

NEVADA DEPARTMENT OF EDUCATION
REGULATION PUBLIC HEARING
MARCH 30, 2018

Meeting Locations:

Office	Address	City	Meeting Room
Department of Education	9890 S. Maryland Pkwy	Las, Vegas	Board Room (2 nd Floor)
Department of Education	700 E. Fifth St	Carson City	Board Room
Silverado High School	1650 Silver Hawk Ave	Las Vegas	Auditorium

SUMMARY MINUTES

(Video Conferenced)

DEPARTMENT STAFF PRESENT:

In Las Vegas

Steve Canavero, Superintendent of Public Instruction

In Carson City

Amber Reid, Education Programs Professional

Christy McNeil, Director, Safe and Respectful Learning

Pat Sanborn, Education Programs Professional

LEGAL STAFF PRESENT

In Las Vegas

Greg Ott, Deputy Attorney General

AUDIENCE IN ATTENDANCE:

In Las Vegas:

Gerardo Gonzalez

Alejandra Cenicerros

Arniulfo Cenicerros

Phoebe Redmond

Brandon Moeller, Clark County School District

Claudia Ruiz

Daran Ruiz

Erick Ruiz

Monica Cedillo

Gabrie Cedillo

Leonardo Cedillo

Michele Anderson

Veronica Hernandez

Greg Calkias

Juan Sclafani

Karen Betz

Kevin Child, Trustee, Clark County School District

Martina Orozco

Deborah Earl

Tammy Malich

LaDon Henry
Sholanda Henry
Olivia Carranza
Greta Peay, Clark County School District
Deborah Hecht
Ariathna Sandoval
Jim Shapiro
Rudy Hernandez
N. Ramirez
Winston Wagner
Inez Davis
Suzanne Wagner
Nicole McDonald
Auston McDonald
Byron Brooks
David Jimenez
Jonie Fores
Aimee Hairr
Jennifer Mendez
Josuf Zamora
Elizabeth Povions
Katherine Vines
Matt Phillips
Irvin
David Parks, State Senate District 7
Andrea Carranza
Jason Lamberth, Hailee's Hope
Lois Cadwallader
Joanne Smith
Judy Bowenwiener
Ashley Ruiz
Douglas Ruiz
Elizabeth Capson
Jane Heenan, Gender Justice Nevada
Joaquin Benitez
Elivd Montoya
Abraham Torres
Cristian Arango
Maday Solis
Kevin Hernandez
Michael Arango
Carrie, Safe House NV
Allison Love
Marisol Solis
Antoniz Casto
Kenen Sclafani
Mary Ellis
Silvia Aranjó
Brenda Mannique
Anna Slighting, HOPE
Erin Phillips, Power2Parent
Callum Hiller
Bray Mortensen
Emily Mortensen

Lindsay Hadily
Lisa Wolfley
Lindsey Dalley
Linda Buckardt
Laura Hernandez, Gender Justice Nevada
Eunice Ramirez
Sara Ramirez
Marta Urbina
Guadalupe Perez
Jennifer Lira
Cynthia Amel
Gayl Fitzgerald
James Maltese, Gay Defense shield
Wesley Juhl
Briana Escamilla, Human Rights Campaign
Rex Reed, ACLU of Nevada
Alfredo Dominguez
Tiges Helgelien
Elizabeth Helgelien
Philip Mile
Yulissa Rodas
Rudy Hernandez

Silverado High School, Las Vegas

Marissa Kynaston
Jamie Brooks Power2Parent
Andrea Cenicerros
Claudia Cenicerros
Ernesto Cenicerros
Moises Camaios
Rachel Hughes
Linda Cannon, Nevadans CAN
Gene Jacobson, P11 International
Tyler Parker, CCSD High School English Teacher
Celia Villalobos
Berenice Ramirez
Alex Villalobos
Berenice Ramirez
Alex Villalobos
Aea Pinkerton
Rich Mathias
Fancy Osono
Karla Fugardo
Emily Blanco
Maria Blanco
Manuel Blanco
Jayel Roman
O. Merroguin
Juann Solarno
Emerita Guzman
Gustavo Portillo
Erika Blanco

Carson City:

Brooke Maylath, Transgender Allies Group
Jim Falk
Linda Hartweg
Ellen Shaw
Dr. William Tarbell
Judy Engman
Dr. Marvin Baker
Paul Trittin
Diana Herman
Jim Herman
Paul Larson
Tim Oates
Robin Benjamin
Dennis Dybicz
Vanessa Oglesby
Andrew Angle
Darla Lee
George Lee
Holly Welborn, ACLU of Nevada
Janine Comoletti, PFLAG
Rachel Nowlain-Sisk
Robert Muir
Danny Holly
Paul Slansky
Samantha Medeiros
Shelly Bolander
Iris Mangosing-Kilic
Marie Graham
Rene Jay
Roper Edwards
John Eppolito, Protect Nevada Children
Cody Mancini, Carson Valley LGBTQIAP
Jayne Watts, Sassabration Inc.
Richard Stokes, Superintendent, Carson City School District
Vanessa Luke, LGBTQ
Jan Morris,
Ann Qwen
Mary Pierczynski, Nevada Association of School Superintendents
Willie Ventling
Molly rose Lewis
Paige Barnes, Nevada Association of School Boards
Natalie Henriques, Planned Parenthood
Daela Gibson, PPMM
Elisa Cafferata
Gary Schmidt
Patricia Mason, NARAL
Melissa Clement
Kathleen Rossi
Anita Marquez
Andrew Candill

The meeting was called to order at 11:17 a.m. with attendance as reflected above.

