

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Eighty-second Session
May 17, 2023**

The Senate Committee on Education was called to order by Chair Roberta Lange at 12:37 p.m. on Wednesday, May 17, 2023, in Room 2134 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

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

GUEST LEGISLATORS PRESENT:

Assemblywoman Angie Taylor, Assembly District No. 27
Assemblywoman Clara Thomas, Assembly District No. 17

STAFF MEMBERS PRESENT:

Jen Sturm-Gahner, Policy Analyst
Asher Killian, Counsel
Linda Hiller, Committee Secretary

OTHERS PRESENT:

Elliot Malin, Anti-Defamation League

Alex Tanchek, Charter School Association of Nevada; High Desert Montessori School; Honors Academy of Literature; Mariposa Academy; Sierra Nevada Academy Charter School

Dylan Shaver, Washoe County School District

Keibi Mejia, Nevada Association of School Boards

Katie Broughton, Nevada Department of Education

Mary Pierczynski, Nevada Association of School Superintendents

Patricia Haddad, Clark County School District

Norris DuPree, Ph.D., Washoe County School District

Paul LaMarca, Ph.D., Chief Strategies Officer, Washoe County School District

Ashley Greenwald, Ph.D., Research Professor, Department of Education and Human Development, University of Nevada, Reno; Director, the Nevada Multi-Tiered System of Supports Project

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

Chris Daly, Nevada State Education Association

Calen Evans, President, Washoe Education Association

Marie Neisess, President, Clark County Education Association

Laura Ellis, Teacher, Dilworth Middle School, Washoe County School District; Washoe Education Association

John Hancock, Counselor, Fred W. Traner Middle School, Washoe County School District

Adam Mayberry, Trustee, Washoe County School Board, Washoe County School District

Staci Roybal, Teacher, Damonte Ranch High School, Washoe County School District

Joe Rodriguez, Trustee, Washoe County School Board, Washoe County School District

Kyle Fibelstad, Teacher, E. Otis Vaughn Middle School, Washoe County School District

Adrienne Conley, Teacher, Silver Lake Elementary School, Washoe County School District

Mari Nakashima Nielsen, Washoe School Principals Association

Jonathan Norman, Nevada Coalition of Legal Service Providers

Holly Wellborn, Children's Advocacy Alliance

Dora Martinez, Nevada Disability Peer Action Coalition

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CHAIR LANGE:

I will open the meeting of the Senate Committee on Education with a work session on Assembly Bill (A.B.) 54.

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

JEN STURM-GAHNER (Policy Analyst):

We heard this bill on May 10, 2023. The bill makes various provisions regarding school attendance and related topics among other items. I have submitted the work session document ([Exhibit C](#)).

SENATOR FLORES MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 54.

SENATOR HAMMOND SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Ms. STURM-GAHNER:

The next bill is A.B. 175, heard in this Committee on May 8, 2023.

ASSEMBLY BILL 175 (1st Reprint): Revises provisions governing boards of trustees of school districts. (BDR 34-692)

The bill adds four appointed nonvoting members to the board of trustees of a county school district with more than 75,000 pupils, currently applying to Clark County School District (CCSD). I have submitted the work session document ([Exhibit D](#)).

SENATOR HAMMOND MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 175.

SENATOR DOÑATE SECONDED THE MOTION.

SENATOR NEAL:

I appreciate the bill sponsor's changes, but I will be voting no. There should be guidelines for who should be on the board and there should be a sunset.

SENATOR BUCK:

I will be supporting this measure today because governance and leadership matters, especially when it comes to our children. Even though these board members are appointed and do not have voting rights, if they have any influence on leadership and governance regarding our children, that is important.

SENATOR FLORES:

I have had lengthy conversations with folks who are worried about this, as well as folks who are passionate about trying something different. There was fear that this bill could create a situation with a split room where folks are not collaborating. If that happens, nothing of benefit would happen. I believe there will be resistance at the beginning. Nobody likes having somebody looking over their shoulder, so that could potentially be part of the first layer of tension. However, I am hopeful that on the back end, we will see collaboration.

I agree with Senator Neal that we have to pay close attention if we are not putting up parameters, without which we could end up having a political standoff where jurisdictions are sending individuals strictly to create chaos and thus would not provide any real benefit to education. If that were to occur, we would have a responsibility to come back and say, "Maybe we have to amend this, provide further guidance and put in place some better parameters."

I have also heard from local jurisdictions, saying that they often request access to data that is simply not shared. Having these four extra folks in the room will provide a bridge to allow some of these jurisdictions to get information immediately and a firsthand perspective.

There is also a concern that leadership outside the board is too powerful, and sometimes that power is not being challenged. I hope these four members who are coming in can provide some substantive pushback and create a wall that we need at times. I will be supporting the bill.

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

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Ms. STURM-GAHNER:

The next bill on work session is A.B. 207, heard on May 5, 2023.

ASSEMBLY BILL 207 (1st Reprint): Revises provisions governing work-based learning programs. (BDR 34-835)

The bill authorizes the board of trustees of a school district or the governing body of a charter school to purchase and maintain insurance against any liability arising out of a pupil's participation in a work-based learning program. I have submitted the work session document ([Exhibit E](#)).

SENATOR HAMMOND MOVED TO AMEND AND DO PASS AS AMENDED A.B. 207.

SENATOR NEAL SECONDED THE MOTION.

SENATOR BUCK:

I will be voting no today.

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

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Ms. STURM-GAHNER:

The next bill is A.B. 241 which was presented by Assemblywoman Erica Mosca on May 15, 2023.

ASSEMBLY BILL 241 (1st Reprint): Revises provisions governing the education of pupils enrolled in a public high school. (BDR 34-625)

The bill requires a public high school pupil to enroll in the courses and credits required by the State Board of Education to receive a College and Career Ready high school diploma. I have submitted the work session document ([Exhibit F](#)).

SENATOR BUCK MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 241.

SENATOR TITUS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Ms. STURM-GAHNER:

The final bill in work session is A.B. 282, heard on May 15, 2023.

ASSEMBLY BILL 282 (1st Reprint): Establishes provisions governing a subsidy for certain substitute teachers. (BDR 34-841)

The bill requires school districts to provide a monthly subsidy to full-time substitute teachers for the purchase of health insurance. I have submitted the work session document ([Exhibit G](#)).

SENATOR FLORES MOVED TO DO PASS A.B. 282.

SENATOR NEAL SECONDED THE MOTION.

SENATOR BUCK:

The fact that charter schools can give paid time off and also give substitute teachers their health insurance with \$1,500 less per student makes me think we can do this. However, I would go about it a completely different way. I do not believe in subsidies, so I will be voting no.

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

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CHAIR LANGE:

I will close the work session and open the hearing on A.B. 264.

ASSEMBLY BILL 264 (1st Reprint): Revises provisions governing attendance in public schools. (BDR 34-639)

ASSEMBLYWOMAN ANGIE TAYLOR (Assembly District No. 27):

Nevada schools are populated by students from a range of cultures, backgrounds and ways of life. It is vitally important that we recognize these different aspects of the students attending our schools when we are crafting policy. One area of need in this regard relates to school absences. Provisions both in statute and in school district regulations specifically provide for the excusal of certain absences often related to health circumstances. However, the statute and regulations may not account for the observance of religious holidays. Assembly Bill 264 seeks to change that, making all religious holidays excused absences. They now show up as an absence in the student's record, and that is what we hope to correct.

A friend of mine in Reno is a big community advocate who owns several car dealerships. One of the programs the car dealerships offer is that every high school senior who has perfect attendance during their senior year goes into a raffle to win a new car. To qualify, they must have perfect attendance, but when you have excused absences, it still shows up as an absence, so those students cannot participate in the raffle drawing. This bill seeks to correct that.

Section 3 states that a pupil who is absent from school due to observance of a religious holiday may not be deprived of any award eligibility.

Section 4 contains school district rules on absences and their reporting, adding language that says, "An absence for the observance of a religious holiday which is approved pursuant to subsection 4 of NRS 392.130 must not be counted as an absence for the purposes of this section."

Section 5, subsection 6 outlines that the days on which the student is absent due to an observance of a religious holiday must be credited toward required days of attendance, as long as the student has completed his or her coursework. There is no excuse for failure to do that.

Section 6 talks about the notification that has to come from a parent or legal guardian.

ELLIOT MALIN (Anti-Defamation League):

I am here on behalf of the Nevada regional office of the Anti-Defamation League. As a product of the CCSD, I am grateful for the opportunities and

experience I was given growing up here in Nevada. We always hear about how subpar our education system is, but I got a pretty good education and had fantastic teachers here in Nevada.

However, as a member of the Jewish community, there was always one thing missing from that opportunity. Every fall, as school was kicking off, the Jewish holidays would come around. I would miss school because my religion required my observance for those days. I would always do my makeup work, always turn in a note from my parents and always let the teachers know ahead of time. When it came time to graduate, I learned that there would be a drawing for a new car for perfect attendance for students who had not missed a day of school. Unfortunately, for me and for other Nevadans growing up here, that was not something I had the opportunity to qualify for, all because my religion had required that I be absent from school on certain days.

Recently, when a student at a high school here in northern Nevada was trying to notify the school of an absence for Yom Kippur, the holiest day of the Jewish year, that student was given a hard time by the faculty and staff at that school. While that resistance is not something currently permissible, it has been a reality for some of our students, including me.

What we are intending to do with this legislation is to withdraw these religious observation days from being classified as "absent" for the purpose of perfect attendance awards. This would also apply to the school district metrics required by the absenteeism index score within the Nevada State Performance Framework (NSPF). These religious observation days would then not count toward the truancy metrics we currently use.

Our goal with A.B. 264 is to protect Nevadans and their ability to practice their faith without fear of negative repercussions within our school system for missing school. This bill is not meant to favor any faith. Instead, it is meant to level the playing field for all students and protect their individual liberties while also ensuring that participation in their faith is not a negative reflection of their schooling.

