

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

**Seventy-fifth Session  
April 3, 2009**

The Senate Committee on Health and Education was called to order by Chair Valerie Wiener at 1:16 p.m. on Friday, April 3, 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

**GUEST LEGISLATORS PRESENT:**

Senator Allison Copening, Clark County Senatorial District No. 6

**STAFF MEMBERS PRESENT:**

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

**OTHERS PRESENT:**

Debra Gallo, Director/Government and State Regulatory Affairs, Southwest Gas Corporation  
Judy Stokey, Director, Governmental Affairs, NV Energy  
Dr. Jane A. Nichols, Vice Chancellor, Academic and Student Affairs, System Administration Office, Nevada System of Higher Education

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Jason Geddes, Ph.D., Board of Regents, Nevada System of Higher Education

Tim Tetz, Executive Director, Office of Veterans' Services

Tami M. Chartraw, Health Program Manager, Health Division, Department of Health and Human Services

Lesley Pittman, United Way of Southern Nevada

Bonnie Sorenson, Director, Nursing and Clinical Services, Southern Nevada Health District

Lawrence P. Matheis, Executive Director, Nevada State Medical Association

Lawrence Weekly, Clark County Commissioner, District D; Board of Directors, Southern Nevada Health District

Bobbette Bond, Nevada Health Care Policy Group; Health Services Coalition

Jan Gilbert, Northern Nevada Coordinator, Progressive Leadership Alliance of Nevada

Cari A. Rovig, MBA, Statewide Executive Director, Nevada Immunization Coalition

Bryan Wachter, Deputy Director, Retail Association of Nevada

Misty R. Grimmer, Nevada Association of Health Plans, Inc.

Luis Marmolyo, Nevada Barber College

Doug Garner, Nevada Barber College

David Perlman, Administrator, Commission on Postsecondary Education

Royal Byron, Co-owner, Instructor, Nevada Barber College

Raymon Green, Barber, Nevada Barber College

David Camocho, Student, Nevada Barber College

Texanner Byron, Co-owner, Nevada Barber College

Nathaniel K. LaShore, President, State Barbers' Health and Sanitation Board

Antinette Maestas, Nevada State Barbers' Association

Vicky Sakach, Vice President, State Barbers' Health and Sanitation Board

Gloria Dopf, Deputy Superintendent for Instructional, Research and Evaluative Services, Department of Education

Frankie McCabe, Director, Office of Special Education, Elementary and Secondary Education, and School Improvement Programs, Department of Education

Tray Abney, Director of Government Relations, Reno Sparks Chamber of Commerce.

CHAIR WIENER:

We will now open the hearing on Senate Bill (S.B.) 298.

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**SENATE BILL 298**: Authorizes the Board of Regents of the University of Nevada to plan for and establish programs for the study of renewable energy resources within the Nevada System of Higher Education. (BDR 34-1075)

SENATOR BARBARA K. CEGAVSKE (Clark County Senatorial District No. 8):  
I have written testimony I will read ([Exhibit C](#)).

CHAIR WIENER:  
Senator Cegavske, have you had a chance to review the amendment from Southwest Gas ([Exhibit D](#))?

SENATOR CEGAVSKE:  
Yes. I have no problem with it.

SENATOR NOLAN:  
I agree with everything you have in the bill. Can the University of Nevada do this without enacting legislation?

SENATOR CEGAVSKE:  
We did this because we needed the word study. It is very important to have that verbiage. If we have this verbiage, there are federal dollars available.

DEBRA GALLO (Director/Government and State Regulatory Affairs, Southwest Gas Corporation):  
The amendment includes the words "energy efficiency" along with "renewable energy resources." Energy efficiency is using fossil fuels, like electricity generated from fossil fuel and natural gas, in a more efficient manner. That opens up additional projects to study.

CHAIR WIENER:  
Is natural gas a renewable?

Ms. GALLO:  
No. It is a fossil fuel.

CHAIR WIENER:  
It works for you because you are not part of the renewable picture.

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MS. GALLO:  
Absolutely.

JUDY STOKEY (Director, Governmental Affairs, Government Affairs, NV Energy):  
NV Energy is in support of this bill and the amendment.

