

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

**Eighty-First Session
March 23, 2021**

The Committee on Education was called to order by Chair Shannon Bilbray-Axelrod at 1:32 p.m. on Tuesday, March 23, 2021, Online. 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/81st2021.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Shannon Bilbray-Axelrod, Chair
Assemblywoman Brittney Miller, Vice Chair
Assemblywoman Bea Duran
Assemblyman Edgar Flores
Assemblywoman Michelle Gorelow
Assemblywoman Alexis Hansen
Assemblywoman Melissa Hardy
Assemblywoman Lisa Krasner
Assemblywoman Elaine Marzola
Assemblyman Richard McArthur
Assemblywoman Rochelle T. Nguyen
Assemblywoman Jill Tolles
Assemblywoman Selena Torres

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Kristi Robusto, Committee Policy Analyst
Nick Christie, Committee Manager
Sarah Baker, Committee Secretary
Melissa Loomis, Committee Assistant



OTHERS PRESENT:

Jhone Ebert, Superintendent of Public Instruction, Department of Education
Paige Barnes, representing Nevada Association of School Boards
Lindsay Anderson, Director, Government Affairs, Washoe County School District
Mary Pierczynski, representing Nevada Association of School Superintendents
Christopher Daly, representing Nevada State Education Association
Brenda Pearson, representing Clark County Education Association
Kelly Venci Gonzalez, Team Chief, Education Advocacy Program, Legal Aid Center
of Southern Nevada
Sylvia R. Lazos, Private Citizen, Henderson, Nevada; and Member, Nevada
Immigrant Coalition
Cecia Alvarado, State Director, Mi Familia Vota
Jim Hoffman, Member, Legislative Committee, Nevada Attorneys for Criminal
Justice
Hawah Ahmad, representing Clark County Education Association
Gil Lopez, Director of Outreach and Mobilization, Charter School Association of
Nevada
Annette Dawson Owens, Policy Director, School Readiness, Children's Advocacy
Alliance
Bob DeRuse, Director, ACE High School
Leonardo Benavides, representing Clark County School District
Marie Neisess, President, Clark County Education Association
Felicia Ortiz, Private Citizen, Las Vegas, Nevada
Lisa Guzman, Assistant Executive Director, Nevada State Education Association
Kate Lawhorn, Private Citizen, Henderson, Nevada
Anthony Ruiz, representing Nevada State College
Yesenia Gonzales, Private Citizen, North Las Vegas, Nevada
Vida Lin, Founder and President, Asian Community Development Council
Jim Sullivan, representing Culinary Workers Union Local 226
Augusta Massey, President, Las Vegas Chapter of the National Bar Association
Mayra Salinas-Menjivar, Private Citizen, Las Vegas, Nevada
Valeria Gurr, State Director, Nevada School Choice Coalition
Luz Del Carmen Cota, Private Citizen, North Las Vegas, Nevada
Gioconda Silva, Private Citizen, Las Vegas, Nevada
Daria Baeza, Private Citizen, Las Vegas, Nevada
Janine Hansen, State President, Nevada Families for Freedom
Lynn Chapman, Treasurer, Independent American Party of Nevada
Susan Ruch, Private Citizen, Carson City, Nevada
Sarah Nick, Management Analyst, Legislative Liaison, Department of Education

Chair Bilbray-Axelrod:

[Roll was called. Committee rules and protocol were explained.] I will open the hearing for
Assembly Bill 67.

Assembly Bill 67: Revises provisions relating to education. (BDR 34-293)

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

I am here to present Assembly Bill 67, also known as our "Discipline Clarity" by the Department of Education. Assembly Bill 168 of the 80th Session chartered an ambitious vision for restorative practices in Nevada. This vision aligns with the Department of Education values of equity, access to quality, and inclusivity. We are proud to continue to lead this work for our state. This bill was prefiled by the Governor on behalf of the Department of Education to clarify the requirements of A.B. 168 of the 80th Session. However, this bill was truly filed on behalf of our students, who benefit from safe and respectful learning environments that provide restorative justice supports. The clarifying language will also support districts and schools in continuing to implement A.B. 168 of the 80th Session.

The proposed changes to law are intended to create definitions for suspension, expulsion, and permanent expulsion, which are in sections 15, 12, and 13 respectively; and make conforming changes to disaggregate data by suspension, expulsion, and permanent expulsion in sections 1 through 3. The proposed changes create unique discipline policies for pupils with disabilities in charter school applications per section 4, as well as conforming changes for charter schools in schools for profoundly gifted students in sections 5 through 8.

Section 9 makes conforming changes to eligibility for independent study. As we move forward, A.B. 67 also clarifies that a designee of a school board can be used in place of the school board in all instances of student-level discipline. Such hearings and proceedings are to be closed to the public, which is in the best interest of the student. This change is consistent with existing laws associated with hearings in a school district and can be found in section 23. Assembly Bill 67 also creates consistency for references to students with a disability in sections 4, 22, and 23.

Section 22 clarifies that only suspensions of three or more days can be used to determine whether or not a student has a record of habitual disciplinary problems. Section 23 provides language related to the age of a student in the simplest terms and clarifies that a student removed for more than one semester must seek educational services.

The Department of Education submitted a technical amendment [[Exhibit C](#)] to provide additional clarification for school district discipline hearings and proceedings as follows: We have proposed edits to sections 6, 8, 23, and 24, in that proceedings, such as hearings, would be closed to the public and that the school board may appoint a designee. These edits create consistency with all other revisions in the original draft of A.B. 67 that permit boards of trustees to authorize designees. This is in the best interest of students whose disciplinary matters should not be open to the public.

The technical amendment also proposes a change to section 15 to remove a gap in the definitions for suspension and expulsion. The amendment proposes "suspension" to mean the disciplinary removal of a pupil from a school in which they are currently enrolled for up to one semester. This updates state policy in accordance with the federal Individuals with Disabilities Education Act.

Finally, related to a pupil's age, section 24 responds to stakeholder requests for clarity regarding permanent expulsion of students younger than 11 years of age. Our proposed amendment in section 24 aligns with the originally drafted section 23, subsection 9, through which a school may request an exemption from a district board of trustees that would allow a school to permanently expel a student younger than 11 only in extraordinary circumstances.

With last session's A.B. 168 of the 80th Session and this bill, A.B. 67, I want to personally express my gratitude to all the superintendents and every educator who has worked over the last 18 months to refine and clarify many of the aspects that were in the original bill. There was a lot of discussion and time spent. With me today is Will Jensen, the Director of the Office of Inclusive Education; Christina McGill, the Director of the Office for a Safe and Respectful Learning Environment; Amber Reed and Dr. Jonathan Moore, who are amazing deputies; and our colleague in the south, Felicia Gonzales.

At this time, I would like to thank you all for hearing this bill, and listening to and seeing our conceptual amendments. We are now open to questions.

Chair Bilbray-Axelrod:

Are there any questions on A.B. 67?

Assemblywoman Hardy:

In section 24, which talks about being allowed to permanently expel someone under the age of 11, is there an example of what an extraordinary circumstance would be?

Jhone Ebert:

In those instances, we are talking about weapons, weapon use, drugs, and other things in that realm.

Chair Bilbray-Axelrod:

Seeing no further questions from members, I will open testimony in support of A.B. 67.

Paige Barnes, representing Nevada Association of School Boards:

The Nevada Association of School Boards is in support of A.B. 67. We appreciate the work the Department of Education has done over the interim and their collaboration with all school districts.

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

I would like to thank Superintendent Ebert and her team for working with our team extensively over the interim to clarify some of this language. In this case, ambiguity in the law creates inconsistency across schools, so these definitions are very important. Our team will take an opportunity to look over this amendment, but it appears that particularly the designee language is very helpful to make sure school districts can respond to these instances in a timely manner without having to wait for the board of trustees to get together. We are in support, and we are grateful to see this legislation coming forward.

Mary Pierczynski, representing Nevada Association of School Superintendents:

The Nevada Association of School Superintendents consists of all 17 superintendents in the state. We very much appreciate the work of the Department of Education, Superintendent Ebert, and her staff, and especially Sarah Nick, whom we worked with quite a bit on this particular bill. We appreciate the definitions, as Ms. Anderson noted, and we also appreciate the fact that the school boards can now appoint a designee when it comes to these hearings on suspensions or expulsions. That is very important to us. We are in support, and we thank everyone very much for working with us and hearing our concerns.

Christopher Daly, representing Nevada State Education Association:

The Nevada State Education Association (NSEA) has been the voice of Nevada educators for over 120 years. The NSEA believes in the principles of restorative justice, which proactively builds healthy relationships and a sense of community to prevent and address conflict and wrongdoing. We are in support of [A.B. 67](#), which makes important clarifications to Nevada's system of restorative justice.

The issue of student discipline continues to be one of the more vexing ones for all educators. During the 2017 Session, NSEA worked to improve Nevada's old system of progressive student discipline, and last session this was replaced with the restorative justice model. Unfortunately, school districts were not provided with the guidance and resources necessary to successfully implement the model, and student and educator safety has been compromised.

Every day, educators make students feel welcome in the classroom and at school sites; they utilize learning circles, conflict resolution, and mediation to deal with challenges and resolve conflict. However, this work is often independent of broader school culture. It is necessary for there to be proactive district and schoolwide plans to implement restorative practices that are seamlessly integrated into the classroom curriculum and culture of the school. This also means providing needed training to foster an environment where restorative justice systems can be successful. Restorative practices should extend throughout the school site and should engage all staff to create and maintain a safe, physical space, a supportive school climate, an engaging academic environment, and healthy relationships between students, peers, and staff.

The NSEA always takes a strong stance for the safety of educators. We look forward to continuing our work with the Department of Education on implementation of successful restorative justice practices. [Written testimony was also submitted, [Exhibit D.](#)]

Chair Bilbray-Axelrod:

Are there any other callers waiting to testify in support? [There were none.] Are there any callers waiting to testify in opposition to A.B. 67? [There were none.] Are there any callers waiting to testify as neutral?