Earlier this week, Senator James Ohrenschall gave everybody a blue pin for Jewish American Heritage Month. These blue pins are a symbol to fight anti-Semitism. I want to make it very clear that I do not believe our

school districts are ever trying to negatively impact us, and we are appreciative of all the work they put in with us on A.B. 264. I have submitted my written testimony ([Exhibit H](#)).

ASSEMBLYWOMAN TAYLOR:

I would like to discuss a potential amendment ([Exhibit I](#)) we submitted with some input from the school districts. The first part has to do with something called “swatting” that is happening now to schools across the Country. Swatting is calling in a false threat of violence, guns or bombs. It is usually called in to a school. Recently, a national threat showed up heavily in the Washoe County School District (WCSD) and a couple of other school districts in the rural areas. That day, 14,000 students missed school because of the threat of violence. One of the recommended amendments to A.B. 264 would allow those absences to be excused absences.

The second recommendation in our amendment addresses an issue with existing law where regulations require a student who is sick for a day to have a doctor's note. We recognize that many families in our State either do not have a primary care physician or insurance or cannot afford to take their child to the doctor because they would miss a day of work. We want to encourage students to stay home if they are not feeling well.

The second part of the amendment says when a student misses a day for being sick, after three days of being absent, that student needs to have a note from the parent. That note from a parent is sufficient because it is often difficult to get in to see a doctor in two or three days.

SENATOR BUCK:

I often wonder why we do not build our school calendars around those religious holidays and give the entire student body those days off. Attendance is on the NSPF. Chronic absenteeism also gets held against a school and its leaders, and it can affect a school's star rating.

I sometimes think that we need to just remove attendance and I know that seems alarming when we are all about raising the bar on student achievement. During the pandemic, we held attendance against a school at a time when students were told not to come to school sick. I often wondered why we were doing that.

Could you address the NSPF and how we could lessen attendance on that rubric?

MR. MALIN:

Section 5, subsection 6 addresses exactly that within this context by counting those missed days against that rubric or that framework. That was designed specifically so we do not threaten the standing of the schools. When it comes to absences and the way we do things within the school district, that is above my pay grade, but I am happy to have other conversations about that. It has been important for us to know that this bill contained a metric so schools are not harmed for allowing students to miss school for religious observances.

SENATOR BUCK:

There are many different religions. Are there any other religious observances outside of the Jewish faith that this could potentially include? Does it apply across the board so someone could just write "religious observance" as an excuse for missing school?

MR. MALIN:

This bill is not just for the Jewish community. This is for all Nevadans. Our Catholic neighbors have Ash Wednesday. Oftentimes, their students still go to school, and it can be difficult for the parents to juggle that. Our intention is to allow that kind of a day to be counted for those students. We also have Muslim neighbors who celebrate Ramadan that fluctuates throughout the calendar year because Islam, like Judaism, operates on the lunar calendar.

For that reason, it is hard to plan ahead to give all students these days off because they fluctuate every year. Our goal is to make this a level playing field for all students. It does not matter what faith they practice.

When it comes to sending in a note, we have a requirement that the parent shall present advanced notification in writing to the administration at the school three days before the event. That way, the school is notified so teachers can prepare makeup work. The students still have to do the work. The change will be with the administration and the attendance, and how they process that.

SENATOR TITUS:

I, too, had concerns regarding the numbers of potential days a student might miss, recognizing that throughout Nevada, not just in Clark County, we have a number of different faiths with different observations. I am wondering what that accountability would be. Where does it say they need the written note?

MR. MALIN:

It is in section 6, where subsection 4 of A.B. 264, says:

If a pupil will be absent from school for the observance of a religious holiday, the parent or legal guardian or other person having control or charge of the pupil shall notify the teacher or principal of the school in writing, in accordance with the policy established by the board of trustees of the school district, at least 3 days before the pupil will be absent from school.

Regarding the accountability and potential abuse, we had an amendment in the Assembly for section 6, subsection 4, regarding the number of excused absences for religious holidays a student could have in a school year. After some debate that ranged up to ten days, we landed on five floating days. It reads: "An absence for which notice is provided in accordance with this subsection shall be deemed an approved absence, except that not more than 5 absences within 1 school year may be approved pursuant to this subsection." We came up with that number from experience of what comes up for some of our faiths that have these holidays throughout the year. We found five absences to be the happy middle ground with all the stakeholders.

SENATOR TITUS:

Thank you, because we know that kids are kids. If they have an opportunity to miss the school day and they come up with a good excuse, they will often use that. I am supportive of the concept. I wanted to make sure we had some monitoring built into the bill.

CHAIR LANGE:

I will take testimony in favor of A.B. 264.

ALEX TANCHEK (Charter School Association of Nevada; High Desert Montessori School; Honors Academy of Literature; Mariposa Academy; Sierra Nevada Academy Charter School):

I represent the Charter School Association of Nevada as well as a coalition of WCSD-sponsored charter schools including High Desert Montessori, Honors Academy of Literature, Mariposa Academy and Sierra Nevada Academy Charter School. We support this bill because religious observances are part of a cultural experience that students bring to school, enriching all students' education. We do not think that should be held against students.

DYLAN SHAVER (Washoe County School District):

We support this bill and appreciate the sponsors for being so open to addressing our concerns. We look forward to working with everybody to get this done.

KEIBI MEJIA (Nevada Association of School Boards):

We support this bill because it provides an inclusive environment for students of different backgrounds. We want to thank the sponsor for bringing this bill forward and ask for your support.

KATIE BROUGHTON (Nevada Department of Education):

The Nevada Department of Education is neutral on A.B. 264 as we review the details of the amendment posted this morning.

MARY PIERCZYNSKI (Nevada Association of School Superintendents):

We are also in the neutral position pending the review of the additional amendment posted this morning. We are conscious of the timeline, so we will be looking quickly.

PATRICIA HADDAD (Clark County School District):

We were in support of the bill as originally written. We have some concerns around the potential amendment. We need to review it, particularly in regard to the absences caused by safety concerns and parameters that might exist around that. We want to ensure we are still fostering environments where kids feel welcome and are encouraged to show up to school every day. We are also continuing to review this piece around the medical conditions.

SENATOR NEAL:

There are instances where a person is sick, specifically a female, who may have cramps so severe she cannot go to school. That does not necessarily require a doctor's note, but your family knows this is a problem and that she cannot function normally. Can you clarify how a school district would handle that type of situation?

ASSEMBLYWOMAN TAYLOR:

Those instances are exactly why WCSD approached us, so we had a conversation with them about instances when it would still require a note from a parent who would not ordinarily send the child to the doctor for such situations. When the child is sick and cannot attend school, the parent or guardian gets to make that decision, contact the school and ensure the student still gets the makeup work. It helps families who either do not have a doctor or parents who work and cannot afford to take time off. It still allows the educational process to take place.

SENATOR BUCK:

I just had a chance to review the amendment, and I wonder if this will cause more threats to schools by incentivizing people to threaten schools if there is potentially a day off. I completely support the initial bill, but I am a little concerned about the amendment.

ASSEMBLYWOMAN TAYLOR:

Much like religious absences, what would be different is how the school registers that absence.

I am grateful to those who shared some things for us to think about to make A.B. 264 better. We will get to work. We look forward to getting this bill to work session in two days.

CHAIR LANGE:

I will submit a support letter ([Exhibit J](#)), close the hearing on A.B. 264 and open the hearing on A.B. 285.

[ASSEMBLY BILL 285 \(1st Reprint\)](#): Revises provisions governing school safety and student behavior. (BDR 34-638)

ASSEMBLYWOMAN ANGIE TAYLOR (Assembly District No. 27):

Why do we need this bill? We are all aware of the restorative justice bill, A.B. No. 168 of the 80th Session, that is already in statute, passed by the late Assemblyman Tyrone Thompson in 2019. The restorative practices went into effect in August 2019 and six months later, COVID-19 hit, sending everybody home. That time period elevated mental health issues for all of us, including our students, and it brought all those issues of restorative justice to the forefront.

What A.B. 285 intends to do is to find a balance with restorative justice. I have called this a nuanced bill where you dance on both sides of it. I am focused on students first, getting supports to students who need help. We know from research that often when students show up at school with a behavior issue, it is because they are dealing with something at home. It may be a mental health issue, homelessness or family issues, but whatever the case, they need help. That is why restorative practices came into play.

When we take a look at the disproportionality of kids who are impacted from the same behavior situation and disciplinary background, but who act out with greater infractions, it comes in greater numbers from students who are Black and Brown. That is the data. That is the research both nationally and in Nevada. This data helps us ensure we are treating every child the same, giving every child the supports he or she needs and creating an educational environment where teachers can teach safely and students can learn safely.

The second part of the bill affects our educators. We are in an educator crisis. When you talk to educators, and there is some research on this in our own State, two things are important to them. One is that they need more pay, and we have been working on that. Second is safety. Data shows there are no more disciplinary issues today than there 2019, so maybe people are safe. However, it is one thing to be safe, and it is another thing to feel safe. Teachers do not feel safe. Students do not feel safe. This bill also includes the questions, "How do we equip teachers? How do we give them tools? How do we give them the training they need so they will know how to deal with these issues when they come up?"

This complicated issue is nuanced because it is a balance between supporting children who need help and supporting teachers who also need help. One of the things I have landed on is that we need to discipline kids and make sure we

correct the behavior issues. At the same time, we need to support teachers and make sure they are safe so they can teach.

We have nuanced this and amended this bill so much that I might be the only one left who is happy with it. That is how I know I think I got it right. All of that conversation, as much work as it takes, has made this a better bill. There is still more work to come.

NORRIS DUPREE, PH.D. (Washoe County School District):

I am a marriage and family therapist, a licensed alcohol and drug abuse counselor and also a school psychologist. Restorative justice works. For the right person at the right level, it can be very effective. When we take kids whose behaviors are escalated and callous, and put them into restorative justice, we have to be careful because we want kids to be successful. Wanting kids to be successful means we have to understand that all kids need different approaches to be successful.

