

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

**Seventy-third Session
April 6, 2005**

The Senate Committee on Human Resources and Education was called to order by Chair Maurice E. Washington at 1:35 p.m. on Wednesday, April 6, 2005, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412, 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 at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Maurice E. Washington, Chair
Senator Barbara K. Cegavske, Vice Chair
Senator Dennis Nolan
Senator Joe Heck
Senator Bernice Mathews
Senator Valerie Wiener
Senator Steven Horsford

GUEST LEGISLATORS PRESENT:

Senator Bob Beers, Clark County Senatorial District 6

STAFF MEMBERS PRESENT:

Leslie K. Hamner, Committee Counsel
Marshella D. Lyons, Committee Policy Analyst
Patricia Vardakis, Committee Secretary

OTHERS PRESENT:

Kenneth J. (Ken) Meyer, Deputy Assistant Secretary, Office of Intergovernmental and Interagency Affairs, United States Department of Education
Dr. John W. Gwaltney, President, State Board of Education; State Board for Occupational Education, Department of Education

Gloria Dopf, Deputy Superintendent for Instructional, Research and Evaluation Services, Department of Education
Daniel J. Klaich, Vice Chancellor of Legal Affairs, System Administration Office, University and Community College System of Nevada
Chad Smith, Las Vegas Athletic Club
Patricia J. Hedgecoth, Social Welfare Program Chief, Division of Child and Family Services, Department of Human Resources
Janine Hansen, Nevada Eagle Forum
Lynn P. Chapman, Nevada Families Education
Craig Kadlub, Clark County School District
Dr. Keith Rheault, Superintendent of Public Instruction, Department of Education
Julie Whitacre, Nevada State Education Association
Raymond Bacon, Nevada Manufacturers Association
Anne K. Loring, Washoe County School District
Stephen Augspurger, Executive Director, Clark County Association of School Administrators and Professional-technical Employees
Allin Chandler, Clark County Association of School Administrators and Professional-technical Employees
Frank Brusa, Nevada Association of School Administrators; Clark County Association of School Administrators and Professional-technical Employees
Ricci J. Rodriguez-Elkins, Center for Charter School Development
Christina Dugan, Las Vegas Chamber of Commerce
Kevin Ford
Booker Reid
Joyce Haldeman, Clark County School District
Dorothy (Dotty) Merrill, Washoe County School District
Lonnie F. Shields, Nevada Association of School Administrators; Clark County Association of School Administrators and Professional-technical Employees
Mary C. Walker, City of Carson City; Douglas County; Lyon County
Rose E. McKinney-James, Clark County School District
Daniel K. O'Brien, Manager, State Public Works Board, Department of Administration
David Broxterman, Administrative Manager, Facilities Division, Clark County School District
Lisa Conner, Building Official, Clark County School District
Donna Kristaponis, County Manager, Lyon County
John Gillenwater, Fire Chief, Central Lyon County Fire District

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Dale Sanderson, Plant Facilities Administrator, Washoe County School District
Mike Mitchell, Director of Operations, Carson City School District
Peter Krueger, National Electrical Contractors Association, Southern Nevada Chapter; Mechanical Contractors Association of Nevada; Sheet Metal and Air Conditioning Contractors' National Association

CHAIR WASHINGTON:

Kenneth Meyer from the U.S. Department of Education will give a presentation on the No Child Left Behind Act 2001 (NCLB):

KENNETH J. (KEN) MEYER (Deputy Assistant Secretary, Office of Intergovernmental and Interagency Affairs, U.S. Department of Education):

The NCLB has its roots in the *Brown v. Board of Education* decision by the U.S. Supreme Court in 1954. The decision was that every child will receive an equal education across the country. In 1964, Congress became proactive with this concept with the passage of the Civil Rights Act of 1964. The Elementary and Secondary Education Act of 1965 (ESEA) is the grandfather of the NCLB. The purpose of the act is to close the achievement gap that existed 40 years ago and is in existence today. This is the achievement gap that exists between the majority, white-population students and minority-population students in this country.

The federal government had returned approximately \$135 billion back to the states specifically to fund Title I and the rest of the title programs under the ESEA. Despite all that has been done, there is still a significant gap. When President Bush met with Congress in 2001, the challenge was whether the program would be renewed or terminated. The ESEA has a sunset provision and will be coming up for reauthorization.

The legislation was revised. Funding was maintained, but accountability measures were put in place. To assure the funds would be used for its designated purpose, the NCLB was signed into law in 2002. After three years, we have seen significant movement in closing the gap.

The President has proposed to Congress that the NCLB apply to the high schools. International studies indicate high school students in the United States are not as competitive internationally as they should be. The United States' high school students ranked 19th out of 21 countries participating in a test of math, science literacy and comprehension. Our economy is driven by technology based

in science and math. The Program for International Student Assessment placed United States students 27th out of 39 countries participating. The President has put a high priority on extending the NCLB into the high schools with its high school intervention program. The President has committed \$1.5 billion in the 2006 budget for the high school intervention programs. There are several different programs under that heading. One is increasing reading skills for America's Striving Readers program. It includes testing in math, science and reading. This program will increase testing for all students from third to eleventh grade. It includes enhancing math and science achievement programs. The 2006 budget includes \$269 million for the Mathematics and Science Partnerships program. The President is proposing additional funding for the Adjunct Teacher Corps initiative. States could participate in the Adjunct Teacher's Corps initiative and tap into other professionals in the community who would like to participate in the classrooms. Another part of the program is accelerating student achievement with advanced placement in international baccalaureate programs. Expanding those programs puts an emphasis and incentive for high school students to attend more difficult courses and be prepared for college.

The President was interested in expanding the scholastic achievement with the States Scholar program which is in 12 states. This program provides financial incentives for low-income students to participate in more difficult courses of study resulting in receiving enhanced Pell Grants.

I have provided the Committee with a document titled, President Bush's Historic Investment in Education ([Exhibit C](#)). The bottom half of the handout is specific to Nevada. It explains the amount of funding proposed from the federal government to reach the goals in the NCLB. The 2006 budget does increase federal education funding in Nevada to \$438 million which includes all programs. This is a 68-percent increase since the President took office.

CHAIR WASHINGTON:
Does this relate to Goals 2000?

MR. MEYER:
The amounts are for total education funding. I have provided a spreadsheet ([Exhibit D](#)) which depicts funding for student-aid programs. On page 2 of the spreadsheet under the column of 2006 Estimate, the amount of \$438 million is a 68-percent increase in funding. The spreadsheet compares funding from 2001

to 2006. On page 1, the grey area represents the NCLB. In 2001, Nevada received \$58 million. The 2006 estimate is \$128 million which represents an increase of 121 percent. The NCLB is very well funded.

SENATOR CEGAVSKE:

Would you clarify what happens when funds are taken from a certain area? There has been talk about a 3-percent cut across the board for education. Since the start of this Legislative Session, we have been asking for written documentation of areas in education that are not being funded. To date, we have not received this information.

MR. MEYER:

There have been a number of programs that have been recommended to be eliminated. The funding has not been eliminated. The President has taken the approach to continue the funding and let the states decide what programs are effective. The individual states know which programs have been successful, and it provides a tool for them to make decisions. The program may be eliminated but the funding is still in place.

CHAIR WASHINGTON:

How are the specific programs going to close the achievement gap?

MR. MEYER:

The philosophy and intent of the NCLB is to gather information through testing. Once that information is broken down into subgroups then we can identify those groups that have been left behind and have not reached the levels of proficiency that can be attained. It originates from the premise that all children can learn, and skin color or background does not hinder a child from learning. The intent is for every child to have the opportunity to learn. Once the desegregation of the data has occurred, the problems can be identified and the resources can be directed to solve those problems. The only way to close the achievement gap is to gather information. The previous reauthorizations were well intended. Many states ignored the program and would rather have received a waiver and participate in the accountability portion of the program.

SENATOR MATHEWS:

I have doubts concerning the NCLB.

DR. JOHN W. GWALTNEY (President, State Board of Education, State Board for Occupational Education, Department of Education):

I have spoken to Senator Washington about the number of schools that have lapsed into the category of failing schools. The waiting list has between 80 and 90 schools. It could be calculated that in the future Nevada will have over 200 schools in that category. A number of components on the local level have raised the issue of whether there will be adequate funding from the federal level to address those subjects. Superintendents down to teachers have suggested there is inadequate funding to accomplish this. This State's level of funding for its public school system is usually around 47th out of 50 states. If there is inadequate funding to support the idea of correcting the achievement gap, and our State is not providing sufficient resources, then we will have a serious problem. I do not see much being done at the federal or state levels to correct the problem.

MR. MEYER:

There is nothing in federal law that addresses failing schools. The President has said, "Identifying a problem is not creating a problem." We must identify problems. It is also important to recognize that the sanctions only apply to the Title I schools. It is up to the state in terms of what intervention methods are appropriate. If a school is identified as needing improvement they can recognize that they have a problem, review the information and address the problem. One of the strengths of the NCLB is there is flexibility. It does not prescribe to the states how to solve those problems. It prescribes to the states, in order to close the achievement gap, there is a need to gather information and Congress will help to solve those problems. However, it is the fundamental responsibility of the state and local governments to solve the problems.

DR. GWALTNEY:

When a school appears on the list, it is deemed to be a failing school. The federal legislation identifies a number of those schools based on indicators that many of us at the local level would question. An example would include the attendance qualifications and a number of other items that may not be sufficient to identify the academic performance of the school.

I would encourage those in the federal government to look at refining the legislation to address when schools are identified as needing improvement; it is because of their academic performance. Most of the teachers and administrators in this State embrace the idea that accountability is important.

