

**MINUTES OF THE  
SENATE COMMITTEE ON EDUCATION**

**Eighty-second Session  
May 3, 2023**

The Senate Committee on Education was called to order by Chair Roberta Lange at 1:06 p.m. on Wednesday, May 3, 2023, in Room 2134 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

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

**GUEST LEGISLATORS PRESENT:**

Senator Skip Daly, Senatorial District No. 13  
Assemblywoman Shannon Bilbray-Axelrod, Assembly District No. 34  
Assemblywoman Erica Mosca, Assembly District No. 14  
Assemblywoman Selena Torres, Assembly District No. 3

**STAFF MEMBERS PRESENT:**

Jen Sturm-Gahner, Policy Analyst  
Kirsten Oleson, Committee Secretary

**OTHERS PRESENT:**

Tami Hance-Lehr, Chief Executive Officer, Communities In Schools of Nevada  
Dale Erquiaga, Acting Chancellor, Nevada System of Higher Education  
Warren Hardy, Council for a Better Nevada  
Nick Schneider, Vegas Chamber

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Constance Brooks, University of Nevada, Las Vegas  
Anthony Ruiz, Nevada State College  
Sondra Cosgrove, Ph.D.  
Paul Moradkhan, Vegas Chamber  
John Eppolito  
Kasey Rogers  
Bruce Parks

CHAIR LANGE:

We will begin with a presentation on the integrated student supports in Clark, Elko, Humboldt and Washoe County school districts.

TAMI HANCE-LEHR (Chief Executive Officer, Communities In Schools of Nevada):  
We are in 92 Title I high-needs schools across Nevada. We are in the Clark, Washoe, Elko and Humboldt communities. We provide integrated student supports, commonly called wraparound services.

I will outline our current priorities and address three areas. First and foremost, we have certainly seen an increase in chronic absenteeism and reduced academic engagement as our students have come back from the coronavirus pandemic and school building closures.

Second, we have had historic rates of vacancies among teachers and support professionals. We all know having more caring adults on campus is best for our kids. It is a big priority for Communities In Schools (CIS) to build relationships with a one-to-one ratio between a child and a caring adult.

Third, the crisis of mental health and well-being issues among our youth has surged in the last few years. There is a great need for social-emotional support. That is a core belief for CIS.

Wraparound supports are explained in the presentation ([Exhibit C](#) contains copyrighted material. Original is available upon request of the Research Library.).

I use the terms Title I schools and high-needs schools interchangeably. Sometimes it is hard to differentiate between a Title I school and a high-needs school. Nine out of ten schools are Title I-eligible, which means 40 percent of the student population qualifies for free and reduced-price lunch—the federal indicator for students living at or below the poverty line.

Barriers to access these necessary supports and services cause systemic issues. Our communities of color and low-income families disproportionately experience these inequities within public education and the social services network.

A lack of resources in public education and health and human services is one thing CIS strives to correct in a school building. We know the rise of inflation is impacting our families and students. Although there seems to be a lot of services, especially in urban cores, they are decentralized and hard to navigate. Many families are not sure where to go or how to navigate the services. There are many barriers to access.

We have been doing this work nationally for 45 years and in Nevada for almost 20 years. The solution is a one-to-one relationship with a caring adult on a school campus. Often, that relationship is with a teacher or administrator.

When CIS is on campus, we bring the community into the school building, which provides the opportunity for every student to succeed. We are serving students across Nevada. We began in Nevada in 2004 with one school, Martinez Elementary in Clark County, which we are still in today. Communities In Schools is now in 92 schools across 4 school districts. In southern Nevada, we are in 65 schools; in western Nevada, we are in 13 schools; and in northeastern Nevada, we are in 14 schools.

Although sometimes we are called a dropout prevention organization, we like to say we are a stay-in-school organization, which is why we are in elementary, middle and high schools. We want to make sure our students have a network of support from the minute they walk into the school building and throughout their entire education.

We have 174 full-time CIS employees across the State who serve more than 90,000 students with Tier 1 support and about 5,000 case-managed students with Tiers 2 and 3 support. We are projected to grow into 30 more schools over the next two academic years; we added 14 schools this school year. We still have a long waitlist of schools calling us to put CIS on their campuses.

Our approach is through evidence-based intervention, as seen on page 5 of [Exhibit C](#). We are in 26 states and the District of Columbia. The first thing we do is send a full-time site coordinator who goes into that school every day and is employed by CIS. This person goes onto campus and does a needs

assessment, meeting with the principal, staff and multitiered system of support staff to analyze the needs of the school. These may include focusing on attendance, behavior or coursework and observing the supports on campus plus what other community supports are not being used to their fullest capacity and how to bring those onto the school campus. Maybe the school is in a food desert, and we need to bring in a grocery giveaway. Maybe there is not a lot of mental health access, so we need to create a virtual option to access that resource.

We do that assessment with our school partners, then we create a school support plan. We are in 92 schools, which means we have 92 different school support plans. Each individual school support plan looks different. The plan in Elko looks different from the ones we have in Winnemucca, Wendover, Henderson, Reno or Las Vegas.

Even though our model is structured in a way that gets results, it is also nimble enough to meet the needs of the students right where they are on the school campus. We do a school student support plan with three tiers of support. Tier 1 is the first school support plan. Every school year, each school decides whether to focus on attendance, behavior, coursework or social-emotional support. We then work closely to create a plan for the entire school year and the entire student body.

A resource room could be included in Tier 1. Our school resource rooms are either a classroom or a portable room on a campus. It is filled with all sorts of supplies such as school supplies, coats and gloves. Sometimes our resource rooms have washers and dryers. The rooms offer whatever our students need so they can come to school and be successful.

Tiers 2 and 3 are for our case-managed students. Every site coordinator on a school campus manages about 50 to 55 students every year. Every one of those students has a goal. The goal is either to improve their attendance, behavior, coursework or a social-emotional goal. Maybe the student needs to work on some anger issues or has something going on at home. Case-managed support establishes trust. That trust continues to evolve over time and helps ensure our students have what they need to succeed.

Every one of our case-managed students needs either the parent or the guardian's approval to be a case-managed student. The work we are doing with

our students automatically extends into the family unit. There may be things going on in the family that we can help with. Maybe they need help accessing housing, their power has been turned off or mental health support is needed. We work with the families and everybody on the school campus to make sure we are meeting the needs. If there is another provider, such as a counselor or social worker, we work with them. We know we cannot do this work alone.

I will be showing a video that was produced by our national organization. In the video, site coordinators are paired with their case-managed students a few years later. The site coordinators ask a series of questions to the case-managed students. Some of the questions include: When did you realize everything would be okay for you, what was your best memory of high school, and what were some of the challenges you were facing when you met me? The video shows the power of one-on-one relationships. I have seen it dozens of times and still tear up every time I see it.

We do not do this work alone. We collaborate with more than 120 partners across Nevada, including those shown on page 8, [Exhibit C](#). The whole goal of CIS is to bring the community into schools and make sure students have what they need to succeed, which extends to the families. We partner with the Food Bank of Northern Nevada and the University of Nevada, Las Vegas (UNLV) Practice. We proudly have telehealth mental health counseling for students 13 years and older in the Elko County School District; we have had that for 5 years. We expanded that program into the Winnemucca community. We also expanded the partnership with UNLV Practice. We are doing everything we can to support our kids, educators, administrators and make sure our schools are the safe places we know they can be.

We are proud to provide evidence-based intervention. Two independent studies on page 9, [Exhibit C](#), have named CIS as an evidence-based practice. The Nevada Department of Education found us to be the only evidence-based wraparound service provider to meet all four tiers of the Every Student Succeeds Act.

