

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Seventy-sixth Session
April 29, 2011**

The Senate Committee on Education was called to order by Chair Mo Denis at 11:46 a.m. on Friday, April 29, 2011, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412 E, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Moises (Mo) Denis, Chair
Senator Ruben J. Kihuen, Vice Chair
Senator Valerie Wiener
Senator Sheila Leslie
Senator Barbara K. Cegavske
Senator Don Gustavson
Senator Greg Brower

GUEST LEGISLATORS PRESENT:

Assemblyman John Oceguera, Assembly District No. 16

STAFF MEMBERS PRESENT:

Pepper Sturm, Policy Analyst
Sandra Small, Committee Secretary

OTHERS PRESENT:

David Perlman, Administrator, Commission on Postsecondary Education
Michael Hillerby, Kaplan Higher Education
Crystal Abba, Associate Vice Chancellor for Academic and Student Affairs,
Nevada System of Higher Education
J. Kyle Dalpe, Ph.D., Truckee Meadows Community College

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CHAIR DENIS:

The Committee will hear Assembly Bill (A.B.) 40.

ASSEMBLY BILL 40: Revises the requirements concerning background investigations of certain applicants for employment or contracts with private postsecondary educational institutions. (BDR 34-442)

DAVID PERLMAN (Administrator, Commission on Postsecondary Education): Assembly Bill 40 makes changes to *Nevada Revised Statutes* 394.465 which require staff and instructors applying for employment at licensed schools to submit to a background investigation. Current language requires fingerprints to be taken by local law enforcement. The applicant is required to bring the completed card to the Department of Education (NDE). The NDE checks the cards for completeness and accuracy and forwards them to the Department of Public Safety (DPS). Recently the DPS began accepting fingerprints electronically from non-law enforcement agencies. Assembly Bill 40 would allow applicants to take advantage of this technology. Assembly Bill 40 also helps to resolve the findings of a prior U.S. Department of Justice (USDOJ) audit that found allowing applicants to bring their fingerprint cards to the NDE is a span of control issue. The USDOJ believes the cards could be altered. Because the NDE processes approximately 1,100 cards annually, A.B. 40 will help decrease mailing costs.

SENATOR GUSTAVSON:

Does section 6 of A.B. 40 say a background check is not required for Internet faculty outside of Nevada?

MR. PERLMAN:

Some of Nevada's schools are corporately owned. These entities provide course work available online. The states licensing the schools require a background investigation.

SENATOR GUSTAVSON:

I want to make sure those who teach Nevada's students have had a background check. We do not want sex offenders or pedophiles teaching our students over the Internet.

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MR. PERLMAN:

The NDE is relying on reciprocity from other states. The states I have reviewed require a background check. I am not opposed to striking section 6 of A.B. 40. There are some states which do not require a background check. None of those states have schools operating in Nevada.

SENATOR CEGAVSKE:

Does Senator Gustavson want section 6 removed from A.B. 40?

SENATOR GUSTAVSON:

Section 6, A.B. 40, does not need to be removed so long as a background check for all Internet teachers is required.

SENATOR WIENER:

Was section 6, A.B. 40, requested by the NDE?

MR. PERLMAN:

Section 6 was included because all the schools we licensed with schools in other states were required to have background checks.

SENATOR WIENER:

Could language be included in A.B. 40 to assure comparable background checks were completed in other states?

MR. PERLMAN:

That could be done.

SENATOR WIENER:

The Committee could consider making sure those who do participate as out-of-state instructors complete a background check comparable to what Nevada requires.

CHAIR DENIS:

We will have legal staff prepare an amendment.

MICHAEL HILLERBY (Kaplan Higher Education):

Kaplan Higher Education (Kaplan) has a campus in Las Vegas. Kaplan does a lot of medical education such as nursing, medical technology and radiation technology. Kaplan supports A.B. 40. Kaplan uses doctors, nurses and other

professionals who are faculty in other locations across the country. I do not know how other states complete background checks. Kaplan does an extensive background check of all employees and students, because they engage with patients. The faculty who do not come in direct contact with students are credentialed and have had background checks.

CHAIR DENIS:

There being no further testimony on A.B. 40, the Committee will hear A.B. 220.