Mr. Meyer:

The NCLB is a work in progress. As more information is gathered, it can be utilized to make better decisions in terms of how the federal government interacts with the states. As more information is gathered, it can be utilized to make better decisions by the federal government. This level of participation in education is new for the federal government. With the new Secretary of Education, the states will see a different level of engagement by the federal government.

SENATOR MATHEWS:

Are you saying the previous secretary did not do much?

MR. MEYER:

No. He did a good job. Based on the testing and the gathering of information, there is a better perspective on the significant issues.

SENATOR HORSFORD:

Would you explain the administration's position on providing flexibility to the states concerning the NCLB?

MR. MEYER:

There is more flexibility in the funding. That flexibility has allowed local governments to shift the funding. It changes the idea that the funding can only be spent for a designated purpose. Now there is the flexibility to move the funding among the different Titles to address what is specific to the individual school, district or state needs. The flexibility will be extended into the high school initiative which is still in its formative stages.

SENATOR MATHEWS:

What is being done about flexibility with the English-as-a-second language (ESL) group?

MR. MEYER:

Upon coming to the United States, the student must take the test within the first year, but the test does not apply to a student's adequate yearly progress (AYP). I will provide you with more specific information concerning this matter.

CHAIR WASHINGTON:

Would you give the Committee an idea of the flexibility of funds within the special education program and how those funds can be utilized?

MR. MEYER:

You are referring to a specialized area. A person who works with special education would be the best person to answer your question.

CHAIR WASHINGTON:

This question has been asked on numerous occasions. The concern is that there is not sufficient funding for special education.

MR. MEYER:

The U.S. Congress made a commitment in 1997 to fund up to 40 percent of the special education program. The commitment was an authorization, not an appropriation. It varies in different states.

GLORIA DOPF (Deputy Superintendent for Instructional, Research and Evaluation Services, Department of Education):

I am responding to Senator Mathew's question. The moment a student walks into school we must hand them the Criterion-Referenced Test and the State Assessment regardless of the reading or comprehension ability of the English language. For the first year the test does not count for the AYP analysis against the school. Thereafter, their test scores roll into the AYP analysis. Research has shown it takes a minimum of six years for youngsters to develop language skills to be able to be tested in academics. We are not aware of any additional flexibility in that area.

The Department of Education has engaged in dialogue regarding this issue and the special education students. We have received feedback that under Secretary Spellings there may be considerations given to the students with disabilities and ways we can utilize the assessment for those students.

We have had the reauthorization of the Individuals with Disabilities Education Act. There has not been greater latitude given for the utilization of special education funds with the exception of the availability of 15 percent of the funds at the district level to be utilized for early-intervention processes. It means they can go to programs at the district's discretion that will eliminate the need for special education.

CHAIR WASHINGTON:

Are you asking for more appropriations?

MS. DOPF:

We could use greater flexibility in the NCLB, particularly in how the AYP is defined, what individual factors and how many factors go into the AYP, and how that relates to every subpopulation and every school. It has been shown that 45 analyses were done on a per-school basis. Regardless, if a school has 1 or 45 counts against them, the school does not make the AYP. Being able to identify need, and prioritize need and then to focus funds in the proper direction is one way to improve the process. We would like to be able to evaluate the progress based on the improvement of children.

SENATOR MATHEWS:

In my district there is a large number of ESL students. We do need flexibility. The schools are expected to have high performance, but the students cannot speak English.

MR. MEYERS:

On both issues there is ongoing discussion. There is no opposition to flexibility. The problem is how to make it work. Secretary of Education Spellings is interested in ideas. The challenge is how to close the achievement gap by using the growth model. One important point is the growth needs to be more than one year's growth. If a school can demonstrate more than one year's growth and it can be compared to proficiency standards, then the school can be removed from the needing-improvement list.

SENATOR MATHEWS:

The same applies to teachers of special education students. They need to be proficient in every subject. In many rural areas there is one classroom for kindergarten through eighth grade. What kind of flexibility is there for that situation?

MR. MEYERS:

Secretary Spellings did announce there would be flexibility to allow more time for teachers to become more proficient in their subject matter.

SENATOR MATHEWS:

I was referring to a teacher who teaches all grades and subject matter. Additional time would not resolve that issue. What other type of flexibility is being considered?

MR. MEYERS:

Has the Legislature addressed how to qualify teachers?

CHAIR WASHINGTON:

Yes.

MR. MEYERS:

I do not know any other methods of flexibility being considered. It is an issue under discussion, because it is a problem in the rural areas and is a priority.

CHAIR WASHINGTON:

One of our goals is to make sure high school students are prepared for college. Nevada does spend a good portion of education funding for remedial courses. The community colleges have picked up the slack. Students can be prepared and move forward in their college career. An issue this Committee has addressed is diversity. There was a recent news article concerning minority students that decreased the "Grad gap." The article states:

... bucking against the national trend the University of Nevada, Las Vegas (UNLV) has significantly decreased the achievement gap and graduation rates among its minority students in the past year. According to the data released by the University's Institutional Planning and Analysis Office on Monday According to the 2004 graduation numbers, all minority groups in the University are within 5 percentage points of the overall six-year graduation rate of 41.5 percent, with blacks surpassing whites for the first time. Asians have a higher graduation rate of 44.7 percent, followed by blacks 41.3 percent, non-Hispanics, whites at 40.4 percent, Hispanics at 38.2 percent and Native Americans at 36.2 percent

I want Mr. Klaich to speak to the graduation gap being closed and what role it plays in the NCLB.

DANIEL J. KLAICH (Vice Chancellor of Legal Affairs, System Administration Office, University and Community College System of Nevada):

Recently, you and Senator Raggio asked for a report on the status of diversity efforts at the University and Community College System of Nevada (UCCSN). The report will be ready next week. The issues that are being discussed come to the UCCSN in terms of diversity, affirmative action and remediation. We gave this Committee an overall presentation of the UCCSN. We spoke about what were the changing demographics in this State. We do not have any options in this area. Looking at what has happened in the last ten years and where we are going in the next ten years, we understand that we are facing a demographic disaster which we need to address head-on. We need to understand there is a changing population of color and language in this State. The UCCSN is committed to being a part of making the melting pot work. Remediation is another significant issue. Senator Cegavske has been in the forefront of working with our system administration officials on this issue. We understand economics play into this situation. At the direction of the Legislature, we need to find where the best place is to address the demographics. It is our belief that it is at the community colleges.

The UNLV has finished negotiations on an agreement to partner for the offering of remedial education by UCCSN teachers at the UNLV in off-times. This responds to a number of issues that we have heard continually from this Legislature: one, do it where it is cheaper; two, do it with the right people; three, utilize the space on your campuses; and four, serve students. There will be more information forthcoming. This could be a model for our college system. We are trying and believe we have a solution for the next decade in Nevada.

MR. MEYERS:

The focus is to prepare more students to enter into the university system and free up resources to get students through the system.

MR. KLAICH:

Preschool postsecondary education has been another tremendous effort. The university system has made it clear as to the level of participation that is expected. We need to start acting like an integrated system of education.

SENATOR WIENER:

In Nevada, the transiency within a district is difficult for teachers, administrators and parents. When I visited a middle school in my district, the principal said it is

amazing that the school can do anything because of the 110-percent turnover of students each year. In many of Nevada's inner city schools, turnover is going to be 50 percent or higher. I was at a school when a mother withdrew her child from school after only three weeks. I watched the office clerk's expression when she told the parent that the child had not attended school this year. My concern is that we do not have control over that part. To keep up with the continuity is difficult under normal circumstances. How do we address the transiency issue?

MR. MEYERS:

It is being addressed in different ways. Does Nevada have student-identifier numbers?

SENATOR CEGAVSKE:

No.

MR. MEYERS:

Some states have used this method to track students and gather information. There is no simple solution. The states utilizing the student-identifier number or other means of identifying students have been able to keep track of students.

SENATOR WIENER:

Are there any other methods? In a growth state, it is a significant factor. The impact of transiency in schools and students is immeasurable. The State is evaluated on the outcome of students.

MR. MEYERS:

I will put you in touch with someone who has been tracking the transient issue.

SENATOR CEGAVSKE:

Another issue is that we cannot get the university system to change their way of teaching. The amount of funds we have invested in remediation for teachers and students is astronomical. Every Legislative Session there are additional requests for more funding. Is there any movement in the federal government to assist with that problem? This is a national problem. The issue is tossed back and forth. We need to make a change. We spend three times the amount necessary to have one individual qualify to be a teacher.

MR. MEYERS:

There is nothing specific. It is a high-priority issue for Secretary Spellings. It is a challenge across the country. Each state is addressing the issue differently. The U.S. Department of Education is being reorganized and there is an undersecretary that will be addressing higher education exclusively. There will be more of a focus on assisting the states.

SENATOR CEGAVSKE:

We know the methods that work in the classroom, but the teachers are not being given the tools from the university system. I am urging that this be a priority.

MR. MEYERS:

The teachers need to be able to utilize the information and use it as a tool once they are in the classroom.

MR. KLAICH:

This would be impossible based on the number of teachers hired each year in Clark County. We have the overlap of how many teachers come from our system and those that come from out of state. We do not have the ability to track the differences in teachers' performance. Until kindergarten through twelfth grade and the universities start to work together on the continuum of education, we will not solve the problem. We need to return with results.

SENATOR MATHEWS:

Can you assure me that the NCLB funds are adequate? Can you assure me that the federal funds we are getting do not subsidize discrimination?

MR. MEYERS:

Would you expand on your question?

SENATOR MATHEWS:

These students are in poor neighborhoods with language and economic problems. All the funding does not flow to those neighborhoods. How can we assure that the monies those schools need are going to them? There is a whole segment of people that the NCLB discriminates against.

