

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Eightieth Session
February 20, 2019**

The Senate Committee on Education was called to order by Chair Moises Denis at 1:31 p.m. on Wednesday, February 20, 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 Marilyn Dondero Loop
Senator Dallas Harris
Senator Scott Hammond
Senator Ira Hansen
Senator Keith F. Pickard

GUEST LEGISLATORS PRESENT:

Assemblyman Tyrone Thompson, Assembly District No. 17
Assemblywoman Brittney Miller, Assembly District No. 5
Assemblywoman Jill Tolles, Assembly District No. 25

STAFF MEMBERS PRESENT:

Jen Sturm, Policy Analyst
Asher Killian, Committee Counsel
Steven Jamieson, Committee Secretary

OTHERS PRESENT:

Thom Reilly, D.P.A., Chancellor, Nevada System of Higher Education
Crystal Abba, Vice Chancellor for Academic and Student Affairs, Nevada
System of Higher Education
David Dazlich, Las Vegas Metro Chamber of Commerce

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Mary Pierczynski, Nevada Association of School Superintendents; Nevada Association of School Administrators
Brenda Pearson, Director of Professional Learning, Clark County Education Association
Tom McCoy, American Cancer Society Cancer Action Network
Cari Herington, Executive Director, Nevada Cancer Coalition
Chris Ferrari, Consumer Healthcare Products Association
Paige Barnes, Nevada Association of School Boards
Melissa Davies, Nevada Cancer Coalition
Joelle Gutman, Washoe County Health District
Connor Cain, Comprehensive Cancer Centers of Nevada
Mari Nakashima, Nevada State Medical Association
Sarah Nick, Management Analyst, Office of the Superintendent, Nevada Department of Education
Denise Tanata, Executive Director, Children's Advocacy Alliance Nevada
Bailey Bortolin, Washoe Legal Services; Legal Aid Center of Southern Nevada
Ryan Black, Office of Administrative Services, City of Las Vegas
Mike Cathcart, Business Operations Manager, City of Henderson
Brad Keating, Clark County School District
Michael Flores, Nevada System of Higher Education
Anthony Ruiz, Nevada State College
Mariana Kihuen, College of Southern Nevada
Steven Conger, Power2Parent

CHAIR DENIS:

We will begin by hearing a presentation from Dr. Thom Reilly, the Chancellor of the Nevada System of Higher Education (NSHE).

THOM REILLY, D.P.A. (Chancellor, Nevada System of Higher Education):

I will now present an overview of the NSHE. I have submitted a copy of my presentation to the Committee ([Exhibit C](#)).

Page 2 outlines our 8 institutions across the State. We have a research institute, 2 research universities, a state college and 4 community colleges.

Page 3 shows the governing structure of NSHE and our 8 presidents. We are proud that half of our presidents are female and half are from an ethnic minority group. This represents the populations we serve.

Page 4 highlights our enrollment. We have about 108,000 students Statewide. We have a majority female student population. Half of our students are part-time, which creates challenges around the issues of persistence and graduation.

Page 5 indicates that we are a majority-minority system, and have been since 2014. Page 6 illustrates a disparity between the majority-minority population and awards, which are conferred mostly to Caucasian students. Our Board of Regents is focused on addressing that disparity. We are making some progress, but can still improve.

Page 7 explains 5 strategic goals for NSHE, adopted by the Board. These reflect what we felt was most important in "moving the needle" in higher education.

The first goal is centered on the issue of access. How do we increase access to higher education? We rank 49th in the percent of 18 to 24 year-olds who are engaged in any type of higher education.

Second, we are focused on the issue of success in graduation. We are holding our institution presidents accountable. We are improving graduation rates. That is the business we are in.

Third, we were very concerned with the disparity in the equity gap. This is particularly seen when we look at our African American and Latino students, as well as those who receive the federal Pell Grant. We wanted to identify a specific goal or focus with which to close the achievement gap.

Fourth, workforce is central; we need to respond to incoming industries and the economy. Our universities need to help look at the future of the type of employers we need in this State.

The fifth goal is focused on the area of research. We are proud to claim two R1 level research institutions, as designated by the Carnegie Classification of Institutions. When I started, we were one of three states without an R1, now we have two. We are the only state that had two institutions become part of the R1 designation. Our research is about how we solve problems. We need to do a better job of talking about how we actually solve problems in the community. That is why we do research.

Page 8 is an overview of our funding formula. We have a General Fund distribution for instruction, driven by the actual credit hours completed. The reimbursement rate is the same for all seven degree granting institutions. This funding is based on actual fiscal year (FY) 2018 weighted student credit hours, not future projections. Periodic adjustments are recommended by the NSHE. In 2017, the Legislature increased funding for Career and Technical Education (CTE) courses at community colleges.

If requested, we can provide a white paper which tracks funding since 2013. It is interesting to see the intent in 2013 and how it has played out by institution.

We were asked by former Governor Brian Sandoval to make a \$120 million enhancement request, reflected in page 9. A portion of that dealt with formula caseload growth or adjustments, which was included in the Governor's final budgetary recommendation.

The second piece dealt with building capacity. These are institution specific initiatives. The initiatives for the research universities focus on research; the community and State college initiatives focus on workforce development. The request is over a five-year period, as requested by former Governor Sandoval.

Year 1 of the capacity building was last biennium, years 2 and 3 are this biennium, and years 4 and 5 will be the following biennium.

We had a request in the original budget for funding for a summer school pilot program around the issue of workforce development and science, technology, engineering and mathematics (STEM). The Legislature funds nursing in summer school, but we do not receive funding for other areas. That request did not make it into the current Governor's recommendation, but we are still hopeful that the request can be given some consideration. We see this issue as centrally tied to the issue of graduation. We wanted the pilot to demonstrate that we could actually improve graduation rates. Another portion that did not make it into the Governor's budget was for new Performance Pool funding.

