

**MINUTES OF THE  
SENATE COMMITTEE ON EDUCATION**

**Eighty-first Session  
March 31, 2021**

The Senate Committee on Education was called to order by Chair Moises Denis at 1:02 p.m. on Wednesday, March 31, 2021, Online. [Exhibit A](#) is the Agenda. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Moises Denis, Chair  
Senator Marilyn Dondero Loop, Vice Chair  
Senator Roberta Lange  
Senator Fabian Donate  
Senator Joseph P. Hardy  
Senator Scott Hammond  
Senator Carrie A. Buck

**GUEST LEGISLATORS PRESENT:**

Senator Dallas Harris, Senatorial District No. 11

**STAFF MEMBERS PRESENT:**

Jen Sturm, Policy Analyst  
Asher Killian, Counsel  
Ian Gahner, Committee Secretary

**OTHERS PRESENT:**

Caroline Edgeworth, Cochair, Hope Means Nevada Teen Committee  
Lauren Edgeworth, Cochair, Hope Means Nevada Teen Committee  
Trinh Dang, Executive Director, National Alliance on Mental Illness Southern Nevada  
Chris Daly, Nevada State Education Association  
Leonardo Benavides, Clark County School District  
Brenda Pearson, Ph.D., Clark County Education Association  
Keeli Killian, Nevada School Counselor Association  
Jim Hoffman, Nevada Attorneys for Criminal Justice

Senate Committee on Education  
March 31, 2021  
Page 2

Maureen Schafer, Council for a Better Nevada  
Gina Bongiovi, Chair of Board of Trustees, Vegas Chamber  
Joe Reynolds, Chief Legal Counsel, Nevada System of Higher Education  
Ivory Lyles, Ph.D., Director, University of Nevada Cooperative Extension;  
Associate Dean for Engagement, University of Nevada College of  
Agriculture, Biotechnology and Natural Resources  
David Damore, Ph.D., University of Nevada, Las Vegas  
Abraham Lugo, Senator, University of Nevada, Las Vegas  
Joshua Padilla, Student Body President of the Consolidated Students, University  
of Nevada, Las Vegas  
Olivia Cheche, Senate President, University of Nevada, Las Vegas  
Chris Heavey, Executive Vice President and Provost, University of Nevada, Las  
Vegas  
Doug Unger, President, University of Las Vegas Chapter of Nevada Faculty  
Alliance  
Peter Grema  
Jake Tibbitts, Natural Resources Manager, Eureka County  
Jason Geddes  
Amy Pason, Faculty Senate Chair, University of Nevada, Reno  
Bob Lucy  
Doug Busselman, Executive Vice President, Nevada Farm Bureau Federation  
Nina Laxalt, Nevada Cattleman's Association  
William Boldt, Vice President Emeritus, University of Nevada, Las Vegas  
Jeffrey Thompson, Executive Vice President and Provost, University of Nevada,  
Reno  
Marco Velotta  
Dagny Stapleton, Executive Director, Nevada Association of Counties  
Tracy Bower, Desert Research Institute

CHAIR DENIS:

I will open the hearing on S.B. 249.

**SENATE BILL 249**: Revises provisions relating to education. (BDR 34-81)

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

While I am the official sponsor, all teens in Nevada are my copilots and cosponsors. I know this statement is just symbolic of them, but I acknowledge those that have assisted their friends, been involved in teen mental health activities and especially those that suffer from mental illness. The bill before you

today provides additional authority for our mental health and behavioral health professionals to certify that pupils may be excused from attending school. The bill also provides additional information to students concerning mental health resources.

We all recognize the Covid-19 pandemic has provided challenges for our student's mental and behavioral health. The impact of isolation due to remote learning has magnified the urgent concerns about student safety and well-being. In May, 29 percent of U.S. parents reported that isolation was harming their children's emotional or mental health, and another 37 percent anticipated that lockdowns would have that affect if they continued. In June, 30 percent of high schooler's said they were feeling depressed more often. In November, the Centers for Disease Control (CDC) released a report alerting the Nation about a mental health crisis among students. According to the CDC, between April and October 2020, hospital emergency departments saw a 31 percent increase in visits from school-age children for mental health needs.

We have known for some time that students need increased access to behavioral health services. A 2018 internal survey conducted by the School Superintendents Association indicated that student's behavioral health needs were the top concern of superintendents across the Country. Here in Nevada, our superintendents also are concerned about student mental health, especially in light of recent increases in the number of student suicides. However, these tragedies have been a serious problem even before the pandemic, and it is clear we need to do more to address this issue. Under S.B. 249, student identification (ID) cards will now include contact information concerning suicide prevention. This action will provide students with free and confidential support in times of suicidal crisis or emotional distress.

An additional tool that we need to employ concerns the authority to decide and certify that a student is unable to attend school, or it is not advisable for that person to attend school. Under law, only a physician can make that determination. With the understanding that mental health and behavioral health concerns may be a factor in making this decision, it is important to authorize the trained specialists in these professions to also make that determination if it falls within the scope of their practice.

Section 1 of S.B. 249 requires the back of any ID card for a pupil in a public school, including charter school, will now include mental health resource information, including the telephone numbers of national and local suicide prevention hotlines.

Section 2 makes three changes to the statutes concerning excused attendance in school. First, it adds behavioral health to the list of authorized conditions that would allow a child's attendance to be excused. Second, S.B. 249 allows a mental health or behavioral health professional to certify that a child is not able to attend school or that the child's attendance is inadvisable. Third, the bill prohibits an excused attendance from having a negative effect on a school's accountability rating.

In closing, it is clear that our K-12 students face many social, emotional, and situational pressures that affect their school performance. The Covid-19 pandemic has amplified these pressures. Our students need information about mental health resources that are available to them. In addition, as we emerge from the pandemic, it will be necessary to provide mental health and behavioral health professionals with the ability to make informed judgements about whether a student is able to attend school or if attendance is even advisable. Senate Bill 249 accomplished these policies.

CAROLINE EDGEWORTH (Cochair, Hope Means Nevada Teen Committee):

I am 17 years old, a junior in high school and sister to my co-presenter Lauren Edgeworth. We both attend Bishop Gorman High School in Las Vegas. Our group works to eliminate teen suicide in Nevada. Our mission is to destigmatize conversations about mental health. We want teens across Nevada to start talking about how they are truly feeling. We want to remind each other it is okay to not be okay. It is okay to be sad, scared, angry or lonely.

We need to start talking about how to be mentally and physically healthy. Our campaign motto is #Askfive, which is to ask five people how they are truly feeling. We know that mental health education is suicide prevention. Sadly, we have already lost 23 students to death by suicide this year in Clark County alone. That is more than double compared to the previous years. We know that many kids our age are suffering with loneliness, anxiety and depression. Almost all of our friends have experienced something similar during this pandemic.

Even before the pandemic, one in five of us suffered with mental health issues. The rate of youth in distress was already on the rise. Teens with mental health conditions increased by more than 50 percent between 2007 and 2017. Suicide is one of the leading causes of death among teenagers, and this last year has been difficult for both of us. The pressure of remote schoolwork and being disconnected from our friends and teammates has been overwhelming. We have lost our rites of passage in high schools such as homecoming, prom, and sports which is a large part of our identity and recruiting for college. Seniors have also lost graduation. The list goes on.

I was only a sophomore when the pandemic began. Recognizing what was happening to our friends, we jumped at the opportunity to get involved with Hope Means Nevada, advocating for mental health awareness. We were fortunate to watch a *TED Talk* by Hailey Hardcastle on the benefits of mental health days. It made sense to us. As athletes, high-achieving academic students and people who just want to give back to the community, we are sometimes overwhelmed with the stresses of life, schoolwork and friends—just trying to be perfect all the time. There are days we want a break from everything. In the summer of 2020, we watched Hailey Hardcastle state it was okay to take one of these days because one single day can make a huge difference and possibly save a life.

LAUREN EDGEWORTH (Cochair, Hope Means Nevada Teen Committee):

We want to talk about how S.B. 249 can help. Once a mental health day is taken, it is noted by the student's counselors, and we hope this will activate a chain of events where the student is evaluated and a determination is made about what kind of assistance is needed. The parents would also know about the mental health day. If two or three days were taken, there should be a system in place to get the student the mental health assistance needed.