Brenda Pearson, representing Clark County Education Association:

The Clark County Education Association (CCEA) is testifying in neutral on A.B. 67. I would like to thank this Committee for bringing the bill forward. This bill provides much-needed clarity to ensure our restorative practices are implemented.

The addition of definitions for expulsion, permanent expulsion, and suspension will pair very well with the additional requirements prescribed in Assembly Bill 194 and will help to standardize the approach to restorative justice across all 17 school districts. However, the designation to include pupils with disabilities in student disciplinary procedures may end up negatively impacting students more than intended.

This session, the Assembly and Senate Committees on Judiciary have heard many bills discussing the competency of a minor and whether that competency should be measured similarly to an adult. Much like that quandary, we must ask whether a child with a physical or intellectual disability should be treated similarly to any other child when we are already trying to change our approach to prevent recidivism. A successful implementation of A.B. 67, A.B. 194, and proceeding student discipline bills must be built upon a strong foundation of restorative practices. Today, there is little such foundation in Clark County, so movement from traditional behavior management to restorative practices must encompass robust supports, including ongoing training and coaching.

In short, a move to restorative practices requires both a change in the behavior of the educator and the student. The CCEA appreciates the intent of this bill, but we ask that the sponsors look at the significant publication materials on juvenile justice to ensure that these changes are something that will be standardized, unbiased, and easy for educators to adopt and students to understand. Most important, we ask this Committee to consider A.B. 194 as a need of the appeal process to ensure fairness and due process. Thank you again to the Committee for hearing this bill, and we look forward to continuing the restorative justice conversation as it pertains to education.

Chair Bilbray-Axelrod:

Are there any other callers wishing to testify in neutral? [There were none.] A question did come up during the testimony.

Assemblywoman Marzola:

My question relates to section 23 of the bill, lines 37 through 41. This section does not prohibit a pupil from having in his or her possession a knife or a firearm with the approval of the principal of the school. That shocked me. When would it be okay for a student to have a knife or a gun in his or her possession?

Jhone Ebert:

A principal may grant such approval only in accordance with the policies or regulations adopted by the board of trustees of that specific school district. Each school district would have their own determination of when that would be appropriate.

Assemblywoman Marzola:

Are you able to give me some examples of when it would be appropriate for a student to have a knife or gun in his or her possession?

Jhone Ebert:

We have Reserve Officers' Training Corps (ROTC) programs in schools across the state. That is one example I would offer.

Assemblywoman Marzola:

I am unfamiliar with the ROTC program. I know of it, but I have not been in it. Do the students bring the guns with them to school? Are the guns in a locker at school somewhere?

Jhone Ebert:

With ROTC, in those specific instances, there are competitions that the students participate in with a gun. In that instance, it would be appropriate. The students are doing it as part of the program they are participating in with the school district's permission.

Assemblywoman Marzola:

As far as a knife, would you be able to give me an example?

Jhone Ebert:

In those instances, a specific example would be in a culinary course. We have several successful programs across the state, as well as agriculture. Those programs are just two examples I will offer as appropriate for having a knife on campus.

Chair Bilbray-Axelrod:

Superintendent Ebert, do you have any closing remarks?

Jhone Ebert:

I cannot emphasize enough, since the initial signing of the bill [Assembly Bill 168 of the 80th Session], that we have worked very hard together to make this what is best for children. I believe we have achieved that.

Chair Bilbray-Axelrod:

I will close the hearing on Assembly Bill 67 and open the hearing for Assembly Bill 194. Assemblywoman Torres will be presenting the bill.

Assembly Bill 194: Revises provisions governing the suspension and expulsion of pupils. (BDR 34-176)

Assemblywoman Selena Torres, Assembly District No. 3:

This afternoon I am presenting Assembly Bill 194. Before I begin, I would like to provide a brief road map of today's presentation. First, I will provide some background information on this bill and why I am bringing it forward today. I will then pass the presentation over to Kelly Venci Gonzalez, Team Chief of the Education Advocacy Program with the Legal Aid Center of Southern Nevada, who will walk the Committee through this bill.

Throughout today's presentation, I will be referring to legislation as modified in the conceptual amendment [[Exhibit E](#)]. I want to note the conceptual amendment has been emailed to my colleagues on the Assembly Committee on Education and has already been posted on the Nevada Electronic Legislative Information System. I want to thank all the stakeholders who have reached out and collaborated with me over the last few months. We have had thoughtful conversations and have been able to find common ground. This is represented with the work done on this conceptual amendment.

I will begin by giving some background information. The *Brown v. Board of Education*, 347 U.S. 483 (1954) case states that education is perhaps the most important function of state and local government. It is with this mindset that I open the dialogue on A.B. 194. The genesis of this legislation was watching students and their families struggle to appeal the suspension and expulsion of their students. In the summer of 2020, thanks to the help of the amazing staff here at the Legislative Counsel Bureau, it became clear that the appeals process for Nevada school districts varied by an incredible amount. If students violate their school's code of conduct, the appeals process from one school district to another is nearly unrecognizable. This seemed unjust.

This body knows that students of color are disproportionately suspended and expelled from school. This is not unique to Nevada. Nonetheless, African-American students are significantly more likely to be suspended or expelled. This legislation does not resolve this issue, but works to ensure that students who are suspended and expelled from school are afforded due process, and that schools are required to plan for how it will implement restorative justice and train school staff and faculty.

Nonetheless, schools have the responsibility to provide students with this due process. Education is a right afforded to Nevadans. The U.S. Supreme Court case *Goss v. Lopez*, 419 U.S. 565 (1975) indicates that the right to a free and public education cannot be withdrawn on grounds of misconduct absent fundamentally fair procedures to determine whether the misconduct had occurred. Nevada students do not shed their constitutional rights at the doors of our schools. Education is a property and a liberty interest to our students.

School suspensions and expulsions have a lasting impact on our kids. It impacts their education, their likelihood of getting accepted into college, and may even impact them if they end up in the criminal justice system. Both *Goss* and *Brown* establish that students have due process under the Fourteenth Amendment no matter how arbitrary the incident. This legislative body has a responsibility to ensure that this due process is clear in statute and in regulation. This legislation, as amended, does not seek to outline what due process will look like in Nevada's schools. Rather, this legislation seeks to require the Office for a Safe and Respectful Learning Environment within the Department of Education to release guidance on what this appeals process would look like and what the timeline should look like.

At this time, I will introduce Ms. Kelly Venci Gonzalez, who will walk the Committee through this bill.

Kelly Venci Gonzalez, Team Chief, Education Advocacy Program, Legal Aid Center of Southern Nevada:

Thank you for taking time to listen to this bill today. Section 1 builds off the restorative justice practices that were implemented in the last session [Assembly Bill 168 of the 80th Session] to ensure teachers have the tools they need to effectively implement restorative practices in a classroom. Listening to stakeholders and various constituents, there is a recognition that additional support is needed so teachers can do the hard work of restorative justice, and this bill aims to make that support happen.

Sections 2 and 3 require that when a child and family exercise their right to appeal, that child is still able to receive the education in the least restrictive environment possible. That might mean the option of behavior school or an online platform. This is very important because kids can often stay out of school for weeks while the disciplinary process is making its way through the various levels of appeal. We do not want kids to miss school just because they are facing discipline. We want them to stay current in their studies because what happens is, if they miss a month or six weeks, they are that much further behind and it only exacerbates the problem. That is what we have found in our practice.

Section 5 requires school districts to adopt a policy for appealing suspensions and expulsions for students, and the process must be explained to parents so they have the information they need to decide if appealing is appropriate in their case. This is just making the appeals process consistent across the state and very clear to parents so they can make choices that are best for their families. It also clarifies that if a family chooses to appeal, the punishment cannot be increased as a result. In some cases, we have seen the threat of review may lead to harsher punishment and has scared families from exercising their right to appeal, even if they feel there is merit or grounds for appeal.

Section 5, subsections 2 and 3, require that the appeals process or policy be posted on the school district's website, so families have access to this information, and it clarifies that appeals hearings are closed to the public.

Section 5, subsection 4, and sections 7 and 8, added in by amendment, require that the Office for a Safe and Respectful Learning Environment at the Department of Education will establish a timeline by regulation for the students' appeals process and oversee the regulatory process of the bill. As a result, the timeline originally proposed in this bill has been stricken.

We would welcome any questions from the Committee at this time.

Chair Bilbray-Axelrod:

Are there any questions from members?

Assemblywoman Hansen:

In section 3, you mentioned the appeals process to be consistent across the state. Assemblywoman Torres may have given an example, but I may have missed it. Could you give us some examples of what we have seen happen and some of the inconsistencies in the state on this process?

Assemblywoman Torres:

Over the summer, I did pull up some research and got some information on what that looked like. Unfortunately, some of our school districts did not have an appeals process for short-term or long-term suspensions. The majority of our school districts did not have an appeals process for short-term suspensions. As indicated throughout the presentation, we do have a responsibility to provide due process regardless of the length of suspension or how arbitrary the issue is. Some districts have an appeals process at the principal's discretion. Every county looks so different. I think it is imperative that the legislative body create some kind of consistency so there is due process. It makes more sense for Nevada's students.

Quite honestly, when we were looking to put this into statute and the conversation evolved, we recognized that this was an area where it would make the most sense for the stakeholders to come to the table and have this conversation with the Department of Education, who we truly believe is going to understand the needs of our students and be able to work on a process that makes sense for us.

Assemblywoman Tolles:

I definitely agree with the value and the need for this bill. I have a clarifying question about the amendment on the timelines. I did read section 5 of the bill before seeing the amendment and wondered how that would work practically to have the board of trustees act when they may be between meetings and not around full-time. I know in section 5 you have deleted the timelines. That helped because it is no longer relevant, if I am understanding the amendment correctly. However, we are adding a new subsection to section 5 that states, "The Department shall, in consultation with the Office for a Safe and Respectful Learning Environment, establish a timeline by which the actions required by subsection 1 must occur." In layman's terms, who is the one implementing the timelines? Is it the district or is it the board of trustees? I guess my question is, How could the board of trustees meet those deadlines if they only meet on a certain day of the month?

