

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Seventy-ninth Session
March 30, 2017**

The Senate Committee on Education was called to order by Chair Moises Denis at 3:39 p.m. on Thursday, March 30, 2017, in Room 2134 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Moises Denis, Chair
Senator Joyce Woodhouse, Vice Chair
Senator Tick Segerblom
Senator Pat Spearman
Senator Don Gustavson
Senator Becky Harris

COMMITTEE MEMBERS ABSENT:

Senator Scott Hammond (Excused)

GUEST LEGISLATORS PRESENT:

Senator Pete Goicoechea, Senatorial District No. 19
Senator David R. Parks, Senatorial District No. 7

STAFF MEMBERS PRESENT:

Todd Butterworth, Policy Analyst
Asher Killian, Counsel
Linda Hiller, Committee Secretary

OTHERS PRESENT:

Richard Barrows, Legal Counsel, Elko County School District
Brian Lee, Executive Director, Nevada State Education Association

Lindsay Anderson, Director, Government Affairs, Washoe County School District
Matthew Stewart, Vice President, Truckee Meadows Veterans Club, Truckee Meadows Community College
Anthony Marchand, Truckee Meadows Veterans Club, Truckee Meadows Community College
Kevin Burns, Chair, United Veterans Legislative Council; Coordinator, Veterans Resource Center, Western Nevada College
Bruno Moya, Rebel Veterans Organization, University of Nevada, Las Vegas
Samantha Bivins
Randy Dexter, President, Rebel Veterans Organization, University of Nevada, Las Vegas
Luis Valera, Vice President, Government Affairs and Compliance, University of Nevada, Las Vegas
Jose Gonzalez, Treasurer, Wolf Pack Veterans, University of Nevada, Reno
Constance Brooks, Vice Chancellor, Government and Community Affairs, Nevada System of Higher Education
Leslie Lingo, Rebel Veterans Organization, University of Nevada, Las Vegas
Rachel Frost
Richard Carreon, President, Nevada Veteran's Association
James Campos, Senior Advisor, Office of the President, Nevada State College
Michael Flores, College of Southern Nevada
Chris Brown, Director of Veterans Education, College of Southern Nevada
Karin Hilgersom, President, Truckee Meadows Community College
Kyle Dalpe, Dean of Technical Sciences, Truckee Meadows Community College
Mike Kelly, Chair, Nevada Democratic Veterans and Military Families Caucus
Michael Richards, President, College of Southern Nevada
Matt Richardson, Nevada Association of Public Safety Officers
Vic Redding, Vice Chancellor, Finance and Administration, Nevada System of Higher Education
Sherri Payne, Senior Associate Vice President, Facilities Management, College of Southern Nevada
Patricia Charlton, Senior Vice President, Strategic Initiatives and Administrative Services, College of Southern Nevada
Marc Johnson, President, University of Nevada, Reno
Craig M. Stevens, Clark County School District

CHAIR DENIS:

I will open today's meeting of the Senate Committee on Education with Senate Bill (S.B.) 273.

SENATE BILL 273: Revises provisions relating to the dismissal of a probationary employee of a school district. (BDR 34-582)

SENATOR PETE GOICOECHEA (Senatorial District No. 19):

I brought this bill for the Elko County School District (ECSD). There was an issue with a probationary teacher that personnel wanted to terminate, but it became a real issue because of the conditions in the contract.

RICHARD BARROWS (Legal Counsel, Elko County School District):

There are a couple of existing statutes in Chapter 391 of *Nevada Revised Statutes* (NRS) that govern the discipline of licensed school employees. These employees are divided into probationary and postprobationary individuals. There are two statutory ways to terminate a licensed employee. One is nonreemployment and the other is dismissal. This bill deals with dismissal only, which is the midyear termination of a licensed school employee, and the bill also deals with probationary employees only. The statute that primarily governs those employees is NRS 391.820, which provides that a probationary employee is employed on a contract basis for three one-year periods, and has no employment right after any of those three probationary contract years.

Secondly, NRS 391.655, subsection 2, provides that the typical provisions in chapter 391 for the discipline of licensed employees—admonition, demotion, suspension, dismissal and nonreemployment provisions in NRS 391.650 to NRS 391.800, inclusive—do not apply to a probationary teacher. The end result is that NRS 391.820 applies to a probationary teacher. The problem provision in that statute is in subsection 10, which was added in the last Legislative Session, and provides that:

If a probationary employee receives notice that he or she will be dismissed before the completion of the current school year, the probationary employee may request an expedited hearing pursuant to the Expedited Labor Arbitration Procedures established by the American Arbitration Association or its successor organization.

That is all it says, which leaves open several questions, including the question of how can the superintendent give notice to a probationary employee that he or she will be dismissed, when the superintendent cannot dismiss a licensed employee, only the board of trustees can. Therefore, the superintendent cannot know that the employee will be dismissed until the board has made that

decision. Secondly, it provides that the employee may request an expedited hearing, but it does not say how or when those procedural requirements should occur. Lastly, and from my point of view, most importantly, it does not say what the issue is for the arbitrator to decide in the expedited hearing process.

Senate Bill 273 is intended to remedy those omissions out of subsection 10 of NRS 391.820. It basically does so in sections 4, 5 and 6 of the bill by borrowing from the existing provisions of NRS 391.775 through NRS 391.800, which are the comparable procedural provisions for the midyear dismissal of a postprobationary teacher.