As far as restorative justice goes, it is important to look at all aspects of the behavior. Does a kid have empathy when engaging in behavior? Is this person a callous, malicious individual? Does the kid need extra support or is this a one-time event? Part of restorative justice when it comes to bringing a kid back is that we want to get to the risk factors. Is this person at risk of doing this behavior again? If so, what interventions are needed so that risk factor can be lowered? This is important.

Sometimes, people say, "Well, it is all about mental health." I am a champion of mental health, but one of the concerns is that we like to link mental health with all bad behavior. A danger of that mindset is that when a consequence is not given, what are we teaching the individual? We have to understand that even with mental health, even with development, consequences can negate behavior. This is important when we are talking about restorative justice.

As far as the schools go, we want to understand risk management. Is this kid's behavior impeding the safety of the class, the teacher or the school? If so, what do we need to do to help this kid? And what do we need to do to keep the other student safe? Sometimes, we are so focused on the kid who does the bad behavior that we forget the victim. This is important to keep in mind.

As far as restorative justice is concerned, should this be applied to kids with high-risk offensive potential? There is a difference between individuals who are gang-motivated versus an individual with anger issues, post-traumatic stress or those dealing with grief and loss. I am not saying that individuals from gangs do not have any of these issues, but restorative justice says that we need to apply a system to the right level of behavior so kids can learn from the consequences they receive. If an individual does not learn from the consequences, then we are not helping that person.

As we talk about restorative justice, we need to advocate with the right mind and not through enabling. We should be developing consistency, limits and boundaries. These are all core issues that people need to be successful in life, in the home and in the school setting. If somebody is reoffending, we need to correct them and ensure that no inequitable practices are happening.

To me, restorative justice requires us to look at each kid individually and systematically and make sure teachers are being educated about applying it and administrators are applying it equally across the board. Most of all, we need to make sure children are learning from the restorative justice practices we implement.

PAUL LAMARCA, PH.D. (Chief Strategies Officer, Washoe County School District):
On behalf of Superintendent Susan Enfield and the WCSD, we applaud Assemblywoman Taylor and her cosponsors in taking on this very difficult legislation, trying to create a balance that we so desperately need in our schools. The current draft, with a couple of exceptions, gives principals and school district administrations the tools they need to effectively manage behavior while emphasizing the use of restorative practices to benefit all students within the learning environment.

In March, the WCSD presented incident data to our board of trustees, looking at trend information from 2018 to this year. From 2019 to 2023, we saw a 15 percent reduction in overall major behavioral events. However, during that same time frame, we saw an 8 percent increase in what we classify as violent behaviors. On the one hand, things are going down overall, but in terms of violence, things are going up. Washoe County Juvenile Services shared some of its data; and community-wide, it had the same trends, reporting an overall

reduction in referrals to juvenile services, but violent behaviors have been on the rise, especially since the pandemic.

Safety is our priority for all students, all staff and for the student who is committing the offense. It is important to know that traditional exclusionary practices, which I think Dr. DuPree was speaking about, can and must work together with restorative practices. That is why we support this bill.

One area of high concern involves students protected under the McKinney-Vento Homeless Assistance Act, which include students who are homeless and those living in foster care. The well-intended bill passed in 2021, S.B. No. 354 of the 81st Session, has language that makes it virtually impossible to exclude a student who is homeless or in foster care, even one in possession of a loaded firearm, or who committed battery on staff. That important area requires an amendment. We have provided language to the sponsors who, if they see fit, will forward those to you. We support A.B. 285.

ASHLEY GREENWALD, PH.D. (Research Professor, Department of Education and Human Development, University of Nevada, Reno; Director, the Nevada Multi-Tiered System of Supports Project):

We want to move this bill forward. We want students to have contact with restorative practices. How do we make sure we equip and empower schools and teachers to be able to do this work? I am here today to share with you that we do know what works; we have evidence of this in Nevada. However, we also know that change, especially in big systems, takes time and resources.

The National Implementation Research Network talks about how to effectively implement evidence-based practices. When we talk about evidence-based practices, I want you to think about restorative practices based upon evidence with demonstrated outcomes. How do we make sure that happens? We want to ensure we have active and consistent leadership that involves a team process both at the school and at the school district level.

We also need to have clear and shared implementation goals, so we know what we are going to be working on. We want to ensure competence, so people know what they are teaching. We also want to have capacity building. If we are expecting educators to implement these practices in their classrooms, how do we ensure they have the knowledge to be successful?

We know from research that training alone is ineffective. Not very much of the information from a training gets implemented in the classroom, so it does not result in the student outcomes we want. What do we do about that? We also know that we need continuous communication and stakeholder engagement. We also need data-informed decision-making, meaning we collect data and learn from it to see what is working and what is not working, and then adapt our practices to the local needs of the community.

From the evidence-based practices in schools perspective, we have to make sure, as Dr. DuPree was saying, to avoid one-size-fits-all practices. We need to assess needs at the local level and select the right practice. There are many different types of practices that can go into a restorative approach. We need to make sure we are building that capacity, implementing it as we have designed it, and monitoring the progress to ensure we have sustainability of those practices.

Here is the flip side of that. When evidence-based practices are not implemented with fidelity, we have reduced effectiveness, inconsistent results, misinterpretation and misapplication that results in wasted resources, frustration and disillusionment, which can lead to the perception that the practice is ineffective. That can hinder further implementation, which is what we are seeing in this space right now.

The original restorative justice bill, A.B. No. 168 of the 80th Session, rolled out right before the pandemic. We did not have adequate resources invested, and then everything changed. Students went home and then came back with more intense health needs, and the workforce had diminished. What do we do to move forward?

We need a systems framework approach. I am here to share that the multitiered system of supports (MTSS) is an evidence-based systems framework approach. We have local evidence that it works in Nevada. We are implementing it in more than 200 schools. The Nevada Positive Behavior Support Technical Assistance Center at the University of Nevada, Reno (UNR), is already on the Evidence Based Practice Registry within the Nevada Department of Education (NDE).

Part of the work in MTSS is assessing readiness and capacity, which means the capacity to implement these practices at every local school we work with. We need to engage the school and the school district in a team approach to develop and implement action plans.

How do we identify specific tasks to facilitate the effective outcomes we want? We provide training and ongoing coaching. Training alone is not effective. For students, we need to make sure those staff members are teaching the skills through both universal—meaning the whole student body—and targeted supports to students with higher identified needs. That is the restorative piece. Those are those practices.

We also need to address discipline in a consistent manner. When we have inconsistent disciplinary practices, it results in disproportionality, as Assemblywoman Taylor mentioned. That is some of the inequity we see in school districts. We need to tighten that up, offering ongoing support using data for continuous improvement. We need both fidelity data, which is the implementation, and outcome data, which looks at whether we are seeing the results we want for those students. Engaging our stakeholders and sharing those outcomes is also important. The supports and practices that we put in place are for the students. The systems we need to put in place are to support the staff.

ASSEMBLYWOMAN TAYLOR:

Thank you to all the copresenters. You heard our objective for A.B. 285, including what it looks like in the schools, what it looks like from a district standpoint and what it takes in implementation to make this successful.

CHAIR LANGE:

Dr. LaMarca from WCSD mentioned something about an amendment they had. Is that in your proposed amendments grid ([Exhibit K](#))?

ASSEMBLYWOMAN TAYLOR:

No, it is not. We are going to be looking at a bill that did not go forward and that may be in there, so we can pull it over and strengthen this bill, especially with the McKinney-Vento piece regarding homeless and foster care students.

SENATOR TITUS:

You used the term “staff success,” but where is the avenue for student success in this bill? I am not sure I see it.

ASSEMBLYWOMAN TAYLOR:

The restorative justice piece is really about the behavioral issues of students and addressing behavior in a consistent way. That enables students to stay in the education environment and be successful. The focus of the bill is correcting the behavior of a student and creating an educational environment so the student can continue to be involved in school and succeed. This is not about the academic support of a student, it is about behavioral supports for a student.

SENATOR TITUS:

I know the bill has been amended, but I am not seeing a pathway for a student to succeed and what educational plans are going to be put in place. I want our students and teachers protected, absolutely. But I also want to make sure the student who is suspended is not just sitting at home on a laptop. There needs to be something in place because we never want to throw a child away. I want to make sure something is always available for them. I would love to see where that is in this bill.

I am all about removing a child from a classroom immediately for safety purposes, not only for the child, but certainly for the other students and the teachers. I like holding people accountable for their behaviors. I wonder about the plan for student success. Thank you for what you are trying to do. I am just not convinced it is here.

ASSEMBLYWOMAN TAYLOR:

Thank you. If I may, madam Chair, I want to ask Dr. LaMarca to address that. I will show you where in the bill it talks about the plan for student success.

DR. LAMARCA:

In section 5 and a couple of other sections, the school has to create a plan to support any student who is removed temporarily from a classroom or suspended out of school for more than two days. During the time that student is out, we have to provide both educational services and behavioral and social-emotional supports. It is also implied, if not explicitly in the bill, that for longer-term suspensions or removals to an alternative educational setting, the schools have

to develop transition plans that allow a student to be successful upon his or her return. This is actually one of the stronger components of the bill; the thoughtful planning of support for the student if you have to use exclusionary measures.

SENATOR TITUS:

Thank you. Is that in the amendment or the original bill?

DR. LAMARCA:

I believe it is in section 5 of the original bill.

ASSEMBLYWOMAN TAYLOR:

Proposed Amendment 3651 ([Exhibit L](#)) talks about a plan on page 15 that needs to be developed for the student, based upon the details mentioned by Dr. LaMarca. The intention is definitely that the student does not get to go home for a two-day vacation.

SENATOR TITUS:

You do not want to reward bad behavior by sending a child home.

ASSEMBLYWOMAN TAYLOR:

Exactly. When a child needs to stay home for a suspension or an expulsion, according to *Nevada Revised Statutes* (NRS), it just means that the child is removed from their school. It does not mean the student is just out there on the street. Even in those cases, the educational supports are there. The plan has to be written and shared on the front end with a clear understanding that this is how you get reinstated and get back into your school.

DR. LAMARCA:

I apologize. It was section 5.5, not section 5.

