

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

**Seventy-Ninth Session
February 13, 2017**

The Committee on Education was called to order by Chairman Tyrone Thompson at 3:15 p.m. on Monday, February 13, 2017, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 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/79th2017.

COMMITTEE MEMBERS PRESENT:

Assemblyman Tyrone Thompson, Chairman
Assemblywoman Amber Joiner, Vice Chair
Assemblyman Elliot T. Anderson
Assemblywoman Olivia Diaz
Assemblyman Chris Edwards
Assemblyman Edgar Flores
Assemblyman Ozzie Fumo
Assemblywoman Lisa Krasner
Assemblyman William McCurdy II
Assemblywoman Brittney Miller
Assemblyman Keith Pickard
Assemblywoman Heidi Swank
Assemblywoman Jill Tolles
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblywoman Maggie Carlton, Assembly District No. 14



STAFF MEMBERS PRESENT:

Amelie Welden, Committee Policy Analyst
Karly O'Krent, Committee Counsel
Sharon McCallen, Committee Secretary
Trinity Thom, Committee Assistant

OTHERS PRESENT:

John V. White, Acting Chancellor, Nevada System of Higher Education
Crystal Abba, Vice Chancellor for Academic and Student Affairs, Nevada System of Higher Education
Mike Ramirez, Director of Governmental Affairs, Las Vegas Police Protective Association Metro, Inc.
Ryan Beaman, President, Clark County Firefighters, Local 1908, International Association of Firefighters
Craig M. Stevens, Director of Intergovernmental Relations, Government Affairs, Community and Government Relations, Clark County School District
Robert Roshak, Executive Director, Nevada Sheriffs' and Chiefs' Association
Thomas D. Dunn, District Vice President, Professional Fire Fighters of Nevada
Natha C. Anderson, President, Washoe Education Association
Rick Trachok, Chairman, Board of Regents, Nevada System of Higher Education
Rusty McAllister, Executive Secretary-Treasurer, Nevada State AFL-CIO
Rachel Gumpert, representing American Federation of State, County and Municipal Employees International, Washington, D.C.
Priscilla Maloney, Government Affairs Retiree Chapter, Local 4041, American Federation of State, County and Municipal Employees, AFL-CIO
Ruben R. Murillo, Jr., President, Nevada State Education Association
Cesar O. Melgarejo, Veterans Policy Analyst, Office of the Governor
Katherine Miller, U.S. Army Col. (Ret.), Director, Department of Veterans Services
Kevin Burns, representing United Veterans Legislative Council
Michael Flores, Director, Communications and Government Affairs, College of Southern Nevada
Luis F. Valera, Vice President, Government Affairs and Diversity Initiatives, University of Nevada, Las Vegas
Ross D. Bryant, Director, Military and Veteran Services Center, University of Nevada, Las Vegas
James Campos, Senior Advisor, Office of the President, Nevada State College

Chairman Thompson:

[Roll was called. Committee protocol and rules were explained.] Today, we are going to have a presentation from the Nevada System of Higher Education (NSHE), and we will hear two bills today: Assembly Bill 1 and Assembly Bill 24.

John V. White, Acting Chancellor, Nevada System of Higher Education:

I am the Acting Chancellor of the Nevada System of Higher Education. As you know, NSHE is Nevada's single system of higher education including community colleges, a state college, two research universities, and a research institution. The fundamental goal of NSHE is to improve Nevada by improving attainment of university degrees and workforce certificates among our citizens, supporting workforce development, and expanding funded research and development in support of economic diversification. We have other goals, but these three map the campuses, education services, and research missions.

The Governor's budget recommendations go a long way to helping higher education achieve these goals by continued support for the state's performance-based funding formula. The formula recognizes these institutions' improved enrollment, retention, and completion records. The additional funding for workforce development, through the adjustment of the career and technical education (CTE) funding and capacity-building programs, helps with our workforce development. Support for increased research capacity, though mostly indirect, comes from funding formula increments, as well as direct support in other parts of the budget, the knowledge fund in particular.

Attainment is a key goal for Nevada. Nevada is a member of the Complete College America Alliance of States. As a requirement of membership, a state's governor "pledges to make college completion a top priority." Governor Sandoval embraced Complete College America. That set a goal of 60 percent of Nevadans having an advanced certificate, associate, or bachelor's degree, initially by 2020, now by 2025. As you can note on page 2, ([Exhibit C](#)), we are only at 30 percent, so we have a long way to go. To improve, we will need to increase enrollment and also increase retention and graduation rates. While doing so, we will have to pay particular attention to the underserved minority population which is growing rapidly and is now approaching half of our student population. We will also need to pay close attention to our large nontraditional student population which complicates our delivery mission.

Enrollment is the key for improving attainment. Traditional enrollment increases will be difficult because of the nature of Nevada's population. You will note on page 3, ([Exhibit C](#)) that Nevada has a smaller pool of students in the pipeline than states with nearly identical populations. Moreover, on page 4 ([Exhibit C](#)), the percentage of traditional college-age Nevadans enrolled in higher education is low. Not only do we have a smaller pool of college-age students—18 to 24 years old—than similarly populated states which we have compared here, we also have a smaller percentage enrolled in higher education, at just 26 percent. You will note that the national average for enrollment of college-aged students is 40 percent. That is a gap we endeavor to close.

Thus, our overall enrollment per 100,000 citizens is low [page 5, ([Exhibit C](#))] and that enrollment has dropped off in recent years at our two-year and four-year institutions alike [page 6, ([Exhibit C](#))].

Finally, our enrollment dropped after the recession by 8,800 students—approximately 8 percent of our total enrollment. This sharp drop-off is illustrated dramatically on page 7, ([Exhibit C](#)), and correlates with significant increases in our registration fees. The performance-based funding formula, adopted in 2012, incentivizes our campuses to improve enrollment and student completion, and you will notice a slight increase in enrollment after 2013.

Minority enrollment at NSHE institutions has been dramatically increasing since 2005. Notice on page 9 ([Exhibit C](#)) that the percentage of underserved minority students has gone up from 34 percent in 2005 to 50 percent now. The degrees awarded to minority students have increased by 235 percent during that time [page 10, ([Exhibit C](#))], while there has been a smaller increase in degrees awarded to white students; that has dwindled over the past couple of years. It is very clear that our obligations for minority enrollment are dramatic and continuing to increase. Indeed, some of our campuses surpass this 50 percent rate, especially those in southern Nevada.

Additionally, another hallmark of NSHE institutions is the relatively high proportion of nontraditional students—students 25 years of age and older [page 12, ([Exhibit C](#))]. You will notice that our community colleges are slightly above the national average in the proportion of students older than 24 years of age.

What is stark is that our university enrollment of nontraditional students is very high [page 13, ([Exhibit C](#))], with one-third of university enrollment coming from older students compared with the national average of 20 percent. This puts us number three in the country in the percentage of older students enrolled in higher education. With only 2.7 percent of our older students enrolled in higher education and an older population of 1.8 million, there seems to be some prospect for growth here. However, growing the enrollment of nontraditional students is more complicated than growing the enrollment of undergraduate students straight from high school. Instruction for those students requires more sensitivity in scheduling, they are themselves more sensitive to cost, and often it leads to more expensive programs to run. For our research universities in particular, educating nontraditional students is also sometimes at odds with the demands of the traditional students who expect a more structured curriculum. This is something we are focused on and addressing.

In addition to increasing enrollment, improving retention and graduation are key components for NSHE. Our first year of retention rates at NSHE institutions is good, greatly above the national average for two-year institutions [page 14, ([Exhibit C](#))] and at the average for four-year institutions [page 15, ([Exhibit C](#))]. The percentage of high school students who initially enroll in higher education is not bad either, with more than 60 percent of high school graduates enrolling in higher education, either with us or in other states as shown on page 16 ([Exhibit C](#)). However, the ultimate graduation rates within 150 percent of normal time, are low [pages 17 and 18, ([Exhibit C](#))]. As you can see, the rate at our community colleges is somewhat below the 19 percent national average, and for the universities, it is below the 57 percent national average.

