

NEVADA DEPARTMENT OF EDUCATION
REGULATION WORKSHOP
MAY 11, 2018

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
University of Nevada Cooperative Extension	8050 Paradise Road	Las Vegas	Classrooms B and C

SUMMARY MINUTES
(Video Conferenced)

DEPARTMENT STAFF PRESENT:

In Las Vegas:

Steve Canavero, Superintendent of Public Instruction
 Amber Reid, Education Programs Professional

In Carson City

Karen Johansen, Assistant to the State Board of Education
 Shawn Osborne, IT Technician

LEGAL STAFF PRESENT

In Las Vegas

Greg Ott, Senior Deputy Attorney General
 Diana Hollander, Program Officer 1
 Rebecca Feiden, Director, Achievement School District

Call to Order;

Superintendent Canavero called the meeting to order at 9:01 A.M.

Public Comment #1

Elizabeth Capson, parent, stated this policy is over-reaching and will affect every student. It does not protect the safety, privacy and rights of every student. She is opposed to a policy that serves one segment of the population while discounting the rights of another. She is opposed to the language in the regulation.

Lisa Wolfley, parent, said it needs to be acknowledged that the proposed regulation does not comply with legislative intent. She asked about the needs of special need students mentioned in the bill and she does not agree with the language in the regulation. The bathroom accommodations will not keep her children safe. She is opposed to the regulation.

Linda Buckardt, former teacher, said she is opposed to the regulation because as a bullying mandate it will create chaos in the bathrooms, the locker-room and showers. This is a punishing bill pushed by the ACLU. It does not take into consideration a grown man, perhaps a pedophile, can enter the bathroom and endanger the life of girls and women.

Tiffany Frederick, parent, has three children in CCSD. She stated we are to keep religion out of school because it is a belief. Gender dysphoria and expressions is a belief, where is the line drawn? Kids do not know what they want and they are still trying to figure out who they are. She is opposed to the regulation.

Chris Edwards, State Assemblyman District 19, said his parents have provided sound and sensible input into the public hearings on R099-17. They feel their concerns have been ignored without due consideration. Instead they see a disregard for the privacy and safety of their children to promote an

extreme ideology. They have many concerns, including their children will be forced to lie when they see a male classmate and are told to refer to him as a her, or vice versa. This violates the intent of the anti-bullying laws passed in 2015, and will lead to lawsuits. It will teach children to lie. His constituents are opposed to the regulation. He requested the regulation is sent back to the legislature to re-work.

Ciera Bunch, parent, said she is opposed to the regulation.

Wendy Jensen, parent, said this regulation ignores the needs of people with disabilities or autism spectrum disorders. It only provides protection and gives rights to gender-diverse students. She asked what her child will be taught at school. She is concerned that curriculum will be changed to include gender diverse ideology. She does not trust that the NDE will not change the curriculum, and why was Gender Justice the only group consulted to help write this regulation

Ron McGinnis, candidate for State Senate District 21, agreed that this regulation is bad for students. Parents have major concerns. He also agreed that the regulation should be sent back to the legislature. He is opposed to the regulation.

Joaquin Benitez, parent, stated opposition to the regulation. As a father he decided to teach his kids that God created a boy and girl. What will happen to his kids in the classroom if they use the wrong pronoun. Who will protect his kids because he believes they have the right to say what they believe. It is his right to teach his kids about sex education.

Keshia Phillipenas, parent, said good policy follows the law and addresses an issue, and is constitutional. The bill said the policy is to be written upon consultation with local parents who have children enrolled in schools. Through open records request it has been revealed that the only consultation has been with a gender diverse activist group. What local organization of parents were given a seat at the table to help draft the policy. It was stated in the last meeting that not using specified pronouns would be labeled bullying. She said it is not the NDEs right to mandate compliance of pronouns. It is unconstitutional and she opposes the regulation.

Leah Bush, parent, said she opposes the regulation, there is already a lot of confusion in school. She has a son in school and wants to be assured he is in a safe place. She does not feel this is the right thing for the children. This policy does not need to be in place.

Mindy Davies, parent, has taught health and sex education programs in high school and middle school settings. The proposed regulations do not mention any other students needs other than gender-diverse students. She asked about autistic children or those with disabilities and why they are not mentioned in the regulation. It is a biased regulation. She asked where the money will come from to train administrators in the schools. She assumes it will be funded by the ACLU and Planned Parenthood.

Karen England, Nevada Family Alliance, said the ACLU and Planned Parenthood will be paying for the training, and taxpayers have been paying for Gender Justice to go into the classrooms to advocate for this policy. Even though it is in violation of the federal grant received. She is concerned about the NDE colluding with Board of Education members, as well as the administration and giving out embargoed copies asking for Gender Justice input as early as almost a year ago. She is also concerned about an agreement made behind the scenes to ensure Gender Justice will do the teacher training. Two audits have been done and made public recently. A legislative audit about grants and how the state is favoring, especially health and human services, certain non-profits and double dipping grants. She is most concerned about what is happening with the federal grant.

She is calling on the Department of Justice, the Attorney General to look into the funding that Gender Justice has been receiving in violation of the Victims of Crime Act, without having more than one victim report. (inaudible) Salaries of Gender Justice paid to advocate to CCSD, a clear violation of the Victims of Crime Act. The Victims of Crime Act are for the minors that are being sex-trafficked and shooting victims in Las Vegas. Those are victims of crime, women in domestic violence and cannot get out. That is

where the federal tax dollars are supposed to go. Gender Justice was not turning in their receipts and reports on time, some are still not available. She is calling for an investigation about HHS and the NDE (inaudible) some of which is in violation of the grants. She asked how Gender Justice went from \$60,000 a year to almost \$300,000 a year.

Juan Sclafani noted a phrase he learned many years ago, “who supervises the supervisor?” He opposes this regulation because it promotes a destructive agenda on the lives of children. He believes it opens the door for more corruption to be pushed into the curriculum. Those pushing the agenda have a personal issue and there is nothing for the children, rather to milk the system for financial gain and for more corruption. If this is passed you are opening Pandora’s box and you will be unable to deal with the aftermath.

