

**MINUTES OF THE
SENATE COMMITTEE ON HUMAN RESOURCES AND EDUCATION**

**Seventy-fourth Session
February 23, 2007**

The Senate Committee on Human Resources and Education was called to order by Chair Maurice E. Washington at 8:34 a.m. on Friday, February 23, 2007, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412E, 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 Maurice E. Washington, Chair
Senator Barbara K. Cegavske, Vice Chair
Senator Joseph J. Heck
Senator Valerie Wiener
Senator Steven A. Horsford
Senator Joyce Woodhouse

COMMITTEE MEMBERS ABSENT:

Senator Dennis Nolan (Excused)

STAFF MEMBERS PRESENT:

Marsheilah D. Lyons, Committee Policy Analyst
Joe McCoy, Committee Policy Analyst
Sara Partida, Committee Counsel
Betty Ihfe, Committee Secretary

OTHERS PRESENT:

Ray Bacon, Nevada Manufacturers Association
Daniel J. Klaich, Executive Vice Chancellor and Chief Operating Officer, Nevada
System of Higher Education
James Jackson, Nevada State Education Association
David Perlman, Administrator, Commission on Postsecondary Education

Barbara S. Dimmitt, Senior Research Analyst, Constituent Services Unit,
Research Division, Legislative Counsel Bureau
Mary Liveratti, Deputy Director, Department of Health and Human Services
Laura Hale, Chief, Grants Management Unit, Department of Health and Human
Services

CHAIR WASHINGTON:

We will be hearing testimony on four bills today. Those bills are Senate Bill (S.B.) 52, S.B. 63, S.B. 64 and S.B. 65.

SENATE BILL 52: Creates the Governor Guinn Millennium Teaching Scholarship Program. (BDR 34-43)

SENATE BILL 63: Revises certain fees charged by the Commission on Postsecondary Education. (BDR 34-563)

SENATE BILL 64: Expands the use of certain allocations made from the Fund for a Healthy Nevada. (BDR 40-240)

SENATE BILL 65: Revises provisions governing the allocation of money from the Fund for a Healthy Nevada. (BDR 40-242)

We will open the hearing on S.B. 52.

SENATOR CEGAUSKE:

I am testifying in favor of S.B. 52 which encourages students who are Governor Guinn Millennium Scholarship Program recipients to enter into teacher education programs and to serve as teachers in Nevada. The nationwide teacher shortage is particularly acute in Nevada, especially in the hard-to-staff subject areas of mathematics (math), science and special education.

Each year in the Clark County School District, approximately 2,600 new teachers are needed to cover increased student enrollment and to replace teachers who have left the force. As of the first week of this month, there were 490 teacher vacancies in the Clark County schools.

The Governor Guinn Millennium Teaching Scholarship Program would help fill the gaps in Nevada's teaching force by awarding scholarships to students who are enrolled in a program of math or science education in the University of

Nevada, Reno (UNR) or in a program of special education at the University of Nevada, Las Vegas (UNLV). The teaching scholarship recipients would have already received a Millennium scholarship and must agree to teach in the Nevada public schools for at least three years. A Millennium Teaching Scholarship would pay 100 percent of certain costs that are not covered by other scholarships or grants including registration, laboratory fees, expenses for textbooks, course materials and other costs approved by the Board of Regents.

To the extent that money is available, the Millennium Teaching Scholarship Program proposes to award a sufficient number of scholarships to make it likely that the State will gain at least 100 new math or science teachers each year and 300 new special education teachers. Senate Bill 52 requires the scholarship recipient to repay the full amount of the scholarship money if he or she ceases to be enrolled in a qualifying program of teacher education, fails to obtain a license to teach in his academic specialty or fails to teach that academic specialty in Nevada public schools for at least three years.

In recent sessions, the Legislature has recognized the teacher shortage in our State due to our increasing population, the growth of student enrollment and the difficulty in recruiting teachers in the rural areas, in the inner-city areas and in specific subject areas. To respond to the looming teacher shortage, the Nevada State College was created in 1999. Several bills have been passed in the intervening sessions; however, those measures have not solved the teacher shortage problem.

SENATOR CEGAVSKE:

Senate Bill 52 would build upon the previous legislative efforts. The Millennium Teaching Scholarship Program would encourage students to remain in Nevada for their college education and would provide an incentive for them to teach in areas of need in our State.