DR. JANE A. NICHOLS (Vice Chancellor, Academic and Student Affairs, System Administration Office, Nevada System of Higher Education):  
We appreciate the support in developing these programs. We want to develop as many of these programs as we possibly can. The Board of Regents has looked at the programs and is looking at new grant opportunities in the stimulus bill at the State and federal level. We have a program at Great Basin College approved for a degree in retrofit technology. Programs dealing with energy efficiency are programs we want to build on to help Nevada be a nationally recognized center of energy research and education.

JASON GEDDES, PH.D. (Board of Regents, Nevada System of Higher Education):  
The Board of Regents is in support of this bill. Senator Cegavske and Senator Nolan have a report on all the renewable-energy research and programs we are running through the Nevada System of Higher Education (NSHE).

SENATOR NOLAN MOVED TO AMEND AND DO PASS S.B. 298.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS WASHINGTON, HORSFORD AND BREEDEN WERE ABSENT FOR THE VOTE.)

\* \* \* \* \*

CHAIR WIENER:  
We will now open the meeting on S.B. 318.

SENATE BILL 318: Provides that tuition at all campuses of the Nevada System of Higher Education must be free for certain veterans. (BDR 34-744)

SENATOR ALLISON COPENING (Clark County Senatorial District No. 6):  
I have written testimony I will read ([Exhibit E](#)).

DR. NICHOLS:

We support what this bill is trying to do. If an active-duty military family stationed in Nevada is transferred to another state for active duty, the dependents and spouse continue with in-state tuition. In the spirit of this, we want the people who are stationed in Nevada to be able to participate. There should be an amendment that clarifies you are referring to active-duty military who are stationed in Nevada just prior to discharge. We interpret it to mean any military discharge. If the doors open for all veterans across the Country, the price tag would be large. It is a loss of revenue for the General Fund. We are supportive of our active-duty military discharged from bases in Nevada continuing to be residents of Nevada.

Tim Tetz (Executive Director, Office of Veterans' Services):  
The Office of Veterans' Services is in support of this bill.

CHAIR WIENER:

Senator Copenig, is your intent to keep qualified veterans in Nevada after their release from active duty?

SENATOR COPENING:

Tim Tetz worked with me to clarify the intent of the bill.

MR. TETZ:

Senator Copenig and I discussed it. If the intent is to keep active-duty military in Nevada, then it is feasible to waive tuition to those who are discharged from Nevada's bases. We want to add Mountain Warfare Training Center in Pickel Meadows. They are one of the bases higher education systems include when they waive active duty. It is just over the border in Bridgeport, California. Most of their money comes back to Nevada.

CHAIR WIENER:

I am seeing different definitions of who qualifies. Was it for those honorably discharged?

DR. NICHOLS:

I will look at that. I am unsure what our policy says regarding honorable discharge. I am not sure that I understand the definition. Mr. Tetz and I would be happy to make it clear and congruent with the other language.

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CHAIR WIENER:

We will close the hearing on S.B. 318 and open the hearing on S.B. 233.

SENATE BILL 233: Provides for the free immunization of certain children against certain diseases within limits of available money. (BDR 40-105)

SENATOR JOYCE WOODHOUSE (Clark County Senatorial District No. 5):

I have written testimony I will read ([Exhibit F](#)). I have also submitted an amendment to this bill ([Exhibit G](#)).

SENATOR CEGAVSKE:

In a meeting for health care, we asked how they obtained the immunization statistics. They indicated that they made telephone calls. I have to question any report coming out based on that. I would like to see what the information is based on. In your amendment, there is a seven-member board. That will cost the State. Is that under the Department of Health and Human Services?

SENATOR WOODHOUSE:

Yes.

SENATOR CEGAVSKE:

Is there a fiscal note for that commission?

SENATOR WOODHOUSE:

There would be an additional cost. The fiscal note for immunizations is being reworked and the Fiscal Analysis Division is not aware of this amendment. We just came up with this amendment last night.

SENATOR CEGAVSKE:

Can you explain section 6 on page 3 of your amendment?

SENATOR WOODHOUSE:

I would like to hold that question until the other proponents speak.

CHAIR WIENER:

Tami Chartraw, can you respond to this and answer some questions about the advisory group?

TAMI M. CHARTRAW (Health Program Manager, Health Division, Department of Health and Human Services):

I have written testimony in support of this bill that may answer these questions ([Exhibit H](#)).

