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**BRIEFING MEMORANDUM**

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**TO:** SPCSA Board  
**FROM:** Rebecca Feiden, Executive Director; Ryan Herrick, General Counsel  
**SUBJECT:** 2023 Legislative Session  
**DATE:** January 27, 2023

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Each month, from January 2023 through May 2023, SPCSA Staff will provide the SPCSA Board with a “Legislative Update,” noting significant bills related to charter schools, education, and public bodies, as well as any upcoming deadlines, significant hearings, and other charter school and education-related happenings during the 2023 Legislative Session. The first of these Legislative Summaries is included at the end of this Memorandum (beginning on page 5 of this Memorandum).

Additionally, following the conclusion of the 2023 Legislative Session, SPCSA staff will provide the SPCSA Board with a summary of charter school and education bills – as well as any bills related to public bodies – that were enacted into law following the 2023 Legislative Session. This update will also be provided to SPCSA-sponsored public charter schools.

A Legislative Update will also be included in the SPCSA’s weekly update email to SPCSA-sponsored charter schools, and the SPCSA has once again convened its “Fiscal Note Working Group,” which consists of charter school leaders and other stakeholders that assist the SPCSA in determining any fiscal impact that a proposed bill may have on SPCSA-sponsored charter schools.

The first portion of this Memorandum summarizes the Legislature’s 120-day calendar, the bills that the SPCSA is currently tracking, the membership of the Assembly and Senate Education Committees, and includes guidance regarding public officers – including SPCSA Board Members – and public employees that may appear and testify during the 2023 Legislative Session.

## **The 2023 Legislative Session and the 120-Day Calendar:**

The first day of the 2023 Legislative Session is February 6, 2023, and the 2023 Legislative Session ends June 5, 2023.

Important Legislative deadlines to note are:

- April 14, 2023 – Deadline for bills to pass out of the **first Committee**,
- April 25, 2023 – Deadline for bills to pass out of the **first House**,
- May 19, 2023 – Deadline for bills to pass out of the **second Committee**,
- May 26, 2023 – Deadline for Bills to pass out of the **second House**.

Link: [https://www.leg.state.nv.us/Session/82nd2023/Docs/120-day\\_calendar.pdf](https://www.leg.state.nv.us/Session/82nd2023/Docs/120-day_calendar.pdf)

## **Upcoming SPCSA Presentations to Legislative Committees**

SPCSA Staff anticipate making several presentations to legislative committees in the first few weeks of the legislative session. These include a general presentation regarding the SPCSA and SPCSA-sponsored schools to the Senate Education Committee and the Assembly Education Committee, as well as a presentation on the SPCSA budget to the Finance and Ways and Means Subcommittee on K-12/Higher Education/CIP.

SPCSA staff will provide the SPCSA Board with additional information regarding the date and time of these presentations along with a link and other information once this information is available.

## **Bill Draft Requests and Bills:**

As of the date of this Memorandum, almost 900 Bill Draft Request have been submitted to the Legislative Counsel Bureau. Bill Draft Requests are potential bills, or changes or additions to Nevada's existing statutes. Typically, during a Legislative Session, approximately 1,200 Bill Drafts Requests are submitted to the Legislative Counsel Bureau. The current list of Bill Draft Requests can be found here: <https://www.leg.state.nv.us/App/NELIS/REL/82nd2023/Bdrs/List>.

Of these 900 Bill Draft Requests, as of the date of this Memorandum, approximately 140 bills have been drafted by the Legislative Counsel Bureau, meaning that the language of the bill is publicly available. A current list of drafted bills can be found here: <https://www.leg.state.nv.us/App/NELIS/REL/82nd2023/Bills/List>.

Of these drafted bills, SPCSA staff is currently tracking approximately 10 education and charter school-related bills. SPCSA staff is also in close contact with the Nevada Department of Education, local school districts, the Nevada Association of School Superintendents (which the SPCSA is a member of), and other charter school and education advocacy groups regarding potential education and charter school-related bills.

## **Education Committees Membership**

The 2023 Legislative Education Committees will consist of the following Legislators:

### ***Assembly Education Committee:***

Shannon Bilbray-Axelrod – Chair (D – Clark)  
Angie Taylor – Vice Chair (D – Washoe)  
Daniele Monroe-Moreno (D – Clark)  
Selena Torres (D – Clark)  
Clara Thomas (D – Clark)  
Natha Anderson (D – Washoe)  
Erica Mosca (D – Clark)  
Reuben D’Silva (D – Clark)  
Selena La Rue Hatch (D – Washoe)  
Melissa Hardy (R – Clark)  
Alexis Hansen (R – Washoe, Elko, Eureka, Humboldt, Lander)  
Richard McArthur (R – Clark)  
Gregory Koeing (R – Churchill, Esmeralda, Mineral, Nye)

Legislative Committee Principal Policy Analyst – Alex Drozdoff

Assembly Education Committee Website:

