

**MINUTES OF THE
SENATE COMMITTEE ON HUMAN RESOURCES AND EDUCATION**

**Seventy-third Session
May 6, 2005**

The Senate Committee on Human Resources and Education was called to order by Chair Maurice E. Washington at 11:56 a.m. on Friday, May 6, 2005, in Room 2135 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Maurice E. Washington, Chair
Senator Barbara K. Cegavske, Vice Chair
Senator Joe Heck
Senator Bernice Mathews
Senator Valerie Wiener

COMMITTEE MEMBERS ABSENT:

Senator Dennis Nolan (Excused)
Senator Steven Horsford (Excused)

GUEST LEGISLATORS PRESENT:

Senator Michael A. Schneider, Clark County Senatorial District No. 11
Assemblywoman Chris Giunchigliani, Assembly District No. 9

STAFF MEMBERS PRESENT:

Leslie K. Hamner, Committee Counsel
Marshellah D. Lyons, Committee Policy Analyst
Patricia Vardakis, Committee Secretary

OTHERS PRESENT:

Daniel J. Klaich, Vice Chancellor of Legal Affairs, System Administration Office,
University and Community College System of Nevada

Trudy A. Larson, University and Community College System of Nevada

Senate Committee on Human Resources and Education
May 6, 2005
Page 2

Christopher Ho, Intern to Senator Cegavske
Tyler Trevor, Assistant Vice Chancellor for Academic and Student Affairs and
Director of Institutional Research, System Administration Office,
University and Community College System of Nevada
Anne K. Loring, Washoe County School District
Raymond Bacon, Nevada Manufacturers Association

CHAIR WASHINGTON:

We will open the hearing on Assembly Bill (A.B.) 280.

ASSEMBLY BILL 280 (1st Reprint): Revises provisions regarding University and
Community College System of Nevada. (BDR 34-85)

ASSEMBLYWOMAN CHRIS GIUNCHIGLIANI (Assembly District No. 9):

I have provided the Committee with an amendment to A.B. 280 ([Exhibit C](#)). We replaced the mandatory language addressing core courses in section 2 of the bill with: "The Legislature encourages the Board of Regents to review periodically their mission ..." and to look at what their missions should be and how course work should be contained. It gives them the authority to look at those issues.

Section 3 asks the Board of Regents to make sure instructors at the university prepare teachers in teacher-education programs for the content standards that are required for the State in the kindergarten to Grade 12 (K-12) area.

Section 4 addresses dual-credit courses which are different than tech-prep courses. If a high school student is taking a high school class that also qualifies for a college class, this language would set the parameters that as long as the system approved the course work and the high school teacher had a master's degree in that subject area, they could become that teacher for those purposes. In some instances, professors cannot be freed up to teach that course.

Section 5 came from students who wanted the ability to use research and library facilities within the parameters of the system. At the community colleges, they do not have libraries; therefore, students could use the libraries at the Nevada universities.

Section 6 addresses the term limits of the Board of Regents.

Section 7 is the main issue the bill addresses. Last session, we thought this issue was resolved. This section is attempting to say that for a student who has an Associate of Arts degree, not only are their courses transferable, but they count towards their degree. The key is counting towards the degree. I found that there are language changes that change the nuance of what is accepted. The courses in many instances are accepted, but they do not count. Students end up paying twice and taking the same class over again. I removed the applied-science degree, because in some cases they are taking a technology class in lieu of a math class.

My proposal in the amendment is to delete everything from section 8. This section deals with the public-works audit. There is another audit bill that would be more appropriate.