The key question in the bill is in section 5, subsection 2, which provides that "The only issue the arbitrator may consider is whether the dismissal of the probationary employee would violate any common law or statutory provisions relating to the dismissal of the probationary employee." In my opinion, when you consider the fact that the employee has no right to reemployment after any one of the three years, and that the disciplinary provisions of chapter 391 do not apply to a probationary employee, then, with the exception of statutorily mandated evaluations of a probationary employee, under current statute, a probationary employee is an at-will employee unless that employee has protection under a collective bargaining agreement. It is my knowledge that the Elko collective bargaining agreement for dismissal purposes does not apply to a probationary teacher, and it is my information that this is largely the case throughout the State.

This bill would go a long way to carry into effect the existing provisions of statute that apply to a probationary employee, and will allow the employer to dismiss that employee. This provides the same provisions that at-will employees have in the private sector, which is legal protection against arbitrary and capricious terminations that violate public policy. For example, if an employer terminates an employee because the employee has filed a workers' compensation claim, that would violate public policy and the probationary employee would be protected from dismissal in that case, and that would be the issue for the arbitrator in the expedited hearing. I have submitted my written testimony ([Exhibit C](#)).

SENATOR HARRIS:

Some subject matters are not appropriate to determination by a mediator. In a situation where there is an alleged crime, how would you work that out? Most

arbitrators would say they do not have jurisdiction over the issue. Can you walk us through what types of scenarios you see this process being used for?

MR. BARROWS:

If a licensed school employee is charged with a crime, then that is a process that would take its own course. This statute is referring to the procedure of dismissing that employee and what the issue would be before the arbitrator. The real core intent of section 5, subsection 2 of S.B. 273 is to make clear that the issue for the arbitrator is not what it is in most labor arbitrations under a collective bargaining agreement, namely whether the employee has just cause to terminate the employee. It would have nothing to do with the employee's guilt or innocence in the criminal system, but it would provide a procedure to dismiss that employee.

SENATOR HARRIS:

Can you give some examples of what an employee might do to call his or her employment in question?

MR. BARROWS:

The intent is to get away from having the arbitrator in the expedited hearing decide whether the employee did the deed or not. Since the employee is probationary and may be nonreemployed at the end of the year, it is intended to put the employee on a similar footing with an at-will employee in the private sector. The employer could dismiss that employee, but the employee would have the protection of being able to test whether that was an arbitrary and capricious decision by the employer and whether the termination violated public policy.

SENATOR HARRIS:

I am just trying to understand what type of a question you would present before the arbitrator. I get that they are going to determine whether or not they are able to terminate the employment midyear, but I wonder if the issue is going to be that the person is a probationary employee and perhaps did not meet a certain standard. Does the school district have the ability to terminate a probationary employee along the lines of the at-will analysis you just described? Are they going to look at conduct by the employee that might justify that termination? I am having a hard time wrapping my head around the type of question you would present before the arbitrator.

MR. BARROWS:

The intent is not to discuss the conduct, because the statutory grounds apply to a postprobationary employee, but not to a probationary employee. The intent is to clarify existing statute that the school district has the right to terminate the probationary employee in the same way that an employer in the private sector can terminate an at-will employee. It is intended to not get into the conduct, but to give the employee the protection of showing that it is a public policy termination.

SENATOR HARRIS:

I guess it is the arbitration piece that is difficult for me to get around. I understand alternative dispute resolution and I understand arbitration and mediation pretty well, but I am just not convinced, when I read the statute, that the limited-purpose expedited arbitration is going to serve the purpose you hope it will. It seems to me that there is an easier way to outline in the statute that if you are a probationary employee, you are subject to at-will policies and procedures and do not necessarily have the protections afforded licensed teachers who are postprobation.

MR. BARROWS:

The ECSD would prefer to delete subsection 10 of NRS 391.820 and have the probationary employee not have the right to an expedited hearing at all. Instead, it would say the probationary employee is an at-will employee and may be terminated at any time for any reason that does not violate public policy. However, it was the judgement of the Legislature when it passed subsection 10, that the employee needs that kind of protection. Without arguing the point that the arbitration would be different from most arbitrations where the issue is just cause and the conduct, the arbitration would be the school district's case saying that this employee is probationary and the various notices in the bill have been given. Case closed. Then, the school probationary employee would attempt to prove that the real reason for this is because the employee filed a workers' compensation claim, for example.

SENATOR HARRIS:

I understand your purposes a little better, but it does not seem like arbitration; it seems more like something a hearing master would do. In arbitration, there is more of a collaborative process.

SENATOR GOICOECHEA:

It seems to me this bill has proposed that the superintendent would bring the action before the school board, and the board could recommend termination. At that point, the dismissed employee could bring it back to arbitration and the arbitrator would be hard pressed to say that was not grounds for dismissal. As long as there is nothing there for the arbitrator to say that this was clearly unfounded, and it was not about the fact that the employee had a workers' compensation claim, and that was why they terminated you; it truly was for just cause.

SENATOR HARRIS:

I understand that, but as I read the bill, it seems less about due process and more about jumping through a hoop.

BRIAN LEE (Executive Director, Nevada State Education Association):

We applaud Senator Goicoechea for bringing this bill forward to help spell out some of the process of how to handle an appeal under the cases presented here; however, we are neutral on S.B. 273. Current law allows for a hearing, but does not specify the grounds upon which the arbitrator is to consider the issue.