LESLEY PITTMAN (United Way of Southern Nevada):

The United Way of Southern Nevada is in support of S.B. 233. One of the United Way of Southern Nevada's goals is to increase the number of immunized children from birth to 3 years of age to 80 percent by 2010.

BONNIE SORENSON (Director, Nursing and Clinical Services, Southern Nevada Health District):

I have written testimony in support of this bill I will read ([Exhibit I](#)).

LAWRENCE P. MATHEIS (Executive Director, Nevada State Medical Association):

The Nevada State Medical Association supports this bill. The issues related to childhood immunizations in this State are now appropriate for examining comprehensively. In January 2009, there was a change that the Health Division adopted to purchase sufficient vaccines to be distributed to all children in the State. It is now only for those who come under the federal Vaccine for Children program. We are 50th in the Nation in childhood immunization. We have not looked at our child-immunization policy for many years, and it is time that we do. If we are going to stay with the policy that the Health Division has adopted, we are going to have to make sure we have coverage to assure the availability of vaccines. These are two different approaches to that cluster of issues. The amendment sounds fine. Having an ongoing, permanent advisory committee to the Health Division or the State Board of Health is a good idea. We recommend that you consider directing the interim Legislative Committee on Health Care to hold hearings on developing a comprehensive response to childhood-immunization issues. One issue is the distribution and availability of vaccines. Coverage is an issue. We are not only 50th in the Nation in childhood immunizations, we are 50th in medical homes for children; we are 50th for children receiving preventive care; we are 50th in most of the categories the health professionals deal with. We need to look at a way of making information available to the doctors and clinics through the registry that is useful and timely. There are many different issues that need to be thought about comprehensively, and the risks are huge. Four out of ten preschool children in Nevada are not immunized against preventable, communicable diseases. If we have an outbreak, we do not have the herd protected. If we have nine out of ten people

in a population immunized, the chance of somebody contracting the disease and spreading it is very small. When we reach the level of six out of ten, we are risking an outbreak. It would be devastating to the health of many children, their families and a danger to the economic recovery of Nevada.

LAWRENCE WEEKLY (Clark County Commissioner, District D):  
It is time to put our children first, and we are in support of this bill.

BOBBETTE BOND (Nevada Health Care Policy Group; Health Services Coalition):  
I am here on the behalf of Nevada Health Care Policy Group and the Health Services Coalition, which is a Coalition of 20 different organizations with self-funded plans. I want to thank Senator Woodhouse for the opportunity to have public dialogue about the State's responsibility for funding and the fundamental role it should play in protecting our children against vaccine-preventable diseases. The State has a fundamental role in protecting our residents from diseases and has been a fundamental pillar of all public health for the last 40 years. We are surprised to find that we are not invested as a State in herd protection. Nevada is one of the few states to provide no funding for childhood immunizations except for the match it has to provide to receive federal dollars. That is the only General Fund money we use. We do nothing else for the children. While the State is providing no funding, it is in statute that vaccines be administered to all children before they can enter the school system. There is a recognition and mandate from the State of the importance of immunization, but it is not backed up with funding. We have been involved with the State's policy change to go from a "universal select" State to being a "vaccine-for-children-only" State. Self-funded plans are the plans impacted the most. Until this year, they were able to use the State's designated funds from the Centers for Disease Control and Prevention (CDC) under "universal-select" to provide vaccines.

We have had an education in how the vaccine process works. We appreciate Mr. Whitley and his staff getting this settled and educating the providers, payers and the community about the change. We remain frustrated with the financing situation. The State has the ability to cover far more vaccines for the same amount of money than the private sector can. The State holds the CDC contracts. Those CDC contracts are government-only contracts. Groups like ours are not allowed to use those contracts. They provide immunizations at a much more affordable rate. These affordable rates, under which the Pharmaceutical Research and Manufacturers of America (PhRMA) still makes a



profit, are not extended to payers other than the government. We have been trying to work with PhRMA over the past year regarding how the health plans can access those rates to make immunization dollars go farther. We found that it is not possible. Pharmaceutical Research and Manufacturers of America increases their prices so these vaccines for nongovernment purchasers are more profitable for them. The funds and mandates for coverage intended to result in higher immunization rates goes, by and large, into the pharmaceutical companies' pockets. It does not go into the doctors' pockets. We are frustrated with the financing model.

