

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON WAYS AND MEANS**

**Eighty-Second Session
April 26, 2023**

The Committee on Ways and Means was called to order by Chair Daniele Monroe-Moreno at 6:26 p.m. on Wednesday, April 26, 2023, in Room 3137 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 Daniele Monroe-Moreno, Chair
Assemblywoman Shea Backus, Vice Chair
Assemblywoman Natha C. Anderson
Assemblywoman Tracy Brown-May
Assemblywoman Jill Dickman
Assemblywoman Michelle Gorelow
Assemblyman Gregory T. Hafen II
Assemblywoman Sandra Jauregui
Assemblywoman Heidi Kasama
Assemblyman Cameron (C.H.) Miller
Assemblyman P.K. O'Neill
Assemblywoman Sarah Peters
Assemblyman Howard Watts
Assemblyman Steve Yeager

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None



STAFF MEMBERS PRESENT:

Brenda J. Erdoes, Director, Legislative Counsel Bureau
Asher A. Killian, Chief Deputy Legislative Counsel
Sarah Coffman, Assembly Fiscal Analyst
Brody Leiser, Assembly Chief Principal Deputy Fiscal Analyst
Tyler Boyce, Committee Secretary
Janet Osalvo, Committee Assistant

OTHERS PRESENT:

Ben Kieckhefer, Chief of Staff, Office of the Governor
John Vellardita, Executive Director, Clark County Education Association
Peter Guzman, President, Latin Chamber of Commerce, Las Vegas, Nevada
Glenn Christenson, Private Citizen, Henderson, Nevada
Valeria Gurr, Senior Fellow, American Federation for Children, and Nevada State
Director, Nevada School Choice Coalition
Mary Beth Sewald, President and Chief Executive Officer, Vegas Chamber
Jana Wilcox Lavin, Chief Executive Officer, Opportunity 180
Pamela Goynes-Brown, Mayor, North Las Vegas
Michelle Romero, Mayor, Henderson, Nevada
Barbara Bidell, Education Programs Professional, Office of Student and School
Supports, Department of Education
Jhone M. Ebert, Superintendent of Public Instruction, Department of Education
Tomoko Rogers, Private Citizen, Reno, Nevada
Jim DeGraffenreid, National Committeeman, Nevada Republican Party
Janine Hansen, State President, Independent American Party
Hera Varmah, Communications and Events Assistant, American Federation for
Children
Erin Phillips, President and Chief Executive Officer, Power2Parent
Maria Davis, Private Citizen
Madeleine Ashour, representing ExcelinEd in Action
Denise Lasher, representing AAA Scholarship Foundation
Gil Lopez, representing the Charter School Association of Nevada
Ben Salkowe, Principal, Equipo Academy, Las Vegas, Nevada
John Guedry, Private Citizen
Lorena Cardenas, Private Citizen
Stephanie Kinsley, Private Citizen
Emmalee Toledo, Private Citizen, Las Vegas, Nevada
Cyrus Hojjaty, Private Citizen, Las Vegas, Nevada
Alida Benson, Executive Director, Nevada Republican Party
Lance West, Private Citizen, Schurz, Nevada
John Carlo, Private Citizen, Las Vegas, Nevada
Rachel Puaina, Private Citizen, Las Vegas, Nevada
Niger Innis, National Chairman, Congress of Racial Equality

Jenny Hunt, Director, Mariposa Learning and Language Academy
Dawn Etcheverry, President, Nevada State Education Association
Andrea K. DeMichieli, Secretary/Treasurer, Nevada State Education Association
Jeff Horn, Executive Director, Clark County Association of School Administrators
and Professional-Technical Employees
Stacie Stosich, Private Citizen, Reno, Nevada
Tina M. Leiss, Executive Officer, Public Employees' Retirement System
Drew Schaar, Teacher, Mineral County High School, Hawthorne, Nevada
Doug Brubaker, Washoe Education Association
Michelle Booth, representing Educate Nevada Now powered by the Rogers
Foundation
Terri Shuman, Private Citizen, Clark County
Erika Castro, Organizing Director, Progressive Leadership Alliance of Nevada
Shelbie Swartz, Private Citizen, Las Vegas, Nevada
Amber Falgout, Private Citizen, Sun Valley, Nevada
Deanna Hua Tran, Coalition Coordinator, Nevada Immigrant Coalition
Danielle Ford, Private Citizen
Calen Evans, President, Washoe Education Association
Jacqueline Davania-Williamson, Private Citizen
Vicky Cardell, Private Citizen
Nicolette Andrini, Private Citizen, Reno, Nevada
Scott Guthrie, Private Citizen, Elko, Nevada
Annette Magnus, Executive Director, Battle Born Progress
Sarah Adler, Private Citizen, Carson City, Nevada
Mateo Portelli, Private Citizen
Jean Mizell, Project Facilitator/Instructional Coach, Filipino-American Educators of
Nevada
David Blodgett, School Leader, Nevada Preparatory Charter School, Las Vegas,
Nevada
Suzan D. Reed, Private Citizen, Las Vegas, Nevada
Matthew Wilkie, Private Citizen
Leslie Quinn, Private Citizen
Katrín Ivanoff, Private Citizen, Las Vegas, Nevada
Jill Douglass, President, Battle Born Republican Women
Raymond LeBoeuf, Principal, Mountain View Christian Schools, Las Vegas, Nevada
Lindsey Dalley, Private Citizen, Logandale, Nevada

Chair Monroe-Moreno:

[Roll was taken, and Committee rules and protocol were discussed.] We are going to take things out of order today. We will have a bill introduction first, and then we will move to Assembly Bill 464 and Assembly Bill 400.

BDR 39-1077—Revises provisions relating to crisis intervention. (Later introduced as [Assembly Bill 466](#).)

Chair Monroe-Moreno:

Remember, your vote for this bill draft request is not a vote in favor of the bill. Your vote will move this bill to the next step. I will accept a motion.

ASSEMBLYWOMAN BACKUS MOVED TO INTRODUCE BILL DRAFT
REQUEST 39-1077.

ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.] I will call for a vote.

THE MOTION PASSED.

We will now move to [Assembly Bill 464](#).

[Assembly Bill 464](#): Makes an appropriation to the Legislative Fund for costs relating to anticipated building renovations. (BDR S-1107)

Brenda J. Erdoes, Director, Legislative Counsel Bureau:

An amendment mock-up for [Assembly Bill 464](#) has been prepared [[Exhibit C](#)]. The initial appropriation recommendation was discussed at our last meeting, and this mock-up adds another \$500,000 to the bill. The intent is that this additional funding will allow us to get a head start on the planning, design, and preparation of buildings, as well as minor tenant improvements and property management before July 1, 2023.

Please note that section 1, subsection 2 of [A.B. 464](#) clearly states that anything that we do not spend on or before June 30, 2023, will revert to the State General Fund, not the Legislative Fund, to ensure we comply with the education first constitutional provision.

Chair Monroe-Moreno:

Are there any questions from Committee members? [There were none.]

Is there anyone wishing to provide testimony in support of [A.B. 464](#) or the proposed amendment 3605? [There was no one.] Is there anyone wishing to provide testimony in opposition to [A.B. 464](#)? [There was no one.] Is there anyone wishing to provide neutral testimony on [A.B. 464](#)? [There was no one.]

We will close the hearing on [A.B. 464](#). The next item on our agenda is [Assembly Bill 400](#).

Assembly Bill 400: Revises various provisions relating to education. (BDR 34-1088)

Ben Kieckhefer, Chief of Staff, Office of the Governor:

Assembly Bill 400 is companion legislation and an implementation strategy for Governor Lombardo's groundbreaking investment proposal for K-12 education in Nevada. As you may know, the Governor's budget proposal includes \$2 billion in new funding for K-12 education spending. This will fully fund equity weights and the Pupil-Centered Funding Plan while still providing \$1.2 billion in new funding for teacher raises, supplemental supports, extended instruction time, and wrap-around services for students, among other services that can be provided.

With this investment comes a heightened level of expectation for Nevada students and unprecedented accountability for Nevada school districts and their leadership. We cannot set high expectations and demand accountability, however, without providing fiscal and policy support necessary for success. Governor Lombardo's budget proposal and the components of A.B. 400 are linked and provide the financial and policy support necessary to ensure that every Nevada student is successful and prepared for the next steps in life. The components of A.B. 400 are easily divided into four primary topics: school choice, early childhood literacy, accountability, and the teacher pipeline.

Several individuals will testify in support of this bill as a part of my presentation and following brief remarks by these supporters of the bill, the superintendent and I will walk through the legislation. The first group of individuals are from Las Vegas.

Chair Monroe-Moreno:

I believe the first group will include John Vellardita, Peter Guzman, and Glenn Christenson.

John Vellardita, Executive Director, Clark County Education Association:

The Clark County Education Association (CCEA) represents 18,000 educators in Clark County. Governor Lombardo has asked my organization to present on specific pieces of A.B. 400. The CCEA supports accountability where student outcomes must improve. Nothing, however, will improve student outcomes more than having a qualified teacher in every classroom.

We will have a crisis of vacancies over the next 10 years. We will need 14,000 educators in Clark County, and 19,000 educators statewide, over that same time period. This bill, A.B. 400, provides solutions to our current educator vacancy crisis as well as investments in early childhood literacy.

Assembly Bill 400 provides the funding mechanism for an educator pipeline that is outlined in Assembly Bill 428; a bill sponsored by the Assembly Committee on Revenue. Sections 15 and 54 of A.B. 400 create a real and lasting funding system to sustain this pipeline, building off the framework of the successful Pupil-Centered Funding Plan. These two sections dedicate a certain amount of excess funding to the educator pipeline. It works like this—whenever automatic funding for the Education Stabilization Account exceeds the 15 percent

cap on that account, and the cap is exceeded right now, some of that excess money will fund the educator pipeline now, as well as in years to come.

The marriage between A.B. 400 and the A.B. 428 pipeline bill goes further and is demonstrated by section 26 of A.B. 400 that matches the 12-credit dual enrollment mandate found in A.B. 428. It is imperative that we finally build this pipeline and that we ensure it is sustainable for years to come. The Governor's proposal for A.B. 400 finds a long-term funding solution for it, and it is a match made with policy as well as with funding.

Section 79 of this bill addresses our labor shortage and allows veteran teachers who have retired to return to the classroom immediately and not jeopardize hard earned retirement benefits. We are not going to fix our educator vacancy crisis with any one strategy. This is an approach that tries to find an immediate fix, and it can have an immediate effect on our high vacancy schools as they exist today.

Sections 11 through 14 of A.B. 400 invest significantly in early childhood literacy. Early childhood literacy in pre-K and kindergarten is foundational in a child's education. Sections 11 through 14 of this bill help fund and jumpstart programs for early childhood literacy. We will never see improvement in student outcomes without dedicating more time to student instruction, and early childhood literacy plays a critical role. We are working with other legislators on other legislation during the session, but we believe sections 11 through 14 of A.B. 400 are a critical foundation for student education.

Peter Guzman, President, Latin Chamber of Commerce, Las Vegas, Nevada:

The Latin Chamber of Commerce (LCC) is in full support of A.B. 400. Governor Lombardo has made the single largest investment in K-12 education and more importantly, raising the bar on expectations and accountability to a level not yet seen in Nevada. Governor Lombardo has the most aggressive school choice agendas we have seen across the country, and this bill proves that. This bill ensures that every child has access to the best education possible and empowers Nevada families to choose what education model is best for their child's needs. We must trust parents more when it comes to the needs of their children.

Most importantly, this bill prioritizes early childhood literacy and reinstitutes the pivotal educational program, Read by Grade 3, which has been proven to give students a better chance at success and at life. This is personal because in all my work with prisoners and offenders, there is one common thread—the lack of reading. This is something we can fix. Reading is critical, especially for kids who are among the most vulnerable. This is truly their chance. I ask you to please support A.B. 400.

Glenn Christenson, Private Citizen, Henderson, Nevada:

I am here this evening to support A.B. 400. There are at least three broad reasons why I like this bill:

1. This bill addresses critical needs to attract and retain teachers. The bill includes scholarships for additional professional development for teachers and continuing teacher education programs for students who want to become teachers. The bill also allows teachers to draw both salary and retirement, thereby reducing the need to find new teachers.
2. The bill tasks the Commission on School Funding with responsibility to monitor and provide oversight and accountability measures.
3. The bill provides more opportunities for parents and school choice. I am agnostic about where a kid gets a good education, but our family knows firsthand that one size does not fit all when educating students.

I would like to offer five suggestions as you deliberate on this bill.

1. As you consider additional professional incentives, please consider other forms of certifications in addition to formal postgraduate degrees. For example, at the Leadership Institute of Nevada, we are training the next generation of great leaders in education with instructors from some of the top universities in the country.
2. It is imperative that accountability metrics and student outcome metrics not only be clearly defined but that voices from both union and nonunion teachers be included in the decision-making process.
3. Student outcomes and achievement metrics should not be narrowly defined simply by test scores. Make sure to clearly define metrics upfront and include teachers in those discussions. These definitions should not be a top-down edict.
4. Communicate clearly what the word accountability means.
5. Articulate what it is we are trying to accomplish when we offer a quality K-12 education. I hope that articulation includes proficiency in reading, writing and arithmetic, critical thinking, problem solving, and communication skills at a minimum.

Valeria Gurr, Senior Fellow, American Federation for Children, and Nevada State Director, Nevada School Choice Coalition:

We support A.B. 400. There are about 1,400 students in the Opportunity Scholarship Program and thousands of students on a waiting list. This program is changing lives, especially for the communities that need extra support. The Opportunity Scholarship Program is very diverse—26 percent of the students participating in this program are Hispanic and 14 percent are African American. The children who participate in this program do not exceed 300 percent of the federal poverty level. Increasing the eligibility to 500 percent of the federal poverty level will help working families as well.

The reality is that empirical data from the Nevada Report Card shows that children are struggling in Nevada. Students in all grade levels lack proficiency in math and language arts. I know school choice is not just about scores; it is about giving families the ability to be the drivers in the education of their children. As a mom and as a member of the Hispanic community, I have seen firsthand how my community suffers. I know this program is an asset to vulnerable communities. Families are searching for options for many different

reasons. These families want help academically because of bullying, and they do not have the means to financially assist their children.

Teresa Peña is a mom who I anticipate will be testifying today in Las Vegas. She says her daughter had to leave public school because she was bullied into using drugs. Her child is now doing virtual education, but she is suffering emotionally, and she is depressed. Her mom tried to enroll her in a charter school, but the waiting list was two years. A school choice could help families like Teresa Peña.

I believe in Opportunity Scholarships because I am an immigrant child of a single mother who was poor and could not read. I needed extra help just as many families in my community do today. My mom always wanted better for me, but we did not have the financial means. I am in front of you today because I have an education, and I can read. I am here representing my community and representing families like mine. Our communities are struggling, and I know that members of this legislative body want low-income parents to be able to provide opportunities for their children when the school is failing them. Increased funding for Opportunity Scholarships is not going to defund public schools, but it will provide opportunities for families who need help. Please support our families and support A.B. 400, [[Exhibit D](#)].

Mary Beth Sewald, President and Chief Executive Officer, Vegas Chamber:

I would like to thank Governor Lombardo for bringing A.B. 400 forward to help create a stronger K-12 system. The Chamber supports A.B. 400 because of the proposed initiatives and accountability enhancements to Nevada's K-12 education system. Nevada's employers and entrepreneurs rely on the K-12 public education system to properly prepare students for the future workforce. It is essential that Nevada's education system is integrated with the needs of today's and tomorrow's employers. Assembly Bill 400 does a number of valuable things that will help enhance K-12 education.

First, A.B. 400 will develop a more robust teacher pipeline to help solve the shortage of teachers by allowing greater collaboration with our higher education system. The bill will also allow retired teachers to return to classrooms without their retirement benefits being penalized. Businesses, nonprofits, and government entities cannot flourish if they do not have skilled workers. That is why it is critical that K-12 spending should focus on priorities that will adequately prepare all students for the demands of our economy and ensure our communities thrive in the future.

The Chamber also supports those provisions that will require the review of academic progress in schools that receive public money. The Chamber believes that education dollars are best spent when funds are directed to specific programs in the classroom that are working and have strong accountability measures. If a specific program is not working, then dollars should be shifted to programs that are succeeding or be invested in new education initiatives. We believe A.B. 400 balances those priorities, and we are also in favor of continued efforts and offerings of charter schools for students in Clark County as well. The Chamber will continue to advocate for the need for greater transparency, increased accountability

measures, and achievable performance metrics within the K-12 system, as well as for greater opportunities for academic success. Thank you for supporting A.B. 400.

Jana Wilcox Lavin, Chief Executive Officer, Opportunity 180:

I am here to talk about data. Opportunity 180 [[Exhibit E](#)] is a nonprofit organization founded and supported by Nevadans and we aim to ensure that every kid graduates from high school, college, and is career ready, prepared to live the life that they dream. We work with, and through, the spectrum of the community to invest in, and advocate for, ensuring that every kid has an educational opportunity that sets them up for success and supports our state and its long-term goals.

We appreciate the opportunity to provide insights on components of A.B. 400 that we believe are a line to our North Star, and also advance a student-centered education ecosystem with an emphasis on providing opportunities to advance equitable educational outcomes in our community.

Our kids do not have time for us to find the right answer. Instead, we need to embrace a multipronged, comprehensive, kid-centered strategy. Currently in our state, according to the National Assessment of Educational Progress, only 27 percent of our fourth graders are at grade level. According to the Nevada Report Card, 26 percent of our graduates leave with a college and career ready diploma, prepared for the workforce. Of students statewide, 44 percent in third through eighth grade can read at grade level. Our statewide average for the American College Testing (ACT) is 17.3, where the average baseline for college and workforce preparedness is 22.