We help Nevada reach its goals. One thing we have been focusing on over the last five years is looking at the State and the Nevada Department of Education's goals to align our goals with its goals. We are proud Nevadans, and we want to make sure Nevada students get to the finish line career-, college- and

community-ready. We focus on making sure we are an efficient use of public funds. We are a proud public-private partnership.

We also help improve and support schools with our Tier 1 goals. We focus on the framework for integrated supports, which includes removing barriers that are keeping our kids from coming to school and being successful.

We deliver results. In the 2021-2022 school year, we managed 5,000 students. Of those students, 70 percent improved their attendance, 83 percent improved their behavior, 79 percent improved their coursework, and 99 percent were promoted to the next grade level. For our 453 seniors, 94 percent graduated and had a career, college and community goal.

Our CIS academy class is an elective for juniors and seniors who are at least three credits deficient. If the student is three credits deficient and is not on track to graduate, we work with school principals. We have an accredited teacher to teach the class and help the student develop a plan to make up those credits to get back on track to graduate. They also teach financial literacy and life goals, create a career and college plan, and have the student do a "story of self." It is a full, intensive course in three school districts. We do not have a school district in Winnemucca yet, but hopefully next year, we will be in Lowry High School. We can help implement the program there. Of the students who took the academy class, 97 percent walked across the finish line. We know what we are doing is working. We are always striving to be at 100 percent.

A few quick alignments to State and federal policy are seen on page 12, [Exhibit C](#). When the U.S. Department of Education issued its handbook on how to reopen after school building closures, CIS was noted as an effective use of funds to keep kids from dropping out. Note that federal and legislative policies have also said that integrated student support is an important function for Nevada and should be funded.

In the Interim report from the Senate Committee on Education in 2019 and 2021, it was unanimously voted to support appropriations for integrated student support once funding was available.

We are on a mission to fulfill our promise to every Nevada student. We are in one in five Title I or high-needs schools across the State. There are more than

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400 Title I schools in the State; we are in 92. We have a long way to go, but we are shovel-ready. We are ready to make sure every student has access to a caring adult who will alleviate the pressures put on teachers, principals and support staff. Our vision is to ensure that every student has that access and graduates—career-, college- and community-ready.

Please note that Senate Bill (S.B.) 189 would provide \$6.9 million in funding over the biennium to grow these vital supports. We would appreciate your support and vote on that.

**SENATE BILL 189**: Makes an appropriation to Communities In Schools of Nevada for the purpose of providing integrated student support services. (BDR S-499)

CHAIR LANGE:

We are so proud of the work that CIS does in our State.

SENATOR NEAL:

Do you have data that compares Clark County School District (CCSD) schools with CIS and CCSD schools that do not?

Ms. HANCE-LEHR:

I do have data. We previously announced that our graduation rate is 94 percent. We compared that to the graduation rate of our school districts. We are still working through the four-year cohort data that the Nevada Department of Education gives out for its graduation rate. Our graduation rate is not necessarily a four-year cohort. Some of our students are fifth-year seniors or graduate early. Those comparisons are still being worked out. We requested that data from the school district so we can actually compare our data. The best answer to that question is we have to follow up once we finalize that data.

SENATOR NEAL:

I see that S.B. 189 will provide \$6.9 million whereas 50 percent of the program is funded through philanthropy, Exhibit C, page 10. Have you engaged CCSD? I ask that because it has a lot of leftover money from the Governor's Emergency Education Relief (GEER) Fund III. Have you asked CCSD or applied for any of its allocation of federal money?

Ms. HANCE-LEHR:

We have not applied for that funding; I will inquire about that. The CCSD has used some of the Elementary and Secondary School Emergency Relief (ESSER) dollars to help fully fund our program. Our contract with the District says we can charge \$59,000 for the CIS program. Our cost model is about \$89,000. Prior to the pandemic, schools were not paying even close to that, they were paying about \$20,000. My ability to add more schools at a rapid pace is much different if I have to fundraise the \$29,000 to get to the required \$59,000. The District used some of its ESSER dollars to help fund the schools we are in and help grow the schools that we are adding.

For example, I added 11 schools in CCSD last year. I will be adding 15 schools next year through the use of those ESSER dollars. That money will fully fund us to the \$59,000. Now I only have to fundraise the \$30,000. I am not familiar with GEER III. We can look at that as an additional structure.

SENATOR NEAL:

How much of the ESSER funds did CIS receive?

Ms. HANCE-LEHR:

I cannot give you the exact amount, but I can follow up with that. It gave us the difference of \$20,000 to \$59,000. So let us just say roughly \$39,000 per school. We are in 65 schools in CCSD. Those ESSER dollars will expire. We are trying to figure out ways to sustain that funding. We are in conversations with CCSD, but GEER III was not brought up.

SENATOR NEAL:

I would check on that. We had a joint finance meeting almost a month ago. Clark County School District put its money on the record.

SENATOR TITUS:

Based on your presentation, your program is a success—especially looking at the contact with students and graduation rates. In one line, why do you feel you are successful compared to the outcomes in schools that do not have your services?



Ms. HANCE-LEHR:

It is the relationship with our site coordinators. There are well-trained, full-time site coordinators on campus who do whatever it takes to make sure students are supported.

SENATOR TITUS:

My frustration is that what you are doing should be obtainable in every school district. Every school should have somebody who can develop a relationship with students. It is unfortunate that you are only in a certain number of schools when there are over 400 Title I schools. How many schools in Nevada are you not reaching out to?

Ms. HANCE-LEHR:

We are in 92 schools across the State and 65 are in Clark County. We are in four school districts. There are about 400 Title I schools in the State. That means I have 308 schools left to be in so that every student has access to CIS.

SENATOR TITUS:

Based on your success and the fact you cannot be in all the other schools, has there been any contact with the school districts about creating a similar program to what you provide? It seems like your method has been proven, especially regarding contact relationships. What are the barriers to replicating the program? Every school should be doing this. My belief is private parties can do better than the government can. That is evident based on your outcomes. Through private-government relationships, CIS has recognized the problem, solved the problem, gotten people into classrooms and seen results.

My frustration is that the schools are not emulating you. Every school should be developing this policy. Do you have advice as to how we can reach out to the other schools that you cannot reach, the other 300-plus schools? What can we do? How can we approach this in Nevada because all schools should be doing what you do?

Ms. HANCE-LEHR:

Our national organization is starting to work on what you just said. We may not be able to reach every single school, although it is certainly my goal to do so. Some schools may not have the ability to do that. Our national organization has created a framework where we can go in and train community school districts on the CIS model. When that model is put into place, a person employed by the

school district is identified to help with the implementation and work closely with CIS. That method of implementation is what we refer to as franchising. We are not employing full-time team members, but we are working closely with the school district. That option is something we would consider, especially in smaller school districts where hiring full-time team members may not be an option. We would definitely consider that.

SENATOR BUCK:

I commend you and your team for the work you are doing. I have seen it in action in Clark County in the schools you are in. Research shows that connections to adults makes a difference. Thank you for all you are doing.

In terms of the workforce, how many openings are there? Do you have a workforce shortage, or are there people lining up to be the site coordinators? What are the qualifications to be a site coordinator?

MS. HANCE-LEHR:

Most of our team members are graduates of at least a two-year university, but many of them have gone through four years of higher education. It is easier to recruit in urban areas compared to rural areas. Most of the coordinators are going for degrees in social work, counseling, mental health, social services, those types of areas.

Many of our team members use their work with CIS as a foundation for their full-time jobs. Eventually, I do lose many of them when they go on to become licensed therapists, school counselors and things of that nature. That continues to be a challenge for the organization, but they certainly work with us for many years before they do that.

Hiring team members is a struggle, especially when hiring at our pace. We are currently hiring site coordinators for the next school year, so we do not need to hire as many coordinators later. We are training them, and they are shadowing site coordinators on school campuses now. Training them now allows them to walk into the school building on the first day of school next semester with experience in the job.

