

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Eighty-second Session
May 10, 2023**

The Senate Committee on Education was called to order by Chair Roberta Lange at 12:35 p.m. on Wednesday, May 10, 2023, in Room 2134 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Exhibit A is the Agenda. Exhibit B is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Roberta Lange, Chair
Senator Edgar Flores, Vice Chair
Senator Dina Neal
Senator Fabian Doñate
Senator Scott Hammond
Senator Carrie A. Buck
Senator Robin L. Titus

GUEST LEGISLATORS PRESENT:

Assemblyman Reuben D'Silva, Assembly District No. 28

STAFF MEMBERS PRESENT:

Jen Sturm-Gahner, Policy Analyst
Linda Hiller, Committee Secretary

OTHERS PRESENT:

Jhone M. Ebert, Superintendent of Public Instruction, Nevada Department of Education
Brad Marianno, Ph.D., Assistant Professor, Educational Policy and Leadership;
Director, Center for Research, Evaluation, and Assessment, University of Nevada, Las Vegas
Cole Brashear, Inspiring Children Foundation
Colton DeSimone

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Marla McDade Williams

Serrell Smokey, Chairman, Washoe Tribe of Nevada and California; President,
Inter-Tribal Council of Nevada

Annette Magnus, Battle Born Progress

Will Adler, Pyramid Lake Paiute Tribe; Duck Valley Reservation, Duckwater
Shoshone Tribe of the Duckwater Reservation

Patrick Burt, Vice Chairman, Washoe Tribe of Nevada and California

Jennifer Lanahan, Las Vegas Paiute Tribe; Reno-Sparks Indian Colony

Teresa Melendez

Chris Daly, Nevada State Education Association

Steven Cruz, Woodfords Hungalelti Washoe Tribe

David Gomez, Nevada Peace Alliance

Brenda Pearson

Mary Pierczynski, Nevada Association of School Superintendents

Keibi Mejia, Nevada Association of School Boards

Marie Neisess, President, Clark County Education Association

Craig Statucki, Interim Deputy Superintendent, Educator Effectiveness and Family
Engagement, Nevada Department of Education

Christy McGill, Director, Office for a Safe and Respectful Learning Environment,
Nevada Department of Education

Mari Nakashima Nielsen, Washoe School Principals Association

Annette Dawson Owens, School Readiness Policy Director, Children's Advocacy
Alliance

Morgan Solano

CHAIR LANGE:

I will call the meeting of the Senate Committee on Education to order with a
presentation (Exhibit C) on Nevada's Pupil-Centered Funding Plan (PCFP).

JHONE M. EBERT (Superintendent of Public Instruction, Nevada Department of
Education):

I want to commend the Legislature for funding this study. I hope you would
consider also doing another study in the future to examine how the funding
formula is working. As you listen to today's report, be cautious with information
you have heard until you have time to read the report, absorb it and ask any
questions. Caveats and statements can turn into sound bites and then
unfortunately, they stick around forever and cannot totally represent the great
work that has transpired. The Nevada Department of Education (NDE) is fully
supportive of ensuring that as we move forward with the PCFP funding model,

we make sure it is working as intended, making sure that all our students are set up for academic success.

BRAD MARIANNO, PH.D. (Assistant Professor, Educational Policy and Leadership; Director, Center for Research, Evaluation, and Assessment, University of Nevada, Las Vegas):

I want to start with a brief introduction to the Center for Research, Evaluation, and Assessment, Exhibit C, page 2. It has been on the campus of the University of Nevada, Las Vegas (UNLV) since 2004 as an independent, nonpartisan research and evaluation center. As a disclaimer, the results, information and opinions within this presentation and this report (Exhibit D) represent the opinions of the authors and not necessarily the NDE, Nevada System of Higher Education or any employee thereof.

In the letter to the NDE from the Legislature, there were two tasks we were charged with that went along with this evaluation, Exhibit C, page 3. The first charge was to measure and provide data on the effect categorical transfers had on schools and students that were previously targeted by the K-12 categorical programs. The second charge was to assess and monitor State programs and services to determine the impact of transferring certain State K-12 category programs into the PCFP. Throughout this presentation, I will break out our results based on those two charges.

The categorical programs specifically referenced here are Zoom, Victory and S.B. No. 178 of the 79th Session, which I am sure members of the Committee are familiar with. Zoom was a categorical program started in 2013, designed to provide funds to certain schools with the highest percentage of students who are English language learners (ELL). On the heels of Zoom was the Victory program in 2015, which was categorical funding provided for schools with the highest percentage of students with household incomes below the federal poverty threshold. Finally, S.B. No. 178 of the 79th Session provided additional funding to non-Zoom and non-Victory schools for students scoring below the twenty-fifth percentile on an assessment of proficiency, and were ELL or qualified for free and reduced-price lunch (FRL).

The first charge we examined with our PCFP evaluation was to assess the impact of transferring or beginning the PCFP on students who were previously funded through Zoom, Victory and/or S.B. No. 178 of the 79th Session. To do that, we needed to find a measure or test taken consistently over time by students in the

State. It was important to use a measure the same student would take multiple times during the school year, because we wanted to track trends over time. The Smarter Balanced Assessment Consortium (SBAC) met that criteria for this purpose, Exhibit C, page 6.

That is why our evaluation is limited to K-8 students, because they are the only ones to take the SBAC. Our effects on students are measured by changes or growth in SBAC scores before and after the change to the PCFP. In the data set, we narrowed to a set of schools that were always funded by these programs, Exhibit C, page 7. Some schools jumped in and out of Zoom and Victory programs and S.B. No. 178, too. We focused on those schools that consistently received funds since the beginning of these funding programs. This includes 80 Zoom schools, 29 Victory schools and 56 S.B. No. 178 schools. As of the 2020-2021 school year, these schools had an average of 95 percent FRL students and 24 percent ELL students.

As I jump into our results, I want to caution that we did not have data on changes in expenditures at the school district and school level as a result of the shift to the PCFP. Therefore, we could not disaggregate the effects based on actual shifts in funding levels. The second caution is that for our first results, we relied on a design that is somewhat sensitive to what we call pre-treatment shocks, and there was a massive pre-treatment shock when we were trying to ascertain the impact of the shift. It was the COVID-19 pandemic. You can see the effect of it on the graph, Exhibit C, page 8, the dip right before the PCFP was implemented.

In our design, we use what we call an “interrupted time series design,” where we are essentially measuring the trend and achievement before the implementation of the PCFP. Then, we try to capture the deviation from the trend after the funding plan is implemented. On page 10 of Exhibit C, the solid blue line is the trend for Zoom students over time. We can draw a straight line on that pre-treatment trend, which is right before that white dotted line. We assume that is what would have happened for our Zoom students if the PCFP had not been implemented. The difference in the actual trend and the assumed trend is what we call the effects, Exhibit C, page 11, seen in the orange arrow.

The short answer to our first charge is that there was no major impact on previously targeted students, Exhibit C, pages 12 through 14 in the English Language Arts (ELA). What you see in blue is the Zoom trend. There was a slight increase into 2019, a drop into the 2021 school year, and then the

relatively flat trend into 2021-2022 after the implementation of the PCFP, and that impact is not statistically significant. We had the same finding for Victory and S.B. No. 178 students. We take this as good news in that the shift did not majorly impact those kids who were already receiving funding through the categorical-based programs. In math, we actually saw a slight increase for Victory and S.B. No. 178 students after the implementation of the PCFP, Exhibit C, page 15.

Our second charge was to assess and monitor the State programs and services and determine the impact of transferring State K-12 categorical programs into the PCFP. For this assignment, we looked at students who never received any Victory, Zoom and S.B. No. 178 funds. Considering the implementation of the PCFP as our treatment, these kids never benefited from these funds because they were never at schools that qualified under the previous categorical programs.

These are what we call never-funded schools and there were 38 of them, representing about 12,052 students, Exhibit C, page 17. The reason that number is small is because there was a rapid scale up of S.B. No. 178 just before the COVID-19 pandemic, where a lot of schools received that funding for one year and then due to budget cuts, that number was reduced the following year. There are still 38 schools that never received these funds.

As we looked at the data, we still did not observe actual shifts in the money coming from PCFP, Exhibit C, page 18. Using the difference-in-differences model, we can actually solve the problem of the decrease with the PCFP implementation due to the COVID-19 pandemic. This model qualifies under the Every Student Succeeds Act (ESSA) Tier 2 quasi-experimental standards, Exhibit C, page 19. With that model, we look at pre-treatment trends or data before PCFP. There is a trend for always-funded students under Victory, Zoom and S.B. No. 178, and then we have the never-funded students.

