

**MINUTES OF THE  
SENATE COMMITTEE ON EDUCATION**

**Eighty-second Session  
March 8, 2023**

The Senate Committee on Education was called to order by Chair Roberta Lange at 2:02 p.m. on Wednesday, March 8, 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  
Asher Killian, Counsel  
Kirsten Oleson, Committee Secretary

**OTHERS PRESENT:**

Paul Anderson, Nevada Interscholastic Activities Association  
Anna Binder, Let Them Play  
Mary Pierczynski, Nevada Association of School Superintendents  
Dawn Etcheverry, Nevada State Education Association  
Kerri Finn, President, Carson Educational Support Association  
Brent Busboom, Nevada State Education Association  
Chris Daly, Nevada State Education Association  
Gil Lopez, Charter School Association of Nevada

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CHAIR LANGE:

I will open the hearing on Senate Bill (S.B.) 196.

**SENATE BILL 196**: Revises provisions relating to interscholastic activities and events. (BDR 34-868)

SENATOR HAMMOND (Senatorial District No. 18):

I have been involved in high school athletics for many years as a participant, coach, fan and parent. I am concerned about equal access to high school athletics. I am very passionate about making sure that students have an equal opportunity to participate in high school athletics.

I have gotten some calls—including from the rural districts—about the financial aspect of this bill. I want to work on reducing whatever burden or cost associated with this bill, but that is not the intent. The intent is to increase access to high school sports for potential athletes.

Section 2 defines out-of-school activity as an activity that is not associated with the school, including a club team, athletic camp or program. Section 3 codifies the existing regulation that prohibits a coach, manager or other person associated with the sanctioned sport or spirit squad from making an out-of-school activity a condition for qualifying or accepting the pupil as a member of the team during the season for the sanctioned sport. The section outlines the consequences of such a violation. The reason for this section is because I have heard from too many parents of potential athletes that when their children went to try out for a sport, they were told that if they did not already participate in a club or Amateur Athletic Union (AAU) team, they should not even bother coming to their high school team tryout. I kept hearing these allegations. It was not just one or two complaints, it was pervasive. Clubs and AAU teams are here to stay, but it is important to figure out how to rein them in.

Section 4 requires principals of schools affiliated with the Nevada Interscholastic Activities Association (NIAA) to submit a report to the NIAA every July that includes information about coaches, managers or other associated people with the sanctioned sport and who also earned compensation for related out-of-school activities.

Section 5 requires a notification to a pupil and the pupil's family of the rights afforded to a pupil while participating in the sanctioned sport or other interscholastic activity. These rights include: a person may not compel a pupil to participate in an out-of-school activity, and a pupil's participation in an out-of-school activity cannot be a condition for qualifying for a team participating in a sanctioned sport or spirit squad.

Section 7 states a pupil who was enrolled in Grade 9, 10, 11 or 12 at any time between March 12, 2020 and May 19, 2022—during the coronavirus pandemic—is eligible to participate for at least 10 consecutive semesters and 5 seasons in any sanctioned sport, spirit squad or other interscholastic activity for which the rules governing eligibility are established by the NIAA or a school district.

I urge you to support S.B. 196.

SENATOR TITUS:

I was a physician for many years and I saw various sports injuries. In my rural district, the kids would go to bigger communities to play club sports so they could play year-round.

I appreciate this bill because I saw more sports injuries when a child plays a single sport year-round—especially volleyball—as opposed to when they would participate in various sports. I would encourage families to have their kids play other sports and not necessarily continue a single club sport year-round.

SENATOR HAMMOND:

I agree. It is better for athletes to use different muscles through their involvement in various sports. When students are asked to compete in a club or an AAU team as a condition for playing for their high school team, they are forced to use the same muscle group all year. If athletes decide they want to participate in the sport year-round, that is up to them. They should not be forced.

CHAIR LANGE:

I have a question relating to section 4 and reporting. The principals are responsible for submitting the report. How do they ensure coaches are reporting to them? Should you put some language in the bill that would put more onus on the coach?

SENATOR HAMMOND:

I need more feedback from principals and districts on how this might work. I have spoken to a few of them, and I am beginning to think we need to change the language to ensure we are getting compliance and the process works. They also have suggestions on how to cut down the cost associated with this bill. I will work on amendments before the work session so that districts are buying into the bill.

CHAIR LANGE:

Does this only apply to club teams you have to pay for, or does it also apply to recreational sports where a coach might not be paid?

SENATOR HAMMOND:

We are trying to capture someone who is making money, not necessarily a recreational coach. First, I would like to capture that the school is not requiring the pupil to participate as a condition to compete in their athletic program. Second, we are trying to find out who is making money. You would not necessarily need to capture the name of the coach if the coach is not making money. We are trying to find out if a coach is compelling somebody. That would be reported, and the coach could face penalties.