To see a monumental shift in student achievement that our kids need and deserve, we must establish a clear set of data-driven benchmarks, and a common language for student success that will allow us to continually evaluate progress of our statewide investments. Section 23 of A.B. 400 provides a framework to establish statewide measures to assess progress over time, establish a common vision for what we want to be true for education in Nevada, and set a course for monitoring that progress, informing both future decisions and future investments.

The states across the country that have seen the most consistent, sustained, and dramatic improvements in student achievement have deployed targeted well-defined efforts with clear benchmarks that they track in concert with their stakeholders. While we anticipate much discussion on the contents of this bill, we see a critical outcome of this legislation and a continued conversation around establishing clear accountability targets and a long-term commitment to those outcomes for kids.

Pamela Goynes-Brown, Mayor, North Las Vegas, Nevada:

I am here in support of A.B. 400, Governor Joe Lombardo's Education Achievement Opportunity and Accountability Act, which will benefit children and families and help equalize the playing field for students in the City of North Las Vegas and in the state of Nevada [[Exhibit F](#)]. This bill will help improve outcomes for Nevada students by increasing

access to educational opportunities, especially for children from communities facing historic and systemic inequities, supporting teachers, prioritizing literacy and early childhood education, and providing more school oversight and accountability. I believe in equipping families with as much knowledge and as many resources as possible to try to meet the individual educational needs of each of their students, as seen in the City of North Las Vegas' Southern Nevada Urban Micro Academy Parent Ambassador program and Learn NLV initiatives. Enabling charter authority for local governments and creating a charter office for information for families will help empower and inform caregivers and students.

Assembly Bill 400 recognizes the critical role transportation plays in student success. The Education, Achievement, and Opportunity Act will lead to higher achieving schools and better outcomes for students and will benefit Nevada children and families, as well as education for our state. I fully support the Governor in advancing A.B. 400.

Michelle Romero, Mayor, Henderson, Nevada:

I would like to express Henderson's support for A.B. 400. Although schools fall under the authority of the Clark County School District, quality education is one of five priorities in our city's strategic plan. We have created our own community education advisory board to provide recommendations to our city council on educational matters. We also support Henderson schools financially, dedicating 30 percent of our marijuana business licensing fees as well as redevelopment area set-aside funds. Since 2015, Henderson has invested more than \$10 million to bring additional resources directly to Henderson teachers and students. Together with the schools in our Community Foundation, we determine how best to use those funds so there is meaningful impact at the local level.

This bill has many worthy components, but I want to specifically mention two critical areas: charter expansion and open zoning. With abysmal student test scores and growing demand for school choice, Nevada needs multiple chartering authorities. We know this will result in more and higher quality charter offerings. Many Henderson schools are critically overcrowded. Our high schools operate well above program capacity using more than 80 portables between them. Classrooms at all levels are overcrowded, operating well above the desired teacher-to-student ratios. School overcrowding can impact school safety and academic outcomes for students. Allowing overcrowding to be considered as a factor in allowing charter schools would help us address these urgent concerns. We also recognize that students learn differently and want more educational options available in our communities. We support open enrollment and increasing opportunities for families to select the best learning environment possible for their children. Quality education is foundational to economic development, quality of life, and other major issues impacting our communities. Henderson has proven that we can tackle tough issues, and we have a successful track record in bringing people and organizations together to innovate and activate for incredible results. Ensuring a successful future for our children is perhaps the most worthwhile effort there is. We look forward to a greater opportunity to impact educational outcomes at the city level.

Ben Kieckhefer, Chief of Staff, Office of the Governor:

I appreciate the opportunity and the indulgence to allow some of the many groups and individuals who support this bill to be a part of this presentation and provide a sampling of the breadth of support. This bill, A.B. 400, has a significant amount of content across a fairly diverse group of subjects related to K-12 education and rather than go line by line through the bill, which is a disjointed process, my presentation breaks down the legislation into primary areas that I referenced earlier; the first of those is school choice.

One of the foundational pieces of Joe Lombardo's campaign for Governor was his support for school choice, and A.B. 400 delivers on that promise by offering an aggressive expansion of school choice in Nevada, giving parents across the state more options when it comes to their children's education. To Governor Lombardo, school choice is not just one thing, and this bill reflects that. School choice includes growth in private schools, charter schools, and traditional public school options for families while also creating an Office of School Choice in the Department of Education.

The first part of A.B. 400 is for Opportunity Scholarships. The Governor is proposing to set thresholds for available scholarships at a percentage of the State Education Fund for the first time. For the upcoming biennium, it would be set at a modest one-half of 1 percent, or roughly \$25 million per year. That is consistent with the Governor's budget request, and that percentage would increase in subsequent biennia to a maximum limit of 5 percent.

Additionally, this bill expands eligibility for Opportunity Scholarships, so families with incomes up to 500 percent of the federal poverty level would be eligible to apply for scholarships, expanding school choice to middle class families. That percentage is currently set at 300 percent of the federal poverty level.

The next part of A.B. 400 is for charter schools. For charter schools, the Governor is proposing to allow cities, counties, and—through a future amendment—tribal governments through their request, to sponsor charter schools in their communities. Among triggers that allow for creation of a charter school, we would like to add overcrowding of traditional neighborhood schools—a valid reason for approval of a new charter school under this legislation.

Next, A.B. 400 implements a recommendation from the Commission on School Funding to create an optional grant program for charter schools that want to provide transportation options for their students.

School choice should not only be for private schools and charter schools. Assembly Bill 400 requires traditional public schools to create an open zoning process so students from anywhere in a county can attend any school of their choice if there is capacity at that school. This would eliminate the burdensome and difficult variance process that currently exists and can provide more families with options at traditional public schools.

Next, A.B. 400 creates an Office of School Choice in the Nevada Department of Education. This Office will serve as a clearinghouse of available options and information for families, work directly with parents and families trying to make the best choices for their children, and become administrators of the Opportunity Scholarship program.

An important part of A.B. 400 relates to early childhood literacy. When it comes to education, nothing is more foundational than reading. Unfortunately, in recent years, the state has removed accountability provisions for the Read by Grade 3 policy. This bill reestablishes the foundational policy that students who cannot read at grade level in the third grade should not be promoted to the fourth grade. This policy has seen documented success in states that leapfrogged Nevada in student outcomes. To be clear, reading competency is not a high expectation. It is a baseline. Unfortunately, more than half of our students in kindergarten through third grade are not achieving a full year of reading growth each school year. Specifically, more than half of Nevada's youngest learners are falling behind every year. It is unacceptable, and A.B. 400 targets this problem.

The legislation creates the Early Childhood Literacy and Readiness Account in the State General Fund and dedicates one-half of excess revenue from the Education Stabilization Account above the 15 percent threshold. This mechanism would create a pool of more than \$125 million that would be used by the Department of Education to support evidence-based literacy programs targeting children younger than six. We know many children are not entering kindergarten ready to learn, and we cannot establish retention policies in the third grade if we do not provide needed resources to ensure those children are prepared for success. This investment in early childhood literacy corresponds with the Governor's proposed retention policies effective in 2028, and ensures we are not establishing expectations without creating a pathway for those children to succeed. Additionally, we expect enhanced funding in the Governor's budget will be easily mapped to school districts that provide additional literacy specialists and support for the youngest grades to help ensure we meet our literacy goals.

Another important part of A.B. 400 relates to the teacher pipeline. We can set expectations that we want for our students, but none of that is possible without a robust and professional group of educators to lead classrooms and schools every day. There are thousands of teachers doing great work every day for our students, but there simply are not enough of them.

Governor Lombardo's proposal in A.B. 400 addresses this issue. First, legislation creates a teacher pipeline account in the State Education Fund and funds it with the remaining half of the excess funds above the 15 percent threshold in the Education Stabilization Account. This will make more than \$125 million available in funding for the next biennium for teacher development programs. This funding is not program specific but corresponds with legislation this body is considering. The Legislature has multiple bills working their way through the process, but this funding could be used to support various mechanisms.

At the very least, A.B. 400 requires school districts with more than 100,000 students to create a continuing teacher education program in every high school, focused on education that will help expose our high schoolers to the value of teaching as a profession and encourage them to do so. This bill also dedicates the interest earnings on the Education Stabilization Account to the teacher pipeline. Three-quarters of the interest earned from this Account would be allocated to the Teach Nevada Scholarship program to enhance and support our teacher pipeline and to support more teachers through the educational process.

This funding is in addition to State General Funds that the Governor dedicated to this Account to pay for student teaching stipends and to increase the number of scholarships. The other 25 percent of interest earned from the Education Stabilization Account would be dedicated to a new Teacher Advancement Scholarship Program Account. This would mirror the Teach Nevada Scholarship's administration but would be used to help with professional development of our educators who want to achieve higher levels of education, certification, and training.

While these programs and dollars will help build our teacher pipeline and support the pipeline for years to come, we need to stop the bleeding now. This bill, A.B. 400, authorizes the Governor to declare a critical labor shortage for educators in Nevada, allowing retired teachers to return to classrooms and continue to draw retirement while simultaneously drawing a salary. We hope this declaration will help address the immediate need and ensure we keep highly qualified teachers at the front of every Nevada classroom.

The final piece of A.B. 400 relates to accountability. When Governor Lombardo announced his historic investment in K-12 education during the State of the State address, he stated that it was a new day for expectations and accountability in education, and he meant it. For the Governor, this means that accountability should be infused in everything we do. What you see in this bill is just a part of that. This bill renames the Commission on School Funding to the Commission on School Funding and Accountability and adds expanded responsibilities for ensuring that new funding dedicated to K-12 education is spent on programs that drive student outcomes. While an ongoing review of student outcomes tied to funding will be critical in evaluating this and future investments, we must be clear about what our expectations are in the next two years. To that end, Superintendent Jhone Ebert and I have been working with many parties to develop expectation metrics that we will be using to evaluate outcomes immediately. We have begun the process of introducing that matrix to several of you, and we look forward to sharing it as it becomes fully developed.

Ultimately, Governor Lombardo believes we should be putting accountability mechanisms, not just in bills like A.B. 400, but in the education funding bill to tie funding to outcome expectations. We look forward to working with you to make that happen.

Chair Monroe-Moreno:

Are there any questions from Committee members?

Assemblyman Yeager:

This is a comprehensive bill, and I do not know whether we will have time to vet all the parts of this bill. We had talked about the funding formula and the historic amount of funding going into education this session. I also want to recognize that is a function of the Pupil-Centered Funding formula passed in 2019 by this Legislature when you were here and signed by former Governor Sisolak.

Despite the historic funding, which I think is more than \$2 billion for education, the state is still not at the level of funding recommended by the Commission on School Funding to get to the national average, even with the investment we are making in the proposed budget this cycle. Is that correct?

Ben Kieckhefer:

The Commission on School Funding created a 10-year pathway to get us to their designated target level. In this two-year budget proposal, we spring forward about five years in that funding pathway. Are we 10 years down the road from where they set us to be? No, but we will only be five years down the road.

Assemblyman Yeager:

I agree with that statement. I think we are better off than we thought, but we still have a way to go.

I have questions regarding A.B. 400, section 48; the Opportunity Scholarships, and the tax. I think section 48 is the qualifications. It looks like the Governor is proposing two things in that section. First, this section will allow more people to qualify for scholarships. Applicants must fall under 300 percent of the federal poverty level now, and the proposal will change that to 500 percent. What kind of income level would we be talking about, for example, for a family of four?

Ben Kieckhefer:

This is an effort to expand Opportunity Scholarships to middle-income, working-class families. We believe it does that. Based on the Federal Poverty Guidelines for a family of four in 2022, the current threshold of 300 percent of the federal poverty level would be \$83,250 and 500 percent of the federal poverty level would be \$150,000 for a family of four.

Assemblyman Yeager:

I have the annual median income of the average Nevadan in 2020 at about \$32,000. If we base this on two working parents, that average income would be about \$62,000. If we take 500 percent, we would be somewhere in the neighborhood of 2 to 2.5 times the median income for two working parents and two children. I am not comfortable increasing to 500 percent, but we can continue that conversation.

The other part of section 48 talks about increasing the amount of the scholarship to a number that is tied to an inflationary amount a public charter school student gets. Do we know what

that number would be based on today's information and how much that number would be increased from what is currently in statute?

Ben Kieckhefer:

The maximum scholarship award permitted for the current school year is \$8,726. This bill changes how that amount is benchmarked; rather than specifying a dollar amount, that amount ties back to the Pupil-Centered Funding Plan and to charter school funding.

For charter school students, the amount that is awarded per pupil is spread out equally across all charters and does not effectuate some of the district-by-district changes that change that number based on the district that is being awarded those funds. This tries to create a flat statewide number that is consistent and does not consider the various components of district fluctuation. For the second part of your question, I do not remember what that number from the Governor's budget proposal is for the upcoming year, but I will get that for you.

Assemblyman Yeager:

Regarding Opportunity Scholarships and the growth factor, in the 2017 session we intentionally limited the growth factor for the Opportunity Scholarships. Everyone had their own reasons for doing that, but we did not want something that would continue to grow year after year. It looks like the growth factor in A.B. 400 continues until the 2031-2033 biennium. If we were to pass this bill, when we get to the 2031-2033 biennium, how much money are you estimating would need to be allocated for the tax credit program for Opportunity Scholarships?

Ben Kieckhefer:

It would depend on the scope of the State Education Fund because it is pegged to a percentage of that. I believe that, under current calculations, it would max out at about \$500 million over the biennium. I want to be clear; this is not money from the State Education Fund, this is additive spending for K-12 education in our state—we are just spending it as a different vehicle.

Assemblyman Yeager:

To clarify, the state is foregoing tax revenue to incentivize businesses to invest in private education that businesses could invest in now. I understand that you want to put a carrot out there. But is the state saying we are going to forego tax revenue to incentivize private businesses to invest in private schools for Nevada kids?

Ben Kieckhefer:

We are spending on the education of children.

Assemblyman Yeager:

We are having a conversation about school choice, but you are asking us to make a choice to take the state's tax revenue and not put it into a public education system. A public education system, that we can all agree, is underfunded and, even in the best of circumstances, is probably going to take another five years to fully fund, per the Commission on School

Funding. It may take even longer because of inflation and other things that are going on. It is a number that keeps increasing and the gap keeps getting bigger. How do we as a Legislature justify to constituents that we are making the choice to take tax money and instead of putting it in the chronically underfunded public education system, we are going to use tax revenue to fund private schools—not directly because that is probably unconstitutional for us to do—by incentivizing businesses? How do we justify that choice, unless and until we get to a point where we have adequately funded public education in the state?

Ben Kieckhefer:

I think that the answer to your constituents is that you are not funding public schools and you are not funding private schools, but you are funding their children's education, and you are giving them the opportunity to choose the educational environment that is best suited for their child. The highest funded, highest performing public school in this state may not be the right school for every child. In fact, it is not. We trust that parent, that grandparent, that aunt or uncle who is helping to guide that child to make those choices. We can do both—it is not an either/or proposition.

I think the Governor's budget reflects that, and I think this bill reflects that. The vast majority of this bill addresses traditional public education. It addresses opportunities for families in traditional public education, in charter public education, and in opportunities to achieve private education for lower- and middle-income families. School choice exists. It should not exist only for those who can afford it.

Assemblyman Yeager:

I understand your perspective, and I think we can do both. But I think we should not do both until we get to a point where we adequately fund education in the state. I think that is a policy where we disagree. A continuing concern I hear from constituents is a lack of public school funding, and I would love a chance to adequately fund public schools before we start having a conversation about using state tax dollars to fund private schools. We probably will agree to disagree on this one.

Chair Monroe-Moreno:

Before we go to the next question, I saw a motion on the screen. My career before serving in this Legislature was in law enforcement. We will be respectful. There will be no outbursts in my Committee room, whether in Carson City or in Las Vegas. If that happens again, I will ask you to be removed. Let us be respectful. Thank you.

Are there any other questions from Committee members?

Assemblywoman Backus:

Regarding funding for Opportunity Scholarships, I know we have a private administrator who raises funds and distributes scholarship funds. Do they receive a percentage for administering the program?

Ben Kieckhefer:

I do not have that answer, but we have a staff member in Las Vegas who can answer that question.

Barbara Bidell, Education Programs Professional, Office of Student and School Supports, Department of Education:

There are six scholarship granting organizations registered with the state, and these organizations distribute the scholarship funds to private schools. There is no specific percentage. There is a maximum scholarship amount that these organizations are allowed to receive from local businesses in Nevada, and they distribute those funds as they receive them.

Assemblywoman Backus:

May I clarify? These organizations are businesses administering the loans. We have talked about federal monies, for example, COVID-19 funding where businesses are able to charge a 10 percent fee for administering a program. Is there a percentage that these six scholarship granting organizations charge?

Barbara Bidell:

I would have to look that up. I do not have that off the top of my head.

Assemblywoman Backus:

Could it be 5 percent?

Ben Kieckhefer:

I will get that percentage for you. I think 5 percent might be low for nonprofit administrative charges, but I will check and get back to you.

Assemblywoman Backus:

For private schools that are receiving the grants, how many offer sectarian instruction?

Barbara Bidell:

About 60 percent are exempt private schools, and many of those are sectarian, but 40 percent of the private schools are sectarian.

Ben Kieckhefer:

Certainly, there are religious schools in Nevada. The single largest recipient is the Islamic Foundation of Nevada and the second largest is the Isha Vidhya school in Las Vegas. There are religion-based schools that are eligible and do receive scholarships from this program.

Assemblywoman Backus:

Our *Nevada Constitution* makes it clear that one of my duties as a legislator is to prioritize the funding of public education and to adequately fund public education. I know we have all done a good job trying to put as much money as we can into public education. However,

I always struggled with sections 9 and 10 of article 11 of our Constitution that clearly prohibit us from putting money into education for sectarian purposes.

Assemblywoman Dickman:

It is obvious we have a critical shortage of teachers in Nevada. I was wondering if you could explain exactly what it means to declare a critical labor shortage for educators in Nevada, and what does this bill do to address the issue?