Nevada is ranked as one of the lowest in the Country for mental health assistance, and we hope this will change with S.B. 249. By using teen mental health days as a way to start the conversation with parents and counselors, this bill would be a strong tool to identify teens who are struggling. We believe if this bill was in place, we could have saved those 23 lives by being alert to their distress before it was too late. Depression and suicidal thoughts are often suffered in silence, unbeknownst to teachers, counselors, parents and even some of our closest friends. Sometimes teens do not want to betray their

friends trust by alerting a parent, counselor or another adult, and this bill would provide an easy way for a teen who is struggling to raise a red flag.

Will there be abuse to this bill? Yes, of course. Just like sick days, there may be rare occasions this benefit will be abused, but we cannot let that supersede the number of lives we will save. Mental health days are a very powerful tool and quickly sends a message a person is struggling and needs help. It does set off a chain of events from the counselors, including evaluation. There is still some stigma concerning mental health, especially with boys. I believe students who really need these days will use them. Most kids I know do not want to miss school, even when they are sick. We believe this is a powerful tool to help catch the early stages of a child suffering with mental health issues.

Ms. C. EDGEWORTH:

Our Hope Means Nevada teen committee, of more than 100 teenagers across the State, voted to advocate for mental health days. Sometimes a break in the constant pressure can make a huge difference. This is a giant step towards eliminating suicides in Nevada. We hope to help pass this kind of legislation through the remaining 48 states. We hope Nevada will lead the way in showing the Country or even possibly the world it is okay to not be okay and to destigmatize mental health among teens.

This is how the program would work. Say a student is feeling overwhelmed, overworked or falling behind in school, and they know they need help. Maybe they have never talked about mental health with their parents before, which is prevalent in Hispanic cultures and low-income families. With S.B. 249, they now have a law on their side to help initiate the conversation. The parents still need to be the ones to call the school and excuse the absence. It is not a free pass. Most importantly, the school has that absence reported as a mental health day so they can keep track of how many students take these days. This is important because we can catch students who are struggling before it is too late. One of the main things we heard is that often times stepping forward and getting help is the hardest step. This not only will teach kids at a young age how to take care of themselves and practice self-care and self-management, but it could also literally save lives. Now students from multiple states are also trying to pass laws like this one.

We believe students everywhere deserve a chance to feel better. The core concept is that physical and mental health are equal in importance and should

be treated as such. In fact, they are connected. Take health care, for example, training in CPR could save someone's life. How about mental health care? I was trained in seventh grade in CPR in my health class. What if I was trained in seventh grade on how to handle my mental health or how to respond to a friend in crisis? I would love to see a world where we have a toolkit on how to help a friend, family member or even a stranger through a mental health crisis. These resources should be especially available in schools because that is where students are struggling the most.

Ms. L. EDGEWORTH:

Just like how we take a sick day, we should take a mental health day to replenish and nourish our mental health. It could be the difference of saving a life. I encourage you to watch the *TED talks* by Hailey Hardcastle. It is a powerful message, and we believe this bill will save children's lives. While there may be some abuse of the bill, we must remember the importance and the effect of it on the teens who truly need it.

SENATOR HAMMOND:

When you are talking about putting mental health resources information on the back of the ID cards, are you asking the cards to include that information during a reissuance or only on the first issuance to prevent additional cost?

SENATOR DONDERO LOOP:

When ID cards are issued, there will be some information listed. I believe the Clark County School District (CCSD) has already started to move forward with this change.

SENATOR HAMMOND:

Whenever a student gets a card or is reissued one is that when the information will be updated? Is the bill asking the school to have all student ID cards turned in and have new cards reissued with updated info? Charter schools only update their ID cards every other year. I am wanting to make sure there is not an additional cost to the school.

SENATOR DONDERO LOOP:

Any additional cost to print one line of suicide prevention information is worth a child's life. I do not know the exact cost for every school because that would depend on the vendor they use and how they issue their cards. There may be schools that issue a new card every year. Not knowing how each school works

with their vendor, my opinion is there would be no cost that is too much to save a child's life.

SENATOR HAMMOND:

I want to know if that is what you were anticipating in the bill. Are you asking them to reissue cards with the new information?

SENATOR DONDERO LOOP:

I am not necessarily asking them to reissue because they may be reissuing at the beginning of every school year anyway. I cannot speak for every school in the State as we have so many. The way they handle this may differ according to their vendor, but all students are issued cards and given new photos every year.

CHAIR DENIS:

It seems to me that whenever a card is issued going forward, that is when the new information is included. You are not asking them to retroactively go back?

SENATOR DONDERO LOOP:

That is correct. Especially with the pandemic and students being out of school for a whole year, I cannot imagine any school not issuing new cards next fall.

SENATOR LANGE:

I think S.B. 249 is important. Regarding the previous question, I think it is an easy fix. I love this bill and everything about it.

TRINH DANG (Executive Director, National Alliance on Mental Illness Southern Nevada):

As someone who has struggled with mental health since I was a teenager, I did not disclose at the time my thoughts of suicide. I would often miss school and did not know who to turn to, where to go or what to say. I did not reach out for help until my mid- to late 20s, when it was clearly affecting my personal and professional life. If I had a helpline or phone number I could call, I may have had the option to get help sooner. That could have saved me over a decade-and-a-half of struggling in silence.

Since then, I have learned when I start to feel overwhelmed I need to take time off for my own self-care. We need to give our students resources and empower them to do the same. We know the earlier our youth get help, the better the



prognosis. By including mental health information on ID cards, it goes beyond providing access to information. It sends a message that it is okay to reach out for help, we are a community that cares about mental health and that takes us one step closer towards destigmatizing mental health conditions.

CHRIS DALY (Nevada State Education Association):

We support S.B. 249. In addition to the provisions of the bill making a lot of sense such as allowing mental health days, we want to point out in section 2, subsection 4 the importance of the language listed there. We have often seen a system of well-intentioned accountability have negative impacts on other issues. In this case, the push to have a higher school rating pushes attendance even when that attendance is not in the best interest of the student. Section 4 helps address this issue.

LEONARDO BENAVIDES (Clark County School District):

We support S.B. 249, as we look to find ways to support mental wellness of our students in the district. While the changes in S.B. 249 may seem small, if it can help even one student it will be more than enough. Providing additional information for students to access in their time of need, or giving them access to additional days off to address their well-being, may make a world of difference down the line.

BRENDA PEARSON, PH.D. (Clark County Education Association):

We support S.B. 249. The inclusion of mental health days gives students a safety net while sending a message to mental health professionals within schools that additional supports may be needed. This Session we have seen a few bills that discuss the types of mental health resources that should be provided on a student ID card. Much like Assemblyman Leavitt's Assembly Bill (A.B.) 167, we support this bill.

**ASSEMBLY BILL 167**: Establishes provisions relating to education. (BDR 34-749)

Though the pandemic has exacerbated the mental health crisis in Nevada, the mental health crisis our students face every day is nothing more than a normal occurrence. It is about time we as Nevadan's stand together and give our students the resources they need during this time of crisis. By ensuring that mental health days are available for teens and information to the National Suicide Prevention lifeline hotline is readily accessible on the back of every

student ID card, students will be given resources that will help and destigmatize mental illness.

SENATOR HAMMOND:

When the Edgeworth sisters were testifying, they talked about how we can track the mental health days taken. I was looking through S.B. 249 to see if there was anything in there concerning this. Is this something that will be done in policy with each school having a different method, or was there a specific idea of how many days would trigger staff to talk to parents? Is there anything that could be included in the bill regarding this process to make sure we are following up on these students?

SENATOR DONDERO LOOP:

There is not anything in S.B. 249 which triggers a response. I trust our professionals to follow up with those students. All bills are usually fluid, and we are always working towards a better piece. Your question may be something that someday we may want to address with an amendment. I was trying to make this bill as user-friendly for our teens first and foremost. Second of all, make the access for our teens and parents to work with mental health needs. If a student came in and said to a teacher, counselor, principal or whoever, "I need a mental health day" or, "This is what is going on" and had a concern, I cannot imagine that adult would not follow up.

CHAIR DENIS:

I will close the hearing on S.B. 249 and open the hearing on S.B. 230.

