

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

**Seventy-Ninth Session  
April 3, 2017**

The Committee on Education was called to order by Chairman Tyrone Thompson at 4:09 p.m. on Monday, April 3, 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, and to Room 102, McMullin Hall, Great Basin College, 1500 College Parkway, Elko, 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](http://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  
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:**

Assemblywoman Olivia Diaz (excused)

**GUEST LEGISLATORS PRESENT:**

Assemblyman Jason Frierson, Assembly District No. 8  
Assemblyman Richard Carrillo, Assembly District No. 18  
Assemblyman Ira Hansen, Assembly District No. 32



**STAFF MEMBERS PRESENT:**

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

**OTHERS PRESENT:**

Jessica Ferrato, representing Nevada Association of School Boards  
Erin Cranor, Member, Board of Trustees, Clark County School District  
John Vellardita, representing Clark County Education Association  
Angela D. Taylor, Ph.D., President, Board of Trustees, Washoe County School District  
Bridget Peterson, Legislative Chair, Nevada Association of School Boards  
Chris Daly, Deputy Executive Director of Government Relations, Nevada State Education Association  
Stephen Augspurger, Executive Director, Clark County Association of School Administrators and Professional-Technical Employees  
Mary Pierczynski, representing Nevada Association of School Superintendents; and Nevada Association of School Administrators  
Charlene Frost, Private Citizen, Las Vegas, Nevada  
Joe Rajchel, Policy and Outreach Coordinator, American Civil Liberties Union of Nevada  
Kris Schneider, Private Citizen, Las Vegas, Nevada  
Zanna Curry, Private Citizen, Carson City, Nevada  
Nicole Rourke, Associate Superintendent, Community and Government Relations, Clark County School District  
Carol Ann Lucey, Private Citizen, Carson City, Nevada  
John W. Gwaltney, Private Citizen, Sparks, Nevada  
Ronald Remington, Private Citizen, Reno, Nevada  
Ray Bacon, representing Nevada Manufacturers Association  
John D. Madole, Jr., Private Citizen, Carson City, Nevada  
Mark A. Curtis, President, Great Basin College  
Michael D. Richards, Ph.D., President, College of Southern Nevada  
Chester O. Burton, President, Western Nevada College  
Karin Hilgersom, President, Truckee Meadows Community College  
Peter Krueger, representing Northern Nevada Development Authority  
Don Soderberg, Director, Department of Employment, Training and Rehabilitation  
Kelly D. Wuest, Administrator, Commission on Postsecondary Education

**Chairman Thompson:**

[Roll was taken. Committee protocol and rules were explained.] Today we have four bills on the agenda. We are going to begin with Assembly Bill 451.

**Assembly Bill 451: Requires a member of the board of trustees of a school district to complete certain training for professional development. (BDR 34-1032)**

**Assemblyman Jason Frierson, Assembly District No. 8:**

This is a pretty straightforward bill. I did not come with slides and presentations. I came with a simple idea and that is that those who make the policies that govern how our children are cared for and educated need to have some background in order to make the decisions that are most appropriate. It was somewhat surprising to me to recognize that, after being elected to the Board of Trustees, there was nothing that showed qualifications. The judiciary, the criminal justice system, the civil court system, and district court judges have to be licensed for ten years. Justice court judges have to be licensed for five years. There is a system that requires there be certain standards in order to qualify for those jobs. There seems to be no such requirements for what I believe to be one of the most important jobs in the state, and that is regulating how our children are educated.

I began doing research. This was a function of my recognizing that there was a need, that there was a lapse in requirements and structure that provided the accountability that the state and our children deserve. I thought that this had to be addressed in some state. I started doing research and found in the state of Illinois, for example, a set of requirements for trustee members once they are elected. Assembly Bill 451 is an attempt to reflect what is commonplace.

I was contacted by the Nevada Association of School Boards and they had language, ideas, and training opportunities in which many trustees already participate. I just did not think that training should be an option; I thought it should be a requirement, considering the importance of the job. Fortunately, they sat down with me and we discussed ideas that we thought would work. I will walk through a very straightforward bill and what it proposes to do. There is one friendly amendment that I believe has already been submitted and there is another amendment that I am going to discuss that I do not think has been submitted yet, but it is also considered a friendly amendment.

I will not read the bill to you. I will just mention the bullet points. Section 1 talks about including training during the first and third years of their term for elected trustee members. The original draft requires four hours, and after consulting with the Nevada Association of School Boards (NASB), it was believed that time frame might be too narrow to accomplish what we are asking of them. In the amendment, we are proposing to extend that to six hours of instruction covering the following topics: public records; open meeting law; employee management relations; kindergarten through grade 12 (K-12) public education in general, so that they know how the structure actually works; ethics, which is one of the most important reasons that I brought this bill forward; the manner in which to identify and prevent violence in schools; financial management; and their fiduciary duties as members of the board. That, in a nutshell, is what this bill proposes to do. There is also a process to provide written certification that shows they received training. When I am asked what

happens if they do not take the training, my response is that they are a body accountable to the public. If they do not complete this requirement, that information will be made public and they will have to answer to the public and the voters as to why they did not complete those requirements.

There was also a suggestion to me that there be some training with respect to labor. I have no objection to that. I think there is some desired language that the NASB is familiar with that would be acceptable to add to the list of requirements, and I do not believe it would add to the proposed amount of time to complete the training. That is the bill. I believe our children deserve it, and I believe our state deserves to hold public officials accountable, to make sure they are given the tools to oversee a system that is so important for our community.

**Jessica Ferrato, representing Nevada Association of School Boards:**

We would like to thank Assemblyman Frierson for bringing this important legislation forward. Nevada Association of School Boards is supportive of requiring mandatory training for school board trustees in the state. Our board members come from a variety of backgrounds and educational levels. Due to the responsibility of school board trustees, combined with their varying backgrounds, we think it is prudent and responsible to require training in the state that is applicable to their roles on the school board.

Currently, 24 states across the country require training in varying degrees for their school board trustees. The NASB provides voluntary training for their members throughout the state. I have submitted, for your reference, a list of those courses offered by NASB from 2014 to 2017. I thought it would give you a good idea of what we are doing and what some of our board members participate in ([Exhibit C](#)).

I would like to offer one small amendment which has been submitted to Nevada Electronic Legislative Information System (NELIS) ([Exhibit D](#)). It is an amendment to section 1, subsection 1, and as Assemblyman Frierson highlighted, it would change the hour requirement from four to six hours. In conversations with my members, I think that will allow an appropriate amount of time to cover all of these topics.

In terms of the additional amendment that Assemblyman Frierson mentioned regarding employment contracting, the phrasing we would prefer, if they choose to add a provision, would be employment law and contracts. That would cover what Assemblyman Frierson's intent is and would be something we would be willing to accept.

**Assemblyman Pickard:**

As I went through the bill, I was similarly surprised that we had no training required for that important role. In addition to the contracts and maybe a labor relations piece, I am wondering, in light of recent news events down south, if this already captures the personal ethics piece. Are we also covering that?

**Assemblyman Frierson:**

My intention is to cover ethics. I believe section 1, subsection 1(e) includes local government ethics. There is also paragraph (f) which deals with prevention of violence in public schools, including without limitation, sexual violence. I believe those two things cover some of the recent events and historically, some of the challenges that we have had with ethics.

**Assemblyman Edwards:**

I was probably as shocked as you were to find out there were no qualifications and no training or credentialing for any of the school board members. They control half the budget. Yet they do not seem to have any background in budgeting or contracting or labor law. I am absolutely in agreement that we need to do a whole lot more.

What I would like to propose to you is, rather than four or six hours, I think this is such an important aspect of what we do here in the state that we may need to extend it out to a couple of weeks. There are so many topics that need to be covered in contract law, in collective bargaining, and in just about every aspect of what they do. I think that the board members need a whole lot more training. I would be willing to work with you to flesh that out more and with more detail, especially with the situation down south with the school board members.

**Assemblyman Frierson:**

Not to be cynical, but we in the Legislature handle that and ten times more, and we do not have two weeks of training. We have to be realistic about what we expect. I also do not want to mislead the Committee. Our board of trustees has training. Most of them participate in training. Many of them, and the ones that I know personally, have a background that is relevant to the job. It is just baffling to me that it is not required. I want to make sure that at the very least, there is some basic training so that your point is addressed. There are some serious issues. The budget issues in particular are complicated. It is important that they get some training on it, but I also do not want to be unrealistic about the fact that we have some important decisions to make. As policymakers and as leaders, we have a responsibility to educate ourselves, to hone our trade, and be good at what we do. I do not want to paint a picture that we have a horrible board. I am friends with some of the board members and have a great deal of respect for them. I know that they take it upon themselves to participate in periodic training, as is the practice. We will not always have those members, so for future members, we want to send a message that this is part of what they are required to do and there is an expectation that they hone their skills just like every other professional responsible for aspects of how our government works.

**Assemblyman Elliot T. Anderson:**

I think the remedy in this bill should be stronger, and I also think the training provision should be longer. We require ten days of ourselves as Legislators and I think there is a lot of room to require more. I would certainly be open to that.

**Chairman Thompson:**

Is there anyone in support of Assembly Bill 451 in Las Vegas?

**Erin Cranor, Member, Board of Trustees, Clark County School District:**

Thank you for the opportunity to testify in support of Assembly Bill 451. I am also a member of the legislative committee of the Nevada Association of School Boards. I am here to present the Clark County School District's support of A.B. 451.

Training on the topics identified in this bill has helped me to more effectively represent my constituents and pursue student success and safety outcomes in our schools over the past six years. Because the Nevada Association of School Boards offers training to individuals newly elected and then provides multiple training opportunities every year to all trustees, I was able to begin obtaining training before I took the oath of office. This past November, I received my Certified Public Official (CPO) certificate from the University of Nevada, Reno (UNR) extension.

The knowledge areas identified in the bill are necessary to appropriate an effective pursuit of student achievement. The Clark County School District supports the concepts and training framework of A.B. 451.

The Nevada Association of School Boards typically offers training sessions to all Nevada trustees at least three times during election years and at least four times during years immediately following election of new trustees. The Certified Public Official program we participate in through the UNR Extended Studies also encourages trustee participation in other local, statewide, and national training opportunities, and reviews such training experiences for CPO credit approval.

Currently, all NASB training opportunities are optional for trustees, as is pursuit of the Certified Public Official program. Many of these opportunities yield very wide participation, but not all trustees across the state currently take advantage of many training opportunities.

