

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

**Seventy-third Session
April 22, 2005**

The Senate Committee on Human Resources and Education was called to order by Chair Maurice E. Washington at 12:37 p.m. on Friday, April 22, 2005, in Room 2135 of the Legislative Building, Carson City, 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 Dennis Nolan
Senator Joe Heck
Senator Bernice Mathews
Senator Valerie Wiener
Senator Steven Horsford

COMMITTEE MEMBERS ABSENT:

Senator Barbara K. Cegavske, Vice Chair (Excused)

GUEST LEGISLATORS PRESENT:

Assemblywoman Susan Gerhardt, Assembly District No. 29
Assemblyman Joe Hardy, Assembly District No. 20
Assemblyman Scott Sibley, Assembly District No. 22

STAFF MEMBERS PRESENT:

Marsheilah D. Lyons, Committee Policy Analyst
Patricia Vardakis, Committee Secretary

OTHERS PRESENT:

John A. McDonald, M.D., Ph.D., Vice President of Health Sciences, Dean,
University of Nevada School of Medicine
Louise Martin, Program Director, American Lung Association of Nevada
Rose E. McKinney-James, Clark County School District

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Anne K. Loring, Washoe County School District
Rebecca Black

Peter Krumpe M.D., Professor of Pulmonary and Critical Care Medicine,
University of Nevada School of Medicine
Frank Brusa, Nevada Association of School Administrators

CHAIR WASHINGTON:

We will hear testimony on Assembly Bill (A.B.) 182.

ASSEMBLY BILL 182 (1st Reprint): Requires principals and school nurses to allow pupils to self-administer prescribed medications for asthma and anaphylaxis under certain circumstances. (BDR 34-1000)

ASSEMBLYMAN SCOTT SIBLEY (Assembly District No. 22):

My children and I have severe asthma and use a variety of breathing treatments. I want to help my children and the children of Nevada to be able to carry their inhalers with them. The bill would allow Nevada to access federal grants to help the children in Nevada. Assembly Bill 182 will help school nurses and children with asthma play and enjoy school life. The basis of this bill is that children are not permitted to carry their inhalers in school. This bill, along with the written permission from their parents and a prescription from their doctor, will allow them to carry inhalers and self-administer the medication when needed. There have been cases when inhalers have been locked in a school nurse's office; a child would have an attack and the inhaler had not been delivered from the nurse's office to the student in sufficient time. There has also been an occurrence of a fatality.

SENATOR WIENER:

Would the paperwork follow the student to other schools? Would they need to renew the paperwork each year?

ASSEMBLYMAN SIBLEY:

There is a form that needs to be filed with the school and be renewed on a yearly basis.

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JOHN A. McDONALD M.D., Ph.D. (Vice President of Health Sciences, Dean, University of Nevada School of Medicine):

I am here in support of A.B. 182. Every professional organization interested in lung health has endorsed the concept of children and adults with asthma being responsible for their own medication in a timely manner.

SENATOR MATHEWS:

Do we have nurses for every school? Do they have clusters of schools?

ASSEMBLYMAN SIBLEY:

There are schools that do not have nurses. The inhalers are kept in various locations. The language in the bill states the form that is required to enable the student to carry an inhaler be either brought to the school nurse, principal or dean.

SENATOR MATHEWS:

I can understand the need for this bill.

SENATOR NOLAN:

Does the bill address all types of breathing aides?

ASSEMBLYMAN SIBLEY:

Yes.

LOUISE MARTIN (Program Director, American Lung Association of Nevada):

I have provided my written testimony in support of A.B. 182 ([Exhibit C](#)).

SENATOR NOLAN:

My son also has allergies. There are occasions when he uses a nebulizer and gives himself a breathing treatment. The way A.B. 182 is worded it would include that type of treatment.

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

The Clark County School District (CCSD) supports A.B. 182 as amended.

