing the bill would not do is actually provide coverage; it provides the subsidy to obtain coverage. That distinction becomes really clear, or it is really important, when we start examining the financials associated with this. The reality is our substitute educators are paid per check, and the subsidy would be applied in the same manner. The initial consideration was to require districts to provide health insurance. Then we thought about the quality of treatment they have been subjected to already and corresponded that to the quality of coverage they would likely be provided if it were left to the districts in a discretionary

fashion. That becomes very challenging. This allows for those individuals to obtain coverage and, for those whom we have spoken to who obtained other summer employment, maintain that policy throughout so that it continues to move forward and be maintained.

Our hope is school districts will recognize, Hey, this is a great idea. We are stabilizing our labor force here. We are ensuring more long-term subs are in place. We want to continue to maintain it. That may end up not being the case, which is part of the reason why, to Assemblywoman Anderson's question earlier, we included the data tracking procedures and methodologies associated, so we can come back in two years and see what actually happened. We will have an assessment of what worked and what did not.

Assemblywoman La Rue Hatch:

I appreciate that. I am concerned about people having consistent coverage because that can be an issue with treatment and all kinds of things. I appreciate that you have thought about that.

We have a crisis with our long-term subs right now. I have a long-term sub while I am gone. I am on my second long-term sub because we have a hard time getting them and keeping them, and some people have a different sub every single day. I would like to know, other than the obvious benefits of dignity to work and taking care of people who are doing a critical role, what kind of impact do you think this bill will have on our sub workforce and actually getting people into these positions in the schools?

Assemblywoman Summers-Armstrong:

You speak to the core of the need for this. We cannot expect folks to come fill the need of dealing with our children, with all of their vagaries, trying to function in school districts that are already shorthanded, that are already struggling—we are in flux everywhere in the state—and expect them to show up for 120 days and be oh, so happy, just to get \$120 a day, and then have to figure out how they are going to leave the school at 2:30 or 3 p.m., grade papers, go home, deal with their children, and then figure out how in the world they are going to make it, because for \$120 a day, you generally have to have another job. If that other job is also a part-time job—because now you are working a full-time—you have to figure out another part-time— This is the reason why we have so much flux, and this is the reason why we believe this is important. How do we give some type of encouragement for people to stick with it and stay? This brings a modicum of respect and dignity to the work to where they could say, Well it may not be great, but I have health insurance, and I will stick it out. Then it is up to all of the educators and the schools to then encourage them to go for licensure and to then fill those positions permanently. I know there is a gap in there. I have talked to many people this session about what are we doing to retain, and this is just a Band-Aid on a very open gash. This is not a solution, but it helps, and it will help a lot.

Assemblywoman Taylor:

A couple of my questions were already taken care of, so that is a good thing. In the research you have done, you talked a little about trends in other states, other districts. What other states do you know that have put this in statute? Also, I am interested in how you landed on 70 percent of the days going forward.

Athar Haseebullah:

The evaluations we have done have been community-to-community, district-to-district. Some of those districts are large school districts. It has not been needed to be mandated at the statewide level in the same way. We have not seen impacts in the same way. The impacts have generally come through in terms of the larger districts being able to provide it. We are attempting to still go through and assess every smaller school district in the country and what that looks like. One thing we have noticed is the reliance—in terms of the percentage size of long-term subs pursuant to this expanded definition—is pretty significant. When we initially had a smaller definition, a reduced-size definition in terms of what the qualifications would be, that number was significantly higher.

Part of the reason why we picked the 70 percent threshold thereafter was, again, because we spoke to business; we spoke to industry leaders in multiple sectors. One of the things they were concerned about was what happens if somebody meets the qualification and then they only end up working 10 percent of the days thereafter? Why should they be eligible for benefits in the same way? The reason why we set the 70 percent threshold is, when we started looking at best practices nationally, most of the models ended up including a 70 percent work requirement when we recognize that they are not entitled to the same paid time off days in the structure of days in that manner, and so 70 percent leaves us in a place where they are still working the overwhelming majority of days that are there, but it is also not without any level of parameters. We viewed that, compared to what we have seen in other realms, as being a happy medium that both produces efficiency and maintains some level of accountability so we do not run into scenarios where there are arguments that this was a waste of money because someone worked for 30 days and then they decided not to work the days thereafter.

