

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Eighty-second Session
April 12, 2023**

The Senate Committee on Education was called to order by Chair Roberta Lange at 1:14 p.m. on Wednesday, April 12, 2023, in Room 2134 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Roberta Lange, Chair
Senator Edgar Flores, Vice Chair
Senator Dina Neal
Senator Fabian Doñate
Senator Scott Hammond
Senator Carrie A. Buck
Senator Robin L. Titus

GUEST LEGISLATORS PRESENT:

Senator Marilyn Dondero Loop, Senatorial District No. 8
Senator Pete Goicoechea, Senatorial District No. 19
Senator Rochelle Nguyen, Senatorial District No. 3

STAFF MEMBERS PRESENT:

Jen Sturm-Gahner, Policy Analyst
Asher Killian, Counsel
Kirsten Oleson, Committee Secretary

OTHERS PRESENT:

Randy Soltero, Education Support Employees Association
Patricia Haddad, Clark County School District
Fred Horvath, Executive Director of Member Benefits, Teamsters Local 14
Jason Gately, Teamsters Local 14

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Dawn Etcheverry, Nevada State Education Association
John Able, Las Vegas Police Protective Association
Fran Almaraz
Carolina Ospina
Jan Giles, Nevada State Education Association
Jacqueline Anderson, Education Support Employees Association
Anna Binder
Terri Shuman
Misty Almos, Education Support Employees Association
Jeff Horn, Executive Director, Clark County Association of School
Administrators and Professional-Technical Employees
Will Bradley, Nevada Republican Club
A.J. Delap, Nevada Association of School Administrators
Susan Proffitt, Nevada Republican Club
Katrina Ivanoff
Mike Teglas, Professor, Department of Agriculture, Veterinary & Rangeland
Sciences, University of Nevada, Reno
Danny Thompson, Nevada Veterinarian Medical Association
Rebecca Goff, Nevada State Director, The Humane Society of the United
States; Humane Society Veterinary Medical Association
Cendrina Duhamel
Alejandro Rodriguez, Nevada System of Higher Education
Sheila Bray, University of Nevada, Reno
Deana Brito
Stacy Hosking, Nevada State Board of Veterinary Medical Examiners
Kent Ervin, Nevada Faculty Alliance
Al Rojas
Cyrus Hojjaty
Dirk Vanderwall, Interim Dean, College of Veterinary Medicine, Utah State
University
Dale Erquiaga, Acting Chancellor, Nevada System of Higher Education
David Damore, Ph.D., Chair, Department of Political Science, University of
Nevada, Las Vegas
Warren Hardy, Council for Better Nevada
Paul Moradkhan, Vegas Chamber
Hugh Anderson, Vegas Chamber
Stephanie Goodman, Regent, Nevada System of Higher Education
Casey Rogers

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Will Haus
Doug Unger, Nevada Faculty Alliance

CHAIR LANGE:

We will begin with a work session. We will now open the work session with Senate Bill (S.B.) 340.

SENATE BILL 340: Revises provisions relating to education. (BDR S-10)

JEN STURM-GAHNER (Policy Analyst):

As nonpartisan staff, I can neither support nor oppose any measure. Senate Bill 340 was presented by Senator Dondero Loop on April 3, 2023. I have submitted the work session document ([Exhibit C](#)) describing the bill. There are no proposed amendments at this time.

CHAIR LANGE:

I will entertain a motion to amend and do pass S.B. 340.

SENATOR NEAL MOVED TO DO PASS S.B. 340.

SENATOR FLORES SECONDED THE MOTION.

CHAIR LANGE:

Is there any discussion?

SENATOR TITUS:

Unfortunately, I think this bill adds an undue burden for rural areas and charter schools that may not have transportation available. I think there are online options for any child who wants summer school. I will be voting no.

SENATOR BUCK:

I will also be voting no due to the timing of this bill. We are not out of Session until June 6, 2023. Many charter schools and district schools have a summer school plan. This idea is neither innovative, nor novel. This bill would also require charter schools to provide funding, pay for facilities and staff schools. There is a lack of staffing available, which is already a problem at most of our schools. It is hard to get teachers who are already burnt out to come and work all summer.

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CHAIR LANGE:
Is there any more discussion?

SENATOR MARILYN DONDERO LOOP (Senatorial District No. 8):
There is \$15 million sitting in an account for charter schools that has not been used for learning loss.

CHAIR LANGE:
We will vote on this bill.

THE MOTION CARRIED. (SENATORS BUCK, HAMMOND AND TITUS VOTED NO.)

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CHAIR LANGE:
I will now open the work session on S.B. 425.

SENATE BILL 425: Establishes the Commission on Innovation and Excellence in Education to develop a statewide vision and implementation plan to improve the public education system in this State. (BDR 34-1060)

Ms. STURM-GAHNER:
Senate Bill 425 was presented by Senator Dondero Loop on April 7, 2023. There are no proposed amendments at this time. I have submitted a work session document describing the bill ([Exhibit D](#)).

CHAIR LANGE:
I will entertain a motion to do pass S.B. 425.

SENATOR FLORES MOVED TO DO PASS S.B. 425.

SENATOR NEAL SECONDED THE MOTION.

CHAIR LANGE:
Is there any discussion?

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SENATOR TITUS:

I will be voting no on this. My opinion is widely known about commissions. We have the Nevada State Board of Education. There are many departments that should be able to do this without creating yet another commission. They need to be doing their jobs.

CHAIR LANGE:

We asked legal if this would count as one of the boards or commissions that operate during the Interim. I believe the answer is no.

ASHER KILLIAN (Counsel):

No, this would not count against any limitation on the ability of the Legislature in the Interim to operate as joint interim standing committees and the studies they perform.

SENATOR BUCK:

Again, this is neither novel, nor innovative. I have been doing this for 30 years in education in Nevada. There is always a new commission that is established to look at topics such as math scores in other countries. The Nevada Department of Education, superintendents and principals already do research and studies. I wonder why this was not part of the many studies that were suggested in the Interim by the Joint Interim Standing Committee on Education. I will be voting no.

CHAIR LANGE:

We will now take a vote.

THE MOTION CARRIED. (SENATORS BUCK, HAMMOND AND TITUS
VOTED NO.)

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CHAIR LANGE:

I will now open the work session on S.B. 442.

SENATE BILL 442: Enacts the Interstate Teacher Mobility Compact.
(BDR 34-83)

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Ms. STURM-GAHNER:

Senate Bill 442 was sponsored by Senator Dondero Loop and heard in this Committee on April 7, 2023. There are no proposed amendments. I have submitted a work session document ([Exhibit E](#)) describing this bill.

CHAIR LANGE:

I will accept a motion to do pass S.B. 442.

SENATOR FLORES MOVED TO DO PASS S.B. 442.

SENATOR NEAL SECONDED THE MOTION.

CHAIR LANGE:

Is there any discussion?

SENATOR TITUS:

I have a record of disliking commissions, but I like this Compact. I will vote yes.

SENATOR BUCK:

I agree with what my colleague said, I like this bill. Thanks to the sponsor for bringing it forward. I support anything to make it easier to attract talent, especially talented teachers, to this State.

CHAIR LANGE:

Hearing no more discussion, we will take a vote.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR LANGE:

We will now open the work session on S.B. 282.

SENATE BILL 282: Revises provisions governing education. (BDR 34-532)

Ms. STURM-GAHNER:

Senate Bill 282 was sponsored by Senator Nguyen and heard on April 5, 2023. There were several amendments proposed after the hearing. The full detailed amendments are found on the Legislative website as well as in the work session document ([Exhibit F](#)).

SENATOR FLORES:

I talked to the sponsor of the bill and, prior to making a motion, I would like to amend the maximum carry forward year-end balance percentage from 2 percent to 5 percent. That can be found in the amendment, [Exhibit F](#), page 4, in the proposed section 8, subsection 3. I talked with the sponsor about amending it to 5 percent.

The genesis of why I wanted to change the percentage is, I had an opportunity to speak at length with many teachers who are concerned about money not being spent on children and, instead, being held onto. We hope to responsibly allow principals to have some type of cushion to prepare them for the future. We have to take care of future kids as well as the present population. The principals in my district said 2 percent is not remotely close to how much they need. They were requesting between 10 percent and 15 percent. The compromise would make sense at 5 percent, so the principal can still think fiscally conservatively—especially given the position that principals have found themselves in recently.

I want to put on the record that unfortunately a lot of our principals, particularly those in my district, cannot fill vacancies. There are not enough teachers. Principals have to use substitutes, even if they wish they did not have to.

CHAIR LANGE:

Senator Rochelle Nguyen, do you accept that friendly amendment?

SENATOR ROCHELLE NGUYEN (Senatorial District No. 3):

I accept that friendly amendment. I did take into consideration a lot of the comments, most of which were made during the hearing, to alleviate that. In addition to extending the time from 12 to 18 months, I also took into consideration the difficulties in getting Nevada School Organizational Team members to be present during those hearings, so it was changed to 75 percent of members present.

I had some of the same concerns in my district, as there are a lot of schools that are carrying over some of the funds. I appreciate Senator Flores for bringing that to my attention; it is an acceptable amendment. With the Chair's permission, I would see that as a friendly amendment. Additionally, I know there were some concerns from Senator Neal and others about the ability to spend

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the money. Part of the amendment, [Exhibit F](#), gives more flexibility to schools to spend that money.

CHAIR LANGE:

I move to amend the amendment and do pass as amended S.B. 282.

SENATOR FLORES:

I will make the motion to do pass S.B. 282 with my proposed amendment to the conceptual amendment, which would change 2 percent to 5 percent.

SENATOR FLORES MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 282 WITH THE PROPOSED AMENDMENT CHANGING 2 PERCENT
TO 5 PERCENT.

SENATOR NEAL SECONDED THE MOTION.

CHAIR LANGE:

Is there any discussion?

SENATOR TITUS:

I will be voting no, but I do want to acknowledge all the communication I have had with the sponsor and people from Clark County School District (CCSD) about why they felt this bill was good.

SENATOR BUCK:

I had several principals reach out to me in the days since the hearing. Senate Bill 282 takes away staffing autonomy. I am sure we will hear S.B. 292 in work session on Friday.

SENATE BILL 292: Revises provisions relating to school administrators.
(BDR 34-554)

Senate Bill 292 holds principals accountable. Senate Bill 282 and other bills we will hear today are limiting. Principals are being held responsible for things that are sometimes out of their control when it comes to placing staff at their schools. I cannot imagine being a business owner or running a school and not having choices when selecting staff. Choice is vital when running a business, being a principal or being an aspiring leader in a school. If someone comes on campus and is not a good fit for the children or does not fit an instructional

model, then, as a principal, you are spending your days trying to coach, fix and document the teacher.

