

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Eighty-second Session
February 15, 2023**

The Senate Committee on Education was called to order by Chair Roberta Lange at 1:00 p.m. on Wednesday, February 15, 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

STAFF MEMBERS PRESENT:

Jen Sturm-Gahner, Policy Analyst
Asher Killian, Counsel
Linda Hiller, Committee Secretary

OTHERS PRESENT:

Dale Erquiaga, Acting Chancellor, Nevada System of Higher Education
Keith Whitfield, President, University of Nevada, Las Vegas
Renee Davis, Interim Vice Chancellor for Academic & Student Affairs, Nevada System of Higher Education
Federico Zaragoza, Ph.D., President, College of Southern Nevada
Renee Fairless, Lead Principal, Mater Academy East Las Vegas
Kobe Robinson, Student, Mater Academy East Las Vegas
R.J. Santigate, Assistant Principal, Mater Academy East Las Vegas
Daylin James, Student, Mater Academy East Las Vegas
Gil Lopez, Charter School Association of Nevada

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Usila Koech
Anna Marie Binder
Theresa Johnson

CHAIR LANGE:

I will open the meeting of the Senate Committee on Education with a presentation on the State of Higher Education by Dale Erquiaga, Acting Chancellor of the Nevada System of Higher Education (NSHE).

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

There are three important things that pertain to our system of higher education—who we are, who we serve and how we are doing in delivering that work ([Exhibit C](#)). If you are a history buff, 2023 marks the fifty-fifth anniversary of NSHE. The University of Nevada is much older as it was in the original Constitution, so we have been teaching there since 1874.

The University became two universities in the 1950s and 1960s. In the 1960s, the Desert Research Institute (DRI) was taken out of the University and Elko Community College was added. In 1968, the Board of Regents created the University Community College System, which encompassed these changes. In 1969, the Nevada Legislature codified the existence of that System which was comprised of eight institutions as shown in [Exhibit C](#), page 3. It is the two universities, the State college and four community colleges that do the real work as they serve the students. There has been a chancellor leading the System since 1955.

The NSHE system is governed by a 13-member elected Board of Regents. The Board has been a constitutional entity since the beginning of the State, with each institution led by a president, [Exhibit C](#), page 4. We also have a research institute, the DRI, which does serve students, but not in the traditional way.

All our institutions are important to the people of this State. We embrace our mission of acquiring, transmitting and preserving knowledge, [Exhibit C](#), page 5. People think about higher education in a particular way. They might not think about a research institute or certificated programs; they might think only about their own degrees.

The Board of Regents adopted six strategic planning goals, [Exhibit C](#), page 6, which include access, success, closing gaps, the workforce, and our research.

We now have a new goal to capture the bucket of work-around coordination, accountability and transparency, which in large part is really the job of the system administration office or the Chancellor's Office.

In the fall of last year, the Board gave us two additional imperatives in the Chancellor's Office, [Exhibit C](#), page 7. The NSHE and its institutions comprise a very diverse system with diverse institutions, and some challenges come with staffing and how we can best reflect and represent our students. This is obviously an imperative for us as we go into this Session. We are always interested in adequacy and equitably-distributed funding.

The NSHE employs up to 15,000 employees. Our full-time equivalent (FTE) employees are mostly in our universities, [Exhibit C](#), page 8, all the way down to the system administration and system computing services office where I work. We run a very large computer backbone system for the State and for our institutions.

As for employee distribution and classification, [Exhibit C](#), page 9, we have a great reliance on letters of appointment (LOA) and part-time staff at the community college level. That enables those institutions to be nimbler. This distribution is also the product of our time and the availability of funding because LOAs and part-time staff are cheaper than academic or administrative faculty. So when there are budget pressures, as there have been on our System during the pandemic, we compensate in this way. There is a trend across the Nation where less expensive part-time staff are, in many instances, replacing academic faculty. We have done a yeoman's work holding the line there, but like everyone, we have recruitment and retention issues.

Our race and ethnicity distribution among our staff is an ongoing work in progress, [Exhibit C](#), page 10. We have improved our hiring and retention practices for employees of color over the last decade. However, we still have a long way to go so we can employ role models for our students to whom they relate to more closely, due to their own race or ethnic background.

The Chair asked me to briefly describe the funding formula, [Exhibit C](#), page 11. This is a layman's version of a funding formula, which is dramatically different than the Kindergarten through Grade 12 (K-12) funding formula you may be familiar with. Our funding formula is a "look back," where we take a year of measure and calculate weighted student credit hours, which are different based

on the type of discipline. For example, an English credit may be at one weight and an engineering credit at a different weight. Part of that is the cost of delivering the different disciplines. We look at our students and the credits they are enrolled in, and we then calculate a funding formula that rolls into the next biennium. That funding formula is based on the dollar amount per weighted credit. [Exhibit C](#), page 12, shows that varies from \$163 to \$615 per credit, which accounts for roughly two-thirds of the NSHE budget.

The other one-third of our budget comes from student fees, which totals about \$1 billion. This is a billion-dollar operating enterprise when you take into account State appropriations and student fees. There is another billion dollars in the budget that includes research dollars and contracts that are categorized and awarded to specific projects.

Keep in mind that research and contracts offset operations, but for our general operations, we get about two-thirds of our money from the State and one-third from our students. Non-resident students pay tuition amounts that are not calculated in the weighted student credit formula. The institutions each keep those dollars.

The professional schools—medical, law and dental—are funded in a very different way. I was recently asked about self-supporting fees in workforce development programs. Those programs do not receive State appropriations, so the fees pay for everything associated with that student’s education.

Who do we serve? The system of higher education in Nevada reached its peak enrollment in 2010, [Exhibit C](#), page 14. At that time, the Nation was in the throes of the “Great Recession.” Common behavior during a recession, particularly a deep one, is that students return to college, most often to community colleges. That is the historical precedent, and that is what happened. When the Great Recession ended, our enrollment numbers dropped. They began to rebuild until 2019, when we almost reached that peak again. Then in 2020, we had the pandemic and the recession that came with it, and that walloped our enrollment, not just in our institutions but across the Country. We have yet to recover.

Interestingly, in these times, the pattern is different—students have not returned to colleges in droves. Across the Country, we are seeing that community colleges have shed enrollment. Ours are recovering and this spring semester,

I think almost all of our institutions will report that we are rounding the corner. Enrollment is basically flat or slightly up from last year, which is good news for us because that is how we are compensated. More importantly, it means Nevadans are coming back to earn a credential, whether that is a certificate or an advanced degree, so they can enter the workforce. This roller coaster of enrollment causes challenges for the System.

Approximately 64 percent of our students live in southern Nevada or attend a southern Nevada institution, [Exhibit C](#), page 15, which is no surprise because of the State's population. Many students who attend a community college, or even the state college, attend part-time. Full-time enrollment tends to be at the two universities, [Exhibit C](#), page 16. Students are often also working when they are in a community college, which causes funding challenges because we compensate the same way as the universities. We do not compensate based on institution type.

One-third of our students are over the traditional age for college, which is around 18 years to 24 years of age, [Exhibit C](#), page 17. Instead, these students are in their thirties and forties and older. They are gaining new skills or entering new careers. Nevada typically has the lowest degree and certificate attainment of any state in the Country. We do not matriculate to postsecondary levels like other states do.