Jorge Sanchez, father, is opposed to the regulation. In past meetings he has heard support for the regulation. He spoke about 1963 when the United States Supreme Court ruled the bible could not be read in school. The NDE created a regulation that protects transgender students at the expense of taking away the rights of everyone else. It includes compelling students and staff to call students by their chosen names and pronouns. This is an infringement on student’s beliefs. This is not learning from history, this is making the same mistakes.

Dr. David Rowberry said he is representing himself and his son who is a pediatrician and developmental specialist. Dr. Rowberry read part of a letter received from his son. He expressed concerns about proposed changes regarding children with diverse gender presentation. His son is a Nevada citizen but is overseas with the United States Armed Forces. His concern is that some proposals will lead to more problems than they will solve. Dr. Rowberry read recent articles received from his son about research and findings regarding children that have gender–dysphoria.

Ed Williams, president, Log Cabin Republicans of Nevada and member of the Nevada Board of U.S. Commission on Civil Rights, stated Log Cabin Republicans is the nation’s oldest and largest organization of conservative LGBT members. They fight for fairness, freedom and equality for all Americans. His organization is in opposition to this regulation and encourages regulations are crafted in consideration of the full diversity of opinions and thoughts of conservative parents and conservative LGBT groups.

Bryan Mortensen said in a previous hearing allegations were leveled by a member of the public that Ms. Amber Reid, Office of Safe and Respectful Learning environment had been engaging in unethical behavior in regards to R099-17 draft regulations. Mr. Mortensen said Superintendent Canavero did not respond at the time or in subsequent days, so he made a public record request in hopes of finding answers. He shared what he found including that Ms. Reid sought input and feedback from three groups to the almost complete exclusion of legitimate stakeholders. Ms. Reid provided embargoed documents to two special interest groups which were not approved for release to the public. He noted additional documents and correspondence received from his public records request. He requested that any regulations that Ms. Reid has been associated with are removed from further consideration until an audit of her past practices and communication can be presented to the State Board of Education.

Sara Ramirez noted the ACLU believes that the first amendment ensures that students cannot be punished for exercising rights even if school administrators do not approve of what they are saying. (audio difficulties) She is opposed to the regulation. If this regulations passes, her children will be punished for saying what they believe. These regulations do not protect all students. All students suffer from bullying because teachers and principals are not implementing the policy already in place. It is obvious these regulations are being pushed by Gender Justice because they will benefit from them financially.

Rafael Mundo, parent, said his children’s rights and privacy are in jeopardy. He opposes this policy. His children are already confused and afraid of these changes. He asked who is going to protect his children if

they use the wrong pronoun. Who is going to protect his children’s privacy at the showers and lockers. He suggested concentrating on the children’s education.

Jesus Faz, father, believes he is placed with a responsibility of making sure his children are raised correctly. He has attended many meetings saying the same thing over and over again. He feels like nothing is going to change. He is willing to do anything possible to oppose this policy. What is going to happen to his children when they miss-pronoun someone. He does not agree with that.

Marcus Jensen, grandparent, urged caution and restrain in the development of these regulations and policies. They will cause confusion and contention in the schools for everyone. It is not possible they will not have a financial impact on the public.

Erich Ruiz noted in the past meetings and today, that the majority of people do not want this bill. He is worried that this policy will take away freedoms of students, particularly the first amendment. He is concerned that students will be penalized for miss-gendering. Students rights will be taken away to appease a small group of students.

Erika Whitmore, parent, said she is very concerned about this proposed policy. She has attended many meetings, parents have shown up in large numbers opposing the policy. No one is listening. Parents want to have a say in what their children are being taught and want their children to have privacy and to be safe. This is a fundamental right. The policy is too vague with too many ways to interpret the writing.

Cinnamon Leavitt, parent, has six kids in CCSD. She opposes the regulation and said please do it in the right way and listen to the parents who have spoken today.

Erin Phillips, President, Power 2 Parent, noted many open records requested from Ms. Reid. The emails between Gender Justice and Ms. Reid used words such as *key stakeholders*, *trusted partners*, and *circle of trust*. These terms were frequently used in emails to members of Gender Justice Nevada. Ms. Phillips said families and parents are the circle of trust. The idea that Gender Justice could get contracts and funding for training is a glaring conflict of interest because they were such a huge part in developing these regulations.

Lori Wagoner, parent, clarified that she does not believe transgender people are sexual predators. Giving anyone of the opposite biological sex access to restrooms, locker rooms and facilities is a risk. As a child she was sexually abused and did not have a voice. She has a voice now and does not approve of a lot of wording in the policy. She is concerned that the rights, private and safety for the majority of students will be trampled. Ms. Wagoner asked for clarification on some of the language in the regulation.

David Parks, Nevada State Senator, District 7, gave his support for the development, adoption and implementation of proposed regulation R099-17 protecting gender diverse students and their rights and needs in school settings. The passage of S.B. 225 during the 2017 Legislative Session requires the Department of Education to (inaudible) existing model policy for supporting safe and respectful learning environments to include requirements and methods for addressing the rights and needs of persons of diverse identities or expressions. The intent of the regulation is not to propose broad reform or changes that will impact the entire student body, but rather to increase gender-diverse students abilities to feel safe and welcome in their respective schools. There is no intent to infringe on the rights of other students by the adoption of this regulation. He responded to Mr. Williams stating the legislature passed this bill with 13 members in opposition which was a 4 to 1 ratio with many republicans in support of S.B. 225. The proposed regulation as currently revised and drafted includes most of the elements for consideration expressed at past workshops and hearings on this regulation. These elements were based on extensive research and study of gender diverse issues to identify critical elements and best practices. The development and implementation of this regulation is now the law in this state and informed that group of 40 principals from CCSD signed a letter of support for this regulation.

Brian Breese explained he comes from a conservation and religious background. Four years ago he would have agreed with most of the public comment. However, he has changed his opinion because he lost a son

to suicide from bullying. The most impactful thing for his son to make that end of life decision was that he was being called a faggot. This was because he brought a new friend to activities at their church. He was called a faggot at church and it spread to the school. Grieving for his son's death, he was forced to explore truths he had not taken the time to understand. He learned that there are children that are born differently. (audio difficulties) What do you do with a child that has both genitals, and their parents are required to make a decision. This is hard science. (audio difficulties) Gay children are much more likely to kill themselves because they are piled onto. This is a civil rights issue. There is a constitution for a reason, to protect people with minority problems; born differently. It is not a fault of their own. Quit piling on these children and give them some protection from the abuse they will find at school.

