

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Eightieth Session
April 29, 2019**

The Senate Committee on Education was called to order by Chair Moises Denis at 1:09 p.m. on Monday, April 29, 2019, in Room 2134 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E 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 Dallas Harris
Senator Marcia Washington
Senator Scott Hammond
Senator Ira Hansen
Senator Keith F. Pickard

GUEST LEGISLATORS PRESENT:

Assemblyman Edgar Flores, Assembly District No. 28
Assemblyman Tyrone Thompson, Assembly District No. 17

STAFF MEMBERS PRESENT:

Jen Sturm, Committee Policy Analyst
Risa Lang, Committee Counsel
Linda Hiller, Committee Secretary

OTHERS PRESENT:

Sarah Robbins
Chris Daly, Nevada State Education Association
J. Kyle Dalpe, Ph.D., Interim Executive Director of Legislative Affairs, Nevada
System of Higher Education
Mariana Kihuen, College of Southern Nevada

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Anthony Ruiz, Nevada State College
Kelly Venci Gonzalez, Team Chief, Education Advocacy Program, Legal Aid
Center of Southern Nevada
Omar Saucedo, AT&T Nevada
Bailey Bortolin, Esq., Statewide Advocacy, Outreach and Policy Director,
Nevada Coalition of Legal Service Providers
Will Jensen, Director, Office of Special Education, Department of Education
Reuben D'Silva
Mitch Roach, The American Legion, Department of Nevada
Tony Yarbrough, Veterans of Foreign Wars; Chairman, United Veterans
Legislative Council
Andy LePeilbet, The Military Order of the Purple Heart, Nevada
Kat Miller, Director, Department of Veterans Services
Michael Flores, Nevada System of Higher Education

CHAIR DENIS:

I will open the meeting of the Senate Committee on Education with a hearing on
Assembly Bill (A.B.) 461.

ASSEMBLY BILL 461 (1st Reprint): Makes changes to provide assistance to
homeless youth to access opportunities for post-secondary education.
(BDR 34-1089)

ASSEMBLYMAN TYRONE THOMPSON (Assembly District No. 17):

This bill is intended to help homeless high school students with a smooth
transition and pathway to higher education. These laws are rooted in the federal
College Cost Reduction and Access Act of 2007 which aims to solve a narrow
problem for homeless and unaccompanied youth pursuing a postsecondary
education. Assembly Bill 461 creates a Liaison position to assist these students
in making the transition to higher education.

Sarah Robbins, who testified before the Assembly Committee on Education on
February 21 about the challenges for homeless youth, is here by telephone
today. She is a go-getter and just finished her finals in Oregon.

SARAH ROBBINS:

I have never had much of a consistent home life, but there are two recurring
themes of my life story—I have always been homeless or at risk of
homelessness and education has always been my top priority in life.

I grew up in Pahrump, Nevada in an abusive single-parent family. My typical styles of abode included living in cars without any heat in the dead of winter, sleeping on the floor of a stranger's home or temporarily residing in a home of my own for a few weeks until my mom got evicted. In my short life, I have moved more than 25 times, and I am only 22.

School serves as an escape for me from my violently unstable home life. It is a place where I feel as if I have control and where I can thrive. An education is something that once received cannot be taken away. For many like myself, it is the only opportunity I will get to break the cycle of poverty and homelessness to which I belong. Over the years, I have not had the same access to education as my peers with homes. This is largely due to the numerous obstacles and barriers that homelessness presents.

In the middle of my senior year of high school, my home life had become an unbearable and dangerous place to live and I became homeless unexpectedly. I was at a crossroads in my life where I had to strongly consider dropping out of school to get a full-time job so I could afford some sort of shelter and have food to eat. It felt as if everything I had worked so hard to accomplish in high school would mean nothing. I had to choose between basic survival and continuing my education. It felt like my education was being taken away from me.

Linda Fitzgibbons, the Nye County School District homeless Liaison, caught wind of my situation and I was offered services from the McKinney-Vento Homeless Assistance Act of 1987. That program helped me find a place to live in Pahrump so I could finish my high school education. It also provided me with support services and academic supplies so I could focus entirely on school as most other kids my age were doing rather than worrying about being homeless. With the help of the McKinney-Vento program, not only was I able to graduate with an advanced high school diploma; I was able to attend college and earn two associate degrees.

I am currently working on three bachelor's degrees as a triple major in political science, public service and public policy, and justice studies. This has been an uphill battle, one that I have faced numerous times while being homeless in college, including this past month where I have been living in my car. In postsecondary education, there are no resources or points of contact on college campuses for homeless students like there are in the kindergarten through twelfth grade (K-12) level with the McKinney-Vento program.