Imagine these two groups of students on parallel trends before the implementation of the PCFP. But they are at different levels; the never-funded students tend to achieve higher. But we can account for that in our model and shift that yellow line up, Exhibit C, page 20. Then we end up using the always-funded post-treatment trends as a comparison to the never-funded trend and those differences represent our treatment effect, Exhibit C, page 24.

In short, what we find through this model is a positive impact of the PCFP on never-funded students, Exhibit C, page 25. In the graph, you can see the

pre-treatment difference between always-funded and never-funded students. If it is close to zero, that is good news because we are not finding a big pre-treatment difference between these groups. In the post-treatment period, we see a jump which represents a positive impact on never-funded students of about 0.15 standard deviation in ELA.

What does that mean? That equates to about one-third of a year of learning for a given student. We also see an improvement in math of a 0.09 standard deviation increase relative to always-funded students, Exhibit C, page 26. It is slightly lower than the ELA increase, representing about a one-fourth of a year of learning for these never-funded students.

In summary, for charge one, we see no major impact on previously targeted students and we see a positive impact on never-funded students. We also wanted to bring Statewide educator voices into this conversation to give their thoughts on the first year of the PCFP implementation. Because we did not want to disrupt the important work our teachers are doing, we focused on school administrators, both central office and building administrators, who had insight into the PCFP implementation.

We interviewed 31 administrators, all with previous experience in Zoom, Victory and S.B. No. 178 schools. We found a group of administrators who were receptive to the implementation of the PCFP, Exhibit C, page 29. They viewed it as a commonsense approach to distribute funding to school districts, and they were receptive to the flexibility they had under the PCFP. One administrator said:

I like the flexibility of the funding and being able to identify what student needs are and then target those supports. Whereas Zoom was a very prescriptive model—it was funding, but we allocated positions—now we can say, “Okay, what does this school need? What does this group of children need?” And we need to make tweaks to that because maybe this wasn’t exactly the support that were beneficial here.

We also found some restrained administrators who had neither positive nor negative views, Exhibit C, page 30. This central office administrator said:

Honestly, it didn't really make a huge difference for me other than I now had to put things in different buckets. Did we get any extra money? I think I got a little more money. The big issue with

budgeting is all the strings that are attached to it. That's why we run into the most problems. It's just so many different little pots of money that you've got to sort out.

Our last group was somewhat resistant to the plan. They were concerned with the loss of Zoom, Victory and S.B. No. 178 funding, Exhibit C, page 31, as this administrator explained:

All we did with the pupil-centered funding model, in my opinion, is just move money around ... It's not enough. So, I'm sure that everybody's saying that we just don't fund schools appropriately and we can't compete. We're not going to be able to reduce class sizes and bring in more teachers and implement strategies that would actually make a difference in students' lives.

A number of administrators we interviewed were from rural districts. Some of them were resistant to the new funding plan, Exhibit C, page 32. This central office administrator said:

I know the voices, even though there's 15 of us, they're the voices of thousands and tens of thousands of kids. It's not 15 school district superintendents whining. It's 15 school district superintendents advocating on behalf of tens of thousands of students and the quality of education that the Legislature is trying to say we need more accountability on right now does not match up with what they're providing. It's just not realistic.

Finally, a big thing that came out of our interviews with administrators was on the funding weights for at-risk students, Exhibit C, page 33. I know there has been some important work on this recently, but administrators thought in this first year that the at-risk weight was too low, as this administrator said:

I have 406 students who are "at-risk." They give us \$220 per kid, which is significantly less than English learners So I don't think that the at-risk funding is nearly enough because that's a total of only \$89,000. That's not even enough for one teacher. So, what's the impact on that going to have? Pretty much nothing.

We have some recommendations for the PCFP implementation. The first recommendation is to stay the course. It is hard to disentangle the impact of a plan this large with only one year of data. I encourage the Legislature to continue evaluating this, leveraging the best data we have possible to understand the impact. A number of our administrators were concerned about a funding cliff. They had some hold-harmless protections and they were also able to offset some loss of funding with ESSA COVID-19 funding. Yet, they are still concerned they may soon be facing a funding cliff.

Another recommendation is to adjust the weight for at-risk students. There has been some important work on this already. Most of the administrators suggested that the weight was too low. In total, I see some positive trends in this report.

SENATOR NEAL:

In the report document, Exhibit D, on page 25, you cited:

... the COVID-19 pandemic complicated the ability to establish a suitable counterfactual. Low-income communities and communities of color, like those where Zoom, Victory, and SB 178 schools were likely to be located, experienced disproportionate negative impacts from the pandemic.

When you started your presentation, you said there were two obstacles. The one I just mentioned was one of them. How did that obstacle affect the research?

DR. MARIANNO:

In the methodology section of the report, Exhibit D, we mentioned a strategy called "propensity score matching." We were concerned, because our research design relies on the treatment and comparison groups having parallel trends in the pre-treatment period, which is before the implementation of PCFP. If the Zoom, Victory and S.B. No. 178 students were disproportionately impacted by the COVID-19 pandemic, which we believe they were, then that assumption would be violated, so we caution there.

Later on, we used a matching strategy where we select the Zoom, Victory and S.B. No. 178 schools that are most like the never-funded schools. That actually helps keep those pre-treatment trends parallel so we were able to negate that out of the equation when we ran our final results. The results I presented today are not susceptible to those impacts.

SENATOR NEAL:

It looks like the dates you used were from 2017-2018, and then you jumped to 2020-2021, skipping 2018-2019 because of the SBAC not being administered. What was your margin of error when comparing a population that was in school to a population that had considerably more digital learning, like we saw in 2020-2021 during the pandemic? Those are distinctly different academic environments and there were distinctly different interventions in play with those populations in 2021. Can you discuss that?

DR. MARIANNO:

I am not quite sure I totally understand the question.

SENATOR NEAL:

In your report, you lay out that your school years were 2017-2018, you skipped 2018-2019 ...

DR. MARIANNO:

Actually, 2018-2019 was included. We skipped 2019-2020 because the SBAC was not administered that year.

SENATOR NEAL:

Okay. Then you went to the 2021-2022 school year. These are two separate academic experiences. The first part of my question is, what was the margin of error when you compared the 2017-2018 group to the 2021-2022 group?

I preface the question by saying the 2021-2022 school year had a different academic experience because we were doing more Chromebook and digital learning versus sitting in a classroom with an actual physical teacher who is instructing you.

DR. MARIANNO:

Our treatment group is based on the 2021-2022 school year. We looked at all the kids who were in Zoom, Victory and S.B. No. 178 schools in the 2021-2022 school year relative to kids in the never-funded schools.

Then we used our matching strategy to find the kids who are most alike to one another because we were concerned that perhaps the kids in Zoom, Victory and S.B. No. 178 schools had very different academic experiences than the always-funded schools. That matching strategy helped omit some of those concerns because we started seeing parallel pre-treatment trends for both groups. We can never be fully confident, though.

This type of strategy does not estimate a margin of error. Instead, that is done with survey research. We used a standard error, which for this analysis was fairly low. That creates a tight confidence interval that makes us fairly confident in the statistical significance of these effects.

SENATOR NEAL:

You cited how rural communities were negatively impacted. Can you break that down? Because it was more than just adapting to the actual funding. Is that right? I think there are other criteria and characteristics in a rural community, such as the curriculum and the kind of books they have and whether or not they are updated. How the children perform, I think, is different. Can you break down your analysis on the rural communities and help us understand why your research indicated a negative impact?

DR. MARIANNO:

You are correct. In the report, we show negative effects for students in rural school districts relative to students in urban school districts. What we cannot know from this evaluation is why this is happening. I am hesitant to even speculate. If we had more insight into how rural districts were expending their PCFP funds relative to urban districts, we might be able to disentangle those patterns a little bit more. Frankly, I am not sure why students in rural school districts did not do as well under the PCFP as students in urban school districts, it would be a point for follow-up.

SENATOR NEAL:

I might have an idea. Something we encountered in our Joint Interim Standing Committee on Education was that the students of color who had a designated weight attached to them seemed to be doing okay. The Caucasian students did not seem to be doing okay at all. Depending on the makeup of your groups, that could indicate why the difference showed up in the data. Because from what we have seen, the supports targeted the kids of color and that may not have put the

Caucasian students into the same categories for the same dollar support. At least that is my theory.