MR. MEYERS:

The requirements of the NCLB are simple. It requires a testing, but it also requires information to flow to the parents of those students. The parents are given the opportunity to make decisions if they feel their children are not being well served by the school. The students are given the opportunity to go to another school or receive tutorial services. We are directing resources at that level.

SENATOR MATHEWS:

Moving students to other schools is discriminatory as it concerns the funds. The parents of the students left behind cannot afford to send them to another school. Another issue is the transportation of students to another school. Does the other school have room? There are many problems.

MR. MEYERS:

The law provides that the school district should provide transportation for those students.

SENATOR MATHEWS:

The fund does discriminate.

MR. MEYERS:

Twenty percent of Title I funds have to be set aside for transportation and supplemental education services. Transportation funding is there. The increase in Title I funding since 2001 is 131 percent.

SENATOR MATHEWS:

I know firsthand that these situations are occurring in an at-risk district.

CHAIR WASHINGTON:

We will open the hearing on Senate Bill (S.B.) 254.

SENATE BILL 254: Makes various changes relating to child care facilities located within health clubs. (BDR 38-1127)

SENATOR DENNIS NOLAN (Clark County Senatorial District No. 9):

The impetus behind the bill is child-care facilities in health clubs. If I take my children to my health club while I have a workout, I need to provide their immunization records. If I do not bring the immunization records on the second

visit, the health club will not permit my children to stay. When they receive the records, they just put them in a file. If they are asked why the records are necessary, the response is because the law requires them. This requirement does not apply to persons using the facility who are not residents of the State or country. This applies to all such temporary facilities listed under statute as a combination facility. There are also child-care facilities in hotels. There are a number of limiting factors. In many cases, these facilities have a limitation of three and a half hours for child care. These are temporary-care facilities while the parent is on the premises.

The same situation occurred at The Orleans Hotel and Casino. I was asked for immunization records for my children while several other children from out of state were let in without records. This part of the bill is a problem.

Accommodation facilities are subject in some places to the same statutes as regular child-care facilities, but in others they are exempt from training and administration requirements. The employees of these facilities are not trained nor do they know anything about the records. They are just placed in a file. If I were to go to another facility, they would not be able to contact my regular health club to verify my children's immunization records. I would need an additional set of records.

It is not feasible to have these facilities require immunization records that have no value when children from out of state or from other countries are not required to do so. Ninety-five percent of the people working in these facilities are local people and have local memberships. The majority of the children are school age, and they are enrolled in schools. The schools are doing a far better job of tracking the immunization records and assuring that the children are immunized properly than the health-club facilities are doing or required to do. The small number of children who are in these facilities are toddlers who are not in the school system. Usually, parents who have enough disposable income to buy health-club memberships are responsible enough to have their children immunized properly. There are a small number of children who are being affected by a broad section of statute. There is a conceptual amendment which I will propose to the Committee.

Page 2, lines 6 through 13 address the mandate for the number of bathrooms in these facilities. This is a twofold problem. They have formulas for the number of children who are going to be in a facility and the number of bathrooms to

accommodate that number. The children are in the facility for two to three and one-half hours. The number of bathrooms and the requirement is the same as a child-care facility where children would be for eight hours.

In these facilities the attendants are not permitted to change diapers. If a child has an issue, the parents must be at the facility. The attendants are not allowed to page the parents, because the parents are not permitted in the bathrooms. These issues need to be addressed and resolved.

SENATOR WIENER:

Are parents permitted to play with their children?

SENATOR NOLAN:

The conceptual amendment will address three areas. First, instead of relating to health-club facilities, the bill will refer to them as accommodation facilities which are already outlined in statute and fall into the same category. The second area allows parents to come into a confined bathroom stall and take care of their child. The third area allows parents to visit their children. Presently, parents are not permitted to visit their children in play areas. They are not permitted to have their children in the adult health club. The change would allow parents under certain circumstances to join their child in a supervised one-on-one situation.

CHAD SMITH (Las Vegas Athletic Club):

We have operated health clubs throughout the country. The biggest challenge we have operating health clubs in Nevada is child care. We have 98,000 active members in our four clubs in Las Vegas. Over 10,000 are junior members. All of our operational headaches come from trying to manage the playroom. There is a great demand for the types of programs we offer for the children. We get pressure from the school districts and parents to get active with the children. Within the last year, we have reduced the age of children who can work out in the main gym. We dropped the age from 16 to 14 years of age. We have a category called junior members that starts at six weeks of age. The reason we start the junior category at six weeks is because the President's Council on Physical Fitness developed this program which has activities starting from infancy. Upon reviewing all the child-care policies, we were not allowed to implement the program. The program would have required some parent involvement. The parent would need a sheriff's card and a health card because

they are not permitted past the checkpoint area. It prohibits us from implementing this program.

We are probably in default for permitting 14-year-old children into the club based on child-care law. We are receiving money for them. They are minors. When there are numerous regulations to adhere to it becomes difficult to operate our clubs.

One major problem is the immunizations. Out of our 10,000-plus junior members, we must manage over 10,000 immunization records. Every time a child comes into our facility we must pull their records. Our larger facilities will have 100 children in that space. Every hour, we pull immunization records to show proof of the children's immunization records in the event an inspector visits the facility. We have no idea what we are looking for or if the records are current. We must have the records there physically, and we must be able to say they are up-to-date, if asked. This is administratively challenging. If we cannot track a child's immunization record, the child is not permitted to enter the premises.

Our bathrooms are huge. Every time we add a bathroom it takes away from the usable area that can be used for children's activities. If we have 100 children going into an area, 50 percent of the children are two years old and under. We are required to segregate the infants and toddlers from those children who are three years of age or older; that segment of children total approximately 50 percent. We must have bathroom facilities for the children two years of age and under. The requirements are stringent.

Parents are not permitted beyond the checkpoint area. Many parents want us to provide activities for parents and children. We cannot provide this type of activity, because we are considered a child-care facility. The way the statute reads and how the city and county interpret those laws, Nevada is the only state that considers our type of facility a child-care facility.

SENATOR WIENER:

Are you prepared to enforce that standard of a 3.5-hour limit in a 24-hour period? How would this be accomplished?

MR. SMITH:

We have a two-hour maximum. We know the average time a parent works out is 1 hour and 15 minutes. We will make a special consideration if a client wants to take an additional activity. This is monitored closely because there are others who have reservations.

SENATOR WIENER:

Have you thought about coordinating workout time and parent-child activities within the time limits?

MR. SMITH:

We will address this issue, but currently we are not able to have parent-child activities. It is frustrating when we want to expand activities. It is difficult, because we are considered a child-care facility.

PATRICIA J. HEDGE COTH (Social Welfare Program Chief, Division of Child and Family Services, Department of Human Resources):

I have provided the Committee with my written testimony ([Exhibit E](#)) which includes information about the statute and regulations.

SENATOR WIENER:

What would the fiscal impact be?

MS. HEDGE COTH:

We did put in a fiscal note. The regulations are available on the Internet.

CHAIR WASHINGTON:

Can you do this in regulations?

MS. HEDGE COTH:

Yes.

SENATOR NOLAN:

Regulations are dictated by statute. Unless there is clear authority given in this regard, I am not sure there is an impetus to make a change. Agencies look to the statutes to give them a definitive direction.

CHAIR WASHINGTON:

I will close the hearing on S.B. 254. Ms. Lyons will explain the provisions of S.B. 461.

SENATE BILL 461: Revises provisions regarding education. (BDR 34-1323)

MARSHEILAH D. LYONS (Committee Policy Analyst):

I will explain the various sections of S.B. 461. Sections 1, 2 and 3 amend the state, district and school plans to improve the achievement of pupils to require the plans to include the curriculum if appropriate to improve pupil achievement. Sections 4, 14 and 15 require paraprofessionals to pass the high school proficiency exam. Those paraprofessionals in Title I schools may satisfy the other criteria in the NCLB in lieu of passing the high school proficiency exam. If they do pass the high school proficiency exam, it is deemed sufficient for the NCLB purposes. Section 5 authorizes the reduction of a program to the extent that federal funds for the program are reduced or eliminated. Section 6 requires apportionments from the State Distributive School Account to be distributed by the school district to each public school based upon the number of pupils enrolled in the school. Sections 7 and 35 provide for public school choice.

Sections 8, 9, 11 and 12 authorize issuance of special-qualifications licenses to persons with certain master's or doctoral degrees. Section 10 requires teachers to be tested for proficiency in the subjects they teach. This fine-tunes existing law in *Nevada Revised Statute* (NRS) 391.021 which already requires that the exam must test the ability of the applicant to teach the knowledge of each specific subject proposed to be taught. Sections 13 and 38 require programs of education for the training of teachers established by the UCCSN to include training on how to teach fundamental reading skills. Section 16 requires the board of trustees of school districts to establish criteria for principals to determine the salaries of the people employed at the school, which must include a system of pay based on performance. Requiring trustees to establish a criteria and provide for some uniformity within the district gives the authority to the principal to determine the salaries.

Sections 17 and 19 give the principal of each school the authority to determine the salary increases for teachers and staff based on the performance indicators. Section 18 provides a stipend in NRS 391.165 in lieu of the purchase of service credits for certain teachers. Sections 21 through 30 specifically amend the existing provisions governing the discipline, demotions and licensed personnel to

specify that the principal of a school can initiate the process for discipline and to specify that other than the other administrators at the school the principal is responsible within the existing process. Sections 31 and 32 amend existing law to specify that the principal of a school determines which employees of a school both probationary and post-probationary will be retained for the succeeding school year.