The University of Nevada, Las Vegas (UNLV), School of Medicine ramp-up was included in the Governor's recommendation for about \$14 million. This is the second portion of the Legislature's commitment to ramp-up our UNLV Medical School. We had funding for 60 students per year in the last biennium. This

request is for the money needed to support a total enrollment of 240 students by FY 2021.

Page 11 addresses an item that was added to our budget. The 2017 Legislature funded a prison education pilot program at the College of Southern Nevada (CSN). As requested by the Governor, additional funding included in our enhancement will extend the program to Western Nevada College (WNC) and Truckee Meadows Community College (TMCC).

Page 12 addresses our State supported financial aid programs. These do not specifically appear in our budget, but they do impact our students. In addition to others, the Nevada Promise Scholarship, created during the 2017 Legislative Session, has led to an increase in the number of students who go on to higher education, which is very impressive.

Our highest priority capital improvement projects, included on page 13, were included in our budget. The costs of the projects are primarily funded by the Legislature, with a certain amount pledged by the institution proposing the project.

On page 14, you can see that the Board of Regents held a Student Success Summit on January 17, 2019. This meeting demonstrated the Board's commitment to focus on graduation rates and student success.

I have asked the Board to spend significant, quality time on our goals. I want us to talk specifically about what the metrics are and ensure we have ways to measure what progress is actually being made. At that Summit, we looked at what successful strategies each of our institutions has implemented toward increasing graduation rates. We also looked at national "best practices" in a panel which included representatives from Complete College America, Broward College, Georgia State University and the American Association of State Colleges and Universities. These universities have demonstrated an ability to really "move the needle" on graduation rates.

The Board adopted specific 2025 graduation goals, seen on page 15. The national averages are based on 150 percent of the normal time it takes to complete a 4-year program and 150 percent of the normal time to complete a 2-year program. The national average is about 58 percent for a 6-year graduation rate. We saw where each institution has been, and we asked each

institution to develop a strategic plan to increase graduation rates. The target goal for each institution is listed in the far-right column.

We also have year-to-year NSHE rates. We are not going to wait until 2025 to see progress; we are looking at the changes from year to year. We have tracked the changes for degrees conferred and movement on the issue of graduation rates. Each university or college has its own specific plan for increasing graduation rates.

Pages 16 and 17 illustrate the disparity that our Pell Grant recipients, African American and Latino students experience. Looking at the national average, we are improving but not at an acceptable pace, particularly as a majority-minority system. Where our minority populations go, we go. We have to be much more aggressive in closing the gap at both two and four-year institutions.

Page 18 is a takeaway from our Student Success Summit. We looked at the six major strategies we can do as a system to help push the graduation rate. It is our central focus. Going to just a portion of college does not help individuals; we have to graduate more of our students. These six strategies are the things we have gleaned from other systems on how to make progress on the issue of graduation.

First, we have to push remediation back to the high schools. We have a partnership with the Clark County School District (CCSD) to pilot this. We are testing during the sophomore year of high school and will look to get remediation during the junior and senior years. We are not continuing remediation in our institutions. We are mainstreaming students and will put them in mandatory tutoring. That system works better. Remedial education is a failure in Nevada and nationally. Those that remediate do not go on; their graduation rates are deplorable.

Second, we are committed to have mandatory advising at each of our institutions by the fall. It is critical to put individuals on the pathway.

Third, many institutions have talked about a chat platform or app that has been remarkable in helping with graduation rates. It is an advising tool that an individual can access at any time. They go to a bot, and when they cannot get an answer, they go to a person. Most students ask questions late at night or

early in the morning, when we do not have advisors available. The app has made this available for access.

Fourth, 50 percent of our students are part-time. We are developing different strategies around part-time. Those who are going full-time are more likely to graduate. We have to put these part-time students on pathways. We have to provide more advising because these are the students who need it.

Fifth, we need career ladders that start in high school, so individuals who talk about careers can picture what that means. These could include health care or public safety.

Sixth, by July 1, 2019, each institution will provide the data on graduation rates down to the department level. It cannot be owned by the university, it has to be owned by the department. The department has to look at what is happening to its students. Why are they dropping out? The 35,000 students dropping out at CSN might be an overwhelming number overall, but when analyzed at a department level, it is much more manageable. That strategy has turned around many of the successful universities we studied.

We will have another summit with our Board of Regents and institution presidents on April 12, 2019. This meeting will focus on closing the achievement gap. We will look at best practices and how other institutions have closed the equity gap in a short amount of time. Georgia State University closed the equity gap within ten years. They graduate African American and Latino kids at the same rate as Caucasians. "Why can't we do that?" We will have those discussions. We are putting up the outcomes, and we will be holding the institutions accountable for actually developing the type of programs required.

SENATOR HAMMOND:

I am always concerned about the graduation rates and corresponding goals. Years ago, colleges just expected students to show up. If they skipped class, the responsibility fell on the students themselves. We are now looking at what the institutions can do, all the way down to the level of the professor in the classroom, to make sure we are having more attendance. More attendance means the likelihood of graduation increases. I appreciate your updates on that information and goals. I would like to know how things are going from year to year. I want to know our plans for ensuring that students are in the classroom every day.

DR. REILLY:

I have not given justice to the work being done by the individual institutions. They are also struggling with the question of what is preventing the students from attending. What is going on in their lives to keep them from attending? Simply calling students to ask them that question, to find out if the problem is academic, personal or something else, can make a difference. Is it a problem with transportation? Is it a problem with getting child care? That has made a real difference.

Arizona State University, Georgia State and Broward College have done just this to change things around. They are figuring out what is preventing students from attending class and getting the services needed to graduate. If we admit, we need to commit. We have no business admitting individuals who we are not going to spend the time to help graduate.

SENATOR HAMMOND:

I like the effort. I like that you are asking other institutions what they are doing to have success.