ANNE K. LORING (Washoe County School District):

The Washoe County School District is in support of A.B. 182. In response to Senator Mathew's question, the Washoe County School District has a cluster of

schools. There are clinical aides at school sites. We believe this is an appropriate piece of legislation.

REBECCA BLACK:

I am 14 years old and in the eighth grade. I have done competitive tae kwon do since I was 7 years old and received my secondary black belt in 2003. While I was training for my secondary black belt test, I was diagnosed with moderate asthma that is triggered by exercise, cold air, stress and smoke. I learned later that asthma affects 17 million Americans and that more than 1 out of 20 children have asthma. Nevada has the highest rate of childhood asthma in the nation. In Nevada, children have died from asthma while at school.

A few years ago, an elementary school student died on the playground in Carson City. If the student had been allowed to carry his asthma medication, he might not have died.

I will demonstrate to the Committee how it feels to have an asthma attack. I have provided drinking straws to each member of the Committee. Now breathe through the straws normally. I want you to pinch the end of the straw to allow a little air to get through the straw. This is what it would feel like if you were having an asthma attack. Now let go of the end of the straw. This is what it feels like after a person uses their inhaler to treat the attack. Imagine how you would feel if you could not have let go of the end of the straw for 5, 10 or 15 minutes. This is the time it would take until a responsible person could be found to help you deal with the attack you already know how to treat, and this is because they did not trust that you could safely do this yourself.

After I was diagnosed with asthma, I started taking steroid medication every morning and night to decrease the inflammation in my lungs. I used an inhaler when I had trouble breathing. I was able to continue to train and was qualified to test, because I was able to carry my asthma inhaler with me. When I went to test for my secondary black belt, I was not able to keep my inhaler while I was testing. I had been having trouble breathing all day. Since I knew my asthma symptoms would get worse under stress and exercise, I made sure my instructor had my inhaler. During part of the test, I started wheezing and could not breathe. The first instructor said I was fine and told me to continue. I could not find my instructor who had my inhaler. By the time she found me, I was lying on the floor, my lips and face were purple, I was wheezing loudly and felt dizzy. The time span for this episode was less than five minutes. If the time had

been longer and my instructor had not had my inhaler, I could have been sick or died. If I had my inhaler with me, I would not have had as bad an attack, because I know when I am getting in trouble, having an attack and need to use my inhaler. If I had been in school and someone needed to find the nurse to get my inhaler, I would have been sicker than if I had my inhaler with me.

People do not think children use medicine responsibly and it could be dangerous to let us carry medicine at school. Children with asthma know the signs of an attack. Children with asthma are the experts about their disease. They know when they need to take a break and breathe, and they know when they need to use their medicine. Most of the time there is not a nurse at my school. If my inhaler was locked in an office and there was not a knowledgeable medical person to help me to get my inhaler and use it, I would be in trouble. Children with asthma carry an inhaler with them at home and on other activities, and they know how to use the medication better than their teachers or school office staff. Help to support Nevada's children with asthma by letting them carry the medicine they need to treat their asthma symptoms. They know how to use them safely and responsibly.

PETER KRUMPE M.D. (Professor of Pulmonary and Critical Care Medicine, University of Nevada School of Medicine):

I am in support of A.B. 182. What is critical about the bill is that it represents a partnering between the student who has the disability, the student's parents who have to approve of their involvement at school with medications that have been prescribed and the school personnel who have to approve of this procedure. This is a powerful partnership that puts the students in the responsible role and enables them to treat their own conditions when necessary. This matures the child. Acute asthma and anaphylactic shock from a bee sting are treatable. By a child being able to treat their own condition, it buys time, makes a significant difference and creates less anxiety.

Nevada is one of the states thinking of doing this. We deserve to obtain additional funding for school nurses so there will be more school nurses available through participation in this program. I urge the Committee to approve this bill.

SENATOR NOLAN:

In Clark County, many of the school activities occur after school hours, so the health aide or nurse is not there. They contract with athletic trainers who attend

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all of the events, and their training includes these types of emergencies. Is the bill broad enough to allow them to obtain the medication and give it to the student?

