

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

**Eightieth Session
April 18, 2019**

The Committee on Education was called to order by Chairman Tyrone Thompson at 1:45 p.m. on Thursday, April 18, 2019, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/80th2019.

COMMITTEE MEMBERS PRESENT:

Assemblyman Tyrone Thompson, Chairman
Assemblyman Edgar Flores, Vice Chairman
Assemblywoman Bea Duran
Assemblywoman Michelle Gorelow
Assemblywoman Alexis Hansen
Assemblywoman Melissa Hardy
Assemblywoman Lisa Krasner
Assemblywoman Brittney Miller
Assemblywoman Connie Munk
Assemblywoman Sarah Peters
Assemblywoman Jill Tolles
Assemblywoman Selena Torres

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Senator Moises (Mo) Denis, Senate District No. 2

STAFF MEMBERS PRESENT:

Kelly Richard, Committee Policy Analyst
Victoria Gonzalez, Committee Counsel
Sharon McCallen, Committee Secretary
Trinity Thom, Committee Assistant



OTHERS PRESENT:

Stephen Augspurger, Executive Director, Clark County Association of School Administrators and Professional-technical Employees
Matthew Walker, representing Clark County Association of School Administrators and Professional-technical Employees
Vikki Courtney, President, Clark County Education Association
Crystal Abba, Vice Chancellor, Academic and Student Affairs, Nevada System of Higher Education
Thom Reilly, Chancellor, Nevada System of Higher Education
Federico Zaragoza, President, College of Southern Nevada
E. Lee Bernick, Professor, Public Policy and Leadership, University of Nevada, Las Vegas
Katheryn C. Brekken, Assistant Research Professor, Public Policy and Leadership, University of Nevada, Las Vegas
Peter Guzman, President, Latin Chamber of Commerce
Kent M. Ervin, Legislative Liaison, Nevada Faculty Alliance
Elena Bubnova, Associate Vice President of Research, Marketing and Web Services, Truckee Meadows Community College
Akira Terry, Private Citizen, Elko, Nevada
Brittany Monroe, Private Citizen, Spring Creek, Nevada
Haley Wissenback, Private Citizen, Reno, Nevada
Charlotte Frandsen-Crook, Private Citizen, Reno, Nevada
Marley Murray, Private Citizen, Reno, Nevada
Carlos Fernandez, Policy Analyst, Government Affairs, Las Vegas Metro Chamber of Commerce
Mariana Kihuen, Interim Director, Government Affairs, College of Southern Nevada
Miles Dickson, Chief of Staff, Office of the State Treasurer

Chairman Thompson:

[Roll was called. Committee rules and protocol were explained.] We will open the hearing for Senate Bill 126.

Senate Bill 126: Revises provisions relating to education. (BDR 34-906)

Senator Moises (Mo) Denis, Senate District No. 2:

In 2015, the Legislature passed Senate Bill 241 of the 78th Session. One of the provisions of that bill codified *Nevada Revised Statutes* (NRS) 391.830, which requires each school-based administrator to reapply to the superintendent for appointment to his or her administrative position every five years regardless of disciplinary status. With the exception of principals and administrators, who are excluded from bargaining, the original legislation left unanswered a number of critical questions now creating considerable uncertainty for administrators and school districts. It now poses a significant risk for Nevada schools:

1. The legislation created a blanket mandate for this reapplication process without outlining the process itself. In the four years since it was implemented, no administrative regulations have clarified the process. Accordingly, school districts across Nevada are now left to develop a process district by district, without statewide consistency.
2. The legislation did not include a due process mechanism for those administrators who do not feel the process was adequately implemented.

Additionally, the reapplication process is unnecessary. Newly promoted administrators are at-will employees, and experienced principals are subject to nonrenewal in their positions due to poor evaluations. Should Senate Bill 126 become law, districts would still have broad authority to identify and remove underperforming administrators. Further, the cost to implement mandatory reapplication is unknown. The cost of qualified administrators choosing not to reapply and moving on to other careers would be felt both in academic success and in the bottom line of districts across Nevada.

A recent study found the average cost to replace a salaried employee in the private sector could be 213 percent of the annual salary for highly educated executive positions. No other state in the nation requires this type of open-ended reapplication practice for school-based administrators. We are unable to identify a single state that requires education professionals to reapply for their jobs, regardless of performance.

With the five-year mark of the legislation looming in 2020, it is incumbent on this body to take action to rectify this inadvertent consequence of the broader reforms of the original legislation. If even one great principal elects to move on to retirement or another career because of NRS 391.830, it would be a tremendous loss for Nevada's students, with no discernible benefit. In some schools, the entire administrative team will be required to reapply for their jobs at the same time. Senate Bill 126 is necessary because NRS 391.830 will create a chilling effect on administrative employees as opposed to encouraging critical thinking and expression.

I will add that if someone is doing a great job, we should be celebrating that, not making him or her reapply for the job. We already have the mechanisms in place to deal with those who are not doing a great job. That is why this bill is necessary.

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

Before I begin, I would like to express my appreciation to Senator Denis for his support of this bill, his bringing this bill forward, and for his comments today. He is spot-on with those.

In the 2015 Session, legislation was passed which represented a significant shift in policy. The policy before for any disciplinary action on the part of the school district was that performance mattered. Either you moved up in your organization, or you moved down in the organization based on your performance. There were things that were demonstrable that

you could do. With the passage of S.B. 241 of the 78th Session, the policy changed in NRS 391.830. Rather than being based on performance, there was no criteria established with that policy, which means this time next year in Clark County and across the state there will be approximately 600 administrators who have to reapply for their positions. These administrators are assistant principals, deans, central office coordinators, and directors. None of them supervises principals—they are all lower-level administrators in the Clark County School District. Each of those administrators, under NRS, is held accountable just as teachers are. They serve a three-year probationary period when they are first hired. So, as a teacher, you serve three years. If you are promoted to an administrative position, you serve an additional three years. It would seem to me that during that three-year probationary period, one would demonstrate being either fit for duty or not fit for duty. Once one is appointed to a principal position, there are two additional years of probation so the district has one more opportunity to act if it believes a principal is not performing satisfactorily in the position and return the employee to his or her previous position.

This bill will rescind that legislation from 2015. On the one hand, there may be a concern about how to hold assistant principals, deans, coordinators, and directors accountable, but what we have is what we have always had. *Nevada Revised Statutes* 391.750 lists a plethora of reasons why one could find oneself demoted, suspended, or even dismissed—there are 22 reasons contained in that statute. Seven of those reasons would result in an administrator's being demoted, suspended, or dismissed on the very first infraction. You might think that would never happen, but it does. It happened as recently as last week in Clark County when an administrator in an entry-level position—either a dean or an elementary school assistant principal—behaved in such a way that the district determined the behavior fell under the category of gross misconduct, which statute says is behavior that is willful, purposeful, and done without regard for harm brought to the district or the pupil. The administrator was demoted.

It is my belief that current statutory provisions work to hold school-based administrators accountable. If we do not take this opportunity to change this legislation it is, as Senator Denis stated, going to create a chilling effect. Even more than that, I believe it is going to be a disincentive for people to want to become administrators. Probably 90 to 95 percent of our school-based administrators come from the teaching ranks. If I were a teacher and knew that in five years after I became an assistant principal or a dean I would have to reapply for that job, I might be reluctant to make the plunge into school administration.

We stand in strong support of S.B. 126. We hope you can support that bill as well.

Assemblywoman Tolles:

I think there is only one member of this Committee who was here in 2015. What was the reasoning behind this bill? Was the idea that this would keep people motivated if they knew they had to keep reapplying?

Stephen Augspurger:

If you were here in 2015, you may remember that this bill came forward late in the session. There was very little discussion in Committee. I believe it was approved on the floor. The rationale for the bill was there was a lot of money being invested in schools during that session, so there had to be additional ways to hold people accountable. We made a rather quick decision that I believe is going to create much harm once it is implemented. We think that we are holding the people who hold the purse strings accountable, but the people we are holding accountable through this legislation are very low-level administrators—deans, assistant principals, coordinators, and directors—who are not decision-makers in the school or the central office. If we thought we were holding people accountable for how money was spent, it demonstrates the ill-conceived nature of this legislation.

Assemblywoman Torres:

My understanding is this has not gone into effect because it probably gave the administrators an additional five years before they had to reapply. Does it go into effect in 2020?

