

LEGISLATIVE REPORT

81ST LEGISLATIVE SESSION





OVERVIEW

In a Legislative Session heavily impacted by the COVID-19 pandemic, educators under the umbrella of NSEA maintained a strong and consistent presence from before the legislative building was open to the public all the way through the last day of the session. Members of NSEA's ground team tracked 145 bills, with 37 of 57 bills we supported passing out of the legislature and 20 of the 22 bills we opposed failing. NSEA ground team and member leaders were a regular presence during the session testifying in committee meetings over the phone and then in person. We also submitted exhibits on over 50 unique bills. [Check here](#) for NSEA's bills tracker with links. [Click here](#) for video testimony.

NSEA scored several important victories for educators and students during the session. Highlights include:

- Unemployment eligibility for education support professionals this summer.
- A review of student assessments and new regulations to limit their time and number.
- A one year pause on the use of student data in teacher evaluations.
- New district reporting requirements related to class size and accommodations for evaluation of teachers with large class sizes.
- Important legislative wins for social and racial equity in education.
- Budget wins with new revenue dedicated to K-12 public education.
- Changes in the new funding plan to account for enrollment growth in hold harmless provisions and the ability to use some district ending fund balance in the collective bargaining process.
- Passage of a new public healthcare option that will provide greater health access for retired members.
- Protection of paraprofessionals from new licensing requirements.
- Preservation of important education committees like the Regional Professional Development Programs and Academic Standards Council.
- Expansion of voting rights including universal vote by mail for all Nevadans
- Defense of democratically electing school boards.

UNEMPLOYMENT ELIGIBILITY FOR EDUCATION SUPPORT PROFESSIONALS

One of NSEA's biggest victories of this legislative session came in March, when Governor Sisolak signed an emergency regulation allowing for unemployment benefits to be available to education support professionals (ESPs) this summer. The emergency regulation was subsequently approved by the Legislative Commission.

During the second special session, NSEA supported **SB3** to give DETR the authority to propose emergency regulations and implement a fix for ESP's who are providing essential services to children in Nevada's public education system. Over the course of the past year, we continued to work with the Governor's office, DETR, and legislators to find a solution for ESPs. With the COVID-19 pandemic, job opportunities last summer were severely limited, and many ESPs struggled to make ends meet. The likelihood of another summer with limited job opportunities due to the COVID-19 crisis would mean another summer with no income for thousands of Nevada educators. This emergency regulation will be a tremendous help to many Nevadans. NSEA has been hosting a series of informational sessions for ESPs with representatives of DETR to discuss accessing unemployment this summer.

MORE LEARNING, LESS TESTING

(**SB353**) NSEA supported SB353 requiring the Department of Education to review student assessments. This was one of the items NSEA brought to the Interim Committee on Education as an organizational priority. A top concern of classroom educators has been too many standardized tests shifting the focus in the classroom away from student learning toward a culture of high-stakes testing. NSEA has been actively working to reduce the burden of standardized testing for a number of years, including sponsoring SB303 in 2017 to require the Department of Education to audit student assessments in order to streamline and make student assessments more efficient. While passed with bipartisan support, the audit was not completed until over a year after its due date. The final report did not follow the requirements contained within SB303 and was written with a predetermined result in mind that is out of line with the realities in our classrooms.

However, the audit did contain some important information about the amount of time educators spend administering assessments, with 84% of District Test Directors stating too much time was spent on the Smarter Balanced Assessment (SBAC). Responses from those responsible for the administration of assessments highlight the continued need to streamline student assessments. Responses from educators in audit focus groups and NSEA internal surveys have been less kind to standardized testing.

While small changes to required student assessments have been made over the last several years, we believe a more substantive overhaul of state testing requirements is merited. SB353 requires the Department of Education to look at the benefits, costs, and, any inefficiencies in student assessments, and adopt regulations to prescribe limits on the time and number of student assessments. SB353 passed the legislature with unanimous support.

PAUSE ON STUDENT DATA IN TEACHER EVALUATIONS

(**AB57**) NSEA supported AB57 to pause the use of student data in teacher evaluations for the next school year, introduced by the Washoe County School District. NSEA believes teacher evaluations should be based on instructional practice, leadership, and professional responsibilities. Last session, NSEA advocated limiting the use of student data in teacher evaluations and agreed on compromise legislation to reduce the percentage of a teacher's evaluation based on this metric from 40 to 15%.

Then we were hit by the COVID-19 pandemic. As stated by the Washoe County School District, we are in unprecedented times of changing instructional models, illness and exclusions, incomparable assessments and extensive stress. This is a time for support, flexibility, and ability to change course to meet students' basic and educational needs.