In section 5, subsection 2 of the bill, it states that the arbitrator gets to consider the common law or statutory provisions related to the dismissal of the probationary employee. That seems to only allow for what is known as common law tortious discharge, which is in violation of public policy, and very narrow procedural grounds, such as a person not receiving his or her probationary evaluation on time. This does not include charges that the discharge was based on the Title VII of the Civil Rights Act protected class, discrimination, invoking your employee rights including your rights to take required leaves, your participation in a labor organization or any other arbitrary and capricious discharge grounds.

We have submitted a request for an amendment that can address some of these concerns ([Exhibit D](#)), but right now, it does look like it is a procedural hoop to jump through, rather than substantive due process.

SENATOR GOICOECHEA:

We will work with Brian Lee to see if we can find some common ground. We are just trying to ensure there is a mechanism in place that an arbitrator can

look at. In some cases, I think it is clear they would rule that the dismissal had grounds. In other cases, it should clearly go through the process.

CHAIR DENIS:

I will close the hearing on S.B. 273 and open a work session since we have almost everybody here now. I will open the work session with S.B. 49.

SENATE BILL 49: Revises provisions relating to funding for pupils with disabilities in public schools. (BDR 34-405)

TODD BUTTERWORTH (Policy Analyst):

This bill was heard on March 16 in this Committee. I have submitted the work session document, including a conceptual amendment ([Exhibit E](#)).

CHAIR DENIS:

I would like to hear from the Washoe County School District (WCSD) on this.

LINDSAY ANDERSON (Director, Government Affairs, Washoe County School District):

The intent of the conceptual amendments included language around maintenance of effort that was meant to clarify that there is a hold-harmless provision that no other school district would be negatively impacted financially as a result of the policy decision. If the language in Proposed Amendment 3267 does not accomplish that, we can certainly clear that up when we get it to the Senate Committee on Finance to talk about the budgetary considerations of the policy. The intent is to ensure that there is a hold-harmless provision for school districts in the State.

CHAIR DENIS:

I want our Committee's legal counsel to chime in. Did we get enough information so later, when we have to talk about this, we can do that?

ASHER KILLIAN (Counsel):

The way this mock-up amendment was drafted was specifically with respect to the federal issue to ensure that it would satisfy any maintenance of effort requirements under federal law. The language does not directly address any sort of State hold-harmless issue. If the Committee votes with the language as it is, it would only be protecting for federal maintenance of effort requirements. It sounds like the witness might be okay with that, and okay to address the State

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issue when it gets to the Senate Finance Committee, but whatever the Committee prefers, we can mold the language to satisfy that.

CHAIR DENIS:

So, we could do a conceptual fix on it now, we could vote it out, or we could send it to the Finance Committee. Either way, it will end up in Finance.

SENATOR GUSTAVSON:

Maybe we should take care of it now with the conceptual amendment, and then we would not have to worry about looking at it later.

SENATOR SPEARMAN:

If we act on the policy piece right now, it will be a lot clearer once it gets to the Finance Committee so they can work on the money issues.

MR. KILLIAN:

You could include the policy concept that there should be both a protection for maintenance of effort requirements under federal law and the hold-harmless idea under State law in the motion, and we can make sure it is included in the amendment when it gets referred to the Senate Finance Committee.

SENATOR WOODHOUSE MOVED TO AMEND AND DO PASS AS AMENDED S.B. 49 AND REREFER IT TO THE SENATE COMMITTEE ON FINANCE. IN ADDITION TO PROPOSED AMENDMENT 3267 IN OUR PACKET, WE WOULD ALSO HAVE A CONCEPTUAL AMENDMENT THAT ADDRESSES HOLD-HARMLESS ISSUES REGARDING STATE LAW.

SENATOR SPEARMAN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR DENIS:

I will now open the work session hearing on S.B. 132.

SENATE BILL 132: Revises provisions relating to public high schools.
(BDR 34-47)

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MR. BUTTERWORTH:

This bill was heard in this Committee on February 23. It keeps kids in school longer to graduate if they need the extra time or have scored poorly on the college and career readiness test. I have submitted work session documents that include Proposed Amendment 3216 from the Clark County School District (CCSD) and the State Public Charter School Authority ([Exhibit F](#)).

SENATOR GUSTAVSON:

I still have a problem with having 22-year-olds in high school with the younger students.

SENATOR WOODHOUSE MOVED TO AMEND AND DO PASS AS AMENDED S.B. 132 AND REREFER IT TO THE SENATE COMMITTEE ON FINANCE.

SENATOR SPEARMAN SECONDED THE MOTION.

THE MOTION PASSED. (SENATOR GUSTAVSON VOTED NO.)

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CHAIR DENIS:

I will now open S.B. 167 in work session.

SENATE BILL 167: Makes an appropriation for the creation and maintenance of school gardens. (BDR S-834)

MR. BUTTERWORTH:

This bill was heard in this Committee on March 7. It appropriates \$615,000 over the upcoming biennium for school gardens at certain Title I schools. I have submitted a work session document ([Exhibit G](#)). The sponsor submitted an amendment to add Assemblywoman Irene Bustamante Adams, Senator Joyce Woodhouse and Senator Yvanna Cancellia as primary sponsors. There is also a friendly amendment from Green Our Planet to require the Department of Agriculture to manage the program fund.

SENATOR HARRIS MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 167 AND REREFER IT TO THE SENATE COMMITTEE ON FINANCE.

SENATOR SPEARMAN SECONDED THE MOTION.

SENATOR GUSTAVSON:

I have some concerns about this bill because it has an appropriation that is not in the Governor's budget, but since it is going to go to Senate Finance, I will support it.

CHAIR DENIS:

Yes, right now, we are just concerned about the policy as we move it forward.