DANIEL J. KLAICH (Vice Chancellor of Legal Affairs, System Administration Office, University and Community College System of Nevada):

We have worked with Assemblywoman Giunchigliani on many of the provisions of this bill. We appreciate the mission differentiation and the standards in sections 2 and 3 of the bill, of which we are in favor, have become statements of legislative intent directed to the Board of Regents. The dual-credit language has changed to permissive language which we were concerned had accreditation implications. The language requests the Board of Regents to work with K-12 to develop standards for student success with which we agree. We have a limited concern with some of the language regarding library access. Our concern is with electronic databases. We testified in the Assembly that many of the electronic databases in university libraries are paid for by license fees that are based on a full-time equivalent (FTE) basis. For example, if there are 100 students on campus and the software is licensed, it is paid on the basis of 100 students. If there are 800 students in all of the institutions and everyone has access, then it is paid on the basis of 800 students. We want to be sure that does not occur without knowing what happens, because it would be a serious financial burden. The language was modified before coming to the Senate. Students enrolled in the community college can use the library at the University of Nevada, Las Vegas (UNLV).

We do not agree with the provision on regents' terms of office in section 6 of the bill. There has been testimony in the Assembly with respect to the relative terms in years and contrasting regents' terms in office with the terms of the

State Legislature and U.S. Senators and the relative importance of jobs. One of the issues we face in higher education is the collegial or collaborative process. We would be able to work on things all year rather than just for 120 days. Faculty governance and participation in decisions is an integral part of our decision making. This language takes out the process. Having an institutional memory in the decision-making process is the basis for a longer term for regents, which is supported by the majority of governing boards in the country. A six-year or greater term is the most common term of either elected or appointed boards.

Transferability is an issue which concerns everyone. We would like to wave a magic wand and make every course every student takes applicable, but that will never be the case. The transfer of credits and the application of credits to degrees is a joint responsibility of the institutions and the students, and we cannot always be sure that the course that is taken is going to apply to every degree that a student wants. We are concerned with some of the bill's language, but we appreciate the intent behind the language to make the educational experience for our students as efficient as possible.

CHAIR WASHINGTON:
Are you opposed to the language in section 7?

MR. KLAICH:
I would offer some amendments to the language in section 7.

TRUDY A. LARSON (University and Community College System of Nevada):
I have amendments for the Committee's consideration ([Exhibit D](#)). The issue is that not all classes are applicable to certain degrees. It is the responsibility of the institution which a student is attending and the student to find out the requirements instead of having language that states that all courses will transfer for major- and minor-degree requirements. On page 2 of [Exhibit D](#), we propose alternate language. This language states that all credits earned toward the completion of an associate of arts, associate of science or associate of business degree must automatically transfer towards the course work required for the award of a baccalaureate degree upon graduation of the student from any university or state college within the system. This is our current practice. Not every class a student takes count, because they may not have taken the major requirements. For example, an English class will not fulfill a requirement for an

Senate Committee on Human Resources and Education
May 6, 2005
Page 5

engineering degree. All the credits transfer if the student has taken the applicable course for that degree. It is all about applicability.

ASSEMBLYWOMAN GIUNCHIGLIANI:

This may be what they do now, but that is not what has been happening with the students. Everyone is aware of the intent. The amendment proposed by UCCSN is acceptable.

SENATOR CEGAVSKE:

I am pleased with section 7 of the bill. Is the interpretation going to be effective for the students?

LESLIE K. HAMNER (Committee Counsel):

The language will require that the credit a student earns towards the completion of their degree designated in the amendment will automatically count towards the course work required for the baccalaureate degree. If the student still needs to earn credit for a specific course of study and the student does not have credit from the transfer, the student will need to get those credits.

MR. KLAICH:

There will be a certain degree of inefficiency in the system even after we establish this policy. We pledge our commitment to continue working on articulation, transfer, common course numbering and backing it up with proper resources through the auspice of this Legislature. We need to do a better job of student counseling and advisement; by doing that, we will see less inefficiency.

SENATOR HECK:

Would you explain the rationale for changing the term for regents from six to four years?

ASSEMBLYWOMAN GIUNCHIGLIANI:

It came from another bill. It was felt that in order to be more accountable four years was more reasonable. There is a learning-curve time.

CHAIR WASHINGTON:

Have the six-year terms for regents been instrumental in achieving your goals? Would a four-year term hamper collegiality, continuity or consistency among the regents?

