

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

**Seventy-fourth Session
May 11, 2007**

The Senate Committee on Human Resources and Education was called to order by Chair Maurice E. Washington at 11:23 a.m. on Friday, May 11, 2007, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412E, 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 in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Maurice E. Washington, Chair
Senator Dennis Nolan
Senator Joseph J. Heck
Senator Valerie Wiener
Senator Steven A. Horsford
Senator Joyce Woodhouse

COMMITTEE MEMBERS ABSENT:

Senator Barbara K. Cegavske, Vice Chair (Excused)

STAFF MEMBERS PRESENT:

Marsheilah D. Lyons, Committee Policy Analyst
Joe McCoy, Committee Policy Analyst
Sara Partida, Committee Counsel
Carol M. Stonefield, Principal Research Analyst
Patricia Vardakis, Committee Secretary

OTHERS PRESENT:

Michael J. Raponi, Assistant Director, Office of Career, Technical and Adult
Education, Department of Education
Joyce Haldeman, Clark County School District
Dotty Merrill, Ed.D., Executive Director, Nevada Association of School Boards
Bryn Lapenta, Ed.D., Washoe County School District

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Ray Bacon, Nevada Manufacturers Association
Todd Butterworth, M.B.A., Social Services Chief III, Office of Disability Services,
Department of Health and Human Services
Paul Gowins
Jon L. Sasser, Washoe Legal Services; Nevada Legal Services; Washoe County
Senior Law Project

CHAIR WASHINGTON:

We will open the hearing on Assembly Bill (A.B.) 131.

ASSEMBLY BILL 131: Revises provisions governing career and technical education. (BDR 34-439)

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

Assembly Bill 131 establishes joint facilities for career and technical education. Sections 1 and 2 of A.B. 131 would add career and technical education indicators to the State Board of Education's annual State Accountability Report and the local school districts' annual accountability reports. These would include: enrollment in Career Technical Education (CTE) courses, completion of those courses, average daily attendance, the dropout rate, completions by diploma and CTE completers who passed or failed the high school proficiency examination.

Section 3 of A.B. 131 proposes to authorize two or more school districts to acquire facilities jointly to operate CTE high schools and for other CTE purposes. If those school districts do enter into these compacts, the compacts shall include apportionment of expenses among the member districts, pupil enrollment allocations among the member districts, how the personnel will be employed in those facilities and the establishment of an advisory council to assist with the oversight. The compact must address the advisory council's powers and duties and the number of members that must be appointed from the boards of trustees from the partner districts. The participating districts may enter into agreements with representatives of the communities and businesses who are interested in career and technical education. The advisory council may appoint representatives to the council.

The remainder of A.B. 131 goes into existing statutes and *Nevada Revised Statute* (NRS) chapter 387 to amend those provisions to reflect the establishment of this compact and the authorization of joint facilities.

CHAIR WASHINGTON:

The Legislative Committee on Education has been supportive of career and technical education. I am in support of school districts working together to develop career and technical programs, and by doing so it decreases the expenses of maintaining such programs.

Did we talk about the school districts joining with the Nevada System of Higher Education?

MS. STONEFIELD:

Assembly Concurrent Resolution (A.C.R.) 6 urges greater collaboration between the school districts and the higher education institutions for joint and more efficient use of facilities.

ASSEMBLY CONCURRENT RESOLUTION 6: Urges the boards of trustees of school districts and the Nevada System of Higher Education to expand certain programs of career and technical education. (BDR R-442)

Assembly Bill 131 does not prohibit a higher education institution from becoming one of the partners in these joint facilities or serve as an advisory capacity to the advisory council.

CHAIR WASHINGTON:

Would this bill prohibit collaboration between the parties to share space, staff and resources?

MS. STONEFIELD:

You may want to confer with legal counsel, but I do not believe that the bill prohibits that collaboration.

SENATOR HORSFORD:

The language on page 2, lines 16 through 22, makes it sound as if the partnerships with community and business and industry and the development of the current technical education only applies when there are two or more school districts that work together. For districts such as Clark County that have these

technical academies, would they still enter into these agreements with the community and business and industry as they have done in the past?

