

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Eighty-second Session
March 6, 2023**

The Senate Committee on Education was called to order by Chair Roberta Lange at 1:07 p.m. on Monday, March 6, 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

STAFF MEMBERS PRESENT:

Jen Sturm-Gahner, Policy Analyst
Linda Hiller, Committee Secretary

OTHERS PRESENT:

Yesenia Gonzales, Azulblue United by Autism
Andrea M. Esquivel
Steven Cohen
Dora Martinez, Nevada Disability Peer Action Coalition
Evangelina Armijo Martinez
John Carlo
Hank Brown, Carson City Montessori School
Cyrus Hojjaty
John Eppolito, Protect Nevada Children

Senate Committee on Education
March 6, 2023
Page 2

CHAIR LANGE:

I will call the meeting of the Senate Committee on Education to order at 1:07 p.m. We will do the work session first.

JEN STURM-GAHNER (Policy Analyst):

The first bill for today's work session is Senate Bill (S.B.) 71 which was sponsored by this Committee on behalf of the Joint Interim Standing Committee on Education.

SENATE BILL 71: Creates the Nevada State Education Support Professional Recruitment and Retention Advisory Task Force. (BDR 34-439)

The Committee heard this bill on February 13, 2023. It creates the Nevada State Education Support Professional Recruitment and Retention Advisory Task Force for purposes of evaluating and addressing the challenges throughout the State in attracting and retaining education support professionals (ESP). The bill sets forth the membership powers and duties of the Task Force and requires it to meet quarterly. Additionally, the Task Force must present its findings and recommendations to the Joint Interim Standing Committee on Education.

There are two proposed amendments. The first is to include, as part of the existing Nevada State Teacher Recruitment and Retention Advisory Task Force, a study on attracting and retaining ESPs rather than creating a separate task force for this purpose. The amendment will also change the name of the Teacher Recruitment and Retention Advisory Task Force to include ESPs. Additionally, the amendment changes the composition of the Task Force and the ongoing charge of the Task Force to advise on both teacher and ESP recruitment and retention.

The second amendment is to modify the date by which the Joint Interim Standing Committee on Education must select the teachers and the ESPs to serve as members of the Task Force of each even-numbered year. I have submitted the work session document ([Exhibit C](#)).

SENATOR DOÑATE MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 71.

SENATOR HAMMOND SECONDED THE MOTION.

Senate Committee on Education
March 6, 2023
Page 3

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

CHAIR LANGE:

I will now close the work session on S.B. 71 and open the work session for S.B. 72.

SENATE BILL 72: Directs the Joint Interim Standing Committee on Education to conduct certain studies during the 2023-2024 interim. (BDR S-441)

MS. STURM-GAHNER:

Senate Bill 72 is sponsored by this Committee on behalf of the Joint Interim Standing Committee on Education. We heard this bill on February 13, 2023. The bill directs the Joint Interim Standing Committee on Education to study the following issues during the 2023-2024 Interim—the mental health and wellness of pupils, teacher workload, teacher-licensing requirements, pupil achievement and graduation trends, and policies and strategies addressing the needs of pupil groups that require additional resources. The bill further requires the Committee to report its findings to the Legislature.

There was one amendment proposed by Senator Dondero Loop to add administrator-licensing requirements to the study on teacher-licensing requirements. I have submitted the work session document ([Exhibit D](#)).

CHAIR LANGE:

I would just like to clarify that the Joint Interim Standing Committee on Education gets three study groups during the Interim. This does not count as one of those study groups.

SENATOR TITUS:

Just for clarification, would this limit the Interim Committee to only those studies? Or, if something comes up during this Session that we feel is important to look at, is it within their scope to look at any other issues?

CHAIR LANGE:

It would be up to the chair to draft a document and then the Committee would decide if we should study that issue further.

SENATOR DOÑATE MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 72.

SENATOR NEAL SECONDED THE MOTION.

SENATOR TITUS:

I am going to be a no on this bill because I am concerned it is going to restrict what that Interim Committee can do. I am a little worried there may be issues that come up between now and when that Committee meets that we would want to address. To have it limited to authorization from the Committee chair makes little sense when we do not even know who that person will be until the Interim. I am a little anxious about the narrow scope that this produces.

THE MOTION CARRIED. (SENATOR TITUS VOTED NO.)

* * * * *

CHAIR LANGE:

I will close the work session on S.B. 72 and open the hearing on S.B. 158.