CHAIR LANGE:

Some coaches might encourage their team to stay together on a year-round team; this might give them an advantage against a team that cannot stay together during the off-season. For some students, they might not have the financial means to participate in a club sport and their coach might not consider them for the upcoming season. Are those statements correct?

SENATOR HAMMOND:

That is right. This is an equal access bill for parents who cannot afford to send their kids to an AAU, club or sports camp. The student should not be denied access to try out for the team. Some coaches are trying to shuttle certain students to certain teams. In Las Vegas, there was a team that stayed together four or five years. They won the State competition, but they were playing together in high school and in club. Other people were discouraged from trying out for the team because of the longstanding team.

States are trying to address this issue. It is not just the State of Nevada. In Florida, there is a rule that no AAU or club team could be comprised of more

than 65 percent of their high school team. That rule attempted to break the teams up. I do not want to go that far, but it is time for us to start looking at how to rein in these teams. It could be detrimental to high school athletic programs because that is not what we are trying to achieve. We are trying to ensure students can access and participate athletically in their high school experience. That is the issue.

CHAIR LANGE:

Seeing no one wishing to speak in favor or neutral, we will proceed with opposition.

PAUL ANDERSON (Nevada Interscholastic Activities Association):

The Nevada Interscholastic Activities Association is heavily regulated through the *Nevada Administrative Code* (NAC). Much of what Senator Hammond has placed in this bill are regulations that are in NIAA. I want to specifically point out NAC 385B.370, subsection 4, which states:

A coach of a school that complies with subsections 2 and 3 may assist a pupil in an activity that is related to a sanctioned sport and that is conducted during a period that is not the season for the sanctioned sport. The participation of the pupil in the activity must be voluntary and must not be a condition for qualifying for a team or for accepting the pupil as a member of a team during the season for the sanctioned sport.

We have similar a similar regulation in NAC 385B.372 which places restrictions on participation in out-of-season activities. This addresses the issue of coaches conditioning for participation on a high school team by virtue of being a member of a particular club team. These are matters that the NIAA is regulating and has guidelines in place for. We can address those issues through existing regulations. It has always been prohibited that placement on a high school team is conditional on a particular student athlete playing on a club team sponsored by a particular coach.

We also are concerned about the reporting requirements of member schools and principals. It is additional work placed on our principals and schools which are already stretched thin financially. Based on Senator Hammond's testimony, it sounds like he will be looking into these issues further.

We are concerned that coaches might be lost at the high school level. Because of this bill's regulations, they might make a choice to coach a club team instead of the high school team.

SENATOR FLORES:

I want to dissect your comment regarding coaches potentially opting out of participating in high school athletics because of this bill. Could you explain that? If a high school coach, who also coaches in clubs, does not mandate a student play in a club, they are fine. Are you reading deeper or seeing something differently than I am?

MR. ANDERSON:

I see an additional regulation placed on our coaches. As it is written, they will have to be involved because of the reporting requirements of the bill. The coaches might not want to deal with the reporting. They might choose to coach on the club level, which is mostly unregulated.

We have had issues with coaches even prior to the coronavirus pandemic. Coaching is a difficult process and sometimes it is hard to deal with parents. We do not want to place additional requirements on coaches that would potentially result in losing good people in our high schools.

SENATOR FLORES:

Is it your experience that finding good coaches is a problem? I understand that there is going to be an added layer of reporting. I am curious to know whether schools are having a difficult time finding coaches.

MR. ANDERSON:

Some schools are having a difficult time. We are not only having a problem finding coaches, but we are also having a hard time finding officiants for the games. There are many problems with high school athletics. This bill puts additional requirements that are already regulated onto coaches.

CHAIR LANGE:

Is there anyone wishing to speak in neutral?

ANNA BINDER (Let Them Play):

I am one of the cofounders of Let Them Play Nevada. We are a group of about 3,700 parents that came together during the pandemic when sports were

canceled. I appreciate the conversation between Senator Hammond and the remarks from NIAA. I would tend to agree with NIAA.

In the last three weeks, we had three coaches removed from campuses for, what the community feels, unsubstantiated reasons. The coaches volunteer with the Clark County School District, so we are unsure how to help them because they are not employees. We have lost three great coaches in a matter of weeks. Those decisions are made by the school sites. Approximately ten coaches have left. The parents believe there is administrative corruption forcing these coaches to leave. I spoke at a Board of Trustees meeting and testified about the recent removal of a coach. I could not imagine being an athlete going through the coronavirus pandemic with a coach and, when sports resumed, the coach was removed.

