

**MINUTES OF THE  
SENATE COMMITTEE ON EDUCATION**

**Seventy-sixth Session  
February 23, 2011**

The Senate Committee on Education was called to order by Chair Mo Denis at 5:15 p.m. on Wednesday, February 23, 2011, in Room 1214 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412, 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:**

Senator Joe Hardy, Clark County Senatorial District No. 12

**STAFF MEMBERS PRESENT:**

Pepper Sturm, Policy Analyst  
Sandra Small, Committee Secretary

**OTHERS PRESENT:**

Daniel J. Klaich, Chancellor, Nevada System of Higher Education  
Craig M. Stevens, Director of Government Relations, Nevada State Education Association  
Joyce Haldeman, Associate Superintendent for Government Relations, Clark County School District  
Dr. Robert T. Henry, Director, Department of Adult Education, Clark County School District

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Craig Hulse, Director, Government Affairs, Washoe County School District

CHAIR DENIS:

The Committee has two bill draft requests (BDRs), BDR 34-86 and BDR 34-94.

**BILL DRAFT REQUEST 34-86**: Revises provisions governing empowerment schools. (Later introduced as [Senate Bill 196](#).)

**BILL DRAFT REQUEST 34-94** Revises provisions concerning the system of governance and oversight of K-12 public education. (Later introduced as [Senate Bill 197](#).)

SENATOR CEGAVSKE MOVED FOR COMMITTEE INTRODUCTION OF BDR 34-86.

SENATOR LESLIE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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SENATOR CEGAVSKE MOVED FOR COMMITTEE INTRODUCTION OF BDR 34-94.

SENATOR WIENER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR DENIS:

The Committee will hear testimony on Senate Bill (S.B.) 95.

**SENATE BILL 95**: Authorizes the establishment of a policy to allow tenured professors to pursue entrepreneurial business opportunities under certain circumstances. (BDR 34-577)

SENATOR JOE HARDY (Clark County Senatorial District No. 12):

I became aware of the need for S.B. 95 when a colleague described an instance where a professor felt he had to resign his tenured position to take a part-time position with a start-up company. The language in S.B. 95 is permissive. It allows the Board of Regents to grant full-time tenured faculty a part-time tenured position and engage in certain personal entrepreneurial opportunities. This bill allows the people teaching to also help create jobs in the community.

DANIEL J. KLAICH (Chancellor, Nevada System of Higher Education):

The Nevada System of Higher Education (NSHE) has submitted testimony regarding this bill ([Exhibit C](#)). The current policies of the Board of Regents provide for such activities. This is permissive legislation; positive in its intent. The NSHE does not oppose S.B. 95.

SENATOR LESLIE:

Is S.B. 95 consistent with current NSHE policies, or is this activity already in the NSHE policies?

CHANCELLOR KLAICH:

The NSHE has policies for outside entrepreneurial activities for tenured faculty which include detailed conflict-of-interest policies. There are also policies in place allowing movement of tenure from full-time to part-time. You cannot be tenured as a part-time professor. You can become tenured only as a full-time professor.

SENATOR LESLIE:

Why is this bill necessary if the policies already exist? Are the current policies permissive?

CHANCELLOR KLAICH:

This bill is permissive and puts the policies in one place.

SENATOR LESLIE:

How often are these policies used; how many tenured faculty engage in entrepreneurial activity?

CHANCELLOR KLAICH:

The NSHE does annual reporting on this activity. I will provide the reports to Pepper Sturm. The number differs from college to college. There is a good

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amount of entrepreneurial activity in the College of Business, in the sciences and in engineering. One of my goals is to have all of our faculty involved in the community. I would like the community or Legislature to call our faculty whenever there is an issue to ask for help.

SENATOR LESLIE:

Would the Desert Research Institute (DRI) fall under S.B. 95?

CHANCELLOR KLAICH:

It does not because the DRI does not have tenured faculty; they are grant-based faculty.

SENATOR CEGAVSKE:

Are the university presidents aware of the NSHE ability to accomplish what S.B. 95 provides?