Stephen Augspurger:

That is correct.

Assemblywoman Torres:

How are we currently holding administrators accountable? How does that differ from how we hold educators accountable? We clearly have methods to ensure educators are meeting standards of providing a quality education for their students. How does that differ from what we do with administrators?

Stephen Augspurger:

It does not differ at all. When you look in the statutory language, it talks about licensed employees first. It then specifies differences for administrators and teachers. If you look in NRS 391.750, where we identify those items where people are held accountable and can be terminated, dismissed, or suspended, it applies equally to all licensed employees.

There is another thing that is important to note. Since the legislation was passed in 2015, we have had about a 10 percent turnover with administrations every year. We have about 1,300 administrators in Clark County. That sounds like a large number, but we have 325,000 students, so it is a large administrator-student ratio. People are formally disciplined frequently; people are dismissed or demoted rather infrequently. Since 2015, we have had six administrators either be nonrenewed, that is, returned to licensed status, or be demoted. The backstory is that during that same period of time, we have had 445 administrators leave the Clark County School District. The largest number, 269 of them, left through retirement. There is a very small percentage of those people who retired because they were not performing well and faced the threat of significant discipline—demotion or termination. I am not trying to paint a picture that every retiree is that way because that is not the case.

The second category, the next-highest category of people leaving, were those who simply resigned. Ninety administrators resigned in the last four years. Not all of them resigned

because they were in trouble, but a sizable number resigned because they were having performance issues and simply chose to leave, rather than stay and face the consequences. Sixty-two administrators chose to return to licensed status—they had been very good teachers who became administrators and notified the district they wanted to return to the job in which they had been successful. Not all of them leave because they are under the gun; some leave simply because school administration is very different from teaching in a classroom. I am not saying it is easier; it is just different work. Oftentimes, we do not prepare our new administrators well for the job. When they get into that role, they find they are not well equipped to do that work. The easiest thing to do is to go back to where they were successful.

During that four-year period, we have had 29 leaves of absence. I am not saying that every leave of absence was by someone trying to flee, but for some people that is a safe refuge. If you are in trouble and take a leave that postpones what will become the inevitable when you return.

I think the current provisions in law do a more than adequate job of providing supervisors and the district with the opportunity to hold people accountable. I think the biggest issue is the district has to have the will to follow through with that. If there is a performance problem, district regulations say the district has to address that. If it is not addressed, the district needs to be held accountable. We are not trying to shy away from accountability. We believe in accountability. We are not here to protect poorly performing administrators; in fact, if we have someone who is performing poorly, we do our best to counsel that person out of the profession.

Senator Denis:

When the teacher evaluation legislation [[Assembly Bill 222 of the 76th Session](#)] was passed, the administrative piece mirrored it. We wanted administrators to be evaluated just as teachers are being evaluated. We did not want to give one a benefit over the other. We wanted to end up with the same type of evaluations for administrators.

Assemblywoman Torres:

Does this include administrators working at the central office?

Stephen Augspurger:

It does not. Our group represents principals, assistant principals, deans, coordinators, and directors. The group of administrators that are at the central office—the high-ranking at-will administrators—were excluded by the 2015 legislation from participating in collective bargaining. This does not impact them at all; we do not represent that group.

Assemblywoman Miller:

I have some questions about this bill and the accountability for principals. As you mentioned, there is heavy accountability for teachers. We know that at an educational site the academic success, the social culture, and the working environment stop and begin with the principals. In a school district as large as Clark County School District or

Washoe County School District, every school building operates completely separate from the school next to it, based on its principal. Five years is a long time; it is definitely enough time to destroy a school or rebuild a school. We have quite a high turnover in teachers. We also know that people do not leave their jobs; they leave their leadership and managers. There is a Nevada Educator Performance Framework (NEPF) that applies to administrators. Would you base how well a principal was doing on NEPF results, goals, and school improvement plan? How do we factor in a situation in which there was a teacher uprising against the severe bullying and harassment that was taking place in their building?

Stephen Augspurger:

Your questions are good questions, but it is important to note that Senate Bill 126 does not include principals. The legislation passed in 2015 only includes assistant principals, deans, and central office administrators in the form of directors and coordinators. Principals are going to be concerned because all of their assistant principals and deans may have to reapply for their jobs, but this accountability was only aimed at those people outside the principal ranks and the at-will administrators—the high-ranking central office administrators. Those two groups are not impacted by this legislation. There are other accountability measures for them. For example, you referred to an uprising in a school. If that is a principal issue, it will be dealt with by the principal's supervisor. It has nothing to do with this piece of legislation.

Assemblywoman Miller:

Are you suggesting we add principals to this? I do not see any new language.

Stephen Augspurger:

No, we are not suggesting principals be added. We believe the accountability measures in NRS 391.830 adequately hold principals accountable. There were other accountability measures passed in 2015 that we support. There is now a two-year probation period for principals. If principals have Star Rating drops in two consecutive years and more than 50 percent of their teachers leave in two consecutive years, they can be returned to probationary status and can be dismissed. That level of accountability is satisfactory for the principal position.

Matthew Walker, representing Clark County Association of School Administrators and Professional-technical Employees:

To add to Senator Denis's earlier statement, during the probationary period through performance-based evaluations and other metrics that have been mentioned, administrators can be returned to probationary status, mirroring the teacher evaluation and probationary period processes. The probationary period may, in some cases, be longer.

There is no due process in this. If you spoke out at a school board meeting or for whatever reason the district does not want to rehire you during this reapplication process, there is no due process. I do not think any bargaining unit, any educators, should be subjected to this. The Legislature usually does a great job of balancing accountability and due process. In this case, it did not strike that balance. There should simply be a measurable reason why someone is nonrenewed. *Nevada Revised Statutes* 391.830, as it currently stands,

does not strike that balance. You could be nonrenewed for a litany of reasons that have nothing to do with your performance. That is our main concern and where we feel as if we should have the support of this Committee.

Chairman Thompson:

Mr. Augspurger, you mentioned assistant principals, deans, and central office staff. Would you please give us the administrators in the central office affected by this?

Stephen Augspurger:

People who were impacted by this legislation were assistant principals and deans at schools. In the central office, it affected coordinators and directors. People who were not impacted by this legislation were all principals and any central office administrator who had been excluded from collective bargaining.

Matt Walker:

We have a handout regarding who is the bargaining unit and who is not ([Exhibit C](#)).

Chairman Thompson:

What does a coordinator do?

Stephen Augspurger:

A coordinator is a central office administrator. We have school-based administrators and central office administrators. On the school-based side, there are two broad categories of administrators—four levels of coordinators and four levels of directors who supervise coordinators. Oftentimes, the directors also lead large divisions such as facilities or special education. Sometimes coordinators and directors are licensed administrators, meaning they have taught before and their current job requires a teaching license. Sometimes they are not licensed and are categorized as professional-technical. Part of the group we represent are architects, engineers, and project managers. They do not have teaching licenses, but have professional licenses to certify them in their professions.

Assemblywoman Krasner:

Mr. Walker, you stated there is no due process if "they" want to fire you. Who is "they"?

Matt Walker:

The administrators captured within this bill must reapply every five years. The criteria by which they will be nonrenewed as a result of that process is not spelled out. I think you could contrast that with the other provisions of NRS 391.830 that clearly delineate due process—what is an offense or failure to meet expectations that would result in demotion or nonrenewal. This particular provision of NRS does not lay out any criteria. You would reapply for your job and the district could then decide to retain you or not. There is no criteria by which that decision is made, and there is no appeals process. An administrator may have spoken out at a school board meeting or may have had a disagreement with higher-ups at the district and could be nonrenewed through this process for no reason at all.

Assemblywoman Krasner:

Is it the district that would not rehire an administrator? Would it be the board of trustees of the school district that would decide?

Stephen Augspurger:

This would uniformly impact all 17 Nevada school districts. They may all have slightly different procedures for termination. Typically, if one is being terminated, the superintendent is the only individual empowered to make that decision. For the Clark County School District, the superintendent would notify the trustees in writing, and it would be reported at a trustee meeting. I am not sure what provisions exist for the other 16 counties.

Assemblywoman Duran:

If I spoke out and somebody did not like it, I could be terminated. Are you saying termination does not have to be based on a performance issue?

