

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

**Seventy-third Session
May 30, 2005**

The Senate Committee on Human Resources and Education was called to order by Chair Maurice E. Washington at 1:44 p.m. on Monday, May 30, 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 Barbara K. Cegavske, Vice Chair
Senator Dennis Nolan
Senator Joe Heck
Senator Bernice Mathews
Senator Valerie Wiener
Senator Steven Horsford

STAFF MEMBERS PRESENT:

Leslie K. Hamner, Committee Counsel
Marshellah D. Lyons, Committee Policy Analyst
Carol M. Stonefield, Committee Policy Analyst
Cynthia Cook, Committee Secretary

OTHERS PRESENT:

Dr. Keith Rheault, Superintendent of Public Instruction, Department of Education
Craig Kadlub, Clark County School District
Anne K. Loring, Washoe County School District
Dorothy (Dotty) Merrill, Washoe County School District

CHAIR WASHINGTON:

We will open the meeting on Assembly Bill (A.B.) 154.

ASSEMBLY BILL 154 (2nd Reprint): Revises provisions governing statewide system of accountability for school districts and public schools. (BDR 34-484)

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CAROL M. STONEFIELD (Senior Research Analyst, Research Division, Legislative Counsel Bureau):

I was the policy analyst with the Legislative Committee on Education during the interim. Assembly Bill 154 is a product of the interim committee. I will review a summary of the sections of the bill ([Exhibit C](#)). Most of the provisions were brought to the Legislative Committee on Education by the school districts and the Department of Education. The bill is designed to comply with the No Child Left Behind Act (NCLB) and the Nevada Education Reform Act (NERA).

CHAIR WASHINGTON:

Section 21 of [Exhibit C](#) mentions fees paid by private licensed elementary and secondary schools. How much are those fees?

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

We collect a total of approximately \$12,000 annually from all the private schools. This measure does not propose an increase in fees, but would maintain the fees in a separate budget account to be used for travel expenses for on-site visits. The fees are not a part of the Distributive School Account (DSA).

The summary of annual accountability reports should be a cost savings. They provide for electronic transfer which is acceptable to the United States Department of Education. Sections 9 and 10, concerning accountability reports on substitute teachers, will conform to the NCLB requirements. We strongly support section 19, and there was favorable testimony heard from teachers and parents. Section 23 repeals examinations that cannot be used under the NCLB.

LESLIE K. HAMNER (Committee Counsel):

There is a proposed amendment submitted by Senator Cegavske ([Exhibit D](#)). The amendment proposes the summary of accountability shall be posted on the Web site of the school or school district on or before September 7 of each year. Section 15 would remove the language to require the Department of Education to prepare a separate report for charter schools that are sponsored by the board of trustees of a school district. The aggregated information concerning the school district as a whole would only include information on charter schools that are sponsored by the school district.

CHAIR WASHINGTON:

What is the difference between this bill and Senate Bill (S.B.) 56?

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[SENATE BILL 56 \(2nd Reprint\)](#): Makes various changes concerning charter schools and distance education programs. (BDR 34-18)

MARSHEILAH D. LYONS (Committee Policy Analyst):
The language in [A.B. 154](#) will clarify the language in [S.B. 56](#).

SENATOR CEGAVSKE:

[Exhibit D](#) will require the summary of the annual report of accountability to be completed and provided to the parents or guardian by September 7 of each school year. I do not understand why the information cannot be out by that date. When the school year begins, there should be help available to the children.

CHAIR WASHINGTON:

The due date for the summary has been discussed many times. It was decided that the summary of the testing results to be provided to each parent and legal guardian of a pupil enrolled in a public school will be due on or before September 30. As technology increases, I am sure the results will be available earlier than September 30.

DR. RHEAULT:

I have commented several times on this issue. The summary of the annual report of accountability is available in electronic format on or before September 7 to the school districts. The suggested change in [A.B. 154](#) from September 30 to September 7 refers to the hard copy provided to parents and legal guardians. In order to save money, the copy might be sent home with the informational packet when school starts, or at the very latest, September 30.