<https://www.leg.state.nv.us/App/NELIS/REL/82nd2023/Committee/399/Overview>

### ***Senate Education Committee:***

Roberta Lange – Chair (D – Washoe)  
Edgar Flores – Vice Chair (D – Clark)  
Fabian Donate (D – Clark)  
Dina Neal (D – Clark)  
Carrie Buck (R – Clark)  
Robin Titus (R – Churchill, Douglas, Esmeralda, Lyon, Mineral, Nye)  
Scott Hammond (R – Clark)

Legislative Committee Principal Policy Analyst – Jennifer Sturm-Gahner

Senate Education Committee Website:

<https://www.leg.state.nv.us/App/NELIS/REL/82nd2023/Committee/407/Overview>

## **Guidance Regarding SPCSA Staff and SPCSA Board Members Legislative Advocacy:**

Please see the attached guidance from Nevada’s Attorney General’s Office regarding public officers – including SPCSA Board members – and public employees regarding testifying before any Legislative Committees.

Regarding SPCSA staff, please note that as Executive Branch state officers and employees, SPCSA staff is prohibited from lobbying – i.e., advocating for or against a particular bill – but may “explain the effects” of a particular bill or legislative proposal. NRS 218H.080(2)(c).

Regarding SPCSA Board Members, there are really two items to pay particular attention to regarding this guidance.

First, “Board and Commission members may not appear on behalf of their Board or Commission in front of the Legislature unless specifically authorized to do so [by the Board or Commission] during a public meeting.”

Second, “Members ... of Boards and Commissions may only explain the effect of legislation or any other legislative action related to their departments, divisions or agencies and otherwise provide information to the legislature. Advocating for or against any particular legislation would be considered lobbying and registration as a lobbyist [may] be required. NRS 218H.080(2).”

The import of this guidance is twofold.

First, you are always welcome to appear before the Legislature or meet with individual Legislators in your personal or private capacity. If you do, simply provide a disclaimer that you are a member of the SPCSA Board, but that you are not appearing on behalf of the SPCSA or the SPCSA Board.

Second, if you are advocating for or against a particular bill, under certain circumstances you must register as a lobbyist pursuant to NRS 218H. Importantly, you need not register as a lobbyist if, among other exceptions, you are contacting your Senator or Assemblyperson regarding a particular bill, or you only appear before the Legislature on an “infrequent or irregular basis.” NRS 281H.080.

## 2023 Legislative Session Bill Summary

Below is a complete list of bills from the 2023 Legislative Session that the SPCSA is tracking. These bills are organized by topic, and for each bill, basic information is provided, including whether the bill has been labeled by the legislative counsel bureau as having a fiscal note and/or is an “unfunded mandate,” a summary of the bill, and within the “Bill” column, a link to the bill information which includes all hearings scheduled in connection with the bill, and other information related to the bill. *Bills that may have a significant impact on the SPCSA and/or SPCSA-sponsored schools are marked with an asterisk (\*) and additional information on these bills can be found below the table.*

### **Charter School Bills** (or bills that would significantly impact the SPCSA or SPCSA-sponsored charter schools)

Bill	Fiscal Impacts	Summary
<a href="#">Assembly Bill 42*</a>	includes a fiscal note / unfunded mandate	Revises provisions related to class-size ratios, and makes class size ratios applicable to charter schools

### **General Education-Related Bills**

Bill	Fiscal Impacts	Summary
<a href="#">Assembly Bill 43</a>		Revises provisions related to school emergency operations plans – which charter schools are already required to prepare – and changes the date of when these plans are due
<a href="#">Assembly Bill 54</a>		Changes certain reporting requirements for school districts and district-sponsored charter schools; makes changes to NRS 387.1225 regarding reimbursements for students attending school at a residential treatment center; makes minor changes to the compulsory education statutes; makes changes to NRS 392.050 regarding excused absences based on a qualified physician, or mental or behavior health professional; makes changes to the truancy statutes; makes changes regarding “chronic absenteeism;” and makes other changes.
<a href="#">Assembly Bill 65*</a>		Makes changes the definition of “bullying,” SafeVoice, Restorative Justice, and kindergarten age
<a href="#">Senate Bill 9*</a>	includes a fiscal note	Make various changes related to education, including money appropriated for CTE programs, end of course exams, and makes other changes.

### **School Districts**

Bill	Fiscal Impacts	Summary
<a href="#">Senate Bill 65</a>	includes a fiscal note	Revises provisions relating to the boards of trustees of county school districts

### **Education Commissions, Working Groups, and Advisory Committees**

Bill	Fiscal Impacts	Summary
<a href="#">Assembly Bill 4</a>	includes a fiscal note	Revises provisions related to the Nevada Commission on School Funding, including eliminating the limitation on when the Commission on School Funding is authorized to meet.
<a href="#">Senate Bill 47*</a>	includes a fiscal note	Creates the Public Education Employee Working Conditions Task Force

Bill	Fiscal Impacts	Summary
<a href="#">Senate Bill 56*</a>	includes a fiscal note	Creates the “Commission on School Modernization”

**Public Bodies**

Bill	Fiscal Impacts	Summary
<a href="#">Assembly Bill 52</a>		Makes changes to Nevada’s Open Meeting Law
<a href="#">Assembly Bill 66</a>		Makes changes to Nevada’s Ethics Code

Additional details regarding those bills that may have substantial impact on the SPCSA and/or SPCSA-sponsored schools can be found below.

