

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

**Seventy-Ninth Session  
March 22, 2017**

The Committee on Education was called to order by Chairman Tyrone Thompson at 3:18 p.m. on Wednesday, March 22, 2017, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 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/79th2017](http://www.leg.state.nv.us/App/NELIS/REL/79th2017).

**COMMITTEE MEMBERS PRESENT:**

Assemblyman Tyrone Thompson, Chairman  
Assemblywoman Amber Joiner, Vice Chair  
Assemblyman Elliot T. Anderson  
Assemblywoman Olivia Diaz  
Assemblyman Chris Edwards  
Assemblyman Edgar Flores  
Assemblyman Ozzie Fumo  
Assemblywoman Lisa Krasner  
Assemblyman William McCurdy II  
Assemblywoman Brittney Miller  
Assemblyman Keith Pickard  
Assemblywoman Heidi Swank  
Assemblywoman Jill Tolles

**COMMITTEE MEMBERS ABSENT:**

Assemblywoman Melissa Woodbury (excused)

**GUEST LEGISLATORS PRESENT:**

None



**STAFF MEMBERS PRESENT:**

Amelie Welden, Committee Policy Analyst  
Karly O'Krent, Committee Counsel  
Sharon McCallen, Committee Secretary  
Trinity Thom, Committee Assistant

**OTHERS PRESENT:**

Theodore Small, Vice President, Clark County Education Association  
Troy Hutchings, Research Chair, Center for Professional Responsibility in Education,  
University of Phoenix  
Dena Durish, Deputy Superintendent, Division of Educator Effectiveness and  
Family Engagement, Department of Education  
Craig M. Stevens, Director of Intergovernmental Relations, Government Affairs,  
Community and Government Relations, Clark County School District  
Bret Scoggin, Private Citizen, Reno, Nevada  
Lindsay Anderson, Director, Government Affairs, Washoe County School District  
Stephen Augspurger, Executive Director, Clark County Association of  
School Administrators and Professional-Technical Employees  
Natha C. Anderson, President, Washoe Education Association; and representing  
Nevada State Education Association  
Jessica Ferrato, representing Nevada Association of School Boards  
Mary Pierczynski, representing Nevada Association of School Superintendents;  
and Nevada Association of School Administrators  
Patti Oya, Director, Office of Early Learning and Development, Department  
of Education  
Nicole Rourke, Associate Superintendent of Community and Government Relations,  
Clark County School District  
Jared Busker, Policy Analyst, Children's Advocacy Alliance  
Sylvia Lazos, Policy Director, Educate Nevada Now  
Leo Murrieta, Member, Latino Leadership Council  
Terri Janison, Vice President, Community and Government Relations, United Way  
of Southern Nevada  
Ruben R. Murillo, Jr., President, Nevada State Education Association  
Lisa Morris Hibbler, Director, Department of Youth Development and  
Social Innovation, City of Las Vegas  
Angela Freeman, Private Citizen, Carson City, Nevada  
Theresa DeGraffenreid, Private Citizen, Carson City, Nevada  
John Wagner, Carson City Vice Chairman, Independent American Party of Nevada  
Elissa Wahl, Chairwoman, Nevada Homeschool Network  
Jessica Kattau, Private Citizen, Las Vegas, Nevada  
Barbara K. Dragon, representing Nevada Homeschool Network; Home School Legal  
Defense Association; and ParentalRights.org  
Maggie England, Private Citizen, Reno, Nevada

Janine Hansen, State President, Nevada Families for Freedom  
Sarah Larrabee, Private Citizen, Las Vegas, Nevada  
Jessica Lagor, Private Citizen, Las Vegas, Nevada  
Lynn Chapman, State Vice President, Nevada Eagle Forum  
William P. Tarbell, Private Citizen, Sparks, Nevada  
Karen England, Executive Director, Nevada Family Alliance  
Jessi Bridges, Private Citizen, Las Vegas, Nevada  
Cassia Lopez, Private Citizen, Las Vegas, Nevada  
Asher Hall, Private Citizen, Las Vegas, Nevada  
Magdalena Alvarez, Private Citizen, Las Vegas, Nevada  
Brett Barley, Deputy Superintendent for Student Achievement, Department  
of Education  
Ed Gonzalez, Lobbyist and Policy Analyst, Clark County Education Association  
Peggy Lear Bowen, Private Citizen, Reno, Nevada  
Brad Keating, Legislative Representative, Community and Government Relations,  
Clark County School District  
John Eppolito, Private Citizen, Incline Village, Nevada

**Chairman Thompson:**

[Roll was taken. Committee protocol and rules were explained.] Today we will have a work session and hear Assembly Bill 78 and Assembly Bill 139. Please note that the Committee does not typically take testimony during work session and it will be up to my discretion if we will allow someone to do so. We will go on to the work session for Assembly Bill 78.

**Assembly Bill 78: Revises provisions relating to the establishment of charter schools.  
(BDR 34-343)**

**Amelie Welden, Committee Policy Analyst:**

Assembly Bill 78 was heard in the Assembly Committee on Education on March 1, 2017 (Exhibit C). Assembly Bill 78 requires a charter school sponsor to consult with the school district in which a proposed charter school will be located to consider population growth, demographic changes, and the academic needs of the pupils in the relevant geographic area, and to ensure that the best interests of pupils and the efficient use of public money are considered. Such consultation and consideration must be made when reviewing and determining whether to approve an application to form a charter school, when performing an evaluation prior to soliciting such applications, and when selecting the location of a charter school.

The bill further provides that applications to form a charter school must include evidence of need for a charter school in the proposed location based on population growth, demographic changes, and the academic needs of the pupils in the area.

Subsequent to the hearing, the Clark County School District proposed an amendment that is attached to the work session document [pages 2 through 5, ([Exhibit C](#))].

**Chairman Thompson:**

Are there any questions for the staff or the bill's sponsor from the Committee? [There were none.] At this time, I will accept a motion to amend and do pass Assembly Bill 78.

ASSEMBLYWOMAN DIAZ MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 78.

ASSEMBLYMAN MCCURDY SECONDED THE MOTION.

Is there any discussion?

**Assemblyman Elliot T. Anderson:**

I am glad to see that there was some work on this. It is important that this not be an adversarial thing between the districts and charters. There needs to be good planning just as there would be for any type of endeavor. It is important that we are all on the same page about what is happening so people can make good plans. I hope we can get this out unanimously because this is something that should not be hugely controversial. Thank you to the parties who worked on this.

**Assemblyman Pickard:**

I think it will surprise no one to hear that I was not inclined to vote for this bill in its original form, but as we promised to do, Assemblywoman Woodbury and I worked diligently with Mr. Stevens and Mr. Keating in getting the bill to a place that I think we can support. I am happy to say that they worked tirelessly with us and I applaud them for that effort. At this point, I can say that Assemblywoman Woodbury and I are now comfortable with the bill as it is written. I will also make a comment for the record that we did do some research on the prior Senate Bill 509 of the 78th Session and we noticed that there were some fiscal notes attached to that bill that included the evaluation process that is currently in A.B. 78. As a result, it appears the current budget request asks for some of those items again, but it looks like there is no funding requested for the evaluation. I expect the State Public Charter School Authority has the fee revenue to cover it. If not, I would like to see a work program submitted this interim to ensure this evaluation is done by the deadline. If we do not see one within the first few months, I will be suggesting that the Committee on Education issue a letter of intent to that end.

**Chairman Thompson:**

So that I am clear, Assemblyman Pickard, you are okay with the amendment as written, correct?

**Assemblyman Pickard:**

Yes. I am in support of the bill as amended.

**Assemblyman Edwards:**

I, too, want to reiterate that I appreciate the stakeholders getting together and making the changes that make the bill a whole lot better, and I will be able to support it in its current form. I understand that there may be a tweak or two before there is a final vote on everything on the Senate side, but I look forward to supporting that as well. Thank you.

**Chairman Thompson:**

I want to reiterate that, as well, and echo that I appreciate the work that was done. When we have some bills that need an amendment, that is how I want to see it done. We need to communicate and talk it through, regardless of what the issue is—just getting to the means of the amendment; I really appreciate it.

THE MOTION PASSED. (ASSEMBLYWOMAN WOODBURY WAS ABSENT FOR THE VOTE.)

Assemblyman Pickard will take the floor statement.

**Assembly Bill 139: Provides for the voluntary establishment of a program of dual language immersion in certain public elementary schools. (BDR 34-442)**

**Amelie Welden, Committee Policy Analyst:**

Assembly Bill 139 was heard in the Assembly Committee on Education on March 8, 2017 ([Exhibit D](#)). Assembly Bill 139 requires the State Board of Education to prescribe by regulation guidelines for the voluntary establishment of a program of dual language immersion (DLI) in a public elementary school. Among other provisions, the regulations must require 50 percent of all coursework to be taught in a language other than English and must establish a list of languages other than English that may be selected by schools that wish to participate. The bill requires Nevada's Department of Education to conduct a study on the feasibility of including American Sign Language on this list. Pursuant to the bill, a student at a school offering DLI may receive instruction only in English if requested by his or her parent or guardian or if he or she enrolls after students in the same grade have started coursework in a language other than English.

Assembly Bill 139 further requires the Department of Education to adopt regulations to create a competitive grant program for public elementary schools to establish a DLI program. The regulations must, to the extent practicable, provide for the distribution of up to 30 grants, including up to 20 grants for schools in the county with the largest school district (currently Clark County), up to 7 grants for schools in the county with the second largest school district (currently Washoe County), and up to 3 grants for schools in other counties. The Department must report annually to the Governor and to the Legislature or Interim Finance Committee regarding the effectiveness of DLI programs.

Finally, Assembly Bill 139 makes certain appropriations from the State General Fund to the Department of Education for the purposes of funding the grant program, hiring certain staff to administer the grant program, and supporting implementation of DLI programs in schools that are awarded grants. There are no amendments.

**Chairman Thompson:**

Are there any questions for staff or the sponsor of the bill? [There were none.] I will accept a motion to do pass Assembly Bill 139.

ASSEMBLYMAN EDWARDS MADE A MOTION TO DO PASS  
ASSEMBLY BILL 139.

ASSEMBLYWOMAN DIAZ SECONDED THE MOTION.

**Assemblywoman Krasner:**

Washoe County School District has just reported that they have a \$30 million deficit and may have to lay off teachers and increase class size, and I do not think this is the time for this bill. For that reason, I am going to vote no.

**Assemblyman Edwards:**

Having worked on three continents, I have a great appreciation for people who can speak two, three, four or more languages. This will help our students to be more global. When it comes to resorts and other businesses that are already here in Nevada and others that we are trying to attract here, having students who can speak more than one language will actually help them, help our businesses, and help our state. I will gladly be supporting this bill.

**Assemblyman Elliot T. Anderson:**

I have similar comments. This makes our workforce more competitive and more attractive to employers. Whether we like it or not, especially in a tourist mecca, we live in a globalized world where there is a lot of international travel that takes place. It is very important that our children have the ability to either effectively serve the tourist sector population or to be able to compete for jobs across the globe if they want. This is a real edge up in order to find work and to keep people working.

**Assemblywoman Diaz:**

I want to remind my colleagues that this is voluntary. It is a grant program that the Department of Education will establish and give different districts the opportunity to look at to explore the options of implementing dual language programming in their districts. It is not something that we are mandating or making onerous on a school district. A school district needs to be ready and willing to accept this challenge to apply for this grant.

**Chairman Thompson:**

All of those in favor of passing Assembly Bill 139?

THE MOTION PASSED. (ASSEMBLYWOMAN KRASNER VOTED NO.  
ASSEMBLYWOMAN WOODBURY WAS ABSENT FOR THE VOTE.)

Assemblywoman Swank will take the floor statement.

We will close the work session and go right on to our bills for today. We will open with Assembly Bill 124.

**Assembly Bill 124: Requires the Department of Education to establish a code of conduct governing interpersonal interactions and certain communications by teachers, administrators and other employees with pupils. (BDR 34-296)**

**Assemblywoman Olivia Diaz, Assembly District No. 11:**

I am here to present Assembly Bill 124 for your consideration. To make sure that you are aware, in case you are reading off of the old bill as initially drafted, we will be having today's conversation on A.B. 124 from the mock-up instead of the first draft ([Exhibit E](#)).

Basically, what we are seeking to do is implement a Nevada Model Code of Educator Ethics (NMCE<sup>2</sup>). There are many professions in different fields that have ethics as standards to make sure we are doing, to the best of our ability, our profession.

**Chairman Thompson:**

You are referring to a mock-up. Do you have copies?

**Assemblywoman Diaz:**

I will just continue with the processing information until we get copies of the mock-up.

We are looking to establish the Nevada Model Code of Educator Ethics, as I mentioned before. There are many other professions that have ethics that guide professionals. One common complaint that I hear from my colleagues in the education field is that sometimes we are not valued as professionals. Having such a great resource will help alleviate some of the frustrations and complexities of being an educator in today's world. We need to keep all of our teachers happy in order to keep our students happy as well.

As a teacher, I feel that we need standardized ethical parameters to protect both students and educators from unintended ethical mishaps. Unlike physicians and attorneys, teachers in our state currently have no such ethical parameters established. I learned a lot about this area from Theo Small, as well as Dena Durish, including that many states are experiencing this same deficit.

States such as Illinois, Georgia, and Idaho are all working to establish a model code of educator ethics. We have Troy Hutchings who will join us to give some expertise in the area. He has completed an extensive body of work in this field and will give you testimony today about preliminary findings that reveal how a model code of educator ethics is changing an entire school in Shreveport, Louisiana. It is my great hope that, with the establishment of a Nevada Model Code of Educator Ethics, we will create an environment that is safe and optimal for students to learn in as well as being conducive to retaining educators who are working hard to ensure that we have a well-educated and trained workforce in Nevada's very bright future.

With that, I will introduce you to Theo Small who will give us a history on a commission that he partnered with to establish these educator ethics. He has been doing this work with other colleagues across the nation.

**Theodore Small, Vice President, Clark County Education Association:**

I am a teacher who is currently representing teachers and other licensed professionals as the Vice President of Clark County Education Association. Today, I wear two hats. I am also a member of the National Council for the Advancement of Educator Ethics which was established by the National Association of State Directors of Teacher Education and Certification (NASDTEC). Since 2014, we have created and promoted a national model code of ethics for educators, also known as MCEE. Besides being a champion for the model code, we are also focused on raising awareness of professional responsibility for ethical practice, and to equip educators in ethical understanding, as well as to support educators in ethical decision-making.