Elizabeth Povions said she is disappointed. She was at the last public hearing listening to the same testimonies she has heard today. (audio difficulties) Concerns in the proposed language were not revised and she is concerned about the disciplinary action if they use the wrong pronouns. They will be confused. Who is going to decide what discipline the kids will receive. Who is going to provide training for the teachers. Parents are not included in these policies.

Karla Fajardo has attended many meetings. She is tired of begging for the rights of her children. She is mainly concerned about the people that are pushing hard for this policy. They have no regards for parents, and those in high authority have cheated parents. Who is going to protect her children from being bullied.

Suellen Abney, parent, said she opposes the regulation and bullying. The regulations already in place, if carried out correctly, will protect children from being bullied. She is concerned that one group of students is being favored and not taking into consideration the majority of the population. This is a bullying regulation for the rest of the students and staff when they are mandated to use certain pronouns.

Rebecca Rasmussen, parent, said she has five children in CCSD. She has a child on the autism spectrum and supports the language of S.B. 225 as it prohibits bullying and calls for training concerning pupils with disabilities or autism spectrum disorders. Despite the mandate the regulation ignores students on the autism spectrum. About 10 percent of the student population have special needs. These students have a high incidence of bullying. She is concerned about the regulations reference to the public accommodations law. Boys are uncomfortable using a urinal with a potential female body student as an audience. Children want their privacy but they know not to speak up.

Rudy Hernandez, parent, stated he is against these regulations. He said CCSD is not listening to the concerns of parents. They want to erode their convictions. He fears the proposed policy will bully their children and instill fear. As a Christian father he wants his kids to find their identity in Christ. He is not sending his children to school to find their sexual orientation. It is troubling and leaves Christians without legal protection.

Aimee Hairr said transgender children are being bullied and harassed every day in school. Many of the transgender children become suicidal. They would rather die than continue to endure the emotional and physical abuse they receive at school. For the parents in opposition, 40 principals in CCSD asked for this law and policy that is currently in place. This policy is to make sure the transgender children are safe in school and are able to learn in a safe environment. It is that simple. We are here today because a law is required to be implemented for policies to be set in place to keep transgender students safe.

Dr. S.S. Rogers, President. Ministers Alliance of Southern Nevada, said when we go against the rules of God, we go against the standards. Sex starts in the mind. He cited verses from the bible. He is opposed to the regulation because of religious beliefs.

Karen Jensen, parent, said the majority of people here today are parents that care about their kids. This is a waste of time to come here and try to fight when it is completely agendized. The gender diverse policy is not good. It encourages compelled speech, and ignores the autistic and the special needs population. She does not believe any parents were included in the writing of the policy. Who was involved in creating the policy? Parents are the stakeholders and should be the first to have a say. She asked to drop this policy

and begin the process again by involving parents and not special interest groups.

Annalyn James, former teacher and mother of four, has several concerns with the regulations. The policy left out students with disabilities. Good policy is one where all voices are considered. There are many parents who feel their voices have not been considered in this policy. All good regulations are supportive of providing a safe environment for all students. She asked that the regulation is reconsidered and will consider the rights of all students and parents.

Lisa Call, parent, stated she does not agree with the way this policy is written. She is concerned the bill focuses on one small demographic and ignores the needs of students with disabilities and autism spectrum disorder. She is not okay with others mandating the belief system for her children. It takes away her rights of freedom to teach her children her belief system.

Alida Mendez, parent, noted the policy describes something called appropriate parental engagement. Who defines what is appropriate for her children. Parents here today do not want their children forced to say anything they do not believe. How do you justify punishing a student for speaking the truth. This is more about financial benefits for a special interest group that are behind the writing of this regulation. She will put up a fight to protect her children.

MaryAnn Dillard, parent, said she is concerned with the language in the proposed regulation including the punishment a student might receive for using the wrong pronoun or name when addressing a student. Complying with the regulation may go against religious beliefs students have been taught at home. She listed sections in the language that concerned her. She is concerned that the proposed regulation fails to protect the rights and privacy of all students. What accommodations will be made for students who are uncomfortable with changing in locker rooms in front someone of the opposite biological sex.

Erin Francom, parent, mother of three children, said she is losing her trust with people who are responsible for leading the public education of children in Nevada. She opposes the policy because it is unethical and not okay. Children with disabilities and autism have been left out of the policy. (audio difficulties) It is not okay to have a future curriculum that might indoctrinate and teach her child things she does not believe. It is not okay to potentially allow a biological boy into her daughters bathroom or locker room. It is not okay to establish a policy crafted by one group of activists. The rights of all other children who attend public schools have been left out of this policy.

Mack Miller, father and candidate for Nevada Assembly District 5, said he concurs with the majority of the opposition of the parents here today. The intent of S.B. 225 was to protect special needs children. He stated he is opposed to R099-17 as it is currently written. He supports the parents who testified today.

Brook Maylath, president, Transgender Allies Group, thanked the staff and leadership at the NDE for crafting and honing language in this regulation to best fit the needs of transgender and gender nonconforming students. She addressed the uncivil and inappropriate behaviors of some people that oppose any recognition that transgender people exist. There has been a desperate attempt to re-legislate a valid law in these public hearings, which is an inappropriate venue for this action. The personal attacks, challenges based on faith statements, lies, innuendo, myths and misrepresentation of facts and the challenges of the process in an desperate attempt to confuse, delay and derail this regulation from proceeding used language and propaganda are from organizations that been identified as hate groups. Categorically, the representations of the rebuttals to existence and humanity of transgender persons has never met the standard peer reviewed medical science and evidence understandings of why some people experience life outside of the hetero gender normative that many people identify as. The fear based concept that access to a public bathroom or locker room would place women and girls in danger of sexual predation is a blatant hoax and intended to portray transgender people as predators and deviants.