Coaches play a large role in our student-athlete's lives. I do not know where I would be today if someone removed my dance or volleyball coach from me during my junior or senior year. Let Them Play is concerned about this issue. I appreciate the conversation, but we have bigger issues. I also appreciate the language to correct the per semester plays due to the pandemic.

CHAIR LANGE:

As a side note, I taught in the physical education department in the school district. All our coaches are paid.

MARY PIERCZYNSKI (Nevada Association of School Superintendents):

We appreciate Senator Hammond's willingness to work with the Nevada Association of School Superintendents. Equal access for our students is important. We hope to work out certain parts of this bill with the Senator.

SENATOR HAMMOND:

I understand NIAA's concern. We lifted the language from its regulations. We needed to have this conversation and rein in the system of clubs and year-round sports. I have coached for 15 years, and I enjoy the athletes I work with. I do not want to disparage or discourage the coaches from coaching. This bill is not trying to do that. This bill is trying to give everyone a chance to play high school athletics without making it a condition to play on AAU teams or in clubs. These out-of-school clubs have proliferated in the metropolitan and rural areas. We do not want kids to be discouraged from trying out for their high school teams or

being a part of spirit squads. The esprit de corps occurs in their high school athletic careers.

We added a penalty that I do not think exists in the NAC regulations. In section 3, subsection 2, it says if there is a violation, the NIAA may prohibit the person from coaching, managing or otherwise being associated with the sanctioned sport or spirit squad at a school for no more than one year. We are adding some teeth to the bill to remind coaches what their duties are as high school coaches compared to club coaches. As high school coaches, their job is to allow students access into the program.

I coached many athletes who have not played many years. Not every athlete starts at the age of six. I mainly coached varsity basketball. I took athletes who had never played basketball and coached them. These were students who were just learning to play in their junior or senior years of high school. I gave them skills, made sure they knew what they were doing and instilled in them a desire to work hard and be part of a team. Even if they only played for two years, they came out of the season thinking "I can do this," and "if I can go through a practice with Mr. Hammond, I can do anything." That is what high school athletics is about; it is not about parents who can afford to pay \$4,000 to \$5,000 a year to play in a club team. That is why I wanted to create this bill and have this conversation.

CHAIR LANGE:

I will now close the hearing on S.B. 196. We will now hear from the Nevada State Education Association (NSEA).

DAWN ETCHEVERRY (Nevada State Education Association):

I have been a music teacher in the Washoe County School District for 30 years. In addition to being the voice of Nevada educators for over 120 years. The NSEA represents educators across Nevada with affiliates in all 17 counties, as you can see in my presentation ([Exhibit C](#)). Our membership includes licensed educators, support professionals, retirees and aspiring educators. The NSEA is a member of the National Education Association (NEA), which is the largest union in the United States.

The NEA helped advocate for federal investment in public education to address the impacts of the coronavirus pandemic in our schools. Leading up to the passage of the American Rescue Plan, members across the Country wrote

hundreds of thousands of messages and placed thousands of calls to their representatives to advocate for Congress to make huge investments in education. Our efforts helped secure \$1.5 billion for our Nevada schools. Federal funds are available for teacher retention. Many districts have given one-time bonuses. These bonuses prevented some educators from departing, but structural changes are needed to fix this crisis.

Schools are in the headlines, as noted on page 4 of my presentation [Exhibit C](#). The shortage of educators is a nationwide issue. Examples of overwhelming vacancies in Nevada have made national news. We have experienced the shortages in all parts of the State. A junior-level English class at Tonopah High School is being taught by a teacher on a video screen. Tonopah High School has three teachers when they should have nine.

School violence is also in the headlines, including mentions of violence in Nevada's schools, [Exhibit C](#), page 5. It is clear from these headlines that there is an interplay between school violence, the educator shortage and mental health crisis. Educators who are fearful for their safety or who are no longer able to deal with disruptive classrooms are leaving the profession. Lack of engaged adults in the school leads to more disruption and violence. The NSEA has worked with stakeholders on several bills that will be heard this Legislative Session. These bills address the issue, but it will require an all-hands-on-deck approach. I have the privilege to be joined by two of our hardworking educators in the State. I would like you to hear their stories today.

KERRI FINN (President, Carson Educational Support Association):

I work as a clinical aide in the health office at Pioneer Academy in Carson City. I am also the current Education Support Professional (ESP) of the Year in Nevada.

I would like to share what it is like to be an ESP in Nevada. Education support professionals are the backbone of our public education system. It does not matter what the job title is, the end goal is the same—making sure our kids are safe, healthy and receiving the best possible education.

Education support professionals include bus drivers, bus attendants, clinical aides, nurses, paraprofessionals, nutrition workers, custodians, IT workers, administrative assistants, librarians, and building and grounds maintenance

workers. Schools cannot properly operate, teachers cannot properly teach and students cannot get the education they deserve without ESPs.