SENATOR HORSFORD:

The focal point always comes back to the student. I believe progress can be attained if a student who is identified as being in need of improvement can be informed during the summer months. What is the difference between pupil-achievement outcome and the adequate yearly progress (AYP) criteria? My understanding is one is based upon the academic outcome for individual students or classes, and the other is based upon federal NCLB guidelines, which may or may not be based upon an academic criteria.

DR. RHEAULT:

Educational outcomes and the requirements for the NCLB are same for English and mathematics. Those are the achievement outcomes that we would report and use for the AYP. There are additional issues that may designate a school as needing improvement.

SENATOR HORSFORD:

When A.B. 154 refers to summary reports, which sections refer to mathematics or English and not just the general AYP criteria?

DR. RHEAULT:

On page 3, lines 28 through 30, the bill states achievement is based upon the examination administered pursuant to *Nevada Revised Statute* (NRS) 389.550 and the high school proficiency examination. Currently, those would include English and mathematics. The section also includes Grades 3 through 8 Criterion-Referenced Test (CRT).

CRAIG KADLUB (Clark County School District):

The amendment that is proposed by the Clark County School District (CCSD) and the Washoe County School District (WCSD) ([Exhibit E](#)) is to ensure it is clear that the districts are not gathering data concerning charter schools that are sponsored by the State Board of Education. That information should be communicated, but it should be done by the sponsor of the charter school.

CHAIR WASHINGTON:

Will the State Board of Education be able to facilitate this proposal?

DR. RHEAULT:

Yes, the templates are formatted in a consistent manner for each of the districts.

CHAIR WASHINGTON:

Will the accountability report delineate the charter schools that are in a residing county that are sponsored by the State Board of Education?

DR. RHEAULT:

We have not worked out all of the terminology. I am not sure whether or not the public knows if a charter school is State Board of Education sponsored.

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When we summarize the total of all the charter schools, we will designate the location and if the school is State Board of Education sponsored.

MR. KADLUB:

With respect to the suggested September 7 due date for the summary information, the CCSD would prefer to keep it on or before September 30. We believe September 7 is early to produce the summary report on each school. Each report is a minimum of 4 pages in length, and will be distributed to nearly 300,000 students. Some of the information is not generated until the school designation is finalized.

CHAIR WASHINGTON:

Are you saying to meet the September 7 date is technically impossible?

MR. KADLUB:

We have the information by September 7. The printing would amount to over 1 million pages of documents, and then the documents are delivered to the schools.

SENATOR WIENER:

What is the deadline for gathering the information that goes into the report?

MR. KADLUB:

In the CCSD, because of year-round schools, some of the data is received later than those districts with nine-month schools. Total attendance data is not available until the last day of year-round school.

SENATOR WIENER:

I am asking you what the last day for the receipt of information is before you can start preparing this data.

MR. KADLUB:

I will have to get back to you with that information in order to give a specific date.

ANNE K. LORING (Washoe County School District):

In the WCSD the year-round schools begin in the first part of July. August 1 is the date that the final piece of information is to be received for the report. August 15 is the deadline. September 7 is when the WCSD must have the

report on the Web site. Parents are instructed how they can get a copy of the report. Last year when we requested the printing and mailing be done for 60,000 students by September 7, we could not obtain a vendor. We can get the information compiled and available on the Web site by September 7. We can have a notice in the students' packets on the first day of school by September 7. To physically print and distribute that many is why we would appreciate the September 30 date.

CHAIR WASHINGTON:

Senator Cegavske is requesting all the mailing be completed by September 7.

MS. LORING:

The vendor stated they could not get them printed and mailed to the parents between August 15 and September 7. There was some confusion about when teachers, parents and children receive the results of the tests. The CRT was taken in April 2005. On May 25, 2005, the WCSD received the scores and on May 27, 2005, they were distributed to the teachers. On June 1, 2005, they will be mailed to the parents. The parent will know how the student did on the subject matter learned this school year.

