

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

**Eighty-Second Session  
February 21, 2023**

The Committee on Education was called to order by Chair Shannon Bilbray-Axelrod at 1:31 p.m. on Tuesday, February 21, 2023, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda [[Exhibit A](#)], the Attendance Roster [[Exhibit B](#)], and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [www.leg.state.nv.us/App/NELIS/REL/82nd2023](http://www.leg.state.nv.us/App/NELIS/REL/82nd2023).

**COMMITTEE MEMBERS PRESENT:**

Assemblywoman Shannon Bilbray-Axelrod, Chair  
Assemblywoman Angie Taylor, Vice Chair  
Assemblywoman Natha C. Anderson  
Assemblyman Reuben D'Silva  
Assemblywoman Alexis Hansen  
Assemblywoman Melissa Hardy  
Assemblyman Gregory Koenig  
Assemblywoman Selena La Rue Hatch  
Assemblyman Richard McArthur  
Assemblywoman Erica Mosca  
Assemblywoman Clara Thomas  
Assemblywoman Selena Torres

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

None



**STAFF MEMBERS PRESENT:**

Alex Drozdoff, Committee Policy Analyst  
Asher Killian, Committee Counsel  
Nick Christie, Committee Manager  
Funmi Sheddy, Committee Secretary  
Ashley Torres, Committee Assistant

**OTHERS PRESENT:**

Jhone Ebert, Superintendent of Public Instruction, Department of Education  
Christina (Christy) McGill, Director, Office for a Safe and Respectful Learning Environment, Department of Education  
DuAne L. Young, Interim Deputy Superintendent, Student Achievement Division, Department of Education  
Craig Statucki, Interim Deputy Superintendent, Educator Effectiveness and Family Engagement, Department of Education  
Chris Daly, Deputy Executive Director of Government Relations, Nevada State Education Association  
Annette Dawson Owens, School Readiness Policy Director, Children's Advocacy Alliance of Nevada  
Paige Barnes, representing Nevada Association of School Boards  
Mary Pierczynski, representing Nevada Association of School Superintendents  
Pastor Troy Martinez, representing Restorative Nevada  
Tonya Walls, Executive Director, Code Switch: Restorative Justice for Girls of Color  
Diego Tapias, Private Citizen, Las Vegas, Nevada  
Marie Neisess, President, Clark County Education Association  
Kamilah Bywaters, President, Las Vegas Alliance of Black School Educators  
Cyrus Hojjaty, Private Citizen, Las Vegas, Nevada

**Chair Bilbray-Axelrod:**

[Roll was called. Committee protocols were explained.] We have what was once a pretty meaty bill and is no longer, just so you know there is an amendment on NELIS [Nevada Electronic Legislative Information System], but we are going to open the hearing for Assembly Bill 65.

**Assembly Bill 65: Revises provisions relating to education. (BDR 34-275)**

We have Jhone Ebert, State Superintendent of Public Instruction, and Craig Statucki, Interim Deputy Superintendent for Educator Effectiveness and Family Engagement, and DuAne Young, Interim Deputy Superintendent for Student Achievement. Please go ahead when you are ready.

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

It is my pleasure and honor to be here in front of you today. As the chair introduced, I am blessed and honored that I have two amazing human beings sitting next to me, both who are here to support. Craig Statucki is Interim Deputy Superintendent for Educator Effectiveness and Family Engagement, and then DuAne Young is with us as Interim Deputy Superintendent for Educator Effectiveness and Student Achievement. We did, as noted, submit a friendly amendment, and I will be speaking to that at the end of all of this work that is before you. It still has a lot of information that we would like to present to you today.