Assemblywoman Torres:

I think that is a good point. However, ultimately, I trust that the Department of Education is not going to implement timelines that our school boards would not be able to meet. I trust the Department will work to ensure that whatever timelines are issued would be reasonable, but also allow for students to receive due process. Realistically, I think having some type of timeline is part of that due process. I think that means timelines for families as well as timelines for schools. One of the issues we see, and Ms. Venci Gonzalez can speak more to this, is families are considering an appeal for a suspension or expulsion and sometimes these are taking three weeks. That is three weeks while the student is out of school. I think having timelines for families and the individuals who are administering it makes sense to ensure we can get our kids back in school or to continue to receive as much of an education as they deserve.

Kelly Venci Gonzalez:

To further that, what we have seen in practice—and we are talking about vulnerable kids, as I represent kids in foster care—the kids can be sitting out for a month while the appeal makes its way through the process. The reasons for delay can come in so many different areas. It could be that the school does not submit the paperwork properly, so it gets kicked back to the school and the school has to refile it. Sometimes the school forgets to file it to the Education Services Division, the first level of appeal. There are a lot of steps along the way where paperwork can delay. Meanwhile, that child is sitting out of school, maybe getting some level of instruction, perhaps an hour a week or so, or maybe not getting any instruction at all. For the kids in foster care and our vulnerable kids, it affects placement. Foster parents cannot keep kids at home if they work or have other kids. There are kids at Child Haven who can hinder placement because foster parents are not as willing to take children who show behavior problems to the extent that they are out of school. This way, I think keeping timelines and keeping everyone on track to reach the final determination of whatever is the appropriate discipline would be really important for families and the school district. It helps everyone out, and most important, it helps the children because they are in school and keeping current. Even if they have behavioral problems, they still need to be making progress toward their grades and academics.

Chair Bilbray-Axelrod:

I am wondering if the amendment for Assembly Bill 67 might also allow for a designee. Unfortunately, our legal counsel is not with us today. Ms. Robusto, do you have a thought on that?

Kristi Robusto, Committee Policy Analyst:

I believe we still have Superintendent Ebert on the record, who spoke about the allowance of a designee, which was in the amendment they shared [[Exhibit C](#)]. On page 3, section 24, subsection 1, it states, "Except as otherwise provided in subsections . . . the board of trustees of a school district or its designee may authorize the suspension, expulsion or permanent expulsion . . ." I am not sure if Superintendent Ebert would like to clarify if that would also be addressed with regard to an appeals process, or if she has any insights on that.

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

We would love to work with the bill sponsor to make sure the language is aligned between Assembly Bill 67 and Assembly Bill 194.

Assemblywoman Tolles:

I have no questions about the value of setting up the timeline. I want to make sure that is clear. I definitely see the value. My question is more, Is it possible to look at having the Department of Education direct the districts to act within those timelines versus the board of trustees? I believe we just answered that question with the designee. Thank you for that discussion.

I do have a question about section 10, subsection 5, the removal of the section that says, "The Department shall adopt regulations necessary to carry out the provisions of this section." I am wondering if that is going to impact the ability to essentially carry out or enact those regulations. As I read the bill, the Department, in consultation with the Office for a Safe and Respectful Learning Environment, will provide that guidance. Is it somewhere else in the bill where they will be able to enact it?

Assemblywoman Torres:

I think that is a question better asked to the Legal Division. That is a conforming change to the legislation, so I would need to consult with Legal. I am not sure if Ms. Robusto has any thoughts on that, but that was communicated to me as a conforming change.

Kristi Robusto:

I will confirm with Legal and work with Assemblywoman Torres on that.

Chair Bilbray-Axelrod:

We have a couple more questions from members, and we still have another bill to hear.

Assemblywoman Miller:

I am going to preface my question because of the risk of it being taken out of context. Often, the intent of suspensions and expulsions should not be punishment, but it is more for removing that student or the behavior from the situation to maintain a safe and respectful learning environment for all. That should be the intention. I am just considering extreme cases of suspensions and expulsions, and also with our restorative justice model that we are still adapting and evolving into. The restorative justice is not just for the person who committed certain acts, but also for the victim. With that, I am just wondering, as part of the appeals process, has it ever been considered to have the parents and/or students who were victimized as well, so they have a voice or an opportunity to be part of the appeals process.

Assemblywoman Torres:

I appreciate the question, but I think the intent of this legislation is pretty clear in allowing for the Department of Education to create the guidelines of what that should look like. I think it would be up to the amazing team at the Office for a Safe and Respectful Learning Environment to determine what that appeals process would look like. I do not think that I, as

a legislator, am the best individual to outline exactly what that appeals process should look like. I also know that through the legislative process, it would be very hard for us to come back and change it. I do think by changing it in regulation and empowering the Department of Education to create the guidelines of what that should look like allows for these conversations to be had. I think that is a viable part of the conversation, but I do not want to get into the nitty gritty of what that would look like at this specific moment because I think that is what the Office should ultimately determine.

Assemblywoman Miller:

I do appreciate the consistency across the board for everyone.

Assemblyman Flores:

I have two questions. The first may be a broader question, but I know you walked through some of the U.S. Supreme Court case law to talk about where we get some of our guiding principles as to what is protected and what is not when we talk about a school, specifically the kids in our schools. Have you had an opportunity to discuss with the stakeholders whether or not we are complying with Supreme Court case law presently? That is important for us to understand for the urgency of a bill like this. If we are reading what the Supreme Court case law is saying, we are supposed to be abiding by X, Y, and Z; and if we are not presently doing that, are we out of compliance?

Assemblywoman Torres:

I am not an attorney or an education attorney, so I do not want to get into the nitty gritty of whether or not we are following the law in each school district. The reality is that the appeals process we have is, in some cases, nonexistent or very difficult for individuals to follow. It is likely we will hear testimony from individuals today who can attest to the challenges they experienced while appealing a school suspension or expulsion. I think it is important that we have this dialogue. Given that due process is a right for students, regardless of the length of the suspension or what the issue is, I think it is important that we have this dialogue and we, as a state, ensure we are providing our students with the due process they deserve and that is protected.

Assemblyman Flores:

Obviously, we all have to work collectively to ensure we are doing that, and that is why I bring that up. During the presentation, one of the things brought up struck me as very odd, and I just want to dive a little deeper into that conversation. It was regarding a scenario where a student is about to be expelled and because the parents and/or the child decide to appeal, the consequences could be more severe. That struck me as incredibly odd. Could we talk a little more about that? I am assuming that came, anecdotally, through some families. I am curious as to what happened in those scenarios.

Kelly Venci Gonzalez:

In my capacity as an attorney representing students and families in discipline proceedings, I have seen firsthand the school district telling them about their first level of appeal, but the district could implement a harsher punishment. Parents and students would want to take that into consideration about whether they would appeal or not.

I remember one of my clients, a child who had autism and did not have an Individual Education Program or a 504 Plan, had good grades, and was a good student, but said some things that were taken out of context. It resulted in his expulsion from school. The family felt very strongly that this child was the subject of bullying, was targeted and set up by other students. Since he was alleged to have said the words, that it was a threat, it took on its own life. The discipline was leveled out and both the child and the family said they did not believe it happened that way, but they did not want their child to be expelled for the whole semester. They would take six weeks at a behavior school because they did not want to risk it being that much worse if they went up to the next layer of discipline because they would be doing nothing for their child.

It is something our families take seriously when they are considering how to best advocate for their child. I wish that were an isolated incident, but it has happened over the course of my representing families in discipline proceedings. That is hung out there as a consequence for families. They want to do what is right for their kids. Even if their kids have made mistakes, they still want to do what is right for them.

Assemblyman Flores:

That just sounds crazy to me, so I appreciate your answer. It is crazy. I do not have any other words for that.

Assemblyman McArthur:

On page 9, section 6, subsection 4, it says, "A pupil who is suspended or expelled . . . is entitled to receive an appropriate education." How is that done?

Kelly Venci Gonzalez:

It could be an Alternative Instructional Agreement done after school for a certain amount of time, which is how it is traditionally done. They could also get work packets. In working with the school districts in Las Vegas, they have come up with a wonderful solution for kids accused of significant offenses, maybe offenses involving violence. They have the option of going to behavior school during the pending proceedings. With COVID-19, we have learned how to do online education, so that would be another opportunity. The goal is to keep kids in school in some fashion. Even if they are accused of violence, they still need to be marching toward school.

There have been a lot of studies that show when kids are out of school, they get into trouble, and when they are not supervised, they get into trouble. We believe the behavior school option for some of our kids would be a good option that would keep them in school during the appeals process.

Assemblyman McArthur:

I do not know what a behavior school is.

Kelly Venci Gonzalez:

I apologize. In the south, a behavior school is another campus. They are highly structured, smaller, and away from other school campuses. The kids get a lot of individual attention. That is one option. There are STAROn [Schools Targeting Alternative Reform On-Site] programs in the south, which is a behavior school on campus but segregated from the other kids. There are different options available. However, if a child is expelled for bringing a gun to campus, getting into a fight, or assault on a teacher, what may happen is they would go to behavior school. For kids who are working through discipline proceedings of some of the most serious offenses, they would have the option of continuing to go to school at behavior school while the case was going through the appeals process.

Assemblywoman Duran:

Going back to what Assemblyman Flores was talking about, when students receive a harsher punishment for filing an appeal, is discipline not to be corrected and not all punitive? What kind of example are we sending to our students that threats are okay, and they cannot stand up and fight for what they believe in?

Assemblywoman Torres:

I think that is exactly why I brought this legislation. I recognize how challenging it was for students sitting in my classroom who were struggling through the appeals process if their families were comfortable doing so. I think the hope is that school districts can get the guidance from the Office for a Safe and Respectful Learning Environment, and that could be in accordance with the restorative justice principles that I know the Department of Education has worked so hard to implement. I am hoping that an appeals process is side by side with restorative justice.