Stephen Augspurger:

That is correct. There are no performance requirements. When you look at Nevada policy and the policy decisions made when NRS 391.830 was developed, embedded in that were expectations for performance, clear expectations about what would lead to discipline, a requirement for assistance, and conversation between supervisor and administrator. There is due process built into that. The concern we have with the statutory language is there are no due process procedures. It is someone in secret, in the quiet confines of an office, making a decision about another administrator with the authority and power to abuse a set of circumstances and take away someone's livelihood for no reason at all. This is unlike the statutory language that creates reasons, assistance, and due process.

Assemblywoman Duran:

How long is a new administrator's probationary period?

Stephen Augspurger:

The probationary period for a new administrator is three years; when you become a principal, there are two additional periods, so there could be a total of five years.

Assemblywoman Duran:

Is there a time limit? If I said something in a meeting that somebody did not like in my first year of probation, could that be used as a reason for termination in my third year of probation? Is there a statute of limitations?

Stephen Augspurger:

That is the challenging piece with this legislation—there are no criteria. There is no timeline, no due process, and no guardrails. I suppose something could happen in Year One, and someone could lose a job as a result in Year Five. We would not know because there is no requirement to even give a reason.

Senator Denis:

To be clear, there are currently two processes for evaluating administrators. One is the typical process that a teacher goes through; it mirrors the process for teachers. The second process is that at the end of five years, you have to reapply for your job. The purpose of this bill is to eliminate having to reapply for your job at the end of five years; it is not getting rid of the other part. The other part has due process, but this piece does not seem fair. Administrators could be fired for whatever reason because there are no specifics in the law. The law is very specific about what they do in their probationary period and after that.

Assemblywoman Torres:

I need clarification on some statements that seem to be contradictory. We heard that principals could be fired for speaking up at a board meeting, but that would not apply in my understanding of this legislation. That would be a totally separate issue. This is just about administrators having to reapply for their positions after five years. We have also heard administrators are not being held accountable to other things. From what Senator Denis just said, it is my understanding that administrators are being held accountable. Would you give us a full scope of what this process looks like for an administrator? How would this piece of legislation change it? The only thing I can see that this legislation does is not what was just stated. What I see is this piece of legislation says administrators do not have to reapply after five years. It would not clarify that, and it would not make it easier for administrators in that way.

Stephen Augspurger:

I think what happened in 2015 is that we had parallel systems of holding administrators accountable. One was through NRS 391.750. That language, developed by the Legislature, has been in effect for many years. The second piece that was added in 2015, NRS 391.830, was touted as accountability but really was not accountability. It was arbitrary and capricious. If you can imagine yourself as a school administrator, you have your five-year anniversary and now you have to reapply for your position. It does not matter whether you have been an exemplary administrator or the worst administrator in the district. Hopefully, if you are a poor administrator, your supervisor has been dealing with that. This law is inconsistent with the policy background that is fundamental to NRS Chapter 391 that says we want to make our accountability requirements transparent—we want people to know how they will be held accountable, we want to make sure there are due process provisions, we want to make sure that people who are struggling receive face-to-face assistance from their supervisors, and that there are opportunities to improve. If an administrator is demoted, dismissed, or nonrenewed, there are due process provisions that are built into that. All of those things are absent in NRS 391.830. It is simply arbitrary and capricious on its face. Somebody simply makes a decision, irrespective of how you have been performing. As Senator Denis said, it is simply unfair to treat people that way. No other public employee has that kind of requirement to endure.

Matt Walker:

It is as if you took NRS 391.685 with the teacher probations and added that you also have to reapply for your job every five years, and you can be subject to nonrenewal just because

the district said you are subject to nonrenewal. No other criteria are in place. If that happened to teachers in 2015, we would be seeking to repeal the additional layer because it is arbitrary and capricious. The remainder of the system in place for teachers and administrators will remain in place. We are committed to the accountability that is in those measures. I know we have had some conversation that mixes concepts of evaluations, probationary period, and this process, but they are separate. I strongly believe that if other education professionals were subject to this, you would see them at the table, asking for the same relief because there simply are no guardrails and no due process.

Assemblywoman Torres:

For the purpose of clarification, for NRS Chapter 391 there is due process, but for this portion of the law there is no due process in NRS 391.830.

Senator Denis:

That is correct. If you are a brand-new assistant principal, you are evaluated after the first year. There are criteria used for first year, second year, and third year. You are on probation and being evaluated every year on specific criteria. You have been evaluated and are still a principal because you have done a great job. At Year Five, in addition to your annual evaluation, you have to reapply for your job. If you are doing a great job, you would think you would be rehired, but there is nothing in the current law that says the district has to rehire you when you reach that five-year mark. You could be gone, or you could continue. If you are doing a great job, why should you even have to reapply at the end of five years? Because it is arbitrary, you will not know the reason for keeping or not keeping you.

Assemblywoman Miller:

Is it more of a union issue if principals are being let go for no reason? Why would principals be let go without due process?

Stephen Augspurger:

It is important to clarify that this is not a union issue and that this legislation does not impact the principal position. It impacts assistant principals, deans, coordinators, and directors.

Assemblywoman Miller:

Do they participate in the administrators' union?

Stephen Augspurger:

They do, but this is not a union issue. This is about making sure we have the right balance between how we hold people accountable and due process requirements. It is a legislative issue.

Matt Walker:

This process has not been undergone yet. If administrators were nonrenewed as a result of this process, no one is sure what that would look like. We have not gone through that yet. I think it is clear that the Legislature created this problem, and we hope you can solve it before this process would go into place and someone's job would be in jeopardy.

Assemblywoman Miller:

Is the concern that we have a number of administrators who we know should go, or is it that we believe we have administrators who are being effective and we are concerned this would open the door to arbitrary nonrenewal? Does this allow the opportunity for these administrators not to be rehired based on arbitrary reasons?

Matt Walker:

I do not think any bargaining unit would allow its members to be subjected to this process without due process, rights, or criteria. That is the fundamental thing a bargaining unit would ask for. Our main concern is that people will be discouraged from reapplying for their jobs. Good administrators will choose to move on to retirement or to another career simply because they do not want to undergo this step. It is demeaning; it is not tied to performance; and it is unnecessary.

Chairman Thompson:

I would like our committee counsel to clarify this for us.

Victoria Gonzalez, Committee Counsel:

As far as the extent and scope of this bill is concerned, the bill is only repealing the section related to NRS 391.830 that requires an administrator to reapply for his or her position every five years. Collective bargaining is not addressed in this bill. That issue would need to be addressed somewhere else.

Assemblywoman Tolles:

Was S.B. 241 of the 78th Session an attempt to remove some sort of tenure for administrators by making them reapply every five years?

Stephen Augspurger:

You could say that. The other thing it does is make every administrator across the state—assistant principals, deans, coordinators, and directors—an at-will employee. Typically, at-will designations are reserved for the highest-ranking administrators who work directly for the Superintendent of Public Instruction.

Matt Walker:

"Tenure" is a term that is misapplied to teachers and administrators in this context. It is something that was—through coordination with bargaining units and many education stakeholders—addressed in 2011 and returned to probationary status based on performance. If you want to have a conversation about tenure, it was meaningfully addressed in a real way based on performance in 2011. This is not that legislation. This is legislation that simply says, We want to put you through this process so we can say we are tough on administrators.

Assemblywoman Tolles:

I have mixed feelings about this. I am a contracted adjunct faculty member. Every semester I am up for whether I come back or not. In some ways, I think that motivates me to be my best, but in other ways, I understand the protections.

How much extra administrative time does the process of having everyone reapply and having someone review the applications put in place? Is that part of what we are trying to resolve? It is an extensive process just for hiring new employees. Do we have an estimate of what this would look like in terms of the logistical burden on the superintendent that might help us determine which direction to go with this legislation?

Stephen Augspurger:

That would better be a question for a school district to answer. From my experience in the Clark County School District, I would estimate we would have approximately 600 people who would have to reapply for their jobs at the same time. We will have smaller numbers in subsequent years until we get to the five-year anniversary for the first 600; this is when they will have to reapply again. I think the human resources implications are significant in terms of time and dollars.

Assemblywoman Hansen:

Are there any other employees who have to reapply for their jobs?

Stephen Augspurger:

Administrators were singled out in this legislation. It only applies to the four groups of people we have talked about.