Many students remain enrolled beyond 150 percent of normal time. They are simply taking a long time to graduate. Others cycle in and out. Many students enroll initially as part-time students and, therefore, are not covered in this data. In addition, many students do not graduate from high school. Consequently, we can go from 63 percent of high school graduates enrolled to only 26 percent of 18- to 24-year-olds enrolled. This highlights some of the challenges that we encounter, as well as the difficulty of improving our success rate for ninth graders by 150 percent after they have graduated high school.

The performance-based funding formula that we have been operating under for several years focuses on enrollment and progression. Our schools are doing better in many of the areas that the formula measures, suggesting better outcomes in future years. Pages 20 through 31, ([Exhibit C](#)) show that since the adoption of the performance-based funding formula, our institutions have generally improved their performance on a host of factors that we track. These include enrollment measured by both full-time equivalent (FTE) and weighted student credit hour degrees awarded; science, technology, engineering, and math (STEM) and allied health degrees conferred; and the graduation rate of at-risk students.

The weighted student credit hour increases reflected in the Governor's budget recommendation have driven the success of our institutions in enrollment and in student progression; that is to say, retention and graduation. Moreover, the equity gap appears to be closing. As we saw earlier, the enrollment of minority students is improving as is the number of degrees granted. Graduation rates between minority and white students are increasingly comparable. Minority students graduate at a higher rate at three of our four community colleges, and at the other schools, the gap between minority and majority students is now narrowed as shown on page 19 ([Exhibit C](#)).

Working hard on improving enrollment and then adding redoubled efforts in improving retention and completion should help us to improve attainment in Nevada, but we face some substantial hurdles. Before we get to those hurdles, NSHE is also focused on two other substantive goals. The first is workforce development. The Governor's budget recommendation includes two enhancements aimed at increasing our capacity to provide specific workforce training. The first enhancement is our CTE modification to the funding formula. That proposal would eventually double the weights that are awarded to specific classes in CTE. Those classes tend to be smaller, so assume that you are not going to have 150 students with one instructor in a welding class. Based on that and other considerations, we made this modification and proposed it, and it has been supported in the Governor's proposal as well.

The second is that our capacity proposals around workforce at both our community colleges and our universities were crafted individually by each campus and are aimed at developing greater capacity to do workforce teaching in allied health, in education, and in some other areas. We are diligently focused on improving our resonance in the workforce development area.

Similarly, the NSHE research institutions have to do better at research productivity. Page 32 ([Exhibit C](#)) illustrates the tremendous gap between us and similarly sized states. For those states, including Nevada, some \$2 billion of research expenditure was tracked by the National Science Foundation. Nevada institutions only received 7 percent of that at \$153.6 million. There is a huge gap between us and the next state, Arkansas, which has \$281.8 million. You will also notice that if you were to calculate federally funded research per capita as we do on page 32 ([Exhibit C](#)), we not only trail those five states, but also trail the national average substantially. Doing better in research is a significant component of the mission of NSHE and the three research institutions. That, too, is something we are heavily focused on.

In order to achieve these three goals and to make up the gap as highlighted on page 33 ([Exhibit C](#)), we face several challenges. The first is that our funding levels are relatively low. This budget proposal goes a long way to improving that. We have leaned heavily on our students in recent years, and our students have proved to be very price-sensitive. One of the levers that many other states utilize, increasing costs to the students, is probably not available to us going forward. We have to find ways to address increased capacity without relying on students to do so.

Another hurdle for us is that our student-faculty ratios [page 35, ([Exhibit C](#))] make it very difficult to fulfill our complex missions. The student-faculty ratio at our two-year institutions and community colleges is number four out of five states of similar institutional size. Our student-faculty ratio for four-year institutions is last. To put this in context, these measurements are a calculation of how many students per faculty member. It reflects a nice rule of thumb which is what the assets are that you have available to dedicate to your mission.

Our biggest challenge is with our pipeline [page 36, ([Exhibit C](#))]. It is very clear that, though we have 65 percent of students enrolling in higher education immediately after school, many of those students come to higher education underprepared. Notice on page 37, ([Exhibit C](#)) that if you look at ninth graders three years after they are supposed to have graduated high school—or six years in the case of four-year campuses—only 9.8 percent of Nevadans have a degree, whereas the U.S. average is 20.8 percent. We are behind all of the similarly sized states. Part of the challenge here is that students do not graduate from high school so they are not getting a certificate or degree from us. Those who do graduate [page 38, ([Exhibit C](#))], though they are enrolling at a high level, are not prepared for success in all instances. Showing the average ACT scores [page 38, ([Exhibit C](#))] for students who possess the standard high school diploma in Nevada and those who possess the advanced diploma, and seeing the college readiness benchmark produced by ACT, you will notice that the average for our standard diploma holders does not meet the college-ready benchmarks. Our advanced diploma holders meet those college readiness benchmarks for the most part. The additional difficulty is that many of them require remedial education.

Next, 39 percent of the advanced diploma holders [page 39, ([Exhibit C](#))] require at least one remedial course. Unsurprisingly, of the standard diploma holders, 70 percent require at least

one remedial course. Recent studies have highlighted that remedial education is, itself, correlated with lack of success in higher education. Speculation is that it puts students off track and also that the students are not encouraged to take on the substantial burdens of higher education study. In any event, these are the students we have, and we are dedicated to trying to overcome these particular hurdles going forward.

There are some additional pipeline issues as I have noted. A higher proportion of our students are older, making it more difficult to develop curriculum for them to follow and to offer courses that meet the life demands placed on them. In addition, we have a high proportion of poorer students. They face life challenges that are unique and make it difficult for them to thrive.

Overall, the Governor's budget recommendation [page 40, ([Exhibit C](#))] moves us in the direction we need to go. Support for success in enrollment, retention, and completion through the weighted student credit hour increases in the formula continue to incentivize our institutions to focus on student enrollment and completion. The workforce development proposals through the CTE and capacity plans will expand our ability to add to the workforce. The University of Nevada, Las Vegas (UNLV) School of Medicine buildout item in our budget request [page 41, ([Exhibit C](#))] will also expand this ability. A substantial budgetary increase is represented and it will help, as well, to close the gap in state support.

In the meantime, we look forward to taking on these substantial challenges and improving the workforce and citizenry of Nevada through higher education.

Assemblywoman Swank:

Would you go back to page 9 ([Exhibit C](#)) and tell us if you have these numbers by institution or at least by the two-year and four-year data? Lumping them all together when their missions are very different does not give us a good picture of what is happening. These numbers look pretty positive. I would like to see them broken out.

I have a question regarding page 19 ([Exhibit C](#)) and the numbers showing the differences in the minority and white graduation rates. Do any of these reach statistical significance? That would be very interesting.

John White:

These are just graduation rates; how many people are getting to graduation. In almost all cases, the pool of students is substantial, particularly since we have lumped them together as minority students. When we break them down and have that data, we will be happy to share. You may then raise questions as to whether the group is big enough to be statistically significant.

Assemblywoman Swank:

I am not sure if it is the two-year or the four-year schools that have the highest tuition in the country based on the median income in our state. Can you talk about that as an important point for the Committee to know? The tuition could look quite low, but as a percentage of

the median household income in Nevada, it is a big stretch for many families to be able to send their children to school. What we are working on this session might help ameliorate some of that stress.