SENATOR DONDERO LOOP:

Would you talk about our part-time students? I hear that these students end up going to other institutions, as opposed to a university. I do not know if that is due to the idea that attending a university requires a full-time status, or because other institutions do a better job with part-time students.

DR. REILLY:

We should be measuring not just by our institutions, but by whether we have successful students. We have many students who start at one institution and then switch to another. But if, in the end, they graduate, we should count that and be proud of it. I do not think we have done enough analytics to provide that. We are tracking that information, but when we just look at institutions we do not capture it. For some, getting the smaller attention of a community college is better than going to a large university. We need to do more to promote the concept of being more seamless as one system of higher education.

CRYSTAL ABBA (Vice Chancellor for Academic and Student Affairs, Nevada System of Higher Education):

If you look at the data, most part-time students happen to attend the community colleges. As the Chancellor indicated, they do change institutions. There is a strong correlation between full-time enrollment and higher graduation rates. The national dialogue is focused on what we can do to help part-time students graduate. They face other distractions in their lives and are more likely to drop out. That is reflected in the lower graduation rates.

DR. REILLY:

That is why the advisement piece is critical, and why I am against the remedial classes. Students sometimes take four or five classes that do not lead toward a degree. By the time they complete a remedial class, they have been in college for a year, yet are no closer to getting a degree. The advising becomes important to help them, within broad fields or career ladders, ensure they are not taking a lot of classes that do not lead toward a degree.

SENATOR DONDERO LOOP:

I feel the same way about the remedial classes. I feel very strongly that if we have a strong kindergarten through Grade 12 (K-12) system, NSHE gets more successful students.

SENATOR HANSEN:

The enrollment numbers on page 4 list the population of Asian students, but these students are not mentioned on the graduation scales on pages 16 and 17. Why is that information not included in the chart?

DR. REILLY:

We have actually compiled data for every population. The charts on pages 16 and 17 highlight major gaps, which are clear within our African American and Latino student and Pell Grant recipient populations. During our Student Success Summits, we are breaking the data down by every ethnicity.

SENATOR HANSEN:

The remediation issue has been around for a long time. Without having mastered the fundamental skills, how did these students graduate from high school in the first place? Why would it be your responsibility to redo what they

should have already done in the first 13 years they were in the Nevada public education system?

DR. REILLY:

We are working with Superintendent Jesus Jara of the CCSD to look at how we can better partner with K-12. It is not only assessing the children at a younger age so they can get the remediation in high school, it is pairing our faculty and curriculum with theirs. There is a disconnect. Part of the pilot program is having UNLV, CSN and Nevada State College (NSC) faculty meet with the high school faculty to talk about curriculum. We are partners with K-12 and need to communicate more with them.

SENATOR HANSEN:

We have an increase in high school graduation rates. I hope we would see a decrease in the need for remediation in our higher education system. Additional high school graduates should be educated to the level that a diploma would indicate. Have you noticed a decline in the people who are entering your system with a need for remediation?

MS. ABBA:

We have a data dashboard where you can dig into some of that. If you look at the overall remediation for the system, recent high school graduates only make up about one-third. Two-thirds of remediation students are people who decide to go back to school and need to remediate some basic classes.

If you look at the remediation rate for recent high school graduates, it has been pretty steady at about 50 percent, which is above the national average.

SENATOR HANSEN:

That is enormously high. When they get to NSHE, 50 percent of the kids with a high school diploma have to take reading, math, science—the basics—over?

MS. ABBA:

We have not yet seen data for the cohort which has had the entire benefit of the Common Core State Standards or the new Nevada Academic Content Standards. The State adopted those several years ago, so we have a few years before we see if a student who had the benefit of the Common Core State Standards for their entire K-12 career will be more successful. Hopefully, we will then see a change in the remediation rate.

Another place to look for data that would show positive change over time would be the Statewide administration of the American College Testing (ACT) program. The challenge with the ACT data, though, is that you mix the students who are not college bound with those who are. If you look at the pre-Statewide administration data, you saw improvements over time. When we added everyone else in, there was a precipitous drop-off. The change in the data and who is being tested can affect the interpretation.

SENATOR HANSEN:

The cooperation idea is wonderful. I hope it works out in the long run. The goal is to have the students educated enough so they do not have to redo what they should have done in high school.

DR. REILLY:

We are now sharing that data by high school. For example, we are working with CCSD to go school by school to look at their remediation issues.

SENATOR HARRIS:

What is NSHE doing regarding lowering the cost of college? Are there any concerted efforts to continually try to make college more affordable, while offering the same services for less?

DR. REILLY:

Compared to other states, Nevada does fairly well in affordability. We also do not have a lot of assistance available. The three programs outlined in my presentation are all that we offer. The major financial resource for many of our students is federal support, such as the Pell Grant program.

Advisement is crucial in this issue as well. We are learning a lot from our two new community college presidents. They bring in new ideas about tracking students and the number of credit hours they take. We are finding that a lot of students are taking way too many credits, many of which are not leading toward a degree. This drives up the cost of college. We need to advise them so the credits they take count toward graduation, and they can move through the program as efficiently as possible.

Also, offering more online classes makes it easier for students who could not attend a regular class due to transportation or other costs. We are expanding those classes throughout the system.

MS. ABBA:

In recent years, the State has continued to make an ongoing investment in financial aid. The two most recent programs are the Nevada Promise Scholarship and the Silver State Opportunity Grant (SSOG).

For students who fill out the Free Application for Federal Student Aid (FAFSA), the Nevada Promise Scholarship allows recent high school grads who choose to go to a community college to go for free.

The SSOG is a program specifically focused on low-income students. They can receive an award up to \$5,500. A student who also qualifies with a \$0 Expected Family Contribution (EFC) on FAFSA and receives a Pell Grant will have, between the Pell and SSOG, close to \$12,000. That gives them the opportunity to go full-time at 15 credits, with money to pay for fees, books, transportation and other costs related to education. This issue is at the heart of access, and it is something that the Board, the Chancellor and the Legislature have been involved in with the creation of those programs.

