

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Eightieth Session
February 27, 2019**

The Senate Committee on Education was called to order by Chair Moises Denis at 1:02 p.m. on Wednesday, February 27, 2019, in Room 2134 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4404B 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:

Senator Heidi Seevers Gansert, Senatorial District No. 15

STAFF MEMBERS PRESENT:

Jen Sturm, Policy Analyst
Risa Lang, Committee Counsel
Steven Jamieson, Committee Secretary

OTHERS PRESENT:

Brigid Duffy, Director, Juvenile Division, Office of the Clark County District Attorney
Kelly Venci Gonzalez, Team Chief, Education Advocacy Program, Legal Aid Center of Southern Nevada
Brian O'Callaghan, Government Liaison, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department

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Izzy Youngs, Nevada Women's Lobby
Bailey Bortolin, Coalition of Legal Service Providers
Pat Hickey, Executive Director, Charter School Association of Nevada
Melissa Mackedon, Charter School Association of Nevada
Renee Fairless, Principal, Mater Academy Mountain Vista
Adam Johnson, Executive Director, Democracy Prep at the Agassi Campus
Tambre Tondryk, Executive Director of Operations, Beacon Academy of Nevada
Kent Ervin, Legislative Liaison, Nevada Faculty Alliance
J. Kyle Dalpe, Interim Executive Director of Legislative Affairs, Nevada System
of Higher Education
Glenn Miller
John Nolan, President, University of Nevada, Reno Chapter, Nevada Faculty
Alliance
Brian Frost, Chair-Elect, University of Nevada, Reno Faculty Senate
Shari Lyman, State President, Nevada Faculty Alliance
Andrea Brown, State Secretary, Nevada Faculty Alliance
Jennifer Nelson, State Treasurer, Nevada Faculty Alliance
Ruben Murillo, President, Nevada State Education Association
Mary Alber, Director, Education Innovation Collaborative
Chris Daly, Nevada State Education Association

CHAIR DENIS:

I will open the hearing on Senate Bill (S.B.) 184.

SENATE BILL 184: Revises provisions relating to the protection of children.
(BDR 34-668)

SENATOR HEIDI SEEVERS GANSERT (Senatorial District No. 15):

Senate Bill 287 of the 79th Session was brought forward to address the problem of "passing the trash," whereby school personnel and individuals who have regular contact with students take advantage of their position and abuse or have inappropriate sexual relationships with students. These individuals were frequently allowed to resign from their paid positions, leaving no record of the abuse. Senate Bill 287 of the 79th Session required that reports of abuse be investigated externally by county-based child protective service agencies and, in some cases, law enforcement. Since the passage of S.B. 287 of the 79th Session, these investigations have yielded numerous substantiated reports of abuse. Senate Bill 287 of the 79th Session is helping to better protect our students.

Today, I present S.B. 184. In some school districts, substantiated reports are not being made available to parents and guardians. In part, this is due to discretion as to whether the child protective service agencies should provide the information. If a child has been abused and there has been a substantiated report, a parent or guardian needs to know that information and any disciplinary action taken in response.

If a report is made, parents deserve to know if it is substantiated or not. This is addressed in section 3, subsection 1 of the bill. Also in section 3, the substantiated report must be provided to a parent or guardian. That report must be a written summary of the outcome of the investigation, but it must not identify any collateral sources or the person who made the report. There must be a summary of the disciplinary action taken against the person who allegedly caused the abuse, whose name is in the report. The parent or guardian who receives the information may disclose the information to an attorney representing the child who is the subject of the report, or a parent or guardian of the child.

The bill will provide much more transparency to parents and guardians when there is a substantiated case of abuse or neglect.

BRIGID DUFFY (Director, Juvenile Division, Office of the Clark County District Attorney):

In my capacity as Clark County Chief Deputy District Attorney for the Juvenile Division, I handle cases which come out of the foster care system. I will discuss a proposed amendment that we have submitted ([Exhibit C](#)).

Our amendment seeks to change *Nevada Revised Statutes* (NRS) 392.313, which addresses the interview of a child. Much of the language in S.B. 287 of the 79th Session was lifted from NRS 432B, where a child welfare agency will investigate allegations of abuse and neglect by a parent, but the situation is different when the alleged abuse comes from a teacher instead of a parent. The language that was copied from NRS 432B and placed into NRS 392.313 addresses the interview of a child and his or her sibling when a parent is the perpetrator. We need to adjust NRS 392.212, because when the perpetrator is the teacher or someone else at the school, the siblings typically are not relevant, unless they are in the same classroom.