The handout, Number of Long-Term Substitute Teachers in Nevada School Year 2005-2006 (Exhibit C), indicates there were 477 long-term substitutes in elementary schools. Most of those teachers have a two-year degree in some subject, but not specifically in the subject they are teaching for the entire year. In the Clark County column, of the 191 elementary long-term teachers, notice the high number of substitutes in math, science and English. Another number to note is the 128 long-term substitutes in White Pine County.

Other states have enacted legislation to deal with their teacher shortages. In the handout entitled Recent Legislation Concerning Long-term Substitute Teachers ([Exhibit D](#)), it shows some of their efforts to fill teacher vacancies. [Senate Bill 52](#) is one way Nevada can combat our crisis.

RAY BACON (Nevada Manufacturers Association):

With the nature of the manufacturing business, we are especially interested in the education of math and science students. It is widely perceived by employers that graduates in these two areas are lacking in knowledge and ability. Our concern is improving the quality of education in these two subjects across the nation but particularly in Nevada.

Under existing labor contracts, we cannot increase the salary for math and science teachers, but we could increase the incentives for math and science students to go into the teaching profession. One way to do that is with [S.B. 52](#). This bill would modify the Millennium Scholarship Program to encourage students with skill or expertise in math or science to enter the teaching profession, remain in Nevada to teach and be relatively debt-free upon their graduation.

In the handout, Enhancing the Millennium Scholarship Program ([Exhibit E](#)), it states how our support can evolve the scholarship program to the next level. As created, the Millennium Scholarship Program did increase the number of students taking postsecondary classes in Nevada's institutions of higher learning, but it did not address filling the economic or critical needs of the State. The shortage of math, science and special education teachers in Nevada is an ongoing frustration for school administrators. The shortages cause them to hire out-of-state teachers who get "go home fever" and leave Nevada within a relatively short period of time. This results in a high-turnover rate and shortchanges our children.

Other states are concerned with similar shortages. Texas, like Nevada, has a very low college completion rate; we both start many more students than we graduate. Texas' Governor Rick Perry is proposing to pay Texas colleges for the graduates they produce rather than for the students they have enrolled. He will pay differential rates for graduates in various fields based on the critical needs in his state, providing the graduates pass a test to confirm they have achieved skill and knowledge in their field.

Texas' approach or enhancing our Millennium Scholarship Program may or may not be the answer, but having the discussion on this critical issue for our State needs to begin now. From a policy standpoint, we ought to get to an answer. Senate Bill 52 is an effort to open the discussion and find that answer.

SENATOR HECK:

Are UNR and UNLV the only two institutions in the State that offer programs in math, science and special education?

SENATOR CEGAVSKE:

No. There are teaching programs at several other schools in the University system. Wording can be written into the bill to include those schools.

MR. BACON:

We identified UNR and UNLV because they have received national recognition in other areas of excellence and because, between them, they specialize in the critical subject areas we need to address. In focusing efforts in two or just a few schools instead of throughout the system, we increase the chance of achieving outstanding results in producing world-class teachers for each critical subject. Our concern in spreading the program to multiple institutions is that would tend to dilute our efforts and produce mediocre teachers. This would not solve the problem. What we need is quality along with quantity.

SENATOR HECK:

I understand creating programs of excellence in just a few institutions, but that may be more institutional dependent rather than bill dependent. Are those critical subjects available elsewhere in the system?

SENATOR CEGAVSKE:

They are available. This is something for the institutions to determine, as long as they keep in mind the goal of excellence we want to achieve.

CHAIR WASHINGTON:

How did you determine the numbers of 100 math or science teachers and 300 special education teachers?

MR. BACON:

Those quantities were based on the teacher vacancies each year. Our request is for less than we actually try to hire each year, but it begins to address the need.

If we got the attrition rate down, those numbers would be higher than we would need.

CHAIR WASHINGTON:

Given the amount of money that is in the Millennium Scholarship Trust Fund and the troubles we have had in past sessions trying to fund the scholarship program, what happens if there is a shortfall? What happens if we are not able to meet the requirements set in the bill as to the numbers of teachers? Is there a provision that will allow attrition, if necessary?

SENATOR CEGAVSKE:

In S.B. 52, page 5, section 6, subsection 3, lines 23 and 24, it stipulates, "... within the limits of money available in the Trust Fund" and on page 6, section 8, line 5, it states, "Within the limits of money available" If there is no money, then it does not happen.

MR. BACON:

In taking a look at the average age of our math and science teachers, especially in the rural counties, there are some younger teachers; however, most of the others will be retiring in five to ten years. That means filling vacancies in the future will be even more of a problem than it is now.