CHAIR DENIS:

I will open the hearing on Senate Bill (S.B.) 139.

SENATE BILL 139: Creates the Program to Develop Leadership Skills for Public School Pupils. (BDR 34-283)

SENATOR SCOTT HAMMOND (Senatorial District No. 18):

In essence, we presented S.B. 139 last Session, but did not receive the funding necessary.

This bill creates a skills development program for elementary school students. The program has its roots in Utah and other states.

Section 5 of the bill creates the program and outlines the student skills targeted for development in this program.

Section 6 creates the account for leadership skills to be administered by the State Superintendent of Public Instruction. The Superintendent is authorized to award competitive grants to public elementary schools, including charter schools participating in the program.

Section 7 requires each participating school to establish goals for the school. Each student will also establish personal goals for his or her participation. Each year, an outcomes report must be submitted to the Nevada Department of Education (NDE). The NDE may discontinue a grant if a school fails to demonstrate satisfactory improvement in the behavior and academic achievement of its students.

Section 8 requires the State Board of Education to adopt any necessary regulations, which must include various grant provisions and a requirement that participating schools provide matching resources. If a school has \$1,000, it can ask for \$1,000. The NDE must use performance and outcome indicators to prepare and submit an annual report to the Governor and Legislature.

Section 9 appropriates \$400,000 for the implementation of the competitive grant program. We can adjust that as needed.

CHAIR DENIS:

Can you explain what some of the programs are? I understand that there are several leadership programs from which a school could choose.

SENATOR HAMMOND:

I know of three programs, including the Leader In Me program done by FranklinCovey. One of the northern counties uses a program in its school district.

We are not promoting one program or another, we are offering money to help implement the program. We are recognizing that there are leadership programs out there. Since 2015, we have made a concerted effort to try to help schools with problems, such as bullying and leadership. These programs are designed specifically for that. They are not necessarily classroom instruction, but are cultural change in schools. You are teaching the kids certain skills in every classroom. You teach them how to remediate a problem. You give them the opportunity to take over certain aspects of how the school is run. You teach them skills from kindergarten through high school.

SENATOR PICKARD:

How does this differ from the leadership classes typically offered in schools now?

SENATOR HAMMOND:

Instead of just having a class where you talk about leadership skills, these programs change the atmosphere of the entire school. Everyone gets involved. It is about how you start to teach the kids. You give them the opportunity to lead. Some schools might have students lead all of the assemblies or give tours to visitors. It is a different way of making sure the kids are actually spending time with each other, no matter which social group they might be in. They work together more often, in a more collaborative effort. You live these leadership principles all day, instead of just talking about them for 15 minutes.

I have observed schools where a problem on the playground is resolved by the students while the teachers step back and watch how things are happening. Some schools have student mediation teams that talk about and resolve certain conflicts.

The best way to combat problems like bullying is to start early and give kids the tools they need.

SENATOR PICKARD:

There will probably be some sort of learning curve in the implementation of these programs, with a degree of buy-in necessary from the administration of the school. Do you anticipate any difficulties in that? Do you have any plans to overcome such obstacles?

SENATOR HAMMOND:

The school administrators are key to rolling this out. They have to be the ones responsible for getting the staff on board. The staff is essential in making sure the implementation works. Once the administration is on board, things tend to go really well.

In most cases, the problem is money. Title I schools tend to have more money for programs like this because they can use certain federal funds for these programs. But the students who benefit from these programs are not just those living in Title I areas. You cannot limit this to just Title I schools. Every student needs this kind of training.

The buy-in is not very hard because the administration and teachers see the benefits of this. Last Session, we had Title I principals pushing this because they recognized how this would benefit other schools.

Most of the programs are not cheap in the first couple years of implementation. This bill will help schools be able to pay those costs.

DAVID DAZLICH (Las Vegas Metro Chamber of Commerce):

As we look at economic and workforce development in Nevada, we look at the ability to attract Tier I companies. One of the factors for companies relocating to the State is the education system. Not only do programs like this enhance the quality of the education system, but they will be useful to students as they graduate and prepare to enter the workforce or higher education. For those reasons, we support S.B. 139.

MARY PIERCZYNSKI (Nevada Association of School Superintendents; Nevada Association of School Administrators):

We support the bill. Many of our schools have leadership classes, but these programs permeate the entire school. The grants provided in the bill will be very helpful for those who want to apply and get the programs started.

BRENDA PEARSON (Director of Professional Learning, Clark County Education Association):

This bill would allow students and schools to build a foundation where leadership can foster and be developed within our students. The Clark County Education Association (CCEA) is offering conditional support on S.B. 139, contingent on the initial and ongoing communication and collaboration with NDE, since there are both fiscal and operational implications for this bill.

CHAIR DENIS:

I will now close the hearing on S.B. 139 and open the hearing on S.B. 159.

SENATE BILL 159: Requires each public school and private school to adopt a policy concerning safe exposure to the sun. (BDR 34-583)

SENATOR JOYCE WOODHOUSE (Senatorial District No. 5):

More people are diagnosed with skin cancer each year than all other cancers combined. One in 5 people will develop skin cancer by the age of 70. The annual cost of treating skin cancers is estimated at \$8.1 billion.

According to the Centers for Disease Control and Prevention (CDC), protection from ultraviolet (UV) exposure during childhood and adolescence reduces the risk for skin cancer in adulthood. This brings to the forefront the need for

schools to be sun safe. Children's exposure to UV radiation must be reduced. In addition, children should understand sun-safe behaviors and the risks of sun exposure.

Senate Bill 159 requires each school district, charter school and private school in Nevada to adopt a policy concerning safe exposure to the sun. The policy must provide for two elements:

First, it must provide that sunscreen, for purposes of the policy, must not be considered an over-the-counter medication. It must allow a student to possess and self-administer sunscreen under certain circumstances.