In terms of the fiscal aspect regarding carryover dollars, it hit a nerve with many principals. Clark County School District is slower than molasses to get things through due to staffing issues and getting approval to spend the money. I will give you some examples. A high school needs a press box. It has been 16 months. It was originally estimated to cost \$225,000, now it is estimated at \$500,000. The procurement and bid took so long that it might not get done.

Another example that may hit closer to home for some of you is the Bailey Middle School Health Center. Three schools got together and pooled their money to create this health center. It took four years to get this clinic up and running with their funds. I thought it was so thoughtful of administrators to be looking out for the wraparound services and the needs of all their kids, including their academics.

When I was a principal, I wanted to buy computers. It took me nine months to get computers. I had to grasp for straws and collect \$1,000 from various places. It took me nine months. When school started in September, we got donor dollars. Toward the end of the school year, we finally got the laptops. I know there were problems during the pandemic. It was a balance between meeting the needs of the staff and the school's needs, such as getting the school painted. Lisa Cano Burkhead was in my office yesterday. She said she was trying to get her school painted and it was quoted at \$125,000. She would have to procure funds, but there might not be staff to accomplish that. Maybe CCSD could tell me how long their wait times are to accomplish an objective.

There are many principals who are busy and are not able to be in opposition to these things. I feel as though I am their voice. They are reaching out to me with their concerns, and I wanted to put them on the record. I am going to vote no on this, but I want to reserve my right to change my vote at a later time.

CHAIR LANGE:

We will now vote on S.B. 282.

THE MOTION CARRIED. (SENATORS BUCK AND TITUS VOTED NO.)

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CHAIR LANGE:

We will continue the work session with S.B. 251.

SENATE BILL 251: Revises provisions relating to employees of school districts.
(BDR 34-685)

Ms. STURM-GAHNER:

Senate Bill 251 was sponsored by Senator Flores and heard on March 29, 2023. There are no proposed amendments at this time. I have submitted the work session document ([Exhibit G](#)) describing this bill.

CHAIR LANGE:

I will accept a motion to do pass S.B. 251.

SENATOR FLORES MOVED TO DO PASS S.B. 251.

SENATOR NEAL SECONDED THE MOTION.

CHAIR LANGE:

Is there any discussion?

SENATOR TITUS:

Although well-intentioned, it is fiscally irresponsible. I will be voting no.

SENATOR BUCK:

The more regulations and mandates you place on schools, the more it takes away from the autonomy of staffing.

CHAIR LANGE:

We will now vote on this bill.

THE MOTION CARRIED. (SENATORS BUCK, HAMMOND AND TITUS
VOTED NO.)

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CHAIR LANGE:

We will now proceed with the work session on S.B. 291.

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SENATE BILL 291: Makes various changes relating to education. (BDR 34-503)

Ms. STURM-GAHNER:

Senate Bill 291 was presented by Senator Cannizzaro on April 5, 2023. There are no proposed amendments. I have submitted the work session document ([Exhibit H](#)).

CHAIR LANGE:

I will entertain a motion to do pass S.B. 291.

SENATOR TITUS MOVED TO DO PASS S.B. 291.

SENATOR BUCK SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR LANGE:

We will now proceed with the work session on S.B. 313.

SENATE BILL 313: Revises provisions relating to mental health education.
(BDR 34-58)

Ms. STURM-GAHNER:

Senate Bill 313 was presented by Senator Lange on April 3, 2023. I have submitted the work session document ([Exhibit I](#)). There are some proposed amendments which are also in the work session document.

CHAIR LANGE:

I will entertain a motion to amend and do pass as amended.

SENATOR FLORES MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 313.

SENATOR NEAL SECONDED THE MOTION.

CHAIR LANGE:

Is there any discussion?

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SENATOR TITUS:

This bill is well intentioned, but I will be voting no. I have a couple of questions that are unanswered. This bill may interfere with getting teachers from out of state. It was never answered what would happen to someone who was coming from another state and did not complete the mandatory training. The curriculum is suspect, at best.

SENATOR BUCK:

I will be voting no and reserving my right to change my vote on the Floor. It is difficult to mandate things, especially when sometimes it may not be needed. I appreciate optional provisions. In this case, the training may be needed for some grade levels, teachers and principals. I think the best course of action would be making the training optional.

CHAIR LANGE:

We will now vote on this bill.

THE MOTION CARRIED. (SENATORS BUCK AND TITUS VOTED NO.)

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CHAIR LANGE:

We will proceed with the work session on S.B. 329.

SENATE BILL 329: Requires appointment of a committee to study provisions relating to budgetary and reporting requirements for school districts. (BDR S-443)

MS. STURM-GAHNER:

Senate Bill 329 was sponsored by this Committee on behalf of the Joint Interim Standing Committee on Education. We heard this bill on April 10, 2023. I have submitted a work session document ([Exhibit J](#)) which outlines the bill. There are no proposed amendments at this time.

CHAIR LANGE:

I will entertain a motion to do pass S.B. 329.

SENATOR FLORES MOVED TO DO PASS S.B. 329.

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SENATOR DOÑATE SECONDED THE MOTION.

CHAIR LANGE:
Is there any discussion?

SENATOR TITUS:
I would like to echo my previous comments on commissions. I will be voting no.

SENATOR BUCK:
I will be voting no on this. This should have been part of the studies prescribed by one of the bills we have previously heard.

CHAIR LANGE:
We will now vote on S.B. 329.

THE MOTION CARRIED. (SENATORS BUCK, HAMMOND AND TITUS VOTED NO.)

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CHAIR LANGE:
We will proceed with the work session on S.B. 438.

SENATE BILL 438: Revises provisions relating to the recruitment, preparation and retention of teachers. (BDR 34-1061)

Ms. STURM-GAHNER:
Senate Bill 438 was sponsored by Senator Lange and heard on April 5, 2023. I have submitted a work session document ([Exhibit K](#)) outlining this bill. There have been several proposed amendments that can be found in [Exhibit K](#).

CHAIR LANGE:
I will entertain a motion to amend and do pass as amended.

SENATOR FLORES MOVED TO AMEND AND DO PASS AS AMENDED S.B. 438.

SENATOR HAMMOND SECONDED THE MOTION.

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CHAIR LANGE:
Is there any discussion?

SENATOR TITUS:
I want to thank you, Chair Lange, for bringing this bill forward. I appreciate the actions taken to promote the teacher pipeline. It is a good idea not only for our educators, but a plethora of other professional areas that we need workers in.

SENATOR BUCK:
I share the sentiments of my colleague.

CHAIR LANGE:
We will now vote on S.B. 438.

THE MOTION CARRIED UNANIMOUSLY.

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VICE CHAIR FLORES:
I will now open the hearing on S.B. 148.

SENATE BILL 148: Revises provisions relating to local school precincts.
(BDR 34-160)

SENATOR ROBERTA LANGE (Senatorial District No. 7):
I am here to present S.B. 148 along with a conceptual amendment ([Exhibit L](#)). This bill makes changes to site-based school management and will establish staffing ratios for local school precincts when hiring school support staff.

Section 1 is removed by amendment. Section 2 prohibits local school precincts from employing a person to provide services or carrying out any responsibility that has not been transferred to them by the county school district.

I would like to go through the brief conceptual amendment. The amendment adds language to section 2 that establishes provisions pertaining to staff ratios that a local school precinct must follow when hiring school support staff. Local school precincts must employ a ratio of school custodial employees to the square footage as required in the Level 2 Intensive Cleaning Standard put forward by the Common Education Data Standards. With regard to campus

security, the local school precinct must employ a ratio of 1.5 campus security monitors for every 500 pupils enrolled in the precinct.

I would like to place an emphasis on section 2. We have had many discussions about staff ratios this Session including doctors, nurses, teachers and certain other school-based personnel including school counselors, psychologists and social workers. We have not addressed the need to ensure that these additional school support staff—custodial employees and campus security monitors—are also receiving the attention they deserve. Enforcing these ratios will make sure our local school precincts have the necessary number of support staff to ensure students are provided a clean and safe environment for learning.

This amendment requires the principal of a local school precinct to select employees for that precinct in accordance with the applicable collective bargaining agreement. Prior to making decisions regarding assignment or reassignment of certain staff, it requires superintendents to first consult with the principal of the local school precinct and the school associate superintendent.

The conceptual amendment also deletes section 3 of the bill concerning the transfer of certain funds. I would like to turn it over to Randy Soltero, who will talk about the amendment and any other pertinent information.

RANDY SOLTERO (Education Support Employees Association):

We spoke with CCSD, Senator Lange, and other stakeholders prior to the beginning of this hearing. We talked about emphasizing that, when hiring staff for the aforementioned positions, there may be no available workers in the pool of applicants. In that case, we would not want to hold principals or superintendents responsible or liable for breaking the law. When the people are available, those staffing requirements should be met. That is a conceptual amendment. I ask you to support the amendment to the bill.

SENATOR NEAL:

This looks like a perfect example of how to use carryover dollars. When thinking about collective bargaining, I like the fact there are ratios for staffing, but we need to make sure schools can pay for the increased staffing. If we use collective bargaining agreements, do they expect to receive extra allocated money from Central Administration or from their own school precinct budget?

SENATOR LANGE:

I am not sure. They could use carryover dollars. They could also get it from the school district or from the operating expenses allocated in their yearly budget. Schools have options on how to spend their budget dollars. They know how many teachers they need to hire to meet quotas within their district. This bill is another example of ensuring money would be allocated in their budget on a yearly basis.

SENATOR NEAL:

Another amendment might be needed to make sure carryover dollars can be applied to this, being that we just reduced the amount that they can keep. Prior to that, we said what they could spend it on. The ratio would need to be contemplated in their budget, not after the fact.

Mr. KILLIAN:

Generally, carryover dollars that are available to the local school precincts in a large school district could be used on anything the principal of the large school precinct wants to use them on. If the principal of the large school precinct wanted to use those dollars for one of these purposes, the principal would be able to. There are no restrictions on the principal's ability to use that funding other than the annual plan of operation agreed upon by the local school precinct each year.

I believe the way that the amendment is structured, the principal is not required to hire these people. Rather, it is a requirement for the principal to select from the pool of personnel made available by the school district to the local school precincts. This amendment would not be imposing any liability on the principal to go out and hire new people. The principal would select from a pool of personnel available to the county school district.

SENATOR NEAL:

If they do not have enough people, will they hire new people because there might not be enough personnel to meet the ratio.

SENATOR LANGE:

If they did not have enough people to meet the ratio, they are going to have to hire somebody.