The vitriol and hate is aimed at denying basic protection for children. Despite the bipartisan support to make all Nevada schools a safe and respectful place for diverse children, we have heard statements in this room from parents stating they intend to instruct their children to target and bully transgender children.

We will not go away and will not submit to tyranny and mob rule.

Justine Johnston raised her family in Nevada and supports this regulation. She is a transsexual woman, an old term because she is older. She declared that is what so many speakers have spoken about with so much passion today. She raised 10 stepchildren, for a time as a single parent. They range in age from 42 to 12. One of her children is an elementary school teacher in Carson City. Not one of her children are LGBT, but they accept her. She went to school in an all-male boarding school, and fought her way through school.

John Eppolito, former K-12 teacher and father of four children, said he is the president of Protect Nevada Children. Nevada is at the top of the list to collect and store subjective, personal, medical and discipline data on children, forever, without parental consent or knowledge. It is known as Infinite Campus and the NDEs System of Accountability of Information in Nevada (SAIN). Starting in kindergarten anything children do in school may be documented in Infinite Campus without parental consent or knowledge. To view the medical including psychiatric and discipline data parents must make appointments with at least two school officials. Infinite Campus uploads data on all Nevada public school children to the NDE via the SAIN system. Without parental consent or knowledge, data stored is never deleted. Currently he does not have answers from the NDE, Infinite Campus or the two large school districts as to why the data is never deleted, and how will the data be used in the future? Most states have dropped the SBAC test, a 10 hour secret computer adaptive test for K3-8 in Nevada. It is an invalid assessment because not all students take the same test, and it is known for more of a data mining tool for third parties than it is a criterion referenced test. He is on Facebook at Protect Nevada Children.

Andrew Caudill stated he is against the policy. It does not support the individual rights of all students. Privacy is the expectation in the right of all students in public schools. The NDE needs to find a way to support all students equally. The rights of parents are non-negotiable and the policy infringes on their rights to raise their children as they see fit. Any bullying for any reason is wrong, everyone agrees with that and it should be eliminated. Policies that favor one group or target another will not get the results you are looking for if your intended goal is to stop bullying. Nevada's last state ranking needs improvement and supporting school districts to provide a better educational experience for all students is a good start.

LuAnn Pillar, mother of two children in two public schools, supports the adoption of this policy with her husband. They understand that bullying of any student is hurtful, damaging, and has no place in a public institution. They support it because they would not want their kids to struggle to focus on what the teacher is saying in class because they are too worried about whether they will be safe when they leave class. LGBTQ students deserve to be safe and have a learning environment free of intimidation like any other student. However, these students and especially transgender students disproportionately face violence and bullying. This policy is the protection that gender diverse students need to ensure a safe and respectful learning environment.

Jay Cafferata, parent of two sons, said her oldest son has autism, anxiety and ADD and her younger son has speech and language delays. She informed that she has been a lesbian for 53 years and recently realized that she is a transgendered individual. It has not been easy and she has been through all the discrimination and hate. She watches her sons as they listen to their friends talk about how their parents do not think transgender people exist and people who are gay or lesbian are wrong and sinners. She does not want her kids to experience discrimination, hatred and being teased that their parents are gay and trans. This is not a simple easy thing to resolve. Being a sexual predator has nothing to do with your sexual orientation or gender identity.

George Lee said we should not be making some youths arbitrary choice codified in law just to be able to use the full force of law against an individual You are arbitrarily throwing it out there, you are not mandated to do that. You are mandated to come up with a working policy that can be enforced.

Carole Fineberg said you cannot legislate morality or culture. Leave it to the parents to educate about morals, judgement, sexuality and treating fellow students as they would want to be treated, being kind to

others and accepting others. Let kids be kids. Why force exposure to alternative lifestyles at such an early age, and before mother nature has prepared them. This policy is opening the door to many problems and law suits. Consider the child who is afraid to go to bathroom, or refuses to eat or drink at school for fear of having to go to the bathroom. The legislature passed a bill that is incomplete and it is too hard of a decision for one person to make. She respectfully requested it goes back to the Legislature.

Mary Bryan said it was not long ago that arguments were being made regarding students sharing bathrooms in school with people of color. It comes from ignorance. It is not about belief, it is about being educated. She shared a story about her mother persuading her to attend a Christian school to play basketball so she would not encounter lesbians. She transferred to UNLV to play basketball and was never threatened by anyone. She is a straight woman who learned compassion from her lesbian team mates, they were wonderful amazing people. She is grateful to have had the opportunity to share a locker room and share travel and experiences with diverse people. This policy is to protect gender diverse students and she expressed support for the regulation.

Charlie Melvin, mother of four children, stated she has closely followed this policy. The NDEs regulation is lacking and over reaching. The intent of S.B. 225 is to revise provisions relating to bullying and cyber-bullying. The mandate to create a regulation for all schools in Nevada, it was forgotten to mention the rights and needs of children who are disabled or on the autism spectrum. Her child has a disability which is often ridiculed and kids with disabilities experience rates of being bullied, depression and have suicidal issues. Why do kids with gender diversity qualify for detailed accommodations when children with high needs are not afforded the same respect? (audio difficulties) The NDE has gone beyond the original intent of the bill. She said the process has been tainted and should start over.

Jacob Rasmussen shared that from a young age he was taught he should love everyone. He does his best and shows respect to fellow students regardless of religion, sexual preference and gender identity. However, he does not support the proposed policy. He does not believe a boy should be able to walk into a girls restroom and vice versa. Listen to the parents and students.

Josue Zamora, parent, said he is against the policy because it is against the constitution, God, and his kids rights. As a Christian he believes what the bible teaches and it is what he is teaching his kids. He teaches to respect others and he will not lie to. When his kids are forced to believe what others want them to believe, their rights are not respected, they are being bullied. Who is going to protect his kids against you.

Celia Villalobos, a single mother of three children, said her oldest daughter has been bullied. She has obstacles raising her kids, and now the NDE is one of those obstacles. She is responsible for her kids. This is troubling, it affects all of her family. Do not exclude parents.

