

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

**Seventy-third Session
April 8, 2005**

The Senate Committee on Human Resources and Education was called to order by Chair Maurice E. Washington at 12:36 p.m. on Friday, April 8, 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 V. Cegavske, Vice Chair
Senator Joe Heck
Senator Bernice Mathews
Senator Valerie Wiener
Senator Steven Horsford

COMMITTEE MEMBERS ABSENT:

Senator Dennis Nolan (Excused)

STAFF MEMBERS PRESENT:

Leslie K. Hamner, Committee Counsel
Marsheilah D. Lyons, Committee Policy Analyst
Cynthia Cook, Committee Secretary

OTHERS PRESENT:

Bill Hanlon, Southern Nevada Regional Professional Development
Joyce Haldeman, Clark County School District
Charles Duarte, Administrator, Division of Health Care Financing and Policy,
Department of Human Resources
Tom Wood, Pharmaceutical Research and Manufacturers of America
Alexander Haartz, M.P.H., Administrator, Health Division, Department of Human
Resources

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Michael J. Willden, Director, Department of Human Resources
Dan Musgrove, Clark County
Sabra Smith-Newby, City of Las Vegas
James F. Nadeau, Nevada Association of Realtors
Buffy J. Dreiling, Nevada Association of Realtors
Frank Schnorbus, Nevada Homeschool Network
Irene Rushing, Home Educators of Faith
Elissa Wahl, Nevada Homeschool Network
Anne K. Loring, Washoe County School District
Dorothy Nash Holmes, Mental Health Programs Administrator, Department of Corrections
Frank Brusa, Clark County Association of School Administrators and Professional-technical Employees
Julie Whitacre, Nevada State Education Association
William R. Uffelman, Nevada Bankers Association
Randall C. Robison, Nevada Association of School Boards

CHAIR WASHINGTON:

We will open the hearing on Senate Bill (S.B.) 368.

SENATE BILL 368: Revises provisions regarding professional development of teachers and administrators. (BDR 34-1092)

BILL HANLON (Southern Nevada Regional Professional Development):

I am here to support S.B. 368. The two amendments I have proposed ([Exhibit C](#)) are underlined on pages 6 and 9. The intent of this bill is to have regularly scheduled, on-site, ongoing professional development in the discipline of the teacher. An experienced teacher should have the opportunity to share knowledge of content, resources, materials and instructional strategies. Many times the professional-development-day agenda does not relate to the teacher's subject. We need to have teachers involved as active participants. Workshops, seminars and programs will continue. The proposed amendment on page 9 of [Exhibit C](#) illustrates the kind of agenda the school districts should be using.

SENATOR HORSFORD:

Is the suggested amendment too prescriptive? Based upon the changing dynamics in education, if the amendment is put in statute and we determine something different is needed, additional legislation will be required.

MR. HANLON:

We have used this agenda for six years. I would like to be able to go into the schools and see results. I do not have a problem telling people the expectations. When \$10 million is invested in regional professional development and an additional \$20 million in indirect costs, suggestions being made by regional professional-development programs should be more fully implemented. That should result in increased student achievement. I believe the regional professional-development program should be evaluated, and either maintained or cancelled.

SENATOR HORSFORD:

Are you introducing this bill?

MR. HANLON:

Yes.

SENATOR HORSFORD:

You are advocating on behalf of the regional professional-development program.

CHAIR WASHINGTON:

We are concerned about the development programs. We want to assure a tie-in to student improvement. Allowing teachers to participate to help the schools improve is not too confining.

MR. HANLON:

There has been difficulty with the scheduling of the development days. Teachers must participate in development during the five mandatory training days that are a part of their contract. You have been provided with a secondary math observation sheet ([Exhibit D](#)). Plans for school improvement should include components for effective lesson and teacher expectancy. The components for an effective lesson are typically embedded in a teacher evaluation instrument. Southern Nevada Regional Professional Development Program training tries to imbed instructional strategies and content training. We are looking for teachers doing things to help students improve and increase achievement. Item 17 of [Exhibit D](#) is student note-taking. The memory researchers say the number one memory aid is called "writing it down." Research also emphasizes achievement in vocabulary, as mentioned in item 18. We expect math, science and social studies teachers to teach reading and writing, as mentioned in item 19.

