

**MINUTES OF THE  
SENATE COMMITTEE ON HEALTH AND EDUCATION**

**Seventy-fifth Session  
February 16, 2009**

The Senate Committee on Health and Education was called to order by Chair Valerie Wiener at 3:16 p.m. on Monday, February 16, 2009, in Room 2149 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 in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Valerie Wiener, Chair  
Senator Joyce Woodhouse, Vice Chair  
Senator Steven A. Horsford  
Senator Shirley A. Breeden  
Senator Maurice E. Washington  
Senator Barbara K. Cegavske  
Senator Dennis Nolan

**STAFF MEMBERS PRESENT:**

Marsheilah D. Lyons, Committee Policy Analyst  
Mindy Martini, Committee Policy Analyst  
Sara Partida, Committee Counsel  
Shauna Kirk, Committee Secretary

**OTHERS PRESENT:**

Dr. Bryn Lapenta, Senior Director, Public Policy, Accountability & Assessment/Legislative Issues, Washoe County School District  
Theo Meek, Student Advisory Board Member, Washoe County School District  
Oscar Aguilar, Student Advisory Board Member, Washoe County School District  
Frank Selvaggio, Coordinator, Public Policy Accountability & Assessment, Washoe County School District  
Keith W. Rheault, Ph.D., Superintendent of Public Instruction, Department of Education

Darren Sweikert, Principal, Lois and Jerry Tarkanian Middle School, Clark County School District  
Emil Wozniak, Principal, Desert Oasis High School, Clark County School District  
Mark Gums, Principal, Durango High School, Clark County School District  
Marcus Matt, Bonanza High School Graduate  
Krystle Castillo, Bonanza High School, Class of 2009 and ROTC Battalion Commander  
Bart Mangino, Principal, Bonanza High School, Clark County School District  
Anne Loring, Washoe County School District  
Robin Vircsik, Teacher, Tom Williams Elementary School  
Caroline McIntosh, Superintendent, Lyon County School District  
Randy Robison, Nevada Association of School Superintendents  
James R. Wells, CPA, Deputy Superintendent, Administrative and Fiscal Services, Department of Education  
Cynthia Oden  
Michael J. Willden, Director, Department of Health and Human Services  
Mark Coleman, Deputy Director, Clark County Association of School Administrators and Professional Technical Employees

CHAIR WIENER:

We will start with Bryn Lapenta's "Maximizing Student Learning Opportunities" presentation.

DR. BRYN LAPENTA (Senior Director, Public Policy, Accountability & Assessment/Legislative Issues, Washoe County School District):  
We have several students here who would like to testify.

THEO MEEK (Student Advisory Board Member, Washoe County School District):  
I have written testimony I have prepared and will read ([Exhibit C](#)).

OSCAR AGUILAR (Student Advisory Board Member, Washoe County School District):  
I also have written testimony I have prepared and will read ([Exhibit D](#)).

FRANK SELVAGGIO (Coordinator, Public Policy Accountability & Assessment, Washoe County School District):  
I am here today to talk to you about response to intervention. This has been a practice in our Nation for years. They have had a lot of success in places such as the Heartland Area Education Agency in Iowa, the St. Croix River Education

District in Minnesota as well as the Long Beach Unified School District in southern California. This did not become a passion for me until I was sitting with a single dad with five kids. I had to explain to this dad that his daughter had not grown in reading in five years. I remember thinking about how I would have felt if a school system had said that my daughter had not grown in reading in five years and words like bewilderment, anger and disappointment came to mind. I remember going back to the principal's office and saying that I had been reading about response to intervention for years and it would help people like this daughter and her dad. It then became a passion for me. All students can learn. As a result, we began to go on a journey as a district. The willingness of the Superintendent, Mr. Dugan, and many of the superintendents in our district, to put their necks on the line to reconstruct our district as it relates to response to intervention makes me proud to be a part of the group. We began to get honest with our graduation rates last year and began to look at tracking our students from their freshman year to their senior year. I prepared a "Response to Intervention" presentation that you have been given a copy ([Exhibit E](#)). You have also been given Washoe County School District's "Response to Intervention Implementation Manual 2008-2009" ([Exhibit F](#), original is on file in the Research Library).