Section 34 prohibits the Department of Education or its employees, or a school district or its employees, from requiring a pupil to obtain a prescription for a controlled substance to attend public school. Section 37 increases the payment to certain parents for the daily transportation of pupils. Section 39 is the effective date of the bill.

CHAIR WASHINGTON:

Does the Committee have any questions on S.B. 461?

JANINE HANSEN (Nevada Eagle Forum):

Page 17, lines 25 and 26 of the bill includes phonics in the fundamental reading skills. There are different kinds of phonics as explained in the information ([Exhibit F](#)) that I have provided to the Committee. The most widely used is implicit phonics. Explicit phonics is a scientifically proven reading method which has not been generally included in graduate teaching curricula for over 50 years. Most of the classical texts have been out of print. Teachers cannot teach what they do not know. Explicit means phonics teaches children to read by blending and building. Instruction begins with individual letter sounds blending those sounds into syllables and then blending the syllables into words. Children who learn to read with explicit phonics can master up to 30,000 words by the third grade, compared with 900 words mastered by third graders using whole language.

This has been a national project of the Nevada Eagle Forum. We have projects in the inner cities to help children who have been denied the opportunity to learn to read. We have volunteers in the inner-city communities who teach parents how to teach their children to read.

When the bill addresses phonics it would be beneficial to identify it as explicit phonics. My daughter did not know how to read after second grade. I taught her to read using phonics. It is essential that teachers be given instruction on how to teach phonics.

I do not support the NCLB. I feel it federalizes our education system. One good feature is that the NCLB does require the teaching of phonics. On page 5 of [Exhibit F](#), there is an article titled, "An Educator Discovers Phonics." Bill Honig was the State Superintendent of Public Education for California and wrote the book, *Teaching Our Children to Read*. He started with the assumption that the first and foremost job of an elementary school is to teach children to read. He makes the statement that the amount of time a student is engaged in phonics instruction is predictive of a child's subsequent reading achievement. Whole language teaching has had a disastrous result because 30 to 40 percent of urban children cannot read at all and 50 percent cannot read at their grade level.

I have been concerned about the issue of children being forced to take Ritalin. On page 34, the bill addresses controlled substances. I have provided articles concerning Ritalin and drug-induced psychosis ([Exhibit G](#)). Parents are concerned about the negative effects of Ritalin being forced on their children and the predisposition of children to drugs.

I encourage the Committee to protect parents and their children from the abuse and pressure which is placed on parents in schools to put children on drugs rather than treating their behavior problems.

Eagle Forum has always supported merit pay. In the business world, merit pay works. Merit pay would encourage teachers to be the best that they can.

I have concerns that the Nevada Council to Establish Academic Standards for Public Schools has become a leviathan blocking meaningful curriculum reform such as insisting on systematic explicit phonics. This stands in the way of our children being able to read. If a child cannot read, they have no hope of improving their circumstance in life.

We do support school choice that is mentioned in the bill and the authorization of special licenses to persons to perform other educational functions in a school. We encourage the Committee to move forward with a real educational reform. We need to free our children by teaching them to read.

LYNN P. CHAPMAN (Nevada Families Education):

Senate Bill 461 is a wonderful bill. I have been a homeschool consultant for 12 years. If S.B. 461 had been in place, many of the children who have been homeschooled would never have left public education.

I have provided the Committee with information on Ritalin ([Exhibit H](#)) and the effects and side effects of the drug. There are many problems caused by the use of Ritalin by children.

The Blumenfeld Education Letter is a document ([Exhibit I](#)) which addresses the issue of whole language versus the use of phonics as a means of teaching children to read. As a consultant, I help parents set up programs for reading which include phonics. I have had reports from parents that their children are doing well using phonics to learn to read. Senate Bill 461 would be helpful for our schools. I am in support of school choice and merit pay for teachers.

CRAIG KADLUB (Clark County School District):

There are sections of S.B. 461 that the Clark County School District (CCSD) support and sections that give us concern. I have provided my written testimony ([Exhibit J](#)) which will explain our position.

VICE CHAIR CEGAVSKE:

If any testifier has a written statement, please submit it to the Committee.

DR. KEITH RHEAULT (Superintendent of Public Instruction, Department of Education):

The State Department of Education has a problem with the language in section 6 of S.B. 461. We understand it to mean that all funding would be diverted to schools directly, leaving no funding for administration.

Section 9 has the same wording as Assembly Bill (A.B.) 206. We have been supportive of A.B. 206, and would support S.B. 461 with the amendments that have been agreed upon for A.B. 206. The Assembly bill was amended to require a subject-area test or a professional license.

ASSEMBLY BILL 206: Provides for issuance of special license for persons with certain graduate degrees and work experience to teach pupils in public schools. (BDR 34-996)

DR. RHEAULT:

We oppose sections 14 and 15, which address the allowance of using the high school proficiency test for paraprofessional qualifications. Our concern is that the high school proficiency test was not designed to be a test for paraprofessionals, and it would not be approved by the U.S. Department of

Education. There are three ways a person can be a qualified paraprofessional. A person could hold an associate degree, have credits that are equivalent to an associate degree or be a high school graduate and pass a test that has been approved. We use the high school proficiency examination to award a high school diploma. The U.S. Department of Education would not accept the high school proficiency test to qualify a paraprofessional. We have adopted a test that was designed for paraprofessionals by the Educational Testing Service. We are open to the use of other tests.

Section 18 addresses stipends in lieu of the one-fifth of a year retirement credit. We are in support of having flexibility.

Section 34 addresses the assurance that schools, teachers, or departments do not require children to take narcotics. There was a similar bill in the Assembly. The Department of Education opposed the bill. We opposed the bill because it was an unnecessary statute. It is now a federal requirement that the Department of Education must assure that this will be prohibited. To get funding, the Department of Education and any school district receiving funding must provide assurance that children will not be required to take a controlled substance. The special federal education laws, which will take effect in 2006, have the identical requirement.

LESLIE K. HAMNER (Committee Counsel):

The language in section 34 of S.B. 461 is covered under federal law.

DR. RHEAULT:

Many states have adopted a similar wording. Because the federal law requires this assurance, it would supercede any previous wording that had been adopted by other states.

JULIE WHITACRE (Nevada State Education Association):

The Nevada State Education Association (NSEA) has a few concerns with S.B. 461. We echo Dr. Rheault's concerns with the paraprofessionals becoming qualified as stated in sections 4, 14 and 15 of the bill. We do have a concern with section 6. This section does not take into account at-risk students or English-language-learner students whose education is more costly than a regular student. There are areas in Nevada that have a large population of those students.

We do have concern with sections 8, 9, 11 and 12. We believe the language in these sections should go before the Commission on Professional Standards in Education. Conditional licensures are addressed in the NRS 391.032. It gives the authority on alternative routes to the Commission on Professional Standards in Education. It is our position that the Legislature should not circumvent this body of experts. Nowhere in the NRS is there language regarding alternative routes to licensing, only that it should be taken to the Commission. The proper place to present this language would be to the Commission on Professional Standards in Education. There is nothing precluding anyone from going to the Commission and to lobby them to adopt such regulations. There are four other bills regarding alternative routes to licensing. To include all of these different concepts into NRS would not be beneficial because it has already been addressed in the *Nevada Administrative Codes*.

Sections 16 and 17 address merit pay. In NRS 288, it states that all salaries and benefits must be negotiated. The NSEA does not feel comfortable with the concept of merit pay. We echo the testimony of Dr. Rheault concerning section 18 of the bill. We agree with the CCSD concerning section 21. There are already policies in place to address the discipline of teachers. The proposal in section 21 eliminates the safeguards that have been put in place to address inconsistencies when it comes to disciplining teachers.

VICE CHAIR CEGAVSKE:
Do you oppose section 21?

MS. WHITACRE:
Yes.

VICE CHAIR CEGAVSKE:
Is NSEA in agreement with the other sections of the bill?

MS. WHITACRE:
Yes.

VICE CHAIR CEGAVSKE:
There are many good concepts in the bill. There are areas that we can move into agreement.

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RAYMOND BACON (Nevada Manufacturers Association):

I have provided the Committee with our recommendation that section 9 be modified ([Exhibit K](#)). This has been approved in Idaho and is in process in Arizona. It is an alternative route. I disagree with Ms. Whitacre; the Commission on Professional Standards in Education has been slow to accept alternative certification programs.

ANNE K. LORING (Washoe County School District):

We support sections 2 and 3 of the bill. We support section 9 as amended in Assembly Bill 206. We are in agreement with the concept of section 18. We are opposed to sections 4, 14 and 15 concerning paraprofessionals for the same reasons stated by Dr. Rheault. We are opposed to section 6 regarding appropriations to school sites. We are opposed to sections 16, 17, 21 through 32 and 35.

STEPHEN AUGSPURGER (Executive Director, Clark County Association of School Administrators and Professional-technical Employees):

We have three concerns with S.B. 461. We have the same concerns that have been stated by the CCSD and the Washoe County School District. They would be in sections 16 and 17, which would require more than 300 principals to determine the salary of 15,000 teachers. We would discourage that passage and suggest it be eliminated from the bill. The decisions addressed in sections 21 through 32 cannot solely be vested in the principal. The current system works. The system is a collaborative system involving a number of different administrators and should not be solely vested in the administrator. We are opposed to section 35.

ALLIN CHANDLER (Clark County Association of School Administrators and Professional-technical Employees):

I reiterate the testimony of Mr. Augspurger.

FRANK BRUSA (Clark County Association of School Administrators and Professional-technical Employees):

I echo the comments of Mr. Augspurger. We must follow NRS 288 in regard to negotiations. In order to address this bill, the NRS 288 would need to be changed.