ASSEMBLY BILL 220 (1st Reprint): Encourages the Board of Regents of the University of Nevada to implement measures to ensure the educational needs of students and prospective students will be met. (BDR 34-725)

ASSEMBLYMAN JOHN OCEGUERA (Assembly District No. 16):

Accountability and efficiency in the Nevada System of Higher Education (NSHE) should be a priority. Programs should prepare our students for the future. The Legislature can not tell NSHE what to do, but we can tell them what we think.

Assembly Bill 220 encourages NSHE to audit programs; provide and evaluate types of degree programs and courses offered at each institution to try to "deduplicate" and get rid of redundancies; increase cost-effectiveness; match programs with student demand and with industries where jobs will likely be available upon graduation; focus our State economic development goals by aligning the economic development goals of the State with NSHE; prioritize and reallocate resources to high-demand academic programs critical to Nevada's economy; consider the job market for each institution's graduates and Nevada's long-term economic development goals; and collaborate with the NSHE entities to maximize cost savings and value for students.

There should be a delineated three-tiered higher education system. Community colleges should focus on entry level and continuing education programs including remedial and two-year degrees. State colleges should focus on baccalaureate programs. Universities should focus on upper degree and research programs.

A few states have implemented these types of programs. North Carolina saved \$259 million in the first five years of implementing a program to consolidate and eliminate redundancies. Indiana had a low percentage of students enrolled in their two-year programs. Indiana implemented programs to remove remedial

classes and associate degrees from the colleges and universities and instituted a sharply defined mission for regional campuses including a coordinated and differentiated organizational plan. As a result, Indiana realized cost savings for the universities and students while increasing accessibility and graduation rates.

Assembly Bill 220 adds accountability and efficiency to NSHE. The bill also adds value and accessibility for students by providing higher quality targeted programs to deliver more graduates for future jobs in Nevada.

CRYSTAL ABBA (Associate Vice Chancellor for Academic and Student Affairs, Nevada System of Higher Education):

The NSHE supports the provisions of A.B. 220. It is evident from the conversations occurring inside this building, from reading the newspapers and from watching meetings before the Board of Regents (Board) that, as a State, we are at a crossroads. In many ways, that crossroads is being redefined and defined by reform. These reforms are embraced by NSHE. The chancellor, the Board and the presidents embrace reform. To that extent, the NSHE has created a roadmap, "The State & the System: NSHE Plan for Nevada's Colleges and Universities" (The Plan). The Plan ([Exhibit C](#)) covers three basic areas of our commitment to reform: to operate our institutions more efficiently; to produce more graduates; and to be accountable and transparent to the public. I could go through The Plan and talk about these three areas.

VICE CHAIR KIHUEN:

I work at the College of Southern Nevada. Section 1, subsection 1, paragraph (e) of A.B. 220 requires a report on September 1 of each year. Is this a report NSHE must produce, or do the individual institutions create the reports?

MS. ABBA:

I read that section to mean the Board prepares the report. The NSHE has numerous reports in place addressing this issue to some extent. The reports come from the NSHE office through the Board and then are transmitted to the Legislature.

VICE CHAIR KIHUEN:

Would the individual institutions not be required to present the report to NSHE?

MS. ABBA:

It would not be a formal presentation from the institutions. For example, annually we present a review of existing programs. The Board has a policy in place which requires, on a ten-year cycle, programs at least five years old be reviewed. Those programs go through a formal process at the institutional level. Often an external review panel is engaged to do a detailed analysis. At the NSHE level, we request from the institutions the outcomes and recommendations of those reviews. The outcomes and recommendations are then compiled into a report which is often 200 pages long because there are so many programs reviewed each year. That report is presented to the Board. There is a built-in cycle for that type of review. There will not be an additional burden on the institutions as a result of A.B. 220.

SENATOR CEGAVSKE:

This is the first time I have seen The Plan, [Exhibit C](#). I would like to have a presentation of the information in The Plan. There are several things which do not appear to be included that I would like added. They may be included in a generic form I do not recognize. Is this a plan?

MS. ABBA:

Yes, the NSHE is calling it a plan.

CHAIR DENIS:

Does the Committee want Ms. Abba to do a presentation at this time?

MS. ABBA:

I can review the three basic points now, or we can provide a formal presentation at a later date.

CHAIR DENIS:

Give us a review of the three basic points.

MS. ABBA:

Those of you on the Senate Committee on Finance or the Assembly Committee on Ways and Means were given information on The Plan during pre-Session meetings. Generally, The Plan, [Exhibit C](#), covers three areas: institutional efficiency, graduating more students and accountability and transparency to the public.