CHAIR WASHINGTON:

I appreciate that information concerning the individual student. The concern being discussed is letting the parent know in time if the school is not making its AYP. They could then decide whether to transfer their child to another school.

MS. LORING:

Existing statute requires that the parents or guardians be issued a letter on or before July 1 explaining their options of schools which failed to make their AYP for the second year. Every parent receives the information about every school in all of the districts on or before September 7. At that time a parent can see a copy of the report on the Web site or at the school. On or before September 30, a copy of the report is mailed to the parent. In order to help a child with their studies over the summer, parents have the information by the second week in June. In order to choose a school, parents have that information by July 1. The WCSD is in support of the bill.

SENATOR HECK:

Is the time line the same for the CCSD?

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MR. KADLUB:

The time line is essentially the same in the CCSD.

SENATOR HECK:

The CCSD would not have a problem with meeting the September 7 deadline to have the information available on a Web site.

MR. KADLUB:

That is correct.

SENATOR WIENER:

I have a question on the 10th- versus the 11th-grade science examination. If the 10th grader does not do as well, does the student have the chance to take the test again?

MR. KADLUB:

Yes, the student does have an opportunity to take the test again.

SENATOR HORSFORD:

What committee is referred to on page 4, line 7 of A.B. 154?

MS. STONEFIELD:

The reference is to the Legislative Committee on Education. The information is also available to all Legislators.

SENATOR HORSFORD:

On page 3, I would like to see a reference to career and technical education.

DOROTHY (DOTTY) MERRILL (Washoe County School District):

Such a reference would probably go in section 9, which details what is required to go into the annual accountability report.

MR. KADLUB:

The CCSD would be glad to have a reference to career and technical education.

SENATOR NOLAN:

I would suggest that new language being looked at does not concern a point that was thrashed out in the Assembly. If we amend this bill now and send it back to the Assembly, it might threaten the entire bill.

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MS. MERRILL:

I know that there is a great deal of interest in the Assembly concerning career and technical information.

DR. RHEAULT:

I believe a pending Senate bill and an Assembly bill require accountability information concerning career and technical information.

CHAIR WASHINGTON:

In order to expedite A.B. 154, we will ask staff to prepare a floor amendment. We will check with the Assembly to ensure it will be acceptable.

SENATOR HECK:

I would like to vote on each part of the amendment provided by Senator Cegavske. I believe we would be setting up the districts to fail if we implemented the September 7 date. The information is available, but to say every parent or legal guardian must have a hard copy by that date is going to put a burden on the districts.

SENATOR NOLAN:

I echo the comments made by Senator Heck. The performance of a school is important to the parents, but I believe the September 7 date will be difficult for the districts.

CHAIR WASHINGTON:

We will hold the amendment provided by Senator Cegavske until she returns to the meeting. We will discuss the amendment provided by the CCSD and the WCSD.

MS. LYONS:

Exhibit E and the second part of Exhibit D both intend to amend section 15 of A.B. 154. The language in the amendment provided by Senator Cegavske, Exhibit D, makes very clear the data to be included in the report. If it is the intent of the Committee to have the report include charter schools that are not sponsored by the district to be included in the report that is disbursed to the parents, but not to have it aggregated in the overall data of the district, either one of these amendments would accomplish that. However, Exhibit D gives intent language, so the Legal Division can look at all the sections of the bill to ensure it is drafted properly.

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MS. LORING:

Page 2 of [Exhibit D](#) captures what the school districts were suggesting in [Exhibit E](#).

CHAIR WASHINGTON:

We will take action on [A.B. 154](#) when Senator Cegavske returns to the meeting. We will now consider Amendment No. 838 to [S.B. 367](#).

[SENATE BILL 367 \(2nd Reprint\)](#): Revises provisions governing education of suspended and expelled pupils. (BDR 34-617)

MS. LYONS:

The amendment allows charter schools to be started to solely deal with children who have disciplinary problems.

