

# Teacher and Professional Staff Shortages and Equity in Education



A Report of the  
Nevada Advisory Committee to the  
U.S. Commission on Civil Rights

January 2024

## **Advisory Committees to the U.S. Commission on Civil Rights**

By law, the U.S. Commission on Civil Rights has established an advisory committee in each of the 50 states, the District of Columbia, and the U.S. Territories. The committees are composed of state citizens who serve without compensation. The committees advise the Commission of civil rights issues in their states that are within the Commission's jurisdiction. They are authorized to advise the Commission in writing of any knowledge or information they have of any alleged deprivation of voting rights and alleged discrimination based on race, color, religion, sex, age, disability, national origin, or in the administration of justice; advise the Commission on matters of their state's concern in the preparation of Commission reports to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public officials, and representatives of public and private organizations to committee inquiries; forward advice and recommendations to the Commission, as requested; and observe any open hearing or conference conducted by the Commission in their states.

**Nevada Advisory Committee to the  
U.S. Commission on Civil Rights**

The Nevada Advisory Committee to the U.S. Commission on Civil Rights submits this report regarding shortages among teachers and professional staff at Nevada schools and equity in education. The Committee submits this report as part of its responsibility to study and report on civil rights issues in Nevada. The contents of this report are primarily based on testimony the Committee heard during public meetings held via videoconference on April 6, 2023; April 13, 2023, and May 26, 2023. The Committee also includes related testimony from the 2022-2023 Nevada legislative session submitted in writing during the relevant period of public comment.

This report draws on themes identified in the Committee’s 2020-2021 study, [\*The Impact of Remote Learning on Education Equity in Nevada\*](#), that examines education equity during the COVID-19 pandemic. The focus now is on civil rights concerns with shortages of teachers and other education professionals in Nevada schools and its impact on equity in education for students. Specifically, the Committee sought to examine what impacts the teacher shortage may have on students with disabilities and students of color in K-16 schools. The report begins with a brief background of the issues to be considered by the Committee. It then presents primary findings as they emerged from this testimony, as well as recommendations for addressing areas of civil rights concerns. Generally, the Committee identified three dominant themes: 1) the importance of workforce development efforts for school staff, 2) lack of behavioral and mental health resources, and 3) concerns with the prevalence of school violence amidst shortages in education and behavioral health professionals. While additional important topics may have surfaced throughout the Committee’s inquiry, those matters that are outside the scope of this specific civil rights mandate are left for another discussion.

**Nevada Advisory Committee to the  
U.S. Commission on Civil Rights**

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## **Overview**

On November 14, 2022, the Nevada Advisory Committee (Committee) to the U.S. Commission on Civil Rights (Commission) adopted a proposal to undertake a study of shortages of teachers and other education professionals in Nevada schools and equity in education. The focus of the Committee’s inquiry was to examine whether shortages of teachers and other education professionals create inequities in the areas of access, quality of teaching, student learning, and student discipline. In addition, the Committee examined whether long-term substitute teachers and education professionals have access to sufficient training. While other important topics may have surfaced throughout the Committee’s inquiry, matters that are outside the scope of this specific civil rights mandate are left for another discussion.

As part of this inquiry, the Committee heard testimony via videoconference on April 6, 2023; and April 13, 2023; and May 26, 2023.<sup>1</sup> The following report results from a review of testimony at these meetings, combined with recorded testimony presented before the 2022-23 Nevada legislative session submitted during this timeframe. It begins with a brief background of the issues to be considered by the Committee. It then identifies primary findings as they emerged from this testimony. Finally, it makes recommendations for addressing related civil rights concerns. This report and the recommendations included within it were adopted by a quorum of Committee members present at a meeting on November 17, 2023.

## **Background**

Until the 1800s, teaching was a male-dominated profession, and teachers managed one-room schoolhouses or customized services to the needs of wealthy families. A range of changes unfolded over the course of the 1800s that created the need for broader public education designed to train middle and working class children for new roles in the rapidly industrializing economy. Waves of new immigrants were arriving every year, corporations replaced artisan shops, and urban centers struggled to accommodate growing populations.<sup>2</sup>

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<sup>1</sup> Meeting records and transcripts are available in Appendix. Briefing before the *Nevada Advisory Committee to the U.S. Commission on Civil Rights*, April 6, 2023, (web-based), Transcript (hereinafter cited as “4/6/23 Web Hearing”); Briefing before the *Nevada Advisory Committee to the U.S. Commission on Civil Rights*, April 13, 2023, (web-based), Transcript (hereinafter cited as “4/13/23 Web Hearing”); Briefing before the *Nevada Advisory Committee to the U.S. Commission on Civil Rights*, May 26, 2023, (web-based), Transcript (hereinafter cited as “5/26/23 Web Hearing”).

<sup>2</sup> Kaitlin Smith, “Teaching in The Light of Women’s History,” *Facing Today*, Mar. 29, 2022, available at <https://facingtoday.facinghistory.org/teaching-in-the-light-of-womens-history>.

Education reformer Horace Mann created a system of common schools in the mid-1800s and orchestrated the transition from male to female educators.<sup>3</sup> Common schools brought together children from across the social spectrum to create moral, secular-minded Americans.<sup>4</sup> These common schools were to be more than job training or acculturation centers.<sup>5</sup> Women responded to this opportunity by enrolling in normal schools to become teachers and the occupation gave women entrance into a profession, but not at the pay male teachers had received.<sup>6</sup>

When World War I started, American men enlisted, and women stepped up to provide nursing and combat support through military service as well.<sup>7</sup> At home, war industries lacked workers and looked to women to fill the growing labor gaps.<sup>8</sup> Women were paid less than the male factory workers, but war-related jobs paid more than occupations deemed appropriate for women at the time, including in education.<sup>9</sup>

After the war, many women continued to work outside the home, but the gains in pay made in war-industry jobs were mostly lost.<sup>10</sup> Women were laid off from factories, and returning soldiers replaced them on the assembly lines.<sup>11</sup> As a result, throughout the 1920s, women's work mostly included teaching and low-wage service jobs.<sup>12</sup> Women tended to keep working in these jobs during the Great Depression, sometimes as their family's sole provider.<sup>13</sup>

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<sup>3</sup> Casey Rekowski, "Horace Mann's Vision in Action: Bridgewater Normal School's Female Teachers," *Undergraduate Review*, vol. 4 (2008), p. 3., available at [https://vc.bridgew.edu/undergrad\\_rev/vol4/iss1/5](https://vc.bridgew.edu/undergrad_rev/vol4/iss1/5).

<sup>4</sup> Barbara Winslow, "Education Reform in Antebellum America," *The Gilder Lehrman Institute of American History*, Jul. 29, 2012, available at <https://ap.gilderlehrman.org/history-by-era/first-age-reform/essays/education-reform-antebellum-america#:~:text=The%20main%20purpose%20of%20the.life%20in%20an%20industrial%20society.&text=Mann%20and%20the%20common%20school,then%2C%20as%20well%20as%20now>.

<sup>5</sup> Ibid.

<sup>6</sup> Nancy Kober, Diane Stark Rentner, & Maria Ferguson, "History and Evolution of Public Education in the U.S." *Center on Education Policy*, 2020, p. 3, available at <https://files.eric.ed.gov/fulltext/ED606970.pdf>.

<sup>7</sup> Staff (n.d.), "Women in WWI," National WWI Museum and Memorial, available at <https://www.theworldwar.org/learn/women#:~:text=With%20millions%20of%20men%20away,rare%20cases%2C%20on%20the%20battlefield>.

<sup>8</sup> Ibid.

<sup>9</sup> National Park Service, Women in World War I, available at <https://www.nps.gov/articles/women-in-world-war-i.htm> (website last updated April 7, 2022).

<sup>10</sup> "Women in the Workplace," Gale Encyclopedia of U.S. Economic History, *Encyclopedia.com*, Dec. 11, 2023, available at <https://www.encyclopedia.com/history/encyclopedias-almanacs-transcripts-and-maps/women-workplace-issue>.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> Janet L. Yellen, "The history of women's work and wages and how it has created success for us all," *Brookings Institute*, May 2020, available at <https://www.brookings.edu/essay/the-history-of-womens-work-and-wages-and->

The number of women in the job market jumped again during World War II as war industries hired women for positions usually reserved for men.<sup>14</sup> Continuing a trend, when the war ended men returned and replaced women in the skilled industrial jobs, relegating women to teaching and low-wage service jobs again.<sup>15</sup> But this time a significant number of women protested being consigned to low-wage jobs.<sup>16</sup>

Teaching during these decades included maintaining a segregated color line and accommodating less funding in areas where students of color, immigrant families, and the poor tended to live.<sup>17</sup> Women and men of color did become teachers, but they worked in schools that were almost exclusively located in segregated communities.<sup>18</sup> These disparities resulted in the landmark 1954 *Brown v. Board of Education of Topeka, Kansas* ruling by the U.S. Supreme Court, which overturned the pernicious *Plessy v. Ferguson* of 1896 and established that separate accommodations were always unequal and unconstitutional.<sup>19</sup>

Women became politically active during the civil rights movement and sought legislative solutions to the problem of gender discrimination. In the 1960s, this effort resulted in the Equal Pay Act of 1963,<sup>20</sup> Title VII of the 1964 Civil Rights Act<sup>21</sup> that prohibits discrimination based on sex in any aspect of employment, the Age Discrimination Employment Act of 1967,<sup>22</sup> and Title IX of the Education Amendments of 1972,<sup>23</sup> the last of which banned discrimination based on sex in educational programs or activities.