As you are looking at the mock-up ([Exhibit E](#)), "educators" refers to more than just teachers. It is teachers, licensed professionals, support professionals, administrators, and superintendents. This is a general broad code of ethics to guide our education professionals. The members of the association that I sat on in creating the national council had representatives from various parts of the country. There were teachers, principals, superintendents, support professionals, folks from the Departments of Education, and university educator programs. It was supported by several national organizations, including the National Education Association—which is the national organization that I represent—National Network of State Teachers of the Year, American Association of Colleges for Teacher Education, and the Association of Teacher Educators. It has the broad support of many folks.

When seeking guidance on ethical decision-making, teachers and educators often rely on opinions that lead to situational, subjective, and arbitrary or inconsistent resolutions. What this bill does for Nevada educators and stakeholders is help us adopt an educator code which has been vetted with research that promotes our profession ([Exhibit F](#)). The lead researcher in this work is Troy Hutchings and he is with us today via telephone.



**Troy Hutchings, Research Chair, Center for Professional Responsibility in Education,  
University of Phoenix:**

I have been a teacher and an administrator for sixteen years at the high school level. I was in teacher preparation as a faculty member and director at a large university for 12 years. I have been a full-time researcher for five years in the area of educator ethics and conduct. I have also served as an expert witness in court cases, even dealing with teacher sexual misconduct and other missteps that have occurred with teachers.

To set the context, can you imagine any profession in which there has not historically been a code of ethics for professional decision-making? Can you imagine any profession in which the policy statutes and regulations that govern a practitioner's conduct may not even be known by the practitioner? Can you imagine any profession in which the practitioners make thousands of decisions a day that directly impact a highly vulnerable population, yet have never been prepared in ethical decision-making? Would you even call it a profession? That is quite simply where we are with the education profession.

To put it in perspective, the American Medical Association developed their code of ethics in 1847, the American Bar Association developed their 32 canons of professional responsibility in 1908, the American Psychological Association in 1953, and the American Counseling Association in 1961. The Model Code of Ethics for Educators was unveiled on Capitol Hill at the Washington Press Club on June 25, 2015. We are clearly decades behind other fiduciary professions. However, our work is vitally important, because as Assemblywoman Diaz and Theo Small said, teachers make thousands of decisions in a day. They are very complex, and we need to give them all of the tools that we can so those decisions do not become arbitrary and based solely on personal values, life experiences, and morality.

There are slides that I would like to share. Slide 2 ([Exhibit G](#)) is entitled "Let's Clarify the Lexicon." I put up four words because there tends to be some confusion between personal morality and professional ethics, professional dispositions, and even professional ethics and regulations. We need to disaggregate those terms so that we do not confuse them. Personal morality, personal values and beliefs, are derived from one's life experiences, but they may or may not align with community mores. Regulations or law are the conduct absolutes. They are usually policies, statutes, case law, or judicial activity that articulate those absolutes.

Professional ethics are what we are going to talk about today and professional ethics are something different. They are professional standards that assist practitioners within situational and systemic contexts in choosing the best course of action—the key there is "assisting practitioners." They are not meant to be punitive devices, they are not regulations, but rather, they are a body of agreed-upon standards that form and guide decision-making.

I bring in the last one, professional dispositions, which might seem odd, but for those who are familiar with CAEP, or Council for the Accreditation of Teacher Educator Preparation programs, you will know this well, because dispositions are agreed-upon professional attitudes, values, and beliefs. All accredited teacher education programs have to teach and assess dispositions. Those are different from ethics. I will explain why in a moment.

Slide 3 ([Exhibit G](#)) is called "Ethical Equilibrium." I devised this slide to really help me understand more about these terms. I intentionally put this graphic on an upside-down triangle because there is a hinge point, and there is a fulcrum point and it is ethics in an ethical framework. If we look at the left corner, I put down dispositional framework again, the attitudes and values that guide decision-making. Quite simply, this is based on the ethos of compassion and care and that is very important, but here is the problem. If we do not teach regulations and we do not teach professional ethics, the triangle tips totally in that direction. As an expert witness in court cases, as someone who has talked to people who have been in jail, and as someone who has held interviews with people who have made major missteps, very few of them are bad teachers that are predatory in nature. By and large, most are caring teachers that have strong dispositions, and that is what actually leads them down a slippery slope of misconduct.

Dispositions are vital. We want teachers to have dispositions, but please keep in mind that is a double-edged sword—it is razor sharp—the ethos of compassion and care. We need that, but we also need to leaven that with a regulatory framework so that teachers understand not just employment statutes, but they also understand licensure statutes and case law. The professional ethical standards that guide decision-making would be the model code of ethics for educators and, perhaps someday, the Nevada Model Code of Educator Ethics as well. That is to be a tool.

Equilibrium hangs together in the balance, and our profession has neglected the regulatory side as well as the ethical side. Attorneys have coursework at the preservice level in ethics and boundaries. They also have it as a part of their licensure requirements and they also have it as a part of their professional development. It is critical in maintaining their licenses. They have to be well versed in this and to see the changes in how ethics apply. Attorneys know that, ethically, they need to zealously advocate for their clients. That is an ethic. They also know that they cannot commit perjury. Teachers are told to love and care for their students, and that is it. We do not talk about ethics, nor do we talk about regulations, and that is not right. We are not providing a standard of care for our educators.

To further define, please go to slide 4 ([Exhibit G](#)), because there tends to be confusion between codes of ethics and codes of conduct. I created this graph to help us. First, look at codes of conduct, the area in red. That is the line in the sand, the absolute line that cannot be crossed. What it does is define the boundary and it defines possible sanctions. That could be a policy at the district level, it could be a licensure standard, or it could be judicial activity that informs criminal or civil law. Here is the thing—in that red box, when the line has been crossed—that is the lowest standard of acceptable behavior. The higher threshold of behavior would be ethics.

Here is what is interesting. That gray box, and I intentionally call it gray, is to the left of that line. One researcher, Charlotte Danielson, estimates that teachers make 3,000 nontrivial decisions over the course of a day. In the middle of that gray box, I just threw out some words: emotional and intellectual intimacy; the notion of extreme vulnerabilities and risks for educators and multiple stakeholders; a very nuanced profession; a lot of power involved. On one hand, the courts have said we have in loco parentis. On the other hand, they call us agents of the state with search and seizure powers. Yet, we have had no training in that gray box at all.

Codes of ethics provide standards to guide decision-making, to assist in mitigating risk to the educators as well as the students, to protect the profession, to protect the practitioner, and, of course, to protect the students' safety and welfare. What we are really looking at is within that gray box. Codes of ethics allow teachers to promote a very robust conversation about the standard of care, so that they know how to operate within the gray, they know how to navigate the gray, and even embrace the gray. As a profession, we have to recognize the dilemmas we face and be able to work with each other to resolve them and not just rely on laws. Laws are not good enough; that is not enough.

If we can go to slide 5 ([Exhibit G](#)) I would like to share one other thing as well. To further emphasize codes of ethics and codes of conduct, we really have to think about this very carefully. At the bottom of the slide, I have a phrase that I use quite often in my work, "Misconduct is NOT an event, it is a process." Where does that process take place? It takes place in that gray box with thousands of daily nuanced decisions. That is the process.

One of the things I am used to is hosting workshops, and we often look at examples of when people have crossed that code of conduct line. We can even back-map it; apply codes of ethics, and ask what could have been discussed in that gray box level that would have made a difference. Can we empower teachers to have those discussions, to talk with each other so we can guide, inform, assist, and engage in a carefully considered decision-making process?

Right now, our profession has not identified a carefully considered, decision-making process, and that is really important. Remember what I said a minute ago, that those individuals who are most at risk are the individuals who are the best teachers we have? It sounds crazy, but I will tell you that the teacher who comes into the school minutes before the students arrive, blows the dust off the transparencies, hits the auto-play in his or her brain, and at the end of the day, beats the kids out of the parking lot to do it all over again the next day—that teacher is not in jeopardy of any kind of ethical misstep at all. It is the ones that really care. That is what we have to understand as well. In other words, everybody is vulnerable to missteps and we really need to understand that. The key is to be able to assist ourselves and assist the profession in making the decisions that are best for ourselves, the integrity of the profession, and also for students.

I would like to share a couple of studies. Several years ago, I completed a study where I went to seven different states and held three-hour focus groups with prekindergarten (pre-K) all the way through twelfth grade teachers. I collected hundreds of ethical dilemmas and understood more about the ethical decision-making that teachers face every day. Here is what I discovered. When there is not a common framework of understanding, when there is not a code of ethics or any kind of robust discussion around this, here are the results. Without common standards, professional norms develop within the learning community, but they vary by teacher grouping, administrator, school, and districts. In other words, the standards are different for everybody. Without a common framework, teachers rely on personal morality and life experiences to guide their decision-making.

The research also indicated that teachers' roles are not clearly defined and the extent of their duties is not delineated, which results in arbitrary boundaries. Again, there are no professional norms. There is a collegial loyalty in not reporting perceived misconduct. Why would that be? I do not blame teachers at all for that because if there is no training in ethics, then to even approach a colleague about something they might perceive as coming closer to an ethical misstep means that it becomes a personal value judgement as opposed to something they can both look at, like a code of ethics. They could then say, "You know what? You have to be very careful, very careful. I think that student has a crush on you. Let us talk through that. Let us see what the code of ethics has to say and how it frames how you should respond in that situation." We have also learned, through the research, that when seeking guidance on ethical decision-making, teachers often rely on opinions that lead to subjective, arbitrary, and inconsistent resolutions.

**Chairman Thompson:**

Mr. Hutchings, can you please finalize?

**Troy Hutchings:**

Without a common framework, there is a culture of silence that exists among teachers regarding ethical decision-making, due to a fear of consequences. That is critical. There is hope in the Model Code of Ethics for Educators and the work that Nevada is doing is hope. I am in the midst of a project in Louisiana that Assemblywoman Diaz referred to, and I will tell you that the teachers there—I just came back this morning after interviewing all of their teachers who had gone through training in the code of ethics—said they feel empowered to discuss the complexities of our profession. We feel empowered to join together to find joint resolutions that are within the common standards of the profession.

**Chairman Thompson:**

Assemblywoman Diaz, would you like us to do questions, or do you want to go through the amendment?

**Assemblywoman Diaz:**

You may want to open it up right now while we have Mr. Hutchings on the line, or do you want to hear more about the modifications to the mock-up?

**Chairman Thompson:**

Let us move on with the mock-up ([Exhibit E](#)). I want to let everyone know that it is on Nevada Electronic Legislative Information System (NELIS).

**Dena Durish, Deputy Superintendent, Division of Educator Effectiveness and Family Engagement, Department of Education:**

As Assemblywoman Diaz mentioned, this is due to a lot of conversations that we have had. First of all, I would like to thank Theo Small and share with you all that, although I cannot remember the exact number of folks across the country that were on the committee that he referenced, I believe it was less than 25. The fact that we had a Nevada representative on that committee to establish a national code of educator ethics was quite impressive and we are lucky to have his expertise.

You have already heard a little bit of Mr. Hutchings' discussions around code of ethics versus code of conduct and other definitions. The primary conversation was around the language of code of conduct that is stricken and replaced with Nevada Model Code of Educator Ethics (NMCE<sup>2</sup>). You have a handout that is also on NELIS ([Exhibit H](#)) from the NASDTEC that shows the Model Code of Ethics for Educators. It basically lists out five principles and with each of those principles, as Dr. Hutchings mentioned, he performed a huge analysis of all of these cases and ethical decisions, and then grouped them. That is how the group came up with these categories, so there is a lot more information to share. Some of the language in the mock-up is reflective of the study. For instance, you will see these words in the mock-up that actually reference some of those specific standards: responsibility to the profession, responsibility for professional competence, responsibility to the school community, and responsibility and ethical use of technology.

In addition, there is some discussion that, rather than actually adopting a code today, throughout the next 16 to 18 months or so, a task force would be developed to review this Model Code of Educator Ethics—again, as Dr. Hutchings said—there are some states that have adopted this as is. There are other states that have added or subtracted to it. Based on local context, Nevada decided that there were things they wanted to modify to meet Nevada's needs.

Therefore, section 4 of the mock-up ([Exhibit E](#)) indicates the development of the Nevada Educator Code of Ethics Advisory Group to be comprised of 12 members. I will not go over the specifics, but we are happy to answer any questions and you can read it. It is a pretty good composition. That task force would be supported by the Department of Education. On Monday, you heard me talk about the fact that there is no funding as far as per diem or travelling expenses, so we would certainly want to consider having teachers as members on this committee. We will continue to have discussions with the sponsor about amending it to match some of the conversations in [Assembly Bill 77](#) that are about providing substitutes and also a per diem cost to participate.

Section 5 outlines what that advisory group will do and study. Section 6 discusses the actual roles and responsibilities, creates some timelines for when and how often they will meet, and exactly when a report would be due with final recommendations. If I am not mistaken, I believe the mock-up ([Exhibit E](#)) states those recommendations could include future regulatory changes, statutory changes, and/or just departmental policy changes, whether that be for the next legislative session, the State Board of Education, the Commission on Professional Standards, or whomever that may be. It leaves a little more flexibility for that professional group of advisors to make those determinations.

Theo, I believe you had additional conversations with Assemblywoman Diaz that did not quite make it into this mock-up. Do you want to address those?

**Theodore Small:**

On page 2 of the original language, since Dr. Hutchings mentioned that we really need to separate the thinking between code of conduct and ethical code, we would put out a conceptual amendment to remove all of the language on lines 23 through 28.

**Chairman Thompson:**

Mr. Small, that is already stricken on the mock-up. Is there anything else you would like to recommend be stricken?

**Assemblywoman Diaz:**

I do not know if there is anything else to corroborate that his version matches my version. Is there anything else, Mr. Small? Did you submit those amendments all together?

**Theodore Small:**

On line 31, there should be a period after the Nevada Model Code of Education Ethics. If yours shows that, then we are completely aligned.

**Assemblywoman Diaz:**

So you are saying in (g), we would strike out everything after ethics, is that correct?

**Theodore Small:**

Yes.

**Assemblywoman Diaz:**

That did not make it into the amendment, Mr. Chairman.

**Assemblyman Pickard:**

I will say for the record that I am completely supportive of the idea of professional ethics. Every job I have ever had has had a code of ethics, except as a teacher. As a result, I am going through the amendment with an eye to my prior experience. I have two questions. First, with respect to section 2, subsection 3, paragraph (c), you have two words, "needlessly" and "unnecessary" that I stumbled over. As a lawyer, we are trained to look at precision

and to find weasel words that people can use to get out from under accountability. I am wondering where "needlessly" and "unnecessary" come into play. Are they necessary? If so, I am wondering what the definitions might be. Have you thought that through at all?