MS. STONEFIELD:

There were concerns in the Assembly Committee on Education about home schooling being the only option available for students who are suspended for disciplinary problems. Amendment No. 838 would authorize a charter school to be established exclusively to deal with those children. The amendment would extend to the charter-school governing body the same authority that is available to boards of trustees. It will also delete a provision in the NRS which refers to charter schools formed for a single gender, when the school is designed for disciplinary reasons.

SENATOR HORSFORD:

I would like to clarify the provision about a single-gender charter school. Is that prohibited in this amendment?

MS. STONEFIELD:

Current law provides that a charter school can be formed for students who pose such severe disciplinary problems that they warrant an educational program specifically designed to serve a single gender. This amendment would delete that provision.

SENATOR HORSFORD:

By deleting the provision from statute, are you saying it cannot occur unless it is for disciplinary charter schools?

MS. HAMNER:

Nevada Revised Statute 386.580 currently prohibits charter schools from discriminating against pupils. The provisions on page 3, lines 3 through 10, states the section does not preclude the formation of a charter school that is dedicated to provide educational services exclusively to pupils who pose severe disciplinary problems. The amendment states: "nothing in this section precludes a formation of a charter school dedicated to serving children who have severe disciplinary problems, regardless of whether the school is single-gender."

SENATOR HORSFORD:

What would happen if the mission of the school is to have a single-gender school not based on disciplinary issues?

CHAIR WASHINGTON:

That would not be permitted under Nevada law. Current statute prohibits discrimination based on gender, race, religion, ethnicity or disability.

SENATOR HORSFORD:

There has been documentation to show that a single-gender school may meet the academic needs of certain students.

MS. HAMNER:

The existing law authorizes a single-gender education for students with disciplinary problems. This amendment might have unintended consequences, and requires some additional clarification.

CHAIR WASHINGTON:

We should vote to not concur, and the measure will then go to a conference committee.

SENATOR HORSFORD MOVED TO NOT CONCUR WITH AMENDMENT NO. 838 TO S.B. 367.

SENATOR WIENER SECONDED THE MOTION.

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

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Ms. LYONS:

The next measure is Amendment No. 940 to S.B. 146.

SENATE BILL 146 (2nd Reprint): Makes various changes concerning detection and marking of subsurface installations. (BDR 40-654)

SENATOR NOLAN MOVED TO CONCUR WITH AMENDMENT NO. 940 TO S.B. 146.

SENATOR WIENER SECONDED THE MOTION.

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

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Ms. LYONS:

The next measure is Amendment No. 873 to S.B. 155. The amendment adds a requirement that major hospitals notify a patient of the discounts for which they may be eligible.

SENATE BILL 155 (1st Reprint): Requires hospitals to provide patients with certain information. (BDR 40-1254)

SENATOR HORSFORD MOVED TO CONCUR WITH AMENDMENT NO. 873 TO S.B. 155.

SENATOR WIENER SECONDED THE MOTION.

SENATOR NOLAN:

Hospitals have latitude in the type of discount they will provide to an individual. To what degree does the amendment require the hospital to provide information?

SENATOR HECK:

Under current statute, hospitals must offer a 30-percent discount of billable charges to patients who are uninsured. The hospital would be required to notify patients, and of any other policies the hospital has concerning payments and discounts.

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

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CHAIR WASHINGTON:

The next measure is Amendment No. 929 to S.B. 212.

SENATE BILL 212 (2nd Reprint): Requires school districts to determine scheduling start times for public schools in certain manner. (BDR S-729)

Ms. LYONS:

The amendment proposes the board of trustees of each school district shall determine the feasibility of establishing a schedule for public schools. The board may implement the schedule if it is found to be feasible.

SENATOR HORSFORD MOVED TO CONCUR WITH AMENDMENT NO. 929 TO S.B. 212.

SENATOR WIENER SECONDED THE MOTION.