Today, our System serves more students of color than white students, [Exhibit C](#), page 18. I think that shows our State's population is changing and also new college-going behavior for many first-generation students whose families may have recently immigrated or who did not have that tradition in their own families. As a result, three of our institutions are AANAPISI institutions, which stands for Asian America, Native American, Pacific Islanders, meaning we serve those students in high numbers, [Exhibit C](#), page 19. Five of our institutions are Hispanic-serving institutions, meaning the number of students identifying as Hispanic, Latino or Latina is high, [Exhibit C](#), page 20. This is indicative of our State's population and our increasing success in reaching these students.

When we look at the distribution of Pell Grant recipients, [Exhibit C](#), page 21, the data does not match the Free and Reduced-Price Lunch data. Nonetheless, the statistics on this page are important for us to think about. If we consider how many Nevadans live at or below the poverty line and, therefore, might be

eligible for a Pell Grant, are we adequately serving that population? We still have a deep spread between this population base, their mission, and how many of their students fill out a Free Application for Federal Student Aid (FAFSA) form, which is the federal form for financial aid. These are important things for you as policy makers to consider; how are we serving Nevadans?

There are also three scholarship programs funded by the State—Governor Guinn’s Millennium Scholarship, the Silver State Opportunity Grant and the Nevada Promise Scholarship, [Exhibit C](#), page 22. Those funds flow through the Office of the State Treasurer and then to our students, and we distribute a sizable amount of financial aid. Interestingly, NSHE has a program that is not State funded but is partly funded through student fees. These funds are then redistributed to their peers and partly funded through our State appropriation that the Board of Regents has earmarked. That bucket of money and financial aid is actually larger; it is the largest source. I find it troubling that our students subsidize each other at a higher rate than our State subsidizes them.

Finally, there are authorized fee waivers, where students do not pay the fee associated with their education, [Exhibit C](#), page 23. The Board of Regents authorized one of these waivers. Some, like the Nevada National Guard fee waiver, have been around a long time and some are new. The Native American fee waiver was created in the 2021 Legislature. The institution does not receive these funds, so the institutions absorb this cost.

We have a number of high school students enrolled within our institutions, [Exhibit C](#), page 24. They may not be enrolled in what we would call a dual-credit program since they are still high school students. They might be enrolled in a program of algebra at the College of Southern Nevada and also taking Chinese online in another district. The community colleges have historically served the majority of this population. We continue to grow this student population base, [Exhibit C](#), page 25. A bill passed by the 2017 Legislative Session authorized all three institution types to provide this type of education to our districts and charter schools.

We are striving to be more representative of the student population. Ten years ago, the majority of dual-enrollment students were white. Today, we serve more students of color, and specifically more Hispanic students are accessing these programs, [Exhibit C](#), page 26. There is a fee for these programs and our academic officers say that, sometimes, the fee is a barrier for students.

How are we doing? Our institutions are serving the people of Nevada and our students quite well. [Exhibit C](#), page 28 illustrates some history on the number of awards conferred, including skills certificates and certificates of achievement. A troubling data point is that those two numbers have declined at a time when there is so much emphasis on workforce development. This is an area where we, and perhaps you and the administration, have some work to do. In general, we are doing well in awards conferred, especially with students of color, who are now receiving more awards and certificates and degrees than traditional white students, [Exhibit C](#), page 29. I think that is a good data point that we should celebrate.

We are also proud of our graduation rates, [Exhibit C](#), page 30. I have watched these rates change in the 12 years that I have been associated with gubernatorial or education administrations in this State. They were not like this 12 years ago when I sat in this building in a different role, [Exhibit C](#), page 31. Our institutions have moved quite far in this regard, particularly in the community college space. It is a very complicated way that they reach an award or graduation rate because they have so many part-time students, but they are moving the number, [Exhibit C](#), page 32.

Here is the bad data, [Exhibit C](#), page 33. This is the percentage of students who matriculate from high school to a postsecondary institution. In the first year of the pandemic, more than half of Nevada high school students did not come to one of our institutions, nor did they attend a private institution of postsecondary education, and they did not go to work in Nevada.

We are losing the youth in our communities, [Exhibit C](#), page 34. They are not working, and they are not with us. Our job at NSHE and your job as policy makers should be to ask, "How do we capture a greater percentage of those students?" If you set aside the pandemic, where many people took a year out, you will see that we were still in the thirtieth percentile and fortieth percentiles of high school students not matriculating and not going into the workforce. That is troubling.

To help with the work you are charged with in this Committee, my colleagues, including the presidents and their staff, will be before you throughout this Session, giving you expert testimony on a number of issues. I would ask that you think about three things. First, what policies will aid postsecondary matriculation from high school? Second, what policies will aid student success,

closing achievement gaps, workforce development programs and research? Finally, what policies will help us to be more collaborative, more accountable and more transparent? These are the key policy issues for you, as leaders of our State, to consider, [Exhibit C](#), page 36.

The Nevada System of Higher Education (NSHE) is a public institution that serves the people of this State and, of course, the 105,000 students enrolled in our institutions. I will give you a personal example of the importance of this work. I am a native Nevadan; my family immigrated here from Spain. In my own family, these educational institutions have provided a traditional college experience. I have a traditional bachelor's degree, and I have held some very interesting and rewarding jobs. Members of my family have received advanced degrees, medical degrees or law degrees from our institutions. Members of my family have also earned certificates. They might work in heating, ventilation, and air conditioning or as pharmacy technicians. When I was young, my family was a farming family that benefited from the DRI research on cloud seeding. When I was seven years old, I remember my father talking about the cloud-seeding program and what it meant to downstream water users in northern Nevada.

These examples may help you think about the totality of the NSHE that I have the privilege of leading at this moment. We serve all types of Nevadans—the communities where those who earn a degree and generate our economy, or those who get a certificate and go to work and benefit their own families with a better than livable wage. That is an important piece that is often left out when NSHE tells its story. We serve communities, we serve students, we serve all of Nevada and that is why it is my privilege to be here before you to try to represent the breadth of this System.

SENATOR NEAL:

I have a question on your presentation, [Exhibit C](#), page 10, regarding the NSHE employee headcount by ethnicity. What was interesting to me was that from 2012 to 2021, African Americans have remained at 6 percent. It would be interesting to disaggregate the data by employee type—do they fall into the LOA category or FTE, full-time employee? I think that matters. Do you have that data?

MR. ERQUIAGA:

I will have the research team pull that for you. The Board has asked us to disaggregate by position type, from administrators to faculty to classified. Our performance imperative this year is to look at all those job types and then set goals to see if we have a bad data point that looks okay, but when you dig underneath it, you find a contradiction. I will see if we can disaggregate the data today or how difficult it would be.

SENATOR NEAL:

My second question is on the white and minority enrollment distribution graph, [Exhibit C](#), page 18, where minorities are grouped together. I went to the NSHE website to see if I could get a breakout of the minorities. It looks like for actual enrollments, African Americans remained steadily at 7 percent historically, although there was one drop to 6.9 percent. The graduation rates seemed to be the same across campus types, around 30 percent. This is worrisome because the numbers have not changed in ten years. There are also minority-serving institutions that should focus on the African American population. What is the actual outreach that has been done? It seems pretty systemic, and it appears from data that they are last on the list to be touched and supported.

MR. ERQUIAGA:

I will gladly pull that information together for you to see what our enrollment outreach looks like to different student populations. You are correct about the data. The institutions report that data to the Board, which is why it is disaggregated. I think you have asked the key question—how can we do better and how do we get different results? We have a goal about closing achievement gaps, which we now call closing institutional performance gaps. The effort should focus on us, not on the students. We clearly have work to do there; I cannot disagree with you.