Steve Canavero, Superintendent of Public Instruction, said the written and emailed comments received for the public hearing, R099-17 will be fully considered with the oral testimony heard today. He noted the first public comment period is open to discuss the regulatory public hearing R099-17. There will be an additional public comment period after the public hearing has been conducted. Public comments will be limited to 3 minutes per person. The final public comment item is to address any items related to Department of Education topics.

Laura Hernandez, Family-Youth Services Coordinator, Gender Justice Nevada supports the regulations which provide Nevada schools a framework to develop policies to support sex gender diverse students and their families. Many people today will say they are afraid for their kids. It is unfortunate the majority of those speaking in opposition have been led to believe these regulations will put their kids at risk. These regulations have been made out to be a battle of bathrooms and locker rooms. Many believe if they oppose these regulations they can keep sex gender diverse students out of restrooms and locker rooms in line with their gender identity. Students have already had access for to bathrooms and locker rooms for years, per the Nevada public accommodations law. This will not change regardless of what occurs with this regulation. These regulations and local district policy will not affect their kids, but they are desperately needed to ensure all students are treated fairly and equally regardless of the school they attend. She requested that regulation R099-17 is moved forward as required by law.

Deborah Hecht, mother, said when she discovered her son was a trans-boy she was shocked and did not even know that existed. She attends a support group to understand what it means. The kids are remarkable and brave to openly state who they are. She has had to learn and accept her child is a boy, which is different than what she thought. These kids deserve the opportunity and respect to be who they are.

Andrea Carranza stated she is against the regulation and defends the right of all children to their privacy and feeling safe in a learning environment. This policy is asking children with different beliefs to ignore their discomfort.

Bryan Mortensen discussed an extensive study that offers a summary and explanation of the most rigorous findings produced by biological, psychological and social sciences related to gender identity. The study stated the sexual orientation of being born that way is not supported by scientific evidence. Experts from the study were quoted that do not support trans-gender persons and the language in the regulation is not supported by the study. Students cannot be forced to say something they do not believe.

Rebecca Rasmussen said efforts should be focused on the anti-bullying policy that already exists. She is opposed to a policy that allows the school to teach gender theory without parental permission. She is opposed to the bathroom and locker room policy and thinks students who are not trans-gender will take advantage of the policy. Listen to the parents.

Deborah Earl, Power2Parent, said last November she testified to a gender diverse working group in CCSD and requested to please wait in moving forward with the regulation to let the process play out in CCSD. The product presented sparked outrage and debate which divided CCSD. She listed concerns and problems in the language that go against student and parental rights of passing on values to children. She asked to protect the rights and needs of all students in classrooms.

Erin Phillips, Power2Parent, expressed concern about the meeting being scheduled during spring break and on Good Friday. She questioned whether the language had changed from the November 28, 2017 public hearing stating the language is too broad. Parents should have more input.

Michele Anderson, first year teacher, read from a Family Engagement textbook. Numerous research studies confirm the benefit of family engagement programs. Students whose families are engaged in their education earn higher grades, test scores, social skills, graduate and go on to post-secondary education. She expressed concern that parents will not trust the school district or state because of these policies. Parents and families need to be involved in making policy.

Lindsey Dalley, serving on the Education Advisory Board for over 10 years, said he attended the majority of CCSD meetings regarding this regulation. About 75 percent of the attendees objected to the policy, the minority that supported the gender-diverse policy were parents. The proposed regulations do not allow principals to protect all students, rather a specific demographic is prioritized. These regulations reflect no parental involvement at the school level. This regulation will bully and destroy children's environment by the law passed to protect it.

Ashley Ruiz, sophomore in CCSD, said she is opposed to these regulations and policy. She quoted a bible verse, Psalms 9 to support her beliefs.

Winston Wagner expressed concern that parents who are opposed to these regulations have not been heard from. Kids cannot be expelled for something they do not know exists. A small percentage of the population is transgender. When he hears equality, diversity and acceptance, he hears his six year old daughter will be exposed to males in the locker room. This is enough.

Elizabeth Povions said parents have been to many meetings, they are the vast majority and have been railroaded because what they think has not been taken into account. She expressed opposition to the proposed regulation. Only one percent of the students population in Nevada identifies with being transgender. Why is such a drastic policy being proposed for such a small minority. She is afraid for her kids.

Rex Reed stated strong support for this regulation. Gender diverse students are suffering in schools and are in need of immediate action. The law states every school district must train their faculty on sex and gender diverse issues, they need guidance and regulations to ensure gender diverse have equal protection.

Josue Rodas said prayer and the bible are not allowed in school. Good Friday is being ignored today to make policy about bullying.

James Maltese (inaudible) expressed support for the regulation.

Josue Zamora said he is against the regulation because it is not fair for all the children. The policy takes away the rights of many to give authority to some. Whether they like it or not, God created a man and a woman, two genders, no more. Please do not pass this law as we are one nation under God.

David Parks, Nevada State Senator District 7, supports the development, adoption and implementation of proposed regulation R099-17 as revised on February 2, 2018, protecting gender diverse students and their rights in the school setting. The intent of the regulation is not to propose school wide broad reform or changes that will impact the entire student body, but rather to increase the gender diverse students ability to feel safe and welcome in their respective schools. There is no intention to infringe on the rights of other students by the adoption of this regulation. Senate Bill 225 was signed into law by Governor Sandoval on June 13, 2017. It is now the law of Nevada.

Joanne Smith expressed disappointment that the meeting was scheduled during spring break and on Good Friday. She disagrees with Senator Parks that the adoption of R099-17 is not consistent with the voters of Nevada and what they want. These policies are meant to appease a small vocal transgender group causing division and discord. Parents need to be heard.