I have also seen statements put out that have been taking issue with the fact that—the only thing is, they can work every 45 days. We included that 70 percent threshold specifically for the purposes of precluding that argument. Someone is working 30 days consecutively and 70 percent of the days thereafter, and they do not go more than 45 days without doing it, and all they are asking for is a health insurance subsidy. It really does put a moral check on this body, also next door, hopefully, to assess where we are in terms of valuing our substitute educators and how we are addressing this crisis moving forward.

Assemblywoman Hardy:

As somebody who owned a business for over 15 years and had to pay for her own health insurance, and then my husband and I both having to get other jobs that provided health insurance when it became too expensive to pay for our own, I understand having health insurance.

I want to touch on what Assemblywoman Anderson was talking about. Who is it on to notify— Is the district or the school going to track whether the substitute has not worked the 45 days so becomes not eligible, or is it the sub telling them that, or in the case where they become eligible under a spouse's policy or maybe they get another job where they can get health insurance—when would they have to tell the school or the district that they have another policy?

Athar Haseebullah:

The parameters we have put in place provide the construction for what is required of the districts. The implementation of that policy and how they are actually going to go about conforming and complying with the rules is largely going to be left to the districts. Each district obviously functions differently in terms of employment communication and communication with the substitute educators within their specific district.

I will give—probably the only time in my career—a big shout-out to Nye County for promptly responding to my public records request. Their giving me the number, 29 individuals or something along those lines, fell within the category. Because we recognize each district is communicating vastly differently with their substitute educators, it will be up to the districts to adopt those policies. The main parameters that are put in place are, when we adopt this into law, districts will not have the ability to simply say we did not do it, because technically they would be in noncompliance at that point. Their implementation of it, though, will be left up largely to them in terms of the specification.

The tracking procedures that will go into place, and the reason why we have that included, too, provides value in terms of assessing what a rollout of this nature looks like. This might end up being applicable in other sectors or other areas at some point in the future; it can provide valuable data in that regard. But again, the actual implementation of it comes down to the district, but the requirements that are in place would be set forth by NRS moving forward.

Assemblyman D'Silva:

Thank you, Assemblywoman Summers-Armstrong, for bringing this important piece of legislation and Mr. Haseebullah for helping with this bill. This is addressing a significant workforce issue in our education system. I have two points of clarification. One, substitutes who are going to be affected by this new policy have to be working consecutively for 30 days; so even a break within the day could hamper their eligibility for the subsidy. And number two, what exactly is meant by "available instructional days," and why is that term important to this bill?

Athar Haseebullah:

Both questions point to the same factor: what is the qualifying criterion and why did we use this language? "Available instructional days" are currently utilized in a variety of sources.

To Assemblywoman Torres' point earlier, we have recognized there are vast voids within NRS. When we look at the definition of long-term substitute which is referenced throughout NRS, there is no NRS definition currently of long-term substitute. We did not want to modify the other sections, so we limited it to this.

"Available instructional days" was utilized specifically to carve out what ends up being something we viewed as a potential barrier for individuals qualifying, in that if an instructional day is unavailable, we do not want to preclude an individual from being able to obtain the necessary number of days to be able to qualify for this. Let us say we magically run into a scenario—I think most of us would hope we could magically run into this scenario—that our teacher shortage has turned around quickly, in a matter of months, and we have now dropped down to a single-digit teacher shortage in a large school district. You had somebody who was otherwise eligible before, but now those days have not become available, but two weeks later, they are available again. Those days have not been made available. They are not available instructional days. At that point, we do not want anyone to be in a position where they have started the process but their days have not been made available and there is a break. Do I think that is likely to happen? Probably not, but I am an optimist and so we can hope for the best. We are where we are in that regard, but that is the reason why that specific language was utilized.

Chair Bilbray-Axelrod:

Thank you. We will have you sit back, and we will go to testimony in support. We have someone in Las Vegas who would like to testify in support. Begin when you are ready.