SENATOR BUCK:

This bill has similar ideas to other bills we have heard. There are not enough staff in the pool, so I would like to know if CCSD has a pool of campus security monitors that they are not letting the principals know about. There are vacancies in those positions. Instead of a 1.5 ratio, why not start with one per school? Some of our schools would have eight security monitors, which I am sure half would be vacant because of the vacancy rates.

PATRICIA HADDAD (Clark County School District):

I do not have that information in front of me, but I can find out more about who is in the pool. I do not believe we have an excess of campus security monitors.

SENATOR TITUS:

I have a question about the ratio of employees. I know this bill pertains to large school districts. It has been difficult to find appropriate staff throughout the State, not just in Clark County. I worry about putting a mandatory staff ratio into this bill. If the school cannot find someone to clean, could they hire an outside cleaning agency to come into the school? Do they have to be employed by the school?

FRED HORVATH (Executive Director of Member Benefits, Teamsters Local 14):

Schools in Mesquite outsourced cleaning. They used the money allocated for staff and found they could not outsource the cleaning for the same price that an employee of the school would receive.

SENATOR TITUS:

The reality is, this law will mandate a certain ratio that might not be able to be filled. I have some concerns about the mandated ratio.

MR. HORVATH:

Teamsters Local 14 partners with the Education Support Employee Association. We are working, as recently as yesterday, to fix the root cause of staffing vacancies in both custodians and campus security monitors. Problems with staffing arise in recruitment, retention and compensation. Those have been a significant focal point for the superintendent and his staff and for us in the last six months. We believe we are getting very close to making a fundamental change, so we can fill those vacancies.

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SENATOR TITUS:

Would you explain to me what a campus security monitor is? I am not sure I have them in my little school in Smith Valley.

JASON GATELY (Teamsters Local 14):

A campus security monitor is an individual who breaks up fights in schools and makes sure the school is safe for all students, teachers and staff. That is their primary function.

SENATOR TITUS:

I have grandkids in Clark County, one of whom was beaten up. Are they in every school to help break up fights?

MR. GATELY:

Does every school have one? No. Are there a lot of vacancies in this area? Yes. To repeat what Mr. Horvath stated, we are working with CCSD on negotiating a new agreement to raise standards. To have a safe school, given the current environment in our Country, it is important to have ratios and guidelines implemented so that people in the schools feel safe.

SENATOR BUCK:

You mentioned safety in schools. Are the campus security officers unarmed?

MR. HORVATH:

You are correct.

VICE CHAIR FLORES:

Is there anyone wishing to speak in support of S.B. 148.

DAWN ETCHEVERRY (Nevada State Education Association):

The Nevada State Education Association supports S.B. 148 as amended. It prohibits outsourcing, ensures staffing ratios for custodial and campus security employees and provides clarity and fairness during the selection of employees in CCSD. Education support professionals (ESP) are the backbone of CCSD. They keep schools running while ensuring students are safe, healthy and ready to learn. While critical to the operation of schools, ESPs tend to be at the bottom of the District pay scale. Some ESPs make as little as \$12 an hour and an overwhelming majority make less than a living wage. Last year, over 1,600 CCSD workers mostly ESPs were enrolled in Medicaid. Education support

professionals reflect the Nevada communities they serve, and the majority of employees are people of color.

The reorganization of CCSD aims to decentralize decision-making, giving local school precincts more autonomy over school budgets and operations. However, this overhaul came with unintended consequences that negatively impacted many ESPs. The decentralization created perverse incentives for local school precincts to consider outsourcing and understaffing positions critical for health and safety. Senate Bill 148 addresses this by setting minimum staff ratios for custodial and campus security employees. Similar to S.B. 251, language in S.B. 148 affirms language in collective bargaining agreements.

Regarding the selection of staff in the employee surplus process, for too long ESPs have felt relegated among staff employees. The CCSD reorganization has made this worse. Senate Bill 148 is a big step towards giving ESPs the respect they deserve.

JOHN ABLE (Las Vegas Police Protective Association):

The Las Vegas Police Protective Association's union represents Las Vegas Police Department officers. We support S.B. 148.

MS. HADDAD:

We want to share our appreciation for Senator Lange and her co-presenters. We find the suggested amendments are acceptable. We are grateful for them taking the suggestion we provided. We support S.B. 148.

FRAN ALMARAZ:

I am here today in support of this bill. As a grandparent with children in school, I know there is an atmosphere of fear that children face in school. We need a higher ratio of people in schools to protect the children.

CAROLINA OSPINA:

I am a teamster representative. I represent the custodians in CCSD. We support S.B. 148. I am in close communication with workers. They are proud of what they do. They maintain the cleanliness of a school and sanitize the building every day.

JAN GILES (Nevada State Education Association):

We represent the campus security monitors who work for CCSD schools. This new language will add much needed safety to all our schools to protect students and staff. Due to the current climate, security should be a priority. Currently, very few schools have a campus security monitor. Only high schools and middle schools currently have a budget for campus security monitors. Elementary schools do not. We know that elementary schools are not immune to the same safety issues.

This bill will allow all schools to have at least one campus security monitor per school. This language will also add additional employees to help provide a clean learning environment for our students. Currently, the square footage these employees are required to clean is unattainable. This bill will help prevent employee burnout and will allow for coverage for employee absences. We ask that you support S.B. 148 as amended.

JACQUELINE ANDERSON (Education Support Employees Association):

We support S.B. 148. We need to focus on a safe and clean learning environment for students.

ANNA BINDER:

I am calling in support of S.B. 148. We need campus monitors. We cannot continue to rely on volunteers from the community. We can agree that we need to prioritize the safety of everyone on campuses. The teaching staff's time will be freed up because they will not be a hall monitor.

TERRI SHUMAN:

I am speaking on the amendment to S.B. 148. As an ESP myself, I see outsourcing as another way of surplusing an individual doing a job with another employee. However, there is one very important difference. The ESP who holds a position has gone through fingerprinting and background checks. Outsourcing staff does not have this guarantee. School safety is of utmost concern. Therefore, we must make sure that if this bill passes, staff that is outsourced go through the same background checks as every other CCSD employee. Please make sure that our schools stay safe.

MISTY ALMOS (Education Support Employees Association):

I fully support S.B. 148. Our children deserve a safe and clean learning environment.

VICE CHAIR FLORES:

Is there anyone wishing to speak in opposition to S.B. 148.

JEFF HORN (Executive Director, Clark County Association of School Administrators and Professional-Technical Employees):

The Clark County Association of School Administrators and Professional-Technical Employees (CCASAPE) represents 1,400 CCSD administrators, of which, 98 percent are members. I appreciate the conversations I have had with Senator Lange regarding S.B. 148. Unfortunately, CCASAPE is opposed to the current language of S.B. 148. The bill, similar to multiple bills that have been heard this Session, will allow the forced placement of staff without the approval or consent of the principal. The reality is, the overwhelming majority of staff who are surplus are hardworking, effective employees. We are concerned about the handful of staff who, potentially, will negatively impact our most precious resource, our students.

Our Association is the only bargaining unit that has changed the collective bargaining agreement to protect kids, not adults—which is in alignment with A.B. No. 469 of the 80th Session. Senate Bill 148 will not allow a principal, after consultation with the school organizational team, to hire a district-approved licensed vendor or contractor from outside the district to perform building maintenance, repair or upgrades. Schools are currently waiting six months or more to have needed repairs and projects completed. The district simply does not have the staffing to keep up with the demand.

We are asking that S.B. 148 be amended to allow principals to hire vendors and contractors who have been approved and vetted by the district to perform and complete needed repairs and upgrades to our schools. We also ask that we finally allow principals the autonomy to hire the best possible staff for schools, which directly impacts student outcomes.

As a former principal, I know how hard custodians and our campus security monitors work. They are overworked and underpaid. As long as it is a funded mandate for schools to use ratios, we support that part of this bill.

WILL BRADLEY (Nevada Republican Club):

I am on the board of the Nevada Republican Club. I am here on their behalf to rise in opposition to S.B. 148. Clark County School District had a competitive election. Some incumbents lost, which means people are paying attention and

holding elected officials accountable. If we are going to trust our elections, democracy and our school boards, which we need to, we need to stop trying to subvert their power. I see this as a subversion of the Clark County School Board's power. For better or for worse, the system has to work. Decisions are made for their school district, and those decisions are not made by a State entity.

I will leave you with the quote of the day. It is by a food critic, Mimi Sheraton. "Even the best of ideas, carried to extremes, can deteriorate into absurdity." Please do not subvert local government.

I will go on the record—some Republican colleagues will probably hate me for this—but I am against breaking up CCSD. We have to make the system we have work and allow it to work. We need to allow the people who are watching our elected representatives, fire them if they do not work for them—that includes the Clark County School District Board of Trustees and all boards of trustees across the State.

A.J. DELAP (Nevada Association of School Administrators):

We oppose S.B. 148. The Nevada Association of School Administrators would like to see authority and autonomy remain in the principals' hands. They will make the best decisions for their schools, which they are charged with overseeing.

SUSAN PROFFITT (Nevada Republican Club):

I will ditto a number of the other testimonies. This bill appears to be taking the power away from the people in the local communities, which is something we should always avoid. Making the government larger does not make it better. I believe I heard something about these outsourced security people not being armed. If you cannot arm them, what good are they going to be?

I think we need to go back to the drawing board to address this issue in a different manner. I believe in splitting up CCSD because we need to give the power back to the people, not just one group. We seem to have one group making all the rules.

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KATRINA IVANOFF:

I am from Assembly District No. 42 and Senate District No. 9 and I am testifying in opposition to S.B. 148. I will say ditto to all the opposition that spoke before me.

VICE CHAIR FLORES:

Seeing no one else in opposition or neutral, Senator Lange, do you have any closing remarks?

SENATOR LANGE:

I want to address a couple of comments that were brought up by the opposition. We are not talking about surplussing. We are not even dealing in the surplus world. That part was deleted from the bill. That is something we do not have to worry about.

We are also talking about the collective bargaining agreement. These positions are already within the collective bargaining agreement. We want to ensure that they remain within the collective bargaining agreement. There is nothing better than a clean school for our children. They need a good environment to learn in and a safe school where our kids, parents and staff can feel safe. I urge your support of S.B. 148.

VICE CHAIR FLORES:

I have received a letter of support ([Exhibit M](#)). I will now close the hearing on S.B. 148.

CHAIR LANGE:

I will open the hearing on S.B. 342.