**SENATE BILL 230**: Enacts provisions relating to mental health. (BDR 34-82)

SENATOR DONDERO LOOP:

For this bill, I will provide more of an emphasis on the background and provisions relating to teachers and other school employees, as well as the related needs of health care personnel, emergency services employees and others.

Even prior to the Covid-19 pandemic, Nevada's policymakers and educational stakeholders were concerned about the mental health and well-being of not only students but also teachers and other school personnel. In addition to concerns over pay, class sizes and hours spent working, teachers have to worry at times about threats and attacks by students and some families. In one report by the

National Center for Education Statistics (NCES), in school year 2015-2016 alone, approximately 1 in 10 elementary school teachers reported being threatened with injury and about the same percentage reported being physically attacked by a student. This is not okay. Our teachers need to be supported and protected. In some respects, the unprecedented nature of the pandemic, coupled with distance learning, only heightened existing concerns and other stresses for many students and teachers.

In a similar vein, as we continue learning more about mental health and illness, including best practices in responding to a crisis, we must provide the necessary training to those who might encounter individuals experiencing behavioral health issues, including school personnel and first responders. Teachers can have a significant influence on kids who are experiencing emotional or mental health crises. A report released in 2020 by NCES indicates that 85 percent of lower secondary teachers reported they were “able to control disruptive behavior in the classroom quite a bit or a lot” and 80 percent reported being able to “calm a student who is disruptive or noisy quite a bit or a lot” just by simply having additional training.

Many of us or our immediate family members have worked or are still working within schools, so we emphasize how stressful and challenging all these jobs can be. It is one of the most rewarding careers a person can have. With that being said, we also have other people working in schools such as lunch attendants, front office workers, custodial staff and school bus drivers. We have many people who are continuing to focus on the mental health and well-being of our students. Our school personnel is our extended family and support staff for students.

Senate Bill 230 requires school districts and charter schools to report information relating to distance education and its effects on the mental health of pupils and teachers as part of the statewide framework for providing and coordinating integrated student supports. It ensures that all school employees receive training on social and emotional trauma. The bill also requires the Nevada State Board of Education to adopt regulations related to these requirements. The intent of this point is that the required report would examine the mental health of all students and teachers who were in a distance learning format within the past year.

Furthermore, to the extent money is available, S.B. 230 requires the Division of Public and Behavioral Health to establish a program that provides training on identifying and assisting those who have a mental illness or substance use disorder or who may be experiencing a related crisis. Second, this bill requires the Division to collaborate with and inform certain individuals and entities about the program, including healthcare practitioners, law enforcement officers, school personnel, and others who may benefit from the program. Third, the Division must submit a report regarding information about the program to the Governor and Legislature. The training must be provided by a person who has successfully completed a mental health first aid instructors training program.

There has been some discussion with school districts about amendments to S.B. 230. I welcome those ongoing discussions. I wanted all our school staff, whoever they may be, to have the opportunity to be trained just as the certificated staff of teachers and administrators are.

This Legislature has continued to focus on the mental health and wellbeing of students and school personnel—and on school climate generally—by directing additional resources and other efforts to address this important topic. The pandemic has had a negative impact on the mental health of our teachers and school personnel. Just last week, I read a report out of Illinois that showed teacher retirements spiking in the summer and fall of 2020. These stressful and challenging times ultimately worsened that state's already dire teacher shortages.

SENATOR DONATE:

Whenever we talk about the health of our students, we talk about revisions to physical and health education, but we always forget about mental health. This is an awesome bill in collaboration with the other bill you are proposing. I am fully supportive of S.B. 230. Looking at section 3, subsection 3, paragraph (d), it would be interesting if that report mentioned can also guide us in terms of the lack of gaps observed in each school. For instance, perhaps we can see the impact counselors have because they cannot take on all the workload of their job. Perhaps that report can pull some the information as to what school districts need to better support the infrastructure.

SENATOR DONDERO LOOP:

I will look into that. I think the more information we have, the better we can do.

CHAIR DENIS:

In section 1, subsection 5, paragraph (e), S.B. 230 states "Require school districts and charter schools to report information relating to distance education and the effects of distance education on the mental health of pupils and teachers." Do the school districts do that right now?

SENATOR DONDERO LOOP:

They do not. Even though we have distance education available to our students, this past year we have never experienced anything like this pandemic before. It is an unfortunate but very good opportunity for us to stop and gather that information. I would like to see that information gathered on how this distance education has affected our students.

CHAIR DENIS:

If the school districts do not gather this information now, they would need someone who knows about this topic to help them gather the information. We want to make sure whatever we ask of the school districts, they are capable of doing so.

SENATOR DONDERO LOOP:

The intent here is the required report would examine the mental health of all students and teachers who were in the distance learning format within the past year.

SENATOR LANGE:

Senate Bill 230 says it contains an unfunded mandate. Is the unfunded mandate from section 3?

SENATOR DONDERO LOOP:

Yes, that is one of the funding pieces. My original thought was it would be great if we could pull in one person from each area in a school, such as an office worker, lunch attendant or custodian. That would not cost additional funding, but it would be within the training already occurring. Over time, we would train all the personnel. The other reason why the bill states "to the extent money is available" is because eventually we would like to establish a program that provides training on identifying and assisting those who have a mental illness, substance abuse or experience a related crisis. We know some of those things are in place, but there may be a school, school district or charter school that does not have those programs.

SENATOR LANGE:

School districts have in-service days. Could they incorporate this training into those days so it would then be revenue neutral?

SENATOR DONDERO LOOP:

That is exactly what I am thinking. The more of us in our communities know this training, the better off we will be.

SENATOR LANGE:

Unfunded mandates concern me; they can become troublesome. I want S.B. 230 to pass. How can we get consideration to have this training be done on in-service days and be revenue neutral? I would hate to have the fact this bill says unfunded mandate hurt its passing.

CHAIR DENIS:

I think we will hear from school districts and others on where other concerns are. The other place there might be a funding issue is in the reporting piece. I want to hear from them whether that is an issue or not.

SENATOR DONDERO LOOP:

All bills that appear to have a fiscal note are sent out to the agencies. The agencies get to decide if there is a fiscal note or not. Senate Bill 230 has been sent out. If the agencies decide they need a fiscal note, they will attach it.

SENATOR BUCK:

I was looking at what the training must entail. When you implement these trainings, we already have about six to eight hours in trainings on various topics. There is a plethora. Could this training be incorporated into that? I know a lot of times these trainings are "watch all these videos and sign a signature page that you watched them." It is required by all staff to do most of them. I have rarely been in a building or been a principal of a building where it is just partial staff who have to watch these videos. Could we combine the training from S.B. 230 with other required training of the school districts?

SENATOR DONDERO LOOP:

This would be a training on mental awareness and behavioral issues for the staff. As you have said, there are many trainings that go on in schools to make sure our students are safe. We do not always incorporate support personnel in these trainings. My wish would be this training would be in person and we do it

on a staff development day. It would not just be a video we watch. I want it to be in person, have good questions and involve the support personnel in that school.

SENATOR HAMMOND:

You are talking about linking this training with some of the other staff. I know some schools use SafeVoice training. Is there a way to link these two trainings together?

SENATOR DONDERO LOOP:

Absolutely. We have all kinds of resources out there that some schools use. I want to make sure the resources are being used and our support personnel are being pulled in so they are part of the solution as well.

MS. DANG:

We support S.B. 230. We do need to know the baseline of how distance learning is affecting our youth and teachers' mental health in order to address it and know if we are making progress in the right direction. Making sure our youth is safe is not just the job of a school counselor but all adults and individuals who work with and impact the lives of youth. The more trauma-informed adults we have, the more awareness we have and the earlier we can intervene and get youth the help they need and deserve. Teachers need the support and training to be aware of what our youth are going through.

We do not expect teachers to provide treatment, but as a former teacher myself, it is evident when a child's social-emotional needs are not being met because they have a difficult time learning and achieving academic success. We do a disservice to our youth when we do not equip our teachers to properly care for them. Prior to leaving California in 2016, I saw the Los Angeles Unified School District and Garden Grove Unified School District had begun providing professional development for social-emotional learning for teachers and staff. Becoming trauma-informed should be prioritized just as we do with child abuse training. It is not enough to identify physical, emotional and sexual abuse and report it. We need to identify the symptoms of trauma and learn how to better respond to de-escalate the situation.