Brandon Summers, Private Citizen, Las Vegas, Nevada:

I am a substitute teacher for the Clark County School District (CCSD). I started subbing in 2016. At the time I was finishing school while also playing violin at corporate events. It was a nice way to supplement my income as a musician, and it was fulfilling to be of service to young people and, quite frankly, I was not interested in taking on a large commitment in the education field at the time. I remember getting that phone call in August 2018. I was minding my business. It was a call from the assistant principal at Kenny C. Guinn Middle School; they were looking for a sub to take on a vacancy position for orchestra. I guess my name had gotten around from the day-to-day assignments I was covering.

Anyway, the story was the orchestra teacher who was in the position the previous year went back to Ohio and decided not to come back. I was busy at the time with gigs, but I decided to take them up on it. What I did not know before I had gotten into the position was, it was a lot of work and the pay was low. I also would not have health insurance. Based on the workload, I should have thrown the towel in at some point, but I had grown an attachment to the kids. Most of them had never touched an instrument in their lives, and it was an opportunity to make a difference. And a difference I did make. After completing the semester assignment, I vowed never to do this again, but the COVID-19 pandemic said otherwise. As a result of the pandemic, I lost all my work as a freelance musician in an

instant, and after being unemployed for six months I took on a yearlong commitment for CCSD, once again in a long-term position. I had all the duties and responsibilities of a licensed teacher but was barely able to pay my rent, and all I could do was pray I did not get sick since I did not have employer-sponsored health insurance.

Being a long-term sub is not a part-time position. It is not a babysitting job, and the workday does not end at 3 p.m. School districts are actively engaging in wage theft by underpaying long-term subs, and it is shameful that CCSD is okay with exploiting this part of their workforce. Mind you, we are the only people keeping schools from completely falling apart in light of the national and global teacher shortage.

Chair Bilbray-Axelrod:

Thank you. Is there anyone else in Las Vegas wishing to testify in support? [There was no one.] We will come to Carson City. Please go ahead.

Calen Evans, President, Washoe Education Association:

We represent the certified professionals in the Washoe County School District. I want to say thank you to Assemblywoman Summers-Armstrong for bringing this bill forward and also the ACLU of Nevada for championing these efforts.

Substitutes play a vital role in the education ecosystem. In Washoe County, we have been pushing and advocating tremendously with our superintendent and our school district to provide better supports for our substitute teachers and recently had increases to sub pay made. That is because even though they do not fall within our bargaining unit, they play a significant role in supporting the students in our schools. They also play a significant role in supporting the current educators who we do have in the classroom. Anybody who has taught understands the impact of not being able to find a sub and the burden and load it places on the rest of the adults in the building when we cannot fill positions.

When we talk about how to fund this, and I know it has already been discussed around accrued savings, in Washoe County we were very aggressive going after those accrued savings, and we were able to use those funds to provide additional compensation for educators over a certain caseload. What is great is this bill would not even impact those efforts because we were using the salary savings portion; there are still the insurance and benefits cost that the districts are still saving due to having so many unfilled positions. The money is there to fund these efforts.

Finally, when you talk to a retired teacher, and they play, again, an extremely important role, one of the biggest issues that comes up with them when they retire is their ability to afford insurance. We have a number of highly qualified retired teachers in our school districts who would come back. Providing these supports for insurance would also address one of the major issues that comes up when you talk to retirees.

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

We submitted comments [[Exhibit DD](#)]. I will not read them, but I do want to mention that there is a bit of a companion bill over on the Senate side, Senate Bill 434, which would make long-term substitutes also eligible for retirement benefits. We support the bill as well.

Kathleen Seline, Private Citizen, Fallon, Nevada:

I am a substitute teacher in the Churchill County school district. I personally do not like to do long-term jobs. I have in the past, and I can tell you the workload is the same as what a teacher would do as far as lesson plans, grading, talking to parents, going to meetings, all of that, but you get none of the benefits; no vacation pay, no Public Employees Retirement System benefits, nothing. It would help a lot to have more people willing to do long-term if they at least have health insurance. Normally, I would not be in favor of ever spending more money. I like to spend less. But in this case, it would be helpful. There is such a shortage of substitutes in all the school districts. It is a small investment to make to ensure these classes are covered. That is it.