Over the last couple of months, I have met with the Department of Education and we have had conversations about this legislation. I think this is actually one way that we found would help allow for this process to really be restorative and to be part of the cutting edge so that as educational research expands to ensure the regulations that are put into place with the appeals process for school suspension and expulsions make sense, and if something is not working, it can be quickly addressed. If the timeline makes no sense in that circumstance, we can then address that timeline and expand it as necessary. That is the genesis of this legislation. I am excited to see this come to fruition so we can ensure that all our students have due process so it is not just punitive punishment but truly restorative.

Assemblywoman Duran:

I think people should be held accountable for not following the process. Hopefully, this bill will correct that as well.

Chair Bilbray-Axelrod:

We will move on to testimony at this time. I will open the hearing for testimony in support of A.B. 194.

Sylvia R. Lazos, Private Citizen, Henderson, Nevada:

I am an education advocate and have worked closely with the Latinx and Nevada Immigrant Coalition on various bills. Unfortunately, I have a son who got himself into some discipline problems at Coronado High School. I experienced firsthand the situation where a principal makes it up as he goes along in terms of discipline. My son was told that he was going to be expelled from Coronado for a second offense. When I received that news, my reactions were, first, I was never told about this and it was not published on the web page. This was clearly disproportionate to the offense he committed. Yes, he was a bad boy, but he should not be summarily expelled.

I wrote to the principal. He did not even read my email. We went through the appeals process, which took about four to five weeks. In my opinion, it took all of my legal skills and my partner's legal skills to go through that process. We were explicitly counseled to drop the appeal at Coronado, even though we explained over and over how unfair we viewed it. It was not until the fourth week when we got to a neutral panel that we were able to get the situation dismissed.

I do not know how a normal parent navigates this. I am telling you, literally, it took two skilled lawyers to get justice for my child. When that is the situation, there is a total failure of the system. I will add that I have raised this issue repeatedly with the Clark County School District. They do not seem to care about this issue. That is when the Nevada Legislature should step in. When a school district does not care about fairness, our Legislature should. [[Exhibit F](#) was also submitted.]

Cecia Alvarado, State Director, Mi Familia Vota:

Mi Familia Vota is a national civic engagement organization that unites Latino, immigrant, and allied communities to promote social and economic justice through citizenship workshops, voter registration, and voter participation.

Today, I am submitting this testimony in support of A.B. 194 on behalf of Mi Familia Vota. According to the American Psychological Association, suspensions increase the chance of a student leaving school prior to graduation from 16 percent to 32 percent. Another study found that students who were suspended or expelled were 29 percent more likely to drop out at some point during their high school career. Loss of learning time is a serious consequence of school discipline.

Black, Hispanic, or Latinx students are more likely, on average, to be suspended and expelled from school. Assembly Bill 194 will require consistency in school districts, so the communities are aware of progress made or not made in the school-to-prison pipeline. Mi Familia Vota respectfully urges this Committee to support A.B. 194, and we thank Assemblywoman Torres for sponsoring this bill.

Jim Hoffman, Member, Legislative Committee, Nevada Attorneys for Criminal Justice:

The Nevada Attorneys for Criminal Justice (NACJ) supports A.B. 194. The school-to-prison pipeline is a serious problem, and part of why it exists is there are not always consistent rules and standards for how schools deal with student misconduct. Assembly Bill 194 helps to address this by creating a more consistent appeals process. As any parent knows, consistency is very important in child discipline. Assembly Bill 194 advances that goal, so NAJC supports it.

Hawah Ahmad, representing Clark County Education Association:

Prior to accepting my job at the Clark County Education Association (CCEA), I worked at a rural district court where I was able to understand the juvenile justice system that in many cases began with minor offenses that included school suspension and expulsion. Since I began working for CCEA, it has become abundantly clear that the juvenile justice approach varies from county to county and school district to school district. An appeals process is needed if we want to truly utilize restorative justice practices and prevent recidivism and an escalation of offenses. In many ways, we must approach juvenile justice with compassion and understanding for the children and families. That is why CCEA supports A.B. 194. Assembly Bill 194 presents an opportunity for a standardized appeals process with notice to families, amended to allow for processes to be defined by regulation that allows the flexibility in the evolution of restorative justice in Nevada.

It is important to note that although CCEA supports this bill, we feel a necessary component has been missing from our change to restorative practices, and that is training. Our teachers currently feel that the implementation, or lack thereof, of restorative justice practices is so varied that it fails to get to the root cause of the issues to provide healing and coping mechanisms for children. Instead, many of our processes focus on the aftermath of negative conduct and highlight punishment and confinement. Additionally, the lack of accountability that has accompanied previous bills has prevented our educators from buying into the idea of restorative practices.

Assembly Bill 194 is a game changer. The new accountability measures will help to ensure data is collected so that every suspension and expulsion is analyzed to better understand and highlight the disparities in the current scheme and to ensure we can address why we have racial and socioeconomic disparities to prevent any exacerbation of offenses. Overall, this bill provides a much-needed step in our path toward juvenile justice reform. We look forward to continuing our work with Assemblywoman Torres to make this bill a reality.

Gil Lopez, Director of Outreach and Mobilization, Charter School Association of Nevada:

We are here in support of A.B. 194. We are in total support of things we can do to keep children in the classroom. We want to thank Assemblywoman Torres for her work around restorative justice.

Brenda Pearson, representing Clark County Education Association:

The Clark County Education Association supports A.B. 194. Overall, this bill provides a much-needed due process for student discipline in Nevada's schools. The appeals process, through guidance by the Office for a Safe and Respectful Learning Environment, establishes consistency and transparency. The CCEA expressly supports the submission of an annual report of accountability delineating the discipline of pupils. However, we would be remiss if we did not stress the importance of utilizing this data to improve practices across our state. The collection of data must inform actions that will lead to the reduction of racial disparities. This data is a tool to inform our evolving practices and must be used as such. However, given the amendment to allow for the creation of regulation of timelines, we believe that regulations may be used to determine the best practices for use of this data. This bill serves as an impactful continuation of our move toward restorative practices, but we must also stress a continued focus on building a strong foundational knowledge of restorative practices across our schools in Clark County.

Thank you to the Committee for hearing this bill. We look forward to continuing our work with Assemblywoman Torres on strengthening restorative practices within our schools.

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

We support A.B. 194 in creating a safe, respectful learning environment and a culture that implements restorative justice practices while revising the suspension and expulsion procedures, ensuring clear due process and consistent practices. We know these restorative justice practices transform perspective, structures, students, and the community as a whole, while creating a culture that supports the development of our students. We know the importance of all students continuing to be educated. We believe in keeping track of data related to the suspensions and expulsions, analyzing such with an eye on disproportionality. We know these investments help students stay in school and receive the support they need for their continued success. Thank you for your noble efforts on behalf of all of our students.

[[Exhibit G](#) was submitted in support of Assembly Bill 194.]

Chair Bilbray-Axelrod:

Are there any other callers waiting to testify in support? [There were none.] Are there any callers waiting to testify in opposition? [There were none.] Are there any callers waiting to testify in neutral?

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

I would like to thank Assemblywoman Torres for working with our school district so extensively. We had many meetings about this bill. In the Washoe County School District, all of our handful of suspensions are short-term or in-school suspension for three days or less. We certainly share the sentiment of wanting kids in school, but in some small number of cases, there are safety concerns, and for students and staff, safety takes precedence. Parents are given a form at the time of suspension with some options for an appeal, and never would a student penalty be worse after the appeals process in the Washoe County School District.

We appreciate the chance to work with the Department of Education to make sure our process aligns with the law and the intent of this legislation, but giving us a little more flexibility through the conceptual amendment is very welcome news. Thank you to the sponsor for her work on this.

Bob DeRuse, Director, ACE High School:

ACE High School is a Washoe County School District-sponsored charter school. We are a small, 200-student, grades 9 through 12, career and technical education high school with a focus on industry-level learning experiences in construction, manufacturing, and transportation trades for our students.

At this time, we are testifying in neutral, changing from opposed with the presentation of the conceptual amendment presented with Assembly Bill 67. We had initial concerns with the burden that would be placed on our governing board related to the hearing requirement described in section 5 of A.B. 194. Our governing board is heavily involved and engaged with our school staff in developing a guiding policy as it relates to student discipline. We are reviewing the conceptual amendment presented earlier for A.B. 67 as it relates to the designee for the board and the overall impact on A.B. 194. We look forward to determining the effects of the proposed changes related to student discipline.

Paige Barnes, representing Nevada Association of School Boards:

We are in neutral on A.B. 194. We would like to thank Assemblywoman Torres for working with our partners in the school districts on the amendment. We are looking forward to collaborating with the Department of Education on regulations. I would like to note that all school districts are handling suspensions differently and whatever regulations we establish, we would like to maintain some of that local control for our districts and our boards and to manage that process.

Leonardo Benavides, representing Clark County School District:

The Clark County School District (CCSD) is testifying in neutral on A.B. 194. We have worked with Assemblywoman Torres and the Legal Aid Center of Southern Nevada over the past few months to ensure students are given due process. Based on the questions today, we want to make it clear we are always willing to work with students and their families as they go through this difficult process. Eric Gant, Executive Director of our Education Services Division for Alternative Services, has worked to ensure that this bill helps to minimize the loss of any face-to-face instruction for our students and made himself available on the Zoom line today to answer any questions from the Committee regarding the process through CCSD.

Also, in regard to the proposed conceptual amendment allowing CCSD and the Department of Education to draft the regulations and provide guidance, which allows for best practices in each school district, and as the regulations are promulgated, we will continue to work with our partners, like the Legal Aid Center of Southern Nevada, in order to reduce the loss of instruction for our students.

Finally, I want to thank Assemblywoman Torres for working with us over the last few months on this bill to address any initial concerns from the school district side.

Chair Bilbray-Axelrod:

Are there any other callers waiting to testify in neutral? [There were none.] Are there any closing comments from the sponsor?