**Assemblywoman Diaz:**

I do not know if Mr. Hutchings has any comments on that. I can tell you that I just basically provided the vision for legal drafters to draft.

**Troy Hutchings:**

I have nothing to add.

**Assemblyman Pickard:**

I have not studied this, but regarding the portion we just struck, section 3, subsection 1, paragraph (e), at first I was thinking, as a real estate broker, I had to agree to allow the Real Estate Division to have access to my records whenever they wanted. That was a good incentive for me to make sure my records were complete and accurate and that I retained them for the period of time that was expected. I am curious to know what the reason was for striking this. I recognize that there is a philosophical difference between code of conduct and the ethical code, but this seems to remove the ability to verify. I was wondering what the rationale was for the removal.

**Assemblywoman Diaz:**

I believe that our initial intent was to ensure that this is not viewed as punitive, but that it was viewed as a tool to make sure that our educators are making the thousands of decisions that they have to make on a daily basis in the most educated and informed manner possible. At its inception, we thought we should not have a stick; we should provide all of these skill sets and tools that we have not shared and that are not part of the culture. First, we need to do the work on how to get everyone to use it, embrace it, and to feel comfortable with it. Then, those conversations would naturally lead toward feeling that they know this, live this, and breathe this, and then to think how they can work with the Commission on Professional Standards to adopt the next step of noncompliance at that point.

**Assemblyman Pickard:**

I am completely comfortable with that, in conjunction with the paragraph above where we make a requirement that they retain their records, which are private records, and which could create a problem in the future, but we can discuss that later. To me, those two work hand in hand quite well. Again, I am completely in support of the idea. I do not want to do anything to derail the intent in that respect.

**Assemblywoman Diaz:**

We are more than open to working with Committee members on the language that makes you feel most comfortable but that captures the intent behind this, which is just making sure that our educators and our students are getting the best that they can.

**Assemblyman Elliot T. Anderson:**

In general, I definitely support the concept of a code of ethics. It is a good way to provide the signal that teaching is a profession, it is not just a job, and to show that respect. Your presenter mentioned that attorneys have a code of ethics and that got me thinking about what exactly is entailed and what lessons we could take from other ethics codes. I have always been concerned, as you know, Assemblywoman Diaz, about the interaction, not just between administrators and students, and teachers and students, but also among the staff themselves. In the attorney context we have duties to our clients in our code of ethics, but I would also say with the pupils in that scenario. The main reason we are there is for clients, and the main reason the teachers are there is for the students. We also have duties and ethics in the way we treat opposing counsel in terms of civility. That is instructive here to account for those interactions as well; certainly, as we have had this discussion before, that environment is also important to make people feel respected in the workplace. As a suggestion, it seems like it would apply to interactions between pupils and administrators. I would think that would be useful to also provide that kind of ethical obligation among professionals. That is a well-vetted idea in a number of other contexts. I would humbly suggest that you add that because it would be beneficial to the profession of teaching to ensure that we have really good interactions and people treating each other with respect. Again, when people model good behavior, the kids will mirror good behavior, and that is also important.

**Assemblywoman Diaz:**

I still remember your very on-point phrase that teachers should have to teach high school and not relive it. To that point, in the principles that are already embedded in this code of ethics for educators that we are hoping to adopt, there is a principle number four that speaks to the responsibility to the school community. The brief little blurb that I have right here [Page 3, ([Exhibit H](#))] says, "The professional educator promotes positive relationships and effective interactions, with members of the school community, while maintaining professional boundaries." Everything you just alluded to was probably encapsulated there. I am happy to report that is considered in the guidelines.

**Assemblyman Elliot T. Anderson:**

Maybe it is just a matter of a technical amendment since you are already having to mock it up. I would note, for example, in section 3, subsection 1, ". . . interpersonal interactions and communications with pupils," it may be just as simple as "persons in the school environment," and a couple of other areas. It may be just a technical thing to clear up, an ambiguity in that regard, to ensure we encapsulate those behaviors and interactions as well.

**Assemblywoman Swank:**

I have some questions on section 4 regarding the mechanics of the advisory council. I notice in paragraph (d), there is the phrase that "The Governor shall ensure that the members appointed pursuant to this paragraph represent the geographic and ethnic diversity of this State." I know we use this in other parts of the *Nevada Revised Statutes*. The geographic diversity is the part that I have been concerned with lately as well as with other boards and



commissions. I have found that we do not always get good geographic distribution. It does not always happen. We tend to get a lot of folks from one part of the state. I am wondering if there needs to be stronger language in there.

I was also looking at (e), "One member who is a member of student government . . . ." I think it would be good if that rotated around the state so that different areas had opportunity to serve. I worry that we are always going to end up with people from certain places. I would like to see stronger language just to make sure we are getting some good geographic distribution, given that we do have a large majority of the people who live in Clark County.

**Assemblywoman Diaz:**

We definitely welcome those recommendations.

**Assemblywoman Tolles:**

I cannot express enough my enthusiastic support of this. Thank you for bringing this forward. It excites me to know that there are a number of proposals this session that really complement one another. This is timely and I think it is necessary.

Under section 3, subsection 2, where it says "The Department shall post the Nevada Model Code of Educator Ethics . . . ." I wonder if we could add to that some sort of response on the part of the educators and the administrators that they have to sign it so that there is participation in that process. It is more than just a passive posting. They actually sign that code of ethics after it is created and has been implemented. Is it already in there?

**Dena Durish:**

In subsection 1(g), just above that, it would be the new (e), "Require each teacher, administrator and other person employed by a school district or a charter school to sign a written acknowledgement of the Nevada Model Code of Educator Ethics . . . ." The only part Mr. Small referenced repealing from that subsection was the consequence for violation.

**Assemblywoman Tolles:**

I appreciate that and I am sorry I missed that. Are you open to amending to add cosponsors? I would like to be on that list.

**Assemblywoman Diaz:**

Yes. We will welcome any cosponsors. In the rush to get it introduced, I did not do that, but I figured we would be on the amendment route. Let me know and we will be glad to accept you.

**Chairman Thompson:**

Is there anyone in support of A.B. 124 in Las Vegas? [There was no one.] We will come to Carson City for those in support of A.B. 124.

**Craig M. Stevens, Director of Intergovernmental Relations, Government Affairs, Community and Government Relations, Clark County School District:**

As Assemblywoman Tolles said, we express exactly the same thing. We fully and enthusiastically support A.B. 124. We cannot wait to begin the process, we appreciate being a part of these discussions, and look forward to seeing where this goes and how we can best serve students in the future.

**Bret Scoggin, Private Citizen, Reno, Nevada:**

I am the principal at St. Albert the Great Catholic School. I am in complete support of this. It has been necessary ever since teaching became a profession. As you said, we make so many decisions every day that are critical to the success of not only education, but the growth and development of our most precious resource which is our children. Teachers are trying to do their best and often we ask them to be very close with our children and to have some very candid discussions with our children around the educational environment. We need to make sure that we have a clear code of ethics in regard to this, so that those most difficult decisions can be made with confidence and teachers know that they are headed in the right direction.

**Lindsay Anderson, Director, Government Affairs, Washoe County School District:**

I will just say ditto. Thank you.

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

I would preface my statement of support by saying, some 50 years ago, I was a senior in an advanced English class and the girl next to me was slightly overweight. As the instructor was handing out papers, he said to this girl, "Will you waddle up here, please?" That event, that image, and that hurt has stayed with me for all of my adult years. This bill is long overdue. I look forward to its completion. I think it is something very necessary to our schools and we stand in strong support. Thank you.

**Natha C. Anderson, President, Washoe Education Association; and representing Nevada State Education Association:**

I also represent the Nevada State Education Association. We are in support of this bill. The mock-up answered the few questions we were having. One thing we are very appreciative of is the advisory group. That change is going to make a big difference.

**Jessica Ferrato, representing Nevada Association of School Boards:**

We are here in support of A.B. 124. We do appreciate all of the work that has been put into the mock-up.

**Mary Pierczynski, representing Nevada Association of School Superintendents; and Nevada Association of School Administrators:**

I, too, had a lot of questions about the bill, and I am very happy to get a chance to see this amendment this afternoon. I just have one suggestion. We would like to see a superintendent on the advisory group. I hope that is taken into consideration. We are supportive of the bill. Thank you.

**Chairman Thompson:**

Is there anyone else in Carson City in support of A.B. 124? [There was no one.] Is there anyone in opposition to A.B. 124 in Las Vegas? [There was no one.] Is there anyone in opposition to A.B. 124 in Carson City? [There was no one.] Is there anyone neutral on A.B. 124 in Las Vegas? [There was no one.] Is there anyone in Carson City neutral on A.B. 124? [There was no one.]

**Assemblywoman Diaz:**

To answer Ms. Pierczynski's recommendation, we wholeheartedly support that. We thought that superintendents were so busy that sometimes we did not want to add another duty to their plates. Since they are asking, we will honor that request. No problem. Thank you so much for all of the constructive feedback. I look forward to continuing work on the amendment and hope it will be to everyone's satisfaction so we can see it go onward and upward.

**Chairman Thompson:**

We will close the hearing on Assembly Bill 124 and open the hearing on Assembly Bill 186.

**Assembly Bill 186: Revises provisions relating to education. (BDR 34-868)**

**Assemblywoman Olivia Diaz, Assembly District No. 11:**

I bring before you Assembly Bill 186 for your consideration. I am a proud educator and an even prouder mother of a five-year-old who attends a full-day kindergarten program in Clark County. I am also a proud grandmother of a nine-month-old who is currently attending a school. What I am learning as a grandmother is that I missed things with my own five-year-old in terms of opportunities and windows that sometimes you just do not get back. Now that I have Aiden as my grandchild, and looking at Javi being in kindergarten, I wish that I would have started taking him to preschool at a much younger age because that socialization key is so important. Neurological science is showing us that the younger our children interact, engage, and learn, the stronger their brains are long-term and the future success of them starting to grow as individuals is so much more promising. Not that I am saying that I have been a horrible parent, but in hindsight, there were some missed opportunities for me to get him in school early and then he would be that much more perfect than I already think he is.

I want to go through a few things about why I think early childhood education is a great investment in Nevada's future. We know from an abundant number of studies that the earlier we make this investment the greater the return [slide 2, ([Exhibit I](#))]. We know that key years in children's lives are from zero to five years old. That is when many of our children who are not privileged to attend a preschool program lag behind when they finally come through our school gates. They did not get the experience or have the interactions, their vocabulary did not grow and expand, and their oral fluency might not be there, which we know that is so important for future success.

My source is James Heckman, a Nobel Laureate in economics [slide 3, ([Exhibit I](#))]. We know that the achievement gap that we have been trying to address as a state starts at birth. A child from a professional family, at three years old, already has at least 1,100 words in his or her vocabulary. However, we know a disadvantaged child of that same age from a low socioeconomic status, who may not be speaking the same language that he or she will be schooled in, might come in with 500 words.

Quality early childhood development [slide 4, ([Exhibit I](#))] gets us a return on investment (ROI) by 7 percent to 10 percent. "The rate of return on investment in quality early childhood education for disadvantaged children is 7 to 10 percent per annum through better outcomes in education, health, sociability, economic productivity and reduced crime."

Finally, this is about quality early childhood development programs and how they yield higher earning and returns on our investments. Developmentally stunted children who participated in the program grew up to earn 25 percent more as adults than those who did not participate in any early childhood development programs [slide 5, ([Exhibit I](#))].

In summary, Assembly Bill 186 seeks to expand access to prekindergarten and kindergarten programs across the state by requiring the board of trustees of each school district to establish, equip, and maintain a pre-K education program and a kindergarten in each elementary school or school attendance area in their district. Assembly Bill 186 also seeks to lower the minimum required age of enrollment and attendance at school to five years of age from the previous seven years of age, as well as allowing the children who are four years of age on or before September 30 to be admitted to a pre-K program.

To clarify—because I think there is a lot of misunderstanding out there—yes, we are looking to lower the age of children entering school to five years old, when kindergarten starts. I am not mandating all programs be full-day, and I am not saying every four-year-old has to attend, but I do want to provide the opportunity for children of four years old to come. How do we do that? By making sure there are programs that they can attend and that they need. Again, the bill does not mandate full-day kindergarten, it simply makes it so the parent has to enroll their child in school by the age of five, or make alternative arrangements as provided by existing law.

Those arrangements already exist. I am not changing anything, I am just basically backing what this body decided last session. We are fully funding full-day kindergarten as a state. I think we were hesitant at one point because we were not in a place where we could provide full-day funding. We are just making sure that is protected for our children because we saw that early investment in our children is key. I would add that we also advanced out of this body, in a bipartisan fashion last session, the Read by Grade 3 program. What a lot of us are missing about the success or the challenges in the Read by Grade 3 program is early indications of kids' literacy success and oral fluency. By the slide we saw, if our children are entering school in a deficit in terms their knowledge of words and their ability to speak, they are already going to be behind in terms of being able to read by the time we are saying they should be.

I would also like to make it clear that we are not making any changes to existing statutes governing those existing arrangements, so the programs will continue to be, as they have been, adopted by each school board and each district. Existing law requires each school district to offer a kindergarten program in each elementary school. However, it does not require parents to enroll their children until they are seven years old. That is currently our statute and that is why we are seeking to make it five years old.

I got some numbers from the Department of Education and I want you to know that based on the 2010 census data, Nevada has approximately 36,685 five-year-olds, and of those, 34,626 have been enrolled in kindergarten programs. We are just doing what the majority of parents are already choosing to do which is to enroll their children.

Existing law does not require school districts to provide a pre-K program according to the Education Commission of the States (ECS) ([Exhibit J](#)). Nevada is one of the last fifteen states that allows parents to wait to enroll their children in school until age seven. This leaves Nevada and our children trailing the rest of the nation once again. The ECS also states that out of 2.5 million high school dropouts in 2015, 1.6 million were on the path to dropout when they were just eight years old ([Exhibit K](#)). Again, early indicators of success happen at a very young age. How do we know this? Those students receive the lowest reading scores on the third grade literacy or proficiency exam. The students' ability to meet level-ready expectations plays a significant role in their likelihood of graduating high school. They are four times more likely to graduate from high school if they meet these expectations. The majority of early educational professionals agree that the best way to get children ready proficiently by third grade is by early education, specifically through attaining oral proficiency skills.

According to a study performed by Nobel Laureate in economics James Heckman, that followed two generations of families that experienced high-quality pre-K education, students in the study were more likely to graduate high school, had higher IQs, experienced better overall health, and were less likely to be incarcerated later in life. These results held constant across socioeconomic status and race. All of these factors lead to society paying less for these students later in life and an ROI of 13 percent per year for every dollar invested in early learning. James Heckman's study disproves the myth known as the fade-out, that gains made by students in early education are lost.