Assemblywoman Hansen:

Does a principal or administrator have a review process every year?

Stephen Augspurger:

Yes, that is correct. There is an annual evaluation process in place.

Assemblywoman Hansen:

How hard is it to get rid of an administrator who has two or three bad evaluations?

Stephen Augspurger:

If an assistant principal, dean, or a central office administrator has two consecutive years of minimally effective performance, he or she would revert to probationary status just as a teacher would. Then they would have the three one-year periods of probation with no guarantee of employment at the end of any of those years. There are significant accountability measures in place that will address poor performance.

Assemblywoman Hansen:

If you have two consecutive years of poor performance, you are put on probation. Would you get one more year of probation?

Stephen Augspurger:

You would have three one-year periods with no right to continued employment at the end of any of those years. If you are a postprobationary administrator and have two consecutive years of poor performance, you receive an "ineffective" evaluation during those two years.

You would then be deemed a probationary employee for the following year. At the end of that year, if your performance had not improved, you could be removed.

Matt Walker:

In the example Assemblywoman Hansen gave of an administrator not doing well in the first few years, the administrator would be in the probationary period, so that person would not go through all of the steps that were just outlined. The administrator would immediately be subject to nonrenewal or demotion based on the initial performance.

Chairman Thompson:

Is there anyone present who would like to testify in support of the bill? [There was no one.]
Is there anyone present who would like to testify in opposition to the bill?

Vikki Courtney, President, Clark County Education Association:

I am here to speak in opposition to S.B. 126. Principals are included. Principals are included in the language of NRS 391.830. When this bill was brought forward in 2015, administrators were used as the example.

Research tells us there is no greater impact on a student's achievement than the teacher in a classroom. The second greatest school-related impact on student achievement growth is principal effectiveness. The largest impact on teacher retention is administrative support and school culture, both of which are directly impacted by the principal.

The best example I could give you to keep this bill is the April 14, 2019, *Las Vegas Review-Journal* article, "Las Vegas Elementary School Principal Faces an Uprising," noted by Assemblywoman Miller. It noted the concerns of a hostile work environment at C. H. Decker Elementary School by both staff and parents. The turnover rate speaks loudly when this occurs. According to the article, the 2-Star school's turnover rate has been high compared with nearby Harvey N. Dondero and Pat Diskin Elementary Schools over the past three years while Ms. Roybal-Benson has been the principal. The school replaced 67 percent of its licensed staff in 2015 to 2016, 36 percent in 2016 to 2017, and 62 percent in 2017 to 2018, according to Clark County School District data. It would not be a concern if this were the first time this administrator had been in the news, but it was not. In 2012, the same issues occurred with this principal, as reported in the *Las Vegas Sun*. The principal created a stressful environment for teachers. Parents complained that Ms. Roybal-Benson had not communicated well with the community. This is a pattern. That is what this bill is about. If principals are doing a great job, they are not going to mind turning in a new job application; they will get to crow about the good things they do.

As a classroom educator, I impact the students I directly teach. Principals impact an entire school community, anywhere from 800 to 3,500 students and their families. Educators leave schools when administrators are bullies. Most administrators do not fit this pattern, but for those who do, this bill provides accountability and a way to take action when other options have been exhausted.

Chairman Thompson:

Is there anyone else in opposition to Senate Bill 126? [There was no one.] Is there anyone present who would like to testify as neutral to the bill? [There was no one.]

Assemblywoman Tolles has a question for the bill's sponsor.

Assemblywoman Tolles:

This has been a valuable conversation. It would be helpful to know what burden would be put on human resources departments in the school districts next year as a result of the current statute. It might help us in evaluating the process.

Senator Denis:

We can get the information from the districts. I would like to clarify something. We heard testimony about the principal being included in this. On page 7 of the bill is the text of the repealed section. It says, "Each postprobationary administrator employed by a school district, except an administrator excluded from any bargaining unit pursuant to NRS 288.170 or a principal." This question arose on the floor of the Senate. We had the Legal Division of the Legislative Counsel Bureau verify that principals are not included in this. This pertains only to deans, assistant principals, directors, and central office coordinators.

I brought this bill forward because the current situation is unfair. I want to make it right. It is unfair to have an additional process that is arbitrary when there is already an evaluation process in place. It is hard enough to keep good people. It is unfair that people in these positions have to reapply every five years when they have already been evaluated annually. We have some great people working in our schools; we need to do everything we can in order to keep them and to help them to improve in the same way as we help teachers. We do not put these things in place because we want to get rid of people. There is not usually a long line of people waiting to jump in to replace them. We have been trying to make individuals the best teachers and administrators they can be. We need to focus on that, not on things that will arbitrarily punish them.

Chairman Thompson:

We will close the hearing on Senate Bill 126. We will open the hearing on Senate Bill 350.

**Senate Bill 350: Revises provisions relating to Nevada Promise Scholarships.
(BDR 34-308)**

Senator Moises (Mo) Denis, Senate District No. 2:

I will be introducing Senate Bill 350. After my introduction, I will hand things over to my copresenters.

Over the last several years across the country, the price students and their families pay for college has increased dramatically. While we seem to hear about new federal and state scholarship programs created each year, college is still not an option for many families because it remains unaffordable for them.

During the interim, I served as vice chair on the Committee to Conduct a Study Concerning the Cost and Affordability of Higher Education. The committee studied programs, policies, and funding to make higher education more financially accessible to Nevada residents. A representative of the Western Interstate Commission for Higher Education (WICHE) presented to the committee [March 22, 2018] that while the cost of higher education in Nevada is relatively low compared to other western states, the cost is rising more rapidly than increases in household income. According to WICHE, between 2007 and 2017 undergraduate tuition and fees at two-year institutions in Nevada increased by 50 percent, while the western region average increase was 41 percent.

In an effort to aid in the affordability of higher education costs, I sponsored Senate Bill 391 of the 79th Session, which created the Nevada Promise Scholarship. I think I can speak for all us when I say that we recognize the importance of providing an opportunity for all students to attend college, which is why this bill passed unanimously in both houses last session.

While S.B. 391 of the 79th Session provided a good and necessary starting point, I recognize there are some issues that need to be ironed out. Concerns were raised during the interim committee and by constituents who have reached out to me over some of the current provisions of the program. I will briefly go through some of those concerns.

One of the biggest issues concerned specific statutory language resulting in inflexibility for students who do not meet each deadline. One of the challenges here is that once students miss one of the multiple deadlines, they are no longer eligible. The deadlines are strict and unforgiving, as they are set in statute.

Another challenge in implementing the program was unclear guidelines for different student groups, including Deferred Action for Childhood Arrivals (DACA) students, homeschooled students, as well as students with individualized education programs, and those who go on religious missions.

Others addressed challenges they experienced with the volunteer and mentoring requirements. Specifically, it was difficult finding age-appropriate volunteer opportunities that did not conflict with students' school schedules and recruiting enough community volunteers to participate in the mentoring program. If you are not familiar with the program, this may not make sense to you. In order to receive a Promise Scholarship, you have to apply with the Free Application for Federal Student Aid (FAFSA), do 20 hours of community service, and meet with a mentor in your senior year of high school and in your first year at the community college. The Promise Scholarship is a last-dollar scholarship. Some students receive the full amount needed through FAFSA so do not need the Promise Scholarship. If you apply and do not receive the full amount, or if you apply for and receive other scholarships, there may still be a gap. This scholarship would fill that gap.

When we made this scholarship available last year, we had 12,000 applicants. Imagine 12,000 students trying to do 20 hours of community service that is appropriate for high

school students. There were not enough service hours for the students to participate in. Because students did not complete the 20 hours, they became ineligible for the scholarship.

The same thing happened with the mentoring hours. We had approximately 1,100 mentors sign up. We have had a bill requiring that volunteers in schools be fingerprinted. A mentor cannot meet with a high school student one-on-one unless fingerprinting has been completed, so we allow one or two mentors to meet with groups of students. The dates were specific; if a student missed the date, he or she became ineligible for the scholarship. This year, we have had 14,000 students apply for the scholarship.

This bill requires eight hours of community service prior to receiving the scholarship and eight hours each year thereafter. It similarly decreases the number of training meetings a student must attend from two meetings to one meeting prior to enrolling in a community college. Senate Bill 350 allows for a leave of absence from the program in certain circumstances.