I appreciate my colleague's comments. There are avenues to erase the fiscal note working with a group known as Green Schools, because they have money that is available to do just this thing. I have spoken to Senator Farley, the sponsor of this bill, to see how we can apply for those funds and have it in time for implementation.

SENATOR GUSTAVSON:

To clarify, I do support the concept and support the bill. My concern was just financial.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR DENIS:

I will now open S.B. 224. I want to welcome the students visiting our Committee today. As you can tell, some of these issues impact students. We appreciate you being here today.

SENATE BILL 224: Requires cameras to be installed in certain classrooms and other locations within a public school which are used for special education. (BDR 34-477)

MR. BUTTERWORTH:

This bill was heard in Committee on March 7. It requires video cameras in certain classrooms in both public schools and charter schools. I have submitted

the work session document ([Exhibit H](#)) that includes a friendly conceptual amendment from the CCSD.

SENATOR HARRIS:

This bill is meant to protect children. The video footage is not intended to be used in disciplinary proceedings against children. The ACLU came and talked to me, and while they do not typically support overt government surveillance, they have determined that this type of recording and the privacy protections that have been put in place in the bill will be of benefit to children. I wanted to put that on the record.

SENATOR SPEARMAN:

One thing I heard from some of the teachers is to make sure that while the benefit is to protect children, it is not used to adversely affect teachers. I think the language does that, but if it does not, would you be amenable to an amendment to make that explicit?

SENATOR HARRIS:

Certainly. I have worked with the teacher's unions and other stakeholders to ensure that we are not inappropriately impacting teachers and their careers. The idea behind the bill is to provide protection for both teachers and students. We specifically made sure discipline was not part of the bill for teachers, and we are clarifying that it applies for children as well.

SENATOR GUSTAVSON:

I like the bill, but am concerned that it is an unfunded mandate. I will break my rule and vote for it anyway.

CHAIR DENIS:

Yes, as I mentioned earlier, we are talking about the policy at this point, because it will be rereferred to the Finance Committee for the money issues.

SENATOR WOODHOUSE MOVED TO AMEND AND DO PASS AS AMENDED S.B. 224 AND REREFER IT TO THE SENATE COMMITTEE ON FINANCE.

SENATOR SPEARMAN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR DENIS:

I will now open the work session hearing on S.B. 241.

SENATE BILL 241: Provides for the establishment of the State Seal of STEM Program and the State Seal of STEAM Program. (BDR 34-680)

MR. BUTTERWORTH:

This bill was heard in this Committee on March 14, and provides for the State Seal of the Science, Technology, Engineering and Mathematics (STEM) Program. I have submitted the work session document that includes one amendment from the Governor's Office of Science, Innovation and Technology ([Exhibit I](#)).

SENATOR WOODHOUSE:

Even though our discussion is policy today, there were two fiscal notes—one from the CCSD and one from the Carson City School District, but both have removed those fiscal notes.

SENATOR GUSTAVSON MOVED TO AMEND AND DO PASS AS AMENDED S.B. 241.

SENATOR SPEARMAN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR DENIS:

I will open the work session on S.B. 242.

SENATE BILL 242: Revises provisions governing college savings plans. (BDR 31-360)

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MR. BUTTERWORTH:

This bill was heard in Committee on March 9. It revises provisions to college savings plans. I have submitted the work session document that includes one proposed amendment from the Office of the State Treasurer ([Exhibit J](#)).

SENATOR HARRIS MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 242.

SENATOR SEGERBLOM SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR DENIS:

I will open the work session on S.B. 247.

[SENATE BILL 247](#): Revises provisions relating to education. (BDR 34-326)

MR. BUTTERWORTH:

This bill was heard in Committee on March 14, and it revises provisions relating to education reporting requirements. I have submitted the work session document, including one friendly conceptual amendment from the Nevada State Education Association (NSEA) ([Exhibit K](#)).

CHAIR DENIS:

I think this will be good because we are always trying to find ways to help the education system. We have required them to do so many things, and this will make it a little easier.

SENATOR SPEARMAN MOVED TO AMEND AND DO PASS AS
AMENDED S.B. 247.

SENATOR GUSTAVSON SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR DENIS:

I will open the work session on S.B. 303.

SENATE BILL 303: Requires an audit of certain performance assessments conducted in public schools. (BDR S-306)

MR. BUTTERWORTH:

This bill was heard in Committee on March 21, and requires an audit of certain performance assessments conducted in public schools. I have submitted the work session document ([Exhibit L](#)).

SENATOR SPEARMAN:

I will vote in the affirmative, but I still think we are not funding schools at the level we should be. This is another way to measure accountability, but I want to make sure we are moving in the direction of putting more money into schools. If we are talking about performance accountability, giving educators an opportunity with the tools they need strengthens what they are trying to do, and it also provides opportunities for students to become better prepared as global citizens.

SENATOR HARRIS MOVED TO DO PASS S.B. 303.

SENATOR SEGERBLOM SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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SENATOR GUSTAVSON:

I want to reserve my right to change my vote on S.B. 167 on the Senate Floor.

CHAIR DENIS:

Yes. I will now close the work session and open discussion on S.B. 457.