In Clark County, it has been difficult to get the names and contact information of child witnesses to the abuse in classrooms. The Clark County School District (CCSD) did not feel that they would be able to turn over information for Child Protective Services to contact that child's parent, in order to get consent to interview them if they were a witness to abuse in the classroom. In the 2017-2018 school year, we had 127 calls to our hotline. That means 127 potential investigations, mostly in special education classrooms. These children often have limited abilities to speak or talk about the abuse or neglect. Most of the events would have been witnessed by other children in the classroom, so having that collateral information is relevant to be able to do a full investigation to determine whether the abuse did or did not occur. This statutory change would allow the school district to provide us with the information regarding the child witnesses.

A portion of our proposed amendment seeks to change NRS 392.312. The proposed subsection 7 of NRS 392.313 tells the school districts to give us a parent or guardian's information so that we can contact them in order to obtain consent to interview their child. A parent or guardian could say, "No, I do not want to have my child involved in this."

We also propose to amend section 1 of S.B. 184. When we hand out information pursuant to statute, in addition to keeping the identity of the person who reported the abuse confidential, this amendment would also keep the identity of any child witnesses confidential. With the bill, we would be handing out information to the parent of the alleged victim, but we would not be giving that parent the names of all the witnesses we interview. That information would remain confidential.

The rest of the amendment makes conforming changes to be consistent with the ability to keep the information of child witnesses confidential.

I would ask that our amendment to section 3, subsection 2, paragraph (a) be removed; the Nevada Department of Education (NDE) is the board which suspends or revokes licenses.

CHAIR DENIS:

I would like to ask our legal counsel if there are any anticipated concerns with the amendment.

RISA LANG (Committee Counsel):
We are fine with the things she has mentioned.

SENATOR PICKARD:

I like the idea of making this information available, particularly when something is unsubstantiated. That is where we see the biggest hang-up. Concerned parents have made the report, but as soon as it is deemed unsubstantiated, it is confidential. Nobody can get access to it, and the parents do not know the outcome. I think this is a useful change.

When a case has been substantiated and that information is given to the parents of the victim, are they going to only get a redacted copy of the records, or will it be an unredacted version of the report?

Ms. DUFFY:

By statute, they must be redacted copies. We have to redact the mandated reporter. If the amendment is accepted and passed, we have to redact the identity of child witnesses. We also redact social security numbers and similar information we may have collected.

A parent who is getting a report about their child will have a largely unredacted copy, because the information is about their child. However, information about the person who called in the report and any child witnesses will be redacted.

SENATOR PICKARD:

In these situations, a lawyer often gets a redacted copy which tells next to nothing. The lawyer can then ask the court to order an unredacted copy to be delivered. The unredacted report is then reviewed in chambers and the lawyer can get the necessary information.

Ultimately, it is hard to press forward on a case if we do not have the information we need. I assume that process is not precluded here, so a court order would still allow us to get the unredacted report. Is that correct?

Ms. DUFFY:

Section 1, subsection 5 of S.B. 184 still allows such information to be made available to, "A court, other than a juvenile court, for in-camera inspection only, unless the court determines that public disclosure is necessary for the

determination of an issue before it." That is still in place in NRS 392 and NRS 432B.

SENATOR PICKARD:

This does not disturb our ability to review unredacted reports in chambers?

MS. DUFFY:

I do not see that ability disturbed in the bill.

SENATOR DONDERO LOOP:

Section 1, subsection 13 states, "A public school, private school, school district or governing body of a charter school or private school in this State". Are we sure that this list will cover all schools, including charters?

MS. LANG:

Public school is defined to include charter schools, so you do not actually have to say charter school every time.

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

We represent foster kids and community members in special education proceedings which involve or are against the school district.

I represented the family of a 13 year-old diagnosed with autism, who was partially verbal. The mom came to the classroom after school and found her child on the ground, screaming inconsolably. He said the aide had hit him. Only he and the aide had been in the room. There was supposed to be an investigation, but when we tried to get the results, the mother was denied access. She has no idea what type of investigation occurred, who was involved, or anything of that nature. We do know the aide is still employed at the school and still working with vulnerable children.

I wish this was my only example, but we find that if the schools are called, we have a very hard time, as attorneys for the parents, getting that information for our clients. Transparency with the school district is important. This is a way we can encourage and ensure that.

I have submitted additional written testimony ([Exhibit D](#)) in support of the bill and the proposed amendment.