ASSEMBLYMAN SHIPLEY:

The bill is designed so the students can carry their medication anywhere.

SENATOR NOLAN:

Would this let the trainers have access to the medication?

ASSEMBLYMAN SIBLEY:

They already have access. This bill would allow the students to have control of the device.

MS. MCKINNEY-JAMES:

I concur with Assemblyman Sibley's assessment. Trainers have access to the additional technology consistent with their contracts. Our support of A.B. 182 is based on allowing students to have control of these devices.

SENATOR HECK MOVED TO DO PASS A.B. 182.

SENATOR MATHEWS SECONDED THE MOTION.

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

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CHAIR WASHINGTON:

I will open the hearing on A.B. 184.

ASSEMBLY BILL 184 (2nd Reprint): Requires development and distribution of parental involvement compacts and code of honor relating to cheating by pupils. (BDR 34-921)

MS. MCKINNEY-JAMES:

This measure has the support of the CCSD consistent with its vision of establishing greater opportunities for parental involvement. The parent compacts that are set forth in A.B. 184 are a concept we can support. During the hearing in the Assembly on A.B.184, there was another bill the provisions of which were amended into A.B. 184. Those provisions related to an honor code.

We would like to emphasize two areas. As we offer our support for the parental compact, we are looking at a one-page document that will be included in the materials that we send home with the students at the beginning of the school year. This enables parents access to this material. We anticipate the honor code would be included in this material. If the honor code can be kept to a one-page document, then the cost could be absorbed without any fiscal implication. In the other Assembly bill, there was some punitive action. We believe that the amendment excludes any punitive action, but we want to make sure that it is not included in this bill. We are supporting A.B. 184 without any reference to punitive measures. The CCSD will offer its support of A.B. 184 as amended.

CHAIR WASHINGTON:

There are no punitive measures in the bill if the parent does not sign the contract. There are no retaliations against the student.

MS. MCKINNEY-JAMES:

Correct.

SENATOR MATHEWS:

I do not want to put anything in statute that is punitive to parents or stating they have to sign a contract.

MS. MCKINNEY-JAMES:

Any punitive measures have been omitted.

CHAIR WASHINGTON:

There is a code of honor.

MS. MCKINNEY-JAMES:

Assemblyman Munford, who was an educator, wants to make sure the students understand they have an obligation and responsibility to themselves and to their

studies. He experienced a situation where there were instances of cheating and a lack of preparation amongst students.

SENATOR HORSFORD:

In section 2, on page 3, lines 1 and 2 of A.B. 184, it addresses the availability of assistance to parents who have limited proficiency in English. Will the form be translated so parents will understand what they are agreeing to do?

Ms. MCKINNEY-JAMES:

Typically, information that the District sends home with students is developed so that it can be read in two languages. I would believe that it would be the same in this case as well. I will bring this concern to the attention of administrators to make sure that is the case.

CHAIR WASHINGTON:

Does the student sign the code of honor?

Ms. MCKINNEY-JAMES:

The student and the parent are required to indicate their willingness to abide by the code of honor.

CHAIR WASHINGTON:

What happens when the code of honor is violated?

Ms. MCKINNEY-JAMES:

The idea is simply to allow students to focus on the need to involve their parents throughout their educational experience as well to abide by this honor code. The consequences of not doing so are not articulated in the bill because we wanted to make sure that there were not inconsistently applied punitive actions taken.

SENATOR WIENER:

The code of honor is the same as giving your promise. The message of honor and integrity is when you say you will do it you keep your word. The code of honor creates a level of commitment. Just giving your word and knowing it has meaning is an adult experience. The code of honor could become a standard of behavior for students.

CHAIR WASHINGTON:

In past years, a person could give their word or give a handshake and that would be good enough.

SENATOR MATHEWS:

When my children attended school, there was no parental report card designating things that I would do with my children and for which I needed to sign. I would not sign a code of honor. If a parent is not going to participate in their children's education, a code of honor will not make them participate.