Mandatory training in the categories included in this bill can make all 107 school board members in our 17 school districts more effective in acting on their responsibilities. We believe that more effective school board members also positively impact student learning and achievement. Implementing this proposal will have the advantage of increasing the benefit of the work that trustees do each day in the communities. We do support increased time and also adding the employment contracts language.

**John Vellardita, representing Clark County Education Association:**

We represent 18,000 educators and are here today in support of Assembly Bill 451. To put this into context, it is not just a government body that we are talking about, particularly with the Clark County School District, as it is the largest public employer and the second-largest employer overall in the state. It has 40,000 employees, serves 320,000 students, and has a \$2.2 billion budget notwithstanding the money in capital projects. What I would like to

address here is that I think the most significant piece of training has to do with section 1, subsection 1(g), regarding financial management. I do not think one could overstate the significance of being able to manage a budget of this size. I was on the technical advisory committee for Assembly Bill 394 of the 78th Session. We had a number of the municipalities represented on that committee, and when we were looking at the school district's budget, it was very complex, to say the least. If we are going to empower the boards with the responsibility of taking care of our children's education, first and foremost, it is really driven by the resources that school districts have. I think the training that school board members receive on this is absolutely critical. The one thing that I would suggest is that the training not be done by school district personnel. It should be done by an outside entity when it has to deal with finances. In fact, there are a number of resources out there. The Government Finance Officers Association, for example, gives significant and reputable training for K-12 public education. The reason I say that is because the integrity of the process has to be maintained, and I think having an outside, professional service offering financial training for the school district is important.

Finally, I echo the significance of having labor management training. This is the business of human capital, and the school district is about people business.

**Chairman Thompson:**

Is there anyone else in Las Vegas in support of A.B. 451? [There was no one.] Is there anyone in Elko to speak in support of A.B. 451? [There was no one.] Is there anyone in support of A.B. 451 in Carson City?

**Angela D. Taylor, Ph.D., President, Board of Trustees, Washoe County School District:**

I would like to offer our support for the bill that you are considering today and to show our appreciation as a district for Assemblyman Frierson as well as Assemblywoman Benitez-Thompson. In bringing this forward, they are acknowledging the importance of an elected school board and the role that we play throughout our state, as many of you have mentioned. We agree that it is arguably the most important public position that can be held. We also appreciate their willingness to ensure that public servants elected by voters are very quick to make the best decisions and be the leaders, an important piece of the foundation of our democracy. We certainly acknowledge that in the Washoe County School District. We have had our share of struggles with this in the past. We are also very proud to say that we have taken a very serious approach to our training over the past year and a half. We have improved greatly, in large part because we have gone about the training that we are talking about here today. We recognize there is room for improvement, and we will continue to be committed to that improvement because 64,000 students in the Washoe County School District are counting on us to get this right, so we offer our support.

**Bridget Peterson, Legislative Chair, Nevada Association of School Boards:**

I am also a member of the school board for the Lyon County School District. I am here to express my support for Assembly Bill 451. I just passed my third year of being on the school board. I was appointed for nine months and then elected. I really love my school district.

I felt like I was inspired to do this. I have come to love and appreciate Lyon County. When I first began, I found out I needed to learn a lot. I did not know very much about *Robert's Rules of Order* or the open meeting laws. I do not like to make mistakes, so I decided that I needed training. The Nevada Association of School Boards offers a lot of training so I made sure that I took that training. I have found that it has helped me become a better school board member and understand my job. The courses that helped me most were open meeting law, board and superintendent relations, school finances, and leadership and communication skills. I feel that continued training helps me because I am a hands-on learner. Once I have experiences and I go back and get training, it makes more sense to me.

I understand that there are many different people on school boards with different and varying experiences, and I feel that when we learn together, we understand one another, and then we are also held accountable to one another. I see this training as an asset.

**Chairman Thompson:**

Thank you for that insight.

**Chris Daly, Deputy Executive Director of Government Relations, Nevada State Education Association:**

We represent 40,000 teachers and education support professionals across the state working to ensure high-quality public education for every Nevada student. The Nevada State Education Association supports Assembly Bill 451 to require members of school boards to complete four or even six hours of training related to their responsibilities as board members. I will basically give you ditto testimony, but to say that while I think you could debate the details, giving board members such incredible responsibility and the knowledge and tools that they need to best govern their districts is good government and good public policy ([Exhibit E](#)).

**Stephen Augspurger, Executive Director, Clark County Association of School Administrators and Professional-Technical Employees:**

We, too, are in support of this bill. My perspective certainly comes from Clark County, but across this state, this is a difficult job. It is even more difficult if you come in unprepared for the rigors of the work. As has already been said, with a budget of well over \$2 billion, 40,000 employees, and hundreds of thousands of students, our trustees need to be trained. They can have a remarkable influence for good if they have the right training. I would emphasize that the topics are right so the training has to be right.

**Mary Pierczynski, representing Nevada Association of School Superintendents; and Nevada Association of School Administrators:**

We are in support of A.B. 451. The topics being selected in the bill for further instruction are very important, and we know that our school board members want to do a good job or they would not run for office. This is going to help them do that.



**Chairman Thompson:**

Is there anyone else in support of Assembly Bill 451? [There was no one.] Is there anyone in opposition to A.B. 451? [There was no one.] Is there anyone neutral on A.B. 451? [There was no one.]

**Assemblyman Frierson:**

It is pretty clear what I am trying to accomplish here and I think at the end, it is going to serve our children the best.

**Chairman Thompson:**

We will close the hearing for Assembly Bill 451, and we will open the hearing for Assembly Bill 292.

**Assembly Bill 292: Revises provisions relating to bullying and cyber-bullying in public schools. (BDR 34-916)**

**Assemblyman Richard Carrillo, Assembly District No. 18:**

My district includes southeast Las Vegas, an unincorporated portion of Clark County, and parts of Henderson. Senate Bill 504 of the 78th Session was passed in response to many issues that surround bullying. This bill is in response to some issues that have arisen since the passage and implementation of S.B. 504 of the 78th Session. Although there are many schools that are actively investigating bullying allegations on a daily basis, I have heard from many families that many of the concerns, questions, and complaints of bullying are going unanswered. For that reason, I thought it was important to add an additional level of accountability around reports of bullying.

The language you see in section 1, subsection 2(c) is an attempt to do just that. I have been meeting with multiple stakeholders who have expressed concerns with the timeline of this report, in addition to the volume of complaints that are received and what they will look like. In response to those concerns, I have submitted a conceptual amendment ([Exhibit F](#)) to require each school to report monthly to the supervisor of the principal on the number of reports received and how many of those reports were substantiated or unsubstantiated. In this way, it will bring to light those schools who are either doing something that is working or merely underreporting. The intent in this section is to give school districts other means to look more closely at those schools. The districts may either determine what the school is doing right and figure out ways to replicate it at other schools, or determine that they are simply underreporting, or underinvestigating, and develop a plan of action to ensure that complaints are being investigated and proper steps are being taken if a bullying complaint is substantiated.

The other issue that I am trying to address is the communication between home and school. Currently, in statute, the requirement is that parents and/or guardians of the reported aggressors or victims be notified by 6 p.m. on the day of the report if the report happened

prior to the end of the school day, on a school day. In the case of all other reports received after the end of the school day or on a day that school is not in session, notification must be made by 6 p.m. on the following school day.

In section 1, subsection 3(a), there is language that will make that notification mandatory before interviewing the student, be that the reported victim, or the reported aggressor. The notification can be made in any of the manners currently being utilized. For this portion of the testimony, I will turn it over to Charlene Frost who is in southern Nevada.

**Charlene Frost, Private Citizen, Las Vegas, Nevada:**

I am the parent of a student currently attending a school in Clark County School District and a constituent in Assembly District No. 18. This piece of language is to hopefully eliminate the potential that a parent be notified after the end of the school day and not have any means to talk to anyone at the school until the following day. With the addition of this language, the parent will be given the opportunity to, at the very least, be able to contact the school and be part of the solution to these instances of bullying, as well as further encouraging parent engagement and parent involvement in the process.

Assemblyman Carrillo has submitted an email that I received when my son was accused of being involved in an incident of bullying earlier this school year ([Exhibit G](#)). Please note the highlighted portion of the email which states that the student "may" be interviewed. As you can see, the email was sent to me at 5 p.m. on the day of the report. I then received a robot call from the school at 5:04 p.m. This was more than four hours after the end of his school day, leaving me with no opportunity to speak to anyone at the school regarding the incident until the following day. What I did find out was that he had already been questioned, leaving me feeling like I had been misled by the email altogether. There was no "may," there was only a "has already been." The following day, I did call the school concerned primarily because my son was not able to provide me with a whole lot of information except for the fact that he was told to write a statement and sign it. I was unable to speak to the dean who was handling the complaint, and it was another 24 hours before I heard from the school. It was ultimately determined that it was not an incident of bullying, but I was left with the feeling not only that my involvement was unwanted, but that my concerns were unwarranted. Further, earlier in the school year, my son was the victim of bullying. Although I received a call during the school day informing me of that particular incident, I was given little information that time either.

This section of the bill is not intended to slow down the process; this is about involving and engaging parents from the beginning of the process, not waiting until the middle or the end. Parents should have the opportunity to participate in every aspect of their child's education. If parents are going to be expected to be involved, then that should also be when things are not necessarily going well. It is incredibly difficult to have some of these discussions with your child when you have no information about what the nature of the issue is. The rights of parents do not stop when the child enters the doors of the school and then magically reappear when the child reaches the door of home at the end of the school day. I really feel that parent involvement should not just be a priority for schools when it is convenient and easy.

**Assemblyman Carrillo:**

I would like to add that there are some stakeholders who spoke to me about putting a carve-out in this section so that this would only apply to special education students and their families. I rejected that idea because it appears to me that this could potentially exclude students who have not been identified for special education services or those students who have disabilities who do not need or qualify for services in the educational setting. Further, it is my opinion that all families should have the opportunity to become further engaged in all facets of their children's education. Again, thank you for allowing me to present the bill today.

**Assemblyman Pickard:**

I certainly appreciate the intent of this bill. I think it is important that parents get an opportunity to be involved from the outset on these types of allegations, particularly when children are asked to sign statements. It is critically important that the parents be involved before that point. On the other hand, my question revolves around the balance there in terms of the timing. If a parent cannot be reached right away and yet administrators feel like they need to respond quickly to what may be an even bigger problem, how do we balance that? How do we not handcuff the administrators in terms of being able to investigate the incident before parents can actually be notified?