Jhone M. Ebert, Superintendent of Public Instruction, Department of Education:

We report our critical labor shortage every winter to the U.S. Department of Education. This is required for the top 5 percent of positions in the state. It changes every year, but for decades math, science, and special education shortages were the top areas. There is definitely a critical labor shortage of teachers, as well as bus drivers, support staff, and other areas that are in the ecosystem.

Ben Kieckhefer:

The provision you are asking about is section 79, subsection 8 of Assembly Bill 400. It adds to the existing critical labor shortage statute that the Governor may designate a position in any school district or charter school in the state. This gives the Governor clear authority to designate positions for which we need to increase our workforce to address this critical problem in our state.

Assemblywoman Dickman:

What will we do to ensure educated teachers stay in Nevada?

Ben Kieckhefer:

We have all heard from educators about how difficult their jobs are. I think we know it, but they have done a good job stating the crisis they are experiencing at the school level. The part of this bill that would allow a teacher who may be considering retirement to stay in the classroom will address the problem immediately. While we are able to build a pathway through continuing teacher education (CTE) programs, through Teach Nevada Scholarships, and through additional investments that are being made, we all have a shared priority to address this issue.

Assemblywoman Anderson:

My first question has to do with section 15 and section 26.4 of A.B. 400—the Teach Nevada pipeline. Thank you for recognizing that our profession is in need. However, I believe at this time, A.B. 428 is only available or being discussed for Clark County. Is the Teach Nevada pipeline only for Clark County or do you plan to use it throughout the state?

Ben Kieckhefer:

The Teacher Pipeline Account will be available statewide. This bill, A.B. 400, only mandates that a school district create a continuing teacher education (CTE) pathway for educators in Clark County. However, we would encourage other counties to create such programs if the program is economically viable in their districts and if they have the

workforce to create a teacher pipeline. This bill creates priority for teachers who are going through the high school CTE pipeline to be eligible for the Teach Nevada Scholarship. If we encourage 14-year-old students to become teachers, then when they decide to enroll in institutions of higher education, we want to give those students priority to receive scholarships. The goal is to create an interest-to-profession support system for future educators.

The second piece of A.B. 400—the Nevada Teacher Advancement Scholarship—would also be eligible for any teacher statewide.

Assemblywoman Anderson:

In section 23 of A.B. 400, many things are being added to the Commission on School Funding. You are asking public schools to conduct an extensive analysis of expectations. Are schools who receive Opportunity Scholarships also going to be expected to explain how many teachers and how many other licensed education personnel are employed or are those expectations only for public schools?

Ben Kieckhefer:

At the top of page 31 in A.B. 400, section 23, subsection 1, paragraph f, adds language that specifies schools funded through Opportunity Scholarships, referred to as the Nevada Educational Choice Scholarship Program. This is the first time an accountability metric is being added for performance review for the School Choice program, and more specifically, to reviewing academic progress made by pupils in each school. We are tying expectations to all areas where we are using public funds to educate children.

Assemblywoman Anderson:

Would any school receiving Opportunity Scholarships be able to deny a child from attending one of those schools based on the number of students currently at the school or based upon special needs that child might have?

Ben Kieckhefer:

This bill does not change private school statutes. Rules that currently exist will continue to exist in terms of the regulatory structure around private schools.

Assemblywoman Anderson:

I am concerned about what is not in this bill. I greatly appreciate recognition of the teacher pipeline and early childhood education, but there is very little about class size and nothing about caseloads for our counselors. The national recommendation for counselors is 250-to-1 and we have some schools in Clark County that are 500-to-1. I am concerned about the awareness of other licensed education personnel and, in particular, counselors, school nurses, and administrators. I am not comfortable with a large amount of this as you already know, based upon our conversations. In particular, I wish there was more that was being discussed about class sizes; I believe you are attempting to do so with the teacher pipeline. I am just concerned about some things.

Jhone Ebert:

To address your last statement, A.B. 42 addresses class sizes, and we hope that the bill continues to move through the process.

Assemblyman Hafen:

School choice has been a priority of mine for the last three sessions. Do we know how many students this will benefit? What are the goals of the Office of School Choice?

Ben Kieckhefer:

The Office of School Choice is envisioned to be a central repository of information for families who are trying to figure out what they want for their children when it comes to their education. Our vision is that the Office would be able to provide any parent or child with information related to nearby charter schools, online options, Opportunity Scholarships, eligibility requirements, information about a school's performance framework that exists for our traditional public schools right now, magnet programs that may be available, and any open zoning availability that someone might be interested in.

We envision the Office of School Choice to be an interface between a parent and a family and the information they need to make the choice that is best for them and their child's education. There is nowhere you can find that information in one place now. I will get back to you with the number of children who would benefit from this Office. It is contingent on that charter figure dollar number that we talked about earlier.

Jhone Ebert:

In regard to Assemblyman Yeager's question earlier, it is a range based on where the school is located. Just like the Pupil-Centered Funding Plan is based on various locations and resources, the range for funding would be between \$8,613 and \$12,491. If you took the central Las Vegas component, it is \$8,665, which is actually lower than the current amount of \$8,726.

Assemblyman Hafen:

I understand that the *Nevada Constitution* does have a Blaine Amendment, but it is also my understanding that the U.S. Supreme Court under *Espinoza v. Montana Department of Revenue*, deemed Blaine Amendments in other states to be unconstitutional. Can Legal staff weigh in on that for me?

Asher A. Killian, Chief Deputy Legislative Counsel:

The relevant provision of the *Nevada Constitution* is article 11, section 10, which prohibits public funds of any kind of character whatsoever, state, county, or municipal, from being used for sectarian purposes. From 2020, *Espinoza v. Montana Department of Revenue* concerned a scheme where Montana had a prohibition against funding schools that were owned by religious institutions. In that case, the Supreme Court struck down that prohibition against funding institutions based on religious ownership. In 2022, in *Carson v. Makin*, the Supreme Court considered a main prohibition on making tuition assistance available equally to institutions that are religious in character and institutions that are not. It struck down that

prohibition, finding that if the state makes tuition assistance available to private schools in general, it must make assistance available equally to sectarian and nonsectarian schools. Neither of those cases is exactly on point for the Nevada constitutional provision since it prohibits funds from being used for sectarian purpose versus keying on the ownership of the institution. There has not been any Nevada Supreme Court or U.S. Supreme Court case since those two cases were decided that directly interprets Nevada's Constitution. It is likely that, to some extent, those cases limited the applicability of article 11, section 10, of the *Nevada Constitution*.

Assemblywoman Brown-May:

I am going to follow up on my colleague's line of questions related to the Office of School Choice. Is the new name going to be the Office of School Choice and Accountability?

Ben Kieckhefer:

There will be the Office of School Choice under the Department of Education, and the Commission on School Funding and Accountability which will have new responsibilities under A.B. 400.

Assemblywoman Brown-May:

Are we creating a new division that will need additional funding?

Ben Kieckhefer:

No, we are creating a new office under the Department of Education. We are preparing a fiscal note for A.B. 400 that identifies the financial and staffing needs for that office.

Assemblywoman Brown-May:

The Department of Education's staff members are doing accountability and metrics. Why are we creating an office and adding additional positions instead of investing in the schools or our teachers who are in such high need? Why would we grow more administration instead of directly supporting our students?

Ben Kieckhefer:

Just as administrative overhead has to be captured by nonprofits when administering programs on behalf of the state, the state also has administrative costs when administering functions of state law. I was just in a hearing for Senate Government Affairs where we were talking about the 24 percent vacancy rate in Nevada state government and all the significant work we have to do as a state. This work requires people. It would be unfair to the people at the Department of Education to put the burden of a new program, a new workload, and a new office on them and tell them to absorb it. I think if we want this work done, we need to fund the people to staff it. I do not think that the value of providing information to families and investing in education are mutually exclusive.

Assemblywoman Brown-May:

Have you identified key performance indicators and metrics for which this specific division would be held accountable? What is the goal for this accountability office, and what key performance indicator will indicate and ensure success?

Additionally, but not needing to be answered today, knowing that we are going to track metrics and data, how do we ensure that our students are getting the choices they are being offered? Are we reaching families? Is the cost associated with this new function justifiable for the greater body of our students? We should be spending public dollars on public education and public services, but how do we ensure we are doing that?

Ben Kieckhefer:

Providing information to families about educational opportunities in Nevada is a public service, and funding it is entirely appropriate for the state. In terms of performance metrics for the Office, I look forward to developing those statistics, and tracking how many families we interact with and how many children for whom we can facilitate educational outcomes.

Chair Monroe-Moreno:

Members, this is a fiscal committee. However, this bill did not have a policy hearing, and that is why we are having policy discussions in a fiscal committee. Along those lines, there was a fiscal note of \$0 that was prepared by the Department of Education on April 3, 2023, and then we received an additional fiscal note today.

If you have not had an opportunity to review the fiscal note, for fiscal year (FY) 2023 and FY 2024 it is \$1,540,888, and for the next biennium it is \$1,787,147. Is this the fiscal note you mentioned, or will there be an additional fiscal note?

Jhone Ebert:

That is the fiscal note mentioned by the Chief of Staff.

Chair Monroe-Moreno:

Are there any other questions from Committee members?

Assemblywoman Kasama:

Thank you for presenting this great bill from the Governor. I know many of us feel we cannot remain in the status quo any longer. We need choices for our families, and we need hope for our state, and I applaud the bold decisions to work towards bold outcomes for Nevada. I am curious why there was a delay for the Read by Grade 3 retention provisions until 2028?

Ben Kieckhefer:

The implementation date of 2028 for the Read by Grade 3 retention provisions, which is in section 71 of A.B. 400, is not correct. The Governor stated in the State of the State address that he had a five-year implementation plan with retention provisions that have an effective

date of July 1, 2024. I need to propose an amendment to correct that date as we move the bill forward.

However, that five-year implementation deadline is tied to the Governor's proposed investment in early childhood literacy. The cohort of preschoolers we are targeting through the Governor's budget request and through the investment in the Early Childhood Readiness and Literacy Account would be the first cohort of students subject to the potential retention requirements under this bill. Students who are going into third grade next year who had their earliest years impacted by COVID-19 and have not received the enhanced services of the Governor's proposed budget in this bill, should not be held to those standards. It is not fair to those students. We want to have a realistic pathway to success; this is not like flipping a light switch and thinking everything is going to change. That is why it is a 2028 implementation.

Assemblywoman Kasama:

With expansion of charter schools, do you think you will have cities and counties lining up to become sponsors of charter schools?

Ben Kieckhefer:

The indication we received from Mayor Romero and Mayor Goynes-Brown is that they are excited about the opportunity and would certainly consider it. Ultimately, it would be a choice that cities make as to whether they want to engage in the provision of education in their cities. If they are hearing from constituents that they are dissatisfied with options in their neighborhood community schools, and the city wanted to sponsor a charter school to help address those constituent concerns, they should be given the opportunity to do so.

Assemblywoman Jauregui:

I want to talk about the Commission on School Funding and the increase. It looks like A.B. 400 proposes to increase the Commission by two members, from 11 to 13. It also looks like we are adding some functions to the Commission on School Funding, particularly in section 23, subsection 1, paragraph f, and in subsection 2. Subsection 1, paragraph f references *Nevada Revised Statutes* (NRS) 388D.270 for schools that the Commission will now have to monitor.

I am worried about the workload of the Commission on School Funding—you are adding a significant workload for them. Under this new addition in this bill, they would be required to review every public and private school that falls under the definition in NRS 388D.270. Do you know how many schools fall under that section of the NRS?

Ben Kieckhefer:

I will get back to you with that number. I think the vision is that the Commission would create a metric to evaluate school outcomes based on centrally collected data, so that there is a process to measure the items identified further along in that section on page 32 of A.B. 400. Schools are not going to be accountable to the Commission on School Funding and

Accountability. The Commission will be creating a review mechanism so districts and this body can review outcomes based on funding priorities.

I will get you the exact number of schools.

Assemblywoman Jauregui:

Section 25 deals with zoning. I do not have children in the public school system, and I would like you to walk me through how that zoning is going to work. What will the schools be looking at? How will they decide to accept students? What is the metric that the schools will be using to decide which students to select for that school?

Ben Kieckhefer:

I am going to backtrack to one question first. I will point out that there is a \$1 million appropriation at the back of A.B. 400 for the Commission on School Funding to do some of its work. We are providing resources to the Commission when we are asking it to do more work.

Returning to Assemblywoman Jauregui's question, the idea is that if a school has capacity, that school should not be able to weed out students based on whether they want a basketball player or a student for the band. Our vision is that if there is capacity identified in a traditional public school and the district establishes a process to allow students to apply to fill those spots, the school cannot discriminate against students for any reason to fill the spots. There is an equal opportunity for anybody to fill the spots if there is more interest than opportunity based on capacity. It may be a lottery program that gets created or something to that effect, but everyone will have an equal shot.

Assemblywoman Jauregui:

Who will be responsible for creating the process? Will it be on a first-come, first-served basis? Is it going to be a lottery program?

Ben Kieckhefer:

The district is required to create that process, but it is specified that the district cannot pick and choose students.

Assemblywoman Gorelow:

I am going to go to section 16 of A.B. 400 regarding transportation. My children either went to or still attend school in the Clark County School District. I have one son who is a junior and one daughter who graduated last year and is doing very well because she attended a magnet school. She will graduate college in three years instead of four. We are excited about that because of the cost savings. While I have been up here, I have received at least a half dozen text messages letting me know that my child's bus has been delayed. I have questions about how we are going to handle the transportation that is listed in section 16 for charter schools. Where are you getting buses and bus drivers? Do we have an estimate for the cost of buses?

Ben Kieckhefer:

Section 16 of A.B. 400 is specific to charter schools; section 16, subsection 2, paragraph b, relates to how funding is carved out for transportation prior to the allocation through the Pupil-Centered Funding Plan, consistent with how other transportation funding is carved out prior to the formula model. Subsection 3 allows for, but does not require, charter schools to submit applications to the Department of Education to get a plan approved if the school chooses to provide education or transportation options to their students.

A charter school could craft a transportation plan that serves a specific neighborhood if the school is trying to provide access to a neighborhood that does not have access or has overcrowded neighborhood schools. A charter school would be allowed to be creative in how they build a transportation plan that meets the needs of their students. They would not have to provide blanket transportation for every student. I think the idea of traditional school buses and school bus drivers running on a fixed schedule is not how these districts would implement transportation funding plans. The plan may be shuttles, or it could be vans. The school could decide that they wanted to provide public transportation options to, and support covering the cost of public transportation for, their students. There are a myriad of options a school can propose, but a plan that is viable and sustainable must be submitted to the Superintendent. If the plan is approved, then the school would be eligible for funding at the beginning of the Pupil-Centered Funding Plan process.

Assemblywoman Gorelow:

Regarding how students are being picked for Opportunity Scholarships, you mentioned that there would be a process and there would not be discrimination, but how do you stop a school from recruiting a basketball player or a football player? How do we ensure that star athletes are not chosen for enrollment via Opportunity Scholarships?

Ben Kieckhefer:

The discussion I was having with Assemblywoman Jauregui was related to open zoning and not Opportunity Scholarships—children transferring between public schools in the same district. I do not have an answer about whether a student tries to get into a school that has open capacity because there is a program the student likes such as athletics, music, theater, or a number of other programs. I would suggest that anything that makes a child want to go to school is a good thing. I am less concerned about having extra talent in specific areas in schools than I am about a student being hard zoned in an underperforming school that the student does not want to attend.

Assemblywoman Peters:

Sections 11 through 14 of A.B. 400, which are related to the Early Childhood Literacy and Readiness Account, are connected to sections 71 and 72, the Read by Grade 3 provision. Can you talk about how you see those things working together?

Ben Kieckhefer:

Early childhood literacy is one of the foundational components on which the Governor built his budget, this bill, and how we are focusing on our education policy. The creation of the

Early Childhood Literacy and Readiness Account in section 12 of the bill is administered by the Superintendent and the Department of Education and is designed to support children before they enter kindergarten. Money that is dedicated to that Account would be administered by the Superintendent to provide grants to evidence-based literacy programs available statewide through various mechanisms. This is flexible and would allow for the development of new programs to provide those early childhood education opportunities statewide.

It is explicit that the Account needs to serve children who are less than six years of age, which is based on legislation moving through this body. I think this age would become the trigger age for kindergarten attendance in Nevada. The Account must provide accommodation for students with disabilities and include a reporting and accountability plan for the performance of that program. This is designed to be outcome-driven, evidence-based, literacy opportunities for the youngest learners before they even enter the K-12 system. If we can get children ready for kindergarten, and ready to read at grade level in those earliest years, that is our goal.

Assemblywoman Peters:

We share a passion for early childhood education. That is one of the foundation blocks that seems to be missing. My concern comes from suggested changes in the Read by Grade 3 program. In 2019—my first session—I helped draft and finish a piece of legislation that our late colleague was working on related to Read by Grade 3. I wonder whether this is preemptive.

In our conversation, you mentioned that the provision of the delay and implementation was that we avoid capturing these kids left behind due to COVID-19 delays. Also, that this new cohort coming in would be getting support from the new fund for literacy and readiness. When it comes to changes to the Read by Grade 3 program that are proposed here, you are changing the program preemptively. You are changing the answer for families of what does this mean for my child. Is the goal to be an educated person? Putting that stop gap in there, a formal judgement that if a child hits grade three and cannot read by whatever standard we put in place, then that child will be left behind the cohort and will be the oldest child in their class. This could create damaging emotional delays that we do not completely understand.

This was one thing we were trying to get away from with legislation that passed in 2019. Maybe you have comments on the intent behind this legislation and how you see it being implemented, or maybe there is new evidence that I do not know about concerning retention in grade three and the effect that may have. I would be curious why this change is proposed now rather than waiting to see how the literacy and readiness program affects reading literacy by grade three in the timeframe proposed.