MR. SELVAGGIO:

I would like to wrap this up by saying that we are concerned about cutting the funding of S.B. No. 185 of the 74th Session. Our intervention teachers have been hired through the use of these funds. It is a grave concern that those allocations are no longer going to be available. A key part of our success has been our professional development program. In the Governor's budget there is talk about getting rid of that entire area. The complexity of the Carnegie Unit at high schools limits transitions from classes. We are limited as to what we can do with students who are failing if it is too far into the game. Finally, there is a lack of flexibility with special education teachers to work with general-education students. If we could get some flexibility with special education allocation to work with tier-three intensive students, it would be a tremendous help for all of us. It would create a situation where we can allow those teachers to be in settings where they are not only working with special education students but with general-education students as well and not always in the general classroom where it is now.

SENATOR CEGAVSKE:

We had a teacher in the south who was a special education teacher. She burned out and wanted to go to a regular classroom. She was denied. Something was worked out, and she was able to transfer to a regular classroom and continued to teach. I thought we had worked through those obstacles. The only problem she has now is that everybody wants to bring special-needs students to her class. I am frustrated if that remedy has not happened. I do know they do not want to take them out. If we do not give the teachers some relief and do not let them have the flexibility, they will leave. I hope that number four is a high priority for us.

MR. SELVAGGIO:

Teachers do have the ability to work in the general-education classroom. Through the Individuals with Disabilities Education Act (IDEA), we are able to serve both general and special education students in the general classroom. If you are doing an intensive intervention of a handful of students, having the flexibility to pull the students out of the general classroom and work together on an intensive research-based intervention is what we are referring to. We are not allowed to pull the general-classroom students to work with the special education teacher in another setting. That is what we have been told.

SENATOR CEGAVSKE:

I guess we are talking about two different issues. So you do have flexibility. Are you saying that a special education teacher cannot take a regular-education student and work with them?

MR. SELVAGGIO:

They cannot work with them in a separate area other than the general classroom.

SENATOR CEGAVSKE:

What is the rationale for that?

MR. SELVAGGIO:

Allocation and the way the funding stream is set up.

SENATOR CEGAVSKE:

Would they need additional money? The children are not recognized as being special education.

MR. SELVAGGIO:

These tier-three students are not special education students.

SENATOR CEGAVSKE:

Why would you need more funding?

MR. SELVAGGIO:

It is the way the allocations are set up. Those are specifically special education funds.

SENATOR CEGAVSKE:

If they are not diagnosed and they are not under that title, how do you get the funding, or why would you get the funding?

CHAIR WIENER:

We have asked Dr. Rheault to clarify it.

KEITH W. RHEAULT (Ph.D., Superintendent of Public Instruction, Department of Education):

What is being referred to as the funding stream is federal funding, and it limits which students you can fund with special education funds. That is what we are talking about here. There could be more flexibility. In fact, we are working on a bill that will allow some flexibility for the State special education units as well. We have room to accommodate the situation that was described. The IDEA students are who these teachers would be able to instruct. The federal government is very prescriptive.

SENATOR CEGAVSKE:

Are you saying that teachers working in a general-education classroom being paid with federal and State dollars are prohibited from taking a student and working one-on-one with that student?

DR. RHEAULT:

If you are referring to a special education teacher in the general classroom like the first person you described, I do not know their funding source. It could be a general Distributive School Account (DSA) funded position. There is nothing prohibiting a special education teacher from being in a third grade classroom like you described. It is probably a different funding source. That would be my guess.

SENATOR CEGAVSKE:

I will need clarification. I do not understand where you draw a line that a teacher cannot help a student. I do not care about the teacher's label. I do not understand why you could not help a student at any level.

DR. RHEAULT:

I will see if we can have our special education staff put together the restriction on the use of it. There are more strings with the special education money than any other money from the federal level.

CHAIR WIENER:

If you could provide that to the Committee, we would appreciate it.

SENATOR NOLAN:

What is the Washoe County education system doing regarding behavioral problems in the classroom? We do not have enough licensed people in a lot of the high schools to take those types of problems and put them into a dedicated detention room for a day. A lot of times they end up being recycled back into the classroom which is an enormous frustration for teachers. It is part of the problem that contributes to our attrition. I am wondering what Washoe County is doing.