RICCI J. RODRIGUEZ-ELKINS (Center for Charter School Development):

Senate Bill 461 is a progressive bill. We have concerns with sections 4, 14 and 15. In addition to Dr. Rheault's concerns, we have concerns as well. Some of our paraprofessionals are over 50 years old and met the qualifications as they currently exist. It would be an undue hardship on them to expect them to take the high school proficiency exam. The concern with section 5 is exemplified by what has occurred this year with the retraction of the federal charter school funding from the State. Every day charter schools have to live out their existence with being allocated funds from the State Distributive School Account for the students they receive. They do not have the infrastructure that districts have, but we manage.

Regarding sections 8, 9, 11 and 12, dealing with the special licensing, I am in agreement with Mr. Bacon and his concerns regarding the existing provisions for alternative certification. I was a supporter of Assembly Bill 206. I would like to see more progress in special licensing. There are literally hundreds of long-term substitute teachers who currently teach with a minimum of 60 hours in the sciences and in math. The insistence on masters and Ph.D. degrees with two years' experience at a secondary level, plus work experience is going beyond where we need to go. Alternative certifications are working efficiently in other states and I suggest we look in that direction.

Charter schools are required to follow the statute and the regulation as it applies to schools in general. It is confusing as to what laws apply to charter schools and what laws are particular to districts. This is especially true for the sections of S.B. 461 relating to the authority of principals to consider raises. We would suggest you reference public schools when meaning everyone or if the meaning is specifically school districts and then add the language excluding charter schools.

CHRISTINA DUGAN (Las Vegas Chamber of Commerce):

We are dedicated to providing a quality education for the students of Nevada. I have given the Committee our comments on S.B. 461 ([Exhibit L](#)). We support this bill and the amendments that Mr. Bacon and the Nevada Manufacturers Association have proposed.

CHAIR WASHINGTON:

There is another proposed amendment to S.B. 461 ([Exhibit M](#)). This amendment addresses the conversion of existing schools that fail to meet their AYP after

the first year. They will be given written notice that the school can convert from an existing public school to a charter school. It also addresses the conversion of homeschools.

CHAIR WASHINGTON:

We will close the hearing on S.B. 461. Senator Horsford will present S.B. 286.

SENATE BILL 286: Makes various changes regarding career and technical high schools. (BDR S-1228)

SENATOR STEVEN A. HORSFORD (Clark County Senatorial District No. 4):

I have proposed amendments to S.B. 286 for the Committee's review ([Exhibit N](#)). I am proposing to delete sections 1 and 3 of the bill in their entirety. I am doing this to address the fiscal note and to work with other measures that are in the Legislature on those provisions. I am proposing to amend the date from 2007 to 2008 on line 28, page 2 of the bill.

I will explain the reason that the Southern Nevada Enterprise Committee designation was chosen by providing some background.

The Department of Housing and Urban Development approved the Southern Nevada Enterprise Community designation in 1998. The designation was made in part because of the historic issues pertaining to poverty, low-education attainment, low home ownership and other social-economic indicators. According to the 2000 Census data, 8.6 percent of Las Vegas families live in poverty. A full 21.4 percent of families with related children under 5 in Las Vegas live in poverty and for female-headed households with children under 5 in Las Vegas, the percent living in poverty climbs to 34.3 percent county-wide. When calculated by race, statistics show that 28.9 percent of African-American children live in poverty and 19.4 percent of Hispanic children live in poverty. This data indicates significant underemployment for many Las Vegas families, especially families with children and families of color. A large percentage of these residents reside within the Southern Nevada Enterprise Community, the reason the designation was made by Congress.

Clark County's high school dropout rate is reported by the 2003 Annie E. Casey Foundation at 5.7 percent. Complicating the high dropout rate is Clark County's problem with high school students who complete course work but fail to pass the State's proficiency exam. Clark County has the highest rate of youth in the

state that is not in school and is not working. In a telephone survey of 115 Clark County dropouts, former students reported that their main reason for dropping out was to look for work.

The rise in gang activity provides an additional example for the need of effective services and educational options to youth in the community. In Las Vegas, gang membership has risen 61 percent over the last 3 years. The rapid growth in Nevada, particularly in Clark County, has led to an increase in urban problems, including youth gangs. The reasons for this increase may be attributed to the community's inability to provide adequate educational options to this vulnerable population. According to statistics from the Las Vegas Metropolitan Police Department's Gang Unit, there were 308 gangs in Clark County in 2001 including 6,665 known gang members and 3,096 associate gang members. Senate Bill 286 will provide intervention, hope, leadership skills, educational support and employability skills as a positive alternative to gang membership for low-income and at-risk youth.

According to the Nevada Department of Education, there is a high success rate of students enrolled in comprehensive career and technical education high schools. Two of the most significant concerns in Nevada education that this Committee uses to determine success of our public policy are dropout rates and graduation rates.

The dropout rates and graduation rates among minority students, especially African-American and Hispanic students are significant and must be addressed to meet the high academic standards the Legislature and previous Legislatures have adopted. I have provided the Committee with the Nevada Department of Education's Educational Accountability Brief ([Exhibit O](#)). This information is from the 2002 to 2003 school year. Currently, the statewide annual dropout rates in 2002 to 2003 were 8.6 percent for Hispanic students and 7.9 percent for African-American students. In the CCSD, 9.8 percent of Hispanic and 8.4 percent of black high school students dropped out of school that year.

In the 2002 to 2003 school year, the statewide graduation rates for Hispanic and African-American students were 62.8 percent and 59.6 percent. The graduation rates in the CCSD were 62.1 percent for Hispanic students and 59.1 percent for black students.

According to the Department of Education, students who attend career and technical high schools drop out at a lower percentage and graduate with a standard or advanced diploma at a higher rate than traditional high schools. Students attending career and technical high schools also take courses that earn them college credits. Students can earn up to 15 college credits while attending high school which is an entire semester for a full-time college student.

The higher-average daily-attendance rate is another significant factor in evaluating why career and technical high schools are an important option. Hispanic and African-American students comprise 56.5 percent of the enrollment at the Southern Nevada Vocational Technical Center. The dropout rate at this school was only 1.3 percent for Hispanics students and 0.8 percent for African-American students. The graduation rate was 90.1 percent for Hispanic students and 92.9 percent for African-American students.

Senate Bill 286 provides this opportunity for an area of the state that has some of the highest levels of poverty, high school dropouts, low graduation rates and fewer people acquiring the skills necessary to be productive, taxpaying members of society.

The bill directs the CCSD to construct a career and technical high school within the Southern Nevada Enterprise Community by August 2008. On page 7 of [Exhibit O](#) is a map of the Southern Nevada Enterprise Community.

If we do not provide this opportunity, then we will continue to hear the statistics given to the Senate Committee on Finance and the Senate Committee on Judiciary by the Department of Corrections. Nevada residents comprise 84.6 percent of the Nevada prison population. The average age of the inmates is 37 years old. On average, inmates have an eighth grade literacy level. Males scored 48 percent and females scored 43 percent below the eighth grade. Of the inmate population, 72 percent have no job skills and have a poor employment record.

The Department of Corrections is doing a good job helping the inmates acquire the education and work skills needed to become productive. Senate Bill 286 proposes to give the opportunity for an improved education to a generation of young people who could avoid ever becoming part of the correctional system.

Another benefit of career and technical high schools is to employers. The existing labor market cannot provide the number of work-ready employees that will be needed to fill expected job growth. Local employers report a failure rate of 50 percent or more for applicants pursuing current openings often due to basic employability skills; including timeliness, appearance and basic workplace etiquette.

Residents within the West Las Vegas community have made every effort to persuade the CCSD administration and the board of trustees to support constructing a high school in their community. On pages 8 through 12 of [Exhibit O](#) there are two newspaper articles that were reported from public hearings during the Clark County School Board meeting. There have been many reasons articulated as to why this has not been done, such as: not enough land to assemble, schools already planned in suburban areas and not enough students to support the need for a full-scale high school.

Senate Bill 286 takes these concerns into account and the concept is to provide an option that allows those students who reside in the area of the high school to attend while offering the career and technical high school model to attract students from throughout the county.

Several members of the CCSD Board of Trustees have indicated in November 2003 that there is a need for a school in West Las Vegas, and S.B. 286 helps the district meet this priority for public education in Clark County. I urge this Committee to support S.B. 286.

SENATOR MATHEWS:

Do you know the number of students who are in the Enterprise Community?

SENATOR HORSFORD:

There are currently 700 high school students Grades 9 through 12 who reside within that area. Based upon the current zoning, most of those students attend either Green Valley High School or Palo Verde High School. From this area of the community to either school is an hour's distance. There are a large number of students in the Las Vegas Valley who are struggling every day to stay engaged in their education because of where they are zoned.

CHAIR WASHINGTON:

Are there any schools located in the Enterprise Community?

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SENATOR HORSFORD:

On pages 13 and 14 of [Exhibit O](#), you will find the 2004 to 2005 High School Zones-North. If you would overlay the map on page 7 of [Exhibit O](#) onto pages 13 or 14, you will see there are no high schools in that area. The closest high schools are Cheyenne, Canyon Springs and Western.

CHAIR WASHINGTON:

Could you give me a general idea of where the zone is located?

SENATOR HORSFORD:

It is West Las Vegas. The boundaries are Martin Luther King Boulevard, North to Carey Avenue, and South to Rancho Drive.

CHAIR WASHINGTON:

Does the county own an island in that area?

SENATOR HORSFORD:

The county and the Bureau of Land Management own land in that area.

CHAIR WASHINGTON:

Would that be in the middle of the zone?