DR. MARIANNO:

We account for differences in racial demographics between the two groups, but we did not encounter that.

SENATOR DOÑATE:

You mentioned you were operating on your confidence interval. Is it 95 percent for the first charge?

DR. MARIANNO:

Yes.

SENATOR DOÑATE:

I have not read the full report yet, so I am going to be cautious with my questioning, but because of the concerns people have had about adjusting the weights for at-risk students, when you were talking to administrators, did the subject of stacking the weights ever come up?

For example, I was an ELL student, but I could have also been considered an at-risk student. If I was enrolled in a magnet school at the time, perhaps I could have also been considered academically gifted. There are multiple thresholds of weights that I could have qualified for. Can you touch on that? Was that ever brought up by administrators as part of a request to help bridge the gaps to give students the support services they actually need?

DR. MARIANNO:

Yes. The first recommendation was to raise the at-risk rate, and a group of administrators were in favor of stacking the weights as well.

CHAIR LANGE:

I am glad the funding worked out to do this report. As I have a chance to go through it, I am sure I will have questions and will reach out to you.

I will now open a work session. We are pulling Assembly Bill (A.B.) 74 because they are working on an amendment.

ASSEMBLY BILL 74 (1st Reprint): Revises provisions relating to higher education.
(BDR 34-377)

So we will start the work session with A.B. 118.

ASSEMBLY BILL 118: Revises provisions relating to the Nevada System of Higher Education. (BDR 34-127)

JEN STURM-GAHNER (Policy Analyst):

As nonpartisan legislative staff, I can neither support nor oppose any measure. Assembly Bill 118 was heard on April 26, 2023, and revises the overall membership on the Board of Regents from 13 to 9 members. There are no amendments. I have submitted the work session document (Exhibit E).

CHAIR LANGE:

Seeing no discussion on this bill, I will take a motion.

SENATOR DOÑATE MOVED TO DO PASS A.B. 118.

SENATOR FLORES SECONDED THE MOTION.

SENATOR TITUS:

I will not be supporting this bill today. Even though the statement was one person, one vote, I truly believe it will give a disproportionate voice to certain areas at the expense of others.

SENATOR BUCK:

I will be voting no today and reserve my right to change my vote on the Floor.

THE MOTION CARRIED. (SENATORS BUCK AND TITUS VOTED NO.)

* * * * *

Ms. STURM-GAHNER:

The next bill is A.B. 164 which was heard on April 26, 2023.

ASSEMBLY BILL 164 (1st Reprint): Revises provisions related to outdoor recreation. (BDR S-487)

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The bill requires the Division of Outdoor Recreation of the State Department of Conservation and Natural Resources to establish an Outdoor Education Advisory Working Group. There are four amendments. I have submitted the work session document (Exhibit F).

SENATOR DOÑATE MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 164.

SENATOR FLORES SECONDED THE MOTION.

SENATOR TITUS:

It pains me to think we need to have legislation for getting people outside. The reason I am voting no on this bill is because I feel we already have too many bills. To give yet another organization a bill is something I cannot support.

THE MOTION CARRIED. (SENATOR TITUS VOTED NO.)

* * * * *

SENATOR HAMMOND:

I want to bring to the attention of the Committee a group of students who are sitting in the back. This is the Inspiring Children Foundation (ICF) from Las Vegas. The work they do is focused on social and emotional mental health. They teach through sports, entrepreneurship and goal-setting. One of the students, Cheryl, is at Stanford University now and she has a really impressive book. If I am not mistaken, a lot of the focus of the ICF is geared towards making sure that students are on their path to greatness. I think Ricky was the UNLV student of the year three years ago. This is a great organization and a good-looking group.

CHAIR LANGE:

Thank you so much for coming. Did anyone want to address the Committee?

COLE BRASHEAR (Inspiring Children Foundation):

I am not really sure what I am addressing here, but one of the things that I was taught when I joined this program was that if someone gives you an opportunity, you say yes, you raise your hand and you go to the front of the class. So here I am.

For me, probably one of the biggest struggles and challenges that I have had in my life is that I spent a lot of my time not having a good relationship with myself. I spent the majority of my teenage years not loving myself, not loving my family and hurting myself in a lot of different ways. I know that is probably not something I am supposed to bring up, something that is this personal. I say that so everyone can understand the impact and the length of an effect that the ICF has had on my life.

I have gone from going home every day, hurting myself and not wanting to live to now waking up and enjoying what I do and enjoying the people that I am around. That would not have been possible without this organization. I say that so everyone has a general idea of what we are about and what we do. For me, it is creating a whole new life, a whole new family, and it has put my life on a completely different trajectory. I really appreciate you Legislators being here. Thanks for calling us out and putting me in this uncomfortable position.

CHAIR LANGE:

Guess what? You do not get to leave quite yet because we have a question if that is okay.

SENATOR NEAL:

I appreciate your bravery to come up and say that. I know how hard it is to be emotionally vulnerable, especially in a setting where you are unfamiliar and uncomfortable. I am super curious about the programmatic structure of the counseling you received that helped you along the way to start loving yourself and empowering your self-esteem.

MR. BRASHEAR:

Much of what we do is based around peer-to-peer support. A lot of staff members within our organization are involved and oversee the process. We have one clinical psychologist who goes over everything we do and makes sure things are getting done by the book. There are also a couple of people who work in programs through Harvard, and they sign off on what we do if we have any questions.

A large part of ICF is peer support. It is one thing when parents are talking to their kids and giving them advice, but it is another thing when it comes from a peer or a professional person who you trust to have your best interest at heart. When a parent tells you something that you could do to help yourself, whether it is getting off social media or eating healthy, we kind of brush them off and say, "You are

an adult, what do you know, you are not me.” But when someone who is only a few years older than you, or the same age as you, is deleting Instagram, recognizing that it is creating a level of comparison to others that is unhealthy, it calls you out and forces you to be on top of your game more. I have found that is more powerful than anything else in my life. Now, I can almost do that for the people who are a little bit younger than me. I would say that is the most impactful aspect of the ICF counseling I received.

SENATOR HAMMOND:

I am not going to ask another question because I do not want to put you on the spot. I want to say that I think it also starts from leadership, and the ICF has had great leadership and mentors over the years. One of the things I learned recently is that several people in the program are former alumni who come back and spend time with current participants and mentor them. Cheryl has a mental health program she runs at Stanford. It is amazing that they have this kind of commitment. I think it starts with their leadership, Ryan Wolfington, who has been there for over 20 years now.

CHAIR LANGE:

Thank you Cole, for being brave enough to come up here and address us. We are so happy that all of you are here today. Congratulations on your paths to success.

I will open the hearing on A.B. 73.

ASSEMBLY BILL 73 (1st Reprint): Provides right of public school pupils to wear certain adornments at school graduation ceremonies. (BDR 34-440)

ASSEMBLYMAN REUBEN D'SILVA (Assembly District No. 28):

Assembly Bill 73 provides for the right of public school pupils to wear certain adornments at graduation ceremonies. This bill is a recommendation from the Joint Interim Standing Committee on Education. I would like to begin with some background information to outline what led to this recommendation.

Our students often look forward to their high school graduation for years. However, for certain students, this day can bring some significant frustrations. *U.S. News & World Report* states that across the Country, students have been barred from wearing tribal regalia or certain other cultural endorsements during graduations. The American Civil Liberties Union further explains that such items,

which may be gifts from parents, tribal elders or other important cultural figures, are of significant spiritual and cultural importance.

During the Joint Interim Standing Committee on Education meetings, several Nevada parents and students, including some in my own family, have spoken about the prohibitions restricting these adornments for graduations. Recognizing the importance of this issue, the Interim Committee voted unanimously to put forward a bill addressing this issue.

I will review the specifics of A.B. 73. First, it establishes that:

A pupil of a public school, including, without limitation, a pupil of a university school for profoundly gifted pupils, is entitled to wear traditional tribal regalia or recognized objects of religious or cultural significance as an adornment at a school graduation ceremony.

The bill also outlines the abilities of certain school-governing bodies to prohibit items that may cause a substantial disruption of, or material interference with, the graduation ceremony. Finally, it defines certain terms used within the bill. I have a co-presenter on Zoom.