DR. PEARSON:

We support S.B. 230. The pandemic continues to highlight the structural neglect and lack of prioritization of the mental health resources we provide our

students in Nevada. Senate Bill 230 creates opportunities for educators to develop and strengthen their ability to identify potential mental health and substance abuse disorders. Knowledge is power, and we know that educators are keenly aware of minute changes in the aspect and disposition of students in their care. Additionally, the requirement for all those who provide training to participate in a mental health first aid course ensures the accuracy and consistency of information shared with school staff.

Often overseen is the plight of the educator in terms of mental health and resources. One astute educator serving in an at-risk middle school in CCSD describes the experience of distance learning during the pandemic as "compassion fatigue." A constant focus on the wellness of students requires a level of compassion and empathy in all actions. Senate Bill 230 calls for a report on the effects of distance education on educators, and the Clark County Education Association believes this will reveal the much-needed support our educators need as well.

We caution the sponsor to consider the definition of distance education at this time and how it may evolve postpandemic, and in the future. We must ensure these supports are long-term and we continue to build awareness and understanding of mental health and substance use disorders in our schools.

KEELI KILLIAN (Nevada School Counselor Association):

We support S.B. 230. It is important to bring mental health to the forefront in the needs of education, especially for our support staff. We are excited to hear about training for educators regarding mental health and substance use identification. We are always working towards reducing stigma and promoting healing, recovery and good mental health.

The mental health training is comprehensive. The concern that came up is it is an eight-hour training for staff and is costly. The Nevada School Counselor Association would be willing to partner with our other State agencies and community mental health professionals to possibly develop a standardized Statewide training for educators similar to mental health first aid training that would be flexible to educator and support staff schedules. It could possibly be delivered asynchronously.

School counselors are uniquely qualified to provide training for staff. The American School Counselor Association already has five credit, 50-hour courses



in mental health training, trauma and crisis specialist training, which helps to make them uniquely qualified. Although we do not want to add a burden to school counselors, we do want to place them in a position as specialists to work with other agencies in developing a training. Secondly, we do have some concerns as to when the training would be offered. That is why we would recommend something flexible and possible asynchronously.

JIM HOFFMAN (Nevada Attorneys for Criminal Justice):

We support S.B. 230. In particular, we support section 3 of the bill, which establishes a training program for people who deal with mental health crises separate from the program for school employees from the prior section. This program would be a valuable tool for law enforcement to enable them to respond effectively and safely to people in mental health crises without endangering lives. This is a good bill.

MR. BENAVIDES:

We support S.B. 230. It is no secret to anyone this past year has been difficult on many of our students. That is why it is important we provide the support students need whether through training for our staff on social and emotional trauma, or through the integrated support services we provide to our students. We are working with Senator Dondero Loop to address the reporting aspect of this bill to better focus on the integrated support services and how they best serve our students. The more clarity we have in language, the better we can comply with the intent of the law.

CHAIR DENIS:

I will close the hearing on S.B. 230 and open the hearing on S.B. 287.

**SENATE BILL 287**: Revises provisions relating to higher education. (BDR 34-933)

SENATOR DALLAS HARRIS (Senatorial District No. 11):

Before I begin my presentation, I would like to bring to your attention two amendments ([Exhibit B](#) and [Exhibit C](#)) posted on the legislative website which substantially revise this bill. [Exhibit B](#) was posted yesterday; however, during the afternoon and evening stakeholders continued to work on this measure, and [Exhibit C](#) was posted. We can set aside the first amendment in [Exhibit B](#), and I consider the second amendment in [Exhibit C](#) posted by the

Nevada Association of Counties to be a friendly amendment. My remarks today will focus on [Exhibit C](#).

What we are proposing is to delete the original S.B. 287 and insert this amendment in its place. Senate Bill 287 clarifies the land-grant status of the University of Nevada applies to the campuses of the University, which includes the Desert Research Institute (DRI), University of Nevada, Las Vegas (UNLV), and the University of Nevada, Reno (UNR). We are proposing this change to allow cooperative extension programs to be more responsive to the communities they serve.

In 1862, the U.S. Congress passed the Morrill Land-Grant Act. This Grant helped universities and colleges by granting federally controlled land to the states to create land-grant schools. The states could either develop the land or sell it to raise funds for a college. The focus of these institutions was to teach agriculture and the mechanical arts. The University was established in 1874 under the Act to provide agriculture and mechanical education in the State.

In 1914, President Woodrow Wilson expanded the scope of land-grant universities charge when he signed the Smith-Lever Act, which established the cooperative extension system. The cooperative extension was a way for the general public to interact and gain value from universities, fostering the sharing of ideas from university researchers shared problems, mainly in the areas of agriculture, energy and home economics.

While many Americans no longer farm or pursue home economics for a living, the research shared within the cooperative extension system still benefits communities by focusing on areas like disaster recovery and mitigation, energy and dependence, food supplies, public health and workforce training. Senate Bill 287 provides clarification that the land-grant status applies to all three research institutes and campuses of the University, allowing them to become eligible to receive federal funds to run regional cooperative extension programs.

In the original bill, sections 1 through 5 are proposed to be deleted. Section 6 specifies the State land-grant institutions of the University are UNLV, UNR and the DRI. This will become section 1 under the amendment. Section 7 through 11 are also proposed to be deleted.

A new section 2 instead requires the Chancellor of the Nevada System of Higher Education (NSHE) to develop a plan to manage the assets and resources of the State land-grant institutions based upon the designation of land-grant status. The plan must be submitted to the Legislative Council Bureau and the Governor no later than February 1, 2023. The Chancellor is authorized to base the plan in whole or in part upon agreements negotiated and reached between the land-grant institutions, established committees, and employed consultants and personnel to develop the plan.

A new section 3 addresses federal, county or State funding allocated under *Nevada Revised Statutes* (NRS) 392.690 through NRS 396.790 shall continue to be appropriated to the Extension and Experiment Station programs. The new section 4 sets forth the effective date of the measure.

MAUREEN SCHAFER (Council for a Better Nevada):

We support S.B. 287. This bill acknowledges and reaffirms that UNLV, DRI and UNR are existing designated higher education land-grant research institutions in Nevada. Therefore, they should openly pursue the benefits for themselves and their communities associated with that status. Among the benefits that land-grant status confers to universities, it gives improved prospects for accessing federal research grants, greater faculty engagement, local community studies and outreach projects. With legislative clarification of this status, gone will be the days of faculty foregoing federal applications for grants that were opportunistic simply because UNLV and DRI believed they were "not land-grant" or that faculty were requested to ask for permission on a case-by-case basis.

In addition, this needed clarification will create a funding scenario where as a State we can watch the federal funding pie grow significantly with three active institutions seeking federal research grants with no bureaucratic barriers to hold us back. The prospects of this reality going forward is exciting as Nevada struggles to seek its fair share in federal funds in many areas, not just higher education funding compared to our sister states. We can begin to make up a significant differences in federal funding fair shares and begin to grow the higher education federal funding pie to become more competitive with other states that capture more federal funding dollars on an annual basis. Research dollars also innovate and attract new companies and jobs.

With UNR and UNLV having reached R1 Carnegie status, the ability to actively and aggressively seek out federal research funding with DRI and UNLV brings a

new level of awareness to the marketplace of ideas and discovery throughout Nevada with its research institutions capturing federal research dollars. Companies will want to be near this energy and future discoveries. This clarification is good for higher education, research, economic development, faculty and students, and for all of Nevada.

GINA BONGIOVI (Chair of Board of Trustees, Vegas Chamber):

We support S.B. 287. The Chamber is also in support of a conceptual amendment that would remove the cooperative extension and land sale sections of the bill. The Chamber is supportive of the primary tenants of the bill and the clarification of the designation status of land-grant institutions of Nevada. We view S.B. 287 as a necessary step to codify into State law what we believe to be the already accepted view that UNR, UNLV and DRI are all land-grant status institutions. As you have heard, Harvey Dickerson, Nevada Attorney General, published Opinion No. 69-556 on January 23, 1969, which states these three institutions are considered land-grant status because of the university system structure we have in Nevada. I quote:

The University of Nevada system, consisting of the University of Nevada, Reno, the University of Nevada, Las Vegas, and the Desert Research Institute, is the only land-grant institution within the state of Nevada. The components of the system may not hold individual land-grant status separate and apart from the system.