David Jimenez noted Nevada already has a bullying law that protects all students. There are students, transgender or not, that are still being bullied. The law needs to be enforced correctly, we do not need a policy protecting a special interest group. This opens the door for sexual predators by the use of bathrooms and locker rooms by the gender-diverse group.

Juan Sclafani is disappointed by the way the meeting came about and said it is offensive it is scheduled on Good Friday. These are sweeping, over reaching and extreme policies that strip away basic American

freedoms. One of the policies restricts students' rights under the guise of anti-bullying by using the wrong pronoun. He requested the policy is narrowed allowing parental groups to have a say. There will be law suits if these policies are enacted.

Karen Betz stated she is in support of moving forward and creating policy for R099-17. Senate Bill 225 asks that the public schools in the state provide a safe and respectful learning environment in which persons of different beliefs and different gender identities can realize their full academic benefit. She asked the superintendent to consider the policy and eliminate the ambiguity.

Michael Roberson, Nevada State Senator, clarified the current language for the regulation is dated February 2, 2018. He expressed concern that there has not been any changes to the language. His concerns are still about compelled speech, student privacy, and public safety. (inaudible) These regulations are over broad, vague, sweeping and go beyond the language of S.B. 225. The state will be faced with multiple law suits, which is not good. He does not believe restrooms for students in a public school is a public accommodation, and the guidance from the federal government has changed. He would like someone from the NDE to put on the record that the NDE does not believe these regulations give a new right or ability to have someone of the opposite biological identity enter into a restroom of the opposite sex. It is important for the school districts to know. These regulations do not create a new right for restrooms or locker rooms in schools.

Rudy Hernandez said parents were screamed at during the last meeting he attended with the CCSO regarding these policies. He has not been listened to as a father. All students should have a safe and welcome environment in which to be educated. There should be something written to protect students from gender ideology policy as well. This is more about social cause than education. It appears it does not matter what parents are saying. The NDE has been collaborating with Gender Justice Nevada from the beginning.

Elivd Montoya said he came from another country for a better life. For that reason he opposes the regulation. He is concerned about the social environment for his daughter.

Irvin Hernandez echoed previous concerns about creating a safe and respectful learning environment for persons with diverse gender identities. Since when does a body of government or a school board get to teach there are diverse genders when science does not back it up with rational proof. He urged listening to the parents testimony today.

Jim Shapiro, parent and practicing attorney, echoed concerns already covered. He referenced the authority statement of the regulation, S.B. 225 amendment of NRS 388.133. That NRS specifically requires any policy be implemented in consultation with local associations and organizations, parents whose children are enrolled in the schools in the state. He is concerned the policy was implemented without that consultation. Consultation does not mean the language is drafted and then presented to the parents for objection. His concern is that the policy has been implemented without input. He requested not moving forward with the policy unless complied with the statute that is being used to justify it.

Juan Sclafani said he has been a moral man committed to Christ for 45 years. He asked that the policy is revised. He does not want anyone to be bullied. He grew up in another country, life was hard for him and he became a better person. He is opposed to the regulation.

Unidentified high school student in CCSO informed that he is a Christian and is concerned that this public hearing is occurring during a religious week. He is sick of hearing about special accommodations being made for the transgender students, why not for the Latino community or those that are catholic.

Karen England expressed concerned that the NDE is not following current law and process. During meetings in CCSO today, testimony was heard about students being bullied. She questioned why NDE staff did not follow up with a report about bullying to make sure the student is safe. Ms. England stated

this is the third public meeting but there have been numerous private meetings with Gender Justice. She filed a Freedom of Information act for some of the information. She questioned building a coalition for funding possibilities and stated the NDE, board members and the administration have been colluding to financially benefit a progressive activist group excluding parents and tax payers.

Richard Stokes, Superintendent, Carson City School District, said on behalf of his colleagues at the Nevada Association of School Superintendents (NASS), they agree that individuals with diverse gender identities must be protected. This expectation applies to all students. They believe it is the schools obligation to ensure a learning environment is conducted to the individual needs and challenges of all students. It is a requirement that every district develops a local policy that addresses the rights and needs of persons with diverse gender identities. This local policy must include specific methods and measures of no less than 20 school activities in support of one group of students. The superintendents are concerned about the liability that is likely to occur if one step is missed when it is required to be identified in school district policy. He hopes that language can be crafted to more specifically identify the intent of the regulation by identifying potential areas of support for students with gender identity issues rather than requiring a list of methods, measurements, special programming or demands that must be applied to one specific group of students. He asked the NDE to provide boiler plate policy language that offers suggested practices rather than requiring specific measures.

Darla Lee said she takes opposition to the comment that small businesses are not impacted by this regulation and no burden or economic impact can be accessed. She does not believe that is correct. Children in schools will eventually be in the businesses as customers or owners. If the children are not being educated, but rather are indoctrinated by today's policy, she fears for the economic future.

Brooke Maylath, President, Transgender Allies Group Reno, thanked the NDE for the compliance of the legal, signed law (S.B. 225) that has been legislated in the development and progress for this regulation. She responded to concerns about privacy and misconceptions of the regulation with language from federal court cases. It was noted that in the three years Washoe County School District (WCSD) has had with their gender inclusive policy there have been no incidences of men or boys entering a girls room and causing harm. There are laws that will hold accountable anyone who creates a disturbance in any public place.

Andrew Caudill informed that Nevada's ACT scores are the last in the country. The public education system in Nevada is an embarrassment to taxpayers. He stated the NDE does not have the right to disregard the rights of parents, and mandate values forcing every person to comply. The NDE is charged with the education of students preparing them for college or career. Only 10 percent of students are college ready today. Mr. Caudill advised the NDE to do their job, stay in their lane and focus on education of students in core subjects.

