

SENATE BILL NO. 391—SENATORS CEGAVSKE, GOICOECHEA,
HAMMOND, HUTCHISON, ROBERSON; GUSTAVSON, HARDY
AND SETTELMEYER

MARCH 18, 2013

Referred to Committee on Education

SUMMARY—Provides for the transfer of the administration of
community colleges to the Department of Education.
(BDR 34-952)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to education; providing in skeleton form for the
transfer of the administration of community colleges to
the Department of Education; and providing other matters
properly relating thereto.

Legislative Counsel's Digest:

1 Existing law provides for the administration of community colleges by the
2 Board of Regents of the University of Nevada within the Nevada System of Higher
3 Education. (NRS 396.020) This bill provides in skeleton form for the transfer of the
4 administration of community colleges from the Board of Regents to the Department
5 of Education.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Title 34 of NRS is hereby amended by adding
2 thereto a new chapter to consist of the provisions set forth as
3 sections 2 to 9, inclusive, of this act.

4 **Sec. 2.** *The Department of Education shall establish a system*
5 *of community colleges in this State. In establishing the system of*
6 *community colleges, the Department shall:*

7 1. *Examine and audit the function, strengths and most*
8 *efficient use of the facilities, resources and staff of each*



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1 *community college to address the needs of the students of the*
2 *system.*

3 2. *Examine and audit the educational opportunities,*
4 *programs and services offered by the community colleges within*
5 *the system to ensure that those opportunities, programs and*
6 *services are tailored appropriately to:*

7 (a) *The different categories of students and prospective*
8 *students having varied aptitudes, aspirations and educational*
9 *needs;*

10 (b) *The jobs and industries likely to be employing the students;*
11 *and*

12 (c) *The state economic development plan.*

13 3. *Insofar as is practicable to achieve the goals set forth in*
14 *subsections 1 and 2, implement measures pursuant to which the*
15 *educational needs of students and prospective students will be met*
16 *by providing, without limitation, programs of remedial education,*
17 *continuing education and entry-level higher education at*
18 *community colleges.*

19 4. *On or before September 1 of each year, provide a report of*
20 *its findings and any adjustments made and actions taken as a*
21 *result of those findings to the Director of the Legislative Counsel*
22 *Bureau for transmission to the Interim Finance Committee and*
23 *the next regular session of the Nevada Legislature.*

24 **Sec. 3. 1.** *The Department of Education shall prepare a*
25 *comprehensive plan for the system of community colleges for the*
26 *next 4 years which explains:*

27 (a) *Any anticipated new programs and expansions of existing*
28 *programs of instruction, public service or research, itemized by*
29 *year and by purpose;*

30 (b) *The anticipated cost of each new or expanded program*
31 *described under paragraph (a);*

32 (c) *The amount and source of any money anticipated to be*
33 *available, from sources other than legislative appropriation, to*
34 *meet each item of anticipated cost listed pursuant to paragraph*
35 *(b); and*

36 (d) *Any further information concerning its comprehensive*
37 *planning which the Department of Education may deem*
38 *appropriate.*

39 2. *The Department of Education shall biennially bring the*
40 *plan up to date for the ensuing 4 years, and shall present the*
41 *revised plan to the Legislature not later than February 1 of each*
42 *odd-numbered year.*

43 **Sec. 4.** *The Superintendent of Public Instruction may*
44 *prescribe rules for the government of the system of community*
45 *colleges.*



1 **Sec. 5. 1. After consultation with the faculty, the**
2 **Superintendent of Public Instruction shall appoint a Chancellor of**
3 **the system of community colleges.**

4 **2. The Chancellor must have a degree from a college or**
5 **university recognized as equal in rank to those having**
6 **membership in the Association of American Universities.**

7 **Sec. 6. The Superintendent of Public Instruction shall fix the**
8 **salaries of the Chancellor and the academic staff of the system of**
9 **community colleges.**

10 **Sec. 7. The Superintendent of Public Instruction shall adopt**
11 **regulations establishing a system of probation for the professional**
12 **employees of the system of community colleges. The regulations**
13 **must provide for a probationary period of such length as the**
14 **Superintendent of Public Instruction deems appropriate.**