Crystal Abba, Vice Chancellor for Academic and Student Affairs, Nevada System of Higher Education:

You are referring to the data that was used to essentially provide the justification for the Silver State Opportunity Grant Program ([Exhibit D](#)). You are correct. We are the least affordable in the nation for students based on the percentage of median family income required to pay for one year at a community college. That is net financial aid. The last year's data that we have is 18.9 percent; well above the national average that was 16 percent. What is worse is that when you look at students from the lowest income quintile, it absolutely blows up. It is 62.4 percent. We believe a good approach is the Silver State Opportunity Grant Program, which is based on a shared responsibility model where the state essentially provides support for students above and beyond what the federal government is providing in the Pell Grant. More important, our model encourages those students to enroll in 15 credits and be college-ready.

Assemblywoman Swank:

Are we making progress? During the recession we had to raise tuition and fees to get us through. Are we moving away from that to where we can begin to think about bringing down costs?

Crystal Abba:

There is no new available national data to do a comparison to see if we have moved anywhere on that chart. In a few years, when that data is released, you will see an improvement because of the Silver State Opportunity Grant Program. Remember that 6.4 percent of low-income students are actually attending a public community college in this state. It is among the lowest in the nation. That is the needle we are hoping to move through the Silver State Opportunity Grant Program.

Assemblyman Pickard:

I would like to go back to page 9 ([Exhibit C](#)). As a follow-up, I have a question regarding the different components of these numbers. Do you anticipate the trend in minority enrollment to continue to outpace nonminorities, and if so, why?

John White:

Yes, because of the pipeline from high schools, especially Clark County, but really from all of the high schools in the state.

Assemblyman Pickard:

Are we seeing the nonminorities going to other states for higher education? I would like to figure out why we do not see a trend that is similar to our state population.

John White:

The 18-year-old and younger population is disproportionately minority compared with the state population. They are not being chased off to any particular place, though that is always a risk and tipping-point literature suggests that can happen, but we do not think that is the issue. It is just the pipeline from Nevada's high schools.

Assemblyman Flores:

I am looking at page 39 ([Exhibit C](#)) regarding remedial courses. Of those students taking remedial courses, do we have data on how many are graduating, and how many are graduating within the traditional context of four or five years as opposed to six or seven years?

John White:

Yes, we do have that data. However, it is not available to me at this moment.

Crystal Abba:

We can get that to you.

Assemblyman Flores:

Can you speak to what we are doing at the higher education level to help these students? I understand the dynamic of putting pressure on K-12 by saying that our students are not prepared. That is something that, collectively, we have an obligation to work on. At the same time, the moment they make it across the finish line, the burden is now on higher education, and since that burden is on your playing field, what is it we are doing to help these students so that we are sharing that responsibility and not just punting it?

John White:

All of our individual campuses have been experimenting with new methods, as have institutions all over the country. The newest trend nationwide is coenrollment. There is not enough evidence yet to know if coenrollment makes a difference, but the early returns are very promising. The real key in putting students in regular courses, with some assistance so that they are not off track, is to see whether they ultimately have the same graduation rates as students who took remedial courses.

Crystal Abba:

One of the most significant changes has occurred in policy where we are now focused on the end game as opposed to the cut score that is required to place a student into remediation. A year ago, through the work with Complete College America, the Board of Regents adopted a policy that essentially says that when a student enrolls and is placed in remediation, the institution has an obligation to put that student on a pathway to completing the gateway course offered through Complete College America within the first year of enrollment or the first three semesters, if they are a STEM student. We know, overwhelmingly, from national as well as NSHE data, that those students who complete the gateway course within the first year are significantly more likely to graduate. As a result, we have changed the entire dialogue around remediation throughout the system. Before, if you received less than

an 18 on your ACT in mathematics, you were going to be placed into remediation. Now we are going to place you into a corequisite and provide you with the additional services that you need to ensure you complete the gateway course in the first year. That dramatically increases your likelihood for graduation.

Assemblywoman Miller:

I know that remedial courses are something that all universities offer, but how does our number of students in remedial courses compare with other states nationally? I do not want it to sound like this is just a unique issue to Nevada.

John White:

We can collect those specific numbers for you, but 40 percent and 70 percent are high. Most states do not have the division between advanced and standard degrees, though some have college preparatory degrees.

Assemblywoman Miller:

Could that be broken down by subject as well, such as math or English remediation?

John White:

No.

Assemblywoman Tolles:

Thank you for that presentation, as I do have an interest in nontraditional students over the age of 24 returning to school. Do we have any indication for why we are third in the nation? Why do we have such a high rate of the older population coming back to school?

John White:

The data point only measures how many students are above a certain age. You will notice that Utah's data is also fairly high. However, many of their students go on missions and then come back and are still on track from 20 to 24 or 25 years of age. There are many characteristics about Nevada that we could speculate on, but it is best not to do so. We just do not know.

Assemblywoman Tolles:

Page 41 ([Exhibit C](#)), differentiates between professional merit and benefits and the cost of living adjustment (COLA). The request from the Board of Regents is \$11 million and \$22 million respectively, and the proposed *Executive Budget* request is \$12 million and \$24 million respectively. Can you walk the Committee through the differences between the professional merit and benefits program and COLA?

John White:

The Board of Regents requested a 2.5 percent increase for professional merit as an estimate for each year. Each campus has a particular process for evaluating annual reports and other successes of their faculty, then distributing merit. I was on the faculty and administration at the University of Nevada, Las Vegas (UNLV), and there are five levels of set dollar amounts

used for merit distribution. The increase is what our faculty encouraged the Board to request and what our faculty still feels very strongly about. Regarding COLA, it is 2 percent across the board for all employees who qualify. You will note there is also a step for classified employees that is akin to merit, although many of the employees top out fairly quickly.

Within the system, some 40 percent of our employees who are classified would not get anything under the step increases. The differences are that one is distributed according to performance and the other is distributed per capita by percentage.

Assemblywoman Tolles:

The merit is distributed to academic faculty, whereas COLA is spread out among classified administrative staff as well as the faculty, correct?

John White:

Within the system, we describe a number of the administrative staff, essentially the nonclassified personnel, as administrative faculty so they, too, would be eligible for merit. The COLA goes to everyone. One of the key differences is that the merit allocation does not include the highest-level employees at the institution. Typically, deans and vice presidents, as well as the president, are not included in the merit distribution. That makes for a difference in the total amounts, but COLA is applied to everyone.

Assemblywoman Tolles:

Do you have a report of the available scholarships and financial aid programs broken out by community college, state college, and university students? I know, for example, that the Silver State Opportunity Grant Program is available to community college and state college students, but not to university students. Do you have that information?

Crystal Abba:

I will send the Committee the NSHE financial aid report that was last published for year 2015-2016. It will have breakouts by various types of aid, sources of aid, what institution is getting what, who is filling out the Free Application for Federal Student Aid (FAFSA), and enrolling. It goes beyond what you are asking for, but it will give you a very accurate picture of the state of financial aid in the system.

Assemblyman Edwards:

I have a question regarding the support to the community colleges. I ran the numbers based on the percentages of students who graduate from high school, enter college, and then graduate with a four-year degree. It works out to about 20,000 of our students. In Clark County alone, where there are 350,000 students, what are we doing for the other 330,000 since most of them seem to be going to the community colleges? Do we have the right balance of support and funding going to the community colleges to meet that demand?

John White:

That is a value judgment to some extent. In terms of what we are doing for the many students who are not matriculating, we are working to get them to matriculate, then trying to

keep them enrolled. Higher education is unique because students choose to go or not to go. The challenge for higher education officials nationwide is how we improve attainment when there is no compulsory attendance. In terms of the balance, our students are making choices about where to go.

There have been sharp increases in enrollment at our four-year institutions, which explains the difference in weighted student credit hours in the Governor's budget recommendation as well as the system's request, and flat to declining enrollments at the community colleges. At this point, the community colleges and the universities are at parity in terms of overall head count. In terms of success rates and student tracking throughout their years in higher education, it is difficult to see how many of our students are transferring and graduating, in part, because most of our measures are over a period of time. We have received better data in the past several years. What we lack is comparative data, but that is improving so that we can see students who have started at one institution, gone to another, and then returned. Those students used to be lost in the data. We might be able to determine how well students are doing as they navigate their way through the various parts of the higher education system, but until a couple of years ago, that was not data that we collected.