Ben Kieckhefer:

You, me, the Governor, and this Legislature share this priority. This is a shared responsibility and priority for both the Executive and Legislative Branches of government.

We think that reinstituting retention requirements captured in section 71 of A.B. 400 is necessary and appropriate for two reasons. First, we think we can do it. We have faith that our kids are fully capable of excelling in reading in the earliest years and can be at grade level, and beyond, by the time they get to third grade. They need to be given opportunities to do so, and they need to be given the instruction to do so. We need to support the entire system in a way that allows them to achieve that. They can achieve that, and we believe it. For us, we need to have a sense of urgency that goes along with this policy, because I do not think any of us want to tell families that we are requiring their child to be held back. That is hard. If we see that situation on the horizon, the sense of urgency for us as adults to be successful is there, and it is a way for us to not just hold children and schools accountable, but to hold ourselves accountable. I think that is why it is important to put this legislation in place now. We need to draw a line in the sand and know that there are consequences.

Assemblywoman Peters:

My family received several letters because my kids missed so many days in school that my school district was threatening to hold my kids back. Those days they missed were because they were excluded from class. Those absences were not excused.

I called the school in a panic. My daughter was doing fine in school. As a parent, I felt panic that my child was going to be held back because of something I had no control over and no knowledge of what was happening. That does not build a bridge between families and educational institutions. One of the reasons we are having this conversation about school choice is because there has been a breakdown of public trust in our education system, and rightfully so in some cases. This is another place in which we institute a mandate that pits families against educational institutions.

In 2019, we were trying to get away from that scenario. How do we build bridges without implementing some kind of social chaos structure that says our children are not good enough or our children are not doing enough, instead of asking how can we help make this better? I agree with you that we should identify this before it becomes a problem for any child and any family. We should be investing in social services and support structures in our institutions. But implementing something that creates a challenge between the institution and the family is a conversation we had five years ago, and I do not think it is the right thing to do. If you are interested in having a conversation about what we can do with this, I would be happy to do that. As it stands, I struggle with instituting something that creates divisiveness between families and our schools.

Ben Kieckhefer:

I understand and appreciate the passion and that dynamic between a parent and a school district. Since 2019, we have fallen further behind. Some of the lapse was because of COVID-19 and some was not. Based on the number of students who are proficient in reading in kindergarten through third grade years, we cannot allow this to continue, and I am not suggesting that you do. If half of our students are losing ground every year, our literacy numbers are going to continue to fall. Is this a high standard? I do not think reading at grade

level is a high standard, but we are holding ourselves to a high standard because we do not want to see this provision implemented.

Assemblyman Watts:

Regarding Opportunity Scholarships, I agree with concerns raised by Assemblyman Yeager, and I do not want to spend time dwelling on those. I heard concerns about Opportunity Scholarship recipient schools in proposed reporting, transparency, and accountability. This is the first time I have looked through the provisions in section 23 of A.B. 400 and some of the other accountability, transparency, and reporting aspects of the bill. I have a one-page document about private school oversight, and it mentions financial information and some reporting for scholarship students.

Is there currently, or is there envisioned to be as part of this proposal, information and transparency on tuition charged at those institutions, changes in that tuition over time, and financial aid that is offered? I had access to a wide range of school choices, including a couple of years I spent in private school and for which I received financial aid. My concern is that this proposal to increase the number of choices and expand qualifications may lead to slippage where tuition rates increase or financial aid gets reduced because it is no longer necessary.

Ben Kieckhefer:

You make excellent points, and there has always been discussion about ensuring that Opportunity Scholarship recipients do not have dynamic pricing in schools they attend. There is nothing in this bill specific to that. I would be happy to talk to you about how we can build protections to ensure that people are not playing the system to capture more public revenue than they should based on standard practices for educating children.

Assemblyman Watts:

I think this is an opportunity to look at that issue. I just read a story from Iowa about an approved measure allowing students to use an education savings account to pay for private and parochial schools. Some Catholic schools in Iowa increased tuition by 30 to 40 percent after that measure was enacted. This concerns me, and I would look forward to having discussions about how we can close that loophole regardless of the funding levels for the program. I think that is an important transparency and accountability mechanism.

We have some school district-sponsored charter schools and we have the State Public Charter School Authority. Those two places are where we go to get information, and those are the accountability mechanisms we follow to get a picture of what is going on for charter schools. If we wanted a full picture with the proposal to add cities or counties, we would be looking at individual school districts, the state Public Charter School Authority, as well as each individual city or county government that chose to pursue sponsoring a charter school. Each entity could operate separately as a sponsor. Is that correct? Is there a single point of reference to understand what is going on with all charter schools in Nevada?

Ben Kieckhefer:

Each individual entity that decides to authorize a school would be the local education agency (LEA) for that individual school. We currently look at charter schools on a school-by-school basis, so this would not change that dynamic—we will just have more LEAs. I do not think the reporting mechanism for us to understand what is happening in schools would be a challenge since they are spread out now.

Under current law, universities could authorize a charter school, and although I have heard some discussion about this happening, there are no university-authorized charter schools now. This would add those two levels of government, and we would like to include tribal governments in the future.

Assemblyman Watts:

Currently, anyone can find charter school information by looking at the State Public Charter School Authority. With this expansion, I am hopeful tools will be put in place to get aggregated information for a holistic picture.

Regarding section 53 of A.B. 400, relating to carry forward balances, I have had a lot of conversations with administrators and school organizational teams in the area I represent. I think a lot of changes in the past few years have had a positive effect, especially because the funding formula is bringing \$2 billion in additional revenue. I have heard that at the school level, there has been volatility in funds that were available. We had categorical funding that would shift, and there were turnaround programs and resources that would drop off when schools showed improvement. One reason for the increase in funds being carried over was to try and maintain stability for staffing and for programs in a scenario with unknown funding.

While I am encouraged by the infusion of dollars, my concern is with funding volatility, including potential open zoning with fluctuating amounts, enrollment, and funding that is available to support teachers and programs in schools. How did you come up with the 2 percent benchmark for funding that can be retained? How did you come up with the priority list of purposes? Why does the priority list include duplicate programs such as tutoring, social emotional learning, and extracurricular programs in the district after school? I am concerned about taking funds that were held in what were Zoom and Victory schools—lower income schools with high English language learner populations. I am concerned that this would push funds away from lower income schools to other schools in the district. Can you clarify this for me?

Jhone Ebert:

I keep trying to remind my colleagues that this new system levels everything. We cannot look in the rearview mirror anymore. We need to look forward. What is currently in place is a minimum of four years of stability across the system unless other choices are made. This is the first time we have a stabilization account for education so we can go beyond, based on decisions that are made at the Legislature. Making sure leaders in school buildings are spending money that is in the school on children that are in the seats today, and not hoping

for something, or waiting for something, is what this body has given us. Children who are sitting in classrooms today deserve those dollars.

Assemblyman Watts:

We are looking at modifying weights again. Are we putting additional funding in? Yes, but figuring out how those weights are allocated is changing and we have been fortunate to see increases. Obviously, we had a lot of COVID-19 related federal funds that came in. One of the things that made me feel comfortable making the leap to the funding formula was the commitment that schools would be held harmless in some of that transition.

I want to ensure that there are additional conversations, and hard data and estimates from districts. When we talk about funding, we are often talking about funding at the district level. My concern is that as we continue to look at other details of funding and determine how that will trickle down to the school level.

If we can get information that shows there will be less volatility, and that we are maintaining and building on resources that have been provided, I think schools would be glad to spend those dollars. I think we need to make sure that whatever that number is, the variability that individual schools see and that we provide, is factored in the equation. Schools find that balance of making sure that because a student moves to another school or because our at-risk definition has changed, we do not have to layoff teachers, move teachers to another school, or reduce programs.

I want to make sure it is clear that money is not going to be pushed out of one school into other schools in the district. It seems that is not the intent, but I really think we need to have additional conversations to provide reassurance. We are still in the early days of this new formula and are still looking at how to tweak it. I think that speaks to a lot of the apprehension we see.

Assemblyman O'Neill:

I am excited about A.B. 400. This is the first change I have seen for education in Nevada in several sessions. I think the Governor is giving a great opportunity to the future of families and to our children who can excel and succeed. We are going to have a substantial injection of funding and a few weeks ago, we sat here listening to some of the school superintendents talk about how they had used funds or misused funds. I was upset with a few of them, I will admit. Since this is a money committee, can you tell me how we will ensure that funds will be used appropriately? Please discuss accountability and how the checks and balances will work to ensure funds go to the children and to their futures.

Ben Kieckhefer:

Accountability is not just a buzzword for this legislative session. It is something that we are trying to infuse into the education funding bill that you all will be working on and into how we will monitor progress over the short term. We think of accountability as two things. First, what are the expectations we are setting? Expectations should be based on additional revenue that is being provided, and those expectations need to be reasonable and achievable.

Expectations need to be set high, and we need to measure them through a combination of not just proficiency, but also growth. This is a short-term review of what is happening in our classrooms in the next 12-to-18 months before we prepare to come back to this legislative building in 2025.

What the Governor wants to see is progress toward the end result. We cannot, as I said earlier, flip a light switch and expect all of our problems to go away. This is going to take time, but it is also a crisis, and we need to see outcomes immediately. We are in the process of establishing what the Governor would like to see in terms of objective metrics for outcomes for the next academic year. Those metrics will focus on priorities the Governor identified, including early childhood literacy, math scores for grades four through eight, college and career readiness and the number of students being elevated in their educational rigor, teacher pipeline, and evaluating how many classrooms are being led by fully licensed, certified teachers. That is how the Governor will look at what happens with new dollars that are being allocated to schools.

Accountability is the second part of that question. There are different opinions being shared about what the answer to that question should be, but the Governor is not going to be shy about holding leaders of school districts accountable for the performance of those districts based on new funding that is proposed. There are reporting metrics and data ties built into A.B. 400, but that is just one piece.

Assemblyman O'Neill:

I appreciate that, and you hit the nail on the head when you said the Governor will hold them accountable. We had one person use his school police to run speed traps on I-15. That, to me, is a misuse of funds. This is a tremendous opportunity that we cannot pass up for Nevada right now.

Assemblywoman Anderson:

I appreciate what you say about accountability. There are several funding mechanisms that are meant to support recruitment and retention of educators. Why not simply raise the pay and increase benefits for educators, rather than create this more complex system?

Ben Kieckhefer:

We support raising teacher pay. There is \$1.2 billion in nonweighted funding in the Governor's budget recommendation that can be used as part of the collective bargaining process. We do not think that the state should mandate predetermined outcomes in collective bargaining negotiations between local associations and their employers. We hope and expect that the results of those negotiations will result in increased pay for teachers and other educators throughout districts.

Assemblywoman Anderson:

For the Read by Grade 3 program, how many students are projected to be retained in the five years that it will take for implementation? I know this is being used in other states.

What will be done to ensure this bill is implemented without any unintended consequences, especially from social and emotional learning?

Ben Kieckhefer:

The Read by Grade 3 provisions reinstituted in A.B. 400 contain a recognition that not every child is the same. There are provisions in the bill that allow boards of trustees in districts to provide midyear advancements for students. The provisions provide alternative exams and good cause exemptions for students not fully at grade level. Under this bill, there will be zero students retained because retention will not kick in for five years. The number of students retained under current provisions of law I cannot address.

Assemblywoman Anderson:

Regarding cities and counties that support sponsored charter schools, these entities are not the employer, yet those bodies are the ones sponsoring the schools. Who is the employer of these charter school employees?

Ben Kieckhefer:

The sponsor is the authorizer of the school. Similar to how the State Public Charter School Authority is not the employer of any charter school, the cities and counties are the authorizing oversight entity and the local education agency. The same process would have to be used whereby a charter management organization or a local board of parents has to create an entity to open a school, and they would be sponsored and authorized by that city or county. The city or county does not run the school.

Assemblywoman Anderson:

Will the city or county take into consideration the current investment the school district has made in other school sites around that area?

Ben Kieckhefer:

All existing provisions of what can trigger charter school authorization remain in place. There are rules that must be met in order for a charter to be authorized, and this bill does not change any of those rules except for overcrowding as an eligible trigger.

Chair Monroe-Moreno:

At the beginning of this hearing, I said I had received many emails and phone calls. I had those comments categorized, and I will ask a few questions from my constituents and others throughout the state. Also, a conceptual amendment [[Exhibit G](#)] was received after the deadline for uploading to the Nevada Electronic Legislative Information System; I would like you to walk us through that amendment.

In section 23, subsection 3 [page 34] of A.B. 400, what do remedial actions from the Governor directed toward a school look like? Can the Governor initiate these actions for any reason? If the Governor were to hear an inflammatory story in the news about an incident at school, can the Governor then hire or fire certain staff or make other changes to school policy without input from parents, faculty, or students?

Ben Kieckhefer:

Actions taken under this section of A.B. 400 require collaboration between the Governor and the Legislative Branch in identifying what remedial actions will be taken and how those actions will be implemented. I believe this section provides broad authority to the Governor to take actions which may be deemed appropriate, and the Governor would have to consult with the Legislature to do so. That action could include removing personnel if necessary. I would not expect that to be done on a whim over a single incident report because of the complexity in getting collaboration between the two branches of government.

Chair Monroe-Moreno:

Could that action supersede the actions of the superintendent for that district?

Ben Kieckhefer:

I think the supreme executive authority of the state is vested in the Governor and could supersede actions of the superintendent.

Chair Monroe-Moreno:

On page 34, line 11 of A.B. 400, why limit the power of the Joint Interim Standing Committee on Education to review recommendations made by the Commission on School Funding? Why is the Governor better suited to make these decisions than legislative members?

I believe the concern of the constituent is that as the bill is written, the Joint Interim Standing Committee on Education with the strikeouts would not receive those recommendations. They would not review them, and that was the concern of the constituent.

Ben Kieckhefer:

The Commission and the Joint Interim Standing Committee on Education very likely have overlapping time horizons when work is being done. If the work of the Commission falls in the same interim period as the Joint Interim Standing Committee following the conclusion of its work and its dedicated bill draft requests, among other work would be a scenario where a significant incident report could not be acted on because all the work has already been completed. The intent in this section is to provide the report to those who could still implement the recommendations coming from the Commission.

Chair Monroe-Moreno:

Parent constituents have called and wondered why, by holding a child back in third grade, would we repeat the same thing we had done before and that did not work? Do you know the demographics for students who have been held back, and can you project the demographics of students who will be held back moving forward?

Ben Kieckhefer:

I do not have that demographic data in front of me. Under the retention policy in this legislation, there is intensive intervention for those students and the opportunity to grow out of that retention. The goal of A.B. 400 is not to retain students. It is to ensure students are

given every opportunity and provided with the resources to succeed. We should not be doing the same thing twice that has not worked. That is not what this bill does, and it is certainly not the intent of A.B. 400.

Jhone Ebert:

We can provide data for students who have been retained at various grade levels.

Chair Monroe-Moreno:

Please get those numbers for us. Will you walk the Committee through the conceptual amendment [[Exhibit G](#)]?

Jhone Ebert:

Section 22, subsection 1(g) of the conceptual amendment [[Exhibit G](#)] allows that if a previous chief financial officer becomes a superintendent, that person can stay on the Commission for no more than three years.

Section 24, subsections 1 and 2, move the date of a report to ensure that the staff, enrollment, and fiscal data included in the report is accurate.

Section 54, subsection 5, specifies that money in the account may only be used to award grants to school districts to support students enrolled in programs in career and technical education. We wanted to be able to expand the opportunity for school districts to be able to use the dollars, for example, for dual credit courses if students needed additional tutoring for success in that coursework. Those three words, "students enrolled in," broadens the use of the funds for student success.

Section 15, subsection 4, paragraph d, would allow the Department of Education (NDE) to provide supplemental funding needed for situations such as charter school baseline funding support, miscalculations, and increases related to changes in weighted funding counts. Committee members may recall that the NDE had to use our dollars for a calculation that was missed at closing, and we would like to be able to use these dollars to cover those errors instead of waiting until the next legislative session.

For section 63, subsection 3, paragraph b (5), we are expanding licensed employees to include specialized instructional support personnel. Section 68, subsection 4, paragraph b, expands the requirements to include one year of Nevada residency in alignment with the Nevada System of Higher Education in-state tuition requirement. The amendment also allows students who are pursuing education as a second career or earning an Alternative Route to Licensure endorsement to be eligible for the scholarship.

Section 53, subsection 3, allows for deferred maintenance at the end of the waterfall, before reversion, and allows for carryover funds to be used for information technology purchases. Section 53 also changes the effective date to 2025 to allow schools and districts to work through existing Elementary and Secondary School Emergency Relief funds before allocating school surplus funds.

Ben Kieckhefer:

The last change refers to the Read by Grade 3 program retention implementation schedule to align with the Governor's five-year plan. The one remaining item that needs to be amended is an expansion to include tribal governments.

Chair Monroe-Moreno:

Please provide more detail on the expansion to include tribal governments.

Ben Kieckhefer:

Under our current laws, authorizers for charter schools include the Nevada System of Higher Education institutions, the State Public Charter School Authority and school districts. This would expand to include cities and counties. We want to ensure that we include those that are allowed to authorize, if they so choose, and that tribal governments are included.

Assemblywoman Backus:

If you expand that authorization to tribal governments—and I love that our state respects our tribes—but if tribal governments could sponsor a charter school, it could be problematic for a tribe to report to our state government via the Office of School Choice or whatever entity may be overseeing this. This could contradict our public policy that respects a tribe's sovereignty.

This could be a bad idea, with respect to current Supreme Court holdings. I would request that we not consider this because Bureau of Indian Affairs schools would be subject to the federal government. We do have schools on our tribal reservations that are subject to Nevada Department of Education oversight. If we take this next step, even though we are trying to be respectful, we may be trampling upon sovereignty.