Andrea Carranza, student, expressed opposition to the regulation. It states a person cannot use pronouns or names other than the names and pronouns identified by the parent and pupil. A student cannot be forced to say something that is not true. She is concerned about the classroom activities for pupils with diverse gender identity. The description is vague and leaves the door open for gender diverse ideology. Religion and transgender is a belief. It is not equality if importance is given to one belief over another.

David Jimenez, student, said he opposes this regulation. His parents taught him there are only two genders. He questioned that the minority are allowed to impose their beliefs on him. He would feel uncomfortable if someone from the opposite gender was in his locker room or bathroom. Is it worth sacrificing that majority for the minority? Stop bullying the parents who do not want this.

Aurelio Lomeli asked why is this bullying law being implemented if there is already a good anti-bullying law in place. Nevada is 49th out of 50 in education. He said he was bullied, sucked it up and now he is fine. Why is Gender Justice allowed to help write the regulations and also profit from it?

Deborah Earl, mother of five children, expressed serious concerns about the writing process of the regulation. She objects to the process of writing state regulation language, which has been hijacked by

activists. Good policy applies equally to every student with differing beliefs, races, colors, national origins, gender diverse identities or expressions or sexual orientations, physical or mental disabilities. (audio difficulties) She requested the state revises the regulation written by activists and instead include parents and other groups listed in the parameters of S.B. 225. Gender Justice was the only group to have a seat at the table. She listed concerns in the LCB language. A school cannot maintain a safe and respectful learning environment while violating beliefs of others.

Martina Orozco, parent, expressed concern about these policies. It violates her right as a parent and it will fail to protect her children's rights to privacy in restrooms and locker rooms. (audio difficulties) Guidelines and policy should protect the rights of every student as equal individuals, and this policy does not do that. Parent concerns against this policy have been ignored. Parents have not been involved in writing this regulation, only special groups.

Ariathna Sandoval, student, said she is against this policy. She does not want to be in a restroom or locker room with the opposite sex. It is a violation of her right to privacy. Children will become confused about whether a child is a she or a he. Not all students will have the understanding of pronouns. How will she be equally be protected with this policy.

Betty Cedillo, mother of two children, is opposed to this policy. She wants what is best for every child, but this policy will only protect one specific group. Who is going to protect her children. This policy will create more problems. A school is supposed to be a safe environment for all students, but if this policy is approved only one group will be protected.

Debra Walker, parent, said it is incumbent upon every member of government to support the U. S. Constitution. This regulation trashes parts of the U.S. Constitution and would require students break the commandment against lying. She worked as a volunteer to help people recover from abuse for over a decade. Damages from abuse can last a lifetime of not addressed. She asked that he proposed regulations are reconsidered.

Tina Lawrence, parent, agreed with the Christian parents speaking today. All parents want to protect their children. This must be stopped because it is not right.

Mara Meservy, Seminary Teacher at Western High School, said her son asked her to come today. (audio difficulties) He is trying to determine whether he wants his kids to attend public school. She is against this policy for the reasons stated today. She spoke about her brother-in-law who is gay and a child/adolescent psychiatrist. He stated the best case scenario is for anyone with gender diversity issues, gay or trans, to go to a bathroom where they feel comfortable and private. She is against the policy because she fears predators will use the bathrooms.

Khana King noted this policy has already been implemented in schools. She is a parent and understands both sides. She agrees with unisex bathrooms. Children have been allowed to be called by their nicknames in classrooms, what is so different? Some of these parents do not realize it could be their child who cannot come to their family and be open. Her children have a choice and she loves them regardless. This is discrimination and there are much bigger problems today to address.

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 12:31 p.m.

Amber Reid, Education Programs Professional, Office for a Safe and Respectful Learning Environment, outlined changes made to the language after the last hearing on March 30, 2018, and addressed concerns and questions that have been raised.

Nevada law requires the Department of Education (NDE) to adopt a model policy which will be used as the minimum standards for district level policies. In southern Nevada, CCSD has been hosting work group meetings and public hearings regarding the gender diverse policy they are considering. Ms. Reid clarified the CCSD process is separate from the regulatory process required of the NDE and that R099-17 is a Department of Education regulation rather than a State Board of Education regulation. Much of the R099-17 regulatory language is general and high level for supporting the rights and needs of persons of diverse gender identity expressions. The requirements that will be put in practice are left at the district level. Some of the concerns regarding specifics about how these practices include methods supporting the rights and needs of gender diverse students will be addressed at the local level. The state is meant to have a broad approach and then it filters down to the district level. The nuts and bolts of how it happens in school buildings are made at the local level.

Ms. Reid clarified these are amendments to an existing regulation. The law was passed in the 2015 Legislative Session with S.B. 504. That law was the state's efforts to revise the anti-bullying laws and to produce more safe and respectful learning environments adding a provision to NRS 388 that requires the NDE to create a Model Policy for a Safe and Respectful Learning environment. Original language of that policy operationalized the state's anti-bullying laws and laid out the protocols and processes that school administrators are required to follow whenever they receive a complaint about bullying. The original Model Policy and language was approved by the Legislative Commission and filed with the Secretary of State's office in January, 2017. During the 2017 Legislative Session, S.B. 225 was introduced which added provisions that the NDE must amend the Model Policy to include the requirements and methods for addressing the rights and needs of persons of diverse identities or expressions. The addition did not change the previous language that was part of the Model Policy that identifies the operationalization of the anti-bullying laws. It was added in addition to what existed for the state's anti-bullying laws.

The components about children with disabilities including autism are referenced by two additional sections that specify training. The training is for the regard and need of persons of diverse gender identity and expressions and training in the needs for students with disabilities including autism. Those two additions became part of state law the minute Governor Sandoval signed the bill. The training components are not included in the requirements to the amendments to the regulation. The NDE cannot create regulations that are already covered by state law, the law can only be referenced. Section 10 of the regulation language references that portion of state law which is where the components regarding the training for children with disabilities and autism are addressed.

Superintendent Canavero stated that he contacted Will Jensen, Director, Special Education and that his office is already moving on the training with an entire plan for the autism specific requirement. This has been under development for some time and ready to roll out. That training is separate and is not required to be included in the language of R099-17.

