

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON EDUCATION**

**Seventy-Eighth Session  
April 29, 2015**

The Committee on Education was called to order by Chair Melissa Woodbury at 3:18 p.m. on Wednesday, April 29, 2015, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [www.leg.state.nv.us/App/NELIS/REL/78th2015](http://www.leg.state.nv.us/App/NELIS/REL/78th2015). In addition, copies of the audio or video of the meeting may be purchased, for personal use only, through the Legislative Counsel Bureau's Publications Office (email: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

Assemblywoman Melissa Woodbury, Chair  
Assemblyman Lynn D. Stewart, Vice Chair  
Assemblyman Elliot T. Anderson  
Assemblyman Derek Armstrong  
Assemblywoman Victoria A. Dooling  
Assemblyman Chris Edwards  
Assemblyman Edgar Flores  
Assemblyman David M. Gardner  
Assemblyman Pat Hickey  
Assemblywoman Amber Joiner  
Assemblyman Harvey J. Munford  
Assemblywoman Shelly M. Shelton  
Assemblywoman Heidi Swank

**COMMITTEE MEMBERS ABSENT:**

Assemblywoman Olivia Diaz (excused)

**GUEST LEGISLATORS PRESENT:**

None

Minutes ID: 1065



**STAFF MEMBERS PRESENT:**

H. Pepper Sturm, Committee Policy Analyst  
Kristin Rossiter, Committee Policy Analyst  
Karly O'Krent, Committee Counsel  
Joan Waldock, Committee Secretary  
Trinity Thom, Committee Assistant

**OTHERS PRESENT:**

John Sande IV, representing Universal Health Services of Delaware  
Constance J. Brooks, Ph.D., Vice Chancellor, Government and  
Community Affairs, Nevada System of Higher Education  
Jeannine M. Sherrick-Warner, M.B.A., Director of Programs, Nevada  
Office of the Western Interstate Commission for Higher Education  
Brian Mitchell, Education Fellow, Office of the Governor

**Chair Woodbury:**

[Roll was called. Protocol and procedures were explained.]

We will start our meeting with our work session. I will have Kristin Rossiter walk through the work session documents with us.

**Kristin Rossiter, Committee Policy Analyst:**

The first bill in our work session is Senate Bill 25 (1st Reprint).

**Senate Bill 25 (1st Reprint): Revises provisions relating to public schools.  
(BDR 34-316)**

Senate Bill 25 (1st Reprint) was presented by Superintendent Dale A.R. Erquiaga on April 22, 2015. It makes various administrative changes to the practices of the Department of Education. The bill revises the manner in which distance education courses are funded; changes the Department's budget submission process to reflect its statutory governance structure; allows the parties in a hearing concerning the suspension or revocation of a teaching license to agree to extend the hearing deadline date; and authorizes the Educational Trust Account expenditures to be authorized by the Interim Finance Committee when the Legislature is not in session. The measure also requires the Council to Establish Academic Standards to create standards for foreign and world languages; with limited exceptions, prohibits a person serving in an elected office of this State from also serving on the State Board of Education; and makes a variety of other administrative revisions. The bill is effective on July 1, 2015. [Referred to work session document ([Exhibit C](#)).]

For consideration in today's work session, a conceptual amendment has been proposed by Mr. John Sande of Argentum Partners to amend the bill to authorize hospitals or other facilities licensed for residential treatment of children which operate a licensed private school to receive unused allocations of special education program units in the same manner allowed for charter schools and the university school for profoundly gifted students. A copy of the proposed amendment follows the summary page ([Exhibit C](#)). There was no testimony in opposition to the bill, and there is no fiscal note for the bill.

**Chair Woodbury:**

I am going to have Mr. John Sande come up and explain the need for the amendment.

**John Sande IV, representing Universal Health Services of Delaware:**

I am with Argentum Partners and I represent Universal Health Services of Delaware (UHS), which operates several hospitals in this state. Specifically, I represent them in regard to their behavioral health hospitals. One of their behavioral health hospitals is a residential treatment facility for adolescents 18 years old and younger.