SENATOR NEAL:

Sections 3 and 4 both have language for people with a disability, making sure that they get a free and appropriate education. Do we have any data from WCSD or CCSD on how that works and how students with an Individualized Education Plan (IEP) who are expelled have been treated? Do we know whether they are being appropriately educated in the new setting? For example, in CCSD if an IEP student is sent to Peterson Student Success Center, how do we know

that individual is being educated? And what is the remedy if parents find out their child with an IEP was expelled and no appropriate education was taking place?

DR. LAMARCA:

If a student with disabilities were to commit some of the acts talked about in the bill, such as battery on staff, distribution of drugs, possession of a weapon—some of these big offenses—the Individuals with Disabilities Education Act allows them to be removed for 45 days. This is pending what is called a “manifestation determination” which is where the IEP team, including the parent, must sit with the school to determine whether the behavior had a relationship to the student’s disability. If it does not, per a team decision not a district decision, then the student can be disciplined like you would discipline a student in general education.

If it is a manifestation of the disability, the limit, regardless of the offense, is 45 days. Once the student is in this alternative setting, we do everything possible to implement the IEP as written. Some of these settings in WCSD are limited in the accommodations they can provide. I cannot speak to CCSD. At WCSD, we essentially have two sites for alternative placements. One of them is primarily for general education and can also support students with IEPs.

Dr. DuPree is working at another site designed to support students with significant disabilities called Turning Point. Students who might be in a Comprehensive Life Skills program or a Strategies program in our Special Education Department would likely be sent to Turning Point during that period of time. The emphasis around restorative practices here enables us to better support the students.

SENATOR NEAL:

I want to go into section 4.5 around the plan. I have heard from teachers at CCSD that there is a reengagement plan in place. However, there has been commentary saying that the reengagement plan is not being followed for those students to be brought back into the school setting. Instead, they are being suspended, expelled or removed, and there is no reengagement to bring them back to the prescribed timeline under the existing restorative justice practice.

How does the plan described in section 4.5 remedy the current issue? If a plan is administered or created by a teacher or local school precinct, is it going to be followed and is the student going to be educated?

ASSEMBLYWOMAN TAYLOR:

I cannot speak specifically about CCSD because we are mostly from WCSD, but the plan we put forward requires data collection on a quarterly basis. That data is then turned in to the Joint Interim Standing Committee on Education, the State Superintendent of Public Instruction and the district's board of trustees. It tracks who is getting suspended and the supports that student is getting, if the education plans are being implemented and who has been trained.

In terms of day-to-day actions, how does a bill make sure they are doing what they are supposed to be doing? That is when we rely upon the board of trustees. The expectation is that the board of trustees holds the superintendent responsible for those things happening on a regular basis.

SENATOR NEAL:

I saw the data piece and I saw the board of trustees in the bill, and two things need to happen. No. 1, school board trustees should be included in any training, because they cannot determine whether or not it is effective if they have never done the training. They should not be an arbiter if they do not even understand the practice.

No. 2, we have subcommittees on suspension at CCSD, but sometimes it is hard to get the data. The data is not actionable; it is not being used to determine behavior by the administration or to recalculate. In certain instances, when the public has asked for data, it has not been provided. What is the penalty if they do not provide the data?

ASSEMBLYWOMAN TAYLOR:

Good question. I am taking some notes, including training for boards of trustees, which absolutely makes sense. The data being reported and shared publicly is an important piece as well. As a Legislature, what do we do if we pass a law and they do not do it?

SENATOR NEAL:

I have plenty of suggestions. If we make this actionable for children, for the system itself to perform, why not do a \$10,000-a-day penalty for failure to turn over that data?

ASSEMBLYWOMAN TAYLOR:

I will make a note of that.

SENATOR TITUS:

What about the victims? What is the recourse for any victim, whether it be the teacher or a fellow student?

DR. LAMARCA:

It is in a couple of different places within the bill. Restorative practices take a victim-centered approach. For example, restorative conferencing is specifically designed to provide a victim the opportunity to express what has happened by explaining the impact so the offender can hopefully empathize and understand that his or her behavior has real impact. There are a lot of restorative practices; I am only describing one. The victim also has a voice in the consequences.

Restorative practices means there are consequences. We use a more thorough process to understand what happened, who is affected and how to remedy it so they have voice in that. There are other aspects of this bill. For example, if a student batters a teacher and the determination is that the student should not be removed, such as in a case with no bodily injury, the law allows a teacher to appeal. This is both for temporary removals and larger offenses. Within the bill, there is a victim focus.

ASSEMBLYWOMAN TAYLOR:

Section 5, subsection 2, paragraph (a) of Proposed Amendment 3651, [Exhibit L](#), states some tenants of disciplinary practices based on restorative justice. They are clearly relief for any victim of the pupil who did the infraction, as well as restoration and remedies. That is a big part of this bill. It does not seem to rise to the forefront as much because the focus is on how we change the behavior of the student who did the infraction. But it is absolutely important that the victim is not left behind.

DR. GREENWALD:

I also wanted to share that restorative practices take a prevention approach, so when we talk about these practices, we talk about universal practices for all students. We are teaching skills like reflective listening, empathy, conflict resolution and emotional regulation. That is really the heart of restorative practices. As we go deeper into the needs of the students and get into those disciplinary infractions, there is intentionality around restoration for the victim and the abuser. It is important to also know that this prevention framework and the focus on teaching appropriate behavior reduces disciplinary issues and violence. There is evidence for this, and it is a big part of the restorative process, as well as reducing exclusionary discipline and the need for discipline in schools.

DR. DUPREE:

That specific emphasis is a concern for me. Sometimes, once a child or student interacts and engages in restorative justice for an incident, a residue effect can take place. How do we make sure this relationship is mended beyond saying, "This happened, we apologize, how can we go on?" Sometimes, we see those residue effects, those power struggles, that can take place when and after a student attacks a teacher. I have seen teachers with panic attacks and high anxiety after an incident. As a therapist, I can become a long-term mediator between that student and teacher to make sure their relationship is mended. It is important that we give those victims the right and the ability to heal, even within our school system.

SENATOR FLORES:

I want to talk about distribution. I am always scared with that conversation because having grown up in an environment where somebody brought the weed and the friends participated, that is distribution, right? Obviously, it is different than somebody selling something illegal at school; I do treat those issues differently. As written in the bill, the language says selling and distribution, is that right? I want to talk about what if it is just distribution alone. The "and" forces it to be both. It cannot just be a kid who shows up to school with some marijuana, and that causes issues. I am not suggesting it is not a severe issue we need to talk about and intervene with, I treat those cases differently.

What I care more about is a student with an IEP getting in trouble. In that case, there is potentially a behavioral issue; then folks review the case to see if one thing is the trigger for the other, or if it was something else.

I am also interested about changing the behavior of the student as addressed on page 13 of Proposed Amendment 3651, [Exhibit L](#), in section 5, subsection 2, paragraph (a). So often, kids act up for a whole host of reasons. I certainly remember this from my own childhood. Some of us had unstable housing, and we had issues with that. If you had reached out to me when my family was between apartment and house and car and apartment again, I probably would have had some behavioral issues. Kids are not necessarily able to articulate all the stuff they are going through. I am concerned because you have to coax it out of them.

This is why I was such an original fan when Assemblyman Tyrone Thompson was engaging this conversation in 2019. It is part of building that relationship, but not everybody can do that. That is a difficult thing to do. I am interested in the fact that sometimes it is the behavioral issue that activates the trigger. Finally, somebody is paying attention to that child. Sometimes, the behavior is a cry for attention.

I would like to know if something in the bill captures a meaningful investment in a case where a kid is acting up, a mistake happens, or a whole host of things have been progressively getting worse in that kid's life. The attention usually goes to the child, and I am always scared that it only goes to the penalty. How do we punish a kid versus how do we activate the trigger that lets us know we now have to pay attention to this kid? There is something happening here. Sometimes, it is just undiagnosed, or there are horrible triggers at home. None of that can be meaningfully captured.

As somebody who grew up in an environment with certain issues, with my own demons and with my friends going through their own stuff, I see it now with the at-risk kids that I work with. I know there is always an underlying trigger. Clearly, something has not been formally diagnosed in that child. I am always trying to find that balance.

ASSEMBLYWOMAN TAYLOR:

You are absolutely right that, oftentimes, this behavior is a cry for help coming from some underlying issues or traumas in the child's life. Who knows? That is why a team is looking at that student. Included in that team are mental health professionals, counselors, school psychologists and social workers because those issues can be identified and fleshed out. The important thing in restorative practices is getting students the help they need.

That is why we need those professionals, starting with the educators going through the training. Then there is a team of people who decide what plan is necessary for a student to either fulfill the suspension or get back to reinstatement. The mental health professionals have to be involved in that. It needs to be that group of people involved in the conversation with the students, their parents and the teachers. We want to do what is best for that child, and it is absolutely different for each child, based upon some of the things that you said

DR. GREENWALD:

You will see the language for a multitiered system of supports, positive behavior interventions and support in the bill. When we are looking at supporting students, we have a tiered hierarchy of supports. That is why we call it MTSS. These are good educational practices on behavior, mental health and trauma-informed support for all students, including the whole student body. Part of MTSS is universal screening where we are training educators to recognize factors to identify or tell someone else about a student in their classroom. Those educators know those students because they see them every day, so we are engaging in these universal practices of identifying students who might need additional supports.

That data goes to a team at the school. Those school teams are comprised of administrators, school psychologists and school counselors plus a representation from general and special education. That team reviews the data and engages in database decision-making. They are reviewing the data—those universal screeners that teachers are doing on the students—of any attendance, academics and behavior incidents by triangulation. We work with school teams to teach them how to regularly use those weekly and monthly datasets to identify which students need additional supports. Maybe those students are facing homelessness or they have trauma in their home, and maybe a new crisis

or a medical condition came up for them. Those data are triangulated, and that team determines if the student needs additional supports.

This can lead to the advanced tiers, including mental health interventions or trauma interventions. We are matching the need of the student to interventions and monitoring the progress of those interventions to make sure that the student is successful in that particular intervention. Very much from the same perspective as academics, this is the behavior side that we are talking about.