Gary Schmidt stated he is a candidate for State Senate District 16. He opposes the regulation as currently proposed. He addressed the Open Meeting Law and violations stating the meeting was scheduled on Good Friday. The restriction of 3 minutes is not on the agenda, but above the agenda. He questioned posting an amended agenda. He addressed the public comment periods on the agenda.

Vanessa Luke and her son Koda Luke provided support for the regulation. Vanessa, Koda's mother, said Koda figured out he was transgender when he was eight years old. It has been a difficult battle, and people do not realize what transgender kids go through. They have to fight for everything. Koda was bullied in one school then put into another school. The bullying continued and it is the biggest issue today. Koda is no longer in school but is supportive and hopes to open eyes.

Koda Luke said a lot of people think gender dysphoria is not knowing who you are, but it is not being comfortable with your body parts. Being judged is very difficult.

Holly Welborn, Policy Director, ACLU of Nevada testified in support of the adoption of regulation R099-17. Gender diverse students face insurmountable obstacles. Proper training of teachers is critical with the rights and needs of LGBTQ students. Senate Bill 225 which passed with overwhelming bi-partisan support, creates an affirmative duty that this body adopt the regulation. She echoed and re-stated that under title 9 and 7 in the federal equal protection clause, there are protections for transgender students.

Iris Mangosing, sophomore student in WCSD, is opposed to this policy because she is not comfortable seeing the opposite sex in WCSD school bathrooms. It violates the rights of women and children to feel safe. She has experienced multiple accounts with students in transition and men who take advantage of this policy in the female bathroom and locker rooms.

Jamie Brooks, parent, said her concern is that Nevada ranks 51 out of 50 and focus should be on education, not on new and confusing policies. Anti-bullying policies are already in place to protect all students. Focus needs to be on subjects that will help kids be successful. She is concerned this new policy will open the door for lawsuits and for more groups to claim discrimination.

Rachel Hughes stated opposition to the new guidelines because they do not address the underlying problem. She said if the guidelines were well intentioned they would see they cause another level of stress for the kids. Having to decide which bathroom to use causes additional stress. Kids need skills to live in the real world.

Linda Cannon, representing Nevadans CAN, noted a holiday week-end is a difficult time for people to attend the meeting. The Nevada school system should educate children in a safe environment, but has failed because the schools are rated at the bottom of the country. This bill will jeopardize the safety and wellbeing of the school children. It also requires significant time and resources to accommodate less than one percent of the population. She requested abandoning the bill.

Gene Jacobson, retired law enforcement, stated working 30-years undercover, most of it in the school industry, he has seen incomprehensible things. There will be many law suits if this is passed. He asked why such a big thing is being made over this situation for a very small population.

Tyler Parker, English teacher, CCSD, shared that he had a friend in high school who identified as a girl at that time. She got hooked on drugs and died. That matters and he wants every kid to make it and have opportunities. From a teaching prospective he just cares about how he can do the best for all his students.

Celia Villalobos said she is representing her oldest daughter who was bullied in school. Her daughter easily could have committed suicide and she is thankful for the principal and teachers that worked with her. You do not know what children are going through. As a parent, we need to know our children are cared for by school and principals. New guidelines are not needed, rather just implement the ones in place.

Karen Sclafani stated she is opposed to the policy and is disappointed the meeting was held during spring break and on Good Friday. Ms. Sclafani informed that she is a CPC intern and has worked in mental health for four years with LGBTQ children. Many of them do not have parents who care. She asked that the privacy of all children is protected and to provide principals with guidelines to educate teachers, and enforce current policy instead of creating a new one. She implored listening to the parents who oppose this policy.

Mary Ellis, Licensed Professional Counselor, said she has been working in the mental health field for the past five years. She is against the regulations for gender diverse policies and expressed concern that the meeting was scheduled with a short notice on Good Friday. The policies are being forced on children in the name of safety and inclusion. Will children continue to be punished for calling other children by their appropriate pronoun? Will they continue to be suspended and reprimanded? Shame on parents who allow their children to choose their gender instead of protecting them.

Allison Love, mother and teacher, said she recently took a training to learn more about the gender diverse community with Gender Justice. It was eye opening. She is in favor of implementing the policies and said they are long overdue. It is important to protect the students, administrators, and teachers. She encouraged people to learn more about these communities before they give their opinions.

Carrie Smyser, Legal Advocate for Safehouse, provides services for victims of violence and is a student working on her masters in social work with a minor in criminal justice. She said her job requires her to empower others to have a voice. Gender diverse students are already in the locker rooms and bathrooms, so why are we still stuck on this. Sexual harassment and rape are not done by the gender diverse students, it is the opposite. Many of the concerns of the opposed might not be as big an issue if they allowed the policy to be created. The gender diverse are unsafe, they are people.

Michael Arango (audio difficulties) stated opposition to the regulation.

Mansol Solis stated she is against the regulation, has attended every meeting and they have all been disasters. She asked who will protect the safety and privacy for those who oppose the policy. Schools already have rules and regulations protecting each individual student. A new policy for a specific group does not need to be created. Bullying will not be stopped by this policy.

Unidentified Speaker said she is a 74 year old transsexual who was honored to serve with President Bill Clinton. A healthy climate needs to be created for children. Her school experience was devastating and many people have hated her over the years. She was born this way, she did not plan to be this way. Everyone is equal. She asked to pass this as quickly as possible.

Callum Hiller, parent and teacher, said his children have been sexually abused. The fact that transgender people would open the door toward more predatory behavior is absurd. As a teacher, he expressed gratitude that the meeting was on a day he could attend the meeting. He supports the policy because it protects these kids. The policy will help him as an educator to make sure all his students are safe.