**Assemblyman Carrillo:**

Again, this is not something to ask for permission, it is basically notification. It does not say that they have to wait to hear from the parent. As the incident is reported to them, they report the incident to the parent. They do not have to wait for a response, call back, or anything else. Of course, we would like to see that process expedited in the sense that we do not want to stop the process. It will still go through the process, but the parent is aware at that point, so if the parent makes a call an hour later, the school may be already in the process of possibly interviewing. This language is not meant to take away from that, but not to wait until the end of the school day when the parent has nothing to go off of. They cannot react to the situation at all.

**Assemblyman Pickard:**

If I understand correctly, the intent is merely for the administrator to notify—this is a one-direction communication. The notification goes out. We are not looking for actual notice to have been received by the parent necessarily. It is whether they have identified an email or whatever. That notice goes out and that is sufficient. Is that correct?

**Assemblyman Carrillo:**

I will let Ms. Frost respond to that.

**Charlene Frost:**

The bill is about notification; it is not asking for consent. The notification currently in law is an email or a robot call. Yes, it could be just a one-way communication giving the parent the opportunity to get that call during the day when they can call back to the school. That is what we are looking for.

**Assemblyman Edwards:**

When I was reading the bill, I was interested in what might be more of a larger scale question. Can this be done by the school board simply putting a policy in place today?

**Assemblyman Carrillo:**

The short answer would be no. If you want a longer answer, I will defer to Ms. Frost.

**Charlene Frost:**

The school board could absolutely put a policy in place. However, that does not mean that all school boards would put the policy in place. This is an attempt to make sure that we are putting it into the statute along with the current statute to further solidify that we want to take bullying instances seriously, but we want parents involved in every step of that.

**Assemblyman Edwards:**

Would you consider an amendment that would say that the children do not sign anything until the parent has had an opportunity to speak with the child?

**Charlene Frost:**

It is Assemblyman Carrillo's bill, but I would not be opposed to that personally.

**Chairman Thompson:**

Assemblyman Carrillo, I have a quick question on your amendment on section 1, subsection 2(c). Is there any connection with the Office for a Safe and Respectful Learning Environment in this? When you were giving your introductory remarks, you referred to Senate Bill 504 of the 78th Session. That office is very integral to that. Is there any connection to that office? I know you are looking directly to the school, but will that office also have some kind of connection to those reports?

**Assemblyman Carrillo:**

We did have some conversations and I say we, because Ms. Frost was definitely helpful regarding the language of this particular bill. The conversations we had with the Office for a Safe and Respectful Learning Environment indicated that they were onboard. I cannot speak for them, but I want to say that we would be willing to entertain further amendment to that section.

**Chairman Thompson:**

I am not suggesting that you do so, I was just asking for clarification. Are there any other questions from the Committee? [There were none.] We will open it up for support for Assembly Bill 292 in Las Vegas.

**Joe Rajchel, Policy and Outreach Coordinator, American Civil Liberties Union of Nevada:**

I am here today on behalf of the American Civil Liberties Union of Nevada (ACLU) in support of Assembly Bill 292 and the protections it puts in place for students and parents who make up Nevada's schools.

The requirement that a parent or guardian must first be informed before the student is interviewed creates a protection of process for any student who may find themselves in the middle of a bullying claim, both for the student being bullied and the student accused of misconduct.

The ACLU has dual interest when it comes to bullying. We support working to end bullying in our school districts, especially bullying based on protected characteristics such as race, sex, gender identity, and sexual orientation, and want to make sure all of our educational spaces are safe for all students to learn and grow. Moreover, we also want to make sure the rights of those accused of bullying are not unfairly infringed upon. We believe this bill will contribute to the protection of both of these interests.

This bill will also protect students who have special needs and those who may not have been identified as having a need from being interviewed and having those needs overlooked or missed.

Parental rights will also be protected because they will first know of any incident involving their student before any further disciplinary measures can take place. It will give parents the opportunity to attend their child's interview and will allow parents to raise any potential concerns or factors they believe the schools should take into consideration.

Assembly Bill 292 helps to protect the students being bullied, will protect students from being hastily or wrongly accused of bullying, and will protect parent and guardian rights to have a say in how their child is approached. We support passage of A.B. 292.

**Kris Schneider, Private Citizen, Las Vegas, Nevada:**

I am also in education as a principal at Mountain View Lutheran School. While I am in support of Assembly Bill 292, my concern is with respect to the rights of the individual students and whether they will be allowed to decline to be interviewed and decline to be part of the process out of the protection of their own rights, or if they would be advised by a parent of the same. Is that going to be protected, and how is that going to affect a proposed timeline?

**Chairman Thompson:**

This is your opportunity to just make a statement, sir. I am sure the bill's sponsor heard that, and he can take that under advisement when the hearing is over. You can also contact him.

**Kris Schneider:**

That was my purpose, which is to raise awareness.

**Chairman Thompson:**

Is there anyone else in support of Assembly Bill 292 in Las Vegas? [There was no one.] We will come to Carson City for support of A.B. 292.

**Zanna Curry, Private Citizen, Carson City, Nevada:**

I am here as a mom. It is very emotional for me. My daughter is sitting in the back row. She has been bullied relentlessly since October. We made it through seven years in Washoe County School District without incident. You have a bigger problem than just the parents being notified. It is a very broken system. You are going to be seeing more of me. I will be more poised next time, I promise.

According to Senate Bill 504 of the 78th Session, the criteria right now for bullying is a criminal act. The definition meets the criteria of a criminal act. If my daughter is charged with a criminal act, she has representation. She needs to be represented by an adult. She has been the victim. She has not been accused of bullying, but the children will not come forward. They have sat in my living room and cried. They are afraid. They want their parents there. Unfortunately, I have discovered that many parents do not care. The school administrator should absolutely have to reach out to the parents first to give them an opportunity to speak with their children. My daughter's bullies continue to bully her. Only one has been punished. She said that "diabetic 'B' needs to kill herself." That is what it took to get their attention, and she was suspended for three days. Finally, a boy named Logan Mills—I have permission to use his name by his mother—gathered up children and encouraged them to tell the truth, and he was suspended for being disruptive.

You have a problem all through Washoe County School District, but also at Darrel C. Swope Middle School in particular. I have documented and documented and documented evidence where it is underreported and the kids will not come forward because they are afraid to speak to the administrators and be honest.

You must absolutely require that our administrators and school officials allow a parent or a guardian to be present and have it be required before they speak to our children. They are not equipped to deal with adults in this type of a setting.

**Chairman Thompson:**

I would like to speak to you offline where I can get you some information on how to go through that whole process. There are some processes in place, and I want to be able to get that information to you. Most importantly, I want to thank you for coming. You did a great job. Is there anything very particular in this bill?

**Zanna Curry:**

Yes, absolutely. It is a waste of our administrators' time to interview students without a parent present because they are not getting accurate information. The children are afraid.

**Chairman Thompson:**

Is there anyone else in support of A.B. 292? [There was no one.] We will go to opposition for A.B. 292 in Carson City.

**Nicole Rourke, Associate Superintendent, Community and Government Relations,  
Clark County School District:**

First, I would like to thank Assemblyman Carrillo. He spoke with us several different times looking for some alternative solutions to what is presented in the bill to resolve the issue that has been brought forth to you today. I want to thank him for adding principal's supervisor to the report and changing that from the board of trustees. I think that will convey the kind of accountability that this bill is actually seeking to provide for any action at the school level if necessary.

Second, however, is the reason why we are here in opposition. We have concerns about meeting the timelines that are established in law with the requirement for this notification. While the bill presenters are talking about notification, I think you also are hearing concerns about parents being involved in the interview. I realize what the bill says as well as what the parent expectations may be if the law is changed in this manner. While they may be two different things, at the school they become the same thing. Our concerns are that the investigation right now as it stands in law has to be completed within two days. That is not a lot of time to really conduct a thorough investigation and ensure that you have all of the facts. We have an immediate obligation and a duty to ensure the safety of the student. That safety may be dependent on some conversations with other students to ascertain what has really happened and ensure that we are putting the proper safety plan in place. I wanted to make you aware of that and let you know that we are here to work through this to ensure student safety, and that is our primary goal.

**Mary Pierczynski, representing Nevada Association of School Superintendents;  
and Nevada Association of School Administrators:**

We want to thank Assemblyman Carrillo for his willingness to make an amendment or make some changes to section 1, subsection 2(c). That is very helpful, and we appreciate that. Our second concern, and the reason that we are still in opposition to the bill, has already been stated by Ms. Rourke. The timelines are an issue, and then, of course, it is important to try to make that notification to parents, but if you reach the parent and the parent says "No, you may not talk to my child," then the administrator is in a difficult quandary at that point. I think it is always wise to try to get hold of them right away, but timelines and the difficulties you sometimes run into would preclude meeting the timelines for the bullying.

**Chairman Thompson:**

Is there anyone else in opposition to A.B. 292? [There was no one.] We will go to neutral for A.B. 292. [There was no one.]

**Assemblyman Carrillo:**

Thank you, Chairman Thompson and Committee members for hearing this bill. I just want to take a moment to repeat that this bill is not intended to be a roadblock for investigation. One parent saying "no" to an interview will not be a "no" from every parent and, in my mind, does not stop the investigation from continuing.

[[\(Exhibit H\)](#) was submitted but not discussed and is included as an exhibit for the meeting.]

**Chairman Thompson:**

We will close the hearing for Assembly Bill 292 and open the hearing for Assembly Bill 331.

**Assembly Bill 331: Creates the Nevada System of Community Colleges. (BDR 34-28)**

**Assemblyman Ira Hansen, Assembly District No. 32:**

With your permission, I would like to give a brief introduction, have my three special guests give their presentation, and then we can go to questioning. Thank you for consideration of this bill. With me today, I have Dr. John Gwaltney, President Emeritus of Truckee Meadows Community College, Dr. Carol Lucey, President Emeritus of Western Nevada College, and Dr. Ron Remington, past president of both Great Basin College and the College of Southern Nevada. In the interest of time, I am going to provide a very brief introduction then go over the main provisions of the bill. I will then turn things over to these past presidents.