SENATOR NOLAN:

I am going to vote against the motion. This issue had overwhelming public support. I would like a conference committee to have the opportunity to resolve any differences.

SENATOR HECK:

I am going to vote against the motion. It seems many policy decisions made in the Senate have come back from the Assembly as studies. Research has shown that a later start time is a benefit to high school students.

SENATOR HORSFORD:

The Senate has also turned policy measures into studies. There were objections made to this bill and I do not agree there was overwhelming public support. We need to be consistent. We should not mandate the local school districts for certain bills for certain Legislators at certain times. Supporting this measure will send a message to the school districts to do what is in the best interest of the student.

THE MOTION FAILED. (SENATORS WASHINGTON, NOLAN AND HECK VOTED NO. SENATORS CEGAVSKE AND MATHEWS WERE ABSENT FOR THE VOTE.)

SENATOR HECK MOVED TO NOT CONCUR WITH AMENDMENT NO. 929 TO S.B. 212.

SENATOR NOLAN SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS WIENER AND HORSFORD VOTED NO. SENATORS CEGAVSKE AND MATHEWS WERE ABSENT FOR THE VOTE.

CHAIR WASHINGTON:

The next measure is Amendment No. 928 to S.B. 221.

[SENATE BILL 221 \(2nd Reprint\)](#): Provides for participation of homeschooled children in certain interscholastic activities and events. (BDR 34-1158)

Ms. LYONS:

This amendment removes the provision that would allow private schools that are members of an association to also have homeschooled children participate in interscholastic activities.

SENATOR NOLAN:

Does this language state that homeschool students can participate in public school sports, but they will not be able to participate in private or charter school sports?

Ms. LYONS:

Previous testimony indicated an association was not consistent with regard to private schools. This language was added to clarify, but not to dictate, that if a private school policy allows it, homeschool students can participate in all of the interscholastic activities.

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SENATOR NOLAN MOVED TO NOT CONCUR WITH AMENDMENT NO. 928 TO S.B. 221.

SENATOR HECK SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR HORSFORD VOTED NO. SENATORS CEGAVSKE AND MATHEWS WERE ABSENT FOR THE VOTE.)

CHAIR WASHINGTON:

The next measure is Amendments No. 1042 and 942 to S.B. 296.

[SENATE BILL 296 \(3rd Reprint\)](#): Makes various changes concerning newborn infants who are identified as being affected by illegal substance abuse or as having withdrawal symptoms resulting from prenatal drug exposure. (BDR 38-372)

MS. HAMNER:

This is the bill concerning the federal Child Abuse Prevention and Treatment Act. Before Amendment No. 1042, the bill made various changes concerning the repository of information on abused and neglected children. It also made various changes concerning reporting abuse and neglect. This amendment removes all references to the repository, and the bill would revert back to current statute.

SENATOR HECK MOVED TO NOT CONCUR WITH AMENDMENT NOS. 1042 AND 942 TO S.B. 296.

SENATOR HORSFORD SECONDED THE MOTION.

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

CHAIR WASHINGTON:

The next measure is Amendment No. 943 to S.B. 458.

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[SENATE BILL 458 \(2nd Reprint\)](#): Makes various changes concerning time within which person who is transported to hospital is transferred to place in hospital where he can receive services. (BDR 40-1321)

Ms. HAMNER:

Amendment No. 943 amends page 4 of the bill by deleting Health Division and inserting State Board of Health.

SENATOR HECK MOVED TO CONCUR WITH AMENDMENT NO. 943 TO S.B. 458.

SENATOR WIENER SECONDED THE MOTION.

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

CHAIR WASHINGTON:

I have received a message from Senator Cegavske. She has informed me that she is willing to agree with the Committee concerning the suggested amendment to A.B. 154.

SENATOR WIENER MOVED TO AMEND AND DO PASS AS AMENDED A.B. 154.

SENATOR NOLAN SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS CEGAVSKE 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: _____