SENATE BILL 158: Requires video cameras to be installed in certain classrooms used for special education within a public school. (BDR 34-182)

SENATOR SCOTT HAMMOND (Senatorial District No. 18):

Senate Bill 158 deals with cameras in certain classrooms. For many years, when I was not in the Legislature, I was a schoolteacher. I have taught hundreds of students, talked with hundreds of parents and have known hundreds of teachers. I am intimately familiar with their concerns, expectations and fears. This bill addresses the controversial topic of cameras in the classroom and is designed to address concerns of safety, privacy and professional reputation.

Students, parents and teachers are all concerned about making sure our schools are safe and secure learning environments. News reports from across the Country tell us about school shootings, behavior issues and other tragic incidents. Students and teachers are likewise fearful about being bullied, endangered or victimized by students and staff.

Regarding privacy, by its very nature, schools must collect personal information about students, their parents and staff. This information is sensitive and must be carefully safeguarded.

When it comes to professional reputation, teachers are fearful about the possibility that false or unfounded reports or rumors about what goes on in their classroom could affect their employment or even expose them to criminal prosecution.

Senate Bill 158 attempts to balance all three of those concerns. It is drafted to apply to classrooms in public schools, including charter schools, where the majority of students regularly present in a classroom receive a certain percentage of special education during the day. It also applies to schools that only enroll pupils who receive special education. Cameras may only be used to record a class during a regular school day.

Section 1 of the bill provides for notification and training requirements. Senate Bill 158 also specifies the confidential nature of any recording made and limits the recording from being viewed, released, or used unless consent is obtained from those who appear in the recording and if the recording is viewed or used under certain conditions. Recordings are to be retained by the school for at least 45 days unless the school is required to retain it for a longer period.

There are several fiscal notes attached to the bill. Some are substantially high, but I do not know if I need to address those at this time. If you have been paying attention to some of the concerns in our schools lately, there are several litigated cases that resulted in substantial losses by the school districts. The purpose of this bill is to try and mitigate the number of litigated cases.

There are no amendments at this time, but I would be willing to work with any stakeholders who come to me about a potential language change, if needed. I have crafted this bill to respond to the concerns of students, parents and teachers. The result, I think, is a moderate and sensitive approach to a topic that has been widely discussed in the education community.

SENATOR NEAL:

I have a question about the 45-day window in section 1. How did you arrive at that number for the school district to retain the recording?

SENATOR HAMMOND:

This is the third time I have brought the bill forward. When we talked about this before, the issue was the number of days it takes before somebody is alerted to what is going on in a classroom. We wanted to make sure they had plenty of time to ask for the video. We also included who is allowed to look at the video and instructed those who safeguard it to keep it on the shelves for a certain amount of time. If needed, we can negotiate that down to 30 days. It is just about keeping the video in case there is a question. If a parent complains about something that happened in the classroom after the video is gone, that would be concerning. We want to make sure we gave parents plenty of time to ask for the recording.

SENATOR NEAL:

You are getting at my concern—the parents asking and the school trying to make sure the recording is still there. The bill also states that the video is not a public record, and that it can be seen if there is a subpoena, a court order or another function of law.

What about the time period for initiating a lawsuit? Let us say that the camera exposes a certain behavior. There is a timeline between getting a court order and a subpoena, but not the actual initiation of the lawsuit. The defendant would be the school district that controls the video. That creates a situation or problem in my mind because you are now asking the defendant not to delete or remove it. Then there is this time period between an initiated court action, which should probably be the beginning point, not when the court gives you the order, because that could be 30 days or 45 days. What about that scenario?

SENATOR HAMMOND:

We may need to tighten the language to add that the recording cannot be removed when a lawsuit or inquiry is initiated. Is that your concern? If needed, I will definitely add that language and ask for your help. That is what we are intending to do; to make sure the video is available if there is an inquiry. If a lawsuit is initiated and somebody is submitting paperwork, we want to ensure the video stays and that those guarding it are obligated to keep it until after the inquiry or lawsuit is over.

SENATOR TITUS:

I have reached out to some of my local teacher friends and different school districts for their opinions. For the most part, they are all supportive.

Apparently, many of the schools already have cameras in place in these classrooms, except they are only turned on when there is an emergency and the teacher pushes a button to start recording. The cameras do not record all the time. After something actually happens and the teacher recognizes there is an issue in the classroom, the recording can be initiated. I know this is a policy committee, but you brought up that fiscal note. Is that for all counties, or did the State submit the fiscal note?