MR. SELVAGGIO:

This last year we began a pilot program in five of our schools. It is a very promising approach called "Positive Behavioral Support" (PBS). This is a practice that has been shown to work very effectively. We are seeing a lot of success with that. We gave an introduction to all of our principals last summer. They began to walk through some of the practices of PBS. The basic premise is that only a handful of kids cause most of the difficulties in school. The idea with PBS is to set school-wide expectation. As a result, 80 to 90 percent of the students responded positively. Those not responding well go into more intensive interventions in tier-two through the counselor or other means; then through tier-three. In the schools we piloted this year, we are having a dramatic reduction in referrals for discipline. We feel we have a long-range plan to address the behavior. We are applying for a grant to increase our funding to support PBS.

SENATOR NOLAN:

Is there more information on that?

MR. SELVAGGIO:

Absolutely. This is only the academic side. We can definitely get you any information you need on it. It is a practice that has been used for years in other places.

DARREN SWEIKERT (Principal, Lois and Jerry Tarkanian Middle School, Clark County School District):

I am here to talk with you about the Southwest Region of Clark County School District's articulation plan, and how we go about increasing student achievement. You have been given a copy of a document titled "Southwest Articulation" ([Exhibit G](#)). Articulation is a process that begins in a conference room with a group of principals from a common neighborhood brainstorming ideas on how to eliminate isolation in terms of school operation. It is our belief that we can reduce the anxiety a student may face when moving from elementary to middle school and from middle to high school. This can be done in various ways. Each articulation strand may have its own unique methods but the goals are the same; to increase student achievement and the graduation rate. I will speak briefly about a few of the events and practices that take place at the Desert Oasis High School articulation strand. There is a social component as well as an academic component. The idea is to create a community within a neighborhood and bring the elementary, middle and high schools together.

A fifth grader at Aldeane Comito Ries Elementary School or Charles & Phyllis Frias Elementary School, the feeders of Tarkanian Middle School, already knows about Tarkanian Middle School. This is done because of events and activities that take place. For instance, our performing arts programs such as the band, choir and orchestra visit the elementary schools twice during the year and perform. The fifth graders get a chance to talk to students as well as the instructors. My counselors and I visit the feeder schools as well. We talk to them about what it looks like to be a sixth grader. We answer questions they might have. One of the anxieties they might have is about lockers or having six teachers instead of one. Many students are nervous about physical education and the locker-room procedures that take place. We have a program at Tarkanian we call "show off the sharks." It is a barbeque, tour of the campus and exhibition of student work. Our fifth, sixth, seventh and eighth graders and their parents are invited to come to our school and become familiar with our campus and the people who work there. We also give them portable locks so they can practice on their locks to decrease their anxiety. We invite the students to come on our campus for sporting events such as middle school

basketball. We are working on a summer camp to bring fifth graders over to Tarkanian a week or two before the school year starts to help reduce anxiety.

The same can be said about Tarkanian Middle School eighth graders moving to Desert Oasis High School. Our Tarkanian band recently performed at a Desert Oasis High School football game. Several of our Tarkanian Middle School teachers are coaches which creates a familiar face when our students are in high school. We have several teachers swap instruction for the day. For instance, my orchestra teacher may spend a day at Desert Oasis High School, and their teacher spends a day at Tarkanian giving instruction. If you use common practices and programs along the way, we find that we are not caught up in retraining. For instance, our students use a writing program called "Step up to Writing." If a student uses this program in elementary school, middle school and in high school, they do not have to relearn a new writing program as they transfer from one school to another.

We do this with a program called "Thinking Maps," and this is a way for students to organize their thoughts. Currently, we are working on a proficiency workbook for both mathematics and science. The idea behind this book is to give the students a booklet of potential proficiency exam questions that they could carry with them from middle school to high school. We also do common staff-development days in which our teachers, the teachers of Desert Oasis High School, Aldeane Comito Ries Elementary School or Charles & Phyllis Frias Elementary School get together and articulate about common grading practices, common lesson planning and other transitional activities.

Emil Wozniak (Principal, Desert Oasis High School, Clark County School District):

We also have a college preparation class at Desert Oasis High School which assist students in preparing themselves for scholarship applications and making contacts. They have to use every kind of communication possible. Therefore, they go online and discuss those opportunities in five or more different colleges. We are very proud that those kinds of articulations have extended from elementary, middle and high schools and on to college. We have a number of college representatives coming to our campus on a regular basis. We have our eleventh grade college fair. We recently had representatives from over 35 colleges come to our gym. The students were extremely excited about the vision of going to post-secondary education. I wanted to draw a different



picture of articulation not just from elementary, middle and high school, but also our connection with colleges.