We do not have a common language within the State. Dialogue between districts is often difficult. We need common terminology, so that when we speak to each other we understand each other. If vendors come in, they should also speak our language in order to reinforce what we are doing. We have developed tested academic standards adopted by the Council to Establish Academic Standards for Public Schools. I am concerned some people coming into our State do not use the standards developed by the Council. I am also concerned that the State is paying the Southern Nevada Regional Professional Development Program to provide professional development to teachers, and districts are purchasing scripted programs. The majority of trainers feel those scripted programs might be in conflict with "best practices" or Nevada statute.

SENATOR CEGAVSKE:

I have observed a presentation by Mr. Hanlon. Teachers to whom I have spoken have said this has been beneficial. I urge the Committee to support S.B. 368.

SENATOR HORSFORD:

Have there been any statistics or reports showing improvements made by the program?

MR. HANLON:

We do not work with individual schools. We work with regions. The superintendent from Nye County told me, informally, that his scores went up 15 percent. We have some data from the regions, but I think it is inconclusive. With the information we have, it would be difficult to determine if it is a result of regional professional-development program training, school training or better students. An outside contractor did an evaluation and the information you are requesting is not there.

SENATOR HORSFORD:

Why would we want to think about this issue without being able to see concrete results?

MR. HANLON:

You are paying the program \$10 million annually. My guess is that you would like to have the training we are providing implemented in the schools.

CHAIR WASHINGTON:

Senator Horsford, are you referring to the bill or the suggested amendment?

SENATOR HORSFORD:

My understanding is these programs are being utilized in some regions. I asked whether there is information that shows the strategies result in student improvement. I am actually speaking to the bill.

MR. HANLON:

The proposed amendments in [Exhibit C](#) include the components of an effective lesson and teacher expectancies as recommended by the regional professional-development programs and the teacher evaluation instrument. Teachers are saying they like this, and they are doing it.

SENATOR HORSFORD:

Have you gone to the principals or the board of trustees for the schools for which you have examples?

MR. HANLON:

I have gone to the superintendents. We have continually discussed implementing the assessment model. The school districts embedded the components of the reflective lesson in their teacher observation instrument. If you look at the Clark County and Nye County School Districts teacher observation instruments, you will see these things. The teacher expectancies are not embedded, they are things that should be happening within the schools.

JOYCE HALDEMAN (Clark County School District):

I am very supportive of Mr. Hanlon and the efforts of the Regional Professional Development Program. They provide essential services in the Clark County School District (CCSD). We agree with the addition of the language in sections 1, 2 and 3. We have concerns with the language in section 4, which requires that at least 85 percent of the day for professional development be spent to improve achievement for the specific subject or grades taught by those teachers. The remainder of the day, 31 minutes, would be for lunch and bathroom breaks. We agree these specific activities are essential. The language in S.B. 368 is prescriptive. It should be left to the district to determine the needs and how best to structure professional-development days to meet those needs. The 85-percent level would preclude supervisors from utilizing staff development time for elements of training that may be essential but not specifically related to the school-improvement plan. There may be times professional development cannot be information that targets the specific area or grade level taught by the teachers. For example, CCSD implemented a

technology program called Instructional Data Management System, a tool that will help with the management of data for all teachers so they have a better understanding of the progress of their students.

CHAIR WASHINGTON:

If you agree with a portion of the bill, perhaps you will meet with Mr. Hanlon to work out differences.

MS. HALDEMAN:

I would be glad to do that.

MR. HANLON:

I would like outside experts coming here to use the same language and standards we use in Nevada.

CHAIR WASHINGTON:

Please give your suggestion to Leslie K. Hamner, Committee Counsel, when you work with Ms. Haldeman and Ms. Loring.

We will open the hearing on S.B. 260.

SENATE BILL 260: Revises provisions concerning provision of prescription drugs pursuant to Medicaid program. (BDR 38-794)

SENATOR CEGAVSKE:

There is an amendment to S.B. 260 ([Exhibit E](#)). I urge the Committee to support the bill and the amendment.

CHARLES DUARTE (Administrator, Division of Health Care Financing and Policy, Department of Human Resources):

The Division of Health Care Financing and Policy is in favor of this measure.

TOM WOOD (Pharmaceutical Research and Manufacturers of America):

We have worked with the Division of Health Care Financing and Policy to address our concerns, and we are in favor of this measure.

SENATOR WIENER MOVED TO AMEND AND DO PASS S.B. 260.

SENATOR CEGAVSKE SECONDED THE MOTION.