The college arena is much different to navigate than high school, especially for first-generation college students who have likely never been exposed to the higher-education environment like most homeless students and myself. We are essentially left to fend for ourselves and we often slip through the margins without any hope for the future. There have been numerous times, including recently, where I have had to consider dropping out of college to pick up a second full-time job because there are no resources for people like me to overcome the roadblocks that prevent me from accessing college.

With the passage of A.B. 461, homeless college students like myself will have the opportunity to access college in a way similar to those who do not have to worry about where they will sleep or whether they will eat at night. Having a point of contact to help facilitate resources and to educate faculty and students on the issues homeless students face will alleviate the difficult navigation of the college system. By helping homeless students overcome the barriers and obstacles that homelessness presents in accessing higher education, we will have the opportunity to develop into phenomenal scholars who can and will change the world to make it a better place. We are the future neurosurgeons, innovators, business people, artists and perhaps even a future Senate member on this Committee. We just need a little support so we can have the opportunity to focus and work hard to achieve those futures.

I am here today to not only share my story of trying to earn an education while being homeless, but to advocate on behalf of the over 18,000 known homeless students that reside in Nevada and to plead for your support of homeless students like me so we do not become just another statistic. I have confidence that with the passage of this bill, Nevada can change the statistics and lead the Nation with the highest graduation rates among homeless students. You have the power to change the lives of young homeless students and to address and help fix one of the most prominent issues faced by homeless youth. I hope you give the highest consideration to this bill. Thank you for allowing me to share my story and allowing a platform where homeless students can be heard by the government that serves them.

ASSEMBLYMAN THOMPSON:

As you can tell, wow. She is very impressive and one of the many voices of our homeless youth who are succeeding in college and wanting to help others. There is one section of the bill that I want to discuss. I have been working with

the Nevada System of Higher Education (NSHE) and most of the college campuses in Nevada on what the Liaison position should cover.

Section 11.8 includes the description of the duties and focuses of that person. If there is a fiscal note listed on the bill, it will be removed. I spoke with the Department of Employment, Training and Rehabilitation (DETR), where the fiscal note was originally to be assigned, but it is now under NSHE. We also added the language, "To the extent that money is available".

It is possible that Nevada may not have applied for the College Cost Reduction and Access Act grant. Hopefully, this will be an opportunity to access some of those funds. They specifically state that one of the things they fund is the Liaison position. In section 11.8, subsection 1, paragraph (b) it states that the Liaison will develop a database to track, monitor and analyze trends in the rates of graduation and retention of homeless and unaccompanied pupils. The Liaison will also do an inventory needs analysis to assess how many students are out there seeking higher education. The Liaison will work closely with the McKinney-Vento program and secondary education partners.

McKinney-Vento has a homeless Liaison in every school district and one for the State. They help with financial aid issues since that is a complicated process. The Free Application for Federal Student Aid (FAFSA) is the big package to see if a student can go to college with some loans or grants. If you do not have a parent or guardian to sign it, there is an affidavit for a homeless student to sign it instead. Additional services include helping students with health care and getting into stable housing, making sure there is food available, etc.

SENATOR PICKARD:

Is there coordination with the schools? Many Nevada schools have on-campus housing which would certainly provide an opportunity for housing at least during the semesters and then maybe working with the universities during the downtimes. Is there contemplation that the institutions themselves will take on some of that burden? I know that is not specifically what you are looking at, but it seems to be a point of connection that is not explored. Is there an opportunity to do that here?

ASSEMBLYMAN THOMPSON:

This would be a role of the Liaison. We know that college is not free, so that is why I talked about the FAFSA. I would let the colleges speak to the idea of

room and board but I do not see them waiving housing for the students. When we get the Liaison on board, I am sure there are myriad opportunities and grants that could supplement the housing for the students.

SENATOR WASHINGTON:

In section 11.6, subsection 1 it says, "Employ such staff as is necessary to carry out his or her duties". How many staff are we talking about? Will that come out of grant money or work funding?

ASSEMBLYMAN THOMPSON:

It would come from the grant or any other dollars that NSHE and the campus partners could come up with. This is really a clean slate. We have the opportunity to create this by starting with the Liaison. What is important about the Liaison position is that once we can do the inventory and determine how many students we will be working with, then we can determine if there is additional staff needed. Also, the Liaison will need some travel dollars to attend to all the NSHE campuses across the State.

SENATOR HAMMOND:

I see the value in this bill. The way I envision it is that there would be a staff member at each campus, but what you are asking for to start off with is just one Liaison. I had my bouts with homelessness growing up, so I understand that the hardest thing is navigating the college life and knowing what is available. I also saw that as a teacher when students came to me, and we would have long conversations about what to do when they get to campus and about financial aid, etc. I soon realized that many students have no idea how to navigate the whole college system. That is the critical part. If this is going to work you need to have somebody on campus who knows who that student is to be of help. Of course, that takes money and you said there is not a fiscal note, but for this to work, you have to have a full-time employee on every campus. Where is that going to come from? You have answered part of that with the grants and such.