I know you are going to hear people say that Head Start failed ([Exhibit L](#)), but I was talking to a lot of professionals that work in early childhood education and this is their area of research. They state that those studies are all misinterpreted and are not being characterized adequately. What we failed to realize is what happened after that child left the early childhood or Head Start program. What happened in kindergarten, first, or second grades when they ultimately made it to third grade? People automatically assume it is a correlation to their early childhood learning experience.

I will go through the bill section by section. Section 1 requires the board of trustees of each school district to establish, equip and maintain a prekindergarten education program and a kindergarten in each elementary school or each school attendance area in the district.

Section 3 of this bill lowers the age from seven years of age to five years of age at which a child must be enrolled in and attend a public school. Section 3 also requires a child who is 5 years of age on or before September 30 of a school year to be admitted to a kindergarten program at the beginning of the school year, and authorizes a child who is 4 years of age on or before September 30 to be admitted to a prekindergarten education at the beginning of that school year.

I bring forth this measure because I think, as a state, we have not really expanded access to high-quality pre-K programs. There is research that is a couple of years old that shows us that, as a state, we are only servicing about 14 percent of our children versus the national norm which is 41 percent. We are leaving federal monies on the table because we are not expanding our pre-K programming. I am aware that an issue is space. Schools are asking how they can logistically make this happen if they do not have the space. They are also saying they do not necessarily have the workforce, the teachers that are licensed to teach in early childhood classes, but we need to start coming together and figuring out how to overcome these obstacles. Our children are definitely worth all of our time and all of our investment so we can ensure that they all have an amazing future ahead of them.

**Assemblyman Elliot T. Anderson:**

I am looking at the bill and just want to clarify something. I think I know the answer, but thought it might be good to put on the record that homeschool parents would still have the option to homeschool their children under your legislation, right? That would not change or require them to come into public school, would it?

**Assemblywoman Diaz:**

That is correct. I am not, in any form, modifying the process by which a parent chooses what the best setting is for their children. I know there are many parents who opt to do the private school route and that there are many parents who choose to do the homeschooling route and I am not changing that at all with A.B. 186. They get to choose. They do have to come in just like they would at age seven and notify what choice they are making, but I am not changing how they currently have to abide by the law.

**Assemblyman Elliot T. Anderson:**

I appreciate that clarification. I did also want to comment, because of the Read by Grade 3 issue. It has certainly been a big bipartisan priority since 2013. It has been shown to lead to really great results in the end. In fact, the Department of Corrections uses the number of kids who can read by the end of third grade to determine their needs for beds in prisons. That is just the starkest statistic I have ever heard of. It directly makes the point that many of us have tried to make of how important Read by Grade 3 is. I think what confuses people about Read by Grade 3 is that it is not some sort of tough love idea, where it is just a stick.

There is a stick for a year, of course, or else it would lose all meaning. The whole point with Read by Grade 3 and all of those extra supports like full-day kindergarten is that it is a package where you get the ability to evaluate children early to determine who are going to have problems reading and getting them the help that they need—the interventions.

That is why there is always that huge price tag when we talk about Read by Grade 3. Without all of that extra time to identify kids who are going to struggle and get them the supports they need, like the summer instruction, it really becomes a policy that gets hollowed out. If you are talking about a student coming in from seven to nine years of age, that is two years. It is not nearly as much time.

I cannot overstate how important I think this is in getting children to start reading early. Their future can literally depend on it to the tune of the Department of Corrections talking about that statistic. I cannot count how many times I have seen plea canvases in criminal court where, when asked the highest level of education obtained, the answer is always "some high school," "some high school." I cannot recall one time when someone mentioned college. I think this correlation to the criminal justice arena needs to be made and needs to be made very clear because it really can be the difference between success in life or not. I commend you for bringing this forward. Thank you.

**Assemblyman Pickard:**

I was actually surprised at the feedback I got back from constituents on this bill. I did a little digging because I really did not understand where they were coming from. I ran across this study from the Peabody Research Institute at Vanderbilt University that suggested, as you commented, that the benefits derived from pre-K—and this was a longitudinal study where the children were tracked all the way through to third grade—dissipated by the end of kindergarten which I found interesting. I would like you to comment on that as, obviously, you are prepared for that. I would like you to expand on that because I would like to know more. You also made the comment about this being voluntary for the parents, but it is not voluntary for the schools. As I am reading section 1, it says the school district "shall" establish, equip and maintain a prekindergarten education program, as well as a kindergarten in each elementary school. I noticed the fiscal notes and I know we are not a money committee, so I am not going there, but I noticed it was enormous. I am wondering if it is voluntary throughout or just voluntary for the parents, but the schools all really do need to implement this across the districts.

**Assemblywoman Diaz:**

Let us address the voluntary versus the involuntary piece. It is voluntary for the parents to choose pre-K, but I do think we need to step up our game as a state and ensure that there is more access to pre-K programs. Currently, I know that my grandbaby is blessed to have two professional, attorney parents to enroll him in a pre-K program as early as nine months of age. However, what happens when you are of a different socioeconomic status? What happens when you cannot afford to do this because it is just not within your means? Do we just look the other way and say, so sad for you that you do not get this opportunity to start

on a level playing field when you enter kindergarten. Do we realize that we have a lot of children who we are not servicing and who need a high-quality pre-K program to attend? How do we get that pre-K program to those children in need? This is the starting point of a conversation.

I do not intend that my bill will necessarily remain the way I introduced it, but I thought it was important to know and recognize that, as a state, we are only allocating about \$3 million for pre-K. There are other states that are comparable, like Utah who allocates about \$9 million, but other states go far beyond where we are. If we are going to be smart and to hold our children accountable to higher standards, we also have to help our children and one of those ways is providing access to high-quality pre-K programs.

Your other question referred to the studies. I beg to differ. There are many bodies of work out there and I will begin compiling a list of them that identify that. It is paramount for a child to get these early learning experiences as soon as they are able to. We are talking about quality here too. Many people associate preschool with babysitting and that is not at all what we are trying to capture. We want high-quality, vibrant programs that engage our children and make sure that those little brains are being fortified over their zero to five years.

**Assemblywoman Swank:**

I was going to make a statement about Head Start and that correlation does not mean causation. That is one thing when you look at a lot of these studies. You need to be very careful in peer review publication. Folks should be very careful about whether or not they say something is causation. Just because I left the house today and it rained does not mean that my leaving the house caused it to rain. With Head Start, I think we need to be very careful about how those results are interpreted.

**Assemblywoman Joiner:**

I told you personally a few months ago how thrilled I was that you were introducing this bill. It would have been my last one if it had not already been introduced because I am incredibly passionate about this also. I am reminded of a book, *Our Kids: The American Dream in Crisis*, written by Dr. Robert D. Putnam of the John F. Kennedy School of Government at Harvard University. One of the main things that his interviews talked about was the incredible return on investment for early education and how important it is to equalize the playing field and close that achievement gap for disadvantaged children. One of the questions I have, though, is I remember an interview that he did where he specifically said that this is not a partisan issue. He gave the example of Oklahoma, saying that it is an incredibly red state, and has a really good early education program. That gave me some hope that what we did last session, bipartisan, doing all-day kindergarten in the state, showed that we could, as a state, come together and say that this is the next logical step to ensure that all of our children have the opportunity to go to school at an earlier age.

You must have looked at other states; I am feeling the stress that we are really behind. Can you give us an idea of where other states are and how far advanced some are compared to Nevada?



**Assemblywoman Diaz:**

I have provided for the Committee members something from the Children's Cabinet ([Exhibit M](#)). I have reviewed a lot of data and we are toward the bottom. Depending on what statistics you are looking at, we are probably not higher than fortieth place in any of them, but we are usually hovering around forty-seventh or forty-eighth, and sometimes fiftieth in terms of access. Also, the data from Education Commission of the States ([Exhibit J](#)), does indicate that Nevada is one of just a few states that has no pre-K program in place. As a state, we do not have anything that mandates doing pre-K and I do not think that is a good fit for where our children need to be, long term, especially with a science, technology, engineering, and mathematics (STEM) workforce that is just getting started in our state. I had only done full-day, one-on-one childcare with my son, and I can tell you that when I enrolled him in pre-K, I was a little concerned. I did not know how he was going to do at four years of age. I thank those pre-K teachers for bringing Javi's talents out that I, as a parent, was not able to tap into.

**Assemblywoman Miller:**

Thank you for bringing [A.B. 186](#) forward, and thank you for clarifying some of the concerns. I will echo what Assemblyman Pickard said. There were a lot of concerns and confusion with the bill which you clarified at the beginning. My question would pertain to section 1 which, again, talks about establishing a pre-K program in each elementary school or school attendance area. Obviously, in the rural areas, there may only be just one school building and I understand that. With regard to some of the challenges that have been brought to you about staff and funding in our two larger districts, Washoe and Clark County School Districts, would it be acceptable to possibly have a kind of nucleus within the community, like some of our other programs right now, where we set the program up in one school, yet we are serving certain communities? I do not know how much demand there is, but is that something we could consider?

**Assemblywoman Diaz:**

I am more than open to having the conversation. It is paramount that we all put our brains together and find a way to overcome barriers and obstacles and just put programs in place to continue servicing our children that currently do not have the access or the means to be in a program but would highly benefit from them. Going back to Assemblyman Anderson's prison pipeline, as an educator, I would like to see significant early investments in our children in order to divert that and to make sure they are going to our colleges and pursuing careers of tomorrow versus the other route. I invite districts to chime in as well. We have Patti Oya from the Department of Education who is highly knowledgeable about where we are currently with our pre-K programs and the challenges. I hope they will share more expertise in the area.

**Assemblywoman Krasner:**

Do you have any data on what age children must start school in the other 50 states? Is it five, six, or seven?

**Assemblywoman Diaz:**

I will be more than happy to supply you with the link to the Education Commission of the States where they have analyzed that data. It is a hodgepodge. There are states that started at five, there are states that started at six, and Nevada is only 1 of 15 states that still start at seven years of age.

**Assemblywoman Krasner:**

What do the majority start at?

**Assemblywoman Diaz:**

It is probably six years of age.

**Assemblywoman Krasner:**

Many people will see this as a taxpayer-funded babysitting service by starting children in pre-K at four years of age. What are your thoughts on that?

**Assemblywoman Diaz:**

I disagree with that statement. As a state, we have taken measures to ensure that our programs are rated. A few sessions ago, we established a way by which we evaluate pre-K programs. There are star ratings much like our school systems and the emphasis is on quality of instruction. All of the conversations I am hearing center around making sure that we have the teachers to go into the workforce. Once we tackle those things, quality is at the front and center of the conversation. It is not at all how people are characterizing early childhood education to be. It is actually about ensuring that we are engaging our children in conversations so that they acquire oral fluency, their vocabularies expand, and they get different experiences that, if they remain at home, they are not privileged to.

**Assemblyman Edwards:**

Your opposing comments actually spurred the first question I would like to get to. As I recall, you said that 41 percent is the norm for the percentage of children in prekindergarten.

**Assemblywoman Diaz:**

Yes, that is the national norm.

**Assemblyman Edwards:**

We would have a cohort of about 37,000 children which would mean that if we hit the national norm of 40 percent, that is 16,000 children and would be about 1,000 teachers. As you noted, you had some concerns about the logistics, and I, frankly, have a lot of concerns about the logistics since we are so short of teachers already. We have not yet established a pipeline for prekindergarten teachers, much less the licensing and everything else. Because we do have limited resources, I am concerned that we need to spend them as carefully and as wisely as possible. I am concerned that we may be over-promising and unable to deliver on what we are looking at here.

**Assemblywoman Diaz:**

I would like to invite Patti Oya to chime in and educate us further on missed opportunities that we have had with pre-K funding. There have been federal funds on the table and we have not been able to capitalize on receiving them because we just cannot have something in place. That is why we are bringing forth this conversation. My intent is to satiate the need for pre-K and I am not delusional that we are going to get there tomorrow. We need to be very intentional in ensuring the activation of the process. The reason I bring this forth is because the ball needs to start rolling and it is long overdue.

I want to highlight a comparable state, Iowa, which has a similar gross domestic product (GDP) to our state and they invest \$83 million ([Exhibit J](#)) into early childhood education.

**Assemblyman Edwards:**

That is an interesting point, which is a timeline for bringing something like this to fruition. Is there a national average timeline for starting a pre-K program and then getting up to that national norm of 40 percent? I know we are not a money committee, but 1,000 teachers are going to cost us \$80 million. I do not think we can absorb that in one shot. Is there a normal timeline for that?

**Assemblywoman Diaz:**

My hope is that this conversation gets all of the stakeholders coming together, having the fruitful conversations, and communicating where the investment is needed.

**Patti Oya, Director, Office of Early Learning and Development, Department of Education:**

Assemblywoman Diaz has done a wonderful job explaining the statistics around pre-K. At 3.3 million, we are serving less than 3 percent of our three- and four-year-olds in our state's traditional pre-K program. In 2015, we received the federal Preschool Development Grant that is both federal funds and the state matching component. We were able to increase our percentage by about 10 to 13 percent of four-year-olds. In addressing your concern around quality and spending taxpayer money on pre-K programs that could be considered just babysitting, we do try to align our pre-K programs to the federal quality guidelines which look at group size, teacher qualifications, curriculum, and assessment. We do address issues of quality because any of the research that shows early childhood programs are essential for young children is really about the quality of those programs.

**Assemblyman Edwards:**

I think early education can be extremely good for some, but I also think too much of a good thing can be bad. We have to be very careful about pushing children too early simply because of the maturity level. Studies will also show that girls usually progress maturity-wise two years ahead of boys. My concern is that we do not get to the point where we are pushing kids to get into prekindergarten when they simply are not mature enough. I was glad when you said that homeschooling is still an option and that there are other ways that parents are not expected to have their children attend at four years of age.

**Assemblywoman Diaz:**

That is correct. Parents are the ones who make that decision, whether they want to enroll their children in our public school education as soon as five years of age, or they want to opt to homeschool them, or they want to take them to a private school. This bill does not infringe upon those rights to make those decisions for their students. I would also educate the Committee that in speaking with the key academics at the University of Nevada, Las Vegas (UNLV) studying early childhood education, they said that actually homeschooling parents might benefit from kindergarten being mandated because they would then have access to curriculums they could get ideas from. Not that I am saying they have to abide by them, but curriculums are then facilitated for them to reference if they wish to do so.