Ben Kieckhefer:

We are trying to respect a request we received to include tribes. If there are legal provisions that would preclude this action, as others have pointed out, we have to respect those as well.

Chair Monroe-Moreno:

For section 15, subsection 4, paragraph c [[Exhibit G](#)], is that new language that should be in blue lettering or is that in the bill as presented?

Ben Kieckhefer:

It looks like paragraph c of subsection 4 would be new language for the bill draft as it exists.

Assemblywoman Kasama:

For section 53, subsection 3, paragraph d and paragraph j are duplicative [page 3, [Exhibit G](#)].

Ben Kieckhefer:

It appears Assemblywoman Kasama has pointed out an error in the amendment as it is drafted.

Chair Monroe-Moreno:

Are there any other questions from Committee members? [There were none.]

I would like to make one last comment. I am the mother of a few educators, and my husband is a retired educator. I have a great appreciation for our teachers and our college professors. There are some good things in this bill, but there are some things I do not agree with as a mom, a grandma, and a parent of a special education teacher. The funding we are putting in—\$2.2 billion is a lot of money—and it is not there because of Governor Lombardo. I want to get that on the record. It is there because of the work of the legislative body in 2019 and because of a change in the funding formula under a different governor. If this Governor can find extra money in the State General Fund to put this program together, then I wish we could work together to put the extra State General Fund money in our public school education to raise our educators' salaries and for teachers to have resources in their classrooms so they can succeed and work to have success with youth. They are our future. Our first responsibility as public servants is to our public schools.

As Assemblyman Watts said, his parents had options. There are options for parents now. I went to a private school myself. My mom worked two jobs, and my dad was in the military, and they made that extra money to put me in private school for a short period of time. As a little Black girl in that private school, I did not fit in. I went back to public school where teachers saw something in me that was not seen in private school. I think I turned out okay. All my kids went through the public school system in the Clark County School District (CCSD), and people could say what they want about CCSD. We have amazing educators in the CCSD, and they did a great job with my kids. Much of it is parent input.

Ben Kieckhefer:

We know that educating our youth is something we all care about. Sometimes we may have minor disagreements, but for the vast majority of things, I think we agree.

Chair Monroe-Moreno:

We will move to testimony on A.B. 400. Each person will have two minutes to present, and I will be running a timer. When you hear the bell go off, please be respectful and stop your comments.

Tomoko Rogers, Private Citizen, Reno, Nevada:

I am speaking in support of A.B. 400. It is past time for us to do something better for the education of Nevada's children. These are children of the working poor, and those in the cycle of poverty, who continue to fall behind. Nevada is currently ranked 49th out of 50 in education in the United States. It is well known that the best way to reduce dependency on public assistance, reduce crime, and end the cycle of poverty, is a good education. More money in the education system will help, but we need a better approach and a strategy: a strategy that includes more options for communities and families that have been poorly served by the one-size-fits-all approach. All families in Nevada want options for their children. We can invest in their education now or deal with the consequences and the repercussions of poverty, crime, social issues, and the outcome of poorly educated

communities. The evidence is clear that if a child cannot read by the third grade, they will struggle to complete school. This bill will institute the Read by Grade 3 program. I support A.B. 400.

Jim DeGraffenreid, National Committeeman, Nevada Republican Party:

I am here in support of A.B. 400, on behalf of the Nevada Republican Party. School choice is a civil rights battle, and just as we have with previous battles to secure fundamental rights and liberties, we are proud to be fighting for every student to obtain a quality education and to ensure that no student is limited to the education offered in their zip code. Our public schools do not have a funding problem. They have an accountability problem. This bill is about accountability, not whether we fund or do not fund public schools. Assembly Bill 400 diverts no funds from public education; it encourages privately funded scholarships and allows open zoning. This bill helps provide the best quality education for every student in Nevada, especially for parents who cannot afford to choose a better school, whether public, charter, or private. This is a lengthy bill, and we do not have a position on every section, but we want to be clear that A.B. 400 includes a number of good policies for accountability and school choice that we strongly support. These policies will provide choice to families and raise standards in our public school system.

In Clark County, only 4 percent of African American students test proficient in math, and only 10 percent test proficient in English. The results are not much better overall—20 percent of Clark County students are proficient in English language arts. Will graduating the majority of our children as functionally illiterate be a way to set them up for success? We say no; any rational person would say no; any person who wants to see Nevada's kids succeed and become productive members of society would say no.

Assembly Bill 400 returns Read by Grade 3 as a required standard with the option to hold a child back if they have not met that minimum standard—a key skill needed to succeed in life. Read by Grade 3 is critical to get our kids the help they need to be successful and to improve results in all schools. Parents should be able to see which classrooms consistently have students who are failing to read and then use the school choice provisions in A.B. 400 to pull kids from those classes and find a school where higher standards are expected and valued. Give every family the opportunity to attend a good school, not just a school that is close to them. Please support A.B. 400.

Janine Hansen, State President, Independent American Party:

I am the state president of Nevada Families for Freedom. We have always supported choice in education. In 1999, Florida had the same low test scores as Nevada. Since reforms were instituted, the results have been stunning, according to the Education Week 2021 quality counts rankings which ranked Florida as third for K-12 achievement.

What has Florida done? They instituted choice in education. They are ranked number one in the nation in choice in education. Nearly half of Florida's students have chosen an educational option outside their zoned, traditional, public school such as open enrollment, family empowerment scholarships, charter schools, virtual education, education savings

accounts, and more. If you believe in public education, you should institute choice in education, which will help all children to achieve the best they can, just as happened in Florida. Nevada has been left behind for the last 20 years. We encourage you to support choice in education so families can make decisions for their own children, which make the most sense. Look at what Florida has done. We can do the same thing and help all our children, including those in public schools, because that is what we all want. We want the best for all of our children.

Hera Varmah, Communications and Events Assistant, American Federation for Children:

I am here to urge support of A.B. 400 [[Exhibit H](#)]. As one of 12 children in my family, I know that students learn in different ways and have different needs. That is why nine of us used, and benefited from, the Florida tax credit scholarship, including myself. My parents emigrated from Jamaica and Liberia. Growing up, we were very poor, but my parents would stop at nothing to give us the best education possible.

I mention this because the largest and longest running program in Florida is the tax credit program. This program is the equivalent of Nevada's Opportunity Scholarship program. With the advent and swift expansion of school choice in Florida, the graduation rate went from barely over 50 percent in the 1990s to nearly 90 percent today. When people say school choice does not work, I simply show them my family. This is the power of giving a child an education that fits their needs.

I started off at a failing school. I never thought I was smart, and my older brothers kicked tail in school. I knew I would be left behind, and I told my mom multiple times to give up on me, I was not worth all this energy. My mom looked me in the eyes and told me that she would never give up on one of her kids, and she would make my goals her reality. I believe this to be a story of every parent. I fight for education freedom because parents and legislators in my home state fought for me. I am grateful for Governor Lombardo's proposal, and I urge you to fight for Nevada students by voting for A.B. 400.

Erin Phillips, President and Chief Executive Officer, Power2Parent:

I am a mother speaking here, not only on behalf of my own children, but the more than 15,000 parents who we have in support of A.B. 400 [[Exhibit I](#)]. Parents in this state know firsthand that Nevada ranks at the bottom in national outcomes; we do not need to go over the statistics. As you have already heard, only one in four of our black students in the Clark County School District are proficient in math. Every legislative session, families are promised more funding. They anticipate improvements as a result of additional funding and nothing changes. Parents with children in failing schools are desperate to find alternatives. They add their names to long waiting lists for charter schools and magnet schools, praying for luck in a lottery, but most families do not have that luck.

This is demonstrated by a mom, Anita—a single mom and her four children when they lost their Section 8 housing in an upscale neighborhood in Las Vegas with four- and five-star schools. They were forced to move to a Title I school in Assemblywoman Torres' district.

Her children experienced bullying and their grades suffered. She did everything in her power to try to find better schools, including getting her kids on charter school lotteries, but they ended up on waiting lists. As of today, Anita and her children are still floundering in schools and classrooms that are not meeting their needs because of their zip code.

Assembly Bill 400 is an investment in education and a way out for some of these middle and lower income families who do not have time to wait for answers. Parents in Nevada support A.B. 400.

Maria Davis, Private Citizen:

I am a member of the community; I have three kids, and this community has many students. I am in support of this bill because education should be a priority in a state where we are number 49 out of 50 in education and have been for a few years. That tells us that public education needs improvement; but while we do this, we do not need to sacrifice the kids who would like to have a different option. Not only does this bill set the stage for success with early childhood education, but it also expands the Opportunity Scholarship to up to 10,000 students. Most importantly, it includes one of the key pieces that, in my opinion, should make school options more accessible to many of our lower income families—transportation. Transportation is key to many of our families, and I have been saying this for as long as I remember. Many of our minorities and lower income families do not have any option but to keep their kids at a school that they are zoned for because they cannot take the time to drive their kids to school outside of their zip code. I would like to think that we want only the best for our kids. As a mother of three kids, I know I do. Kids are the future, and we as adults have the responsibility to help them reach their potential and create a path for a successful tomorrow. If we do not do this, then what are we doing in this world?

Madeleine Ashour, representing ExcelinEd in Action:

ExcelinEd in Action is a national education policy organization focused on improving learning outcomes across the states. ExcelinEd in Action applauds Governor Lombardo and the Nevada Legislature for their work to improve learning outcomes in Nevada.

Assembly Bill 400 has many strong policy components, but I speak today in particular support of the Read by Grade 3 provisions in the bill. ExcelinEd in Action has worked for 15 years to enact and implement a set of comprehensive state policies that have been proven to dramatically improve literacy rates.

Mississippi is the clearest example where reading proficiency rates improved by 10 points in six years since implementing their Literacy-Based Promotion Act in 2013. Nevada passed a similar bill in 2015 called Read by Grade 3. Assembly Bill 400 reestablishes a crucial piece of that comprehensive set of policies that lead to dramatic gains in states like Mississippi—third grade retention. Seventeen states currently implement third grade retention laws as one small part of that proven comprehensive approach for improving literacy rates combined with strong literacy instruction, high quality assessments that quickly identify struggling students, and a strong intervention system that provides targeted supports and parental involvement, which I believe are all in place in Nevada at this time.

Third grade retention works as a backstop for ensuring all students are prepared to succeed in school. New research released in February 2023 from the Wheelock Educational Policy Center at Boston University clarified how important third grade retention can be. The research focused on Mississippi students who scored within 20 points of the threshold for promotion to fourth grade. By the time those students were in the sixth grade, students on average scored in the 20th percentile for English language arts, but those students who were retained in the third grade scored an average around the 62nd percentile. [The Chair stopped the testimony because the testifier exceeded the allotted time.]

Denise Lasher, representing AAA Scholarship Foundation:

The AAA Scholarship Foundation is the largest scholarship-granting organization in Nevada. They have funded more than 6,000 scholarships since inception in 2015. The foundation is serving about 900 students this year, and they have been awarded the GuideStar Platinum Seal. That is the highest rating a nonprofit can get from GuideStar. Over two-thirds of the students are minority students with an average household income of 178 percent of poverty. They also offer, for your information, bilingual applications, and bilingual staff to work with families who apply.

Scholarship organizations must verify the income of each family, even renewing families, each year. It is an onerous procedure for families when they apply. Families have to submit tax returns and financial backup information. If they get child support, they have to show documentation of that. If they have custody of children, they have to prove that they have custody of the children. There is a lot of documentation. It is almost like applying for a mortgage. This is how difficult it is for these families to apply for the scholarship. Then the scholarship grant organization has to review every page of the documentation to qualify them for this program. Quarterly checks are sent to schools, and parents must endorse those checks for fiscal accountability. Attendance is verified prior to processing the checks to verify that the scholarship recipient has been attending that school. The Department of Education confirms that these students are, indeed, not enrolled in a public school. This provides more fiscal accountability. [The Chair stopped the testimony because the testifier exceeded the allotted time.]

Gil Lopez, representing the Charter School Association of Nevada:

I am with the Charter School Association of Nevada [\[Exhibit J\]](#) representing the second largest K-12 education system. We are here in support of A.B. 400, specifically the transportation portion that would fund public charter schools. Also, we are in support of changing the needs assessment to include over credit areas as part of the criteria for new charter schools, and we support the Office of School Choice. We urge your support for A.B. 400.

Ben Salkowe, Principal, Equipo Academy, Las Vegas, Nevada:

We are the first college preparatory public school open to all students in East Las Vegas, and we support the historic investments in A.B. 400 because this would empower more public schools, and more public educators like ours, to offer more choices for Nevada's kids. Our families care deeply about education, and that is where our story started. A small but

determined group of fifth graders, families, and teachers who took up the state's call to propose new schools in 2015. Our families wrote a charter with one big ambitious goal—create a secondary school where any student, regardless of starting point, could work to and through the college of their dreams. That was no small thing to promise. But because we did, because our families put in the work, because the Governor and policy makers like you backed our students, I can tell you the amazing things that they have achieved today.

Equipo Academy has received multiple five-star ratings from the state of Nevada; Equipo Academy was included in U.S. News and World Report's top 10 high schools in Nevada; five cohorts graduated with 100 percent college acceptance rate to four-year colleges and universities; our students were named as Evans Scholars, LEDA [Leadership Enterprise for a Diverse America] Scholars, and two students earned Gates Millennium scholarships. Just this year, students earned admissions everywhere from the University of Southern California to Amherst College to Brown University, Yale University, and Princeton University. Most exciting to me and to our critical labor shortage, is that the most common career pathway for that first group of fifth graders who started this project is to come back to Nevada and work as highly qualified aids and teachers on our campus. These life changing things happened because of policy makers like you. We would be eager and enthusiastic to work with mayors and educators to expand options across the state. We support A.B. 400.

John Guedry, Private Citizen:

I am an advocate for all types of education, both public and private. I recently retired, and my former company contributed a large sum annually to the Opportunity Scholarship fund because I felt it was our responsibility to provide all children and families with the best possible educational outcome for their children—not just families who could afford it.

In 2015, I served on the Spending and Government Efficiency (SAGE) Commission with a mission to review K-12 spending in Nevada. For the 2015-2016 school year through the 2022-2023 school year, Nevada has increased funding at its largest school district—Clark County School District (CCSD)—by more than 40 percent both on a per-pupil and actual dollar basis. During the same period, national test scores showed that from 2015 to 2022 the CCSD's fourth and eighth grade math and reading proficiency levels continued to decline.

Funding without meaningful accountability is not the answer. Assembly Bill 400 addresses accountability standards that are currently lacking. As an example, A.B. 400 focuses on reading proficiency at a third grade level with the Read by Grade 3 program; teacher recruitment, retention, and training through the Teach Nevada Scholarship Program; school choice improvements, including an increase in who can nominate charter schools; charter school transportation budgets; increased funding and qualifications related to the Opportunity Scholarship fund to provide more families who otherwise cannot afford private school options; and school zoning choices within the public school system.

Choice and competition are fundamentally why our nation has thrived. This bill includes these, and many other measurable standards, to ensure better student outcomes which have

been lacking in the past when we increased funding. I look forward to seeing the matrix on measurable student outcomes from the Commission on School Funding.

Lorena Cardenas, Private Citizen:

School choice gives parents alternatives. Look at the state we are in; look at the level of incompetence in Clark County students. Something has to change. When bureaucracy protects bad teachers from being fired, school choice gives parents the ability to escape these teachers, incentivizing teachers to perform better.

The only thing we should all hope to get out of any new proposal is improved performance. I do ask you to remember your titles; you are representatives, which means your job is to represent the voices of the community, and you cannot ignore the overwhelming support for this proposal. We parents are used to being ignored, but to sit there and ignore the superintendent of the Department of Education is a bit much.

The other thing a legislator mentioned was that the Read by Grade 3 program was somehow divisive and would impact students emotionally. What about the emotional impact of being pushed forward past third grade not knowing how to read and write? What about the emotional impact when you are in middle school or high school or get a job and you still do not know how to read and write properly?

Someone else asked, why Lombardo? Why should he make the choice and not the Legislature? Because our Legislature has failed. It is a jagged pill to swallow, but whatever you did before has not worked. We need change, and we are desperate for change. So please, I implore you—do not play politics with this bill. Parents across the board—right, left, moderates, and independents—this is about parents wanting the best for their children. I can assure you no one wants more for their children than parents.

Stephanie Kinsley, Private Citizen:

You spoke about justifying the spending, and you spoke about holding people accountable. I would like you to justify not doing what the parents are asking, and I would like the people who allowed the shenanigans over the last few decades at CCSD to be held accountable. I started school at the CCSD and graduated from the CCSD. It was failing decades ago, and it is failing today. Nevada spends much more on each student than Utah does, yet Utah ranks much higher than Nevada. It is not a spending thing; we can blame families.

In the last three years I saw our schools mask children, which defies science. You have to be an absolutely mentally deficient human being to think a mask will prevent a virus from spreading. We lost teachers because you forced them to get vaccinated; they did not want to risk their life with a Fauci ouchie all while we have a failing school system, yet I hear more people worrying about whether a basketball player gets a good spot. I would rather my kid lose a spot to a good basketball player than have a teacher with a degree push a mask on a child.

The level of failure coming from our schools is next level. We are pushing transgender identity. We are getting mentally ill gay children to mutilate their bodies. We are pushing shmashmortion in schools. This is disgusting. You have failed us since COVID-19, and you failed us long before that. I do not think anybody who supports abortion, mutilating gay kids' private parts, and supporting failing schools should be allowed to have any opinion. You have all failed us. You are a disappointment. Shame on you—support your constituents.

Emmalee Toledo, Private Citizen, Las Vegas, Nevada:

I will make this quick considering I came straight from working as a teacher and I have to teach at 7 a.m. I am here in support of Assembly Bill 400. I am a graduate of a charter school and have now come full circle to teaching first grade in a charter school. I believe without the option of school choice; I would not have graduated high school because I was diagnosed with an autoimmune disease during my sophomore year. Every child deserves an opportunity to succeed, and the reality is that not every child can succeed in public school. I know I could not have.