Aimee Hairr pointed out that Senator Roberson voted to approve S.B. 225 and thanked him for supporting the bill. According to NRS 651.070 state law allows gender diverse students the use of public bathrooms, and the law has been in place for 10 ten years. Her son was 11 and in his first week of middle school, was stabbed by a pencil in his groin to find out if he was a boy or a girl. That was only the beginning. She expressed gratitude for this model policy in Nevada. Transgender students are not safe in Nevada schools.

Wesley Juul, parent, said he is passionate about this issue. He asked to respect the rights of parents and keep their children safe, even if they are part of this vulnerable, marginalized community and to pass this policy. He supports this policy and said intentionally miss-gendering someone is bullying.

Briana Escamilla, Nevada State Manager with the Human Rights campaign, said their official comment was sent prior to the meeting. She supports the regulation and appreciates the NDEs efforts to put measures in place to protect sex and gender diverse students. She believes it will give school districts the framework to create policies that will support sex and gender diverse students and their families. It is the law.

Linda Buckardt has concerns for the safety of children, especially the girls. An adult or pedophile can go into a girls bathroom and cause physical harm to a girl such as throwing acid in their faces or rape them. There is no metal detector that will keep pedophiles out of children's bathrooms. She asked that power is given back to parents.

Lisa Wolfley shared that at her local school a principal was removed from school because she violated anti-bullying laws. The intentions of S.B. 225 to create a safe and respectful learning environment for all has been hijacked by special interest groups by focusing on accommodating gender diverse students. Parents are considering home schooling because of the bill. This is our line in the sand.

Katherine Vivas said she is disappointed the meeting was scheduled on Good Friday. If your religious beliefs entail you use someone's biological sex pronoun, is your freedom of religion considered bullying. She advocated for the rights of parents because they are in charge of the child's welfare until they are 18.

Marta Urbina, parent and teacher, expressed concern about this intrusive policy. It infringes upon the rights of parents and students, especially those who hold Christian convictions that gender is biological and not based on feelings. This proposed regulation serves more as a vehicle for espousing transgender ideology than protecting students. Children will be violated once this regulation is implemented.

Gerardo Gonzales said as a father he is responsible for teaching his kids. His boy is a boy and his girl is a girl. What percentage of students are you protecting? It is a small percentage of students.

Veronica Hernandez, pre-school teacher, works with kids four and five years old, and they ask questions. Her job is not to encourage or discourage a moral belief, but use it as a way to create parental involvement. Her job is not to build their morals, that is the parents job. She encourages respect and kindness for all her students. She is not in favor of taking parental rights away in favor of one specialized group.

Alida Mendez said these policies violate her rights as a parent. She is not against transgender students but is against the NDE writing policies to protect a specific group at the expense of her children. It is disrespectful to have a meeting during spring break and on Good Friday. This policy goes too far. She is a Christian parent.

Dr. William Tarbell said no one, school personnel or students, should be abused physical or verbally in any way. There are serious problems with this regulation. Unless the NDE is willing to develop a similar program for all the groups listed in S.B. 225 it is discriminatory. He has more than 50 years of experience working with youth. There is some child that will use this regulation to abuse and manipulate others. This regulation dismisses an established psychological theory. He listed misconceptions in the law.

John Eppolito, President, Protect Nevada Children, said he has three kids in school. In regards to student data mining, the ACLU and Tenth Amendment Center have come together to sponsor model legislation in 16 states, but not Nevada, to protect student data. The most sensitive data on every public student in the state is stored forever in at least two places without parental consent or knowledge, Infinite Campus and NDEs System of Accountability Information in Nevada (SAIN). Nevada is the only state in the nation that said it would cost \$10,000 to view the data stored forever on their child. The U.S. Department of Education got involved and said the NDE could not charge that amount. He found errors in his children's SAIN records. He said parents should be concerned about the personal information stored forever in the Nevada.

Cody Mancini said he is an openly gay man and has lived in Carson City for about six years. He started a LBGTQIAP group about a year ago for a social cause. The teachers and administrators will have training on how to deal with this. It is not possible to make everyone happy. He gave up on the school system because he could not go to his teachers about being openly gay. How do you think these kids feel when they are being attacked by students and educational professionals.

Rene Jax said she is a long time Nevada resident and an author of seven books. She is a 60 year old transsexual, has lived her entire adult life as a female, and was born male. In 1980 she was the first sworn transsexual to become a member of the police department. She urged the NDE to reject the policies put forth based on S.B. 225 and that it is not about bullying. It is more about indoctrination than trying to protect the gender student. She believes the Nevada schools are failing to protect students who are being bullied. The CCSO is a leader in the number of assaults of students, staff and drugs.

Janine Comoletti, President of PFLAG Carson region, read a statement into the record and thanked the Board for creating the policy for S.B. 225 creating safe schools and educators. Hostile learning environments inhibit learning and can lead to stress and mental health challenges. She thanked the NDE for creating safe learning environments for all Nevada students.

Jim Falk echoed Dr. Tarbell and John Eppolito. He said a lot of harm can be allowed to happen and to keep that in mind when making these decisions.

Dan Holly stated he is a Christian, father and grandfather. He has listened to all the data, special reports, feelings, and special interest. He suggested going back to the 3 R's. In the beginning God made man and woman. He expects the right decision to be made and said the majority today are against the regulation.

Marvin Baker, Ordained Minister, said he spent the last seven years dealing with individuals who have been damaged and thrust out of the churches because they were homosexuals. He founded the Gay Christian Fellowship with his partner. He said he was astounded by the hostility in the discussions today, and no one has suggested how to solve the problem. He is 92 years old and has taught every grade from first grade through graduate classes. Recognizing what the NDE is trying to do is monumental. There will always be those who criticize and complain. He supports the regulation.