When do we know who these students are? Do they have to be identified in high school? How do you distinguish someone who is in college, too far away from home and does not want to be around their parents and now they are living in a car? How can you figure out who are the real students in need?

ASSEMBLYMAN THOMPSON:

In the schools all through K-12, we have McKinney-Vento coordinators who work with the counselors. What is great about this opportunity is that we are at a starting point. We do not have a federal mandate, so we can build it to our liking as a State. I can envision us replicating how we do McKinney-Vento, because that program has one Statewide coordinator who works with other McKinney-Vento representatives in schools or the school counselors.

I understand what you are saying about having someone on every college and university campus. If we start with a Statewide Liaison, we could coordinate with the office of student life on each campus, for example. It would then be incumbent on the Liaison to work and train with every college. We do have the spirit of collaboration from the colleges. There is a certain affidavit around homelessness that students fill out. It has a certain criteria to qualify each student as homeless.

Ms. ROBBINS:

When I was in high school, at the beginning of every school year there was a questionnaire that parents filled out, or in my case, I filled out, because I did not have parental support. It asked me what my living situation was along with some other questions regarding the resources I had available. I answered that I was living without a place to live, away from my parents. That is how I got in touch with Linda Fitzgibbons and the McKinney-Vento program in the Nye County School District. From there, I was able to get more resources from McKinney-Vento to continue my high school education.

In college it is a little bit different. I have gone to a few different colleges and occasionally, one or two of the colleges has had a questionnaire for students to fill out, but it never asked about residency status or if we had a place to live; rather, it was more about demographics. It would be helpful if the colleges added a question to identify whether or not a student is homeless by asking where the last place was that the student slept or if they are sharing a room with a friend or sleeping in their car or in a park. That would be a crucial form to have the students fill out as they register for classes. That information could go to the homeless Liaison for the campus or the State.

I have been fortunate with the Nye County homeless Liaison, Linda Fitzgibbons, who I am still in contact with as a college student. She has been phenomenal in helping me get the resources I need. There have been numerous obstacles in

college where I could not get the financial aid I need, but Linda was able to contact all the colleges I went to and work with them to educate them on homeless policy and help them understand what resources I needed to access higher education. Having a Liaison on campus would eliminate our high school Liaison from having to do that as Linda has done for me. There is a big need for that at the college level.

SENATOR HAMMOND:

You and I went through similar things. I loved it when I got into college, because I finally had a place and I felt like I was taking control of my own life. The natural fit for those of us who have gone through this is in making sure we have a place to be. Maybe it is in a college dorm. It seems like that should be the first thing we address—how we can stabilize the lives of homeless students by ensuring they have a place to stay. That should be on a form somewhere, asking if a potential student has something in their background that will interfere with their ability to have success in college. Then if funds are available, we can help with those issues like room and board.

MS. ROBBINS:

I am a community college graduate, and for many of those campuses there are no dorms available. That is where I faced my biggest obstacle in attending school while homeless. Having a homeless Liaison on campus would help us find resources in the communities where we attend school. I can especially see the benefit of having the Liaison on the campus of a community college or any school with no dorms or housing available.

SENATOR HAMMOND:

Yes, and we also want to ensure that the resources go to those who really need them. I do not want to give money to someone just because they are struggling one semester.

ASSEMBLYMAN THOMPSON:

Five to ten years ago, I was a regional homeless coordinator in Las Vegas and one of the definitions of homelessness with the U.S. Department of Housing and Urban Development (HUD) was "residing in a place not meant for human habitation." We see this with the homeless youth who stay in a car or take up couch surfing and move from house to house for periods of time.

The Liaison could also search for host homes, like in international exchange programs where people in the community could host some of the homeless college students until they are stable. There are creative ways to create the opportunity for stability for these homeless students.

CHAIR DENIS:

Having a stable place to stay is such an important piece of education. I will take testimony in support of A.B. 461.

CHRIS DALY (Nevada State Education Association):

We support A.B. 461 as we did in the Assembly Committee on Government Affairs. Many, if not most, of our educators engage with homeless students day to day. I believe that more than three percent of Nevada students are homeless, which means that on average there could be one homeless student in every class. Educators are able to provide supports to these students in different ways, but we know that after high school these students move on. This bill addresses that issue.

J. KYLE DALPE, PH.D. (Interim Executive Director of Legislative Affairs, Nevada System of Higher Education):

We support A.B. 461 as we did on the Assembly side. We see this student population quite a bit on our campuses. As we look for federal funding to support some of these initiatives, we are one of the states that leaves some federal funding on the table. This bill could be another initiative that can push for some of those funds to come and address this situation.