Starting in section 2, the definition of "bullying" was first added in *Nevada Revised Statutes* (NRS) Chapter 388 with the passage of Senate Bill 163 of the 75th Legislative Session. It was further amended during later sessions, which included additional definitions and criteria as we have moved forward. Currently, there is no clear distinction in NRS 388.122 for schools to differentiate between bullying behavior and mutual conflict. It would be nice if all of us learned, at an early age, how to distinguish between the two. When the term "bullying" is used too broadly, we know it minimizes the seriousness of real bullying and the experiences of people who are victims of bullying. Section 2 adds clarifying language to NRS 388.122 to specify that bullying does not include mutual disagreement or conflict. This change in language will help ensure bullying incidents are treated seriously and differently than incidents of mutual disagreement or conflict. For section 3 of the bill, the Department of Education has the role of adult to child investigations. According to NRS 388.14553, the Local Education Agency (LEA) administrators are required to follow up on all SafeVoice tips and complaints and investigate as necessary. *Nevada Revised Statutes* 388.1323, as currently written, requires simultaneous investigation be undertaken by the director of our Office for a Safe and Respectful Learning Environment for adult to child complaints. This currently duplicates efforts as local administrators are investigating. I will give you some specifics. Sometimes the Department of Education contacts a local principal, and say we have had a report in SafeVoice, maybe they have either already closed it out or are currently investigating it. What we would like to do is create a tiered system in this bill, so that as with our other complaints that we have, we have the local entity school district going through their process first. If there is a disagreement at that level, then it would be escalated to the Department of Education to resolve that disagreement. We are creating a tiered system for the adult to child complaints. The proposal in the bill will ensure clarity, and it does not remove the responsibility of the Department of Education to oversee any of the appeals. Additionally, if parties disagree with what happens locally during the investigation, the department would still be involved.

Section 6 clarifies the timeline for discrimination based on race and bullying investigations. The Department has heard from many of our schools and district leaders that the current requirement for the discrimination based on race and bullying investigations makes it difficult to conduct a thorough investigation if the bullying report is lengthy or has many students involved as witnesses. Section 6 extends the amount of time for these investigations to be equal to the amount of time given in cyberbullying investigations. This extension will help ensure that the school district personnel complete each investigation with fidelity. This change only applies to the interview during the investigation period. Administrators are still

required to ensure that all students are safe immediately upon any report. This change does not alter the urgency with which an administrator must intervene to ensure the safety of students and staff. It only allows more time so that all parties involved are offered a complete, thorough, and accurate investigation. Additionally, section 6 seeks to eliminate the reporting of district bullying data in a separate report to the Department of Education, as written in NRS 388.1351. District bullying data is currently submitted into the statewide student information system [Infinite Campus] by local education agencies. The information is made available to the public via the Nevada Report Card. This report is a duplication of the same information, and so removing this language would remove the quarterly submission to reporting, but that data is reported as time moves on, and it eliminates the duplication of the two.

Section 9 changes the authority to approve work-based learning plans from the State Board of Education to the Superintendent of Public Instruction. There is no specific governance requiring the district or charter plans to go before the state board, and this change will ensure the approval process is efficient, timely, and allows the districts to support students in a quicker manner. This suggestion came from all of our district leaders who lead in the Career and Technical Education (CTE), the directors, as well as the work-based learning coordinators.

Sections 10 and 11 of this bill are about the teacher evaluation process. *Nevada Revised Statutes* 391.690 provides that post-probationary educators whose performance has been designated as highly effective for two consecutive years must participate in the observation cycle in the following year but may not receive an evaluation for that year. The Department has received many questions over time, so we would like to make it clear that if a teacher has received two highly effective ratings for two consecutive years, they do have their observation cycle. The educator may request that they have a formal evaluation, or the educator at the discretion of the administrator. So right now it has not been clear if a teacher can request or if the administrator can request for that third year. We are asking for clarifying language there.

Section 12 is the kindergarten start date. This came about during the 81st Legislative Session when Senate Bill 102 of the 81st Session was passed. At that time and currently in the bill, a child must be five years of age before the first day of school. However, the first day of school varies within individual counties because there are charter schools. The recommendation here—and we did work with Senator Hammond as well—is to have one fixed date. That would be August 1, as most of our school districts start around the first week of August. In that section as well, we know that Nevada law does not require children to attend kindergarten or first grade. Section 12 further clarifies guidance on the placement of a child who is six or seven years old to ensure that the placement is appropriate and will meet the educational and social needs of the child. We made a flow chart based on some of the questions that we received so that it can clearly indicate August 1, and in which grade they would enroll if a child is six years old or seven years old [[Exhibit C](#)].