I would like to begin with a couple of brief points. Our current system of postsecondary education in Nevada is not working efficiently or equitably when it comes to community colleges as compared to universities. When our community colleges were first established in the late 1960s, we were a smaller state with smaller institutions of higher learning. The decision was made at that time to house all of our community colleges and universities under one governing system. Nevada has grown, and its higher education system has grown as well. What worked in 1968 is no longer working today. Specifically, with recent changes to the funding formula, community colleges are being left behind in terms of an equitable distribution of funding. Assembly Bill 331 proposes to change the governance structure for postsecondary education in Nevada in order to address that issue and other challenges, including meeting economic development goals and best serving the needs of all of Nevada's students.

Basically, the bill transfers authority for the supervision and control of community colleges from the Board of Regents to the proposed State Board for Community Colleges as well as to individual boards of trustees at each community college. We currently have four institutions that are considered community colleges: the College of Southern Nevada (CSN), Great Basin College (GBC), Truckee Meadows Community College (TMCC), and Western Nevada College (WNC). The intent is that this bill would apply to those four colleges.

I will also note that having a separate board for community colleges is not a new idea. At least 21 states have an independent board that coordinates or governs community colleges. With that context, I would like to take you through the highlights of the bill. In summary, the bill takes community colleges out of the Nevada System of Higher Education (NSHE) and creates a separate governance structure for those four schools.

In pointing out the most significant items in the bill, I will start with section 7, on page 3. This section creates the State Board for Community Colleges to be appointed by the Governor. Under section 9, the Board appoints an Executive Director to perform



certain duties, including any duties delegated to him or her by the Board. Section 10, subsection 2(a) provides that the Board supervise and control the Nevada System of Community Colleges. Also, in section 10, subsection 1, it creates the Nevada System of Community Colleges consisting of the schools that are administered under the direction of the Board. Sections 10 and 11 lay out further duties and powers of the Board. In general, sections 7 through 68 provide the State Board of Community Colleges with similar powers and duties to those exercised by the Board of Regents.

This brings us to section 69 on page 30, and here you see that each community college will have its own board of trustees. Section 70 provides that the boards will operate and manage the college to ensure a measure of local control. Each of these boards will also employ a college president. That is a brief overview of the governance model proposed in the bill.

Moving on in the bill, sections 76 through 144 make conforming changes, including establishing representation from the Nevada System of Community Colleges and the State Board for Community Colleges on various boards, councils, and commissions.

I have submitted a summary of the bill ([Exhibit I](#)) posted on Nevada Electronic Legislative Information System (NELIS) that lists those specific entities.

On page 109 of Assembly Bill 331, I want to point out another very important board that is established in this bill. Section 146 creates the Articulation and Transfer Board. This Board is charged with facilitating the transfer of community college students to colleges and universities in the NSHE. As you see in section 148, the Board will also coordinate and facilitate the ability of public high school students to successfully transition from high school to community college, and will report to the Legislative Committee on Education and the appropriate standing committees of the Legislature.

I want to emphasize the importance of this Board in addressing problems and challenges that we have seen when students attempt to transfer from community colleges to universities, not to mention from high school to college.

Continuing forward, sections 149 through 180 are again, conforming changes. Sections 320 through 322 start on page 269 and provide for the initial appointment of the State Board of Community Colleges and for certain other appointments required by the bill. I would especially like to turn your attention to section 323 on the next to the last page. Under this section, any contract, lease, or agreement entered into before July 1, 2018, and in effect on or after July 1, 2018, by NSHE or the Board of Regents related to the operation of or provision of services by or to the community colleges shall be deemed to be a contract lease or other agreement entered into by the Board of Trustees. Basically, nothing changes. We had some concerns that there may be collective bargaining issues or things like that come up. One of our goals with A.B. 331 is that students and employees at community colleges would be able to continue in the same manner that they are now. On that note, I would like to quickly point out a few of the bill's other provisions regarding students

and employees. For instance, students will continue to be eligible for programs like the Governor Guinn Millennium Scholarship and the Silver State Opportunity Grant. Employees will continue to be eligible for benefits like the Public Employees Retirement System and deferred compensation. This bill is really focused on the governance structure for community colleges only. We intend to minimize any potential effects on students and employees and also to allow the universities to continue operating in the same manner that they do today. That pretty much winds up my testimony. At the conclusion when I come back, I probably will need to address the study that was conducted around Senate Bill 391 of the 77th Session, but for now, I would like to turn it over to Dr. Carol Lucey, if I may.

**Carol Ann Lucey, Private Citizen, Carson City, Nevada:**

I became president of Western Nevada College in August 1999 and retired at the end of 2013. In the intervening years, like my colleagues sitting here at the table with me, I came to recognize some of the weaknesses in the structure of the Nevada higher education governance system. In my years as a college administrator in New York and before becoming a president, I had been well taught, by a series of mentors, that the most important responsibility of a college president is to protect the interests of his or her college and its students. In most states, that role is easily and appropriately aligned directly with the role of the college's governing board, which presumably had hired the president.

Nevada is one of only a handful of states in our country in which the community colleges' governance boards cannot be assumed to be in natural alignment with their communities and presidents. Most states use local boards of governance to provide oversight to each college. This assures a number of things, not least of which is that the communities' interests are well served by their colleges. But local boards also assure that the president hired by the board is aligned with the board's own strategic directions and that both the board and the president are in agreement that their primary goal is always to protect the college and its students.

I have indicated the type of governance model of each western state on a map that I believe has been provided to you on the materials before you ([Exhibit J](#)). Note most western states, in fact most states generally, use local governance boards to manage their colleges. A "1" on each state indicates the state uses local community college governance boards. States with mature community college systems generally opt for local governance for the reasons I mentioned earlier. That alignment between local community, college board, and president is indeed what makes these colleges "community" colleges.

There are differences among the states in the types of oversight the state itself provides. These may include coordination, regulation, or governance. Even in states which use local governance boards, it is common for there to be a statewide coordinating board overseeing all colleges. For example, in my prior state, New York, the State University of New York (SUNY) Board of Trustees was a statewide entity which functioned as a governance board for the various state universities, but only as a coordinating board for the approximately thirty community colleges scattered around the state, each of which had its own local board of trustees. Likewise, in Washington state, the colleges have their own local governance boards. In Washington, a separate, statewide board is responsible for

coordinating the large number of community and technical colleges within the state. This state coordinating board serves no role with regard to the state universities. Assembly Bill 331 proposes to model Nevada community college governance on the Washington state model.

For six years while serving as president at WNC, I also served as a commissioner with the Northwest Commission on Colleges and Universities. In this role, I regularly reviewed for the Commission those colleges which were up for their regional accreditation reviews. The president on each visitation team generally was assigned the responsibility of reviewing the effectiveness of the governance model of each college. In that role, I had an opportunity to see exactly how the college's effectiveness at serving its students and communities aligned with its governance. The colleges in Washington state were generally recognized by the Commission as very effectively governed.

Despite the less than ideal governance model in Nevada, from 1999 to 2011, I was able, with only minor complicating factors, to protect my college and our students within the context of a governance model which asked a set of well-meaning public citizens, our Regents, to provide governance to eight distinctly different higher education institutions. Starting in 2011, however, this became increasingly difficult. The problems arose from two different circumstances. First, stretched beyond any reasonable capacity to provide oversight in a rapidly expanding system, the Regents delegated to the system chancellor authority over all eight presidents. This rendered the presidents essentially campus provosts, not presidents, and put each of them at an increasing distance from the Regents, their governance board. Second, with the beginning of severe budget problems, the Chancellor and the Regents were required to distribute seriously depleted state resources among the eight institutions. The way in which that new funding formula was developed was obtained under public records law by the *Las Vegas Review-Journal*, and shared with the public last spring.

There were no villains in the unfortunate process that produced the new funding formula. However, one thing that is made clear by the public record is that the community colleges were badly served by the process. The two smallest colleges, WNC and GBC, were scheduled for cuts in General Fund dollars of nearly 30 percent each, and are now required to serve huge parts of Nevada with the same dollars per full-time equivalency (FTE) as any of the institutions with more localized missions. The two urban colleges were handicapped by the new performance-funding model that was better designed for university students ([Exhibit K](#)). At the time, I argued within the system against the formula, but to no avail.

At that point, I parted ways with my governance board and did what I believed was essential to protect my college, its communities, and its students. I testified publicly during the Senate Bill 391 of the 77th Session hearings in the spring of 2013 for a study to at least consider the viability of separating the community colleges from NSHE. I resigned not long after that, as I knew I would have to do. It is important to understand that college presidents cannot disagree with their governing boards. When they do, they must be prepared to resign. That should be borne in mind today as you hear opinions on all sides of this issue.

**John W. Gwaltney, Private Citizen, Sparks, Nevada:**

I am a past president of three community colleges. I served as a community college president for a little over 20 years. At one time, I was the youngest community college president in the United States. I served in Illinois, Kansas, and here in Nevada. First of all, let me say to you the remarks that I am making indicate that there are no evil people. One of the things that I want you to understand, and I want to repeat it to the point that it is clear to you, is that in this system, almost everybody works hard to do a good job. When you have a system where everybody works hard to do a good job and the outcome is not what it should be, that is a problem. The problem is not people. The problem is the system. I was present for several of the meetings that dealt with S.B. 391 of the 77th Session. As most of you are aware, there was deception, if not clear dishonesty, in the presentations related to S.B. 391 of the 77th Session. The information that was used to make the decisions was not the most credible information that could be used.

There were two recommendations that I want to talk about. The first recommendation was that we employ a vice chancellor of community colleges. As a member of the executive team at TMCC, I fought diligently to have that done some years ago. It had been tried once prior to then. As Jill Derby, who had been a member of the Board of Regents for 18 years and served as a candidate for Congress, told you in her op-ed, that did not work.

The second factor was a recommendation that we have a governance structure within the system. The fact of the matter is that the Board of Regents have adopted a strategy—and I understand under the advice of a consultant—that they will have a subcommittee of the regular board. By the way, I worked in a system which was a system within a system in Kansas. This is not a system within a system. It is simply a subcommittee of the Board of Regents. In the past, each of those types of recommendations have further complicated the issue for community colleges. As one of those community college presidents, I found it more difficult after enthusiastically supporting it. After a year, I was in line to say this is just not going to work, and it has not worked.

The last point in reference to S.B. 391 of the 77th Session that you need to think about is giving it additional time. Some of my colleagues can do a better job than I because they have been around longer, but I would indicate to you that we have studied these issues forever. When I hear "Let's try it for months, or years to go," I am finding that very curious.