SENATE BILL 457: Provides for the award of college credit for military education, training and occupational experience. (BDR 34-1080)

SENATOR DAVID R. PARKS (Senatorial District No. 7):

Senate Bill 457 awards college credit for military education, training and occupational experience. The Board of Regents of the Nevada System of Higher Education (NSHE) has approved a policy that governs credit for prior learning. The policy authorizes each higher education institution to accept credit for military prior learning; however, it does not require it. Because of this, NSHE staff reports that it is not known whether any of its institutions have actually accepted credits for military experience. The NSHE policy approves that the American Council on Education (ACE) Military Credit examination be utilized in determining credit. The ACE is a nationwide coordinating body for American colleges and universities. It is helping institutions reward veterans for their previous training and experience by compiling recommendations and a career guide for every sector of the military.

According to the National Conference of State Legislatures, at least 31 states have passed legislation to recognize the varied skills and knowledge veterans acquire by counting it toward college credit. Some states require the board of regents for every institution to adopt policies for applying military training or service toward academic credit, while other states require commissions to the boards to set guidelines for institutions to adopt.

This measure requires the Board of Regents of NSHE, or its designee, and the Commission on Postsecondary Education (CPE) to collaborate with ACE to establish statewide standards for awarding credit for military education, training or occupational experience. The measure provides that the standards must include identification of any military education, training or occupational experience listed on a certain transcript for which credit must be awarded. The standards must also include determination of the amount of credit that will be awarded for completion of identified education, training or occupational experience. The standards must also include identification of the specific academic program in a community college, state college or university to which such credit is applicable.

Finally, S.B. 457 clarifies that credit earned by a student for military education, training or experience must be applicable toward coursework required for an associate degree, baccalaureate degree, or certificate at any university, state college or community college in NSHE.

SENATOR SPEARMAN:

I fully support this bill. One of the things we hear in the military is that we do more before 9:00 a.m. than most people do all day. That is true, and more. Sometimes, people look at a private first class and say that because they were not a noncommissioned officer or an officer, what they did has no educational value. I disagree because you can have an E4 who is a tank commander and who has more responsibility, in many cases, than a banker. This legislation recognizes the training and qualifications that our military and veterans have, but it also validates what they have already done in expanding their knowledge with respect to business, management and all sorts of things, particularly those who have served in combat areas. Many of our military members have done more by the time they are 22 than some people do all their lives.

MATTHEW STEWART (Vice President, Truckee Meadows Veterans Club, Truckee Meadows Community College):

The Truckee Meadows Veterans Club supports this bill. I was a satellite communications technician with the U.S. Marine Corps for five years. I attended courses including things like AC and DC theory, basic and advanced electronics, signals communications, ground radio, and cell phone and laptop repair. While the NSHE provides some credit recognition for certain things, it does not provide any support for those specific types of courses, probably due to the accreditation. That is valuable experience, though, and many members of our club are U.S. Army medics with a lot of pertinent experience, but they have no college credit.

ANTHONY MARCHAND (Truckee Meadows Veterans Club, Truckee Meadows Community College):

I support S.B. 457. My experience is much like Mr. Stewart's in that I got credit for some physical activity. Truckee Meadows Community College (TMCC) was very helpful, explaining why they were not comfortable taking other credits, and they explained that they were not sure if the University of Nevada, Reno (UNR) would take the transfer credits.

KEVIN BURNS (Chair, United Veterans Legislative Council; Coordinator, Veterans Resource Center, Western Nevada College):

The veteran community supports this bill because it will be enforced differently across the institutions of NSHE. One thing I have been able to do at Western Nevada College (WNC) is to make sure that ACE is being enforced and that we are looking up college credits. I had a U.S. Marines gunnery sergeant

who was a combat engineer for 20 years who wanted to go through our 4-year program at WNC after getting his associate degree. I was able to get him 15 different credits, so one semester was actually cut off his education requirement.

The Northwest Accreditation Commission only allows institutions to have nontraditional credits count for 25 percent of the credits toward graduation. For a 60-credit associate degree, we are only allowed to award 15 credits, or similarly, 30 credits for a 120-credit bachelor's degree. One of the problems is that this is not being enforced uniformly across the State. Many of us have spent a lot of time on the ACE site looking up different occupations and courses to see how many credits they give. The way ACE works is by putting a team together to study a military occupation. It is the same with the different courses listed on a joint service transcript. We cannot just ask for statewide standards; it is more an implementation of how the State uses ACE that needs to be in this bill. We appreciate this bill because it is critical. If I have a combat medic or a corpsman who comes out of Afghanistan, it seems a little ridiculous that I am going to make him take nine credits worth of EMT training. He has had the best EMT training in the world, so we should just be able to challenge the course.

BRUNO MOYA (Rebel Veterans Organization, University of Nevada, Las Vegas):
I am a Marine Corps and Iraq War veteran and education is highly encouraged and supported in my family. Transitioning from military to civilian life is challenging, and going to school as a veteran can be intimidating. I support S.B. 457 and have submitted my written testimony ([Exhibit M](#)).

SAMANTHA BIVINS:
I support S.B. 457. Every member of our armed forces is meticulously trained in their specific field, therefore giving them access to education and training not afforded to civilians. As veterans reintegrate into the civilian world and return to school, the least we can do is award them college credit for the expertise they gained through their military education and training. I have submitted my written testimony ([Exhibit N](#)).

RANDY DEXTER (President, Rebel Veterans Organization, University of Nevada, Las Vegas):
I support S.B. 457. I joined the U.S. Army after the terrorist attacks on September 11, 2001, serving for more than 10 years as a highly trained and experienced combat medic. When I returned to civilian life and began to pursue

higher education, I received 11 credit hours for my service and chose not to become a medical professional. I was angry that the education and training I received in the military meant nothing to my higher education institutions, and I did not want to waste time and money repeating classes I did not need. I have submitted my written testimony ([Exhibit O](#)).