MR. KLAICH:

There needs to be a certain continuity and institutional memory. There also needs to be new members so that ideas do not get stale. The persons who want to serve will do so regardless of the length of the term that is established. Our survey of higher education boards shows that a six-year term is the term that is the most evident throughout the country. That is followed by a four-year term.

SENATOR HECK:

Are regents' terms limited? I understand the need for institutional memory but if there are staggered terms, then there would always be some with prior experience. In other states, are the six-year terms staggered?

MR. KLAICH:

The longer the term, typically, it is not repeatable. Typically, a term of six years or lower has a repeat term.

ASSEMBLYWOMAN GIUNCHIGLIANI:

The language in section 5 of the amendment submitted by UCCSN is not what was previously discussed with me. Students should not have automatic access to segregated areas.

CHAIR WASHINGTON:

The question is whether a licensed product of software is purchased for a specific number of students or all the students.

MS. LARSON:

We support the notion of a library facility being open to any student in the system. The problem exists with the licensed software. Both research and databases are specific to the institutions. The institutions pay a large fee for those licenses and they must keep them controlled. We asked the librarians throughout the system about the impact of this issue. We were informed that it would cost millions of dollars to open this type of software broadly. Our current computer system will not support it to be opened broadly. Basically, we can have the library facilities open to all the students in the system except for the specific campus they are on. If a student at a community college was doing a research project with a UNLV professor, they would be permitted access to the UNLV research database, because they would be given a code.

Senate Committee on Human Resources and Education
May 6, 2005
Page 7

CHAIR WASHINGTON:

Ms. Hamner, is there language that will address that concern?

MS. HAMNER:

In the amendment language proposed by UCCSN [Exhibit D](#) for section 5 of A.B. 280, we could delete the language "and research services" and leave "library facilities." The language also states that they will inform students of the library services that are not available to those students.

ASSEMBLYWOMAN GIUNCHIGLIANI:

The language suggested would be acceptable.

SENATOR MICHAEL A. SCHNEIDER (Clark County Senatorial District No. 11):

I introduced Senate Bill (S.B.) 232 which provides that the university system could not change the catalog requirements for a student for ten years as long as the student did not change their major.

[SENATE BILL 232](#): Revises provisions governing issuance of diploma of graduation from University and Community College System of Nevada. (BDR 34-91)

Regent Steve Sisolak was concerned about this issue. I sent students to him whose catalogs had been changed, but there was nothing that could be done about this issue. The UCCSN did propose an amendment that was acceptable and resolved the problem. I would like to bring this amendment back and amend this bill.

ASSEMBLYWOMAN GIUNCHIGLIANI:

I am agreeable. The catalog has been used against students.

MR. KLAICH:

We have discussed and worked with Senator Schneider and Regent Sisolak on this issue. We worked through two specific amendments to Senator Schneider's original bill that put a window on the life of the catalog. We indicated that if a student changes majors, then the student's first catalog is the catalog to be used. The UCCSN would have no problem with Senator Schneider's request.

Senate Committee on Human Resources and Education
May 6, 2005
Page 8

SENATOR CEGAVSKE:

An intern of the Legislature indicated to me that the only way a student can challenge the decision concerning the transferring of grades is through the Faculty Senate, and it is rarely approved.

ASSEMBLYWOMAN GIUNCHIGLIANI:

I have received calls from students who were concerned that if a student was in a state college or community college, their grade point average (GPA) does not transfer to a sister institution. They asked if the Committee would take that into consideration.

SENATOR CEGAVSKE:

The students need to be informed up front. A clear answer on this issue has never been given.

CHRISTOPHER HO (Intern to Senator Cegavske):

I am an intern to Senator Cegavske. Will the transfer of the credits affect a student's associate degree when they come to the university? I had asked if one of classes I had taken was transferable. I was informed that the only way to determine that is if the class I took and which class I wanted it to transfer were the same class. The wording was the same in the title of the class. The title of the class I had taken and the title I was asking to be transferred to did not match.

CHAIR WASHINGTON:

Was it just the title?