Second, the policy must allow a student who participates in an outdoor activity to wear proper clothing that protects against exposure to the sun, which could include a hat. The measure provides that the clothing must comply with the dress code of the school.

The policy may also include teaching students about safe exposure to the sun in order to reduce the risk of skin cancer.

I lost my husband and one of my sisters to cancer, although not to skin cancer. Whenever we have an opportunity to address this terrible disease in a preventive way, I am at the frontline to do whatever I can. This policy may have the enduring impact of reducing a child's risk for skin cancer in adulthood.

TOM MCCOY (American Cancer Society Cancer Action Network):

Over the past decade, the Nevada Legislature has taken steps to raise awareness and reduce the risk of skin cancer and melanoma.

Passing S.B. 159 will be a further step to protect our youth now, and help prevent adulthood skin cancer or melanoma in the future. This bill creates an opportunity for preventative education and the use of sunscreen and sun-protective clothing at school and school activities. Skin cancer or melanoma is not manifested overnight. Most often, it is what we do in our youth that hits us in adulthood. The American Cancer Society is attacking cancer from every angle; S.B. 159 does that.

CARI HERINGTON (Executive Director, Nevada Cancer Coalition):

Skin cancer has become the most commonly diagnosed cancer in the U.S., surpassing all other cancers combined. Although genetic factors can contribute to a person's risk, the main cause of skin cancer is exposure to UV radiation from the sun or indoor tanning.

Nevada residents are at a particularly high risk for the development of skin cancer. We have roughly 300 sunny days per year and live at an average elevation of 5,500 feet. Additionally, we love outdoor recreation. According to the American Cancer Society, 850 new cases of melanoma, the deadliest form of skin cancer, will be diagnosed in Nevada this year. Our melanoma rates have increased rapidly for almost 30 years. Disturbingly, melanoma has become one of the most common cancers among adolescents and young adults.

One major sunburn in childhood can double your risk for skin cancer later in life. Sun protective behaviors help prevent the harmful effects of UV radiation. This includes wearing sun protective clothing, hats, sunglasses and sunscreen. Building healthy habits starts when we are children. Most sun safe programs focus on skin cancer prevention and sun safety education in schools.

The challenge for our children and schools is that sunscreen is considered an over-the-counter drug by the U.S. Food and Drug Administration (FDA), and therefore, by many schools and school districts. This means that a doctor's note is often required to bring sunscreen to school and the student must then see the school nurse in order to put it on. That is a major barrier for our children. There may also be some limitations in dress code or uniforms that prohibit some sun-safety clothing outdoors.

In response, at least 18 states have enacted legislation to remove these barriers. Ten more states have active legislation in this regard. The CDC, American Medical Association (AMA) and the American Society for Dermatologic Surgery Association support such policies that remove barriers to sun protection for children.

In Nevada, steps have already been taken to implement sun safety education for children, adolescents and young adults through the Nevada Cancer Coalition's Sun Smart Nevada Schools program. This voluntary program is recognized as a success story by the CDC. It provides access to sun safety curriculum and

sample school policies. The program also provides education in the schools and promotes the use of sunscreen for students and personnel.

McQueen High School Head Football Coach Jim Snelling, who was diagnosed with melanoma, shared the following in a letter of support for S.B. 159:

There is no telling what may have happened had I not attended the professional development presentation and been motivated to go and get checked out. I have since that time brought the same organization in twice to speak with my health classes. I am so grateful for the time and the information that they have provided to my students. I truly believe it can be said, without exaggeration, that their information and their purpose is saving lives.

Prevention is our greatest weapon in the war against skin cancer and other chronic diseases. Sun safety policies for Nevada schools afford tangible benefits to our children. They provide our youngest citizens with the information and life skills necessary to prevent skin cancer at a time when they are most vulnerable.

For the consideration of the Committee, I have submitted additional remarks in a written testimony ([Exhibit D](#)).

SENATOR DONDERO LOOP:

How will this be rolled out to schools? How will the logistics happen? How will teachers acquire this information and help their students who may not have access to sun protection?

MS. HERINGTON:

Douglas County School District is an excellent example of implementing this type of policy. It is up to the school how they want to take on sun safety education. Free curriculum is available for all grade levels; teachers and schools can use this as they like. Sample policies are available; we are happy to work with the districts on implementing them.

Sunscreen is expensive. Schools can have sunscreen if they would like. Some schools have installed sunscreen dispensers to support kids who cannot afford it. Pine Middle School in the Washoe County School District (WCSD) put sunscreen dispensers in the locker room for students going outside. We are

available to help implement any of this. There are many resources available at no charge.

SENATOR WOODHOUSE:

Once school districts develop a policy, it is incumbent upon the district administration to roll that out to the schools. They need to make school administrators aware of the policy and the available information and resources.

SENATOR HAMMOND:

I grew up in Alaska. We had an assembly every fall to warn us of the dangers of frostbite and being safe in the snow. We had another assembly every spring to advise us on what to do in the case of a bear attack. Should we have an assembly in the spring to teach the children of Las Vegas how to protect themselves during the hot summer? How will this information be communicated? Will the school nurse have sunscreen they can pass out? I am worried about putting more stress on teachers and schools.

MS. HERINGTON:

This bill is looking to remove barriers. Some of the larger school districts expressed concern about sunscreen being an over-the-counter medication. They are looking to the Legislature for clear direction in this policy area. We currently have 47 schools in various districts in the Sun Smart program. They have picked out various pieces that work for them. Some simply promote the use of sunscreen and allow kids to wear sun protective clothing, without implementing the education piece. Many high schools like to include us in their health classes. Some elementary schools have implemented the curriculum.