SENATOR NEAL:

Is there a fiscal note on this bill? Because I think there is going to be additional investment.

ASSEMBLYWOMAN TAYLOR:

As of right now, there is no fiscal note, but there needs to be additional investment. A mandatory training component must accompany this. That is why I asked Dr. Greenwald to be here.

SENATOR NEAL:

When you have an at-risk high school, the principal will usually designate a vice principal or someone else to be the behavior person. The principal does not have a lot of time to go in and read, recalculate and then assess the plan. There might be a need for another team to be created on campus that can do that work. I remember when Cheyenne High School in CCSD switched leaders from a longtime principal and brought in a new principal, it took the new principal months to wrap himself around the campus and the students and to grapple with goings-on at that school. During that transition, there were a lot of behavior flare-ups while the new principal was assessing the culture and environment at that school.

When you know there are issues occurring on a school campus, you do not necessarily have the time to sit and recalculate what happens each day. All you can do is exhale. Some schools might need to have mandated investment from the school districts into this particular bill so we can make sure there is another team responsible for that kind of situation. That way, the burden is not placed on individuals or groups who cannot do that work.

There used to be a student plan that could follow a non-IEP student. It was literally an academic plan for a student. I do not think we spend a lot of time going back and checking those data points or whether the child is still being followed. Not all students are in a plan from Section 504 of the Rehabilitation Act of 1973 or have an IEP, but schools should be recalculating and looking at their student population that constantly flares up. They should look at their plans to determine if they need to examine and potentially rewrite this plan, not just at the beginning of the year, maybe every couple of months. When we talk about putting in the social workers, counselors or whoever is going to be there, that is going to help guide the narrative of the environment, the culture and the students.

DR. LAMARCA:

You are hitting on what I see, especially in the last several years. It is a failure around implementation. Schools right now are mandated to have a progressive discipline committee. You are right that oftentimes when we are working directly around behavior, we are usually working with the dean or an assistant principal. However, each school has a progressive discipline committee and a mandated safety team at the school site, which includes the administrator, a counselor, school psychologists if they are full time at that building and a social worker. We do have those teams.

To Dr. Greenwald's point, every one of our schools has a MTSS team on paper, and those teams meet periodically, which should at least be biweekly. This is where they can add new students who require support and monitor the supports being implemented for certain students.

From a district lens, I would hesitate to add a new committee, but we, as school districts and schools, have to use the committees that are already part of our teams to support behavior issues, and that is a piece of implementation.

DR. GREENWALD:

Behavior support and discipline cannot rely on one person at the school site. We have more than 200 sites in Nevada implementing MTSS, and they have leveraged teams within their schools.

Washoe County has many schools with MTSS teams, but we need to access resources and time to build up those systems to support those teams. They

review student discipline and concerns around attendance and can maybe flag universal screeners. If those teams do not have adequate time, we cannot implement with fidelity, so I appreciate what you said.

ASSEMBLYWOMAN TAYLOR:

I can address the question around distribution. Section 3, subsection 4 of the Proposed Amendment 3651, [Exhibit L](#), talks about charter schools, but this is the same for university schools for profoundly gifted and public schools. It talks about how the school “may provide a plan of action based upon restorative justice to the parent or legal guardian of the pupil.” It gives some flexibility for a kid who brought a couple of gummies to school versus a kid is over here selling, and it gives the range. It does not prescribe. The range is there to allow these situations to be dealt with accordingly.

SENATOR FLORES:

I appreciate that. Even when I speak with my teachers, sometimes there is frustration. I am not downplaying the fact that a student should not have any substance in school. I just see it very differently from selling. Even when you talk with some of these kids, particularly some of the kids that I mentor, you ask them why they did something, and they might say they just thought it would be funny. Sometimes, a group of kids are all doing it, trying to be cool.

There is harm there but also a lot of immaturity, too. I understand that our teachers must be safe to go to school and feel comfortable, and the other kids need to be safe and comfortable, too. We have a responsibility to do all that, which can be a difficult balancing act. I do not want to make it seem like I do not care about the teachers’ safety, mental health and all the important things they need and deserve. But I also hate to be engaged in a conversation like this and not be talking about students because sometimes we do that in this Committee as well.

I am assuming you have been working with the NDE. It would be important for us to engage them in this conversation and ask how they see all this working out and how this implementation will work. Maybe they can make their way into the Committee room.

ASSEMBLYWOMAN TAYLOR:

Yes, the NDE is among the stakeholders. This is a big bill and it does a lot, but it is because of engaging with the NDE that Dr. Greenwald is sitting here. It was in that conversation about what we were looking for and how we want to support the students and teachers in the school and what that would look like from their lens, so that is how she got here. That conversation continues.

SENATOR FLORES:

Maybe the NDE will join us later, and we can ask questions directly there.

CHAIR LANGE:

We have texted to see if NDE is in the building so someone could come on up. I met with NDE personnel this morning who told me they spent a lot of time working with you on the bill and felt good about it.

SENATOR BUCK:

I have been working in this space for about 30 years. The goal of education should be student achievement, of course. We are also teaching children how to behave in society so they can be successful, hold down a job, take care of their families, behave at the grocery store, etc. With that in mind, I have always worked backward.

I worked with positive behavior supports, and we used to have a student academic and behavioral intervention team that would meet if there was a behavior issue in the school. We would propose a behavior plan that consisted of incentives and consequences. There were progressive discipline plans and a program called LoveandLogic, which has been around forever and not that different from restorative justice. However, in LoveandLogic, the punishment fits the crime; you build empathy by using incentives and consequences.

I feel the biggest mistake this Legislature made under the guise of restorative justice was taking autonomy from school leaders and educators. It led to pipeline staffing issues. It is easy for my colleagues on the dais and in this Legislature who work in adult environments that are not subjected to abuse. It is also easy if you have never been a parent telling very young children to not go near the swimming pool. From a young age, you teach consequences.

That is why I always struggled with the notion of restorative justice. I have issues with some aspects of the bill, like why 11 years old? Why not teach them when they are young? I always say it is better for students to learn when they are five, six and seven years old as opposed to flipping the light switch on their eleventh birthday. Then, all of a sudden, there are consequences. It is better to build that in from a young age as soon as they come to school.

I have received calls from several principals over the last few years about the 2019 restorative justice bill. A foster child was going around bullying girls, both sexually and abusively. The girls were forced to leave the school because the abusive child was a foster child. I take issue with that. I know this bill is about children, but it should be about children who are doing the right things. Oftentimes, we make all these rules for the kids who absolutely need behavior plans and behavior support. Ultimately, we punish the ones who are doing the right thing. I would like you to address this as it applies to the bill.

Also, with the data about the reduction in discipline issues, I feel those are unreported, because, why report it? Have you done a survey of administrators, teachers and educators to see if they are reporting every incident? I think that is skewed data because there has been less discipline. I just think the hands of educators are tied; and ultimately, what are they going to do? The fact that violent behavior is up only leads me to believe that trend data, which would mean that discipline issues would also be up.

ASSEMBLYWOMAN TAYLOR:

Thank you for sharing all your thoughts on that. I think it is important that we have this conversation. Restorative justice does not mean no discipline. I think it has gotten that name because it has not been implemented appropriately. If you look in this bill, there is plenty of discipline, including for someone who is below the age of 11. That age cutoff does not mean that student will not have consequences and discipline; it means that child cannot be expelled. That child can be suspended and held accountable. That child should get supports, but every aspect of restorative justice says there is accountability for your actions.

When we do restorative justice right, discipline is absolutely administered. In the bill, you will see the words "expelled," "suspended" and even "permanently expelled." You will also see supports for the student, a plan on how to help that student, and how we can make sure the student knows that no matter what he

or she did, there is a plan to get back. They have to follow the plan, but they can be restored. That is part of it. We want to keep those students, so they are still being educated and learning.

How do we keep them in that educational environment and not send them home for four days to play video games? How do we keep them in an environment where they are receiving discipline, learning about their behavior, taking responsibility for their actions and restoring their behavior?

I want to be clear that for students under the age of 11, there is still discipline in this bill. This is important because sometimes young kids need help because of traumatic events in their worlds. A grandfather reached out to me, talking about his grandchild who is in kindergarten and already in her third foster family. She was having issues every day at school, and it was a disruption until they finally got her connected with the MTSS team. That child needed to be in a different environment where she could get the help she needed. Hopefully, she will get restored and they can work on those issues, whether it through social work or in a mental health environment.

Restorative justice does not mean no discipline. Cutting expulsion off before the age of 11 does not mean no discipline. It does not mean that at all, not for foster children or homeless children, either. We are going to consider adding that to this bill from A.B. 330 in the short time we have left in Session.

ASSEMBLY BILL 330 (1st Reprint): Revises provisions governing education.
(BDR 34-1087)

For foster children and homeless children, that bill says to make sure you consider whether their behavior is because of their home environment because that is going to put them on a different plan. It does not mean there is no discipline. It just means you approach it differently because they have different needs. Dr. Greenwald can address your question about the data.

DR. GREENWALD:

You raised some important issues. One of the things you said was that the biggest mistake is taking the autonomy from school leaders to select the practices that will work in their schools. Part of the beauty of MTSS is that it is a systems framework. We do not prescribe any practices. The schools select

the practices that work at their local level. It gives that local control back to the schools because what works in high school in Clark County is different from what works at a K-12 school in Pershing County, right? Those decisions need to be made at the local level.

The other thing you said is about teaching consequences. I think Assemblywoman Taylor responded to that well. There is a plan for progressive discipline as part of this bill. The other thing I wanted to mention is that exclusionary discipline practices do not teach the student anything. It does remove the problem from the school. It gives everyone a break and a breather, but it does not teach the student anything. Unfortunately, it is not an evidence-based practice for reducing misbehavior. That teaching component has to be part of exclusionary discipline, teaching appropriate skills so that student can return and assimilate back into the school environment.