SENATOR BUCK:

Are the qualifications two years of education and maybe a complimentary profession?

Ms. HANCE-LEHR:

Yes, the qualifications are two years. Sometimes, experience is accepted. If we have a team member who has worked for another organization similar to ours and has many years as a case manager, we would certainly consider that person as well. I cannot necessarily say that two years is necessary; experience could be substituted.

SENATOR BUCK:

The shortage of teachers in CCSD is at 1,283; that was the number I heard a couple of weeks ago. Are any of your staff members ever looking to be teachers? Could this be somewhat of an addition to the teacher pipeline?

Ms. HANCE-LEHR:

Some of our team members want to go on to become teachers. Most of them are more in the social services area, which might include licensed social workers and school counselors. They get employed by the school district but not as a teacher.

SENATOR BUCK:

Are you in any charter schools? I know Mater Academy was looking into this. It has close to 100 percent free and reduced-price lunch-eligible students and many English language learners. It is in my colleague's district, District No. 2. Are you looking to grow into the charter school spheres?

Ms. HANCE-LEHR:

We are not currently in any charter schools. We have met with Mater and had conversations about potentially adding CIS to its campus. We would be open to being added to any charter school campus. We would be in any high-need schools. We want to grow and support all of our kids.

SENATOR BUCK:

Do you base the cost on the number of students, or is it negotiable? If there are 65 schools in Clark County using CIS, would they get a discounted rate? How is that negotiated?

Ms. HANCE-LEHR:

Currently, our model is set up with a site coordinator in the school; all in, it is about \$89,000. Our school districts pay between 40 percent and 60 percent of that cost through a variety of ways. Some of our school districts pay for it

themselves. Other school districts let the school make the decision if it wants to pay that cost. Ultimately, we only want to be on a school campus if the principal wants us.

Sometimes, it is a shared cost model, which is the case in CCSD. The school pays a portion, and the district pays a portion. We are also open to a school that may not have the money the first year but is open to getting the money over the next couple of years.

We are looking into and want to be a part of feeder patterns. We want to go into schools where we are in the elementary school, middle school, then high school so we have the continuum of care. We are in Natchez Elementary School in the Washoe County School District. We want to be a part of its feeder school, Pyramid Lake, which is not part of the Washoe County School District but is in its own district. We are in talks with that school, and they may not have the 40 percent the first year to come on. That should not be a barrier, so we are working on potentially helping the school apply for some grants, and we will apply for some as well. We will have the school pay over the years.

The short answer to the question is we are open to any conversation with any school that needs CIS on campus.

SENATOR FLORES:

I am a huge fan of the program, and most of the schools in my district have a CIS presence. I remind our members that the site coordinator is the most important person because that individual sells and pitches whether CIS should come back the following year. Sometimes, a site coordinator is the only reason CIS is there. I am not minimizing the model of CIS, but its model molds to the needs of that school.

An individual becomes so uniquely talented to serve the needs of a particular school that CIS will stay there so long as the individual does. When a site coordinator leaves, there is potential that CIS will leave because the new coordinator might not mimic the needs of the school or work well with the administration.

It is important to understand that relationship so that we pay them more. If we can keep the site coordinator, it keeps CIS present and ensures there is a continuum year after year. Similar to teachers, it takes site coordinators a few

years to adjust to a particular leadership model and school environment, which is why it is important to keep them around longer. The same is true about serving the needs of a particular population. Site coordinators do not just help students, they do assemblies at night, translate and do administrative work. They end up doing 1,000 different roles that were never part of the CIS job description, but that is part of why CIS is so successful.

My ask is twofold because you cannot pay them more if we are not helping you. The Clark County School District has more than \$100 million sitting in an account that Senator Neal alluded to. We should be investing more and allow the funding to retain site coordinators. A good site coordinator will focus on the kids who need the most attention.

Additionally, every single day in this building we talk about how we need more support services for mental health and individuals who have chronic absenteeism. That is strictly what CIS does.

My plea to this Body and to you, because it has to be twofold, is we take care of those site coordinators. If we do that effectively, I think it will be a model that can be replicated throughout the State. Right now is the time to take care of the site coordinators because there is extra money.

I do not want to put any school district or anybody on the spot, but if we have money and a proven model, we should put more money into CIS. This is more of a request of us. This is more for our members. We have an obligation to invest in programs that are absolutely working.

CHAIR LANGE:

We continue to support the work you do. Your office is by my house in my district. In the audience is former Senator Mo Denis, who is the former Chair of this Committee. He did a lot of great work over the years.

I will open the hearing on Assembly Bill (A.B.) 74.

**ASSEMBLY BILL 74 (1st Reprint)**: Revises provisions relating to higher education. (BDR 34-377)

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ASSEMBLYWOMAN ERICA MOSCA (Assembly District No. 14):

I am presenting A.B. 74 today on higher education public-private partnerships. I am excited to be joined by the Acting Chancellor of the Nevada System of Higher Education (NSHE), Dale Erquiaga, who will help me present the bill.

This bill is a recommendation from the Joint Interim Standing Committee on Education and the Assembly Committee on Education. I will share a brief background and then allow my colleague to speak.

During the 2021 Session, S.B. No. 342 of the 81st Session passed that allowed the NSHE Board of Regents to enter into agreements with publicly or privately owned medical facilities to promote and enhance medical or health education programs at universities. In practice, this bill opened the door for Renown and the University of Nevada, Reno (UNR), School of Medicine to have a partnership to develop a clinical research center.

With the success of S.B. No. 342 of the 81st Session, the Joint Interim Standing Committee on Education considered the idea that all universities, including UNR, UNLV and the Desert Research Institute should be able to enter into public-private partnerships.

Dr. David Damore, Executive Director of The Lincy Institute and Brookings Mountain West, professor and chair of the Department of Political Science at UNLV, highlighted the need to codify university-based, public-private partnerships using blanket language to facilitate more efficient and effective partnerships between universities and other entities that promote the public good. That is the background. Because it had happened before, during the Interim, the Joint Committee discussed that it should be a blanket policy, then it became a Committee bill.

DALE ERQUIAGA (Acting Chancellor, Nevada System of Higher Education):

Fun fact, I am the former national president of CIS. In that spirit, I am pleased to be with you today to talk about this bill and the bill that will follow. Both bills are about partnerships and agreements. We appreciate the Assemblywoman carrying this bill during the Interim. It broadens the authority and opens the door for more agreements like the one with Renown.

Some of these agreements can be academic, but the bill was amended in the other House to include student life agreements. From our perspective, this

would allow any institution to have a clear pathway. It also allows the Board of Regents to enter into those agreements. One of the things that the chancellor does on behalf of the Board is sign contracts and agreements all day long. There have been 500 documents in my 10-month tenure.

This kind of umbrella agreement across the institutions would mean easy access for partners. Communities In Schools does not operate in the college space, but other organizations do and there are many. We could work with organizations ranging from nonprofits to for profits.

We appreciate the bill in its original form. The bill was amended in the Assembly to include the language about if, for example, we enter into an agreement dealing with a facility, the prevailing wage would be used. That is what caused the amendment to the bill. It was heard and moved into this House.

Some committees have heard me talk about legislative performance audits done by your staff during the Interim. Those audits found that NSHE should seek legislative authorization for public-private partnerships for construction projects.

As a practical matter, today when we do a land real estate deal, it is not a purely public-private partnership; it is about the real estate transaction. As we look forward to other necessary improvements in some of our campuses, we think public-private partnerships will be necessary.

We talked about an amendment in the Assembly. I am convinced that Senator Daly does nothing except watch committees at night because he called me and said "I saw you talk about this audit and this bill, and I would like to offer an amendment." An amendment ([Exhibit D](#)) to the bill addresses my audit issue and gives clear guidance to NSHE on how it might develop public-private partnerships.