Schools are not mandated to take on the education piece, although we are there to promote it and help in any way needed. This bill is not meant to put any additional burden on our schools, but simply to help remove barriers.

SENATOR HANSEN:

Is it our responsibility as legislators to determine whether sunscreen is an over-the-counter medication? Why is it currently classified as such? Who are we to bypass the medical community in this consideration?

MR. MCCOY:

The FDA makes that determination. Sunscreen is common; most parents who can afford it provide it for their children. This would be a means of making something that is readily available able to be applied at school.

SENATOR HANSEN:

There must be a logical reason for the FDA classification. I am uncomfortable with determining a different standard for whether something is an over-the-counter medication.

Is there a potential for liability with this policy? If we tell the schools they need to implement sun safe policies, and a kid gets melanoma ten years from now, a lawyer might say:

The Douglas County High School had a nice program, but it was totally insufficient, and my client was harmed by their failure to follow the statute that was passed in 2019, and consequently we are suing the school district for his cancer costs.

MS. HERINGTON:

Sunscreen is topical, so the AMA is working on a resolution. The CDC, AMA and others support its use in school and for children. They do not necessarily consider it like a regular over-the-counter medication. Will the FDA change that designation? I do not know.

I do not have an answer to the liability question at this moment, but I can check into it. Our intent with S.B. 159 was simply to remove barriers for schools, not to make them responsible for preventing every child's skin cancer.

SENATOR DONDERO LOOP:

Sunscreen is considered a drug because it makes a drug claim. The drug claim is that it prevents skin cancer and sunburns.

CHAIR DENIS:

The intent of this bill is to help prevent skin cancer or to at least educate kids as to skin cancer. The purpose is not to prescribe a school dress code or to say they need to dress with longer sleeves or pants.

MS. HERINGTON:

That is correct. The purpose is not to do that. It is just to help remove barriers.

CHRIS FERRARI (Consumer Healthcare Products Association):

The Consumer Healthcare Products Administration is in support of S.B. 159 for all of the reasons stated previously. I have submitted a letter of support ([Exhibit E](#)) from Carlos Gutierrez, Vice President of State & Local Government Affairs for the Consumer Healthcare Products Administration.

PAIGE BARNES (Nevada Association of School Boards):

The Nevada Association of School Boards supports S.B. 159.

MELISSA DAVIES (Nevada Cancer Coalition):

I am a mother of two kids in WCSD. My children's school does not allow hats to be worn, even though they do many outdoor activities. I appreciate anything we can do to help promote skin and sun safety. It will be helpful for the kids to start learning this at an early age. We need a consistent Statewide policy that helps promote, and not prohibit, sun safety.

MS. PIERCZYNSKI:

The Nevada Association of School Superintendents and the Nevada Association of School Administrators support S.B. 159. We see this bill as helpful to eliminate some of the barriers we have in our schools.

JOELLE GUTMAN (Washoe County Health District):

The mission of the Washoe County Health District is to promote and protect public health. This bill is an important effort to protect public health and prevent a prevalent form of cancer in Nevada. We support this bill.

CONNOR CAIN (Comprehensive Cancer Centers of Nevada):

Comprehensive Cancer Centers of Nevada (CCCN) is the largest and most comprehensive provider of cancer care in the State. They have 15 community-based locations in southern Nevada. They have been working with the Nevada Cancer Coalition to provide free sunscreen in multiple outdoor locations in southern Nevada. They support S.B. 159.

MARI NAKASHIMA (Nevada State Medical Association):

The Nevada State Medical Association (NSMA) joins other State and national physician groups in support of S.B. 159. We know most skin cancers can be

prevented. The use of sunscreen at a young age is a critical component of skin cancer prevention. We ask the Committee to consider the comments of the SUNucate Coalition, as well as other Nevada dermatologists and physicians who support S.B. 159.

CHAIR DENIS:

I will close the hearing on S.B. 159 and open the hearing on S.B. 147.

SENATE BILL 147: Revises provisions relating to the education of pupils who are experiencing homelessness or who are in foster care. (BDR 34-394)

ASSEMBLYMAN TYRONE THOMPSON (Assembly District No. 17):

The NDE recommended that the Legislative Committee on Education create S.B. 147. The bill proposes to increase the flexibility of school districts in awarding credits for diplomas while still abiding by State standards. This is done in order to increase high school graduation rates for students experiencing homelessness and living in foster care. We know there is a big gap, and we want to close it.

Nevada's student population includes roughly 17,000 homeless students and 3,000 students in foster care. The NDE indicated that those students face extreme challenges in completing high school and experience high levels of school mobility. More than one third of youth in foster care change schools more than five times. The challenges of homelessness and foster care lead to disproportionately low rates of academic achievement and high school graduation rates. The problem for these students is not their intelligence, but their lack of stability.

Homeless youth likely lack the paperwork needed to enroll in school, such as birth certificates, academic records from previous schools and immunization records. They may also struggle with access to transportation to and from school. Because of these struggles, many of these students never finish school, resulting in diminished economic opportunities and continuing the cycle of homelessness. We do not want a homeless youth to graduate and become a homeless adult.

ASSEMBLYWOMAN BRITTNEY MILLER (Assembly District No. 5):

Some students might attend five schools in one school year. That instability creates academic gaps. As a teacher, the worst case I saw was a student who

enrolled in the morning and was withdrawn that evening. We had just started breaking down barriers and getting him accepted by his peers. I was so excited to have him in my class. But he was withdrawn after one day. This demonstrates a failure in a system and a cycle we do not want to perpetuate.

The NDE requested the creation of a new section of *Nevada Revised Statutes* (NRS) 389, to award partial credit and exemptions to minimum credits required in high school for students identified as homeless or in foster care. This bill makes exceptions for minimum credits for enrollment in high school for homeless and foster youth. It requires schools to develop procedures to assess the student's competency through testing or other means, rather than actual time physically in school. It allows students to potentially utilize independent study, correspondence and distance education in Nevada or another state to fulfill course requirements toward graduation. Many online resources can take away geographical barriers.