COLTON DESIMONE:

I am a proud member of the Walker River Paiute Tribe and I am in support of A.B. 73. I graduated from Douglas High School last year. I spent the four years of my high school career positively representing the school. I was on the honor roll, varsity academic team, varsity soccer team and the audition choral group, the Douglas Dynamics.

Unfortunately, at the end of my senior year, I was hoping that my school would be excited to represent me for my culture on my graduation day. When I asked if I could wear my beaded cap while I walked across the stage, I was told that it would be unprofessional and distracting. My principal told me that if my cultural traditions were really that important, I could wear something underneath my robe as long as it could not be seen. I was told that if I decided to wear my beaded cap, not only would I be denied the right to walk across the stage, but my cap would be taken from me.

The year before, my brother was allowed to wear his beaded cap and he now gets to look back on pictures of his graduation with the pride of being able to

share his culture among his cohorts. I, however, was stripped of this and will never be able to look back at these pictures with said pride. Instead, I look at these pictures and see how I was told that my culture was a distraction.

I am deeply disappointed that a State which prides itself on Native American education does not already protect and sanctify the Native American culture. This bill brings new hope and will hopefully protect the Native American students and their culture, showing not only us, but the rest of the schools across America, how important Nevada views Native American heritage.

ASSEMBLYMAN D'SILVA:

I want to thank Colton for jumping in at the last minute.

CHAIR LANGE:

We will take testimony from those wishing to speak in favor of A.B. 73.

MARLA MCDADE WILLIAMS:

My daughter was one of the students who presented with Assemblyman D'Silva in the Assembly. I would like to read her statement and then give my short comments.

Good afternoon chair and members of the Committee. My name is Sydney Williams and I am a senior attending Douglas High School and a proud member of the Walker River Paiute Tribe based in Schurz, Nevada. I want to start by thanking Assemblyman D'Silva for inviting me to present this bill with him, and I want to thank the members of the Joint Interim Standing Committee on Education for agreeing to introduce this legislation.

As a Native American who grew up off of my reservation, I already feel as though I am not doing enough to stay connected to my culture, and I know that I am not the only one. Depriving Native students of this experience can damage their mental health during a time that should be focusing on the celebration of their academic achievements. Schooling has been on the forefront of students' minds for the vast majority of their lives, with graduation being a driving force behind the pursuit of their education.

Students are told that their graduation day is all about celebrating their hard work, but it can hardly be a celebratory occasion when a student is forced to set aside a part of themselves and hide it to satisfy the ideals of others. We have gone through 13 years of school, and we have earned our diplomas. I would hope that school officials would recognize that we have done the responsible thing in earning our degrees and we are capable of making decisions with respect to the education we received.

In Las Vegas, Latino students were prevented from wearing stoles that were important to their culture. Polynesian students are sometimes challenged when they want to wear leis, which have significance to their culture and their families. I was a freshman when the pandemic caused the closure of schools. That was an incredibly hard time for me as I am sure it was for a multitude of other students. Given the challenges that we faced, it is unfortunate that there is a lack of trust by officials and that they think celebrating culture is not something students can handle and be responsible about.

I am here advocating for us to wear cultural items that are meaningful to us as Native American students, but I believe that all students should be able to adorn their caps in ways that show their uniqueness and I also believe they can be trusted to do it in a way that is not disrespectful to the graduation ceremony. Thank you for allowing me this opportunity to express my support for this bill.

I did not expect my emotional reaction in reading her remarks. Colton, who spoke earlier via Zoom, is Sydney's cousin. We do appreciate this opportunity. I have been around this Legislature for 30 years and what I have always appreciated about the Nevada Legislature is that there is accessibility for everyday people to make a difference for others in the State of Nevada.

You, as Legislators, listen and respect the input of citizens. I am proud of my daughter. I am proud of Mr. DeSimone and other students for stepping up to address this issue on a Statewide basis for all students. It is past time to recognize that culture is important and it should be honored and celebrated in education.

Time is important with respect to this bill. Graduations are starting soon, and the appeal process may take up to five days if someone believes that an item is not appropriate for graduation. In closing, this bill recognizes our students' diversity, our State's diversity and it moves us into inclusion.

SERRELL SMOKEY (Chairman, Washoe Tribe of Nevada and California; President, Inter-Tribal Council of Nevada):

I am Chairman of the Washoe Tribe of Nevada and California and President of the Inter-Tribal Council of Nevada, representing 28 tribes in Nevada. I am showing my support for this bill. It is something that is long overdue. I do not know when it started, to be honest with you, that Native students were being denied the opportunity to represent themselves, their culture and heritage.

The act of wearing feathers and beads is not just an individual representation. To us, it is our ancestors there with us. It is not one person saying, "This is just me, this is how I want to represent myself," because that is important to us and we have always done so.

Throughout history, Native American people have constantly been denied representation of culture, of prayer, of our traditions. For this to come up again in 2023 is kind of ridiculous. Why do we keep reverting backward?

Native American people are the only minority group in the Country who have to prove we are a part of that minority group. We have to have cards that say we are an enrolled member of the Tribe. Nobody else has to do that. For schools to take it upon themselves to impose more rules, laws and regulations upon specifically Native people, people that are native to their homelands, is just ridiculous. This is our homeland. I fully support this bill and I hope you all will understand and support it as well.

ANNETTE MAGNUS (Battle Born Progress):

We are here to testify in support of A.B. 73. Only a few things can make someone as proud of themselves as accomplishing a goal or reaching a significant milestone. Graduating is one of these things. When a person is standing on that stage and showing everyone their pride in themselves and making their family proud, it is a huge reward. It is their opportunity to celebrate what they did and who they are. For many folks, their culture is a big part of that.

WILL ADLER (Pyramid Lake Paiute Tribe; Duck Valley Reservation; Duckwater Shoshone Tribe of the Duckwater Reservation):

Assembly Bill 73 will do something that everyone should be proud of, which is recognizing that anyone should have their moment up there on the graduation stage and not be restricted by previous condemnations of what is or is not appropriate based upon what is basically a Western standard for graduation.

Thank you to all those involved in A.B. 73. It is a well-thought-out bill and will bring good structure for allowing students the self-representation on their graduation day.

PATRICK BURTT (Vice Chairman, Washoe Tribe of Nevada and California):

I come to you in support of A.B. 73. As a graduate of a number of different institutions of higher education, I have had the ability to represent my people in a number of ways. One of these ways is, of course, to garnish the traditional garb of my people. A lot of times, this garb is not only a representation of myself, it also represents the accolades that I have accomplished throughout time culturally.

Having the ability then to stand in front of the people that we are representing and also thinking about future generations and the way that they are also represented through this garb, because it has been passed down throughout time is important. It is important for inclusion and for representation. It is important for these students to have the ability to represent themselves in the way they feel is best and most healthy. I urge you to support A.B. 73.

JENNIFER LANAHA (Las Vegas Paiute Tribe; Reno-Sparks Indian Colony):

We just want to thank the bill sponsor for bringing this bill forward and we are in full support.

TERESA MELENDEZ:

I am an indigenous organizer here in Nevada in support of A.B. 73. It is a common practice across the U.S. for Native American students to decorate the top of their graduation hats with quill work or beadwork and maybe an eagle feather affixed to their graduation mortarboard. Sometimes they wear a beaded medallion. These are things a lot of children and families in our communities spend much time preparing for, making things by hand.

Some of the tribes in Nevada have eagle feather graduation ceremonies where the Tribe hosts an event to honor the graduating high school seniors with eagle feathers worn on their graduation caps.

In the majority culture where we are preparing our seniors for graduation, we may be spending a lot of time talking about college admissions, Free Application for Federal Student Aid, the next stages of transition, senior pictures and parties in our homes. In our homes, we are also spending a lot of time talking about the adornment, the beadwork and the honorings.

As a result, graduation is not where somebody shows up the day of graduation and maybe ties something on their cap. Instead, a lot of time and energy of the community goes into the adornment—the culturally-significant objects these young people are hoping to wear as they walk the stage on their graduation day. I hope Nevada follows a trend in the U.S. to allow indigenous students and other students of communities of color, to wear their cultural items at high school and college graduations.

CHRIS DALY (Nevada State Education Association):

We are also in support of A.B. 73. Educators appreciate that graduation ceremonies are celebrations of those students who made it and completed their schooling. For students where cultural adornments have such a significance and importance to them and who they are, they should be allowed to wear them at those celebrations.