MARK GUMS (Principal, Durango High School, Clark County School District):  
My comments mirror those of Mr. Sweikert and Mr. Wozniak. The principals of the high schools spend a great deal of time speaking with each other, planning with each other and making sure that we have continuity in our programs. As you know, Clark County is a very transient area. We share kids throughout the year. It is important as administrators to have an ongoing dialogue with each other to make sure when students transfer from one level to another or across levels they receive the same quality education.

Today, when we talk about the three Rs, we are talking about the three Rs of rigor, relevance and relationships. Our articulation goes a long way towards addressing the relationship piece. This was developed, in part, to remove some of the mystique that high schools or middle schools have for students. We know without some support the students mentally drop out in the ninth grade. They then have three years to complete the act. We are trying to prevent that and provide support for every one of the kids. In order to do that, we have the articulation piece. A very strong component of it is building relationships so that no student feels the need to meander through this difficult process. It provides support for our students and provides support for our administrators, so we can plan quality programs for our kids.

MARCUS MATT (Bonanza High School Graduate):  
I am a 2008 graduate of Bonanza High School. Bonanza High School kept me in school with special regard to my situation at home. My dad is a single father, and I participated in raising my little brother, who is now a senior at Bonanza High School, and my sister who is at Frank F. Garside Middle School. It has been hard on my family since my mother left. At Bonanza High School, I always felt that I could talk to the teachers, coaches and Mr. Mangino.

KRYSTLE CASTILLO (Bonanza High School, Class of 2009 and ROTC Battalion Commander):  
I am a senior at Bonanza High School. I am also in the Reserve Officer Training Corps (ROTC) as a Battalion Commander. Bonanza High School has also helped me with my status at home. The ROTC program has motivated me in so many ways. It has helped me realize I can have a career in the military. The deans,

teachers and students are amazing and support us in anything we do. I am very proud to be a part of Bonanza High School.

BART MANGINO (Principal, Bonanza High School, Clark County School District):  
I want to speak about the impact significant adults have on the lives of students in our high schools, and the concept of graduating 100 percent of our students. Successful initiatives have several common components, such as knowing the identity and characteristics of the school's community, communication and participation of parents, students and staff and a system of accountability allowing for the analysis of student progress on which to base program improvement efforts. These efforts need to be supported for the good of all of our students and the goal of 100-percent graduation. It is important to recognize the spirit of collaboration modeled by our State's Legislature in the public school entities and the result they have had on just some of the initiatives you have heard today and will be hearing over the coming weeks.

CHAIR WIENER:

Several years ago, the idea of assets development became quite a popular new direction to take with education and peripheral activities. It sounds as though, from the schools we have heard from, that it is indeed the focus that you have taken. We salute you for focusing on the positive and building from the strengths these young people bring into the school environment. Although there may be challenges at home, it is evident these young people have taken those into account and have moved forward in building their strength.

CHAIR WIENER:

We will open the hearing on Senate Bill (S.B.) 56.

**SENATE BILL 56**: Authorizes a school district to request a waiver of the required minimum expenditures for textbooks, instructional supplies and instructional hardware. (BDR 34-412)

ANNE LORING (Washoe County School District):

Senate Bill 56 is an emergency response to help our school districts deal with balancing potentially reduced budgets in what is an unprecedented economic crisis. In the 2003 Legislative Session, you increased the funding for textbooks, instructional supplies and computer hardware. You increased the appropriation by \$50 per pupil for all of the students in the State and put that money into basics. You then fenced off that amount of money plus a portion of other basic

support that you provided to districts. That fenced-off amount was called “the minimum expenditure required by each school district for textbooks and other supplies.” The money within that fence could not be used for negotiations and could not be spent on anything other than those three categories of essential needs. The penalty for a school district for failing to meet the minimum annual expenditure required is a loss of a portion of their basic support. There was a negative financial impact to school districts if they did not meet that minimum expenditure within the course of the year.