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

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CHAIR WASHINGTON:

We will open the hearing on S.B. 282.

SENATE BILL 282: Makes various changes concerning halfway houses.
(BDR 16-622)

CHAIR WASHINGTON:

The bill creates a class of facilities under the existing system of transitional living for released offenders. The facility is licensed by the State Board of Health, Health Division, Department of Human Resources. If alcohol and drug abuse counseling is available in the facilities, the facility must be licensed by the Bureau of Alcohol and Drug Abuse, Department of Human Resources.

LESLIE K. HAMNER (Committee Counsel):

I will review the changes in the bill as shown in the document titled, Mock-Up Proposed Amendment to Senate Bill No. 282 ([Exhibit F](#)). The blue italics are the new language proposed in the original bill and the underlined green italics are new language proposed in this amendment.

CHAIR WASHINGTON:

We are creating three levels of licensure for halfway houses. The first level provides transitional living for released offenders. The second level is for those who require some treatment for substance or alcohol abuse. The third level is for those who require ongoing treatment for substance or alcohol abuse.

SENATOR WIENER:

The first level would be for those with no substance-abuse problems, the second level would be an aftercare program and the third level would be active drug and alcohol treatment. This would be the aftercare component we have not yet had.

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SENATOR HORSFORD:

Page 9, beginning on line 20 states: "Facilities that provide or arrange for the provision of supportive services for residents of the facility" Does this refer to where the residents reside, and not other programs that provide reentry services?

CHAIR WASHINGTON:

That is correct. The language on page 10, section 11 of [Exhibit F](#) allows the Department of Corrections to permit the released offender to find their own residence.

SENATOR HORSFORD:

Section 12 defines a single-family residence. There are instances where several released offenders may live in a single-family residence. Would such a residence need to become licensed?

MS. HAMNER:

Section 12 of the bill only applies to those facilities that are licensed for transitional living for released offenders. The situation Senator Horsford mentioned would not be a licensed facility, and section 12 would not apply.

SENATOR HORSFORD:

How many people can live together before they are required to become licensed?

MARSHEILAH D. LYONS (Committee Policy Analyst):

The number of unrelated people residing in a home is generally set forth in local ordinances. This bill is for facilities wanting to operate specifically for the purpose of providing transitional housing.

SENATOR HORSFORD:

Does this licensure supersede a local government being able to approve or deny a halfway house?

CHAIR WASHINGTON:

The bill sets a procedure in place. Currently, the local municipalities require State licensing before a facility can be opened, and the State requires all the requirements of the municipality be met before a license is issued.

SENATOR HORSFORD:

In the district I represent, there are several churches who have attempted to get approval for halfway houses. There have been problems in this regard. I have a concern about the composition of the advisory committee. There is a need for some community-based members.

On page 6, it is stated each program must be certified by the Health Division. Does that mean the personnel who run the halfway house would be required to become certified?

ALEXANDER HAARTZ, M.P.H. (Administrator, Health Division, Department of Human Resources):

The Bureau of Alcohol and Drug Abuse (BADA) deals with the quality of the treatment programs. The Board of Examiners for Alcohol, Drug Abuse and Gambling Counselors is the body that does that certification, and they are linked to the BADA.

SENATOR HORSFORD:

I understand that for the drug and alcohol portion of the measure. Why is it necessary to be certified by the BADA to run a halfway house for former offenders who may not have drug and alcohol problems?

SENATOR WIENER:

As it is written, each alcohol- and drug-abuse program offered or provided must be certified. If they are not providing that service, then the certification by the BADA is not required.

SENATOR MATHEWS:

Section 12 of S.B. 282 speaks to the distance between residences. Is there any mention of how many residences are allowed in certain neighborhoods? Neighbors might have concerns if there were several halfway houses on the same street.

MS. HAMNER:

The intent here is to prevent clustering of halfway houses. The first facility must be approved, and then it will depend on the distance between facilities.

SENATOR MATHEWS:

I am not concerned about the distance between facilities. I am concerned about the number of houses in a neighborhood.

SENATOR HECK:

Does this bill apply to transitional living facilities that may be under the auspices of the Department of Corrections?

CHAIR WASHINGTON:

No, it does not. If necessary, we will have that clarified by the Legal Division of the Legislative Counsel Bureau.