**Patti Oya:**

When you are talking about choice and access, that is really what we want parents to take advantage of. We know that right now, they do not. Even if we cannot look at a universal pre-K program, in talking about a standard timeline, I am not sure that the few states that rolled out a pre-K program could narrow down how long it took. For example, our Pre-K Development Grant serves families that are under 200 percent federal poverty level. That is a good way to start the rollout and the conversation and make sure that our most disadvantaged families have the access that they need, which they do not right now. That is the important piece when you are talking about phasing something in or a timeline.

**Assemblywoman Tolles:**

I am not sure if that data is available, but it would be helpful for us to understand the landscape better if we had it. How many students are voluntarily in our kindergarten programs now versus how many are staying home? How many students are in pre-K, although that may be a harder statistic to get? How many are in a private pre-K program? We are certainly hearing from a lot of parents who are concerned about this proposal from the standpoint that they really want to keep their children home longer. I would like to get a sense of what the demand is out there for the availability of these programs. Knowing those stats might help us answer those questions.

I also wanted to ask you what requirements would then suddenly be necessary for those families who want to keep their kindergarten-aged children at home instead of enrolling? We know that we ask families who homeschool to meet certain requirements. I am assuming that if we were to pass this legislation, we would be extending it to kindergarten families to say that if you want to keep your child at home, you have to go through the same requirements as a family would who decides to homeschool their student. Am I correct in that assumption?

**Assemblywoman Diaz:**

It was my understanding that there are not really very many rigorous checks on the homeschooling community. Maybe they get screened before they come to a public school to review where they are in terms of readiness or levels. I do not want to give misinformation so we will ask Ms. Oya.

**Patti Oya:**

No, I am sorry. I know there are homeschool parents here, but I do not have the requirements around homeschooling. We can certainly provide that for you.

**Chairman Thompson:**

Since nobody has the answer, we will just get it offline.

**Assemblywoman Diaz:**

Back to your question about where everybody is, again, I only got from the Department of Education that the number of five-year-olds that we have per census data from 2010 is 36,685, but 2016-2017 enrollment numbers are at 34,626. I also got 2016 Clark County School District (CCSD) numbers. I wanted to compare as well, because currently, kindergarten is not mandated, so by first grade, children need to enroll if they are going to be in a public school setting. Clark County School District said that in 2016 they had enrollment figures of 23,032 kindergarten students, but their first grade was 23,831. There is about an 800-count fluctuation from kindergarten to first grade.

**Assemblywoman Tolles:**

Thank you, that is wonderful that you had those statistics ready to go. I heard you say that there are 36,000 five-year-olds based on the census data you have, and 34,000 enrolled, so we are talking about 2,000 students, theoretically, that are now being asked to enroll in kindergarten unless they demonstrate in some sort of way that they are being homeschooled.

**Assemblywoman Diaz:**

That is the misconception. We are not changing anything that is currently not being complied with for seven-year-olds. I want that to be very clear. What has been the practice for seven-year-olds and those opting out of bringing in their children until seven years old will continue to be in place for the children at five years old. I am not modifying that at all. It will remain the same.

**Chairman Thompson:**

I will open the hearing for support of A.B. 186 in Las Vegas. [There was no one.] We will come to Carson City in support of A.B. 186.

**Nicole Rourke, Associate Superintendent of Community and Government Relations,  
Clark County School District:**

As Assemblywoman Diaz mentioned, findings show that pre-K students are better prepared academically and socially when entering kindergarten. Prekindergarten provides a solid foundation, skills that enhance a student's educational experiences, and reduces the need for interventions or remediation later on. It also reduces the incidents of over-identifying early childhood special education students.

Currently, CCSD has 100 general education pre-school programs that are funded by Title I, Zoom and Victory schools, Early Childhood state programs, and other grants. We have 1,782 students served by Title I, 1,851 served by Zoom schools, 115 served by Victory schools, 301 served by a state-funded pre-K grant, 177 served by the Nevada Ready 21 Technology Grant program, and 886 students who participate in our typical peers program for our special education programs. I give you those statistics because we have been working on this for a while and I want you to know this is a priority for our board in moving forward.

There are 64 Zoom pre-K programs in place for 2016-2017 with an average enrollment as I gave you. Professional learning opportunities are provided through Zoom schools. To speak to the quality, we provide professional development for both our pre-K teachers and our teacher family assistants, and this professional development focuses on literacy instruction as well as language development.

I want to give you some data based on Zoom because that is where we have some really good numbers and some tracking. We use the Teaching Strategies Gold curriculum. That is the aligned assessment with the creative curriculum that is used in pre-K. All students are assessed using this; it is an observation tool. We are working with four-year-olds so we do not ask them to sit down and take a test. We actually observe and teachers take notes. There is a protocol for that. For example, in the 2015-2016 school year, some of our students came into these programs with 40 percent performing at expected developmental levels and were increased to 99 percent by the end of the year. For language standards, they came in at 20 percent at expected developmental levels and 92 percent at the end of the year. My point being is that pre-K programs really do make a difference in their preparation for kindergarten.

I do have to say that while we support pre-K programs for the positive benefits they have, we ask that the Committee support two friendly amendments that have already been alluded to by Assemblywoman Diaz, and we need money and time to do this. We need funding. As you heard, all of our pre-K programs are currently grant funded, and we need time to roll them out. We would suggest that you look at the model set forth by the state in the methodology for full-day kindergarten. It took us more than ten years to get there, but we did and we are happy to look at that for pre-K as well.

**Chairman Thompson:**

So, Assemblywoman Diaz, we can just do a verbal. You are good with the amendments? [Assemblywoman Diaz indicated in the affirmative.]

**Lindsay Anderson, Director, Government Affairs, Washoe County School District:**

I would echo what Ms. Rourke said. It is part of our college and career readiness platform to support the expansion of pre-K programs that are aligned with eligibility requirements. At this time, we are serving 769 students in our grant-funded, early childhood programs,

and 909 students in our special education, early childhood programs. We currently have 319 on the interest list for the program for the next school year. For the 2016-2017 school year, we tested 67 children who had not attended a state-approved kindergarten and 4 of those children were 7 years old—to give you some context ([Exhibit N](#)).

There were questions about whether we still have students in half-day programs. We think we have less than five students in the district who are opting into a half-day program. We are here in support.

**Jared Busker, Policy Analyst, Children's Advocacy Alliance:**

We are very supportive of this bill and want to thank Assemblywoman Diaz for putting it forward. I have submitted written testimony ([Exhibit O](#)) and an exhibit ([Exhibit P](#)), but I just want to highlight one thing. Our state has had a preschool program and we actually have more than 12 years of data going back to look at the outcomes of those children. What we have seen is that children who are participating have had significant learning gains achieved in preschool, and those gains were maintained throughout the elementary years. There is also a reduction or elimination of the achievement gap and an increase in student proficiency in math and reading from those children. I know there are other states who have some fade out effects, but if we look at our state, we are not seeing that. If we can continue to follow what we are doing, we are showing great outcomes.

Additionally, I would like to talk about the issue with the amount of space. We would love to see public-private partnerships allowing the school districts to partner with some private preschools and allow them to use their teachers and/or space as long as they are a high-quality program or participating in the Quality Rating and Improvement System.

**Assemblyman Pickard:**

I would ask you, Mr. Busker, to make those studies that show that those effects continue through their elementary years available to the Committee. I have not found that yet. I am pleased to hear that this is a priority, so the question that comes to mind, given the enormous fiscal note that the Department of Education has put on this, is this something that, if our money committee decides not to fund this session, you are going to move forward with, or is this a low enough priority that if we do not fund it, you will just be leaving it alone?

**Nicole Rourke:**

We continue to search for grants to support it. As I mentioned, all of our pre-K programs are grant funded. We have done private grants in the past. Also, as has been mentioned, we need facilities as well to do this so we would look at portable classrooms. We need time to recruit the teachers that would be required. As we all know, we have an enormous need in K-12 and this would add to that requirement. It is something we have been working on for a while and we will continue to seek funding for that.

**Lindsay Anderson:**

I would echo we are doing this already through other funding streams, and we will continue to offer those services to the families that are asking for them. It is part of Zoom, it is part of federal funding. In terms of priority, I think we will continue to build on the success that we have had. Obviously, if there is not additional funding associated with it, our primary responsibility is to the K-12 system.

**Assemblywoman Tolles:**

If it is possible to submit your testimonies to the Committee and, specifically, the enrollment data, it would be very helpful for us. Also, as you alluded to, having the information for how you are currently funded would be helpful as well. Finally, back to that opt-out piece, we are hearing from quite a few parents who are concerned about being able to opt out of that program and wanting to keep their children home. How do you deal with the opt-out for families that do not want to require their children to attend public school?

**Lindsay Anderson:**

Currently, the law says seven years old, so they do not have to opt their children out until that point. I am not sure how we would deal with that if it went to five years old. I assume we would handle it in the same way. Right now we are not following up until that child is seven years old. We do not get a huge amount of children that are not coming to school until the age of seven.

**Assemblywoman Tolles:**

Perhaps that is where the disconnect is. I would like to be educated a bit more on what it looks like to opt out if your child is eight, nine, or ten years old. I am assuming we are going to have that exact same formula apply to the children who are five and six years old.

**Lindsay Anderson:**

To be clear, you cannot opt your child out of school altogether at age nine, but you can participate in the homeschool program. You can opt to keep your children and educate them at home. They are not opting out of education in general. I would be happy to gather a bit more information about what that looks like ([Exhibit Q](#)).

**Nicole Rourke:**

As I understand it, there is a process for notification to the school district when they choose to homeschool, so I can get more information on what that process looks like and what it entails.

**Sylvia Lazos, Policy Director, Educate Nevada Now:**

We are in support of [Assembly Bill 186](#). We think that this is a very effective ROI intervention. It certainly is for children from at-risk backgrounds and English language learner backgrounds. We are currently investing millions of dollars in Zoom programming that includes pre-K as a commitment and understanding on the part of the state that this is



very important to vulnerable children. We understand that this bill and this mode of expansion further supports the investments that the state is already making and is a sound way of moving Nevada from number 50 to a more respectable rank ([Exhibit R](#)).

**Leo Murrieta, Member, Latino Leadership Council:**

I am here on behalf of the Latino Leadership Council and we are speaking in support of [A.B. 186](#) as proponents for high-quality education. You have already been made aware of the enormous benefits of ensuring the children have access to pre-K services. It is no secret that the students in our state need to be provided with as many opportunities to succeed as we can offer, and we firmly believe that providing each child with pre-K education would help us get closer to closing the achievement gap in the future. In addition to the numerous legislative proposals this Committee has heard and will continue to hear this session, the ability to provide children with pre-K education will likely be one of the most impactful decisions you can make. Data shows that providing children with the opportunity for that education will help prevent achievement deficits and produce better educational, health, social, and economic outcomes.

As a council of professionals, educators, advocates, and academics who are dedicated to improving the lives of not only Latinos, but all Nevadans, we strongly implore your support for [A.B. 186](#) and the opportunity to provide our state's children the opportunities that will help improve their life outcomes.

**Terri Janison, Vice President, Community and Government Relations, United Way of Southern Nevada:**

We were going to speak as neutral on this bill, but considering the conversation that I just heard, I wanted to come up and say that United Way's role is one of those areas that was mentioned earlier regarding how we build private and public partnerships together. I want to give a little detail about the programs that are going on right now because United Way is in support of every child having access to quality early childhood education, if possible.

We have been working in early childhood education in public and private partnerships since 2008. In December 2014, the state of Nevada selected us as a subgrantee for Clark County for the Nevada Ready Pre-K development grant. We have been working in partnership with the state, with private foundations, and businesses who are interested in providing that as a choice. I am listening to some of the conversations here in the south from those who are making that choice and I hope that the Committee hears that importance. You should allow parents to do what they feel is best for their children, but they know that there are opportunities out there for other choices besides state-funded programs and that those abilities and that opportunity are there. I am here in support of a quality early education for any child that is interested in it, and United Way, in conjunction with our partners, is willing to come to the table and help you all decide the best way to do that and ensure that it is available for them.

**Ruben R. Murillo, Jr., President, Nevada State Education Association:**

For more than 100 years, Nevada State Education Association has been representing educators and we anticipate being here for another 100 years. Talking about investing in public education, we talk about making sure that our students have the tools necessary to be successful—as an elementary special education teacher, I knew which students had the foundations to be successful and which ones did not, and the data we had to prove that was the testing that we did—and their ability to be able to move forward. We invest in education, especially postsecondary education, with adult education programs and our special education students up to the age of 22. It only makes sense that we need to invest in children coming into the school system so that they have a good foundation. Many times when children do not attend kindergarten or pre-K programs, they do not have the skills necessary to keep up with the rest of the students. We see this as a great investment, especially when Read by Grade 3 is a mandate. When we testified back in 2015, our main concerns were that the resources and the constructs necessary for our students to learn were not available at that time. How can people be held accountable for our children to read by third grade if they did not have the resources necessary to help them?

The last thing that I have to say is, I have a great idea. If you want to use seed money for early childhood or whatever, there is \$6 million to \$8 million in the budget that has been proposed for vouchers that can easily be used to invest in, not divest, our schools ([Exhibit S](#)).

**Bret Scoggin, Private Citizen, Reno, Nevada:**

I am the principal at St. Albert the Great Catholic School which is kindergarten through grade 8, and we have a pre-school program. If you decided to move over to this, we would be ready to go, but it does not necessarily work that way for public schools who do not have this in place. I want to address three pieces that I have heard. First is the effect. We test all of our children coming into our kindergarten. I would say a good half of them come from our pre-K program. The difference is clear between the capability of the students who have been at home and those students who have been to any kind of a pre-K. We get children who do not know what the letter A is, and we get children who can read already. How well you assess a kindergartner is much different than how you would assess anyone even in second, third, or fourth grade.

To give you an example, our teachers tell the child to draw themselves. Do they include a face, does the body look like a body, do they put fingers on the hand? This gives you an idea of their developmental level and their developmental readiness for kindergarten. You cannot do much about developmental level, just like we all grow differently. We develop internally, and our capabilities are mentally different. However, you can make a big difference in how you apply their knowledge prior to kindergarten and that is through pre-K-programs.

I know that there were those who were worried that this would just be free babysitting. It is not. There are national standards, and we have our own set of standards. We take children as early as eight months and we move them right until they start kindergarten. It is effective. There are standards. You can hold these pre-K programs accountable to what they are doing with the children.

Regarding cost, one of the greatest selling points we have at my school is the fact that it is half the cost to go to kindergarten as it is to be in the pre-K program. It is very expensive. You have low amounts, you have low teacher-to-student ratios. Please help the public schools out. I may be a private school principal, but I support our public schools as well. We need access and one of the biggest differences that we see in children's readiness for kindergarten is whether their parents have the money to get access to a good pre-K program. I cannot tell you how much I support this.