MS. STONEFIELD:

As the bill is written, it appears to be participating school districts that are authorized to establish these partnerships. There was no discussion concerning a single district forming these partnerships because advisory technical skills committees and business and industry can now enter into those agreements.

SARA PARTIDA (Committee Counsel):

The language Senator Horsford referred to is meant to apply to these particular joint ventures. It does not have an effect on what a single district is authorized to do.

SENATOR HORSFORD:

Is there a process as to what a single district is authorized to do?

MICHAEL J. RAPONI (Assistant Director, Office of Career, Technical and Adult Education, Department of Education):

Legislation has been passed to allow each school district to maintain a technical advisory committee. The larger school districts, such as Clark County, manage and maintain existing advisory committees for different program areas. Throughout the State, we have pockets of joint use in existence. These are facilities where at 2 p.m. the building is vacated by secondary education and occupied by postsecondary education.

There are pockets of programs offered on community college campuses where students travel to the campus and take the career and technical education course on the college campus.

SENATOR HORSFORD:

It is my understanding that the local advisory councils focus primarily on the curriculum.

JOYCE HALDEMAN (Clark County School District):

We do have many partnerships with our career and technical educational programs, in both the stand-alone programs and those within the regular school program. We have formed these partnerships without legislative requirement. These partnerships help us with curriculums, materials and donations.

SENATOR HORSFORD:

Are you saying that you have the local discretion to develop those partnerships as needed, which would include business and industry as well as other community organizations?

MS. HALDEMAN:

The Clark County School District has participated in these partnerships for a number of years as a part of good business and being in the community.

DOTTY MERRILL, Ed.D. (Executive Director, Nevada Association of School Boards):

The Nevada Association of School Boards supports A.B. 131. During the Legislative interim, the Legislative Committee on Education devoted much time addressing career and technical issues throughout the State. Our school board members believe there is language in A.B. 131 which will allow several districts to partner and move forward with opportunities for students with facilities for career and technical education courses. Reporting the statistics about participation in these programs in the context of the accountability report will provide useful information for the Legislature and school board members. This will reveal that there are many opportunities that exist in our comprehensive high schools in the career and technical areas. The gathering of this information will be productive.

BRYN LAPENTA, Ed.D. (Washoe County School District):

The Washoe County School District echoes the testimony of Dr. Merrill. We are prepared to gather the information that will be required.

SENATOR HORSFORD:

On page 7, lines 42 through 44, it is my understanding that the State will move to the four-year adjusted cohort graduation rate information based on the National Governors' Association Compact. When that happens, does this statute reference change from an annual to a four-year reporting requirement?

DR. MERRILL:

This statutory language could be interpreted to move toward the four-year inclusion once that actually happens. As the Department of Education develops guidelines and regulations for school districts, the accountability handbook that is used by each school district for accountability reporting is the place where the "nuts and bolts" will be addressed.

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SENATOR HORSFORD:

Could the Committee be provided with an update on when Nevada will come into compliance with the National Governors' Association Compact on dropouts?

MR. RAPONI:

I will forward the information to Senator Washington.

RAY BACON (Nevada Manufacturers Association):

Carson City has a culinary arts program which receives twice as many applications as they can accept. There have been discussions about building a facility for regional use, but there was an issue as to whether to build a ninth through twelfth grade or a eleventh through twelfth grade regional vocational and technical high school. There are pros and cons for both ways. The language in A.B. 131 was left vague to enable counties who wanted to participate in the program that option. It appears that with the industrial base which is spreading into Lyon County, Churchill County and Storey County, there is a need to address the issue of improving the vocational training programs. Assembly Bill 131 is a reasonable compromise to reach that objective.