MICHAEL J. WILLDEN (Director, Department of Human Resources):

From the perspective of the Department of Human Resources, we have one concern. The advisory committee is proposed to be within the Health Division, Department of Human Resources. The Health Division will be licensing the health- and life-safety issues but the Division is unable to handle the servicing component of the bill. In the three levels of care, we would be interfacing in the drug or alcohol issues. It is not the role of the Health Division to be looking at employment and training programs, life-skills programs or community-integration programs. Perhaps, it should be under the authority of the Department of Corrections or the Division of Parole and Probation. The advisory committee can advise the Health Division on the regulations, but our board and our processes are not knowledgeable about the various programs.

CHAIR WASHINGTON:

The advisory committee can be with the Department of Corrections.

SENATOR HORSFORD:

Mr. Willden, do you serve on the Going Home Prepared Program? It is a federal offender reentry program funded under the Serious and Violent Offender Reentry Initiative. It is designed to provide serious and violent offenders in Nevada with prerelease and transitional services, and is headed by the Nevada Department of Corrections.

MR. WILLDEN:

The Division of Mental Health and Developmental Services, Department of Human Resources, has a representative on the advisory group.

SENATOR HORSFORD:

The advisory group works on the transition before release. If you are going to license these facilities, you need to be educated on all the challenges involved with halfway houses.

MR. HAARTZ:

We are involved with regard to appropriate services for individuals with the acquired immune deficiency syndrome virus in transitioning into the community. There is some link to substance abuse, but not to the extent for which you are looking.

CHAIR WASHINGTON:

When S.B. 282 was being crafted, the advisory committee was to be made up of various agencies to oversee their component. We can put it under the Department of Corrections, or we can allow the advisory committee to oversee the services.

I believe the group Senator Horsford was referring to deals with the Casa Grande reentry facility. Jackie Crawford, Director, Department of Corrections, is a part of the advisory committee described in this bill.

SENATOR HORSFORD:

Casa Grande is a piece of what the Going Home Prepared Program considers. Their concerns include job training, education, housing, mental health and family member support groups. They have been looking at the total picture of ex-offender issues for several years.

CHAIR WASHINGTON:

We spoke to Ms. Crawford, and she wanted to be kept apprised. These facilities are outside the auspices of the Department of Corrections. Once an inmate is released to the Division of Parole and Probation, they are referred to a licensed facility. We will hear from a representative of the Department of Corrections.

MR. HAARTZ:

As a matter of practice, when the Health Division enters the process to adopt regulations, we usually form an advisory committee of people we believe would be impacted by the regulations. If this Committee decided the advisory committee issue is too difficult to resolve, I would commit to you that for the purposes of developing appropriate regulations concerning life-safety code and

facility-environment issues, we will provide a committee that will involve all of the stakeholders. If an annual on-site inspection is desired, it is helpful to have that in statute.

SENATOR HORSFORD:

Are you proposing this licensure go to the Department of Corrections?

CHAIR WASHINGTON:

No. If that were so, the fiscal note would be too high. The Health Division will actually do the licensing.

MR. HAARTZ:

There is estimated to be 100 of these facilities statewide. If I do a comparison with existing halfway houses and look at comparable hours, staff would be for one full-time equivalent in the Health Division. The fee will be approximately \$1,000 a year after initial licensing. Initial licensing is usually twice that amount.

MR. WILLDEN:

There will be no General Fund impact for the Health Division. We will use our existing mechanism to establish the fee, and that would be self-supporting.

SENATOR HORSFORD:

Except for local ordinances, halfway houses currently are not licensed.

CHAIR WASHINGTON:

Currently, they are not licensed at the local level.

SENATOR HORSFORD:

Halfway houses have been denied special-use permits at the local level. Typically, there is some additional information needed at the local level.

CHAIR WASHINGTON:

At the local level, halfway houses will not be licensed until there is a State-required license. The State will not give the license until the zoning, health and fire issues have been approved. Existing halfway houses can operate without a license because they house the allowable number of clients. Under those conditions, the halfway houses can cluster in one area. The issue here is to make sure the houses are licensed and regulated.

DAN MUSGROVE (Clark County):

It has been an ongoing topic as to how many people may be in a halfway house. According to the Federal Housing Authority (FHA), the State can only regulate to a certain degree. We have done so with the distance separation. Those released from prison do not have the same protections under the Federal Housing Authority. We want the ability to notify neighbors.