**Lisa Morris Hibbler, Director, Department of Youth Development and Social Innovation, City of Las Vegas:**

I want to thank Assemblywoman Diaz for bringing this issue before the body. Prekindergarten is extremely important and we also see it as a way to improve academic outcomes of our students. The City of Las Vegas has been investing in pre-K infrastructure and working with all of our community partners to ensure affordable access to high-quality programs. Thank you for that.

**Chairman Thompson:**

Is there anyone else in support of A.B. 186 in Las Vegas? [There was no one.] Is there anyone else in support of A.B. 186 in Carson City? [There was no one.] We will go to opposition to A.B. 186 in Carson City.

**Angela Freeman, Private Citizen, Carson City, Nevada:**

I am here to testify against Assembly Bill 186. Assemblywoman Diaz spoke about having regrets as a parent about the things we had not done. I would like to share some regrets as a parent about things I have done.

I strongly oppose this bill lowering the compulsory attendance age to five years old for all children. I homeschool my 3 children—ages 14, 12, and 8. While my older children were just fine starting kindergarten at five years old, my youngest was not. Even though that was immediately apparent, I ignored my instincts because I firmly believed that five is when children started school. I felt that early education was the key. I thought that with enough rewards and consequences, I could somehow coerce my child into sitting still and focusing. I thought, with patient, deliberate, one-on-one instruction he would be ready. However, we went over the same reading material again and again and again, without making progress, even though he tested as having the vocabulary of a fourth-grader at the age of six. I started to think that maybe something was wrong and I sought evaluations for speech-language delays and auditory processing disorders, but just before he turned eight years old, he experienced a physical growth spurt and also a developmental one. Suddenly, he was making rapid progress.

Maybe this does not seem like a big deal, but I cannot tell you how much I wish I had waited and how much I regret forcing that early start to school. My son will say to me, "Ugh! I failed at that." It broke my heart to hear my bright, intelligent boy call himself stupid, especially when it could have been avoided.

If A.B. 186 goes into effect, parents will not even have a choice to wait until their children are ready to start school. I am asking you to please vote no. Please do not condemn children to a school career of remediation, interventions, and perceived failures.

**Theresa DeGraffenreid, Private Citizen, Carson City, Nevada:**

I am opposed to Assembly Bill 186. I have been in the daycare, preschool industry for 33 years, working in many types of programs. I have been working in the state of Nevada for the past 16 years in a church-sponsored half-day preschool program where I have had the opportunity to be involved in many children's lives and helping them to blossom into kind and caring individuals who are well socialized. I got into this profession before I had children of my own and thought that I would be making a huge impact on the future success of the children in my care. Over the past 33 years, I have learned that parents are the most important teachers of their children.

The state of Nevada has asserted in past legislative sessions that prekindergarten and full-day kindergarten are essential to long-term school success. Yet, this position is not supported by research. My own experience with my children showed that preschool experiences had little effect on their future school performance. As my children's parent, remaining involved in their schooling was more important to their success.

I would like to share a personal experience that I had with my own son. When he was not quite five years old, because of changes that were happening in our home, I chose to put him in kindergarten. Living in California at the time, the state cut-off is December 1, meaning that he was eligible at four years old. He struggled that whole year with school, and at the end of the school year, we were being encouraged to keep him in kindergarten for another year. We did that and he blossomed as a six-year-old and moved on to the first grade. He did very well through his elementary school years. As a senior in high school, he felt he had gone to school too long. It was difficult for us to get him to finish high school.

**Chairman Thompson:**

Thank you so much. I am going to have to ask you to stop at this time, and you can leave your statement, which we really appreciate that you took the time to do. [The witness submitted prepared text that included additional testimony ([Exhibit T](#)).]

**John Wagner, Carson City Vice Chairman, Independent American Party of Nevada:**

I have two main concerns. One of them is the mandatory five years of age requirement. I know some children are ready at four years old to go into kindergarten, but some may not be ready until they are six years old. A mandate to attend school at that age could destroy them as far as learning in the future. They are sitting there, they do not want to be there, and they hate school the rest of their lives. I do not believe five years of age is a good age.

My second area of concern is the finances. We know that Washoe County School District (WCSD) is \$30 million in the hole. How are they going to do this? What should happen in WCSD is replace the superintendent and the entire school board and get people in there that are competent to run it. Where are they going to get the money? They are building a new high school and they probably do not have the money to put teachers in that school. Where is the money going to come from for this other project?

**Chairman Thompson:**

With all due respect, Mr. Wagner, we are a policy committee, so if we think that the policy is right, that is what our task is. Of course, you know that we have our finance committee. I appreciate your testimony. I just wanted to share with you that we do not discuss the money.

**Assemblyman Elliot T. Anderson:**

I am having trouble with the word "condemn." I am hoping you can help me understand why getting children more education is condemning them. Quite frankly, sitting in court day after day, listening to people tell a judge that they were not able to finish high school—I think we are condemning them by not getting them the education and resources that they need early. Condemning them to prison, to the Department of Corrections, that to me is what condemning is. I was hoping you could help me understand because I am completely flummoxed by the use of that word. I am looking for more perspective on why that is condemning someone.

**Angela Freeman:**

I completely understand when you talk about failure in school leading—not to sound dramatic—to a life of crime. It is not the education that I am worried about. I am all for the education. My older children started school at five years old and they did fine. They flourished in school. I used to scoff at Read by Grade 3. My daughters were devouring chapter books in the first grade and I thought that if you could not read by third grade, maybe you just had not had the correct instruction. Now I see the damage that has been done by trying to force my younger son to be in school before he was developmentally ready. Rather than him having an experience where he was able to be successful, what I have is a child who does not want to have that experience. He sees himself as a failure.

I would be concerned that if we start too early, then we are setting on exactly the path that you are seeing when students experience failure. That is what leads some to reject education. Maybe they want to drop out at that point. I would imagine that most of the people you see, if they were given the right opportunities, could probably have had an education. Many of them did not receive the opportunities. I do not want to deny anyone the opportunity and, as Assemblywoman Diaz mentioned, 95 percent of parents of five-year-olds are sending them to kindergarten. For everyone who wants that opportunity, it is there. They can do it and I expect most people will continue to send their children to kindergarten.

What I am concerned with is parents not having the opportunity to make the right choice for their child. Maybe they have determined it might be better if they waited a year. Assemblyman Edwards talked about the differences between boys and girls as far as maturity levels. Well, that is obviously not true for every single person, but it is something we see commonly. If you do not have that opportunity to wait, then you really do not have a choice in making the decision for your child.

**Assemblyman Fumo:**

I did receive a lot of emails from constituents and it caused me to do some research on my own. What I learned is that study after study shows that earlier education helps the child with the return on investment (ROI), and less crime because it gives them those opportunities. Do you have any studies that you have looked at that show the opposite—that shows that sending a child to school earlier will hurt them either socially or in their future education?

**Theresa DeGraffenreid:**

I do not have the studies. I did note that in the states of Georgia and Oklahoma, with Georgia having universal pre-K since 1992 and Oklahoma since 1998, that the fourth grade reading scores in both states seem to roughly mirror the national average.

**Assemblyman Fumo:**

You can choose to homeschool your children. Does that give you any comfort with this? If you had a child that you knew was not ready, you could say you wanted to keep your child home and homeschool them until they are ready to go to school at seven years old.

**Angela Freeman:**

My concern as a homeschool parent is that we are not exempted from educating our children. As you can tell from my story, starting too early was a problem even as a homeschool parent. What we do when we wish to homeschool is to file a notice of intent with our home district and we provide, to the district, an educational plan. I would provide all of the information for which subjects I was planning to teach for the year. As a homeschool parent, I am concerned that if parents feel that the only way to not send their children to school at age five if they are not developmentally ready, is to opt out. We are expected to maintain standards of education as homeschool parents. Even if we do not send our children to a brick-and-mortar school building, we would still need to file all of that same paperwork. It would not excuse us, and it would not allow us to delay education if we felt like that was the best choice for our children.

**Chairman Thompson:**

I will go to Las Vegas for opposition to A.B. 186.

**Elissa Wahl, Chairwoman, Nevada Homeschool Network:**

I am one of the founders of Nevada Homeschool Network and I am currently the Chair. I want to take a couple of minutes outside of my personal testimony to address some of the questions regarding homeschooling.

**Chairman Thompson:**

I would like for you to speak to your testimony.

**Elissa Wahl:**

Nevada Homeschool Network did submit a letter ([Exhibit U](#)) which you can all read. Our basic premise is that parents need to be the ones to decide whether their children enter school. I have some facts for you that have not been mentioned. There are currently nine states that have compulsory education at five years of age. We all know that Nevada is forty-eighth in the nation for education. I am not sure advancing a preschool agenda is going to really advance our children educationally. Again, it is an unfunded bill. The biggest sticking point is that this is not voluntary. To take away the ability for a parent to decide when the child goes to school is not fair and it strips and erodes our parental rights.

Both of my parents were public school teachers. My dad taught for 33 years. My parents waited nine years into their marriage to have me. I was born in November and they decided when I was young, not to put me in kindergarten at age five. I would have been a young five. They were those professionals that you keep mentioning, and they chose that path for me, to wait for me to enter kindergarten and to be a little older. They knew what was right for me, and they chose that. There are forty-one other states that do not require five-year-olds to enter school. I will respectfully ask you not to erode parental rights by making compulsory education at the age of five.

**Jessica Kattau, Private Citizen, Las Vegas, Nevada:**

I would like to quote from an article in the Stanford Review regarding a study by Hans Henrik Sievertsen from the Danish National Centre for Social Research and Thomas Dee, a professor at Stanford University. Dee said, "We found that delaying kindergarten for one year reduced inattention and hyperactivity by 73 percent for an average child at age 11, and it virtually eliminated the probability that an average child at that age would have an 'abnormal' or higher-than-normal rating for the inattentive-hyperactive behavioral measure."

On page 4, line 33, of Assembly Bill 186, you have changed the word "may" to the word "must." The word "may" is a powerful word. By changing it to "must," you are limiting diversity of thought. You are saying there is only one way to accomplish your goal. This bill changes the age of compulsory education from seven to five years old. Parents choose to hold their children back for various reasons. Maybe the child was born prematurely and they do not feel the child is ready at that age for formal schooling. My children were not ready.

Other studies out of Finland have shown that by delaying until children are older, you reduce the instances of attention deficit disorder (ADD). Regardless of whether you agree with the study or not, mandating that children begin school at age five does not help them. Saying children "may" attend school is a much more logical solution. It is offering a service, without taking control away from the parents. You should change the wording of this bill to reflect that. Thank you.

**Assemblyman Elliot T. Anderson:**

Ms. Wahl, you really got me thinking in talking about choice. There is obviously a strong ideological difference between some of us and yourself in talking about parental choice. I am curious about the bounds of how far you think that should go. Right now, the way I understand Nevada law, and please correct me if I am wrong, is that at seven years old, we force children to go to school. Is that infringing on people's liberty as well? Should we just say that you do not have to go to school because of your freedom?

If you want to quibble about the age, that is one thing, but we have a compulsory education system. We do not give people that choice because when people are not educated, they get into trouble. We all get to live with the consequences. We get to spend money on prisons and we get to provide for law enforcement officers. Please help me understand this and tell me, at what point does it become okay to force kids to get an education? By all means, if people do not like education at five years old, there is a requirement under existing law that says the school district would require you to have a certain plan for your five-year-old if you had to homeschool. When do you think it becomes okay for the government to force parents to teach their children against their will?

**Elissa Wahl:**

It is an ideological conversation. In an ideal world, all parents would love their children. All parents would educate their children as the professionals that you all seem to feel are the only people fit to educate their children. I would rather see an ideological world where parents play that primary role, parents are the first and best educators, and the government is more limited. Again, we are talking ideologically. There is not a real-world scenario where we are going to strike down compulsory education. It is never going to happen. All we can do is say that parents should be the best and first place where the children learn. Some of us do believe that and some of us do not want that choice taken away. Please allow it to be a choice, not a mandate.

**Assemblyman Elliot T. Anderson:**

You would support getting rid of compulsory education. Do I understand you right?

**Elissa Wahl:**

In that ideological world where every parent loves their children, and every parent has the resources and the community support to do so, but that is not the real world. No. Right now, today, we cannot strike down compulsory education. There is a place for it. I do not want every parent using the homeschool law because their child is dropping out. I do not want every parent using the homeschool law because their child is not ready at age five. I do not want them using it because the charter school will not let them in and they are not going to their local school.

**Assemblyman Fumo:**

Can you provide the Committee with the Finnish study? When I looked it up while doing my research, the Finnish school system said they have preschool at four and five years old and mandatory preschool at six years old. If you have a different study, I would like to see it.



**Jessica Kattau:**

I was quoting from the Stanford release and it has been submitted to you by Elissa Wahl ([Exhibit V](#)) and is on the Nevada Electronic Legislative Information System (NELIS).

**Chairman Thompson:**

We will come to Carson City for those who are in opposition to A.B. 186 and then go back to Las Vegas.

**Barbara K. Dragon, representing Nevada Homeschool Network; Home School Legal Defense Association; and ParentalRights.org:**

I am a nonpaid lobbyist for Nevada Homeschool Network, Nevada members of the Home School Legal Defense Association, and for ParentalRights.org. I have a personal testimony. Ms. Wahl addressed the Nevada Homeschool Network document and there were many questions that you asked that are in that document ([Exhibit U](#)) as to why we believe parents should have the final decision of when their children start school.

I will read my personal testimony ([Exhibit W](#)) as both a nonpaid lobbyist for families and a grandmother to ask you to vote no on Assembly Bill 186 as written. I have spent the last 27 years advocating for the right of parents to direct the education of their children free from government control via homeschooling. Assembly Bill 186 seeks to lower compulsory attendance age for school attendance from seven years old to five years old, mandates kindergarten for all children, and requires prekindergarten to be provided in all public schools. Lowering the compulsory attendance age limits freedom of parents' rights to direct the education of their children.

Parents should decide when their children are ready to attend school, not legislators who mean well but cannot possibly know what is best for all children. Only a child's parent can do that. Lowering the compulsory attendance age from seven to five years will force parents to enroll their children in a public or private school, or homeschool them even if they have determined that their child is not ready for formal education. This bill mandates kindergarten for all children which may not necessarily be in the best interest of all children. Further, studies have shown that delaying enrollment benefits children. It does not necessarily harm them.