MR. HO:

The content was correct, but it was the wording of the title of the class that differed.

TYLER TREVOR (Assistant Vice Chancellor, Academic and Student Affairs and Director of Institutional Research, System Administration Office, University and Community College System of Nevada):

The practice is that courses can transfer if they do not have the same course number, and they do not have the same title based on the content of the course. It is a common practice. The individual courses are investigated by departments and chairs to review applicability. We have students who transfer

Senate Committee on Human Resources and Education
May 6, 2005
Page 9

into our institutions from every state and their courses are not the same title or same course number. Mr. Ho's case should be appealed.

CHAIR WASHINGTON:
The content of the class is what is important.

MR. TREVOR:
It is based on content. In an instance such as this case, all measures should be taken within an institution and if they were not, then the situation should be presented to system administration for mediation.

If a student at Truckee Meadows Community College (TMCC) takes 12 credits and the student's GPA is over 2.0, then the student can transfer to the University of Nevada, Reno (UNR). Those are the admission standards for students. The GPA is used for admission. Once you are at UNR, your GPA is calculated by UNR courses only. This is a common practice throughout the country. This is considered best practice by the American Association of Collegiate Registrars. This is not something done arbitrarily in Nevada. The reason is that grades are assigned subjectively. Students can attend a variety of different institutions. Some of these institutions are accredited or not; some are through distance education. There is a host of different types of courses taken by students. For an institution to be able to honor those grades and validate that the grades are of the same academic standards in which the faculty established at UNR is something they feel they can do.

SENATOR HECK:
Would that same standard apply to anyone who transfers from an out-of-state school?

MR. TREVOR:
Yes. Their GPA is not zeroed out. It is part of a student's academic record. It will be on a student's transcript. It is not part of the cumulative overall GPA when a student graduates from one of our universities.

CHAIR WASHINGTON:
Is it only used for admissions?

MR. TREVOR:

Yes. It would be applied in the same manner as if you were transferring from a university to a community college. It is not a discriminatory factor based upon university versus community college. It is the institutional identity and the academic standards that are required for institutions to be upheld through accreditation.

CHAIR WASHINGTON:

If a student came from the university to the community college, the GPA would be used to get into the community college, but then the student would start over to get a new GPA.

MR. TREVOR:

In order to receive financial aid, students must make satisfactory academic progress. An institution cannot say that you have been making satisfactory academic progress if all the classes were averaged.

ASSEMBLYWOMAN GIUNCHIGLIANI:

Based on Mr. Ho's testimony, he believes the course content was the same. The appeals procedure could be referenced in one of the sections of A.B. 280.

MR. TREVOR:

The content of the course is what should be judged. Numbers and titles are descriptors of content. The content is what should be reviewed. The issue may be that there are many different departments and the individual content review is done at the department level. There is a chance for variability.

CHAIR WASHINGTON:

Language could be placed in A.B. 280 clarifying this issue.

MR. KLAICH:

This is something the university could do better if we were able to update our computer system on a system-wide basis.

ASSEMBLYWOMAN GIUNCHIGLIANI:

There is no continuity among the institutions.

MR. KLAICH:

There is an effort to put all these policies on our system's Web site where they can be easily accessed by students. We realize that students want this information on the computer. We are trying to make our computer systems user-friendly.

MR. TREVOR:

We have a system-wide articulation board. We are developing a student bill of rights for transfers. It will explain many things to students, Legislators and regents. It is something that a student can use as evidence as to what should happen. The responsibilities of the institution and student will be included.

CHAIR WASHINGTON:

The transferability will be based on the content of the course. Staff will make sure that we have appropriate language that reflects the concept.

MARSHEILAH D. LYONS (Committee Policy Analyst):

On the issue of referencing the appeals process and the process being handled by the appropriate department, because each department handles this process differently, is there an issue of access? Do some students have access to an appeal and some do not? Is there a standard?

MR. TREVOR:

There are standards in place. When a student comes with their transcripts, they come through the admissions and records office. They direct the student to the applicable experts in the content area which review the courses. I cannot speak to the exact appeals process.