CHAIR WASHINGTON:

What about those students who have a preference in another subject area such as engineering? This bill would not include them, would it?

SENATOR CEGAVSKE:

Certainly, we have other needs such as physicians, nurses and other professional areas. We have focused on the three identified critical subject areas. These areas have resonated the longest. Teachers and education are the foundation of our communities and our State. If we do not have a well-educated workforce, we will not attract other professional people, including engineers.

CHAIR WASHINGTON:

My concern is once we start fragmenting the Millennium Scholarship Program by giving preference to one subject over the other, we could be diluting the entire program. I am also concerned some exclusions may take place that we do not intend.

SENATOR CEGAVSKE:

We need to begin. This approach seems like a viable place to begin in addressing our State's teaching-vacancy problem.

SENATOR HECK:

We do have a shortage of almost every type of professional in our State; however, if we do not have the teachers to start through the process, we will not achieve the end result of keeping or attracting more professionals to Nevada. The regular Millennium Scholarship Program is still available for all other fields of study.

MR. BACON:

At some point, we need to address the needs of the State versus what we are doing in our higher education system. If that means we wind up paying differential scholarships, that just may be what we have to do.

DANIEL J. KLAICH (Executive Vice Chancellor and Chief Operating Officer, Nevada System of Higher Education):

With S.B. 52 being proposed as an add-on rather than as a restructuring of the basic Millennium scholarship itself, Senator Cegavske's comments are in line with the Board of Regents' policy in this area. That policy focuses on efforts to increase professionals in critical areas. The Regents have approached this problem in a slightly different method. They have proposed a stem-cell scholarship for science, technology, engineering and math; however, our basic propositions are the same as the intention in this bill. Those intentions are to meet the critical workforce needs in Nevada and to keep graduates in the State.

We think this is a critical idea that needs to be discussed in this Session of the Legislature. We contend we are capable of having programs of excellence in the education of teachers in special education, math and science in more than one or two locations in our system. If there are mandates to be issued for the production of individuals in these majors, we propose they be met with programs wherever they exist in the State. With the state of the State as it is, we need to provide this education. We also encourage a discussion about the distances teachers and prospective teachers have to travel to receive their education. We concur that some payback is appropriate if the scholarship graduates in these fields do not teach in the State for a specified number of years.

We support S.B. 52 with some proposed amendments ([Exhibit F](#)). The handout includes a section-by-section summary of the bill and potential implications of each provision if enacted as written. We propose the programs of education be offered at any qualifying institution in the State. We propose this be a sophomore, junior, senior scholarship because the freshmen year is often in flux. We suggest more discussion on the dropout, payback portion of the bill for more clarification on the issue.

CHAIR WASHINGTON:

Can you tell us what clarifications you are suggesting in the dropout, payback part of the bill?

MR. KLAICH:

An example would be; I am studying special education and have proceeded through my sophomore year receiving the benefits of the scholarship. I go on to graduate in teaching education and get my degree. I teach in Nevada for three years, but I teach outside my special education field. Do I pay back the scholarship monies? Since this bill places a value on these critical professions, we are asking you to have that discussion.

CHAIR WASHINGTON:

If the emphasis is in developing teachers, is it necessary in S.B. 52, section 6, subsection 3, paragraphs (a) and (b) to put a cap on the number of students who qualify for special education versus the number of students who qualify for teaching math and science? Should the emphasis be on teacher education as a whole or just in the areas of special education, math and science?

MR. KLAICH:

When the Board of Regents addressed this issue, we did not limit it to those specific areas and adopted a broader policy because we are cognizant of the tremendous teacher shortage throughout the State, particularly in Clark County. We could focus on subspecialties in many teaching areas and prioritize them as critical or slightly more critical, but making those difficult determinations is what is before this Committee.

MR. BACON:

Nationally, shortages across the board are in the three areas of math, science and special education. Our greatest and toughest competition in hiring is in these three areas. Math and science teachers can teach in any state or teach in

almost any other profession that requires that knowledge. We are an importer of higher education resources, especially elementary school teachers. If other states cut off their colleges of education and produced only teachers to fill their needs, Nevada would be under a great hardship.

CHAIR WASHINGTON:

Mr. Bacon and Mr. Klaich, in order to move this bill along, if you will meet with us later, we can discuss the numbers concerning these most critical areas of need in our State.

JAMES JACKSON (Nevada State Education Association):

The Nevada State Education Association supports the concept of S.B. 52. Legislation that encourages and assists us in filling Nevada's teacher shortage is something we support in great measure.

