



Nevada Governor's Office of the Western Regional Education Compact
for the
Nevada Western Interstate Commission for Higher Education (WICHE)

Commission Meeting Minutes
March 27, 2019
3:30 p.m. – 4:30 p.m.

In Attendance:

Fred Lokken: Executive Commissioner, Nevada WICHE

Dr. Gillian Barclay: Nevada WICHE Commissioner

David Gardner, Senior Deputy Attorney General, Office of the Attorney General, WICHE DAG

Arsenio Escudero: WICHE director

Guests: There were no guests.

- 1. Call to order.** Meeting called to order by Commissioner Lokken at 3:35 p.m. Meeting was posted in accordance with the State of Nevada's Open Meeting Law (OML).
- 2. Public Comment:** There was no public comment.
- 3. Introduction of the new commissioner, Dr. Thom Reilly, Chancellor of the Nevada System of Higher Education:**
Commissioner Reilly was not present. Add this to a future meeting agenda.
- 4. Information regarding the minutes from the February 15, 2019 and February 7, 2019 Commission meeting. **Minutes from these meetings are not completed.** Discussion ensued regarding a temporary hire, hiring the job out to a service or acquisition of voice to text software to save time. Commissioner Barclay mentioned this has been a recurring issue related to understaffing in the WICHE office. The last administration approved another staff member, but current administration did not. Fred stated he would revisit the issue of increasing staff to the Governor's Office.

- 5. Discussion on status of BDR 19A0172166C, which requests to end the reversion of annual student loan repayment funds to the general fund.** Director Escudero investigated the status of the Bill Draft Request (BDR), it was still not in the Nevada Electronic Legislative Information System (NELIS). Discussion with the Governor's Finance Office (GFO) revealed BDR was not passed or submitted in October of 2018 and the WICHE office was not notified of the status. Discussion ensued regarding recent agency events that may have contributed to the oversight. David Gardner just joined the meeting at 3:49 p.m.
Discussion ensued regarding Arsenio's anticipated testimony in Committee meeting on the doctors bill. He has been working with the bill's author, Assemblyman Gregory T. Hafen, II. Brian is working with Assemblywoman Robin L. Titus on language for an amendment to that bill to allow the reversion.
Fred mentioned Gillian's point that there was a potential conflict, which started Arsenio's corrective action on this bill.
- 6. Discussion, recommendations, and action regarding ending check payments to WICHE and to have ECSI vendor process all payments through electronic transfer.** Arsenio discussed reasons to stop payments processed through the office due to student complaints of checks not applied correctly and students did not want to pay the one-time setup fee of \$1.95 to establish recurring payments through ECSI. It would be better to eliminate the human factor. Fred motioned to have payments processed electronically through ECSI. Gillian seconded the motion. All voted aye, the motion carried unanimously.
- 7. Discussion on program budget 2681 backlog and having the Administrative Services Department (ASD) possibly managing many of the functions of this budget and ending the backlog which includes file audits, reconciliations (collections and other financials), and monitoring our account (Attachment A).** Discussion ensued regarding Arsenio's conversations with ASD and a pilot program. DAG Gardner advised the Commission they could give verbal guidance for the director to use and the Commission needs to vote on this in the future.
Fred mentioned the Agenda item was clear about the items relevant to a pilot program for this issue.
- 8. Discussion on status of MSN and RN to APRN applications.** Arsenio brought up that only 10 applications had been received in response to prospecting emails sent to school contacts. He asked if there was a way to extend our scope to other contacts. Gillian suggested sending the email out again due to timing of spring break when first email was sent. Fred suggested verifying the contact list prior to sending it out again and mentioned S.B. 102 proposing to fund 10 more Gerontology APRNs. Discussion ensued regarding WICHE's ability to administer per the bill and availability of program slots at schools. Gillian stated there is no Gerontology APRN program in Nevada but Roseman is considering one. There are jobs available. Gillian will follow up with Roseman to verify.
- 9. New Business:**

 - Propose discussion on Strategic plan at next meeting
 - Discussion on criteria to fill fourth Vet Med slot (Attachment B)
 - Discussion on future bill regarding establishment of a foundation

Arsenio added to the language in Lena's version of the Strategic Plan incorporating suggestions from Commission. He stated plans to discuss it at the next meeting and present it to the Commission with the mark-ups.

Fred stated the old plan needed revision and wanted to plan a meeting with all commissioners in the same room in Reno or Las Vegas to allow them to deliberate freely without technical delays, which unimpeded discussion in the meeting. Topics to include are a strategy for WICHE presence in the South supported by a clear strategic plan, review of available resources and discuss move out of OSIT office.