Despite these efforts, according to the American Association of University Women's 2021 report, *The Simple Truth About the Gender Pay Gap*, in 2018 women still comprised two-thirds of the

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[how-it-has-created-success-for-us-all/#:~:text=Between%20the%201930s%20and%20mid,factors%20contributed%20to%20this%20rise.](#)

<sup>14</sup> Marie Bussing-Burns, "Women and post-WWII wages," *National Bureau of Economic Research, The Digest*, Issue: 11, Nov. 2002, available at <https://www.nber.org/digest/nov02/women-and-post-wwii-wages>.

<sup>15</sup> Ibid.

<sup>16</sup> Yellen, "The history of women's work and wages and how it has created success for us all."

<sup>17</sup> Sonya Ramsey, "The troubled history of American education after the Brown Decision," *The Organization of American Historians*, available at <https://www.oah.org/tah/february-3/the-troubled-history-of-american-education-after-the-brown-decision/>.

<sup>18</sup> Cindy Long, "A Hidden History of Integration and the Shortage of Teachers of Color," *National Education Association*, Mar. 11, 2020, available at <https://www.nea.org/advocating-for-change/new-from-nea/hidden-history-integration-and-shortage-teachers-color>.

<sup>19</sup> *Brown v. Board of Education*, 347 U.S. 483 (1954).

<sup>20</sup> Equal Pay Act of 1963, 29 U.S.C. §§ 201–219.

<sup>21</sup> Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq (1964).

<sup>22</sup> Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634; Americans with Disabilities Act of 1990, 42 U.S.C. § 12101, et seq.

<sup>23</sup> Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.

workers in low-pay jobs.<sup>24</sup> Jobs that are considered “women’s work,” such as caregiving, teaching, and various service industries, are paid less than jobs considered “men’s work,” such as building trades, managerial positions, and research-based higher education.<sup>25</sup> Pay equity remains a persistent issue.<sup>26</sup>

The federal laws and regulations from the 1960s resulted in women gaining permanent entrance to a wider range of professions in the 1970s. For the first time, the number of students enrolling in education programs at colleges and universities began to decline.<sup>27</sup> According to the Pew Research Center,

“Women, in particular, have become much less likely to choose education as their field of study. More than a third (36 percent) of all bachelor’s degrees conferred to women were in education in 1970-71. By 2019-20, just 6 percent of the undergraduate degrees awarded to women were in education.”<sup>28</sup>

On top of this trend, the national economy shifted significantly in the 1990s as manufacturing jobs were outsourced and replaced with high-tech industries and other sorts of white-collar occupations; as the level of education required for entry-level jobs jumped, our education system groaned under the strain.<sup>29</sup> Not only would educators face new burdens as the curriculum and teaching experience required to educate students for these new jobs necessitated new, intensive types of professional development, but many families also faced a new reality in which their children would need a potentially expensive college degree to be economically self-sufficient.<sup>30</sup>

Through the 2000s and 2010s, school boards, education administrators, and teachers came under increasing political pressure to improve student outcomes while also providing a basic safety net

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<sup>24</sup> American Association of University Women, “The Simple Truth About the Gender Pay Gap 2021 Update,” p. 1, available at [https://www.aauw.org/app/uploads/2021/09/AAUW\\_SimpleTruth\\_2021\\_-fall\\_update.pdf](https://www.aauw.org/app/uploads/2021/09/AAUW_SimpleTruth_2021_-fall_update.pdf).

<sup>25</sup> Ibid., p. 4.

<sup>26</sup> Ibid.

<sup>27</sup> Katherine Schaeffer, “A dwindling number of new U.S. college graduates have a degree in education,” *Pew Research Center*, Sept. 27, 2022, available at <https://www.pewresearch.org/fact-tank/2022/09/27/a-dwindling-number-of-new-u-s-college-graduates-have-a-degree-in-education/#:~:text=Women%2C%20in%20particular%2C%20have%20become,to%20women%20were%20in%20education.>

<sup>28</sup> Ibid.

<sup>29</sup> “American Decades,” *Encyclopedia.com*. Dec. 11, 2023, available at <https://www.encyclopedia.com/social-sciences/culture-magazines/1990s-education-topics-news>.

<sup>30</sup> U.S. Department of Education, National Center for Education Statistics. Overview and Inventory of State Education Reforms: 1990 to 2000, NCES 2003–020, by David Hurst, Alexandra Tan, Anne Meek, and Jason Sellers. Project Officer: Edith McArthur. Washington, DC: 2003. <https://nces.ed.gov/pubs2003/2003020.pdf>.

for their communities.<sup>31</sup> Elected officials pointed to inadequately resourced schools as a symptom of a much larger problem yet debates over funding quickly became politically polarized.<sup>32</sup>

A post-industrial economy required a post-industrial education system, but the magnitude of change involved in many states was larger than any one official or even administration could accomplish. At the federal level, No Child Left Behind<sup>33</sup> was replaced with Every Student Succeeds Act<sup>34</sup> as President Bush exited and President Obama took the nation's helm. Both programs did some good overall, yet teachers and professional staff reported feeling attacked and blamed for issues beyond their control.<sup>35</sup>

When the COVID-19 pandemic hit in March 2020, the issue of the sudden closing of schools became contentious. For many reasons parents needed schools to stay open, but keeping schools open put teachers' lives at risk.<sup>36</sup> In Nevada, for example, Governor Steve Sisolak closed schools and most businesses and government offices, but educating children did not halt.<sup>37</sup> Nevada teachers quickly learned the pedagogy and technology of online education.<sup>38</sup> Children faced dealing with family stress, learning through a computer, and often coping with death.<sup>39</sup> Similarly, teachers and education professionals soon found themselves simultaneously wearing the hats of counselor, social worker, and psychologist.<sup>40</sup>

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<sup>31</sup> Michael A. Seelig, "How 20 years of education reform has created greater inequality," *Stanford Social Innovation Review*, available at [https://ssir.org/articles/entry/how\\_20\\_years\\_of\\_education\\_reform\\_has\\_created\\_greater\\_inequality#](https://ssir.org/articles/entry/how_20_years_of_education_reform_has_created_greater_inequality#).

<sup>32</sup> Ulrich Boser, Perpetual Baffour, & Steph Vela, "A Look at the Education Crisis," *Center for American Progress*, Jan. 26, 2016, available at <https://www.americanprogress.org/article/a-look-at-the-education-crisis/>.

<sup>33</sup> No Child Left Behind Act of 2001, 20 U.S.C. § 6301 et seq. (2002).

<sup>34</sup> Every Student Succeeds Act, 20 U.S.C. § 6301 (2015).

<sup>35</sup> Ulrich Boser, Perpetual Baffour, & Steph Vela, "A Look at the Education Crisis," *Center for American Progress*, Jan. 26, 2016, available at <https://www.americanprogress.org/article/a-look-at-the-education-crisis/>.

<sup>36</sup> Madeline Will, "A third of teachers are at higher risk of severe illness from covid-19," *Education Week*, available at <https://www.edweek.org/teaching-learning/a-third-of-teachers-are-at-higher-risk-of-severe-illness-from-covid-19/2020/04>.

<sup>37</sup> STATE OF NEV., DECLARATION OF EMERGENCY DIRECTIVE 022, (Mar. 12, 2020), [https://gov.nv.gov/News/Emergency\\_Orders/2020/2020-06-09\\_-\\_COVID-19\\_Declaration\\_of\\_Emergency\\_Directive\\_022\\_-\\_K-12\\_School\\_Re-Opening\\_for\\_Summer\\_Learning\\_and\\_Activities\\_\(Attachments\)/](https://gov.nv.gov/News/Emergency_Orders/2020/2020-06-09_-_COVID-19_Declaration_of_Emergency_Directive_022_-_K-12_School_Re-Opening_for_Summer_Learning_and_Activities_(Attachments)/).

<sup>38</sup> Rocio Hernandez, "Learning barriers, isolation, stress: Nevada students reflect on two years of covid," *Nevada Independent*, Apr. 10, 2022, available at <https://thenevadaindependent.com/article/learning-barriers-isolation-stress-nevada-students-reflect-on-two-years-of-covid>.

<sup>39</sup> Ibid.