SENATOR NEAL:

It appears that this is what is happening in K-12, and it is filtering through the NSHE system, so it is not an oddity or an anomaly. It has been going on historically from K-12 to higher education and it is not being examined. I have heard you say in the Senate Committee on Finance and also in this Committee, that this is an issue you want to address. We need to do a deeper look at the cause, because if we have this low institutional change here just for teaching and there is no access to even allow African Americans to become a part of the system beyond an LOA and become a tenured teacher or a full-time faculty

position, then our institution staffing will not reflect its student body. An institution typically is a reflection of the student body and the support they gain comes from the familiarity of the individuals they see on campus.

I only say that because I went to a Historically Black College or University (HBCU) for law school and for my undergraduate studies. I chose an HBCU because it gave me a sense of security that I was not going to be lost in the fold and because someone was going to be looking out for me and making sure I went to class, whether it was a counselor or a teacher. That same model can exist here, where somebody says, "I actually care about this child of color making it through the system."

MR. ERQUIAGA:

If there are policies we could help you craft to isolate that issue, I welcome it. You are correct; we can draw that line across K-12 for African American students. I would welcome that conversation about what policies we could change. I am trying to gather data so we can set goals about leadership, faculty and staff who can serve as role models like you had at an HBCU.

The Governor has proposed a review of our funding formula which differentiates based on discipline, that is, what class a student takes and not on student type. Students come with a different basket of needs and a different history as they enter school, particularly if they are first generation or if they come from a traditionally marginalized population that has been held flat. Our funding formula conversation should take that into account. It does not. I am happy to help think through those policies. We have work to do, both in who we hire, how we retain them, and in the support we provide our students. I know my institutions do some of this work very well, and I would appreciate the opportunity to bring you some of those examples. I would also appreciate the opportunity to work with you in improving the outcomes.

SENATOR DOÑATE:

As you break down the aggregates of faculty and the different classifications, I would like to request that for graduate students as well. Who are the folks you are supporting for tenure, and what are some of the initiatives to support faculty of color to get those tenured spots?

During this Legislative Session, we have been talking about K-12 education with respect to accountability and resources. In terms of the disparity between

graduation rates at the University of Nevada, Las Vegas (UNLV) and the University of Nevada, Reno (UNR), what trends you are seeing? Is it because the students that matriculate at UNLV are a higher percentage of Pell Grant recipients? Are you seeing certain socioeconomic factors that are leading to that disparity? Is it because one institution has been there longer than the other? What do you think is causing that disparity?

Also, many of us would agree that we want to aggressively pursue graduation rates for universities and ensure that our students graduate within four years. What would it take to reach that goal, and not just the National average, but to surpass it? What resources do you need?

MR. ERQUIAGA:

As to your first question, based on student data, I would guess that you probably enumerated some of the causes for the differences between UNLV and UNR. There is a different student population at UNLV; there are more Pell Grant recipients, which tells me there may be more students who live at or near the poverty line. It is also an urban university that serves perhaps more first-generation students. I do not know that data point, but I would reach the same conclusions as you.

As to UNR, it is an older institution, but that does not mean it is better. Both of these institutions do great work. Historically, their student populations have been slightly different. I think UNR will eventually look more and more like UNLV. There are more out-of-state students at UNR. I would surmise that you are probably right that the difference is about student type.

Your second question is the most important. What do we need to do to support all students so they graduate in four years? We use a six-year graduation rate because it takes many students more than four years to graduate. So to get students across the finish line faster, it is often about their workload. Many students work in addition to attending our programs, so it takes longer to finish college. If a student does not speak English, for example, they have extra needs, which can take longer. I come from a family like that.

In my own experience in the K-12 space, additional funding for wraparound services is critical. We need to look at that in our next funding formula review. We identify all students as the same. Therefore, we only have so much money to provide equitable services to students who may start in a different place.

I have not calculated what that dollar amount is, but it will be big. I think we will get to that amount during this funding formula study.

KEITH WHITFIELD (President, University of Nevada, Las Vegas):

Senator Doñate, you are asking all the right questions and they are things we focus on every day at UNLV. We have observed a lower graduation rate by Pell Grant students, which is also a national trend. One of the things we have observed is that when we can provide those Pell students with enough financial aid so they never have to take a break, we can help those students succeed. "Stopping out" is when students are in school, most likely with a couple of semesters under their belt, but they are behind in being able to afford to go to school while balancing work and school. Sometimes a student will stop out, try to save money and then come back. This puts Pell Grant students at a disadvantage and often they either do not come back or they come back much later. They do not just take a semester off. Sometimes they have to take a year off and sometimes longer. So the Pell Grant is a piece of the puzzle.

We are the second most diverse campus in the Country for undergraduates. While that diversity provides an environment to provide an outstanding and unique educational opportunity, it also means that we have students who may be the first generation in their families to attend college. There are larger numbers of Pell Grant recipients in that group.

We rely on scholarships, financial aid, and the incredible support from the State through the Millennium and other scholarships to be able to support our students. That is one of the first steps. If you ask any student, one of the biggest challenges they face is not the schoolwork, it is paying for school. That affordability piece you are touching on is one that definitely affects our success rates. I would look at our success rate and say it is amazing, given the profile of our students. We are just not done yet, and we are going to do better in the future.

SENATOR DOÑATE:

One of the good things about graduating not too long ago is that I can reflect upon the impediments I faced and the barriers to graduating on time. You mentioned that many students have to work to pay for their schooling. I was one of those students. I was a Pell Grant recipient, and I also worked 40 hours a week while going to school. In fact, one of the barriers I faced was that my institution did not provide some of my required classes outside of my working

hours. In some cases, they only offered one class one time of the year in one semester, and it was always in the middle of the day.

It was frustrating, because I am being told, “We want you to graduate in four years,” but the only way I can do it is if I leave my job, which, by the way, is paying for my education. What is NSHE doing to transition more of the courses to be online, and do you believe the Legislature may need to create a separate online institution?

MR. ERQUIAGA:

We have not talked about the need for a separate institution in my time at NSHE. The institutions all offer online courses, some in greater proportion. The pandemic forced great changes in that space. It is an area, both for access and ultimately for success, where we probably need to compete more. There is a cost with that and a culture shift for our faculty, not all of whom are comfortable teaching online. Not all students are comfortable attending online, but I would say we have made great gains in the last five years. It is an area that could certainly use a deeper conversation.

SENATOR TITUS:

I am a proud graduate of the university system and I, too, worked while going to college. I had three jobs in undergraduate school, from cleaning toilets on weekends to carrying change at the Mapes Hotel and a work-study program on campus. There was no such thing as a Pell Grant then. I acknowledge how hard it was to get it done in four years. I did, but I also worked in the summer and took classes.

In health care, there is something called “lifelong learning.” When I hear a presentation like this, it really perks my interest, I get excited about it and know that I have some homework to do. On page 34 of [Exhibit C](#), you brought up the unknown folks who somehow fell below the radar. Looking at the data you provided, it was not just something to do with COVID-19, although COVID-19 definitely gave us a bump. There was a steady increase in those who graduate from high school, then suddenly disappear off the radar for a time—34 percent in 2014 and 54 percent in 2019. In between that time, it was steadily going up. This is just a snapshot of our State, but I would like to know if this is unique to Nevada or is it a generational issue? If someone has that data and could share it with the Committee, I would like to see it, including what the other states look like.

MR. ERQUIAGA:

We are forty-ninth or fiftieth in the Nation for these numbers. I will find the data to show you where other states fall. We are doing very poorly here. It is not simply generational. This is a Nevada issue.