ASSEMBLYWOMAN GIUNCHIGLIANI:

The only other issue that I thought was decided was on the dual-credit course, which is in section 4 of the UCCSN amendments.

MR. KLAICH:

We understand that this section is currently permissive in nature. Ms. Larson is prepared to talk about the complexities of dual-credit courses. We do not want to have reported to us that the Board of Regents gets the requests and says no when there is a legitimate reason for denying the requests. We are not in a position to say in all circumstances where a dual-credit request is made that we will honor the course.

ASSEMBLYWOMAN GIUNCHIGLIANI:

The purpose of the dual-credit course language is when a high school makes a request to see if a course would count for both high school and college credit, they would make the request to the institution. The dean or the department gets to approve whether the high school teacher is qualified. If they do not want to participate, then there is no mechanism to get past that barrier. My intent was to have the current standard within the institutions. If it is a high school teacher and they deem that teacher qualified for that particular course and the teacher has a master's degree in their content area, then the course must be approved by the system or it does not count. The goal was that high school students could graduate with credits toward their college degree. I was trying to find a mechanism for a policy that says if there is a request and an institution approves it and the high school teacher is in their content area, then the student does not have a barrier.

MS. LARSON:

The reason I suggested section 4 be deleted is because we have a preschool through postsecondary (P-16) council that encompasses K-12 and higher education that works on issues. One of the hot issues is dual-credit, or more accurately stated, dual-enrollment. On both sides there are details that get in the way of making this a smooth transition. The intent is good. We are working on this issue and would like the opportunity to come forward with some suggestions that will enhance the ability to offer dual credits but that works out the details of who gets to count the credit and who gets to count the enrollment. There are accreditation issues from the institutions on both sides. We would like to come back with a proposal that works for both sides.

CHAIR WASHINGTON:

Will this happen during this Legislative Session?

MS. LARSON:

No.

CHAIR WASHINGTON:

Is that acceptable to you?

ASSEMBLYWOMAN GIUNCHIGLIANI:

No. The proposed language in the bill does not stop them from doing what they are talking about. It is already being done. The language was just to make it

Senate Committee on Human Resources and Education
May 6, 2005
Page 13

clear that the teacher and the course had to be approved by the institution. They can work out the P-16 issues of payment. I have another bill with funds to help pay for the dual credits and textbooks.

CHAIR WASHINGTON:
Is there any salary funding?

ASSEMBLYWOMAN GIUNCHIGLIANI:
No. Currently, Clark County School District pays the credit. Students get a half credit for each high school class and a full credit for the college class. Their high school teachers are located on campus. They had a joint-partnership agreement that was done interlocally.

CHAIR WASHINGTON:
Most of the amendments have been agreed upon. We will hold the bill and let the parties work on that one section.

MR. KLAICH:
I will provide the amendment language for S.B. 232.

CHAIR WASHINGTON:
We will open the hearing on A.B. 395.

ASSEMBLY BILL 395 (1st Reprint): Prohibits use of false or misleading degrees.
(BDR 34-125)

ASSEMBLYWOMAN GIUNCHIGLIANI:
This bill is an attempt to get after diploma mills and the false and misleading use of degrees. The UCCSN is interested in this bill because they have had instances where people had falsified their degrees to get increased pay and jobs and were taken to court upon discovery. This would put teeth in statute to make sure people act responsibly. It also helps the institution. This is an attempt to put into statute language that gives security to businesses and institutions to deal with this issue.

MR. KLAICH:
We agree with the bill. We have this concept in our policies at UCCSN in a slightly different way. I understand that this is a criminal statute and it is up to the judgment of the Committee as to what penalties it wishes to impose. We

Senate Committee on Human Resources and Education
May 6, 2005
Page 14

have a similar policy in which a person who falsifies credentials or puts forth a credential from an unaccredited institution will be summarily terminated.

SENATOR CEGAVSKE:
I urge the Committee to pass A.B. 395.

CHAIR WASHINGTON:
I had concerns that the gross-misdemeanor penalty was too severe.