In 2004, the system office reaffirmed these three institutions as part of the land-grant status in an opinion written by Kwasi Nyamekye, Assistant General Counsel. We believe codifying these opinions will only benefit these three institutions as the federal government provides research funds often with state-matching requirements to land-grant institutions. Research by universities typically leads to innovation, helps increase national ranking, and attracts top-tier faculty and staff to their campuses. Most importantly, additional research activity on a campus benefits the students. It provides research opportunities, collaboration among faculty and students, and increases the value of the student's degree.

Surveys confirmed that students who are more engaged in research activities have higher grade point averages, are more likely to graduate within four years and plan to attend graduate school. For the Chamber, clarifying the land-grant status will open the door to bring more federal dollars into the State, which has

been a long-standing priority of our organization. It will help with student achievement and better prepare students for careers once they graduate. From that perspective, we believe S.B. 287 will also support workforce development efforts in Southern Nevada. This is essential as we work together to recover from the Covid-19 pandemic. We believe this is an important step forward to grow and expand our institutions of higher education and the thousands of students enrolled in their campuses.

SENATOR BUCK:

Is this a finite amount of money the State gets, or would this open up more universities getting greater resources?

JOE REYNOLDS (Chief Legal Counsel, Nevada System of Higher Education):

Prior to answering that question, I will make some other statements. First, NSHE takes a neutral position on the underlying policy for the amended version of S.B. 287. One of the reasons I have been asked to speak today is to share my legal opinion on the underlying constitutional questions that is now section 1 of the amended bill. That discrete issue is whether the Legislature has the constitutional authority to recognize UNLV and DRI in addition to UNR as land-grant institutions.

The short answer is yes. I agree with the legal analysis that has already been provided by the previous testifiers. Article 11 of the *Constitution of the State of Nevada*, specifically section 4, section 7 and section 8 address higher education in the State. There is no specific institution or even location that are identified in those constitutional provisions. The only legal phrase is "State University." The Legislature has already identified what "State University" means in statute in NRS 396.838. The Legislature has stated it is a University of Nevada. That includes UNR, UNLV, and the higher education institutions in the State.

Taking a step back, when the Nevada Constitution was adopted in 1864, no university existed. Rather, it was not until ten years later after our Constitution was adopted before our first institution was founded. The first was in Elko, prior to the University moving to Reno. This history belies any premise that the initial constitutional provisions were directed at any specific location, building or institution. The history of an institution on which it was established does not define its constitutional status.

The University of Nevada, Las Vegas, started as an extension of UNR, and become independently recognized in 1957. As such, the constitutional foundations of UNR extend to UNLV. It is my opinion that UNLV, UNR and DRI have equal constitutional status. Neither institution has a superior constitutional claim or status over the other.

The constitutional provisions you heard Senator Harris reference in Article 11 specifically express an intent to establish departments pursuant to the Morrill Act to promote agriculture, mining, and mechanical arts, which is often understood to be engineering. A department is an academic division and a faculty unit. The Act is not directed to a discipline or field of study. It is not necessarily a building or specific institution.

In reaching my conclusion, the U.S. Supreme Court issued a 1907 opinion confirming the view and analyzing the second Morrill Act:

That it is so obvious that these appropriations be made to the states, and not to any institutions within the state, and that states acting through their legislatures, are to expend the appropriations in accordance with the trust imposed upon them.

It is my legal conclusion, which is consistent with what you have heard from our State's top legal officer, the Attorney General in 1969, the answer is yes to Nevada having constitutional authority to recognize these institutions as land-grant institutions. It is also my understanding the Legislative Counsel Bureau expressed this in 2017 when addressing A.B. No. 407 of the 79th Session.

The answer to Senator Buck's question with respect to section 2 in the amended language is to develop a plan to manage the assets and resources. One of the tasks in that would be to specifically identify what those are. With the land-grant status, there is not only an initial conveyance of land but opportunities for further grant funding and for expanding research into the fields of agriculture, mining and mechanical arts.

SENATOR BUCK:

Is it a finite amount of money that is coming which has to be divided? Why were the funds divided anyway if it is one institution?

MR. REYNOLDS:

I do not know. That is one of the reasons why we requested an additional plan regarding these resources and assets. I am here speaking as a lawyer. It is not that the information is not out there, I just do not have it with me today.

SENATOR LANGE:

How does an institution become a land-grant institution? I am concerned that Nevada State College is not considered a land-grant institution when they service the minority communities in our State. They are growing and have a full liberal arts program. Now they are starting to offer masters programs. How can we get them included into being a land-grant institution?

SENATOR HARRIS:

It is something we can look at, but the answer is the definition of the University of Nevada has traditionally been limited in the land-grant sense to UNR. We know that UNR has grown to UNLV and DRI. Nevada State College, as a State College, serves a separate function.

MR. REYNOLDS:

There are common constitutional underpinnings as far as their original designation. That designation was bestowed by Congress and was delegated to state legislatures to make the determination. Thus, in my opinion this Legislature has authority to make those decisions. There is a strong component of land-grant status directly connected to research, which is why the original sponsors of S.B. 287 were focusing on our major R1 Carnegie research institutions and DRI.

SENATOR LANGE:

The Henderson State College was not even thought of back then. They have grown and grown. They have lots of land, built one dormitory in the last year. In order for them to continue to grow and service the population they serve, the money they need are given through grants. What is the pathway for them to be included as a land-grant school? Is there a pathway?

MR. REYNOLDS:

My initial recommendation would be to study that issue and gather further information and analysis on what that would entail.

CHAIR DENIS:

Senator Harris, could you explain what the purpose of a land-grant status is? What do they do with that designation?

SENATOR HARRIS:

Mr. Reynolds hits on the key element, which is the research portion, ability to share information, the cooperative extensions and the unique programs they can set up to benefit the community.

SENATOR HAMMOND:

I cosponsored A.B. No. 407 of the 79th Session. Some of the concerns brought up are being repeated here. Confirmation of which universities qualify for land-grant status was something we dealt with last time. The newest claim here that was not addressed in the prior bill was the access to more money coming from the grants. I am curious to know more about this.

One of the things we brought out in A.B. No. 407 of the 79th Session was there was money not being spent in certain areas, especially in Clark County. Part of the process is there are monies that come into each county. Those funds are unique to the counties and must be spent in the specific county. My biggest concern from the prior bill was the money was not being spent. They had millions of dollars in reserve, and the whole idea of acquiring that money was to spend it on programs. Can you elaborate on any changes that have occurred since A.B. No. 407 of the 79th Session?

SENATOR HARRIS:

I am not an expert on how those dollars flow down to the counties and how they are being spent.

IVORY LYLES, PH.D. (Director, University of Nevada Cooperative Extension; Associate Dean for Engagement, University of Nevada College of Agriculture, Biotechnology and Natural Resources):

The programs being developed in Clark County are numerous according to NRS. We have all of those programs in Clark County. We have a robust agriculture, natural resources, nutrition and horticulture program. We have youth and families programs such as 4-H, which has 27,000 young people enrolled annually.



I arrived here shortly after the end of the 79th Session, so I was not part of the conversation with A.B. No. 407 of the 79th Session. Understanding all of the dynamics that occurred, I immediately started working with the County Commissioners. *Nevada Revised Statutes* say we must work in unison and partnership with county commissioners. Together we developed the spin-down plan for Clark County funding. We are in the process of implementing that plan. Two components that we are implementing is a new satellite office in North Las Vegas to better serve the Hispanic community located there. Second, a new satellite office in Southwest Las Vegas is being created to deal with the population of the rural part of the county in consultation with the Clark County Commission.

SENATOR HAMMOND:

In short, since 2017 there is more activity in southern Nevada. There is more money spent, programs created and a bigger presence? One of the things you mentioned was your work with the Clark County Commission. If I am not mistaken, you established an advisory board. Can you tell us more about that?

DR. LYLES:

We wanted a broad base of support. We have established a 25-member advisory council to advise on programs as dictated by federal law. The membership is almost equally divided between north, south, urban, rural and suburban members. It is a diverse and representative group for the State. We typically meet quarterly. During the pandemic, we have been meeting via Zoom. We update on new programs being developed. We talk about future programs we need to develop. We seek their input and advice in the direction we should move.