SENATOR HAMMOND:

Each county submitted a fiscal note for how much it would cost. We are asking for cameras in specific classrooms for students between the ages of 6 and 21 who are in a classroom 60 percent of the time and those between the ages of 3 and 6 in a classroom 50 percent of the time. These are classrooms that are majority special education students. We are trying to find that sweet spot so we can protect the nonverbal kids.

The school district should be concentrating their fiscal note on how much it costs for a camera in that classroom. In many cases, we are only talking about one classroom, maybe two in some larger schools. We will hear from the school districts later, but the fiscal note is mainly about putting the cameras in those classrooms and maintaining them for years to come.

SENATOR NEAL:

Can you put this on the record? I am trying to understand the different caselaw on schools and privacy, schools and the Fourth Amendment in relation to this bill and how the cameras are set up the classroom. What are the privacy rights of the teachers who are in the room? Can you also address the Fourth Amendment question of whether or not there is a search without some other kind of legal step before the video is turned over to their employer?

SENATOR HAMMOND:

When you get into the specifics of Fourth Amendment rights, you might be going beyond my pay grade. All I know is this has happened, and it has been happening in classrooms. Returning to Senator Titus' statement, cameras have been around for a while. You will see cameras in the hallway or in large areas where students eat or congregate, and even cameras on a playground. Some schools, private and otherwise, have actually put cameras in all their classrooms.

It does not violate the Fourth Amendment because video cameras are being used more often. This bill is trying to protect kids who are nonverbal and unable to communicate what has been going on with them in the classroom. More than anything, what we have been hearing back from teachers, who may at first not like this intrusion, is that they actually find it quite liberating because now they know there is a recording in the classroom.

As the bill states, there is going to be a notification. Everybody who is going to be in that classroom, either for a little while or all day, has to be notified that there will be a camera on during working hours. It will only be on some of the time, and there are limits on where the camera will be placed. It will not be in bathrooms or any location where someone will be dressing or undressing. While I cannot answer the Fourth Amendment question specifically, it is allowable because cameras are already being used in many schools.

SENATOR NEAL:

It looks like you are you are creating a protected class of children that are nonverbal. I have a question on section 1, subsection 11, paragraph (a), which states, "This section does not create a cause of action." It made me wonder how that is possible because there are already existing enforceable rights. Reading a lot of the caselaw always triggered my memory of a 1983 action, in which the courts had already decided that it gave them a right. The way you have carved this out brings in the Family Educational Rights and Privacy Act and other federal language that would give them a cause of action. I wanted clarification on the record because it is unclear how that would be interpreted if a case came up.

SENATOR HAMMOND:

While I may not be able to answer that question in depth right now, I will certainly look that up. Looking at that language, I think the intent is to say that it does not create a new cause of action. Then again, if you look at section 1, subsection 11, paragraph (b), it also does not "Waive any immunity from liability or limitation on liability ...". It basically says that we are creating a record, right? We want to make sure that those who cannot speak for themselves have something that can verify what happened. It is up to the parties whether they bring litigation, using the video and other evidence to prove a case. I can look that up and bring that to you and to the attention of the Committee.

SENATOR FLORES:

I remember a conversation from my own private practice when we had installed surveillance cameras everywhere, including the break room. I remember being asked, when we got feedback from the staff and other attorneys, not to record conversations in the break room. I remember specifically the reason was because that might be a time for employees to vent about work, and they were concerned that we would be sitting in a room listening to their conversations. I looked at section 1, subsection 9 to ensure that it is captured there.

With that in mind, I reached out to schools with surveillance cameras installed in their classrooms. I asked them if they felt somebody was eavesdropping on their conversations and if there were ever any consequences. I am thinking about conversations between teachers, and if a principal is listening to them complain about X, Y and Z, and that having repercussions. I assume that because the video is confidential, that scenario could not exist. I understand the privacy and security side of it, so we are protecting students. However, if this becomes a tool to start scaring teachers or to keep teachers from organizing and having conversations about certain issues happening in the classroom, that would be an unintended consequence.

SENATOR HAMMOND:

The recording is only supposed to occur when students are in the classroom. If teachers are having a conversation and talking about the principal, it is probably not what they are supposed to be doing during those hours. They are supposed to be doing their job and teaching, and most of them are doing that.