Denice Mraz, Campaign Manager for Ryan Bundy for Governor, commended former presenters who highlighted Nevada constitutionality and scientific studies supporting the opposition of the transgender policy. Gender is not a theory. All children should be respected in their biological identity. As Governor, they will move away from unsustainable social policy. This policy should not stand and is a purposeful erosion of parental rights.

Karla Kajardo said she is upset she is here on Good Friday. She is not in support of the regulation because Nevada is already in compliance. S.B. 225 was meant for training staff but not to implement it on students. She is opposed to policy that indoctrinates gender dysphoria. It is not normal.

Moises Camarillo expressed opposition to implementing the regulation. He is fighting for his privacy. When he is in the locker room at his school, a female cannot just come in because she would be invading his privacy. There are predators that are taking advantage of this policy. When he goes to school he is called a wetback and is insulted and targeted as a Hispanic. Bullying is very common.

Manuel Blanco said he is speaking in opposition of the policy. After five hours of this meeting there is not much he can say that others have already said. He has an open relationship with his parents and to take them out of the process is taking away a fundamental right of education. Success starts at home. This bill is not going to work out.

Eric Ruiz said current policy in CCSD protects students of different gender identity or expression. They are protected from harassment and bullying. A new special policy is not needed only for students based on gender identity. All students need to be safe, protected and free from harassment. He asked that all children are protected.

Linda Lahodny said she works at CCSD as a social worker. She protects the rights of all children. She has worked in the CCSD for 29 years, and understands being bullied because she was. She wants to ensure all voices are heard. Parents have a right and their voices should be heard.

Natalie Carranza, student, recalled she heard the current bullying policy is in compliance with state law and she does not see a need for a new one, especially one with a special agenda. She is against bullying for all students. But giving others special treatment and disregarding her privacy is not OK. These meetings and policy are one-sided and she would like to see more honesty and parental involvement.

Israel Sandoval said he is a bus driver for the CCSD. As a bus driver he sees the kids when their parents are not around, and they have no respect for each other. They name call, push each other around, and bully others with no consequence. This policy needs to be enforced. He noted some teachers are afraid of parents because of retaliation. Everyone needs respect and to feel safe.

Sholunda Henry is a teacher and radio host of a program called Transgender Uncensored where concerns about transgender individuals are addressed. She is married to a transgender person running for Nevada State Assembly in district 42. She is Afro/Latino, supports and advocates for children. She does not want it to be said she is racist or discriminatory. Ms. Henry is appalled protecting children is still being discussed.

LaDon Henry, Candidate for Assembly District 42 and Transgender, listened to comments all day. Words such as religious rights and majority have been used today. They give privileges. He was raised a Christian but his religion no longer accepts him, that is not privilege. The majority has privilege and most of the minority must fight for their rights and privilege. Things must change so the minority group can receive the privilege that the majority enjoys on a daily basis. He asked to keep all children safe.

Superintendent Canavero said he has fully considered written comments submitted for the regulation. Of those 28 were in support, and those with concerns mentioned training and implementation, five were opposed related to teaching transgender theory, constructs about religious freedom and parental consent. Seven concerns were related to the date and time of the meeting.

The public comment period was closed.

Public Hearing and Possible adoption of Proposed Amendments to R099-17, NAC Chapter 388 which prescribes a policy for use by all school districts and public schools and charter schools to provide a safe and respectful learning environment (NRS 388.135).

The public hearing was opened at 3:40 P.M.

Superintendent Canavero provided opening comments and questioned whether there is language everyone will agree upon. Many individuals do not want this regulation passed. He is required to adopt this regulation per S.B. 225. There are two specific categories that must be considered within the law, the rights and the needs of students with diverse gender identity. The draft regulations do not confer rights that do not exist in law, whether federal or state law. The proposed language carefully and intentionally only refers to rights that were provided in NRS 651.070 related to the full use of facilities. It references the law, it does not build upon, constrain or elaborate upon it.

Elements included in the proposed amendments to the model policy fall in categories that address the needs, and there was also discussion related to providing rights. The intent is to clarify the two aspects of the law, one related to rights and one related to needs. The majority falls into needs of individuals with diverse gender identities or expressions.

A workshop was held on July 31, 2017, and the first public hearing was held on November 28, 2017. Materials are posted and available on the NDE website. The regulation was not adopted at the public hearing conducted on November 28, 2017. There was outreach and feedback was received for the language in R099-17 and it was amended with that feedback.

The revisions in the language include removing references to field trips, also the word curriculum was removed. Comments were received about teaching gender theory and what that would look like in the classroom. The model policy does not intend a prescriptive role for curriculum or for a particular gender theory to be taught. The model policy use of curriculum conveyed something that was not intended. It was not intended to include textbooks and curriculum in the classroom conveying gender theory. The

term *classroom activities* replaced *curriculum* and that was defined. The direction of the language was revised regarding names and pronouns to address concerns related to compelled speech.

One common misconception of the regulation is related to process. The states regulations must go to the Legislative Commission for final approval. The Commission is a group of legislators from both houses who are responsible for final adoption of regulation. This is an additional step following the adoption of the regulation at the NDE, and then it is filed with the Secretary of State's office.

Nevada's current anti-bullying laws are sufficient to meet the requirements to the model policy for the Safe and Respectful Learning requirements as required by S.B. 225. The language in S.B. 225 is more comprehensive than bullying alone, and the language regarding these amendments does not mention any reference to bullying.