CHAIR LANGE:

We would like to have Senator Daly go over the amendment.

SENATOR SKIP DALY (Senatorial District No. 13):

I heard about this bill through the building trades people. They came to me and wanted to add a new section via the amendment, [Exhibit D](#). I asked for the audit. The audit should have authority. It was unclear if NSHE could enter into public-private agreements and what happens with the construction of buildings.

Public-private partnerships have been around for a while. Some are good, some are bad. These partnerships are the direction more people are going. I do not think it is a bad thing. We need to give some guidance. It occurred to me that it was not just an NSHE issue. I am sure the legislative Audit Division was looking at this, but it may be looking at any number of other State agencies.

The idea was to add something into *Nevada Revised Statutes* (NRS) 338 similar to statute that exists for transportation facilities—which is where I got a lot of this language. We are putting into statute that people are allowed to do public-private partnerships, how we anticipate the partnerships will work and laying the ground rules and structure. I tried to keep it as simple as possible. The language for transportation facilities has another 15 sections; I do not think we need all of that. This will lay the framework that people can do public-private partnerships and establish the rules of implementation. Moving forward, because of how this is written, it would apply to any State agency or public body.

I can go through the definitions and concessions defined. I took that language straight from NRS for transportation facilities. It is the same thing for public-private partnerships. I did change facility from a transportation facility to a building facility. Sections 1 and 2 for “facility” defined are copied over. The definition for a user fee came out of that. For applicability, I wanted to make it clear that we are not interfering with the transportation facilities, so we said the provisions do not apply to the transportation facility.

The public-private partnerships and the type of agreements they can enter into related to construction are in paragraphs (a) through (i) on page 2 of [Exhibit D](#), which are in the existing transportation statute.

We added section 3, which captures the prevailing wage. I talked to Mr. Erquiaga, and he thought section 4 was interesting. I told him that often, when you have a foundation that is going to give money to a project, they will offer to partner with you and, say, build the facility for the project, but they want to be able to help in the procurement. They may have a contractor they like to use. Knowing that this occurs in construction, I said, “Fine, you don’t have to follow the bidding laws if you put in 75 percent of the money.” I thought that was a fair compromise.



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The Chancellor is going to speak to the amendment. I worked with him to make sure we could have agreement from the original sponsors, figuring if they have a problem with the amendment, everyone else would as well.

ASSEMBLYWOMAN MOSCA:

The Assembly Committee on Education sees this as a friendly amendment.

MR. ERQUIAGA:

I appreciate Senator Daly for reaching out and doing the legwork to contact the bill sponsors from the other House. The amendment addresses NSHE's concerns about the audit, which I greatly appreciate. We are happy to support the amendment and this bill in the form that it reached the other House.

If I may take a personal indulgence, Regent Heather Brown is in the audience.

SENATOR TITUS:

Would you clarify, if the amendment is accepted and passes, would this bill mandate prevailing wage on all government-private partnerships?

SENATOR DALY:

It would if a public body entered into a public-private partnership as defined here. It would require the prevailing wage. There are public and private entities. There are some partnerships with the public agencies.

SENATOR TITUS:

That is my concern.

SENATOR NEAL:

I do not really know what you are doing Senator Daly. I have questions about section 1, subsection 1 where A.B. 74 talks about student life. I know the Renown partnership and the medical school happened. I could not find the public policy reason why NSHE was prevented from having public-private partnerships in the first place. In order to have those partnerships, the Legislature has to give the authority, but what are the barriers? Why did the Legislature not want to give NSHE the authority prior to the medical school?

MR. ERQUIAGA:

I was not in NSHE at the time, so I do not know why special legislation was required. The Board broadly has the authority to enter into agreements. I do not

know why that agreement was so specific. It may be because of the scope and why the legislative committee responded to Professor Damore to say there should be blanket language so this process does not repeat every time a deal like this occurs. I do not know the specifics.

SENATOR NEAL:

Section 1, subsections 1 and 2, subparagraphs (a) through (d) talk about the provisions governing joint employment and supervision, if applicable. What crossover are you contemplating for the future? It talks about entering into an agreement and there are provisions governing the joint employment and supervision of employees. What are the instances where we are going to have joint employment in a public-private partnership? There are various duties and questions about scaling this. This opens several doors in different directions.

MR. ERQUIAGA:

I will give you a hypothetical example, but I think it addresses your issue. Let us use the example of healthcare. A teaching facility has employees of NSHE who may work at a medical or dental facility, so they would have an additional agreement with the facility. This statute would require us to delineate whether that is a salary share or share of benefits. As I read this provision, that would be established in advance in the original agreement to clarify that these are our employees, those are your employees, and these are our joint employees. We would agree to those terms in case money passes back and forth between the two entities.

SENATOR NEAL:

That is a good example because money will probably pass back and forth. For NSHE employees, all other adopted policies would apply under a shared relationship or duty with the university. This means all discrimination policies and everything related to individuals operating on the campus would apply. Their duties, therefore, roll into that. What are you contemplating about the private sector? It may include the delegation of liability and other things that come into play if there is an act by the employee who is not an independent contractor.

MR. ERQUIAGA:

You have gone down the exact legal train of thought that would go into a contract. Our employees are governed by Title IX and certain aspects because they are higher education employees. If NSHE is sharing an employee, he or she

would be subject to our code, whereas an employee working in the private sector is subject to State laws and things like liability.

To give a simple example, if someone slips and falls, this bill would require us to determine the liability in the agreement so no one is caught by surprise. If it came to this, the public liability or risk management is covered and either absorbed by the system or shifted to the private entity. That would be negotiated into the contract.

From my perspective, after seeing a number of other kinds of agreements come across my desk, this is a good flag for our business process services. This is, as you know, a very complex organization. About \$2 billion a year goes through two business centers, one in the north and one in the south, eight institutions and the Chancellor's Office. Having these flags, like this bill would set out, helps my legal staff do contract review.

SENATOR DALY:

In response to Senator Titus's question, it would only apply to the construction portion of any public-private partnership and the statutes that currently exist for transportation facilities. That is the only authorization that requires prevailing wage. I am not creating anything new. This bill says that if we are doing public-private partnerships, the existing language on public-private partnerships should be used. Prevailing wage applies.

SENATOR HAMMOND:

The first time I ever heard of a public-private partnership was when we were talking about the Reserve Officers' Training Corps and the use of that organization. As we were questioning you, it occurred to me that many of the public-private partnerships did not come to fruition until 2010 or a little before then. We have started to see more of those partnerships. A lot of federal legislation has passed, increasing the number of public-private partnerships.

I am grateful for Senator Neal's question because I am also curious about what happened with the hospital or the medical center. I want to know more. It was not standard practice to use public-private partnerships, so it was the first time it came up.

This bill helps set a pattern for future usage. You would like to apply what we have done with construction public-private partnerships to what we are doing here. Is that correct? I am trying to sum this bill up in my mind.

SENATOR DALY:

Public-private partnerships have been around for a while but have progressed and become more common. Often, in public-private partnerships, the private partnership is trying to leverage some bargain with the public entity, which might include a fee that is collected. That is especially common in construction with sewer projects and water projects. The transportation facility could charge tolls.

SENATOR HAMMOND:

Denver and Phoenix have different charges for what is considered a heavily used rail and a lightly used rail.

SENATOR DALY:

I am not saying this is bad. There is some good and bad to public-private partnerships. When I looked at the audit and understood what the issue was, I realized giving NSHE the ability to enter into public-private partnerships left the rest of the agencies in an ambiguous spot. If language is not in State law, there may be disagreements if a case were to go to the courts. The courts would cite no specific language. This amendment is putting everyone on the same playing field. I followed the same pattern from the transportation facility's language. I am not trying to invent anything.