Senate Bill 225 of the 2017 Legislative Session was introduced and approved by a majority of legislators and signed into law by Governor Sandoval on June 13, 2017.

The workshop to solicit comments regarding the requirements and needs of persons of diverse gender identities or expressions was held at the NDE on July 31, 2017. These are the NDE regulations, and not related to anything CCSD or any other district was doing in a parallel but separate process. The materials included in the posting of the materials listed 11 potential elements for consideration, all of which have been captured in the current draft regulatory language. Nothing in the draft language heard today falls outside of the original elements presented at the public workshop. There was no opposition to any of the potential elements at the July 31st workshop, rather extensive testimony was heard from students and parents about their experiences of being or parenting a sex/gender diverse student.

Following the initial workshop in July, the Office of Safe and Respectful Learning continued to collaborate with parents, students, community partners, educators and school district level personnel, in accordance with the requirements of NRS 388.133 in the development of proposed language. That

language was sent to the Legislative Counsel Bureau (LCB) to be put into regulatory language that is consistent with existing state statutes and regulations. LCB is the state agency charged with reviewing all draft regulatory language to ensure that it complies with state laws and the requirements of bills and laws requiring the regulations. All language submitted to LCB has been vetted through their processes and returned to the NDE with their approval. During the public hearing on March 30, 2018 and today, it is presented that Ms. Reid as a representative of the NDE had only consulted with a single group, Gender Justice Nevada. While Gender Justice Nevada was included in a group of key stakeholders they were not the only group that was included and this has been true from the beginning and throughout the entirety of the process.

Ms. Reid clarified some misperceptions regarding the materials provided in compliance with all public records requests received. Information provided in response to every records request is specific to the information requested. There are some exceptions to what must be provided, some communications fall under the category of privileged information. Deputy Attorney General Greg Ott has reviewed all records requests and all communication and documents that have been provided in response to the requests. The NDE has been in full compliance with all requests.

In addition to consulting with parents, students community partners, educators and school district level personnel, an extensive study of professional academic peer reviewed journals was done in an effort to identify critical elements and best practices for supporting persons of diverse gender identities or expressions in school settings.

A public hearing was held at the NDE on November 28, 2018. Following the hearing NDE staff met with stakeholders to elicit further feedback on the draft language. Based on feedback provided at the hearing through public comment and in stakeholder meetings, changes to the draft language were made and submitted to LCB. When the revised language from LCB was received a second public hearing was scheduled on March 30, 2018 to allow for additional public comment and feedback. Again, changes in response to public comment was submitted to LCB.

Ms. Reid thanked the individuals who took time to provide comments concerning the draft language. She clarified that these regulations are about supporting sex/gender diverse individuals in a school setting. They are not meant to debate the scientific validity of any gender identity or expression and any evidence on either side of that issue is irrelevant to the purposes of these regulatory amendments. It is not the role of a local education agency or a state education agency to challenge, question, or verify the identity of individuals as it is not the role of a local education agency or a state education agency to challenge, question or verify the religious convictions of individuals.

The task given to the NDE by the legislature was to identify the requirements and methods that will support sex/gender diverse students in enjoying a safe and respectful learning environment so they can be academically successful. All the requirements and methods included in the draft language were taken from current research that highlights best practices for supporting sex/gender diverse individuals from an educational perspective. All the research that laid the foundation of this regulation is found in scholarly peer reviewed academic journals.

Ms. Reid highlighted the changes made following the first public hearing:

- Language regarding chosen names and pronouns was revised to address concerns regarding compelled speech.
- The word curriculum was removed and a definition of what constitutes classroom activities was clarified.
- Any reference to field trips, including overnight field trips was removed.

Ms. Reid provided details about each section of the posted [draft regulatory language](#). She noted some of the changes were made previously in response to public comment. Early on concerns were heard about compelled speech and language regarding names and pronouns was changed. Concerns about curriculum were also addressed by removing the word curriculum and field trips. Nothing in this regulation allows or

requires school districts to incorporate overnight field trips and the accommodation of gender diverse students in a hotel room with other students without parental consent of all students involved.

Removing the word curriculum is not meant to imply that a curriculum or specific theory is taught in schools. It is meant to imply that kids have the ability to access academic content in a way that is relevant and meaningful. The regulation sets minimum standards and then the districts put those into practice. The NDE is not endorsing a curriculum or a theory outside of decisions made at the district level.

Ms. Reid noted the recent version of the language does not have any substantive changes. She explained the language new to the regulation is in blue italics. The language added to the most recent version by the NDE is green and bolded. Language that is red and in brackets is deleted language.

Sections 2 and 3 of the regulation have not changed. They clarify that the state's anti-bullying law applies to charter schools in addition to all public schools. Section 3 highlights that intent. Nothing in this regulation is intended to enact broad changes or sweeping reform to any district policies. Section 3, subsection 2 includes the district level policies that must be incorporated. The requirement regarding training is specific in this portion of the regulation. Methods for supporting and appropriating engagement of parents or guardians, methods and requirements of a plan is new language highlighting training about how the plan is to be developed on an individualized basis. Also, the appropriate definitions and terminology is included in the training.

Section 2, subsection 2(b) specifies that disciplinary actions shall only be taken if the actions of the individual being considered rise to the level of the state's definition of bullying. Section 3, subsection 3, are the requirements for the development of the plan to address the rights and needs of a person with diverse gender identities and it includes how the plan is to be developed. School district superintendents requested the following language is added: *each plan must be developed on an individualized basis by a team led by the administrator or the designee of the administrator which consists of the parents or guardians, the student, school personnel, and any representatives of community based groups as requested by the parents or guardians of the student.* Following this language, each requirement of what must be included in the development of the plan is included. Subsection (f) specifies: *each plan must take into consideration both the rights and needs of the student for which the plan is developed as well as the capacity of the school and the rights and needs of the student body at large.*

This regulation highlights the importance that decisions are made on an individualized basis multiple times, student-by-student, and includes the family and school personnel throughout the process of the development of the plan. Decisions made by the team balance the right of the individual with the right of the student body at large.