LUIS VALERA (Vice President, Government Affairs and Compliance, University of Nevada, Las Vegas):

The University of Nevada, Las Vegas (UNLV) supports this bill. It promises to have a tremendous and long-term positive impact.

JOSE GONZALEZ (Treasurer, Wolf Pack Veterans, University of Nevada, Reno):

When I began my studies at TMCC, they did not know how to assess my experience. The counselors guided me to start at zero, and none of my military experience went toward any college credits. This is a very important bill that we support.

CONSTANCE BROOKS (Vice Chancellor, Government and Community Affairs; Nevada System of Higher Education):

The State of Nevada prides itself on being welcoming and supportive of the veteran community. We view this legislation as a positive vehicle to work with our institutions in the NSHE for some consistency. We support S.B. 457 and will work with sponsors on it.

LESLIE LINGO (Rebel Veterans Organization, University of Nevada, Las Vegas):

I support this bill because, among other things, it will give appropriate credit to military training that many other states are already providing to their veterans. I have submitted my written testimony ([Exhibit P](#)).

RACHEL FROST:

I am a U.S. Air Force veteran pursuing my international business degree at UNLV. I support S.B. 457 because it will allow our student veterans to focus on learning new material rather than requiring us to rehash what we already learned in active duty. I have submitted my written testimony ([Exhibit Q](#)).

RICHARD CARREON (President, Nevada Veteran's Association):

In the U.S. Army, there about 200 Military Occupational Specialty positions that do not include combat. For example, combat support and combat service support jobs include cooks, medics, military police and more. I am trained as a

chemical weapons specialist with additional training in consequential management, nonintrusive testing and hazmat handling. All that training I received through 14 years of active duty service cost taxpayers a lot of money, not just for the training itself, but for the materials, hotels and transportation required.

The additional duties I performed while on active duty varied from being a master driver to an armorer and a gunsmith. I was also a maintenance technician, worked in administrative duties and public affairs. I received different training for each job. For those who, like me, have chosen to make Nevada their home after serving in the military, the impact of S.B. 457 would help get us through school and into the workforce sooner, and it would allow the universities have open slots for students. I support this bill.

JAMES CAMPOS (Senior Advisor, Office of the President, Nevada State College):
We at Nevada State College support S.B. 457.

MICHAEL FLORES (College of Southern Nevada):

I want to thank Senator Spearman for her service and this bill, and all the veterans for their service. The College of Southern Nevada supports S.B. 457, and we are especially grateful for the addition of the Commission on Postsecondary Education to the bill.

CHRIS BROWN (Director of Veterans Education, College of Southern Nevada):

I am a veteran of the U.S. Marine Corps. We at the College of Southern Nevada (CSN) currently award credits for military service. One of the issues we face is that students often receive general elective credits. We have two degrees where students can receive the maximum number of credits. If a student is majoring in an associate degree in general studies, that degree takes 60 credits, and we can take 35 credits of any elective credit to allow our students to receive that degree. Similarly, we have the associate of arts degree with no emphasis, which would take 60 credits, but 25 credits of any general elective can be applied to that total of 60 credits. The downfall is that if those students work to receive those degrees at CSN, and then try to transfer to another institution, the credits we give are sometimes not transferrable. We do offer a liberal amount of credits to our veterans for their military service. Unfortunately, the majority of those are general elective credits.

I am also enthusiastic about this bill because it includes the State's CPE. Each of the NSHE institutions has to go through an annual compliance survey with the Commission, and the fact that you are bringing this entity of State government into the picture is crucially important because, ultimately, they are the ones who do the audit function on the NSHE institutions, so we appreciate their involvement with potentially implementing this bill. Finally, at CSN, we have had some conversations about how we can become more military-friendly, and we are trying to facilitate that.

KARIN HILGERSOM (President, Truckee Meadows Community College):

We at TMCC support this legislation. I think ACE is a solid organization and consistency will be very helpful as students transition from military status to civilian life and work. We serve 650 veterans at TMCC, and we have a wonderful Veterans Upward Bound program and Veterans Resource Center.

KYLE DALPE (Dean of Technical Sciences, Truckee Meadows Community College):

We support our students and I look forward to something like this bill to be able to help them get through their program studies a little quicker and into the workforce.

MIKE KELLY (Chair, Nevada Democratic Veterans and Military Families Caucus):

We support S.B. 457 because it is in line with our commitment to ensure that Nevada becomes the most veteran-friendly state in America. We support it for the pilot who may be a dental hygienist and who has gone through weeks and months of training to become a dental hygienist and wishes to come to Nevada and take courses but is required to take an entire course of study all over again for a skill he or she has already worked in. We support this bill for the information technology people who are working in the military in information technology and who come to Nevada, wish to remain here, and have to undergo additional courses that are unnecessary to continue to work in their given profession. We support it because it is good for our economy. If we have veterans willing to stay in Nevada, it benefits us and it benefits the 300,000 military veterans and family members that stay.

MICHAEL RICHARDS (President, College of Southern Nevada):

We support S.B. 457, and we are enthusiastic about it.

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MATT RICHARDSON (Nevada Association of Public Safety Officers):
We support our veterans and want to lend our support to this bill.

SENATOR SPEARMAN:
I want to acknowledge that Senator Parks is a veteran of the U.S. Air Force.

CHAIR DENIS:
We do want to thank all the veterans for their service and for testifying today.