Assemblyman Edwards:

I was looking at the amount of funds that go to the community colleges and Nevada State College as opposed to how much goes to University of Nevada, Reno (UNR) and University of Nevada, Las Vegas (UNLV). It seems to be weighted heavily to one side.

John White:

Those differences are in how their missions are structured and therefore, in how they are staffed. The research institutions have lower faculty workloads with higher faculty workloads at the community colleges. If you look at the lower divisions in the universities, those lower divisions have bigger classes often taught by teachers with higher workloads. In that sense, they are comparable to the community colleges. It gets complicated in the upper divisions which relates to my earlier point regarding a section of availability for students who have busy lives. The traditional small liberal arts college tracks students and offers a lot of smaller classes in the upper divisions, but usually only in one section. The challenge for our institutions is that our students have life demands that require us to offer lots of small classes at the upper divisions, placing additional stress on university staffing.

One thing that is clear is that our overall support, the combination of funding from the state and from tuition, has not been particularly high. While the funding request goes a long way to improving staffing needs, it casts a bright light on differences within the system.

Assemblyman Edwards:

With so many people going to the community colleges, I am eager for them to have a great level of support.

Assemblywoman Joiner:

I appreciate the data. It is great information and gives us an overview of where we have been in the past two years. On pages 2 and 4 ([Exhibit C](#)) are snapshots of Nevada compared with other states. Do we have longitudinal data on whether we are getting better or getting worse in our percentage of adults with degrees and our percentage of the enrolled population who are 18 to 24 years old?

Crystal Abba:

This keeps me awake at night. This is 2012 data. The challenge with this is we have control over the numerator which is degree productivity, but we do not have control over the denominator which is the population of the state. If you look at the 30 percent figure—which you can find on [higher.org](#)—then go back five years, it hovered in the 24.7 range. Remember, this data was collected two years into the Complete College America initiative, so there is not enough time to see if all efforts that we have made, through the funding formula, have really moved this needle. The data is there, but only goes back a few years. You will not see a great deal of progress within the five years prior to this. Again, I am aware of only one data source, and it has not been updated since 2012. I am anxious to see what it looks like as of 2015.

Assemblywoman Joiner:

Overall, in seeing this presentation, some of the information was not so surprising, but the 9 percent of ninth graders who graduated high school, then went on to obtain a degree within six years is disturbing to me. As a system, you must be disappointed with this data, not all of it being as high as we would like it to be. How do you choose what to focus on? What is the current plan moving forward? Are they all a priority, or are there certain things you are targeting to make a priority?

John White:

We are trying to increase enrollment, then make sure the students who do enroll, finish. Your overall enrollment never matches how many students first try out your institution. If you can increase your entering class by 1,000 students and ensure that 80 percent of those students go on to graduate, then you are going to have a more robust enrollment. Long term, you will make a difference in attainment, even as the population continues to grow.

As an indirect answer to your prior question, you can see some evidence of the challenge of the denominator with the enrollment per 1,000. When the state grew rapidly, our figures went down, but our enrollment in higher education was constantly growing. Similarly, you can see that, since 2005, we are substantially increasing our number of degrees awarded when minority and white students are combined [page 10, ([Exhibit C](#))]. The challenge is that our populations continue to increase and the success rate is not rapid enough to show up in the types of measures we have traditionally taken. In looking at individual campuses, there are a number of students who do graduate, even though they do not graduate within the six-year window. It is the same for our community colleges. Again, the challenge is trying to get our students through at a high enough level that we can efficiently use the state's

resources while simultaneously increasing enrollment. The key has to be increasing enrollment and increasing production simultaneously.

Assemblyman McCurdy:

We have addressed the completion of 15 credit hours to qualify for the Silver State Opportunity Grant Program, and I was an advocate for this. However, I was not in favor of the 15 credit hours per semester. I am interested to know what the drop-off in eligibility is in the first semester versus the second semester. If it was a negative drop-off, what are we going to do to change that?

Crystal Abba:

Referring to the final report for the first-year outcomes for the Silver State Opportunity Grant Program [page 8, ([Exhibit D](#))], it shows that 35 percent of the students lost eligibility primarily because they did not complete the 15 credits that they had enrolled in. It is difficult to judge this program by one year's worth of data alone, but we do see something very positive in the second year. That percentage dropped from 35.7 percent to 28.9 percent of those who lost eligibility between the fall and spring. What is most notable, and my congratulations to the College of Southern Nevada (CSN), is that their percentage dropped from 45.2 percent in the first year to 28.9 percent. That is a significant drop as they essentially huddled around students to provide them with the support services they needed to succeed at the 15-credit level.

Assemblyman McCurdy:

What are we going to do for those who are dropping off? Anytime you are not eligible for a second semester, it is obviously an indicator that students have a hard time keeping up with that heavy load. As we know, CSN is a nontraditional college with nontraditional students, and we need to ensure that we are giving them the opportunity to succeed. I believe that the federal minimum requirement of 12 credits is more sustainable and it is still two years when you break it down into 4, 4, and 2 over the summer. Why is that not an option now, or is that something we are looking at in order to decrease the number of students dropping off?

John White:

We know that there are a number of different proposals to improve the Silver State Opportunity Grant Program. One of them is to attempt 12, 12, and 6 credits. The challenge for that, though not insurmountable, is that it is administratively complex. As a pilot, the program seems to have built in a method that was easy to administer. This is harder, but it is one of several options. We know there are other concerns that have surfaced, such as students who did not need 15 credits to graduate, but were held to 15 credits. We do not see any reason why people should take excess credits, particularly because if they are taking them at the community college, those credits almost certainly will not transfer and be usable at a four-year institution. The same would apply to students who are pursuing a certificate. We believe these changes are relatively easy to confront and do not raise philosophical questions about the direction of the program. We also know there are discussions regarding

changing the philosophical direction of the program away from incentivizing graduation toward more student support. We think that is a question for the designers of the program to debate.

Assemblyman McCurdy:

When you say administratively complex, what does that mean?

Crystal Abba:

It means, for example, that if a student takes 12 credits in the spring and 12 credits in the fall, and does not take 6 in the summer then just drops out and disappears, I cannot go after that student to get the money. That is part of the challenge. Do we have them sign a contract? When they do not meet their end of the contract, I do not have a way to get the money back from them. However, if the program is expanded to 12 credits, a student can do 12 and 12. We think that is reasonable as long as the state support is there. What we do not want to do is create a false promise of support and then run out of funds.

Remember, in the first year, with the \$2.5 million that we had, we only served 55 percent of eligible students. Our goal is to grow the program any way that we can, but to ensure that those students succeed as well.

Assemblywoman Woodbury:

My question is just a point of clarification on page 37 ([Exhibit C](#)), the student pipeline. It says the percentage of ninth graders in Nevada who graduate from high school on time, go directly to college, return for their second year, and graduate within 150 percent of program time is 9.8 percent. I thought that was low. Is that just NSHE institutions or other private and out-of-state institutions as well?

John White:

We think this is clear in-house data, and therefore would include everybody.

Chairman Thompson:

I just want to acknowledge that although I missed them, the social work students were here from UNR and UNLV and I am sorry I did not get to see them. They were here in honor and support of Social Work Day.

Before we begin the hearing on [Assembly Bill 1](#), I would like to note, in Assembly rules, what qualifies for support, opposition, and neutral testimony because after the presenter you will have those opportunities. According to Rule No. 54 of Assembly Standing Rules, support means approval of the measure as written, or approval of the measure as written along with proposed amendments that are approved by the bill's sponsor. Opposition means not supporting the measure as written, or opposing the measure as revised by an amendment that has not been approved by the sponsor. A neutral position is one in which someone offers insight on the measure, but does not express a position. Given that information, please come before the Committee at the appropriate time if you wish to speak on the bill.