<sup>40</sup> U.S. Department of Education, Office for Civil Rights. Education in a Pandemic: The Disparate Impacts of COVID-19 on America's Students. June 9, 2021. <https://www2.ed.gov/about/offices/list/ocr/docs/20210608-impacts-of-covid19.pdf>.



Returning to the school building did not make the process of receiving education suddenly normal. Many issues that existed before the pandemic became much worse after schools resumed in-person instruction, specifically, violence in the classroom.<sup>41</sup> Students’ acting out is not unusual, but what happened after the pandemic lockdown often escalated to levels that required police intervention.<sup>42</sup> One incident almost resulted in an educator’s death.<sup>43</sup>

***Nevada’s Shortages of Teachers and Professional Staff***

Nevada is experiencing a shortage of teachers and education professionals that has raised concerns among many stakeholders across the state.<sup>44</sup> According to the Nevada Department of Education, the number of vacancies during the 2022-23 school year (9.58 percent) was lower than the previous year (12.44 percent), but not as low as the 2020-21 school year (8.27 percent) (Table 1).

School Year	Total Number of Reported Positions	Total Number of Reported Vacancies	Percent of Vacancies to Total Number of Positions
2020 – 21	24,773.77	2,048.53	8.27%
2021 – 22	30,034.91	3,737.07	12.44%
2022 – 23	30,491.00	2,922.20	9.58%

Table 1

Furthermore, the highest concentration of teacher vacancies is in urban areas where there is a high concentration of Black and Latinx students (Figure 1).<sup>45</sup> In rural area of the state, Native American students on reservations are also being disproportionately harmed.<sup>46</sup> Additionally, many schools

<sup>41</sup> Kirk Siegler, “Las Vegas struggles with rising violence in schools,” *NPR*, May 12, 2022, available at <https://www.npr.org/2022/05/12/1098375565/las-vegas-struggles-with-rising-violence-in-schools#:~:text=District%20officials%20and%20police%20report,entire%202018%2D2019%20school%20year>.

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

<sup>44</sup> Ashley Grams, “WCSd facing teacher shortage,” *KOLO News*, Aug. 16, 2022, available at <https://www.kolotv.com/2022/08/17/wcsd-facing-teacher-shortage/>; Steven Gaskill, “How to fix Nevada’s teacher vacancy crisis,” *Nevada Independent*, Feb. 17, 2023, available at <https://thenevadaindependent.com/article/how-to-fix-nevadas-teacher-vacancy-crisis>; Frances Floresca, “To Get More Teachers, Remove Barriers to Entry,” Nevada Policy Research Institute, Sept. 14, 2022, available at <https://www.npri.org/to-get-more-teachers-remove-barriers-to-entry/>; Tiffany Lane, “Bill to address teacher shortage, provides pathways in becoming educator,” Channel 3 ABC News, Apr. 7, 2023, available at <https://news3lv.com/news/local/bill-to-address-teacher-shortage-provides-pathways-in-becoming-educator>.

<sup>45</sup> Jhone Ebert (on behalf of the Nevada Department of Education) Presentation before the Nevada Advisory Committee on April 13, 2023, slide 2.

<sup>46</sup> Anderson Testimony, *5/26/23 Web Hearing*, p. 5.

need special education teachers and paraprofessionals who assist students with physical disabilities.<sup>47</sup>

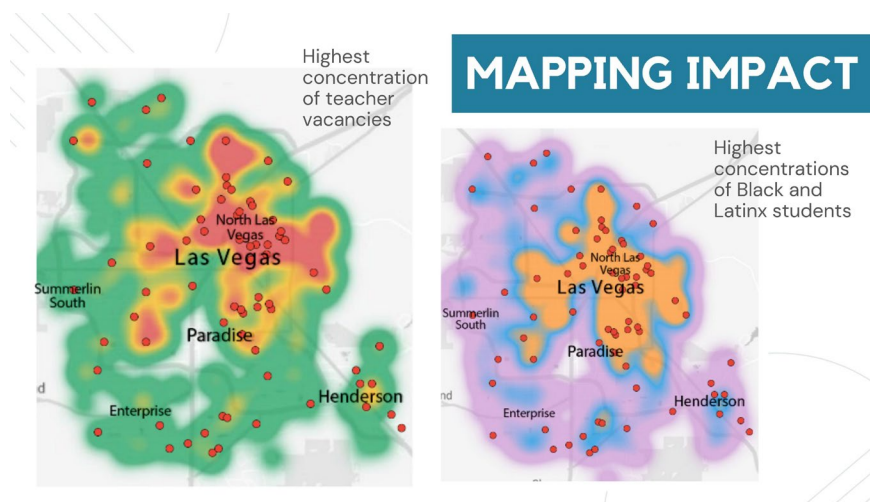


Figure 1

In compliance with the data requirements of the Every Student Succeeds Act, the Nevada Department of Education also captures data to evaluate annually whether low-income and minority students are taught disproportionately by ineffective, out-of-field, or inexperienced teachers compared with their higher-income, non-minority peers.<sup>48</sup> Most schools have under 1 percent of teachers rated inexperienced and 3-5 percent of those who are teaching out of field.<sup>49</sup> Title I and

<sup>47</sup> Ebert Testimony, 4/13/23 Web Hearing, p. 2.

<sup>48</sup> Following are definitions included in the tables as defined in the Nevada Department of Education’s ESSA State Plan, Section 5.3A. Definitions:

**Ineffective teacher\*:** An ineffective teacher is defined as one who receives either a “developing” or “ineffective” rating on the Nevada Educator Performance Framework during the prior academic year. (Note the change in language due to passage of AB320 by 2017 Legislature.)

**Out-of-field teacher\*+:** An out of field teacher is defined as one who holds licensure in an area other than the grade level or subject area of the current teaching assignment. This may include, but is not limited to, one who is issued a conditional or provisional license or one who is teaching Special Education via the Nevada Alternative Route to Certification (ARC)/Option Program.

**Inexperienced teacher\*+:** An inexperienced teacher is defined as one who has less than three full years of licensed, contracted teaching experience.

**Low-income student:** Low-income is defined as student who is eligible for the free or reduced price lunch program.

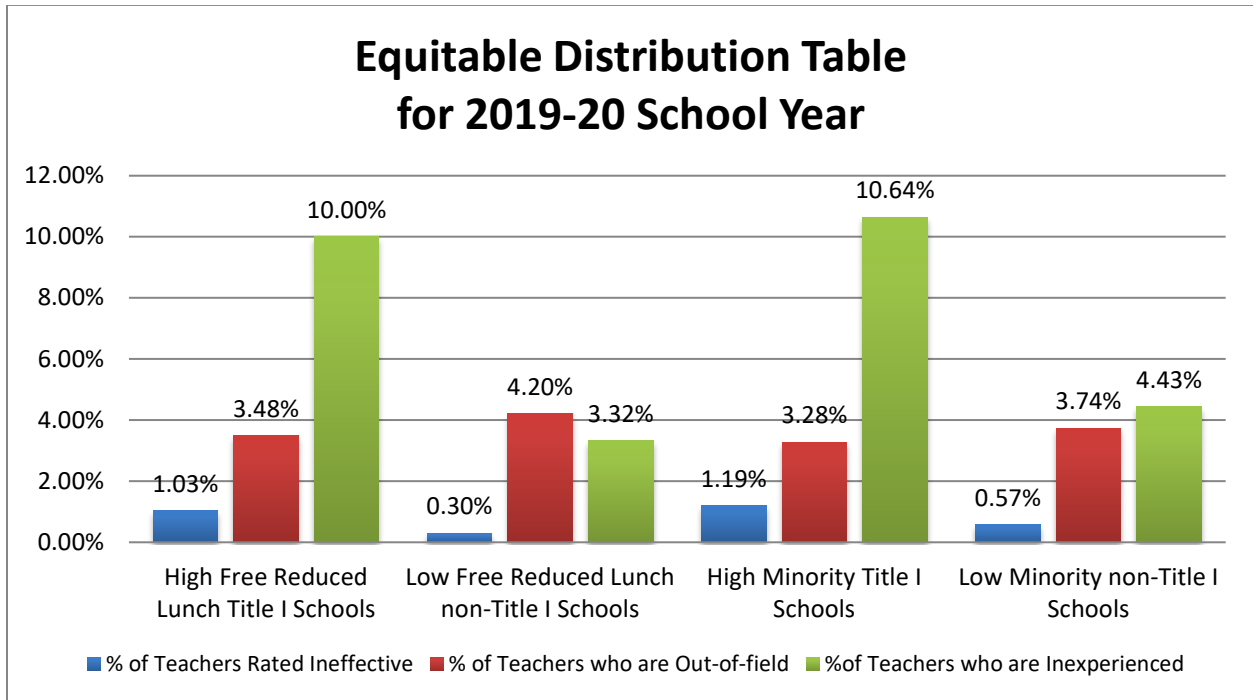
**Minority Student:** A minority student is defined as one who is identified as a member of a minority race or ethnicity, e.g., African American, Hispanic, Asian, American Indian, Pacific Islander.