I am here on behalf of our superintendent, and probably all of the school districts in the State, to say this was a marvelous piece of legislation. It has certainly helped our district. I can say to you, as per our superintendent, every student in Washoe County School District has the textbooks they need for their classes. Now that students have their books, this money goes for textbook adoption. As you know, we have adoption cycles in the State. When there is a new cycle, the money purchases new books for students. A certain amount of it does go to providing new textbooks to new students. It is estimated that for the 2010 fiscal year, the minimum expenditure required will be approximately \$100.2 million statewide. We are talking about a very sizable amount of money that is fenced off for our students.

We have supported this funding and the fencing off of it. When our districts were asked to prepare biennial budgets that could be cut by 14 to 30 percent, we were faced with trying to balance budgets to pay for essentials like heat and light in the classroom. I want to be very clear so you do not misunderstand what we are saying. We are not saying that this is about not buying books for students. Instead, it is about prudent fiscal management in a time of economic crisis. Is it more important to replace science books this year as opposed to next year, or to heat a classroom, to provide gas for a school bus, to increase class sizes or to avoid layoffs? That is the challenge that brings us to you today.

Senate Bill 56 would allow school districts to apply for a temporary waiver of part or all of the minimum required expenditure in times of economic hardship. It provides oversight, accountability, limits on the timing and use of the money. It demands important reasons for a district to request it. I would like to walk you through portions of the bill that deal with these various areas. Section 1, subsections 1 and 2, will define this process. The school district would approach the State’s Superintendent of Public Instruction for the waiver. The Superintendent would have the authority to grant it. He would document the

reasons for granting it, the amount of the waiver and the period for which the waiver is effective. This provides oversight. We felt this was an approach that would handle an emergency situation relatively quickly and at any time. There is a very similar bill originating in the Assembly from the Legislative Committee on Education. It is Assembly Bill (A.B.) 13. It came out of that Committee on Education with extensive discussion about this issue. The primary difference between the two bills is the mechanics of who would grant the waiver. The Assembly's version has a process you see often which is the district applies to the State Superintendent, then to the State Board of Examiners and then to the Interim Finance Committee (IFC). My understanding of the October meeting is there was a concern of the IFC that it was maybe too cumbersome of a process. We are open to discuss the process. We also think that it is too cumbersome and chose what we think is the most straight forward and timely method. Subsection 3, paragraph (c), of section 1 indicates this is temporary. The waiver would only be for a limited amount of time approved by the State Superintendent. Once the time period has elapsed, the district would have to resume its normal minimum-expenditure requirement. It does not reset the clock; it just says you have to go back to whatever the minimum expenditures were for that year. Subsection 4 provides an important piece of accountability. Should a district apply for and be granted a waiver and the economic conditions change in such a way that the reasons for the waiver disappear or decrease, then the amount of the waiver must be reduced.

Section 1, subsections 5 and 6 have a very important limitation on the use of the money. This was discussed extensively in the Committee on Education. If the waiver is granted, the money could not be used for negotiations or to unilaterally increase either salaries or benefits. It is still fenced off from increasing salaries, benefits or negotiations. It can only be used for approved budgeted items that now are at-risk because the revenue has not materialized or for unanticipated expenses. For instance, the district could not approve its budget, have it meet the revenue provided through your process here, discover there is a reduction in revenue and want to try a new program not budgeted. That would not be allowed under this bill. It can only be used for what it had been approved for in the budget.

**ASSEMBLY BILL 13**: Revises provisions governing expenditures by school districts for textbooks, instructional supplies and instructional hardware. (BDR 34-295)

MS. LORING:

Finally, section 1, subsection 7 defines economic hardship that justifies requesting a waiver. We realize the potential crisis that is facing you and through you. The school districts are saying to you that this is an unprecedented crisis for our kids, please help. How do you reduce the decibel level and pitch and put that into legalese? That is what subsection 7 attempts to define. It defines economic hardship as either lower revenues than those you budgeted for us or unforeseen expenses. As I have said, this was precipitated by the economic budget crisis we are facing. We have talked to people who asked if there could be any other emergency that could be anticipated that would need to be structured in this bill. Until the budget crisis, there had not been one in six years. Elko County School District had to deal with an earthquake in Wells, Nevada, which caused significant damage to a school. We are worried about that in Reno. I am a geologist and spend more time worrying about this than I should. We have had a flurry of earthquakes in northwest Reno over the last year. We have a high school, middle school and three elementary schools in the area of the epicenters. You can anticipate having to move 5,000 students in a hurry to other school accommodations. Many of our rural districts rely on the gold-mining industry for revenue strings. So far, the gold price has held well. If there is a dramatic drop in the gold price and revenues to our rural school districts, it would be a problem of magnitude.