Educators want to be held accountable with fair, timely, rigorous, and valid measures. Evaluation structures that depend on student data are not a fair or valid measure, because student growth is dependent on many factors not under a teacher's control. During COVID-19, these outside factors play an outsized role in student growth, especially for students in hybrid or distance learning models. For many Nevada students, parent involvement and support, comfort with and access to technology in the home, and individual student interest and disposition are factors that rival teacher practice in contributing to student growth.

Meeting the demands of the teaching profession requires tremendous will, ability, creativity, organization and preparation. It also requires continuous learning, feedback, and support. To ensure high-quality teaching, it is necessary to have meaningful evaluations that provide a format for constructive assistance. Over the past 10 years, Nevada has worked to build this framework to measure teachers' instructional practice and leadership as well as professional responsibilities. Unfortunately, Nevada's schools and teachers have suffered through competing political emphasis on the use of student data, first with the use of test scores as part of an educators' evaluations and now measuring growth. These competing priorities have compromised the entire accountability system—relegating proven educational practice including student engagement, lesson planning including differential instruction, scaffolding, professional development opportunities, and classroom management.

CLASS SIZE WINS

(**AB266**) In addition to fighting off a proposed budget cut to class size reduction, NSEA supported AB266, legislation from NSEA member Brittney Miller. The number of students in a class makes a real difference for students and teachers alike. The issue of large class sizes remains one of the most frustrating issues for Nevada educators, students, parents, and school communities. Nevada continues to have the largest student-to-teacher ratio in the country.

CLASS SIZE WINS (CONT.)

NSEA supported Miller's AB304 last session requiring recommendations for teacher-pupil ratios. AB266 will ensure a count that more accurately reflects the realities of Nevada's classrooms and moves Nevada toward actively addressing overcrowded classrooms by requiring school boards to determine the number of job vacancies based on how many teachers are needed in order to achieve the recommended ratio of pupils per licensed teacher.

Finally, NSEA has also long been engaged in ensuring teacher evaluations are fair measures of a teacher's performance. Teachers with overcrowded classrooms have a disadvantage in their evaluations, through no fault of their own. The double whammy of overcrowded class sizes, combined with punitive evaluation measures is too much for many educators who instead opt to leave the profession. Providing a legislative fix to this issue is not just a matter of fairness but also would help address the issue of teacher retention.

SOCIAL AND RACIAL EQUITY

([AB88](#)) NSEA whole-heartedly supported AB88 prohibiting the use of any name, logo, or mascot that is racially discriminatory in Nevada schools. NSEA has had a long-standing position against the use of racially insensitive mascots, because educators have long known the use of racially discriminatory language and symbols in schools is wrong and contributes to a hostile learning environment for many students of color.

([AB261](#)) NSEA supported AB261 to provide diversity and inclusivity in the academic standards and curriculum. Educators know when curriculum and materials include diverse points of view, it doesn't just help develop empathy and understanding, it actually helps gives students from a diversity of backgrounds representation and a voice. That's why educators across this state and country have renewed their focus on developing culturally responsible classrooms, oftentimes spending out-of-pocket to supplement old instructional materials that are out of date and provide a limited perspective. AB261 was authored by Natha Anderson, a classroom teacher, past President of the Washoe Education Association, and now Assemblymember, showing the importance of educator representation in the buildings of power.

([SB194](#)) NSEA supported SB194 creating a state seal in civics and to be more inclusive in the study of the culture, history, and contributions of diverse American communities. A high-quality public education system is foundational to build and maintain an engaged, democratic society. A renewed focus on student civic engagement along with recognition of the contributions of Nevada's diverse communities is a critical component in this work. SB194 updated the list of communities to be included in ethnic and diversity studies who have contributed so much to Nevada and across the county— Pacific Islander Americans, Chicano Americans, Latino Americans, Middle Eastern Americans, women, persons with disabilities, immigrants or refugees, persons who are lesbian, gay, bisexual, transgender or questioning.

PUBLIC EDUCATION, THE GREAT EQUALIZER: CHARTER SCHOOL ACCOUNTABILITY

During the last legislative session, as well as in the interim, NSEA pushed for greater accountability for charter schools. We know the explosive growth of charters has been driven by deliberate, billionaire-backed efforts to exempt charters from the basic safeguards and standards that apply to our neighborhood public schools. This growth has created an uneven dynamic, undermining local public schools and communities, without producing an overall increase in student learning and growth.