SENATOR TITUS:

For all the sessions that I have been here, we have talked about stackable credits. One of the options for kids in high school is to do the dual-accreditation program where they can get their Associate in Arts (AA) degree by the time of graduation. I have heard complaints that students get the credit, but it is not necessarily stackable. They end up with these credits, thinking they can shorten their term to a bachelor's degree, say, in English. Later, they find out that the English credit they took, thinking it was transferable, does not apply to the degree they want to get. Is there a solution, whether it is better communication or truth in advertising, perhaps?

What about having a little bit more leeway on the bachelor's component of that which says, "Yeah, it's not English 101 but it certainly is an English credit." Where are the obstacles and who is exploring them? Some students can end up with 160 credits when they only needed 120 because it turns out 40 credits cannot be used if they are not stackable or transferable.

MR. ERQUIAGA:

I think the statistic on transfer credits from a two-year institution offering AAs to a four-year institution is a little over 95 percent of our transferred credits. There is still a gap. In March, the Board will receive a presentation on common course numbering. It used to be that the institutions did this separately, but over the years, the academic officers have come together to create things like common course numbering and some of the other taxonomy of how we delineate courses. It is better truth in advertising. We still have work to do, and that is on us. While there are still those stories from frustrated students, the System is improving significantly. That does not mean we are perfect. I think that report is already prepared, and we will get that to you so you can begin to understand the tools the Regents have prescribed for the institutions to make this easier for students.

SENATOR TITUS:

I want to know that if a child is taking English 101 in one location, whether in person or online, that it is truly English 101 when they get to the next program they attend.

SENATOR FLORES:

I have had the pleasure of seeing you wear multiple hats going back to 2015. Even when we have not been on the same side of an argument, you are very strong on accountability and letting folks know where we stand and the challenges you face. You are in a very unique situation, having been so focused on K-12 and now seeing the other side. Looking at page 33 of your presentation, one of the questions we keep asking is, "Where are we putting more blame?" Should we blame K-12 that when students graduate, they are not transitioning to NSHE? Or should we blame NSHE that they are not actively recruiting in the schools or creating an actual bridge when students are graduating? Is NSHE actively engaging them and letting them know this postsecondary environment is available and attainable?

I hear that we are a very diverse institution. I hear all the institutions saying that, but it concerns me when we are not always graduating those students. We have massive numbers of enrollment, but students are not necessarily getting a degree. It is a disservice to the community when we say we are bringing all these students in, yet we are not ensuring that they graduate. When it comes to going on to college, university or other postsecondary institution, how are we encouraging students?

For me, personally, it was somebody coming to my high school and sitting down with me and saying, "You can enroll in college, I can help you right now on the spot." That conversation was never going to happen in my home. My parents would not have known how to start that conversation. And the idea of being eligible for money? That conversation was never going to happen in my home, either. But when somebody sat down with me, just giving me a minute, that made a difference. I think they probably did that with 100 other students.

I want to believe that my experience, Dr. Titus's experience and Senator Doñate's experience are no longer true today. I want to believe that we have grown. If we really want to have a conversation about accountability, and we focus on just one slide, [Exhibit C](#), page 33, how can we start that conversation in a very truthful and straightforward manner?

MR. ERQUIAGA:

I do not like placing blame on systems or institutions. Where we could do better across the Pre-K-12 through Ph.D. world involves two things. One, the barriers between the K-12 system and higher education system are old. We use the German model, which is why we call it kindergarten and why high school was not compulsory in this Country until the 1920s and postsecondary is a separate institution. In today's world, there is an artificial line between these institutions, but it is a line held firmly in place by things like funding formulas because we reward seat time. In the K-12 space, we want to keep students because we get compensated for them. The same is true for the postsecondary world where the more students we have, the more we are compensated.

That has absolutely nothing to do with students. Some students are ready to leave high school because they may have achieved credits in one of our institutions, or they may be gifted and ready to move to other institutions. We do not have those conversations enough. Other students may not be ready to move on, and could benefit from an extra year, a Grade 13. Unfortunately, we do not offer that and, when they then leave school without graduating, we call them dropouts. Our system and how we fund it, and frankly, how we treat young people, is part of the problem.

The second thing we need to do is to compensate for that by reaching out more. We need people to do the outreach. Someone said to you, Senator Flores, that that you could do higher education, and you did it. Someone said that to me, too. My own parents said, "No, you cannot go to a private school, that is not for us," even though I got accepted to one. "You will go to this public school," they said. Even in my very supportive family, we did not have a lot of money, so my parents tempered my expectations. If you have followed my career, they were probably right.

We need to provide those navigators, advisers and translators for students. Those people cost money, though. In a system where we have to provide money for our institutions to teach, that is where the money is spent. As a result, we do not have navigators or college outreach enrollment employees in sufficient numbers. During the pandemic, a number of our institutions eliminated these positions.

I hate it when I come before this body and say, "If you just give us more money, it would get better." Part of this reality is because Nevada funds higher

education at a low level, just as we fund K-12 at a low level. Therefore, to your accountability question, you should support us and ask us to work with you and show you where we are allocating those dollars.

Senators have asked questions about race and ethnicity and the distribution of NSHE employees. We tend to focus on faculty, but there are lots of other people who are important in the System. We could be more forthcoming with that data; and you could push us harder. You could also incentivize that behavior in our funding formulas. We do not do that today; everybody is the same.

Some of this is on us and some of this, with due respect, is on you. It is the amount of money that comes to our System. If we do not get it from you, I have no choice but to have the institutions charge students those fees.

You asked about the most important slide in my presentation for accountability. I do think completion matters and I think persistence is an indicator of success. Persistence means, "I do not drop out and I do not time out," as the UNLV President said. So we measure persistence at every institution. Are students sticking with us? Are students completing their programs? The Awards Conferred slide summarizes the completion rate, [Exhibit C](#), page 28.

However, if you wish to have a robust conversation about accountability, NSHE has done a good job of compiling data, all of it available on our website. Senator Neal has been digging through it and asking the right questions about disaggregating by race. If we wish to do more about completion, we need to understand a couple of things, starting with enrollment. If the students are not coming to us, we are not helping, and we cannot get them to completion, so help me think about that barrier.

Persistence is called "indicators of success" or "predictors of success" in this industry. That would include persistence, credit load, not timing out, not having to work because they need the funds. Then you get to completion, which falls under Awards Conferred. Then the real question is, what is the next step for these students? Are they working at a living wage? Are they still in my State or have they all gone to Alaska to be fishermen or nurses? If they are at a living wage, have we moved their economic mobility?

I started out in a very poor family and, today, I have run both education systems in my State. I am what is supposed to happen, but that story is not true for everyone. So if we want to have that conversation about accountability as a State, what measures do we need? I know for sure that we need all kinds of data, some of which I have and some of which I do not have, especially about wages and locality. Use this slide, [Exhibit C](#), pages 28-29, as a jumping off point to think with us about that span of accountability from enrollment to a livable wage and economic mobility.

SENATOR BUCK:

As I have heard from my colleagues and as a K-12 educator myself, I know there is a point in time, around middle school, where a student is either on track to college or not. I want to remind the Committee that only 110 African American boys, or 6.2 percent out of 1,176 tested in eighth grade math, were proficient. How can the 1,066 be confident to apply for college? Additionally, only 800 Hispanic boys, or 13.8 percent, were proficient out of 5,795 eighth grade students. How can 4,995 Hispanic boys feel confident to go to college?