Chair Bilbray-Axelrod:

Thank you. Is there anybody else here to make testimony in support? [There was no one.] With that, we will go to the phone lines. Is there anyone on the line wishing to offer support testimony?

Terri Shuman, Private Citizen, Las Vegas, Nevada:

I am here in favor of the amendment to A.B. 282. I came into the Clark County School District as a substitute. For two years we were not afforded any type of benefit, not any sick leave, vacation, or insurance. Within two years, the CCSD formed the position of permanent substitute teacher. One hundred substitutes, including myself, are now afforded sick leave, vacation, and insurance.

This program ended up being eliminated after two years. To this day, my colleagues and I still go before our school board of trustees presenting it and suggesting that our substitutes be able to participate in that again. Two years ago, I went into the classroom with a long-term sub. This substitute teacher was superb. Unfortunately, during the pandemic, she and her husband both came down with COVID-19. Nobody needed insurance more than they did. In fact, she was even better than the full-time teachers whom they put into the class the next year. Our substitutes deserve—and we need to respect them in the job that they do by providing them with insurance, if not vacation and sick leave as well. I ask and pray that the amendment to A.B. 282 be granted. Our subs deserve it, and they work hard enough to get it.

Anna Binder, Private Citizen, Mesquite, Nevada:

I am calling in support of this bill. I do very much thank the ACLU for spearheading this, and I appreciate all of the questions and the discussion. I am just a mom, but I appreciate every single person who is willing to walk into one of our schools and support our children.

This is absolutely a way to let these long-term subs know we do value them. It says a lot about our district that the ACLU has spearheaded this and not the district themselves. Regardless, it is very much appreciated. I hopefully look forward to seeing this come to fruition for the benefit of everybody.

Chair Bilbray-Axelrod:

Are there any more callers? [There were none.] We will close support and open opposition. Is there anyone in Las Vegas?

Clark County School District (CCSD) is coming up, which is good because I was going to call you up. We just received the document that you sent us about your current policy [\[Exhibit EE\]](#). We might have a few questions on that. Why not start out by telling us what the document was? Members are just taking a look at it right now but suffice it to say, it looks like CCSD does have a policy offering health care for long-term subs. Please be as specific as possible when you talk about who those people are and what is covered.

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

I will do my best to explain and get into the details as much as I can, and if there are questions that I cannot answer right now, I am happy to follow up. The document you have in front of you [\[Exhibit EE\]](#) is a letter that was sent to all eligible substitutes and temporary employees in December of last year. This went to 610 individuals, for them to be able to enroll in health insurance. The letter lays out a couple of things. It lays out how they can go about with open enrollment as well as a summary of benefits that speaks to what is covered and what their copays might be, depending upon the situation, as well as the pay period deductions. I just wanted you to know that is something that occurs, and folks are eligible for that.

Substitute teachers and temporary employees who work an average of 29.5 hours per week over the course of a year are eligible to enroll in this CCSD HMO plan in the following calendar year. Throughout that calendar year, you are able to enroll through the open enrollment or when you have an eligible major life event like you have a baby or something to that effect. The number of hours you work throughout that year that you are eligible or are receiving those benefits—it does not matter what hours you work or whether you continue to meet the 29.5 hours per week threshold, you will continue to be covered. But in the subsequent year, in order to continue coverage on that third year, you would need to continue to maintain in that previous year that 29.5 hours per week throughout the entire year. That letter is in regard to the coverage for those folks.

Chair Bilbray-Axelrod:

Let me just go through this because we just got this. It really does nothing for substitutes who have just started this year. It would have to be the subsequent year. Did you say 29.9 hours?

Patricia Haddad:

It is 29.5 and gets rounded up to 30.

Chair Bilbray-Axelrod:

That seems like a lot every week, but okay, so 29.5 hours rounds up to 30. It is for next year, so I have to work it this year, then I find out— Is this something that people are aware of? I know I have received emails about this, and nobody is saying, I cannot wait till next year when I am going to receive these benefits. Do they know that and are they aware of the 29.5-hour requirement? How is that information getting out?