MARIANA KIHUEN (College of Southern Nevada):

The College of Southern Nevada (CSN) supports A.B. 461 to allow homeless youth more access to postsecondary education. The CSN would greatly benefit from working with a Liaison for Post-Secondary Education for Homeless Pupils, as established in the bill and who would work within NSHE.

Such a Liaison would be able to accurately help us capture the number of homeless students enrolled in our campuses and track their individual success. Currently, our efforts are not coordinated, but a Liaison would help us offer a more holistic solution to the homeless problem among students.

Although there are a lot of details pending on how this bill would work, we agree with the concept and principle of this bill and hope it receives the proper funding to be effective.

ANTHONY RUIZ (Nevada State College):

In January, Nevada State College (NSC) launched a homelessness/foster care subcommittee on campus. It was focused on bolstering support for NSC students who are at risk of homelessness or who are current and former foster youth. Resources for these programs are limited now, but we hope to work more closely with the rest of the NSHE institutions. We support A.B. 461.

SENATOR WOODHOUSE:

Presently, with your counselors on staff at the institutions of higher education, is there outreach to homeless students? If this bill passes, that Liaison position could help a great deal. We talk a lot about wraparound services in K-12 schools, but these college students need those services as well. Is there anything in your institutions now that can help these students?

MR. DALPE:

There are many solutions on campuses that deal with all students. It can be an internal food bank and all students have access to social services options in the school's area. I am fairly certain that all seven NSHE institutions have some mechanism in place. I know the community colleges do for sure. Housing would be an outside social service referral to an agency or advisory capacity.

MS. KIHUEN:

The counselors provide general information regarding community services. We work with the Clark County School District (CCSD) and the Three Square Food Bank in Las Vegas. We have several efforts throughout CSN in different departments, but there is not a coordinated effort and there is not a specific Liaison. Just providing services and information with no follow-up is not going to be effective, so A.B. 461 would be a great help.

MR. RUIZ:

We do not have a dedicated person at NSC, but we have a dedicated team. Right now, any student can come to our student success center where we have a team of people who will help them put together a short-term care plan that would include bus passes, food pantry, free mental health therapy and more. It is not particularly well funded at the moment, and we hope to work on that and

maybe access some more federal dollars. We refer a lot to community partners, but many of the resources are far from campus. We do not yet have housing on campus, although we are breaking ground this year on housing.

SENATOR PICKARD:

If we are trying to solve homelessness, homes are the best answer. So where we have institutions with housing, it makes sense to start in high school and encourage these kids to go to a university where housing is available, especially if there is a team on site that works with homeless youth. I am surprised we do not have something like this already. When I went to school almost 40 years ago, one of my roommates was homeless and had been placed in the housing at Oregon State University because he had no other option. The university provided that.

MR. DALPE:

The University of Nevada, Las Vegas (UNLV) has a housing option similar to what you are talking about. It covers not only the semester, but it spans in-between semesters when students usually have to leave their dorm rooms.

SENATOR PICKARD:

That is fantastic. I do not know if we need to write it into A.B. 461, but I would love to see us expand the UNLV program to every NSHE institution to at least have local options nearby for these students. This is a small investment in the success of homeless youth and it should start with the home.

KELLY VENCI GONZALEZ (Team Chief, Education Advocacy Program, Legal Aid Center of Southern Nevada):

We support A.B. 461. We work with kids in foster care and homeless children. Providing additional supports for kids once they reach secondary or higher education makes them more likely to graduate.

OMAR SAUCEDO (AT&T Nevada):

At AT&T Nevada, we are launching national campaigns in multiple cities to address issues that those cities identify for homeless youth populations. The issue we identified in Las Vegas applies to homeless youth. Our launch will be coming in June as a partnership between us, the Legal Aid Center of Southern Nevada (LACSN), the City of Las Vegas Courtyard facility and Help of Southern Nevada (HSN).

As we talked to HSN and some of the students they identified, one of the issues they spoke of is that they do not believe they will be successful adults as they transition from homeless youth to homeless adults.

We understand this Liaison position may be funded as monies are available, but we want to start talking about the campaign we are going to be having in southern Nevada. We will be engaging you there to help us along the way. We support A.B. 461.

CHAIR DENIS:

I will hear testimony in opposition or neutral now. Seeing none, I have a question for Assemblyman Thompson. There has to be some cost associated with this bill, can you speak to the amendments you did on the Assembly side?

ASSEMBLYMAN THOMPSON:

We did not want to have a fiscal note to this so we made it "as funds are available." Doing what this bill does is not a federal requirement, but the College Cost Reduction and Access Act of 2007 has been around for more than 12 years and it seems like we have not accessed those available federal dollars. Hopefully, they are just waiting for us and we can move forward. There is still no fiscal note.