Many of you are aware that Washoe County is facing a very strange and concerning problem of the Nevada Supreme Court rulings that have gone against Washoe County regarding how taxes were assessed and collected in Incline Village about five years ago. Washoe County may have to be refunding tax revenues that were received and spent as far back as five years ago. That is the kind of economic major disaster we are talking about here. This bill attempts to provide help to school districts with limited and defined flexibility in how they use this fenced-off part of the budget in terrible economical times. There is oversight. There are limits on the time and use of the money. We urge your support, and would be glad to work with you to address any specific language. Ms. Haldeman could not be here today, but asked that I convey her support of S.B. 56.

CHAIR WIENER:

Do you foresee in the language, based on the discretion that is granted, that Dr. Rheault would also have the ability stop the waiver?

MS. LORING:

We do see that in section 1, subsection 4. We would be glad revise the wording to what you think might convey this. Subsection 4 states that if the Superintendent grants a waiver and suddenly the hardship is mitigated or something else happens and the expenses are not as realized, the waiver must be reduced accordingly by the district. We do anticipate that he could react in either direction.

CHAIR WIENER:

Did you do an analysis and compare the timelines with the Assembly's bill? What do you see as the difference in processing?

MS. LORING:

There was money set aside for school districts for unanticipated health insurance costs about four sessions ago. The process was that a district would start with the State Superintendent, then to the State Board of Examiners and then to Interim Finance. We have used that process. Our experience was that it could take anywhere from two to four months, depending on whether your problem hit before or right after the Board met. They apparently do not meet very frequently. It would be a three- or four-step process. It does take multiple months. That same issue came up in an October Education Committee meeting. I believe the comment was that it could take four to six months to go through that process. We have experience with that process. The catch is your problem occurs relative to the schedule of the Board. We felt that the State Superintendent could react in an emergency situation.

SENATOR CEGAVSKE:

I was in the original group that started with the fencing off of this money. We had many complaints from parents that we did not have textbooks. We still have that complaint today. People do not understand it is an administrative decision. It is site-based. If you think you need textbooks with the money, you get it. If you think it is computers, you get it. Some administrators still think that a set of textbooks in the classroom is all they need, and not every child gets a book. That is up to them. That part is another issue. We set this money aside because of issues we heard over the years, and we did it so that it could not be taken away. This bill, in my opinion, jeopardizes what we did. What we need to look at is redoing this completely. If we are looking at this as something we can use as money for a rainy day fund, it would no longer be serving the

purpose. That is what this bill does. This money was set aside for specifics and that is where it needs to stay.

There were several people who came to my office today and said "me too." We have 16 other school districts plus the charter district that also say "me too." It is not just you; it is the "me too." What we would be doing is getting rid of something we had started for a specific reason. I am not sure that it is not a bad idea to get rid of it at this time and look at charging the parents for the textbooks as part of our economic problem with education. I have heard that when we transfer from school to school and when we have dropouts, that the books are not returned. Going in and substituting that money for other issues is totally the wrong way to go and is asking for trouble and issues. I know that you are looking to solve some of your issues. To do it this way is not a good policy decision. I suggest that we eliminate the fenced-off money we have instead of doing this.

CHAIR WIENER:

As you mentioned, that might be another piece of legislation.

ROBIN VIRCSIK (Teacher, Tom Williams Elementary School):

I teach at Tom Williams Elementary School, and I support this bill. I have prepared written testimony that includes proposed amendments ([Exhibit H](#)).

CAROLINE MCINTOSH (Superintendent, Lyon County School District):

I am here in support of Senate Bill 56. Lyon County has 12.1-percent unemployment. Our enrollment dropped by 3.6 percent last year and is still dropping. We are very concerned about our resources. Clark County School District did a great job explaining what they are doing for students. I am also concerned and dedicated to the three Rs; however, we are looking at the fourth R which is "resources." With the continuing decline in enrollment, we have a huge amount of money we are looking at to make up for our decline in enrollment with "hold harmless." We did not reach the 5 percent, thankfully. We have that "hold harmless" of one year, and we are back looking at how we are going to cut our budget. We are in support of this because of the flexibility.