MS. HALDEMAN:

The Clark County School District supports A.B. 131. The career and technical programs in Clark County are the most successful of all our programs. These students have higher scores in the high school proficiency examinations, higher graduation rates, higher attendance rates and the students have a 97-percent rate of getting a job after they graduate or getting into the postsecondary education of their choice. It is possible that Clark County will have intercounty relationships with Nye and Lincoln Counties.

SENATOR HORSFORD MOVED TO DO PASS A.B. 131.

SENATOR WIENER SECONDED THE MOTION.

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

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CHAIR WASHINGTON:

We will open the hearing on A.B. 576.

ASSEMBLY BILL 576 (1st Reprint): Makes various changes relating to certain personal assistance provided to persons with disabilities. (BDR 38-603)

TODD BUTTERWORTH, M.B.A. (Social Services Chief III, Office of Disability Services, Department of Health and Human Services):

Assembly Bill 576 has two major provisions. The first allows the certification of intermediary service organizations (ISOs) rather than requiring them to be licensed as personal care agencies. The second provision replaces the term "microboard" with a generic definition which will be more flexible.

Assembly Bill No. 337 of the 73rd Session requires the licensure of agencies that provide personal care services in the home. The purpose of the bill was to regulate this growing industry and to provide some level of protection for consumers who were being provided these services. The Health Division, Department of Health and Human Services, developed regulations for licensing these agencies. During that process they uncovered an unintended consequence of the bill. Because ISOs employ personal assistance workers, it was determined they would need to be licensed. Under an ISO, the person with a disability directs their own care. The person with a disability recruits, hires and fires the person who is providing their care. The ISO is the employer of record because they are providing support.

If we had to hold the ISOs to the same regulations as personal care agencies, the whole self-directed care arrangement would fall apart. The Health Division tried to develop a separate set of regulations for ISOs versus personal care agencies but was advised against it by their legal counsel. The parties discussed how this situation should be resolved. Assembly Bill 576 is our proposed solution to the issue.

Because the 2005 Legislature created a fee for the licensure of personal care agencies and ISOs are subject to that fee, A.B. 576 transfers that existing fee from the Health Division to the Office of Disability Services.

CHAIR WASHINGTON:

This is just a transfer of funds, not an increase in fees.

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MR. BUTTERWORTH:

Correct. In our regulatory process, we will not be licensing them, we will be certifying them to do business as a personal care agency.

SENATOR WIENER:

Even though this is a shifting of a fee, it may be considered a new fee. I would request clarification on the issue.

MS. PARTIDA:

I will investigate the matter. It does require a two-thirds majority vote on those sections imposing the fee.

CHAIR WASHINGTON:

Clarification is necessary because it would be imposing a new fee on an agency.

SENATOR HECK:

How many intermediary organizations are in the State?

MR. BUTTERWORTH:

There are approximately four or five agencies that are active. We have been in touch with them and have received correspondence from all the agencies stating their acceptance of the existing fee.

CHAIR WASHINGTON:

How much is the fee?

MR. BUTTERWORTH:

It is an annual fee of between \$1,500 and \$2,000.

PAUL GOWINS:

This change needs to be made, otherwise we will be in violation of the law. This bill will be a good opportunity to move forward and clarify some problems. I urge the Committee's approval of this bill. This fee allows the agencies to operate and do business as they are currently providing choice services in the community.

JON L. SASSER (Washoe Legal Services; Nevada Legal Services; Washoe County Senior Law Project):

I urge the Committee's support of A.B. 576.

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SENATOR WIENER MOVED TO DO PASS A.B. 576.

SENATOR WOODHOUSE SECONDED THE MOTION.

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

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CHAIR WASHINGTON:

Our Committee Policy Analyst will explain the work session document ([Exhibit C](#), original is on file in the Research Library).

MARSHEILAH D. LYONS (Committee Policy Analyst):

On page 3 of [Exhibit C](#) is the summary for A.B. 6. There are no proposed amendments to this measure.

ASSEMBLY BILL 6 (1st Reprint): Authorizes a board of county commissioners to enter into a contract or contracts to provide the residents of the county with discounts on prescription drugs. (BDR 20-530)

SENATOR HECK MOVED TO DO PASS A.B. 6.