SENATOR PARKS:
Thank you for hearing S.B. 457, especially to Bruno Moya, Samantha Bivens and Randy Dexter for bringing this bill forward. There is one part of it that needs to be looked at, and that is the fiscal note. Given the great work that ACE does, maybe we can reduce or remove that fiscal note.

CHAIR DENIS:
Are you saying it needs to be amended?

SENATOR PARKS:
I think the bill is great and deserves to be passed as it is.

SENATOR SPEARMAN MOVED TO DO PASS S.B. 457 AND REREFER IT
TO THE SENATE COMMITTEE ON FINANCE.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

* * * * *

CHAIR DENIS:
I will now open S.B. 496.

SENATE BILL 496: Revises provisions governing the issuance of revenue bonds and other securities by the Nevada System of Higher Education. (BDR S-1083)

SENATOR JOYCE WOODHOUSE (Senatorial District No. 5):

Senate Bill 496 authorizes the Board of Regents to issue revenue bonds and other securities for some key construction projects on five different campuses of the NSHE.

During the Great Recession, most of the State's capital expenditures in higher education were intended simply to keep pace with deferred maintenance. Last Session, we were finally able to address an emerging need by funding construction of the Hospitality Hall building for the William F. Harrah College of Hotel Administration at UNLV. This bill continues the process of catching up on needed capital improvement projects by expanding the Board of Regents' bonding authority.

VIC REDDING (Vice Chancellor, Finance and Administration, Nevada System of Higher Education):

This bill increases the ceiling on the principal amount of revenue bonds that may be issued by the Board of Regents to finance self-supporting capital projects, or in the case of the UNR Engineering Building, the campus portion of Capital Improvement Project (CIP) C06. The revenue bond authorization bill is a relatively standard NSHE request made periodically to the Legislature as campus capital projects are identified that may be good candidates for this type of financing.

Senate Bill 496 contains only the authorization for the Board of Regents to issue this type of debt in the future, which they may do after fully vetting the projects, source of repayment and other funding options. These bonds are not general obligations of the State, and for the record, not repaid with any appropriated funds. These bonds are serviced by the specific incremental revenues identified by the campus, with each project including either special student fees or, in the case of the proposed UNR dorm, residence life operations.

On page 1 of my submitted documents ([Exhibit R](#)), the summary sheet lists the NSHE campuses that have, or are currently requesting, revenue bond authority and the term of that existing authorization. The shaded column summarizes our request as included in this bill. During the 2015-2016 Interim, each institution reviewed the projects in the pipeline against existing revenue bond authority and other financing options. Three institutions—CSN, TMCC and UNR—brought forward requests for increases in additional authorization or new authorization.

SHERRI PAYNE (Senior Associate Vice President, Facilities Management, College of Southern Nevada):

We appreciate the opportunity to present CSN's request to expand our bond capacity from the current approved amount of \$45 million to \$81 million. This expansion will allow CSN to proceed with construction on a new student union at each of our main campuses in North Las Vegas, Henderson and West Charleston in Las Vegas.

MR. RICHARDS:

We have worked for the last several years with our students on three small student union buildings, each around 25,000 square feet with a common design, one for each of the three campuses Ms. Payne mentioned. The CSN projects are in section 11 of S.B. 496. This has been a very deliberative process between the CSN administration in collaboration with students. We have gone through the processes at the Board of Regents to present these projects and make them part of our campus master plans, and to present a finance plan to the Board that includes a fee increase for students, both for the construction of the projects, retiring the debt and for the operation and maintenance. On a parallel track, the students have surveyed peers on the project's scope and on the support of the fees. They have participated in planning for these facilities, defining the space and leading advocacy efforts with the Board of Regents for the project and the finance plan. We are now to a point where increasing this bond capacity by \$36 million and getting the approval of the Legislature will enable us to complete the project and support the students. Construction could commence as early as the first quarter of 2018.

PATRICIA CHARLTON (Senior Vice President, Strategic Initiatives and Administrative Services, College of Southern Nevada):

We have been working on this student union project with our students, using a common design which will give us efficiency and uniformity across all three CSN campuses. Our students move from campus to campus, so to have a common place for students to congregate is important. We hope this will also facilitate increased student success, retention and completion. Having a common design will also save on design funding. We have an existing capacity for bond debt of \$45 million, as you can see on page 1 of [Exhibit R](#). The \$81 million will enable us to complete the construction of the three student union buildings, and the student fees have been designed with the assistance of our financing council with NSHE.

MS. HILGERSOM:

I am heading to the American Association of Community Colleges for the 97th national conference. One of the sessions I plan to attend is A Healthier Campus Initiative: Creating Healthier Community Colleges. My belief in health and how it impacts brainpower and learning is a passion. It is important that both mind and body are healthy, and that an educated person is someone who understands that exercise and good nutrition are important.

The students at TMCC share my stance on this issue, and they expressed their appreciation for my interest in health and sports, so they requested a soccer field, a place to play football and a swimming pool. My first response was that we cannot afford all that, but we have had discussions about what we can afford. The student leadership has worked hard to come up with a sports complex project illustrated on pages 3 and 4 of [Exhibit R](#).

Originally, we amended our master plan and hired an architectural firm that did a great job with those amendments, but it was done under a very pressing timeline. Since then, we hired another architectural firm that has worked on fitness centers before, including the UNR fitness center recently. Our faculty has expressed a legitimate concern that the \$9-per-credit fee for the fitness center is too high. We are working on lowering that and redefining the scope of the project to make the fee more reasonable for our students.