SENATE BILL 342: Enacts provisions relating to veterinary medicine. (BDR 34-1012)

SENATOR PETE GOICOECHEA (Senatorial District No. 19):

I will be presenting S.B. 342. Patty Porter is here from the Nevada Office of the Western Interstate Commission for Higher Education (WICHE). She is in the neutral position and only here to answer questions and talk about WICHE. Mike Teglas, who is a professor from the University of Nevada, Reno (UNR) is also here. Mike and I sat on the WICHE advisory board over the last decade. We have been struggling over the years to figure out how to fill the veterinary needs

of our State. The shortage of veterinarians started with food animal veterinarians, but since the coronavirus pandemic caused many people to purchase animals, there is also a shortage of companion animal veterinarians. Mr. Teglas can speak more to that. He has done the research on that. There is a shortage of veterinarians in Nevada.

Because Nevada is a part of the seven-state WICHE and does not have a veterinary program, we have been engaged in conversations over the years with Utah State University (USU), Washington, Oregon and Hawaii. As of this spring, the Utah State Legislature funded a veterinary program for us. They were running a program where students went to school in Utah for two years, then Washington for two years. There was the Western Undergraduate Exchange for students in Washington, Idaho and Oregon. Everyone is struggling to find a vet school. Nevada partners with WICHE. A student may receive funds to attend a participating WICHE program, but they still have to find a veterinary or graduate school to get into.

In our conversations this spring about funding USU's new vet school in Logan, they came to us to get more funding for their school. They agreed to a contract to allow 70 Nevada vet students to come over the next 10 years. We looked into it and met with a WICHE member; it seems reasonable.

I realize this is a policy Committee and we still need to go to the finance committees to see if we can pass the \$8 million price tag in this bill. The price ranged from \$8 million to \$13 million for graduate slots. Over the next 10 years, 70 veterinarians will be brought back to Nevada.

The bill talks about the selection committee, which will be comprised of WICHE members and veterinarians. If a student has the prerequisites, they can access the funding and meet with the selection committee. We hope we can get these pupils funded at a rate of ten slots a year. That might help us recover.

Some of the veterinarians that come from our State are great, including Bill Barton and Idaho State vet, Peter Ralph and the deputy in Colorado. We just got someone at Idaho Equine. He is a board-certified surgeon. Wyatt Winchell is a veterinarian down in Vegas. There are great veterinarians. Unfortunately, they are 50 years and older. There is nobody coming behind them. That is what this bill is intended to address.

MIKE TEGLAS (Professor, Department of Agriculture, Veterinary & Rangeland Sciences, University of Nevada, Reno):

I am a veterinarian and a professor. Part of my responsibilities at UNR include teaching and advising undergraduate students interested in careers in veterinary medicine. I also currently serve as the Nevada WICHE veterinary medicine representative, alongside of Senator Goicoechea.

Nevada does not have a veterinary school of its own. Nevadans who want to become veterinarians must go out of state to obtain their education. As a result of going out of state, they pay a much higher amount of tuition than students from states with veterinary schools. These bright people can go anywhere they want to practice veterinary medicine, so how do we get them to come back home to Nevada?

Senate Bill 342 seeks to provide funding to train a workforce of up to 70 new veterinarians to meet the Statewide shortage of animal health care professionals in both rural and urban areas in the State. Nevada WICHE can enter into a contract with USU, as they plan to open the new four-year College of Veterinary Medicine on the Logan campus.

Nevada and the entire Nation is experiencing a veterinary shortage that has been exacerbated by the coronavirus pandemic. The widely publicized Mars Veterinary Health report estimates an additional 41,000 veterinarians nationwide are required to meet the companion animal health care needs by 2030. Food animal producer veterinarians in Nevada are needed to help keep herds healthy and to perform necessary regulatory duties.

There are currently ten counties in our State that have been identified by the U.S. Department of Agriculture (USDA) as having a critical shortage of food, animal and rural veterinarians. The 2022 workforce blueprint for southern Nevada ranks veterinarians fifth in terms of workforce needs. As Senator Goicoechea has indicated, about one-third of Nevada's veterinarians are baby boomers that are set to retire in a short period of time. Incentives to draw the new graduates back to Nevada to replace positions vacated by these retirements are not in place.

The Nevada Veterinary Medical Association estimates that recent veterinary school graduates have an average educational debt of nearly \$200,000. Educational debt for veterinarians has grown four times faster than their

income. Women in the profession graduate with a higher debt-to-income ratio on average than men. Through S.B. 342, the State can provide funding for the tuition differential, which is the difference between the in-state tuition and the out-of-state tuition costs for Nevadans admitted to the program. In return, individuals receiving support will enter into a contract to come back to Nevada and work as veterinarians.

The USU College of Veterinary Medicine plans to use what is called a distributed teaching model to provide clinical training for their veterinary students. Food animal, equine and companion animal practices throughout the industry and Nevada will be offered the opportunity to serve as teaching hospitals for veterinary students. During their senior year clinical rotations, the students who go through this program will gain experiences and build relationships across Nevada that may influence them to stay in underserved regions of our State. Veterinary hospitals participating as teaching facilities will also have access to a source of new employees to recruit from.

Women constitute a very important component of the veterinarian medical profession. According to the American Veterinary Medical Association, women are projected to own the majority of veterinary practices within the next decade. Of the Nation's veterinary workforce, 63 percent are female—which marks a 12 percent increase over the previous decade. Veterinarians help to diversify the workforce across the entire State. I urge members of the Senate Committee on Education to support S.B. 342 and veterinary medical education for the next generations in Nevada.

CHAIR LANGE:

Seeing no questions from the Committee, is there anyone wishing to speak in support of S.B. 342?

DANNY THOMPSON (Nevada Veterinarian Medical Association):

We want to thank Senator Goicoechea for bringing this bill forward. I think everyone knows there is a shortage of veterinarians in Nevada, particularly in rural Nevada. We see this bill as a solution to a problem that many people have experienced.

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REBECCA GOFF (Nevada State Director, The Humane Society of the United States;
Humane Society Veterinary Medical Association):

I am the Nevada State Director for The Humane Society of the United States and I am here on behalf of our Nevada members and the Humane Society Veterinary Medical Association. We are in strong support of S.B. 342.

Before I had this role, I spent most of my adult life working in veterinary medicine, the last ten years here in Nevada. I can tell you, firsthand, one of the biggest crises facing pets in the State is a lack of access to veterinary care, partially driven by the historic staffing crisis the industry is facing. There are not enough veterinarians to see all the pets in our urban areas and many of our rural communities have no veterinarians at all.

The problem is compounded by the well-documented mental health crisis the veterinary community faces, which only got worse during the coronavirus pandemic. National statistics from the Centers for Disease Control and Prevention shows that one out of every six veterinarians has considered suicide. Veterinarians are about 2.4 times more likely to die by suicide than the general population. Compassion fatigue and burnout have led many veterinarians, whom I have personally worked with over the years, to leave practicing medicine or the industry altogether.

Adding to the mental health crisis is the extreme financial burden of attending vet school. You are lucky to get into and graduate from 1 of the 32 vet schools in this Country. The average student leaves with about \$200,000 in debt, not including undergrad debt since Nevada has no veterinary school. Nevadans are forced to attend out-of-state schools and pay even higher out-of-state tuition. Veterinarians can often expect to be paying off debt for their entire career, which impacts their decision whether to practice in rural areas, shelters or nonprofits, where the income levels might be lower.

By expanding the availability of financial assistance to Nevadan veterinarians and future veterinarians, S.B. 342 will help address the veterinary crisis, support veterinary professionals and provide better access to veterinary care to Nevada families in need. We urge your strong support of this important legislation, and we thank the sponsor for bringing this issue forward.

CENDRINA DUHAMEL:

I am currently an undergraduate student at UNR. Thank you for giving me the opportunity to speak to you today on an issue that is both close to my heart and of great importance for the future of our State. I stand before you to discuss the necessity of providing in-state tuition for Nevada veterinary students attending USU College of Veterinary Medicine. As you may know, Nevada does not currently have a veterinary school. Aspiring veterinarians must travel out of state to pursue their career goals. Many choose the College of Veterinary Medicine at USU. However, these students face a significant financial burden due to the higher cost associated with out-of-state tuition, which can nearly double the cost for Nevada students.

According to the American Veterinary Medical Association, the average debt for veterinary students in 2020 was \$183,302, and out-of-state students carry even higher debt burdens. A survey conducted by the Nevada Veterinary Medical Association found that nearly 70 percent of respondents indicated that the high cost of out-of-state tuition was a major barrier to pursuing veterinary education.

Our State's growing population and expanding agricultural sector demands a strong veterinary workforce to ensure the health and welfare of our animals, as well as the safety of our food supply. It is important to recognize that the students, upon completing their education, will return to Nevada and provide essential veterinary services to the areas most in need, as described by the USDA Veterinary Services Shortage Situations map.

By offering in-state tuition for Nevada students attending USU College of Veterinary Medicine, we can alleviate the financial burden and open the door for a greater number of passionate and dedicated individuals to enter this critical field. Supporting their education and reducing their student loan debt will foster the growth of a skilled workforce that is dedicated to giving back to the community. By investing in the education of our future veterinarians, we are directly investing in the future of our great State. Please support S.B. 342.

ALEJANDRO RODRIGUEZ (Nevada System of Higher Education):

The Nevada System of Higher Education is in strong support of S.B. 342. We would like to thank Senator Goicoechea for bringing this measure forward. We urge your support.

SHEILA BRAY (University of Nevada, Reno):

Thanks to Senator Goicoechea for bringing this bill forward. As the bill sponsor and Mr. Teglas noted, there is a great need for veterinarians for large, small and domestic animals throughout our State. This bill aims to provide a unique opportunity for Nevada to address this industry shortage and support our students along the way who are passionate about this work. The offer is Statewide. This is a good opportunity. We support this bill and encourage the Committee's support as well.

DEANA BRITO:

I am a graduate student at UNR pursuing a master's degree, and I am in the process of applying for veterinary school. I am here in support of S.B. 342, which would support veterinary students in Nevada to attend professional school at USU's College of Veterinary Medicine. The tuition for an out-of-state resident is almost double the amount of an in-state resident. This bill would allocate ten Nevada residents to attend school with in-state tuition, who would return for a four-year contract to practice as doctors of veterinary medicine in Nevada.

After the pandemic, there has been an increased demand for veterinarians and veterinary professionals, and there is a great lack. Getting accepted into veterinary school is difficult, but paying back student loans is even more difficult. This bill would support the veterinary field and provide an additional 70 Nevada veterinarians to meet the demands of food, animal, equine and companion animal private practices and hospitals.

As stated previously, suicide rates within the veterinary field are high and burnout and fatigue are real detrimental issues for our State, which demands adequate veterinary care. This bill will support Nevada and its animals.

STACY HOSKING (Nevada State Board of Veterinary Medical Examiners):

In addition to representing the Nevada State Board of Veterinary Medical Examiners, I am a veterinarian. I am here to express my enthusiastic support for S.B. 342. As you may have already heard, there is a shortage of veterinary professionals, which has been a growing concern in recent years with reports and personal experiences indicating difficulties in getting timely appointments with veterinarians.