SENATOR NOLAN SECONDED THE MOTION.

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

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MS. LYONS:

I will read the summary for A.B. 68 which can be found on page 4 of [Exhibit C](#).

ASSEMBLY BILL 68 (1st Reprint): Revises provisions governing the operation of certain medical and care facilities and agencies. (BDR 40-505)

The amendment to this bill, which has been proposed by Senator Washington, can be found on pages 5 and 6 of [Exhibit C](#). The amendment requires the licensee to screen the applicants before hiring an individual and to do additional

screening of their employees to assure the employees have not been convicted of any of the violations listed in A.B. 68.

MS. PARTIDA:

The NRS 449.185 already requires those types of medical facilities to do a background check upon employment and again every five years. It specifies employees who have violated any of the criminal acts listed in A.B. 68 should be terminated. Assembly Bill 68 refers to the NRS to explain what is meant by "continue to employ."

SENATOR WIENER MOVED TO AMEND AND DO PASS AS AMENDED A.B. 68.

SENATOR NOLAN SECONDED THE MOTION.

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

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MS. LYONS:

I refer the Committee to page 7 of [Exhibit C](#) for the summary of A.B. 70. There are no amendments proposed for this bill.

ASSEMBLY BILL 70 (1st Reprint): Revises provisions governing the compensation of the members of the boards of trustees of school districts. (BDR 34-878)

SENATOR HORSFORD MOVED TO DO PASS A.B. 70.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS WASHINGTON AND HECK VOTED NO. SENATOR CEGAVSKE WAS ABSENT FOR THE VOTE.)

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Ms. LYONS:

I will read the summary for A.B. 233, page 8 of [Exhibit C](#). There are no amendments proposed to this measure.

ASSEMBLY BILL 233 (1st Reprint): Increases the number of members of the Commission on Mental Health and Developmental Services. (BDR 18-625)

SENATOR WIENER MOVED TO DO PASS A.B. 233.

SENATOR WOODHOUSE SECONDED THE MOTION.

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

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Ms. LYONS:

The summary of A.B. 313 is on page 9 of [Exhibit C](#). There is an amendment proposed by Senator Horsford which is on page 10 of [Exhibit C](#).

ASSEMBLY BILL 313 (1st Reprint): Revises provisions governing the tracking, monitoring and revocation of teacher licenses for criminal behavior. (BDR 34-731)

SENATOR HORSFORD:

I would like to withdraw my proposed amendment. I have spoken to the parties that the bill would affect and my issues have been addressed.

SENATOR HORSFORD MOVED TO DO PASS A.B. 313.

SENATOR WIENER SECONDED THE MOTION.

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

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MS. LYONS:

I will read the summary of A.B. 446 on page 17 of [Exhibit C](#). There are no proposed amendments to the bill.

[ASSEMBLY BILL 446 \(2nd Reprint\)](#): Revises provisions governing the tracking of prescriptions for controlled substances. (BDR 54-928)

SENATOR HECK MOVED TO DO PASS A.B. 446.

SENATOR WOODHOUSE SECONDED THE MOTION.

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

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MS. LYONS:

On page 18 of [Exhibit C](#) is the summary of A.B. 490 and two proposed amendments to the bill. On page 19 of [Exhibit C](#), there is an alternate suggestion by Judge Berry to her amendment.

[ASSEMBLY BILL 490 \(1st Reprint\)](#): Revises provisions governing the sealing of records concerning a person's admission to a hospital or mental health facility under certain circumstances. (BDR 39-1376)

If the Committee understands the concern and believes that the judges and the court administrator should have that opportunity, then the legal department will craft the language accordingly.

CHAIR WASHINGTON:

I am not clear on the intent of the amendment proposed by Judge Berry. I will discuss this matter with her and share this information with the Committee.

SENATOR WIENER MOVED TO RESCIND THE PREVIOUS ACTION TAKEN ON A.B. 70.