CHAIR WASHINGTON:

We will close the hearing on S.B. 52. We open the hearing on S.B. 63.

DAVID PERLMAN (Administrator, Commission on Postsecondary Education):

The last time fees were increased for the Commission on Postsecondary Education was the 65th Session. There had been a \$200 renewal fee for the schools to pay every 2 years they renewed their license. That was dropped when a \$4 fee for each student was instituted to be paid upon initial enrollment. Since that time, none of these fees have been changed. We looked at our work processes to determine what was most involved. As a result, we came up with this increase. By my estimation, it would probably generate another \$24,000-26,000 annually toward the General Fund. These fees are deposited there.

SENATOR HORSFORD:

For the record, I want to disclose that in my life outside the Legislature, I do run a nonprofit organization licensed by the Commission on Postsecondary Education. I do not think this bill will affect me any differently than it would any other organization. On that basis, I will participate in the discussion.

SENATOR HECK:

Since this is a fee increase, have you discussed this bill with the Governor or his staff?

MR. PERLMAN:

I have had a telephone conversation with the Governor about this, and I have not received any negative feedback.

CHAIR WASHINGTON:

It would be important to make sure that if we pass this bill, it will not be vetoed by the Governor.

MR. PERLMAN:

I have voiced those concerns, but I have not heard anything back.

CHAIR WASHINGTON:

As Senators, we are aware there is a conversation about Legislators imposing fees; therefore, Mr. Perlman, I encourage you to contact the Office of the Governor about this issue. Please inform us as to the decision. We will add this bill to our work session.

MR. PERLMAN:

I will contact the Governor's Office again.

CHAIR WASHINGTON:

We will close the hearing on S.B. 63. We open the hearing on S.B. 64.

BARBARA S. DIMMITT (Senior Research Analyst, Constituent Services Unit, Research Division, Legislative Counsel Bureau):

Senate Bill 64 is the result of recommendations of the Task Force for the Fund for a Healthy Nevada. The bill clarifies that the Task Force does have the authority to use funds from its three grant categories to finance data gathering, assessment of needs and evaluation or technical assistance to the grantees that are also funded from those grant categories. It is making a distinction between the administrative duties provided by the Department of Health and Human Services (DHHS) in terms of administering the grants and contracts themselves and the more programmatic types of evaluation, technical assistance and data gathering.

CHAIR WASHINGTON:

Does this just expand their abilities to collect and develop data, assess the needs and evaluate the data for technical purposes for the DHHS?

MARY LIVERATTI (Deputy Director, Department of Health and Human Services):
Actually, by our Department being the administrator on behalf of the Task Force, it enables the Task Force to do those things. In the past year, there was some question as to whether or not their work fell under administrative monies or programmatic ones. Former Senator Raymond Rawson, who was involved in the original formation of the Task Force in the 70th Session, has agreed that was the intent. We did have a meeting with Legislative Counsel Brenda J. Erdoes about its intent. Ms. Erdoes suggested we request a bill to clarify the issue for the future.

CHAIR WASHINGTON:

We did have a slight problem with it this past interim. Senate Bill 64 would clarify the intent.

The hearing on S.B. 64 is closed. I will entertain a motion on S.B. 64.

SENATOR HECK MOVED TO DO PASS S.B. 64.

SENATOR WIENER SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR NOLAN WAS ABSENT FOR THE VOTE.)

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CHAIR WASHINGTON:

The hearing is open on S.B. 65.

Ms. DIMMITT:

In the *Nevada Revised Statutes* (NRS) 439.630, subsection 6, DHHS is required to bring proposed grants or contracts before the Interim Finance Committee (IFC) prior to finalizing them and proceeding with the projects. Typically, the dates of the IFC meetings do not mesh with the program start dates. Senate Bill 65 will delete subsection 6.

This bill does not affect NRS 439.630, subsection 1, paragraph (l). That paragraph requires that these grant funds will not be used to supplant State funds for existing programs. This bill only deletes the requirement that these grants go before the IFC.

LAURA HALE (Chief, Grants Management Unit, Department of Health and Human Services):

For years, the timing of getting our grant agreements in place with the grantees and bringing them to the IFC has caused us difficulties. The timing is such that we end up either having to delay implementation of programs at the beginning of the school year, or as we did this year, switch some funding to allow programs to begin during the summer. An example of this timing situation is we do not receive the Tobacco Settlement Funds until the end of April. By that time we have missed the deadline to submit the documents for the next IFC hearing held in June.