Arsenio shared an attachment from Margo Colalancia at Regional WICHE regarding the fourth Vet Med Slot. Because there is a three-way tie between applicants, discussion ensued about suggestions on how to make the choice in Attachment A. Deadline to fill the slot is April 15, 2019.

Both commissioners expressed no particular preference for method to decide the tie. Discussion ensued regarding past history of Vet Med slots, staff shortages in that field and available jobs. A shortage in large animal veterinary medicine was identified and veterinarians have a hard time making a living in Nevada in this field. Fred suggested adding this issue to the WICHE strategic plan. Both commissioners suggested that Arsenio make the decision based upon the criteria in Attachment B.

Arsenio started with a suggestion to place this on a future agenda for action, but provided information to the Commission. Discussion ensued about start of a foundation to receive donations to fund WICHE recipients and possible concerns from DAG Gardner. DAG Gardner is concerned about statutory statement regarding handling of funds and the State's requirement for reversion of excess funds. He advised changing NRS 397 to include language allowing agency to create a named fund and stipulating that any money donated to the fund is retained by the fund to serve its purpose without reversion to the State general fund. Without this two-part statement in statute, WICHE could not create a foundation or fund and retain its donations. Fred observed timing is half way through the Session and perhaps a search of existing statutes that may broadly apply in alignment with DAG Gardner's suggestion about a foundation or fund. Other State agencies do this perhaps WICHE can model them. Discussion ensued regarding fund, account or foundation language for proposed statutory change.

10. Public comment:* There was no public comment.

11. Adjournment. Having no further business and receiving no public comment the meeting adjourned at 4:34 p.m.

Arsenio Escudero

To: Margo Colalancia
Subject: RE: Options to break the tie for 4th vet med position (if it's to be announced)

From: Margo Colalancia [mailto:mcolalancia@wiche.edu]
Sent: Wednesday, March 20, 2019 4:08 PM
To: Arsenio Escudero <aescudero@gov.nv.gov>
Cc: Margo Colalancia <mcolalancia@wiche.edu>
Subject: Options to break the tie for 4th vet med position (if it's to be announced)

Hi Arsenio,

To recap our discussion about releasing a 4th name for vet med:

- On Jan. 16, WICHE released 3 NV names of the top-ranked candidates for conditional-WICHE funding, per the NV office, prior to your arrival.
- If NV wants to release a 4th name and is sure it has the budget to support an additional position, I recommend that we do so prior to April 15th (the national vet med decision deadline). If we wait much longer, all seats might be full in our partner programs (unless #4 already has a non-sponsored-aka, nonfunded WICHE offer).
- To complicate things a bit, there is a tie for 4th position. I need your office to decide how to break the tie. For your consideration, here are some criteria we typically use when this happens:
 1. Which student has been a resident of NV the longest? (Don't count undergrad study in another state as a break in residency).
 2. Which student submitted their NV WICHE PSEP application first?
 3. We could also ask students to submit their GRE scores, if they both took the exam. Some vet schools are no longer requiring the GRE.
 4. We could also ask them to provide transcripts of their undergrad degree and consider GPA. However, if one did a STEM major and the other one had an "easier" course of study, not sure we can consider the GPAs a fair measure; also, some universities might grade harder than others.
 5. If none of the above work, I have had state offices pull a name out of a hat, with witnesses present.

Please let me know what you decide and let me know if/when I should release the winning name to our partner vet schools for offers.

Thank you!
-Margo

Margo COLALANCIA | Director, Student Access Programs
Western Interstate Commission for Higher Education (WICHE)
3035 Center Green Drive, Suite 200 | Boulder, CO 80301
Tel: 303.541.0214 | mcolalancia@wiche.edu | www.wiche.edu/sep

Arsenio Escudero

From: David M. Gardner <DGardner@ag.nv.gov>
Sent: Wednesday, March 20, 2019 10:09 AM
To: Arsenio Escudero
Subject: RE: Meeting on March 27th for WICHE Commission

Arsenio,

Based on your answers, I don't think there would be an issue delegating that authority to the ASD.

David M. Gardner

*Senior Deputy Attorney General
Gaming, Government & Natural Resources Division
Office of the Attorney General
555 E Washington Ave. Suite 3900
Las Vegas, NV 89101
P: 702-486-5714
DGardner@ag.nv.gov*



This electronic communication, including any attachment(s), may contain confidential information that is legally privileged. If you are not the intended recipient, any disclosure, distribution, or copying of the information contained herein is unauthorized and strictly prohibited. Should you receive this electronic communication in error, please notify the sender immediately, destroy all hard copies, and permanently delete all electronic copies from your computer(s).