My wife teaches online quite a bit, and those lessons are recorded because it is all done by Zoom nowadays. This way, she can review, and her students can too, because of the video recording. I can guarantee she is used to not saying anything that may be construed later on as controversial in front of her principal and administration. But, this video is only supposed to capture what is happening during the hours in the classroom with students. When school is over, the camera does not record anymore.

If they are recording and somehow there is a conversation that becomes controversial, I would imagine that there is a cause of action that can then be litigated. The camera is only supposed to be recording when the students receive instruction from the teacher. If somebody comes into the classroom,

I am sure they are conducting themselves in a professional manner, asking the teacher a question and then leaving the classroom.

SENATOR FLORES:

Is the intention that even during a prep period, because there are no students inside the classroom, the camera would not be recording?

SENATOR HAMMOND:

Yes, during prep period or if the teacher takes their lunch in the classroom, there would be no recording.

CHAIR LANGE:

I will now take any testimony in support of S.B. 158.

YESENIA GONZALES (Azulblue United by Autism):

I am the proud mother and advocate of an amazing autistic 13-year-old son. I am also the assistant to Azulblue United by Autism, a nonprofit organization serving families in Las Vegas. Senate Bill 158 would give our most vulnerable children a voice when an incident occurs in a classroom. Many of these students are unable to speak due to being nonverbal and having difficulty expressing themselves. We support S.B. 158 because parents should have peace of mind when their children are in school, and these cameras would ensure their safety. I have submitted my written testimony ([Exhibit E](#)).

ANDREA M. ESQUIVEL:

Do you have kids? If so, have you ever had a child go through something so painful and traumatic that they were not able to tell you or anyone else what actually happened to them? In 2016, my four-year-old son Jabez had his leg broken on purpose by another student on a school bus. There were working cameras on the bus, yet the Clark County School District tried to cover up what had really happened and blamed the incident on my husband and me. The truth was in what the camera on the bus had recorded that morning. We support S.B. 158 so these cameras can be our children's voice in schools. I have submitted my written testimony ([Exhibit F](#)).

STEVEN COHEN:

I am a disability self-advocate and I support S.B. 158. I have submitted my written testimony ([Exhibit G](#)).

DORA MARTINEZ (Nevada Disability Peer Action Coalition):

I represent the Nevada Disability Peer Action Coalition. We are in support of this amazing bill. I am a blind mom. When I was young, I was in an Individualized Education Plan (IEP) because I could not see. I got bullied a little bit and I could not really point out who did it because I cannot see. So, this bill will really protect the students who cannot see or who are nonverbal. Sometimes we say, "Oh, I remember the voice of the person who did that to me," but if you cannot see, you cannot be an eyewitness. Thank you for bringing this bill forward.

EVANGELINA ARMIJO MARTINEZ :

I have several special needs children in my home. I have been having issues since 2006. I have filed various reports, including with the school police. My child told the therapist that he was being hit on his legs and I filed a formal report with the school police. The reports with the school police do not match what my child had been stating. Even after the reports were filed, he came back home with bruises on his face, and I was told that it was due to an unrelated matter where he hurt himself by trying to stand up too quickly and bumping his head on something. In addition, I know that there are a lot of individuals who are nonverbal and there are many parents who are incredibly concerned, and they would rely on this bill so that they could find more transparency and be able to help their children. I support S.B. 158.

CHAIR LANGE:

I will now take testimony against S.B. 158.

JOHN CARLO:

I am a young gentleman from Las Vegas. I am opposing this bill to say that I am for the ESA. I am for parents receiving tax credits, which is a good option for parents and making security easier with less students.

CHAIR LANGE:

Sir, you signed up to speak against whether we should have cameras in the classroom or not. Please stick to the issue.

MR. CARLO:

So let me talk about education reform ... 1978, *Ingram vs Dade County* and that the real issue with security cameras is that we need more security and corporal punishment. I understand for public accommodation law, but I don't believe that this Education Committee is really taking public accommodation law serious when it came to enforcing masks on people that asked to be public accommodated. So, I don't believe this is really ... we need to look into NRS 392 and then also we need to talk about putting video cameras in the superintendent's office, not into handicap ...

CHAIR LANGE:

I am going to cut you off because you are not speaking germane to our issue. Thank you for being on the phone. I will now take testimony in neutral on S.B. 158.