Patricia Haddad:

I do not know the specifics of how that information gets relayed to folks who are substitutes or who are on a pathway forward. What I do know is, on an annual basis we look back at all substitute and temporary employees to see who met that eligibility and then reach out to them and give them the opportunity to enroll. Out of the 610 folks who were eligible and received the information last year, we had 57 of them choose to enroll in the plan.

Chair Bilbray-Axelrod:

On the slide presentation [page 5, [Exhibit T](#)] it indicated this would cover more than 3,000. Currently you are offering this to 610 individuals and 57 are taking it. Also, are the hours aggregated toward the 29.5 so that if I work almost every week that I am eligible, but I get COVID-19 and I am out for two weeks, is it averaged? How is that figured?

Patricia Haddad:

I believe it is 29.5 over a 37-week period. It is looking at August to August and it has to be maintained in order to meet that eligibility. I do not know how you would double up on a particular week if you missed one, because there are limited hours that school is in session.

Chair Bilbray-Axelrod:

Right, so these are some big hoops to jump through. Members, do you have other questions? I know we just got this information—

Assemblywoman Anderson:

Just one and it might be similar. How many hours in a day are credited to substitutes? Do they also get credited for a lunchtime? If they were to work a full day—I know in high school many times there is a prep, but many times those same subs then get pulled over. Do they also get credited for that lunch hour or other time frame?

Patricia Haddad:

I do not want to give you the wrong information. I will find out and get back to you.

Assemblywoman Hansen:

Thank you for answering our questions. I am looking at this, and I have to say those are pretty nice benefits for the price. Is this a current thing that has started at CCSD? It is dated December 2022. What is the history? Has it been there for a while and this is just the yearly, Hey, you have qualified for enrollment notice? Could you state for me again what the hour cap was?

Patricia Haddad:

How long this particular model has been in place I do not know the answer to, but I will find out. This letter is from December 2022; this is what specifically went out to the folks who were eligible in December of this past year for benefits to kick in in January. The answer to the second part of your question is 29.5 rounded up to 30 hours per week.

Chair Bilbray-Axelrod:

Once again, I am doing some quick math because I believe most substitutes work about six hours a day; so they are working full-time, five days a week. It is basically a full-time gig; you would be eligible.

Assemblywoman La Rue Hatch:

I definitely have some concerns. This is actually making the case for why we might need this bill. I am concerned, firstly, that there are 610 eligible and only 57 signed up. I am wondering if there are some communication issues. I would love some follow up on how that information is getting out. Secondly, can you speak to how often you have a sub who comes back? I know a lot of times we will have a sub who is with us a year and then our goal is for them in the next year to be an actual teacher. For them to have to work an entire year before they qualify for benefits seems pretty extreme, even compared to other industries. Can you speak to why a full year is required instead of the month that most other industries are requiring?

Patricia Haddad:

On the rationale and the back story for a year and the 12-month look-back, I would have to get back to you on specifically why that policy was put into place. I will be sure to get back to you with information on the initial communication as well as who continues coverage out of those folks who opt into it year over year.

Chair Bilbray-Axelrod:

I think you are going to be off the hot seat for a minute. Would you like to start testimony?

Patricia Haddad:

I would love to get off of this table right now. I just want to say I worked with Mr. Haseebullah on education policy work in another life, and he is not the person I want to be toe to toe against in any sort of policy matter. Here is the thing: We would love to support this bill and, of course, substitutes are an integral part of the district's day-to-day operations in support of kids. I appreciate the attention to detail and the thoughtful nuance in the amendment.

Unfortunately, as it is currently written, we are regretfully in opposition due to the administrative challenges that it presents. I will not rehash some of these pieces, but as noted, substitute teachers and temporary employees who make that threshold are eligible to enroll in that plan. The reason I sent that [\[Exhibit EE\]](#) during the Committee meeting was because there have been comments about there being no health insurance made available. There is indeed, recognizing the limitations that exist on it.