If we just continue to remove students from the environment, it damages the relationship the student has with educators, administrators and the school environment. They do not want to be in an environment that does not want them, and none of us would want that. We need to focus on how to restore that relationship and engage in appropriate practices. How do we build those skills for the students?

Finally, regarding your concerns around the accuracy of the data, I cannot necessarily respond to that because I do not know what data is being reported into the system. We are aggregating the data that is being collected. However, we have been implementing this work in Nevada for more than ten years, well before the initial 2019 bill, A.B. No. 168 of the 80th Session. Over the past ten years in Nevada, we are seeing reductions in discipline, improvement in student behavior and gains in the student climate. We see increases in school attendance, decreases in dropouts and increased high school graduation rates as a result of this work. That data is from external evaluators who are evaluating schools implementing this work, comparing that data to schools not implementing this work. We have some good demonstrated local results to share.

Nationally, a lot of evidence supports this work. Hundreds of publications of randomized control trials show that when you implement prevention frameworks

and teach strategies to students around behavior support, we see significant reductions in office discipline, referrals and exclusionary practices at schools.

CHAIR LANGE:

We asked Superintendent Ebert to come back because Senator Flores had some questions.

SENATOR FLORES:

I appreciate the remarks of my colleague sometimes suggesting that Legislators are just blanketly doing things. We do that to people all the time in this building: "You're not a lawyer, so you should not speak about that," or "You're not this, you should not speak about that," and I think that is inappropriate. I think everybody brings unique experiences to the conversation and we have a responsibility to engage in meaningful dialogue, engage experts and work collaboratively, otherwise nobody without expertise should ever run for office because they have no right to speak. I just wanted to call that out because I think it was uncalled for.

Obviously, Superintendent Ebert, you are a subject matter expert who has worked extensively with this issue. I got too into the details, particularly when talking about the difference between distribution and selling as it applies to student discipline. I was talking about this very narrow lens because that is the lens I know through the mentoring programs I do. I want to back off and see it through more of an administrative lens and an implementation lens.

I want to see how we see this playing out and hear the feedback you have gotten over the years. With restorative justice, the biggest feedback I have gotten from all my teachers is always that you have to build a relationship for some of this to work. Unfortunately, either a teacher has been unable to do that because there is no connection, and it is not for the lack of effort, or they are just overwhelmed with a million things to do.

You may have gotten some of that feedback, too, but if we step back even 1,000 feet and if you could see more specifically and provide that lens, I think that would be helpful for us.

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

I have been working with Assemblywoman Taylor on this bill, on A.B. 330 and on behalf of educators since I returned home in April 2019. This gets politicized at times. I have had my own staff who say, "You are woke," and then others who say that you are not making sure that everyone is in a safe learning environment. We have those pieces across our entire State, and we are addressing a system.

I appreciate your comments. Everyone in this building comes with a perspective of every piece and body of work. For the NDE, we worked closely with Assemblywoman Taylor on this bill, moving both bills forward at the same time. We brought in Dr. Greenwald to help because she has worked with the NDE for many years. We fund a lot of the work from the UNR Department of Education that is evidence-based and shows results.

What we have not been able to do as a State is to get to that tipping point where everyone has an understanding of what restorative justice is, what is appropriate in our classrooms, what we expect of our students and what we expect of adults. Our SafeVoice tips over the last two years have increased immensely. We provided you that data. We look at that and ask ourselves how can we be more proactive.

I heard Senator Buck earlier talking about our youngest learners. We started with a structure in 2019 that we wanted to move forward with, then we had this global pandemic no one ever expected, and now we are all learning how to be humans together in a classroom again. This applies to our educators, board members and our community partners, as well as our students.

As we move forward, we are looking at this system in totality. This bill moves in the right direction. We support the work. I have not had the opportunity to review the documents provided today, but prior to today, we were fine with all that work moving forward, and we stand ready to support it.

SENATOR FLORES:

If you see we are moving in that direction and we could provide some flexibility, our Committee is more than willing to help on that end.

CHAIR LANGE:

I will take testimony in favor of A.B. 285.

CHRIS DALY (Nevada State Education Association):

We support this bill. First, let me thank Assemblywoman Taylor for her thoughtful work on this issue. We also support Proposed Amendment 3651, [Exhibit L](#). I have submitted my support letter ([Exhibit M](#)).

CALEN EVANS (President, Washoe Education Association):

Thank you Assemblywoman Taylor and members of my school district for the work on A.B. 285, which is about providing the types of resources and supports that all students and our schools need. It is providing school sites and districts the latitude to provide students with alternative settings to best meet their individual needs.

The best analogy I could think of was looking at our healthcare system. We have a number of different settings that we use to treat children when they are sick or injured—everything from going to your basic pediatrician's office to an emergency room (ER). Why is it that we do not take a child who is severely injured to a pediatrician? It is because that facility does not have the tools, resources, staffing or training to provide that child with the needed services. We are treating students who, through no fault of their own, need an ER in a general education classroom. A classroom does not have the tools, resources, staffing or training to provide students with the services they need to be successful.

In this process, we do a disservice not only to that child but the other 97 percent of the students in the class who deserve their education as well. School districts must have the latitude and flexibility to place students in temporary settings that best support their emotional, social and academic needs. School districts need the latitude to administer other measures beyond restorative practices that may be necessary for various reasons. Current law does not provide the latitude these school districts need. We strongly support A.B. 285 and encourage your support as well

MARIE NEISESS (President, Clark County Education Association):

In the face of the growing issue of violence in our schools, we need to cultivate a culture of deterrence that prevents the kind of violent and disruptive behavior

we are dealing with on a daily basis, while also safeguarding the environment of learning in our classrooms so educators can teach and students can learn. At this point, A.B. 285 represents a compromise in both policy and politics.

From a policy perspective, we need to have the right balance between adequate safety measures that protect staff and students against violent acts, while at the same time ensuring progressive discipline and meaningful restorative practices are in place.

From a politics perspective, this legislation in its current form took the efforts of Legislators from both parties. However, this bill needs to address some of the provisions in A.B. 330. The Clark County Education Association (CCEA) can support this legislation if there will be additions to this bill from A.B. 330, which includes additional safeguards for educators. One of the most pressing issues for teachers regarding school safety legislation is legally affirming our right and ability to immediately intervene and remove a violent or disruptive student from the classroom. Our understanding at CCEA is that the bill does that, and we thank the sponsor for including this provision.

Disruptive and violent behavior impacts student outcomes. Chronic disruption and violent behaviors eat up precious instructional time and erode our educators' confidence and sense of safety in their workplace. As an educator representing more than 18,000 educators in the CCSD, I want to make it clear that our mission is to teach students. Even with the challenges we face today with school violence, this bill and our dedication as educators will ensure that every student has an opportunity to get an education. We must pass this legislation now. I urge your support for this bill.

LAURA ELLIS (Teacher, Dilworth Middle School, Washoe County School District;
Washoe Education Association):

I teach eighth grade science at Dilworth Middle School in Sparks. I am finishing my seventh year of teaching. Dilworth is a wonderful community with the majority of students being hardworking, thoughtful and kind, but a steady handful of kids ruin the entire educational day for everyone. This handful of students on our campus makes daily defiant statements with a range of behaviors from being consistently out of dress code to supporting their gang affiliation colors, constantly using distractingly foul language or to going to the extreme of getting in my face and calling me a racist b****.

That student was angry with me because I had overheard a conversation with another student about bringing a weapon to school and attacking another kid. When I told our administration, the student called me a liar and many other colorful names. At this point, I had been verbally attacked and had overheard plans of possible school violence. That student was sent home. However, shockingly, he was back on campus the next week. When I asked why he was allowed back, the simple answer was that the school's hands are tied and they are simply not allowed to suspend him any more days, so there was literally nothing else they could do.

This extremely abusive behavior is disruptive to the learning environment for students who are there to learn. As the teacher, explosive behavior events are difficult to recover from and control in the classroom because we are trying to de-escalate the aggressive child and prevent other students from joining in now that the behavior has become normalized due to lack of consequences. As teachers, we are also trying to protect the students who are genuinely scared and upset that their peers acted that way. It is humiliating, scary and defeating as the teacher, knowing we are essentially forced to accept defiant and abusive student behavior.

Students who exhibit recurring disruptive behaviors show other students that they are not being held accountable for their actions and propagate the message that disrespect and aggressive behavior is being tolerated. All our students deserve their education. A handful of students who are not successful in our mainstream public schools deserve an education that suits them with the supports they need, but they cannot be allowed to poison the learning environments for the ones who genuinely want to learn. I am not trained in the supports these kids need, and I certainly cannot teach the majority of my students when I am unsuccessfully trying to de-escalate the behaviors to protect my classroom environment. Please help our schools and our districts to have the power to do what is best for everyone's education.

JOHN HANCOCK (Counselor, Fred W. Traner Middle School, Washoe County School District):

I genuinely appreciate your efforts on behalf of public education. I am a counselor at Traner Middle School and have been a WCSD educator and union member for more than 25 years. Legislatures and school boards throw terms like school choice, accountability, achievement, graduation rates, restorative

justice and progressive discipline around all the time. But the fact is that those terms mean nothing when used devoid of context and truthfulness. Teachers have no control over those aspects of education in individual classrooms when overcrowding and consequence-free behavior on the part of defiant and disruptive students ruins the learning environment for students who value their education and want to be there.

Most students would learn, achieve and graduate if defiant, disruptive and sometimes violent students were held accountable in a meaningful way, up to and including genuine alternative placement for repeat offenders. In my 25 years in teaching, nothing makes me sadder than the look of despair on many students' faces as they watched teachers spend their time monitoring disruptive students instead of teaching. Learning environments would blossom if the right to a public education was balanced with the responsibility to behave.

Fear of lawsuits should not drive discipline policy. There was a time when free public education and behavioral expectations were valued. That does not seem to be the case at this moment in time. Things like progressive discipline and restorative justice only have value when we emphasize the words "discipline" and "justice" for everybody. I have worked most of my teaching career at at-risk schools, and I know one thing beyond a shadow of a doubt. Minority and marginalized students are hurt the most when budgets and policy ignore class size and consequences for disruptive students.