(AB109) Currently, only 70% of charter school teachers are required to be licensed to teach in this state. NSEA submitted proposed bill language to the Interim Committee on Education to require all teachers who provide instruction at a charter school to be licensed. The final language of AB109 increased the percentage of charter school teachers required to have licenses to 80%.

(SB363) NSEA supported SB363 requiring charter schools to report the amount they pay to educational management organizations, a small, but important reform that will help shine some light on what happens to millions of tax-payer dollars directed to charter schools. In June 2020, the Nevada Current reported on a dispute between the American Preparatory Academy in Las Vegas and their Utah-based, for-profit management organization, that showed more of the inner workings of the charter industry. This included large payouts to education management organizations that charters claimed provided little in terms of services and complicated financial relationships related to charter school facilities.

(AB419) In response to NSEA's push for greater charter school accountability, the Assembly Education Committee sponsored AB419 to develop qualifications and training requirements for charter school sponsors and members of the State Public Charter School Authority and the disclosure of information on the operations of charters.

SCHOOL FINANCE, THE CONTINUING CRISIS: K-12 EDUCATION BUDGET

NSEA has led the charge against chronic underfunding of public education in Nevada, from the instigation of the IP1 room tax in 2008 and qualification of the Education Initiative in 2014 to our 4 major Red for Ed rallies in Carson City in recent years. NSEA's efforts have been a large part of creating a social and political consensus – Nevada needs to invest significantly more in public education.

Unfortunately, this consensus took a back seat when the COVID-19 crisis hit in March 2020, and the economic impact of the pandemic forced a special session to cut the budget. While cuts were not made to per-pupil base funding, there were over \$156 million in very painful cuts made to K-12 public education, with the biggest casualty being weighted funding in the new Nevada Plan. NSEA's significant presence in protest, with hundreds of educators taking to the sidewalks in red face coverings as well as public comment, pushed legislators to introduce 3 mining tax proposals during the second special session. NSEA supported AJR1, the most significant of the measures, and waged a campaign for its passage along with our progressive coalition.

At the start of Session, Nevada was still at the height of the COVID crisis. The Governor's proposed budget reflected significant state general fund cuts to public education alongside hundreds of millions of dollars in increased costs over the biennium. While the Governor proposed backfilling cuts from the special session, he instead proposed \$156M in cuts to class size reduction and another \$33M in cuts to early literacy supports. He also proposed a "phase-in" of the new funding plan, which would have shielded the state from any responsibility for local revenues funding education.

NSEA's engagement combined our concern around budget cuts with our support for AJR1. We called on legislators to be "Better than 48" (NSEA ranks 48th among states in per pupil education funding.) Instead of cutting funds to reduce class sizes in a state already with the largest class sizes in the nation, AJR1 would allow Nevada to move in the right direction. NSEA sponsored two actions, a Red for Ed rally at the beginning of the session in February and a Red for Revenue rally and lobby day in late April. NSEA's lobby day was the first and largest, in-person lobby day of the session. Forty educators came to Carson City from across the state to talk to legislators about issues with the new school funding plan and the need for new revenue for public education.

In May, the Economic Forum brought significant good news for Nevada's budget — a total of \$910M more in better-than-projected state revenue for this fiscal year and the upcoming biennium. This allowed the budget committees to backfill general fund cuts. In response to the momentum created by educators across the state, the legislature backfilled the cuts, adding over \$500M to the Governor's proposed K-12 budget for the next biennium. However, even more work needs to be done moving forward, as total per-pupil funding decreased by \$115 from FY21 to FY22.

SCHOOL FINANCE, THE CONTINUING CRISIS: NEW FUNDING FORMULA

Since the introduction of **SB543** two years ago, NSEA expressed policy concerns at every opportunity—the lack of educator voice; no new revenue; watering down Zoom and Victory schools; freezing and squeezing school district budgets; a giveaway to charter schools; and undoing the rules of collective bargaining. This included testifying at every meeting of the Commission on School Funding which was tasked with running the new funding formula alongside the Nevada Plan during the interim and making recommendations about the plan’s implementation. Since the pandemic hit, NSEA has believed it is bad policy to effectuate a seismic shift in the state’s education funding formula during the COVID-19 crisis, especially as further general fund cuts were proposed for our schools. But as the legislature seemed compelled to move forward with its implementation, NSEA presented three changes to ensure the new plan does significantly less harm to Nevada’s students and educators: 1) grandfather existing Zoom and Victory Schools; 2) hold districts truly harmless; 3) remove anti-union ending fund balance language.