My question then is, what are the institutions doing? I quite frankly put the blame right back on K-12. What are the institutions doing to reach out to middle school and high school students?

MR. ERQUIAGA:

I understand where you are coming from. There is a clear interest in this Committee about our outreach efforts into the K-12 system and I simply do not know enough to give you a full answer. I will bring some of that data back to you. For now, I will give you three examples that I have witnessed in my short time as Acting Chancellor. There is not a great swath of research that can help those young men that you cited.

Almost all of our institutions have some level of programming in the dual-credit space, which is traditionally for high school students. That number is growing and is an emphasis everywhere. So dual credit is a part of the solution, but not the only solution. It is not a silver bullet, but it does put us in that environment. That is the easy one.

The other example is that several of our institutions are teacher-prep programs, which are constantly updating their work and reviewing their curriculums. We are preparing the teachers for tomorrow. In my day, teachers did not receive a

course in what poverty looks like or how traditionally marginalized populations who suffer racism are impacted. I did a Communities in Schools examination of what trauma does to a child and how it changes their behavior in K-12 as well as postsecondary institutions. I am very proud of our colleges of education. We could produce more teachers, but I know that our colleges are working to improve the teaching workforce and more of our teachers stay in Nevada than some of the other credentials.

Lastly, we have programs in Science, Technology, Engineering and Mathematics (STEM), whether in robotics through one of the universities, or STEM boxes from DRI, that go out to K-12 classrooms for teachers to utilize. In that way, we are sharing the intellect of our experts into the K-12 system. This is a tiny example, but those boxes are paid for with foundation money and not State appropriations.

Those are just three examples of how our NSHE institutions are trying to fill in this niche. Clearly, we can do better. We could work more closely with our colleagues in K-12. Yet, every time I see a data point about a young man or young woman, I remember that we are talking about someone's child. There is a human being behind that data point, and the thousands of people with whom I work are cognizant of that as well.

SENATOR NEAL:

It is my understanding that when a student has to do remediation courses, that cost is not necessarily covered by their financial aid. Is that true?

MR. ERQUIAGA:

We no longer call it remediation; we have a corequisite model.

RENEE DAVIS (Interim Vice Chancellor for Academic & Student Affairs, Nevada System of Higher Education):

First of all, we do not offer remediation. Beginning in the fall of 2021, we moved to a different model called corequisite support. Students who need extra support to make it through the first English or math course in college get a secondary course that supports them. It is not remediation, because it is not something you have to take in advance and then progress to the college-level course. It is support that is offered just in time to students who have gaps in certain mathematical functions, for example, and they need that education to

assist them with the college-level course they are working on. The corequisite support course provides additional information and practice.

SENATOR NEAL:

That only kind of answered the question. That model started in 2021, and I am familiar with it. I have seen it at Nevada State College, where a student will take a Math 120 and then a Math 121. The second course, which is zero credits, is the tutoring class. But what I was trying to get to, is a situation where you have a group of students who may not have met the course needs prior to 2021 and they are already running through your system.

Those students came in when their remediated courses were not covered under financial aid, so they might have paid out of pocket for that course. These are students already coming with a disparity who are coming from poverty and a K-12 disadvantage and they then have to pay. They say, "I have to take Math 100 and Reading 100, but I do not have the money to pay for that up front and I have not been able to get the Pell Grant."

The Pell Grant does not go to everyone who fills out a FAFSA. We have seen many students who are nervous about getting a loan, so they try to nickel and dime their courses and avoid even applying for financial aid.

What are we doing with that group of kids? Are they starting at UNLV or UNR, then going to a community college? Or are they just remaining at a community college, becoming the super-duper freshman? They do not really become seniors; they just spend four years trying to accumulate credits.

MS. DAVIS:

In most cases, financial aid did cover remediation, with the exception of the Millennium Scholarship. Those who were getting financial aid were getting that to cover any remediation they needed in the past. In terms of students who needed remediation before 2021, those students were folded into the new model. Currently, there are no students in our institutions who would be required to take a remedial course. If they did not complete their math or English courses yet, they are folded into this new corequisite support model.

Is there an additional cost to a corequisite support course? Yes, because there are three credits for the college-level course and one or two additional credits.

There would be some additional charges covered by financial aid. But if the student is paying out of pocket, it would cost more money.

SENATOR NEAL:

I am not arguing against the corequisite model. What I am trying to get at is that there is a set of students who are challenged, and I feel like the bulk of them go to College of Southern Nevada (CSN). Then I wonder, how does NSHE support the endeavors at CSN? We have traditionally nudged our K-12 graduates to go to CSN before the four-year institutions. That has been our culture. Whether or not you want to believe it, that was the push, and CSN is pulling in 30,000 kids, almost equal to what the universities are pulling in.

When historically, 6 to 7 percent graduate from higher education institutions, although they jumped from a 3 percent graduation rate to 8 percent—and they should be applauded for that work—it tells me CSN is the population. It literally is the story that needs to be treated, triaged, managed and examined because those are the kids that do want to go to a four-year institution who have all of these barriers that we are not fixing or examining.

It does not matter if you give them an online course, if you flex it out, an online course does not fix an impaired student. It actually makes it worse because the modality is limited in how they receive the information. The pandemic gave us no other choice, but those students do not learn that way. To shift and say, “Well, the online course is, the only section that is actually allowed for you to take the credit,” you are disadvantaging that student who could never learn that way, who actually needs a book and not on a Brytewave RedShelf download. They need a physical textbook in their hand, so they can flip the page, highlight it and read it.

I think we have moved away from that, and I do not know if it is to curb costs, but it is not all COVID-19 or the pandemic. We need to find out what is happening at CSN and why this trend of students are there, because that is really our problem. We have a good leader at CSN and I do not know how much he is supported in the work he is attempting to do on that campus.

FEDERICO ZARAGOZA, PH.D. (President, College of Southern Nevada):

It is a very complicated question, but it is very pertinent to the type of students who come to CSN. There are several moving parts to this. Senator Buck talked about the pipeline. We know that across the Country about 80 percent of

community college students were not college ready. That meant they needed remediation of sorts. So community colleges developed remediation systems. The downside is that many students never came out of remediation and never took college courses. That is where the corequisite model comes in, where the remediation occurs contextually. We are still remediating students, but we are doing so within the context of earning college credits. The additional hours within the corequisite model allow us to do contextual remediation, which gives students a much better sense of alignment from the remedial to the actual credit course.

There is evidence to suggest that students who are at a deficit when they start benefit from the model we are using, but that only deals with one part of a very complicated question. In the equity component, the funding formula does not provide the enrichment, support and wraparound services that are important to many students if they are to succeed. We have students coming in who not only need the tutorial and contextual services, but they will also need those wraparound services. All of these factors can be barriers to students as they complete the process.

Going back to the Chancellor's observation that resources could be perceived as the solution, I do not know if that is a solution, but funding is certainly a gap for those students. It really does start in the pipeline. The supports we need cost significantly more than what we are currently receiving.

Again, this is a very complicated question, but it is one that we are grappling with daily at CSN. For example, we have not reached our 350-to-1 wraparound ratio on the adviser side of the house, and we are also trying to incorporate some best practices. There are some very good software programs that we would like to bring into the system, but that goes back to the issue of resources and the funding formula.

SENATOR DOÑATE:

As Committee members, we will be looking at bills to carry into the Interim and what the future of our education system looks like. I was moved by your response to Senator Flores about how the funding formula is structured and what we, as a State, need to move toward to make it more equitable for everyone.