In our initial reading of the bill draft request, we thought the \$450 subsidy would only apply to the substitute. However, understanding that that is actually a fourfold increase from our initial estimate based on the fact that it would be \$450 for the substitute plus up to three dependents, that is more than double the most expensive contribution for a full-time employee.

In addition to that, moving from a 12-month look-back to a 30-day look-back as outlined in the bill would require an immense amount of additional staffing and management resources to keep up with the month-to-month changes in enrollment eligibility.

We continue to be heartened by legislation to support teacher pipeline pathways, to facilitate that process and lessen financial barriers to becoming a full-time, licensed educator, and we want to continue to support our substitute teachers.

On the vacancy dollars, for Clark County specifically, based on [unintelligible] those school budgets and those vacancy dollars sit at the school level. We would not be able to offset those costs at the central office level to cover this subsidy.

Chair Bilbray-Axelrod:

We are at five minutes to 4 p.m. when we will be losing four members of the Committee and the bill presenter. We need to have a discussion because we do have the permission to work session this bill if we have the votes. That is what is going to happen. All right, go ahead; we are on opposition. Whoever has to leave can leave at 4 p.m. and just know that we will recess and may be coming back.

Mary Pierczynski, representing Nevada Association of School Superintendents:

I will talk very quickly. First of all, I want to thank Assemblywoman Summers-Armstrong for meeting with me. She was so gracious. I really appreciated that as we talked about this bill. There are a couple of concerns. All of us who have taught, we probably started out as substitute teachers, and that is not an easy job. We certainly appreciate substitute teachers. They do a tremendous amount of work. There is no question about that.

The concerns of the folks I work with, the Nevada Association of School Superintendents, are section 1, subsection 3, where it talks about the additional three people who can receive the subsidy. That is something that permanent teachers do not have. They can buy insurance for their dependents, but it comes out of their own pocket. They do not get any subsidy for that. The second thing is the language that Assemblywoman Torres brought up. We would like some clarification on that. I know it is a policy Committee, but we cannot ignore the fact that it is an unfunded mandate.

Tessyn Opferman, representing Washoe County School District:

We echo the points that have already been brought up. I will say we love our subs; we care about our subs; we depend on our subs. But the fact of the matter is we have a limited amount of funding at the Washoe County School District, and we are working very, very hard to divide up that number to make sure our staff and our teachers get adequate salaries

and to make sure we have appropriate mental health services and wraparound services. A lot of burden is put on school districts to make sure we are allocating our funding appropriately. Unfortunately, we do consider this an unfunded mandate, as much as we depend on our subs.

I would also make a note about the fiscal note. Our fiscal note was also based on the idea that it would be \$450 per substitute teacher, not including those dependents; so, our fiscal note is now significantly higher than what is stated in the represented fiscal note. I know you are not the money committee and this likely could go to Ways and Means, but I want to flag that for all of you so that you have an idea of what our fiscal note could be moving forward.

Chair Bilbray-Axelrod:

Thank you. Is there anybody else in the room in opposition? I am not seeing anyone. There are no callers choosing to testify in opposition. With that, we will go to neutral. Is there anyone in the room, in Las Vegas, or on the phone lines for neutral? [There was no one.] With that, I will invite the bill sponsors back up to make any closing comments.

Athar Haseebullah:

As I predicted, I heard my two favorite words, "unfunded mandate." As I mentioned, accrued savings and budgeted-for-expenses are the retort to that. These are not unfunded mandates; you funded them time and time again; they have not filled the positions.

I appreciate CCSD. I was aware of part of this policy [[Exhibit EE](#)]. We actually included it as an exhibit. To Assemblywoman La Rue Hatch's point, the fact that 57 individuals got on a plan when we have how many thousands of substitutes within the district really shows a poor recruitment strategy. Imagine a recruitment strategy where you have to work for a year to get health insurance. You can go to any retail operation right now and get it after 30 days. You go to any business and get it after 30 days. To work for a year and determine eligibility a year later is pretty jarring. Fifty-seven people probably enrolled because by the time they are done with that—we do not have access to that information; it is going to be protected through Health Insurance Portability and Accountability Act of 1996—but probably about a year later, I would imagine that might be the last batch of folks left. They might be all you have left. If we continue to do this with thousands of individuals at a time, we are going to have no substitute teachers left.