SABRA SMITH-NEWBY (City of Las Vegas):

The City of Las Vegas supports the bill. We have a problem with section 12 which states the definition of single-family residence must include a facility for transitional living for released offenders. Normally, these facilities require a special-use permit, which lets the neighbors know this facility is coming into the neighborhood, and gives them the opportunity to respond. Putting in these facilities as a single-family residence would take that requirement out and the neighbors would not have notification. We have submitted a proposed amendment ([Exhibit G](#)).

JAMES F. NADEAU (Nevada Association of Realtors):

We would like to propose an amendment regarding disclosure ([Exhibit H](#)).

BUFFY J. DREILING (Nevada Association of Realtors):

We support the provisions regarding a special-use permit. The target of [Exhibit G](#) goes to the duty of a seller who receives a notice from having to specifically disclose it. Under current law, a seller is not required to disclose residential group facilities. We support that a buyer would have full opportunity to find out where the facilities are licensed.

SENATOR WIENER:

That is an assertive disclosure, whereby a seller is not required to disclose various circumstances. Is this in writing?

MS. DREILING:

Under current law, this issue is not addressed. *Nevada Revised Statute* (NRS) 40.770, the stigmatized property statute, specifically provides that a seller does not have to disclose information concerning a sex offender. If a buyer asked about the issue, the seller could say the law does not require disclosure.

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CHAIR WASHINGTON:

We will return to the hearing on S.B. 282 when a Department of Corrections representative is here, and open the hearing on S.B. 367.

SENATE BILL 367: Revises provisions governing education of suspended and expelled pupils. (BDR 34-617)

FRANK SCHNORBUS (Nevada Homeschool Network):
I will read testimony concerning S.B. 367 ([Exhibit I](#)).

IRENE RUSHING (Home Educators of Faith):
The Home Educators of Faith approve of the bill and the options mentioned in testimony given by Mr. Schnorbus.

ELISSA WAHL (Nevada Homeschool Network):
We are in support of this bill. Our focus is to the responsibility of the parent or guardian. The parents this bill will help are not parents who would choose to homeschool. These are parents of a child who committed a violent act at school. The child has been expelled from school. It is ruining our reputation as loving parents, and putting a burden on parents who are not likely to educate their children at home. There is a possibility of a fiscal note, but we believe the Committee will understand this move from public school to independent study, and it is a unilateral move.

SENATOR MATHEWS:
Can a child be expelled from school?

MR. SCHNORBUS:
Yes, under current statute, the child can be permanently expelled.

ANNE K. LORING (Washoe County School District):
This bill provides for expulsion and the student is to receive equivalent instruction authorized by the State. Currently, there are alternatives for students who are expelled or suspended. There is the Opportunity School, which is an alternative setting. Additionally, we offer independent study through correspondence courses, distance education and charter schools. Correspondence and distance programs are very expensive. Parents pay a fee for those options. If that is not the intent, there would be a significant fiscal note.

CHAIR WASHINGTON:

I believe the intent is to include charter schools as an option for suspended students.

MS. LORING:

If the intent was to deal with that option, you may want to amend the bill to include that piece.

MR. SCHNORBUS:

Actually, that is not the case. On their second offense, a suspended or expelled student must be permanently expelled and educated in a private school or a homeschool setting.

CHAIR WASHINGTON:

Are you requesting the options Ms. Loring listed to be included in statute?

MR. SCHNORBUS:

Yes. We are asking these options be available during the entire process, not just for the first offense. By law, these programs are not offered on a second offense. Currently, it is homeschool or private school.

CHAIR WASHINGTON:

You want to be assured the options are in statute for the second offense.

MS. HAMNER:

There is an opinion by the Office of the Attorney General stating that for a second offense it is the duty of the parent to enroll the student in a private school or homeschool the child. There are no other options currently set forth in statute.

MS. HALDEMAN:

All school districts adopted strict zero-tolerance policies following school shooting episodes. I would like to see the option of distance education be embedded in statute as an opportunity for these students.

CHAIR WASHINGTON:

We can amend the statute to read, "these options may be exercised by the district."

Ms. LORING:

The statute must be clear that distance education could have a cost.

Ms. HAMNER:

Senate Bill 367 may accomplish your goal. Page 2, line 29 states that in addition to being homeschooled or enrolled in a private school, students who are expelled from school may participate in either independent study or a program of distance education.