I would like to open the hearing on A.B. 1 and welcome Assemblywoman Carlton to the Assembly Committee on Education, and ask that you start by providing us some context of the issue at hand, explain the necessity of the bill, and then walk us through the provisions.

Assembly Bill 1: Requires the payment of certain undergraduate fees and expenses of the dependent child of a public employee who is killed in the performance of his or her duties. (BDR 34-69)

Assemblywoman Maggie Carlton, Assembly District No. 14:

Assembly Bill 1 was a bill that was worked on last session, but did not succeed, so I brought it back. The idea behind the bill came after the teacher in Sparks lost his life with the shooting at Sparks Middle School. We realized, in talking about this, that when it comes to our public employees, police and fire have certain benefits that other public employees do not have. We wanted to figure out a way to offer this to other employees. I had hoped last session to bring this bill back so that the teacher's stepdaughters would be able to have this benefit. Unfortunately, that did not happen, but if at first you do not succeed, you try, try again.

I am here to discuss providing college education to the children of public employees who lose their lives in the performance of their duties. You will notice in the bill that there are two different phrases—killed in the line of duty and killed in the performance of your duty. Line of duty is more of a police/fire phrase. Performance of your duty is more on the civilian side. That is why you see that delineation. Basically, this offers to those children one small thing that we can do for them after losing a parent. We can make sure that, if they do decide to go to college, a college education can be afforded to them.

There is a line item in the budget that addresses this because a number of years ago, we had some police and fire payment issues. At that time, Assemblyman Sprinkle proposed a line item in the budget, and there are funds there. Because there is a line item in the budget, if an issue comes up, you can reach out for extra funds, if necessary. We have not had many instances. In the past three years, we have had six deaths—three fire and three police—so this bill would not even have had a financial impact. Since the beginning of this year, we did lose one Department of Transportation (NDOT) employee. I do not know if there are children involved.

This bill is very simple and very basic, something to do for children who lose a parent. If you would like for me to walk you through the bill, I would be happy to do that.

Chairman Thompson:

If you would, please.

Assemblywoman Carlton:

In section 1, at the bottom of the page you have ". . . or any other public employee who was killed in the performance of his or her duties, . . ." adding that wording to the provision that has already been given to police and fire.

On page 3, we have the definitions of "public employee" and then "public safety officer." Those speak to killed in performance versus killed in the line of duty. We are just defining who actually is included in this. This would not be something where we would reach out to the public to let them know this is available. We have an outreach system now for police and fire. We would use that system to make sure the parents know that this is available. As far as I know and in all of the discussions I have had, these fees and expenses would only apply to in-state colleges, specifically higher education systems and community colleges.

Assemblywoman Woodbury:

I know that we heard this bill last session and as you said, it passed out of our Committee unanimously. Are there any changes at all, or is it the exact same bill?

Assemblywoman Carlton:

I had asked for the same thing to be drafted. Originally, we did not have the delineation of the police and fire versus the civilian language, and we had to amend that in. This is exactly what we passed out of the Assembly Committee on Education last session.

Assemblywoman Woodbury:

After it was amended?

Assemblywoman Carlton:

Upon first reprint.

Assemblyman Pickard:

This certainly looks like a worthy cause. You answered most of the fiscal side of the bill, but I was concerned because it does not state who defines what constitutes "To the extent of money available" It looks like we are talking about a small number of people. Another question that comes to mind is, when we say they were killed in the line of duty, are we talking about someone killed in a violent act or in a traffic accident? How broad is that definition? When we talk about "killed," I assume we are talking about someone who was a victim of a crime or other violent act, not just someone who died of a stress-related illness or something that could be tied to their job.

Assemblywoman Carlton:

You could have a situation in a school where there are a school police officer, administrative staff, teachers, janitors, and a bus driver all in the same room. A gunman comes in and they all perish. The police officer's children would be treated one way, everyone else's children would be treated another. That is basically the example we use. That is even true within law enforcement itself. If a person kills a police officer and a dispatcher in a substation, the officer's family would be taken care of, but the family of the dispatcher, the person sitting right next to the officer, would not be taken care of.

We want to make sure that we do not refer to a particular moment in time, because a person might sustain a type of injury that, two or three days later, could cause death. There is no intent to build into this any type of work-related, stress-related, heart- or lung-related, or any other medical issue. This is strictly meant to deal with an incident in the performance of their duty.

It may not be violent. It could be like the NDOT worker on Mount Rose Highway, who hit a barrier and lost control of his truck a couple of weeks ago. That was in the performance of his duty. It does not necessarily need to be violent; it just means that it happened on duty.

Assemblyman Pickard:

When I spoke of violent, I was thinking of something traumatic and unusual. Was there any thought given to the extreme on the other side where someone might make a claim where it was never intended and there is no definition?

Assemblywoman Carlton:

I have not had that brought forward. We had thought the language of ". . . in performance of his or her duties," covered that. If it was a heart-related issue not incurred while on the job, that would not be covered.

Assemblywoman Miller:

My question is in regard to the word "performance," specifically, when you are using the example of school staff. My concern is that we would get locked into thinking about something that occurred during school hours. Yet, we know that schools are operating all hours of the day and staff is in the buildings. Can you speak to your intent for that? Is it performance during instructional time or is it basketball games going on in the evening, homecoming bands, or even teachers or custodians still working late into the evening?

Assemblywoman Carlton:

I would define performance as doing their job. If their job is to be at the basketball game that night, they are doing their job. If their job is to stay after for extracurricular activities, they are doing their job. If they are the school crossing guard, they are standing on the corner and something happens, they are doing their job. To me, that is the definition of performance of duty; they were doing their job.

Assemblywoman Tolles:

Who would make the determination of eligibility? Would it be the local school district, the school board, or the Department of Education?

Assemblywoman Carlton:

I believe that designation would be made by the employer. I do not think it would be easily disputable if something happened. I believe that determination would be made through the risk management section of each entity. That is who we contacted to find out what incidents

might have happened over the past four to six years. The information would be filtered through risk management as would any other benefit that an employee would have. If there was a life insurance policy, risk management or human resources would take care of that.

Assemblywoman Krasner:

Thank you for bringing this bill and honoring the teacher who died while performing his duties at Sparks Middle School. You mentioned in the last session when this bill was first brought, that it passed unanimously in the Assembly. Why did it not pass in the Senate?

Assemblywoman Carlton:

Sometimes things happen in the legislative process. You never take them personally. You move forward and keep working. As a former member of that chamber, I do understand. We did not agree, so rather than make the bill more complex and eliminate possible employees, we decided to let the bill die and bring it back this session.

Assemblywoman Diaz:

I want to thank you as well for making sure that all of our public servants who give service to our state in one capacity or another are equally taken care of in hard times and tragic moments. I really appreciate your looking out for families.

Assemblywoman Carlton:

I know when you have one of the first bills up, there are a lot of questions. This is just one small thing that we can do for the public employees of this state.

Chairman Thompson:

I want to mention that we have a letter of support from the Nevada Faculty Alliance that is uploaded on the Nevada Electronic Legislative Information System (NELIS) ([Exhibit E](#)).

Mike Ramirez, Director of Governmental Affairs, Las Vegas Police Protective Association Metro, Inc.:

I am representing the Nevada law enforcement associations in support of A.B. 1. We thank Assemblywoman Carlton for bringing this bill forward.

Ryan Beaman, President, Clark County Firefighters, Local 1908, International Association of Firefighters:

Thank you for this piece of legislation for police and firefighters. Over the years, we have had firefighters die in the line of duty and none of our members have used that benefit. We just had one child who became eligible and decided not to go to college yet, but that benefit is still there. This benefit could help out some of our support staff. We do have training instructors who provide training for our firefighters and fire protection, along with technical rescue. In the course of their duties, they are not firefighters, but they are performing hazardous duties. If something should happen, they would be protected by this piece of legislation. I do thank you for this legislation on behalf of public safety.