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BRIAN O'CALLAGHAN (Government Liaison, Office of Intergovernmental Services,
Las Vegas Metropolitan Police Department):
We support anything that can be done to help move these cases forward.

IZZY YOUNGS (Nevada Women's Lobby):
We are in support of this bill.

BAILEY BORTOLIN (Coalition of Legal Service Providers):
We also support this bill.

CHAIR DENIS:
We will close the hearing on S.B. 184. We will now hear the presentation on
public charter schools.

PAT HICKEY (Executive Director, Charter School Association of Nevada):
Charter schools have grown dramatically since this body, 22 years ago, enabled
them to exist. About 10 percent of Nevada public school students are enrolled
in charters. Melissa Mackedon, Founder and Principal of Oasis Academy in
Fallon, will use a visual presentation ([Exhibit E](#)) to talk about charter schools in
Nevada.

MELISSA MACKEDON (Charter School Association of Nevada):
Charter schools are public schools under the control of local school boards.
Public charter schools offer diverse education options for Nevada's diverse
learners. Some focus on arts integration. Some focus on Science, Technology,
Engineering and Mathematics (STEM). Some focus on other areas of interest.

Like all public schools, public charters are tuition free and all students are
eligible to attend. Like all public schools, public charters are focused on
excellence in education. Public charters have a full slate of accountability
measures in place. Public charters are subject to open meeting laws and the
transparency required by those laws. Like all public schools and school districts,
public charters utilize vendors and professional services from the private sector,
such as textbook companies, furniture distributors and auditors.

Some things make charter schools different. Public charter schools receive no
funding for their facilities. They take 15 percent of their Distributive School
Account funds to pay for their buildings. They are required to create individual
charter contracts. Public charters fill their seats via a lottery that is publicly

posted in compliance with the open meeting law. Public charter schools are not magnet schools. The law expressly prohibits them from considering grade point averages, test scores or behavior records for admission to the school.

There have been some questions about where charter schools are located in the State. Page 5 of [Exhibit E](#) is a map of public charter schools in Nevada. Page 6 is a map of public charter schools in Clark County.

Page 7 represents enrollment by race, at State sponsored charter schools, district sponsored charter schools and district public schools. The reality is not as dire as some would have you believe. However, we recognize that we do have some work to do to ensure our population mirrors the population of the State. Page 8 shows that huge gains have been made in this regard, especially when it comes to Hispanic students and low-income students. The majority of students enrolled in public charter schools are minority students.

The State Public Charter School Authority (SPCSA) authorizes 31 charter schools, which have 53 campuses and a total of 83 Nevada School Performance Framework (NSPF) Star Ratings. For example, Pinecrest Academy is one charter with four campuses. One board oversees all of those campuses. Each campus will receive a rating for their elementary school and their middle school, for a total of eight ratings.

The NDE defines any school receiving a 3-Star rating or above as meeting State standards. All public charter schools should be 3-Star or above. But how do Nevada's charter schools actually measure up? All of the statistics on page 11 are important, but I would like to draw your attention to the fact that 53 percent of SPCSA public charters are 4-Star schools or above, while just 30 percent of Nevada schools are 4-Star or above.

While not "the" solution to Nevada's education problems, charters are certainly an important solution to helping Nevada become the fastest improving State in the Nation.

Is the sector holding the 1-Star schools accountable? Pages 12 and 13 show that the answer is "yes". There are eight 1-Star schools. One has already moved to the Alternative Performance Framework (APF). One was closed this year. Three of those ratings are attributed to one online school, which is up for renewal in the fall. One is an elementary online school which will close at the

end of this year as a result of the 1-Star rating. Two are schools in their first year of operation.

All public schools in Nevada are subject to NDE oversight. Should they underperform, in addition to NDE consequences and requirements, the charter sector imposes additional requirements. Over the past three years, that additional accountability has resulted in school closures, being taken over by receivers, having enrollment capped, being required to create a Comprehensive Improvement Plan and performance contracts with strict benchmarks that include closure triggers.

We are not complaining about this accountability. It is working. There are more kids in high-performing seats than ever before. In the coming weeks, this Committee will have both an SPCSA bill and a Charter School Association of Nevada (CSAN) bill that will further this oversight and accountability work.

Regardless of the pedagogy we use in our schools, all public charters have one thing in common; putting students first. The public charter school sector is serving every type of student in Nevada. The data is clear. We are doing right by Nevada's kids.