ZOOM AND VICTORY

Zoom and Victory Schools are located in Nevada’s poorest communities, serve the highest percentage of at-risk students, and are proven models of education equity. With the shift away from a school-based approach, Zoom and Victory schools will have their budgets reduced and lose significant momentum on school climate and culture, jeopardizing gains made for students in our most impacted schools and communities. The legislature decided to move forward with transferring Zoom and Victory funding into weights in the new funding formula. Weights were set at 0.24 for English Learners, 0.12 for gifted and talented, and .03 for at-risk pupils. The anemic weight for at-risk will provide only \$209 additional dollars per student. This is not nearly enough money to serve students with Victory services outlined in SB543: prekindergarten, a summer academy, additional instruction, professional development for educators, hiring incentives, employment of additional support personnel, a reading skills center, and integrated student supports and wrap-around services. We did receive some good news during the session that CCSD is looking to backfill any shortfalls to these programs. This will give these model programs a short reprieve, but this issue could be back at the next legislative session.

HOLD HARMLESS

Without the inclusion of new revenue, the new funding formula will create new winners and losers among school districts. Modeling of the new funding formula varied across the interim, showing different winners and losers at different times. However, the hold harmless provision as implemented will freeze 9 school district budgets in place for a number of years, squeezing those district’s operations over time as their costs increase. While the budget subcommittee did recommend adjusting for growth in student enrollment, school districts will still be impacted by increases in the cost of doing business. Increasing costs for things like utilities and healthcare will have a squeezing effect on school district budgets, effectively cutting most districts in inflation-adjusted dollars.

SCHOOL FINANCE, THE CONTINUING CRISIS: NEW FUNDING FORMULA (CONT.)

HOLD HARMLESS (cont.): This will make it even harder for these districts to attract and retain educators, maintain class sizes, and effectively operate their districts. While it has been pointed out this freeze only impacts 7% of Nevada students, the state is responsible to provide sufficient funding to educate every Nevada student. If a classroom teacher left 7% of their students behind, they would be rated “ineffective”. NSEA recommended adjusting the hold harmless provision by using the greater of 2020 total budget or per-pupil amount by district, adjusted by the inflationary costs of doing business. The legislature did take our recommendation of using the per-pupil number, which will help school districts under hold harmless with growth in enrollment.

ENDING FUND BALANCE

SB543 included language to increase district ending fund balance walled off from collective bargaining up to 16.6% of annual operating costs. Historically, for school districts, the Nevada Administrative Code provided for 8.3%. NSEA believes this historical language is appropriate, as school district budgets have a high level of predictability given state funding. SB543 also contains a provision which sweeps district ending fund balance over 16.6% and deposits those funds in the Education Stabilization Account. NSEA expressed our grave concern when taken together, there would be no room, and the ending fund balance will effectively be removed as a source of funds to justify any union proposal with a cost. This would fundamentally compromise the collective bargaining process, slanting bargaining entirely in favor of employers. Educators consistently raised this issue during the legislative session. Our pressure campaign succeeded in getting language added to the funding formula implementation bill (SB439) to lower ending fund balance walled off from collective bargaining to 12%, leaving some room on this important source of funds in the collective bargaining process.

SCHOOL FINANCE, THE CONTINUING CRISIS: MINING TAX DEAL

(**AB495** and **SB463**) The passage of AJR1 was a top priority of NSEA’s Grassroots Task Force, from the special session to the final days of this session. While AJR1 was not passed, a new tax on gross revenues of mining was adopted to generate an estimated \$85M/year. The bill dedicates these funds along with another \$70M/year in existing net proceeds from mining to the new education funding plan starting in 2023. The bill also makes \$200M in American Rescue Plan dollars available to school districts to address issues related to the COVID-19 pandemic in the upcoming biennium.

In April, the Commission on School Funding issued its preliminary recommendations regarding optimal funding of public education in Nevada. In order to just reach “adequate” education funding levels, the Commission recommended a 10-year plan for Nevada to increase education funding by \$2B/year by 2030.

COVID-19 AND SCHOOL FUNDING

(SB461) NSEA supported SB461 to make disbursements of important American Rescue Plan dollars, including funds to strengthen public education in Nevada. These funds are in addition to about \$1.8B in federal funds already being made available to K-12 education in Nevada.

Since the beginning of the pandemic, NSEA consistently raised concerns that school districts lacked the resources needed to operate school buildings safely and effectively during this pandemic. We have also long raised concerns about the chronic underfunding of public education in Nevada, with our per-pupil funding ranking of 48th among states. While federal Elementary and Secondary School Emergency Relief (ESSER) funds will provide financial relief for school districts to address the impact of the COVID-19 pandemic on students and to safely operate school buildings, less restrictive American Rescue Plan dollars can help our schools be even stronger over the coming years, improving the quality of education for every Nevada student.