SENATOR NOLAN SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR HECK VOTED NO.
SENATOR CEGAVSKE WAS ABSENT FOR THE VOTE.)

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SENATOR WIENER MOVED TO DO PASS A.B. 70.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR HECK VOTED NO. SENATOR
CEGAVSKE WAS ABSENT FOR THE VOTE.)

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Ms. LYONS:

On page 21 of [Exhibit C](#) is the summary of A.B. 507. There have been no
amendments proposed for this bill.

ASSEMBLY BILL 507 (1st Reprint): Makes various changes to provisions
concerning facilities that have custody of children pursuant to the order
of a court. (BDR 38-1269)

SENATOR WIENER MOVED TO DO PASS A.B. 507.

SENATOR WOODHOUSE SECONDED THE MOTION.

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

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Ms. LYONS:

I will read the summary of A.B. 512 on page 22 of [Exhibit C](#). The proposed
amendment is on pages 23 through 27 of [Exhibit C](#).

ASSEMBLY BILL 512 (1st Reprint): Revises provisions governing educational
personnel and student teachers. (BDR 34-1370)

JOE MCCOY (Committee Policy Analyst):

The amendment provides that the substitute teachers would need to be in at-risk schools or in high-need subject areas.

MS. PARTIDA:

On page 24 of [Exhibit C](#), lines 9 through 11 states that a student teacher who is assigned as a substitute must be assigned to the subject area and grade level for which that student teacher was completing his student teaching. This is to ensure that they are in their subject area.

Lines 22 through 27, on page 24 of [Exhibit C](#), clarify what was meant by the payment of student teaching provisions which was confusing to the Committee at a previous meeting.

Lines 34 through 41, on page 24 of [Exhibit C](#), outlines various items a student teacher would not be compensated for by the school district. On page 26, lines 27 through 44, the language provides for a study of long-term substitutes and the effect of A.B. 512 on improving that situation. There would be a requirement to report back to the Legislature. It allows the Legislative Committee on Education to appoint a subcommittee.

SENATOR HECK:

I am not clear on how the time is separated between being a substitute teacher versus being a student teacher.

MS. HALDEMAN:

While the person is receiving the experience required for them as a student teacher, they would also be filling in as a substitute and this would allow them to be paid for that experience.

SENATOR HECK:

Then, the time is one and the same.

MS. HALDEMAN:

There is an application procedure and the individual is approved for student teaching and certified as a substitute teacher. We work closely with them so while they are substitute teaching this qualifies as their student teaching experience.

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SENATOR HECK:

I want to clarify this issue so that the person who is substitute teaching is not being shorted on the academic part of their education for which they are paying to receive.

Ms. HALDEMAN:

In Clark County, this is an enriched experience for these individuals. They have all the educational support that comes from the university and the mentor that is assigned to them from the Clark County School District. In addition, they have responsibility for a classroom. It helps them have a well-rounded teaching experience.

SENATOR HORSFORD:

The practical experience in the classroom many times is just observing, but this experience would be more involved and help prepare them for teaching. I support the amendment that is being proposed.

CHAIR WASHINGTON:

The chair will entertain a motion to amend and do pass A.B. 512.

SENATOR WIENER MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 512.

SENATOR HECK SECONDED THE MOTION.

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

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Ms. LYONS:

I will read the summary of A.C.R. 6 on page 28, Exhibit C. There are no amendments proposed for this measure.

ASSEMBLY CONCURRENT RESOLUTION 6: Urges the boards of trustees of school districts and the Nevada System of Higher Education to expand certain programs of career and technical education. (BDR R-442)

SENATOR HECK MOVED TO ADOPT A.C.R. 6.

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SENATOR WOODHOUSE SECONDED THE MOTION.

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

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CHAIR WASHINGTON:

There being no further issues before us today, I will adjourn the meeting of the Senate Committee on Human Resources and Education at 12:15 p.m.

RESPECTFULLY SUBMITTED:

Patricia Vardakis,
Committee Secretary

APPROVED BY:

Senator Maurice E. Washington, Chair

DATE: _____