Finally, we have sections 1, 4, 5, 7, 8, 13 and 14 [\[Exhibit D\]](#). That is part of our amendment proposing that we remove the changes related to restorative justice and practices. We have several different groups that would like to work in this area. We also know that the Governor has been working on a bill as well, so we are asking to have this removed in our amendment so that it may be addressed in upcoming bills. That is an overview of our bill.

**Chair Bilbray-Axelrod:**

Thank you. For questions, we will start with Assemblywoman Anderson.

**Assemblywoman Anderson:**

I appreciate the amendment as there are so many things in this. The first question I have has to do with the language in section 2, subsection 3. The language says that the term bullying "does not include expressions and gestures which are engaged in as part of a mutual disagreement or conflict." That is still present in the language being proposed, am I correct? Okay, I see heads shaking yes, so I am going to go from there. What happens in a situation where an individual has been bullied, they have not mentioned it to anybody, it has been an ongoing bullying situation, and then they decide: forget it. We are going to meet somewhere outside of school. We are going to meet there because that is a mutual decision to meet. Is that still under this language, or is that a separate situation that would need to be handled differently?

**Christina (Christy) McGill, Director, Office for a Safe and Respectful Learning Environment, Department of Education:**

I think you hit on the meat of the question and our life as the Office for a Safe and Respectful Learning Environment. Part of what we are trying to do is allow the districts as many tools as possible to address the situations as they come up. The mutual conflict could be addressed one way, and the bullying could be addressed in another way. For the situation that you put forth, first we would really hope that a good focus on prevention could mitigate most of this, for example, by making sure that there are ways to report bullying; and that there are relationships created in the school so that students feel comfortable going to the adults in the school to report if they are being bullied. With that being said, sometimes that does not happen. If that student chooses to take the situation into their own hands, it is unfortunate, and there are consequences to fighting. We want to make sure that the conflict is addressed, and if it truly is a result of bullying, then the bullying and the investigation and the safety plan all come into play. What we really want to ensure is that schools have the tools they need to keep their students and staff safe. By allowing the schools to address conflict, and teaching students how to get along with each other instead of just going to a bullying investigation, is a key improvement to the bill.

**Assemblywoman Anderson:**

Thank you for that clarification, because I think the term "mutual agreement" is exactly what I was worried about. My next question has to do with the starting age for a student at the beginning of a school year. If the student is in first grade, there is a mention of a test of some sort being utilized [\[Exhibit C\]](#). Is this a standard test across a district? Is that the expectation, or is it a standard test across the state? What is the testing mechanism that is

being considered for evaluation as to whether or not a student is prepared for kindergarten and first grade?

**DuAne L. Young, Interim Deputy Superintendent, Student Achievement Division,  
Department of Education:**

That is a test that is individualized based on the district.

**Assemblywoman Taylor:**

To clarify, it is going to be the same in every school in the district, not a school-site decision?

**DuAne Young:**

Yes, that is correct. That was part of the work that was done last session in Senate Bill 353 of the 81st Session, which required us to gather all the various assessments that each district is doing and understand how much that takes away from class time. It is part of that record from last session which maps out all the district assessments.

**Assemblywoman Taylor:**

Why does Nevada not mandate school until a child is seven years old?

**Jhone Ebert:**

That has been the case in Nevada for a very long time. I do not know the date off the top of my head. It might have been in the 1950s when we went back to county districts, but I can look that up and supply that information.

**Assemblywoman Taylor:**

I appreciate that. Could we get that to the committee, Madam Chair? Why we do not start school until we are seven years old?

**Chair Bilbray-Axelrod:**

I believe our legal counsel can speak to that, and it is not a good thing.

**Asher Killian, Committee Counsel:**

I can say that that has been part of Nevada law since 1956, it appears. I cannot speak as to the policy basis for it, but it has been Nevada law for almost seventy years at this point. That mandatory attendance does not begin until age seven.