NSEA applauds the leadership of the Biden administration and Congressional leadership for making American Rescue Plan dollars available to states and school districts. We also acknowledge the work of Nevada's congressional delegation along with our parent, the National Education Association. Leading up to the passage of the ARP, NEA members wrote hundreds of thousands of messages and placed thousands of calls to their representatives advocating for Congress to pass this package containing the single largest investments ever in education funding.

MEMBER PROTECTION: HEALTHCARE

(SB420) NSEA supported SB420 creating the Nevada Public Option, a new high-quality, lower-cost healthcare plan for Nevadans. The NSEA Retired chapter has been organizing to address the issue of access to quality and affordable retiree healthcare for a number of years. SB420 represents the biggest step forward on this issue we have been able to make.

Like public education and other vital services, Nevada ranks near the bottom of states in investment in healthcare. In addition to underinvestment, health disparities continue to run deep in our healthcare system. Nevada's low-income communities face fewer options and higher prices, and there is a significant health disparity in Nevada's communities of color. In Nevada's rural communities, there are even fewer health insurance options and higher prices. Outside of Clark and Washoe, there is typically just one plan on the health exchange, or none at all. This has left rural Nevadans with less choice and higher costs. In order to access basic healthcare in rural areas, many Nevadans have to travel hours. In some emergency situations, air transport is required at a very high cost.

Due to WEP/GPO, many retired Nevada teachers may not qualify for Medicare and rely on private insurance plans. Some insurance carriers have been known to push older people into sub-standard insurance programs, with high deductible and high co-pay programs. This new healthcare option will ensure that Nevadans always have equal access to affordable, quality coverage, especially if they lose their job and insurance or do not have Medicare eligibility. It will also cut health care costs for everyone in the state by driving competition into the market and forcing insurance companies to compete with the new option for Nevadans' business.

STRATEGIC DEFENSE

(**SB27**) NSEA opposed SB27, as introduced, to enact new requirements for licensure for paraprofessionals and coaches and expansion of investigatory powers of the state Superintendent of Public Instruction. Language around new licensure requirements was amended out early in the session, however, concerns about expanding the Superintendent's power to investigate teachers on the Assembly Committee on Ways and Means sunk the bill in the final days of the session.

(**SB76**) NSEA opposed SB76, which proposed eliminating the Council to Establish Academic Standards and the governing bodies of the Regional Professional Development Programs. SB76 also proposed relaxing reporting requirements on variances to pupil-teacher ratios, sending the wrong message as we try to make progress on this most important issue. An amendment to SB76 that was adopted would have removed an NSEA appointment to the Teachers and Leaders Council, hampering our ability to appoint teachers representing a meaningful geographic diversity of the state. NSEA's opposition to the bill helped to kill the bill in the Assembly Committee on Ways and Means in the final days of the session.

(**AB255**) NSEA successfully opposed AB255 to convert 3 trustees in Nevada's largest school districts from elected to appointed members. AB255 was introduced by the Speaker of the Assembly and seemed to have a better chance of passing than previous attempts to take away elected school board members. NSEA worked with allies in the Assembly and the community to express our concerns about the policy and to offer possible alternatives. Ultimately, language was included in AB495 directing the Interim Education Committee to study school board governance models.

UNFINISHED BUSINESS

Action on some educator priorities was not as successful and will require continuing work:

- The mining tax deal generated less revenue than we had hoped. In order to meet the recommendations of the Funding Commission moving forward, we will need to an additional \$600M in revenue for K-12 education each biennium. (This includes \$200M for the first year and \$400M for the out year.) Even with mining taxes dedicated to the new funding plan, Nevada will need to come up with another \$300M next session to keep up with this goal.
- In order to win certain votes for the new mining tax, school vouchers were included in the deal. NSEA will be back in the 2023 session to counter them.
- Equity in education took a major setback with the loss of Zoom and Victory Schools in the state budget. We may have a reprieve for a few years with federal dollars backfilling cuts, but the campaign to maintain these model programs of education equity will need to continue. Meanwhile, the weights set in the new funding formula are low. This will continue to be an issue for Nevada to address for many years.
- This legislature's efforts on charter school accountability continues to come up short. We will have to redouble our efforts to slow charter expansion.
- While we continued to have policy wins on the issue of class size with AB266, it will take large investments to seriously tackle the issue.

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