Assemblywoman Torres:

I want to thank the different stakeholders who have been working with me on this piece of legislation, specifically Ms. Venci Gonzalez from the Legal Aid Center of Southern Nevada, and Eric Gant, who actually made himself available during the entire hearing but we did not get to speak with him today. He has been an excellent ally in ensuring that we are providing our students with due process. I look forward to continuing to work with the diverse stakeholders on this issue so we can pass policy that will ensure all Nevada students have due process in the school suspension and appeals process.

Chair Bilbray-Axelrod:

I will close the hearing on Assembly Bill 194. I will open the hearing on Assembly Bill 195, presented by Assemblywoman Torres.

Assembly Bill 195: Revises provisions relating to pupils who are English learners. (BDR 34-174)

Assemblywoman Selena Torres, Assembly District No. 3:

Thank you for allowing me to present Assembly Bill 195, which creates the English language learner bill of rights. Before I begin, I would like to provide a brief road map of today's presentation. First, I will provide some background information on this legislation, and second, I will walk the Committee through the sections of this bill. Throughout today's presentation, I will be referring to legislation as it is modified by the conceptual amendment [[Exhibit H](#)]. I want the Committee to know this amendment comes from the thoughtful conversations I have had with representatives from the various school districts here in Nevada.

I will begin with background information on this legislation. Throughout this presentation, I will be using several different acronyms that apply to this bill and our English language learners. I will do my best to explain each of the terms as we work through the legislation, but during questioning, I am more than happy to explain any of those terms as necessary. "EL" or "ELL" is an acronym that refers to English language learners; ELL students are students who are learning English. English language students in Nevada speak many languages—Spanish, Tagalog, Chinese, French, et cetera—and many of them are born here in the United States. English language learner students can thrive when they are given the appropriate supports. This legislation is intended to help instructional leaders and policymakers alike make informed policy decisions while simultaneously implementing the mechanisms to inform ELL students and their parents and guardians about the rights they already have.

Based on the concerns raised throughout the day, I want to be abundantly clear that this legislation does not give ELL students additional rights. Rather, this legislation requires that the rights ELL students and their families have are enumerated, so they are aware of the rights they have.

English language learner students make up 14.1 percent of the student population and consistently lag behind in proficiency tests. Nonetheless, there is very little data aggregated about their performance. This data is necessary for instructional leaders and policymakers alike to implement modifications to the curriculum.

I will next walk through the sections of the legislation. I submitted an amendment to this bill [[Exhibit H](#)] and I will be referring to the amendment as we work through this piece of legislation. In section 2, subsections 1 and 2, it requires that the board of trustees determines the number of students who are immigrants, refugees, long-term English learners, and English learners. Additionally, this bill requires that the district aggregate the data for ELL students who are in career technical programs, magnet schools, advanced placement courses, international baccalaureate courses, field credit courses, and extracurricular programs, to the extent possible.

Section 2, subsection 3, as amended, requires that the board of trustees of each school district determines the number of teachers employed who have an endorsement in bilingual education or teaching English as a second language. This information is then disaggregated by the grade levels those teachers teach. This will allow for school districts, policymakers, and administrators to truly understand how many of their teachers have the certification to provide our ELL students with the top-tier instruction that each student deserves.

Additionally, section 2, subsection 3, as amended, requires local education agencies to report on the number of teachers per school who are trained in the LEA [language experience approach] adopted language development program. Many of our school districts throughout the state have adopted their own language development programs. I know we have an ELL administrator on this call if there are more specific questions. This will allow for us to see how many of those teachers have been trained in that program and really for our board of trustees, the Nevada Department of Education, and for the legislative body to review that data. This section also requires that this information be submitted to the Department of Education and disseminated to the Legislature.

Section 2, subsection 6, defines the term "long-term English learner," or LTEL is another way they are referred to. I may refer to them as LTEL throughout the presentation. A long-term English learner is a learner who has been in the United States for three consecutive years. This obviously would be applicable in a circumstance where, perhaps, a student was born in the United States, grew up in the United States, left to live in a different country for several years, and then comes back. That student has not been in the United States for three consecutive years, so they are a newcomer and not a long-term EL student even if they attended school six years ago here in the United States.

Section 3 of this legislation enumerates the rights of an English learner and the rights of the parents or guardians of an ELL student. While these rights are presently available to students, the education community knows that oftentimes students and their families do not know or understand their rights. These rights include the right to a free and public education regardless of their immigration status or native language, equal access to programming, and the right to be evaluated annually. Additionally, parents and guardians have the right to register their student without disclosing their immigration status. They have the right to have an interpreter for significant interactions with their school districts to the extent practicable, and for information about the progress of their pupil.

Section 3, subsection 3, as amended, requires that the schools provide ELL students with the copies of these rights upon annual registration. Upon review of the amendment [[Exhibit H](#)] submitted to this Committee, I realized that the addition in section 4 should most likely be added to section 3, although I will leave that decision to our legal team, who I am sure will know exactly where that should be. As the conceptual amendment states, the Department of Education shall provide translations of the rights described in the primary languages of the household within each school district, including English, Spanish, and Tagalog. These rights will empower students and their families to be involved in their school community and empower families in our communities. When parents and guardians play an active role in their child's education, students perform.

Section 4 of this legislation requires that the board of trustees report annually on the use of Title III funds for policymakers to understand how the money designated for Nevada English learners is being spent. This report will also be posted on the Internet to ensure Nevadans can understand the use of those funds. This will be helpful to policymakers like ourselves.

Section 5 authorizes the Department of Education to adopt the regulations necessary for this legislation.

Section 6 of this legislation requires that schools identify the primary language of a pupil upon registration annually to ensure students are properly identified as ELL students. Presently, students are identified as ELL students when they complete the home language survey upon initial registration in a school district. Many families do not initially admit to speaking a different language for fear of this making their child have a less equitable education. Some families hear that this might cause information to be flagged to immigration authorities or worry that their child is going to be put into a remedial program. As families grow more comfortable with their child's school, they are more likely to reveal this information. This allows for that information to be asked annually to ensure that once those families are comfortable with sharing that information, that child can be properly placed in that program.

As amended, section 6, subsection 2, paragraph (g), provides that a pupil who is an ELL student remains placed in the EL program until they reach language proficiency as determined by the state's assessment.

Additionally, you will note in the amendment that there is an additional section, which makes a modification to the current *Nevada Revised Statutes* 388.157 by requiring that the Read by Grade Three assessment is a criterion-referenced assessment. To understand this assessment, I will provide two different definitions of different types of assessments. There are norm-referenced assessments and criterion-referenced assessments.

A norm-referenced assessment measures a student in relation to other students who took the assessment. This is when students are ranked by percentile and measured in comparison to how their peers perform. There are several parents on the committee, so that might be when children receive an assessment that says they are in the 97th percentile or 50th percentile. That would be a norm-referenced assessment.

A criterion-referenced assessment assesses the students' knowledge and skills against where their performance should be. This does not measure them against their peers. For the purpose of assessing student reading in elementary school, these assessments should be criterion-referenced as educators are attempting to understand the students' skills, specifically literacy.

Currently, some schools are using criterion-referenced assessments and others are using norm-referenced assessments to assess elementary reading literacy. The issue is that norm-referenced assessment information compares the students to one another instead of actually tracking their literacy skills, so some students have to win and others have to lose in that type of assessment. When students get to third grade, we monitor student literacy data using the Smarter Balanced Assessment Consortium (SBAC), which is the state assessment. That assessment is a criterion-referenced assessment. Norm-referenced assessments do not allow for us to truly measure the literacy abilities of our students. They are designed to discriminate among students and allow comparisons. Educators can better use criterion-referenced assessments to determine whether students have mastered specific content. This supports educators in determining student literacy.

At this time, I now stand for any questions this Committee may have regarding A.B. 195.

Chair Bilbray-Axelrod:

Are there any questions from members? [There were none.] I will open testimony in support of A.B. 195. I will point out that we do have an interpreter available. [Olivia Beauford, Director, The Language Connection, Reno, Nevada, spoke in Spanish to callers waiting to testify.]

Cecia Alvarado, State Director, Mi Familia Vota:

I am calling in support for A.B. 195. Approximately 580,000 foreign-born individuals reside in Nevada, accounting for 20 percent of our population—a large share compared to immigrants in the United States, which overall is 14 percent. With a relatively large population of immigrants, it follows that the student population has one or more foreign-born parent, which is about 42 percent in our state. Overall, 48 percent of those are low-income students who come from a household with one or more foreign-born parent.

Nevada has set two long-term goals in respect to English language proficiency. The first is that 90 percent of ELL students will meet the six-year maximum timeline for proficiency by 2022, but only 20 percent of them achieved that in 2016. The second is that 80 percent of ELL students will make adequate annual growth towards proficiency by 2022, but only 44 percent of them achieved that in 2016.

This is a reflection of the need for comprehensive support for students and their parents. English language learner students and their parents have been facing challenges way before the pandemic. Mi Familia Vota works with a large population of the community who require ELL resources and access. Even though we are happy to help our community, we believe it is time for our school districts to [Caller was disconnected.]

[Written testimony was submitted, [Exhibit I](#).]

Sylvia R. Lazos, Member, Nevada Immigrant Coalition:

The Nevada Immigration Coalition has made [A.B. 195](#) one of its priority bills. I want to spend the time addressing what I will call five myths regarding ELL. I have submitted testimony that provides a lot of statistics on ELLs [[Exhibit J](#)], which you can read. I would like to address some of the myths that may be landing in your email inbox.

First of all, ELL students are not illegals. Ten years ago, the Clark County School District (CCSD) did a survey and found that 85 percent of ELL students are U.S. born. Those who are not U.S. born will likely qualify very soon for citizenship, as they would be deemed "Dreamers." English language learner students are part of our citizenship community.

Myth No. 2: by giving ELL students education opportunities, we take away from the opportunities for the general education students. This is a myth in that good teaching practices for ELLs translates to good teaching practices for all students. In particular, the approach that is taken with respect to ELLs is very helpful to students from poverty and students who may have a limited vocabulary because of their ethnic or cultural background. It is not true that providing ELLs with education opportunities that they are deserving through law is a zero-sum game.