In closing my comments to you, I thought about this long and hard. By the way, the mission of coming to talk to you kept me awake quite a bit last night, and I have done this many times, in trying to figure out what I would say and what I would not say. I want to echo what my colleague, Dr. Lucey, has said. As a president, you do not break the line of communication of your board. The Board of Regents are no different than any other board. I have worked for two additional boards, and they were in that fashion. When I was president, the college received a piece of land upon which was built the Pennington Center on the Mount Rose Highway. That was given to me as a Christmas present for the Truckee Meadows Community College Foundation. I called the chancellor and told him to congratulate me because I had just received the biggest gift I had ever seen. He said I

had to give it back. I had to give it back. I asked why in the world would I think about giving it back? He replied that it had to be given back so it could be given to the University of Nevada, Reno (UNR).

I want you to understand why it is tough for a community college president to break that line, but I was not sure I wanted to do that. It was explained that I could either pack or I could give it back. Thank you for your time.

**Ronald Remington, Private Citizen, Reno, Nevada:**

I have 40 years of experience in higher education and like Carol Lucey, I served as a commissioner for the Northwest Commission on Colleges and Universities. I have had 30 years of experience with NSHE in Nevada. I have served as the chief academic officer at both Western Nevada College and Truckee Meadows Community College—John Gwaltney and I overlapped there for a bit—and then went on to become president at Great Basin College for 12 years and president of the College of Southern Nevada for 3 years. Since I date back to 1973 with service to Nevada, I can tell you that this hearing could have occurred in 1977, 1987, 1997, 2007, or currently. The issues are the same. To paraphrase Einstein, if you keep doing the same thing over and over expecting different results, there is something about that that is a bit insane. I am very much in support of separating the colleges. If you could allow me to paraphrase my colleagues here, if you do not enjoy riding in the back of the bus and complain about it, you are likely to be thrown off the bus. That is not a very good set of circumstances.

I believe, to fully realize the potential for community colleges, separate boards serving individual communities and being more responsive in providing better service to our students in the state is the way to go and has been for a good number of years. If we look back, I think there have been studies time and again recommending separate wards and different funding systems, and those studies have simply gone ignored.

**Assemblywoman Krasner:**

I teach at Truckee Meadows Community College, and I love community colleges. Many of my students are the first person in their family to ever go to college, and some of them are working one and two jobs. I think it is great to have that opportunity for them. They may not be able to go full time to a full university, so this is such a great option for them, plus the workforce development that the community colleges offer.

My question is, will there be enough money for the community colleges if they separate from the university system? I certainly would not want anything bad to happen to the community colleges.

**John Gwaltney:**

We are not suggesting a change in the funding level. We are deeply appreciative of the \$21 million that the Governor is recommending go to community colleges. We believe it was overdue a little bit, but at the same time, we are deeply appreciative of that concept. We are also convinced that if the community college bill is successful, all of the necessary

funding that goes to NSHE is not necessary anymore. The community colleges will take roughly 51 percent of all of the students out of the system. It would strike me as highly unlikely that all of the work being done by NSHE would have been done for only the universities and therefore, the system could not up any funds that support that. We do not really see any additional expenditure from the state right now. To be honest with you, I think life might be a little messier in the future because community college presidents will bring their priorities here to you directly in the next session and the session after that. They will not be laundered through a university-centered system. At some point, I think the funding might change.

**Assemblyman Flores:**

There is a lot in the bill that we can discuss, but before we can get to the policy, I need you to flesh out some of the comments that were made in the opening remarks. If you were the president right now of any community college—and please do not answer by saying you have to go along with what NSHE says—specifically tell me why you would have to support the model now even though you are against it. Would NSHE show up at your door and tell you that if you do not do this, you are out? Would they rally troops around you to get you out? I want to know exactly what that process would be like, and why we have three letters of support from community colleges saying they oppose this bill. Yet, we have three individuals who are saying they were there and they would have had to do the same thing. Walk us procedurally through why you would have done that.

**Carol Lucey:**

Perhaps I did not say enough about my own experience during the S.B. 391 of the 77th Session hearings. I was still president when I spoke in favor of that bill. That was not the appropriate thing for me to do. Things were already getting difficult because, behind closed doors, I was giving the Chancellor quite a bit of static about the funding formula. In September 2013, there was a Board of Regents meeting in Elko where I presented my budget for the next year based on the cuts, and I did not get a single vote. It was turned down unanimously by 13 Regents. That did not happen by accident. A short time later, a very similar budget was approved by my budget officer who took over from me when I resigned. That is the way it happens. It is not always "You are fired." I was not fired, but life became more difficult. You have to be part of the family. You are inside of a bubble in the system. There are a lot of echo effects. You buy into that unless you just cannot scratch your head hard enough to figure out how to give up 30 percent of your budget and still keep operations in Fallon and Yerington and all of our remote counties.

**Assemblyman Flores:**

If both of you could jump into that exact same question, and with this follow-up to it, are you suggesting—in a very straightforward manner, because if you are saying it, you are no longer suggesting it—are you saying that when somebody takes that oath and becomes president, at that point, it is an unwritten rule that you are not going to oppose the model they have? You are not going to speak up and fight for your students in a way that you think better represents them through a model that would more adequately help them?

**Carol Lucey:**

You do not take an oath that you will never cross your governing board. It is just not done. There is a reason why it is not done. That governing board is working for your college, one hopes, and for your students just as you are. There can be no daylight between you and your governing board. My problem is not with the Board of Regents per se, it is with the fact that they are the governing board for community colleges which should be governed within their communities. In a situation like that, if you disagree with your governing board, you should find a new job or, as I did, retire.

**Assemblyman Flores:**

Do any of you have anything else you could add, please?

**John Gwaltney:**

I have a very short answer. I think your question asked what I would do under these circumstances. I can tell you what I did. What I did was agree with whatever the position was because I had two kids in college, a mortgage to pay, and so on down the line. That does not sound very ethical, but frankly, it may be a little bit like the average attorney who does not necessarily like every client he or she gets, but it is the job to defend them and to present their cases as effectively as possible. It is also true that I did not necessarily agree with every position in the other two institutions I was president of. However, I never found myself so much at odds with those positions.

**Ronald Remington:**

When I assumed the role of president of the College of Southern Nevada, preceding me were two interim presidents who really had very little experience in funding and the like. I detected about a \$7 million deficit in the budget. I pointed that out, went to the Interim Finance Committee, and part of that money was restored. The interesting part of the money being missing is that a similar amount of money was available for the start-up of Nevada State College. That seemed to get me in a good deal of trouble. The following year, nine days after an excellent evaluation, I was investigated and removed from the position. The Attorney General, at that time, found that, in a closed session from which I was barred, the Regents had violated the open meeting law more than 20 times. I sued the Regents and actually the court restored my position, but I resigned my position and went on to teach for the University of Nevada, Las Vegas (UNLV), and then retired. Does that help?

**Assemblyman Flores:**

I am concerned that we have presidents saying that we have this cycle of people going into the community colleges and taking on the role of president, knowing that they are not always going to be able to act and speak in the best interests of the students they represent. That is both alarming and incredibly concerning to me.

**Assemblywoman Joiner:**

This is a really big decision, and one that I do not take lightly. Having taught at both the university and at the community college level, I truly just want to figure out what is best for community college students. I respect so much the role that community colleges play in our

state and especially with our workforce emphasis now, trying to make sure we have the right training for the workforce that we have coming up. My question specifically is in sections 146 through 148. This issue of Articulation and Transfer is extremely important to me. As a teacher, I often hear about students who lose credits in one place, or they change their major and are not able to carry over credits. If you are saying that is one of the problems that students are facing in community colleges that cannot be addressed in the current system, I would just like for you to expand on that, please. Also, my question would be, what is the current system? Could we have an Articulation and Transfer Board without breaking up the system? Has that been considered?

**Carol Lucey:**

The item under discussion is on page 109 of the bill. It is the creation of the Articulation and Transfer Board. I am going to defer to Dr. Gwaltney in a minute, but I would just like to say one thing about this issue. In my time in Nevada, which is going on 20 years now, I have never seen transfer and articulation handled properly in this system. I suspect many of you who are serving in public office have had the experience of being called by one of your constituents who might share with you a concern they have about the way they or one of their children was treated in the transfer situation. That is wrong. Other states have managed to fix this problem years and years ago. It is inexcusable that a 50-year-old system is still struggling with transfer. If I may, I will defer to Dr. Gwaltney.

**John Gwaltney:**

First of all, the Articulation and Transfer Board that you find there is modeled after, not Washington, but after the state of Florida which several individuals have told me was a very, very good model. When I talked to the people in Florida personally, they said they were number one. That is how they described themselves.

I would like to echo what Dr. Lucey has said. It is a crime that a student has had to pay, the state has had to pay, time has been expressed, all of that, and we are still trying to figure out how to fix articulation in this state. A number of students surely have fallen between the cracks. Let me quickly tell you, this proposed Board would have five people from the university, five people from the community college, and five people from public education. I asked the people in Florida why that works and they said well, frankly, the public education people tend to serve as referees in the discussion. At times, academics can get pretty excited about things that are fairly small, and I do not disagree with that. As I understand the constitutional law in this state, there is no way you can require that the universities fix the articulation issue. That is part of the reason that it has never been done. However, this proposed Board is required to report to you and the Legislative Counsel Bureau—in other words, to bring to light all of the ramifications of problems with articulation. It is hoped that this Board will be able, through showing it to daylight, to improve articulation, if not fix it.

**Assemblywoman Joiner:**

I think the Board makes a lot of sense. I am curious now to read more about Florida. Is it possible that we could have a board like this under the current system without breaking the community colleges off?



**John Gwaltney:**

It is possible to have this.

**Assemblyman Elliot T. Anderson:**

I do not think NSHE in large part would dispute that they want everybody on the same page. I have people tell me that openly. It is not a secret that they like the coordination, especially around the budget. I want to get into the issue where it is sort of being implied that the community colleges are not being able to give us their full feelings. That may be true, but do you have information specifically that the community college presidents feel differently than what we are seeing in the letters?

**Carol Lucey:**

I can only speak for myself. My training, my preparation for many, many years was to become a college president. I was guided by a number of people, and the message was always clear. "You are an extension of your governing board. You speak with one voice. When you can no longer speak with the one voice, find another job." That is part of the struggle that Nevada has. Its presidents cannot do that because there is one governing board for eight institutions. It is nobody's fault. Nobody is to blame for this. It is just a bad system. The people are good people, but the system does things that disserve the population of Nevada.