My husband and I homeschooled all three of our children beginning at age seven as required by law. Our sons graduated from the University of Nevada, Reno (UNR) by age 22 or younger. I am asking you to amend the bill back to seven years old.

**Maggie England, Private Citizen, Reno, Nevada:**

I am a product of the public education system and my husband was homeschooled. I have friends and family members who are teachers in our school district so I am not a one-size-fits-all or the-parents-know-best-in-all-situations; I do not believe that there should not be any sort of mandatory education. However, our children have access to

kindergarten all day by age five. There is no need to mandate it at five years old. They all have access already. This is only restricting parental rights over their children. I do not think that is the place of the government. There is no need for that in this bill.

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

I also have a college degree in child development which has been my passion for my adult life. Putting children in school later helps them succeed. A University of California, Santa Barbara study by researchers Kathy Bedard and Elizabeth Dhuey found that grade-schoolers who are among the oldest in their class have a distinct competitive learning edge over the youngest children in their grade, scoring 4 to 12 percent higher on standardized math and science tests. Also, in high school, students who were among the oldest in their class were nearly 12 percent more likely to enroll in college or university.

I was blessed that my mother kept me out of school and I went to school a year late and always had great success.

Dr. Raymond Moore wrote the book, *School Can Wait*, which covered 6,000 studies that showed that going to school later led to the success of children, including academics, leadership, resisting peer pressure, and general success in life. We believe that the option should be available and that more children could succeed if they were in school later when their brains lateralized and they were developmentally ready.

This is especially difficult for boys. Boys lag behind developmentally so when you force them into school early, they become behavior problems and can go into a failure syndrome. In addition to these concerns about changing the age at which children are forced into school, we are also concerned about the four-year-old pre-K because we oppose the unfunded mandate, the cost to taxpayers, the cost of more teachers in the classroom, and more classrooms.

The National Education Association resolution, B-1, from 2014-2015, states that they support "early education programs in the public schools for children from birth through age eight." Our concern continues as we oppose this philosophy. We think parents are the best to educate their children and need to be free to make those decisions. We oppose this bill. [([Exhibit X](#)) was submitted and is included as an exhibit for the meeting.]

**Chairman Thompson:**

I have a question for you. Could you please cite for me where you are saying—because I am really amazed with that statement—that forcing boys to go to school earlier produces behavioral problems? Can you expound upon that and please give me some type of citation for that?

**Janine Hansen:**

I did not bring those citations with me. I will look some up. From my experience and my long study on these issues, boys lag behind developmentally, and if they are forced to go to school earlier when they are not ready, they have problems and they are put in

remedial classes. This causes behavioral problems with boys because it is hard for them to sit still. My dad used to say that boys have 1,000 muscles to wiggle with, and one to sit still and that one gets tired real fast. I had four brothers and I am familiar with that idea. I will get some information for you, as well as a copy of the book, *School Can Wait*. I will provide information for the Committee.

**Assemblyman McCurdy:**

I respect everyone's comments and their concerns, but this is voluntary. You do not have to. I would say that it is better for us to invest our dollars early with our children than to invest the money later in prisons. It has been seen that the school-to-prison pipeline is real. If we can start earlier with making sure that everyone has an opportunity—this is just an opportunity—to a quality education, then we will be able to be successful as a society.

**Chairman Thompson:**

We will go to Las Vegas for opposition to A.B. 186.

**Sarah Larrabee, Private Citizen, Las Vegas, Nevada:**

I am from District No. 29 and I am opposed to Assembly Bill 186 for the following reasons. Regarding section 1, removing the current language from the *Nevada Revised Statutes* (NRS), removes local community control without regard to those local communities' needs. The change mandating that the Board of Trustees establish, equip, and maintain a prekindergarten program is going to have an impact on the local communities and will most likely affect other programs offered in the schools. Lowering the compulsory age to five assumes that all five-year-olds have the same mental, physical, and emotional stages of development without regard to the child's individual needs or best interest. Overall, mandating a prekindergarten program is going to have a big financial impact on those local communities and schools. Furthermore, there are already existing programs for early education and we have previously heard from the representatives from both sides. Not to mention, there are the countless private institutions that offer early education. For low-income, at-risk, and disadvantaged families, there are not only scholarships to these programs, but there is assistance available as well. In Las Vegas, we have the Las Vegas Urban League, and the Division of Welfare and Supportive Services (DWSS) offers childcare assistance in which my children participated when they were four and five years old. Making the change does not foster community outreach and development; it encourages a one-size-fits-all educational mandate when children are clearly not the same. I ask that you change the language back to the age of seven years old, and encourage more community outreach within the local communities at that level.

**Jessica Lagor, Private Citizen, Las Vegas, Nevada:**

First, I would like to quote the definition of "compulsory." It means required by law or a rule, obligatory. Compulsory and optional are mutually exclusive.

Currently, all children have the right to education. In Nevada, I can already send my four-and-a-half-year-old to school if I want. This bill is taking away my parental rights. I do not give birth so that the state can have children. This bill is taking parents out of

the picture. As a homeschool parent, I do not want to see parents filing as a homeschooler, using that term to mean "loophole in the law." Homeschoolers who are truly homeschooling their children do not want to have that reputation.

Aside from rights, let us talk about responsibility. It is not the job of the state to socialize my children. My three children, who have never seen the inside of a school building, are not lacking in social skills. I accept and assume the responsibility to teach my children basic life skills. It is not the job of the law to accomplish this for me. Trying to fit all children into one box is absolutely unfair. As a mother in childbearing years, I am also completely against state involvement in prenatal and birth rights, so seeing prenatal and birth at an Assembly meeting is pretty worrisome for me.

The problem we are seeing is poor results with our system. Forcing children into the same system earlier and earlier is not the answer. Mandating anything for a five-year-old is not the answer. Albert Einstein is credited for saying the definition of insanity is doing the same thing over and over again, but expecting different results. In this instance, we can say doing the same thing earlier and earlier.

**Chairman Thompson:**

I would like to know definitively how many more there are in Las Vegas who wish to testify. Can you please count how many more opposition testimonies? We will come to Carson City for now.

**Lynn Chapman, State Vice President, Nevada Eagle Forum:**

I want to start off by saying that preschool is not what the taxpayers signed up for. We pay a lot for our schools in this state, and adding more burden on us is not a good idea. I actually homeschooled my daughter all the way through high school and I started off by sitting down and reading with her. I should think it would be cheaper to buy books and give them to parents, encouraging the parents to sit and read with their children. Even better yet, they can go to the library; it is free.

The Yale Child Study Center partially supported by the Foundation for Child Development released a study on high expulsion rate of poorly behaved three- and four-year-olds from preschool programs. It was led by the Yale Child Study Center researcher, Walter S. Gilliam. He said that the study found that although rates of expulsion vary widely among the 40 states funding prekindergarten, state expulsion rates for prekindergartners exceeded those in K-12 classes in all but 3 states. He also said that no one wants to hear about three- and four-year-olds being expelled from preschool, but it happens rather frequently. The study found that four-year-olds were expelled at a rate of about one-and-a-half times greater than three-year-olds. Boys were expelled at a rate of over four-and-a-half times that of girls. Why would that happen? It is because toddlers' brains are less well developed and their inhibitions against violence, in particular, were just not wired up yet. He noted that the part of the brain that inhibits risky behavior does not fully develop until after age 25.

**William P. Tarbell, Private Citizen, Sparks, Nevada:**

I have had decades of working with youth and children. I would like to ask a couple of questions. What age are we finally going to settle on as a mandate for education? We are looking at moving it to five years old from seven years old. Will we be moving to four or three as a mandate? We are mandating that school districts put together a preschool. Will we also then be looking at mandating children at a younger age attend those preschools? I think that is what a lot of people are afraid of. It is the fear that the state will find itself intervening at a younger and younger age in the development and learning of our children.

I am also unclear about the object of early childhood education. I have heard a lot of statements to the effect that it is a blessing—really great. Are we trying to impart information? Is it primarily socialization? Are we trying to develop performance skills of some kind? I am not sure, when you make broad statements about the value of early childhood education—it is not clear to me, in specifics—what those values are.

**Karen England, Executive Director, Nevada Family Alliance:**

I would just like to clarify a couple of things. I am coming from the position of a mother of four, grandmother of three, and a foster mom to several children. I understand that not all children are the same. I understand that there are different needs for different children. We are also very active in Pathfinders Children's Ministry in Sparks, who are kind of the forgotten kids whose parents are not involved at all. I understand there are some parents who are unengaged, but the question has come up about it being voluntary. Here is where it becomes involuntary. Those parents who are engaged with their children from the ages of five to seven—seven is where the law is now—who want to keep their children home for reasons you have heard earlier, are being forced to do one of two things; falsify a record and become a homeschooler for their child at the age of five, providing lesson plans and all of the documentation; or, if they are not falsifying the record, forcing them to do what they genuinely believe is wrong for their five-year-old child developmentally.

In all honesty, if any of you have children or no children, our children are all different. Their social needs, their emotional needs, their educational needs, and their medical needs are all different. My three grandchildren could not be more different. The idea, at the age of five, while we have compulsory education at seven, is putting parents who are very engaged in their children's lives in a really tough position to either become homeschoolers, even though they believe it is bad for their children. I just do not feel the government should do that.

**Chairman Thompson:**

I want to go back to Dr. Tarbell. Normally we do not respond back, but he asked a question about our state's values. I would welcome anyone who is listening to go to our Department of Education website. It states the vision, the mission, state educational goals, and strategic priorities. I think that gives a good foundation for what we, as a body, and we, as a state, are looking to as far as education is concerned.

**Jessi Bridges, Private Citizen, Las Vegas, Nevada:**

I am the mother of four children, ages 6, 4, 2, and 11 months. I am here today in opposition to Assembly Bill 186. Current Nevada law states that a child who is five years of age on or before September 30 of a school year may be admitted to kindergarten. My question, and the reason I am here today is that, after listening to the testimony and all of the legislators' comments, I do not understand. Education is available to all children, ages five and up, as clearly stated in the current provision, so why are we talking about making it compulsory and why are we mandating it if it is already available? This bill will usurp parental autonomy and strip a parent's rights to determine what is best for each individual child. I know what is best for my child. It would be a financial burden to some families and the state. As worded, it goes against much of the academic research and empirical evidence that states early education has no long-term benefits educationally, socially, or emotionally, and that in some cases, it can be detrimental. Again, my question is why are we talking about making it compulsory? Why make it mandatory? Why not leave the choice up to the parents?

I also want to note that I oppose the provision that would require all elementary schools create a preschool for children five years of age when, again, much of the academic research is against formal early education. It would impose a financial burden on the taxpayers.

One more note on that personally. My husband is a substitute teacher for Clark County School District. There are nights when he sometimes receives 10 to 15 phone calls because they are in desperate need of teachers for the next day. His voice mailbox filled up completely during the first week of teaching. Adding more classrooms would further exacerbate this problem. There is already a huge demand for teachers and we have struggled to fill those spots as it is. Our children deserve better than that and so do our teachers. I oppose A.B. 186 because education is already available to children in Nevada at ages five and up.

**Cassia Lopez, Private Citizen, Las Vegas, Nevada:**

I am testifying against this bill and in order to avoid repetition I want to say "Ditto" to everyone who has been here and has spoken against A.B. 186. Many of the personal testimonies that have been shared also apply to myself. My daughter is still young and I want to be able to make these decisions for her education when the time comes. I know that the legislators want answers as to why we have low test scores, but there is not a one—size-fits-all answer. I would urge them to look towards, not other states who are also low scoring, but to other countries that are at the top, like Singapore, Hong Kong, Finland, and South Korea, who all range between six and eight years old for the compulsory ages.

That does not mean that younger children do not go to school. They have the option, but the compulsory ages are six, seven, and eight years old. Please, I would urge you to instead focus our resources on quality education rather than quantity of years in education.

**Asher Hall, Private Citizen, Las Vegas, Nevada:**

I am a product of the Clark County School District (CCSD) public education system. I have no studies to quote, only my first-hand experience. I have seen what Assemblyman Anderson is describing in the education system, which is failure leading to crime. I have known the users of controlled substances all throughout my high school career. It is quite common especially where I recently attended. I have noticed something else as well. Several of them repeated kindergarten and early grades due to the lack of success in those grades. This is also reflected in their performance in high school classes. My peers suffered due to an early start, and I, along with several others who never received early education, thrived. With this in mind, I ask you to vote no on A.B. 186.

**Magdalena Alvarez, Private Citizen, Las Vegas, Nevada:**

I am a homeschooler here in Nevada and I care very much about education in this state. When my daughter, Evelyn, was five years old, she was a bright, active girl who pretty much ran circles around me. I remember pretty clearly my attempts to begin formal schooling with this child. Her older sister had learned to read and do basic math at five, so I assumed Evelyn would be ready too, but our school sessions usually ended with both of us in frustrated tears and I quickly realized that she was just not ready. She could not wrap her mind around adding anything and she had no interest in sounding out letters. I was very fortunate to have wise mentors to help us along in our homeschooling journey. They knew and loved Evie, and assured me it would be fine to wait until she was ready for formal education. They reminded me that the compulsory education age in Nevada is seven years old. This was a great relief to me. I felt no pressure to hurry her along in those areas that caused her so much anxiety. Perhaps, most importantly for all of us, she could use that time to take naps.

For the next two years, Evie played hard. Finally, at age seven, I saw a change in her and I thought, "I think she is finally ready." I sat her down at the kitchen table and that child learned to read in one month. She zoomed ahead to second-grade math in one year. I used a free curriculum available online. I would like to note that I have no formal education and I am not a professional educator in any way.

Evie will be graduating this year. She excels at many things, but she shines especially as a reader and writer. She crafted an excellent term paper and is writing her own novel. She has a high-paying job and, thankfully, she has learned to socialize in ways that no longer embarrass us. She has learned how to push herself when needed and she has learned how to pace herself when needed, which is a lesson I think she learned early on from us when we chose to hold her back.

I am deeply grateful that I did not feel pressured to teach her when she was a tender little thing and she was not ready, and that Nevada recognized the right of parents to choose when a child is ready for formal education. I urge you to vote no on A.B. 186.

**Chairman Thompson:**

At this time, we will close out the opposition for Assembly Bill 186 and we will go to neutral.

**Brett Barley, Deputy Superintendent for Student Achievement, Department of Education:**

Thank you to the author for bringing this bill forward. It is an important conversation for all of us to have. We know that opportunity gaps manifest themselves with our students here in Nevada as soon as they begin school. They arrive with deficits that need to be addressed and we know that whether it is the Heckman research, the HighScope Perry Preschool Study Through Age 40, the Abecedarian Project, there is a wealth of knowledge out there that suggests that high-quality, early childhood education can make a difference for children. That is why I think the Nevada Legislature has been investing more and more in early childhood education over the past several years; not just with the implementation of full-day kindergarten, but with, as you heard earlier, the preschool development grant. Nevada was one of a handful of states to be able to pull that in. That is a \$66 million endeavor over a four-year period—\$44 million coming from the government, and \$22 million being raised and generated with a match right here in Nevada.