SENATOR WOODHOUSE:

The Department of Employment, Training and Rehabilitation initially had fiscal notes for this. Did the amendments take those off?

ASSEMBLYMAN THOMPSON:

Yes, that is in progress right now. In the initial drafting of A.B. 461, section 11.5 had DETR as the location where this would be housed. That is where the fiscal note came from. We have now moved it to NSHE. Currently, DETR has declared no fiscal note ([Exhibit C](#)).

I need to thank Sarah Robbins for calling in and testifying. We have to be careful of stigma in this process. It needs to be incumbent on the Liaison to ensure that they are not separating homeless students out so the students in this program are stigmatized or spotlighted. We want the process to flow within all the different subpopulations in higher education. Just by having housing does not resolve everything for that homeless student. There are other supports needed. The last thing we want to see is for the homeless youth to become

homeless adults. This is a small investment now to make these individuals successful so they do not get into the social, emotional and legal issues that homeless adults face.

CHAIR DENIS:

I will close the hearing on A.B. 461 and open A.B. 258.

ASSEMBLY BILL 258 (1st Reprint): Makes changes relating to the provision of special education in public schools. (BDR 34-760)

ASSEMBLYMAN THOMPSON:

Assembly Bill 258 is intended to help children with disabilities and their families gain access to accommodations in the classroom. These laws are rooted in the federal Individuals with Disabilities Education Act. This bill aims to solve a problem for some families trying to get special education services for their children through a sometimes complicated process.

The struggle begins early in a child's academic career. Signs have to be noticed that the child may have a disability, and then an assessment has to occur. The school district will prepare an assessment plan and secure the parents' consent to conduct the assessment. From the time of consent, the school district has 45 days to complete the assessment. Around two months after the child's problem was identified, the school will be ready to meet with the parents to discuss a solution.

In the narrow set of cases we are focusing on here, there is typically an inability for the family and the school to agree on what the root of the problem is and what educational services should be offered. The family is told that if they disagree with the school's assessment they can request a second opinion, an Independent Educational Evaluation. However, by taking that option, the assessment process starts over again, taking another 45 days.

After this process has gone on for more than three months with the family and school still not able to agree on how to appropriately meet the needs of the child, the family may learn there is something called a due process complaint. The family is now at least 100 days into the process, having been unable to secure the educational accommodations their child needs.

After doing some research and possibly securing legal counsel, the family files a complaint on behalf of their student. The day the parents file their complaint begins a new 30-day window during which the school district must meet with the parents to try to resolve the complaint through negotiation or mediation. If that process is unsuccessful after 30 days, the due process hearing can proceed. After another 45 days, a final decision must have been reached and distributed to the parties, assuming the parties did not separately reach a resolution agreement. This is now approximately 175 days after the child's problem was first noticed. A school year is 180 days. At this point, a hearing officer will finally have ruled on legally appropriate services for the child.

Assembly Bill 258 is for those families whose challenges do not end there. Sometimes even after a settlement or a ruling, the decision or settlement agreement is not complied with. After a year spent advocating for their child, those exhausted parents are given a judge's decision telling them they are right. However, the only way to enforce that decision is to file a new case in district court for contract enforcement. At this point, most parents give up. That burden should not be happening. While this bill does not remove that option, it creates another avenue without the delays and costs associated with initiating a new lawsuit. This bill will allow the Department of Education (NDE) to clear oversight to examine the school's compliance with the settlement or hearing officer's ruling.

BAILEY BORTOLIN, ESQ. (Statewide Advocacy, Outreach and Policy Director, Nevada Coalition of Legal Service Providers):

The meat of this short bill is in section 1. It allows a family with an agreement that is not being complied with to file a State complaint with NDE. This is an existing process. We are just clarifying that this process can be used in these instances to avoid litigation.

Sometimes, in cases like this there may just be a misunderstanding. This is such a niche area of the law that when our current laws and processes end for the parents, it can be hard to have anywhere to go to get compliance. While sometimes appropriate if there is a true problem, starting over in district court is not always necessary but it is the only remedy here. We have had parents who feel it is a burden they cannot take on, so they instead contemplate moving to a new school district. This bill offers a solution for those situations.

WILL JENSEN (Director, Office of Special Education, Department of Education):

We have a small amendment left over from the last Legislative Session where you passed A.B. No. 64 of the 79th Session, which revamped the graduation requirements for students with disabilities creating the alternative diploma. After that was created, A.B. No. 7 of the 79th Session went through, removing high stakes testing requirements for students to graduate high school. That little piece of language still exists in statute. So, the way we are set up right now, without this amendment, students with the most significant cognitive disabilities have the most rigorous graduation requirements. They are the only ones who need to take and pass a test to graduate. Our amendment in section 4.5, subsection 4, paragraph (b), subparagraph (2) changes "Passes" to "Participates in" which is in line with all the other diplomas we issue.