Myth No. 3: ELL is a made-up status. No, the ELL status was made up by the Supreme Court of the United States in a case called *Lau v. Nichols*, 414 U.S. 563 (1974) in which the San Francisco district simply ignored Chinese students, put them in the back of the room, and made no attempt to teach them. Under American Civil Rights laws, that is a denial of equal opportunity and that is how ELL status came to be. Every school district has a legal obligation to provide all students, including ELLs, an education opportunity.

Myth No. 4: ELL means Brown or Latino. That is false. The ELL population is multiethnic and multiracial. Sixty-six percent of students in Nevada are immigrants, 40 percent of Latinx are immigrants, and 10 percent of Blacks are immigrants, so the ELL population is varied and multiethnic.

In summary, giving ELL parents the right to advocacy, the knowledge to advocate, is not a zero-sum game, but is additive. It benefits every single stakeholder and every single student demographic group. We should be encouraging every parent to understand their rights and be the best advocate they can be for their particular student.

Chair Bilbray-Axelrod:

I want to point out to the folks waiting to testify, we do have an interpreter. After the Broadcast and Production Services (BPS) employee says the last three digits of a phone number, the translator will repeat it in Spanish. If you are a caller who speaks Spanish, we do have someone available to translate for the Committee.

Marie Neisess, President, Clark County Education Association:

The Clark County Education Association represents more than 18,000 licensed professionals in the CCSD. We are the largest independent teachers' union in the country and in Nevada. We engage in bipartisan advocacy for advancing public education in Nevada. During my 28 years of employment with CCSD, I worked at three Title I schools with predominantly English learner students. I know firsthand how getting a quality education impacts an EL student, because I was an EL student when I started kindergarten. Spanish was my first language, and having access to quality instruction and effective educators helped me learn English rather quickly and excel academically. This is why I am strongly in support of [A.B. 195](#).

Last school year, nearly 53,000 English learners attended Clark County schools. Each of those students deserves equal access to quality education. [Assembly Bill 195](#) establishes rights for both EL students and parents, and details specific data to be collected by school districts. It is with this data that Nevada can learn about the success and struggles of our EL population. Data must drive Nevada's steps towards equity and access for English learners.

As our state moves towards implementation of [Senate Bill 543 of the 80th Session](#), we believe [A.B. 195](#) would also add a layer of accountability that enables legislators and lawmakers to review our English learners' academic engagement and progress.

Felicia Ortiz, Private Citizen, Las Vegas, Nevada:

I am testifying today on behalf of myself in support of [A.B. 195](#). I am supporting this bill for a couple of reasons, specifically the latest amendment, section 2, for the number of teachers who hold bilingual or English language acquisition endorsements. I just got off a phone call with Superintendent Jara here in Clark County. We are working on starting a bilingual education program and one of the key things we need to know is how many teachers we have who are endorsed to teach our courses. That is not currently data we have at our fingertips, and there is a huge need.

Second, I come from a policy perspective in that, from an equity perspective, competency-based exams are more equitable and not comparing students against one another but actually testing what students know. I strongly support that piece of the amendment.

I also come to you from a business perspective. Our community depends on visitors from around the globe, and helping our scholars embrace their access of being bilingual will, in turn, make them more marketable for our local employers. I believe it is imperative that we provide all of the resources they need to support their emerging bilingual status and, hopefully, get them to the point where they earn our seal of biliteracy as part of their diploma when they graduate from our schools.

Lisa Guzman, Assistant Executive Director, Nevada State Education Association:

I am an English language educator. I am not here representing the Clark County School District as a trustee. The Nevada State Education Association (NSEA) has been the voice of Nevada educators for over 120 years. The NSEA's Reach for the Stars Foundation and our instruction and professional development department provide educators across the state support in all areas of education. We support English as a second language instructors and bilingual educators in pursuit of national board certification. We provide micro credentials to renew the knowledge of educators [unintelligible] and professional development.

The NSEA supports A.B. 195 to establish rights for English learners and their families to ensure they have access to a highly qualified education. Educators who are both bilingual or English as a second language-certified advocate for their students and their rights. Research on language learners has proven it takes between three to five years to acquire English.

The NSEA appreciates the classification of language learners in this bill. English language learner bilingual educators also spend countless hours trying to find ways to ensure parents and students know their rights in the education system. Too many times parents are afraid to go to the school to engage in the education process of their children. Assembly Bill 195 will ensure English learners and their parents know their rights.

Educators also know that we are losing fellow educators with [unintelligible].

Kate Lawhorn, Private Citizen, Henderson, Nevada:

I taught for seven years in Nevada, and most of my students were English learners. I am calling today to voice my support for A.B. 195. Specifically, I would like to address the conceptual amendment of requiring assessments for Read by Grade Three to be criterion-referenced rather than norm-referenced. Criterion-referenced assessments measure what students can do. Each student is measured in relation to a standard performance level or learning goal. Students' scores are not based on how their peers performed. These results give teachers actual data so they can understand how each student is conceptualizing the standards, allowing them to plainly instruct target-specific gaps. Criterion-referenced assessments are the most culturally responsive method for EL students because they truly measure what students are and are not able to do. Norm-referenced assessments, on the other hand, measure students in relation to how well they did in comparison to a group of peers.

Norm-referenced numbers are a national sample of students in each grade level. They do not measure proficiency or mastery, just relative proficiency compared to peers. These assessments do not give teachers the insight they need to make instructional decisions. Most importantly, these assessments measure English learners against native English speakers, causing the test results to present bias.

Starting in third grade, students are measured using criterion-referenced assessments. Currently, students in earlier grades use norm-referenced assessments. The testing instrument should be consistent. Changing the measurement protocol is confusing for students and their families.

As a teacher, there is nothing more stressful than testing students when the measurements do not present an accurate picture of what skills and knowledge students possessed or needed. Please support this amendment and this bill for criterion-referenced assessments for Read by Grade Three measurement.

Hawah Ahmad, representing Clark County Education Association:

I am reading testimony for Angie Joye.

My name is Angie Joye, and I am a second grade teacher at Ann Lynch Elementary School. I strongly support A.B. 195, the English learners bill of rights, because many English learners do not receive equal or adequate support in their education in the state.

As a teacher, I have frequently asked what were the expectations of my students that did not speak English or were very new to speaking English. Sadly, the answer was always the same: "Oh, they'll get it." This never sat well with me because for my English-speaking students, they were frequently tested, and planning was very purposeful around what they did not know and what they should know by a certain point.

For my English learners, at some schools there were some supports and at other schools the only supports were what I provided with the assistance of Google Translate and any volunteers or friends that I could get to help me create bilingual documents and learning aids.

At parent/teacher conferences, parents of English learners were grateful for any assistance I was providing, but they never asked me the important questions I am sure they had. They never asked me, "How much support is my child receiving during school in English?" "Is my child receiving equal support when they take tests in English that they may not fully understand?" "What does English support look like for my child during the school day?" "Do you think my child is missing out on any important opportunities because my child does not speak English like their peers?"

Parents often rely on schools to make the best choices for their children. They often feel nervous, scared, or inadequate asking questions to people whose job it is to make sure their kids get the best education. Assembly Bill 195 will establish some clear standards that are greatly needed for our English language learning students and supports for their families.

Data is very important to collect and it will allow us to know the type of resources that are needed to help our educators provide support for English learners and their schools. More resources are needed, but they vary from school to school, and with sufficient data, appropriate planning can be made to ensure a more equal educational context for these children. The English learners bill of rights will ensure that students have access to all services that our schools provide, and will ensure that parents understand the placement and development of their children in programs for English learners.

I strongly implore each of you to pass this bill to make sure a large population of our students no longer fall by the wayside, but are ensured equal access and equal rights to quality education in our state. Along with testimony, our educators have submitted additional testimony located in the exhibits section on the Nevada Electronic Legislative Information System. I respectfully ask all of the members on this Committee to review that testimony.

Anthony Ruiz, representing Nevada State College:

Nevada State College is in full support of A.B. 195, and we want to thank Assemblywoman Torres for bringing this bill forward. We certainly support this bill, which aims to better meet the needs of English language learners in the state. We also remain committed to expanding the teacher pipeline with qualified bilingual educators, and look forward to working with the school board on this bill's data tracking and transparency measures.

This bill is greatly needed in our state to ensure equitable practices, and we urge members to support his legislation.

Yesenia Gonzales, Private Citizen, North Las Vegas, Nevada:

Good afternoon. I would like to thank the sponsors of this bill for allowing me to share why it is of utmost importance that we have A.B. 195 passed in our community. I was once a former English as a second language (ESL) and English language learner student who personally went through the struggles many students and families face in my school district, which is in Clark County. Unfortunately, due to the immense language barrier we face, our children have gone through receiving inadequate services and abuse that is not communicated to parents due to the fact that many families face being limited in English proficiency; parents not knowing their rights, especially when it comes to their children who receive special education, thus becoming a denial of parent participation, as they cannot properly advocate for their children. Families do not know who they can turn to for help, as they fear retaliation from schools. Families also do not know they are entitled to have an interpreter accompany them in a meeting at school.

I grew up having parents who did not know how to advocate for me as a special needs child with autism, therefore impeding me on having a quality education and services. My parents did not know how to express or be able to address concerns that they had, as interpreters in their native language were unavailable or hard to come by. My parents did not know when I was being praised by a teacher. At times, interpretation fell on me, which was extremely frustrating and stressful as I struggled to find the correct words to say, as I was learning just as they were trying to.

As an advocate who once trained with a special education attorney, I saw how many mothers had no idea if their children were meeting their goals or what their present levels were, what their children scored on tests, and the meaning behind them. I faced schools that would become frustrated as I interpreted to the mothers whom I volunteered to help with what was being said because they could not understand what I was translating to the parents. Can you imagine and now understand the same frustrations that countless families face in my community? Every child deserves a quality education and every parent should have the opportunity to support their child every step of the way. [Written testimony was also submitted, [Exhibit K](#).]

Chair Bilbray-Axelrod:

I understand there are some people in the queue who are Spanish speakers who do not have their hands raised. Could BPS explain how they can raise their hand? [Instructions were given in Spanish.]