CHANCELLOR KLAICH:

Yes, they are.

SENATOR CEGAVSKE:

Would this bill give full-time benefits to faculty moving from tenured full-time to part-time?

SENATOR HARDY:

The University of Alabama, Birmingham, provides prorated benefits. President Milton Glick, University of Nevada, Reno indicated the NSHE would pay the part-time faculty less money. The NSHE knows how to implement S.B. 95.

CHAIR DENIS.

Marc A. Johnson, Provost, University of Nevada, Reno has submitted testimony endorsing S.B. 95 ([Exhibit D](#)).

The Committee will now hear testimony on S.B. 96.

**SENATE BILL 96**: Revises provisions governing the Governor Guinn Millennium Scholarship Program. (BDR 34-586)

SENATOR HARDY:

The intent of S.B. 96 is to encourage 20 hours of community service by the Governor Guinn Millennium Scholarship recipients. This bill encourages networking and is beneficial to students when looking for jobs. I have provided a proposed amendment ([Exhibit E](#)) which requires 20 hours of community service during each year the student receives the Scholarship and requires confirmation of that service be limited to signing a document attesting the service has been performed.

SENATOR WIENER:

Would this bill encourage 20 hours of community service to develop a well-rounded individual?

SENATOR HARDY:

Yes. The amendment, [Exhibit E](#), should probably be changed to eliminate the document attesting performance of the community service.

SENATOR LESLIE:

Are high school students required to perform community service?

SENATOR HARDY:

In 2005, I worked with former Assemblywoman Heidi Gansert to include student community service as an eligibility requirement for the Governor Guinn Millennium Scholarship. Sometimes government teachers require community service.

SENATOR WIENER:

Did former Assemblywoman Bonnie Parnell introduce a bill requiring some level of civic engagement before graduation from high school?

PEPPER STURM (Policy Analyst):

I will acquire that information.

SENATOR CEGAVSKE:

Who would monitor the requirements in this bill?

SENATOR HARDY:

There is a feeling that if something is required, it is no longer a service. This bill, as amended, would not have a form requiring a signature. The idea of the bill is

to have a college graduate with the ability to offer a perspective employer something beyond the college experience. The bill needs to be totally rewritten to “encourage” community service and to eliminate the written verification.

CHANCELLOR KLAICH:

My written testimony provided to the Committee ([Exhibit F](#)) is no longer appropriate because of the amendments Senator Hardy has proposed. Encouraging students to be active and serve in their communities is something we all should endorse. The NSHE has no objections to Senator Hardy’s proposed amendments.

CHAIR DENIS:

The Committee will hear testimony on S.B. 116.

**SENATE BILL 116**: Requires the State Board of Education to prescribe an adjusted adult diploma. (BDR 34-92)

SENATOR WIENER:

Former Senator Joyce Woodhouse, Chair, 2009-2010 Legislative Committee on Education, has asked me to read her remarks into the record.

... I am Joyce Woodhouse, and during the 2009-2010 interim, I served as the Chair of the Legislative Committee on Education. I’ve asked Senator Valerie Wiener to read my testimony today as I am in transit to Oregon to care for my sister who has recently undergone brain cancer surgery. On my behalf, Senator Wiener has graciously agreed to introduce S.B. 116 for your consideration.

Senate Bill 116 proposes the establishment of an adjusted adult diploma for the purpose of providing certain students with disabilities with the opportunity to obtain an adjusted diploma if they have dropped out of high school or aged out of the system.

As background information: The State Board of Education has defined requirements for various categories of diplomas, including a standard diploma, an advanced diploma and an adjusted diploma. In addition, the State Board has promulgated the course requirements for an adult standard diploma. The adjusted diploma may be earned by any disabled student who meets the standards prescribed by the

student's Individualized Education Program, or IEP. The Legislative Committee on Education was advised that under current law, students who have an IEP prior to turning age 18 can receive an adjusted diploma; however, they become ineligible to receive an adjusted diploma after turning age 22. The intent of the bill is to create an adjusted adult diploma that would encourage a student who might have dropped out of high school, had an IEP and decided at some point in time to go back and get a diploma after the age of 22.