15 **Sec. 8. The Superintendent of Public Instruction shall adopt**
16 **regulations establishing a fair dismissal system for the**
17 **professional employees of the system of community colleges who**
18 **have completed probation as required by the Superintendent of**
19 **Public Instruction pursuant to section 6 of this act. The**
20 **regulations must provide that no professional employee who has**
21 **successfully completed his or her probationary period is subject to**
22 **termination or nonrenewal of his or her contract except for good**
23 **cause shown. The regulations must specify what constitutes good**
24 **cause for such termination or nonrenewal of contract, and must**
25 **include provisions for:**

26 **1. Adequate notice;**

27 **2. A hearing to determine whether good cause exists, to be**
28 **held before an impartial hearing officer or hearing committee**
29 **selected in a manner provided by the Department; and**

30 **3. Opportunity for review of the decision of the hearing**
31 **officer or hearing committee,**
32 **↪ in any case involving termination or nonrenewal of the contract**
33 **of a professional employee who has completed probation.**

34 **Sec. 9. The Department of Education shall control the**
35 **expenditures of all money appropriated for the support and**
36 **maintenance of the system of community colleges and all money**
37 **received from any other source.**

38 **Sec. 10. NRS 396.005 is hereby amended to read as follows:**
39 **396.005 As used in this chapter, unless the context otherwise**
40 **requires:**

41 **1. "Board of Regents" means the Board of Regents of the**
42 **University of Nevada.**

43 **2. ~~"Community college" means all of the community colleges~~**
44 **~~within the Nevada System of Higher Education.~~**



1 ~~3.1~~ “State college” means all of the state colleges within the
2 Nevada System of Higher Education.

3 ~~4.1~~ 3. “System” means the Nevada System of Higher
4 Education.

5 ~~5.1~~ 4. “University” means all of the universities within the
6 Nevada System of Higher Education.

7 **Sec. 11.** NRS 396.020 is hereby amended to read as follows:

8 396.020 The legal and corporate name of the State University
9 is the University of Nevada. The System of:

10 1. Universities;

11 2. State colleges;

12 3. ~~Community colleges;~~

13 ~~4.1~~ Administrative services;

14 ~~5.1~~ 4. Research facilities, including, without limitation:

15 (a) The Desert Research Institute;

16 (b) The Ethics Institute; and

17 (c) The Center for the Analysis of Crime Statistics, established
18 within the Department of Criminal Justice at the University of
19 Nevada, Las Vegas; and

20 ~~6.1~~ 5. Departments within the Public Service Division,

21 ➔ administered under the direction of the Board of Regents is
22 hereby collectively known as the Nevada System of Higher
23 Education. The System is comprised of such branches and facilities
24 as the Board of Regents deems appropriate.

25 **Sec. 12.** NRS 396.4365 is hereby amended to read as follows:

26 396.4365 1. The Board of Regents shall ensure that each
27 university ~~1.1~~ and state college ~~and community college~~ within the
28 System:

29 (a) Maintains at the university ~~1.1~~ or state college ~~for community~~
30 ~~college~~ a material safety data sheet for each hazardous chemical
31 used on the buildings or grounds of the university ~~1.1~~ or state college
32 ; ~~for community college~~;

33 (b) Complies with any safety precautions contained in those
34 sheets; and

35 (c) Makes those sheets available to all the personnel of the
36 university ~~1.1~~ or state college ~~for community college~~ and the parents
37 of each student attending the university ~~1.1~~ or state college . ~~for~~
38 ~~community college~~;

39 2. For the purposes of this section, “material safety data sheet”
40 has the meaning ascribed to it in 29 C.F.R. § 1910.1200.

41 **Sec. 13.** NRS 396.533 is hereby amended to read as follows:

42 396.533 A student who is enrolled in a university ~~1.1~~ or state
43 college ~~for community college~~ within the System must be granted
44 access to all the library facilities that are available to students



1 enrolled in any of the institutions within the System and must be
2 adequately informed of the library services that are available.