While the cost of higher education in Nevada is relatively low compared to the rest of the western region, the affordability is worsening. This bill makes changes that will increase participation in the program and help students maintain the scholarship until they graduate. This bill is patterned after the Tennessee Promise Scholarship program.

One of the problems we find is that students do not apply for FAFSA because they do not think they can go to college. In Nevada, we are leaving \$82 million on the table every year because of that. This scholarship promises them that if they do what is required, they can get a two-year degree in up to three years. The good news is, yesterday we found out that we are no longer at the bottom of the list of states not receiving FAFSA; we have moved up five slots in one year. That can be credited to students applying for the Promise Scholarship. Some students from Nevada received the full amount of money based on their FAFSA applications, but followed through with the requirements for the Promise Scholarship. We had students who did not think they could go to college who are now going to college.

I urge your support of this important legislation. I would now like to turn things over to my copresenters.

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

This is a big bill; it is 14 pages long, making seven primary changes. I will highlight the changes from the 750,000-foot view. If you then want to dig deeper or have a section-by-section review, I would be happy to do that. I can also answer any technical questions.

The original legislation was passed in Senate Bill 391 of the 79th Session. There were some technical challenges and conflicting issues with the bill. There were other issues where we wanted to ensure consistency in terms of administration across the system. That is the underlying impetus behind this bill.

This bill shifts the administration of the Nevada Promise Scholarship Program to the Board of Regents from the participating community colleges. In the original bill, the participating community colleges administered it, but we had to create a cooperative agreement to ensure there was agreement on certain definitions. We tried our best to have consistent administration during the first year. This bill makes the administration of the Promise Scholarship consistent with the Silver State Opportunity Grant (SSOG) and the Governor Guinn Millennium Scholarship Program where the Board of Regents adopts the policies for the purpose of administration. The bill delineates the specific authority the Board of Regents would have in terms of those regulations, including removing the optional participation by a community college and eliminating the deadlines for training, mentoring, and community service. For example, it lowers the community service requirement from 20 hours in the last year of high school and each year of the program to 8 hours in the last year of high school and 16 hours in each academic year of the program. It also allows the Board of Regents to establish an appeals process.

The next area of change regards eligibility. If you were not a recipient in the first year—in other words, if you received the full Federal Pell Grant—in the second year, you could not be a recipient even if you had a change of circumstances. That was not the intention of the Legislature, but was a quirk in the language. There were also questions regarding the eligibility of homeschooled students. This will clearly indicate that homeschooled students who received a GED [general equivalency diploma], a HiSET [high school equivalency exam] credential, or a TASC [test assessing secondary completion] diploma meet the high school requirement. We deal with an age restriction and with expected family income, so DACA students would be eligible. The way the legislation is written, a student must maintain a 2.5 grade point average or make adequate academic progress. "Adequate academic progress" is not a term we use in higher education. We use the term "satisfactory academic progress" because it is specifically defined by the U.S. Department of Education. We are requesting in this technical change that the student meets Title IV financial aid satisfactory academic progress. That makes it consistent with the SSOG and the Millennium Scholarship.

This area concerns a leave of absence for students in certain circumstances, found in section 5 of the bill. If you look at the original version of S.B. 391 of the 79th Session, you will find this language. It provides that students may request a leave of absence for illness, financial hardship, mobilization of the student's unit of the Armed Forces of the United States or the National Guard, and if there are other extraordinary circumstances. It is not possible for us to anticipate every circumstance in which a student would need a leave of absence.

"Registration fee and other mandatory fees" is defined by section 4 of the bill. That is critical for the purpose of the calculation. Because this is a last-dollar program, we start with whatever the student owes for registration fees and other mandatory fees that are paid by all students, such as the technology fee that is charged across the community colleges. Then they take out whatever is received in federal and state aid. The balance is covered by the scholarship. The student who does not receive a Pell Grant or a Millennium Scholarship will

receive a full award. The original bill did not provide a clear definition of where the calculation starts, so it is important to have this definition.

Throughout the current version of the legislation as codified, the term "school year" is used. That is a K-12 term; we have updated it to "academic year," which is a term more appropriate to higher education.

The bill revises the language regarding the process for awarding the scholarship, giving the determination to the Board of Regents.

The bill revises the reporting requirements to remove the requirement for the community colleges to maintain certain records and provides there will be regular reporting to the Legislature.

Senator Denis:

We have the chancellor ready to testify.

Chairman Thompson:

Dr. Reilly, is there anything you would like to add?

Thom Reilly, Chancellor, Nevada System of Higher Education:

The Nevada System of Higher Education (NSHE) enthusiastically endorses this program. The changes that were outlined by the vice chancellor will help us more efficiently run the program. It supports our access goal in the system of higher education. It also strengthens our partnership with K-12.

I have been a personal mentor in this program, benefitting greatly in seeing how it works at that level. We have held focus groups throughout the state; regardless of where the students are—north, south, or rural—the need is there. That is demonstrated by the voices of the students who have benefitted from the program.

I would like to echo Senator Denis. The high school students who have completed FAFSA made Nevada rise in rank from 45 to 40 nationally. I credit that to the number of students in high schools and to the teachers and counselors who worked with them to fill out the FAFSA form.

Senator Denis:

Dr. Zaragoza is prepared to speak from the community college viewpoint.

Federico Zaragoza, President, College of Southern Nevada:

I am pleased to express our support for S.B. 350 and the Nevada Promise Scholarship Program. First, I would like to suggest the Nevada Promise Scholarship Program is much more than just a financial aid program. We are seeing the impact the Nevada Promise has in not only increasing access, but also in creating a college-going culture in our diverse communities. Promise provides students support systems, managed transition into college,

removes financial aid challenges, commits students to community mentors and role models, and gives students an opportunity to serve their communities.

In the first year, College of Southern Nevada (CSN) Promise students provided 43,000 hours of community service, engaged 506 mentors, and worked with hundreds of community-based organizations. In addition, last year 150 high schools—private, public, and charter schools—participated in Promise. We had more than 9,000 applications, with 1,700 of those students enrolling at CSN. This year, we have more than 10,000 students who have already applied; 4,700 of those students are in the pipeline to become CSN students this fall.

It does indeed take a village to help students succeed. I am pleased to report that the Promise village is alive and well in southern Nevada. I want to also acknowledge and thank the leadership provided by Clark County School District (CCSD) Superintendent Dr. Jesus Jara and the many CCSD high school principals who worked tirelessly to ensure that their students could access Promise opportunities. Kudos to NSHE and the Board of Regents, Chancellor Reilly, and especially Vice Chancellor Nate Mackinnon, who has been instrumental in coordinating the Nevada Promise with our sister institutions on a statewide basis.

Thank you for this opportunity to testify in support of S.B. 350.

Senator Denis:

There are others who can present research the University of Nevada, Las Vegas has done on the program.

E. Lee Bernick, Professor, Public Policy and Leadership, University of Nevada, Las Vegas:

Dr. Brekken and I worked with NSHE and Nevada's Department of Education to analyze the first year of the Promise Program. In addition to the PowerPoint presentation ([Exhibit D](#)), we have provided a research brief ([Exhibit E](#)) that is a compilation of the work we have done.

Our analysis was done both as a process analysis and as an evaluation impact analysis of the first year. Page 2 ([Exhibit D](#)) shows the methods we used. We have different sources of information that led to our conclusions. First, I will talk about who applied and who received scholarships [page 3]. What is important is the percentage of high school students who applied by composition. You see that 54 percent of the students who applied were Hispanic, 10 percent were black African Americans, 9 percent were Asian, and 27 percent were white. The Hispanic population is larger than the high school population—41 percent of the high school seniors were Hispanic. The black population is exactly in line with that of high school seniors. The white population is somewhat underrepresented. On the other hand, the chart showing completers shows a slightly different picture, with completion being larger for the white population, somewhat larger for Hispanics than the high school senior population, and the African-American population is smaller.

The next page [page 4] is important, showing the impact on decisions to go to college. We did a survey of students who are in college now: 42 percent of them said the process did not make a difference; 58 percent said it made a difference; 15 percent of the students who are in college said they did not think about going to college until the Promise Program was introduced to them.

The next page [page 5] shows the degree to which the Promise Program had an impact on the decision to go to college. You see that 70 percent of the Hispanic population, first generation students regardless of ethnic and background, and 40 percent of students in universities—not community colleges—were influenced to go to college by the Promise Program.