**Assemblywoman Taylor:**

Awesome. Thank you, Madam Chair. Yes, that is my response. Awesome.

**Chair Bilbray-Axelrod:**

Okay, so everyone has this, and we will make sure this is on NELIS as well [[Exhibit C](#)]. It is just a flow chart, and you can go along, but let us go over it.

**Jhone Ebert:**

If this bill moves forward as written, by August 1, 2023, it says, "My child will be," and then at the far left, age four. Your child would be eligible for kindergarten for the next school year, if they are not five years of age by August 1. Then, the following school year, at age five, your child is eligible to attend kindergarten. For age six, right there in the middle, "Did your child attend kindergarten?" That is really where there is a termination. If "no," your child did not attend kindergarten, then your child will be assessed by the school district to determine if kindergarten or first grade would be the most appropriate placement. If "yes," your child did attend kindergarten, then the child is eligible to be enrolled in first grade. Then to the far right, age seven. "Did your child attend first grade?" If "no," then it is the same comment there. Your child will be assessed by the school district to determine if first or second grade would be the most appropriate placement. If "yes," your child is eligible to be enrolled in second grade.

**Chair Bilbray-Axelrod:**

Thank you for that. Does that make sense to everyone? Okay.

**Assemblywoman La Rue Hatch:**

I will be following up on Assemblywoman Taylor's question. I am a little concerned that the response to, why we do it, is because we have done it. I think we are in the business of changing laws here, and I am wondering why if you are changing all of these things about kindergarten, you have not brought a change to mandating kindergarten and first grade, because I think we can all agree that those are critical for success of students, and rather than playing with dates every year, perhaps we could do something more transformational.

**Jhone Ebert:**

That conversation is one that we have not had at the state level at this point in time. I appreciate your passion that you bring, and I am definitely happy to have those roundtables and discussions of mandatory kindergarten and first grade. There are many states that do require attendance for kindergarten and education by the age of five.

**Assemblywoman La Rue Hatch:**

Thank you. I have a couple of questions, as we have many issues that are in this bill. First, just a clarifying question. On page 20, in section 12, it says, "August 1 preceding a school year." I think that that is a little confusing with the language prior, that says five years of age on or before August 1 preceding a school year. I think that if the school year starts on August 1 and a student is five years old on that date, that language would seem to indicate they may need to wait, because August 1 is not preceding that school year. Perhaps "preceding" is unnecessary in that language. I would like some clarification there.

**Chair Bilbray-Axelrod:**

I am going to defer to our legal counsel for that.

**Asher Killian:**

Generally, school years, at least historically, have started after August 1. That was the reason for "preceding" in that language. The threshold date for determining whether the kid is the appropriate age or not is the August 1 that comes before the school year, and if they hit the age threshold by that date, then they would be admitted for the school year that follows that date. If school years were to start beginning on August 1 or earlier, then it would be the August 1 that precedes the beginning of that school year. Effectively, if the beginning of the school calendar does move that far back into the summer, then you are correct: that would be the effect of this language.

**Assemblywoman La Rue Hatch:**

I will not harp on kindergarten anymore. I do have a question on the evaluation though. So this is on page 19 for the post-probationary teacher that has received two highly effective evaluations. I am going to ask the first question, then I will have a follow-up. I would like to know your stance on why a teacher would be granted that reprieve—that third year reprieve. Is it because it is a reward for doing excellent work? Is it because they are doing such excellent work, that they do not need another evaluation? What is the purpose of granting them that observation only?

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

Yes, you can essentially view it as a reward. The highly effective teacher in the third—he would still go through the observation cycle of the administrator, doing a pre-observation conference, the observation, and then the post-observation conference. The difference would be instead of an essentially full evaluation most teachers receive, it would be a shorter form indicating that the teacher or administrator is still highly effective in their position. It does shorten the process a little bit for those highly effective teachers, but the entire observation process still takes place. That teacher does not get a free year of no observations.