I should point out that the topic of an adjusted adult diploma was discussed during the 2009 Legislative Session and the school districts raised concerns at that time about the indefinite nature of school district responsibility for this group of former students. This matter is, indeed, a complicated issue since it involves federal law and potential State and local obligations.

The members of the interim committee felt that rather than specify a particular structure for such a diploma in statute, the State Board of Education should be directed to review the matter in greater depth with the school districts and establish specific conditions for granting such a diploma. This bill makes that action possible.

Key provisions of S.B. 116: The actual heart of the S.B. 116 is on page 20, the very last page of the measure. Section 4 shows the new language that would be added to existing statutes concerning high school diplomas. These new provisions require that the State Board of Education adopt regulations to prescribe an adjusted adult diploma and set forth the requirements for receipt of an adjusted adult diploma for pupils who did not obtain an adjusted diploma through their IEP. The other provisions of the bill add this category of diploma to the State and district accountability reporting systems.

A potential amendment: It is my understanding there's a rather modest fiscal note attached to the bill due to the cost of adding this new category of diploma to the State accountability database. While the amount is relatively small, I realize that funding is tight for the coming biennium. If the Committee thinks it might be

prudent, I would suggest delaying implementation of the measure by revising section 5 of the bill to specify an effective date of July 1, 2013.

That concludes my presentation, Mr. Chair. Senate Bill 116 is a simple bill that proposes to make changes which will enable these individuals to obtain a diploma. I urge your support. I believe Lynn Warne from the NSEA [Nevada State Education Association] may be present to provide additional background and she will also be able to address specific questions or concerns.

CRAIG M. STEVENS (Director of Government Relations, Nevada State Education Association):

The NSEA has submitted a proposed amendment ([Exhibit G](#)). At this time, NSEA would like to withdraw the amendment. It is appropriate for Nevada to move forward with the students and provide them with the ability to acquire an adjusted diploma. The adult diploma may be beyond their reach. Those with a diploma earn more, participate in the community more, improve our neighborhoods, become entrepreneurs and they vote.

SENATOR WIENER:

How many students would be involved during a school year?

MR. STEVENS:

I will attempt to obtain that information.

SENATOR BROWER:

What type of student has an IEP?

MR. STEVENS:

These are special-education students who have a learning plan for use with their educators, administrators and parents. Some students older than 22 have not achieved the goals within their IEP.

SENATOR BROWER:

What takes a student out of the normal path to a regular diploma?



MR. STEVENS:

An IEP enables a student who may not be able to earn a regular diploma due to disabilities to achieve an adjusted diploma.

SENATOR CEGAVSKE:

An IEP is a written evaluation to help a student through their classes; for instance, the use of reading lamps, large letters or tutors. How many different types of diplomas does Nevada now have? One of the issues has been that there are many different types of adjusted diplomas. The diploma has been an emotional issue. People have been unable to pass the math proficiency or English proficiency tests and require remediation. I need more information on who the students are, their age and the cost.

MR. STURM:

I will obtain that information.

JOYCE HALDEMAN (Associate Superintendent for Government Relations, Clark County School District):

The Clark County School District (CCSD) opposes S.B. 116 which would require the creation of an adjusted adult diploma. The CCSD supports students with special needs and congratulates their efforts to obtain a diploma. By federal regulation through the Individuals with Disabilities Education Act (IDEA), we provide for students up to the age of 22 who require services. We do not have the funds to provide services beyond that age. The CCSD views S.B. 116 as an unfunded mandate. Currently, we receive \$723 per student for adult education, far less than the \$5,035 of basic support allocation received per pupil for students in traditional kindergarten through twelfth grade (K-12) classrooms. The cost of meeting the needs of special-education students far exceeds that of other students. We encourage students to earn a General Education Development (GED). An adjusted adult diploma carries with it the expectation school districts will provide the same accommodations as required if the student had an IEP while in traditional school. The cost of those accommodations is unaffordable. For that reason, CCSD opposes this diploma.