MS. GONZALEZ:

My job at LACSN is to work with families who are concerned their child's right to a free and appropriate public education is not being adhered to by their school district. As Assemblyman Thompson described, it takes a lot of time for parents to go through the process and get the services they need for their children. There were approximately 100 due process complaints filed in Clark County last year. Many of those litigants represented themselves and filed their own paperwork. The CCSD Office of Compliance and Monitoring that handles those cases are wonderful and very child-focused. Oftentimes, with the due process complaints we file, we are able to resolve them without going to a hearing. We meet together and draft a resolution agreement which terminates the due process complaints. Most parents are happy when they come out of that process, partly because the Office of Compliance and Monitoring is so child-focused in seeing these kids get what they need.

The issue is that it then goes back to the school for the actual implementation. Sometimes, there is no follow up on what is promised for the child. When I counsel parents and tell them the next step is to enforce it as a contract action in State court, it is overwhelming and too much for many parents. One family decided not to continue, even though it was clear that a piece of equipment was not supplied for their child after the district said it would be provided. They were done. Assembly Bill 258 will provide another remedy and tool for parents who do not want to go to State court to resolve their matters with the school district.

SENATOR HAMMOND:

I think the first part of the bill is great. We want to resolve problems without having to go to litigation. Sometimes these things are just miscommunications between parents and staff. It says that there is power and authority behind these decisions and that certain things can be meted out. I know that involves charter schools as well as public schools. It seems like the bill is open-ended as far as how the school will be punished. In the regular bill, it was very specific about how to keep the schools compliant. Charter schools sometimes do not have the personnel to ensure compliance.

Regarding the aforementioned amendment from "Passes" to "Participates in" within section 4.5, subsection 4, paragraph (b), subparagraph (2), should we make it less open-ended by adding "and completes", making it "Participates in and completes"? Does that make sense?

MR. JENSEN:

I think participation is sufficient. There are various levels of completion, especially for this exam. It stops and picks up at varying points, depending on student responses.

SENATOR HAMMOND:

We are only talking about exams. When I read it for the first time, it seemed like an assessment could have been a multitude of other things. That is why I thought we should have "and completes".

MR. JENSEN:

This applies only to the Nevada Alternative Assessment, which is what these particular students are taking.

SENATOR PICKARD:

My question is for our Legal Counsel. Something in the back of my head says that the NDE cannot restrict funds flowing to recipients unless there is statutory language allowing it. Does the NDE have the authority to withhold these funds if they believe the local governing body is not in compliance?

RISA LANG (Committee Counsel):

I am not aware of anything that would prohibit them from doing that, but I am happy to look at that again.

SENATOR PICKARD:

There is just something in the back of my head, maybe a Supreme Court case or something, saying that if funds were directed from the federal level for a specific purpose, then state agencies could not withhold those funds.

SENATOR HARRIS:

Why is this extra step necessary? We have an option in section 1 of the bill where if there is a "decision of a hearing officer or a settlement agreement resulting from a due process hearing" and the school is not complying, then the parent has to file a petition. In section 1, subsection 3, it outlines some measures the NDE can take once they find that the school has not complied.

Why are these last steps I just mentioned not taken as soon as the settlement or decision of a hearing officer is put forward? We could avoid having to file a petition or go to court if the enforcement is done on the front end, once the decision has been made, instead of having to make another finding and then equip the NDE with the tools to enforce it. Any thoughts?

MS. BORTOLIN:

The NDE is getting the oversight in A.B. 258, and I do not think they have access to those records until a parent brings it to their attention, because it is happening at the school district level. The case that Assemblyman Thompson outlined, where the resolution is being reached is happening specifically between the school district and the parent. For the NDE to gain access, the parent would have to bring that to their attention, because they are not yet a party to what has been going on.

MR. JENSEN:

Once the settlement agreement is entered into, it terminates the due process proceeding. The State involvement is withdrawn in favor of that collaborative meeting and settlement. On a limited basis, sometimes word of the settlement agreement does not get to the school level. When an agreed-upon service is requested, someone might say to a parent that they do not know anything about it. This gives an opportunity to open that agreement without having to go to court. We would do so under the guise of the State complaint process, which is codified and regulated, giving us the legal covering for any sanctions. We would work back in through that. If two people agree to something and sign a document, and if one element is missing, it is easy for me to help encourage the

district to provide that as soon as possible. If the service should have been provided earlier, we can order some compensatory service to bridge that gap.

SENATOR HARRIS:

What is the feasibility of NDE monitoring all these settlements and ensuring they are being followed through?

MR. JENSEN:

It would be impossible because many of these agreements are held with confidentiality clauses or nondisclosure agreements.

