

From: [Summer Stephens](#)
To: [Assembly Committee of the Whole](#)
Subject: Fwd: Comments in opposition of SB4 as amended in the Assembly
Date: Wednesday, August 05, 2020 10:38:22 PM

Please accept my comments below:

Good evening Mr. Speaker and members of the Assembly. I am Dr. Summer Stephens, Superintendent of Churchill County School District and the current Vice President of the Nevada Association of School Superintendents. Tonight we stand in opposition of this current bill as amended by the Senate and presented to you tonight. The content of this bill is exactly what many Nevadans need, with the exception of the problematic and damning exclusion of schools in the legislation. As several superintendents and myself communicated to you as the assembly and to the senate during the first special session, districts have pledged to make more than good faith efforts to control the spread of COVID-19 in conformity with health standards and have established and are establishing policies and procedures to enforce and implement the controlling health standards in a reasonable and practical manner. Isolated or unforeseen events of noncompliance with health standards will be swiftly addressed. However Mr. Powers reference to Chp 41.032 addresses whether the administrator is exercising due care in the execution of a statute or regulation. The standards under the proposed legislation is whether the entity was in substantial compliance with controlling health standards which is exactly what schools need at this time and why we cannot support this bill WITHOUT the addition of schools in the bill's language. Adding schools back into this bill does not mean that schools will not protect its staff members. If in fact our districts were sued, we would use 41.032, but we would have a stronger position if schools were added back into this legislation. The Nevada Supreme Court has narrowly limited the immunity granted under 41.032. This would not be the case if schools **were included** in the proposed legislation. The bill with the **inclusion** of schools gives schools the confidence to move forward to open schools. Opening schools is a critical step to reopening Nevada and ensuring our students do not suffer from further learning loss and social emotional damage.

In many general liability provisions, as referenced by Assemblywomen Titus and Hansen, diseases such as COVID-19 is not covered. In the current bill draft as presented to you with schools removed, we believe that it is leaving schools vulnerable at exactly the time that we need to be protecting the entities wholly at a time when we are serving as essential services for our children of Nevada.

At this time, we cannot accept that this body is willing to exclude schools from this additional protection. As Assemblyman Flores stated tonight, all Nevadans who work should be protected—all Nevadans deserve for schools to be back in session as fully as possible without the potential for those instances that could be prevented with simply adding schools back into this bill. All precautions and protection afforded to students must also be afforded to those that have devoted their lives to these students. We have suffered losses in our funding and now risk additional liabilities with the exclusion of schools in this legislation. SB4, as presented to you, WITH Schools added back in provides schools the opportunity to start back without operating in fear that they will suffer costly lawsuits that are not covered elsewhere. Tonight, I ask you to oppose the adoption of this legislation unless schools are added back into the language of the bill.

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