Compliance with the federal McKinney-Vento Homeless Education Assistance Improvements Act of 2001 had been underway for many years, but the changes have not actually been made. Karen Gordon, the State McKinney-Vento Act Coordinator, testified that the Nevada law currently had a seat time requirement that mandates that a student spend at least 120 hours in a particular class in order to obtain those credits. Students who enrolled after the 120 hours required by NRS were told, after finishing a semester of coursework, they could not earn credit for the course. The students' predicament was brought to the attention of NDE for possible resolution. Additionally, Ms. Gordon testified that the Every Student Succeeds Act of 2015 (ESSA) has a new emphasis on removing barriers. There is a renewed focus on helping these particular students.

ASSEMBLYWOMAN JILL TOLLES (Assembly District No. 25):
This bill can truly change the trajectory of these students' lives.

Section 1 of S.B. 147 requires each school to identify whether a student is homeless, unaccompanied or lives in foster care. Federal law defines these terms, which are also referenced in this section. The school is required to review and adjust these students' academic plans to maximize the accrual of credits and progress toward graduation.

Section 2 applies those provisions to charter schools.

Section 4 authorizes a school to award a homeless, unaccompanied or foster student full or partial credit for a course of study, regardless of the student's attendance or hours of classroom instruction received.

Section 5 requires a school district or charter school to award the appropriate high school diploma to a homeless, unaccompanied or foster student who transfers to a public school during the student's 11th or 12th grade year, and who satisfies the requirements established by the Board of Education for a diploma regardless of other requirements prescribed by the school district or charter school sponsor.

This section also stipulates that if the student transfers in during this time, but will not be able to receive a diploma within five years from the day he or she enrolled in 9th grade, the school district or charter school sponsor is required to agree with the student and parent or legal guardian, if applicable, on a modified course of instruction which allows that student to obtain a diploma as quickly as possible.

SENATOR PICKARD:

We have discussed alternatives for the education of homeless students in previous sessions. Many of these students work and support themselves. How do we set them up for success by giving them credit when they are not in the classroom like the other students? Some of these students do not necessarily need to be in school because they can read the material and test out of the class. But then they have to go to work and meet a different expectation. How do we avoid that trap when giving them this opportunity?

ASSEMBLYWOMAN MILLER:

Socialization is important. Students who attend school every day generally understand that they will be expected to go to work every day. However, the spirit of this bill is for students who, through no fault of their own, have a challenge in attending school on a daily basis. They are between multiple foster care settings, perhaps sleeping on a different couch every day. We are not talking about students who just want to skip school or pass a test to get out. These are truly students with a barrier of not being able to attend school through no fault of their own.

These students know the struggles they are facing and the potential to continue that cycle. These are students who know that education is their opportunity to change course for themselves. Any student who is homeless and coming in to talk to the schools and teachers, asking for extra work or a test in order to get a diploma, knows the importance of work.

SENATOR PICKARD:

Intellectually we can make that separation, but there is nothing in the bill that suggests a school can identify the difference between the students who, through no fault of their own, are not attending and those who elect not to come. Those students might use this law to insist on being able to test out.

ASSEMBLYMAN THOMPSON:

The McKinney-Vento Act guides the school districts to know how to determine which students are homeless and which are not. The hands of the McKinney-Vento Act coordinators are tied because the Legislature has not made the adjustments they need. The Legislature is charged to continue to remove barriers for these students.

I do not anticipate students using this bill to get out of school. The homeless status of these students will be vetted through the McKinney-Vento Act.

SENATOR PICKARD:

So, we are not supplanting any of the intent or requirements of the McKinney-Vento Act; this is supplemental to it, and the corresponding procedures will continue. Is that correct?

ASSEMBLYMAN THOMPSON:

Yes.

SENATOR HANSEN:

How many kids do you anticipate will benefit from this program?

ASSEMBLYMAN THOMPSON:

There are roughly 17,000 homeless students in our State. We do a homeless count, a homeless youth count, every January. We also have 3,000 kids in foster care. We have some great community partners and organizations that work with kids, but that is not always enough.

SENATOR HANSEN:

I believe that is about 5 percent of the entire population of the Clark County School District (CCSD).

ASSEMBLYMAN THOMPSON:

That number is Statewide, not just for CCSD.

SENATOR HANSEN:

But the bulk of those are in Clark and Washoe?

ASSEMBLYMAN THOMPSON:

That is correct.

CHAIR DENIS:

At 20,000 students, that would be the fourth largest school district in the State.

ASSEMBLYWOMAN MILLER:

Even though we have 20,000 students in these situations, not every student will participate. We do not want to overgeneralize. Some foster environments are very stable and provide the student the support they need. But we are talking about the instability of the system generally, when the students move from house to house. We are also talking about high school students for specific credit retrieval.

SENATOR DONDERO LOOP:

The key words here are, "through no fault of their own." Valley High School recently had a set of triplet girls who, through no fault of their own, were basically homeless. With help from the school and support services, they were able to graduate. We cannot assume just because someone does not go to school that they do not want to be there.

CHAIR DENIS:

These students still have to show a degree of competency at some point in order to get the credit. It is not given automatically. They have to test out, do independent study or something similar. We are just giving them the opportunity to make up for something they did not have a choice in.

ASSEMBLYMAN THOMPSON:

Paraphrasing Governor Sisolak, we are looking to bridge the gap for students regardless of their zip code. These students do not even have a zip code, at least not a permanent one.

CHAIR DENIS:

The NDE will now present a friendly amendment ([Exhibit F](#)).