SENATOR HORSFORD:

Yes. Part of the designation was for commercial development and economic incentives. Some of the quality-of-life issues for people who live in the area are the quality of the schools, participation in school activities and whether parents can be engaged in their children's education. Every aspect of a student's high school career is important. It is a disservice to the students in that area not to have that level of participation

CHAIR WASHINGTON:

Is there a preparatory charter school in that area?

SENATOR HORSFORD:

The Andre Agassi College Preparatory Academy is in the heart of West Las Vegas and is within the Southern Nevada Enterprise Community. They start at third to fifth grade and add a year, every year for those who are enrolled, based upon the need and the number of students in the area.

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CHAIR WASHINGTON:
What grade are they up to now?

SENATOR HORSFORD:
They are up to seventh grade.

CHAIR WASHINGTON:
Do they just add one grade at a time?

SENATOR HORSFORD:
Yes, but only for those students who have been in the school since third grade. Typically, there are few openings. It does not provide a good option for youth that are affected.

KEVIN FORD:
I support S.B. 286. As a high school student, I know firsthand the need for S.B. 286. This bill will help my peers and students who come after me to have the option to obtain the skills they need to develop a good career. I would rather attend a school that is close to my neighborhood than take a bus to a school almost an hour away. Currently, many of my friends are not engaged in their education at big high schools and end up falling through the cracks. Senate Bill 286 would help many of my friends who need this type of school close to their neighborhood. If all the information shows that youths who go to career and technical high schools have better attendance and the graduation rate is higher, why would you not want to provide this type of school? I urge the Committee to pass S.B. 286 and help our future.

BOOKER REID:
I am a high school student, and I support S.B. 286. I urge the Committee to pass this bill.

SENATOR HORSFORD:
I submitted a letter of support for S.B. 286 ([Exhibit P](#)) on behalf of E. Louis Overstreet with the Urban Chamber of Commerce. The Urban Chamber of Commerce is important, because they represent small businesses that are located within this Enterprise Community. They realize the need for young people to have the skills necessary to join the workforce. The Urban Chamber of Commerce has been a partner with several schools and would like to see this

type of component within that area to promote business, attract business and have those businesses work with public education.

JOYCE HALDEMAN (Clark County School District):

The Clark County School District supports career and technical educational (CTE) programs. We have strong career technical programs in various high schools and a couple of high schools that offer only career technical education programs. All the comments Senator Horsford has made are true. The most astounding results are the graduation rate and attendance rate which has improved. The numbers of students who are able to pass the high school proficiency exam have improved. The Southern Nevada Vocational Technical Center has a 79-percent minority rate and those statistics are true for that school also. This is a great opportunity for students who need those types of programs. We have long waiting lists for all of our CTE programs. In response to that waiting list and the need for these programs, there is a new model which is a smaller school housing 2,000 students. Several of this prototype will be built throughout the Clark County valley. We agree with Senator Horsford that this geographic area would be excellent for the placement of one of these schools. It would be helpful to us in terms of zoning for other schools. The Clark County School District offers no opposition to S.B. 286.

CHAIR WASHINGTON:

Where is the new CTE school going to be located?

MS. HALDEMAN:

There will be three new CTE schools. The first will be located by the Hillcrest Orchard. It is located in the north. It is not in the area that Senator Horsford has designated.

CHAIR WASHINGTON:

How are the locations selected?

MS. HALDEMAN:

It is a convoluted process. It takes input from the Attendance Zone Advisory Commission, the Bond Oversight Committee and the availability of seats in existing schools. There is an elaborate system of overlays that designate the hot spots where schools need to be placed and then they are designated based on those criteria. This points out one of the problems the district has had in trying to site a school in the heart of West Las Vegas. The number of students needed

to populate an entire school has never resided in that area; this is why the area has gone without a high school in those geographic boundaries.

CHAIR WASHINGTON:
Is there a declining population in that area?

Ms. HALDEMAN:
There are only 700 students in that area. The current model of CTE schools is for 2,000, but there is a model for 1,300 students. A CTE school would fit in an area such as West Las Vegas, because it has a lower-seat capacity and the ability to attract students from all over the valley due to the waiting list to fill the seats in that school. It will also help with the zoning problems we have with students who have long bus rides to get to the schools to which they are zoned.

CHAIR WASHINGTON:
Is there a problem with the effective date of 2008?

Ms. HALDEMAN:
I do have some concerns about the effective date. If the existing CTE model that houses 2,000 students requires 30 acres of land and the acreage cannot be found, then we would want to use the 1,300-seat model which requires only 20 acres of land. The District is actively looking for parcels of land where the school can be sited.

CHAIR WASHINGTON:
Are there 20 acres within that zone?

Ms. HALDEMAN:
Yes.

SENATOR HORSFORD:
There are several parcels that could meet the 20-acre requirement. There is a possibility that there are 30 acres available. Based upon several other community revitalization projects that are coming forward, there are several entities that are looking at land. It takes finding the place that is affordable.

There has been some decline in high school enrollment in that area. There are several new housing developments that are part of the revitalization of the neighborhood. There will be a need for a school in the near future.

SENATOR CEGAVSKE:

Has this issue been brought before the CCSD Board of School Trustees?

SENATOR HORSFORD:

There have been several public hearings on the need for a high school within the boundaries of West Las Vegas. There are two newspaper articles on pages 8 through 12 in [Exhibit O](#), which give the support of the CCSD Board of School Trustees for the need of a school.

SENATOR CEGAVSKE:

Does this issue need to be legislated? If the bill passes with the amendments, would there be a need for funding?

SENATOR HORSFORD:

There have been several attempts. The CCSD is trying to address the issue. I brought the bill forward because the constituents in this area have been waiting a long time. They want assurance that it is going to happen. The bond initiative that was approved ten years ago provides for the funding of these schools that are to be sited. What this legislation will do is to indicate that one of the CTE schools will be built in the Southern Nevada Enterprise Community. This will address the educational needs of the children in that community and relieve the overcrowding and zoning issues in other areas.

MS. HALDEMAN:

The funding is in place. The bond program was presented to the public with the understanding that a certain number of schools would be built. The school suggested in S.B 286 is one of the schools. The siting of the schools was not determined in advance because of the growth factor.

SENATOR CEGAVSKE:

Why has this not been done?

MS. HALDEMAN:

The Board is moving forward with this situation. We are looking for a place to build this school. There is a level of trust in the community as to what the Board will do.

SENATOR CEGAVSKE:

If the Legislature mandates that a CTE school will be built in the Southern Nevada Enterprise Community by August 1, 2008, what will be the consequences if this does not occur? Will the CCSD return to the Legislature and demand funding for the school because of the mandate?

MS. HALDEMAN:

We will not ask for funding. There are some concerns about the August 1, 2008, requirement. We may ask for an extension of the date. It is not the policy of CCSD to testify in favor of unfunded mandates. That is why it is our testimony that we offer no opposition to S.B. 286.

SENATOR CEGAVSKE:

I still have concerns. I have a problem with taking this responsibility out of the hands of the local jurisdiction. It is the responsibility of the CCSD Board of School Trustees to place the schools where they see fit. I am not certain that this responsibility lies with the Legislature.

SENATOR HORSFORD:

The reason I offered the amended date is because I realize there are issues to be resolved before a school can be built, and the 2007 date may not be realistic. My responsibility is to represent my constituents and this is a critical issue for them. The CCSD has the willingness to address the issue, but there is a history behind this situation and that is why we are here today. It is important to have it on the record as to why this school is needed.

CHAIR WASHINGTON:

We will hear testimony on S.B. 268 and S.B. 305.

SENATE BILL 268: Revises provisions governing qualifications for employment as administrators of school districts. (BDR 34-945)

SENATE BILL 305: Limits number of administrators employed by school districts. (BDR 34-941)

SENATOR BOB BEERS (Clark County Senatorial District 6):

In June 2004, 19 percent of the seniors in the CCSD were denied their diploma because they failed a proficiency exam. We seem to be failing a whole generation of students. In Washoe County School District, it was 3 percent and 1.5 percent in the Carson City School District. I did an investigation and determined for the last decade nothing has changed except the performance level. There is a core of CCSD employees who do not have direct contact with a school. It is easy to see that we have become over bureaucratized in schools. Senate Bill 268 would propose that every five years all administrators would have to teach a semester.

CHAIR WASHINGTON:

What is the definition of administrators in the bill? Would they be principals and upper-level administration?

SENATOR BEERS:

Yes, and those who work a little in each position.

CHAIR WASHINGTON:

The proposal is that every five years administrators will be required to teach.

SENATOR BEERS:

Yes. By teaching a semester, it would bring their focus back to the students.

SENATOR MATHEWS:

I think five years is too long a period of time.

SENATOR BEERS:

In preparing the Legislative Counsel Bureau's (LCB) audit, it was discovered that there is such variability in the definition of "administrator" between school districts that they could not compare off-site headquarters-oriented administrators. In some school districts, a particular job function is administrative and in other districts it is supportive. The LCB document was only looking at principals, vice principals and deans. These are the administrators who actually serve in a school and do see students. There is no way to compare off-site administrators, those who are not assigned to any particular school. There are over 230 positions in the administrative ranks of the CCSD that are not associated with a school. I fear these individuals see students accidentally and not regularly. This bill would propose to limit the

number of off-site administrators to one-half the number of schools in the district.

CHAIR WASHINGTON:
Is that within the 17 districts in the State?

SENATOR BEERS:
Yes. In Carson City, there is an administrative building attached to a school site. They would not count in this ratio. My point is that there are people, supervising people supervising people, who never see a classroom and have lost sight of the real purpose of education.

CHAIR WASHINGTON:
Would you explain the meaning of lines 7 through 13, on page 1 of the bill?