Finally, at TMCC we want to promote a holistic learning environment. However, the Dandini Campus has no open space for any kind of recreational activity. Part of what is good about this project is that we are relatively confident we will be doing a nice soccer field in addition to a small fitness facility open to all students, so we can start having a more engaging campus. The revenue bond authority we need to have will help us lower the interest rate, which will, in turn, help us to start with a lower student fee.

MARC JOHNSON (President, University of Nevada, Reno):

We are seeking an additional amount of bonding authority amounting to \$55.9 million to support two projects described and illustrated on pages 5 through 8 of [Exhibit R](#). The first project is an engineering building, and the second project is another residence hall.

There is a tremendous need for more teaching space, faculty space and research space for the College of Engineering. Engineering has been the fastest

growing college on our campus for the past three years. It just happens that with the growth in the advanced manufacturing businesses coming to Nevada, it is important that we train more engineers for this diversifying economy. The type of people we turn out at UNR are hired by a broad range of industries, and the feedback we are getting is that our student do very well on the job. The research is very compatible with the kinds of industries we are bringing to this community, such as renewable energy, unmanned autonomous systems for cars and drones, energy storage, software development, cybersecurity, mining industry, construction industry and more. The College of Engineering is the second greatest collector of competitive research grants only behind the medical school, and it is very well-connected with the industries to help them with technical support and workforce development.

The President and CEO of the Economic Development Authority of Western Nevada, Mike Kazmierski, wrote in a *Reno-Gazette Journal* article in August that, "from an economic development perspective, the engine of our economy is the University of Nevada, Reno and the sparkplug in that engine is the College of Engineering."

The Board of Regents has identified this engineering building project as the No. 1 construction priority of the NSHE across the State. We have collected donor funds, and we used some institutional funds to do the predesign work on this facility. We have already raised \$21.2 million from donor funds, contingent pledges and university design funds. The university funds, which are the subject of this bonding authorization bill, amount to \$23.2 million. About \$16 of every per-credit-hour fee, amounting to a little more than \$200 per credit, goes to capital improvement, so we have identified a stream of these capital improvement funds to be the stream which will pay off the bonds we are asking authority for. We will not be raising the fees, we are just directing a stream of the existing fee toward this project. Finally, \$41.5 million would come from the State as proposed by Governor Sandoval.

The second project, the new residence hall, will be the fourth one we have built in my short tenure as President, because we are growing rapidly. It is important to note that data generated on our campus shows that when freshmen live on campus in one of the dormitories, there is a 9 percent increase in the chance that they will continue in school and return to us in their sophomore year. For that reason, we put a lot of priority on getting the students to live on campus in our dorms.

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CHAIR DENIS:

Is this the same engineering building we are talking about in the Senate Committee on Finance?

MR. JOHNSON:

Yes.

SENATOR SEGERBLOM:

Why is Nevada State College (NSC) not on this list wanting revenue bonds?

MR. REDDING:

As we prepare this request every Interim, we work with each campus to look at projects they have in the pipeline that might be good candidates for revenue bond authority. Right now, NSC has \$20 million of existing authority, and they did not have a request for additional authority this Session.

CHAIR DENIS:

Is that the same for UNLV?

MR. REDDING:

Yes, UNLV has \$142,440,000 of existing authority, and WNC has an existing \$20 million.

SENATOR WOODHOUSE:

Thank you to the postsecondary institution representatives who made their presentations. It is helpful for us to know what kinds of programs we need for our students to have a positive and productive time at these institutions.

CHAIR DENIS:

I will close S.B. 496 and open public comment.

CRAIG M. STEVENS (Clark County School District):

On March 21, the National Association of Federal Education Program Administrators (NAFEPA) honored CCSD Grant Development Administration Director Deb Hegna and CCSD Title I Services Director Susan Steaffens as their state leadership award recipients at the NAFEPA 2017 conference in Washington, D.C.

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CHAIR DENIS:

Seeing no one else wanting to make public comment, I adjourn the meeting of the Senate Committee on Education at 5:36 p.m.

RESPECTFULLY SUBMITTED:

Linda Hiller,
Committee Secretary

APPROVED BY:

Senator Moises Denis, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	2		Agenda
	B	8		Attendance Roster
S.B. 273	C	5	Richard Barrows / Elko County School District	Written Testimony
S.B. 273	D	1	Brian Lee / NSEA	Seek Amendment
S.B. 49	E	3	Todd Butterworth / Policy Analyst	Work Session Document
S.B. 132	F	8	Todd Butterworth / Policy Analyst	Work Session Document
S.B. 167	G	1	Todd Butterworth / Policy Analyst	Work Session Document
S.B. 224	H	2	Todd Butterworth / Policy Analyst	Work Session Document
S.B. 241	I	6	Todd Butterworth / Policy Analyst	Work Session Document
S.B. 242	J	2	Todd Butterworth / Policy Analyst	Work Session Document
S.B. 247	K	2	Todd Butterworth / Policy Analyst	Work Session Document
S.B. 303	L	1	Todd Butterworth / Policy Analyst	Work Session Document
S.B. 247	M	2	Bruno Moya	Written Testimony
S.B. 247	N	1	Samantha Bivins	Written Testimony
S.B. 247	O	2	Randy Dexter / UNLV Rebel Veterans Organization	Written Testimony
S.B. 247	P	1	Leslie Lingo	Written Testimony
S.B. 247	Q	1	Rachel Frost	Written Testimony
S.B. 496	R	8	Vic Redding / NSHE <u>S.B. 496</u> Projects	Reference Material NSHE