It is not true that Nevada's amendments to the regulation require school districts or charters to allow boys to change in girls locker rooms. The regulation language does not include or mention locker rooms or restrooms. Rather it points back to an existing law since 2011 about equal enjoyment. It is not true that the amendments to the regulation require or allow school districts or charters to facilitate a minor student's transition process at school without parental notification. On the contrary, the language highlights the importance of parental engagement. Research consistently demonstrates that strong family support is one of the single most important predictors of positive outcomes for sex and gender diverse children and adolescents.

It is not the intent of the regulations to criminalize the use of gender pronouns. It is not true that Nevada's policies created or considered the needs or interests of low demographic or populations above others. This is why the policy highlights the importance of addressing the rights and needs of persons of diverse gender expressions on a case by case basis. This is why testimony has highlighted the importance of decisions being made as a team through intentional and careful consideration of both the rights and needs of the unique sex gender diverse individual as well as the capacity of the school and the rights and needs of the student body at large.

Amber Reid, Education Programs Professional, Office of Safe and Respectful Learning expressed appreciation for the feedback received and the opportunity to collaborate with the many stakeholders through the process. Revisions have been made to the draft language and it is presented today to receive additional feedback from stakeholders. Ms. Reid's testimony and presentation is posted on the NDE website [here](#). Superintendent Canavero asked clarifying questions throughout Ms. Reid's presentation.

Ms. Reid closed her presentation stating NRS 388.132 states that the Legislature will ensure that "the public schools in this state provide a safe and respectful learning environment in which persons of different beliefs, races, colors, national origins, ancestries, religions, gender identities or expression, sexual orientations, physical or mental disabilities, sexes or any other distinguishing characteristic or backgrounds can realize their full academic personal potential. She highlighted that the language of S.B. 225 expressly requires the NDE amend the model policy to include the requirements and methods for addressing the rights and needs of persons of diverse gender identities or expressions. The NDE is required to expressly identify, in language in the amendments, to the model policy those rights and needs which have been identified and led to the development of this language.

Public Hearing Comments

Bryan Mortensen noted S.B. 225 specifies the model policy must be modified, but it does not say to cut and paste verbiage from organizations such as the ACLU and others directly into the policy regarding the rights and needs of persons with diverse gender identities. He questioned sections in the LCB language related to using preferred pronouns, academic courses and services, classroom activities and asked for clarification on these sections. He asked who were the individuals and groups that provided input in drafting the policy.

Ms. Reid clarified that regulatory draft language is prepared by staff at the Legislative Council Bureau (LCB).

Lindsay Dalley said he disagrees that these regulations are high level, they dig right down. The policies will be misconstrued and the intent of the law is going to go off the rails. If there is an intent to do something, identify the intent and put it in the language. This will be put into real life situations with a lot of drama and political activists will push an adverse agenda trying to stretch these as far as they can. The intent needs to be specifically stated.

Gerardo Gonzales said the majority of parents do not want this and it will cause a lot of problems. It is made to sound so good but there will be problems in the future.

Cassandra Charles asked about the law that accommodations cannot be made without parental consent. She supports the policies and asked if there is language in the policy to accommodate students who may not have a legal guardian or a foster home. There is a very large population of homeless youth in CCSD and they deserve to have policies made for them.

Steven Conger inquired about the regulation language that addresses pronouns and using the pronouns a person identifies with. Is it referencing that the transgender student cannot use a pronoun officially until the registration process is enacted? Ms. Reid said the decision would be at the local level. Mr. Conger asked if using the wrong pronoun is considered bullying.

LaDon Henry said there is a lot of confusion. Transgender youth may have parental rights as well. If a parent has gone through the process with the school, and the team has developed a plan with legal steps to change the child's identity whether through name or gender marker, at that point in time the parent has the right to have their wishes for their child respected. If a parent and child has gone through this process their wishes should be heard. The parental rights of the minority need to be considered as well as the parental rights of the majority.

Veronica Hernandez commented about the verbiage of *curriculum* being replaced with *activities* in the classroom. Creating one activity in a classroom requires about 15 components with a specific skill or goal of what is being taught. The specific activity is going to teach something and could go against what parents want their children to be taught.

Jose Torres said that the NDE will do whatever they want, and asked why are you wasting our time. At the end you will pass the law and are not trying to fix the problem. There will be bullying not only for the transgender student but others.

Katherine Vivas addressed the difference between someone not using the preferred pronouns based on religious beliefs as opposed to someone doing it to belittle someone. There is a difference saying it in a derogatory manner.

Yvliisa Rodas stated she was raised to refer to people as their biological sex because that is what her parents taught her. If she is told to go against what her parents tell her, she is being forced to disobey her parents which is against one of the ten commandments. What about her beliefs?

Jose Macias said he was raised in a catholic family. As a community activist for immigrants, when he sees injustice he will speak up. This is an attack on a trans life, and as an immigrant activist he will stand up for trans lives. The community should come together and talk about love and respect everyone's identify regardless of what they want to be called. That is right.

Juan Sclafani said he has been counseling people for about 40 years. A transgender individual wanting to change because they choose to makes no sense to him in any way. Some people are trying to protect feelings of those that want to be called by the name of the new gender. If he uses the wrong gender

because he does not know the gender, he will be considered a bully and have consequences. Some students are malicious. A huge problem has been created. This process is wrong and distractive for every student.

Sholanda Henry commented that there are procedures trans-children go through before they can legally change their name. Her husband, who is transgender, went through five years of therapy before he was able to change his name. He was required to live in a male body for two years and then received more therapy. If you call someone other than their legal name it is harassment.

Sara Ramirez said parents have attended many meetings and have been begging for their children. You are not listening to us. Even you are not clear on the points on this policy, and you want to impose it on our kids. Please do not do it.