CHAIR DENIS:

I will take testimony in support of A.B. 258. Seeing none, I will take those in opposition or neutral. Seeing none, I will close the hearing on A.B. 258 and open the hearing on A.B. 427.

ASSEMBLY BILL 427 (1st Reprint): Revises provisions governing the tuition charges, registration and other fees assessed against certain students within the Nevada System of Higher Education. (BDR 34-894)

ASSEMBLYMAN EDGAR FLORES (Assembly District No. 28):

Assembly Bill 427 benefits individuals who have been awarded a Purple Heart in the military. The idea was brought to me by Reuben D'Silva, a teacher at Rancho High School in Las Vegas. The Purple Heart is awarded to any member of the armed forces or any civilian national of the United States who, while serving with the U.S. Armed Services, has been wounded or killed. These women and men deserve everything we have to offer them as a State.

Reuben D'Silva is a veteran of the Iraq War who was wounded while serving there. He said he wants us to do more for Purple Heart recipients, specifically when they come back home. How are we helping these individuals have a pathway to success? This is how A.B. 427 came to be. I am offering a slight amendment.

The intent of the bill is if someone has been awarded the Purple Heart and wants to go to school at any NSHE institution, the education will be free. We want to ensure that the person first exhausts all federal benefits including the GI Bill.

When A.B. 427 was presented before the Assembly Committee on Education, I discussed the conceptual amendment, but it did not translate how I intended. In section 1, subsection 2, paragraph (a) there is a waiver of fees. It states, "If the student is entitled to receive any federal veterans' educational benefits" and I want to put a comma there and insert "and any other federal benefits." This way our NSHE institutions would waive any laboratory fees or other mandated fees assessed against the student that would remain unpaid for his or her account.

Currently, this bill will benefit an estimated 186 students. We think the actual number will likely be smaller, based on some of the adjustments done prior to the language in this first reprint bill. We are sending a powerful and strong message that we are a Purple Heart state.

I want to apologize to NSHE, CSN, UNLV and the University of Nevada, Reno, because when we originally looked at this language it was permissive. It was a "may" and I wanted it as a "shall." So, they never prepared a fiscal note on the Assembly side because they presumed it was permissive. After they reviewed the new language, NSHE will be testifying in neutral, not because they do not agree with the language, but because they are not sure what the fiscal note will be. I wanted to put that on the record.

REUBEN D'SILVA:

This is a huge deal for veterans, especially those of us who are combat wounded and who oftentimes face a set of unique and difficult challenges when it comes to obtaining our education. Most veterans who have the GI Bill will testify that it covers tuition and a few tangential aspects of our college costs. What A.B. 427 intends to do is make higher education truly free for combat-wounded veterans by covering all the so-called "gap tuition issues" from the application process through to all the costs associated with graduation.

I know the Veterans of Foreign Wars and the Military Order of the Purple Heart have looked into how many people this bill will affect. Like Assemblyman Flores said, the number is estimated to be around 186 which is the number of combat-wounded veterans currently in any of the Nevada schools of higher education. If we implement this bill, it would make Nevada one of the most friendly, if not the most friendly, states towards veterans who are combat-wounded.

ASSEMBLYMAN FLORES:

We understand the traditional four-year institution is not what everybody always wants to pursue. We wanted to make it abundantly clear that this is not just for traditional school, so in section 1, subsection 3, it says "including, without limitation, a trade or vocational program, a graduate program or a professional program." When our veterans come back to civilian life, sometimes they have family waiting for them so the traditional four-year route will not be the best for that veteran. We wanted to make sure we captured an option where they can live a fulfilling life and have an amazing trade, but that they do not have to devote themselves to the traditional four-year route in college.

SENATOR PICKARD:

I agree we should do what we can to support veterans. This does not appear to be means-tested. Does that mean it is available to everyone, whether or not they could afford those expenses?

ASSEMBLYMAN FLORES:

Yes. Not only is it not means-tested, we wanted to ensure we capture students who may be struggling in school, making it clear that it is our intent to have those wraparound services around these students. We want to make sure we are sending a strong message and that we are helping these combat-wounded veterans succeed to the best of their ability with the circumstances they have been given.

SENATOR PICKARD:

There has been so much discussion in education generally to make sure we are supporting those in need as opposed to those who are not in need, particularly on the K-12 side. I do not want to suggest that we do not want to give our thanks to those who served. I am just trying to reconcile certain logical paths.

SENATOR HAMMOND:

In the waivers you mentioned in section 1, subsection 3 covering the cost of "trade or vocational program, a graduate program or a professional program," I understand the GI Bill or other cost-savings that somebody might receive from the federal government might cover the cost of tuition. However, does it cover the cost of the aforementioned programs in section 1, subsection 3? Would the State end up picking up those costs? I understand the way the program is proposed, whatever the veteran can cover with their GI Bill and other federal

monies, we would cover the rest. How much do they normally cover for one of those programs listed in section 1, subsection 3?