I want to make sure we are crystal clear about the benefits that we see with early childhood education. That is why it is in the Department of Education's strategic plan. That is why we have goals around increasing access and quality. There are also challenges as we try to ramp up this program through the federal preschool development grant. We heard earlier about space limitations, difficulty finding highly-qualified teachers to fill those classrooms, and the requirements that a high-quality program has in being a full-day program with low ratios so that there can be a 10 to 1 student and adult engagement. The Department really looks forward to continuing to work with the author on this bill and continuing this conversation. Patti Oya is still here, so if there are any remaining questions from or for the Department that we could be helpful in answering, we would be happy to do that.

**Ed Gonzalez, Lobbyist and Policy Analyst, Clark County Education Association:**

We are testifying neutral on this bill. We do appreciate Assemblywoman Diaz bringing up this conversation. This is an important conversation to have. Our reservations, obviously, are the fiscal note, and especially the space for a pre-K program in Clark County School District. However, the one thing I do appreciate from Assemblywoman Diaz is that she is very consistent on her bills. She understands that the education system that we have in Nevada is leaving children behind; whether it is this bill or the weighted funding formula where we are leaving behind 150,000 children who are English language learners (ELL) or children in poverty, she is pretty consistent about that and we appreciate that because we do need to address those issues and keep the momentum from last session. Once again, we do appreciate working with her when we can on any of these bills and I appreciate her bringing forth this conversation.



**Mary Pierczynski, representing Nevada Association of School Superintendents;  
and Nevada Association of School Administrators:**

We are neutral on the bill. I know this is not a money committee, so I will just address the timeline in the bill that would make this very difficult for us to carry out at this point. We do want to thank Assemblywoman Diaz for starting this conversation. I remember in 2003 with the first iVEST document, we started talking about full-day kindergarten. Everyone thought it was impossible, but we worked through it and I think our children are benefiting from it today. This is a great start to a very, very important conversation and we are here to participate in that conversation. Thank you.

**Peggy Lear Bowen, Private Citizen, Reno, Nevada:**

I am a former member of the State Board of Education—three terms, twelve years—and we did the Success by 6 program. The biggest argument we faced over the years was a fiscal problem, and that fiscal problem was that nobody wanted to pay for the bus ride. You either came to kindergarten with your parents, or you went home from kindergarten with your parents depending on if you were morning or afternoon kindergarten.

I want to talk to you about the mandate. The mandate is most important because of what it triggers. I am talking in a neutral way, just as the facts related then, and the facts are these. You have to have safe public facilities for the children to be in an educational setting. If the mandate does not exist, the facilities do not have to be built, and there does not have to be a mandatory class size. I have visited kindergartens that had more than 42 children in them because it was not mandated at the time. Once it is mandated, then class size comes into play, fairness comes into play, supplies and materials come into play. You are saying you "may" come to preschool; you are not saying line up and get on the bus. You are saying that we have it here for you if you would like to participate; it will be of equal and comparable quality throughout your district; and it cuts across race, economics, gender, and all of the discriminatories. What it does is give a child a setting in which they have an ability to get information that is not available at home because they cannot afford it at home. Thank you for all of your hard efforts and for making education in the state of Nevada for all children.

**Assemblyman Pickard:**

Since I am kind of new to the early education piece of this, I am trying to do my homework. You mentioned some studies. Would you be willing to send us links to the studies so we can do our homework and make an educated decision on this?

**Brett Barley:**

Assemblywoman Diaz asked me that as soon as I sat down and I was looking for them on my phone when you asked. They will be in your inbox shortly ([Exhibit Y](#)).

**Chairman Thompson:**

Is there anyone neutral in Las Vegas for Assembly Bill 186? [There was no one.]

**Assemblywoman Diaz:**

I appreciate your time and your indulgence. My heart is in the right place. I want to make sure that all children are on the path to being successful and that they have the best opportunity from the get-go. I know there are many, many of our children who do not have the opportunities that they need to thrive. I just want to make sure that we are not losing sight of that fact and that we are expanding our access, especially to the communities that have the most need. I think that if we address that as a state, we will not see ourselves continually in the fiftieth place for education. I want to see a day where, in Nevada, we can hold our heads high, say we have kept kids at the center of our work, and we are number 15.

**Chairman Thompson:**

We will close the hearing on Assembly Bill 186.

[([Exhibit Z](#)) was submitted for the record but not discussed.]

We do have a bill draft request (BDR) that requires Committee introduction.

**BDR 34-988**—Revises provisions relating to the subject area of reading. (Later introduced as [Assembly Bill 409](#).)

I would like to remind everyone that a vote to introduce this bill draft request (BDR) does not imply support of its content. It is just allowing the Committee to vote to introduce it into the BDR system. With that said, I will accept a motion to introduce BDR 34-988.

ASSEMBLYWOMAN DIAZ MADE A MOTION FOR COMMITTEE  
INTRODUCTION OF BILL DRAFT REQUEST 34-988.

ASSEMBLYMAN FUMO SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN WOODBURY WAS  
ABSENT FOR THE VOTE.)

**Chairman Thompson:**

If there is anyone who has public comment today, please come forth.

**Brad Keating, Legislative Representative, Community and Government Relations,  
Clark County School District:**

I have some good news today. What I would like to quickly talk about is something happening at Rancho High School. Rancho High School participates, as many of the schools do in Clark County, in HOSA-Future Health Professionals (Health Occupations Students of America). Those students learn about different health skills and different working skills in the area of medicine. They have a magnet academy at Rancho High School. They do premedical partnerships. There was a state HOSA tournament and we just found out about

two hours ago that Rancho High School placed first in emergency medical technician (EMT), medical map, extemporaneous health poster, the HOSA Bowl, and public health. We are proud not only of Rancho High School, but of all our schools that participated today.

**Assemblywoman Diaz:**

Thank you, Mr. Keating, for highlighting the excellence that is happening in Rancho High School, my alma mater, and that I have the distinct honor of representing as an Assemblywoman.

**Brad Keating:**

Go Rams.

**Bret Scoggin, Private Citizen, Reno, Nevada:**

I do not get out of my school very often. I am the only administrator with a 300 student K-8, so I am taking a shot, because I do not know when, or if, I will get back again.

I am talking about Senate Bill 359. That is, as everyone refers to it, the Educational Savings Account (ESA). I know this is a hot topic and we are going to be talking about this later, but I would like to cover it quickly.

From what I understand, it basically comes down to five main objections and I wanted a chance to refute some of those objections ([Exhibit AA](#)).

The first thing is Nevada parents love their children desperately and they just want to be able to do what is best for them. People often say that the funding for S.B. 359 will not be enough. It is. They often talk about the most expensive schools. It costs \$4,000 per year to attend my school. That is well covered by that bill and that will give your child a K-8 education every year.

Second, families seeking ESA are just rich. Rich families do not need the ESA. Frankly, if you are worried that it is just a rich kid's and family's game, then pass this bill. Now money is not a barrier to access. All children can go. I have 30 spots in my school where I would like to have a child in that seat.

Third, private schools have lower educational standards: wrong. We are going through accreditation this year. I have been through public education accreditation, and I have been through Catholic school accreditation. Catholic school accreditation is intense—as intense as public school, if not more. Maybe it is just because I have to do a lot of it. The teachers are highly involved, we are accredited, and all of our teachers are certified. We have adopted the common core standards just like you have.

I just put together numbers four and five. Private schools do not have special programs to serve students with special needs: wrong. We have Individualized Education Programs (IEP), 504s, and we get assistance from Washoe County School District. We have children

who are on the autism spectrum, and we have children with physical and mental disabilities and educational and academic disabilities. I just wanted to let you know that we can offer everything that a child needs. Thank you.

**John Eppolito, Private Citizen, Incline Village, Nevada:**

I am from Protect Nevadan Children. I have four children in the public schools. This is from an email that I sent you last Saturday regarding third-party student data mining. The Department of Education has decided to use Google Chrome books for its one-to-one initiative. Google has just been sued by the Attorney General of Mississippi over student privacy violations. The same thing that brought the Mississippi lawsuit happens here in Nevada. In 2016, *Education Week* wrote an article that Google acknowledges data mining of students and uses outside applications for education. From this article, it says this is the first time that Google has admitted that it is, in fact, spying on children in schools per Joel Reidenberg, a law professor at Fordham and Princeton Universities. If you read Google's G Suite privacy policy, you will learn that Google will also share children's personal information with others.

We, at Protect Nevadan Children, believe that Nevada parents have the right to know what Google and other third-party vendors do with our children's data, and who these third-party vendors share student data with.

Edmodo is another free third-party education vendor widely used in Nevada. The reason the vendors are free is because they are paid with student data. Edmodo tells us in their privacy policy that they employ other companies and people to perform tasks on our behalf and need to share our information with them to provide products or services to us. Do Nevada parents have a right to know? The profiles created on our students by these known and unknown third parties may be the most insidious aspects of all.

**Chairman Thompson:**

Is there anyone else with public comment? [There was no one.] Are there any additional comments or statements from the Committee? [There were none.] I want to thank you all for being engaged the whole time. I want to share what it is going to look like from this point on. Until April 14, we will most likely have longer meetings. Let us be ready for it. I will close our meeting today. We will meet again on Monday, March 27. The meeting is adjourned [at 6:38 p.m.].

RESPECTFULLY SUBMITTED:

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Sharon McCallen  
Committee Secretary

APPROVED BY:

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Assemblyman Tyrone Thompson, Chairman

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

## EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is the Work Session Document for [Assembly Bill 78](#), dated March 22, 2017, presented by Amelie Welden, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit D](#) is the Work Session Document for [Assembly Bill 139](#), dated March 22, 2017, presented by Amelie Welden, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit E](#) is a proposed amendment to [Assembly Bill 124](#), presented by Assemblywoman Olivia Diaz, Assembly District No. 11.

[Exhibit F](#) is a letter dated March 22, 2017, in support of [Assembly Bill 124](#), to Chairman Thompson and members of the Assembly Committee on Education, authored and presented by Theodore Small, Vice President, Clark County Education Association.

[Exhibit G](#) is a copy of a PowerPoint presentation titled "AB 124, Nevada Model Code of Education Ethics (NMCE<sup>2</sup>)," presented by Troy Hutchings, Research Chair, Center for Professional Responsibility in Education, University of Phoenix.

[Exhibit H](#) is a document titled "Overview Model Code of Ethics for Educators," presented by Dena Durish, Deputy Superintendent, Division of Educator Effectiveness and Family Engagement, Department of Education.

[Exhibit I](#) is a copy of a PowerPoint presentation titled "AB 186, Early Childhood Education, A Great Investment in Nevada's Future," presented by Assemblywoman Olivia Diaz, Assembly District No. 11.

[Exhibit J](#) is a document titled "50-State Review," by the Education Commission of the States, dated January 2017, presented by Assemblywoman Olivia Diaz, Assembly District No. 11.

[Exhibit K](#) is a document titled "K-3 Policymakers' Guide to Action: Making the early years count," dated November 2016, presented by Assemblywoman Olivia Diaz, Assembly District No. 11.

[Exhibit L](#) is a document titled "Early Childhood Education: What the Empirical Studies Show," by the Home School Legal Defense Association Advocates for Homeschooling, dated February 28, 2017, presented by Assemblywoman Olivia Diaz, Assembly District No. 11.

[Exhibit M](#) is a document titled "Nevada 2016 Early Education & Care Fact Sheet," by The Children's Cabinet, presented by Assemblywoman Olivia Diaz, Assembly District No. 11.

[Exhibit N](#) is a document titled "Early Childhood Information from WCSD," submitted by Lindsay Anderson, Director, Government Affairs, Washoe County School District.

[Exhibit O](#) is written testimony in support of [Assembly Bill 186](#), dated March 22, 2017, submitted by Jared Busker, Policy Analyst, Children's Advocacy Alliance.

[Exhibit P](#) is a document titled "Nevada State Funded Pre-k Program: Closing the Achievement Gap and Building a Foundation for School Readiness and Success," presented by Jared Busker, Policy Analyst, Children's Advocacy Alliance.

[Exhibit Q](#) is a copy of a form regarding State of Nevada Notice of Intent to Homeschool, provided by Lindsay Anderson, Director, Government Affairs, Washoe County School District.

[Exhibit R](#) is a letter dated March 21, 2017, in support of [Assembly Bill 186](#), to Chairman Thompson and members of the Assembly Committee on Education, authored and presented by Sylvia Lazos, Policy Director, Educate Nevada Now.

[Exhibit S](#) is a statement dated March 22, 2017, in support of [Assembly Bill 186](#), presented by Ruben R. Murrillo, Jr., President, Nevada State Education Association.

[Exhibit T](#) is written testimony in opposition to [Assembly Bill 186](#), submitted by Theresa DeGraffenreid, Private Citizen, Carson City, Nevada.

[Exhibit U](#) is a letter in opposition to [Assembly Bill 186](#), from the Nevada Homeschool Network, dated March 21, 2017, to Chairman Thompson and members of the Assembly Committee on Education, submitted by Elissa Wahl, Chairwoman, and Matt Adler, Vice Chairman, Nevada Homeschool Network.

[Exhibit V](#) is a document regarding [Assembly Bill 186](#), provided by Elissa Wahl, Chairwoman, Nevada Homeschool Network.

[Exhibit W](#) is a letter to Chairman Thompson and members of the Assembly Committee on Education, authored and submitted by Barbara K. Dragon, representing Nevada Homeschool Network; Home School Legal Defense Association; and ParentalRights.org, dated March 21, 2017, in opposition to [Assembly Bill 186](#).

[Exhibit X](#) is written testimony presented by Janine Hansen, State President, Nevada Families for Freedom, and Lynn Chapman, State Vice President, Nevada Eagle Forum, in opposition to [Assembly Bill 186](#), dated March 22, 2017.

[Exhibit Y](#) is material regarding Assembly Bill 186, presented by Brett Barley, Deputy Superintendent for Student Achievement, Department of Education.

[Exhibit Z](#) is written testimony in support of Assembly Bill 186, submitted by Arlene Alvarez, Las Vegas Coordinator, Mi Familia Vota.

[Exhibit AA](#) is written testimony regarding Senate Bill 359, presented by Bret Scoggin, Private Citizen, Reno, Nevada.