RENEE FAIRLESS (Principal, Mater Academy Mountain Vista):

I spent 28 years in CCSD; 25 of those as a teacher. When I was promoted to be an administrator, I worked in East Las Vegas at a school that was over 80 percent Hispanic. Very few of those students spoke English. We had a very low graduation rate and many students were not motivated to be there. I realized that we had to change how we served the needs of our students.

Over the past five years of working with charter schools, I have felt empowered to work with students and make a difference in their lives. We opened Mater Academy to a population that was over 65 percent English Language Learners (ELL). We tried really hard to figure out how best to help them. Our Star Rating came in very low, even though we are doing nothing wrong. As with most of the administrators, children and teachers on the East side of Las Vegas, we face unique challenges. We had many students who were not proficient in English. So we started figuring out how we could make a difference and accommodate these children. Today, Mater Academy Mountain Vista has a 79.5 proficiency rating, just a half point away from a 5-Star classification. High ratings do not happen on the East side of Las Vegas. The low ratings do not come because

children are not capable of success, but because the educators have not been empowered to do what needs to be done. We are doing that by helping these children learn English and providing the support they need.

We still have work to do in Nevada, but our schools are serving a unique, diverse population of students. There are three Mater Academy schools in the State, serving about 2,000 students. Every student in my building is on Free and Reduced Lunch (FRL); over 80 percent of students in each of the other 2 Mater Academy schools are on FRL. In all of our schools, over 60 percent of our students are ELL. It is going to take time to change the Star Ratings, but we are doing so.

ADAM JOHNSON (Executive Director, Democracy Prep at the Agassi Campus): Democracy Prep at the Agassi Campus has an elementary, middle and high school. Our school is in its second year of operation. After the first year, we were able to see our English Language Arts scores in 3rd through 8th grades rise by 7 percent. Even more dramatically, we have been able to see proficiency rates in math grow by 77 percent for the same grades. The American College Test (ACT) composite scores at the high school grew 4 percent. Our middle school grew to a 4-Star rating after the first year. In a 5 mile radius of our campus, there are no other 4-Star or 5-Star middle schools, but there are 17,000 school age children. We are one of the best options for those students. Our goal is to be a 5-Star option, but we also want to make sure we are providing open-source resources for every school, so we can make sure every school in our community is a great school.

The mission and values of the Democracy Prep network schools are rooted in ensuring that we educate responsible citizen scholars for success in the college of their choice. We are a college preparation school. We do this through increasing academic rigor and having a strong focus on civic engagement. From kindergarten, our students understand the value of giving back to their communities. As they grow through their kindergarten to Grade 12 (K-12) experience, we put a lot of emphasis on community engagement and ensuring that every child can have the option to gain access to a top-tier university. They can then come back to their community and be change-makers in their own way. They will have the economic, political and social capital to come back and reinvest that time and energy in the West Las Vegas community.

Our motto is, "Work hard. Go to college. Change the world!" We took our high school scholars on an international trip last year and will do so again this year. We do this with the understanding that this world is a place where you belong. You can make an impact and understand that the world is great; you have to go out and understand the world to be able to change it. We want to make sure that it is normal for scholars in West Las Vegas, who have not traditionally seen some of these things, to be able to go out and travel. We want them to know they have places at top-tier universities and they are expected to make changes in their community. We do that by making sure we have a top-rated school. We are not perfect yet, but we continue to listen to community feedback. We continue to make sure that we make our school a place where parents feel welcome. We give the children a lot of voice and choice, so they are able to help make sure that our school community is one where we are striving for the best in excellence at all times.

TAMBRE TONDRYK (Executive Director of Operations, Beacon Academy of Nevada):

We are the first State public charter alternative education school. We are a school of last resort for many of our students.

Everyone knows a student who was struggling in school. If they are not able to graduate with their cohort, they are given several options for the future. Some options involve staying in school and continuing to try the same thing that has not worked in the past. Another option is to find an alternative school.

Many of these students search for something different. The students know they have not been successful in regular school and while they might have dropped in and out, the students want to give school one more try. They are not ready to give up on school. We specialize in helping credit deficient students. We are a safe place that allows the students to leave their academic history at the door. We want them to start over. We recognize where they come from, help them remove barriers and help the students realize their goals. The main goal is to graduate high school.

Our staff cares about this special population and works hard to build trusting relationships. Every student is supported by a school social worker and a teacher. We provide an academic schedule individualized for them. It is not uncommon for our students to enroll where they are just credit deficient, perhaps if they have not passed a math or English class. To try to catch that

student up in a short amount of time is very difficult. We have to pace them through high school. They have to learn all of it and become proficient in those subjects. Our innovative, blended program places equal emphasis on the social, emotional and academic needs of the child, and provides many mission specific programs and interventions.