I appreciate the comments and I recognize it puts folks in a tough spot because this is a challenging space to be in. I very much appreciate that, but we really need to resolve this now. It cannot be something that is kicked over. Even if we get sent to Ways and Means, it is going to be the same argument back. If anybody can justify the fact that we are saving upwards between \$30,000 to \$50,000 by filling these gaps with long-term subs and not treating them with basic dignity and decency, I would be happy to listen to it, but I do not think the math or the data shows that that is actually the case.

We appreciate this Committee's time. I do hope you work session this. If there is any information in between the time or any amendments that come in, we are happy to consider those as well, but that is our position today and we are grateful for your taking time on this deadline eve to be able to do that.

Assemblywoman Summers-Armstrong:

Thank you, Madam Chair and members of the Committee. We appreciate your time.

I want to address the comment that this will take additional staff to track. I want to call that comment a little bit disingenuous. There is a tracking software already in place. They know how many days substitutes have taught; they know how many openings are available. They even said in the presentation that they are tracking in order to be able to find out if a substitute has worked enough days for a whole year to get insurance the following year. The mechanism is in place.

Let us do the right thing. What we have heard today from you and your bill presentations, and your work session, is that you believe in our schools and that they are a necessity in our communities. We cannot say we love our kids and we want the best for our kids but will not do something to ensure that the people who are providing the education we say we want our children to have cannot even go to the doctor and are afraid for any illness that could put them on the street, homeless, because that is one of the number one reasons why people end up in homelessness—trying to balance their budgets. I thank you so much for your time. We appreciate you.

Chair Bilbray-Axelrod:

With that, we will close the hearing on A.B. 282. We will have a one-minute recess.

[The Committee recessed at 4:03 p.m. and reconvened at 4:04 p.m.]

Chair Bilbray-Axelrod:

Members, as you know, per Assembly Standing Rule 57, section 4, there is a waiting period that prohibits a Committee from taking action on the measure within the 24 hours immediately after the hearing. We have received permission from Assembly Speaker Steve Yeager to waive that 24-hour rule. As such, we are going to hear from our policy analyst what the bill is, what the work session is, and that we have two amendments, and then we will take a motion.

Assembly Bill 282: Establishes provisions governing a subsidy for certain substitute teachers. (BDR 34-841)

Alex Drozdoff, Committee Policy Analyst:

The Committee is considering the bill with the proposed amendments: replacing "long-term substitute" with "full-time substitute"; explaining that a school district or school may not prevent any substitute teacher from working the necessary number of days to qualify for a subsidy specified within Amendment #4 for the purposes of precluding his or her ability to

qualify for that subsidy which will be inclusive of reassigning the teacher's duties to another position within the school, for example paraprofessionals or teacher's aides; and taking out the dependents section of the bill.

Chair Bilbray-Axelrod:

Members, are there any questions?

Assemblywoman Torres:

I have a clarifying point. We are also accepting the amendment that was introduced by the sponsor today, correct?

Chair Bilbray-Axelrod:

That is the intent, yes. We are including that as well. Are there any other questions? [There were none.] With that I will take a motion to amend and do pass Assembly Bill 282.

ASSEMBLYWOMAN ANDERSON MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 282.

ASSEMBLYWOMAN TAYLOR SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMEN HANSEN AND HARDY
VOTED NO.)

I will assign the floor statement to Assemblywoman Summers-Armstrong. Now we will move on to our final agenda item, which is public comment. [Public comment rules were explained.] Is there anybody wishing to make public comment here in Carson City? [There was no one.] Is there anyone in Las Vegas? [There was no one.] Is there anyone on the phone wishing to make public comment?

[Public comment was heard.]

[Meeting reminders were given.] That concludes our meeting for today. This meeting is adjourned [at 4:09 p.m.].