STEVEN CRUZ (WOODFORDS HUNGALÉTI WASHOE TRIBE):

húŋa ʔumhamuhéši diyéyelu. Buck degumdí·ʔye Léʔi.

How are you doing my relatives? My name is Buck.

hūŋalélti gumťánu Léʔi. léw “Washo” degumdí·ʔyeʔé·s, léw Wá·šiw
kéʔleʔle

I am of the southern band [of Wá·šiw]. We are not called “Washo”,
we are Wá·šiw.

What I just said is, “My relatives, my name is Buck.” That’s my Indian name my dad gave me and my legal name is Steven Cruz. “I am Southern Band Washu, not Washoe, but Washu.”

You could pronounce it the way it is spelled. That is what my grandfather said. They interviewed my grandfather, Roy James, and he said, "When I listened to them, they said Washu, they did not say Washoe," and he said, "Or you can say Washu the way it is spelled."

So I use my language and I support this bill. They say if you can know two languages, it is going to help you to be more intelligent. My mom and my aunt were locked in a closet. They did not go to a boarding school, but they were locked in a closet in Fredericksburg in Alpine County. They only went to eighth grade. To the identification of ourselves as being individuals, I notice you have your own style also. I noticed that you are proud of being on the Senate by the buttons you are wearing on your jackets.

We are proud of who we are. I wore this shirt because I am proud of being Washu. I want my children, my grandchildren and my little great-grand baby girl to be proud of who they are. I said "relatives" when I introduced myself to you because we are all related. We all need to raise each other up to a higher being to reach our full potential. I support A.B. 73.

DAVID GOMEZ (Nevada Peace Alliance):

I am a Clark County School District (CCSD) Bridge Commissioner who helps with the CCSD. I support A.B. 73. Why? Because I am Shoshone Indian through my family. Native Americans have always been, even in the Indian Education Opportunities Program (IEOP) here in Las Vegas, given the shorter end of the stick. They have not been given the appropriate funds and certain things to help them do what they need to do.

At one point, the president of IEOP had to beg for money for feathers for the Native American kids. To take this opportunity away from Native Americans just puts us in the same situation as American citizens who have always taken from Native Americans in the past, like a \$25 trade price for Manhattan, which is worth trillions of dollars today.

That is not your fault, or anyone's fault here, but we do not want to repeat the same issues. If Native Americans feel they need to have these things for graduations, who are we to deny them? We are in support of the Nevada Peace Alliance for Native Americans to be able to graduate with their own garments or whatever they choose to wear on the graduation stage.

ASSEMBLYMAN D'SILVA:

In closing, this bill was sponsored by the Joint Interim Standing Committee on Education. There have been a lot of folks associated with this bill, including a lot of young people in our community. Just this past two weeks, I have been receiving all kinds of emails, text messages and random high school seniors finding me on social media asking me to get this bill passed.

I had a local church group that said their church gave them cultural garb to wear, a Kente cloth that was not recognized by the school. I believe this was Legacy High School in Las Vegas, and the church group was told that the Kente cloth could not be worn at graduation.

I had a local Polynesian dance club, a community group, with members who wanted to wear graduation regalia, a certain type of a coral cord, but they could not wear this cord because it was not sanctioned by CCSD or by the local school.

Just this morning, my own student at Rancho High School texted me and said that my school was saying that a graduation flag that was gifted from a family member could not be worn.

So, not only do I urge you to pass this bill, but I also urge you to think about those high school seniors who will be having their graduation in the next two weeks. Timeliness is important here, as Ms. McDade Williams mentioned. I urge you to consider the timeliness of this bill.

CHAIR LANGE:

We are going to close the hearing on A.B. 73. Assemblyman D'Silva, if you would sit back down, we are going to vote on this bill today.

SENATOR FLORES MOVED TO DO PASS A.B. 73.

SENATOR TITUS SECONDED THE MOTION.

SENATOR DOÑATE:

I was one of the students who was denied my cultural regalia when I was at East Career and Technical Academy, which is in CCSD. I did not realize it until this morning when I went on Facebook to see one of my Facebook memories.

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Five years ago, I had the Latino graduation at UNLV and I was joined by my parents. It is a very proud photo that I have in my office surrounded by my family members, and I am wearing a Mexican serape. I know this is important for many of our students and I overwhelmingly support this bill.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

CHAIR LANGE:

I will open the hearing on A.B. 54.

ASSEMBLY BILL 54 (1st Reprint): Makes various changes relating to education.
(BDR 34-283)

MS. EBERT:

I am honored to serve as the State Superintendent of Public Instruction. I want to start by going through the bill, beginning with section 2. Nevada law requires the annual reporting of pupils who are eligible for and receive FRL, which can also include breakfast. This data point has historically been used as a socio-economic indicator in educational data collection. As a federal requirement, the NDE is required to collect the data for students who are eligible for FRL, but it is not required to collect the data for those eligible students who actually receive the FRL each day.

The "receive" data is difficult to collect because, on any day of the week, you could have a whole class of FRL-eligible students, which we collect as required by the federal government. However, maybe only half of those students may receive the food on any given day because they choose not to participate that day. So that data is inconsistent and dependent upon an individual student's choice of whether to participate or not. In this section, you will see the recommendation to change the language for what we have to collect to just "eligible."

In section 4, we propose changes to the payments to hospitals that are providing educational services on behalf of local school districts. Currently, the NDE provides the payment directly to the hospital on behalf of the school districts and charter schools. What we would like to do is tighten the relationship between the school district and the hospitals.

Section 4 of A.B. 54 would modify *Nevada Revised Statutes* (NRS) 387 to include the local school district and/or school as the reviewer-recipient of an application process, which includes education as well as the transitional plans for the student. It would also establish the school district as the fiscal steward for the educational needs of the student.

This change ensures that the school district remains responsible for the complete education needs of each student in the school district. It also ensures that the funding is distributed to the school or school district through the State Education Fund and it follows the student to make sure there is equitable access and that the student's needs are being met.

In this bill, we are including cleanup language to existing statutes in terms of the words "attendance" and "enrollment." Those two words were used during a paper-based process, and now we have an electronic process to track our students' enrollment and attendance up to the hour. Over time, there have been inconsistencies in the application of those two words so the changes throughout this entire bill are aimed to ensure that every single child in the State between the ages of 7 and 18 are required to enroll in school. They must register for schooling, or if they identify as a home-school student, they register with the school in their attendance area. Attendance is defined by a child actually attending school for that day, being physically present, or being provided education at a distance via the laws we have in place.

Finally, as part of updating our attendance and enrollment policies, A.B. 54 proposes to remove NRS 392.080, which excuses students from attending school if they are too far from the school building. That law was last updated in 1979 and is no longer relevant to our current education system. This bill also proposes to remove NRS 392.110, which was put in place in 1957 and excuses students from school after eighth grade. It was last updated in 2011. We want to make sure that all our laws are consistent across the board, and that we have an expectation that our students attend school through to their graduation.

Additionally, we have submitted an amendment (Exhibit G) to section 13, subsection 6, which specifies that any time during the school day that a pupil is receiving external educational therapies and the student is deemed in attendance during that time for the therapy, it must align with the student's individualized education plan or Section 504 Plan. That was cleanup language.

SENATOR NEAL:

I remember this bill for the educational crossover into the hospitals. What are the educational services that are provided?

MS. EBERT:

That is what this bill is intended to do. The prior bill required that the NDE actually go out to visit hospitals. What we want to do is to ensure that the school district is involved in those processes so when the students transition to or from the hospital, the learning plans travel with them. This way, there is no gap in the transition.

SENATOR NEAL:

What happens if the district does not do it or does not follow through? Is there a penalty? Who triggers what?

MS. EBERT:

I would land everything on the fact that all our students are afforded a free and appropriate education. When we have parents that contact the NDE, we take these matters seriously and investigate them. If there is an instance reported either by the hospital or by the school, then the NDE would insert itself.

SENATOR NEAL:

In section 21, referencing habitual truancy, it looks like we are striking out giving the notice to the parents in subsection 2, paragraph (b).

MS. EBERT:

I believe this was covered previously. In section 20, subsection 8, paragraph (a), it says, "Communicate through various means, in a format and, to the extent practicable, in a language that parents and legal guardians can understand ...". So that was just a duplication of language. It was not intended that the parent and guardian were not to be notified.

SENATOR NEAL:

Thank you for that clarification because I thought section 20 was just dealing with truancy, and that section 21 was dealing with habitual truancy. The bill goes on to then deal with chronic absenteeism. Is there a different delineation between truant and habitual truant?