From: Arsenio Escudero <aescudero@gov.nv.gov>
Sent: Wednesday, March 20, 2019 10:01 AM
To: David M. Gardner <DGardner@ag.nv.gov>
Subject: RE: Meeting on March 27th for WICHE Commission

Thank you in reply to:

From what I can see WICHE has 3 funds, NRS 397.050 the Compact Account, NRS 397.062 Account for Administrative Expenses and NRS 397.063 Loan and Stipend Fund.

First, I'm unsure which fund (2681) is of the three created by statute.
It is the loan and stipend account.

Second, all three funds are required to be administered by the three Nevada State Commissioners (See NRS 397.063(2), NRS 397.062(2) and NRS 397.050(2)).

It would still administered by the Nevada State Commissioners

Third, what is ASD and what account duties would be delegates to it? If the duties delegated are minor enough it might be allowable. If they are major it would not be allowed.

The Administrative Services Department (ASD) would be auditing, monitoring of the budget, and doing reconciliations. We would still be processing the payments and answering questions about the account.

Arsenio Escudero

Governor's Office of the Western Regional Education Compact
Nevada Western Interstate Commission for Higher Education (WICHE)
100 N. Stewart Street, Suite 220
Carson City, NV 89701

Phone: (775) 687-0992
Fax: (775) 687-0990



CONFIDENTIALITY NOTICE: This e-mail, and any attached document accompanying this transmission, may contain confidential information belonging to the sender, which may be privileged. It is intended only for the use of the above named. If you are not the intended recipient, any disclosure, copying, distribution or taking of action based on the contents of this information is strictly prohibited

From: David M. Gardner [<mailto:DGardner@ag.nv.gov>]
Sent: Wednesday, March 20, 2019 9:14 AM
To: Arsenio Escudero <aescudero@gov.nv.gov>
Subject: RE: Meeting on March 27th for WICHE Commission

Arsenio,

Please see my answers below in **RED**. If you have any questions, please let me know.

David M. Gardner

*Senior Deputy Attorney General
Gaming, Government & Natural Resources Division
Office of the Attorney General
555 E Washington Ave. Suite 3900
Las Vegas, NV 89101
P: 702-486-5714
DGardner@ag.nv.gov*



This electronic communication, including any attachment(s), may contain confidential information that is legally privileged. If you are not the intended recipient, any disclosure, distribution, or copying of the information contained herein is unauthorized and strictly prohibited. Should you receive this electronic communication in error, please notify the sender immediately, destroy all hard copies, and permanently delete all electronic copies from your computer(s).

From: Arsenio Escudero <aescudero@gov.nv.gov>
Sent: Tuesday, March 19, 2019 4:38 PM

To: David M. Gardner <DGardner@ag.nv.gov>

Subject: Meeting on March 27th for WICHE Commission

Good afternoon,

The commission is having a meeting at UNR medical school at PHS 227 in the Pennington Health Sciences Building from 3:30-4:30 on March 27th. Would you or a representative be able to attend or will a teleconference link suffice?

I won't be able to attend in person but a teleconference link should work.

I also wanted to ask if you could look into whether WICHE is legally able to start its own foundation, NRS 353.249 requires that all money that belongs to the State be deposited in the State General Fund unless expressly provided in statute. I was unable to find any language in NRS 397 which would allow for WICHE to keep the foundation money separate so I do not believe that WICHE can create a foundation.

Pursuant to NRS 397.070(3), WICHE can make recommendations to the Legislature to make changes to statutes. This could be an approach to get the foundation in the future if the legislature allows it.

if it is legal to have payments for loans fully sent electronically or does there still need to be a paper option, I didn't see any language in NRS 397 requiring that a paper option be allowed so I do not see any issue having all payments sent electronically.

and I wanted to see if legally there would be any problem for our program account (2681) to be delegated to ASD to manage some of the duties of that account?

From what I can see WICHE has 3 funds, NRS 397.050 the Compact Account, NRS 397.062 Account for Administrative Expenses and NRS 397.063 Loan and Stipend Fund.

First, I'm unsure which fund (2681) is of the three created by statute.

Second, all three funds are required to be administered by the three Nevada State Commissioners (See NRS 397.063(2), NRS 397.062(2) and NRS 397.050(2)).

Third, what is ASD and what account duties would be delegates to it? If the duties delegated are minor enough it might be allowable. If they are major it would not be allowed.

If you could answer these questions and let me know about representation at the meeting, I'd appreciate it. Thank you.