\*Definitions of these terms must provide useful information about educator equity.

+Definitions of these terms must be consistent with the definitions that a State uses under 34 C.F.R. § 200.37.

<sup>49</sup> Jhone Ebert (on behalf of the Nevada Department of Education) Presentation before the Nevada Advisory Committee on April 13, 2023, slide 2.

non-Title I schools have a large percentage of teachers rated as inexperienced.<sup>50</sup> Most notably, the percentage of inexperienced teachers grew from the 2019-20 school year to the 2020-21 school year across all schools, and high-poverty Title I and high-minority Title I schools employed the highest percentage of teachers who are inexperienced (Figures 2 and 3).



*Figure 2*

<sup>50</sup> Ibid.

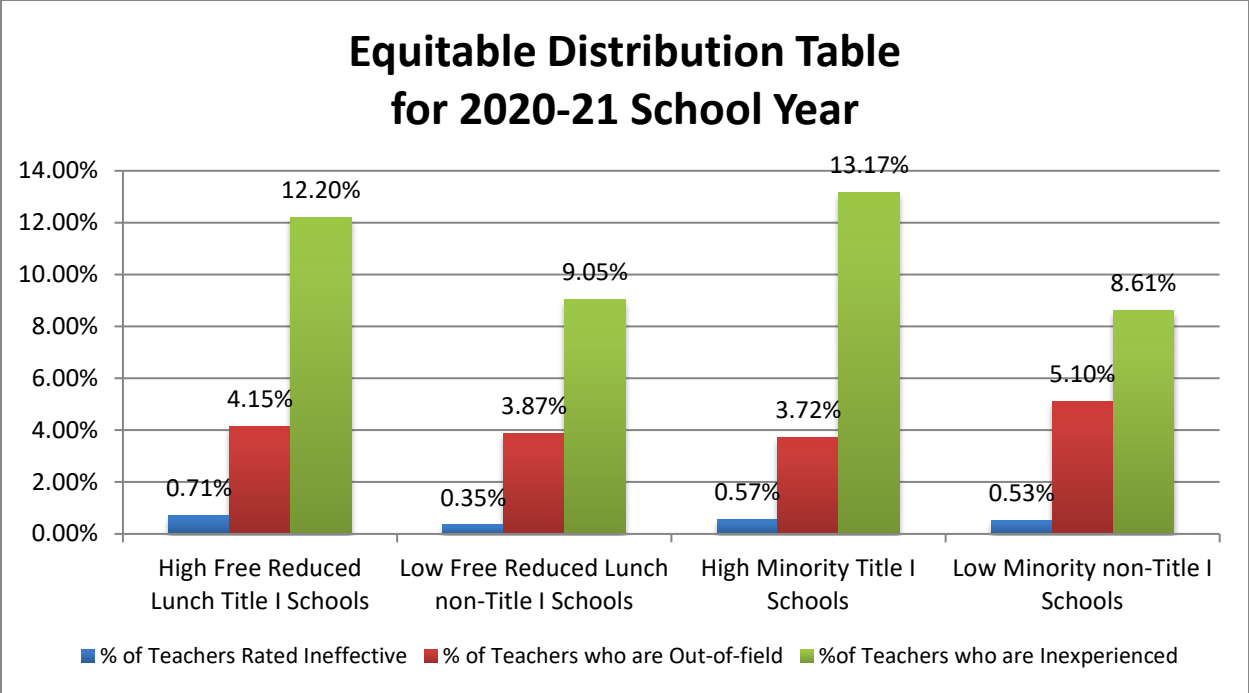


Figure 3

Such shortages have led to larger classes and concerns over lower student proficiency. In 2021, Las Vegas area schools ranked second worst in the nation for quality based on pre-pandemic standardized test school data and high school graduation rates.<sup>51</sup>

The Clark County School District, the fifth-largest school district in the nation with more than 320,000 students, reported the most vacancies at 1,300, which includes 1,216 certified and 592 positions.<sup>52</sup> The District’s need for teachers became so dire that state leaders activated a special licensing law to allow school districts to hire anyone with a high school diploma and a clear background check to work as a substitute teacher.<sup>53</sup> Concerns were also reported about the need for recruitment and retention of teachers and education professionals in the rural areas (15 of the 17 county-level school districts) of the state.<sup>54</sup> Superintendents explain that recruitment is challenging because applicants cannot adapt to rural culture and its challenges of being so far from

<sup>51</sup> America's Best and Worst Metro Areas for School Quality. Washington D.C.: Thomas B. Fordham Institute (December 2021). [https://fordhaminstitute.org/sites/default/files/publication/pdfs/12082021-americas-best-and-worst-metro-areas-school-quality\\_0.pdf](https://fordhaminstitute.org/sites/default/files/publication/pdfs/12082021-americas-best-and-worst-metro-areas-school-quality_0.pdf).

<sup>52</sup> Ibid.

<sup>53</sup> State of Nevada Department of Education, Emergency Substitute License, [https://doe.nv.gov/Educator\\_Licensure/Substitute\\_Teaching\\_License/](https://doe.nv.gov/Educator_Licensure/Substitute_Teaching_License/).

<sup>54</sup> Hillary Davis, “We need teachers’: Rural Nevada schools struggle to attract help. Students pay the price,” *Las Vegas Sun*, Feb. 5, 2023, available at <https://lasvegassun.com/news/2023/feb/05/rural-nevada-schools-teachers/>.

services. Pay is also difficult to use as an incentive to accept a job or stay if other school districts are offering more.<sup>55</sup>

As it relates to behavioral health needs in schools, in April 2020 the Nevada State Board of Education adopted national standards for ratios of one school psychologist for every 500 students, one counselor for every 250 students, one social worker for every 250 students, and one school nurse for every 750 students.<sup>56</sup> However, school districts are limited in their ability to hire these professionals due to a lack of mental health and social work professionals.<sup>57</sup>

A shortage of special education teachers is also of concern. In May 2022, an appropriations subcommittee of the U.S. House of Representatives met to conduct a hearing regarding America's teacher shortage in special needs and other subject areas.<sup>58</sup> Lawmakers noted that in the 2017-18 school year, nearly every state experienced a shortage in special education.<sup>59</sup>

In 2022, the U.S. Department of Justice found that Nevada segregates students with mental health disabilities into institutions separate from the larger student population.<sup>60</sup> Without professionals in our schools, Nevada removes students who should be integrated into mainstream schools.<sup>61</sup>

When teacher shortages occur, schools will often split up students from the absent teacher's class and place them among the other teachers in their grade level, causing a disruption in daily lesson plans.<sup>62</sup> School districts may even make the decision to pull physical education, music, or special education teachers into traditional classrooms to cover absences.<sup>63</sup> Detrimental effects occur when there are high levels of turnover which may undermines student achievement.<sup>64</sup> Relatedly, an

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<sup>55</sup> Ibid.

<sup>56</sup> Nevada Department of Education, "Nonbinding Recommended Ratios for Specialized Instructional Support Personnel (SISP)," April 30, 2020, available at [https://doe.nv.gov/uploadedFiles/ndedoenvgov/content/Boards\\_Commissions\\_Councils/State\\_Board\\_of\\_Education/2020/April/April30SBEMinutes.pdf](https://doe.nv.gov/uploadedFiles/ndedoenvgov/content/Boards_Commissions_Councils/State_Board_of_Education/2020/April/April30SBEMinutes.pdf).

<sup>57</sup> Ibid.

<sup>58</sup> "Congressional hearing: Tackling teacher shortages," *Learning Policy Institute*, Aug. 22, 2022, available at <https://learningpolicyinstitute.org/news/congressional-hearing-tackling-teacher-shortages>.

<sup>59</sup> Jaquelyn Martin, "Schools feel the shortage of special needs teachers," *The Center Square*, May 26, 2022, available at [https://www.thecentersquare.com/national/schools-feel-the-shortage-of-special-needs-teachers/article\\_92f431cc-dc69-11ec-925e-5bb6e0ae1134.html](https://www.thecentersquare.com/national/schools-feel-the-shortage-of-special-needs-teachers/article_92f431cc-dc69-11ec-925e-5bb6e0ae1134.html).

<sup>60</sup> U.S. Department of Justice, Civil Rights Division, *Investigation of Nevada's Use of Institutions to Serve Children with Behavioral Health Disabilities*, October 4, 2022; <https://www.justice.gov/opa/press-release/file/1540616/download>.

<sup>61</sup> Ibid.

<sup>62</sup> Jose Davila IV, "Rural Nevada teacher shortages place more strain on students, staff," *KUNR Public Radio*, Oct. 24, 2022, available at <https://www.kunr.org/education/2022-10-24/rural-nevada-teacher-shortages-strain-students-staff-elko-county>.