SENATOR HORSFORD:

Why would the money not follow the child? Not all independent-study programs are private, and there are charter schools doing independent study.

Ms. LORING:

That would be appropriate if the child had been enrolled on count-day.

MR. SCHNORBUS:

The intention is to always give the legal option to the parent and the district.

CHAIR WASHINGTON:

If the child is enrolled on count-day, the money could follow the child. If the child is not a part of the count-day, the parents would be responsible for the cost of independent study.

Ms. LORING:

Parents are responsible for the cost of students who are enrolled in correspondence courses. I will get additional clarification on how it works with pre- and post-count-day.

Ms. Haldeman:

I would express the same concerns, particularly when a student is enrolled in a course that has a direct fee.

SENATOR HECK:

As I understand it, current statute only allows for homeschool or private school, and the family must pay the cost. We are now adding options, some of which may require payment.

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SENATOR HORSFORD:

Children of parents who cannot afford the costs often drop out of school. Clark County School District has no-cost options available.

MS. HALDEMAN:

Any district in the State is able to use the distance-education programs that CCSD has implemented.

MS. LORING:

Currently, if the parent chooses the option of distance education or private school, they must pay the cost. If the choice is a charter school or Opportunity School, there is no charge.

CHAIR WASHINGTON:

Let us clarify the language concerning the available options.

MR. SCHNORBUS:

I do not know if it needs clarification. Existing language allows the parents to be charged for distance-education programs.

MS. HAMNER:

There are available options for students who qualify and are accepted for enrollment in a private school or a distance-education program. I would assume the qualifications include any financial requirements.

SENATOR HORSFORD MOVED TO DO PASS S.B. 367.

SENATOR CEGAVSKE SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS MATHEWS, WIENER AND NOLAN WERE ABSENT FOR THE VOTE.)

CHAIR WASHINGTON:

We will return to the hearing on S.B. 282.

DOROTHY NASH HOLMES (Mental Health Programs Administrator, Department of Corrections):

I do not believe the Going Home Prepared Program will conflict with the bill. Currently, there is no meeting place for the program; we merely provide reentry services. We have enrolled a number of housing providers including motels and apartment complexes. We contract with transitional programs to place individuals for 30 to 90 days. We hope to continue those services when the grant is depleted on June 30, 2006. I do not think this will impact Casa Grande, which is the transitional reentry center under construction in Clark County. A concern is the issue of some flophouses which were not covered by regulation because they were run by church, religious or volunteer groups. We want to make sure a program sets minimum standards for the facility and the operator that apply to everybody.

CHAIR WASHINGTON:

This bill would apply to everybody who will operate the facilities.

MS. HOLMES:

We recognize there is a difference between the owners of a home who rent an ex-offender a room as opposed to a commercial operation to accommodate up to 50 people. When the original regulations went into effect, some of the regulations were expensive to implement and programs went out of business.

SENATOR HORSFORD:

The reason I suggested the Going Home Prepared Program is because the bill proposes to create an advisory committee. The program has been around for some time and is familiar with the needs and challenges of reentry. Rather than create a new group, the Going Home Prepared Program could be the advisory committee.

MS. HOLMES:

The program is a volunteer program. Funding is through a grant that is going to go away. I believe we have created a strong network in Clark County to solve issues and problems. I am confident that everybody on the Going Home Prepared Program advisory board will want to help. However, if the program is no longer funded by the federal government, and if the Legislature does not approve the four positions we have, then interest from the community partners may also wane. I do think there is a nucleus; I think we could bring people to the table to give testimony and advice to this advisory committee. We are the

ones who get the problems and complaints when a flophouse appears in a neighborhood. I am concerned about the costs involved with licensure. I would not like to see some of the smaller facilities go out of business.

MR. HAARTZ:

The State Board of Health fee for licensure is \$2,020 the first year and \$1,010 the second year. Ms. Holmes makes a valid point. Depending on what the regulations require, there may be costs to prepare a facility for licensure.

CHAIR WASHINGTON:

We are not dealing with the ancillary issues of bringing a facility up to code with the fire and health departments. Our concern is the licensure fee. Out of that fee you could probably cover the cost of some of the advisory committee meetings.

SENATOR HORSFORD:

Part of the licensing is whether or not the facility is up to code.

MR. HAARTZ:

That is a part of the inspection, and ensuring life-safety codes is also part of the regulatory-inspection process. We are not prepared to weigh in on the programmatic activities that will be taking place.