SENATOR BEERS:
This section could be removed if it would cause a large fiscal note. I proposed S.B. 268 and S.B. 305 to promote thought and discussion as to what is wrong with the CCSD. The fact that 19 percent of seniors did not receive diplomas because they failed a proficiency exam speaks to the problem. One theory is there is limited number of English-proficiency learners. There is a six-to-one ratio of students failing the math proficiency exam versus the language proficiency exam.

Ms. CHAPMAN:
The Nevada Families Education Foundation is in favor of S.B. 305. It makes sense that if there are not enough teachers and too many administrators then some of the administrators should be in the classrooms teaching our students.

DOROTHY (DOTTY) MERRILL (Washoe County School District):
For the last several years, our passing rate on the reading and math section of the proficiency exam has been above 99 percent. On the math section the passing rate has been in excess of 95 percent. We believe our student passing rates are among the highest in the State.

We have 160 school-site administrators. In the Washoe County School District, deans are not administrators; they are teachers because deans in our district do not do evaluations. This is the difference between our district and the CCSD. We have 30 school psychologists who are counted among our nonschool-site

administrators because they are in the administrators' bargaining unit. We have 60 professional and technical administrators. These are not licensed administrators. These are administrators who are responsible in the plant facilities, human resources or other departments within the district. There are 42 administrators spread throughout the district doing various functions.

We cannot support the proposal in section 1 of S.B. 305. I also speak on behalf of Mary Pierczynski of the Carson City School District regarding section 1. We have no problem with the intent of the language on lines 7 through 9, on page 1 of S.B. 305. We would be willing to provide the report indicated in the bill and do not believe there would be a fiscal impact in providing this report. There is a need to define the term "administrators." In the event reports are required, they will be consistent throughout the school districts.

Senate Bill 268 proposes an interesting goal to have administrators with recent classroom-teaching experience. We are concerned about several negative consequences. Effective leadership is an important element in schoolteacher and student success. We are concerned that the disruption caused by returning a sitting administrator to the classroom may prove to be detrimental to our overall goals not only for our district improvement plans, but our school improvement plans. We are concerned this proposal may create a revolving door of administrators through our schools as they cycle out to get teaching experience. We are concerned that we might want to recruit experienced administrators from out of state who may not have recent teaching experience; this lack of teaching experience would preclude them from being eligible for employment under the provisions of this proposal. We have tried to develop a fiscal note for this bill. We are concerned that it would be unfair to administrators with regard to their retirement to take a cut in pay and benefits during this teaching semester, because that would affect their Public Employees' Retirement System base. As we contemplated this process, we thought there may be a need to continue to pay these administrators at their existing salary and benefit level. In addition, we would need to provide an administrator for that semester. The cost for this process would exceed \$3 million.

Our primary concern is the issue of consistency. We could notify administrators that they would need to teach in a school every four and a half years and then rotate them through based on a system we would devise. There would still be a heavy fiscal impact. We have serious concerns about S.B. 268, but understand the intention behind the bill.

MR. KADLUB:

I am testifying on behalf of the CCSD in opposition to S.B. 305. We oppose section 1 of the bill. The CCSD currently has 1,175 employees who are on the administrative-pay schedule. That includes 785 school-based administrators, 191 nonschool-based administrators and 199 professional and technical employees. The last group includes staff such as attorneys, architects, construction managers and other employees who have specialized degrees or licenses, although their management responsibilities are not directly related to school oversight. These are the people who would be subject to the provisions of this bill.

The District has 301 schools which according to S.B. 305 would limit us to approximately 150 administrators. In expressing the District's opposition to the measure, I would like to make a few points. If the number of schools in the District is a logical reason upon which to predicate the total number of nonschool-administrators, I would point out that our elementary, middle and high schools are approximately twice the size of schools across the nation. Over the last couple of decades, the size of our schools represents the compromise between providing 10,000 to 15,000 new seats per year and maximizing the bond funds approved by the voters. If our schools were the same size as those in other districts, we would have close to 600 schools instead of the 300 schools; this would make a substantial difference in interpreting S.B. 305. The District is in the midst of a multibillion-dollar construction program which has been producing about a dozen schools per year for at least 15 years. There is no multibillion-dollar endeavor being carried out at dozens of different sites simultaneously, which involves coordination with other local entities purchasing, programming, budgeting, bidding and supervision of employees that can function without adequate oversight. Most other districts do not have building programs that are comparable to this effort and therefore would require no supervision in this area.

The CCSD is the licensee for the KLVX Educational Media Center. This only accounts for a handful of administrators. Most school districts in the nation do not oversee public television stations for their communities. This has nothing to do with the number of schools in the District, but illustrates that the services offered must also be considered.

The District employs about 32,300, which includes substitutes and temporary employees; that means the 1,175 administrators supervise 31,125 employees, which is a ratio of 1 to 26. Several years ago, our Human Resources

Department did research on this issue in Clark County, and found that most other employers including hospitals, hotels and higher education have supervisor-employee ratios mostly in the single digits. The District agrees with the sponsor of the bill that there is always room for efficiency, but we oppose section 1 of S.B. 305 because it ties administrative numbers to structures and does not take other programs into consideration.

Senate Bill 268 offers a good concept but it does not offer the mechanics for getting administrators into the classroom for one semester every five years. There are logistical issues concerning the bill. Hypothetically, let us say there are 1,000 administrators in the Clark County School District. According to S.B. 268, one-tenth of those administrators would have to be in the classroom in any given semester. That would mean 100 classrooms would be without their regular teachers. Parents and students, especially at the elementary level, like continuity in the classroom. Half-year disruptions are not in the best interest of the students and this bill would affect many thousands of children every year. If administrators are placed in the classroom, then the teachers are displaced. This not only raises questions about where the teachers will go but opens issues about negotiated agreements. If an administrator is reassigned to a classroom for a semester, then someone must be assigned to the administrator's responsibilities. Using the previous scenario, we would need to have on hand 100 substitute administrators to replace them on a rotating basis. This would give the bill a significant unfunded fiscal impact. Repeatedly returning to the classroom is not necessary for effective administration. Teaching and administrating are two distinctly different jobs requiring different skills and dealing with different problems. We question whether the value of this effort would outweigh a situation where a person is pulled from their job for four months, replaced by a substitute who lacks history in the position, is placed in a classroom which displaces a teacher and disrupts any progress or rapport that the teacher has established with students and their parents. Because of the negative side effects and lack of funding for substitutes, the CCSD cannot support S.B. 268.

SENATOR MATHEWS:

Explain why a teacher could not go into administration.

MR. KADLUB:

It may not be legal. Teachers cannot evaluate other teachers. They would not have the administrative license.

SENATOR MATHEWS:

They could obtain a temporary license.

MR. BRUSA:

We reiterate what has been said by Ms. Merrill and Mr. Kadlub about S.B. 305. Last December, CCSD took professional and technical employees and put them on the salary schedule of administrators. There are between 193 and 197 professional and technical employees presently on the administrative salary schedule, as well as 188 licensed administrators. There would be a fiscal impact. The school administrators have concerns with S.B. 305.

LONNIE F. SHIELDS (Nevada Association of School Administrators; Clark County Association of School Administrators and Professional-technical Employees):

I wish to speak to the continuity of program issues. When I was a principal, one of my greatest fears was to have a teacher leave in midterm or become ill and not be able to continue after they had developed that relationship with their class. This creates problems with the students and the parents. This would be true at the administrative level as well.

It would depend on the person's license and the endorsements they have as to whether an administrator could teach. A classroom teacher does not have the endorsements necessary to be an administrator.

SENATOR MATHEWS:

My certificate listed teacher and administrator.

MR. AUGSPURGER:

We agree with the previous statements of the concerns about S.B. 305. We feel both S.B. 305 and S.B. 268 are problematic. The administrators who we represent take their jobs seriously. We need to be careful talking about student achievement and making general assumptions that the problem with student achievement has its genesis with school administrators. The one accomplishment of these bills is it has opened discussion on the issues. Due to the NCLB there has been additional work placed upon administrators.

SENATOR BEERS:

By presenting these bills, I hoped to cultivate a concern and convey the seriousness of these issues. I point out that one in five of the seniors of the CCSD were denied their diplomas for failing a proficiency exam. There is a serious problem. Only through education can a person rise above their background. The term "principal" is derived from being the principle teacher in the school. It is important to keep them in touch with teaching. Some of the difficulty concerning fiscal notes could be overcome in different ways. Senate Bill 305 could be problematic primarily because of the different definitions of an administrator.

If section 2 of S.B. 305 were passed, it would be beneficial to collect data on what is an administrator, what they do and to standardize definitions. The solution may lie in standardizing the definition of administrator and explore whether the answer lies in that area. This may not be the answer, but we do need to improve the system.

SENATOR CEGAVSKE:

In the 17 school districts, do we know the ratio of administrators to teachers and administrators to students?

SENATOR BEERS:

If that information is available, I am not sure valid conclusions could be drawn from it because there is a wide definition of administrator.

SENATOR CEGAVSKE:

We need to classify the various types of administrators.

SENATOR BEERS:

There seems to be a wide variation in the school districts. Until standards are developed and there is a standardization of classifications, we may not be able to answer those questions.

SENATOR CEGAVSKE:

I would like to request and review that data. The 17 counties might have that information.

SENATOR BEERS:

The correct approach may be to look at this issue from per-school, per-teacher and per-student basis.

CHAIR WASHINGTON:

Senate Bill 461 addresses flexibility for administrators, incentive pay, hiring, dismissal, gathering such data, and it could include finding the definition of an administrator.

SENATOR BEERS:

The education of a child takes about 13 years. That is a long time to see the change you make to produce an impact on the result.

CHAIR WASHINGTON:

The first accountability bill was presented in 1995, and we have had others since. We will open the hearing on S.B. 292.