SARAH NICK (Management Analyst, Office of the Superintendent, Nevada Department of Education):

The amendment, [Exhibit F](#), was created in partnership with NDE and the Children's Advocacy Alliance (CAA). It came after hearing some student testimonies in the Assembly Education Committee last week. As proposed in the amendment, section 4, subsection 2 would read, "to award, 'and accept', full or partial credit for coursework that is satisfactorily completed by a homeless pupil, unaccompanied pupil or pupil who lives in foster care".

DENISE TANATA (Executive Director, Children's Advocacy Alliance Nevada):

The CAA is in full support of S.B. 147 with the proposed amendments presented by Ms. Nick. In addition to the section she presented, the amendment would add a new subsection 3 to section 4 of the bill. This new subsection would allow the ability to combine similar courses to equal the full or partial credits.

These are some of our most vulnerable youth. They experience unique challenges that can often impact their ability to do well in school and graduate on time. A primary issue for these children is that moving frequently is beyond their control. This bill will offer flexibility to schools to offer partial credit and eliminate some of the barriers to high school completion that these youth face. Education is the key to self-sufficiency for these youth. Helping them achieve an on-time graduation is a huge step in ensuring that these youth have the opportunity to successfully transition into adulthood and change the trajectory of their lives.

BAILEY BORTOLIN (Washoe Legal Services; Legal Aid Center of Southern Nevada): Washoe Legal Services serves about 1,000 youth in northern Nevada. Legal Aid Center of Southern Nevada represents over 3,000 children in Clark County. We have a volunteer program for education advocates where we can help students in the school process. The education system requires a lot of parent signatures

to fully participate, which can be a large barrier for unaccompanied children. Without an education decision maker, it can be difficult to overcome the barriers. We help the students navigate this system.

With all the crises present in the lives of these students, it can be very difficult to incorporate the education component. The schools are not a party to the court cases dealing with the crises in the child's immediate life. A lot of the information about whether or not they are attending school or have enough credits to graduate is hard to get into the courtroom to know if there is an educational emergency in the child's life. Being able to have these accommodations will be very important for these students.

MS. PIERCZYNSKI:

We support this bill. It is important that the child is not just handed a diploma. The student has to have competency in the subject and know the material.

Homelessness is a problem throughout our entire State.

RYAN BLACK (Office of Administrative Services, City of Las Vegas):

We agree that homeless youth are no less intelligent than their peers, but they are subject to different barriers. Nevada is number three in the Nation in the total number of unaccompanied youth experiencing homelessness. Nine out of 10 homeless youth in Clark County are unsheltered on any given night, which means there are about 214 youth on the street every night. The City of Las Vegas is in full support of anything that removes barriers for students who are in these situations beyond their control. We are in full support of this bill.

MIKE CATHCART (Business Operations Manager, City of Henderson):

We support S.B. 147. By removing some of the barriers facing homeless youth, we will hopefully be helping them in the long term by enabling them to achieve the important step of a high school diploma. Hopefully, that will lead them to further education in college or workforce training.

BRAD KEATING (Clark County School District):

The CCSD thanks the NDE and the Legislative Committee on Education for bringing forth this bill.

MICHAEL FLORES (Nevada System of Higher Education):

The NSHE supports this bill. When these students finish high school, we want to make sure they are on a path to come to NSHE. During the Interim, Senator Cancela worked with the Board of Regents and the Chancellor to pass a policy to allow a tuition and fee waiver for foster youth. We want to make sure that they have, in our institutions, all the support they had in high school. All of our institutions have representatives on campus who work to support our foster and homeless youth.

ANTHONY RUIZ (Nevada State College):

Nevada State College has a Concern, Assessment, Referral, and Education (CARE) Team through which students can access crisis response services, bus passes, a food pantry, free mental health therapy and more. The CARE Team also provides immediate emotional support for students and helps them develop a short-term plan. Last month, our Diversity and Inclusion Taskforce launched a Homelessness and Foster Care Subcommittee that is focused on bolstering support for NSC students who are at risk of homelessness or who are former foster youth. We are in support of S.B. 147.

MARIANA KIHUEN (College of Southern Nevada):

College of Southern Nevada supports S.B. 147. We have a partnership program with CCSD, working with the Title I Homeless Outreach Program for Education, or HOPE, coordinator. Our Career Services staff work with Project Homeless Connect. Three Square has truck visits at the campuses every Wednesday, offering food to all of our students.

The STEM Innovation & Impact Grant, although not specifically for homeless youth, does include limited emergency financial support for currently enrolled students, including our homeless youth. We provide some assistance related to transportation, child care and food or housing. We try to connect students to academic advising and other services related to psychological services and counseling. We work with Project 150, the Nevada Partnership for Homeless Youth and the Homeless Youth Point-in-Time Count. We believe that more resources are necessary in our community.

MS. PEARSON:

The Clark County Education Association believes that we must do all we can to remove the barriers for this vulnerable population. We offer our support for

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S.B. 147, contingent on communication and collaboration with school districts and NDE, due to the potential fiscal and operational impact of this bill.

Ms. BARNES:

The Nevada Association of School Boards supports S.B. 147.

STEVEN CONGER (Power2Parent):

We are sympathetic and aware that this bill is filling a need. Many of our members are foster parents, so we fully support this bill.

CHAIR DENIS:

I appreciate the discussion on this we had in the Interim. I do not know what took us so long to do something about a problem we know has been there a long time. We will close the hearing on S.B. 147. The meeting is adjourned at 3:32 p.m.

RESPECTFULLY SUBMITTED:

Steven Jamieson,
Committee Secretary

APPROVED BY:

Senator Moises Denis, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	8		Attendance Roster
	C	19	Thom Reilly / Nevada System of Higher Education	2019 Nevada System of Higher Education Overview
S.B. 159	D	2	Cari Herington / Nevada Cancer Coalition	Written Testimony
S.B. 159	E	2	Chris Ferrari / Consumer Healthcare Products Association	Letter of Support from Carlos Gutierrez
S.B. 147	F	2	Sarah Nick / Nevada Department of Education	Proposed Amendment