Institutional efficiency includes closing programs not graduating a sufficient number of students. The NSHE does not believe the State should pay for programs not graduating a sufficient number of students to meet either the demand of the State or the business community. The NSHE is committed to consolidating operations and changing business practices. The NSHE would install state-of-the-art systems designed to save money, whether it is in terms of purchasing, courses delivered or other things of that nature. The net savings would be reinvested in our institutions. The NSHE proposes to partner with the business community and the State to identify areas, in terms of economic development, where we need to make sure we are providing the educated workforce the State needs. Institutional efficiency is about appropriately aligning the goals of NSHE with the goals of the State and private industry.

Nevada must produce more graduates. Nevada is one of 28 states aligned and committed to increase the number of citizens with a degree or a credential of value. The Plan outlines, through the year 2020, how the NSHE will graduate more students every year. In the first year, we will graduate 1,064 more students than the year before; in the second year, 1,064 times 2 more students will graduate and in the third year, 1,064 times 3 will graduate. We are committed to working with kindergarten through Grade 12 partners to make sure students are appropriately prepared for the rigors of college level coursework. To some extent, that work has begun as we recently established college readiness standards. This means reducing the time to achieve a degree. The NSHE wants to get students in and out as quickly as possible. The sooner they graduate, the more likely they are to be in the workforce, working and improving our economy. The NSHE will need to redesign courses. We are in the process of undertaking a project to look at remediation courses in mathematics. Based on data, mathematics can be a predictor of higher education success. The NSHE needs to look at the pipeline to determine where students fall out, identify the reason and take corrective action. There are many students who cannot afford higher education despite the fact Nevada has relatively low tuition and fees. The NSHE must make sure there is a mechanism in place to help students to ensure cost is not a barrier to a higher education.

Accountability and transparency are important. The NSHE is committed to making sure a person looking at our Website knows where we are in terms of graduation rates, how many nurses or engineers or teachers are graduating, where programs are and what we are doing. The NSHE wants to be accountable to the public and wants to be as transparent as possible.

The Plan, [Exhibit C](#), provides a framework for these three areas to which NSHE is committed.

SENATOR CEGAVSKE:

Utilizing shared facilities with high schools and community colleges makes sense. Unfortunately, all organizations want their own property and their own buildings. Many community entities would welcome sharing facilities. Are the teachers being taught the common core standards? Common core standards have not been taught in the past. Teachers have not been prepared for their first year of teaching. A four-year degree should only take four years; the courses should be available to achieve that goal. At one time, there was a six-year plan for a four-year degree which is troubling due to the cost. Career needs in communities should be addressed. These are items I would like to see addressed in The Plan. I will make a list of items I would like included in The Plan and give it to you.

MS. ABBA:

All of the things you mentioned are included in The Plan, [Exhibit C](#).

SENATOR CEGAVSKE:

At some time, I would like to discuss noncredit courses. The community college and others say these courses pay for themselves, but they use the facilities and incur other costs. When NSHE is cutting costs, I would like these courses reviewed.

J. KYLE DALPE, PH.D. (Truckee Meadows Community College):

The Truckee Meadows Community College (TMCC) supports A.B. 220. The TMCC has several of these processes in place. There is a planning and budget council which periodically reviews our mission and goals. There is an accreditation process every ten years. The TMCC has a curriculum review process which looks at specific programs. There are various advisory boards. The TMCC looks at research indicators for top jobs needed in the future. We look at creating, maintaining and developing programs which will get people to work. Renewable energy is one of our programs we developed based on research.

Some noncredit courses at TMCC will be eliminated beginning January 1, 2012, to accommodate other classes. There will be noncredit classes, for example, in computer training.

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VICE CHAIR KIHUEN:

Does the TMCC catalog include continuing education classes?

DR. DALPE:

The TMCC presents workforce development and personal enrichment noncredit classes in one catalog. This is the only catalog we continue to mail. The personal enrichment classes are gradually being shifted to other places in the community.

SENATOR KIHUEN MOVED TO DO PASS A.B. 220.

SENATOR GUSTAVSON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

CHAIR DENIS:

There being no public comment, this meeting is adjourned at 12:21 p.m.

RESPECTFULLY SUBMITTED:

Sandra Small,
Committee Secretary

APPROVED BY:

Senator Mo Denis, Chair

DATE: _____

<u>EXHIBITS</u>			
Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 220	C	Crystal Abba	The State & the System: NSHE Plan for Nevada's Colleges and Universities