<sup>63</sup> Ibid.

<sup>64</sup> Ibid.

inadequate supply of teachers diminishes teacher quality and creates significant financial costs.<sup>65</sup> Teacher shortages are not experienced equitably across school types. Because the needs of the education system change as the diversity of student population increases,<sup>66</sup> teachers serving in urban schools with economically disadvantaged and minority students experience even higher rates of transiency and attrition.<sup>67</sup> Teacher turnover reduces student outcomes, particularly within schools that serve diverse, low-performing students.<sup>68</sup> In addition, data from the U.S. Department of Education indicate that school transiency in high-poverty schools occurs at a rate of two times that of moderate- or low-poverty schools.<sup>69</sup>

To address teacher shortages in Nevada, former Governor Sisolak signed a temporary emergency regulation on August 29, 2022, which reduced the costs of substitute teaching licenses to \$100 from \$180 for initial licenses and \$150 for renewal licenses.<sup>70</sup> The state superintendent of public instruction is able to extend expiration dates for up to six months.<sup>71</sup> In addition, school districts such as Clark County aimed to shrink their teaching vacancies by raising teacher salaries by \$7,000 and offered a \$4,000 “relocation bonus” to new teachers who move from out of state or more than one hundred miles.<sup>72</sup> To retain employees, the Clark County School District also granted teachers a “retention bonus” of up to \$5,000 for staying in their jobs for two years.<sup>73</sup>

Testimony presented before the Nevada Advisory Committee to the U.S. Commission on Civil Rights during its previous study, *The Impact of Remote Learning on Education and Equity in Nevada*, revealed that severe shortages of professionals who offered mental health and special education services put Nevada’s school districts at risk of litigation due to possible civil rights

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<sup>65</sup> Darling-Hammond, L., Sutchter, L., & Carver-Thomas, D. (Nov. 13, 2017) Why Addressing Teacher Turnover Matters. Retrieved from <https://learningpolicyinstitute.org/blog/why-addressing-teacherturnover-matters>.

<sup>66</sup> Banks, J. A., & Banks, C. A. M. (2009). *Multicultural education: Issues and perspectives*. John Wiley & Sons.; Sleeter, C.E., Neal, L.I., & Kumashiro, K.K. (2015). *Diversifying the Teacher Workforce: Preparing and Retaining Highly Effective Teachers*. New York, NY: Routledge.

<sup>67</sup> Hanushek, E.A., Kain, J.F., & Rivkin, S.G. (2004). "Why Public Schools Lose Teachers," *Journal of Human Resources*, University of Wisconsin Press, vol. 39(2).

<sup>68</sup> Ronfeldt, M., Loeb, S. & Wyckoff, J. (2013). How Teacher Turnover Harms Student Achievement. *American Educational Research Journal*, Vol. 50(1), pp. 4-36.

<sup>69</sup> U.S. Department of Education. Schools and Staffing Survey (SASS), Teacher Follow-up Survey (TFS). “Current and Former Teacher Data Files,” 2012-13. See Digest of Education Statistics 2014, table 210.30

<sup>70</sup> State of Nevada, State of Nevada Department of Education, Governor Sisolak Signs Emergency Regulation to Address Educator Workforce Shortages, August 29, 2022, available at: [https://doe.nv.gov/News\\_Media/Press\\_Releases/2022/Governor\\_Sisolak\\_Signs\\_Emergency\\_Regulation\\_to\\_Address\\_Educator\\_Workforce\\_Shortages/](https://doe.nv.gov/News_Media/Press_Releases/2022/Governor_Sisolak_Signs_Emergency_Regulation_to_Address_Educator_Workforce_Shortages/).

<sup>71</sup> Ibid.

<sup>72</sup> Hannah Natanson, “‘Never seen it this bad’: America faces catastrophic teacher shortage,” *Washington Post*, Aug. 4, 2022, available at <https://www.washingtonpost.com/education/2022/08/03/school-teacher-shortage/>.

<sup>73</sup> Clark County School District, “CCSD Welcomes 883 New Teachers,” Jul. 28, 2022, <https://newsroom.ccsd.net/ccsd-welcomes-883-new-teachers/>.

violations.<sup>74</sup> The 17 school districts each received federal funding through the COVID Pandemic Relief funds, but these emergency federal dollars could not be used to pay salaries.<sup>75</sup> Public employee salaries must come from sustainable state funding, not unreliable funding from outside the state generators of revenue.<sup>76</sup> To hire permanent support personnel for mental health services and services for special education and students with disabilities, the funding must come through state budgets.<sup>77</sup>

Fewer individuals are going into teaching due to low pay, long hours, student behavior, safety concerns, and education policies put forth by administrators and teacher unions.<sup>78</sup> Those conditions led to the recent state directive to use college student interns as substitute teachers.<sup>79</sup>

## **Method**

As a matter of historical precedent, and in order to achieve transparency, Committee studies involve a collection of public, testimonial evidence and written comments from individuals directly affected by the civil rights topic at hand; researchers and experts who have rigorously studied and reported on the topic; community organizations and advocates representing a broad range of backgrounds and perspectives related to the topic; and government officials tasked with related policy decisions and the administration of those policies.

Committee studies require Committee members to use their expertise in selecting a sample of panelists that is the most useful to the purposes of the study and will result in a broad understanding of the issue. This method of (non-probability) judgment sampling requires Committee members to draw from their own experiences, knowledge, opinions, and views to gain understanding of the issue and possible policy solutions. Committees are composed of volunteer professionals who are familiar with civil rights issues in their state or territory. Members represent a variety of political viewpoints, occupations, races, ages, and gender identities, as well as a variety of backgrounds, skills, and experiences. The intentional diversity of each Committee promotes vigorous debate and

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<sup>74</sup> Athar Haseebullah, Executive Director for ACLU of Nevada, testimony, *Web Hearing Before the Nevada Advisory Committee to the U.S. Commission on Civil Rights*, May 19, 2021, transcript, pp. 4-5, available at [https://securisync.intermedia.net/us2/s/folder?public\\_share=409J0xbKeI2vuMJBvQond0011ef58&id=L05WL0NPVklEIGFuZCBFZHVjYXRpb24%3D](https://securisync.intermedia.net/us2/s/folder?public_share=409J0xbKeI2vuMJBvQond0011ef58&id=L05WL0NPVklEIGFuZCBFZHVjYXRpb24%3D).

<sup>75</sup> Nevada Legislature, Subcommittee to Advise on the Expenditures of Federal COVID-19 Relief Funding, Thursday, February 3, 2022 Meeting, <https://www.leg.state.nv.us/App/InterimCommittee/REL/Interim2021/Committee/1907/Meetings>.

<sup>76</sup> Ibid.

<sup>77</sup> Ibid.

<sup>78</sup> New internship program hopes to address CCSD teacher shortage, *News 3*, Aug. 15, 2023, available at <https://news3lv.com/news/local/new-internship-program-hopes-to-address-ccsd-teacher-shortage>.

<sup>79</sup> Ibid.

full exploration of the issues. It also serves to assist in offsetting biases that can result in oversight of nuances in the testimony.

In fulfillment of Committees' responsibility to advise the Commission of civil rights matters in their locales, Committees conduct an in-depth review and thematic analysis of the testimony received and other data gathered throughout the course of their inquiry. Committee members use this publicly collected information, often from those directly affected by the civil rights topic of study, or others with direct expert knowledge of such matters, to identify findings and recommendations to report to the Commission. Drafts of the Committee's report are publicly available and shared with panelists and other contributors to ensure that their testimony was accurately captured. Reports are also shared with affected agencies to request clarification regarding allegations noted in testimony.

For the purposes of this study, **Findings** are defined as what the testimony and other data *suggested, revealed, or indicated* based upon the data collected by the Committee. Findings refer to a synthesis of observations confirmed by majority vote of members, rather than conclusions drawn by any one member. **Recommendations** are specific actions or proposed policy interventions intended to address or alleviate the civil rights concerns raised in the related finding(s). Where findings indicate a lack of sufficient knowledge or available data to fully understand the civil rights issues at hand, recommendations may also target specific directed areas in need of further, more rigorous study. Recommendations are directed to the Commission; they request that the Commission itself take a specific action, or that the Commission forward recommendations to other federal or state agencies, policy makers, or stakeholders.

## **Findings**

In keeping with its duty to inform the Commission of (1) matters related to discrimination or a denial of equal protection of the laws and (2) matters of mutual concern in the preparation of reports of the Commission to the President and the Congress,<sup>80</sup> the Nevada Advisory Committee submits the following findings to the Commission regarding shortages of teachers and professional staff and equity in education. Generally, the Committee identified three dominant themes: 1) the importance of workforce development efforts for school staff, 2) lack of behavioral health resources, and 3) concerns with the prevalence of school violence amidst shortages in education and behavioral health professionals. This report seeks to highlight the most salient civil-rights themes as they emerged from the Committee's inquiry. The complete meeting transcripts and written testimony received are accessible by a weblink noted in the Appendix for further reference.