In March 2022, Mars Veterinary Health conducted a survey to quantify the severity of this shortage for companion animal veterinarians, technicians and specialists. With pet ownership on the rise, the issue is only expected to worsen unless we take action. This study found that nationwide, we will need almost 41,000 additional veterinarians to meet the need of companion animal health care by 2030. Even with the expected new veterinary graduates over the next 10 years, we still expect a shortage of almost 15,000 veterinarians by 2030. Meeting the 10-year industry need for accredited veterinary technicians would require more than 30 year's worth of graduates. It is important to note that while this study did not evaluate the large animal or equine veterinary workforce, I can assure you that the same issues are present there as well.

As someone who has personally benefited from State assistance toward veterinary school costs, I know the value of programs like the Nevada WICHE program. I received a stipend from the Nevada WICHE program toward my out-of-state tuition costs for all four years of veterinary school at Ohio State University. Growing up in an underprivileged household in Sparks, I would not have been able to attend veterinary school, much less become a board-certified veterinary cardiologist, without the support of the Nevada WICHE program. Thank you for your time and consideration of this bill.

KENT ERVIN (Nevada Faculty Alliance):

This is a great opportunity for our students, until we get our own veterinary school in Nevada. I am sure a fiscal committee will hear more details, but this is a cost-effective way of temporarily increasing the number of veterinarians compared to starting a new vet school.

MS. PROFFITT:

Thank you for a bipartisan bill. I want to suggest you take it one step further. We rank forty-ninth for doctors. We are 2,000 doctors short, not just in veterinarians, but in the whole State. If "Medicare for All" passes, we are going to implode. I would suggest you think about giving doctors an incentive such as getting their tuition paid if they come to Nevada. I would also suggest putting a heftier exit clause if the doctor chooses to leave before giving enough service to cover the cost of their education. I really think we ought to consider doing that in the medical school as well.

When I was recruiting for my company, before I retired, I had to give people at least a 75 percent raise to get them to move from the east coast to California.

At that time, the raise was 20 percent less in Las Vegas than the raise given to move to California. I think we are on par with California in trying to get people to move here because of our lack of infrastructure. Please keep working on this. Make it better.

AL ROJAS:

I live in southern Nevada in Assembly District No. 12 and Senate District No. 21. I support this bill because education is important, and it contributes to a growing economy and city. I came from the Orange County area. I spent my whole adult life there, almost 35 years. When I was 18, I graduated from high school and had the choice to go anywhere in the Country to study engineering. I went to the University of California, Irvine. Irvine was a planned community, and it had the university. Because crime was low, education grew and people stayed there. I see many parallels between Las Vegas and Irvine. We have a great university, the University of Nevada, Las Vegas (UNLV). We also have a high-tech industry where we rank No. 1 as the entertainment capital of the world.

The reason Las Vegas is losing so many graduates, who are valuable resources, is because crime is too high. Per capita, the rate of homelessness is higher than Oakland and San Francisco. Nevada needs to address homelessness through proper housing, mental institutions and creating stricter laws. In Irvine, you cannot sleep on the street, and you cannot park your car overnight and sleep. Those restrictive laws keep the homeless problem under control. Because homelessness issues were addressed, the Orange County area thrived. I support the bill. Do not forget that crime is an issue. Let us try to keep crime under control for our students.

CYRUS HOJJATY:

I would like to ditto the comments made in support. I also agree that Irvine has done some good things, but I disagree with how it was built.

DIRK VANDERWALL (Interim Dean, College of Veterinary Medicine, Utah State University):

In addition to being an Interim Dean, I am a veterinarian. As you heard from Senator Goicoechea, we currently train veterinary students in partnership with Washington State University through the Washington-Idaho-Montana-Utah Regional Program in veterinary medicine. As a partner in the Program, we train 30 veterinary students in each class cohort. We have had 16 Nevada residents

receive their degrees through the Program. As you heard earlier, in our current program, Nevada students have paid out-of-state tuition all four years of their education program, which contributes to a significant load of debt.

Senate Bill 342 would decrease the cost of obtaining a veterinary education for Nevada residents by approximately 50 percent because of the cost difference between resident and non-resident tuition. Last year, the Utah Legislature approved funding to establish a four-year college of Veterinary Medicine at USU. Forming the new college will allow us to increase our class size to 80 students, which will be done incrementally in conjunction with the construction of a new veterinary medical education building on the USU campus.

As you heard from Mr. Teglas, clinical instruction during the fourth year will be conducted using a community-based private practice or distributed model in which we will immerse our students in day-to-day clinical activities that are routinely performed in private practice.

A network of host practices will be developed throughout the Intermountain West including Nevada. We are excited about the tremendous potential for this method of clinical instruction, which will match students with future employers through the immersive onsite experience they will have at each clinical location.

Given the tremendous need for veterinarians in our respective states, we are excited about the prospect of partnering with Nevada to increase opportunities for your residents—some of whom, we have heard from this afternoon—to pursue their dream of becoming veterinarians. This bill will help meet the need for more veterinarians in a more cost-effective manner for students.

CHAIR LANGE:

Is there anyone wishing to speak in opposition to S.B. 342?

MR. BRADLEY:

I am a retired Army officer, but I am here as an individual to speak against S.B. 342. The State should stop being renters and start being owners. Instead of giving \$8 million to another state, the State should take the \$8 million and start our own veterinary school. That money should be a down payment; keep the money here in Nevada.

Nobody has mentioned the military. The military does not have enough people. It is very lucrative to be a military veterinarian. The military will pay a full ride scholarship for undergrad and graduate degrees. I know not everyone is suited for the military, but that is a huge benefit not only for veterinarians, but all people who want to be in college.

I moved here seven years ago from South Carolina. There are incentives to be in Nevada: there are no taxes, great weather and great entertainment. The veterinarians, if they are smart, will move here regardless of whether we paid for their college or gave them a stipend.

I am concerned about contract laws. Contracts can be very hard to enforce through cost of attorneys, jurisdictional issues and bankruptcy laws. If someone declares federal bankruptcy, it is hard to fight that, especially as a State entity against an individual veterinarian. This is not capitalism. We should let the market work openly and let veterinarians charge more in rural areas to subsidize their investment in education.

I am concerned this can open a Pandora's box for other professions. There is a shortage of airline pilots. I do not see a bill giving them \$8 million to go to flight school. We do not have a flight school in Nevada, so this could open up other professions to the detriment of our taxpayers. I urge you to oppose this or do an amendment to reinvest \$8 million in our own vet school.

CHAIR LANGE:

Seeing no one neutral for S.B. 342, there were a couple of questions about this bill. I also received two letters of support for this bill ([Exhibit N](#)).

SENATOR HAMMOND:

Starting a veterinary school was brought up during testimony. There is an \$8 million price tag that goes along with this bill. We are helping students and lowering their cost of tuition by 50 percent. How much would it cost to start a veterinary school?

SENATOR GOICOECHEA:

You are asking the wrong person, but I am sure there is someone in the room who could answer that. A veterinary school could not be built for \$8 million. That is why USU wants to contract with us. They have approved the money

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and will admit 40 students. I would guess building a veterinary school would cost \$200 million.

SENATOR HAMMOND:

I have a number in mind. If it is smaller than that number, I, along with others, will vote no. Keep that in mind as you think of how much it will cost.

DALE ERQUIAGA (Acting Chancellor, Nevada System of Higher Education):

I do not know the exact cost, but I know the process because a regent has asked us to examine how it works. We go through a programming process to see how much it would cost, where it would go and which of our institutions are interested. You are familiar with building a second medical school in this State. The cost for that was done through a public-private partnership.

Even if the number is higher or lower than the one you have written down on your sheet, it takes more years to do that process than to move these folks through the pipeline at a sister-state institution. I believe this is the right approach for now. Yes, our long-term plans should include building a veterinary school. We need to build many things, so that will have to be prioritized and worked out through the normal process.

SENATOR HAMMOND:

Do you know if the \$8 million would be a 5 percent or 10 percent down payment?

MR. ERQUIAGA:

I would not begin to speculate.

SENATOR HAMMOND:

To a comment made earlier, I think we do have an aeronautical school in Nevada. It is operated out of Nellis Air Force Base. So, we do have something here.

MR. BRADLEY:

They do not.

SENATOR HAMMOND:

I taught across the hallway from the aeronautical school at the Nellis Air Force Base for a couple of years.

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CHAIR LANGE:

Senator Goicoechea, do you have any closing remarks?

SENATOR GOICOECHEA:

I know this is a policy committee, but I would appreciate it if this bill could be moved to a fiscal committee, even if it is without recommendation. This bill is critical for Nevada and the profession.

CHAIR LANGE:

I will accept a motion to do pass S.B. 342.

SENATOR TITUS MOVED TO DO PASS S.B. 342.

SENATOR FLORES SECONDED THE MOTION.

CHAIR LANGE:

Is there any discussion?

SENATOR DOÑATE:

While we were asking questions, we saw it would cost \$17 million to build a new school in the Texas University system. If Senator Goicoechea wants to increase the amount, I could support that too.

CHAIR LANGE:

Hearing no other comments, I will take a vote.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

CHAIR LANGE:

I will close the hearing on S.B. 342 and open the hearing on S.B. 347.

SENATE BILL 347: Revises provisions relating to higher education.
(BDR 34-119)

SENATOR FABIAN DOÑATE (Senatorial District No. 10):

I am here to present S.B. 347. I want to start the conversation by clearing the air and being transparent. That is the type of legislator that I have committed to

be and the value that I will always uphold. Is S.B. 347 a direct attack on the governing structure of the Board of Regents and will it begin to rein in the problems that we have seen over the last few years? The answer to that is yes.

For years, State Senators and Assembly members have introduced legislation to begin revising the structure of our higher education system and retain accountability for its governing body. As a member of this Legislature, I have had conversations with many of my colleagues on this issue and, repeatedly, we have come to the same conclusion. The structure of our system is broken. We have prolonged this conversation longer than we anticipated. We should refuse the status quo of a broken system that cannot sustain itself any longer.

Back in 2014, I started my freshman year at UNLV. During my time as a student, we had two university presidents, but they were not the last. Unfortunately, we have had a lot of hiccups along the way: administrators have been forced out of their positions or been intimidated and the Board of Regents have fabricated artificial divides. There is no clear strategy on how we can move forward on the higher education system. We can agree on one simple fact, the Board of Regents have butchered the long-term employment of our administrators repeatedly. I, for one, have had enough.