The application process matters [page 6]. The fact that students had to fill out the FAFSA to be eligible for the Promise Program was an important element to their thinking about going to college and in the whole process. You also see that the training is important.

Applicants are more likely to be eligible for free and reduced-price lunch, minority students, and students with lower ACT scores [page 7]. On the other hand, completers were not free and reduced-price lunch students and were more likely to be white students.

The next page follows up on what Senator Denis said about community service [page 8]. The requirement that was most difficult for students to complete was the community service requirement, along with the financial aid process. On the other hand, the financial aid was the portion of the process that was most beneficial. Part of the problem with the financial aid, from our understanding, is how the process works in terms of family and other steps with the FAFSA.

Counselors matter [page 9, [Exhibit D](#)]. What we are saying is high schools matter. There is a significant variation among high schools in terms of the percentage of students who applied. We mentioned about 12,000 students applied; there were 33,000 high school seniors in school year 2017 to 2018. Some high schools had 100 percent of their students apply; others had as low as 5 or 10 percent apply. We think the high schools do matter. The application process matters in how the high schools work with the students to apply. The overwhelming number of students tell us that if it were not for the high school, they would not have heard about the Promise Scholarship. Counselors say this is a beneficial program. One other thing counselors told us was that undocumented students have been left out of the process. Counselors were concerned about this. This is not addressed in this bill, but it is an important finding. The relationships between the community colleges and the high schools make a difference.

In its first year, the Promise Program had first-year issues similar to those of other states in terms of the percentage of students [page 10]. In every year of the Promise Program, additional students will participate. We need to ensure strong communications. We heard from principals and counselors that the uncertainty of funding and the uncertainty of the program led to their not being enthusiastic in pushing students into it because they did not know what was going to happen.

Even though some people would look at the number of undocumented students who received the Promise Scholarship as small, that underestimates the impact. This program and the number of people receiving Promise Scholarships underestimate its impact. The program has a significant impact on students going to school, whether to four-year colleges or community colleges. Our assessment is this is a good program.

Chairman Thompson:

We will now take questions from the Committee. In regard to section 10, subsection 1, paragraph (h), I would suggest that if we could truly follow a service-learning model, we might have better success and greater interest by students. Calling it "community service" gives a different connotation, making it seem to be a task. I would hope we are trying to instill in students that by serving the community, they continue to make their community better. That makes me wonder why we reduced the number of community service hours to eight.

Senator Denis:

The biggest challenge was trying to find appropriate service opportunities for the number of students who applied. If students did not do 20 hours of service, they automatically lost out. We originally started with a requirement for 8 hours. It was increased to 20 at the end of the last session. I agree that giving community service is important. We just do not want to have students lose out on the scholarship because they did not have the ability to provide the 20 hours because too many students were trying to do service.

Chairman Thompson:

I think the students should be able to determine what the issues and challenges in their communities are. Then they could determine where they need to serve, instead of our giving them a list of places they can go to volunteer. Students may see an opportunity to serve in their own homes—perhaps a younger sibling needs mentoring. A student could ask his or her counselor if mentoring a sibling could count. Those are community service hours that are priceless. We need to rework what community service involves. Part of the reason the chart shows community service as one of the biggest issues is because it may not have been explained or presented as a service-learning opportunity.

Senator Denis:

I do not know if there is a limitation on that type of service; it could be incorporated. I do not think the challenge was in doing community service, but getting in 20 hours of service was the hard part.

Chairman Thompson:

In the scenario I described, a student could give 20 hours to work with his or her brother to increase his literacy skills.

I would like to refer to page 3 ([Exhibit D](#)), showing completers and alluding to noncompleters. What are we doing in the bill to address that? We immediately addressed

the community service, but did not address that African-American and Latino students' completion level is not where it should be.

Senator Denis:

The people testifying in Las Vegas can define what they mean by "completers." My understanding is the noncompleters did not get to the required 20 hours of community service and did not complete the FAFSA. The parent of the student must fill out a part of the FAFSA. There were strict dates for meeting with the mentor. If a student failed in any of those areas, he or she did not complete.

Chairman Thompson:

That needed to be spelled out. I was looking at "noncompleters" as those who did not do well in school, as opposed to being compliant with all the terms of the application.

Crystal Abba:

I will defer to Dr. Bernick. I believe by "completers" they mean application completers who were eligible for initial eligibility purposes.

E. Lee Bernick:

The information we presented has nothing to do with their completion rates in high school; it has to do with completing all of the different requirements. There are a number of reasons why some people might be labeled as noncompleters, including that they were not able to finish the 20 hours by the deadline; they may not have completed the FAFSA. There is another side of that. Some of the students have not gone through the process and filled out the FAFSA. They theoretically could have found out they were getting money before they completed this process and did not complete the process. They also could have gone through the process and stopped because they decided to go to a four-year institution. We are not judging whether they are going to college or not. What we are saying is a completer finished the complete process, met the deadlines, and was eligible to get a Promise Scholarship.

Assemblywoman Tolles:

When I looked at this, it jumped at me that the mentorship requirement seemed to be one of the top barriers. Were these also students who qualified for free and reduced-price lunch? Was any analysis done of whether these applicants worked outside of school obligations that competed with their time for those 20 hours of community service? For students who have jobs outside of school, their job hours compete with their ability to get the 20 hours of community service. Could that be why we see students not complete the process?

**Katheryn C. Brekken, Assistant Research Professor, Public Policy and Leadership,
University of Nevada, Las Vegas:**

We had several survey questions regarding the mentoring and volunteer components, trying to tease out why these requirements were difficult or helpful. With community service, we found that students had a hard time operationalizing it—they did not have experience volunteering in the community and were uncomfortable cold-calling organizations. They wanted to volunteer with friends. This was supported by interviews with counselors and

principals. Certain schools provided a calendar of volunteer opportunities. If the schools and the colleges helped students come up with ideas, students were more likely to complete them.

Assemblywoman Tolles:

That helps. The point I am getting to is that reducing that requirement to eight hours might increase the completion rate of students in the populations we are trying to help the most.

Assemblywoman Torres:

I want to make a comment on the merits of the Nevada Promise Scholarship as a high school teacher who helped many students fill out their FAFSA last year. We made a day of it in the library. We all filled out the Promise Scholarship application. Many of my students applied but did not qualify for the Promise Scholarship because they received funds from FAFSA. That is a testimony of the effectiveness of this program and increasing the number of Nevada students receiving help through FAFSA and increasing the number of students going to college. Many of my students would not have applied to FAFSA otherwise; they thought FAFSA was a part of a process to get the Promise Scholarship, which they thought would pay for their scholarship. The Promise Scholarship does a phenomenal job of that.

Regarding connecting students to community service opportunities—we regularly marketed it over the intercom. We would announce a volunteer opportunity and remind students that if they were applying for the Promise Scholarship, they could participate. Thank you, Senator Denis, for bringing forth this legislation so that we can clean up some language because the deadlines were the most difficult part.

Assemblywoman Hansen:

I love the community service portion, and I was discouraged by the possible cutback in hours. Having been involved with youth and doing service projects, I am sure these students want to do the community service. I am trying to figure out if the logistics of it is the challenge. The opportunities may not be in front of them. Having worked with youth on larger-scale projects, it is sometimes difficult to find organizations that can take on a number of youth or take youth in on a regular basis. Is the stumbling block that students are not able to complete the hours or is it because they do not know what the resources are and there is a logistical issue in the community in placing them in service opportunities? Could we broaden the opportunities, as Chairman Thompson suggested? Could tutoring a student qualify?

Katheryn Brekken:

We asked students about their time commitments, including work. We asked them if the 20 hours was too hard to accomplish. Students were right down the middle; they found it not too hard and not too easy. That is why the other questions and the interviews were important in trying to determine why.

Assemblywoman Hansen, you are exactly right about the coordinated service efforts, particularly in rural areas where there are not a lot of opportunities to volunteer with

organizations that did not know how to work with high school students. There were a lot of challenges like that.

Senator Denis:

The change, with administration going to NSHE, will give NSHE the ability to define what the service is.

Crystal Abba:

Senator Denis is correct. If you notice on page 14, one of the deleted sections is *Nevada Revised Statutes* 396.9675, which includes prohibition against certain community service to satisfy requirements. The bill was very restrictive in terms of what type of community service qualified. What you have suggested as tutoring opportunities were not permissible under the bill; however, with the authority that has been granted to the Board of Regents under this, should the bill be enacted, we would have the authority to provide a broader definition that would allow for those types of opportunities.