DR. ROBERT T. HENRY (Director, Department of Adult Education, Clark County School District):

I have a prepared statement opposing S.B. 116 ([Exhibit H](#)). The IDEA provides appropriate special-education services to qualified students under the age of 22 years in a K-12 environment. In that environment, a student has the

opportunity to earn a regular high school diploma, an advanced diploma, or an adjusted high school diploma. Students earning the adjusted diploma must meet the goals and objectives of their IEP. Once they have met those goals and objectives, their IEP team meets to review the student's status and decide whether the student is eligible for the adjusted high school diploma. A special-education student can remain on a comprehensive school campus until just before turning 22 years of age. Beyond the age of 22, special-education students choosing to continue their education can prepare for and take the GED test or pursue the requirements for an adult standard diploma through an adult-education program.

The federal government has never fully funded special education leaving the biggest part of that burden to the states and local education agencies. The IDEA requires school districts review each student's IEP annually and make changes based on the student's needs. Changes include adaptations and modification to services provided to the student. A student under the age of 22 who exits the school setting prior to earning a diploma and then chooses to return to school, has the opportunity to return to the setting he left and have his IEP reviewed and subsequently implemented.

Identifying an adjusted adult diploma for those individuals beyond the age of 22, under S.B. 116, may require that adult-education programs statewide provide services necessary to review a student's special-education needs, update evaluations necessary to prescribe appropriate special-education services and provide adaptations and other accommodations pursuant to the student's needs. The services the K-12 student required may totally differ from the needs required as an adult student. Any evaluative services increase the cost to the adult-education program. Once the student's needs are identified, the adult-education program will be required to provide for those identified needs. Those needs could include supplemental classroom instructional support, classroom access services and other services different from those currently offered adult students.

Educational opportunities for students beyond 22 years of age are already available through existing adult programs as well as other community, state and federal programs.

Many employers, once they understand what an adjusted diploma means, will be less inclined to hire our disabled students. Students with disabilities show

the highest rate of unemployment of all student groups. Why would we create another diploma type for our adult students to make them less employable? Encouraging students to earn a GED or adult high school diploma will assist them to secure gainful employment. An adult adjusted diploma will not assist a student to enter postsecondary education, the military service or meaningful employment.

Passage of S.B. 116 will increase the State's obligation to education and create another new complex education system for which no funding currently exists.

SENATOR WIENER:

Were these objections offered to the 2009-2011 Legislative Committee on Education?

MS. HALDEMAN:

This is the third time this bill has been introduced. We have registered these objections every time.

CRAIG HULSE (Director, Government Affairs, Washoe County School District):

The Washoe County School District (WCSD) has the same concerns as the CCSD. The WCSD receives about \$800 per student in our adult-diploma program and view S.B. 116 as an unfunded mandate. An IEP can include many things such as certain lighting or an entire aide. It would be difficult to calculate and anticipate the costs to this open-ended requirement. The WCSD currently offers adult diplomas at 22.5 credits; they can earn 11 credits through testing. The WCSD opposes S.B. 116.

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CHAIR DENIS:

Since there is no further public comment or business to come before this Committee, we are adjourned at 6:09 p.m.

RESPECTFULLY SUBMITTED:

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Sandra Small,  
Committee Secretary

APPROVED BY:

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Senator Mo Denis, Chair

DATE: \_\_\_\_\_

**EXHIBITS**

**Committee Name:** Committee on Education

**Date:** February 23, 2011

**Time of Meeting:** 5:15 p.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
S.B. 95	C	Chancellor Klaich	Policies Exists
S.B. 95	D	Marc A. Johnson	Written Testimony
S.B. 96	E	Senator Hardy	Conceptual Amendment
S.B. 96	F	Chancellor Klaich	Testimony Against Bill
S.B. 116	G	Craig Stevens	Proposed Amendment
S.B. 116	H	Dr. Robert Henry	Written comments