SENATOR HAMMOND:

Charter schools do not have a lot of funding, so they create foundations. The foundation's job is to create revenue to help the school build its campus. With the foundation's money in partnership with the charter school, would this bill affect them?

SENATOR DALY:

Yes, it is a public-private partnership where the charter school is the public agency. Prevailing wage has to be paid on charter schools. In this partnership, depending on how much money is put in by the private entity, the school would get relief from public bidding. Charter schools could use public-private partnerships. With cost sharing, where the private entity's money is reimbursed

over the course of time, charter schools may enter into this type of agreement. That is often how public-private partnerships work.

SENATOR HAMMOND:

If the foundation is generating a lot of private money, this would not apply to them.

SENATOR DALY:

If the charter school is working with a public partner and they enter into an agreement on the public-private partnership—which, as defined in the bill, would be required—then this would cover and allow them to do so. Right now, without the clarification this bill provides, it could be argued under Dillion’s Rule that because the Legislature did not authorize the partnership, they cannot form one. This would remove the uncertainty for any other public agency.

SENATOR NEAL:

The information from the Interim mentioned how the Nevada Knowledge Fund paved the way for public-private partnerships. At that time, we were also trying to navigate the constitutional limitation between direct investment and private companies. With this broad language, are we crossing over? You have two bills. It opens the door to questions about how direct investments work within that limitation in this broad language.

With the Knowledge Fund, we had a scaled and narrow goal to achieve. This bill talks about educational programs and student life. When you look at the other policy, you also have “other.” What is your thought process on this?

MR. ERQUIAGA:

The short answer is no. I believe your counsel would argue that this is still limited enough because the agreements are all short-term and fairly narrow in scope, but I certainly am not your counsel.

I remember that conversation about the Knowledge Fund. I was here when it was created. I do not think that came up during the Interim.

SENATOR BUCK:

Does NSHE get facility funding, or do you get it in a lump sum?

MR. ERQUIAGA:

The answer is yes and no. The Nevada System of Higher Education is part of the public works and capital improvement process. We go through a vetting process at the Board, beginning at the institutions—certain buildings are built with public funding that is distributed to us from the Legislature for planning or construction. Some buildings are built purely with private philanthropy. Other buildings are built with a mix of the two funding sources.

We have participated in public works and capital improvement projects over the years. We also have facilities and lands provided through philanthropy.

SENATOR BUCK:

I ask this because we know that charter school buildings are not paid for through facility funds. The financing comes out of the allocated per pupil funding. Diverting to prevailing wage causes me concern. There is no way to do business, pay teachers and care for the kids if that happens.

CHAIR LANGE:

Seeing no more questions, is there anyone wishing to speak in support of A.B. 74?

WARREN HARDY (Council for a Better Nevada):

I am here to speak in favor of A.B. 74 as drafted. I have not had a chance to review the amendment, but I will do that. I would like to shed some light on Senator Neal's question with regard to the medical school. I was involved in the negotiations of the medical school and how it came about. There were no prohibitions or barriers for the public-private partnership because, in some senses, it was not really a public-private partnership. The overwhelming majority of funds came from philanthropists and donors with a small contribution from the State at the end. *Nevada Revised Statutes* 338 provisions and prevailing wage did not apply on that project. However, the Nevada Health and Bioscience Corporation that constructed the building voluntarily paid prevailing wages on the project.

This came to the Joint Standing Committee on Education because the legislative audit, authorized last Session, questioned whether the Legislature has the authority to enter into these types of public-private partnerships.

This is an attempt to make clear in statute that the State can enter into public-private partnerships. The clarification this bill provides is the reason why we support this legislation. Additionally, we support this legislation because the medical school in southern Nevada has been a miracle. In some ways, the school has fixed the culture of philanthropy in Nevada for people who want to come forward and participate. This bill furthers that. In future higher education endeavors, they can be done with some participation from the private sector. That is why we like the bill.

With regard to Senator Daly's amendment, I would have concerns about the chilling impact that broadly applying prevailing wage might have across the board. I do not have a problem with the bill the way it was drafted. To be very specific, the real issue we need to address is not so much public-private partnerships, it is the lease purchase concept. We are hoping to address that in a bill from Senator Nicole Cannizzaro. That is the issue and is where people are intentionally trying to get around prevailing wage laws. That is not appropriate. We do need to address that separately.

NICK SCHNEIDER (Vegas Chamber):

We are also in support of A.B. 74 as drafted. We are proponents of providing additional tools to enhance Nevada's educational programs. We will also have to review the amendment presented by Senator Daly.

CONSTANCE BROOKS (University of Nevada, Las Vegas):

We are in support of A.B. 74. We enjoy public-private partnerships in a variety of areas within our campus operations and academics, whether that is through supercomputing or campus food services with the little robots that deliver food to our students and staff. We have a partnership with Starship Technologies and legislation to help with the right-of-way for those robots.

We also use public-private partnerships for buildings and the construction of buildings. For example, my office is located in the University Gateway Building, a mixed-use development building with residential units on the top floor, office space for faculty on the second and third floors, and retail spaces on the first floor. It is a wonderful opportunity for mixed-use development and public-private partnerships for our campus community.

We are in support of this bill. We have not reviewed the amendment at length, but we are following the lead of NSHE and the Chancellor's testimony. At first glance, we do not have any issues with the amendment.

ANTHONY RUIZ (Nevada State College):

We are here to support A.B. 74. Similar to my colleagues with UNLV and NSHE, we have not had time to fully review the amendment, but we are following their lead to support the bill as amended. Public-private partnerships are important for Nevada State College. We have housing on campus that is a public-private partnership.

We have over 500 acres left to develop on our campus that a public-private partnership would be helpful to utilize. We recently updated our campus master plan and set aside 300 acres specifically for development with these types of partnerships. This bill provides clarity to ensure that we have the authority to use these partnerships, which is helpful. We urge your support.

CHAIR LANGE:

I will close the hearing on A.B. 74. I will now open the hearing on A.B. 372.

**ASSEMBLY BILL 372**: Revises provisions relating to higher education.  
(BDR 34-704)

ASSEMBLYWOMAN SHANNON BILBRAY-AXELROD (Assembly District No. 34):

I am here to present A.B. 372. With me is Dr. Sondra Cosgrove, who will give background on the bill. As many of you know, Dr. Cosgrove is all about advocacy and getting people involved in understanding the legislative process. She put together an online meeting of stakeholders and people who were new to the legislative process. These were people who knew they wanted to make a difference but were unsure how to do so. This bill, in part, came out of that meeting. She talked at length about how, during the bill-making process, Legislators are often drafting the bills in silos. When Session does start, some bills can be derailed by other bills.

One bill we looked at was an Assembly bill from the Office of the Governor which talks about creating the Office of Early Childhood Systems. I believe it was A.B. 113.



**ASSEMBLY BILL 113**: Creates the Office of Early Childhood Systems within the Office of the Governor. (BDR 18-65)

I am passionate about early childhood. I have had the pleasure of volunteering as the president of Family to Family Connection, an early childhood organization that focuses on children aged zero to five. We provide free classes on teaching parents or caregivers how to be their child's first teacher—becoming a teacher starts when the child is probably two weeks old. People often say they are getting their child ready for school, which they think is buying a backpack and school supplies. But getting their child ready for school starts right away.

When Governor Joe Lombardo's bill was released, Dr. Cosgrove and I started talking about how critical early family engagement is throughout the lifetime of the student. She will talk more about this in her capacity but even having students at the College of Southern Nevada, you can tell the families who placed importance on learning at an early age.