**Assemblywoman La Rue Hatch:**

I think that speaks to the heart of my question, because I am a teacher who has been rated highly effective most of my career. Many of my colleagues have been, and we have been told that third year is supposed to be your reward. You have done such a good job, you do not have to be evaluated this third year. However, for me, my experience does not change at all. I still get evaluated. I still go in and meet with the administrator. I still fill out all the paperwork. The only person rewarded is my administrator, who does less paperwork. I think I am concerned at the point where it says, "At the discretion of the administrator who conducts the observation cycle." If I have an administrator who is very type A and wants to do a full evaluation every time, I will never get a break. I want some clarity on the goal here, because if the goal is to give our teachers a break, or to reward them for excellence in teaching, there needs to be more clarity in actually giving them that break.

**Craig Statucki:**

Again, the observation process goes through regardless of whether that teacher is highly effective, effective, developing, or ineffective. The process, in terms of observations, is the



same. The only thing that changes under the current system would be that some of the evaluation is shortened. The evidence that is provided by the educator and by the administrator still maintains to those observation cycles. What this language is trying to do is, based on feedback that our department has received in terms of clarification, is we have teachers and administrators who are highly effective for two years and want that same evaluation for a variety of reasons. For example, all our teachers who are utilizing the Teach Nevada scholarship have to have an effective and highly effective evaluation for five years. If they were effective for two years, they need a third evaluation. They need a third full evaluation so that they can continue to receive the Teach Nevada scholarship. There are a variety of reasons there. Another aspect is, in terms of the evaluator, there are cases in which a teacher has to change schools or change grades. Maybe they went from a middle school to an elementary school, and while they were highly effective at the middle school, we all know that grade levels change. Then, an evaluator may want to do a full evaluation on the educator because the circumstances of what that teacher is teaching has changed.

**Assemblywoman Thomas:**

My question deals with sections 7 and 8. The language is almost verbatim, but it specifies charter schools and university schools. My question is, Clark County School District (CCSD) is not listed in here, and I am wondering why?

**Chair Bilbray-Axelrod:**

Sections 7 and 8 were struck from the bill for the amendment.

**Assemblywoman Thomas:**

Okay.

**Chair Bilbray-Axelrod:**

I think our committee counsel can address that. But, if you look at the amendment, sections 1, 4, 5, 7, 8, 13, 14, and 15 have all been taken out of the bill. But, Mr. Killian, please go ahead.

**Asher Killian:**

I understand that these sections are in the friendly amendment to be struck from the bill, but just for the sake of explanation, those sections mentioned by the Assemblywoman deal with Chapters 388A and 388C of the NRS, which are the provisions that govern charter schools and the university schools, respectively. The corresponding language for traditional public schools generally in school districts is in Chapter 392 of the NRS. Corresponding language would be down in sections 14 and 15 of the bill, introduced to mirror the language in those sections that were cited.

**Assemblywoman Thomas:**

All right, so since we have struck that out, my question is how do we address restorative justice?

**Chair Bilbray-Axelrod:**

I am going to go ahead and answer that. All references to restorative justice have been taken out of this bill. We have several bills coming forward at a later date from both houses, as well as the Governor. We will be having robust conversations about this, but it is not coming forward in this bill.

**Assemblywoman Thomas:**

All right, thank you. I look forward to that, because I feel like that is something that we need to address—strenuously—especially in CCSD. Thank you.

**Assemblywoman Mosca:**

My question is on section 6, subsection 5. I know that it comes from a lot of feedback from our schools that the two days is not long enough, and I know the proposal is to change it to five. I know last session we worked hard to make sure that the discrimination based on race was included in bullying and "cyberbullying." My question is, if you know now or if you can get us the data, I want to see what the data has been on how many of these incidents are discrimination based on race versus bullying versus cyberbullying.

**Jhone Ebert:**

We are more than happy to provide the Committee with that information.

**Chair Bilbray-Axelrod:**

If you could get it to the Committee, I will make sure we get that to everyone.