Elizabeth Povions clarified the parents have been categorized as homophobes and bigots. She has nothing against transgender people, and that is not the issue. It is kids being indoctrinated by these policies, it is not just about protecting transgender. You do not know how to answer basic questions that have been asked. Please do not pass the language that is going to harm so many people.

Karen England said as a born American she was sorry that so many people today were participating in a process where they are not being heard. These regulations are aggressive. It is disingenuous to say other states have them, you will not find one other state that has these regulations, or one other school district that is this specific and aggressive in policy. She is a spokesperson for Policy for All and deals with this issue all the time. Like others, she would like Ms. Reid to put in writing some of the things she has said. It is compelled speech to use a pronoun, do they have to legally change the birth certificate or does the parent just come to school and then students are compelled to speak a certain biology. Do they have to change the birth certificate, hormone, gender reassignment surgery or just the parent saying you need to call my boy a girl. What if a parent of a first-grader opposes their child transitioning, what is the school going to do then. Who are you going to listen to. What team members are going to make decisions about where that student goes, and what that student does. How do you know if a first grader intentionally miss genders someone? First graders miss call names all the time. You are not going to require our teachers to be mind-readers. Do not think it is not happening.

She represents parents in Rockland, CA. She has done the open records act where numerous kids have been sent to the principal's office to be investigated because they called the little boy by name they knew him as last year. And he has decided to be a girl and he is a different name. Do not deceive the public into thinking that this is not going to happen. This policy is more aggressive than California's policy and if you want to impose this on Nevada schools, you are welcome to do it, but do not say that no one warned you. Do not throw your hands up. I know Governor Sandoval wants this but for all of you that are running for elected office do not say oops, sorry, we did not know it. Gender Justice has been riding this with NDE from the get-go. It is interesting how one sentence produced this document in a 16-page bill. You left out the one sentence on autism. Why are you discriminating against autistic children, why are they not including the mandates on autistic children, because the bill had a sentence about the autism spectrum. Why did we leave them out of this entire thing. How is it you came up with this document with one sentence. It seems clear there is an agenda that unfortunately Dr. Canavero is pushing it under the guise of we have to do this. You are discriminating against them by not trying to protect them.

Brook Maylath, President of the Transgender Allies Group in Reno, expressed thanks for Dr. Canavero and the staff who presented this material. She re-capped that root of the anti-bullying law in S.B. 225 was due to the fact that during the 2014-15 school year, 14 school age children in Nevada committed suicide. Every one of the 14 were either on the LGBT spectrum or were accused of being on the LGBT spectrum. The hatred and misconceptions these children were targeted with has not left us. That is the crux of the anti-bullying law that was passed in 2015. Schools reported back that there was still a lack of understanding of what gender diversity issues are. This is why S.B. 225 was brought forth. How can

treating a child kindly be a violation of a religion. This is an important regulation to help all children thrive with a diverse population.

Superintendent Canavero stated he has taken into consideration the written material and the comments made today. He said this regulation will be brought back for a final public hearing in consideration of what was heard today.

The public hearing was closed at 5:25 P.M.

Public Comment #2

John Eppolito, President, Protect Nevada Children stated he is a former K-12 teacher and parent of four kids in Nevada Schools. He stated that what just happened with Facebook and Cambridge Analytica is nothing compared to what is happening to all children by design in Nevada public schools. Nevada is at the bottom of education students but at the top when it comes to collecting and storing data on children, forever, without parental consent or knowledge. Infinite Campus and the NDE's SAIN accountability system, beginning in kindergarten, anything children do in school can be documented in Infinite Campus without parental consent or knowledge. Parents are required to make an appointment with two school officials to view their children's data. This data is never deleted. Questions regarding why is the data never deleted and how will the data be used in the future have never been answered. Most states have dropped SBAC tests, only 12 state still give this 10 hour secret computer adaptive test in grades 3-8. It is an invalid assessment because not all students take the same test. The SBAC is more of a student data mining tool for third parties than a true criterion referenced test. Some experts believe the SBAC will be creating profiles on students taking the test.

Karen England said she is concerned about the process used by the NDE to give out and not give out, denying access to some while giving it to others. This ranges from embargoed emails sent to special interest groups but not the public. She read emails from Amber Reid. The idea of trying to bring in stakeholders about different issues is false. The secrecy and denial of access to some while including others is appalling. After an email from the NDE was leaked, Gender Justice writes Amber to apologize. Ms. England read the email and asked what happened to transparency and working for the people. She asked if this is standard practice, purposely keeping things from the public. We are entrusting our children to the NDE. Parents do not do that lightly. I know transgender people, knowing a transgender person or not knowing one does not validate or invalidate her point of view or the things she believes about biology. It is insulting to be referred to as ignorant and uneducated because we might not agree with someone. She said she is not ok having a special interest group that is going to financially profit, work with the people that are going to give them the contract to do the training and counseling. She is not in support of that.

Luis Ruiz said his daughter asked him how she would be protected. He told his children to respect everyone and do not bully anyone. He also taught them to stand up to bullies. Passing this regulation will open the doors for his kids to be bullied and he does not appreciate that. He has nothing against transgender people but he has a problem calling a person a woman when they are a man because of his religion. It infringes on his religious rights. How will his kids be protected when they are violated.

Bryan Mortensen said he would like to hear Ms. Reid's response to accusations that have been leveled at her. Is it true that members of the NDE are coordinating with transgender advocacy groups in secret and not giving parents or other groups an opportunity for the same. That is a fair question for this process when so many people do not think their emails are being answered. Superintendent Canavero said Ms. Reid will not respond to public comment.

Gonzales Lucas said his first language is Spanish, and that he believes in this nation and God. He is opposed to the regulation.

The meeting was adjourned at 5:37 P. M.