ASSEMBLYMAN FLORES:

Schools that are certified are able to receive federal funds. However, we have had a lot of predatory schools that utilized private trades or schools to try and get some of those federal dollars. Then the veteran is left without a degree or certificate and those institutions sometimes lose their certification. I know the veteran community is aware of this issue. The U.S. Department of Education goes through certification to receive federal money, so those schools that can receive federal money will continue to be able to do so. If they are not able to receive the GI Bill right now, then this bill would not capture them. If they are later added to the list, they would be captured. Even at CSN, they have a trade program where the GI Bill could be captured. We have had instances in the past where our veterans were taken advantage of. There was actually a school going to hospitals to enroll students, which is horrible if you can imagine that.

SENATOR HAMMOND:

The fiscal note will tell us more about the 186 people who are eligible and how much that might entail. It does not seem like a very large amount of money because most of it is covered.

CHAIR DENIS:

In the conceptual amendment you want to put into A.B. 427, what other kinds of federal help are you anticipating? Would it be through FAFSA or a Pell Grant?

ASSEMBLYMAN FLORES:

Yes, those are the two big federal sources I was thinking of.

CHAIR DENIS:

So this would be more of a "second-dollar, last-dollar" type of structure?

ASSEMBLYMAN FLORES:

Correct. The other reason we want this bill is because NSHE will benefit. Because of the last-dollar offering, a bill like this will likely attract Purple Heart veterans from other states. That federal money will now be utilized here in our schools and we are also sending a welcoming message to other Purple Heart veterans. That is also why we have the language in section 1, subsection 4 where it states, "such a student shall be deemed to be a bona fide resident of

this State". What we do not want is for Purple Heart veterans to come to Nevada and then have to wait before they are deemed a bona fide resident for purposes of getting this benefit. As soon as they move to Nevada, we want them to immediately be a bona fide resident.

CHAIR DENIS:

I will take testimony in support of A.B. 427.

MITCH ROACH (The American Legion, Department of Nevada):
We support A.B. 427.

TONY YARBROUGH (Veterans of Foreign Wars; Chairman, United Veterans Legislative Council):
We support A.B. 427 and would love to see it pass.

ANDY LEPEILBET (The Military Order of the Purple Heart, Nevada):
There are only about two percent of Purple Heart recipients in our State. If you consider that the older recipients would be less likely to want to get a college degree, the remaining number of potential applicants for the opportunity offered in A.B. 427 is very small.

We heard the number 186 which was evaluated by NSHE and the Department of Veterans Services. The number is likely smaller than 186 since we amended the bill to say the applicant must exhaust all federal funds first. Because of that amendment, we do not know what the exact number will be, but it will be a lot lower than 186. Even though this a very tiny number in terms of our Statewide higher-education student body, it will recognize those veterans who left their blood or limbs on a battlefield for our Country.

I went to Truckee Meadows Community College (TMCC) when we were analyzing the bill and I learned that TMCC has approximately 700 veterans, only 15 of which are Purple Heart recipients. We support A.B. 427.

CHAIR DENIS:

I will take testimony in opposition or in neutral on A.B. 427.

KAT MILLER (Director, Department of Veterans Services):

The estimate of 186 did include the likely target population, so it would not necessarily be your grandfather going to college, although they might take

advantage of it. We considered that population of 186 as who might take advantage of the offer.

All of those college students may not necessarily go to NSHE schools, so for that reason the number may be overstated. It is a hard number to get at because we do not know how many people might be attracted to come to Nevada. With that, we get more revenue for NSHE with the federal funds that come from the GI Bill.

MICHAEL FLORES (Nevada System of Higher Education):

We were in support of A.B. 427 in the Assembly, but because of the change from "may" to "shall," we are neutral today. We are going to work on a fiscal note. We agree that the number of participants will be small and we know this is the right thing to do for our veterans and our Purple Heart recipients.

MR. RUIZ:

We supported A.B. 427 in the Assembly and we are waiting for the fiscal impact, so we are neutral at the moment. We are in strong support for our veterans and Purple Heart community.

MS. KIHUEN:

I echo what Mr. Flores and Mr. Ruiz just said. We supported A.B. 427 in the Assembly and we support the concept of this bill. However, until there is a fiscal note, we are neutral.

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CHAIR DENIS:

I will close the hearing on A.B. 427 and open public comment. Seeing none, I adjourn the meeting of the Senate Committee on Education at 2:39 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	1		Agenda
	B	5		Attendance Roster
A.B. 461	C	1	Assemblyman Tyrone Thompson	Fiscal Note