Given your experience in K-12, do we have to move to a funding formula similar to what we did with K-12, where we are adding weight to the students who have more critical needs? I think it is important to have that information as part of this discussion and something that we can look forward to beyond replicating the same thing K-12 just went through.

My more important question is, have you looked at what other states are doing? Are there reforms that your team has looked at in other states that can give us ideas about how we make our system more equitable for students so we can surpass the graduation rates we have now?

MR. ERQUIAGA:

The NSHE Board of Regents has not discussed in depth the idea of weights, so I will give you my personal opinion. The short answer is, "Yes sir." Student type matters and different students need different resources to equitably get across the finish line in four years. Similarly, institutions are different, and that causes some challenges in our current funding formula. My own opinion is yes, we should pay attention to who our students are and realize that this is not a factory where they are all the same. As the NSHE Board and the staff have discussed the pluses and minuses of the current funding formula, we keep coming back to this topic. It does not differentiate for student type or institution type.

The Lumina Foundation does a good data analysis about a state's credential attainment. They are famous for their 60 percent by 2025 numbers. That organization is engaged in a conversation with me and my staff about our funding formula. The state of Illinois is held out as an example today by the Foundation, which considers them a state that has gotten ahead of most of us in the higher education world. Illinois is looking at the issues of adequacy as well as equitable distribution. Currently, NSHE has a distribution formula. You tell me how much money I can have, and I distribute it. It is unrelated to adequacy. Illinois is doing some groundbreaking work.

I am pleased that our Governor has included a funding formula study in his budget. I hope this legislative body will influence the conduct of that study so it preserves what really works well about our current funding formula. I would also hope that it would include some of the other work being done around the Nation, whether in Illinois or other states, to talk about who we really are as a people.

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CHAIR LANGE:

Thank you for your presentation. I want to recognize a couple of people who are here with you today—Karen Hilgersom, the President of Truckee Meadows Community College; President Keith Whitfield from UNLV; President Zaragoza from CSN; and Kyle Dalpe, the President of Western Nevada College. It is clear we have a lot more that we can talk about and we have a long way to go.

I will now open the hearing on Senate Bill (S.B.) 114.

SENATE BILL 114: Revises provisions governing the Nevada Interscholastic Activities Association. (BDR 34-854)

SENATOR EDGAR FLORES (Senatorial District No. 2):

I am Senator Edgar Flores representing Senate District No. 2 on behalf of my constituents. I would like to start off with the genesis of S.B. 114. It came from a conversation with folks in my district about high school sports. I originally did not want to carry a bill that involved high school sports because, often, sports passion is more powerful than logic and rationale. As I started to understand the issue better, I realized it was a necessity for us to engage in this conversation.

Here is a general overview of what the rules are now for high school sports in Nevada. If you are a student at a middle school graduating eighth grade and going on to high school for ninth grade, you can go to the school you are zoned for, a charter school, a private school or home school. At that time, you are eligible to participate in the sports of the particular school you attend.

Just for some background, the Nevada Interscholastic Activities Association (NIAA) oversees sports in the State, particularly the competitive sports in our high schools. They have some concerns with the bill, so they will be answering questions as they come up.

In Grade 9, you enroll in a school and you want to play a sport. At that point, everybody is on the same level playing field. Charter schools have an open enrollment phase where there may be more student applicants than there are vacancies. In that case, those students who did not get in are then waitlisted.

Hypothetically, in my district, I am going to Desert Pines High School because the school I wanted to attend was Mater Academy, but they had no vacancies. I end up going to Desert Pines, but a month after I start school there, I learn

that Mater Academy has a vacancy for me. This often happens for a whole host of reasons. Unfortunately, having been on the Mater Academy waitlist, I am now ineligible to play sports there because, according to the current rules, if I transfer to a different school after I have gone to it for even a single day, I am now ineligible to participate in sports at the new school for 180 days.

This is the problem, but there is a reason for the rule. We understand there are schools that may strategically try to get the best players for their teams so they can have the best team in the State. We do not want that. However, in the hypothetical that I just mentioned, I originally intended to go to Mater but did not get in right away, and because I am now transferring from Desert Pines, I cannot participate in sports at Mater for 180 days. That is the first thing we are trying to fix with S.B. 114.

The second thing I am trying to fix is what happens in the scenario where I go to Desert Pines, and it is just not the school I want to attend; it is just not the best fit for me. I finish the ninth grade school year and, during open enrollment for tenth grade, I apply to Mater Academy. I get in and go to school at the beginning and am notified that I can participate in sports.

Or, the same hypothetical as before happens: I apply to Mater Academy during open enrollment, they say no, so I have to start at Desert Pines for tenth grade and then, only a month into it, I learn I can now go to Mater Academy. Those are the two hypotheticals we are trying to address.

The reason I am being so specific is because I realize that S.B. 114 actually casts a much wider net than originally intended. I wanted to move forward with the bill because it is frustrating that we are already talking about conceptual amendments. However, we have a whole host of people who have put a tremendous amount of effort to come to Carson City in person, some who are visiting from Las Vegas. In the interest of protecting their time and showing my gratitude to them for joining me, I am moving forward with the dialogue.

I want to remind folks how important sports are. For those who live in southern Nevada, we now have two professional sports teams—the Vegas Golden Knights and the Las Vegas Raiders. There is now a true sense of identity that you feel when walking around your community and you see people also identifying with a particular team. Sports have this very powerful glue to create

that sense of identity. In my opinion, that same thing happens a thousand times when we have students in sports.

I played high school sports, and my parents would very proudly wear the hats for my team. There was a genuine competitive spirit that existed as a consequence of me being a part of that sport. It gave me a sense of identity. I think it is important that we focus on that sense of identity, because when we are talking about allowing a student to participate in sports, we are not just talking about that individual. It is the entire community surrounding that student—their parents, siblings, friends and neighbors—who are going to create that support group. The more a student is involved in a school, the better that student is going to perform because if they do not have good grades and attendance, they may not be able to participate in sports. Students who are actively participating in sports have an incentive to be a better student.

Here is what this bill does not do. It is only addressing the lottery system. In any other transfer, where you go from one school to another, there is no lottery system. Even if the best athlete of a particular sport applied to a charter school, it is still a lottery system, so there is no guarantee that student would be able to be a part of that school.

I want to make clear that the rules for everything else are already in place in *Nevada Revised Statutes*. I am not changing any of that. I am only focused on a specific topic which is the charter schools and the lottery system.

RENEE FAIRLESS (Lead Principal, Mater Academy East Las Vegas):
I brought two students from Mater Academy today, this is Kobe Robinson.

KOBE ROBINSON (Student, Mater Academy East Las Vegas):
I am a student at Mater, and I come from a family of 13. I enrolled myself in Mater for the dual enrollments.

MS. FAIRLESS:
Kobe is going to allow me to tell his story and it is an important one for you to hear. It may help you to understand a little bit about charter schools. Mater Academy is a state public charter school of 2,000 students that is 100 percent Free and Reduced-Price Lunch, 60 percent English Language Learners and we proudly represent the east side of Las Vegas. I led the very first Mater Academy, a K-8 school, to be a 5 Star school. The second campus

became a 4 star and 3 star school. We were given the privilege of opening a Pre-K-12 school; little did I realize what I was in for.