HANK BROWN (Carson City Montessori School):

I am in neutral because I have a couple of questions. The first one is, why not have cameras in all classrooms? Is it due to financial reasons? There are a lot of students in regular education classes who will not or cannot speak for themselves. Will the teachers be responsible to turn the cameras on or off? In the bill, it stated that this would actually impact over two pages worth of NRS. Is that true?

CHAIR LANGE:

I encourage you to reach out to Senator Hammond after the meeting. Is there any more neutral testimony?

CYRUS HOJJATY:

This bill brings up a very good and interesting topic. I have heard a lot of good arguments from both sides. My concern with what is going on in the classroom, from my experience going to public schools, are false accusations. So, I am hoping that whenever there are false accusations, these cameras can prove if those accusations were false. I am also concerned about privacy.

SENATOR HAMMOND:

As you can plainly hear from those who came to testify on S.B. 158, this issue is something that concerns them. As a parent myself, I know that sometimes

we send our kids off and we hope for the best for them. When we worry that we are putting them in harm's way, it can be the only thought in our minds. Some of these mothers today told us of sending their children off to school and having them come back with bruises and marks on their bodies that their children could not explain. I think those parents would like to see something like what we are proposing in S.B. 158 just to give them peace of mind and to make sure the learning environment is safe with education going on in their schools and not something that causes them to worry.

I am grateful to those who have already come to talk to me about the bill, and I know that we will need to have some conversations before we can wrap this up. We know we have to address the cost. Just putting cameras in the classrooms is going to be very expensive. We are not advocating cameras for IEP students who take their special education in a regular classroom because they have other students around who can speak for them. This is really trying to get at those kids who are nonverbal. If you have a classroom where the majority of kids cannot speak or advocate for themselves, this will be a huge advantage for them. As far as turning on and off the cameras, you could program them to be turned on and off without having the teachers do it on their own.

To the last gentleman who spoke, I will say this to the Committee that I have had several conversations over the years about this issue, and several schools have gone to cameras in all the classrooms. At first, it was something the teachers were a little concerned about. But when there was an incident in the class where a student accused a teacher of doing something to them, the teacher could defend themselves by asking to see the film. There are cases where the teachers were exonerated by that footage, showing that they never did what they were accused of doing. In that process, the student's behavior became evident, and the teacher could then turn to the parents and show them their child's behavior in the classroom. The teachers felt more comfortable in the classroom because they now have solid evidence of what is happening.

I am not saying that I am advocating this for every classroom. I am just saying to the gentleman who is inquiring, you are absolutely right. It is something that can help teachers in the classroom. We are getting more comfortable with the idea of having the cameras on during those working hours.

Senate Committee on Education
March 6, 2023
Page 14

I will end by again saying that I think this bill is a moderate approach to the issue. I urge the Committee to pass it and we will talk about the fiscal note another day.

CHAIR LANGE:

I will close the hearing on S.B. 158 and we will go to public comment.

JOHN EPPOLITO (Protect Nevada Children):

I want to address S.B. 72. I realize the hearing was on February 13, 2023, but our group is nonpaid and most of us work. It is probably a good idea to figure out the mental health of students. Let me give you a couple of examples of what has already happened in our State. Washoe County School District gave a psychological assessment to all the children in four schools without parental consent. They do not have that data; the vendor who has the data is Castle. That happened in 2017. Most of the students whose psychological assessments were available to download are now in their twenties and thirties. We do not know how this is going to affect their future.

A couple of weeks ago, the Los Angeles County School District had a data ransom situation where someone held data and asked for money. The District would not pay the ransom for that ransomware attack. So, the people holding the data released the records of 2,000 students and their psychological evaluations. That data was then available to be downloaded from the web. This comes from *The 74*, a far left website. Many on the far right quoted this article. I will email the article to you.

Clark County has already had a ransomware attack reported in the *Wall Street Journal*. Data taken included social security numbers and student information; Clark County refused to pay.

Senate Committee on Education
March 6, 2023
Page 15

CHAIR LANGE:

I will now close the meeting of the Senate Committee on Education at
2:01 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
S.B. 71	C	2	Jen Sturm-Gahner	Work Session Document
S.B. 72	D	3	Jen Sturm-Gahner	Work Session Document
S.B. 158	E	10	Yesenia Gonzales / Azulblue United by Autism	Written Testimony
S.B. 158	F	10	Andrea Esquivel	Written Testimony
S.B. 158	G	10	Steven Cohen	Written Testimony