**Assemblyman Elliot T. Anderson:**

I certainly would agree that people in the past have not felt free to speak up all of the time, and I certainly think that the Legislature does need to guard its ability to get accurate information. I cannot just assume that all of the community college presidents are not telling us everything that they want to. It is a difficult balance to be sure, and that is my broader level of problem with higher education lately. It is difficult to get good information, whether it would support my position on whatever issue or not. The best that we have is what is put in a letter. I would just hate for it to be rested on an implication because that may or may not be true that they do not feel the way it is in the letter. Right? I would just hate to leave it on an implication.

**John Gwaltney:**

It is a very delicate balance. You work hard at trying to put yourself into that model as a community college president. I did it in three states. I did it under three different boards. I did it with three different state governments and their processes. It requires that you assimilate into that structure, and there are times when that is extremely difficult. I have been first here several times. We were preparing to come to the Legislature, we got to the point of articulation and transfer, and the chancellor at that time said, "We will tell them we are fixing it." That was a number of years ago. I said, "No, I do not think we are." It became very uncomfortable for me to take that position.

The difference between a statewide board setting standards for the whole state versus a local governing board is that much of what happens with the statewide board is not relevant to you. It may cause you to actually have to perform duties that are not all that good for your own institution. That becomes a real quandary; a very difficult aspect. The university presidents often do not face that model. That is my observation.

**Ronald Remington:**

To elaborate on what Dr. Gwaltney said a moment ago, sometimes advocating for your institution runs counter to the overall view that the Regents may have, and can be seen as insubordination. Therein lies the rub, so to speak.

**Assemblyman Edwards:**

In your opinion, what would be the top two or three advantages of doing this?

**Carol Lucey:**

I strongly believe in local responsibility. The communities themselves need to have buy-in to their community college. I think you would gain tremendously by having the communities of Nevada governing their own community colleges. I think that is fundamental. I think it would help with fund raising, and it would help when the presidents come before the Assembly Committee on Ways and Means or before this Committee to plead their case every two years. I would hope you would see a lot of employers with us. It would make it easier for you and your districts to defend your allocations to higher education. Those are the things I would suggest, and I would defer because I am sure there are many things I have not thought of.

**John Gwaltney:**

I presented to the Board of Directors of The Chamber Reno-Sparks-Northern Nevada concerning this subject. Halfway through the presentation I stopped and said, "How many of you have ever gone to a Board of Regents meeting?" Not one hand went up. I said, "I think I know why you have not gone." The answer I gave them was that their priorities, in comparison to the global statewide priorities, are so small it is a little embarrassing and they are likely to get lost in the big struggle. When I was president in Kansas, when the chamber of commerce came to my meeting, I stood up. They were very important to me. They will plead their case on resources more effectively than the system. The community colleges represent minorities, low-income, first-time college students, and those students need support. The current budget structure gives a bonus for research of 10 percent. It gives no bonus for Clark County's community college which has what percentage of the minority students?

**Ronald Remington:**

At the time I was president, about 45 percent of all minorities enrolled in higher education in Nevada were at College of Southern Nevada.

**Chairman Thompson:**

When you are talking about that it is more local, do we really have the local supports and/or the local capacity to support something as huge as this? When you say local, for example, there is an institution in North Las Vegas which is the area I represent. Are there really the supports there? You talked about a study, but do we know without a doubt that this is either going to keep things at the same level of funding, or make it as an opportunity to gain more dollars? I think going backwards is the last thing that we want to see. Do you have any insight on that?

**Carol Lucey:**

I believe that if you have local governance, you will find that you do gain more support from the communities. People will have a buy-in that they lack now.

**Chairman Thompson:**

I am talking money. Support and encouragement is one thing, but having the actual dollars is what I want to talk about.

**Carol Lucey:**

When S.B. 391 of the 77th Session was under discussion, one of the things I did was to visit with representatives from the Nevada Association of Counties and the Urban League, and they were concerned because of Nevada's very unusual demographics. My first idea was to use the New York model, but New York provides a third of the funding from local property tax. That would never work in this State. There are simply too many counties that are destitute. That is when we started researching. What is going on nationally? Are there other states that have solved this problem? That is when it dawned on me that Washington state has no local property tax. The colleges survive on tuition and their general fund dollars. In exchange for that, there is no local election, for example, of the board of trustees at those colleges. They are gubernatorial appointments which is why you see "gubernatorial appointment" in this bill.

I am not sure if I have answered your question, but I think you see buy-in when you see that the community has something to say about their college.

**Chairman Thompson:**

We will go to those in support of Assembly Bill 331 in Elko. [There was no one.] I do not see anyone in Las Vegas, so we will come here to Carson City.

**Ray Bacon, representing Nevada Manufacturers Association:**

You should have my written comments on NELIS ([Exhibit L](#)). I would like to address one of the last points you asked specifically—employer buy-in. The articulation agreement is a frustration for employers. They wind up funding their students and all of a sudden, find out they cannot move forward because the students have to retake a class or something else. If we fix that problem, I think you will find an amazing amount of employer support. The program at Bently Nevada when I was there gave a loan to all students because the tuition was a battle. Everyone started with a loan. The loan was forgiven at the end of

the semester. If they scored an A or a B, it was 50 percent forgiven. I reached the point one semester where I had 46 percent of my production workers, not the company, involved in some level of continuing education. We found that it paid, we found that the workforce improved, and we found that it made a difference. A really important point I would like to make is that the articulation board that is in this bill is absolutely the number one point.

The body of students that you find at the community colleges is far and away the most mixed population you will find on any of our higher education campuses. It is every race, every creed, every color, and every age—you will see 70-year-olds. This is one of those things that I think is long overdue. I think you will see a dramatic improvement in community involvement. They will take ownership because they will feel they have some control.

Let me touch on one thing that has happened in the past few years. When we created Frank Woodbeck's position, things started to improve dramatically. Frank is a wonderful guy. He did things in community colleges and the Department of Employment, Training and Rehabilitation (DETR) that had never happened before. However, I think there is a bigger step that needs to be taken for the long-term goal.

**John D. Madole, Jr., Private Citizen, Carson City, Nevada:**

I would agree with much of what Mr. Bacon just said, and I think it has been an interesting and informative evening. I really believe in the community colleges, and I would appreciate that you consider supporting Assembly Bill 331.

**Chairman Thompson:**

Is there anyone else in support of A.B. 331? [There was no one.] Is there anyone in Elko in opposition to A.B. 331?

**Mark A. Curtis, President, Great Basin College:**

As I mentioned in my letter of opposition ([Exhibit M](#)), I am retiring on June 30, 2017, so I do not have a great deal of fear in terms of what I might be saying for or against this bill. I want to make two primary points. One, there is nothing in this bill that guarantees additional resources to the community colleges. Much of the angst and much of the unhappiness at the community college level has happened since the Great Recession where all entities in the state of Nevada have suffered a bit on the budgetary front. This bill does nothing to increase resources in the future.

The next point I would like to make relates to Great Basin College (GBC), in particular, which has offered four-year degrees, bachelor's degrees, since 1999. At the current time, we have 11 different baccalaureate degrees and we are continuing to expand those at about one every other year to meet the needs in rural Nevada. I am not sure how I see GBC fitting into a community college system only. We are evolving very quickly toward a hybrid two-year, four-year college. The Northwest Commission on Colleges and Universities currently designates us as a four-year institution. I do not see us strictly as a community college.

In terms of local governance, that would be fine if we were just in Elko County, but GBC is in ten of the largest and most rural counties in Nevada, and local control would seem difficult in that situation. Those are my opposing remarks.

**Chairman Thompson:**

Is there anyone else in opposition to A.B. 331 in Elko? [There was no one.] Is there anyone in opposition to A.B. 331 in Las Vegas?

**Michael D. Richards, Ph.D., President, College of Southern Nevada:**

The College of Southern Nevada (CSN) is also classified nationally as a four-year institution. I am not quite sure how that fits into this structure.

Separately, I have submitted a letter of opposition in NELIS ([Exhibit N](#)). It provided several reasons for opposing this bill including negative impacts on institutions and on students. I would reaffirm those points of opposition, but I would like to address a larger issue here.

I happen to believe a lot of progress has been made to elevate community colleges in NSHE. The local institutional advisory council is particularly valuable to gain local input on policy issues at the institution. We serve three municipalities in Clark County. I can tell you that those municipalities cannot pay more money to support CSN. However, we have 17 wonderful people from business and industry who are providing input into the programs that we offer, into the partnerships that we have, and into a major initiative that is underway to create a multi-campus district in Clark County. I do not want to hinder the progress that is currently being made within the system of higher education.

I am on my last contract at CSN, and I do not feel constrained to say things. I do think there are ways that the system of higher education and the State Legislature could be more involved to improve the communication between these two elective bodies. One suggestion is that the system of higher education is going to undergo a strategic plan and perhaps Legislative representation should be part of that planning process.

**Chairman Thompson:**

We will come to Carson City for opposition to Assembly Bill 331.

**Chester O. Burton, President, Western Nevada College:**

I am in opposition, but first I would like to recognize Dr. Lucey and all of her contributions both to the system of higher education as well as Western Nevada College (WNC). She was the longest-tenured president at WNC, and I think she still bleeds Wildcat Blue.

The intentions are good, but this is the wrong bill, and I have two specific reasons for that. One is some of the language in the bill. It goes beyond oversight and guidance and almost looks like micromanagement. There are words in the bill regarding how we run our recycling program, health and safety, disciplinary hearings, and other things. I am really concerned that it is going to get down to the boiler plate level and take some of the local management out of the hands of the presidents.

Most significantly, section 70 in the bill draft states that the board of trustees of a community college shall operate and manage the community college. It further goes on to say that the board has the authority to pay all of the bills. I question why they need a president if we have a board that is operating and managing the college. All of the provisions in that section go beyond the current management of NSHE and the Board of Regents. I also think we actually need additional staff to comply with a lot of it, and that would take resources away from the students.

Beyond the specific language, there are three structural issues. One is the added overhead cost of running this. The second is the fact that it would be a significant disruption to where we are right now with the community colleges, and the third is that I am not really sure it would make a meaningful difference. On the cost side, my background is not a typical academic. I came out of the business world and have worked a long time in cutting cost and cutting overhead. We only have seven teaching institutions in this state. To set up a whole other level of bureaucracy and overhead to just manage the community colleges, despite what you have heard, cannot be done without a cost. As President Curtis said, nothing in this bill brings more resources into the system, so if we are to create this whole other structure, the resources have to come from somewhere. I am very afraid they are going to come from the students.