ASSEMBLYWOMAN GIUNCHIGLIANI:
The language could be "summary dismissal and subject to a monetary fine." It would be a civil penalty, not a criminal penalty.

CHAIR WASHINGTON:
That would be agreeable.

ANNE K. LORING (Washoe County School District):
We support A.B. 395.

Ms. HAMNER:
The only issue would be the amount of the civil penalty. I looked at other states. They have civil and criminal penalties. In the states of Oregon and New Jersey, the monetary penalty is \$1,000. In North Dakota, it is \$100 per violation. The Committee would need to decide the civil penalty.

CHAIR WASHINGTON:
I would suggest the civil penalty be \$1,000.

ASSEMBLYWOMAN GIUNCHIGLIANI:
Can they do a civil and/or criminal penalty?

Ms. HAMNER:
They have both available in North Dakota.

ASSEMBLYWOMAN GIUNCHIGLIANI:
I modeled the language after the language from North Dakota. The option may be beneficial.

Senate Committee on Human Resources and Education
May 6, 2005
Page 15

SENATOR CEGAVSKE:

I would like the language to state that the judge would make the determination based on the offense. Can that be done?

MS. HAMNER:

The district attorney would decide whether to charge the person with the criminal offense. When the person is charged with a gross misdemeanor, they can be punished by a year in jail or up to a \$2,000 fine or by both fine and imprisonment.

CHAIR WASHINGTON:

I feel a gross misdemeanor is too severe.

RAYMOND BACON (Nevada Manufacturers Association):

I suggest that the civil penalty should be capped at something which is related to how much ill-gotten gains they have received. If someone has been teaching with an illegitimate degree for ten years, the fine should be half of what they gained over the course of their employment.

SENATOR MATHEWS:

If they were teaching for ten years, the institution should pay the fine.

MR. BACON:

There should be some relation to how much they earned. It should be a portion of their salary for the amount of time they were employed.

CHAIR WASHINGTON:

We will put a maximum cap not to exceed a certain amount. I think a misdemeanor is sufficient. We will have dual penalties for the civil and the criminal penalties. The maximum monetary penalty should not exceed \$5,000.

MS. HAMNER:

A misdemeanor is by default \$1,000, but you can make it whatever you want.

CHAIR WASHINGTON:

Is a \$5,000-maximum penalty agreeable?

ASSEMBLYWOMAN GIUNCHIGLIANI:

Yes.

Senate Committee on Human Resources and Education
May 6, 2005
Page 16

CHAIR WASHINGTON:

David Smith has submitted his testimony for the record ([Exhibit E](#)).

SENATOR CEGAVSKE MOVED TO AMEND AND DO PASS A.B. 395.

SENATOR HECK SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS NOLAN AND HORSFORD WERE ABSENT FOR THE VOTE.)

* * * * *

CHAIR WASHINGTON:

We will open the hearing on A.B. 527.

[ASSEMBLY BILL 527](#): Renames University and Community College System of Nevada as Nevada System of Higher Education. (BDR 34-157)

MR. KLAICH:

We are requesting the Committee's support in changing the name of the University and Community College System of Nevada to the Nevada System of Higher Education. The purpose of the change is to reflect the growing nature of the system and the establishment of the Nevada State College. We are committed to utilizing all existing facilities and materials; therefore, there is a negligible fiscal note. The bill is effective on its passage. We encourage your support of this legislation.

SENATOR MATHEWS MOVED TO DO PASS A.B. 527.

SENATOR CEGAVSKE SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS NOLAN AND HORSFORD WERE ABSENT FOR THE VOTE.)

* * * * *

Senate Committee on Human Resources and Education
May 6, 2005
Page 17

CHAIR WASHINGTON:

There being no other issues before us today, the Senate Committee on Human Resources and Education will adjourn at 1:07 p.m.

RESPECTFULLY SUBMITTED:

Patricia Vardakis,
Committee Secretary

APPROVED BY:

Senator Maurice E. Washington, Chair

DATE: _____