There are articles that have emerged over the years on the conduct of the Board of Regents governance model. *The Nevada Independent* has published various articles. November 2022, there was an article titled "Regents agree on \$110,000 settlement to oust chief of staff after 3 months on the job." Also published in November 2022, "Ethics panel finds 'credible evidence' of violations for top regents, recommends deferral." October 6, 2021, there was an article titled "In hostile workplace memo, Chancellor Melody Rose details incidents that made her feel 'undermined' by two regents."

The *Las Vegas Review-Journal* also published various articles. April 2018, they published "Strife between donors, regents over UNLV president comes amid broader effort to restructure higher ed system." March 2018, they published "With Jessup's future in doubt, instability returns to UNLV." April 2016, they published "Emails show Nevada Higher ed agency misled Legislature on funding study." As of last week, they published, "Regents spend hundreds claiming transparency, fails to address records denial."

There are more articles I could add to the list, but enough is enough. We can and must do better. The students and faculty of the system deserve an institution that is adequately funded and that seeks to address student outcomes and achievement, not a system that is predicated on infighting and obstruction. The worst part of all of this is that I was a student between 2014 and 2018 at UNLV—which was not too long ago—and the same system and problems are relevant today. Senate Bill 347 is our way to solve this long, pervasive issue.

I know that this is a difficult conversation for all of us and one that is incredibly complex beyond one person trying to solve this governance crisis. I recognize that we might not know all the answers. My hope today is we can begin to have the hard conversations on the work we need to do in the Interim and address the needs and longstanding issues of our higher education system chair. I will have Dr. David Damore present the provisions of this bill and our conceptual amendment.

DAVID DAMORE PH.D. (Chair, Department of Political Science, University of Nevada, Las Vegas):

In addition to being a Chair, I am a professor and an Interim Director at the Lincy Institute and Brookings Mountain West, which are two donor-supported public policy centers at UNLV.

I want to be clear that I am not appearing before you on behalf of UNLV. The University does not have a position on this bill. I am here at the request of the bill sponsor and have been asked to provide technical assistance given the work my colleagues and I have done on economic development, higher education reform and integrating the two.

Senate Bill 347 builds on legislation previously introduced to modernize the organization of higher education and provide pathways for legislative accountability over higher education. Yes, S.B. 347 is a long bill. However, most of S.B. 347 makes conforming changes to *Nevada Revised Statutes* (NRS) to reflect the bill's three main components.

First, S.B. 347 proposes to delineate the governance of the State's land grant institutions to reflect the intent of the Nevada Constitution. Sections 55 and 56 designate UNLV, UNR and Desert Research Institute as the components of the State university defined in Article 11, section 4 of the Nevada Constitution. This

is consistent with S.B. No. 287 of the 81st Session. It amends NRS 549 defining the State's land grant institutions. These three institutions would continue to be governed by the Board of Regents of the universities of Nevada and composed of, what can be thought of as, the constitutional box with the Nevada System of Higher Education (NSHE).

Limiting the Regents control to these institutions responds to the legislative frustration regarding claims that NSHE and the Regents are an independent fourth branch of government. These claims have been made for decades to thwart legislative oversight and higher education reform. The issue has arisen this Session in legislation proposing to implement collective bargaining and reform policies related to sexual violence. Senate Bill 347 would not eliminate the constitutional barrier that constrains the Legislature—only the passage of Senate Joint Resolution (S.J.R.) of the 81st Session will do that. However, it will limit how and when these claims can be made.

Second, S.B. 347 establishes separate governance of non-land grant institutions to create what can be thought of as the statutory box within NSHE. The second half of section 56 removes State and community colleges from the governance authority of the Board of Regents of the University of Nevada. This reform operationalized the notion that institutions that are not research universities with land grant status should not be governed by a board that was created for that purpose. This proposed structure draws in part from A.B. No. 331 of the 79th Session, introduced by Assemblyman Ira Hansen and S.B. No. 321 of the 81st Session introduced by Senators James Settelmeyer, Scott Hammond and Ira Hansen.

Sections 51 through 53 establish a separate seven-member Board of Trustees for State and community colleges and defines their authority. Appointments to four-year terms will be made by the Governor based upon recommendations vetted by the Legislative Commission. Representatives from local governments and regional development authorities, where each campus provides service, would be on those boards as well as non-voting faculty and student members.

This governance structure reflects work that my colleagues and I have done on the regionalization of economic development. Nevada's regionally-based approach to economic development can be strengthened by aligning its higher education institutions with their economic and demographic geography. These

institutions and the communities and constituencies they serve would be better represented by governance that reflects their missions and service areas.

Third, S.B. 347 proposes definitions of Nevada's higher education institutions that reflect their differing missions. Currently, there is no language in NRS defining what our higher education institutions are supposed to do. *Nevada Revised Statutes* 396 lists these entities as components of NSHE. Section 45 applies the Carnegie R1 classification of institutions of higher education, defining the scope of degree-granting authority to each institution. The University of Nevada, Las Vegas and UNR would be doctoral universities; Nevada State College would be a master's degree college; Great Basin College would be a baccalaureate college; and the College of Southern Nevada, Truckee Meadows Community College and Western Nevada College would be baccalaureate and associate degree colleges.

There is also a conceptual amendment ([Exhibit O](#)) to this bill to facilitate the implementation of S.B. 347. It would address concerns raised by the chancellor and the bill sponsor. Also, it would alleviate concerns that the bill would break up NSHE. The conceptual amendment puts forth the idea that during the 2023-2024 Interim, the Joint Standing Interim Committee on Education will establish a subcommittee on higher education to review, including, but not limited to, the following:

Determine appropriate governance structures and oversight for master's college, baccalaureate college, and baccalaureate and associate's colleges that are reflective of each institution's mission and service area.

Evaluate appropriate funding and bonding structures to support the differing missions and constituencies.

Establish procedures for relinquishing all land held by NSHE and begin property transfers to the individual institutions.

Establish procedures for credit transfers among institutions delineated in section 45 and establish a cooperative arrangement in post-secondary education that is designed to permit the sharing of academic resources by the institutions as delineated in section 45

and to offer qualified students the opportunity to enroll at other institutions for courses not available on an individual campus.

Not included in the text of the amendment is the point that NSHE would remain the overarching organizational structure, in which the governing boards live and where current system-level staff and service would remain.

SENATOR NEAL:

I have a general question and then I have some detailed questions. With the existing sections you are keeping, which are sections 45, 51 and 52 through 57, the overarching NSHE is still in place. Given that the Board of Trustees falls into those different sections, how exactly are the powers and duties going to be distributed?

SENATOR DOÑATE:

Before I answer that question, it is important to have our legal counsel establish what the ruling was decided on and how we arrived at what is and is not permissible. I think that would help.

MR. KILLIAN:

I will preface my comments by saying that my opinion today is consistent with the opinion of the Legislative Counsel Bureau (LCB) back in 2014, which was publicly issued to the late Senator Debbie Smith as chair of the Subcommittee on Governance and Funding of the Interim Committee to conduct an interim study concerning community colleges. For the sake of brevity, I am going to omit all of our references to case law supporting this opinion; they can all be found in the opinion that was issued by LCB back in 2014.

Generally, the Legislature does not derive its constitutional powers from the text of the Nevada Constitution, but rather exercises plenary power only as limited by the State and federal constitutions. In the absence of any clear constitutional limitation on the Legislature, the Legislature is empowered to act. Limitations on the Legislature's power must be strictly construed in favor of the power of the Legislature to legislate.

Under Article 3, section 1 of the Nevada Constitution, there are only three departments of State government: the executive, legislative and judicial. All parts of the government belong to one of those departments. The Legislature is the Legislative Department. By contrast, the Board of Regents, as a State

agency of the Executive Department, created by the Nevada Constitution, has no general, inherent or common law powers, except those powers conferred expressly or by implication by the Nevada Constitution. Its functions are, therefore, narrow in scope. As all other agencies of the Executive Department, it is subject to legislative regulation under appropriate circumstances.

The education article of the Nevada Constitution, Article 11, uses three different terms to describe three different and distinct levels of the state educational system: common schools, normal schools and the university or the State university. Article 11, section 2 requires the Legislature to provide for a uniform system of common schools, which is commonly understood as the K-12 system. Article 11, section 4 requires the Legislature to establish a State university, which is controlled by a Board of Regents. Article 11, section 8 reserves the land grant funding received by Nevada back in the mid-1800s, for the State university. Article 11, section 5 authorizes the Legislature to establish normal schools and different grades of schools from the primary department to the university, as in the Legislature's discretion it may deem necessary.

Based on this plain language of the Constitution, it is the opinion of our office that the framers intended to give the Legislature exclusive control over the establishment and governance of the intermediate level of the state educational system. Namely, those institutions between the common schools and the State university, which historically were known as common schools but today are akin to institutions known as community colleges and State colleges.

Thus, given the plain, ordinary and usually accepted meanings of the terms used in the education article, there is a clear distinction between a university and a community college. The following two reasons are why it is the opinion of this office that the education article does not give the Board of Regents exclusive control over the governance of community colleges. First, the term "university" is the express term used in the education article that defines the Board of Regents narrowly defined constitutional power over higher education. Second, the term "university" has a meaning that is separate and apart from the meaning of the term "community college."

In addition, it is the opinion of this office that any expansive reading of the term "university" to include all conceivable institutions of higher education within its scope, would be an unreasonable interpretation of the term that would reject

the plain, ordinary and the obvious in favor of the artificial, the unreasonable and the absurd. Since it is a fundamental rule of constitutional construction that the Nevada Constitution should be interpreted to avoid unreasonable or absurd results, our office rejects that reading of the term university.

Furthermore, even if there were any doubt, ambiguity or overlapping in the meanings of the terms “university” and “community college,” such doubt, ambiguity or overlapping would have to be resolved in favor of the Legislature’s inherent power to legislate. Any other interpretation would ignore the basic rule of constitutional construction that the language of the Nevada Constitution must be strictly construed in favor of the power of the Legislature to enact the legislation under it.

We are aware of an opinion by the Attorney General from 1968 that comes to a contrary conclusion. Our office has disagreed with the Office of the Attorney General on this question since at least that time. As a preliminary matter, it is important to note that the opinion of the Attorney General does not constitute binding legal authority or precedent. An opinion of the Attorney General is entitled only to the persuasive weight the court thinks is proper, based upon the soundness of its legal reasoning and the citations to authority that support its opinion. The opinion of the Legislative Counsel is entitled to the same persuasive weight as an opinion of the Attorney General.

Based on our research and analysis, we believe that the 1968 opinion of the Attorney General fails to apply the correct rules of constitutional construction to the education article. As a result, we believe that the 1968 opinion of the Attorney General improperly construes the education article against the inherent power of the Legislature to enact legislation.