**Assembly Bill 42** (includes a fiscal note / unfunded mandate)

This bill essentially makes changes to the class size ratios set out in NRS Chapters 385A, 387, and 388, and makes these changes applicable to charter schools. This bill would also require reporting and variance requests from NDE applicable to any charter school that exceeds the following ratios:

- Kindergarten – 1 / 18
- Grades 1-3 – 1 / 20
- Grades 4-6 – 1 / 25
- Grades 7-12 – 1 / 30

**Assembly Bill 65**

- *Redefines “bullying”* – This bill revises the definition of “bullying” to exclude acts, gestures and expressions which are engaged in as part of a mutual disagreement or conflict.
- *SafeVoice* – This bill provides that the NDE is not required to investigate a complaint that a teacher, administrator, coach or other staff member or member of a governing body has violated applicable provisions of law regarding discrimination based on race, bullying or cyber-bullying if the complaint is made through the SafeVoice Program and investigated by certain trained personnel at the public school, unless the complaint alleges that a previous investigation of the same matter by the personnel at the public school failed to resolve the issue or was otherwise deficient. Existing law requires that upon the receipt of a report of discrimination based on race, bullying or cyber-bullying, that the administrator of a school or his or her designee to immediately begin an investigation into the report. With certain exceptions, existing law requires the investigation to be completed not later than 2 school days after receipt of the report. (NRS 388.1351) Section 6 of this bill requires the investigation to be completed, to the greatest extent practicable, within 5 school days after the administrator or designee receives the report, or within 7 school days if extenuating circumstances prevent the investigation from being completed within 5 school days. Section 6 also removes the requirement for a direct supervisor of a principal to submit to NDE a quarterly report regarding incidents of discrimination based on race, bullying or cyber-bullying.
- *Restorative Justice* – Section 15 of this bill redefines “restorative justice” to “restorative approaches” and requires the Department to develop examples of disciplinary practices in which restorative approaches are used as an alternative or in addition to suspending or expelling a pupil or removing a pupil from a classroom or other premises of the school. Existing law establishes provisions related to the discipline of pupils, including, without limitation, suspending, expelling or removing a pupil from school. (NRS 72 392.461-392.472) Existing law prohibits a public school from suspending, expelling or removing a pupil from a classroom or other premises of the

school without first providing a plan of action based on restorative justice. (NRS 392.472) Section 15 of this bill removes the requirement for a public school to provide a plan of action based on restorative justice before suspending, expelling or removing a pupil from a classroom or other premises of the school and requires a public school to instead consider whether restorative approaches should be used as an alternative or in addition to suspending or expelling a pupil or removing a pupil from a classroom or other premises of the school.

- *Kindergarten Age* – Existing law requires a child to be a certain age on or before the first day of the school year to be admitted to certain early grades of school. (NRS 392.040) Section 12 of this bill changes the date by which a child must attain a certain age to start certain early grades from the first day of the school year to August 1 preceding a school year. Existing law requires a child who is 6 years of age on or before the first day of school and has not completed kindergarten to be admitted to kindergarten. (NRS 392.040) Section 12 instead requires such a child to undergo an assessment to determine whether the child should be admitted to kindergarten or first grade. Existing law requires a child who is 7 years of age on or before the first day of school to: (1) be admitted to second grade if the child has completed kindergarten and first grade; (2) be admitted to first grade if the child has completed kindergarten; and (3) if the child has not completed kindergarten, to undergo an assessment to determine whether the child should be admitted to kindergarten or first grade. (NRS 392.040) Section 12 eliminates the requirement for a child who is 7 years of age by August 1 preceding a school year to complete kindergarten; and requires such a child who has not completed first grade to be placed in either first or second grade based on the results of an assessment.

**Senate Bill 9** (includes a fiscal note)

Changes the date by which a school district or public school is required to create and post certain reports on the Internet; revising certain limitations on the use of money appropriated for programs of career and technical education; eliminating end-of-course finals; revises provisions governing educational involvement accords; eliminates the use of certain forms prescribed by the Department of Education that teachers in elementary schools are authorized to use to provide certain reports to parents and legal guardians of pupils; and makes other changes.

**Senate Bill 47** (includes a fiscal note)

Creates the Public Education Employee Working Conditions Task Force. An employee of the SPCSA is included in the proposed membership of the Task Force.

**Senate Bill 56** (includes a fiscal note)

Creates the “Commission on School Modernization.” The Commission is tasked with studying and making recommendations regarding revisions to Nevada statutes and regulations in order to improve the efficiency and quality of education in Nevada, including (1) competency based learning, (2) work based learning, (3) career and technical education, (4) dual enrollment programs, (5) STEM and STEAM programs, (6) teacher and staff pipelines, (7) mental health, (8) discipline, (9) accountability, and (10) preparation of students for higher education and vocational training. The SPCSA and charter schools are not included in the membership of the Commission.