As you can see, based on the many roles we hold, ESPs keep our students healthy, safe, engaged, supported and challenged so they can be academically successful. We have all witnessed the impact these dedicated professionals have on every student they encounter. Each one is a positive role model and plays a key role in making our public schools great.

Unfortunately, the reality is too many ESPs earn below poverty-level wages and have to work two or three jobs to make ends meet. Some make as little as \$11 per hour. Due to the length of the school year, they are unable to collect unemployment during the summer months. Their lack of income is reflected in ESPs living in their cars, weekly rentals or in campgrounds. It is no wonder there is a shortage of ESPs to help run our schools.

As ESPs do, we come with solutions to fix problems. We support Time For 20, which is outlined in a flyer we provided ([Exhibit D](#)). For ESPs, Time for 20 is not just a campaign for raises. Time for 20 advocates a 20 percent raise for educators and a minimum wage of \$20. It is a campaign for a living wage.

I am a single parent. After working with Carson City School District for 15 years, I make \$20 an hour and live on \$2,000 a month. As much as I love what I do, I cannot afford to work for the Carson City School District anymore. Time for 20 is about offering a competitive salary and positive working environment.

Without proper funding to retain and hire ESPs, districts are losing professionals quickly. People who might be interested in these positions are finding better paying jobs elsewhere in a safer working environment.

Education support professionals go into education because they have a passion for working with students, but they must also be able to support their families. Last Interim, the NSEA proposed an Educator Bill of Rights to improve educator safety and to respect educators' voices. The proposal was largely disregarded. Given the frequency of violence educators face every day, the Educator Bill of Rights evolved into the Respect Educators Act.

In addition to the wage issue, there are constant safety issues ESPs deal with every day. We are seeing more ESPs, such as paraprofessionals, bus drivers, bus attendants and secretaries, being physically and violently assaulted by students. You have read the stories in the news. I have personally assisted staff members who were bit, choked, pinched, punched and kicked by students. There was a paraprofessional last week who was head butted by a student. She received a concussion, broken nose and black eye. She quit last week.

I have also witnessed elementary school students destroying classrooms because their teacher told them no. The other students in the room were terrified, crying and had to be escorted out onto the playground during the Smarter Balanced Assessment Consortium testing. The student flipped over desks, threw computers and screamed obscenities.

Public schools are not institutions, and one student's rights should not supersede the rights of the others. As ESPs, we are constantly told that we must provide a safe, respectful learning environment for students; yet, we have not been given the resources from the State or our districts to do so.

Unfortunately, bills in previous sessions, such as A.B. No. 168 of the 80th Session—which is about provisions governing the discipline of pupils—have left out the importance of educators' voices. When bills leave out ESP voices and ESPs are not properly funded, ESPs leave the profession due to safety concerns.

Assembly Bill No. 168 of the 80th Session has left many schools and school districts unsure about the student discipline system. Some schools and districts have opted for little to no student discipline. We hope that changes this Legislative Session. We are encouraged to see many of the tenets of the Respect Educators Act in bills that have been introduced this Session. Education Support Professionals across the State will be testifying and sharing stories about how these bills will benefit them.

I would like to remind the Committee that you cannot spell "respect" without "esp." The vital roles ESPs play inside and outside our classrooms ensure students are safe, healthy and ready to learn. This should not be forgotten. Please consider the ramifications that Nevada public education would face if there were not ESPs. Education support professionals need adequate wages, safety and proper funding in all districts.

BRENT BUSBOOM (Nevada State Education Association):

I have been teaching for 24 years and have spent 21 of those years at Reno High School. I teach English. I will start with a story. The story begins: "Once upon a time" and ends with "Sad story, isn't it?"

Once upon a time, there was a group of teachers. They lived in a land called the Silver State, and they loved their jobs very much. They were not paid well, but they were told not to worry. They would be compensated in other ways—with notes, small gifts and the heartfelt thanks of parents whose children flourished. As time went on, they ran into problems. They wanted to buy a house, their cars broke down or they needed to pay for their children's college. The banks, colleges and auto repair shops would not accept the kind notes and thank you notes as payment. The teachers worried and tried to scrape by. Every two to four years, Governors and Legislators told teachers how much they valued them. "We will take care of you," they said on websites and at campaign stops. They never did. As inflation became high, the teachers decided to leave the profession. First in the hundreds, then by the thousands—never to be seen in a Nevada classroom again. Sad story, isn't it?

This story begins in a fairy tale mode, "Once upon a time." What is the fairy tale? The fairy tale is Nevada can continue to treat teachers as poorly as it does and not expect them to leave in droves.