Beacon Academy was not always an alternative education school, but our mission has always been to serve at-risk students. It was not until December 2016 that the SPCSA approved Beacon's amended status, which limited enrollment to students qualifying for alternative education. That means that our students must be at least a year behind in credits and hold an Individualized Education Plan (IEP). They might be under court supervision, adjudication, parole, or suspended or expelled from another school.

In July 2018, Beacon met the State's criteria to become the first charter school to be held accountable under the APF. During the 2017-2018 school year, 75 percent of students enrolled were alternative education students.

Beacon is held accountable under three different frameworks. We are held accountable under the NSPF, the APF, and a unique framework developed in collaboration with the SPCSA, Beacon, and an external party, Momentum Strategy & Research.

The transition from a traditional Statewide online high school to an alternative education blended school was challenging, but our stakeholders unanimously agreed that this was the population we wanted to serve.

Our school is 70 percent FRL, 14 percent ELL, 10 percent homeless and 7.4 percent parenting or pregnant; however, none of those subpopulations are considered "alternative education" students.

The alternative education population is now 87 percent of our school. In the alternative education group, 65 percent are credit deficient, 24 percent are special education and 9 percent are adjudicated. Of our student population, 27 percent is "past cohort," so we are enrolling a lot of students who have not graduated. In 2018, we had 118 graduates from 4 different cohorts: 2016, 2017, 2018 and 2019.

CHAIR DENIS:

Thank you for the work you do for our children. Like all of us, you are trying to make education better for all our kids. We are striving to put things in place that will help ensure that. We appreciate the chance to hear your voices.

MR. HICKEY:

The Legislative Commission on Education brought forward a bill draft request for a bill of which we are very supportive. You have heard a lot about the accountability, quality and standards we seek. We expect the bill will come through this Committee to deal with some of the challenges posed by virtual or online education.

CHAIR DENIS:

We will open the hearing on S.B. 214.

SENATE BILL 214: Authorizes the Nevada System of Higher Education to create a faculty compensation system that includes regular in-rank salary increases. (BDR 34-382)

SENATOR MARILYN DONDERO LOOP (Senatorial District No. 8):

On February 22, the Senate Committee on Education heard two bills that had been requested by the Committee to Conduct a Study Concerning the Cost and Affordability of Higher Education. Senate Bill 214 is the third bill from that Interim study to be heard by this Committee.

Assembly Bill 202 of the 79th Session required the Legislative Commission to appoint a committee to conduct an Interim study concerning the cost and affordability of higher education in Nevada.

My mother, Thalia Dondero, was a Regent from 1997 to 2008. It is a privilege for me to do what I can to support in her memory the excellent faculty within the Nevada System of Higher Education (NSHE).

KENT ERVIN (Legislative Liaison, Nevada Faculty Alliance):

I have prepared a visual presentation ([Exhibit F](#)) to explain issues with faculty compensation within NSHE.

The Committee to Conduct a Study Concerning the Cost and Affordability of Higher Education held a hearing on May 8, 2018 on the topic of faculty

compensation and how that affects the recruitment and retention of faculty members. Senate Bill 214 came out of the hours of discussion and testimony heard in that session. Part of it came from the best practices that were presented by the expert from the American Association of University Professors.

The recommendation was made for a bill to reestablish in statute a system of in-rank salary advancement for our faculty. Previously, the compensation system for faculty and performance raises was controlled by a letter of intent issued by the Legislature in 1987. That worked for two and a half decades, but has gone away in practice.

There are 6,500 professional employees within NSHE, including traditional academic faculty such as professors and lecturers, and administrative faculty such as counselors, advisors and other professional staff.

Any large enterprise needs a compensation system to further its goals. For us, the goal is to recruit and retain high-quality faculty by promoting and rewarding excellence in teaching, research and service, as well as to promote loyalty to the institutions and to Nevada.

However, our system has problems, including lagging salaries versus the national competition. Even more critical is that the lack of salary advancement opportunities on an annual basis, over the past decade have resulted in severe salary compression and inversion. This bill looks to solve that problem for the longer term.