This bill creates the authorization for the Board of Regents to enter into agreements with nonprofits. For example, the preschool at UNLV received a federal grant to open the preschool to many people who could not afford it. Preschool is very expensive. When I had my daughter in full-time preschool at UNLV, it would have been less expensive for her to go as a full-time, in-state student than for her to be a full-time preschooler at UNLV. That should tell you something about the cost of preschool.

This grant made the preschool accessible. One aspect of the grant is there is early childhood family engagement. That is not something that UNLV's preschool has the ability to do, per se. This would be an example of where Family to Family could come in and work with parents to teach them about being their child's first teacher.

SONDRA COSGROVE, PH.D:

I am a history professor at the College of Southern Nevada and the executive director of Vote Nevada, but I am speaking on behalf of myself not my employer. I support A.B. 372.

I work in the space that connects the mission of Nevada's higher education institutions with nonpartisan policy development. In this space, you will often hear me advocating for a better behavioral health system because my students

not only need access to affordable higher education and training but also high-quality social services to keep them healthy and supported. My students need access to civics education to empower them to be civically engaged and advocate for themselves while promoting sound policy choices.

Regarding this bill, it may not seem there is a connection between strong early learning policies and higher education. However, that is not the case. When students arrive at college, we expect their brains will have had access to enriching experiences that facilitate development and make them ready to learn the skills to be successful citizens and productive workers.

What happens if this development did not happen? Higher education is not funded to address developmental delays. Students often end up dropping out, not because they are not a good fit for college but because they need help acquiring life skills they missed somewhere along the path to becoming young adults.

Where does this bill fit in as a solution to this particular problem? This bill addresses the root cause of the problem. Nevada needs robust early learning ecosystems that empower parents to focus on brain development at the beginning of a child's life with an array of resources and, I hope, with support from higher education.

This bill highlights the need for more partnerships to help children. It also informs faculty that we can use our community service and research contractual requirements to contribute to building an early learning system that will then send us students who are college-ready from Day One.

SENATOR TITUS:

I do not disagree, but does anything in law prohibit the university systems from doing this? Why do we have to put this into law? Can they do this on their own?

DR. COSGROVE:

You are correct. They can currently do this, but as a faculty member, I can tell you that sometimes contractual obligations to do community service, research and such falls into a gray area. It is often unclear whether you can do certain things to fulfill the contractual requirements. This will help faculty, such as myself, to say to administration that this is something I am allowed to do; it is

in law. This helps faculty say this is where their passion is and how they want to use the time they are contractually obligated to use. They want their employer, NSHE, to recognize it.

SENATOR TITUS:

I appreciate that. It is your passion, which you can already do. What about all the other faculty members who have different passions? Do they need to codify their passions? If the law does not address this, why are you not doing it?

ASSEMBLYWOMAN BILBRAY-AXELROD:

I will speak to what Family to Family Connection does. When entering into the agreement with the preschool, we had to talk to an attorney. There are some gray areas. No two attorneys look at statutes in the same way. If you have 100 attorneys, they will give 100 different opinions.

SENATOR NEAL:

Section 1, subsection 2, paragraph (b) talks to a cost allocation between the nonprofit organization, community entity or governmental agency and NSHE. It is saying a faculty member can do this, but NSHE must share the cost of the agreement. What has NSHE said about that particular provision?

ASSEMBLYWOMAN BILBRAY-AXELROD:

The way I was reading this, maybe this is not correct, the agreement had to lay out those costs and whether the costs are shared. That was how I read it, but after your question, I can see how my interpretation may be incorrect. Maybe someone from NSHE could speak more to that.

MR. ERQUIAGA:

The Nevada System of Higher Education supports this bill.

I understand the questions being asked about whether this can already be done. As I have said previously, things like this bill are good guardrails and flagged indicators for the Board of Regents and the NSHE institutions to know that this is a space where the work is important and, indeed, critical. When I was superintendent, we scaled up the largest early childhood program at that time. I appreciate this long-term view.

To the specific question about section 1, subsection 2, paragraph (b), I read it the same way as the Assemblywoman. It says "an allocation of any costs that

must be shared.” The Nevada System of Higher Education is not obligated to share costs, but we must address shared costs in the agreement. That is how I interpret it, but I am not a lawyer. This bill requires us to spell out the costs in the agreement to avoid a future disagreement of someone saying they would pay for the cost of online licensing and teaching but then not paying.

SENATOR NEAL:

From this section, I would think an agreement entered into must include A and B without limitation. Therefore, if I were to sit down to discuss costs, I would ask what the 50-50 split would be. That is where I would go. The institution would have to have that money—either the 50-50, 60-40 or 70-30 split. It opens the situation up to additional funding.

MR. ERQUIAGA:

I do not mean to amend the Assemblywoman’s bill, but if it would make you more comfortable, you may ask your counsel if that phrase should be any cost that “may be” shared rather than “must be.” You may wish to clarify that on the record or in an amendment.

ASSEMBLYWOMAN BILBRAY-AXELROD:

Mr. Erquiaga and I are reading it the same way, but someone may interpret it differently. I am amenable to that amendment.

CHAIR LANGE:

We will ask our legal counsel. Is there anyone wishing to speak in favor of A.B. 372?

MR. SCHNEIDER:

The Vegas Chamber believes prioritizing education for our young Nevadans and creating a stronger, more qualified workforce is paramount to the future of our State and the continued diversification of our economy. Prioritizing education starts in early childhood. Family involvement is a major factor in providing that support.

The Chamber is in support of A.B. 372 as it aims to provide families and caretakers with the tools and best practices to better engage in educating our kids from a young age. We urge your support.

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CHAIR LANGE:

I will close the hearing on A.B. 372. I will open the hearing on A.B. 423 from the Assembly Committee on Government Affairs.

**ASSEMBLY BILL 423 (1st Reprint)**: Revises provisions governing meetings of a board of trustees of a school district. (BDR 34-847)

ASSEMBLYWOMAN SELENA TORRES (Assembly District No. 3):

Open meeting laws are commonly referred to as sunshine laws. The idea behind such laws is that public bodies are not meeting on important issues impacting their constituents in the middle of the night behind closed doors. In recent years, school board meetings have become increasingly contentious, attracting a lot of public comment; meetings often continue well into the next morning. Often, tempers are hot and patience is thin late into the night.

That is not a recipe for good education policy or policy in general. Many parents bring their children to these meetings where they are sometimes sleeping on the floor during the final hours of the meeting. This needs to stop. The Legislature needs to provide additional guardrails to keep these meetings safe. That is why I am presenting A.B. 423.

It is important to note that unlike the State Legislature, which meets for 120 days every 2 years, school board meetings are year-round and meetings can be scheduled year-round.

There are only two sections to this bill. Section 1, subsection 6 prohibits the board of trustees from taking any action at a regular or special meeting after 11:59 p.m. on the day of the meeting, except in an emergency, as defined under NRS 241.020. Otherwise, no further action may be taken unless the board schedules a delayed agenda item at a future meeting, pursuant to the Open Meeting Law. Or they can wait until at least 24 hours after the originally scheduled time of the meeting but not later than 3 business days after the original scheduled date to take such action.

For example, if a school board meeting begins on Tuesday at 8:00 a.m. and goes until 11:59 p.m., the board must wait to take further action until Wednesday at the same scheduled start time of 8:00 a.m. but not later than Friday in a nonemergency situation.

Section 1, subsection 7 authorizes, but does not require, the board of trustees to restrict public comment at a regular meeting or special meeting if the public comment meets one or both of the following criteria: it is a topic that is not relevant or within the authority of the board of trustees or is willfully disruptive of the meeting by being slanderous or offensive.

Such a section of public comment law exists in other areas of the statute. It is no different than what already exists around Open Meeting Laws in Nevada. Section 2 makes the bill effective on July 1, 2023.