CHAIR WASHINGTON:

I thought the licensing would be based upon the fact that the facilities receive the necessary credentials for fire inspection and the health department.

MR. HAARTZ:

Our standard practice would be to determine whether there is a business license and an inspection by the State Fire Marshal Division or the local fire department. Additionally, if there are other environmental requirements, my staff would review them.

CHAIR WASHINGTON:

Would they then be ready for licensing?

MR. HAARTZ:

That is correct. However, the cost would be for the inspection and the regulation activities. It does not contemplate maintaining an advisory committee. That would be a separate cost.

SENATOR HORSFORD:

I support regulating these facilities. In some communities, they are the only location that some ex-offenders can go to upon release. If we make the fees and regulations so onerous it causes the facilities to close, then the cost to society is greater. We are trying to get these people into positive-living places so they will not end up on the street and commit a crime.

MR. HAARTZ:

You are correct. There is a trade-off. You could add language to state that regulation should be minimal. Whoever advises the Health Division on the regulations to be adopted should remember this important point.

MS. HOLMES:

I agree with Mr. Haartz. There might be more than one set of regulations, depending on the facility. The advisory committee will need to receive public input. The community will want to be able to express the hardships that certain kinds of licensing rules will entail. We need to expect additional costs to get the initial regulations written. This process needs to happen because the public will not accept these facilities if they are not a part of the regulation process.

CHAIR WASHINGTON:

We can also put into statute that the members of the advisory committee will be reimbursed for travel and per diem.

MR. WILLDEN:

The members of the advisory committee mentioned in the bill are all public officials and would not require reimbursement. The Health Division will participate in the minimal health- and safety-licensing regulations. The Health Division is not able to oversee the programming and services portion.

CHAIR WASHINGTON:

I thought the issue was resolved by having the advisory committee oversee the programming and services part of the program.

MS. HOLMES:

The entity that can do the regulating is the Health Division. I believe the advisory committee should be under them. The Health Division is going to require funds to conduct meetings of the advisory committee. What we have learned through the Going Home Prepared Program is that there will be a consensus developed with all the entities involved. The programs and the facilities that will be impacted will be engaged.

CHAIR WASHINGTON:

I believe the advisory committee should be under the auspices of the Health Division.

MR. WILLDEN:

For the record, if we are looking at services, the fiscal note will increase.

MS. LYONS:

The Division of Parole and Probation, Department of Public Safety, has indicated that they look at the services being provided at various locations. If this is something that cannot be included in statute and can be monitored by the BADA or the Department of Corrections, perhaps, the Division of Parole and Probation can develop the lists of possible locations.

MS. HOLMES:

This may solve itself in that regard. Currently, if an inmate is on parole, he cannot go into a house that the Division of Parole and Probation does not approve of, and he must live under the regulations established by the State Board of Parole Commissioners, Department of Public Safety. This also allows people who discharge their sentence and need housing to benefit by the standards.

CHAIR WASHINGTON:

We will deal with the minimum standards to be handled by the Health Division, and we will allow the Division of Parole and Probation to deal with other issues.

MS. HOLMES:

I think there is a need for a reference to minimum standards as to who can operate a facility.

MR. HAARTZ:

Perhaps, a solution is to not include the advisory committee as a formal structure in this bill. The Health Division convenes advisory groups to develop regulations. We have names of participants who can do that. If the Division of Parole and Probation has existing standards, we can look to incorporate those with standards we develop.

SENATOR HORSFORD:

When the regulations are being prepared, it should be noted that each tier is to be charged a separate fee.

MR. HAARTZ:

If facilities have the same minimum requirements and we are not regulating program activities, there may not be a large difference in the cost of the licensure fee.

CHAIR WASHINGTON:

We will amend the bill and bring it forward to a work session.

MS. LYONS:

We can do conceptual amendments for the people who have given us their suggestions. I will do a summary of the amendments for the work session on April 13, 2005.

CHAIR WASHINGTON:

We will open the hearing on S.B. 403.