MS. EBERT:

For this section of the law, there is not a difference in the notification for the parents.

SENATOR NEAL:

In section 28, subsection 2, paragraph (a), it states that, "The board of trustees of each school district shall: (a) Establish procedures to monitor the attendance, chronic absenteeism and truancy ...". Chronic absenteeism is not new, so what is going on where they are failing to deal with the chronic absenteeism now?

MS. EBERT:

Chronic absenteeism has taken on a whole new reality since the pandemic. First and foremost, we wanted to make sure the State was in alignment with the federal government for the definition of chronic absenteeism. That has gone through the process within the *Nevada Administrative Code*, so now we are aligned with the federal government.

The chronic absenteeism is something we have been working on with school districts that are seeing the increase. We have some schools that are up to 50 percent chronic absenteeism. We are looking at how to reengage our students for academic success and to make sure they are in the school building with educators so we have the continuum of learning. Answering this question three or four years ago would be much different than today.

SENATOR NEAL:

Under the last CCSD Superintendent, Pat Skorkowsky, the administration went out door-to-door, knocking on doors to bring kids back to school. It was an active community effort to engage the communities in bringing truant students back to school. I think that was one of the community engagement efforts that probably needs to return, going beyond accepting that a child is not going to attend school.

Community engagement by a school district can involve making sure there is some kind of active absenteeism plan, the same way as when we were asked to go door-to-door to let people know they could get their Chromebooks. We should also be going door-to-door to make sure students come back to school. I think it is a community effort that has to be maintained and that has been lost in the shuffle.

SENATOR TITUS:

In section 4, regarding hospitals, it states that a hospital may request reimbursement. Is there any mandate that a hospital has to provide education to a patient that may be there for an extended period of time? Or is it up to the school districts to ensure that a child who is not in class and in a hospital has an education plan?

MS. EBERT:

The current practice is that when a hospital has a student receiving treatment, there is an expectation that there is communication. The State has been making the payment directly to the hospital, but we want to tighten that relationship.

To the first part of your question about what is transpiring now, the NDE works with the hospital and the link back to the school district is not as tight as it should be.

SENATOR TITUS:

The question was, when a student is in a hospital and needs to continue with their education, what triggers the start of the process? Is it the responsibility of the parent, the school or the hospital?

MS. EBERT:

All three. In some instances, we are notified by the hospital first. In other instances, we have been notified by the school district first. That is why we are asking for the change, so the school district is involved with the hospital directly and the NDE is not their first contact.

SENATOR TITUS:

Thank you for that, because I do not see it stated anywhere who is responsible for making sure that trigger happens. I do not see any mandatory language that says, "If you have a patient that is a K-12 patient, after 3 days, you must notify the school district." How do we not lose this child?

MS. EBERT:

I would love to take that under consideration and add some language.

SENATOR TITUS:

When I was a kid growing up in Smith Valley, I had an hour-long bus ride to and from school. In section 13 of A.B. 54, it states that the time a child spends traveling to and from school on a bus is considered attending school.

The reason I bring this up is because during this last winter, we had a massive landslide in my community and the teachers could not get to their school and neither could the kids. At the time, the comment from the district was that they would maintain the Internet. My concern is to make sure that the availability for the child, whether traveling or not, is always there if the student is required to be in attendance. That availability can be online if it is always maintained. If you get a snow day and school is canceled, the kids need the tools so they can be accounted for.

MS. EBERT:

Nevada has been on the forefront of that issue. Remember the smoke days we had in the north? If a school district has provided all their students with a device like a laptop, making sure that they have Internet connectivity, they may count that as a day in attendance. For the incident with the rock slide that happened a few months ago, if the school district had demonstrated that the continuity of learning was happening via the Internet, or they had preplanned, knowing in advance that there would be road closures where staff and students would not be able to get to school, they could have provided students with education materials. They would be in attendance. The other piece of that is that it is not only the materials the school district must supply, but the teacher must be available, either on the Internet or by telephone.

SENATOR TITUS:

In section 13, subsection 6, there is new language you are adding that says, "In compliance with the requirements for attendance set forth in this section during the time the pupil is receiving the services and is being transported to and from the public school to receive those services."

What promoted the need for that additional language regarding transportation to and from school?

MS. EBERT:

We have students in Nye County who travel more than an hour to school each day. They actually travel to school with the teacher, who drives the bus. Where there is learning taking place, we do not want to take that time away from them as part of their school day. If they can demonstrate that there is an educator with them when they are being transported and that they have connectivity, not

necessarily in that instance, but that can count as attendance during the school day.

SENATOR TITUS:

Finally, in section 24, you are adding a "written or electronic referral of a pupil to an advisory board to review school attendance." Is that an option? Can a parent opt to get electronic referrals versus written referrals? Or, if you send an electronic referral, but perhaps it is not seen, is it going to be counted? I am just clarifying that because you are adding the option of the written or electronic notice, but you do not say it is mandated they request an electronic referral.

MS. EBERT:

For the level at the NDE, we wanted to provide the flexibility for school districts to make that determination of either written or electronic. To your point of whether we know they receive it electronically, I would also add that sometimes we do not know they are receiving a written notice unless that communication is made verbally. We wanted to be able to add the flexibility for the school districts to move in either direction. Communities really need to make that determination on what meets the best needs of our children.

CHAIR LANGE:

I will take testimony in favor of A.B. 54.

BRENDA PEARSON:

My name is Dr. Brenda Pearson and I am here in support of A.B. 54. Accountability matters at all levels of our public education system and students need to be held accountable, too. That starts with them attending school. For the 2021-2022 school year, the CCSD reported that 40.6 percent of their students were chronically absent. More than two-thirds of students are there, but four out of ten are not. Too many kids are falling through the cracks. This bill allows us to have accurate and consistent data so we can understand what the problem is. Without clearly understanding the causes of the high absenteeism, we cannot solve the problem. We thank the sponsors of this bill for bringing it forward.

MARY PIERCZYNSKI (Nevada Association of School Superintendents):

We want to thank NDE for the thoughtfulness that went into this bill and the things that have been cleaned up. There are several pieces in here that will help us all. We support it.

KEIBI MEJIA (Nevada Association of School Boards):

The Nevada Association of School Boards is in full support of A.B. 54 and we echo the comments of our colleagues and urge your support.

MARIE NEISESS (President, Clark County Education Association):

The Clark County Education Association supports of A.B. 54. As a former classroom teacher, I support this bill. I have always struggled with the attendance of my students and anything that we can do to help address those issues is helpful. In my first years of teaching, I actually went to a couple of my students' homes to find out why they were absent. In my first year, one student, in particular, was home babysitting his siblings. Luckily for me, I spoke Spanish and was able to speak to his mother and get her to understand the importance of her child not missing school. I was able to help her get some supports to help. It is important that we do everything we can to make sure our students are in school.

MS. EBERT:

I really appreciate the comments that were shared today and the ideas to help tighten up some of the language. Also, my staff pointed out to me that section 13, which Senator Titus was speaking to, refers to students who are receiving services via transportation to hospitals, etc. What I stated on the record also holds true.

CHAIR LANGE:

I will close the hearing on A.B. 54 open the hearing on A.B. 65.

ASSEMBLY BILL 65 (1st Reprint): Revises provisions relating to education.
(BDR 34-275)

MS. EBERT:

I am going to jump right in to walk you through the bill.

Section 2, the definition of bullying, was added to NRS 388 with the passage of S.B. No. 163 of the 75th Session in 2009. It was further amended in later sessions to include more definition criteria. Currently, there is no clear distinction in NRS 388.122 for schools to differentiate between bullying behavior and mutual conflict. When the term bullying is used too broadly, it minimizes the seriousness of real bullying and the experiences of people who are victims of bullying. Section 2 adds clarifying language to NRS 388.122 to specify that bullying does not include mutual disagreement or conflict. This change in language will help ensure

bullying incidents are treated seriously and differently than instances of mutual disagreement or conflict.

Section 3 of the bill clarifies the NDE's role in adult-to-child investigations. According to NRS 388.14553, "the board of trustees of a school district or the governing body of a charter school shall appoint a team of at least three members of the staff of each public school" to follow up on all SafeVoice tips and investigate as necessary. This requires a simultaneous investigation to be undertaken by the director of the Office for a Safe and Respectful Learning Environments (OSRLE), for adult-to-child complaints. As you can see with the simultaneous piece, the administrator at the school level, as well as the director of OSRLE, at times, run parallel to the NDE as it contacts the school district to begin the investigation. They are doing duplicative work.