This bill does not detract or defund public schools, but rather makes education in Nevada a more robust institution with options for every child to excel and belong. Families and students deserve the right to choose the education that best serves them. My students need and deserve the benefits of this bill, particularly access to school transportation. Finally, I urge everyone who opposes this bill to come and visit my school and witness the difference we are making in the community and more importantly in the lives of our students before using their education and futures as a political playground. For these reasons, I urge you to support this bill.

Cyrus Hojjaty, Private Citizen, Las Vegas, Nevada:

I ditto the previous comments. I believe this is a step forward. Will this solve a lot of problems? Not necessarily, but it will help because again, we can choose which kind of DMV place we go to, but they all have similar functions. It is the function that really matters.

I would like to share my high school experience. I graduated from Aliso Niguel High School, Aliso Viejo, California, located midway between Los Angeles and San Diego. The test scores were high but mostly because of parental push. When I went to that high school, my test scores plummeted. There was a high school about half a mile away, but I was not allowed to go because of how it was zoned.

The learning system is not flexible. When I was in high school, I wanted to get into urban planning, move here, and get involved in financial markets. We did not have a flexible system of learning. [The Chair stopped the testimony because the testifier exceeded the allotted time.]

Alida Benson, Executive Director, Nevada Republican Party:

I am testifying on behalf of the Nevada Republican Party in support of A.B. 400. As has been mentioned, school choice is the civil rights battle of our time, and just as it has with all

other battles to secure fundamental rights and liberties for oppressed minorities in the United States, the Republican Party is proud to be on the right side of history. We are the party that desegregated schools, ended Jim Crow laws, and fought the Civil War to abolish slavery. In our current age, we are fighting for every student to obtain a quality education and ensure they are never limited to offerings in their zip code by the public school monopoly. Please stop trying to trap kids in failing schools. This bill expands choice and freedom for parents who want to be involved in their children's education. More choice, as we have heard extensively in testimony on a number of bills from our colleagues on the other side of the aisle, this session is a good thing. We look forward to their bipartisan support of this effort to empower parents and give students a chance to succeed and the expansion of scholarships so that kids of any income level have the opportunity to attend a quality school. Please join us on the right side of history and support A.B. 400.

Lance West, Private Citizen, Schurz, Nevada:

I am a citizen of the Pyramid Lake Paiute Tribe. I live in Schurz on the traditional lands of the Walker River Paiute. I am a cofounder and executive director of Indigenous Educators Empowerment, a 501(c)(3) nonprofit focused on solutions for indigenous education issues in Nevada.

I speak as a concerned indigenous parent and community member, and I support A. B. 400. As mentioned previously, I ask for an amendment to include tribes so cities, counties, and tribes can apply for a charter school. If you look at any current or past Nevada accountability reports of public schools that serve high population native students, you will see that those schools have failed our Native American students, time and time again. I can think of four public schools on or near tribal lands including one here in Schurz on the Washoe Tribe reservation. I am tired of seeing such poor academic achievement for my native relatives occurring over and over. It is time for options. It is time for our tribal nations in Nevada to exercise true educational sovereignty. School choice is needed. This bill would support tribal communities in taking control of the education of their future leaders. In regard to Bureau of Indian Education (BIE) schools, there is a five-year waitlist to get approved, and once you are on the list, they are currently ten years behind in construction for any BIE school around the country. We cannot wait 15 years for a BIE school to be constructed. Our public schools have failed to acknowledge and recognize native ways of knowing and knowledge to include social, environmental, and racial justice issues that truly impact our tribal communities. Please include the term "tribes" in the bill language. Again, I support A.B. 400.

John Carlo, Private Citizen, Las Vegas, Nevada:

I am a young gentleman from Las Vegas, and I am calling to support, 100 percent, the parents of this community and the tax dollars that should be rightfully given to many single mothers, single fathers, and struggling communities that are always spoken about, but obviously the money is being withheld from them. I have seen CCSD testify to the State Legislature that money is not transparent with the Legislature. I do not think we should be giving more money if we do not know how it is being spent. The University of Nevada, Las Vegas, is doing the same thing, and money is not being returned back to the state.

I do have issues with that, but I support the parents. I know that you need to do the same thing we are doing in North Carolina. That is where I am from; they had it, and it worked great. There are private schools. Let the kids do better in private schools and charter schools. I support Native Americans, too. Let us all help them as well.

Rachel Puaina, Private Citizen, Las Vegas, Nevada:

I speak for myself, but as a teacher, I see that opening school choice may also benefit CCSD charters throughout the state. Not just CCSD, but all schools because we could get smaller class sizes which will benefit everyone. We do need help.

I am hoping you can open a bus system for charter schools. There are so many students who have to be dropped off by their parents. It is affecting their education, so I am in favor of A.B. 400.

Niger Innis, National Chairman, Congress of Racial Equality:

The Congress of Racial Equality (CORE) is an 80-year-old civil rights organization. We have been engaged in the fight for school liberty and for freedom of choice for over 50 years. Back in the 1970s, we were approached by the New York Catholic Archdiocese and were given a building, or basically we took over a school building, that the Archdiocese could no longer operate. We service 500 families in the CORE community school in the South Bronx.

After two-and-a-half years of struggle, we had to shut our doors because our lower-middle-class, and working-class parents could not afford the tuition, which was a small fraction of what public schools were spending per pupil and what parochial schools were spending. When we shut down our services, those 500 families were left without an option and without a choice. We stand in favor of this important school reform bill that will promote education liberty and promote the civil rights of our age, which is the right to an education.

Jenny Hunt, Director, Mariposa Learning and Language Academy:

Mariposa Language and Learning Academy is an independent, self-managed, Washoe County School District-sponsored charter school. We serve a diverse demographic of Reno learners—90 percent are Hispanic; 100 percent are on free- and reduced-price lunches; and 50 percent are English language learners.

Section 22 revises the membership of the Commission on School Funding, and we echo the sentiments that we should maintain that representation from charter schools. As has been mentioned, pre-K is an evidence-based strategy for later academic proficiency. Mariposa is fortunate enough to offer a limited number of seats to the current Nevada Ready! program. Assembly Bill 400 proposes funding pre-K with excess funds from the Education Stabilization Account. We support, and we look forward to, a more stable, sustainable system for funding pre-K that might be for all learners. This would identify more investment into the current Nevada Ready! program with amendments to the eligibility program, including income requirements.

Section 79 is fantastic as it enables hiring for critical labor shortage and values our retired teachers and paraprofessionals as they step into filling roles. There have been numerous mentions of children learning differently. In concert with the need of Assemblywoman Peters, "Accountability for student growth for all learners cannot solely be measured by Read by Grade 3." The bill must account for the diversity of learners such as those who are learning English and their growth toward reading for college and career readiness, rather than by grade three. The good cause exemption is essential. Also, we would like to echo the sentiments of others about ensuring that all public schools, both charter and traditional, are adequately funded.

Chair Monroe-Moreno:

We will move on to those who wish to testify in opposition to Assembly Bill 400.

Dawn Etcheverry, President, Nevada State Education Association:

The Nevada State Education Association (NSEA) is in strong opposition to A.B. 400 with grave concerns about provisions that would compromise K-12 public education in Nevada. This includes a massive expansion of private school vouchers in the creation of the Office of School Choice to facilitate this expansion, diversion of funds to charter schools to create competing and redundant transportation systems, allowing cities and counties to sponsor charter schools, automatic transfer of funds in the Education Stabilization Account away from the education funds, and the retention of third graders who do not pass a high-stakes reading test.

Opponents of public education point to Nevada's struggling schools to argue for more choice, or in other words, a diversion of public monies to private schools through private school vouchers. The truth is that Nevada schools struggle due to chronic underfunding. This week, the National Education Association released our annual rankings and once again, Nevada ranks 48th in per-pupil funding for the last school year. Politicians from both sides of the aisle have been quick to talk about historical funding in Nevada schools in previous sessions. Yet, Nevada remains stuck near the bottom of the states in education funding. This is why the NSEA has been saying it is a rainy day for Nevada schools. Assembly Bill 400 would increase private school vouchers to 0.5 percent of the education budget over the next two years. This is equivalent to about a \$20 million annual increase. The bill then proposes to step up funding to reach 5 percent of the education funding by 2032, meaning that hundreds of millions of dollars per year would be diverted from public education. [The Chair stopped the testimony because the testifier exceeded the allotted time.]

Andrea K. DeMichieli, Secretary/Treasurer, Nevada State Education Association:

I am the NSEA secretary treasurer, and I am also a school counselor in the Washoe County School District. While charter schools are technically public schools, they have a similar impact of siphoning resources from school districts. For years, NSEA has cautioned the Legislature about the growth of charter schools, especially given the unequal dynamics between charter schools and our traditional neighborhood public schools.

Despite the passage of a growth management plan in 2019, charters expanded by 40 percent in just the last 5 years. The addition of transportation dollars to the charter system means even more resources into a duplicative system. Authorizing cities and counties to sponsor charter schools when many cities and counties struggle to deliver services that they are currently responsible for, is even more duplication and bad public policy.

The proposal to automatically transfer excess funds from the Education Stabilization Account to various worthwhile programs seems harmless enough until you consider how grossly underfunded the State Education Fund is. The NSEA has no issue with the creation of new accounts for teacher recruitment or childhood literacy; however, we believe funds should be appropriated to these accounts through the budget process alongside base education funding. There should be no excess reserve funds when Nevada's Commission on School Funding reports per-pupil funding is nearly \$5,000 below optimal. While NSEA is supportive of early literacy supports and opposed the elimination of Read by Grade 3 categorical funding, we remain opposed to retention in third grade. There is no evidence that retention improves academic outcomes. In studies that have found improved outcomes, retention came with numerous supports and resources that are more likely responsible for any improvement. Further, retention can lead to adverse social and emotional issues, and there are significant equity concerns as well. The NSEA does strongly support the provision in A.B. 400 to allow the Governor to designate positions in school districts as a critical labor shortage, allowing retirees to fill positions without loss of Public Employees' Retirement System benefits.

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

The Clark County Association of School Administrators and Professional-Technical Employees (CCASAPE) represents well over 1,400 Clark County School District (CCSD) administrators, of which nearly 98 percent are CCASAPE members. We are requesting that this Committee consider amending A.B. 400, section 53, subsection 3, to increase the carry forward balance from 2 percent to 5 percent, which is still far below the acceptable standard operating recommendations allowed for state and county government agencies. Capping carry forward dollars has the potential to negatively impact our most vulnerable and disadvantaged students.

Also, many schools currently have hundreds of thousands of dollars in encumbered purchases that have been approved by CCSD but are awaiting processing. Frequently, this delay can take up to a year or more to be processed. In the meantime, these encumbered dollars sit in the schools carry forward balance until they are officially expensed. This creates a falsehood that a school is willingly holding onto funds. We are requesting that encumbered expenses that have been approved but not yet processed, be immediately removed from carry forward balances and placed in a separate category to accurately reflect a school's budget.

Further, principals are currently required to develop a plan to spend their carry forward balance. Limiting this plan to 90 days may cause wasteful and unneeded spending of

taxpayer dollars. We recommend that the 90-day timeline be expanded to 18 months to ensure appropriate use of funds.

Lastly, section 53, subsection 3, allows a school precinct to utilize carry forward dollars to provide one-time incentive payments to support professionals and teachers. However, it does not identify site-based administrators for this incentive. The CCASAP asks that site-based administrators be included in this one-time merit incentive payment as they obviously play an integral role in improving teaching and learning.

Stacie Stosich, Private Citizen, Reno, Nevada:

I am a proud third grade teacher at Echo Loder Elementary School, an at-large director of Washoe Education Association, and most importantly, a single mother of two beautiful girls, Vivienne and Avery, who attend first and sixth grade in public schools in Reno. Options are good, especially when it comes to education. If there is anything Nevada values, it is our liberty, low taxes, and our billion-dollar sports arena and entertainment industry. I have to ask; do you enjoy a last place ranking in education year after year? We are the only state receiving straight F's regarding the level of funding needed to provide adequate levels of qualified teachers, support staff programs, and services for students in each Nevada district—rural and urban—as well as our low-income districts who have greater challenges in educating students.

Yet, year after year, the level of funding in Nevada has continually reflected an overall underinvestment in public education. State-level policymakers have spent two decades ensuring that an excellent, equitable, education system in Nevada is impossible to achieve. Governor Lombardo recently stated that every child in Nevada has the right to a quality education. Running a school choice platform was strategic and wise. Nevadans do deserve better. Our children need to be safe at school.

Parents are aggravated by the pandemic-related shutdowns and are suspicious of critical race theories. Parents have been vocal about the failure of restorative justice in schools. Choice is powerful. I would argue Nevada needs formidable funding reform for school funding, especially considering A.B. 400 does very little for children who attend the 15 other school districts outside our metro area in the north and south. It is time to confront the truth. Education is a multibillion-dollar market, and the private sector is eager to get their hands on those dollars. Will this guarantee Nevada's children receive a qualified education?

Tina M. Leiss, Executive Officer, Public Employees' Retirement System:

The Retirement Board has voted to oppose section 79 of A.B. 400 for a number of reasons, including tax counsel has advised that it violates the Internal Revenue Code, and it has significant cost implications. Section 79 gives the Governor broad discretion to designate positions as critical labor shortage. This would violate, most likely, the Internal Revenue Code provision of a definitely determinable benefit. The U.S. Internal Revenue Service has opined that whenever an entity, a board of trustees, or an individual has discretion in the benefit structure—which this would be discretion—that would violate the definitely determinable benefit rule.

The other provision that it implicates is a bona fide retirement. You have heard from presenters that this bill would allow teachers to retire and come back to work. If that is the case, this is not a bona fide retirement, and we cannot pay retirement benefits because there is no bona fide separation. If there is an agreement to come back to work, then there is no retirement. If you violate the Internal Revenue Code, it puts the entire plan in jeopardy.

The other part is that the cost implications are great. The reemployment restrictions are cost containment features. When you incent people to retire on first eligibility, we pay the benefit longer. That cost has to be recouped somehow, and that would be through contributions, which are then paid by the employees and the employers.

Drew Schaar, Teacher, Mineral County High School, Hawthorne, Nevada:

I am here to speak in opposition to A.B. 400. As we already face inequities throughout our rural community when it comes to resources, facility, transportation, books, technology, and much more, we are now faced with fighting for monies that are being sent to charter and private schools. These are not schools that our communities have access to. These resources are being pulled from our students' fingertips, and this is food that students depend on, being ripped from their mouths. These are real-world issues that we face on a daily basis. With up to 5 percent of total education budgets allocated to private and charter schools, we will be falling further behind when it comes to the amount of resources that we can access.

I wanted to walk you through some real-world issues that we face on a daily basis throughout our rural community. In my community, we have books that are more than 25 years old with no current events. We do not have resources for English language learners. More than 90 percent of our students are at risk. We have inadequate transportation and inadequate facilities at my school; the oldest junior high school in the state, which was built in 1955. Walls are crumbling around our students, and there are more serious issues.

Now that you have heard about some challenges we face, I want you to hear about some positive successes that you provided with funding allocations to our public school. You may not know it, but you have helped drive our successes. With funding we received, our Continuing Technical Education (CTE) Department was able to open a work-based learning opportunity through our Serpent Store and Serpent Cafe. Our business management and culinary arts students use their employability and practical skills in real-world experiences in these locations. The work-based learning opportunity was congressionally recognized by Congressman Steven Horsford through his awarding of Certificates of Special Congressional Recognition to the Mineral County High School CTE Department, seven educators, and many students. These are the people—students, teachers, educational support professionals, paraprofessional health aids, and many more—who fall below the poverty line and who live four teachers to an apartment because they cannot afford any other way. [The Chair stopped the testimony because the testifier exceeded the allotted time.]

Doug Brubaker, Washoe Education Association:

I would like to tie back to what two council members were talking about. In 2016, a study considered the question of whether expansive voucher programs increased choice. Programs

targeted at specific poverty-level students led to an increase in private school enrollment, but universal choice programs with few eligibility requirements did not cause more students to enter private schools. Instead, it caused private schools to raise tuition. That was the conclusion of research published in a peer review journal of public economics which examined eight private school choice initiatives including both voucher programs and tax credit subsidies. Tax credit subsidies offer generous tax breaks for private school fees.

This bill would include vouchers for a family of four that earns \$150,000. That is not very restrictive—that is 80 percent of all Nevadans. It is essentially an unrestricted subsidy that will lead to increased tuition and not expanded enrollment. It will be a boon for private school profit and a transfer of public school money to private profit.

Michelle Booth, representing Educate Nevada Now powered by the Rogers Foundation:

We have provided written testimony [[Exhibit K](#)] that we hope will be included in full in the Nevada Electronic Legislative Information System (NELIS). We oppose A.B. 400 because it diverts public dollars to unaccountable and discriminatory private schools and increases the income eligibility threshold. This means that a household of four making up to \$150,000 per year would now be eligible. Nevada's voucher program fails to collect any meaningful data to aid in understanding where funding goes and how it affects student outcomes.

The bill creates new oversight and reporting requirements for public and charter schools, but it deliberately excludes private schools that are not required to collect comparable data. Their accountability is not even meaningful. Even the proposed Office of School Choice has no duty or responsibility to hold accountable the voucher scheme, making the Office effectively unnecessary. Additionally, private schools can continue to discriminate against students for almost any reason such as being LGBTQ or special needs children. School choice is actually the private school's choice. We urge lawmakers to reject this expansion of the Nevada Educational Choice Scholarship Program.

Assembly Bill 400 also aims to divert Education Stabilization Account funds held in the State Education Fund (SEF) to two program accounts outside the SEF. We have concerns that this would run afoul of article 11, section 6 of the *Nevada Constitution* and the Supreme Court's decision in *Schwartz v. Lopez*.