**Assemblywoman Hansen:**

I appreciate this handout. It helps to see the flow chart. First, a comment regarding what has come up from some of my colleagues in response to why Nevada does not mandate attending school until age seven. I am about as old as the statute's inception, so a little color from my perspective, having gone to school in the sixties and the seventies, and then having children go through the system here in Nevada from the eighties, my last child graduating in 2017. From my point of view, from what I have seen being involved in education, in my capacity as a parent and then as a volunteer, I appreciate not mandating until seven because it allows some flexibility. All children are different, and we know developmentally, especially with boys, sometimes certain physiological things are not quite where they should be in time for school, for example reading and eyesight, and the development of that. For parents to have flexibility until they are about seven years of age makes sense. I agree there does need to be a mandate at some point. It would be my hope that even though it is an old statute, there are some things that have wisdom even though they might be old. Certainly, we should look at ways to be innovative. Is there a way for us to get statistics about how many kids do not start school until they are seven years old? I mean, how many children are we talking about who do not start until that later age of seven?

**Jhone Ebert:**

That is not data that we have collected to date, so I am not sure. I can work with the school districts to see if there is some sort of tracking, especially with the influx of people moving,

as transitory as our state is. Thank you for giving us the opportunity to investigate, but I know that it is not data that we currently have.

**Chair Bilbray-Axelrod:**

I will follow up with the Assemblywoman. I would very much like that information. If it is not something that we are collecting now, maybe we can add it as an amendment to this bill.

**Assemblywoman Torres:**

I am hoping to get some clarification on section 10 of the bill on page 19. It might be a benefit if legal can jump in here and give me a summary of what is going on in subsection 3 on page 19. I want to make sure, because there are two different parts for what the observation looks like for post-probationary teachers. I want clarification on what the post-probation teacher observation looks like now and what this bill is adding to it.

**Craig Statucki:**

The observation process itself should not change regardless of the language of this bill. When you think of a full observation cycle where you have a pre-observation conference, the actual observation, and the post-observation conference, that observation cycle is still going to occur. What this bill does is provide flexibility to the educator and to the administrator. So, if a teacher wants an evaluation—whether it is for the Teach Nevada scholarship, or they want a promotion within their district, or they are looking at potentially transferring to another school—then they have a full evaluation. It would not change anything in the observation cycle. The change to the bill is that it clarifies that in the third year of teaching, a teacher or an administrator could request that said teacher has a full summative evaluation.

**Assemblywoman Torres:**

Can you show me the language in here where it allows for them to not have the full evaluation? I understand that there is that one observation cycle within the year, but I would like to know exactly where it is permitted—I guess we are adding that, so that they may receive one evaluation, but they may also not receive one evaluation—is that correct?

**Craig Statucki:**

There is a difference between an observation and an evaluation. An evaluation is the summative tool that an educator or administrator receives at the end. The observation is what occurs during the school year; when you take multiple observations, that makes up that final summative evaluation. So, we are not changing that observation cycle. Those observations are still occurring. What is changing is whether or not a teacher is receiving a full summative evaluation or a shorter summary evaluation. Does that answer your question?

**Assemblywoman Torres:**

I think I am going to need more clarification offline on what this system looks like. And I do have an issue with giving the administrator the discretion of whether or not that is going to count. From the conversation that you all had earlier, the teacher might need it for something like the program that they are in. That seems to be at the discretion of the teacher, not at the discretion of the administrator. I would like more clarification of what it is that you are

trying to fix and how this language actually fixes it, because I do not feel that—if that is what we are trying to fix—I do not feel like the language fixes it.

**Craig Statucki:**

We will be happy to meet with you offline and clarify that for you.

**Chair Bilbray-Axelrod:**

Are there any other questions from Committee members? [There were none.] Next, we will hear testimony in support of A.B. 65. [There was none.] We will move on to testimony in opposition.

**Chris Daly, Deputy Executive Director of Government Relations, Nevada State Education Association:**

The Nevada State Education Association seeks an amendment in sections 10 and 11 of the bill, related to the year immediately following the school year in which a post-probationary teacher receives a second consecutive evaluation designating their performance as highly effective. Following up on the questioning from Committee members—I believe both with the first name Selena—currently teachers who have two consecutive highly effective evaluations do not have that evaluation in the following year. They do have that observation. Language, as we heard in this bill, would allow either the teacher or the administrator conducting the observation to trigger an evaluation. We think that the language should be either just the teacher, or both the teacher and that administrator, but that the administrator alone should not be able to trigger that evaluation. It is not in writing, but we are listening and very interested in some of the comments—I believe from Assemblywomen Taylor and La Rue Hatch—about the possibility of requiring an earlier start time in terms of kindergarten and first grade. The Nevada State Education Association would be very supportive of this Committee potentially pursuing that issue.