What we are asking in section 3 of A.B. 65 is to amend NRS 388.1323 to allow the NDE and school administrators to follow the same process for adult-to-child complaints that is used in the bullying investigation and appeal process. This change allows the schools and school districts to address the issue locally first and then creates a tiered system for adult-to-child complaints. To ensure clarity, this language does not remove the responsibility of the NDE. We are building a tiered system to make sure the investigations are conducted in a timely manner and that we are not stepping on the toes or interfering with work that is happening at the local school district.

Section 6 clarifies the timeline for discrimination based on race in bullying investigations. The NDE has heard from many of our school districts and leaders that the current requirement for the discrimination based on race and bullying investigations make it difficult to conduct a thorough investigation if the bullying report is lengthy or has many students involved as witnesses. So, section 6 extends the amount of time for these investigations so they are equal to the amount of time given in a cyberbullying investigation. This extension will help ensure that the school district personnel complete each investigation with fidelity. This change only applies to the interview investigation. Administrators are still required to ensure that all students are safe immediately upon report. This change does not alter the urgency with which an administrator must intervene to ensure the safety of students and staff. It only allows more time so the parties involved are offered a thorough and accurate investigation. Additionally, section 6 seeks to eliminate the reporting of district bullying data in a separate report to the NDE as written in NRS 388.1351.

The school district bullying data is currently submitted to a Statewide student information system by our local education agencies and the information is made available to the public via the Nevada Report Card. Currently, that is a duplication in reporting. Removing this language requires the quarterly submission of bullying reports to the NDE, decreasing the burden on those involved. That information is put into the student information system so we can pull data up quickly. That way, we do not have to wait to receive those reports, but we do want to wrap up annually in the Nevada Report Card to make sure we have a complete record of the entire year.

Section 9 is asking for changes in the authority to approve work-based learning plans from the State Board of Education (SBE) to the Superintendent of Public Instruction. There is no specific governance requiring the school district and charter school plans to go before the SBE. This change would ensure that the approval processes are efficient and timely, allowing the school districts to support students more promptly. This suggestion came from our career and technical education (CTE) directors and our work-based learning coordinators within school districts.

Section 12 is regarding the kindergarten start date. During the 2021 Session, S.B. No. 102 of the 81st Session was passed to ensure that children are five years old prior to the first day of school. When you pass a bill and then you implement it, sometimes there are things that need tweaking. In this case, having a child be five years old on the first day of school is a challenge because one year, school may start on August 15 and the next year, school starts on August 25, and then the year after that, school starts on August 5. So, to make sure we are consistent in giving parents a clear indication of the expectation for the State, the recommendation is to move forward with an August 1 date for all students. Schools now traditionally start in August in Nevada. They used to start in September, but it has been moving up. So the August 1 cutoff is in alignment with that and we want clear communication with our families.

In addition, Nevada law currently does not require children to attend kindergarten or first grade until they are 7 years old. So, we are looking at changing the requirement from 7 years old to 6 years old. That changes section 12, subsections 3 and 5, and section 15, subsections 3 and 5 of A.B. 65.

Finally, while most provisions of this bill become effective on July 1, 2023, the changes in age requirements become effective on July 1, 2024. We have also submitted an amendment (Exhibit H) for your consideration. It is May already and we have had a lot of parents contacting the NDE and their school districts asking if the August 1 cutoff is going to move forward this coming school year. The amendment we are offering is to allow the State Superintendent of Public Instruction to be able to administer guidance to the school districts. That way, if a child has attended a Pre-K program this year and will be 5 years old by August 1, we can allow some flexibility, given the time frame we are currently up against.

SENATOR NEAL:

I have questions on section 9, although it is a simple change from SBE to Superintendent of Public Instruction. I am more interested in the work-based learning piece. Are you getting Workforce Innovation and Opportunity Act (WIOA) money for this?

CRAIG STATUCKI (Interim Deputy Superintendent, Educator Effectiveness and Family Engagement, Nevada Department of Education):

The NDE does not currently utilize any WIOA funds for work-based learning. We utilize Strengthening Career and Technical Education for the 21st Century Act, Perkins V funds. School districts can utilize Perkins V funds or the State CTE funds to help support work-based learning.

SENATOR NEAL:

I know there has been a crossover between dual-enrollment work programs. There is dual enrollment where you can have a high school student enrolled in a program that could be a learning opportunity at the college. Is this the same thing, where you are getting your credits for the number of high school students that you enroll and is it in conflict with what the College of Southern Nevada is trying to do?

MR. STATUCKI:

I am not aware that we have any students who are currently doing that through a dual model with any of the postsecondary institutions. For our students who are enrolled in work-based learning, we have what we call a schedule code or a course for work-based learning that school districts utilize when students participate in internships, pre-apprenticeship programs and extended job shadowing. The school districts utilize that course so that we are able to track the student data. In addition, school districts report how many students are participating in work-based learning. But to my knowledge, I have not heard of

anyone who is utilizing that with one of the postsecondary institutions. We can look into that for you.

SENATOR NEAL:

Yes, if you could see if it is creating a barrier for them to get access to a community college program that may benefit a high school senior. I want to know if they are being told that they cannot be a part of the program because the school district needs to get their credit for that student. Most of the federal programs are based on numbers, so if you do not meet your quota number, then you are not performing. That is why I wanted to see if it is the same.

SENATOR TITUS:

My question is specific to section 12, subsection 2 and the date change. The existing language specifies that the child must not be admitted if they are not five years old by the August 1 cutoff. Is there a way for a parent to challenge that? Is there a test a child can take? Because children do learn differently. Some kids are advanced and may be ready before the age of five.

MS. EBERT:

The cutoff is firm.

SENATOR TITUS:

So they would have to find a private school or teach the child at home, but they could not go to school? My next question is about section 12, subsection 4, where a parent may decide that their child is not ready for school yet. When you use the language that if a child is not ready, or a parent does not feel they can be ready, they can opt out. How long would they be able to get a waiver to keep the child out of school? Do they have to be enrolled?

MS. EBERT:

Currently, the child could stay out until the age of seven. This bill proposes to move that age from seven years to six years of age.

SENATOR TITUS:

So, at that point, the parent is going to have to enroll the child in some sort of program?

MS. EBERT:

Correct. They would either enroll in the school district or private school or they would come to the school and indicate that they are going to homeschool their student.

SENATOR FLORES:

You mentioned duplicate reporting. Can you walk me through that one more time? What are the two efforts that are being duplicated and where are we publishing that information?

CHRISTY MCGILL (Director, Office for a Safe and Respectful Learning Environment, Nevada Department of Education):

The reporting goes into the Infinite Campus data. On top of that, the school districts are giving us a quarterly hand count, so it is a double entry. We started with a quarterly hand count because we were not putting it into the system and now that we are entering it into the system, we would like to reduce that duplication.

SENATOR Flores:

I appreciate you breaking that down for me. You did a great job of walking us through why you would like to start at the school district versus the State, but do we have any data on that? How many are utilizing the system? Are we concerned that somebody could know that the report is first going to the school district versus the State? Maybe someone wants it to go above the school district level. Could you walk me through the hypotheticals?

Ms. MCGILL:

When it comes to SafeVoice, we have different ways that the Nevada Department of Public Safety forwards the SafeVoice tips. For example, if the complaint is about the principal, that complaint or concern would not go to the principal; it would go to the next supervisor, like the superintendent, or another designee. We are trying to ensure that the complaints and tips have that second layer of accountability. Even though we would reduce this accountability on the State side, a parent always has the ability to say that the school district or the school is not addressing their concern and they could immediately appeal to the State level. We would step in then.

SENATOR FLORES:

Are you saying a parent would do that by immediately filing a second complaint or tip, utilizing the same mechanism? They would say, "Look, I have already put

in the complaint once, and I am concerned that it is not being addressed.” Is that correct?

Ms. MCGILL:

They could put in another SafeVoice tip and say that this tip is not being addressed. Those tips come to us and they would be flagged for us to make sure that there was a response. They could also email us or give us a call on the phone. We really try to make all doors open for communication.

SENATOR HAMMOND:

I am not going to ask a question about the age cutoff, because when I proposed the bill originally, I put in a cutoff date of August 7. So, I am fine with this. I think it is a good idea to have August 1 as the cutoff date.