I am mainly here to support S.B. 114, especially with an amendment to provide a one-time transfer exemption of the 180-day sit-out for varsity sports. Currently, students who transfer from one traditional public school to another in a different attendance zone do not have to sit out. They just have to prove that their family sold their house and moved into a new zip code, and they will be eligible to play. Charter schools do not have an attendance zone, so that instantly leaves them out. Therefore, students who transfer from a district school to a charter school or vice versa are ineligible to play for 180 days, which is a whole school year. We might be talking about a superstar athlete, but that student will not play basketball, football or track for 180 days.

I am an educator with 37 years experience, and I believe academics is always the most important thing we do in schools. But every bit of research I can find on Hispanic and African American students shows that the level of engagement in school directly correlates to their grades and graduation rates. In Nevada, athletes whose parents exercise choice are being penalized.

I have two students here today. One of them, you just met, Kobe Robinson. His story is a made-for-TV movie and I do not say that lightly. Kobe's parents suffered debilitating illnesses just prior to COVID-19. However, Kobe finished middle school and enrolled at Mojave High School in 2020. Kobe's family ended up living in cars, which did not fit a virtual school/family situation. How do you attend school when it is virtual and your family is essentially homeless?

They returned to California, where they had other family members, and Kobe, as a sophomore, attended Mariposa High School and played basketball. Again, a crisis hit his family, and they returned to Las Vegas and moved in with his 20-year-old sister in Section 8 housing. It was a short time before Kobe's family of 13 were evicted. At that point, Kobe was already enrolled at Mater Academy and not eligible to play sports because he was a new enrollee. All the paperwork was submitted and we started worrying more about the community services that we could provide for his family. At first, we were not really thinking too much about sports.

He was enrolled as a McKinney-Vento student, which meant he had some federal protections because his family was in transition. Those same protections

did not protect him under any NIAA rules. That seemed a little strange to me. I could not figure all this out. Why is it that this young man who is an out-of-state transfer cannot be eligible to play sports?

Kobe spent countless hours in our gym and kept himself very busy. His grades are excellent, and he is involved in dual-enrollment classes. He is already a college student at my school. I am very proud of Kobe. Who knows, maybe this bill will end up being the Kobe Law. What I do believe is that students like Kobe who transfer to a charter school, or are accepted at a charter school, should not have to wait 180 days. This is certainly a hardship case, but often by the time these cases are heard, the sports season is completely over. So the student still waits another school year. There are many examples that I can provide of families who can afford to sell a house and move into another zone. That does not happen often on the east side of Las Vegas.

I often feel that some of the practices we put in place to control certain things can become very discriminatory. I do believe that about some of the rules I see regarding athletics in Nevada. For that reason, I support S.B. 114. It does not just provide equity for school choice families; it provides equity for district families that choose to leave a charter school and go back to a traditional public school.

R.J. SANTIGATE (Assistant Principal, Mater Academy East Las Vegas):
We have another student from Mater Academy here to tell his story.

DAYLIN JAMES (Student, Mater Academy East Las Vegas):
I am a tenth grader at Mater Academy East. I am an Advanced Placement (AP) and a dual-enrollment student.

MR. SANTIGATE:

Daylin is one of our prize students at Mater Academy. He came to us through a student simply talking to him about our programs, which is really exciting when students are talking about your academics and not just your sports. That gives us a validation of what we are doing. Currently, at the high school, we have three programs running—dual enrollment, AP programs and Career Technical Education (CTE). We currently have nine CTE programs. In dual enrollment, we are working with three universities. As he mentioned, Daylin is both an AP and a dual-enrollment student. He is currently taking an AP seminar as well as our Communications 101 class with the University of Nevada, Reno (UNR). That

class is an extended model and something fantastic that we were able to accommodate with UNR.

Currently, we have 97 percent of our eleventh graders fitting in one of those three buckets. This is going to be our first graduating class for Mater East. We really do put an emphasis on specialized programs for our students, and that is what is really drawing the students to our campus, not just our sports.

Daylin got into a lottery system to get into our school. Just because you go into a lottery system does not mean you are getting into the school, which actually puts us at a disadvantage athletically. Either way you look at it, you still have to get through the lottery system; it is not just picking and choosing. So that is a misconception that we always love to share with anybody.

Daylin has not been able to play a varsity sport, and he is currently in the middle of his sophomore year. That is detrimental to him as a person because the other side of him is an athlete. As Senator Flores said, you can learn a lot of life lessons from playing sports. As a former athlete, I cannot tell you how much sports has brought to me being the man that I am today. I know that having to sit out has been hurting Daylin quite a bit this past year. As we are growing as a school, we do not have a junior varsity (JV) team for certain sports, such as football, because we do not have enough students to have two teams. So Daylin had to sit out the entire football season. You can see on his face how much that hurt him as a person. It is unfortunate because moving from his school into Mater Academy East, he was trying to better himself academically, but it is penalizing his athletic opportunities.

Being a former athlete, I understand how important varsity statistics are for an athlete when it comes to the collegiate level. College recruiters are looking for statistics. I have not seen many college recruiters going to JV baseball games. Daylin is now behind where he needs to be athletically simply because he is trying to better himself academically. We are fighting to be treated the same as our counterparts in the public school system. We are a state public charter school, and hopefully, we can break down some more walls that are certainly up for us.

SENATOR FLORES:

I will be working with the NIAA to come to a consensus on a conceptual amendment that will specifically capture the intent of the original idea for this

bill, which is a one-time transfer. If there are multiple transfers after that, then the 180-day ineligibility period would be applicable to them. I know that this bill is not saying that, but I wanted to make sure I made it abundantly clear we will work towards that language. I will be working with everybody to make sure that we get there.

I anticipate a question asking, "How many high school charter schools have more vacancies than they have applicants?" Do we have a charter school with vacancies where you could potentially bring in a bunch of students? I spoke with the State Public Charter School Authority (SPCSA), and there are two schools in the Clark County School District (CCSD) that have more vacancies than applicants, and one school in Churchill County. Other than that, the other schools either are at capacity and or will employ a lottery system, according to the SPCSA.

SENATOR HAMMOND:

I do not have a problem with the bill because I know exactly how detrimental that 180 days can be, not so much for the sports program, but to the athlete. Are you intending to put something in the bill where you have to prove that you were on the waitlist?

SENATOR FLORES:

Yes, and the intent is to work with the NIAA on the ideal language for that. I am only being hesitant to say absolutely that is the way we are going to go because we may find there is an alternative route that is easier, or something that works better. None of this will happen without everybody at the table being in agreement.

SENATOR BUCK:

Kobe and Daylin, your stories are powerful, and Renee, I want to commend you on your work and definitely your passion. I had the privilege of working alongside you years ago, and now you are on fire even more.

I just want to be clear on a couple of things. Currently, if a student enrolls on the first day of school, and they are accepted, can he or she participate in sports that year?

SENATOR FLORES:

Yes. Anybody who starts ninth grade in whatever school they choose is eligible for sports on Day 1, as long as they have not transferred.

SENATOR BUCK:

Can students do the reverse if they are not happy at Mater Academy? Can they go back to the school district counterpart?

SENATOR FLORES:

Yes, that is also true. There is also a lottery system in our magnet schools, so they are in the same situation as our charter schools. We want to cast a wider net to ensure that they are also protected.

MS. FAIRLESS:

If a student comes to a charter school and wants to transfer back to their district school, even if it is their home school, they must sit out 180 days. Whereas, if you attend a district school and then you move into another district school zone, you are immediately eligible. There is no wait time.