Page 7 of [Exhibit F](#) shows the relative net salary over time, after inflation, for a faculty member who was in-rank, perhaps as a full professor in 2009. Like all State employees, we took furloughs and a lack of cost-of-living adjustments (COLA) during the bad budget years of 2010 to 2014. We had one merit step increase in 2015, and since then none in the executive budgets. As a result, the real dollar take-home salary of faculty members is more than 15 percent lower by the end of this biennium compared to 2009.

In the meantime, we recruit new faculty in a nationally competitive academic market. We have to make competitive offers to get new people to come to our institutions. We have situations where the newer hires have salaries that are equal to or higher than faculty who have been in the system for a while. That is

unsustainable. It causes people to go out and look for offers elsewhere, thus creating retention problems.

Page 9 contains one piece of data from the 2018 meeting. Compared to the National average of other research universities designated R1 and R2 by the Carnegie Classification of Institutions, the attrition rates at the University of Nevada, Las Vegas (UNLV) and the University of Nevada, Reno (UNR) are abnormally high. That is an indication of the retention problems we have.

What do we need for a sustainable compensation model? Best practices indicate that we need salaries competitive with peers, a system of COLA adjustments to keep up with inflation and a strong benefits package. But the key we are talking about here is that if you want to encourage behavior and not be looking to go elsewhere, there needs to be an opportunity for that individual to advance throughout their career, over time if they perform well. That has been lacking, because we have not had this regular in-rank salary advancement system since 2009.

Before the Higher Education Study Committee work, NSHE partnered with Gallagher Benefit Services, Inc. to conduct a study of our compensation system. They defined salary compression as when salaries are too close together or even inverted compared to the natural progression of people along their career paths. They also recommended that it should take 18 to 24 years for a faculty member to progress from the lower end of the salary schedule to the midpoint and beyond.

Gallagher calculated that the recommended path would cost \$87 million to implement right now. Even if we get the funding which the Board of Regents has asked for to start fixing the problem, unless we also fix the process by implementing a system to reward faculty members year by year, these compression issues will start accumulating again.

Before 2009, merit steps for faculty members, based on the 1987 letter of intent, were rolled into the adjusted base budgets like other classified step salaries. Merit step increases were not funded in bad budget years. However, since 2009 these increases have not been part of the budgeting process. We are trying to fix that issue with S.B. 214.

Senate Bill 214 authorizes NSHE to establish this compensation system, including regular in-rank salary advancement. The bill provides structure, but not funding. Funding decisions are always up to future Legislatures. If funded and approved by this Legislature, the in-rank salary advances would be included in future base budgets. This plan is analogous to the classified employee pay plan already in statute, but different because NSHE is an independent agency.

In section 1, subsection 1, paragraph (a), the Legislature encourages the Board of Regents and the NSHE institutions to set up a system of faculty ranks, titles and promotion rules. The institutions of NSHE have the statutory authority to establish those categories and rules, and they already basically have the necessary policies in place. Section 1, subsection 1, paragraph (a), subparagraph 6, requires the Board to establish the policies for in-rank salary advancement. These policies can be based on performance, annual evaluations, credentials or job experience and training. Each university and college in the system will put the corresponding policies in place.

The NSHE is asked to make recommendations to the Legislature on how much funding is needed for these in-rank salary increases. These funding requests would be justified on the basis of measurements such as comparable institution salaries and inequities by college, university or discipline. Subsection 2 is a transparency piece; it states that NSHE should have to report to the Legislature all the salaries and how they change over the years. This reporting will help determine any abuses of the process.

The NSHE will appear before the Interim Finance Committee to provide the reports. The Interim Finance Committee will determine if what NSHE reports is reasonable and if they have satisfied the requirements in statute. The main intent of the bill, seen in section 1, subsection 4, is that the regular in-rank salary increase will be included in the regular budgeting mechanism.

I have submitted an amendment ([Exhibit G](#)) to allow us to clarify the budgeting process portion of the bill. We will work with NSHE and others to determine the language of the proposed amendment.

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

The NSHE wants to reemphasize its support and commitment to ensuring that all academic and administrative faculty receive needed salary increases,

especially to remedy ongoing salary compression issues. We thank the Higher Education Study Committee for its work.

The NSHE supports S.B. 214, on the condition that several questions are addressed as this bill moves forward. This bill encourages the Board of Regents to establish a new and comprehensive, systematic pay structure and methodology for annual pay increases for its unclassified employees. We will work on clarifications with the authors as we move forward. The items we would like are described below.

The intent and purpose of section 1, subsection 4 appears to exclude any work of the Board of Regents pursuant to this bill from the State Budget Act. Will this place any future requests for salary increases outside of the Governor's Executive Budget?