I am wondering about change in age from seven years to six years of age. That is the issue I get a lot of emails on. Many people are not happy with the mandatory age. Could you describe to me exactly how you have decided to drop the mandatory age from seven to six years?

Ms. EBERT:

I want to say that 1958 was the last time this section of law was looked at. We went out to the two largest school districts in the State to make a determination of how many students are enrolling for the first time at the age of seven. The Clark County School District indicated there were about 100 children and the Washoe County School District indicated there were 9 children. With that data, we made the determination that this number of students was low compared to the total number of students. We have roughly 25,000 new kindergarten students yearly, so 110 7-year-olds were insignificant. Parents still have the option to homeschool their child at six years of age; they would just need to go to the school building to do so.

CHAIR LANGE:

I will take testimony from anyone wishing to speak in support of A.B. 65.

MR. DALY:

We support this bill, in particular, the language just referenced related to six-year-olds being required to attend school. Nevada is just one of 13 states with mandatory school start ages over the age of six. In the last couple of decades, nine states have moved their starting ages up from seven or eight years of age, to five or six years of age. Most recently, Pennsylvania changed their compulsory

age from eight years old to six years old in 2019. In testimony to lawmakers, then-Pennsylvania Education Secretary Pedro Rivera stated:

Research overwhelmingly suggests an early start to formal schooling can improve language and literacy skills, increased student achievement, enhance social and emotional skill development and reduce the need for mediation in later years.

The trend of earlier school starting ages coincides with the better understanding that we hear about frequently in the education committees in the Nevada Legislature—the importance of education in those earlier years and grades.

MS. PIERCZYNSKI:

There are many good changes in this bill which we appreciate. From a superintendent's standpoint, one of the things they asked to happen this Session is to get a definite start date for school. It is really what Senator Hammond tried to do during the last session with S.B. No. 102 of the 81st Session. Not having a definite date has been a nightmare for schools, so we are happy to see that happen. We support A.B. 65.

MS. NEISSUS:

I am speaking in support of A.B. 65. The Clark County Education Association (CCEA) knows the importance of early childhood education and supports the revision of the provisions requiring a child to begin attending public school by the age of six.

As a classroom teacher, I appreciate the clarifying language on bullying. When that first became law, my school staff came together to analyze our data and we quickly realized the majority of our students did not understand the difference between bullying and simple disagreements. Our counselor had to provide a variety of lessons for conflict resolution. Luckily, most of our bullying incidents were not, in fact, bullying. I appreciate that language and we appreciate the work of NDE and this Committee.

MARI NAKASHIMA NIELSEN (Washoe School Principals Association):

We support S.B. 65, specifically, the provision that makes uniform the in-person and online investigations for bullying. This does not delay the immediate action of making sure students are safe or notifying parents. The statute requires

administrators to conduct and sign off on investigations. Some schools in the Washoe County School District have one administrator, which we call stand-alone principals, so expanding the timeline ensures that more thorough investigations can happen. Some incidents may require extra days to ensure the administrators can speak with all students directly involved, as required in statute. It also ensures that protections can be put in place for victims in the immediate time frame, as well as long-term, while also ensuring that the alleged aggressor receives restorative action plans prior to submission of the final report, which goes to parents.

DR. PEARSON:

I am with the CCEA. We commissioned a report by Columbia University (CU) and the University of Nevada, Reno, to take a look at the alignment between K-12 education and the workforce. One of the conclusions that CU came back with was that there were not enough work-based learning opportunities afforded to our students. It is important to ensure that these work-based learning opportunities are available to all students. We thank the NDE for this language change and allowing these opportunities to be streamlined and offered to all students.

ANNETTE DAWSON OWENS (School Readiness Policy Director, Children's Advocacy Alliance):

I am here today speaking in neutral on A.B. 65 due to section 12 and the change of date for kindergarten enrollment to now be August 1 instead of September 30. The Children's Advocacy Alliance has heard from families regarding the hardship this places on them when they were planning to send their children to kindergarten this year, and when they have already set up their children for success with three- and four-year-old preschools. Many parents were planning on entering the workforce and having an economic advantage by not having to pay for another year of childcare.

Sixteen of our kindergarten families do not meet the new August 1 birthday deadline and no longer have options. Many now need to figure out what to do with their child or how to repeat another year of pre-K rather than simply being allowed to enroll into kindergarten as planned.

My oldest child was five years old on September 13 when he entered kindergarten several years ago. Luckily, the cutoff date then was September 30, because he was so ready for school, and we had planned for him to enter school after two wonderful years of three- and four-year-old preschool. We had also planned

for me to return to the workforce that year. I was able to teach my son in my kindergarten class. He went on to become valedictorian at his high school, and has done very well in his career. I feel like he could have been adversely affected by being held back a year, not to mention the financial effect on my family. He was so ready and capable, and we had planned according to the September 30 deadline.

We at the Children's Advocacy Alliance believe a waiver should be granted for this year, only to cover the period of August 2 to September 30 birthdays for any children who had previously planned to attend kindergarten this upcoming 2023-2024 school year. We believe a type of hold-harmless policy for families, due to the date change, is in order for our students to have access to the quality education they deserve and for families not to have to weather the financial constraint of paying for another year of pre-K preschool and their workforce compensation loss.

CHAIR LANGE:

Superintendent Ebert, in light of what we heard from the last person who testified, is there a chance you would be willing to grant a waiver for this one year? Is it something you might consider having a conversation about?

MS. EBERT:

I want to be clear that the waiver would be for those children who have participated in a pre-K program. I am not sure I heard that specifically from this last speaker.

CHAIR LANGE:

To the person who just testified, if you have a child who was in a three- and four-year-old preschool situation and your child is ready to go into kindergarten, but they do not meet the new age requirement, they could enter kindergarten this year only.

MS. EBERT:

Thank you. I want to recognize that this is a week when we elevate our educators. We do not just elevate them during the week, but we amplify the work they do throughout the entire school year. Thank all of you for your commitment. I know we have several people on this Committee who have been in classrooms and who understand what it means to be an educator and to be able to grow the students that are before you.

CHAIR LANGE:

Thank you. I have some emailed written testimony to submit (Exhibit I), and a letter of opposition (Exhibit J). I will close the hearing on A.B. 65 and open for public comment.

MORGAN SOLANO:

Thank you all for your hard work this Session. I heard a lot of talk about a focus on student achievement and I wanted to bring your attention to the iLead program that was created by the world-renowned leadership expert, John C. Maxwell. This is his values-based leadership development program designed specifically for students. It combines his proven leadership content with a peer-to-peer process that allows students to practice leadership as they are learning it.

It has been implemented in South Carolina, with teachers noticing results in students, both academically and emotionally. California and Texas are also coming on board with iLead, and I think we should do it also. There is no charge to access this material since the goal is to reach as many kids as possible. It is currently set up for middle school students, but an elementary school version is in the works to be released later this year. I do not want to add to our teachers' workload as I know it is a pretty heavy burden already, but perhaps working with our students on more value-based education instead of just content-based might change the cultures in our schools.

CHAIR LANGE:

Before we adjourn today, I want to say that we have had a great Session so far with members of this Committee. This is a great Committee and there is a lot of diversity, not only in our backgrounds, but in our thoughts. I have been privileged to Chair this Committee.

I will adjourn the meeting of the Senate Committee on Education at 2:44 p.m.

RESPECTFULLY SUBMITTED:

Senate Committee on Education
May 10, 2023
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Linda Hiller,
Committee Secretary

APPROVED BY:

Senator Roberta Lange, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Introduced on Minute Report Page No.	Witness / Entity	Description
	A	1		Agenda
	B	1		Attendance Roster
	C	2	Senator Roberta Lange	Presentation: An Evaluation of Pupil-Centered Funding Plan
	D	3	Brad Marianno / UNLV	Report: An Evaluation of Nevada's Pupil-Centered Funding Plan
A.B. 118	E	12	Jen Sturm-Gahner	Work Session Document
A.B. 164	F	13	Jen Sturm-Gahner	Work Session Document
A.B. 54	G	26	Jhone Ebert / NDE	Proposed Amendment
A.B. 65	H	34	Jhone Ebert / NDE	Proposed Amendment
A.B. 65	I	41	Senator Roberta Lange	Written Testimony
A.B. 65	J	41	Senator Roberta Lange	Opposition Letter