Daylin is almost a perfect example. He was a freshman when he transferred into Mater. He did not get in initially because we were just expanding our high school, so he went to El Dorado High School and was there for four or five months and then transferred to Mater once he was accepted. He has not played a sport at either school. He is going to be going into his junior year of high school, and he has been denied playing sports for two years because of the timing of his transfer. He was not eligible at our school in the fall, and he has not been eligible in the winter, so his 180 days started last winter. Here is an athlete wanting to play football and baseball who has been denied two years of playing either sport. This is what that transfer period looks like. All I am trying to do is to just level the playing field so these kids will get to play at least some sport once they have been accepted into a charter school.

SENATOR NEAL:

If a student like Daylin gets a chance to go and play for part of his junior year, how would a coach be able to assess his abilities without a record of statistics?

MS. FAIRLESS:

Often, when you are dealing with schools like Mater, these kids do not play sports outside of school just because of the tremendous expense. As a result,

their school athletics is where they really finesse their craft. Daylin is not playing sports outside of school, and I am pretty sure Kobe is also very limited. In some parts of town, all those different private or league sports programs are bigger than even the high school sports.

Daylin is going to be a junior, and often we do not even have a JV football team. So when the NIAA comes back and tells you that he is eligible to play, but only at a subvarsity level, it does not help. That was true for Daylin. If we had subvarsity, he probably would have been eligible to play, but it was not available. Even in the CCSD, now that there is so much movement taking place with magnet schools, many of those schools do not have three levels like we used to have. There used to be varsity, JV and a B team so the freshman were able to play. You just do not see that anymore. That is why this would also help district students if they chose a charter school and wanted to go back to their original school; they would not have to sit out at their school.

CHAIR LANGE:

I will take testimony from those in support of S.B. 114.

GIL LOPEZ (Charter School Association of Nevada):

We are here to support the conceptual amendment to S.B. 114. I want to thank Senator Flores and Mater Academy East for flying here and joining the hearing in person. This is a classic example of a public school in a certain district having a concern and then contacting their representatives and allowing the legislative process to play out. We will continue to work with the different stakeholders and know that we are all looking out for the future of the students.

USILA KOECH:

My son has a similar story to the students from Mater. He was born very premature and had medical issues through middle school. When COVID-19 hit in 2020, we had him in an online school because of his doctor's request. When COVID-19 eased this year, we put him into a full-time school. He is a junior and he is ranked as one of the top five distance runners in the State, yet he cannot compete because the NIAA rule says he has to sit out for 180 days.

We appealed the decision and met with the NIAA lawyer. The process is just miserable. You submit the documentation in April, and they do not hear you until after the season has started. By the time they heard our case in December,

the cross-country season for our son was already over. We actually had to look for places for him to compete in non-high school related meets.

If you look at Texas, Arizona, California and even Utah, none of those states require more than a 30-day wait on any transfer for high school students. I applaud Senator Flores for bringing this to the table, but I think more importantly we need to look at transfers across the board.

CHAIR LANGE:

I have a letter from Adam Johnson, who is in favor of the conceptual amendment to S.B. 114 that I will submit ([Exhibit D](#)). I will take testimony opposed to S.B. 114.

ANNA MARIE BINDER:

I am the co-founder of Let Them Play Nevada. We are a group of parents who came to school reopenings to get our athletics back. Senate Bill 114 has been a hot topic of discussion among our parents. If we are talking about ways to support students that already qualify for hardship waivers, we need to look at the NIAA system. By allowing charter schools to have the exception, it creates an unfair process for the rest of our student athletes. In Clark County alone, we have a 30 percent transient rate among our students and enrollment from year to year. We could probably take 1,000 samples of stories from our athletes and try to fit a narrative to all of them, but the one rule they all know and play by is the transfer rule of the 180-day sit out.

We are opposed to S.B. 114, but we would love to have a bigger conversation about other ways to address this issue.

THERESA JOHNSON:

I am a third grade teacher at Sports Leadership & Management of Nevada (SLAM) charter school in Henderson. I feel it is important to say that I work at a charter school. Both of my children are in public school, and my daughter is at SLAM. You are giving the option to allow students to go to SLAM, which is a sports-based school, and to allow them to not have to sit out 180 days like they would at any school.

I want to bring wrestling to your attention. Our SLAM team entered the conference at 3A and immediately took second in the State. After transferring to 5A, they are now two-time State champions. This year, 4 of the wrestling

team's finalists, 3 of whom won the State title, were freshmen who were able to get into the program without waiting 180 days because it was a charter school.

If you allow students to come from all over, there are plenty of feeder programs and higher level National Youth Sports programs that would make a super school. As much as I love where I work, SLAM is the predominant reason why this bill should not be passed.

The same thing can be said for the SLAM football team. They took second last year in their 3A division. They are already a force to be reckoned with. They are an amazing school with amazing athletics. Through S.B. 114, you would be giving them the opportunity to not only recruit kids, but to allow them to be able to come there without having to wait. You can say that the Charter School Association of Nevada has the ability to have a lottery, but if their parents work there, then they are automatically eligible. In my opinion, it would be a huge disservice if you are using family as the only example. I agree with the idea of opening it up to everyone and getting rid of the 180 days altogether.

CHAIR LANGE:

I am submitting a letter from Donald McGregor opposing this bill ([Exhibit E](#)). Seeing no one wanting to testify in neutral on S.B. 114, Senator Flores, do you have a closing statement?

SENATOR FLORES:

This is a very passionate conversation, and every voice should be represented. I want to clarify a couple of things that may not have been clear. The reason we are treating charter schools differently is because they have a lottery system. Even a school like SLAM that has great sports teams is open to every amazing athlete in the State. They can apply to that school, but because SLAM has a limited student capacity, there is a lottery system. So only some students are accepted.

I understand there is a hardship process. However, the hardship process should not be something we are forcing all students in charter schools to focus on as their only recourse. The reality is that students who are in charter schools are at a disadvantage because they have to go through a lottery system unlike anybody else. You are zoned for a particular school because you live there. That is the mechanism by which you define what school you are going to attend, but

a charter school is defined by a lottery system. They are at a disadvantage from the very beginning. This is why we are trying to level the playing field.

I also understand that there may be some charter schools, or schools in general, where employees can have their children attend and also participate in sports. But it is unrealistic to think that a charter school will be changing staff every year to have the right parents with elite athletes and somehow make that equation work. So I just think that is an unrealistic concern.

I also want to point out the fact that we have super schools with amazing teams. That is true now, even with schools that are zoned. I played soccer my entire life, and I played against some amazing schools because in that area of town, they just had a number of kids who played soccer all day every day and they were just phenomenal. They also had great coaching. There are a whole host of reasons why schools perform well, and it is not just this concept of recruiting. It is not fair for us to attack schools that are doing their job well in athletics. We should instead be saying, "Good job" to them.

Lastly, I want to share with our students from Mater Academy how powerful your stories are. It is incredibly important that you came here and that you lead this conversation. I have some friends who are watching this meeting, and they told me they were in tears listening to your stories. That is how important you are, and that is why we are all here engaging in this conversation.

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CHAIR LANGE:

I want to echo your comments to the kids. I think all of us are very moved by your stories and thank you for taking time out of your day to testify.

I will close the hearing on S.B. 114 and take public comment. Seeing none, I will adjourn the meeting of the Senate Committee on Education at 3:12 p.m.

RESPECTFULLY SUBMITTED:

Linda Hiller,
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
	C	2	Dale Erquiaga / NSHE	State of Higher Education System Overview
S.B. 114	D	33	Adam Johnson / CSAN	Written Testimony
S.B. 114	E	34	Donald McGregor / Centennial High School Head Wrestling Coach	Written Testimony