Gil Lopez, Director of Outreach and Mobilization, Charter School Association of Nevada:

We are here in support of [A.B. 195](#). Growing up as a Clark County School District ESL student, I can attest that access to information should lead to well-informed decisions. Thank you, Assemblywoman Torres, for this important bill, and we urge your support.

Vida Lin, Founder and President, Asian Community Development Council:

The Asian Community Development Council is a product of a long-term dream of mine. I moved to Nevada to help my extended family navigate the public school system. My nephew needed academic accommodations, but due to the cultural differences around schooling and the language barrier, it was difficult for my family to access the necessary resources. By helping my family advocate for my nephew at the Clark County School District, I saw that there are very few resources to help families navigate the public education system.

There are 300,000 limited proficient Nevadans who lack resources to help translate documents or critical information. Twenty years after I moved to Las Vegas to be closer to my family to help them access a public education for my nephew, I founded the Asian Community Development Council, which now provides language resources, youth development programs, and a college readiness bootcamp, among other critical services to our community. This bill is the right step forward for our school system to catch up with the needs of English language learners and their families and to close the achievement gap.

Jim Sullivan, representing Culinary Workers Union Local 226:

The Culinary Workers Union supports A.B. 195 because it is an important step towards improving outcomes for English language learners and protecting the rights of students and parents. As the largest organization of immigrants, Black, Asian and Pacific Islander, and Latinx workers, the Culinary Union represents 60,000 working families in Nevada. Culinary Union members come from 178 different countries and speak more than 40 different languages. Assembly Bill 195 would ensure that our schools are meeting the needs of all of these students.

As the largest organization of parents in Nevada, the Culinary Union believes that having a robust English language learner program is critical to the future of our state and a necessary component of a just education system. The Culinary Union urges you to support and pass A.B. 195.

Brenda Pearson, representing Clark County Education Association:

I am reading into the record a statement by Anna Ocasio-McAndrew.

Hello Chairwoman Bilbray-Axelrod and Committee members. I am a learning strategist at John C Fremont Professional Development Middle School, and I have been a CCSD employee for 27 years. I am writing to you as a strong appeal that you support A.B. 195 for English language learners.

I have been a strong advocate for these students throughout my entire career because I am also one of them. I can empathize with the inadequacies and lack of support from the educational system. I was an English language learner when there were no programs. It was sink or swim. Fortunately, I was able to swim and survived to continue with my quest: to help those who need it most—the children. They depend on adults for their expertise so that they, too, can endure and swim. The time is urgent. With the upcoming influx of newcomers expected to arrive at our doors, now more than ever we need to provide for these students. If we are to welcome them with open arms, we must be prepared to demonstrate that they are important.

The enforcement of A.B. 195 will guarantee equal access to high-quality programs and transparency to their parents and legal guardians as an integral part of the solution. Ultimately, the establishment of comprehensive data collection and reporting requirements will aid with their triumphs. This information will be most beneficial to guide those responsible and help direct them with the implementation of adequate programs and resources.

I humbly ask you to support A.B. 195 for English language learners to give them the resources they need and help them become productive, viable citizens that we can all be proud of. Please aid them by providing the necessary tools. Give them the chance to be educated and become tremendous assets of our great nation.

Augusta Massey, President, Las Vegas Chapter of the National Bar Association:

The Las Vegas Chapter of the National Bar Association (LVNBA) is the oldest and largest association of African-American attorneys, lawyers, and jurists in the country. The LVNBA is testifying in support of A.B. 195 today. As the president, as an immigrant, as a lawyer, and as a mother, I sincerely support this bill. We believe that Nevada is stronger when all groups thrive and, currently, those at the bottom, who are special education students and English language learners, are underperforming and losing out due to COVID-19. The ELL bill is the right solution for these times. Parents need to become better advocates for their students so they can receive the instruction and services they need, and only then will all of us in our state be able to grow and become part of a productive workforce. I believe as immigrants and citizens, we all want the same thing, which is quality education, good schools, and the ability to raise decent human beings. We thank you for the opportunity to speak in support of this bill.

Mayra Salinas-Menjivar, Private Citizen, Las Vegas, Nevada:

I am here to express my support for A.B. 195 as a former ELL student in Clark County. First, thank you, Chair Bilbray-Axelrod, for bringing this important bill for a hearing, and thank you to Assemblywoman Torres for carrying the bill.

As an immigrant child, I grew up in Clark County and was a product of the Clark County School District. I can personally say that this bill is necessary to promote the advancement of students in Nevada. They are the future of our state and this bill ensures that our future is bright. Our ELL population is not adequately informed of their existing rights, and parents are not provided information in a language that they can understand in order for them to adequately be informed of the rights of their children.

The ELL program has long been a program that parents do not know what it involves, and usually all they know is simply the title of the program but not what services it provides or what services it entails. That means they do not have the information necessary for them to adequately advocate for their children and to ensure their children are receiving what they need to be successful in school.

This bill does not only address the rights of immigrant children, like myself, but these rights belong to all children raised in non-English first language households. For example, my nephew, whose first language is not English, is a U.S. citizen born in Nevada and he, too, has a right to ELL services. Being bilingual is a quality that makes children more likely to be successful in school, but they need the support necessary in order to do so.

For myself, I went through public school in Clark County, went to college, and I am now an attorney in our community. Assembly Bill 195 ensures the families of ELL students know their children's rights and that they can hold the school districts accountable for providing those services to their children. I urge the Committee members to vote in favor of this bill.

Valeria Gurr, State Director, Nevada School Choice Coalition:

I work with hundreds of low-income families, and I am here to share my support for A.B. 195. It is extremely important to have data on the ELL students, or I would prefer to say, emerging bilingual, so the Legislature and school boards can make informed decisions and implement programs that will really support their learning.

Research shows that parental engagement is the key to success in the life of a child. If parents have more information about how their children are performing in school, they would be able to help them at home. I have seen firsthand how language is a barrier for bilingual parents when it comes to helping their children or accessing information. However, if these parents had more information, they would be doing a wonderful job at home with their children. I know that parents care about the education of their children.

Also, working particularly with Latino and Hispanic families, I have learned that in many cases parents do not understand their rights. If they see something they do not agree with or if their students are not at level, they just do not say anything because they fear retribution due to their legal status or language barriers. Instead of sticking up for the children, they tend to leave the school. I have also learned that in some of the cases, if someone in a school does something wrong or is not helping a student, that person stays there, unaccountable, and that is not good for the other students.

I really support this bill. There are a lot of other families that are proof of why this is important, even in this process. I have lots of different families from CCSD who would like to speak in Spanish today, but they are having a hard time understanding the system. [Written testimony was also submitted, [Exhibit L](#).]

Luz Del Carmen Cota, Private Citizen, North Las Vegas, Nevada:

[The following testimony was translated into English by Olivia Beauford.] I come here today to support A.B. 195. I am a mother of two children who attend CCSD. When my daughter arrived here from Mexico, she had a difficult time communicating with teachers and with her school peers. I would have liked for her to have had more support and for me to have known how I could have helped her. Now she is in the eleventh grade and communicates better. However, my daughter tells me that the educational system is still behind in how to best teach, write, and compose better. Having more information about our children would help us as parents and help us give more recommendations.

Gioconda Silva, Private Citizen, Las Vegas, Nevada:

[The following testimony was translated into English by Olivia Beauford.] I am here to support A.B. 195. I am a mother of two children who attend public school. The process of understanding how my son was progressing was very frustrating. I did not have information or help to be able to know where to go to consult over the progress of my son in his educational process. I feel that if I had had more information in the process of how to help my son in his learning process, it would have been easier for us. That is why I feel A.B. 195 is such a good idea as proposed law so we can support this country a lot more.

Daria Baeza, Private Citizen, Las Vegas, Nevada:

[The following testimony was translated into English by Olivia Beauford.] As we all know, all children have a right to an education, to be allowed to develop as an individual, and be able to carry out in a society. One of my daughters is of school age, Spanish being her first language. She was assigned to a school where she did not receive sufficient attention. Even though English was her second language, teachers were not able to help her. My daughter suffered much at that school and she went on to suffer depression because of the lack of help the school system offered. This is why I am in favor of A.B. 195. Latin parents have a priority of education for their children and their emotional well-being. This is why I ask that we are given the necessary resources to be able to support them from our homes as well.

[[Exhibit M](#), [Exhibit N](#), [Exhibit O](#), [Exhibit P](#), [Exhibit Q](#), and [Exhibit R](#) were also submitted in support of Assembly Bill 195.]

Chair Bilbray-Axelrod:

I do want the Committee and the public to know we had 41 minutes of support. I will allow 41 minutes of opposition. Seeing no further callers in support, we will move to testimony in opposition. I want to thank Committee members. I know this has been a long day thus far, so thank you for sticking it out. For those of you waiting on the phone, I promise we will get to you. Are there any callers waiting to testify in opposition?

Janine Hansen, State President, Nevada Families for Freedom:

We oppose A.B. 195. NBC news reported COVID-19 began battering families, putting parents out of work, shrouding their homes with grief and loss, shutting children out of schools that taught and cared for them. It has taken an unthinkable toll on children—social, emotional, and academic. From the Associated Press, we read the report cards of the school year are arriving with more Fs than usual in a dismal sign of the struggles students are experiencing with distance learning. School districts from coast to coast have reported the number of students failing classes has risen by as many as two or three times.

In this devastating situation for our children, A.B. 195 is inappropriate. We are giving special rights to students and their parents who are likely here in our country illegally. At this critical time, we should be concentrating on our own citizens' needs. My own granddaughter from Washoe County is failing because she has had such a difficult time with online learning.

In addition, A.B. 195 contains an unfunded mandate, forcing local school districts and taxpayers to pay for the myriad of mandates contained in this bill. School districts are already strapped and many taxpayers who have lost their jobs and businesses have hit bottom. We now have an extreme crisis at the border, bringing more illegal aliens into our nation and state. We already have programs for English learners. How much more will taxpayers be forced to pay and how much more will school districts be burdened, leaving our own citizens without the necessary help they need to succeed in school? We oppose special rights for children and their parents who are here illegally. [Written testimony was also submitted, [Exhibit S](#).]