Although this is a policy committee, the fiscal review showed no fiscal impact. I welcome your support of A.B. 423.

CHAIR LANGE:

In your research, how many school districts have gone beyond this time frame? I am curious because it seems awfully late to have a meeting.

ASSEMBLYWOMAN TORRES:

It is awfully late to have a meeting. We have seen the meetings go late. I have had several conversations with my colleagues in the Assembly who have had the opportunity to serve on school boards. It seems to be a rare occurrence in most districts. Unfortunately, we seem to see it quite often in southern Nevada over the last few years. Especially if a board is taking action later at night.

This bill specifically addresses action being taken, not presentations or anything else that might happen in the meetings. This bill exists specifically so no voting takes place in the middle of the night when our public is unable to participate.

SENATOR NEAL:

In section 1, subsection 7, paragraph (b), I know the term "willfully disruptive" was part of the amendment from the other side. Disruptive by being slanderous or offensive was added. What would rise to the level of being willfully disruptive? Education is a passionate topic. Attendees could be disruptive because they feel they are not being heard or their comments are not being addressed. We have seen that in previous meetings.

As a matter of fact, we have seen offensive or willfully disruptive behavior from the board's own members. Now you are applying that standard to the public

who feel very strongly about what is happening to their children. Can you give me an example of what would rise to this level?

ASSEMBLYWOMAN TORRES:

I had several conversations with the American Civil Liberties Union before putting any language in regarding public comment. This language was agreeable because it is already in statute. This is not anything inventive; this is adding specific language that exists. Legal might better answer the definition of willfully disruptive. As stated, this is not any different than what currently exists and is applicable to our own Open Meeting Laws, as well as the laws that we have within this Legislative Body for public comment.

SENATOR NEAL:

There could be students who are planning a protest at the Clark County School District board meeting, intending to go to the meeting to disrupt and be present at the meeting. Are they going to be told that they are violating the law and should be removed?

ASSEMBLYWOMAN TORRES:

This is not any different than what currently exists.

SENATOR NEAL:

It did not apply under CCSD. You are now enacting this in law, and disruption and what is considered offensive is potentially subjective. I could be seen as offensive at a board meeting. Am I going to be removed from the meeting?

CHAIR LANGE:

We will ask legal; he is not here right now. The wording is important, and we will get a definition from him.

ASSEMBLYWOMAN TORRES:

You can ask legal, but my understanding is that this is the exact language that exists in public comment for the Open Meeting Law. It is no different. This would specifically apply to the board of trustees. Clark County School District has to follow applicable Open Meeting Laws. I would like that to be confirmed to the Committee.

CHAIR LANGE:

We will find out.

SENATOR HAMMOND:

I would like to get a definition of those terms, as well as who determines what behavior constitutes as slanderous, offensive or willfully disruptive. In this case, would it be a school board member who objects to something he or she considers slanderous and offensive? Can they act upon that, or does the president of the board have to act on that? Who makes that determination?

ASSEMBLYWOMAN TORRES:

It would be the same process that applies to this Committee, where the Chair runs the meeting. The chair of the board would run the meeting and, ultimately, make that determination. Legal counsel would also be present. Boards still have to abide by our constitutional rights. No language in here indicates otherwise.

We had this conversation in the Assembly as well. In the Assembly, legal clarified that this language already exists. If this is the pushback the bill is getting, this bill makes it clear that the language is applicable to the board of trustees.

I will be honest as to why this language exists. It exists because in a southern Nevada school board meeting, we had students testify who were English language learners. Members of the public came in and bullied them. The members of the public were not removed from the meeting. This language also exists because there are teachers who have come up to testify in public comment who have been followed by parents personally attacking them. That is why this language exists.

The intent of this legislation is to make it clear that the language within this bill is applicable to school boards. As I have previously stated, this is already consistent with other parts of our statute and applicable to any public meeting including county commissions, local governments and our school boards.

SENATOR HAMMOND:

When you said they are being attacked, is that physically or verbally?

ASSEMBLYWOMAN TORRES:

Personal attacks. We are talking about willfully disruptive language.



SENATOR HAMMOND:

If it is willful, then you have to figure out what is willful. Someone has to determine the willful nature. Which goes back to my colleague and my previous line of questioning.

JEN STURM-GAHNER (Policy Analyst):

I have been in touch with our counsel, and I want to provide the Committee with a definition of willfully disruptive. Willfully disruptive would mean taking actions with the intention of disrupting the ability of the public body to carry out its meeting in an orderly manner.

Similar language currently exists in the Open Meeting Laws that authorize the removal of such persons from any public meetings. The removal would be at the discretion of the chair.

SENATOR NEAL:

Based on your comments, Assemblywoman Torres, it seems like you want the board to enforce public-to-public abuse, not necessarily public-to-board abuse. You want the board to have a duty to monitor public-to-public contact for abusive behavior. To me, the bill goes beyond that.

ASSEMBLYWOMAN TORRES:

Once again, we took this language out of our Open Meeting Law statute, and we put that language into this bill. Specifically, the part that addresses the concerns we have "is willfully disruptive of the meeting by being slanderous or offensive," which is the language we used.

SENATOR NEAL:

What bothers me is I know of a trustee with a certain temperament. A public meeting outside of the board was contentious. They closed the meeting down because the member felt offended when told "you have not actually met with your constituency since being elected." Temperament plays into this when giving the chair discretion. I understand where this language is coming from, but that board is very different.

ASSEMBLYWOMAN TORRES:

That specific instance applied to a town hall meeting as well. I do not think it would be applicable to this. This language is no different than what exists in other places. If that is the area that is going to give this Committee heartburn,

I am happy to continue this conversation. In my conversations with legal counsel, I do not believe this is different than current practice and our statutes.

SENATOR FLORES:

Could we ask our counsel if he could explain what would happen if someone was willfully disruptive during a hearing? We understand that a chair yields tremendous power and can shut people down. If we get that answer on record, it may alleviate some of the Senators' concerns.

My question is related to section 1, subsection 6, line 16 where it states "except in an emergency that impacts the school district," and it outlines what cannot be done. Can you give me an example of what an emergency means? Is that defined? I want there to be an understanding of the scenarios that might cause actions to be taken past midnight.

ASSEMBLYWOMAN TORRES:

That would be as defined by NRS 241.020 which looks at emergencies that impact the area. We had this conversation in the Assembly as well. We amended the bill so if something like an outbreak of coronavirus happens where the board has to meet longer, it can. If there is a flood, earthquake, any type of natural disaster, something that will close down a school, a significant issue or state of emergency determined by the local government, the board is exempt from the rules of taking actions no later than 12:00 a.m., which is further outlined in the bill.

SENATOR FLORES:

I appreciate that; I wanted those scenarios on the record.

At times, do you believe the board has purposefully met at a specific hour knowing the meetings would go long, hoping they would not have as much parental, student or teacher participation and the meeting time was by design? That is what we are trying to get at with this bill.

ASSEMBLYWOMAN TORRES:

This bill came up in conversations with many stakeholders, including parents and teachers who wanted to testify at school board meetings but the meetings in southern Nevada are running until 2:00 a.m. or 3:00 a.m.

I often watch the school board meetings in Clark County. They are running obnoxiously late to the point where members of the public are no longer able to participate. This is especially true when students wish to testify and participate in the process but literally have school at 7:00 a.m. the next day or have to be on a bus by 5:00 a.m.

I have had this conversation with trustees from southern Nevada as well as other parts of the State and former trustees. They assured me that, similar to this Legislative Body, the committee chair has an idea of how long a meeting may be. For example, chairs of committees here know that four items on the agenda will take one or two hours, or end by a certain time.