SENATE BILL 403: Requires board of trustees of school district to report certain disciplinary information regarding teachers and school administrators to Department of Education. (BDR 34-415)

MS. HALDEMAN:

This bill was requested by Dr. George Ann Rice, Associate Superintendent, Human Resources Division, Clark County School District. School districts are sensitive to unacceptable behavior by employees. One way to help mitigate the problem is to deal with it during the hiring process, to assure that we do not unwittingly hire people who have a record of unacceptable conduct. The bill requires a district to submit a report to the Department of Education anytime a district demotes, dismisses or does not reemploy an employee for reasons

specified in *Nevada Revised Statute* (NRS) 391.312. The bill also allows districts to submit a report if there is reason to believe an employee resigned or retired in order to avoid a personnel action. All reports are confidential. When a report is submitted, the employee is provided notice. Districts are granted immunity from civil liability when the reports are made in good faith.

SENATOR HECK:

If a person resigns or retires prior to the filing of the report, is it the intent the report would be filed after the employee has gone through the entire due process hearing?

Ms. HALDEMAN:

Typically, the employee will retire before the process begins. The provision in S.B. 403 that allows a district to put a notation in the file would simply serve as a warning about the conduct.

SENATOR HECK:

If a person has not had their due process, that causes me concern. Maybe there needs to be a different type of notation.

Ms. HALDEMAN:

I understand your concern.

SENATOR CEGAVSKE:

I realize that the rights of people must be protected, but I am concerned about students and parents trusting school to be a safe area. Are there any safeguards within the districts to protect the students?

Ms. HALDEMAN:

We think this bill is a step forward to protect the students. All of the principals in Clark County School District have rules for the teachers to follow to protect the students.

Ms. LORING:

The Washoe County School District is in favor of this measure.

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

If there are bad employees in administration and teaching, the school district should terminate those employees. They should not be allowed to resign or retire. If they are going to be entered on a national clearinghouse list, then they should be afforded due process. If they are not given due process, we do not support this bill.

JULIE WHITACRE (Nevada State Education Association):

We have concerns about due process. If this requirement is applied to teachers who resign or retire, there may be advanced arbitration charges. There is also a chance that some of these cases will go to district court and incur a cost to the taxpayers. The bill is in direct conflict with NRS 613.200. By entering the names on a list, the people are prevented from getting employment elsewhere in the State. The bill provides that the employee receive notice they have been entered on the list, but they are not allowed to see a copy of the report. Additionally, the bill requires the Department of Education to adopt a petition for which the employee may have their name removed from the list, but the bill is silent on additional action if they are not successful. If they are successful and their name is removed from the list at the State level, are they also removed from the national list?

MS. HALDEMAN:

I will be glad to work with Ms. Whitacre on the issues she has raised. I believe we will find common ground. The bill simply gives an alert about people who will be working with our children.

CHAIR WASHINGTON:

Please work with Ms. Whitacre and Senator Heck to find a remedy for the differences.

SENATOR HECK:

Does the district have the right to prevent an individual from retiring or resigning if they are in the midst of an investigation?

MS. HALDEMAN:

I am not sure of the answer. If the person retires before action can take place, perhaps, the district can refuse to accept the resignation under certain circumstances.

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CHAIR WASHINGTON:

We will open the hearing on S.B. 459.

SENATE BILL 459: Requires instruction in financial responsibility in public high schools. (BDR 34-1093)

WILLIAM R. UFFELMAN (Nevada Bankers Association):

Financial skills are really life skills in today's economy. We are in favor of this bill.

SENATOR HECK:

The bill mandates a set number of hours for instruction in financial responsibility. I believe that should be left to the local districts.

Ms. LORING:

Financial responsibility is a part of existing state standards. According to staff, these are a part of the curriculum in American Government class. It might be appropriate to replace the bill with a resolution.

Ms. HALDEMAN:

I agree with Ms. Loring. Prescribing hours is not necessary. Because of the importance of the topic, I support the bill.

CHAIR WASHINGTON:

We will delete the hours and prepare a preamble to the bill.

RANDALL C. ROBISON (Nevada Association of School Boards):

The Nevada Association of School Boards supports the bill with the deletion of the nine-hour requirement.

SENATOR HECK MOVED TO AMEND AND DO PASS S.B. 459.

SENATOR CEGAVSKE SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS WIENER, NOLAN AND MATHEWS WERE ABSENT FOR THE VOTE.)

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CHAIR WASHINGTON:

There being no other issues before us today, this meeting of the Senate Committee on Human Resources and Education will now adjourn at 3:25 p.m.

RESPECTFULLY SUBMITTED:

Cynthia Cook,
Committee Secretary

APPROVED BY:

Senator Maurice E. Washington, Chair

DATE: _____