SENATOR HAMMOND:

When A.B. No. 407 of the 79th Session was introduced, we were seeking some of the answers listed in S.B. 287 but mostly we wanted to see a greater input and presence in southern Nevada. From what I have heard, we are seeing that presence.

SENATOR DONATE:

It is great when we can open federal funding for our State universities especially when our higher education system is already underfunded compared to other states. Do you know if other states have more than one land-grant institution?

DAVID DAMORE, PH.D. (University of Nevada, Las Vegas):

Yes, all you have to do is look at California. The proposed model in S.B. 287 is what was originally found in California. California's model is anchored out of the Davis campus, but there are other campuses, most notably in Riverside, which deal with the southern part of California. It is a very similar structure to what we are proposing here. Like California, we have a single University of Nevada with different branches. When a new University of California is added, such as Merced, there is not a dispute if they are in the land-grant. They are able to access land-grant benefits.

There was a question earlier Senator Buck had I would like to touch on. The State does get some money every year from land-grant status. There are also grants available. The real advantage of land-grant status is the State match is reduced so the State has to put up less money. There are also certain grants only available to land-grant schools.

The broader issue is the way NRS is written, the entire NSHE is the University of Nevada. When we voted on Question 1 last voting cycle, we were voting on who was going to govern the land-grant. If you look at NSHE's fiscal year reports, they will claim NSHE is the State supported land-grant institution. Here we are trying to clarify the language for these three institutions to make sure it is clear those who have the primary research focus can access these funds without having to go through a lot of legal hoops.

ASHER KILLIAN (Counsel):

I agree generally with what Mr. Reynolds said. The Legislative Counsel Bureau's opinion as an office is similar. Article 11, section 4 of the Nevada Constitution empowers the Legislature to establish a State university. The State University that the Legislature has established is the University of Nevada, which happens to have campuses in multiple locations but is a single University of Nevada. Article 11, section 8 of the Nevada Constitution reserves the Morrill Act funds exclusively for the State University, which the Legislature has established as the University of Nevada, which includes these multiple campuses. Our opinion as an office is similar to Mr. Reynold's opinion that land-grant status attaches to the State University, and the Legislature has exercised its power under Article 11, section 4 to create the University of Nevada including all of its campuses as a land-grant university.

CHAIR DENIS:

Overall, would S.B. 287 give us the ability to raise more money because of added institutions?

DR. DAMORE:

Absolutely. It would allow us to access the federal land-grants without the barriers. One of the things we find is a lot of back and forth with groups such as the U.S. Department of Agriculture. This bill would point to the statutes and make it clear. There is also the idea of bringing in more money, partnerships, collaboration, all the things we need to grow that pile of funding and leverage our resources in the State as best we can.

CHAIR DENIS:

How would this impact the things that are going on right now? We heard Dr. Lyles talk about the programs they are offering. How would S.B. 287 impact those programs?

DR. DAMORE:

I do not think it would have any impact. Particularly if the amendment to this bill is adopted, nothing is going to change in the short term except that UNLV would have the ability to apply for federal land-grants.

DR. LYLES:

I will chime in on three things I have heard. One is the dollar amount and if there is a finite amount of funding available. I had experience with this situation when I was in Mississippi. Congresswoman Marcia Fudge from Ohio introduced Central State University as a new 1890 land-grant institution. At that time, no new dollars were appropriated for the addition of Central State. The 1890 institutions had to split the federal funding among 20 rather than 19 institutions.

To be a land-grant institution, there are four laws that need to be explored and understood—they are the Morrill Act of 1862, the Morrill Act of 1890, the Hatch Act of 1887 and the Smith-Lever Act of 1914. Those four laws create a three legged stool that form a land-grant university. The Morrill Acts of 1862 and 1890 are basically the same. They designate the difference between universities from the "separate but equal" doctrine. There are other institutions and examples such as the California model to look at land-grant status. There

are some requirements to be considered a land-grant institution from the federal perspective, and they should be considered moving forward.

CHAIR DENIS:

Does the amendment to S.B. 287 just ask for a study on what would be necessary to accomplish land-grant status for UNLV and DRI?

SENATOR HARRIS:

The amendment does two things. It clarifies all three research institutions will be identified as land-grant institutions. Second, it has the Chancellor looking at how we should make this happen.

CHAIR DENIS:

In the future, we would get something on how we should take action?

SENATOR HARRIS:

Yes.

ABRAHAM LUGO (Senator, University of Nevada, Las Vegas):

I am speaking on behalf of all students at UNLV who have continuously and single-handedly overcome this pandemic to continue their higher education. Our State unemployment rate is at 8.3 percent, yet the fees for distance learning at UNLV during this pandemic have only increased. Moreover, 1,184 unaccompanied youths experienced homelessness in Nevada in 2019 before the global pandemic skyrocketed inequities in financial assistance to students.

Passing S.B. 287 would provide jobs for our students and faculty at UNLV advancing the priorities laid out by the federal government in agriculture, engineering and the sciences while expanding educational access for students. The time to make UNLV a land-grant institution is long overdue. During these times, the University and everyone who is a part of it deserves to reap the benefits of being a land-grant institution. We have lost opportunities in the past due to questions of eligibility in the uncertainty of its land-grant status, such as the Healthy Homes Program through the U.S. Department of Housing and Urban Development. Opportunities such as this were created to protect children and their families from daily hardships.

As a student, I have benefited first-hand from UNLV's status as an R1 Carnegie institution, getting research published myself during my second semester at UNLV. This status has allowed me as a student leader to push towards expanding research opportunities for all majors, increasing participation and the desire to utilize this status, which consequently benefits the institution and also leads to the benefit of our higher education system in Nevada. This bill only serves to benefit these students who have overcome the impossible in continuing their degree as the world falls apart around them.

I am one of these students. I work to pay for my education with no financial aid, and I know what it feels like to not find a job due to the lack of opportunities at UNLV and have to find a way to continue paying for my future. Pass S.B. 287. I need it, the students of Nevada need it, and UNLV will make Nevada proud.

JOSHUA PADILLA (University of Nevada, Las Vegas):

I strongly urge your support of S.B. 287. I am a fourth year Civil Engineering student, a Latino, and I was born and raised in Las Vegas. Senate Bill 287 would help many students like me by showing that UNLV, DRI, and UNR are all recognized as land-grant institutions of the State which opens the door to all these entities to the benefits and responsibilities of being land-grant institutions. It is important that in the growing and challenging world we are in we continue to adapt and change with it. Ensuring that UNLV is a land-grant institution under the Morrill Act opens the doors for southern Nevada to diversify its economic development. As the population continues to grow exponentially in Las Vegas, this legislation allows us to remain diligent in expanding jobs and educational opportunities and access for more students.

The University of Nevada, Las Vegas has shown it has what it takes to remain competitive with other top-tier universities across the Nation when we achieved R1 Carnegie status. We have made multiple breakthroughs in research, including recently a breakthrough in room-temperature superconductors. We have been tapped by the National Aeronautics and Space Administration to help identify magnetic rocks on Mars, and we have a quickly growing engineering program. This legislation strengthens UNLV's R1 Carnegie status. It opens the door for us to be federally funded by organizations such as the National Science Foundation, National Institute of Health and the U.S. Department of Education, just to name a few. It has always been uncertain about UNLV and DRI's land-grant status and has required extra obstacles for both entities to obtain

specific funding. This is similar to A.B. No. 407 of the 79th Session, which did pass through the Legislature but failed because it was vetoed by then-Governor Brian Sandoval.

The University of Nevada, Las Vegas is a wonderful university. It is in a hot spot for continued research, breakthroughs and large economic growth. Recognizing UNLV, DRI, and UNR as land-grant institutions in our State will help many students and expand the value of our education.

OLIVIA CHECHE (Senate President, University of Nevada, Las Vegas):

I urge your support of S.B. 287 because at the end of the day it will help students like me. Senate Bill 287 will reaffirm that UNLV, DRI, and UNR are the land-grant institutions of the State, which will open the doors for UNLV to have more access to federal funding and resources. This will also be crucial for expanding jobs in economic development which is especially necessary now as southern Nevada has been hit hard by the Covid-19 recession. Our university can be central in the efforts to diversify the Las Vegas economy, but we will need more support to make this possible. In my three years at UNLV, I have seen some of the most incredible research accomplishments, but also some of the research challenges for our faculty and students. I have seen UNLV physicists make the breakthrough in the long-sought after specifications for a room-temperature superconductor that will play a major role in the future of energy efficiency.