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<sup>80</sup> 45 C.F.R. § 703.2.



## **Finding I: An over-reliance on long-term substitute teachers can result in gaps in students' learning.**

According to the Learning Policy Institute, there is a direct connection between (1) teachers' preparation and effectiveness and (2) student achievement.<sup>81</sup> Over multiple years, long-term substitute teachers can cause gaps in students' learning.<sup>82</sup> Students who are instructed by long-term substitute teachers that receive no professional development opportunities are denied effective teaching strategies as compared with students instructed by certified classroom teachers who are supported and mentored.<sup>83</sup>

While long term substitute teachers fill a need to ensure that students are exposed to grade-appropriate content and concepts, long-term substitutes lack training to handle challenging behavior, to address Individualized Education Plans (IEP)<sup>84</sup> and 504<sup>85</sup> needs, and to use assessment strategies that personalizes student learning.<sup>86</sup> In addition, the standards for educational attainment and training to become a substitute teacher have recently been reduced.<sup>87</sup> This reduction in standards for educational attainment and in-class experience diminishes student learning and development as some substitute teachers may lack the ability to address high-needs students.<sup>88</sup> For instance, substitute teachers may lack experience handling students with challenging behaviors, lack basic skills of classroom management, and lack skills of assessment

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<sup>81</sup> Kini, T., & Podolsky, A. Does Teaching Experience Increase Teacher Effectiveness? A Review of the Research (Palo Alto: Learning Policy Institute, 2016). <https://doi.org/10.54300/625.642>.

<sup>82</sup> Padilla Testimony, 4/6/23 Web Hearing, p. 20.

<sup>83</sup> Neal Morton, "More than a warm body": Schools try long-term solutions to substitute teacher shortage," *The Hechinger Report*, Apr. 26, 2022, available at <https://hechingerreport.org/more-than-a-warm-body-schools-try-long-term-solutions-to-substitute-teacher-shortage/>.

<sup>84</sup> The Individuals with Disabilities Education Act (20 U.S.C. § 1400(5)(A)) mandates improving teaching and learning by specific focus on the Individualized Education Program ("IEP") as the primary means of developing a child's involvement in the general curriculum to the greatest extent possible. The IEP is a blueprint or plan for a child's special education experience at school. It provides individualized special education and related services to meet the unique needs of the child and are at no cost to parents.

<sup>85</sup> Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794) prohibits discrimination against people with disabilities. A 504 plan is provided at no cost to parents and provides services and changes to the learning environment to meet the needs of the child as adequately as other students. Section 504 has a broader definition of a disability than the Individuals with Disabilities Education Act. (It says a disability must substantially limit one or more basic life activities, such as learning.) A child who does not qualify for an IEP might still be able to get a 504 plan.

<sup>86</sup> Padilla Testimony, 4/6/23 Web Hearing, p. 20.

<sup>87</sup> Nevada Department of Education. (n.d.). *Nevada Department of Education*. Substitute Teaching License. <https://doe.nv.gov/educator-licensure/substitute-teaching-license/>

<sup>88</sup> Tim Walker, "Hiring non-certified teachers no way to address teacher shortage, say experts," *NEA Today*, Mar. 23, 2016, available at <https://www.nea.org/nea-today/all-news-articles/hiring-non-certified-teachers-no-way-address-teacher-shortage-say-experts>.

to check for comprehension.<sup>89</sup> Denise Padilla, department chair and elementary education program supervisor for Great Basin College, testified that there are several challenges that long-term substitute teachers encounter:

How can our education system in Nevada expect long-term subs to navigate and support students with families in crisis, mental health issues, students who come to school hungry, or teach students who do not speak English if they have not even had the most basic course worker training in these areas along with training and developing and delivering curriculum for students at, above, and below grade level.<sup>90</sup>

Long-term substitute teachers are not provided a dedicated teacher mentor and are not paid extra for the time needed to undertake professional development training.<sup>91</sup>

The gaps in learning may also affect a student's motivation. Testimony by Dr. Kenneth Varner, associate dean for academic programs and initiatives at the University of Nevada, Las Vegas' (UNLV) College of Education, indicated that with a lack in consistency of an educator in the classroom, students may feel neglected and unwilling to learn.<sup>92</sup> His assertion is documented in the *Nevada Independent* article that shows that schools with the most teacher shortages have a high rate of chronic absenteeism.<sup>93</sup> It shows that some schools with the most shortages, per Dr. Varner's heat map, have over 40 percent, even over 60 percent, absenteeism.<sup>94</sup> This pattern may cause challenges for students passing in class or moving to the next grade level.

## **Finding II: Problems with the pipeline of behavioral health professionals contribute to shortages of providers which can lead to the poor behavioral health of students.**

Testimony indicated that there are problems with the career pipeline for college students enrolled in behavioral health programs. The same set of challenges exist for students enrolled in teaching programs. Dr. John Nixon, assistant professor in residence at UNLV, stated that students in the behavioral health field are required to complete 300 clinical hours and struggle with balancing full-time coursework and an internship while working full-time or part-time jobs.<sup>95</sup> A specific challenge is that community agencies that provide behavioral health services, where students intern, are often not open on weekends and evenings—days that are more aligned with students'

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<sup>89</sup> Padilla Testimony, 4/6/23 Web Hearing, pp. 18-20.

<sup>90</sup> Ibid., p. 19.

<sup>91</sup> Ibid., p. 2.

<sup>92</sup> Verner Testimony, 4/6/23 Web Hearing, p. 5.

<sup>93</sup> Eric Neugenboren and Rocio Hernandez, "More than a third of Nevada students chronically absent, continuing pandemic-era trend," *Nevada Independent*, Oct. 15, 2023, available at <https://thenevadaindependent.com/article/more-than-a-third-of-nevada-students-chronically-absent-continuing-pandemic-era-trend>.

<sup>94</sup> Ibid.

<sup>95</sup> Nixon Testimony, 4/6/23 Web Hearing, p. 28.

schedules. Dr. Nixon stated that for students in behavioral health programs, “financial hardship [] seems to be unavoidable.”<sup>96</sup>

The 2023 Nevada legislature passed, and Governor Joe Lombardo signed Assembly Bill 37 to create a Behavioral Health Workforce Center in the Nevada System of Higher Education and provided approximately \$2 million in start-up funding.<sup>97</sup> The Center will address problems with behavioral health career pipelines to ensure that students can graduate and provide services in Nevada as quickly as possible.<sup>98</sup>

Based on the findings stated in the Committee’s previous report, there is an increased need for behavioral health professionals in Nevada schools<sup>99</sup>—a repeated theme during the Committee’s hearings and Nevada’s 2022-23 legislative hearings. In fact, the Nevada Department of Education considers behavioral health positions in “critical need” for over a decade.<sup>100</sup> In 2021, Nevada ranked last in the nation for youth who have a higher prevalence of mental illness and lower rates of access to care.<sup>101</sup> More recent data show that Nevada has since improved its ranking for youth who have mental illness and improved access to care, but its ranking is still low.<sup>102</sup>

Dr. Nixon’s presentation to the Committee detailed the prevalence of mental health concerns as evidence if there continues to be a shortage in behavioral health professionals:

75 percent of mental illness develops by age 24. The most common mental illnesses among young people are anxiety & depression. Suicide is the second leading cause of death among 10 to 24-year-

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<sup>96</sup> Ibid.

<sup>97</sup> Assemb. Bill No. 37: Authorizes the establishment of the Behavioral Health Workforce Development Center of Nevada. (BDR 34-361).

<sup>98</sup> Camalot Todd, “A pair of measures aim to tackle state’s behavioral health provider shortage,” *Nevada Current*, Mar. 24, 2023, available at <https://www.nevadacurrent.com/2023/03/24/a-pair-of-measures-tackle-behavioral-health-provider-shortage/>.

<sup>99</sup> U.S. Commission on Civil Rights, Nevada Advisory Committee, *The Impact of Remote Learning on Education Equity in Nevada*, 2021, <https://www.usccr.gov/files/2021-11/nv-sac-remote-learning-and-equity-in-education-report.pdf>.

<sup>100</sup> Ebert Testimony, 4/17/23 Web Hearing, p. 1.

<sup>101</sup> Reinert, M, Fritze, D. & Nguyen, T. (October 2021). “The State of Mental Health in America 2022” Mental Health America, Alexandria VA

<https://mhanational.org/sites/default/files/2022%20State%20of%20Mental%20Health%20in%20America.pdf>;

Cheche, O. K., Thymianos, K., Gilbertson, K. M., Beavers, K., Saladino, C. J., Brown, W. E. (2022). The State of Mental Health in the Mountain West. Health Fact Sheet No. 13 1-4.