If the Board of Regents and the Interim Finance Committee determine that salary increases for unclassified employees are warranted pursuant to the system set forth by the bill, and if the process is outside of the Governor's budget, from where will those funds come? Will there have to be a separate legislative appropriation?

Section 1, subsection 3 of the bill sets a deadline of August 15, 2020, by which date a report must be submitted to the Interim Finance Committee. Completing the work envisioned in S.B. 214 will require additional personnel and resources to gather the necessary data, create a fair system and do the required analysis. At this time, we are unable to place a fiscal note on the anticipated costs of this work, but we are working on an analysis of the fiscal impact.

The bill refers to the Board of Regents passing "regulations". We would like to clarify that the Board of Regents passes "code" provisions, procedures and guidelines. We would like to clarify that the drafters do not intend for the Board of Regents to pass "regulations" pursuant to NRS 233B and the Administrative Procedure Act.

SENATOR PICKARD:

On page 9 you reference the attrition rate. Employees do not typically leave jobs; they leave environments or people. Many K-12 teachers have said that they would prefer to have smaller class sizes rather than a 3 percent raise. Do

you intend to suggest that the attrition rate will be solved by the new compensation plan?

MR. ERVIN:

We do not know all of the reasons a person leaves the institution. The natural rate of retirement for a full professor who stays 20 years is 5 percent. That is a base rate for our evaluation of how well we are doing. The national average is a stable 8 to 9 percent. The fact that we have higher attrition rates is a concern. We hear from faculty that the lack of compensation is a contributing factor, but all attrition is not necessarily due to compensation.

SENATOR PICKARD:

With this bill, we are passing legislation encouraging the Board of Regents to do something. This sounds more like a letter to the editor than a mandate.

Many of the employees and positions we are discussing are subject to collective bargaining agreements. I assume that the bill is not displacing any requirements that a collective bargaining agreement would impose. Is that correct?

MR. ERVIN:

The Nevada Faculty Alliance is the collective bargaining agent for Truckee Meadows Community College, Western Nevada College and the College of Southern Nevada (CSN). We expect our collective bargaining agreements to work in concert with this bill. All of these policies at universities are done through shared governments. Douglas Unger, Chair of the Council of Faculty Senate Chairs, has submitted testimony ([Exhibit H](#)) providing their views on this issue.

CHAIR DENIS:

The Subcommittee on K-12/Higher Education/CIP heard testimony this morning about this issue. A professor in Las Vegas commented that her former student has been hired and now makes more money than her.

GLENN MILLER:

The issue of faculty compensation has become paramount to the faculty of UNR, to allow us to say, "we are all better than average." This is an opportunity to show greater progress in teaching quality, publications and public service. Until 2009, we worked under the mantra, "you do better at the University, satisfying the goals of the University and you can see increased compensation."

Faculty across the State feel that this compensation issue has to be dealt with. We do not know exactly from where the money will come. The NSHE and the Legislature have pointed to each other for the last ten years. I hope that some combined system could be formed to allow this to be reestablished as it was until 2009. It is important that we go back to the system of compensation like we had before.

JOHN NOLAN (President, University of Nevada, Reno Chapter, Nevada Faculty Alliance):

Many people have the mistaken perception that university professors are overpaid and do little work. However, we have dedicated faculty who push themselves to do incredible feats with few resources. Salaries are far below those of our peers. Everyone should be proud that we obtained R1 status, but to maintain and continue to grow in our teaching and research, we need support.

When we hire junior faculty at UNR, we train them and give them experience, but they quickly leave because they realize they can go and get paid more at a university with a higher ranking. This is a tragedy. We need to do our best to retain these faculty members. Retention is in the best interest of our students, institutional knowledge and research.

Personally, I have been offered to go to other universities for higher pay. It is tough for me to stay. Some offers for higher pay even come from universities of a lower ranking.

BRIAN FROST (Chair-Elect, University of Nevada, Reno Faculty Senate):

I am in support of S.B. 214. In his final State of the State Address, former Governor Sandoval discussed the sacrifices made by State employees, including faculty, who went through furloughs and pay cuts during the recent economic downturn. He highlighted the return of merit-based pay increases to State employees; university faculty were not included in that return. In this regard, we would like to be treated like other State employees.