Subsection 4 identifies key components in the regulatory language including methods to ensure the protection of the privacy of each person. Throughout the process the rights of the individual are to be considered against the rights of the student body. The requirement regarding names and pronouns falls under this section, (audio difficulties) Also included is language regarding methods to ensure access to appropriate and supportive clubs. Section 4, subsection e specifies *Methods to ensure that students have equal opportunity to create appropriate and supportive school clubs for pupils with diverse gender identities or expressions and families have equal opportunity to create support groups for the families of such pupils in accordance with the districts public facility use policies.* This language request change came from a concern that the policy would require districts create and maintain supportive clubs such as Gay Straight Alliance or a PFLAG group. This highlights the fact districts and schools are not required to create those clubs, but the clubs must be allowed if students and families request them.

Methods to ensure appropriate expression is incorporated in some of the existing language and references dress code and uniforms, yearbook photographs, cap and gown selections and appropriate reading of chosen names during award ceremonies including graduation ceremonies. Language was added to clarify subsection 5, *classroom activities* means activities that provide education or instruction to pupils other than field trips. The stated intent was formalized to offer a list of resources that reflect nationally accepted

best practices for addressing the rights and needs of persons with diverse gender identities or expressions on an annual basis.

Superintendent Canavero asked clarifying questions regarding the proposed changes in language. Ms. Reid confirmed that the regulation language is an individual by individual basis, it is not school wide. The language is broad and then the school districts policies determine the process. The use of pronouns only crosses a disciplinary line if it used as an object for bullying and meets the states definition of bullying. It was clarified that the state does not have the authority to require a specific curriculum in a district. Standards are adopted at the state level, curriculum decisions are made locally. Concerns have been expressed about bathrooms and Greg Ott, Deputy Attorney General, stated that NRS 651.070, subsection 5, specifies: place of public accommodation means any nursery, private school, or university or other place of education and all persons are entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any place of public accommodation, without discrimination or segregation on the ground of race, color, religion, national origin, disability, sexual orientation, sex, gender identity or expression.

Mr. Ott explained that the current version of this regulation strikes a balance by allowing the discipline of the name of a pronoun when such use meets the existing definition of bullying, which is prescribed in existing law. Ms. Reid confirmed language changes were made at the request of school superintendents in districts across the state. The superintendents wanted to highlight that the team convened to create the plan for the student was led by a school administrator or their designee and not an outside agency, parent or school personnel. Changes regarding access to clubs highlights that the school is not required to create those supportive clubs but they must allow the creation of those clubs in compliance with public facility use policies. If some clubs are allowed, all clubs must be allowed.

Public Hearing Comments

Moises Camarillo said he opposes the regulation. Many parents want to teach their children their moral values. That is their choice. If he is at school and he mispronounces he or she, and gets in trouble, it does not make sense. The focus should be on education.

Bryan Mortensen asked if the studies and journals referenced in building the regulation be made available to the public? He expressed concern about the individual plan stating that is a school plan. He asked if a straight club would be allowed at the school? Superintendent Canavero responded that is a district decision.

Juan Sclafani referenced NRS 388.122 that defines *bullying is a willful act which is written, verbal or physical or a course of conduct on the part of one or more persons which is not authorized by law and which exposes a person repeatedly and over time to one or more negative actions which is highly offensive to a reasonable person*. He read further sections and concluded anyone could claim they were bullied and it should be better defined.

Karen England informed that she is going to talk about biology so if there are small children parents may want them to leave the room for three minutes. She expressed appreciation to Ms. Reid for her explanation of the process and that this regulation is an amendment to existing regulations. Regarding compelled speech, Ms. England said if any parent brings their son to school, and decided to support transitioning and he says is now a girl, and the parent is now requiring everyone in the school refer to him as a female, that is compelled speech and thought. Alliance Defending Freedom, who has won seven cases in the U.S. Supreme Court on the compelled speech issue, are clear that this is a complete violation, if a student is required and then a component is added about discipline, if they do not, her child does not have to refer to a biological male as a she. They cannot be compelled to do so, we live in a free country. It was not taken care of, it was made worse and now individualized plans, instead of a school board deciding plans, the NDE will decide in secret for the parent and then force it on the rest of the school. The parents will not know. Because there is privacy with the parent, the student and the school, which she supports. If parents ask questions if concerned will not be able to know. You have made this worse. The sunshine has been taken away because you are afraid of what (audio difficulties). Someone is not telling

the truth about the open records request. She has a request from 2/26/18. Either other parents and community members and groups were not included or the request was not fully complied with. She requested all information and documents created or received by the NDE between June 14, 2017 and February 25, 2018. Either Ms. Reid's testimony is wrong, or the open records request was inadequate because she does not have all the communications. (Verbatim)

Jorge Sanchez, parent, asked where are the emails where Ms. Reid advises parents that they are the primary stakeholders in the process of the regulation. He said the amendments to not reflect the parent views who attended the meetings.

Jacob Rasmussen noted the biggest issue at this meeting is the issue of transgender kids using the bathroom. His understanding is that something could be done about the bathroom issues, and he asked why nothing is being done. Superintendent Canavero responded that existing law applies equal access and enjoyment of public facilities which included education settings such as schools.

Josue Zamora said they are his kids and he has his own moral values he teaches them. Will his moral values be accepted? What will be done to his kids because they do not want to use the pronouns as they have his moral values. What will they do to him when he gets calls, will they take his kids?

Elizabeth Povions recalled that Ms. Reid said when S.B. 225 passed it was to revise the present anti-bullying laws. It was not meant to be a radicalized agenda. Ms. Reid said she collaborated with parents in July 2017 regarding the policies. She has been to every meeting and she has not heard one parent or parent group that has been part of the policy parents were claimed to be a part of. Gender Justice has been involved, but none of the parents. Regarding the use of pronouns, who will decide what is bullying? Who will be part of the team that decides the discipline, Gender Justice or parents?

Sara Ramirez said the regulation language specifies there will be disciplinary actions against employees, volunteers or pupils for the use of a name or pronoun other than the names and pronouns identified by the parent or guardian of a pupil. Ms. Ramirez asked about the statement that disciplinary action would be left to the district. That is opening the door to what parents are afraid of. Who is going to decide if it is bullying?