Craig M. Stevens, Director of Intergovernmental Relations, Government Affairs, Community and Government Relations, Clark County School District:

We, as well, thank Assemblywoman Carlton for bringing A.B. 1 forward. We have many employees who do not appear to be on the front line, but they are still providing security for all of us. We are happy to see that they may receive something beyond everyday benefits.

Robert Roshak, Executive Director, Nevada Sheriffs' and Chiefs' Association:

We thank Assemblywoman Carlton for bringing A.B.1 forward and we strongly support the bill. We have a lot of noncommissioned individuals who can be placed in a position of harm.

Thomas D. Dunn, District Vice President, Professional Fire Fighters of Nevada:

On a personal note, I went to middle school and high school with Michael Landsberry. He was an outstanding teacher and is missed by his friends and his family. He was a veteran and a member of the Nevada National Guard as well. He is missed by a large chunk of the northern Nevada community. I would also like to thank Assemblywoman Carlton for bringing this legislation forward. As world events have changed in recent years, we are beginning to see more frequent active shooter incidents and more workplace violence. San Bernardino is a perfect example of that. The families of those employees are facing challenges regarding planning for education as well as moving their families forward. We think this is a good piece of legislation, and we are glad to support it.

Natha C. Anderson, President, Washoe Education Association:

I have been a public school teacher for about 20 years. I am also a member of the Board of Directors for the Nevada State Education Association. Assembly Bill 1 is very close to us, and we wanted to echo a thank you to Assemblywoman Carlton. We also ask your support of this bill in memory of our good friend.

Rick Trachok, Chairman, Board of Regents, Nevada System of Higher Education:

We want to let the Committee know that we support A.B. 1.

Crystal Abba, Vice Chancellor for Academic and Student Affairs, Nevada System of Higher Education:

The current balance in the Trust Account for the Education of Dependent Children is about \$50,000. This year, we served one student. There is existing language in state law which you can see in section 1, subsection 3, paragraph (b) where, if the fund gets too low and we run out of money to pay for a student, we can go to the Contingency Account. Those dollars would be covered either way.

Rusty McAllister, Executive Secretary-Treasurer, Nevada State AFL-CIO:

We currently represent thousands of public employees across the state, so we are certainly in support of this bill and thank Assemblywoman Carlton for bringing it forward. Although they finally put a line item in the budget for this, it has seemed odd to me that the university system did not think it would be good public policy to just do it without having an allocation made specifically when not that many people are affected. It would seem easier for the Legislature to approve this if they did not have to put a line item in the budget every time.

When you look at the minimal number of people who are receiving this benefit, it seems awkward to have to pay the colleges and universities to take the children of public safety officers and now, hopefully, public employees. That being said, the Nevada System of Higher Education (NSHE) already offers a benefit to the children of those killed while on duty that allows them to go to school for free and I do not think we do a line item in the budget for that. I certainly support this bill and hope that it passes this time around.

Rachel Gumpert, representing American Federation of State, County and Municipal Employees International, Washington, D.C.:

We represent Local 4041 here in Nevada. They have the Department of Transportation workers who were just referenced. Unfortunately, we have been seeing increased deaths for our workers who are out on the roads every day. We have also had a correctional officer killed by inmates in the past decade. We really appreciate the bill, but also the focus on civilian workers. Civilian workers put their lives on the line every day in many positions in Nevada, and their families are impacted as much as anyone else's when there is a death or a tragedy that occurs. We urge you to support this; it is incredibly needed. The fact that A.B. 1 is being brought forward and being considered is really strong support for the work our workers do every day. We appreciate it.

Priscilla Maloney, Government Affairs Retiree Chapter, Local 4041, American Federation of State, County and Municipal Employees, AFL-CIO:

We remember these discussions from last session around this issue and are thrilled that we are having another opportunity to bring support to Assemblywoman Carlton's bill. Thank you, and we are in strong support of this bill.

Ruben R. Murillo, Jr., President, Nevada State Education Association:

Thank you, Assemblywoman Carlton, for bringing this bill forward and for this Committee to consider it. There have been three educators in recent memory who have perished in the classroom or in performing their duties. There was not only Michael Landsberry in the Sparks Middle School, but Clarence Piggott at Valley High School in Las Vegas, and also Isaac Perez who was kidnapped from Ruth Fyfe Elementary School and subsequently murdered in a shootout with the police. On behalf of our 40,000 teachers, support staff, retirees, and students who want to become teachers, thank you very much ([Exhibit F](#)).

Chairman Thompson:

Thank you, Mr. Murillo, for remembering those other two educators. I was in junior high school then. Is there any testimony in support for this bill in Las Vegas? [There was none.] Is there any testimony in opposition in Carson City or Las Vegas? [There was none.] Is there anyone neutral in Carson City or Las Vegas? [There was no one.]

Assemblywoman Carlton:

Thank you, Committee, for all of your great questions, and I thank everyone who came out in support. I hope that we will be able to move this forward. Mr. Chairman, it is your purview as to the effective date that you would like to implement this bill. If you would like, please

discuss it with your legal counsel to find out if it would be appropriate to backdate it. If it is not, we understand. To be able to offer this benefit to those two girls would be very nice. However, we understand what our limitations are.

I will let the Committee know that I did receive an amendment from someone about ten o'clock this morning. I have not had a chance to thoroughly review it. I am not even sure who submitted it as there was no contact information on it. I do not believe it is something the Committee will need to address. If it does arise again, I will be happy to answer any questions pertaining to the amendment.

Chairman Thompson:

At this time, I will close the hearing on A.B. 1 and open the hearing on Assembly Bill 24.

Assembly Bill 24: Revises provisions governing the tuition charges assessed against certain students within the Nevada System of Higher Education. (BDR 34-165)

Cesar O. Melgarejo, Veterans Policy Analyst, Office of the Governor:

[Read from ([Exhibit G](#)).] Good afternoon, Mr. Chairman and members of the Assembly Committee on Education. My name is Cesar Melgarejo, Veterans Policy Analyst for the Office of the Governor. Thank you for the opportunity to present an overview of Assembly Bill 24.

I would like to introduce on my left, Katherine Miller, U.S. Army Col. (Ret.), Director, Department of Veterans Services. On my right, I have Crystal Abba, Vice Chancellor, Academic and Student Affairs, Nevada System of Higher Education (NSHE), to help me answer any questions you may have.

Assembly Bill 24 is a Governor's Office bill pursuing the Governor's goal of making Nevada the most military and veteran-friendly state in the nation. The proposed changes would codify in *Nevada Revised Statutes* (NRS) the in-state tuition qualifications for active duty service members, veterans, and dependents of active duty service members. More importantly, it expands in-state tuition benefits for those military dependents who are recipients of the Marine Gunnery Sergeant John David Fry Scholarship.

During the 2016 Veterans Legislative Symposium, hosted by the Nevada Department of Veterans Services partnered with Nevada's United Veterans Legislative Council (UVLC), the veterans community expressed its input on what the priorities for veterans should be, including the desire to codify the language proposed in A.B. 24. While generally specific items differed in each region, north and south, the Veterans Legislative Symposium generated themes clearly illustrating shared concerns among Nevada veterans and their families. As a statewide priority number 3, the veterans community voted to extend the eligibility period for the Fry Scholarship to ensure all children of those killed in combat are able to use these benefits.

I want to acknowledge the members of the UVLC and Chairman Kevin Burns as well as members of the student veterans club from the University of Nevada, Las Vegas (UNLV) who were also pivotal in bringing this issue and the concerns to the Governor's Office.