The Governor wants to put billions in the Rainy Day Fund. He may not think it is raining, but after decades it is pouring. Teachers are leaving by the thousands.

What is the solution? Past Governors and Legislatures have tried various solutions. In 2011, lawmakers created an alternative route to licensure. In 2015, the Teach Nevada Scholarship gave prospective teachers up to \$24,000 in tuition. In 2016, former Governor Brian Sandoval declared a state of emergency that allowed teachers from other states to get a provisional license. In 2022, former Governor Steve Sisolak signed another emergency regulation making it easier to get substitutes into the classrooms. All of these solutions were supposed to fill the gap. They were supposed to ensure students had qualified classroom teachers. The solutions did not work. The shortages increased. The problem with these solutions is they focused on the wrong part of the problem—recruitment. Nevada cannot recruit its way out of this problem. It is a failing strategy that has been repeatedly tried for over a decade.

We need to focus on retention. As many of you probably know, and if you do not know, let me remind you, Nevada is among the worst states in the Country at retaining its teachers. If you care about retaining teachers, and do not want to see more teachers leave, the Governor's Executive Budget should be dead on arrival. He thinks it is not raining? You have to be kidding.

The Legislature created alternative routes to licensure and handed out scholarships worth tens of thousands of dollars. The result was teacher shortages increased. The Governor says it is not raining? Both previous Governors declared states of emergencies over teacher staffing. Teacher shortages increased even more. The Governor says it is not raining? At the beginning of this school year, Nevada was down almost 3,000 teachers. The Governor says it is not raining?

If you do not want teachers to leave in even greater numbers, teacher salaries have to keep pace with the last three years of inflation. In 2021, inflation was 7 percent; in 2022, 6.5 percent. Inflation is projected to be 6.4 percent in 2023. Between the three years, that is a 19.9 percent inflation rate. Let me be clear: if you do not fund education high enough for districts to give teachers a 20 percent salary increase, it is not raise, it is a pay cut. If it is a 15 percent increase, it is a pay cut. If it is 17 percent increase, it is a pay cut. If it is a 19 percent increase, it is a pay cut. The good news is you do not have to raise taxes. The money is there. In fact, there is enough so that you could put money into the Rainy Day Fund and help Nevada retain its teachers.

Most of you have no idea what it is like to be a teacher, but all of you know what it is like to be a student. You know what it is like to sit in a classroom with a substitute who can barely keep control and who does not know anything about the subject. All of you know the mind-numbing, soul-killing boredom of sitting in that classroom. I believe that all of you, regardless of what you think about what I have said, would not wish that for any Nevada student.

While we sit here today, there are tens of thousands of Nevada students sitting in classrooms without qualified teachers. Right now, there are Nevada children filling out meaningless worksheets or watching a horribly boring video because the long-term substitute teacher does not know enough to have the students do anything else. There are tens of thousands of students right now, sitting in Nevada classrooms, who would love to be learning and who would love to be inspired—except they do not have a qualified teacher.

“Sad story, isn’t it?”

Ms. ETCHEVERRY:

The NSEA believes Time for 20 is an investment in educators and the education that is needed. The Economic Policy Institute reports that public school teachers are paid 23.5 percent less than similar workers in other occupations. A ranking done by NEA shows the number of Nevada teachers decreased by 6 percent from the 2011-2012 school year. The inflation-adjusted pay decreased by 7 percent.

The nationwide educator shortage is especially bad in Nevada. As my colleague mentioned, we started the school year with 3,000 unoccupied positions. We currently have 2,500 vacancies. Thousands of ESPs across the State are paid significantly below a living wage. Some salaries are as low as \$11 per hour.

Staffing shortages caused inconsistencies in student transportation. Last year, a chronic bus driver shortage in Clark County School District caused serious delays and stranded students for hours. Washoe County School District rotated bus routes.

The latest inflation data shows prices are up 14 percent over the last two years. Home and rent prices have skyrocketed over 20 percent since the coronavirus pandemic. With an unprecedented shortage of educators, Time for 20 seeks a 20 percent increase to educator pay, \$20 an hour for workers who make our schools run and, with some of the largest class sizes in the Country, an average class size of 20 students, [Exhibit D](#).

Educators need to feel safe at work. High profile school violence events are not new. Workplace safety is a significant concern. Nevada State Education Association believes a strong restorative discipline system could reduce incidents where educators sustain injuries. However, this system should include real accountability for any violence committed against an educator and should provide educators with the tools necessary to deal with disruptive behavior.

The Respect Educators Act calls for the creation of a restorative practice monitoring committee on page 15 of [Exhibit C](#). It would include educators from across the State, Legislators and Nevada Department of Education. The monitoring committee would have a clear understanding of the impact of laws,

ensure consistent implementation of laws and secure protection for all students and educators.