**Chair Bilbray-Axelrod:**

Is there anyone else in opposition?

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

We appreciate the language around restorative justice being removed from A.B. 65, and for honoring the work that has gone into this and will continue to go into it in the future. I have one concern in section 12 related to the date change for kindergarten eligibility now being August 1. This change to an earlier date impacts the number of families who are planning on sending their child to kindergarten and now have to come up with some other plan, both financially and educationally. This can put a large strain on families who may have been planning on entering into the workforce, changing jobs, adding to the schedule of more liquid assets to make it in these expensive times, et cetera. Now they have to plan on yet another full year of childcare. In addition, they may have mapped out and planned for their child's education and now, after completing pre-K, may not be able to find a spot or availability for the continuation of their child's quality education. We would advocate for an exemption to be made for families affected by this change for this year, so they can continue their child's

education and not be financially impacted by the date change. Thank you for all your effort, and much appreciation for listening and allowing us to share.

**Chair Bilbray-Axelrod:**

Is there anyone else wishing to testify in opposition? [There was no one.] We will move to neutral. Is there anyone in neutral on the bill?

**Paige Barnes, representing Nevada Association of School Boards:**

We are here in neutral. We appreciate the amendment from the Department of Education and need time to review it and get feedback from our board members. Thank you.

**Mary Pierczynski, representing Nevada Association of School Superintendents:**

Our organization is comprised of all 17 superintendents throughout the state. We appreciate many things in this bill. Because there is an amendment, we need to take that back to our superintendents and get their feedback. That is why we are in the neutral position.

**Pastor Troy Martinez, representing Restorative Nevada:**

I stand in neutral to this bill and would like to encourage the notion that restorative practices are being utilized here in Las Vegas and the Clark County School District. Additional restorative practices are sensible, safe, and prevent other root causes, addressing violence and safety issues for school staff and students. We would like to thank you for all of your hard work.

**Tonya Walls, Executive Director, Code Switch: Restorative Justice for Girls of Color:**

We stand neutral, primarily because we need time to review the bill with the given amendments. I would also like to state that we stand in solidarity with Restorative Nevada in maintaining the language around restorative justice practices rather than approaches. We will revisit, review this bill with the amendments, and then check back with our members. Thank you.

**Diego Tapias, Private Citizen, Las Vegas, Nevada:**

I am the parent of a four-year-old that is affected by this law. Unfortunately, this change is a big deal for us. Having a four-year-old that is close to five years old—now there is another year at home. Most of the middle class cannot afford to have some sort of preschool, which is very expensive. We will be affected. The best I can do is have my wife take care of our child, which takes her away from her job. Now she has to stay home another year, taking care of her, and watching YouTube videos—which is totally unacceptable for her age. I looked at some other states and their cutoff dates, and states like New Jersey, Massachusetts, Connecticut, Vermont, and other states in New England and the Northeast have cutoff dates closer to later in September or in October. States like Nebraska, North Dakota, and Arkansas have early dates in August like we do. And guess what those states have in common with us? They are bottom states. When people say it is okay to do what we have done in the past, that might apply to some things. However, if you look carefully, we want to get out of being the last ranked state in education. Now, if you look at states again, like New York, Massachusetts, and Vermont, what do they have in common? Their numbers

are around the top three and four in the nation for education. In fact, if you look just in New Jersey, which is number one, their cutoff date is October 1. That state is also home to Princeton University, number one for undergraduates. Those are things that we should consider when we look at our kids and our future, because this is very important. For me, my kid's education is really important, and right now she would be out of school. And the pre-K itself is only two hours a day, so that does not really help. I appreciate your time.