Mindy Davies, mother, said she was a teacher in CCSD. Her children spend more time with their teachers at school than they do with her at home. Whatever her children are being taught at school, she wants it based on fact rather than feelings or belief. She suggested this regulation is based on theory and not on fact. As a parent it is not ok to stomp on the rights of her beliefs and values she teaches in her home. She is opposed to the regulation.

Steven Conger asked about section 3.6 which states *that the NDE shall provide to the governing bodies of schools and school districts, at least one time each year, a list of resources that reflect nationally accepted best practices for addressing the rights and needs of persons with diverse gender identities*. Mr. Conger asked if there will be a vetted process for the list that the NDE will provide that will allow input from the public, or will it be a list given to the schools. Will it be a resource they can choose to implement or will there be some compliance with the best practices. Superintendent Canavero responded that in cases where districts seek support, resources are provided. The districts are not obligated to adopt or use them.

Dr. William Tarbell stated no one should be abused physically or verbally in schools or otherwise and said he has many questions regarding the document. The type of language used has an array of different terminologies; gender non-conform, gender fluidity, gender identities and expressions etc. None is clearly identified or defined in the document. He asked what happened to the term orientations? The 2017 Legislature divided human sexuality into a number of orientations. The term orientation implied a person who identifies with that orientation cannot change from that orientation. Are the terms gender diversity

and expression the same as orientations? He asked about the trainings that will be provided to school personnel, who will put the material together that will be taught, who teaches it, and who approves the ones that teach and the material used. He said people using religious language should not be scorned.

Jim Falk echoed Dr. Tarbell's comments. He added that addressing these issues before children are ready to understand them will confuse them and encourage experimentation. He would like to see more emphasis put on education and less on indoctrination.

Brook Maylath, President, Transgender Allies Group, thanked the NDE for their diligence to uphold the law, appropriately passed by the majority and signed by the republican Governor. The WCSD has had a policy broader than this regulation for over three years, with no issues about the integration of transgender on these individualized pathways. The acknowledgement of individual dignity in a safe and respectful learning environment over the assumed privilege to remain a bully is what is in this regulation. The use of peer reviewed educational material as the basis of the regulation is a solid foundation. The opposition has no peer reviewed educational material, there is nothing in opposition that is valid. The law regarding bathrooms was passed in 2011 with no reported issues of transgender students misbehaving or attacking anyone, or predators taking advantage of it in seven years. On April 13, the ninth circuit court federal judge has ruled that under the evaluation of article 14 of the constitution, the transgender community is now a protected class.

Justine Johnston said the term transgender was not in wide use prior to the 1990's. The transgender's are your friends, neighbors, relatives and co-workers and have been around since the beginning of time. In the past they were marginalized and it used to be against the law to wear the clothing of the opposite gender. Now they can live in the open and feel safe.

Superintendent Canavero adopted R099-17 as presented on the April 17, 2018 revisions to language with two of the following changes:

- Section 3, subsection 3(a), will reflect a change that specifies each plan must be developed on an individualized basis by a team led by the administrator or the designee of the administrator which consists of the parents or guardians, the student, school personnel, and any representatives of community based groups, as requested by the parents or guardians of the students.
- Section 3, subsection 4(d), Methods to ensure students have equal opportunity to create appropriate and supportive school clubs for pupils with diverse gender identities or expressions and families have equal opportunity to create support groups for the families of such pupils in accordance with the district's public facility use policies.

Superintendent Canavero stated these are the only changes to the regulation language deemed adopted. He explained that the language will be transmitted to the LCB, they will draft the formal legal language, and then it will be agendaized for the Legislative Commission. This is a committee of Legislators that will have the opportunity to hear and consider the regulation. A majority of their vote would enact the regulation and then it will be codified into Nevada Administrative Code (NAC). The regulation will become effective upon filing with the Secretary of State's office.

The public hearing was closed at 1:57 P.M.

Public Comment #2

Karen England said she did not appreciate the name calling, belittling, demeaning that was done by one of the individuals. That is what we are here to talk about and what we are concerned with, that the students who oppose this regulation will be called that. She asked if her open record request was replied to in full, and if not, when will it be. Superintendent Canavero stated he has no knowledge of that at this time and will circle back to her. Ms. England asked Mr. Ott, Deputy Attorney General, in addition to access into the public facility under the public accommodations, that the public accommodations law allows access into the private facilities. Superintendent Canavero responded that Ms. England's items will be taken into consideration, however, the Deputy Attorney General will not do ad hoc reviews during public comment. Ms. England said she has sent numerous emails, for months, asking that the NDE consult with the

Alliance Defending Freedom and their concerns. Repeatedly they were going to make themselves available, and they were asked to submit their concerns in writing. The public accommodation, is yes, we allow them into the building. That does not mean they are allowed into public accommodation law covers, restaurants, bakery, grocery stores, auditorium, convention center, museum, library, nursery, private schools, gymnasium, health spa, bowling alley, golf course and other place. The list goes on. If the public accommodation law is forced and assert that the public accommodation law allows you into private facilities because you claim to be the opposite gender, then you are opening up and asserting they are allowed in all of those places. She asked why the Attorney General's office is not sending out letters to all of them that they are in violation where they are prohibiting a biological male from accessing a female's bathroom. (Verbatim)

Dr. S.S. Rogers, Minister of Alliance of Southern Nevada, has over 40 years in the organization. He said it is the parents responsibility to train their children. He concurs with the comments today. If a male wants to be a female today, he could change and want to be a male the next day. Who knows what these sentiments will be?

Cassandra Charles expressed strong support for the regulation. Trans people are not going away, they are in our community and attending school. Creating this policy is putting us in the right direction. She urged moving forward in the direction of the regulation.

Brook Maylath, President, Transgender Allies Group, said speaking the truth is an important part of the American experience. Calling people out for their actions is an important part of the legislative process. The idea of Alliance Defending Freedom, which is a noted hate group identified by the southern poverty law center, is despicable. They have no place at any table in Nevada. Let us keep the table open for Nevadans, not import false hate groups from outside of our borders. She thanked the NDE for the deliberative process, clear thought and mission to protect all Nevada children, especially the most vulnerable and misunderstood.

The meeting was adjourned at 2:06 p.m.