<sup>102</sup> Reinert, M, Fritze, D. & Nguyen, T. (October 2022). “The State of Mental Health in America 2023” Mental Health America, Alexandria VA. <https://mhanational.org/sites/default/files/2023-State-of-Mental-Health-in-America-Report.pdf>.

olds. From 2000 to 2017, suicides increase[d] 67 percent in 10 to 14-year-olds. From 2000 to 2017, suicides increase[d] 48 percent in 15 to 19-year-olds.<sup>103</sup>

**Finding III: The shortage of in-school behavioral health professionals poses grave concerns as violence is increasing. School violence threatens the safety of students and teachers, reduces student learning, and caused some teachers to quit.**

Local news coverage, testimony presented before the Committee, and testimony presented before the Nevada legislature document rising incidents of violence between students and between students and teachers in Nevada schools. According to the Nevada Report Card, there were roughly 13,700 violent incidents between students.<sup>104</sup> The incidents included brandishing weapons, sexual assault, and physical assault.<sup>105</sup>

In Clark County, the fifth-largest school district in the country, there were serious altercations documented between students and teachers following the pandemic and re-opening of schools. It has also seen a 46 percent increase in violence and sexual assaults reported since 2019.<sup>106</sup> In his testimony during the 2022-23 legislative session, Governor Lombardo said that in 2022, there were more than 6,800 violent incidents reported at Clark County School District schools within a seven-month period from August 2021 to February 2022.<sup>107</sup> He added that among the 350 schools in Las Vegas, 320 schools reported at least one violent incident in 2022; thus, over 90 percent of the schools within the Clark County School District reported a violent incident in the last year alone.<sup>108</sup> Such incidents create unsafe schools with toxic school environments that are not conducive to students' development.<sup>109</sup> This violence is linked with increased bullying, increased delinquent behavior, and a host of academic challenges. The Clark County School District frequently ranks near the bottom in education quality rankings<sup>110</sup> and nearly two-thirds of the student population is

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<sup>103</sup> National Institute for Health Care Management Foundation 2021; Nixon Testimony, *4/6/23 Web Hearing*, PowerPoint Presentation page 3.

<sup>104</sup> Nevada Department of Education, 2021-2022 Data on discipline, including bullying and cyber bullying for the State, districts, and schools. Available at <http://nevadareportcard.nv.gov/DI/nv/2022>.

<sup>105</sup> Ibid.

<sup>106</sup> Peguero, Joshua. "Gov. Denounces School Violence Joined by Teacher after Alleged Attacked." *KLAS*, Mar. 29, 2023, available at [www.8newsnow.com/news/local-news/nevada-governor-denounces-school-violence-in-las-vegas-joined-by-teacher-after-alleged-attack-by-student/](http://www.8newsnow.com/news/local-news/nevada-governor-denounces-school-violence-in-las-vegas-joined-by-teacher-after-alleged-attack-by-student/).

<sup>107</sup> Assembly Bill No. 330: Safer and Supportive Schools Act (BDR 34-1087) Presentation before the Assembly Committee on Education, Eighty-Second Session of the Nevada Assem. 3 (2023). (Statement of Governor Joseph Lombardo).

<sup>108</sup> Ibid.

<sup>109</sup> This is the conclusion, the finding, of the Nevada Advisory Committee.

<sup>110</sup> America's Best and Worst Metro Areas for School Quality. Washington D.C.: Thomas B. Fordham Institute (December 2021). <https://metro.fordhaminstitute.org>.

considered lower income.<sup>111</sup> Increasing violence in schools exacerbates these already dismal ratings.

Violent incidents were also cited in rural school districts. For example, more than 7,400 violent incidents were reported within the Washoe County School District in the 2022-23 school year.<sup>112</sup>

As a result of increasing violence, the Democratic majority in the Nevada legislature and the Governor each proposed a bill<sup>113</sup> to repeal the 2019 restorative justice law<sup>114</sup> implemented for Nevada schools. Both bills propose to reinstate the progressive discipline protocols that existed before 2019, which included the power to expel students, as young as 5 years old, who exhibit extremely violent behavior in school.<sup>115</sup>

In the hearings on both bills, school administrators and teachers testified on the amount and types of violence occurring in classrooms across the state. For instance, staff have experienced violence by students. Jeffrey Horn, executive director for Clark County Association of School Administrators and Professional-Technical Employees, said that he frequently hears from administrators, teachers, and support professionals who have sustained physical injuries and threats of bodily harm from disruptive and out-of-control students.<sup>116</sup> In an extreme case, John Vellardita, Executive Director for the Clark County Education Association, reported that an Eldorado High School teacher was brutally raped and assaulted by a student and was tied up and held hostage after the assault.<sup>117</sup> Andrew Feuling, Superintendent for Carson City School District, explained that his staff have sustained broken noses, broken wrists, broken orbitals, and bone bruises and urged a change in disciplinary procedures.<sup>118</sup> Denise Paul, principal for Jerry Whitehead Elementary School, testified that she spends most of her time addressing violent and

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<sup>111</sup> Ibid.

<sup>112</sup> Assembly Bill No. 330: Safer and Supportive Schools Act (BDR 34-1087) Presentation before the Assembly Committee on Education, Eighty-Second Session of the Nevada Assem. 3 (2023). (Statement of Governor Joseph Lombardo.)

<sup>113</sup> Rocio Hernandez, “Teachers push for bill they say will address student violence through discipline,” *Nevada Independent*, Mar. 18, 2023, available at <https://thenevadaindependent.com/article/teachers-push-for-bills-they-say-will-address-student-violence-through-discipline>.

<sup>114</sup> Nev. Rev. Stat. 392.4644.

<sup>115</sup> Assembly Bill No. 330: Safer and Supportive Schools Act; Assembly Bill No. 285: Revises provisions governing school safety and student behavior.

<sup>116</sup> Assembly Bill No. 330: Safer and Supportive Schools Act (BDR 34-1087) Presentation before the Assembly Committee on Education, Eighty-Second Session of the Nevada Assem. 3 (2023). (Statement of Jeffrey Horn, Executive Director, Clark County Association of School Administrators and Professional-Technical Employees).

<sup>117</sup> Assembly Bill No. 330: Safer and Supportive Schools Act (BDR 34-1087) Presentation before the Assembly Committee on Education, Eighty-Second Session of the Nevada Assem. 3 (2023). (Statement of John Vellardita, Executive Director, Clark County Education Association).

<sup>118</sup> Assembly Bill No. 330: Safer and Supportive Schools (BDR 34-1087) Presentation before the Assembly Committee on Education, Eight-Second Session of the Nevada Legislature 3 (2023). (Statement of Andrew Feuling, Superintendent, Carson City School District).

disruptive behaviors and less time engaging in positive interactions with students and providing valuable feedback to teachers.<sup>119</sup>

Violence in the classroom was cited as a reason for teachers leaving the profession.<sup>120</sup> Clark County Education Association President Marie Neisess said that frontline educators tell her they are afraid to come to work.<sup>121</sup> One teacher and Clark County Education Association member said that the violence exacerbates the difficulty in managing classrooms and makes the profession less appealing. She said:

If you look at the numbers, people are not jumping to sign up for a career as a teacher, in part due to violence. There are many issues that make the job of a teacher difficult. Our workload and pay leave much to be desired. When coupled with violence in the classroom, the level of undesirability for this profession becomes even greater.<sup>122</sup>

Violence also diminishes other students' sense of safety and attendance. Kenny Belknap, a social studies teacher from Henderson, said that children do not want to come to a certain class or to school at all because they are afraid of being assaulted, hurt, or bullied.<sup>123</sup> Principal Neisess said that educators are seeing a rise in chronic student absenteeism, citing that students do not feel safe to attend school.<sup>124</sup>

#### **Finding IV: Shortages of teachers and professional staff are especially high in rural areas of the state, and recruitment of these professionals is especially challenging.**

Attracting applicants to teach in rural school districts is difficult. One Nevada school lies on the border of Idaho, in proximity to Native American reservations, and is one hour and 45 minutes away from Elko, the largest city in Elko County with a student population that is 95 percent Native

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<sup>119</sup> Assembly Bill No. 330: Safer and Supportive Schools (BDR 34-1087) Presentation before the Assembly Committee on Education, Eight-Second Session of the Nevada Legislature 3 (2023). (Statement of Denise Paul, principal for Jerry Whitehead Elementary School).

<sup>120</sup> Clark County School District Superintendent's Teacher Recruitment and Retention Commission, "Ending the Teacher Shortage in Clark County Growing and Retaining the Exceptional Teaching Talent our Students and Community," January 2021, available at [https://newsroom.ccsd.net/wp-content/uploads/CCSD-Teacher-Recruitment-and-Retention-Commission-Report\\_12021.pdf](https://newsroom.ccsd.net/wp-content/uploads/CCSD-Teacher-Recruitment-and-Retention-Commission-Report_12021.pdf); See also online thread of several connecting articles <https://threadreaderapp.com/thread/1518748383686520834.html?fbclid=IwAR129tnoOnD4TE5V47KrrB65C3FhBtJMXR71CxXiXAHKGk2YmJQCdSs-2XM>.