The short version of that answer is, we believe the education article gives the Board of Regents exclusive control over the State university—the State university being the land grant institution in this State. All other institutions of higher education are within the province of the Legislature to create and provide for the governance. They are not required to be governed by the Board of Regents and can be created, destroyed and governed as the Legislature wishes.

SENATOR NEAL:

Let me ask the question in a different way. Based on the plenary power that exists and was just stated, how do you intend to unravel the money that is now going to all of these institutions? I know there will be an Interim committee, but you must have ideas.

SENATOR DOÑATE:

Now that we had the explanation as to what we are confined to based on the Constitution, we went through the practice of trying to figure out what is the appropriate model for our State. Other states have different models. There was a discussion during an interim long before this year as to what it would look like to create a different tier structure. We saw models of Maryland and other states. That study was conducted for the State in previous sessions. The determination was we could fit into different models.

Elected officials have said they prefer to split community colleges from the State universities. We have discussed adopting certain models. California has the University of California system, where there are different structures for each of the different entities. I came to the conclusion, which is reflected in the amendment, that a weakness of our State, compared to other states that have similar models, is our State population.

The governance itself could be restructured, if we wanted to look at that during the Interim. We have separate governance structures. The Board of Regents would stay the same in relation to the University because we are tied to that system due to the case law of the Nevada Constitution.

The bill requires discussion to determine appropriate governance structures, which could be done during the Interim. We can look at community colleges to see whether they can have a board of trustees whose duties are delineated to local entities. That would encourage the participation and representation of faculty, student and specialized groups who, for example, represent economic development. They will be part of the decision-making and will help decide how their institution is governed.

Under this amendment, we presume there would still be a need for an organization to help narrate student achievement outcomes and graduation. We would approach that need in the same way we approach K-12.

The funding question is important for this policy. The amendment, [Exhibit O](#), refers to evaluating appropriate funding and bonding structures. We have had discussions in this Committee this year about what the future of higher education funding should look like. My position is that an unfortunate reality is there is a divide between the universities and other higher education schools.

The universities are structured more towards economic development and research because of their faculty. Community colleges have a different set of students who have different needs. Oftentimes, schools find themselves fighting for the same resources. I believe an appropriate structure would be to fund the universities differently than we fund the community colleges. The students that go to the community colleges have different needs, whether it is taking remedial courses or coming from another country. The universities have a different mission, which is what we try to establish as part of the tier structure in this bill.

During the Interim, I hope we can have the appropriate discussions as to how big those boards look like, what is the delineation between responsibilities of a board of trustees and the Board of Regents and what is the role of NSHE to facilitate everything coming together?

We had discussions about if we break the system apart, which was how the bill was originally structured, how does that play out with bonding? Could there be a sentiment where the community colleges might not be able to receive the same bonding structure as they did before? I think that is a valid question, which is why we decided to keep the same structure. There is also the question of land. Nevada System of Higher Education has a lot of land that has been donated by former alumni or has been acquired. We have to take that into consideration because it plays into the money aspect.

Overall, when it comes to funding, I believe it should follow student outcomes. That has been something that we have struggled with because it is not reflected in the current system in the way we intended. It is not structured to help the students who have the most need. At my alma mater, the University of Maryland, the Mayor was a part of the governing body because they were part of the city planning process. They wanted the university and the city to be arm and arm. The city could collaborate with the university system to plan new bus systems, a new city hall, new restaurants, student housing or passing new

abatements. Collaboration is something we are missing with our current system. We could look into incorporating systems to bring us together.

DR. DAMORE:

As someone who lived through the funding formula ten years ago, it came up during discussion that the formula would favor the universities, and it did. The universities have done well over the last decade at the detriment of all the other schools. A cost analysis was never part of the funding formula in Nevada. It was all based upon cost analyses done in states that look nothing like Nevada. We do not really have a sense of what those costs are. Hopefully we can get this bill to a finance committee so it can be addressed there—given Governor Joe Lombardo’s comments about wanting to look at funding sources.

There are different missions. Some of those programs, particularly workforce development, are very expensive and hard to do, but we are not funding them. That is where we struggle. There is also an incentive for a lot of these schools to offer more upper division courses because those pay more on the funding formula.

SENATOR NEAL:

I am going to ask this a different way. I heard everything you said. Currently, there is a funding formula in play where community college and state colleges receive different amounts. We saw many charts in this Committee. What happens when there are different governance structures and student services and weights applied to the formulas for those institutions, but the funds cannot support those institutions? In this Committee, we had a conversation about what increasing fees means to a student’s ability to attend different schools. Increasing the fees would deter attendance. How will each school have enough money to pay for the current services? Under the current funding formula, schools are getting a certain amount of funding for performance or certain types of students. It seems to me, there will still be schools that get more money than others, winners and losers. The poverty of certain populations will not go away, nor will the ability to pay fees go away. Who will absorb the cost?

DR. DAMORE:

That is why there needs to be a real funding analysis. What the costs are to deliver services you want schools to provide needs to be looked at. We do not know the answer to that. The other part of the funding structure is allowing more partnerships—including public-private partnerships. One of the models that

we looked at is Arizona State University. Arizona has been very aggressive in this space, not only in terms of building but also providing funding for programming.

When there is an economic development representative and local government representatives on governing boards it opens up pathways and interests that are hard to bring up with a State board that is more university-based. That type of representation is something you will see happening elsewhere. There is a bill on the Assembly side to codify language. That will help move the structure forward.

SENATOR NEAL:

In this Committee, and more so, in the Senate Committee on Finance, we have seen charts on staffing, including professors and regular teachers, learning-oriented assessments (LOA) and demographics. Some schools prioritize LOAs, others prioritize professors to determine what funding they would need to formulate their mission. There is a pay discrepancy on top of that.

This bill has specific language that would grant the ability to hire, fire, discipline, and evaluate the performance of the president and, I am assuming, also hire, fire and bring in staff. What would it cost for student services and to maintain the campuses? What are your thoughts about the pay inequity that has been inherent in the system and how are you going to find the right staffing to sustain the schools? There are issues that will not just disappear because you create a different governance structure. This bill says schools must maintain themselves and use their own money, separate from the State, to manage themselves. I want to hear more about that because I am curious about the magic bucket of money that is going to come from the sky in 2027 to do all this.

SENATOR DOÑATE:

The reason why I structured the amendment to first address governance and then second address the funding piece is because I have the same questions that you have. I envisioned the delineation of governance as one model and the funding mechanism, how to approach institutions should be a separate model. In my ideal world, we should separate funding universities from funding community colleges. That is a valuable proposition we should look at. That is why you are hearing elected officials and past governors saying we need to look at the funding model again to see how the system is structured. We should go

through the same practice that K-12 did in terms of adding weighted funding and distribution. It is not a hard discussion, but it is one that has never been entertained.

During the Interim, there should be a specific subcommittee that would look at higher education. We deserve to have a system that focuses on issues specifically and continues to build off each other in one way or another. Are these proposed governance structures settled by law? No, that is something we have to consider. We have to start by having discussions about long-term goals. It is appropriate to ask questions of how funding would be tied to these institutions? I hope we can solve some of those questions shortly.

DR. DAMORE:

Presidents will make their case and advocate for the institution's needs. They will say, if you want to do workforce development, this is what it is going to cost. You are hearing directly from the president of the institution and from the Board of Trustees. The Legislature will have to decide if they want to do that. Do not underestimate the entrepreneurial piece that can come with this bill.

SENATOR TITUS:

I have a couple of observations. Are you aware of how bad our K-12 system is and where we are ranked nationwide? Are you aware where our university system is ranked? They are ranked pretty well. The thought of this Legislative Body taking control and ruining a really good, highly-ranked system based on what we are doing with K-12, makes me very anxious. I see the popularity and personality politics. That happens everywhere, including in this building. In my mind, that does not come close to justifying splitting up a system.

What do other states do in their systems of management? This bill would make every single one of our community colleges present their separate budget processes to us and tell us what they need. Right now, there is a unified higher education system that starts students in high school by providing dual credits and sending the students into the university system. The cohesion makes our university system good.

How do other states structure their university systems and fund their community colleges versus their university systems? I also have concerns about the definition of land-grant school. I would say UNR is the only land-grant school.

SENATOR DOÑATE:

I will answer the first part of your question before I talk about the management systems we have seen in other states. I would refute your statements in terms of what the current system outcomes are. We do not compare to other state universities when it comes to our graduation rates. That was made clear during the presentations this Committee has heard. We have students who do not graduate in four years. We have a very high drop-out rate for students at State universities. I am sure the disparity is higher when we look at the students that go to community colleges.

My position has always been that we should follow the students-based need. We should look at developing systems to support them as they graduate from K-12, and they go onto the continuum of education. What we have right now is not working. We know that from looking at statistics. We have a lower percentage of students who graduate compared to other state universities. That is a reflection of the need to revise the way we fund our universities, State colleges and other institutions so we continue to close the gaps.

My theory for the governance model is if we still have a 45 percent graduation rate—or whatever the value that was presented earlier—are we, in the current governance, paying enough attention to the individual institutions? Is the Board of Regents too broad? Are they actually delivering the general oversight that is needed? Based on the articles I cited and from what I have seen, I cannot attest to that. In my opinion, we need to carefully review the governance, bring it back to the local level and make sure the voices of individuals are heard. Those who understand the institutions—either through working there, going there or have gone there. That should always be part of the discussions.

DR. DAMORE:

There are as many different structures as there are states. Nevada is most similar to North Dakota, Hawaii and Alaska. Most states have what they call community colleges, which actually exist in their communities. A lot of them are funded through the local government. Arizona is an example of that. That also happens in California with community colleges around the state. Every state is a little different because their missions, and the governance structures tied to the missions, are different. You cannot generalize the systems. The Nevada Legislature has done a lot of work on governance. You can look at review studies and it certainly came up during an Interim study in 2014. That

was the last time the topic was revisited here. Whether or not to consolidate governance is an argument that comes up.

Last Session, there was a bill on land grants. I am assuming you did not vote for it. The bill put land grants into statute. We are beginning to see joint-faculty appointments at UNLV through the University of Nevada Cooperative Extension. There are grant programs that integrate systems to use some of the excess Clark County funding in other areas. The University of Nevada, Reno has the extension program, a farm and other components that integrate with the federal government.

CHAIR LANGE:

Seeing no other questions, is there anyone wishing to testify in support of S.B. 347?

WARREN HARDY (Council for Better Nevada):

I want to thank Senator Doñate for his passion on this matter. I, too, am a graduate of UNLV and a product of NSHE. It became evident to me during my time here that the framers of the Constitution clearly contemplated the Legislature, the Board of Regents and the system of higher education being in partnership for higher education. Unfortunately, that partnership has never been particularly solid. During my years in the Legislature, I saw it digress and erode.