**Chair Bilbray-Axelrod:**

Thank you for that testimony. I am going to put that in the opposition category. Moving forward, we are now in neutral testimony.

**Marie Neisess, President, Clark County Education Association:**

I would also like time to look at the friendly amendment, so I am speaking in neutral. While there are things in the bill that we agree with, there are also things that we do not agree with. One of the changes that I appreciate is the extended number of days to investigate an incident. As a former classroom teacher, as well as the strategist who dealt with the children's behaviors, I understand that we need time to investigate and ensure that we do our due diligence when we are investigating, whether it is an incident of bullying or a racially motivated behavior situation. I would like to echo what Assemblywoman La Rue Hatch said regarding the evaluation process. I think the language is a little convoluted in the sense that it raises the question of, are we doing it to take the burden off of our educators or take the burden off of our administrators.

**Chair Bilbray-Axelrod:**

I would encourage you to work with the Assemblywoman. Maybe we can get some verbiage to make that clear.

**Kamilah Bywaters, President, Las Vegas Alliance of Black School Educators:**

After hearing the presentation, there is a lot going on in this bill, but I want to offer some information in regard to the bullying and the proposal to change some of the bullying language. Bettina Love, in her article, "Anti-Black state violence, the classroom edition: The spirit murdering of Black children" [*Journal of Curriculum and Pedagogy*, 2016], talks about this concept. I would like for you all, if you have an opportunity, to read the article. She talks about the spirit murdering, and I have had incidents with bullying that has impacted my family. My child was stabbed with a pencil at his school, and we had to take him to the doctor. There was another incident where a child was yelling in his face. I happened to witness that with my own eyes and he threw his shoes. The third incident, he was called a boubou head. Now this may seem like joking terms, but my son is a student who wears dreadlocks, and for me, I think it is really important that we ensure that in our early grades—my son is in the first grade—we are starting early in teaching our students about the ramifications of bullying, what that looks like, and that we cannot be in the practice of spirit murdering. We know that our state, especially in the Clark County School District, has not done the best job of educating Black children. Also, for the evaluation process, I think it is great that we are starting to have this conversation around evaluation. As a person who gets quite a few complaints about the evaluation process, I would hope and recommend that there

is more conversation about evaluations and the experiences from teachers in the district and throughout the state on how they are impacted by evaluations.

**Cyrus Hojjaty, Private Citizen, Las Vegas, Nevada:**

There are some pretty bright spots about this bill. I agree that bullying and conflict should be lowered. I have been a victim of bullying before, including of my background. However, this does not address the heart of the problem. I know this is a taboo subject, and I know that there are some upsides to this. I agree. But having differences of ethnic, racial, religious, and language origin brings conflict. We see this all over the world. We see that whenever you see differences of people—I can give you multiple examples—of Sudan, where you have the country split up among racial lines. They break up; there is a lot of fighting going on. In India—the list goes on, and I think that we need to address the fact that some people just like to live in a monoculture or hang out in monocultural places, because people, deep down in their bones, they are not happy with it—I think you know, many of us in our personal conversations, can say not-so-pleasant things about each other. I think we should look into the root causes of the problem and admit that this is just how humans are by nature and look into it. Anyway, I will just yield my time. Thank you.

**Chair Bilbray-Axelrod:**

Is there anyone else for neutral testimony? [There was no one.] I will close the hearing on A.B. 65. I look forward to more conversations about all of the subjects that were discussed today. We will now move to public comment. [There was none.] This meeting is adjourned [at 2:32 p.m.].

RESPECTFULLY SUBMITTED:

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Funmi Sheddy  
Recording Committee Secretary

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Elizabeth Lepe  
Transcribing Committee Secretary

APPROVED BY:

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Assemblywoman Shannon Bilbray-Axelrod, Chair

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

## **EXHIBITS**

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a flow chart titled "In what grade should I enroll my child? Understanding AB65 for families," submitted and presented by Jhone Ebert, Superintendent of Public Instruction, Department of Education.

[Exhibit D](#) is a document titled "Nevada Department of Education, Amendment for AB65," submitted by Katie Broughton on behalf of the Department of Education.