Schwartz v. Lopez prohibited the state from diverting funds allocated to public education programs or services outside the operation of K-12 public schools. Much like the 2015 education savings accounts, the court may find that diversion of public education funds to other purposes violates the law. Educate Nevada Now supports improving access to early childhood education and addressing the teacher shortage, but we must find other funding for these programs. The Pupil-Centered Funding Plan rightly aims to create a lockbox for public K-12 dollars, and maintaining that safeguard is critical to achieving adequate funding for our students in schools. We oppose A.B. 400.

Terri Shuman, Private Citizen, Clark County:

Although I am in favor of parents having school choice, I am in opposition of A.B. 400. I am in opposition because this bill will take public education funds and turn them into private school vouchers. Our public schools are underfunded as they are, and to take some of these funds and place them elsewhere is out of the question. In 2007, I came to my first legislative session in this very room. It was a bright Saturday morning, and I had absolutely no clue what was going on. I was given a piece of paper to answer the question of what I thought about education in Nevada. I explained that I had just moved from Mississippi where funding was 50th in the U.S. to Nevada where they were only 49th. I did not have much hope. At the end of my talk, a man sitting on the stage raised his hand. He turned out to be Senator Steven Horsford. He asked me one question, "how does it feel, being able to look up at somebody?" I did not get it. He explained that Mississippi had just jumped Nevada, and Nevada was now 50th. I mentioned to him that it was sad in both cases. Seventeen years ago, Nevada was at the bottom, and we may not be at the bottom today, but we sure are darn close to it. How long are you going to allow our students to suffer? How long do our workers and our support staff have to go without minimum wages? Say no to vouchers and yes to Time for 20.

Erika Castro, Organizing Director, Progressive Leadership Alliance of Nevada:

The Progressive Leadership Alliance of Nevada is in opposition to A.B. 400. While funding has increased for Nevada's education system, Nevada still ranks at the bottom of the nation. In fact, Nevada's Commission on School Funding estimates that to put Nevada schools on par with the national average, it would cost more than \$2 billion over the next decade. The bill creates the Office of School Choice, which is appointed by, and serves solely at the pleasure of, the Governor. This new Office would be given broad authority that is ripe for abuse of power and inappropriate use of state resources at a time when we should be protecting all our public resources, not handing them to private entities.

Let us be clear—education savings accounts, Opportunity Scholarships, or whatever we want to call it are still vouchers, which will only reduce state funding for public school systems and take dollars away from students specifically, as students are already being disproportionately impacted by underfunded schools. The solution to Nevada schools is not corporate handouts. A real solution will come when we pass legislation that ensures teachers earn a fair wage, class sizes are reasonable, and schools have the necessary personnel to support their students. Yet, A.B. 400 only takes funding away from our public schools and will cause harm to many of these students in schools that are still recovering from challenges and setbacks from the pandemic that cost our education system. As a product of CCSD, I urge you to protect our public school funding and find real and equitable solutions for our education system. We urge you to vote no on this bill.

Shelbie Swartz, Private Citizen, Las Vegas, Nevada:

I am a proud graduate of CCSD and a constituent of Assemblywoman Backus, [[Exhibit L](#)]. Every Nevada student is guaranteed a quality public education. The Nevada Way should be about ensuring that the majority of Nevada students in public schools are getting resources and the education they need. A popular talking point has been that our public school

education is lacking in quality, but there is data to counteract the assertion that charter and private institutions are superior in quality to our public schools. In Louisiana, a study of schools participating in their scholarship program—the equivalent to our Opportunity Scholarships—found that attending a charter or private school participating in these voucher schemes increased the likelihood of students receiving a failing math score by 50 percent. Voucher effects for reading, science, and social studies were also negative and large. Thank you to the members who call this bill what it is; a power grab for the Governor and kowtowing to those who would rather see our public school system collapse.

Amber Falgout, Private Citizen, Sun Valley, Nevada:

I am calling in opposition to A.B. 400 [\[Exhibit M\]](#). Private school vouchers are a concerted effort to defund public education and funnel those taxpayer dollars to private schools and charter networks often owned by wealthy interests like Betsy DeVos and her family. They are antithetical to a healthy and functioning public education system. My oldest child goes to the same public school I went to, and my youngest will go to public school when he is old enough. Both my children have every right to a quality education, despite our family being unable to afford private schools. We cannot continue to defund our public schools and then expect public schools to perform at a higher level. This will not make our schools better; it will divert funds and further put our public schools at risk for limited funding. Vote no on A.B. 400.

Deanna Hua Tran, Coalition Coordinator, Nevada Immigrant Coalition:

The Nevada Immigrant Coalition (NIC) consists of diverse organizations from across the state that work together to fight for immigration reform and immigrant justice. The NIC is here in opposition to A.B. 400. Every Nevada student is guaranteed a quality public education, and the Nevada Way should prioritize and ensure that the vast majority of Nevada students have access to public schools with adequate resources and an education that they need. We should not be defunding public schools by siphoning money into private or charter schools. We urge the Committee to vote no on A.B. 400.

Danielle Ford, Private Citizen:

I was a Clark County School Board trustee. For the past four years, it was my job to speak to thousands of parents about what they want in education. The vast majority did not want school choice, and they did not want vouchers for different schools. What they did want was improvements to their zoned schools. They wanted their teachers to be paid and treated well so they could remain there. Parents did not want their tax dollars going to private businesses or religious organizations. The voucher scheme is a brainchild of these two groups who eat benefits from privatization for the ultrawealthy, mostly from New York and Florida. These groups own education management companies which franchise schools and put at least 16 percent into the authorizers' pocket. Religious organizations want public dollars to fund their ideology. Even with laws in place, private schools can and do discriminate through work-arounds like textbook and computer fees, school uniforms, and grooming standards. This effort should instead be directed toward fixing public schools in ways that ensure high quality instruction, equity, and real choices for parents within their zoned schools.

Calen Evans, President, Washoe Education Association:

I am the president of the Washoe Education Association. We represent all certified professionals in the Washoe County School District. First, I want to thank so many of you on the Committee who are speaking in strong support of our public schools. It is important that we understand the reality surrounding our public school system. Washoe and Clark Counties currently rank in the bottom 5 percent of over 13,000 school districts across the United States. Even with the Governor's proposed increases to education, we will still be 30 percent below what the Commission on School Funding deemed simply adequate funding. We are not talking about optimal funding to provide quality education that our students deserve; we are just talking about adequate funding.

Even with these increases, we are still not looking at a passing grade when it comes to funding our public education systems. We have not given our public education systems an opportunity to be successful because of chronic underfunding that we have encountered. I believe Assemblyman Yeager summed it up well when he asked how we could justify taking tax dollars from a chronically underfunded—and I will add, woefully underfunded—public school system and giving it to private schools. It makes zero sense because we are not giving our public schools an opportunity to be successful. We have amazing, passionate, strong, articulate, and caring educators in Nevada, and if we give them the resources and tools that they need to be successful, they will create amazing learning outcomes for our students.

Jacqueline Davania-Williamson, Private Citizen:

I am a single mom with a student in Clark County, but I am also a product of 12 years of private school in Los Angeles. I agree with Assemblywoman Monroe-Moreno on the culture that is created in private schools and how many of our students, including my son who has special needs, will not fit in to those private schools. Private schools cannot serve my son. I would love to be able to send my child to private school and get the same kind of education I got with the same class sizes, but that is just not feasible. I think that by asking private schools to be accountable, it cancels everything that private schools stand for, which is to control their curriculum and their environment, and who they can and cannot exclude. I think that the more that we stray from public schools, we are straying from accountability if we do not keep them accountable. I think that the more that we open up Pandora's box, even if we are giving them half a percent this year, 2 percent next year, and 5 percent the year after, then 20 or 30 years down the line, how much are we going to be giving to private schools? The thing is, we do not have one penny to give them right now. Our entire funding structure is hanging on by a thread. We do not have money for them. My child finally got an individualized education program after two years and in just a couple of weeks, he is doing amazing things and loves reading. I think that we have a great system, and we just need to help public schools.

Vicky Cardell, Private Citizen:

I am a teacher in Clark County. Assembly Bill 400 has several items that are problematic; I am going to speak about the educational scholarship expansion and the Read by Grade 3 changes. Everyone should be aware that public schools were created to serve the public

good. We have to accept any student who qualifies to attend and do our best to give them the best education we can. In our country's past, education was not always available to everyone. It was something only a few were privileged enough to acquire. What we are seeing now is an alarming attempt to return to that. Vouchers are a way to take taxpayer money and funnel it to families who need it the least. In states that currently have vouchers or educational scholarships, about 90 percent of those families enrolled in the program are already paying tuition for private schools. In fact, in Arizona, 75 percent of students applying for their voucher program have never attended public schools. We know these schools can accept and deny any student they wish. It is known that many of these schools discriminate against students, including LGBTIQ students. Private schools do not have to follow state standards and/or even have licensed educators. In general, they do not have better student outcomes. We should not be increasing our educational scholarship program in Nevada.

Read by Grade 3 was already a problematic program. As a reading teacher in the Clark County School District, I can tell you we should be focusing on supporting students who are not reading at grade level. We would love all students to read by a certain grade; however, just like walking and talking, children do these things when they are developmentally ready. We know retention can harm children. With student mental health issues at an all-time high, we should not be taking actions that are not science based and that will hurt our children more than it will help them. Please do not bring back third grade retention in the Read by Grade 3 program.

Nicolette Andrini, Private Citizen, Reno, Nevada:

I am a proud Republican teacher. I emphasize Republican because yes, I am both a Republican and a strong supporter of public education. Public schools serve 90 percent of our students. That is where Nevada's public tax dollars need to go. The Nevada State Education Association (NSEA) has been a consistent advocate for adequate public education funding and for keeping public funds in public schools. The NSEA opposes school vouchers because vouchers divert essential resources from public schools to private and religious schools, while offering no real choice for the overwhelming majority of students. Opportunity Scholarships are really just backdoor vouchers. It is a scheme. Over the last three years, not including the one-time expansion of the program last session, appropriations for Opportunity Scholarships increased by more than 33 percent, while over that same period, per-pupil-based funding for K-12 education increased by a little more than 4 percent. Instead of diverting funding to programs that pay for a limited number of students to go to private schools, Nevada has the responsibility to allocate sufficient funds to public schools—schools which are accessible to every Nevada student.

Scott Guthrie, Private Citizen, Elko, Nevada:

I am a 30-year public high school teacher from Elko, Nevada. I come before you not to speak about my 30 years in the public school classroom, but to speak in opposition to this misguided legislation—A.B. 400.

We are facing an educational crisis in our state and the misappropriation of public funds to failed policy does nothing but add fuel to the fire. This is an emergency like we have never seen in public education, but this legislation is not the answer. The answer is Time for 20 for all of Nevada. Time for 20 is a 20 percent raise across the board, \$20 an hour minimum for our education support professionals, and class size capped at 20 students. It is time you step up and change the course of education in Nevada. Everyone in this room knows that education is in crisis. It is beyond a rainy day in the state of Nevada. As you continue to go through this legislative process, I ask one thing—I ask you to keep your favorite public educator in the front of your mind. We all have one. Someone who made a huge impact on our lives, someone who helped us, guided us, and pushed us farther than we thought possible. Ask yourself what they deserve. Ask yourself if they deserve to struggle to support their students and to support their families because they are, and there are many across our great state who are struggling as well. This is the job you have. It is Time for 20 in all of Nevada. I oppose A.B. 400.

Annette Magnus, Executive Director, Battle Born Progress:

As a proud graduate of the Clark County School District, we are in strong opposition to A.B. 400 [[Exhibit N](#)]. This bill from the Governor—supposedly the Nevada Way—is further codification of a voucher scheme and a consolidation of his power. I will begin by stating that we are completely opposed to voucher schemes of any kind. The decades-long efforts of wealthy elites like Betsy DeVos to funnel our taxpayer dollars to private schools is wrong. I do not care what you call them or how you dress these bills up. This is a voucher scheme, plain and simple.

Let us talk about our taxpayer dollars, since we are in a money committee. Do I have a choice to fund our schools because I chose not to have kids? If I do not like driving on Durango Drive in front of my home because the road has not been fixed, should I get a coupon to drive on other roads? If I do not approve of the job that firefighters do, should I get my taxpayer dollars back? No, that is not how any of this works, and that is not how taxes work. That is not how funding education should work either. We all pay our taxes so that everyone can succeed; not just a select few. If you want to send your children to a private school, you can do that—you can pay for private school while not putting our public schools at risk. Finally, giving the Governor power to take remedial actions over schools is grossly undermining the structure of our state. Consolidation of power to do whatever the Governor wants is not the Nevada Way. We should not defund our public schools for voucher schemes. We have said it before and we will continue to say it—we do not support voucher schemes in any form. This bill is grossly inappropriate, bad for our educators, bad for our kids, bad for our schools, bad for our state, and should be rejected.

Sarah Adler, Private Citizen, Carson City, Nevada:

I am here on behalf of Hank Brown, a member of the Carson Montessori Charter School's Student Legislative Team, and he shares with you written testimony [[Exhibit O](#)] regarding transportation that the Carson Montessori Charter School would not benefit from A.B. 400. This is because the school serves five different school districts, and families must transport.

Transportation may be needed by other charter schools, however, and it should absolutely be funded by the State General Fund, not the Pupil-Centered Funding Plan.

Missing on the Commission is a charter school representative and the voice of the student. As our legislative team has stated in bill after bill, the voice of a student is a must. No standardized assessment can give you that information.

Lastly, in section 23 of A.B. 400, there is a requirement for data collection and reports, reports, reports, that will add more to educator's plates. There are so many reports, many of which are redundant, and the requirements demand that schools will have to hire more staff to produce reports. If it is all the same data, why do you need to do it over and over in a different format? It seems there should be a more efficient way to do this, and it would also be cost effective. In talking to teachers. . . [The Chair stopped the testimony because the testifier exceeded the allotted time.]

Chair Monroe-Moreno:

Is there anyone who wishes to speak in neutral on A.B. 400?

Mateo Portelli, Private Citizen:

I am testifying in my personal capacity, both as a first-generation student at the University of Nevada, Las Vegas, as the proud son of a naturalized U.S. citizen from El Salvador, and as a passionate Generation Z voter from Assembly District 37. I have never testified before the Nevada Assembly, let alone in neutral on a bill, but I hope to lend my experience in Clark County to inform your vote. I appreciate your tenacity as I have been standing for about four hours, and I have homework to do tonight. I will be brief.

Here is a fact—better educational opportunities will help improve school safety. Throughout my four years in high school, I served as a licensed peer counselor with the Nevada Sole Youth Diversionary Court program. I spent over 400 hours on dozens of juvenile justice cases involving drug possession, trespassing, fighting, petty larceny, and advocating for first time delinquent minors. Most of the teenagers I worked with came from minority backgrounds, including me and my little sister, whose families desperately sought to improve their educational situation or make it easier to change their school. Nevada students deserve to go to safe schools with curricula which empower them to fall in love with learning. The evidence surrounding juvenile justice recidivism rates is undeniable. When families are empowered to change and inform their educational state, everybody wins—fights decrease, grades increase, and our school becomes more collaborative, compassionate, and competitive on a national stage. My parents taught me and my sister to believe in the power of education. No matter how you vote on A.B. 400, I implore this Committee to invest in the future of our state by supporting parents and the right to choose where and how their children learn.

Chair Monroe-Moreno:

I am going to remind everyone that we are in the position of neutral. If you do not plan on testifying in neutral, please do not take a seat at the table. Is there anyone else who wishes to testify in neutral on A.B. 400?

Jean Mizell, Project Facilitator/Instructional Coach, Filipino-American Educators of Nevada:

I am a teacher and an instructional coach, and I am the vice president of the Filipino-American Educators of Nevada. Here are the facts—28,000 teachers are needed in Nevada, and of that 28,000, there are 1,400 vacancies for educators in the Clark County School District (CCSD). Of the 1,400, there are 100 who return to the Philippines each year. There are about 400 Filipino teachers with a J-1 visa at CCSD. I do not have the numbers for teachers with J-1 visas at charter schools.

These teachers have three years of teaching license which can be extended by two more years. They are teaching in high-needs classrooms or schools, which means 30 percent or more of the students come from families with incomes below the poverty level, or in classrooms with high-need students or students with multiple disabilities. In short, J-1 teachers are employed in hard-to-fill vacancies.

I do not have data for how much taxpayer money is spent on professional development, resources, and financial costs for the district or the state to hire these teachers and then to lose them after five years. I know the cost for teachers with a J-1 visa to come to the U.S. is between \$12,000 to \$15,000, and they pay \$1,500 every month for 18 months. The cost is for those teachers to leave their family behind and uproot themselves so they can assimilate to a new environment and culture to help our students. We are on the right track with the introduction of this education bill. Can we look at offering more permanent status for J-1 teachers to alleviate the teacher shortage? We cannot just be seen as a number . . . [The Chair stopped the testimony because the testifier exceeded the allotted time.]

David Blodgett, School Leader, Nevada Preparatory Charter School, Las Vegas, Nevada:

I believe this is a neutral position, and I will explain why. Transportation has been discussed tonight. It is a necessary element of an equitable school choice ecosystem, and as long as transportation remains a barrier to charter school access, we cannot and should not be surprised when charter schools, on average, continue to serve a less diverse, more affluent, community than public schools as a whole. Providing transportation to charter schools would be a step forward, and some of that could come from what has been discussed in A.B. 400; however, I am slightly disappointed that charter school transportation was not prioritized as its own issue. We have already seen an example of transportation being included in other broader school choice legislation with zero impact on access to schools.