Chairman Thompson:

Are there any further questions from members of the Committee? [There were none.] We will open it up for support for Senate Bill 350.

Peter Guzman, President, Latin Chamber of Commerce:

I would like to express my support for the Nevada Promise Scholarship. The program is successful in encouraging Nevada high school students to attend college by providing the needed financial resources. The program also engages students with the community through the community service and mentoring requirements to qualify for the scholarship. As an entrepreneur and small business owner, I understand that life is tough and there are no free rides. This gives people an opportunity to have skin in the game and, in the process, to meet mentors and community leaders who might be able to help them in their careers later on. It is creating relationships. I love that partnership part of this. I understand there were over 30,000 hours of community service that have benefitted communities. I see nothing but pluses and wins here.

The scholarship removes financial barriers and encourages students who might not otherwise have the opportunity to attend college. It increases the pool, so I support the proposed revisions to the Nevada Promise Scholarship. This community is so blessed to have Senator Denis and his passion for education, along with all of you.

Kent M. Ervin, Legislative Liaison, Nevada Faculty Alliance:

Nevada Faculty Alliance is a statewide organization of faculty at all eight NSHE institutions. We work to empower faculty to be fully engaged with their students, including through mentoring for this program. We support this program and the fixes that remove some of the strict deadlines and hurdles. We are in favor of this program and of the bill.

**Elena Bubnova, Associate Vice President of Research, Marketing and Web Services,
Truckee Meadows Community College:**

I would like to thank you for this opportunity to speak in support of Senate Bill 350, related to the Nevada Promise Scholarship. On behalf of Truckee Meadows Community College (TMCC) faculty, staff, and our students, I would like to thank you and NSHE for all your work on the bill to make Nevada Promise Scholarships possible and available to students.

The role financial assistance plays in providing access to education cannot be overstated. Although not a need-based scholarship, the Promise program initiates students' application for federal financial aid. As has been stated, whether students get federal financial aid or access Promise funds, students who may have thought college was not possible now find themselves in classes—a game-changer for us that was made possible by the Nevada Promise Scholarship. The Promise Scholarship is helping many students enter higher education, and it truly transforms their lives. I hope you will hear that from some of our students today.

The Promise Scholarship is another great mechanism to open up educational opportunities and advance the economic prosperity of the state of Nevada. We at TMCC could not be more excited and proud of the hundreds of new students we welcomed last fall. Many of them were recipients of the Promise Scholarship and made up the first Nevada Promise cohort. We are looking forward to welcoming hundreds more this coming fall semester.

Who better to convey to you the importance of the Nevada Promise Scholarship and our support for this important program than the students? I will turn it over to students who found the time in this busy time of the year when they are wrapping up the semester and gearing up for finals. They joined me today to speak to you about the importance of the Nevada Promise Scholarship and our support for it.

Akira Terry, Private Citizen, Elko, Nevada:

I am in support of Senate Bill 350. I am currently a Nevada Promise scholar at TMCC. Obtaining the Nevada Promise Scholarship has been an amazing experience for me. Not only am I the first in my family to go to college, but this scholarship has allowed me to go to school full-time without the burden of financial issues or debt. It has provided me with an occupation on campus that I love, which is with the financial aid office. It has allowed me to become familiar with my new home through service.

Without the Nevada Promise, I am not sure if I would be attending college right now because it is extremely expensive. I think I would have put it off a few years so I could save up some money to go. The Nevada Promise Scholarship is crucial because it allows students to discover their inner talents and career choices without discouragement due to lack of funds. The Nevada Promise Scholarship gives the ability for the next greatest president, teacher, or even mechanic to come to light and make a difference where they may not have been able to before simply due to cost.

I would like to say thank you to Senator Denis for making my college dreams possible. Thank you for giving me the opportunity to talk.

Brittany Monroe, Private Citizen, Spring Creek, Nevada:

I come from a family with a single dad and three children. Money is usually pretty tight. If not for this scholarship, I would not be going to school right now. I planned on working for a year or two and saving money. I do not honestly know if I would have gone to college at that point. Because of this scholarship, I was able to go to school, decide on a major, and go toward a career I am excited about. I cannot wait to see what comes of it. I hope other high school students realize how great this scholarship is for them. I hope it continues.

Haley Wissenback, Private Citizen, Reno, Nevada:

I support Senate Bill 350. Like everyone else here, without it I probably would have had to pay for college on my own. I am the first generation to receive it, so I talked to a lot of students in high school. The idea of college was kind of overwhelming to them—all of the deadlines of college alone, grades you had to meet, and scores. The people with TMCC and the Nevada Scholarship answered all of our questions, helped us fill out the FAFSA, and made it not so overwhelming.

Charlotte Frandsen-Crook, Private Citizen, Reno, Nevada:

I come from the home of a single mother who happens to be a teacher. Our income is constantly tight. I would not have been able to attain my goal of becoming a nurse eventually without the Nevada Promise Scholarship. My grandma does help, but it is a financial burden. Without this, I would not be in school. I would probably be pursuing the other career choice of mine, which was being an EMT. Without the scholarship, I would not have been able to follow my dreams of becoming a nurse. I appreciate everyone's support in this.

Marley Murray, Private Citizen, Reno, Nevada:

I would like to thank you all today for letting me be here. As someone going for a political science degree, I think it is amazing to be able to see the lawmaking process with my very own eyes and to be able to actually get involved with the process early on. Without the Nevada Promise Scholarship there is absolutely no way I would be in this building right now talking to you about it—partially because it would not exist, but partially because I would not be able to go to college without it. Chances are I would be in the armed services right now, not being able to go to school, and having to save up.

Chairman Thompson:

Thank you to all of you students for taking your time to join us and to see how our days go. I appreciate that most of you said "if not for." That is the core of this bill.

Carlos Fernandez, Policy Analyst, Government Affairs, Las Vegas Metro Chamber of Commerce:

Supporting higher education throughout the state has been a commitment of the Las Vegas Metro Chamber of Commerce since its inception. The Promise Scholarship has been a vital piece of legislation for college affordability and college access, as we have been able to tell by what the students who spoke said. That, in turn, strengthens the workforce for the whole state of Nevada. The Chamber was a strong supporter of S.B. 391 of the 79th Session when

this legislation came to be. We continue to be in support of Senate Bill 350 due to all of the changes and updates that have come to be.

Mariana Kihuen, Interim Director, Government Affairs, College of Southern Nevada:

On March 25, 2019, during CSN Day at the Legislature, our institution brought over 80 students and staff members to provide testimony in support of Senate Bill 350. Today, due to spring break, we do not have those individuals present, but I plan to provide letters of support from our students to the Committee.

I would like to enter into the record the testimony of my colleague, Maria Marinch, Executive Director, Inclusive Learning, College of Southern Nevada. She is the lead of the Nevada Promise Scholarship Program at CSN, but was unable to be here today.

As a member of the implementing team at CSN, I have witnessed firsthand the positive impact this scholarship program has had in the lives of students, their families, and our community. We have been working closely with NSHE, our sister institutions, students, parents, principals, teachers, counselors, mentors, and community partners since the program's inception. Since 2018, we have received 4,890 calls to the designated Promise line and have managed close to 48,000 communications. We have guided students through the financial aid process and helped them transition into college. We are working every day to improve the program implementation to create opportunities for students, and we are looking forward to continuing our work to provide access to higher education. I believe the Nevada Promise Scholarship is truly more than a scholarship; it is a college-access program that increases opportunities for our students and helps them succeed. I would like to conclude by expressing my appreciation.

Miles Dickson, Chief of Staff, Office of the State Treasurer:

You have heard comments about access and affordability, so we are excited to support this bill for those two reasons. I also wanted to address administration, a slightly less exciting part of the topic. The Office of the State Treasurer is a very small piece of the administration of this program, so we wanted our support on the record for some of the changes we believe streamline administration between NSHE and us. We thank the bill's sponsor and NSHE for making those improvements.

Chairman Thompson:

Is there anyone present who would like to testify in opposition to Senate Bill 350? [There was no one.] Is there anyone present who would like to testify as neutral to the bill? [There was no one.] Senator Denis, you may conclude.