I would invite the members of this Committee to look at what has been going on. The Board is supporting the community colleges right now. The career and technical education (CTE) weighting is very specific. I am also on my last contract. No one has coerced me to be here. I almost deeply resent the fact that I cannot speak my mind because I have always been able to. This is how I believe from all of my experience both in the military, the business sector, and now in higher education. Although we can fix things, do not let us throw the baby out with the bathwater. Let us tweak what needs to be done, but not set up a whole new system ([Exhibit O](#)).

**Karin Hilgersom, President, Truckee Meadows Community College:**

I am the newest president in the NSHE system, having arrived at the system in June 2015. The first thing that I want to say is that everything is relative. I have been in three systems, I have been a faculty member, a dean, a vice president at two colleges, and a president in the SUNY system prior to this presidency. I hope that in six years, I will not regret opposing this bill very, very strongly. I am speaking with a new perspective. I believe that the NSHE system is working. Truckee Meadows Community College (TMCC) has the highest completion rates compared with the other institutions where I have worked, including my 23 years at Spokane Community College in the Washington state system. No system is perfect. There is a lot of room for improvement within NSHE, and I am hoping that I can help with those improvements in the next several years. When I look at outcomes, TMCC is one of the best community colleges in the country by nearly every indicator, including the affordability to students and the completion rate.

I submitted a letter to you on NELIS ([Exhibit P](#)). In that letter, I really attempt to say that I do admire and appreciate the intention behind this bill. It does identify some trouble spots that we need to work on. However, I do not think this bill is a solution because I do not believe it will improve the budget situation. I think it will make it worse. I also think there are other ways to tackle articulation and transfer that we are currently doing at TMCC. I agree wholeheartedly with my colleague at CSN that strategic planning in NSHE needs to occur, and it needs to occur sooner rather than later. I think it is a wonderful idea to include a couple of legislators in that effort. I would also like to echo my support for my Institutional Advisory Council (IAC), a fabulous group of people. I love that I can get advice from them, but they are not my supervisor.

**Peter Krueger, representing Northern Nevada Development Authority:**

I want you all to know that I am very humbled to be here as the only noneducator, although I have a few degrees to my credit. You have a letter from Mr. Robert C. Hooper, Executive Director, Northern Nevada Development Authority ([Exhibit Q](#)). I would like to highlight the second paragraph where he talks about being the Chairman of Western Nevada College's Institutional Advisory Council. It refers to an important new part that has come out of the previous legislation addressing community colleges. I think this is a good start. I would agree and I think Mr. Hooper would agree that it is an opportunity now to let us give this system an opportunity to work. If it is not working, we will be back here next session.

**Chairman Thompson:**

Is there anyone neutral on Assembly Bill 331 in Elko? [There was no one.] I do not see anyone in Las Vegas. Welcome back up, Assemblyman Hansen, for closing remarks.

**Assemblyman Flores:**

I imagine you had an opportunity to speak with NSHE.

**Assemblyman Hansen:**

I actually have not talked directly to the entire board. I have talked to members. I have never approached NSHE about this specifically. As the bill's sponsor, I would expect they would come see me.

**Assemblyman Flores:**

I am trying to understand why they did not come up and give any type of opinion on this. Can you let me know what type of conversations you have had with them?

**Assemblyman Hansen:**

On this specific topic, I have not had any conversation with any member. No one approached me about this bill. I have not had a single word from anybody in the Nevada System of Higher Education. The answer is that I have not heard a word from anybody as far as offering amendments—basically I have not had a word from anybody to amend my bill. I am a little mystified as to why none of them showed up to testify against it. They obviously had the community college people do that. I hate to answer for them, but it is their responsibility to show up.



**Assemblyman Flores:**

If I could just make a request, Mr. Chairman. I understand that they have not reached out, but I ask that you reach out to them and let us know how those conversations go. You can report back to us that you reached out and sent out a certain number of letters and emails. You can let us know that you have tried to have conversations with them. Maybe you have talked to two or three members and they have been spearheading that dialogue. It is important for us to know what conversations are flowing between you, the sponsor, and them.

**Assemblyman Hansen:**

Okay. Just for the record, none. They have not reached out and said a word to me about this bill.

**Assemblyman Flores:**

Moving forward, if I could ask that you please send them an email and then let us know.

**Assemblyman Hansen:**

No problem. Sure. Right now, I am sure there are many members that are paying very close attention to this hearing, so we will put on the record right now that Assemblyman Hansen has reached out formally and publicly. My doors are open and my email is [irahansen@irahansen.com](mailto:irahansen@irahansen.com).

We had all of the presidents from the universities here to testify, and what is interesting to me is that they never get that opportunity when it comes to their budget. All of their budget priorities are set by whom? The Board of Regents. If, in fact, they had their own independent board and their own presidents, they would have their own opportunity to come before the Assembly Committee on Ways and Means and the Assembly Committee on Education and basically make the case for their own budgets. Then TMCC could make theirs, as well as SNC and GBC, and they would all have that opportunity. Plus, something I found out that no one mentioned in the testimony is in conversations with people who have been working with me, there are often times where the people actually get criticized for trying to raise money and doing it independently of what the Board of Regents wants. You just heard one brief example about the transfer of property where it was granted by the person specifically to TMCC. It was a piece of property worth almost \$15 million, and when he brought it to the Board of Regents, instead of receiving praise, he was actually challenged and told that the University of Nevada, Reno wanted that property. He was told he had to give it back. What kind of nonsense is that? The language that one of the presidents mentioned—all of the language in this bill is almost verbatim, boilerplate language that exists right now for NSHE. The idea of recycling is current law. That is not something that we came up with trying to create some issues.

It was hinted at in the testimony that we had quite a scandal in Nevada between the 2013 Session and after the 2015 Session. We found out that the Board of Regents, through the Chancellor, had supposedly contacted a completely independent board to review the funding mechanism. In addition, critical to this, what we discovered is that this independent



board was not independent at all. I want to get this on the record. Daniel Klaich referred to the "think tank," this independent board, as his special consultant, in a message to his confidant, Jane Nichols, who was herself a former chancellor still working in the system in a different role. Nichols advised him that the system would "have the ideal outcome of our formula study in our hip pocket." The relationship was so close that this organization was actually allowed to use the letterhead of the supposedly independent company, write what they wanted on it, then have that so-called independent group send it to them as if it was a response after they wrote the answers. What does that have to do with this? The funding formula that is in S.B. 391 of the 77th Session, the governance structure, came from where? Remember this governance structure and this whole thing was done prior to the exposé that was done by the *Las Vegas Review-Journal*. Who came up with the governance structure? None other than the exact same group that was in the pocket of the Board of Regents. Lo and behold, they came up with a governance structure recommendation which we all received in S.B. 391 of the 77th Session bulletin which you can pick up. What is it? It is, ironically, exactly what the Board of Regents wanted. The doctor from that National Center for Higher Education Management Systems, a supposedly unbiased, neutral, independent board, said that he gravitated toward a model that involved coordination of community colleges within the existing higher education system, and he indicated that other states have been successful implementing such a model. That is the exact model that the higher education people wanted. This was not an independent board; this was another example of rubber-stamping. By the way, I am obviously not politically correct. These are highly educated people. I am a plumber with a high school "thing," so I am not going to be quite as diplomatic as they would be, but from some of the conversations that we had privately, count on it, Assemblyman Flores' question is absolutely super vital. There is intense pressure on them to conform within the system, and they do not dare buck the system, come down to the Legislature, and tell you what they really think. Otherwise, those guys are going to lose their \$200,000-a-year jobs for insubordination. I want to get that on the record. This is really a very important subject. There are more than 50,000 Nevadans in that system, and they need to have an independent voice so they can come down here and have their own day in court in front of all of us: raise their own monies; get their own issues addressed; and more importantly, allow each community to have more input as to what the academic output is; and integrate things between kindergarten through grade 12, the community colleges, and the industry and businesses that are represented in those individual communities.

[([Exhibit R](#)), ([Exhibit S](#)), ([Exhibit T](#)), and ([Exhibit U](#))] were submitted but not discussed and are included as exhibits for the meeting.]

**Chairman Thompson:**

We will close the hearing on Assembly Bill 331 and we will go to our last bill for the evening, Assembly Bill 484.

**Assembly Bill 484: Revises provisions relating to the Commission on Postsecondary Education. (BDR 34-912)**

**Don Soderberg, Director, Department of Employment, Training and Rehabilitation:**

I am here today to present Assembly Bill 484 as drafted by your fine people and the Legislative Counsel Bureau (LCB) on behalf of the Governor's Office of Finance. This bill represents one portion of Governor Sandoval's reorganization of the workforce system. Before I go into the bill, I would like to thank Mr. Penrose, one of your very helpful lawyers, who helped us in the drafting of this bill.

I know the hour is late and this bill is very long, but there are really two sections that are the meat of this bill. The rest of the bill involves changing the title of the Administrator to the Deputy Administrator.

Section 39 moves the Commission on Postsecondary Education, a stand-alone four-person workforce agency that regulates private trade schools, into the Department of Employment, Training and Rehabilitation (DETR)—specifically into the division that we refer to as the Employment Security Division. It does so because we, in the Employment Security Division, do very similar activities for other training institutions. We currently have a group that we call Workforce Investment Support Services (WISS) with 27 individuals whose primary responsibility is to ensure regulatory compliance of our programs and regulatory compliance of the local workforce boards and their partners who do provide training. The Commission on Postsecondary Education does very similar and sometimes very parallel actual reviews of private institutions that are trade schools, some that you see have advertising and some do not, but they do represent another wing of the workforce system that we do not often look at because it is private.

The other important section is to update the position of the Administrator, and I believe Ms. Wuest, the Administrator of the Commission, is in Las Vegas. That position has been labeled administrator by statute. It is actually a classified position that is paid on par with a bureau chief. We would propose that this position be renamed a deputy administrator. We did not feel it was very efficient to make this four-person agency a whole separate division within our department; therefore, we would put that within the Employment Security Division which as we said, has a wing that does very similar types of activities. The individual in that position would be a deputy administrator at no decrease in pay or influence, but would actually report to the administrator of that division and not directly to me as a separate division head.

During the Commission's budget hearing, one of your colleagues asked me in. I apologize because I was not prepared for the question of why would DETR, an organization that provides service to the public, be absorbing what is essentially a regulatory organization? I was not as articulate as I should have been, not being prepared for the question. I think to view DETR as only a public-serving department is a misnomer. As I said, we have 27 people in one group alone that essentially does regulatory audits and compliance of workforce items very similar to what the Commission does.