With the leadership of Senator Debbie Smith and Senator Joyce Woodhouse, last session we were able to pass some legislation that assisted UHS. What was happening was that children would be treated at the facility, sometimes for months on end. Before there was a school at the facility, students would fall behind in their education. When they were reintroduced to school after their treatment, they needed to catch up, which caused a lot of problems with their recovery, often leading to further treatment. To curb that, the hospital created a fully licensed school on campus, with principal and teachers. The issue administrators quickly ran into was they did not realize how difficult it was to run a school without funding and to keep adequate, up-to-date curriculum.

We approached Senator Smith and Senator Woodhouse to see if a student's per-pupil funding could follow the child pro rata for the time the child was in the hospital. That legislation passed. Because I am not as sharp as I should be, I did not realize that the funding mechanism for special education was separate and apart from the per-pupil funding.

We went to the Department of Education and asked if we could seek special education funding for these children because about 80 percent of our children are on Individualized Education Programs (IEP). We quickly found out that because we were not listed as one of the approved types of schools that could apply for units, we could not apply.

Understanding the fiscal position of the State, we do not anticipate that we would receive any unallocated units, but we would at least like the opportunity to apply for them if and when any are available. This amendment would add us to the list of types of schools that could apply for special education units. The language is from the bill. It was important to Senator Smith and Senator Woodhouse last session that we narrowly define the types of schools that would qualify for these.

Our school is located in a hospital or other facility which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services, which provides residential treatment to children and operates a private school licensed through *Nevada Revised Statutes* Chapter 394. It is very specific. It does not open the door. I want to thank the Department of Education and all the individual school districts because they have been fabulous to work for in getting this implemented. They have done a tremendous job. It has been seamless. I appreciate your consideration of this amendment.

**Chair Woodbury:**

Does Mr. Erquiaga approve of this legislation? [Mr. Erquiaga gave his approval.] I will accept a motion to amend and do pass.

ASSEMBLYMAN STEWART MOVED TO AMEND AND DO PASS  
SENATE BILL 25 (1ST REPRINT).

ASSEMBLYMAN GARDNER SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN DIAZ WAS ABSENT  
FOR THE VOTE.)

**Chair Woodbury:**

Assemblyman Gardner will take the floor statement.

**Kristin Rossiter, Committee Policy Analyst:**

The next item on our work session is Senate Bill 200 (1st Reprint).

**Senate Bill 200 (1st Reprint): Revises provisions relating to enrollment of pupils in charter schools. (BDR 34-183)**

Senate Bill 200 (1st Reprint) was presented by Senator Scott Hammond and heard in this Committee on April 22, 2015. The bill authorizes a charter school to offer enrollment preference to a child of a person who resides or is employed on a military installation if the charter school is located on such a property. The bill is effective July 1, 2015. There was no testimony in opposition to the bill,

and there are no fiscal notes for the bill. [Referred to work session document ([Exhibit D](#)).]

**Chair Woodbury:**

I will accept a motion to do pass.

ASSEMBLYMAN ELLIOT T. ANDERSON MOVED TO DO PASS  
SENATE BILL 200 (1ST REPRINT).

ASSEMBLYMAN ARMSTRONG SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN DIAZ WAS ABSENT  
FOR THE VOTE.)

**Chair Woodbury:**

Assemblyman Armstrong will take the floor statement.

**Kristin Rossiter, Committee Policy Analyst:**

The next bill on our work session is Senate Bill 205 (1st Reprint).

**Senate Bill 205 (1st Reprint): Revises provisions relating to plans to be used by  
a school in responding to a crisis or emergency. (BDR 34-404)**

Senate Bill 205 (1st Reprint) was presented by Assemblyman Elliot T. Anderson and heard in this Committee on April 22, 2015. The bill requires the Department of Education to develop a model plan for the management of a crisis or an emergency involving a public or private school. This model plan must include certain procedures, plans, and information, including threats or hazards listed in the county hazard mitigation plan, and is utilized by each school district, charter school, and private school in the development of local plans.

This measure removes the requirement that district and school plans be submitted to the State Board of Education and instead requires that notices of plan review completion be filed with the Department. It also requires that any approved deviations to school emergency plans be distributed to all relevant entities as soon as practicable. [Referred to work session document ([Exhibit E](#)).] There was no testimony in opposition to this bill. There are fiscal notes, although they indicate there was no fiscal impact.