I have been assured that the process is similar when planning school board meetings. I do not know if it is lack of training and support or if it is intentional, I cannot speak to that. It would appear to me that when it becomes a constant where members of the public are unable to participate and votes are taken in the middle of the night in what appears to be an effort to prevent public participation, that it is intentional. As a Legislative Body, we need to prevent our local governments—specifically school boards in this bill—from preventing public access.

CHAIR LANGE:

We have an answer from legal.

MS. STURM-GAHNER:

Senator Flores had asked about what would presently happen if someone was willfully disruptive. In speaking with the counsel, he responded:

Currently, the chair of the public body would have the discretion to remove a person from a meeting if their conduct disrupted the ability of the body to carry out its meeting in an orderly manner. The relevant test under the First Amendment is that the chair not discriminate on the basis of the viewpoint or content of the speech but only on the speech being carried out in a way that prevents the meeting from continuing in an orderly fashion.

CHAIR LANGE:

Seeing no further questions, is there anyone wishing to speak in support of A.B. 423.

PAUL MORADKHAN (Vegas Chamber):

The Chamber is in support of A.B. 423. I appreciate the comments made by the bill sponsor. The Chamber is engaged with our education affairs in southern Nevada. The Chamber has seen many times that school board meetings go well past midnight—even before the pandemic. It is not a new occurrence. It has been an ongoing issue in our community. As you heard, it is hard for parents who have to go work the next morning, students who have to go to school at 7:00 a.m. or 8:00 a.m., and teachers or staff to be engaging in issues.

We have seen collective bargaining agreements and curriculum issues approved after midnight, so it is a genuine concern that these decisions are being made late at night. Many times, only a few people are left in the room when those issues are being heard.

We appreciate the bill sponsor's efforts. We are in support of the bill, specifically section 1, subsection 6. We appreciate your efforts to move this bill forward as we see this as a good governance bill based on common sense.

CHAIR LANGE:

Is there anyone wishing to speak in opposition?

JOHN EPPOLITO:

I am a parent, former teacher, and I am with Protect Nevada Children. I have been going to Washoe County School District (WCSD) Board of Trustee meetings off and on for about 12 years. I would like to thank Senator Neal for her line of questions.

I have a few things I thought I could answer. I have been at WCSD meetings when they have gone past midnight. What typically happens, and I believe Senator Flores mentioned this, is that hot issues with the school district will be heard last in hopes the parents are gone. There are a few reasons why the meetings are so long, but the hot issues are at the end of the meeting.

At the last meeting, a parent had to wait four hours to talk about a safety issue in his kid's elementary school. He had to wait until the very end of the meeting because the WCSD removed the initial public comments—which I think is a mistake. During the meeting before that, a teacher had to wait for over

three hours to give her public comments about closing her school. That was the only time she could speak.

The school districts create the problem. They should be stricter on what people can do at those meetings. They should bring back the initial public comments.

The offensive comments I heard in the CCSD School Board meeting were from a mom who got up and started reading her daughter's ninth grade assignment. The school board shut her down because they thought the explicit sexual content was offensive. The mom's response was, "If this is offensive to you, why are you doing it in my daughter's ninth grade class as part of the lesson?"

KASEY ROGERS:

As a parent, I am absolutely appalled hearing time and time again that this Legislative Body is trying to take our First Amendment right of freedom of speech and expression away from our communities. That is absolutely unacceptable. I am appalled, and I oppose this bill.

Everybody in this Legislative Body keeps saying they are not trying to take parental rights; however, you are. Am I not allowed to say this in a public meeting? This is what you are trying to shut down. You are trying to shut down the parents.

I have sat in meeting after meeting in Douglas County, Carson City and Washoe County. I can tell you that room is filled with opposition. All you are trying to do is to oppress the opposition like a true steadfast communist regime; that is exactly what this is. You need to quit. If you are trying to start a war, you are on your way because that is exactly what happens when you try to silence the majority. The majority of people in those meetings, 90 percent of them, are in opposition to everything that has been happening with mask mandates, vaccines and everything else.

When parents come in upset and want to speak, it is the time they are allotted. It is their right to speak out for their families and their children—especially now when you can see it has been proven. If you are not doing your research and work on what has gone on since 2020, that is your fault. The parents know. They fought back and were ignored time and time again. I am opposed to this bill.

BRUCE PARKS:

I am adamantly opposed to this bill. I am worried that the sponsor of this bill is more concerned with southern Nevada than the rest of Nevada. There is a lot more to Nevada than just Clark County. Having been an advocate for a long time for the citizens of Washoe County and attending not just school board meetings but various other public body meetings, it has been my experience that the majority of the public bodies are not cognizant of the fact that they serve the public.

This has been demonstrated by some of the officials in the Legislature. They have lost contact with their purpose. They are there to serve the people. I have seen it time and time again in Washoe County where the chairs and presidents of these public bodies do everything they can to suppress the public's right to address their government with their grievances. The general consensus seems to be that what they are trying to do is more important than what we have to say. Nothing could be further from the truth.

Simply removing public comment at the beginning of the meetings means people can no longer schedule when they are able to appear in front of their public body to have their grievances heard. If you have to wait until the end of a meeting and you have no idea how long that meeting is going to last, that is the suppression of your rights. You can call it whatever you want, but that is exactly what it is. You can file all the Open Meeting Law complaints you want, but nothing happens. I have submitted over 15 of them, and they are not addressed. I have submitted written testimony ([Exhibit E](#)).

ASSEMBLYWOMAN TORRES:

Thanks to this Committee for hearing this piece of legislation. I want to clarify some things for the public's sake. Rest assured, this piece of legislation was done in close conjunction with my colleagues on the Assembly side who are from various parts of Nevada, including Washoe County and rural Nevada. This was a bipartisan effort. This bill was produced from a conversation about the entirety of the State, not just southern Nevada. Because I am from southern Nevada and I represent that community, the examples heard today were specific to southern Nevada.

Additionally, this legislation encourages and enables the public to participate in the process. It is unfortunate we need to have this conversation because all local governments should be making that effort. I am committed to continuing

to work and have this conversation with you all on how we can engage public participation.

CHAIR LANGE:

I have received two letters of opposition ([Exhibit F](#) and [Exhibit G](#)). I will close the hearing on A.B. 423. Is there anyone wishing to speak in public comment?

MR. EPPOLITO:

This is about Communities In Schools. In 2021, the chief strategies officer from WCSD told the school board right before they voted that CIS had full access to everything in the software company that keeps track of the student's profile, including classes, grades and other information. To me, that is problematic. That software company is the most comprehensive and massive database ever created on children in human history. Communities In Schools has full access to that. I have a problem with that.

It was not clear to me if CIS serves every kid in the school or just certain kids. The Washoe County School District made it sound like it was only certain kids in the school. I would not want my kids involved in using that program because of that data. I do think it is a good program, and I do think it helps kids. Do not get me wrong, it is all about the data.

In 2021, the chief strategies officer at WCSD told the school board that CIS does not maintain its own database of WCSD students. Fast forward to 2022, the CIS parent consent form clearly states that CIS does maintain a student database on students. When the WCSD chief strategies officer learned this, he admitted that he was wrong in 2021, but nothing happened.

This is more of an issue with the WCSD than with CIS. I would not want any of my kid's data with CIS, but for most of the kids who need those services, data concerns are low on the parents' priority list. You can find my organization, which has 1,500 members on social media. We are Protect Nevada Children.

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CHAIR LANGE:

Hearing no more public comment, the meeting is adjourned at 3:05 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	2	Tami Hance-Lehr / CIS of Nevada	Presentation
A.B. 74	D	15	Dale Erquiaga / NSHE	Proposed Amendment
A.B. 423	E	38	Bruce Parks	Written Testimony
A.B. 423	F	39	Senator Roberta Lange	Letter of Opposition
A.B. 423	G	39	Senator Roberta Lange	Letter of Opposition