Senator Denis:

When you run for office, you really want to make a difference in the lives of people. I believe this bill does that. The bill before you today is the policy side, but I think these

changes will allow even more students to have their lives changed and will create a college-going culture in Nevada.

Assemblywoman Tolles:

I wanted to get this on record—thank you for bringing this Promise Program forward. In the same way we have the Millennium Scholarship Program; it would be cool to have this be the Senator Moises Denis Nevada Promise Scholarship Program. I do not know if we will change the name of the scholarship, but I wanted it on the record that you did leave a mark for the good of all those students.

Senator Denis:

Thank you, but this was a team effort; I was just a part of it.

Chairman Thompson:

We will close the hearing on Senate Bill 350 and open the hearing on Senate Bill 453.

Senate Bill 453: Revises the eligibility requirements for the Governor Guinn Millennium Scholarship Program. (BDR 34-383)

Senator Moises (Mo) Denis, Senate District No. 2:

The Governor Guinn Millennium Scholarship Program was approved by the 1999 Legislature to increase the number of Nevada students who attend and graduate from Nevada institutions of higher education. The scholarship pays up to \$10,000 of eligible tuition costs.

Historically, this program has been funded from the Tobacco Master Settlement Agreement and from proceeds from Nevada's Abandoned Property Trust Account, within the State General Fund. The 2017 Legislature approved Assembly Bill 511 of the 79th Session, which appropriated \$20 million from the State General Fund to the Millennium Scholarship Trust Fund. With this appropriation, it was projected to keep the program financially viable through the current fiscal year 2018-2019. For the upcoming biennium, Governor Sisolak is recommending funding support for the program through the 10 percent retail excise tax on the sale of recreational marijuana.

To qualify for the program, a Nevada high school student must have

- Lived in Nevada for at least two years of the high school years;
- Achieved an overall grade point average (GPA) of 3.25 or a qualified ACT/SAT score;
- Graduated from a Nevada high school; and
- Completed the minimum core curriculum requirements.

To maintain the scholarship, a Nevada college student must

- Pursue a recognized undergraduate degree or certification;

- Enroll in 9 credits at an eligible community college or 12 credits at all other eligible institutions per semester; and
- Maintain a 2.60 GPA for the first 29 credits and a 2.75 GPA for all credits thereafter.

This program is administered through the Office of the State Treasurer. To date, the Office reports that nearly 125,000 Nevada students have accessed the Governor Guinn Millennium Scholarship.

When looking at the demographics of the students accessing the scholarships, we see diversity. For example, the 2017 recipients reported as the following:

- 34 percent white;
- 34 percent Hispanic;
- 13 percent Asian, Hawaiian, Pacific Islander;
- 8 percent with two ethnicities or more;
- 4 percent Black; and
- 6 percent unknown.

The recipients are also from economically diverse backgrounds. For example, among the 2017 class, dependent students who completed the Free Application for Federal Student Aid reported:

- 32 percent with household income less than \$40,000;
- 31 percent with household income of \$40,000 to \$79,999; and
- 37 percent with household income of \$80,000 or more.

Finally, in the past five years, 36 percent of recipients graduated from Title I schools.

Senate Bill 453 increases the GPA to retain eligibility for a scholarship and makes provisions for a recipient who fails to maintain the required GPA during a semester.

With me today is Crystal Abba, Vice Chancellor for Academic and Student Affairs, Nevada System of Higher Education, who will walk you through the provisions and the projected impact of this measure. We also have an amendment to the bill.

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

I have with me Miles Dickson, Chief of Staff, Office of the State Treasurer. There are two sections to this bill. These are technical changes only. The first technical change concerns the GPA requirement for continuing eligibility, not initial eligibility. This is a student's GPA in college for a student to continue to receive the scholarship, not the GPA coming out of high school. The way the legislation is currently written, a student must have a 2.60 GPA for the first year and a 2.75 GPA for every year thereafter. The challenge we have found is that it is confusing for students because they get to the next semester and say, Wait a second—

last semester it was 2.60; what do you mean it is 2.75 now? Clearly, there is a communication challenge as well. We are recommending the higher bar at 2.75, but we would defer to the Legislature. You can choose any GPA you want; we would just recommend it be consistent for all continuing eligibility purposes.

In addition, when you look at section 1, subsection 5, this concerns the "two strikes" rule. We submitted a document that explains that ([Exhibit F](#)). I will spare you the details because we are in support of a recommendation by the Treasurer's Office to eliminate that ([Exhibit G](#)). You will notice the bill was not flagged for a fiscal note; however, in subsequent conversations with the Treasurer's Office, we are all equally concerned there may be a fiscal impact here that we cannot adequately predict at this time. We are in support of the Treasurer's amendment that the revisions to section 1, subsection 5, be deleted so that the existing language would remain.

Miles Dickson, Chief of Staff, Office of the State Treasurer:

Thank you, Senator Denis, for your flexibility. I also want to thank our friends and partners at the Nevada System of Higher Education (NSHE) and this Committee for indulging us in a last-minute conversation about fiscal impact. What the Vice Chancellor referred to were potential changes to the two-strike model. As the Treasurer's Office and NSHE dug into this, we became increasingly concerned that we could not have an accurate accounting for what the financial impact of that would be. In general, that is a concern. It is of particular concern for the second half of the upcoming biennium. As you may know, the Governor Guinn Millennium Scholarship is barely eking by in terms of financial feasibility for the upcoming biennium. We think there is a little less than a \$1 million cushion. Not being able to estimate what the fiscal impact is means we could be creating a very unpleasant scenario for everyone—a hole in the budget. Senator Denis okayed the proposed amendment. Essentially, the amendment just leaves the two-strikes as it exists today. It makes no changes to it.

Chairman Thompson:

Are there any questions from the Committee? [There were none.] We will open for testimony in support of Senate Bill 453.

Carlos Fernandez, Policy Analyst, Government Affairs, Las Vegas Metro Chamber of Commerce:

We are in support of Senate Bill 453. This is something we have seen give more accessibility to our students and keep the talent in our NSHE institutions.

Chairman Thompson:

Is there anyone present who would like to testify in opposition to Senate Bill 453? [There was no one.] Is there anyone present who would like to testify as neutral to the bill? [There was no one.]

Senator Denis:

I am disappointed we could not fix the two-strike rule. That rule required that if you had a bad semester, you would lose the scholarship for a semester. We wanted to say that if a student had a bad semester, he or she could have one semester to improve; if he or she does not improve, the scholarship would be lost. I think the consistency of the 2.75 GPA will make it better for students.

Chairman Thompson:

We will close the hearing for Senate Bill 453. Is there anyone here for public comment?
[There was no one.]

There will not be a meeting next Tuesday because it is the last day for our bills to make it to the other house. We will reconvene a week from today.

The meeting is adjourned [at 3:48 p.m.].

RESPECTFULLY SUBMITTED:

RESPECTFULLY SUBMITTED:

Sharon McCallen
Recording Secretary

Joan Waldock
Transcribing Secretary

APPROVED BY:

Assemblyman Edgar Flores, Vice Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a document titled "Important Facts," dated March 14, 2019, presented by Matthew Walker, representing Clark County Association of School Administrators and Professional-technical Employees.

[Exhibit D](#) is a copy of a PowerPoint presentation titled "Nevada Promise Scholarship: Preliminary Evaluation Data," dated April 18, 2019, presented by E. Lee Bernick, Professor, Public Policy and Leadership, University of Nevada, Las Vegas.

[Exhibit E](#) is a research in brief titled "Nevada Promise Scholarship Program Year 1: Influencing College-Going Culture," authored by E. Lee Bernick, Professor, Public Policy and Leadership, University of Nevada, Las Vegas, and Katheryn C. Brekken, Assistant Research Professor, Public Policy and Leadership, University of Nevada, Las Vegas, presented by E. Lee Bernick, Professor, Public Policy and Leadership, University of Nevada, Las Vegas.

[Exhibit F](#) is a document titled "Proposed Revisions to the Millennium Scholarship 'Two Strikes' Provision," presented by Crystal Abba, Vice Chancellor, Academic and Student Affairs, Nevada System of Higher Education, regarding Senate Bill 453.

[Exhibit G](#) is a proposed amendment to Senate Bill 453 presented by Miles Dickson, Chief of Staff, Office of the State Treasurer.