3 **Sec. 14.** NRS 396.535 is hereby amended to read as follows:

4 396.535 1. The Board of Regents shall prescribe a form that
5 provides for the informed consent of students concerning the
6 directory information that a university, university foundation ~~††~~ or
7 state college , ~~†† or community college.††~~ as applicable, makes public.
8 The form must:

9 (a) Allow each student a reasonable opportunity to indicate
10 whether the student opts not to authorize the release or disclosure of
11 personally identifiable information concerning the student for:

12 (1) Commercial purposes, without the prior written consent
13 of the student;

14 (2) Noncommercial purposes, without the prior written
15 consent of the student; or

16 (3) Both commercial and noncommercial purposes, without
17 the prior written consent of the student.

18 (b) Inform the student that:

19 (1) If the student does not return the form indicating that his
20 or her personally identifiable information must not be released or
21 disclosed, then it is probable that the information will be released or
22 disclosed.

23 (2) If the student returns the form indicating that his or her
24 personally identifiable information must not be released or
25 disclosed, then the university, university foundation ~~††~~ or state
26 college , ~~†† or community college.††~~ as applicable, will not release or
27 disclose the information without the student's prior written consent.

28 (c) Be included with the other forms required for admission to
29 the university ~~††~~ or state college , ~~†† or community college.††~~ as
30 applicable.

31 2. Except as otherwise required by federal law, a university,
32 university foundation ~~††~~ or state college ~~†† or community college.††~~
33 shall not release, disclose or otherwise use any personally
34 identifiable information concerning a student without the prior
35 written consent of the student for:

36 (a) Commercial or noncommercial purposes if the student has
37 returned a form indicating that the student does not authorize release
38 or disclosure for those purposes without his or her consent;

39 (b) Commercial purposes if the student has returned a form
40 indicating that the student does not authorize release or disclosure
41 for those purposes without his or her consent; or

42 (c) Noncommercial purposes if the student has returned a form
43 indicating that the student does not authorize release or disclosure
44 for those purposes.

45 3. As used in this section:



(a) "Commercial purposes" means the use of directory information by any person, including, without limitation, a corporation or other business, outside of the System to solicit or provide facilities, goods or services in exchange for the payment of any purchase price, fee, contribution, donation or other valuable consideration.

(b) "Directory information" has the meaning ascribed to it in 20 U.S.C. § 1232g(a)(5)(A).

(c) "Personally identifiable information" means information that may be used to identify a person, including, without limitation, the name, address, telephone number, date of birth, and directory information of a person.

(d) "University foundation" has the meaning ascribed to it in NRS 396.405.

Sec. 15. NRS 396.540 is hereby amended to read as follows:

396.540 1. For the purposes of this section:

(a) "Bona fide resident" shall be construed in accordance with the provisions of NRS 10.155 and policies established by the Board of Regents, to the extent that those policies do not conflict with any statute. The qualification "bona fide" is intended to ensure that the residence is genuine and established for purposes other than the avoidance of tuition.

(b) "Matriculation" has the meaning ascribed to it in regulations adopted by the Board of Regents.

(c) "Tuition charge" means a charge assessed against students who are not residents of Nevada and which is in addition to registration fees or other fees assessed against students who are residents of Nevada.

2. The Board of Regents may fix a tuition charge for students at all campuses of the System, but tuition must be free to:

(a) All students whose families have been bona fide residents of the State of Nevada for at least 12 months before the matriculation of the student at a university ~~or~~ **or** state college ~~for community college~~ within the System;

(b) All students whose families reside outside of the State of Nevada, providing such students have themselves been bona fide residents of the State of Nevada for at least 12 months before their matriculation at a university ~~or~~ **or** state college ~~for community college~~ within the System;

(c) All public school teachers who are employed full-time by school districts in the State of Nevada;

(d) All full-time teachers in private elementary, secondary and postsecondary educational institutions in the State of Nevada whose curricula meet the requirements of chapter 394 of NRS;



(e) Employees of the System who take classes other than during their regular working hours;

(f) Members of the Armed Forces of the United States who are on active duty and stationed at a military installation in the State of Nevada; and

(g) Veterans of the Armed Forces of the United States who were honorably discharged and who were on active duty while stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California, on the date of discharge.

3. The Board of Regents may grant tuitions free each semester to other worthwhile and deserving students from other states and foreign countries, in a number not to exceed a number equal to 3 percent of the total matriculated enrollment of students for the last preceding fall semester.