RESPECTFULLY SUBMITTED:

Funmi Sheddy
Recording Secretary

Geigy Stringer
Transcribing Secretary

APPROVED BY:

Assemblywoman Shannon Bilbray-Axelrod, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is the Work Session Document for [Assembly Bill 182](#), presented by Alex Drozdoff, Senior Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit D](#) is the Work Session Document for [Assembly Bill 226](#), presented by Alex Drozdoff, Senior Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit E](#) is the Work Session Document for [Assembly Bill 228](#), presented by Alex Drozdoff, Senior Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit F](#) is the Work Session Document for [Assembly Bill 241](#), presented by Alex Drozdoff, Senior Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit G](#) is the Work Session Document for [Assembly Bill 245](#), presented by Alex Drozdoff, Senior Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit H](#) is the Work Session Document for [Assembly Bill 264](#), presented by Alex Drozdoff, Senior Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit I](#) is the Work Session Document for [Assembly Bill 269](#), presented by Alex Drozdoff, Senior Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit J](#) is the Work Session Document for [Assembly Bill 279](#), presented by Alex Drozdoff, Senior Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit K](#) is the Work Session Document for [Assembly Bill 285](#), presented by Alex Drozdoff, Senior Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit L](#) is the Work Session Document for [Assembly Bill 296](#), presented by Alex Drozdoff, Senior Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit M](#) is the Work Session Document for [Assembly Bill 323](#), presented by Alex Drozdoff, Senior Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit N](#) is the Work Session Document for [Assembly Bill 330](#), presented by Alex Drozdoff, Senior Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit O](#) is the Work Session Document for [Assembly Bill 339](#), presented by Alex Drozdoff, Senior Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit P](#) is the Work Session Document for Assembly Bill 357, presented by Alex Drozdoff, Senior Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit Q](#) is the Work Session Document for Assembly Bill 372, presented by Alex Drozdoff, Senior Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit R](#) is the video titled, "HILSA – Nevada Substitute Teachers are not Provided Health Insurance Benefits," submitted by Assemblywoman Shondra Summers-Armstrong, Assembly District No. 6.

[Exhibit S](#) is a proposed amendment to Assembly Bill 282 submitted by Assemblywoman Shondra Summers-Armstrong, Assembly District No. 6.

[Exhibit T](#) is a PowerPoint presentation titled, "HILSA Health Insurance for Long-Term Substitute Teachers," presented by Athar Haseebullah, Executive Director, American Civil Liberties Union of Nevada, in support of Assembly Bill 282.

[Exhibit U](#) are results, dated April 13, 2023, of a digital petition campaign conducted by the American Civil Liberties Union of Nevada, submitted by Athar Haseebullah, Executive Director, American Civil Liberties Union of Nevada, in support of Assembly Bill 282.

[Exhibit V](#) is the 2023 Insurance Market Report to the 2023 Nevada Legislature, issued by Division of Insurance, submitted by Athar Haseebullah, Executive Director, American Civil Liberties Union of Nevada, in support of Assembly Bill 282.

[Exhibit W](#) are letters from members of the public, in support of Assembly Bill 282.

[Exhibit X](#) is a letter dated April 12, 2023, from Amanda Morgan of Educate Nevada Now, in support of Assembly Bill 282.

[Exhibit Y](#) is a letter from Anthony Curry, Director of Public Policy, Opportunity 180, in support of Assembly Bill 282.

[Exhibit Z](#) is a letter dated April 12, 2023, from Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada, in support of Assembly Bill 282.

[Exhibit AA](#) is a letter dated April 12, 2023, from Annette Magnus, Executive Director, Battle Born Progress, in support of Assembly Bill 282.

[Exhibit BB](#) is a letter from Jeri Burton, Co-Executive Director, Nevada NOW, in support of Assembly Bill 282.

[Exhibit CC](#) is a letter dated April 13, 2023, from Rudy Zamora, Director of Public Affairs, Teach For America, in support of Assembly Bill 282.

[Exhibit DD](#) is a letter submitted by Nevada State Education Association, in support of Assembly Bill 282.

[Exhibit EE](#) is a sample letter dated December 1, 2022, regarding open enrollment, submitted by Patricia Haddad, Director, Government Relations, Clark County School District, in opposition to Assembly Bill 282.