I have also seen engineering students have to fight for a second building as they work on projects behind a 99 Cents Only Store across the street. Time and time again, UNLV students and faculty have defied the odds and done great things for the broader community with limited resources. We recently achieved R1 Carnegie status even though some people, including the former Regent, doubted it would be possible. While I am proud we have defied many odds, it should not be like this in the first place. Senate Bill 287 would support UNLV in maintaining its R1 Carnegie status. I have much love for my school and am grateful for everything it has given me. However I recognize there is more work to be done for our students. Your support of S.B. 287, which would reaffirm UNLV, DRI and UNR as the land-grant institutions in our State, would be a crucial step in increasing the value of our education.

CHRIS HEAVEY (Executive Vice President and Provost, University of Nevada, Las Vegas):

I speak today on behalf of President Keith Whitfield and UNLV. We are in support of S.B. 287. I have been a proud member of UNLV and southern Nevada communities for almost 30 years now. The President and I understand the mission of UNLV is to support our State and local community. We achieve that mission by educating students, but also through research and myriad forms of direct community engagement. We are absolutely committed to all facets of this mission. We support both the letter and spirit of S.B. 287 in recognizing we can best advance the well-being of our community by leveraging the resources and involvement of all the NSHE institutions.

The University of Nevada, Las Vegas, has more than 5,000 faculty and staff, and more than 3,100 students all eager to work together and support the southern Nevada community and the entire State of Nevada. With the passage of S.B. 287, UNLV will be an enthusiastic partner in growing the scope and impact of the services provided directly to our community as well as increasing scientific research and solving community problems, all of which is consistent with the goals of land-grant institutions. In conclusion, we believe the passage of S.B. 287 clarifying the land-grant status of the three NSHE research institutions will provide greater resources to support all of the communities throughout Nevada.

DOUG UNGER (President, University of Las Vegas Chapter of Nevada Faculty Alliance):

I am speaking only for the chapter and faculty at UNLV, not for the State organization which has adopted an official neutral stance toward S.B. 287. I express the support of the faculty and Nevada Faculty Alliance Chapter at UNLV for the passage of S.B. 287. This bill will expand research opportunities for UNLV, its faculty and students, and for the economic development of southern Nevada.

PETER GREMA:

I am an undergraduate student at UNLV and a legislative intern for bill sponsor Senator Dallas Harris. I support S.B. 287. This legislation is needed to ensure UNLV, UNR and DRI are on equal footing in terms of higher education governance in Nevada. Nevada ranks poorly on many metrics for growing workforce development. According to a recent report published by the Milken Institute, Nevada is last in the Nation for technology and science

workforce and forty-ninth in human capital investment challenging the State's economic resilience. Improving our higher education institutions can play a vital role in addressing this issue and helping to diversify our economy.

It should come as no surprise to the members of this Legislative Committee that NSHE and some members of the University Board of Regents have an extraordinarily prioritizing view towards UNR at the expense of UNLV, DRI and other higher education institutions in the State. Nevadans have paid the price for this with one of the least-diversifying economies in the Nation which suffers greatly during downturns such as the Great Recession and the Covid-19 pandemic.

Ensuring that UNLV, DRI, and UNR are all equal under land-grant status is the first step in making sure each institution receives equal attention and can apply for federal grants to bolster their research capabilities. In order for UNLV to maintain its R1 Carnegie status, it is imperative it continue to grow its research capacity, compete for more grants to attract and retain faculty and support students and researchers in their pursuit of innovate solutions and technology. Investments in skilled workforce development and research at UNLV and DRI will yield economic gains for southern Nevada, which in turn benefit the whole State. Therefore, UNLV and DRI should have equal land-grant status enshrined into State law.

JAKE TIBBITTS (Natural Resources Manager, Eureka County):

We oppose S.B. 287. We have provided more detailed testimony ([Exhibit D](#)). With the intent of the amendment in [Exhibit C](#), many of our concerns are reduced relating to the division and dilution of funding for crucial extension and experiment station programming and research. As Dr. Lyles noted, the land-grant status is inseparable from the individually and federally required tripartite components of research extension and teaching. It is imperative for the Committee to fully understand the implications that could follow with the passage of S.B. 287.

There was a similar effort in 2017 as we heard, and while A.B. No. 407 of the 79th Session passed, Governor Sandoval vetoed the bill. He vetoed the bill because "risks substantially outweigh its potential benefits." We believe this veto statement was spot on, and it holds true on S.B. 287. We also ask the Committee to review section 14, subsection 19, paragraph (d) of the 2018 Farm Bill where Congress, with concerns about states doing just what



S.B. 287 is proposing, placed a prohibition on additional federal funding where states designate additional land-grant entities. With the prohibition of no additional federal funding for the covered land-grant programs, we are even more concerned about the risk of removal of funding for existing programs and staff.

It is also important to understand the formulas for federal land grant capacity funds are tied to Nevada's rural population and rural farms. Any diversion of resources intended to serve the rural population are a real concern. There has been a stated intent on record there is no intention to take resources from existing land-grant programs but rather to apply for and receive other grants intended for land-grant institutions. If S.B. 287 is to be processed, there must be a no harm amendment to ensure our important programs and needs being met continue to be met.

JASON GEDDES:

I am a member of the Board of Regents, but I am speaking for myself. I want to bring a concern and my objection to S.B. 287 and the way it was brought through the process. We govern our institutions through a model of shared governance. When we look to bring new programs forward or develop degrees, we work with the faculty, staff, students and general community to identify needs and how to get there. We do that through the strategic planning process and overall program plan we submit to the Legislature every two years.

This issue was brought by an outside entity with the support of Senator Harris, but in the strategic plans, DRI and UNLV have never identified they want land-grant status. It is not in the strategic plan, and it is not in the UNLV Tier 1 plan. If you look at the peer and aspirational institutions that UNLV and DRI have selected for themselves, none of their peer institutions are land-grant. University of Nevada, Las Vegas peer institutions are University of Texas, San Antonio, University of North Texas, and San Diego State. Their aspirational institutions are University of Houston, Arizona State, and University of Central Florida. For DRI, their aspirational institutions are Cold Springs Harbor Institute and the Woods Hole Institute. None of those are land-grant institutions, and all the goals developed through the campus strategic plans do not include this. I object to S.B. 287 based on the process and the outside entity not working with the institutions.

AMY PASON (Faculty Senate Chair, University of Nevada, Reno):

I would like to call to the Committees attention the fact the majority of folks who have testified in support of S.B. 287 and are providing information at this hearing are not the people who work day to day with and are the experts of the federal grants that come from land-grant status. The University of Nevada, Reno, does not own the label of land-grant as if it is something we named ourselves. We are the land-grant institution in that we provide the very specific programs that come with being a land-grant institution, mainly having an agricultural experiment station and having the extension programs within our communities to share that knowledge.

The University of Nevada, Las Vegas, and DRI do not have those types of programs. Therefore, even if we label them as land-grant, they would not have access to that money especially in the Acts identified today—the Hatch Act and the Smith-Lever Act. You have to have an agricultural program for those particular Acts. The idea more money will appear because we have renamed something as land-grant is a false assertion.

Can all of our institutions apply for more federal grants? Can we achieve our R1 Carnegie status without rebranding all our institutions as land-grant? Yes, we can. Can we all work together to better our communities and institutions without this political fight over a label? Yes, we can. I encourage the Committee members to reach out to the faculty, the communities and the extension offices that are doing this work to make sure you are getting accurate information about the funding and grants specific to land-grants and the legal, federal policies that designate land-grants before you support this bill. The University of Nevada, Reno opposes S.B. 287.