RANDY ROBISON (Nevada Association of School Superintendents):

I would echo the comments of the superintendent you just heard from. Also, Dottie Merrill, Executive Director, Nevada Association of School Boards, asked if I would indicate her support as she is upstairs in the other education committee.

We agree with the way that Washoe County explained the bill. It is a fiscal tool to deal with unexpected and unforeseen circumstances. It is a temporary waiver. Typically, at the state level, we tend to budget for those and set aside some reserves. These are the kind of circumstances that come suddenly and without warning. Having the ability to request a waiver would help us manage our resources and comply with the requirements. We have to provide the basic minimum educational experience for all of our students, even in those unforeseen circumstances. On behalf of the superintendent's association, as well as the school board's association, we support this bill.

JAMES R. WELLS, CPA (Deputy Superintendent, Administrative and Fiscal Services, Department of Education):

In general, the Department of Education supports this bill. I would like to talk about the requirement and the history of this requirement. In 2003, when this requirement was put into place, there was a statement that you had to spend the amount you had spent previously, which was about \$123 per student, plus \$50 an increase of that they were putting into the funding bill. This makes \$173 per student which was to be spent on textbooks, instructional supplies and hardware. When we calculate the minimum expenditure requirement in subsequent biennia, we use the even-year actual expenses and increase it for inflation and infer student enrollment to come up with a total dollar figure. If you had just used inflation for the \$173 requirement over time, in 2009, you would have a requirement of roughly \$190 per student. Instead what we see is a requirement of \$219. You see almost a \$30-per-student difference. That is a result of adopting textbooks, purchasing supplies and hardware. That number drives up. If you look at it on a percentage basis, it went from under 4 percent of the basic support guarantee per pupil when it was passed in 2003, to almost 5 percent being projected for the upcoming biennium. You are talking about 1 percent of basic support being set aside in addition to what was already set aside originally. An additional 1 percent of those resources have been set aside just for textbooks at the expense of the other items that it takes to run a school. The "hold harmless" and the declining enrollment are something that can be foreseen most of the time. I would like to comment on the timeline that was talked about. Our timeline for the State Board of Examiners is about a month. It takes us about a month in advance. The Board meets generally once a month. If we were to get a request right before our deadline for the Board, we could submit it. It would go to the Board the following month. Then it would get put on the IFC agenda which is about another four to six weeks. That time doubles if we were to get it just after the Board's deadline.



CHAIR WIENER:

We will close the hearing on S.B. 56. We will go to public comment before we go to work session.

CYNTHIA ODEN:

I am a parent in this district. I am here because of my daughter, Cheyenne Oden. She is not a bully child. She is a high achiever, academically. She has come to me as a sophomore and asked that I get her out or she will quit. I researched how I can ensure that my daughter graduate high school in a time frame that would ensure she did not drop out. What I found is that if you are academically successful, you can opt to graduate a year early. Her grade point average (GPA) is 3.8. She is in student council and was a cheerleader. There are a lot of kids like my daughter who would take that option. We are not giving our high school kids who have a great more on their plate than we did the option to finish school in a different way. The other problem I have is the honors in high school. I have a daughter who graduated from high school and could not get a single scholarship, being the fourteenth person graduating out of 486 students, because they did not take her honors GPA. They took her regular GPA. She lost scholarships to children who took regular and easier classes. She is now not in college. I am fighting just to keep Cheyenne going every day because the school environment is not a place some children want to be. You want us to keep the kids in to socialize. Socialize to do what? How many wrecks have we seen because the kids are in high school to socialize? How many children have we lost that might have graduated early and gone to college because we wanted them to socialize? We need to allow high schools and our community more latitude to make decisions for our kids instead of some entities in Carson City who make decisions for us. I am ashamed to be the only parent here, but I am here. Education should not be legislated; it should be mandated.

SENATOR CEGAVSKE:

Could we get contact information from Ms. Oden for Dr. Rheault to see if there is something we can do to help?

MS. ODEN:

I would like it well documented that Legacy High School is an awesome high school. Dr. Tammy Malich is probably one of the best principals I have ever worked with. Please, do not think it is the high school. It is the environment.

CHAIR WIENER:

We will now move to our work session. We have three bills on the work-session document. We will also have a work session on Wednesday. The bills on our work-session document are S.B. 4, S.B. 23 and S.B. 54. It is my intent, when possible, to move bills in a timely manner, so when we are close enough to a consideration of the bill in Committee, we can move it while it is still fresh in our memory. The Committee has been provided a copy of the work-session document ([Exhibit I](#)).