Nevada does not have a teacher shortage. We have a shortage of teachers who are willing to continue in the profession. To improve worker morale and the quality of education, educators need to feel heard and respected.

SENATOR FLORES:

I would like to start with a conversation about restorative justice. I have had an opportunity to engage in that conversation with other people. I had many teachers talk about horrible situations happening in classrooms. Events like the ones that happened at Eldorado High School caught my attention. There are many others that do not get attention. I have teachers in my family. They tell me things that they go through on a weekly basis.

There have been scenarios such as a child hitting a teacher that have been highlighted as reasons to repeal some of the restorative justice practices. If that were to happen, would the student be removed from the classroom? Could you help clarify the process of removing a child from a classroom?

MS. ETCHEVERRY:

In severe cases, the child might be removed, but it is temporary. We do not have the programs for a child who needs an alternative placement. We believe in restorative practices, but there need to be further steps to help a disruptive child who is in a classroom. The next step we are talking about is how we assist a child without putting the child back into a regular classroom.

SENATOR FLORES:

What is your perspective on some of the conversations around restorative practices? I had many amazing teachers in my home. I wanted to learn from them. There were many high school teachers and some middle school and elementary school teachers. We sat there for hours learning.

One of the things they brought up is they felt there was not a full commitment or full buy-in to the restorative-justice approach. Part of that conversation involves building a relationship with the student. In some instances, teachers are not able to connect with students because they are overwhelmed with obligations. Other times, teachers are hesitant to accept restorative justice because they do not see the benefits or do not think it is the right approach.

Some teachers say that restorative-justice measures work with some students but not others. Can you talk about your experience with restorative justice in classrooms?

MR. BUSBOOM:

In 24 years of teaching, I have sent two kids to the principal's office. I think most problems I have encountered can be handled in my classroom, but there must be red lines. There has to be clarity of when behavior is not acceptable. Students have to understand if they act a certain way, they will be removed not just for the day, but permanently. Relationships are foundational. The reason I am successful as a teacher is because of the relationships I have with students. You also have to understand there are some students who are gaming the system. When students are in trouble and asked how they feel about their actions, other students will guide them to say "that is not how my family raised me and I feel bad about it," because they can get away with anything. As a teacher who has not sent many kids to the office, I believe most problems can be handled in the classrooms and with student-teacher relationships. However, I do not think all problems can.

MS. ETCHEVERRY:

Restorative justice means more training and continuous training. We do not put educators in a room for one day, give them the highlights and then put them in a classroom. Class sizes are beyond capacity. Relationships are hard to build if you have 35 students and cannot get one-on-one time. I believe in building good relationships and habits in kindergarten. By the time students go to high school, we will have worked through many of their issues, and they will trust their educators. We need licensed educators in every classroom. We have put bandages on the problem but have not fixed it. There were alternative routes to licensure and emergency substitute licenses, but the teachers were not trained properly and have not gone through the pedagogy to know how to work with a child. These issues must be addressed to help make restorative practices work.

SENATOR NEAL:

There have been many issues in the headlines around restorative justice and school violence. If, for example, children were in Grade 5 when the coronavirus first started, they likely were put in an online school and missed a critical social learning curve. They did not mature in their school environment. Now, those kids are in Grade 8 or middle school. The same example applies students who were in eighth grade during the pandemic and is now are in tenth grade. They

do not know what high school is because they did not go through freshman year at a physical school.

One thing that has come up consistently is being able to address all children equally without the additional stigma of a teacher thinking disadvantaged children need to be examined differently. We do not have enough conversations about how to manage children who have different learning abilities. The different learning ability is when the home environment is not suitable for education. We do not talk about that. A seasoned teacher can see through the surface because they have seen ten years' worth of behaviors. They know the problems that are popping up. We know that we need to bring in new teachers, and some of the long-term teachers might not be around. How do we bring in new teachers who do not have experience with dealing with various behaviors?

MS. ETCHEVERRY:

We are not spending enough time talking or training. We are doing fly-by trainings. A new teacher may have been trained, but there is no follow-up to help guide them through. The teachers who are mentors are leaving, so we cannot pair them with novice teachers. Every novice teacher should have a well-rounded, expert teacher as a guide. We have to get teachers back into the classroom. Teachers are still in Nevada, but they are not in schools. We need to show them that we hear and respect them. We need to convince teachers to come back because that is where their knowledge base and hearts are.

SENATOR NEAL:

You said that training and professional development have been minimized. Is that at the school district level? We passed legislation that gave more control at the school level, or is this occurring at the district level? I was in the schools. There was a lot of training. Where are you seeing training minimized? Is it prior to the coronavirus pandemic or afterwards?