MS. MCKINNEY-JAMES:

Senator Mathews raises very valid points. Your perspective is probably shared by many parents. It is the CCSD's experience that parents and students need a push. The school district is in the position of taking on an enforcement role that should otherwise be held by parents. The bill is a compromise to address the concerns that relate to parents other than those who have your commitment.

SENATOR HORSFORD:

The CCSD had several community forums during the interim. I participated in one concerning parental involvement. It was the most well-attended of the series that the district conducted, and the parents who attended talked about how they needed to better understand how they could help their children. I see that A.B. 184 provides a format that parents can understand and use to help their children. This will set expectations for the child and the parent to understand what their roles are in the educational process. I support the compact, because I think it will provide the information that is necessary for the parents and their children.

SENATOR NOLAN:

As a parent, I have received a package of papers to sign for my children for numerous things pertaining to my children's school activities. This bill will instill some integrity in our children in school. I agree with Senator Mathews that values should be instilled in children by their parents. I do not see the full implication of putting the honor code in statute, and I do not think it will have the effect that the sponsor of the bill would like.

FRANK BRUSA (Nevada Association of School Administrators):

The Nevada Association of School Administrators supports A.B. 184 as amended.

ASSEMBLYWOMAN SUSAN GERHARDT (Assembly District No. 29):

Numerous studies have shown that parent participation in education is related to student achievement. Students whose parents are actively involved in their education have better grades, test scores and long-term academic achievement. These students also attend school more regularly, complete more homework and demonstrate more positive attitudes and behaviors than those with less-involved parents. Research has proven the positive connection between parental involvement and student success. Effectively engaging parents and families in the education of their children has the potential to be far more transformational than any other type of education reform.

Assembly Bill 184 would require the Department of Education to prescribe a form or template for parental-involvement compacts. These compacts which will comply with the federal No Child Left Behind Act provisions and parental-involvement policies adopted by the State Board of Education will help foster a partnership among the parent, teacher and student. These compacts will include: teacher- and school-contact information, the course curriculum, classroom dress-code policies, homework policies, honor-code policies, directions for finding student resource materials, suggestions for parents on how they can assist their children with schoolwork at home, expectations for parent-teacher conferences, expectations for pupil-progress reports and how to request them, how to find language assistance, information on free and reduced breakfast and lunch programs and opportunities to be a school volunteer in school activities.

The bill requires that each school district's board of trustees shall adopt a policy to develop and distribute these parental-involvement compacts. This policy will require each classroom teacher to distribute the compact to the parent or guardian of each pupil and make a reasonable effort to collect it once it has been signed. This measure will require that each school district ensure that the compact used or an expanded version of the compact is the same as that prescribed by the Department. The bill will allow for the school districts and the Department to annually review and amend the compact as necessary.

Assembly Bill 184 will ensure consistency through the use of the standardized compacts on a statewide basis, eliminate variations and will inform parents of what will be expected of their child in any given class. Many of the items requested by the compact are already in print and can be distributed in the

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schools. The bill ensures that every one of these important components is addressed every time and in every school.

ASSEMBLYMAN JOE HARDY (Assembly District No. 20):
I am impressed with the reasonableness, flexibility and accountability of the bill. Children must learn how to use their knowledge in an accountable way. The code of honor is an integral part of this legislation. I support A.B. 184.

SENATOR MATHEWS MOVED TO DO PASS A.B. 184.

SENATOR WIENER SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS CEGAVSKE AND NOLAN WERE ABSENT FOR THE VOTE)

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SENATOR MATHEWS:
I reserve the right to change my vote on the Senate floor.

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CHAIR WASHINGTON:

There being no other issues before us today, the Senate Committee on Human Resources and Education will adjourn at 1:20 p.m.

RESPECTFULLY SUBMITTED:

Patricia Vardakis,
Committee Secretary

APPROVED BY:

Senator Maurice E. Washington, Chair

DATE: _____