SENATE BILL 292: Revises provisions relating to construction or renovation of public school buildings. (BDR 34-818)

MARY C. WALKER (City of Carson City; Douglas County; Lyon County):

All three entities support S.B. 292. We feel the bill addresses the problems local jurisdictions have had between the State Fire Marshal Division and our local fire departments. There has been difficulty in separating the duties among the departments. The Carson City Fire Department has tried to resolve those issues through interlocal agreements, but the Department has not been able to resolve them.

When the community college in Carson City built an expansion, none of the plans were given to our local jurisdictions. At the end of the project, our fire department received them, did a plan check and went to the site to make sure the plans were implemented. They found that there was not one fire hydrant near the new building. This is an example of what could cause severe damage to the building and bring harm to the public. Senate Bill 292 is a good bill because it requires more cooperation. Section 2, subsection 3 requires the municipalities to be part of the planning, review and oversight process of these new buildings.

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Even with the expansion of the Legislative Building, there was a lack of coordination. The Carson City Fire Department did not receive the final plans. There had been changes made since the old plans were drawn; therefore, they had to do a site inspection to determine the water sites.

CHAIR WASHINGTON:

The Committee has heard testimony on S.B. 274. There will be a meeting of the fire marshals and we will consider both bills.

SENATE BILL 274: Restricts authority of State Fire Marshal in consolidated municipalities and larger counties. (BDR 42-87)

MR. KLAICH:

I support S.B. 292. I would like to meet with the committee or the sponsor of the bill to add the UCCSN to the provisions of section 1 of S.B. 292. We do have many of these provisions in place regarding building departments. We believe we can meet the goals in section 1.

CHAIR WASHINGTON:

Are you in support of section 1?

MR. KLAICH:

Yes.

CHAIR WASHINGTON:

We might merge the two bills into one and address the issues.

ROSE E. MCKINNEY-JAMES (Clark County School District):

The Clark County School District supports S.B. 292. The institution of this measure will provide the District with significant savings.

DANIEL K. O'BRIEN (Manager, State Public Works Board, Department of Administration):

I have provided my written testimony ([Exhibit Q](#)) stating the reasons the State Public Works Board is in support of S.B. 292. Attached to my testimony is a possible revision to the bill combining A.B. 275 and S.B. 292. In counties under 100,000, many have adequate building and fire departments that are capable of taking care and coordinating with their local jurisdictions.

ASSEMBLY BILL 275: Prohibits involvement of State Public Works Board in certain activities of local governments. (BDR 28-614)

Last month, there was an executive audit of the State Public Works Board. In the audit, one of the recommendations was the State Public Works Board pursue changing the NRS and removing all school district plan review from control of the State Public Works Board. Senate Bill 292 moves in that direction and with the proposed amendments this will accommodate that goal. This will take us completely out of schools and put them into the local jurisdictions.

DAVID BROXTERMAN (Administrative Manager, Facilities Division, Clark County School District):

We support the provisions of S.B. 292. It streamlines the process and cuts government expense. In the last three years, we have given approximately \$1.2 million to the State Fire Marshal and the State Public Works Board that is duplicative work done by our local fire and building departments. Those would be lost monies to the taxpayer. When our architects respond to more than one agency the cost could be considerable. The local fire departments by interlocal agreement are doing all the work that the State Fire Marshal should be doing locally. We have not been able to pay the local fire departments for their expenditure of effort and time on our behalf; this bill does enable us to enter into agreements with the local fire departments to compensate them for their work. We have acted as a building department for many years. We urge the Committee to approve S.B. 292.

LISA CONNER (Building Official, Clark County School District):

Since 1986, we have had a building department that operates and mirrors other building departments. We do not collect fees.

DONNA KRISTAPONIS (County Manager, Lyon County):

I speak in favor of the bill and propose some amendments. Lyon County has approximately 44,000 in population and is very dispersed throughout the county. We have five high schools, five intermediate schools and seven elementary schools. Last November, we passed a bond to build more schools. There will be another high school, two intermediate schools and three elementary schools built in the county. We are in favor of sections 2, 3 and 4 of S.B. 292. In section 2, line 25, we propose changing the population from 100,000 to 30,000. This would make section 3 applicable to Douglas, Elko and Lyon Counties.

Another change would be on page 4, line 22 of S.B. 292. In Dayton, there is an elementary, junior and high school located together with a single access point through a neighborhood. When starting times were staggered it eased the problem. We have buses, parents and teachers all trying to navigate one street. There is Silver Stage Middle School in Silver Springs. There is an elementary, junior and high school which is situated at the end of an 8,000 foot airport runway. This speaks to the planning process that the schools and local government need to be doing. School districts want to accept the cheapest site on which to build schools. The two sites I have indicated were given to the school districts. When we do not have a role in site selection, it is easy to be misled. Section 5 of the bill might speak to negotiating an agreement with local government and service providers on the school's site or location, site access, internal circulation, utility location, line sizes, fire hydrants, sprinkler systems and security systems. This language would allow planning and working together to do the best for the taxpayers in building new schools.

JOHN GILLENWATER (Fire Chief, Central Lyon County Fire District):

The Central Lyon County Fire Department represents an approximately 630 square mile area. The planning for the schools and where they are placed is an important issue. Last year there was a bomb threat at one of the schools. With only one access and way out, it caused a problem for equipment to enter and leave. Our other set of schools which are located at the end of a runway are also problematic. At one of our high schools, there is a renovation in progress. The fire department and the state Fire Marshal need to coordinate information. We have approximately 700 gallons of water per minute available to the school in the event of fire. A minimum for any commercial structure would be 1,500 gallons of water per minute. Without those planning issues being addressed early in the process, there is additional cost involved as well as finding ways to correct the problems and make sure the proper protection systems are in place. We support the bill and the proposed amendments.

DALE SANDERSON (Plant Facilities Administrator, Washoe County School District):

I speak in support of S.B. 292, particularly section 2. In Washoe County, we develop a prototype and repeat that school many times. We are dealing with three jurisdictional entities: Washoe County, the City of Reno and the City of Sparks. We have the potential of having our plans checked by all three entities, plus the State Public Works Board. In Washoe County, our school plans are the most checked plans of any building owners in the county. We do not disagree that we need plan review, but not the multiple plan reviews that are currently in

place. Senate Bill 292 allows for the State Public Works Board to enter into an agreement with the local entities. We have had a discussion with the Washoe County Building and Safety Department and they wanted to check our schools. Schools are unique facilities. They need to be open for the start of school, so there is a tight time frame. Multiple plan checks put added pressure onto an already tense time.

There is a minor financial impact. We spend \$150,000 to \$200,000 for a high school; a middle school approximately \$80,000 to \$100,000 and a elementary school \$45,00 to \$50,000 for plan review with the Public Works Board and the State Fire Marshal. This bill will allow for adequate plan review without the delays of multiple plan reviews, which will result in the schools being opened earlier than the start of the school semester.

I would like to address the proposed amendment to section 5 of S.B. 292. In Washoe County, we have some heavy reviews from the planning departments and fire departments, but we have not had those types of issues.

MIKE MITCHELL (Director of Operations, Carson City School District):
Senate Bill 292 will have a positive effect on the Carson City School District.

PETER KRUEGER (National Electrical Contractors Association, Southern Nevada Chapter; Mechanical Contractors Association of Nevada; Sheet Metal and Air Conditioning Contractors' National Association):
What concerns us about S.B. 292 is on page 2, lines 4 and 5. We want to be sure that the Uniform Building Code or the International Building Code be subscribed to and not a local school district's idea of building codes. This must be clarified in legislation or by testimony.

MR. O'BRIEN:

The proposed amendment makes the school districts political subdivisions of the State. This puts the responsibility on them and takes the State Public Works Board and the State Fire Marshal completely out of the process. I would like the Committee to consider that because it would resolve the issue of whether the population should be changed to 30,000 from 100,000. It says a school district is a political subdivision and has a right to coordinate its own destiny but must go through the local county or jurisdiction that has authority.

There is an issue of funding. I have always had the authority to delegate to a local building department the function performed by the State Public Works Board. If I were to do that, it would have a detrimental effect upon the State Fire Marshal's funding source. This bill will have a funding impact on the State Fire Marshal. An effort should be made through their budget process to take up the shortfall in funding. With the amount of new schools opening in the Clark County School District and having to fund a plan review by the State Fire Marshal this has significantly contributed to their budget. Taking that away will be detrimental to them.

CHAIR WASHINGTON:

Your request is duly noted and will be forwarded to the Chair of the Senate Committee on Finance and the Office of the Governor.

MR. BROXTERMAN:

The Clark County School District does give a great deal of monies to the State Fire Marshal Division, but they are duplicative monies paid for plans that have already been checked by the local fire departments. It is just doubling the process.

MS. CONNER:

There are regulations already in statute that mandate the building codes. The NRS 278 outlines the building codes which we must adopt.

CHAIR WASHINGTON:

Mr. Sanderson was concerned that all buildings should comply with the Uniform Building Codes and the International Building Codes.

MR. BROXTERMAN:

We have a design manual. The State Public Works Board and the State Fire Marshal use our design manual which stipulates the various codes that we administer and work under. They do plan checks to those codes. Our architects and building department check those as well as the local fire department. We are consistent, and it is institutionalized within the CCSD.

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CHAIR WASHINGTON:

We will make sure it is covered. There being no other issues before us today, the Senate Committee on Human Resources and Education will adjourn at 6:02 p.m.

RESPECTFULLY SUBMITTED:

Patricia Vardakis,
Committee Secretary

APPROVED BY:

Senator Maurice E. Washington, Chair

DATE: _____