First, I would like to provide you a brief history and update of the great efforts Nevada has made to assist our returning veterans and student veteran population. During the 2013 Legislative Session, this body passed Assembly Bill 260 of the 77th Session, requiring NSHE to provide in-state tuition for veterans using the Post-9/11 GI Bill within two years of their separation date. In the fall 2013 semester, 50 veterans benefited from the passage of A.B. 260 of the 77th Session, saving veterans nearly \$7,000 in out-of-pocket tuition fees while attending one of our state universities. Department of Veterans Affairs (VA) benefits do not pay out-of-state tuition. In fall 2014, an additional 117 veterans enrolled in NSHE institutions and benefited from these provisions. With the passage of A.B. 260 of the 77th Session, Nevada was recognized as a leading state in establishing best practices in responding to veterans' concerns.

In 2014, the federal Veterans Access, Choice, and Accountability Act was enacted. Among several requirements, it mandated that public institutions of higher education offer in-state tuition rates to veterans utilizing the Post-9/11 GI Bill, which includes the Fry Scholarship and the Montgomery GI Bill. The mandate regarding in-state tuition stipulated that veterans must enroll within three years after their discharge from service. In-state tuition was also extended to certain family members of the veteran or a member of the Armed Forces who died in the line of duty while on active duty, if that family member enrolls within three years after the veteran's discharge or the service member's death and is utilizing veterans education benefits.

In order to meet the new requirements under the Veterans Access, Choice, and Accountability Act, the NSHE Board of Regents adopted and implemented the necessary policies. In addition, Assembly Bill 76 of the 78th Session was passed in 2015, expanding veterans in-state tuition eligibility to "within five years of their separation from service." In 2015, 37 veterans were deemed residents under the policy. However, Assembly Bill 76 of the 78th Session did not increase the same benefits to family members.

Assembly Bill 24 acknowledges the sacrifices that our veterans' families have made as their spouse, father, or mother has paid the ultimate sacrifice, becoming Gold Star families. Assembly Bill 24 amends NRS 396.540 by including language specifying all students who are using benefits under the Fry Scholarship.

The Fry Scholarship provides Post-9/11 GI Bill benefits to the children and surviving spouses of service members who died in the line of duty while on active duty after September 10, 2001. Children are eligible for this benefit as of their eighteenth birthday (unless they have already graduated from high school). The problem, however, remains that the provisions established under the Veterans Access, Choice, and Accountability Act state that in-state tuition must be offered to the family member who enrolls within three years after the service member's death. That means an elementary school-aged child who lost a parent

in war has three years to attend one of our state universities or community colleges, or be charged out-of-state tuition. As we are becoming—and in many aspects are—the most military- and veteran-friendly state in the nation, Governor Sandoval feels strongly about including our veterans' families and our Gold Star families within his goal.

In addition to the proposed benefits to our Gold Star families, A.B. 24 proposes language codifying in-state tuition rates for all dependents of active duty service members serving at a military installation in this state as well as dependents of service members on active duty at the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California. Also included is a provision that dependents of active duty service members who were serving at a military installation in this state and Pickel Meadow, continue to be eligible for in-state tuition benefits as long as the dependents maintain continuous enrollment at an NSHE institution.

As with dependents of service members on active duty at Pickel Meadow, A.B.24 would also codify language that the service members themselves on active duty at Pickel Meadow are eligible for in-state tuition, as well as service members in a military installation in another state which has a specific nexus with this state.

Finally, A.B. 24 would add previously removed language stating that a veteran of the Armed Forces who was honorably discharged from active duty while stationed in Nevada on the date of discharge, including Pickel Meadow, is eligible for in-state tuition.

As a note, the previous language was removed in 2013 and language was added to allow the Board of Regents to grant more favorable exemptions from tuition charges for veterans of the Armed Forces than the exemptions provided in NRS 396.540. Because of this provision, most of the language proposed in A.B. 24 is current NSHE policy.

The Board of Regents is very inclusive and receptive of veterans' concerns, but as I mentioned, the veterans community feels that including this language in NRS speaks highly to the entire state's efforts in caring for our veterans.

Mr. Chairman and members of the Committee, thank you for the opportunity to discuss these important recommendations. I am prepared to address any questions you may have.

I will turn it over to Director Miller or Vice Chancellor Abba to see if they have any more statements.

Katherine Miller, U.S. Army Col. (Ret.), Director, Department of Veterans Services:

I would like to add a few things to what Mr. Melgarejo has already said. As he mentioned, every two years across Nevada, veterans meet to identify legislative priorities for the upcoming session. In March and April of 2016, Nevada veterans and their families and survivors identified dozens of issues. What rose to the top were three themes: (1) take action to prevent suicide, (2) take care of family survivors, especially children, and (3) improve the state's ability to connect with veterans.

Within these themes are five priorities. Priority number 3 addressed the needs of children of veterans. It probably does not surprise anybody here, especially after the last bill presentation, that caring for the children of our comrades-in-arms is and will always be a priority of the veterans community. I know some of you have attended our symposia and summits, and you would have seen the emotion and the absolute commitment to making this legislative recommendation into a bill.

Crystal Abba, Vice Chancellor for Academic and Student Affairs, Nevada System of Higher Education:

We applaud the Governor's efforts to include existing Board policy and existing federal law in NRS. Everyone asks about the language referring to the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California since Pickel Meadow is not actually in Nevada. That provision was originally added to Board policy a number of years ago. Prior to 2013, it was included in NRS. In 2013, with A.B. 260 of the 77th Session, it was inadvertently taken out. This language basically reinstates the Pickel Meadow provision as it existed prior to 2013. Regarding the language in section 1, subsection 2, paragraph (d), referring to the Marine Gunnery Sergeant John David Fry Scholarship, Congress recently passed Public Law 114-315, amending *United States Code*, Title 38, Section 3679(c) which was the Veterans Access, Choice, and Accountability Act of 2014. They amended it to address the very issue that was explained earlier by Mr. Melgarejo that keeping the three-year limitation did not make sense if a dependent student was a child when the parent died and was not going to matriculate for at least 18 years. It makes good sense to include these dependents so that when they enter our institutions, under this provision, they will automatically be deemed residents for tuition purposes.

Assemblyman Flores:

Did you provide any type of data on approximately how many individuals would benefit from this?

Cesar Melgarejo:

We do not have any specific data for how many it might affect in the future. It depends on the ages of the service member's dependents when the service member passed away. However, I do have information from UNLV. They only have three Fry Scholarship recipients who are Nevada residents, but they are Nevada National Guard dependents. Currently, the University of Nevada, Reno (UNR) only has two Fry Scholarship recipients. One is a Nevada resident and the second one is from Texas. When she started school in 2014, she was paying out-of-state tuition. She and her family appealed and the tuition fee was removed. I was instructed that the university maintains an appeals board to ensure that there is no injustice for students and that a hardship is not created. Veterans services from UNR was able to walk her through the process and waive the fee.

Assemblyman Flores:

If we could go to section 1, subsection 2, paragraph (h), where the language was added "or a military installation in another state" I know you talked about the nexus, but could

you walk me through that again? In my opinion, it should be anything military that is near Nevada and could provide assistance if needed. Could you help me visualize the scope of that nexus?

Cesar Melgarejo:

There is a specific link. The Marine Corps Mountain Warfare Training Center located at Pickel Meadow does have a landing strip in Sweetwater Valley, Nevada, south of Wellington, and their training missions extend to Hawthorne. I would also note that many service members are stationed there and their dependents reside within Nevada.

The Marine Corps Mountain Warfare Training Center is a member of the Nevada Joint Military Affairs Committee and they are assigned a charter.

Assemblyman Flores:

What I meant to say is what else would be encompassed by this nexus? I understand that we clearly define the Marine Corps Mountain Warfare Training Center. However, is there anything else that would also qualify as a nexus besides what is already specifically delineated here?