The overlooked function of the Commission on Postsecondary Education is that they begin providing public services when one of these private trade schools goes out of business or leaves Nevada. Since we have been discussing with them the potential of moving into DETR, that has happened three times with three very large schools. Immediately, what needs to happen is the records of these schools need to be secured so those who have attended and graduated have some place to refer to—transcripts so to speak—and there are typically students in the middle of their training and they need to be taken care of. Ms. Wuest can elaborate on their activities there. What we found with a four-person agency is when that happened, and again that has happened three times since this summer, everything else stops. As a four-person agency, there are no financial management people within that agency. There are no information technology (IT) people within that agency, or human resource (HR) people within that agency. Our agency, at the end of this budget cycle, has an estimated 850 employees. We have a rather large financial management group that will handle budgets for the Commission. We have an IT group that provides all of the computer services that are needed. Right now, as understood from Ms. Wuest, they outsource that. We have a rather large HR group that works as a delegation from the Division of Human Resources, and again, that helps us be more effective in our hiring and how we deal with all of those HR issues. When a crisis hits and a school goes out of business, budgets do not get done. When I first met Ms. Wuest, she talked about how, when she can, she inputs that organization's budget in Nevada Executive Budget System (NEBS). This is the third state agency I have run, and I have never seen an NEBS screen. I hope that I never do. That is something for financial management people to do, not for directors, administrators, or even deputy administrators. People at that level are supposed to be focusing on the mission of whatever agency or division they are involved in and they are supposed to focus on serving the public. That has been articulated by the statute.

**Assemblyman Elliot T. Anderson:**

I would like to acknowledge all of the help you have given me in fixing problems for constituents. Thank you for that. I do have a question regarding the "why" behind the bill. I could make a good argument that any single educational type of agency, board, or commission is inherently connected to workforce. It goes part and parcel with that. Could you give me more about why this particular agency specifically connects to DETR?

**Don Soderberg:**

In the big picture, whether it is a private trade school, whether it is a program under the Workforce Innovation and Opportunity Act (WIOA) or is something that is funded by a grant from the federal government to a variety of institutions, there are regulations and they are all very similar. They require auditing, and they require performance. That is what our people do in our Workforce Investments Support Services group, and that is what the Commission on Postsecondary Education does. They are very similar tasks that two different agencies are conducting. To be frank with you to your question, there have been a number of things that have been looked at with regard to reorganization of the workforce. Not every idea has been brought to you by the Governor. When we delved into this idea, we realized that this was a four-person agency sitting all alone. I have never been to that office. When I have met with Ms. Wuest, we have met in the Grant Sawyer Building or at lunch. We think

it will be more efficient to take these similar duties and move them to an agency that is already doing those duties; thus, being able to give them the support that they need. When it is budget crunch time, the budget still gets done even though a private trade school went out of business and there are a number of Nevadans who need their services. I would say efficiency is probably the biggest reason we are moving forward with this item.

**Assemblyman Elliot T. Anderson:**

This is the first I have heard of this concept. If it will bring efficiency and help us get Nevadans back to work, that is something I would support. I just would like to hear more and see if there are any other conversations. I appreciate all of that information. Thank you.

**Chairman Thompson:**

Is there anyone in support of A.B. 484 in Las Vegas?

**Kelly D. Wuest, Administrator, Commission on Postsecondary Education:**

I would like to convey my support for this bill. At one time, the Commission had five staff members, and one of those members actually did some of the functions that were budgetary and financial in nature. During the recession, we lost that position so the Administrator has taken over those duties. Over time, what we find is that we are experiencing a different type of growth and crisis mode than we ever have before. If you follow higher education, we not only regulate trade schools, but private colleges and universities and any public institution that comes into the state of Nevada, and we do have a couple of public institutions that are offering different types of training; typically, at Nellis Air Force Base and in rural Nevada. When we were looking for different options, I think the Governor's office realized that every year, the Commission has 27,500 new students who come through our schools' doors. They realized the magnitude of what four people were attempting to do.

Besides our primary mission, we are also contracted with the Veterans Administration. One of our positions is the state approving agency person, who actually approves all schools, including NSHE schools, for veterans' educational benefits. We actually have two missions that meld together, but we are doing that with four people, trying to do our mission and then administering state government. When we looked at the two options, one of them would be to possibly merge with another agency such as DETR. The other would be to ask for another position, which would somewhat help us meet our needs. The new position with the added resources it would require is actually more expensive than the merger with DETR. I think that is where the Governor's office was looking at an overall structure in which we could grow, expand, and concentrate on our mission of regulating and licensing the colleges, universities, and trade schools in Nevada.

There was one other thing I meant to input. The question was asked how we relate. One of the things that has changed nationally is that the U.S. Department of Education has implemented a policy of gainful employment. All private postsecondary institutions that receive Title IV funding, which is federal financing basically, must adhere to that regulation in 2017. The only exemption is that the public institutions and institutions that are nonprofit do not have to abide by this. What gainful employment requires schools to do is ensure that

they actually are training people for the workforce and their outcomes are based on whatever they are training in. The people have to become employed in that industry. The Department of Employment, Training and Rehabilitation is the natural selection for that process. That is one of the areas where DETR can really help the schools. Although we regulate, we do not want to see schools fail. We do not want to have some of the recent failures that we have seen. I believe they can help us in that process to not have those failures.

**Chairman Thompson:**

Is there anyone else in Las Vegas in support of A.B. 484? [There was no one.] Is there anyone in Carson City in support of A.B. 484? [There was no one.] Is there anyone in opposition to A.B. 484? [There was no one.] Is there anyone neutral on A.B. 484? [There was no one.] Are there any closing remarks?

**Don Soderberg:**

As I found throughout this session, it is always good to go last on a heavy agenda. We believe that although this might be a small part of workforce reorganization and there may be more to come in future sessions, this is just efficient. This is a large organization that deals with the Department of Education, the Department of Labor, and veterans' programs, bringing in a smaller organization that touches a lot of Nevadans to make them more efficient and serve those individuals more efficiently.

**Chairman Thompson:**

We will close the hearing on Assembly Bill 484.

[([Exhibit V](#)) was submitted but not discussed and is included as an exhibit for the meeting.]

We will move to public comment. Does anyone wish to speak under public comment? [There was no one.] Are there any other comments from our Committee? [There were none.] This meeting is adjourned [at 6:32 p.m.].

RESPECTFULLY SUBMITTED:

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Sharon McCallen  
Committee Secretary

APPROVED BY:

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Assemblyman Tyrone Thompson, Chairman

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

## EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a document titled "Nevada Association of School Boards Professional Development Historical Review," presented by Jessica Ferrato, representing Nevada Association of School Boards.

[Exhibit D](#) is a proposed amendment to [Assembly Bill 451](#) presented by Jessica Ferrato, representing Nevada Association of School Boards.

[Exhibit E](#) is a letter dated April 3, 2017, in support of [Assembly Bill 451](#) to the Assembly Committee on Education presented by Chris Daly, Deputy Executive Director of Government Relations, Nevada State Education Association.

[Exhibit F](#) is a proposed conceptual amendment to [Assembly Bill 292](#) presented by Assemblyman Richard Carrillo, Assembly District No. 18.

[Exhibit G](#) is a copy of an email dated January 24, 2017, regarding a bullying notification to Charlene Frost, Private Citizen, Las Vegas, Nevada, submitted by Assemblyman Richard Carrillo, Assembly District No. 18.

[Exhibit H](#) is a proposed amendment to [Assembly Bill 292](#) submitted by Steven Cohen.

[Exhibit I](#) is a summary of testimony authored and presented by Assemblyman Ira Hansen, Assembly District No. 32.

[Exhibit J](#) is a document titled "Community College Governance Systems in the Various States," presented by Carol Ann Lucey, Private Citizen, Carson City, Nevada.

[Exhibit K](#) is material prepared by Carol Ann Lucey, Private Citizen, Carson City, Nevada and John W. Gwaltney, Private Citizen, Sparks, Nevada, presented by Carol Ann Lucey, and submitted by Assemblyman Ira Hansen, Assembly District No. 32.

[Exhibit L](#) is a letter dated March 31, 2017, in support of [Assembly Bill 331](#) to Chairman Thompson and members of the Assembly Committee on Education, authored and presented by Ray Bacon, representing Nevada Manufacturers Association.

[Exhibit M](#) is a letter dated March 23, 2017, in opposition to [Assembly Bill 331](#) to Chairman Thompson, authored and submitted by Mark A. Curtis, President, Great Basin College.

[Exhibit N](#) is a letter dated March 31, 2017, in opposition to [Assembly Bill 331](#) to Chairman Thompson and members of the Assembly Committee on Education, authored and submitted by Michael D. Richards Ph.D., President, College of Southern Nevada.

[Exhibit O](#) is a letter dated March 23, 2017, in opposition to [Assembly Bill 331](#) to Chairman Thompson, authored and presented by Chester O. Burton, President, Western Nevada College.

[Exhibit P](#) is a letter of opposition to [Assembly Bill 331](#) to Chairman Thompson, authored and presented by Karin Hilgersom, President, Truckee Meadows Community College.

[Exhibit Q](#) is a letter dated April 3, 2017, in opposition to [Assembly Bill 331](#) to Chairman Thompson, authored by Robert C. Hooper and presented by Peter Krueger, representing the Northern Nevada Development Authority.

[Exhibit R](#) is a letter dated March 26, 2017, in support of [Assembly Bill 331](#), authored and submitted by Paul B. Davis, Ph.D., Professor of Political Science, Truckee Meadows Community College.

[Exhibit S](#) is a letter in support of [Assembly Bill 331](#) authored and submitted by Gaye McCollum-Nickles, Private Citizen, Reno, Nevada.

[Exhibit T](#) is a letter in support of [Assembly Bill 331](#), authored and submitted by Helaine Morres, former Vice President of Development and External Affairs, Western Nevada College.

[Exhibit U](#) is a letter in support of [Assembly Bill 331](#), authored and submitted by Bonnie Parnell.

[Exhibit V](#) is a letter authored by Aviva Gordon, Legislative Committee Chairwoman, Henderson Chamber of Commerce; and Amber Stidham, Director of Government Affairs, Henderson Chamber of Commerce, dated April 1, 2017, in support of [Assembly Bill 484](#), submitted by the Henderson Chamber of Commerce.