To ensure we are not supplanting any existing State-funded programs, we have multiple levels of review. Separate reviews were conducted by the Legislative Counsel Bureau staff, staff from our Department, the public during a subcommittee hearing and finally, the members of the Task Force. We have gone through this process for the last six years since the Fund for a Healthy Nevada has been available. I submit taking this program to the IFC is a formality which is untimely and redundant. I do not think it serves a productive purpose to continue to do this.

SENATOR HECK:

Is this provision similar to the one submitted last Session?

Ms. DIMMITT:

Yes, it is.

SENATOR HECK:

In these days of decreasing grant dollars, it is essential to allow those who have submitted the grant applications to meet their own deliverable guidelines and not be held up because dollars are not flowing. Having served on the Task Force for the Fund for a Healthy Nevada, I agree this is a pro forma move to go to the IFC. I support this recommendation.

CHAIR WASHINGTON:

I concur. Being part of the Task Force for the first time, I found the process eye-opening and time-consuming. I am in agreement with speeding up the process.

We will close the hearing on S.B. 65. I will entertain a motion on S.B. 65.

SENATOR CEGAVSKE MOVED TO DO PASS S.B. 65.

SENATOR HECK SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR NOLAN WAS ABSENT FOR THE VOTE.)

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CHAIR WASHINGTON:

We have two requests for Committee bill draft requests. The first request is Bill Draft Request (BDR) 34-444. Washoe County School District requested it.

We will open the hearing on BDR 34-444.

BILL DRAFT REQUEST 34-444: Revises provisions governing school schedules.
(Later introduced as [Senate Bill 151](#).)

I will entertain a motion to introduce this bill draft.

SENATOR CEGAVSKE MOVED TO INTRODUCE BDR 34-444.

SENATOR HECK SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR NOLAN WAS ABSENT FOR THE VOTE.)

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CHAIR WASHINGTON:

The second request is BDR 38-596. It was requested by the Aging Services Division of the Department of Health and Human Services. We will open the hearing on BDR 38-596.

BILL DRAFT REQUEST 38-596: Expands the jurisdiction of advocates for residents of facilities for long-term care. (Later introduced as [Senate Bill 150](#).)

I will entertain a motion on this bill draft.

SENATOR WIENER MOVED TO INTRODUCE BDR 38-596.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR NOLAN WAS ABSENT FOR THE VOTE.)

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CHAIR WASHINGTON:

I will entertain a motion for the Committee to request a bill draft for a measure to revise provisions relating to excavation and demolition in areas of subsurface installations.

SENATOR CEGAVSKE MOVED TO REQUEST A COMMITTEE BILL DRAFT TO REVISE PROVISIONS RELATING TO EXCAVATION AND DEMOLITION IN AREAS OF SUBSURFACE INSTALLATIONS.

SENATOR HECK SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR NOLAN WAS ABSENT FOR THE VOTE.)

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CHAIR WASHINGTON:

I will entertain a motion for the Committee to request a resolution urging the participation of Taiwan in the World Health Organization.

SENATOR CEGAVSKE MOVED TO REQUEST A COMMITTEE BILL DRAFT FOR A RESOLUTION URGING THE PARTICIPATION OF TAIWAN IN THE WORLD HEALTH ORGANIZATION.

SENATOR HECK SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR NOLAN WAS ABSENT FOR THE VOTE.)

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CHAIR WASHINGTON:

I will entertain a motion for the Committee to request a resolution supporting the cause of World AIDS Day.

SENATOR WIENER MOVED TO REQUEST A COMMITTEE BILL DRAFT FOR A RESOLUTION TO SUPPORT THE CAUSE OF WORLD AIDS DAY.

SENATOR HORSFORD SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR NOLAN WAS ABSENT FOR THE VOTE.)

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SENATOR HORSFORD:

I serve on the Board of Aid for AIDS of Nevada. This request came forward because of the increase in the number of infected individuals with HIV/AIDS. World AIDS Day is an opportunity to bring attention to the issue through awareness and the importance for prevention as well as treatment. We appreciate the member's support of the resolution.

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CHAIR WASHINGTON:

We appreciate your leadership on this issue.

Hearing no other public comment and with no other issues before us today, the Senate Committee on Human Resources and Education will adjourn at 9:24 a.m.

RESPECTFULLY SUBMITTED:

Betty Ihfe,
Committee Secretary

APPROVED BY:

Senator Maurice E. Washington, Chair

DATE: _____