**SENATE BILL 4**: Requires the establishment of a system for the electronic submission of applications for Medicaid and the Children's Health Insurance Program. (BDR 38-210)

MARSHEILAH D. LYONS (Committee Policy Analyst):

I would like to point out to the Committee the amendment that was proposed by Assemblywoman Sheila Leslie, for sections 2 and 3 to be deleted. Those sections relate to the transfer of money from the Abandoned Property Trust Account to support the electronic application cost.

SENATOR CEGAVSKE:

Are you saying to delete sections 2 and 3, and there would be no State fee?

Ms. LYONS:

That would take out the designation that the funding for this is provided through the Abandoned Property Trust.

SENATOR CEGAVSKE:

Would they still need State funding?

Ms. LYONS:

That is correct.

SENATOR CEGAVSKE:

I will support sending it to the Senate Committee on Finance without a vote because of the fiscal note, I will support that. If you are asking for a vote on the bill as is, I will be voting no because of the fiscal note.

CHAIR WIENER:

Because we are a public policy committee, we will be considering issues based on the policy measures. It is my intent to move the bills through as policy measures. We do have the cochair of the Finance Committee here if there are any considerations that you might offer.

SENATOR HORSFORD:

It is the practice that once bills that have a fiscal note are identified on the floor, they will be referred at that time to Finance. I would support the Chair's direction to move the bill based on the policy provisions that are entailed.

SENATOR HORSFORD MOVED TO AMEND AND DO PASS S.B. 4.

SENATOR WOODHOUSE SECONDED THE MOTION.

SENATOR CEGAVSKE:

I do believe that it is prudent that we look at both. There is a large fiscal note. It is our responsibility to know where there are things of a fiscal nature. When there are dollars involved, it is up to us to make those decisions. I believe it is right to look at the policy and also the fiscal nature.

SENATOR NOLAN:

I do not think there was any option to the bill at all. The discussion at the time was that one way or the other, this bill is going to end up in the Finance Committee. I am in support of what they are trying to do with this. I have concerns about the large fiscal note.

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

\* \* \* \* \*

CHAIR WIENER:

We will now vote on S.B. 23.

[SENATE BILL 23](#): Revises provisions governing certain organizational matters within the Department of Health and Human Services. (BDR 18-328)

SENATOR WOODHOUSE MOVED TO DO PASS S.B. 23.

SENATOR HORSFORD SECONDED THE MOTION.

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

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CHAIR WIENER:

We will now vote on S.B. 54.

SENATE BILL 54: Revises the qualifications of the State Health Officer.  
(BDR 40-336)

MICHAEL J. WILLDEN (Director, Department of Health and Human Services):  
Richard Whitley, the Executive Director of the Board of Medical Examiners,  
Louis Ling and I did meet and discuss the amendment and are okay with the  
amendment.

SENATOR NOLAN MOVED TO AMEND AND DO PASS S.B. 54.

SENATOR CEGAVSKE SECONDED THE MOTION.

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

\* \* \* \* \*

CHAIR WIENER:

We will reopen S.B. 56.

MARK COLEMAN (Deputy Director, Clark County Association of School  
Administrators and Professional Technical Employees):

I am not here to speak on behalf of our organization. Senator Cegavske had a  
couple of questions earlier that I can answer for her. The question was why  
special education staff in the schools are not provided with more flexibility to  
help with the regular student body. In 1974, the original legislation for special  
education law was passed. I began teaching shortly after that and have a  
history of teaching special education students. After the laws were first passed  
across the country in school districts, there were a lot of abuses of the law.

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School districts around the country utilized the staffing they got through the law which was designed to be used for the special-needs students and address that population. Those staff members at that time were used to help with the general population. Ultimately, there were tweaks in the law and eventually the origination of IDEA. It was because of the abuses that they really narrowed it down and enforced resources for teachers to work with only special education students.

CHAIR WIENER:

We will close the hearing on S.B. 56. We will now adjourn the meeting of the Senate Committee on Health and Education at 5:02 p.m.

RESPECTFULLY SUBMITTED:

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Shauna Kirk,  
Committee Secretary

APPROVED BY:

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Senator Valerie Wiener, Chair

DATE: \_\_\_\_\_