I support this legislation and the intent of this implementation process because I think it is high time that the Legislature get back into the copilot's seat with regard to education. I said that a number of times on the record. It is clear to me that statutorily defining the missions of the institutions and how those will be funded appropriately is the threshold issue that needs to be addressed before we can move further down the road.

PAUL MORADKHAN (Vegas Chamber):

The Vegas Chamber supports this bill. Our government affairs chairman will also be calling in support. We believe reform is important. We appreciate the bill sponsor and the work he has done with Dr. Damore. There have been concerns for many years about the operation of the system. That is not reflected in the current leadership; the chancellor. We appreciate what he is trying to do, but we do believe this is a systemic issue that needs to be addressed for the students in our State.

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HUGH ANDERSON (Vegas Chamber):

I am on the Committee on Government Affairs and I am the chairman for the Vegas Chamber and a Vegas Chamber trustee. The Vegas Chamber is in support of S.B. 347. We appreciate Senator Doñate for bringing this bill forward so we can have a meaningful discussion about why the much needed higher education reform is necessary in Nevada.

As Nevada's job creators, our members believe that we need to address the challenges and instability that exists in our higher education system of governance. The primary focus for any higher education system must be about increasing student achievement, aligning workforce training with the needs of employers and being focused on the future economic development needs of our State. A transparent, stable and equitable public higher education system is essential to achieving this focus.

We recognize that the bill in front of you is a significant change in how we currently do things, but we must look at how we can improve for the betterment of the next generation of Nevada students. Doing nothing is not an option.

Reform initiatives, if done correctly, can have significant, meaningful and productive results. We believe that this bill will provide us the opportunity to do this right. That is why the Vegas Chamber supports the key provisions of the bill.

The Joint Interim Committee on Education will establish a subcommittee on higher education to review the governance and oversight of our public institutions. It will be an important part of this process during the Interim. We believe that this review is paramount to the future success of higher education in Nevada, which includes community colleges, baccalaureate teaching colleges and research universities.

Senate Bill 347 would also allow for the review of funding and bonding mechanisms to better support the missions of these institutions and 100,000 students enrolled in the NSHE. The bill would also provide for credit transfers, so students are not impacted adversely.

Change will not come about on it is own. Recent history of NSHE has proven this. That is why passage of S.B. 347 is so important. It will take legislative

action to enact that change. We know that this is not a simple bill; it is complex. We must be bold to take the next steps forward to build a better Nevada together. I appreciate your time, consideration and support of S.B. 347.

CHAIR LANGE:

Is there anyone wishing to speak in opposition to S.B. 347?

Ms. PROFFITT:

I oppose this bill for one reason: it is usurping the power of the Board of Regents that we voted on two years ago. This bill is meant to take the power away from the Regents and the people in the community and give it back to the Legislature. Whenever you let government make all the decisions, you get what you deserve. I suggest this bill should not pass because it is not in our best interests.

MR. ERQUIAGA:

I come before you to oppose this bill. I do not think that surprises anyone. The system does not support the deconsolidation. Having said that, I want to say a couple more things about the conceptual amendment. I appreciate Senator Doñate reaching out to me. We had a long conversation and he allowed me to share my worries with him. I have told you before, I worry, as the chancellor, about many of these issues. He has reflected many of my worries in the idea for a study and an Interim committee. We would actually support the Interim examination of these issues.

Senator Neal has raised other issues about the funding formula and how the money would flow. Since I have spoken to Senator Doñate about this bill, I have thought of another concern. Section 51 allows the Board of Trustees of Community Colleges to appoint the president, but it is rather silent on the other employees. All NSHE employees who are not in classified service have an employment contract and many of my employees have tenure. That contract is provided under the NSHE code which, according to the Supreme Court of Nevada, has the force of law.

I do not know what happens when you move all of those people into a different institution with a different governing body. Their rights probably follow them and they could sue, but the code does not follow them. The code, as Mr. Killian has expressed, is based on the regents constitutional authority over its institutions. This Legislative Body decided 50 years ago to give regents control

of the community colleges. For once, I agree with your counsel that the Legislature could take them away because you gave them to the regents. So that part, I do not discount.

My concern with the conceptual amendment is that it maintains the new governance structure and those boards, while studying the governance structure. I am not sure that that governance structure would work given the questions I have raised about my employees, bonding and the funding formula.

Most importantly, my overall opposition to this idea, at this time, is until you diligently take an interim to work through a study, it will affect students. We have talked about transferability of credit from two-year institutions to four-year institutions. If all the institutions are different and have different boards, that is six boards setting policy over credit transfer. No offense to you all, but boards and legislative bodies do not always agree.

Today, where our transfer policies are held in regent policy, they would be disparate. I predict over time they would slowly move away from one another. One student at a community college might matriculate to UNLV while another might not. I caution you, think of the students when splitting this system. My worry of the day is about employees and what that would look like.

Although NSHE is opposed to the bill, I appreciate the Senator's attention and respect to me to work through this. I think we all agree on an interim study and a funding formula study. I have said this before in this Committee, I agree that our funding formula needs an update. I would like to work with the Senator as this bill goes to the Senate Committee on Finance to continue the conversation about an interim study and not changing the governance structure.

MR. ERVIN:

The Nevada Faculty Alliance is affiliated with the American Association of University Professors, a national organization that advocates for academic freedom and shared governance in higher education. A major change of the governance structure of NSHE, regardless of its merits, will require detailed study and planning. Senate Bill 347, as modified in the conceptual amendment, is simply unworkable. Senate Bill 347 immediately creates new governing boards for five colleges, but it has no timeline or implementation measures. An interim committee has no power to enact enabling legislation.

There are multiple retained references to administrative office that are deleted in the amendment. It would appear that the governing boards would be under the control of the deleted office in the Executive Branch, which raises serious concerns about the authority of the new boards and the protection of academic freedom from political and partisan influence. For example, section 51, subsection 10 is the regulatory authority of the new boards, which appears to be subservient to approval of that deleted Executive Branch office and its policies and procedures. Apparently, they would not require a full regulatory approval process. For these reasons, we must oppose S.B. 347, as presented in the conceptual amendment.

There are problems with other sections that I could explain, if I am asked. We support the formation of a legislative subcommittee on higher education both in the Interim and during regular sessions with S.J.R. No. 7 of the 81st Session on the horizon, the workload of the Legislature managing higher education will increase dramatically. We need the Legislature to step up to do hard work and focus on the improvement of higher education for Nevada and our students. I have also submitted my written testimony ([Exhibit P](#)).

STEPHANIE GOODMAN (Regent, Nevada System of Higher Education):

I am calling in opposition to S.B. 347 for many of the reasons that the chancellor and Mr. Ervin gave. Additionally, I want to share with this Committee what I took from this bill. This bill is going to limit student access, making it more difficult for students to transfer credits between institutions and adding a level of bureaucracy is not going to benefit our students.

We have high school seniors who are sitting in classes right now. Some of them know they are going to college. It is intimidating to go to college. We also have students who are opting out of going to college because they think they cannot go, cannot afford it, or, even worse, think they are not worthy to go to college. Those are the kids we have to reach out to. That is what we are working on.

I did my due diligence and called the presidents of community colleges and Nevada State College. Although there are issues we need to address and have had meetings regarding this bill, none of the presidents feel that this is what we need or is even close to what we need to fix the problems we have. We work better when we develop robust relationships, not putting different institutions in silos. Nothing ever works well in silos. I ask this Committee to consider these points as you vote for this bill.

CASEY ROGERS:

I oppose this bill. I look at the future and see this as an experiment to desensitize us to the appointed higher personnel. This bill is trying to take power away from the voter and give the government more power. This Committee needs to consider the bureaucracy that will come from this bill. The Committee also needs to remember that NSHE comes from our choice for our kids.

Ms. IVANOFF:

I oppose this bill.

WILL HAUS:

I am from Assembly District No. 12 and Senate District No. 21 and I am opposed to this bill. It is just going to create too much bureaucracy. I do not think it is a good solution for long-term education.

DOUG UNGER (Nevada Faculty Alliance):

The impetus that has propelled S.B. 347, to the best of my knowledge, accompanies much larger plans to divide the State up into workforce service areas, each with a community college as its hub and overseen by a board of business and community leaders. Given the recent dysfunctions of NSHE, having five chancellors over the past seven years, and the Board of Regents, which has been distracted by issues unrelated to education, I sympathize with this bill's intended attempts at reforms.

Senate Bill 347 is internally contradictory as written and lacking in advanced planning for potential effects of reassigning governing authority. Nevada Faculty Alliance must oppose its passage, with apologies to Senator Doñate, who has stated the bill's intentions, and to my esteemed colleague, Dr. Damore. There is nothing in this bill to prevent these proposed boards from replicating similar dysfunctions to those which this bill claims to remedy.

In sum, though the higher education ship may feel pilotless, does that justify launching all our schools onto separate lifeboats and setting them adrift on the overwritten sea of this bill? We think not. Instead, we recommend the proposals of S.B. 347 be included in the Governor's plan for an interim committee to study the funding of instructors of higher education in our State.

MR. HOJJATY:

I echo the comments that Casey Rogers and Susan Proffitt made.

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CHAIR LANGE:

Seeing no one wishing to speak in neutral, I will close the hearing on S.B. 347.
There is no one wishing to speak in public comment, so the meeting is
adjourned at 4:00 p.m.

RESPECTFULLY SUBMITTED:

Kirsten Oleson,
Committee Secretary

APPROVED BY:

Senator Roberta Lange, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Introduced on Minute Report Page No.	Witness / Entity	Description
	A	1		Agenda
	B	1		Attendance Roster
S.B. 340	C	3	Jen Sturm-Gahner	Work Session Document
S.B. 425	D	4	Jen Sturm-Gahner	Work Session Document
S.B. 442	E	6	Jen Sturm-Gahner	Work Session Document
S.B. 282	F	6	Jen Sturm-Gahner	Work Session Document
S.B. 251	G	10	Jen Sturm-Gahner	Work Session Document
S.B. 291	H	11	Jen Sturm-Gahner	Work Session Document
S.B. 313	I	11	Jen Sturm-Gahner	Work Session Document
S.B. 329	J	12	Jen Sturm-Gahner	Work Session Document
S.B. 438	K	13	Jen Sturm-Gahner	Work Session Document
S.B. 148	L	14	Senator Roberta Lange	Conceptual Amendment
S.B. 148	M	23	Senator Edgar Flores	Letter of Support
S.B. 342	N	33	Senator Roberta Lange	Letters of Supports
S.B. 347	O	39	David Damore / UNLV	Proposed Conceptual Amendment
S.B. 347	P	53	Kent Ervin / Nevada Faculty Alliance	Written Testimony