Sec. 16. NRS 396.568 is hereby amended to read as follows:

396.568 1. All credits earned by a student in a course at a community college ~~{within the System,}~~ *administered by the Department of Education*, including, without limitation, all credits earned in a course toward the award of an associate's degree must automatically transfer toward the course work required of the student in his or her major or minor, or other course work required of the student, for the award of a baccalaureate degree upon graduation of the student from any university or state college within the System.

2. Pursuant to the policy of the Board of Regents, a student who is awarded an associate's degree:

(a) Shall be deemed to have completed the course of study required of a sophomore.

(b) If the student enrolls in another institution within the System, must be enrolled as a junior.

3. All credits earned toward the completion of a degree of associate of arts, associate of science or associate of business must automatically transfer toward the course work required for the award of a baccalaureate degree upon the graduation of the student from any university or college within the System.

➤ If the transfer of credit pursuant to this section is denied and the student believes that the credit should be applied to his or her degree, the student may appeal the decision. The appeal process must be made available to all students and may be posted on the website of the System.

Sec. 17. NRS 396.916 is hereby amended to read as follows:

396.916 "Eligible institution" means:



1 1. A university ~~or~~ or state college ~~for community college~~
2 within the System; ~~for~~

3 2. *A community college within the Department of Education;*
4 *or*

5 3. Any other nonsectarian college or university that:

6 (a) Was originally established in, and is organized under the
7 laws of, this state;

8 (b) Is exempt from taxation pursuant to 26 U.S.C. § 501(c)(3);
9 and

10 (c) Is accredited by a regional accrediting agency recognized by
11 the United States Department of Education.

12 **Sec. 18.** NRS 353B.075 is hereby amended to read as follows:

13 353B.075 The provisions of NRS 353B.010 to 353B.190,
14 inclusive, must not be construed as a promise or guarantee that a
15 qualified beneficiary:

16 1. Will be admitted to, allowed to continue enrollment at or
17 graduated from a ~~community~~ college or university; or

18 2. Will have the full cost of his or her tuition paid at a
19 ~~community college,~~ college or university that is not a member of
20 the system.

21 **Sec. 19.** NRS 353B.090 is hereby amended to read as follows:

22 353B.090 1. The Board shall develop the Nevada Higher
23 Education Prepaid Tuition Program for the prepayment of tuition at
24 a guaranteed rate which is established based on the annual actuarial
25 study required pursuant to NRS 353B.190 for undergraduate studies
26 at a university ~~or~~ or state college ~~for community college~~ that is a
27 member of the System.

28 2. The Board shall adopt regulations for the implementation of
29 the Program, including, without limitation, regulations setting forth
30 requirements for residency, a limit on the number of qualified
31 beneficiaries, the termination, withdrawal and transfer of money
32 paid into the Trust Fund, the time within which the money paid into
33 the Trust Fund must be used, and payment schedules.

34 **Sec. 20.** NRS 396.311 and 396.315 are hereby repealed.

35 **Sec. 21.** This act becomes effective on January 1, 2014.

TEXT OF REPEALED SECTIONS

396.311 Community College: System of probation for professional employees. The Board of Regents shall adopt regulations establishing a system of probation for the professional employees of the Community Colleges. The regulations must



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provide for a probationary period of such length as the Board deems appropriate.

396.315 Community College: System for dismissal of professional employees. The Board of Regents shall adopt and promulgate regulations establishing a fair dismissal system for the professional employees of the Community Colleges who have completed probation as required by the Board pursuant to NRS 396.311. The regulations must provide that no professional employee who has successfully completed his or her probationary period is subject to termination or nonrenewal of his or her contract except for good cause shown. The regulations must specify what constitutes good cause for such termination or nonrenewal of contract, and must include provisions for:

1. Adequate notice;
 2. A hearing to determine whether good cause exists, to be held before an impartial hearing officer or hearing committee selected in a manner provided by the Board; and
 3. Opportunity for review of the decision of the hearing officer or hearing committee,
- ↳ in any case involving termination or nonrenewal of the contract of a professional employee who has completed probation.