That is where you come in. Tax money given to sports team owners, private schools, testing contractors, software companies and vouchers does nothing to help public schools or teachers do their jobs. Public schools have a legal and moral obligation to educate every student who walks through their doors. Do not pay lip service to genuinely good ideas like restorative justice, progressive discipline or graduation rates without giving public school sites and school districts the resources and authority to remove disruptive students from classrooms. That is not fair to teachers, students or taxpayers.

ADAM MAYBERRY (Trustee, Washoe County School Board, Washoe County School District):

I am here on behalf of the Washoe County School Board in support of A.B. 285. I had the opportunity to work closely with Assemblywoman Taylor when she was on the Board of Trustees, and she never shied away from finding solutions

and supporting our schools and our students. I appreciate Dr. LaMarca being here as well. I also appreciate the thoughtful discussion that many of you have had. More importantly, as a Trustee, I am also a father of twin teen girls who attend our schools.

Our WCSD legislative platform specifically identifies that we will seek opportunities to support our personnel. We have a platform to establish and enhance policies that ensure student and classroom safety, protect staff and prioritize personnel's mental and physical well-being, and ensure policies that provide staff the appropriate tools to maintain safe and respectful learning environments.

When I tour our schools, the main thing I hear from our teachers, as the two previous WCSD educators just stated, is behavior. It is a challenge. It is important that we as Trustees can do our jobs to provide an environment where students can thrive and achieve. We are not walking away from these kinds of practices or progressive discipline, and we will never invest more in these practices if we do not move forward and embrace these kinds of changes. These investments will not matter if we cannot maintain safe and respectful learning environments for our staff and students. That is job No. 1 for us, and this bill creates clarity that we can do both. I appreciate the privilege of your time and the great work you are doing for our great State.

STACI ROYBAL (Teacher, Damonte Ranch High School, Washoe County School District):

I am a nationally board-certified teacher at Damonte Ranch High School and a member of the Washoe Education Association. I am here in support of this bill. I have the honor to be the physical education (PE) department lead at my school and the opportunity to work with some of the most amazing and caring individuals, especially the PE teachers in my department. Not only are they outstanding teachers, but they are also outstanding coaches. We have veteran teachers like myself, new teachers and a first-year teacher, all of whom share knowledge and experience, helping each other in the classroom, including how best to handle student behavior.

In our PE world, we sometimes have nearly twice the number of students in our classes, which can mean twice the number of behavior problems. There are far more students without any kind of behavior issues than those with issues.

These students feel the impact when a teacher must take time away from their learning experience to deal with student behavior that has nothing to do with them. It is not fair to those students. It is also not fair to those students who need extra support that we cannot provide in the general education classroom.

Every school site has different populations with different struggles and successes, needs and issues. Even with the implementation of positive behavioral interventions and supports, there are students who do not or cannot comprehend the system. We all want our students to succeed, and that means some students need more and different ways to make that success happen. Support is needed mentally, emotionally and environmentally with the proper resources for these students to find their way. Every child by name and face to graduation can be a reality, even if that way to graduation is walked differently.

JOE RODRIGUEZ (Trustee, Washoe County School Board, Washoe County School District):

I am full-time law enforcement officer, and my other full-time job is as a Trustee for the Washoe County School Board. I am also a parent of three K-12 schoolkids. I want to extend gratitude to my former school board president, Angie Taylor, for spearheading this bill. I want to share some of the concerns that I have been hearing. Like Senator Flores, I was raised in poverty, going from home to home and school to school. My goal is to not criminalize or demonize our students, but to give them help. I know fights at the flagpole and smoking in the boys' room has been going on since public education was established. Punishment is not always the answer, however, corrective measures need to be taken when it is appropriate.

We just had a town hall meeting in our district yesterday. As Trustees, we hear over and over from the community and from staff that the current practice of restorative justice is not working. Like Assemblywoman Taylor is saying, it has not been implemented correctly. Schools are supposed to be safe, not for just our students, but for staff and visitors as well.

As an example of how WCSD is spearheading this in as many ways as the law allows us to do, we are looking at bridging telehealth and students who need help into the community. We have 112 schools, and the vast majority of them have single-point entries. We have school police officers and dozens of social workers. We have these resources, but the current law is not allowing us to

implement this fully. I can share numerous success stories where students are succeeding. We have students going to the United States Military Academy known as West Point, but on the flip side of that, we have some failures. That is one of the reasons why I am a Trustee. We are a district on the rise doing everything we can to serve our constituents and, more importantly, our students, to the best of our abilities.

KYLE FIBELSTAD (Teacher, E. Otis Vaughn Middle School, Washoe County School District):

I am a science, technology, engineering and mathematics (STEM) teacher at E. Otis Vaughn Middle School, where I have taught for three years. When I first got there, I was an English teacher and then I went into the STEM area, teaching robotics and video production project design. I am a member of the Washoe Education Association. I want to share that I, alongside many others, am worried about the current K-12 academic climate. I would love to see positive Tier 1 behavior systems and respective consequences be implemented into our system. Currently, the system does not support our students enough.

General education students and students under safeguarded classifications are not receiving the support they need. Personally, I have seen some of these students under the safeguards regularly disrupt the academic environment for themselves and other students in the general education environment. In my professional opinion, this stems from a lack of appropriate resources, environment and general support.

Currently, students require five three-day suspensions to begin a documentation process. Students under the safeguards are unable to reach this documentation process as there are limits to the suspension times. Sadly, these suspensions are the only way I know of to get any students into the documentation process and potentially into a different environment that may better support them.

This process is disruptive to student education because they are missing a minimum of 15 days throughout the year before the documentation process even occurs. It also bars those with the safeguard classifications from getting the support they need because they will never reach the minimum requirements to begin the documentation and support process.

With these limitations, schools are forced to begin documenting events with local authorities, which ends up streamlining students into correctional facilities. Mind you, these original plans were developed to avoid this. I believe that every student has the capacity for greatness. I see it every day with my students and the amazing work they do both in school and in their communities. With the appropriate supports in play, they can achieve greatness. Without the appropriate supports, however, we get the current climate where fights occur on a near daily basis.

Students are afraid to come to school. Teachers and staff are scared to come to work, and none of the students are learning any of the content or skills that they should.

ADRIENNE CONLEY (Teacher, Silver Lake Elementary School, Washoe County School District):

I have been a teacher for 20 years. I have a master's degree in elementary education, and I am a nationally board-certified teacher and a member of the Washoe Education Association. Nevada's kindergartners are learning what you learned in first and second grade. They must take a standardized test on a computer in winter and spring. And if they do not make the fortieth percentile of students in their grade level, their parents get a letter from the State saying their child is deficient. I tell you this so you will understand that kindergarten lays the foundation for all future learning.

During the 2020 school year, the kindergarten teacher next to me had a student who would lash out when he was required to do any work. He would be throwing chairs and desks, hitting students and the teacher, urinating on the carpet multiple times and continually trying to hurt his classmates. This teacher's class would have to evacuate into my classroom multiple times a week and sometimes several times a day. I would go from teaching 20 students to teaching 40 students. This repeated behavior not only caused extreme stress for her students, but also for my students because we never knew when an extra 20 students would be pouring into our classroom.

Her students became so accustomed to evacuating into my room that at times, I would come back from taking my kids to music or library and find 20 students in my classroom by themselves because she had to get them out of harm's way. And she would still be in the other classroom with the student.

By the time COVID-19 shut schools down, her classroom did not have any scissors or basic necessities. They did not have chairs or desks, and they had to go to her for pencils. Anything considered sharp or dangerous was taken out of the classroom. Both of our classes were severely impacted because of a five-year-old child who, when sent to the principal for discipline, was given an iPad because only restorative practices were being used. "If you do not hit anyone in five minutes, you get a sticker." "If you do not throw any chairs in ten minutes, you can play on the iPad." These policies were designed to encourage changing behaviors, but they did not.

Instances like this and others are the reason teachers, school sites and school districts need the ability to provide alternative settings for learning to best meet the needs of all students and provide solid accountability for student behavior. We need both positive behavior systems and consequences for student behavior.

MARI NAKASHIMA NIELSEN (Washoe School Principals Association):

We are here in support of Assemblywoman Taylor's measure, and we want to highlight her work of bringing together Legislators and stakeholders to keep this measure moving forward. Our school site administrators work with students, families and affected staff members through the entire behavior cycle after an event takes place inside or outside of the classroom. With the training and freedom to properly respond to negative behaviors, administrators can properly support our staff while approaching individual student needs with a holistic lens.

Sometimes, temporary removal is necessary to get a plan in place for both the victim and the alleged offender. Suspension should be directed to promote a safe school environment for all students and allow time for important things to happen. First, the school needs to properly investigate an incident. Second, we need to allow time for all parties to discuss the plan with families and staff. Third, we need to allow time for the school to properly create a restorative reentry plan for all involved. Fourth, administrators will plan and hold meetings that put students first and discuss safety expectations moving forward.

We believe this measure allows administrators to utilize best practices from start to finish while putting plans into place that would build relationships and provide students the skills to break any potential cycles. We are in support of A.B. 285 and are hopeful that with 20 days left, the sponsor will continue to

consider pieces left behind in other measures and echo Dr. LaMarca's remarks about consideration of the McKinley-Vento provisions.

ASSEMBLYWOMAN CLARA THOMAS (Assembly District No. 17):

I am not here as Assemblywoman Clara Thomas; I am here as a mother and grandma of students who attend CCSD. I am in opposition of A.B. 285, and I am speaking for people who have no voice, and that is my family. I do not have degrees, education or experience teaching, but my concern comes from the fact that I am a respected mom and concerned grandma with children in Nevada.

I heard earlier about how restorative justice is something that our kids as young as five years old are not entitled to because their misbehavior eliminates them from an education. There has to be something going on with that child in that kindergarten class. With all the education in our community, with all the resources in our schools, if the only thing that we can come up with is expulsion, we should be ashamed.