<sup>121</sup> Assembly Bill No. 330: Safer and Supportive Schools (BDR 34-1087) Presentation before the Assembly Committee on Education, Eight-Second Session of the Nevada Legislature 3 (2023). (Statement of Marie Neisess, President, Clark County Education Association).

<sup>122</sup> *Ibid.*, p. 30.

<sup>123</sup> Assembly Bill No. 330: Safer and Supportive Schools (BDR 34-1087) Presentation before the Assembly Committee on Education, Eight-Second Session of the Nevada Legislature 3 (2023). (Statement of Kenny Belknap, Teacher, Henderson).

<sup>124</sup> Statement of Marie Neisess, President, Clark County Education Association, p. 25.

American.<sup>125</sup> With a smaller population, the number of long-term substitutes and professional staff needed in Elko is much lower than in the more urban areas.<sup>126</sup> With this reality, Elko County school district officials have to make a concerted effort to attract applicants by providing financial incentives and affordable housing options.<sup>127</sup> Despite these efforts, few apply and even less stay long-term to work in the district.<sup>128</sup> The same dynamic is happening in Nye County School District, an area that has high socioeconomic needs, where 99.6 percent of the district’s students qualify for free or reduced lunch and fewer students are proficient in math and reading when compared with the state average.<sup>129</sup>

Additionally, the Nevada Revised Statutes allows for the State Board of Education to grant exceptions on pupil-to-teacher ratios,<sup>130</sup> making attracting and teaching in rural areas more challenging.<sup>131</sup> For instance, the Elko County School District is given an exception and almost every classroom is above the recommended state standards on pupil-to-teacher ratios.<sup>132</sup> Teachers are overworked and stressed with the high number of students in their classrooms.<sup>133</sup>

This crisis in Nevada schools is explained as a “full on staffing shortage” because several other professions are also vacant, such as building superintendents, custodians, bus drivers, and cafeteria workers.<sup>134</sup>

**Finding V: In urban school districts, teacher vacancies are concentrated in schools with high percentages of Black and Latino students. The results are inequities in access, quality of teaching offered to students, and learning outcomes.**

The Nevada Department of Education presented a map<sup>135</sup> to the Committee, explaining that the highest concentration of teacher vacancies is in areas where there are the highest concentrations of

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<sup>125</sup> Owyhee Combined School, <https://owyhee.ecsdnv.net/>.

<sup>126</sup> Lucia Starbuck. “Rural Nevada Teacher Shortages Place More Strain on Students, Staff.” *KUNR Public Radio*, Oct. 25, 2022, available at [www.kunr.org/education/2022-10-24/rural-nevada-teacher-shortages-strain-students-staff-elko-county](http://www.kunr.org/education/2022-10-24/rural-nevada-teacher-shortages-strain-students-staff-elko-county).

<sup>127</sup> Anderson Testimony, 5/26/23 *Web Hearing*, pp. 2-3.

<sup>128</sup> *Ibid.*, p. 5.

<sup>129</sup> *Ibid.*

<sup>130</sup> Nev. Rev. Stat. 388.700(4) allows for the State Board of Education to grant a variance to a school district for good cause.

<sup>131</sup> Clayton Testimony, 5/26/23 *Web Hearing*, p. 7

<sup>132</sup> *Ibid.*

<sup>133</sup> *Ibid.*

<sup>134</sup> *Ibid.*, p. 4.

<sup>135</sup> See Figure 1.

Black and Latino students.<sup>136</sup> Superintendent Jhone Ebert emphasized that student outcomes are equally dependent on the educator workforce despite investments in technology, rigorous learning and testing standards, or other things and said, “if there is not a qualified and effective educator to lead that classroom, then the gains that we all want to see in student success will not transpire.”<sup>137</sup>

According to a state-commissioned analysis on class size and workforce, Black or Hispanic students are in slightly smaller class sizes, but also are more likely to have less experienced teachers than Asian or white students.<sup>138</sup> This pattern exists for students in first through third grade and those in higher grades.<sup>139</sup> Students who attend one- and two-star schools have significantly lower access to experienced teachers than those attending schools that have three, four, and five stars.<sup>140</sup> Despite the smaller class size in the one- and two-star schools, the research says that the difference in class size is not large enough to improve student outcomes.<sup>141</sup>

## **Recommendations**

Among their duties, advisory committees of the Commission are authorized to advise the Agency (1) concerning matters related to discrimination or a denial of equal protection of the laws under the Constitution and the effect of the laws and policies of the Federal Government with respect to equal protection of the laws, and (2) upon matters of mutual concern in the preparation of reports of the Commission to the President and the Congress.<sup>142</sup> In keeping with these responsibilities, and given the testimony heard on this topic, the Committee submits the following recommendations to the Commission:

A. The U.S. Commission on Civil Rights should:

- a. Release a statement on the need to address escalating violence in schools through federal assistance for behavioral and mental health services.
- b. Release a statement on the right of every child to receive a public education in a setting that protects civil rights.

B. The U.S. Commission on Civil Rights should issue the following recommendations to the U.S. Secretary of Education:

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<sup>136</sup> Ebert Testimony, *4/17/23 Web Hearing*, p. 2.

<sup>137</sup> *Ibid.*, p. 3.

<sup>138</sup> *Ibid.*, pp. 3-4

<sup>139</sup> *Ibid.*

<sup>140</sup> *Ibid.*

<sup>141</sup> *Ibid.*

<sup>142</sup> 45 C.F.R. § 703.2.



- a. Study whether every child in Nevada is receiving the same educational opportunities and experiences.
  - b. Release any findings from the proposed study noted above to assist Nevada's education leaders in addressing shortages of teachers, professionals, and wraparound services.
- C. The U.S. Commission on Civil Rights should issue the following recommendations to the Governor of Nevada:
- a. Support and fund professional development for long-term substitute teachers, and workforce development for new educators and behavioral health professionals.
  - b. Provide tuition assistance for students in education and behavioral and mental health career programs.
  - c. Encourage rural students to enroll in degree programs that address shortages of teachers, behavioral and mental health providers, and disability services paraprofessionals.
  - d. Continue to fund degree programs using a model that mitigates shortages of teachers while amplifying the diversification of the teacher workforce.
  - e. Strategically recruit, prepare, and support diverse groups of emerging educators such as the Nevada Educator Preparation Institute & Collaborative at the University of Nevada, Las Vegas.
- D. The U.S. Commission on Civil Rights should issue the following recommendations to the seventeen Nevada School Superintendents:
- a. Work with community partners to provide programs that can fill the behavioral and mental health gap such as sports, music, art, theater, civics, and academic competitions.<sup>143</sup>
  - b. Ensure that families have access to low- and no-cost opportunities to learn about education and behavioral and mental health careers through visits to higher education institutions, businesses, work sites, and other work-related experiences.
  - c. Ensure that families have the resources needed to access counseling services.
- E. The U.S. Commission on Civil Rights should issue the following recommendations to the Nevada Legislature's majority and minority leadership:
- a. Address the lack of wraparound services for students with disabilities.

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<sup>143</sup> Rocio Hernandez, "Reno middle school using robotics, sports, cheerleading to reengage students post COVID," *Nevada Independent*, Nov. 7, 2023, available at <https://thenevadaindependent.com/article/reno-middle-school-using-robotics-sports-cheerleading-to-reengage-students-post-covid>.

- b. Address funding for long-term substitute teachers to engage in professional development opportunities.
- c. Provide tuition assistance for students pursuing degrees in education and behavioral and mental health careers.

## **Appendix**

To access all cited materials visit:

[https://securisync.intermedia.net/us2/s/folder?public\\_share=409J0xbKeIQ2vuMJBvQond0011ef58&id=L05WL1RIYWNoZXIgU2hvcnRhZ2U%3D](https://securisync.intermedia.net/us2/s/folder?public_share=409J0xbKeIQ2vuMJBvQond0011ef58&id=L05WL1RIYWNoZXIgU2hvcnRhZ2U%3D)

### A. Briefing Materials

- a. April 6, 2023 Agenda, Presentation Slides, Web Hearing Recording, and Transcript
- b. April 13, 2023 Agenda, Presentation Slides, Web Hearing Recording, and Transcript
- c. May 26, 2023 Agenda, Presentation Slides, Web Hearing Recording, and Transcript

### B. Written Statements

- a. Denise Padilla, Department chair and Elementary Education Program Supervisor, Great Basin College

### C. Supplemental Materials

- a. [Minutes of the March 23, 2023 Meeting of the Nevada Legislature Assembly Committee on Education](#)

**Nevada Advisory Committee to the  
United States Commission on Civil Rights**



**U.S. Commission on Civil Rights Contact**

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