Portions of Assembly Bill 218 and S.B. 205 (R1) may need to be reviewed for consistency, as they both relate to defining lockdown procedures.

**Chair Woodbury:**

I will accept a motion to do pass.

ASSEMBLYMAN ELLIOT T. ANDERSON MOVED TO DO PASS  
SENATE BILL 205 (1ST REPRINT).

ASSEMBLYMAN GARDNER SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN DIAZ WAS ABSENT  
FOR THE VOTE.)

**Chair Woodbury:**

Assemblyman Elliott T. Anderson will take the floor statement.

**Kristin Rossiter, Committee Policy Analyst:**

The final bill on our work session is Senate Bill 418 (1st Reprint).

**Senate Bill 418 (1st Reprint): Revises provisions relating to refunds paid by private postsecondary educational institutions. (BDR 34-727)**

Senate Bill 418 (1st Reprint) was presented by Sam McMullen and others and heard in this Committee on April 22, 2015. The bill revises refund provisions affecting private postsecondary educational institutions to allow an institution to retain \$150 or 10 percent of the agreed-upon tuition, whichever is less, from a student who cancels his or her enrollment before classes begin. It further authorizes such an institution that is accredited by a regional accrediting agency recognized by the United States Department of Education to additionally retain any funds deposited by the applicant to secure a position in a program that are clearly disclosed to the applicant as nonrefundable. This bill also increases from \$100 to \$150 the maximum amount that an institution may retain, in addition to the pro rata amount of tuition, when a student withdraws or is expelled by the institution after the start of the training program but before completing 60 percent of the program. [Referred to work session document ([Exhibit F](#)).] There was no testimony in opposition to this bill, and there are no fiscal notes for the bill.

**Chair Woodbury:**

Do I have a motion to do pass?

ASSEMBLYMAN ELLIOT T. ANDERSON MOVED TO DO PASS  
SENATE BILL 418 (1ST REPRINT).

ASSEMBLYMAN HICKEY SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN DIAZ WAS ABSENT  
FOR THE VOTE.)

**Chair Woodbury:**

Assemblyman Hickey will take the floor statement.

I will open the hearing on Senate Bill 195 (1st Reprint), which creates the Office of the Western Regional Higher Education Compact within the Office of the Governor.

**Senate Bill 195 (1st Reprint): Revises provisions relating to higher education.  
(BDR 34-509)**

**Constance J. Brooks, Ph.D., Vice Chancellor, Government and Community Affairs, Nevada System of Higher Education:**

With me at the table today is Jeannine Sherrick-Warner, the director of the Nevada Western Interstate Commission for Higher Education (WICHE). I also have Brian Mitchell who is an Education Fellow in the Office of the Governor with me. I would like to start by thanking Senator Hardy for his support of higher education, as well as his support of WICHE. He is a former WICHE commissioner and understands WICHE intimately. He also understands the Nevada System of Higher Education (NSHE) and the relationship we have with WICHE.

This bill is pretty simple in that it removes WICHE from the Nevada System of Higher Education and moves it to the Governor's Office. It is cost-neutral and aligns us with other states throughout the country where the Governor has taken a keen interest in supporting interstate commissions on higher education. We view this as something that is fairly simple. We would also like to thank Governor Brian Sandoval for his support. As you know, education is part of his legacy as our governor for two terms. I will now turn it over to Ms. Sherrick-Warner and to Mr. Mitchell to provide you more information.

**Jeannine M. Sherrick-Warner, M.B.A., Director of Programs, Nevada Office of the Western Interstate Commission for Higher Education:**

I appreciate the opportunity to be here before you today. The mission of the Nevada WICHE is to carry out the goals, objectives, and programs of the multistate Western Regional Education Compact, and share resources with Nevada's higher education institutions and safety net providers to offer educational, financial, and health care support to Nevada's citizens. Western Interstate Commission for Higher Education enhances workforce and economic development by providing the state highly trained, qualified professionals in diversified areas of established need.

Due to the economic events that occurred around 2009, in fiscal year 2010, WICHE staff was adjusted and reduced by 43 percent and WICHE was administratively transferred to the Nevada System of Higher Education. The Nevada System of Higher Education (NSHE) appropriated the WICHE funds, but the Commission does carry out the responsibilities of *Nevada Revised Statutes* (NRS) Chapter 397.