BOB LUCY:

I oppose S.B. 287. I am the Chair of the Washoe County Commission, but I am speaking on behalf of myself. The amendment in [Exhibit C](#) has addressed some of the concerns of this bill. However, there are still some concurrent concerns we have within Washoe County. Our concerns are with the passage of this bill, programming will decrease across the State. We will see these challenges dramatically impact all of the regions within our community. Federal dollars and grants represent 90 percent of the funding for the Nevada Cooperative Extension. With these types of funding, the funding levels will not change yet portions of the county dollars will be further divided amongst the State, resulting in a possible loss of revenue and lower the quality of programs within

Washoe County. This budget has been continually cut in previous budgets every cycle prior to this Session. As we continue to move through this, the need to help divide the program amongst the three institutions, rather than one, will likely result in a higher administrative cost and in cuts to essential staff across Washoe County.

DOUG BUSSELMAN (Executive Vice President, Nevada Farm Bureau Federation):  
We oppose S.B. 287. As we prepared for the discussions of this bill, we were fortunate to have gained the understanding the proposed amendment, [Exhibit C](#). We are still deeply concerned over the consequences of what will happen should the bill be amended and passed. We understand the new section 2 calls on the Chancellor to develop a plan to manage the assets and resources held by or afforded to the institutions that the bill seeks to designate as having land-grant university status. We maintain this should be done before any changes are made. Whatever plan is called for should happen before you jump off the cliff, not after you have already done so.

We would like to call to your attention the very complete background that Mr. Tibbitts submitted in [Exhibit D](#). We are in total agreement with his analysis and explanation of the limitations associated with the federal funding for land-grant universities, especially the provisions of the 2018 Farm Bill. We agree with his assessment that multiplying the entities with designation as land-grant institutions will not increase funding available from the federal government for support of land-grant programs. We see this approach as taking an underfunded institution we have now serving as a land-grant university and dividing the available funds into three more insufficient finance operations. We are very clear of what we believe a land-grant university is supposed to do within the land-grant college system established under the Morrill Acts of 1862 and 1890. We request details on the types of programs and activities that UNLV and DRI will be doing to earn the designation that S.B. 287 considers applying to them.

NINA LAXALT (Nevada Cattleman's Association):  
We submitted a letter of opposition ([Exhibit E](#)) prior to seeing the two amendments [Exhibit B](#) and [Exhibit C](#) proposed. While the two amendments make things better, we agree with Mr. Tibbetts and Mr. Busselman's testimony. We also agree with Governor Sandoval's veto message that S.B. 287 will cause more harm than benefit to the State, specifically to the rural areas.

WILLIAM BOLDT (Vice President Emeritus, University of Nevada, Las Vegas):  
I support S.B. 287. I have spent half of my career at land-grant universities, including Oregon State, Cornell University and University of California, Riverside. I have experienced the tremendous impact the land-grant designation has had on all my institutions, including federal funding, research and private support. I know how important the land-grant designation is.

While serving at the University of California, Riverside, we did not govern cooperative extension. We had research programs as UNLV has. I saw during that time no issues with University of California, Davis. No funding was taken away. It simply helped the southern part of California raise its status in education. We created a medical school, and we got an R1 Carnegie status. When I was at UNLV, we worked for nine years to get R1 Carnegie status. Simply, the land-grant institution status will help us. I see nothing being taken away from UNR. This bill adds synergy to the State and funding for UNLV and DRI.

JEFFREY THOMPSON (Executive Vice President and Provost, University of Nevada, Reno):

I am proud of UNR's commitment to a long history of serving our State and our communities as part of the mission of our land-grant designation. Our entire University is committed to the core values of the land-grant mission as defined in the 1862 Morrill Act, which included providing a high-quality accessible education for residents of the State, engaging in research relevant to and for the benefit of Nevadans and translating that research into enriching the lives of the residents of Nevada.

The University of Nevada, Reno, opposes S.B. 287 because we believe it will dilute the finite federal financial resources that are already limited and duplicate administrative costs that will directly reduce the funds available to serve Nevadans. One of the primary carriers of the land-grant mission is extension. Extension is engaged in all of Nevadan communities, presenting research-based knowledge to address critical community needs and transforming Nevada. With twenty sites across Nevada, extension creates a powerful, integrated network that delivers educational resources to all Nevadans, including urban, suburban, rural and inner-city communities alike. It is a unique county-state-federal partnership that provides practical education to people, businesses and communities, and plays a vital role in fulfilling UNR's land-grant mission.

A few examples of extension programs include 4-H, which engages over 27,000 youth in Clark County a year, and educational and community-building programs. Extension hosted the fourth annual Kickoff to Kindergarten school readiness fair this year reaching 19,000 individuals and families in Clark County. The Healthy Kids, Early Start program equips pre-school children to learn about healthy eating, fruits and vegetables, and physical fitness and activities that reached over 200 classrooms. The University of Nevada, Reno is proud of our service to all the residents of Nevada as part of our land-grant mission and in particular the work of the extension faculty and staff in Clark County.

MARCO VELOTTA:

I have submitted a letter of opposition ([Exhibit F](#)). I believe S.B. 287, even with the amendments, still opposes an underlying problem and unintended consequences that would threaten existing programming and cause unwarranted and unnecessary contention. I noted the parallels of this bill with A.B. No. 407 of the 79th Session. Governor Sandoval's veto message stated the risks outweigh the benefits, which I concur with. There is a lot left to the unknown.

DAGNY STAPLETON (Executive Director, Nevada Association of Counties):

I am neutral on S.B. 287. The amendment in [Exhibit C](#) specifically addresses extension. I want to share with the Committee how important cooperative extension is to counties in Nevada. Each county has an extension educator, and then there are extension specialists who serve Statewide in areas such as youth and community development, mental health, economic development, horticulture, natural resources and agriculture. These Statewide specialists and county educators have academic backgrounds and bring university research and programming into Nevada's communities.

Cooperative extension throughout the United States links local communities with global university resources, and extension in Nevada assesses local needs through a formal, consultative process to develop locally-relevant programs. Extension benefits Nevada residents from all walks of life and supports every community in this State. The largest programs are in our urban areas. A few examples of what extension does include trainings for childcare workers, literacy, storytelling and nutrition programs teaching people how to grow their own healthy food, programs developed to help communities with domestic violence issues and 4-H programs that support kids throughout Nevada including science, technology, engineering and mathematics education.

Counties care about extension because we are the largest single funder of extensions. Extension is funded through federal grants and State funding through NSHE, but also every single county puts county dollars into this program. All but one county funds a full penny and a half of local property tax dollars to extension. It is the county contribution that is the predominant funding source for the program. The counties have not reduced this funding over the years. Counties have continued their commitment to this program because of the value extension brings at the local level and the support that county commissions understand these programs provide to their constituents.

The Nevada Association of Counties and our members have worked for years to ensure extension programming and county funds are tailored to local needs, and counties are treated as stakeholders and partners. In working towards this goal, commissioners from across the State have worked with Dr. Lyles to ensure this program is thriving. We believe it is. Counties are engaging extensions in their communities, and this is true in Washoe and Clark Counties as much as it is in Eureka and Churchill Counties.

Our concern with S.B. 287 was as written it could jeopardize the existing funding structure and programming for extension. The goal of the amendment in [Exhibit C](#) is to ensure the existing funding sources and structure of the extension will stay intact as they are today.

TRACY BOWER (Desert Research Institute):

We are neutral on S.B. 287. If the bill is approved, we would appreciate the opportunity to work with our partners at NSHE, UNLV and UNR as appropriate on a plan to implement the bill.

Remainder of page intentionally left blank; signature page to follow.

Senate Committee on Education  
March 31, 2021  
Page 39

CHAIR DENIS:

With no further comment, the meeting is adjourned at 3:38 p.m.

RESPECTFULLY SUBMITTED:

---

Ian Gahner,  
Committee Secretary

APPROVED BY:

---

Senator Moises Denis, Chair

DATE: \_\_\_\_\_

<b>EXHIBIT SUMMARY</b>				
<b>Bill</b>	<b>Exhibit Letter</b>	<b>Begins on Page</b>	<b>Witness / Entity</b>	<b>Description</b>
	A	1		Agenda
S.B. 287	B	1	Senator Dallas Harris	Revised Amendment
S.B. 287	C	1	Senator Dallas Harris	Proposed Amendment
S.B. 287	D	1	Jake Tibbitts / Eureka County	Opposition Testimony
S.B. 287	E	1	Nina Laxalt / Nevada Cattleman's Association	Tom Barnes Opposition Testimony
S.B. 287	F	1	Marco Velotta	Opposition Testimony