Cesar Melgarejo:

Currently, there is no other nexus with bases. I will note that the Sierra Army Depot in Herlong, California, would have a nexus. However, there is only one active duty service member stationed there as a base command. Everyone else is a civilian employee.

Assemblyman Pickard:

I would like to follow up with respect to the numbers. Do we have an idea of what the anticipated cost for budgeting might be?

Crystal Abba:

Remember, these policies are already included in Board of Regents policy. These individuals are already receiving this benefit, so there is no additional cost. Unfortunately, we cannot predict the number of students who may come here, but between Public Law 114-315 and Board of Regents' policy Title 4, Chapter 15, Section 3, they are already covered.

Assemblyman Pickard:

That is the way I read it. I just noticed there is an effect on the state and was wondering what that might have been.

Crystal Abba:

That was originally the Fry Scholarship provision, but with the passage of the revision to the Veterans Access, Choice, and Accountability Act, now it is all out there. In other words, if this bill does not pass, these individuals will still be treated as residents for tuition purposes.

Chairman Thompson:

Are there any further questions from the Committee? [There were none.] Is there anyone in Carson City to testify in support of A.B. 24?

Kevin Burns, representing United Veterans Legislative Council:

As a refresher for the Committee members who are returning and an introduction to those of you who are new, I am Chairman of the United Veterans Legislative Council (UVLC). We are an elected umbrella group that formed from all of the veterans service organizations contained within the state: the American Legion, Veterans of Foreign Wars, Disabled American Veterans, the Marine Corps League, the Purple Heart Foundation, and some state organizations and unaffiliated individuals.

We were elected for one reason and that is to carry forth one united voice of the veteran community. We represent all of your districts. We wholeheartedly support A.B. 24. As was pointed out, much of this is clean-up legislation. It is not reasonable to expect a six-year-old to enroll in UNR or UNLV in the next three years in order to have in-state tuition. I am also a member of NSHE. I am not here speaking on behalf of NSHE, but I can tell you what it looks like when veterans walk in and find out that their \$1,500 tuition is going to be paid for a semester by the U.S. Department of Veterans Affairs, but they owe \$3,000 more because that is what the out-of-state tuition comes to. That forces some of them to leave Nevada and go back to California or wherever they came from so they can then matriculate. As you have seen in the legislation, it is directed toward dependents.

The press calls all of us in uniform, such as Assemblymen Edwards and Elliot T. Anderson and those who have served, heroes. We do not think of ourselves as heroes. In fact, if you ask most of us, we consider the dependents we left at home the heroes. We traipsed all around the world and dumped everything on them. We think it is unfair that the dependents, the sons and daughters whose life events we missed, are not taken care of as well as we are. We strongly urge support of A.B. 24.

Michael Flores, Director of Communications and Government Affairs, College of Southern Nevada:

We are very supportive of this bill and happy to hear that the Governor's Office is for it. We currently have more than 1,000 veterans at the College of Southern Nevada with whom we are working and who are getting support from our government to ensure that they do not have the obstacles you were just discussing. We are very proud to support this bill and look forward to working with everyone.

Luis F. Valera, Vice President, Government Affairs and Diversity Initiatives, University of Nevada, Las Vegas:

I am very proud to be here in support of A.B. 24. To my right, we have the Director of Military and Veteran Services at UNLV, Major Ross D. Bryant, and behind me, we also have some student veterans who came in support as well.

Ross D. Bryant, Director, Military and Veteran Services Center, University of Nevada, Las Vegas:

I am retired Army and have been Director of the Military and Veteran Services Center at UNLV since June 2012. All of the legislative bills to help veterans with in-state tuition make me very proud of Nevada and the Governor's effort, as well as everyone else's efforts. It is nice to see Assemblyman Elliot T. Anderson who helped us with the first bill.

I would like to say that, in the NSHE language, every family member to arrive here will be covered. Recently, on January 29, 2017, Chief Petty Officer and U.S. Navy SEAL William "Ryan" Owens was killed in action during a raid in Yemen. He joined the Navy in 1999 and had been deployed more than 12 times. His entire career was during the war and spanned the terms of three presidents. He married in 2004 and had four children. The oldest is 12. As those children receive the Fry Scholarship years from now, they may attend Nevada's colleges. If this bill should pass, it would prevent any of us, like Kevin Burns and me, from having to go through an appeal process and request support from the university president. Obviously we would receive that support, but it would be better if it were a law so we would not have to put our family through the appeal process. We would be told that we were covered and be thanked for our service. It would be the right thing to do.

James Campos, Senior Advisor, Office of the President, Nevada State College:

I am here to support A.B. 24 on behalf of Nevada State College.

Assemblywoman Tolles:

As the daughter of a captain of the U.S. Army 101st Airborne Division, I thank all of the veterans in the room for your service, and thank you, on the record, to the Governor for recognizing the importance of this program.

Chairman Thompson:

Are there any others in support of A.B. 24 in Carson City or Las Vegas? [There were none.] Is there anyone in opposition in Carson City or Las Vegas? [There was no one.] Is there anyone neutral in Carson City or Las Vegas? [There was no one.]

Cesar Melgarejo:

Thank you, Chairman Thompson and the Committee, for all of your support, not only of the Governor's agenda, but with the help of the entire state that we are going to continue to keep Nevada the most military-friendly state in the nation.

I would like to acknowledge that Ross Bryant was recently awarded the Chapter Advisor of the Year by the Student Veterans of America. They hold an annual conference and Mr. Bryant has been a great supporter of the student veterans organizations in Las Vegas, as well as student veterans associations at the community colleges.

Chairman Thompson:

Congratulations, Mr. Bryant, for your great work. We will close the hearing on A.B. 24. I will now open it up for public comment. [There was none.]

[The Chairman asked that one additional letter in support of Assembly Bill 24 be included in the record ([Exhibit H](#)).]

Assemblywoman Diaz:

I do not want it to go unnoticed that an unsung hero, former veteran, and now public servant, Assemblyman Elliot T. Anderson, brought forth a very similar measure to A.B. 24 in 2013. I do not know why it was not passed at that time, but I do want him to get credit for having the vision to make sure we were taking care of our veterans and that we could embrace them when they returned to Nevada. We may not have gotten it done then; I hope we can get it done now.

Chairman Thompson:

Thank you, Assemblyman Elliot T. Anderson. Are there any other statements or questions from the Committee? [There were none.]

The meeting is adjourned [at 5:06 p.m.].

RESPECTFULLY SUBMITTED:

Sharon McCallen
Committee Secretary

APPROVED BY:

Assemblyman Tyrone Thompson, Chairman

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is a copy of a PowerPoint presentation titled "Public Higher Education in Nevada," dated February 13, 2017, presented by John V. White, Acting Chancellor, Nevada System of Higher Education.

[Exhibit D](#) is a publication submitted by Crystal Abba, Vice Chancellor for Academic and Student Affairs, Nevada System of Higher Education, titled "A Pilot Program: The Silver State Opportunity Grant," published by the Nevada System of Higher Education, February 2017.

[Exhibit E](#) is a letter dated February 12, 2017, in support of [Assembly Bill 1](#), to Chairman Thompson and members of the Assembly Committee on Education, authored and submitted by Kent M. Ervin, Ph.D., Legislative Liaison, Nevada Faculty Alliance.

[Exhibit F](#) is a letter dated February 22, 2017, in support of [Assembly Bill 1](#), presented by Ruben R. Murillo, Jr., President, Nevada State Education Association.

[Exhibit G](#) is a memorandum, dated February 8, 2017, authored by Cesar O. Melgarejo, Veterans Policy Analyst, Office of the Governor.

[Exhibit H](#) is a letter dated February 12, 2017, in support of [Assembly Bill 24](#), to Chairman Thompson and members of the Assembly Committee on Education, authored and submitted by Kent M. Ervin, Ph.D., Legislative Liaison, Nevada Faculty Alliance.