MS. FINN:

I work with the ESPs, not in the classroom. I work in the health office. I see students and staff that are hurt. We are trained in what is called crisis-prevention intervention. The training is once or maybe twice a year. That is simply not enough training. I ask myself, "When is enough, enough?; Why are we allowing staff to be hurt, and why are the students allowed to return after they hurt someone?" I do not understand. Social workers have been brought in. I work closely with the social worker at my site.

MS. ETCHEVERRY:

Senator Neal, you have stated our concerns. Trainings can come from the Nevada Department of Education or the district. I am a music teacher who holds three different certifications and trainings in reading programs and math programs. Restorative-justice techniques would have been better use of my time. We have so many trainings, but we did not prioritize the trainings that we need to build our teachers' foundations.

SENATOR NEAL:

If we get rid of restorative justice, I do not know what other actions we would take. Some people are saying get rid of it; others are saying they do not know what the alternative would be. To give an example, there was a student in Cheyenne High School. He came from a behavioral school and returned to public school. On the first day of school at a round-robin introduction, students were asked to introduce themselves and tell what schools they came from. The student did not want to talk because he came from Peterson Academic Center. The student did not want anyone to know that he came from this school because he did not want to be harassed about it. He came to school with what he felt was a label about who he was and where he was academically. I understood him, but his teachers took his attitude and refusal to answer to indicate that he was a disobedient child. It was not disobedience.

I let the principal know that he was a kid to watch. He already feels marginalized and is trying to reestablish himself in school. I knew what was going on, but I told the principal to have that conversation to advise the other staff on how to treat and engage this kid. Within three to four weeks, the kid was missing school. He was missing school because he is a child, probably 16, who cannot articulate to other people that he does not want to be mistreated because of where he is; he does want to learn and be treated just like everyone else.

People perceived his behavior as being insubordinate and he was removed from class. He did not want to answer the question because he was embarrassed. He felt like the question might alter the way his peers viewed him and cause harassment. He was trying to avoid getting into a fight.

We do not talk about examples in the restorative-justice context. We do not talk about engaging children where they are. Teachers were telling children they were disruptive because they did not answer a question. The teachers were not

asking what was making the student not want to answer the question. That is a classroom management style. Classroom management is not supposed to be abusive. There is supposed to be order and control, but that does not mean the environment should be abusive. We should talk more about that.

MR. BUSBOOM:

I do not know enough about restorative justice to understand how it would interact with the situation you described. Every teacher I know who has had difficulty with student behaviors wishes that the problem was as straightforward as the one you described. Many teachers I know would have had sympathy for that kid. That kid sounds like he has gone through a lot.

There was a kid in class that told a girl, explicitly, what he wanted to do to her and, when the teacher tried to intervene, he put his fists up. I have watched kids walk down the hallway cursing administrators and, when confronted, used the excuse that is just the way they talk. Those types of students are the problem.

With the situation you described, I agree that teachers needed to know ahead of time about that kid. In my classroom, and among the teachers I know, that kid would not have been a problem.

MS. ETCHEVERRY:

Senator Neal, I want to refer you to page 13 of [Exhibit C](#). We have asked for a restorative practice monitoring committee so that we can have conversations like the ones we have heard today. Part of the problem of restorative justice is that we do not have all the stakeholders in the room having real conversations. We need to have truthful conversations. That is why we are calling for the creation of this monitoring committee.

SENATOR BUCK:

I believe that students can be restored. When students mess up, as an educator, you are able to parent them. Having spent my life's work in education, I have seen many students restored. In theory, I believe in restorative justice, improving students and giving them dignity to fix their mistakes. The mistake that A.B. No. 168 of the 80th Session made was taking autonomy away. When a teacher implements progressive discipline, there is a continuum. I have had educators and principals tell me about feeling helpless. There was an incident where a student repeatedly bullied several girls and nothing could be

done except for calling the parents and hoping the child changed behavior. I was a teacher, so I feel the pain. In a normal workplace, people would not want to experience some of the abuses that teachers do.

I agree that teachers and support professionals need pay raises. I know the Governor has proposed investing \$2 billion in education. How can we ensure a portion of that \$2 billion goes toward educator pay raises?

CHRIS DALY (Nevada State Education Association):

There are many mechanisms that could be used. I think there was a bill today that had a \$250 million appropriation and a mechanism by which districts would have to match increases. Upon my first reading of the bill, ESPs were left out. I do not know if that was intentional. The bill calls for raises for teachers, licensed professionals and paraprofessionals. Paraprofessionals make up half of the professionals who help run schools. If you have followed the kindergarten through Grade 12 (K-12) budget presentations in the Assembly Committee on Ways and Means Subcommittee on K-12/Higher Education/CIP, three school districts in Nevada will not receive funding over the upcoming biennium. It is not likely those districts will be able to offer any significant raises to educators. Two or three other districts will have relatively small increases based on coming out of hold harmless from the conversion of S.B. No. 543 of the 80th Session.