I respect every last teacher in our community. They have a rough job. They have a tough job. They are teaching at a rate that they should not be. When you have 20, 30 and 40 kids in a classroom, that is tough. I am concerned about teacher's safety as well as the children's safety.

I say this because of the reports I have seen lately on the newscasts. When I see that a teacher is yelling at a student, backing the student into a corner, the student has no other recourse but to go in the corner frightened of that adult screaming at the top of his or her lungs at this student because the student disagreed with something that was said. Then I have another teacher who writes the "N" word on the white board and gets upset with his students because they said, "That is wrong." The student called the teacher out.

Are we not concerned about student safety? I am concerned about everyone's safety. I want our school district to be the district that I think it could be. We should not throw away our children because that is what we are doing when we are reactionary. I will tell you my life experience ...

CHAIR LANGE:

Assemblywoman, I am going to let you continue because we had a lot of support for this bill, and you are the only opposition. I know people in the room are wondering why we are over the two-minute limit, and that is a decision that I have made.

ASSEMBLYWOMAN THOMAS:

I appreciate that. I am not a teacher, but I have lived experience. I lived it just recently with my 14-year-old granddaughter who was excited about going into ninth grade in high school. When she finally got there, she suddenly found her family was being displaced. They now live with me. This child was so excited about being in high school, learning all the things about this high school life that we shared with her. In the move she and her family had to make, with other people coming into her home to help them move, a box cutter ended up in her backpack. One of the students had been going into her backpack, and I know that when we are young, we are frightened of other students.

I know my granddaughter, and she never ever asked this student, "Why are you going into my backpack?" She went to her teacher, not once but twice, and the teacher told her to handle it herself. So she told the student that she was going to report her for going into her backpack. The student went to the dean and told the dean that my granddaughter had a box cutter in her backpack.

The dean called us up to the school and said the teacher lied to us. The teacher discovered the box cutter in the backpack, which was a lie. It was a student. My granddaughter spent from September until January 3 out of school. We went through all of the appeals to get her back into school because they said she had a weapon. When we looked in the NRS and called the Legislative Counsel Bureau, box cutter was not labeled as a weapon. The school police did not label it as a weapon, but the administrator called it a weapon, therefore, it was a weapon.

When we expel kids from school without an appeals process, this is not right. Other parents said the same thing to me that I am saying to you right now. It is not right. Are we looking at Black and Brown kids? Are we looking at our White counterparts? If my granddaughter, who happens to be Black and White, was of a different hue, she would probably have not been out of school for that length of time. This was mentally draining on a 14-year-old who now has to go

through therapy because the adult in the room did not consider that she had no idea the box cutter was in her backpack. She had no idea. No kid should have to go through this.

Teachers need to understand that it is not all about them; it is about our kids. I understand that they go through disruption, but do not forget why you decided to go into this profession.

This is a 1998 poem by Tom Herner:

If a child doesn't know how to read, we teach.
If a child doesn't know how to swim, we teach.
If a child doesn't know how to multiply, we teach.
If a child doesn't know how to drive, we teach.
If a child doesn't know how to behave, we ...
 ...teach? ... punish?
Why can't we finish the last sentence as automatically
as we do the others?

I thank you for giving me that extra time.

SENATOR NEAL:

The amendment Assemblywoman Taylor presented has the MTSS, the early warning system, the positive behavioral piece in section 2.5. Are you saying that provision is not good enough? We understood that section 2.5 in her amendment is allowing all these things to happen through the plan before an expulsion.

ASSEMBLYWOMAN THOMAS:

I have not seen the amendment you are referring to. I am concerned about the expulsion of a six-year-old. What I am concerned about is when we say "the plan," we list everything about the expulsion and about restorative justice, but we do not give the plan. What is the plan?

ASSEMBLYWOMAN TAYLOR:

Thank you for your story. I want to clarify there is no expulsion of anyone under the age of 11. That child needs help, so there is certainly an opportunity for some behavior interventions. In terms of the plan, there is an outline of the plan,

not in detail, because every student and every situation is different. The components of what the plan must entail is in the bill because it is important to have that.

ASSEMBLYWOMAN THOMAS:

Thank you for the explanation. The only thing is that when we had the original restorative justice bill, A.B. No. 168 of the 80th Session, we said that restorative justice was not good enough because we did not have a plan for implementation. That is what I am concerned about right now with A.B. 285. Do we have a plan? If you are telling me that each situation is different, then each situation for restorative justice is different.

I have heard school unions are supporting A.B. 285. They like expulsion, but expulsion is not the answer. We should be ashamed of that.

CHAIR LANGE:

Might I suggest that the two of you get together and have further conversation to make sure your concerns are addressed and she understands what is in your bill?

I will open testimony for anyone in neutral on A.B. 285.

JONATHAN NORMAN (Nevada Coalition of Legal Service Providers):

We represent kids in foster care. Before I took this position, I was the education advocacy attorney, so I represented not just kids in foster care but kids from the community and families who struggled getting the right IEP supports.

I am in neutral and want to thank Assemblywoman Taylor. She has been great to work with. We were in opposition on the Assembly side; with the amendments, we are neutral. Our kids need so much support right now, whether it is mental health support in our community or efforts to reduce the vacancy rates in our schools. We have 30 percent vacancy rates. We need more counselors and social workers on our campuses.

I think those shortages contribute a lot to those discipline problems. I see the "Time for 20" crew from the Nevada State Education Association walking around. I think things like that can get our schools back to the level we need.

HOLLY WELBORN (Children's Advocacy Alliance):

I also want to thank Assemblywoman Taylor for her hard work on this bill. We know it was not easy. We had a lot of conversations, but because she has been open and working with all the stakeholders, we are moving to neutral today.

We said from the outset that a safe school environment where teachers feel supported and children can learn and thrive is fundamental for child development. However, this cannot come at the risk of diminishing access to education for our most vulnerable youth. I want to address the question that came up, "Why the age of 11?" Here is why. There are currently no alternative behavioral school placements for children in that age group. The students who will be most impacted by exclusionary discipline policies are students in poverty, students of color, students with disabilities and students with exposure to adverse childhood experiences. Thus, unless a child in that age group and his or her family can afford private instruction or have the time to home school their child, that child will be relegated to an unstable learning environment. That was the basis of our opposition in the other House.

We have come a long way on this bill, and we thank the sponsor for that. The amendment presented today provides enough oversight and gives us time to monitor and provide guidance for the implementation of restorative justice practices. We will continue to monitor the bill for further amendments and ask that we remain a part of that crucial conversation while the bill is here in this House.

Ms. PIERCZYNSKI:

I represent the Nevada Association of School Superintendents (NASS), and WCSD is part of that organization. We fully understand where the District stands on this bill. The initial bill was supported by NASS. There have been amendments to the bill, and we understand more are coming. When we get a chance to look at those amendments and discuss that information, we will be able to take a position on the bill. We do understand the timeline.

Ms. HADDAD:

Applicable to this issue, I have a master's degree in special education for children with emotional behavioral disorders. The CCSD is neutral on A.B. 285, and we are looking at the amendments right now. We also appreciate

Assemblywoman Taylor for all the work she has done in developing this bill. Conceptually, we see this as a positive move forward for the CCSD.

There were some questions about where data might be available in relation to student behavior. That can be accessed on the Nevada Report Card and on our website at <data.ccsd.net>, which is updated more frequently than the Nevada Report Card, so that data is publicly available online.

ASSEMBLYWOMAN TAYLOR:

This is a critical issue for all of us. The conversation has been good and ongoing for a couple of months. It is important because students need support, and it is important because teachers and staff need support. We cannot lose them; they are worth saving. Assembly Bill 285 strives to find that line in the middle.

We got some good ideas today. I will get back to Senator Neal on that \$10,000-a-day fine idea, and then I can pay for some of the training we need. Other conversations will continue so we can get something done today and tomorrow and get back to you so we can be prepared to move forward.

CHAIR LANGE:

I am submitting support letters ([Exhibit N](#)), and I will close the hearing on A.B. 285 and open for public comment.

MR. DALY:

Our schools have thousands of educator vacancies and the largest class sizes in the Country. There is a real crisis in Nevada. There is also a real opportunity with proposals and recommendations to put upward of \$3 billion in reserves.

Educators from across northern Nevada will be convening here in Carson City in the next hour or so to say that we hope the Legislature invests more and funds things like the resources we need to implement restorative practices, the bill you just heard and programs like "Time for 20" so we can address educator compensation and class size.

DORA MARTINEZ (Nevada Disability Peer Action Coalition):

I agree; our teachers need an increase in pay. Also, kids who are receiving IEP or a 504 plan need funding. I have a friend whose disabled daughter is not getting the optimum accommodations through the school due to lack of training.

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Please hear our voices and work together to make our future bright again,
especially with children who are disabled.

CHAIR LANGE:

I will adjourn the meeting of the Senate Committee on Education at 3:23 p.m.

RESPECTFULLY SUBMITTED:

Linda Hiller,
Committee Secretary

APPROVED BY:

Senator Roberta Lange, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Introduced on Minute Report Page No.	Witness / Entity	Description
	A	1		Agenda
	B	1		Attendance Roster
A.B. 54	C	3	Jen Sturm-Gahner	Work Session Document
A.B. 175	D	3	Jen Sturm-Gahner	Work Session Document
A.B. 207	E	5	Jen Sturm-Gahner	Work Session Document
A.B. 241	F	5	Jen Sturm-Gahner	Work Session Document
A.B. 282	G	6	Jen Sturm-Gahner	Work Session Document
A.B. 264	H	9	Elliot Malin / Anti-Defamation League	Written Testimony
A.B. 264	I	9	Assemblywoman Angie Taylor	Potential Amendment
A.B. 264	J	13	Senator Roberta Lange	Support Letter
A.B. 285	K	19	Senator Roberta Lange	Proposed Amendment Grid from Assemblywoman Taylor
A.B. 285	L	21	Assemblywoman Angie Taylor	Proposed Amendment 3651
A.B. 285	M	36	Chris Daly / Nevada State Education Association	Support Letter
A.B. 285	N	51	Senator Roberta Lange	Support Letters