We have not benefited from the economic expansion of the last ten years. Stagnant wages have led to the compression and inversion discussed by Dr. Ervin. As faculty, we engage with and train an increasing number of students. Our class sizes have doubled in the 17 years I have been at the university. Both UNR and UNLV now have reached R1 status. As class sizes

grow and research intensifies, we need to focus on recruitment and retention of high quality faculty, which helps lead to student success. Faculty who have been around a long time lead to student success. Senate Bill 214 helps us get there. It will help fix the compression and inversion issues now and in the future.

I have submitted further remarks in written testimony ([Exhibit I](#)).

SHARI LYMAN (State President, Nevada Faculty Alliance):

Throughout NSHE, some of the most qualified faculty members are still here because we love our students. However, other qualified faculty members have left in favor of positions outside of Nevada. Some of these issues have been due to compensation. State funding for NSHE has dropped by 16 percent from 2009 to 2019, after inflation. Class sizes have increased. We rely more on part-time faculty who do not have security in their positions and do not get paid for extra time spent helping the students.

Take-home pay for continuing faculty has declined over 15 percent since 2009 because of inflation, payroll deductions, furloughs, pay cuts and the lack of pay increases. This is a huge concern for all faculty. The reduction of take-home pay has affected faculty throughout NSHE and our ability to successfully achieve the educational missions of our own programs.

Faculty members at CSN have obtained alternative, part-time employment to supplement the more than 40 hours per week in which they provide instruction, office hours, grading and other tasks expected of them. They seek part-time employment to make ends meet.

Faculty are often an important source of student contact. Students feel comfortable turning to their professors for help. We help our students complete their programs and be okay.

This bill provides the mechanism to help faculty with the compensation system they need.

ANDREA BROWN (State Secretary, Nevada Faculty Alliance):

I support S.B. 214.

JENNIFER NELSON (State Treasurer, Nevada Faculty Alliance):

I speak in support of S.B. 214. I have incurred heavy compensation losses, in spite of having received a salary equity adjustment in 2014. Many long-term employees were not even the beneficiaries of salary equity adjustments in the past. They were told that their salaries did not suffer from salary compression issues, even though they did.

Senate Bill 214 will not resolve every problem, but it will be a step in the right direction. Those faculty members who will be retiring soon support this bill for the benefit of our junior faculty who want to build and maintain solid careers with NSHE. They want to support student success and work on behalf of their students.

Ms. YOUNGS:

The Nevada Women's Lobby is in support of this bill. These kinds of standardized systems for compensation provide more economic equity for women. This bill will also encourage the establishment of a fair process for obtaining promotions and raises, and help reduce the gender pay gap.

RUBEN MURILLO (President, Nevada State Education Association):

The Nevada State Education Association (NSEA) speaks in support of S.B. 214 and our higher education brothers and sisters. The national "Red for Ed" movement seeks increased funding support for both K-12 and higher education. The recruitment and retention of educators and support professionals at the local level is mirrored at the State level in higher education. People need to make a living wage and be compensated for the work they are doing. We need to support educators and their working conditions. In order for Nevada to have a great education system, we have to invest in education.

MARY ALBER (Director, Education Innovation Collaborative):

I support S.B. 214. I was an adjunct professor at Sierra Nevada College during the Fall semester. I was surprised at how small the pay for an adjunct professor actually is. I urge the Committee to consider the implications of S.B. 214 to adjunct faculty. Universities are increasingly shifting to adjunct faculty instead of full-time faculty. It is not economically viable for people to be adjunct faculty.

CHRIS DALY (Nevada State Education Association):

I will read a statement ([Exhibit J](#)) from the NSEA regarding our concerns around the issue of charter schools and the SPCSA.

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CHAIR DENIS:
The meeting is adjourned at 2:31 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	2		Agenda
	B	10		Attendance Roster
S.B. 184	C	5	Brigid Duffy / Office of the Clark County District Attorney	Proposed Amendment
S.B. 184	D	2	Kelly Venci Gonzalez / Legal Aid Center of Southern Nevada	Written Testimony
	E	14	Pat Hickey / Charter School Association of Nevada	Visual Presentation, An Introduction to Public Charter Schools by the Charter School Association of Nevada
S.B. 214	F	27	Kent Ervin / Nevada Faculty Alliance	Visual Presentation
S.B. 214	G	1	Kent Ervin / Nevada Faculty Alliance	Proposed Amendment
S.B. 214	H	1	Kent Ervin / Nevada Faculty Alliance	Written Testimony of Douglas Unger
S.B. 214	I	1	Brian Frost / University of Nevada, Reno Faculty Senate	Letter of Support
	J	1	Chris Daly / Nevada State Education Association	Public Comment on the State Public School Charter Authority