I am better at pointing out possible problems or pitfalls than I am in being proactive with solutions. How do you ensure raises? I believe years ago the Legislature appropriated teachers'—possibly all educators'—raises. It was a clean appropriation bill that went through the districts to process.

I thought about the idea of moving collective bargaining, wage and economic issues to the Statewide level, which is done in Hawaii. That would be a way for the Legislature to have more direct control over raises and wages. It is a conversation I would be interested in having. There are ideas out there about how to ensure educators receive raises. I would imagine that the Legislative Counsel Bureau would also have some ideas about that.

Before this meeting, I talked to Carson City School District Superintendent Andrew Feuling. Most of the \$2 billion, or \$1 billion per year, is going toward the rising cost of doing business. Likely, a portion of that will be for educator raises. All of the districts' costs have gone up. There has not been a significant increase in per pupil funding since 2020. There has been a 15 percent to

20 percent increase in the cost of doing business since 2020. Of that, \$1 billion per year—probably \$750 million to \$800 million—is absorbed by inflation. On the flip side, inflation will likely cause educator raises. Districts are directly struggling with vacancy and operational issues. When superintendents come to this Committee, they can talk about what needs to be done to fill positions.

CHAIR LANGE:

Does the bill include other licensed personnel and paraprofessionals?

MR. DALY:

Counselors, social workers, speech and language pathologists, that type of position, would be included. Paraprofessionals are a large percentage of ESPs, but there are also bus drivers, food service workers, custodial maintenance and IT office staff. I commit to looking into this.

CHAIR LANGE:

I will now open the hearing for public comment.

MS. BINDER:

I am a member of the Governor's Behavioral Health Planning Advisory Council. I have a son who fits the description of everything that you have heard about special education. He has deranged mood disorder and autism, among many other diagnoses. He is a child who will rip the cupboards off the wall. He is a child who most staff fear when they go into work. As a mother, I have had to take responsibility for his treatment, including the way he was raised, and building the family around him when he goes to school.

There has been no one more instrumental for him than his teachers, counselors, the principal, the bus driver, the lunch lady and various other education professionals. They hold my child accountable and get to know him. Two weeks ago, my son got suspended for disrespecting the lunch lady. When I was called, I was told he will get lunch detention. Instead, I told them to make him work breakfasts and lunches with the lunch lady. After his suspension, I sent him into school to clean, prepare and serve in hopes that he would earn back the respect of the lunch lady. I know it is hard to get parents to step up and be involved. If it was not for the school staff, the day before the coronavirus shut airlines down, we were supposed to get on a plane to take him to Boys Town in Iowa. We did not know what to do with him. For two years, I had to figure out his

education. I love everyone at the school campus. They help him out and are the reason he is able to live at home. He has straight As.

GIL LOPEZ (Charter School Association of Nevada):

I am here to address an incident that occurred on the day before Valentine's Day. To provide some context, some of our public charter schools participated in sending Valentine's Day cards to various Legislators. We regret that any public charter school may have been perceived in connection with the card that was sent to Senator Dallas Harris. We acknowledge the card received by Senator Harris was inappropriate and offensive. We regret participating with any organization that holds these views. We will speak out against any language that is not inclusive from the many students who attend Nevada public charter schools and live in Nevada.

We stand in solidarity with Senator Harris and the LGBTQ+ and communities of color. We agree that these types of hateful thoughts, words and actions have no place in Nevada. As an organization that supports schools in the second largest school system in the State, educating nearly 67,000 children and employing over 8,000 adults, the Charter School Association firmly believes in creating a supportive, inclusive space for all people in Nevada. We will fight against any words or actions that attempt to make our State schools and communities less safe and welcoming. We will continue to work with our school leaders and the community to create a more inclusive and respectful community.

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CHAIR LANGE:  
The meeting is adjourned at 3:27 p.m.

RESPECTFULLY SUBMITTED:

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Kirsten Oleson,  
Committee Secretary

APPROVED BY:

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Senator Roberta Lange, Chair

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

<b>EXHIBIT SUMMARY</b>				
<b>Bill</b>	<b>Exhibit Letter</b>	<b>Introduced on Minute Report Page No.</b>	<b>Witness / Entity</b>	<b>Description</b>
	A	1		Agenda
	B	1		Attendance Roster
	C	8	Dawn Etcheverry/ Nevada State Education Association	Presentation
	D	10	Kerri Finn	Flyer, Time for 20