The scholarship program that you have heard so much about tonight already allows for one important way to fund school choice transportation, and as far as I can tell from reviewing the annual reports for the past six years, exactly \$0 have been spent for this purpose. I reserve the right to be proven wrong, and I hope that I am wrong. A bill as complex as this deserves a complex and nuanced discussion, so I do not believe at this point I can say I am in favor or in opposition. As you discuss this bill moving forward, I will continue to be here to encourage you to ensure transportation is protected, regardless of the more controversial conversations that happen.

I lead a charter school that already provides transportation to our students. It is an enormous expense, but it also adds enormous value for families. Students and families from our school showed up tonight to advocate not for A.B. 400, but for transportation specifically. No one made it past the two-hour mark, but they had signs and were in the back; hopefully you saw them.

This is such an important issue; I am working to leave my role as a school leader to focus on this full-time, and I can tell you there are at least 13 schools ready to start today if this funding is provided. So, if this part of the bill is removed or is not prioritized protected. . . [The Chair stopped the testimony because the testifier exceeded the allotted time.]

Suzan D. Reed, Private Citizen, Las Vegas, Nevada:

People are complaining about the lack of funding and their fear of losing money. Sincerely, it makes me feel like I bought you guys a big bowl of candy, and I only bought a Snickers Bar for myself.

How much do we spend on each student in Nevada public schools? According to the Education Week Research Center, in 2019, we spent \$9,185—maybe more now. Homeschoolers spend fractions of this amount and successfully teach their students, so these arguments are inaccurate and misleading. Stop whining about the money. I am a taxpayer. My message to you is this: taxation is theft. Stop fighting over my money. But since you already have it, at least give it to the parents of students for whom it is supposed to be spent and stop saying "vouchers" like it is a dirty word.

Matthew Wilkie, Private Citizen:

I never thought I would be giving neutral testimony as I had tried to testify earlier but time ran out, so I am going to give it my best shot. A highly educated Nevada, regardless of where anyone is educated, is extremely important. However, we need to prioritize public education first. Get students up to speed, and then let us revisit this. This is the best I can do to get to a neutral testimony.

Leslie Quinn, Private Citizen:

I flew to Carson City so I could testify on this and then had to leave on my plane, tried to call, and my call would not go through. I hear both sides—I hear public school teachers and I hear parents saying they want public school. Our children went to public school here because we, as parents, pushed them; one has become a nurse and one is into welding. That is amazing.

On the other side, parents have a right to want what is best for their children. I do not understand why that would be a problem when over a billion dollars was given to the public school system during COVID-19. I want to understand; if they could not do what was best with the monies at that time, then what is more money going to do? I am confused by that. This should be about our children and their ability to succeed, rather than somebody being concerned about where their taxpayer dollars are going.

I do not think that we should be taxed like we are either, but if we are going to be taxed, that money should be spent on our kids. We need to grow leaders, not needers who are dependent on the government for their very existence. We should let parents who want to send their kids to public school send their kids to public school because, with the amount of immigrants we have coming in, no matter how much money you pour into the system, it is going to continue to bleed or be like holes in somebody's pockets that you are trying to fill with sand . . . [The Chair stopped the testimony because the testifier exceeded the allotted time.]

Katrin Ivanoff, Private Citizen, Las Vegas, Nevada:

I am also known as Mrs. Fix It, Assembly District No. 42, Senate District No. 9. I started this meeting in Carson City, had to board a plane, and my plane just landed. I apologize for the timing. I want to report my support for A.B. 400.

Chair Monroe-Moreno:

If you would like to submit support testimony, you can please do that in writing, but we are in the position of neutral.

Katrin Ivanoff:

I have submitted my written testimony already. [Written testimony was not provided.]

Cyrus Hojjaty

I was testifying in support in person earlier, and I recorded my testimony, and it was one minute, and I believe we were given two minutes.

Chair Monroe-Moreno:

Support testimony is over. You did have two minutes.

Cyrus Hojjaty:

I only had one minute.

Chair Monroe-Moreno:

No, I disagree with you.

Are there any others who wish to testify in neutral on A.B. 400? [There were none.] We have gone through support and opposition and neutral, and we have a few more minutes, so I will let those who are standing in the room in Las Vegas go next.

Jill Douglass, President, Battle Born Republican Women:

I am the president of Battle Born Republican Women, and I am submitting my testimony in support of A.B. 400 which revises various provisions relating to education. As a mother and a grandmother, I support A.B. 400 because our schools are failing our children. Quality education is critical for the future of our state, for job growth, and to reduce crime. If you go through the history of Nevada, you will find that Governor Miller funneled a lot of money into education, Kenny Guinn in 2003 said that a more prosperous Nevada and a better

educational system requires our investment for all Nevada. He brought forth \$980 million to support education.

Over the last three decades, billions of dollars have poured into our Nevada school system, yet we continue to fail with fewer than 43 percent of our fourth graders at a proficient level and math is even worse with 34.9 percent. Governor Sandoval passed legislation with the Read by Grade 3 program, and then everything was overturned by Governor Sisolak.

Now we find ourselves with a failing school system. We have a choice that we can make. Assembly Bill 400 will provide significant improvement for school choice and will improve Opportunity Scholarships. I appreciate Governor Joe Lombardo's leadership to tackle this issue, expand school choice, and make historic investments in education for our students across the state. Nevada parents and their children deserve more choice for education.

For far too long, we have seen students and teachers forced to contend with failing schools and with zero accountability for those in power. It is time for change. Our children, all children, are not the same. They deserve educational options to help meet their needs. More choices in education can bring fundamental change, greater success, and academic achievement. I appreciate that the bill has accountability measures in place to make sure funding. . . [The Chair stopped the testimony because the testifier exceeded the allotted time.]

Raymond LeBoeuf, Principal, Mountain View Christian Schools, Las Vegas, Nevada:

I am speaking to give you a perspective on what choice has looked like since the Opportunity Scholarships have been put in place [\[Exhibit P\]](#). Our school serves families from infants through 12th grade. We are located in downtown Las Vegas; a few blocks south of this building.

For the past 40 years, Mountain View Christian Schools (MVCS) has been serving the Las Vegas community with families primarily from East Las Vegas, North Las Vegas, and downtown Las Vegas. Personally, I have been at MVCS for the past 27 years, and I am thankful for the privilege of providing private school education to families in our community.

Our families come from diverse socioeconomic and ethnic backgrounds, but they all have one thing in common—a desire for an intimate relationship with their child's school that reflects the values of their family. At MVCS, each family partners with the leadership of our school to determine the needs of their child. Our families bond with one another, knowing that there is mutual accountability between each family and the school. This common understanding fuels togetherness and creates a foundation for success of the child.

I have been the principal at MVCS since the Opportunity Scholarship program was put in place. I have seen the impact the program has had on families in the communities we serve. A private school is different. It is a choice made by many in the affluent areas of our city and of our state because they know the impact an education has on the future success of their children. Families that were once priced out of this educational choice now have access to it because of the Opportunity Scholarship program.

This is the reality that hit home to me. This happened to my family as I grew up in Boston, and I am humbled that I have the opportunity now to lead a private school in downtown Las Vegas. It gives families and their children the same kind of opportunity that I had for my family. It is the ability to provide private school education to families and neighborhoods in which they live. This is an invaluable choice. Our families are thankful, and they appreciate the opportunity for a school that is close to home, free from long commutes, and one that . . . [The Chair stopped the testimony because the testifier exceeded the allotted time.]

Lindsey Dalley, Private Citizen, Logandale, Nevada:

I live in a remote and rural community 60 miles away, called Moapa Valley, and I support A.B. 400. I have two colleagues here who live 90 miles away, and I am going to include their comments with mine. Despite numerous concerns expressed to this Committee, we support this bill because it comes with a strong moral imperative. Who owns this moral imperative? Parents and communities.

Assembly Bill 400 would bring this moral imperative into balance by allowing parents and communities to work together for individual children and save them from the current one-size-fits-none failing approach. I have one final point actually. Assembly Bill 400 would not help our 4,000 remote and rural students in northeast Clark County where I live because we do not have an urban infrastructure to enable school choice.

But we have solutions. We would like to open a dialogue with the sponsors of this bill to help our kids and solve our educational equity. One of the issues we have is special needs. We do not have access to the urban special needs issues here in Las Vegas, nor do our Native American reservation children have access to any of that. These are real concerns, but we do support A.B. 400; it is a good bill. Time has come and we support this bill because it will help solve educational equity.

Chair Monroe-Moreno:

This brings us to the end of the testimony for in support of, in opposition to, and neutral on, A.B. 400. I would like to invite the bill sponsor back to the table for closing comments.

Ben Kieckhefer, Chief of Staff, Office of the Governor:

I want to thank the Committee for its serious attention to this bill. We know this is a complicated and complex piece of legislation that deals with education on many fronts, and we know that we share the priority of ensuring our children have a pathway to success, not just in education, but for the rest of their lives. Knowing that we have the same priorities, I am confident we can work together to find solutions that help address our current deficiencies. I would like to thank everyone who participated in the hearing today on both sides of the bill, and I particularly would like to thank one specific person who testified in opposition to A.B. 400. Nicolette Andrini is a member of the Washoe Education Association; she has taught all four of my children, and they call her Señora. I know that when they show up at Depoali Middle School tomorrow morning at 7 a.m., she is going to be there with a smile on her face, ready to teach my kids. I am incredibly grateful for

Señora Andrini and all educators who are dedicated to the children of our state. Thank you for the time, and we look forward to the next steps on this bill.

Chair Monroe-Moreno:

Before we close the hearing for Assembly Bill 400, there was opposition testimony made from the Public Employees' Retirement System (PERS). Could Mr. Killian comment on that for me, please?

Asher A. Killian, Chief Deputy Legislative Counsel:

The *Nevada Revised Statutes* (NRS) 286.523 is a provision of existing law that governs when critical labor shortages can be declared to allow retired employees to return to public employment while still drawing their pension benefits. Public employers are allowed to designate positions as critical labor shortage positions notably in Subsection 4, paragraphs d and e—employees of school districts and employees of charter schools can already be declared as critical labor shortage positions. The declaration is simply made by a board of trustees of a school district or a governing body of a charter school.

The changes in section 79 of A.B. 400 do not allow this declaration to be made for any new positions. They simply allow the Governor, in addition to the board of trustees of a school district or a governing body of each charter school, to make those designations. Subsection 1 of NRS 286.523 establishes the standard to be used when making that designation. It declares that the policy of the state to ensure that reemployment of retired public employees is limited to positions of extreme need, and it requires a determination of reemployment based on the appropriate necessary delivery of services to the public as the basis for making any such declaration of a critical labor shortage. This applies both to all employers listed in existing law as well as to the Governor, if A.B. 400 were to pass and the Governor was given the ability to make these declarations.

While we do respect the conclusion of the PERS tax attorney, we do believe that there would be no difference for the Governor versus all existing employers who can make these designations because the same standard would apply to the Governor as applies to all employers under existing law. The bill does not require the Governor to make the same findings in the same style as all other existing types of employers, but it does apply the same standard.

As a result, we believe the bill is facially defensible. Provisions of federal law apply regardless of whether they are recited in the bill because federal law does not require a recitation in state law to be effective. The duty would be on the Governor to ensure that he makes these declarations in a manner consistent with federal law when he declares critical labor shortage positions. The Legislature generally assumes that when they put a duty on a public official to carry out an action, the public official will carry it out in a constitutional and legal manner.

The other portion of PERS' opposition that I wanted to respond to was the bona fide retirement requirement—a provision in federal law that generally requires you to be

separated from employment for at least 90 days before you begin to draw retirement benefits. There is nothing in A.B. 400 that reverses or prohibits that provision of law from being applied, and just like the requirement for the Governor to follow the requirements of federal law when designating these positions, there is a presumption that employers will obey federal law when reemploying these retired employees and ensure that they have at least the 90 day waiting period before they are reemployed. Again, it is the opinion of our Office that the bill as written would be defensible against a legal challenge on that basis.

I believe one other portion of opposition I was requested to respond to was the question of whether the provision of A.B. 400 that established the levels for Opportunity Scholarships would violate the opinion of the Supreme Court in *Schwartz v. Lopez*. The core of that finding was that the educational savings account program was generally constitutional but was not appropriated for by the Legislature. Under article 4, section 19 of the *Nevada Constitution*, money can only be drawn from the public treasury by consequence of a legislative appropriation, and it was for want of a legislative appropriation that the educational savings account program was found not to have been properly implemented.

There is nothing in A.B. 400 that makes any appropriation of public money. Instead, the existing Opportunity Scholarship program is based on tax credits rather than drawing money from the public treasury in an appropriation. It is based on awarding tax credits to private entities that make certain contributions to the state. The only change made in A.B. 400 with respect to this program is changing the levels of those authorizations for tax credits. It does not require those tax credits to be funded from the State Education Fund. It merely pegs the level of allowed credit to the amount of money in the State Education Fund. It is our opinion that this would not violate *Schwartz v. Lopez*. This bill is once again legally defensible on its face.

Chair Monroe-Moreno:

With that, we will close the hearing for Assembly Bill 400, and that brings us to the last item on our agenda—public comment. I will remind anyone who wishes to testify in public comment that the hearing on A.B. 400 is over. If you have generalized comments, this would be the place to give those. I will open this meeting for public comment.

[Public comment was heard.]

[[Exhibit Q](#), [Exhibit R](#), [Exhibit S](#), [Exhibit T](#), and [Exhibit U](#) were submitted but not presented.]

Chair Monroe-Moreno:

Are there any other questions or comments from Committee members?

Assemblyman Yeager:

Before we adjourn tonight, I want to congratulate you and thank you on a great meeting. This bill that we got was 95 pages long and 97 sections long, and our job here is to vet this policy, and the fact that we had three hours of questions tells me that we did just that. Chief of Staff Kieckhefer had three hours to defend the bill. We had more than 30 minutes

of support testimony. I understand that the public is frustrated, but our voters have given us 120 days to do what we must do. We have been at this for almost five hours on a Wednesday night, and I think that demonstrates our commitment. We have allowed members of the public to submit comments in writing when they cannot get through on the phone lines, but to suggest that this hearing was unfair or unbalanced in my mind is an unfair characterization of what happened tonight.

I want to thank you for conducting this hearing and thank the members of this Committee and members of the public for being with us tonight, and I would recommend that anyone who did not get a chance to speak should submit their comments in writing to be made part of the record. As long as our voters mandate that we do our business in 120 days, this is the best we can do, and we will continue to do that, not just with this legislation, but with anything else we get this session. Get home safely.

Chair Monroe-Moreno:

This meeting is adjourned [at 11:11 p.m.].

RESPECTFULLY SUBMITTED:

Tyler Boyce
Recording Secretary

Carmen M. Neveau
Transcribing Secretary

APPROVED BY:

Assemblywoman Daniele Monroe-Moreno, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is proposed amendment 3605 to [Assembly Bill 464](#), dated April 23, 2023, presented by Brenda J. Erdoes, Director, Legislative Counsel Bureau.

[Exhibit D](#) is written testimony submitted by Valeria Gurr, Senior Fellow, American Federation for Children, in support of [Assembly Bill 400](#).

[Exhibit E](#) is written testimony dated April 26, 2023, submitted by Jana Wilcox Lavin, Chief Executive Officer, Opportunity 180, in support of [Assembly Bill 400](#).

[Exhibit F](#) is written testimony dated April 20, 2023, submitted by Pamela Goynes-Brown, Mayor, North Las Vegas, Nevada, in support of [Assembly Bill 400](#).

[Exhibit G](#) is a conceptual amendment to [Assembly Bill 400](#), submitted by Madeline Burak, Legislative Director, Office of the Governor.

[Exhibit H](#) is written testimony submitted by Hera Varmah, Communications and Events Assistant, American Federation for Children, in support of [Assembly Bill 400](#).

[Exhibit I](#) is written testimony submitted by Erin Phillips, President and Chief Executive Officer, Power2Parent, in support of [Assembly Bill 400](#).

[Exhibit J](#) is written testimony submitted by Gil Lopez, Executive Director, Charter School Association of Nevada, in support of [Assembly Bill 400](#).

[Exhibit K](#) is a letter dated April 26, 2023, submitted by Amanda Morgan, Esq., Educate Nevada Now, and presented by Michelle Booth, Educate Nevada Now, in opposition to [Assembly Bill 400](#).

[Exhibit L](#) is written testimony submitted by Shelbie Swartz in opposition to [Assembly Bill 400](#).

[Exhibit M](#) is written testimony submitted by Amber Falgout in opposition to [Assembly Bill 400](#).

[Exhibit N](#) is written testimony submitted by Annette Magnus, Executive Director, Battle Born Progress, in opposition to [Assembly Bill 400](#).

[Exhibit O](#) is written testimony submitted by Jessica Barlow Daniels, Legislative Team Coach, Carson Montessori Charter School, for Hank Brown, member of the Carson

Montessori Charter School's Student Legislative Team and read into the record by Sarah Adler, Carson City, Nevada in opposition to Assembly Bill 400, but later requested to be moved to neutral on A.B. 400 by Ms. Daniels.

[Exhibit P](#) is written testimony, dated April 25, 2023, presented by Raymond LeBoeuf, Principal, Mountain View Christian Schools, Las Vegas, Nevada, in support of Assembly Bill 400.

[Exhibit Q](#) is a document titled "Comments to K-12 Budget Subcommittee – NEA Ranking of the States," submitted by Chris Daly, Nevada State Education Association.

[Exhibit R](#) is a packet of written testimony/letters that was submitted but not presented, in support of Assembly Bill 400.

[Exhibit S](#) is written testimony submitted by Kerri Finn, Clinical Aide, Pioneer Academy, Carson City, Nevada, but not presented in opposition to Assembly Bill 400.

[Exhibit T](#) is a packet of written testimony/letters submitted after the hearing on April 26, 2023, but not presented, in support of Assembly Bill 400.

[Exhibit U](#) is a packet of written testimony/letters submitted after the hearing on April 26, 2023, but not presented, in opposition to Assembly Bill 400.