Lynn Chapman, Treasurer, Independent American Party of Nevada:

The federal law mandates that all states will provide an education for all children. What issues in this bill are already covered in the federal law that our state is already following? I am concerned with the unfunded mandate—that is a biggie. Someone has to pay for all of this. In 2014, the Education Commission of the States did a state profile on Nevada. It stated in 2014-15, the state allocated \$24.95 million for ELL services. Our questions are: How much more is needed for the unfunded mandate? How much more money is being spent in Nevada for ELL programs now as opposed to what it was in 2014 and how much more is needed with the unfunded mandate? How much money is being spent per ELL pupil over and above the per-pupil spending that our state provides?

These are some of the issues we are really very concerned with. We are trying to look out for the families of this state. They are already hurting financially. I have a friend who is retired and told me a couple of days ago that if the property taxes go up any more, she is going to lose her house. This is not the way we should be treating Nevada citizens. The taxpayers are already taxed out. With as much money as the ELL program is receiving, perhaps you could take care of all of this without expecting the taxpayers to fund any more. Please oppose A.B. 195.

Susan Ruch, Private Citizen, Carson City, Nevada:

I am calling in opposition to A.B. 195. Federal law already mandates the states to educate all children, whether they are here legally or not. Assembly Bill 195 is an unfunded mandate to start with, so the state will not be paying for this, but the school districts will—meaning the taxpayers will be paying. Do you think it will be wise to ask the taxpayers if they want the additional burden on their school system?

These children will be receiving a free education regardless of their immigration status or primary language. Schools must supply an interpreter in all meetings with the guardian or parent in their primary language. Realistically, we are going to have a huge influx of children coming from the southern border because they are already here. If they are being registered by a legal guardian, most likely their parents are not here, which means they could possibly have come over the border with a coyote or human smuggler. If this is the case, we are going to need additional psychological counseling because they are traumatized children. My heart goes out to these children, as they are pawns in a perverse political system.

All of this puts huge financial burdens on the school systems, which are already having problems. The big question is, What about the American children? They have not been in school for a year and now their education is being diminished by children who are here illegally. Our country is a country of laws and we have borders. Parents who have other options are leaving the schools in droves. We should be using the funds to help the children of the United States who have lost a year or more of education. Therefore, I strongly oppose A.B. 195.

Chair Bilbray-Axelrod:

Are there any other callers waiting to testify in opposition? [There were none.] Are there any callers waiting to provide neutral testimony?

Sarah Nick, Management Analyst, Legislative Liaison, Department of Education:

The Department of Education is testifying in neutral. We would like to clarify that the World-Class Instructional Design and Assessment exam, used in Nevada to assess the proficiency of English learners, is already a criterion-referenced exam, as well as the SBAC. The Department thanks the Assemblywoman for bringing forward A.B. 195 to support Nevada's families of English learners. We would like to work with the Assemblywoman on an updated amendment to A.B. 195, as we are testifying in neutral to the current amendment [[Exhibit H](#)] introduced today and the inclusion of a criterion-referenced assessment for the literacy of pupils enrolled in elementary school.

Chair Bilbray-Axelrod:

Are there any other callers waiting to provide testimony in neutral? [There were none.] Assemblywoman Marzola, do you have a question or a comment?

Assemblywoman Marzola:

I would like to make a quick comment. I am an immigrant originally from Brazil. I came to this country not knowing one word of English. I was an ELL student. I am not sure if such a program was in place when I came here. It was definitely not in my school. No one knew what to do with me once I was registered. I was 10 years old and put into kindergarten to try to communicate and learn the English language. Let me tell you, English is a hard language to learn.

The pressure of a child coming to another country, not knowing the language, is really tough. We need to remember that it does not matter where you come from or what your language is. What is important is that we encourage these children, we empower them, and we give them tools to succeed. We never know who they are going to be. They could be your next teacher, attorney, doctor, or assemblyperson. Let us give these children the tools necessary and not discriminate. Whether you like it or not, these kids are our future and we have to invest in them because investing in them means we are investing in Nevada.

Chair Bilbray-Axelrod:

We are glad you came here when you were 10 years old, and we are happy to have you as a part of this body. Are there any closing remarks from the sponsor?

Assemblywoman Torres:

I want to begin by thanking the Chair for her commitment in ensuring we had a fair hearing today and her commitment to ensure all Nevadans could participate. It is not too often when we have translators come into our hearings to ensure that members of the public can participate in the hearings. That is exactly what we did today. I commend you for taking the time, and the staff to ensure we could get a translator so that every Nevadan who was eager to participate in our hearing today could.

I want to make it abundantly clear that this bill does not propose special rights for our English language learners. Rather, it enumerates the rights that our ELL students and their families have. I believe it is very important for these families to understand they have the right to a free and public education regardless of their immigration status every single day. If getting a copy of their rights and having their rights posted online will help families and members of our community whom you heard from today feel more comfortable engaging in our schools, then I think this is a piece of legislation worth having.

The opposition today argued that students are struggling in response to COVID-19 and for whatever reason, this legislation was going to take away from other students who are struggling with COVID-19. As an educator who taught throughout the entirety of this pandemic, I can say that a piece of legislation like this will help empower the ELL students in our community and their families who continue to sit in our classes. Throughout summer school, I had students who were engaging with digital technology who did not have a computer prior to the pandemic. We were talking and collaborating in Spanish and it was because of the relationship I had with that student's family that we could build that relationship and have that communication. Had that student or that family not felt comfortable, they would not have had that interaction, that engagement, that conversation. As for myself, I would not have had access to any education throughout the pandemic. I think a piece of legislation like this will provide opportunities for Nevada families and Nevada students.

I am committed to working with the stakeholders. I do want to note that several individuals noted there is a fiscal note for counties. That is simply not true. I spoke with the counties earlier today. The fiscal note has been removed from local counties. I do understand there has been a small fiscal note from the Department of Education for less than \$15,000. I know we are not a money committee, but with the Recovery Act funds that are coming in now, over \$115,000 will be designated to the Department of Education for translation services. I definitely think that a piece of legislation like this would help align with the vision of the Recovery Act, if so desired. I appreciate the Committee's time and ensuring we had a fair hearing on this piece of legislation.

Additionally, several individuals have reached out to me—Assemblywomen Thomas, Gorelow, and Marzola—to be added as cosponsors to this legislation. I look forward to adding them.

Chair Bilbray-Axelrod:

I will close the hearing on A.B. 195. The last item on our agenda is public comment. As a reminder, you have two minutes for public comment. This is not to discuss the bills we have heard, it is for general matters that fall within the purview of our Committee. Are there

any callers waiting to testify in public comment? [There were none.] Are there any comments from members before we adjourn? [There were none.] The next meeting will be Thursday, March 25, 2021, at 1:30 p.m. We do have a packed agenda, and probably will for the next few weeks.

This meeting is adjourned [at 4:15 p.m.].

RESPECTFULLY SUBMITTED:

Sarah Baker
Recording Secretary

Lori McCleary
Transcribing Secretary

APPROVED BY:

Assemblywoman Shannon Bilbray-Axelrod, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a proposed amendment to [Assembly Bill 67](#), presented by Jhone Ebert, Superintendent of Public Instruction, Department of Education.

[Exhibit D](#) is a letter dated March 23, 2021, submitted by Nevada State Education Association in support of [Assembly Bill 67](#).

[Exhibit E](#) is a proposed conceptual amendment to [Assembly Bill 194](#), dated March 22, 2021, submitted by Assemblywoman Selena Torres, Assembly District No. 3.

[Exhibit F](#) is a letter dated March 22, 2021, submitted by Sylvia R. Lazos, Private Citizen, Henderson, Nevada, in support of [Assembly Bill 194](#).

[Exhibit G](#) is a letter dated March 23, 2021, submitted by John J. Piro, Chief Deputy Public Defender, Clark County Public Defender's Office, and Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's Office, in support of [Assembly Bill 194](#).

[Exhibit H](#) is a proposed conceptual amendment to [Assembly Bill 195](#), submitted by Assemblywoman Selena Torres, Assembly District No. 3.

[Exhibit I](#) is a letter dated March 22, 2020, submitted by Cecia Alvarado, State Director, Mi Familia Vota, in support of [Assembly Bill 195](#).

[Exhibit J](#) is a letter dated March 22, 2021, submitted by Sylvia R. Lazos, Member, Nevada Immigrant Coalition, in support of [Assembly Bill 195](#).

[Exhibit K](#) is written testimony dated March 23, 2021, presented by Yesenia Gonzales, Private Citizen, North Las Vegas, Nevada, in support of [Assembly Bill 195](#).

[Exhibit L](#) is written testimony submitted by Valeria Gurr, State Director, Nevada School Choice Coalition, in support of [Assembly Bill 195](#).

[Exhibit M](#) is written testimony submitted by Linda E. Young, President, The Village Foundation, LJP, in support of [Assembly Bill 195](#).

[Exhibit N](#) is a letter dated March 22, 2021, submitted by Paloma M. Guerrero, Legislative Committee, Nevada Immigrant Coalition, in support of [Assembly Bill 195](#).

[Exhibit O](#) is a letter dated March 22, 2021, submitted by Nevada State Education Association in support of [Assembly Bill 195](#).

[Exhibit P](#) is a letter dated March 23, 2020, submitted by Erika Castro, Organizing Director, Progressive Leadership Alliance of Nevada, in support of [Assembly Bill 195](#).

[Exhibit Q](#) is a letter dated March 23, 2021, submitted by Eric Jeng, Deputy Director, One APIA Nevada; and Director of Outreach, Asian Community Development Council, in support of [Assembly Bill 195](#).

[Exhibit R](#) is a collection of letters submitted by Clark County Education Association in support of [Assembly Bill 195](#).

[Exhibit S](#) is written testimony dated March 23, 2021, submitted by Janine Hansen, State President, Nevada Families for Freedom, in opposition to [Assembly Bill 195](#).