Since then, WICHE has restructured operations and programs, business practices have been reset, and the Commission has determined that the reasons for the move in 2010 no longer exist. With the WICHE 2016-2017 biennial budget request, the Commission's recommendation was for WICHE to become a stand-alone agency as it was prior to 2010, as there is no longer a benefit with WICHE being under NSHE; however, the Commission feels Senator Hardy's recommendation is the better option. The Commission has requested the transfer be done on a cost-neutral basis and staff positions remain in their currently existing employment classifications.

The Commission supports transferring WICHE under the Governor's Office, as this would allow for the opportunity to collaborate with other entities engaged in educational activities, and for a small program to be under the Executive offices does give it a certain amount of clout and administrative backup. Thank you for your time today.

**Brian Mitchell, Education Fellow, Office of the Governor:**

A few weeks ago, the Governor's Office had a conversation with the Nevada System of Higher Education, and they proposed to us to transfer WICHE over to the Governor's Office. After consulting with the Governor's Office, he feels that WICHE would have a good home in his office. He accepted the transfer. We believe that having WICHE in the Governor's Office would allow for synergy on some of the economic development and workforce development initiatives that Governor Sandoval cares about, particularly increasing the number of medical practitioners in underserved and rural areas of Nevada, which



WICHE specializes in. We also echo that the Governor's Office would be able to provide WICHE with some of the administrative support that they require. I will leave it at that. I would appreciate your support of this bill.

**Chair Woodbury:**

Committee, are there any questions?

**Assemblywoman Swank:**

How would this work with the funding? Since WICHE provides reduced tuition that stays at the universities, would this have any impact on how the funding is done for NSHE?

**Brian Mitchell:**

What we are requesting is to execute an agency code change. Our staff can work with your staff to carry that out. Everything else would remain the same.

**Chair Woodbury:**

Seeing no further questions, is there anyone here in support of S.B. 195 (R1)? [There was no one.] Is there anyone here to testify in opposition? [There was no one.] Is there anyone here wishing to testify as neutral? [There was no one.] Would the presenters like to make any closing comments?

**Constance Brooks:**

We would just like to express our support to Governor Sandoval as well as to the administrators in his office and to Brian Mitchell, Senator Hardy, and all the WICHE commissioners for their support. We appreciate this administrative change. This is an efficiency measure. It is cost-neutral. We would love your support on this bill.

**Chair Woodbury:**

I will close the hearing on S.B. 195 (R1). Is anyone opposed to voting this out right now? [There was no one.] I will accept a motion to waive the 24-hour rule for voting on a bill.

ASSEMBLYMAN GARDNER MOVED TO WAIVE RULE NO. 57 OF  
ASSEMBLY RESOLUTION 1.

ASSEMBLYMAN ARMSTRONG SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN DIAZ, EDWARDS, AND  
STEWART WERE ABSENT FOR THE VOTE.)

**Chair Woodbury:**

I will accept a motion to do pass Senate Bill 195 (1st Reprint).

ASSEMBLYWOMAN SWANK MOVED TO DO PASS  
SENATE BILL 195 (1ST REPRINT).

ASSEMBLYMAN ELLIOT T. ANDERSON SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN DIAZ, EDWARDS, AND  
STEWART WERE ABSENT FOR THE VOTE.)

**Chair Woodbury:**

Assemblywoman Swank will take the floor statement.

Is there anyone here for public comment? [There was no one.] Our next meeting will be Monday. We will consider one bill and have a possible work session. Our meeting is adjourned [at 3:38 p.m.].

RESPECTFULLY SUBMITTED:

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Joan Waldock  
Committee Secretary

APPROVED BY:

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Assemblywoman Melissa Woodbury, Chair

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

**EXHIBITS**

**Committee Name:** Assembly Committee on Education

**Date:** April 29, 2015

**Time of Meeting:** 3:18 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 25 (R1)	C	Kristin Rossiter, Committee Policy Analyst	Work session document
S.B. 200 (R1)	D	Kristin Rossiter, Committee Policy Analyst	Work session document
S.B. 205 (R1)	E	Kristin Rossiter, Committee Policy Analyst	Work session document
S.B. 418 (R1)	F	Kristin Rossiter, Committee Policy Analyst	Work session document