We support efforts to comprehensively vaccinate our children. We all need to be at the table to do more. Pharmaceutical Research and Manufacturers of America refuses to consider that a large increase in immunization rates, which benefits their bottom line, should translate into lower cost per immunization. We are supportive of a couple of things. We like the idea of an advisory board for many of the reasons Larry Matheis talked about. We support creating a State plan for a financial model, looking at reimbursement and the funding of immunizations and looking at more strategic ways of expanding immunization rates. We are not opposed to providing immunizations. Early in the Session, Senator Cegavske asked specific questions about the Culinary Health Fund's immunization financing. We are not opposed to requiring immunizations or paying for them. We are opposed to strategies that waste health-care dollars by forcing immunizations to be purchased on the open market instead of through the CDC contracts. We have handed out a chart which shows the difference between the CDC contracted rates and what the providers need to buy the vaccine in the open market ([Exhibit J](#)). I have circled the "CDC Cost/Dose" and the "Private Sector Cost/Dose" to show the difference. One dose at CDC rates, which the State has access to, is \$13.25, and the private sector rate is \$22.35. We are struggling with a way to make it more affordable. Every time we come up with a model that allows the funds to be used for State designated contracts, there has been a barrier. State by state, that barrier has been PhRMA. We would like to encourage everybody to come up with a more global solution.

JAN GILBERT (Northern Nevada Coordinator, Progressive Leadership Alliance of Nevada):

This is an essential service. The Progressive Leadership Alliance of Nevada is in support of this bill.

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CHAIR WIENER:

We will close the hearing on S.B. 233 and open the hearing on S.B. 381.

[SENATE BILL 381](#): Revises provisions governing the immunization of children against certain diseases. (BDR 38-809)

SENATOR VALERIE WIENER (Clark County Senatorial District No. 3):

I have written testimony that I will read ([Exhibit K](#)). We have a couple of amendments that have been offered and should be considered. One has been provided by Jack Kim ([Exhibit L](#)). I also have written testimony from Lisa Glasser, M.D., FAAP ([Exhibit M](#)) and Beverly A. Neyland, M.D. ([Exhibit N](#)) for the record.

MS. CHARTRAW:

I have written testimony I will read ([Exhibit O](#)).

CARI A. ROVIG (MBA, Statewide Executive Director, Nevada Immunization Coalition):

I have written testimony I will read ([Exhibit P](#)). The Nevada Immunization Coalition continues to work with providers, managed care, our self-insured plans, vaccine manufacturers as well as the community on all of these issues.

MS. SORENSON:

I have written testimony I will read ([Exhibit Q](#)).

CHAIR WIENER:

I have an amendment from Ms. Chartraw. Is that the amendment you addressed?

MS. SORENSON:

Yes.

LAWRENCE WEEKLY (Board of Directors, Southern Nevada Health District):

I also serve as a member of the Southern Nevada Health District Board of Directors. I am in support of S.B. 381.

BRYAN WACHTER (Deputy Director, Retail Association of Nevada):

The Retail Association of Nevada has a standard opposition to insurance mandates. We have countless examples where employers have to increase the

percentage employees are contributing to their health care. Normally on bills like this, only 26 percent of the population is actually affected by the mandate. We are glad to see the amount of people affected has increased, because it did provide for Medicare and State organizations. Most employers under the Employee Retirement Income Security Act (ERISA) are not mandated for these kinds of insurance. Our opposition does not come from whether or not immunizations are good, but because it increases the cost of health care.

SENATOR WASHINGTON:

Do you have any numbers on the cost of spending by providers?

MR. WACHTER:

No. I can try to get those for you

SENATOR WASHINGTON:

Do you know how many mandates we have in this State?

MR. WACHTER:

Under ERISA there are six. There are about ten bills this Session that will mandate different programs for insurance such as autism, eating disorders and mental health.

SENATOR WASHINGTON:

I would like the numbers that directly affect premium payments increasing.

MR. WACHTER:

I will provide that.

MISTY R. GRIMMER (Nevada Association of Health Plans, Inc.):

I am here representing the Nevada Association of Health Plans, Inc. The amendment is from Jack Kim [Exhibit L](#). We are in favor of this bill. Our member plans already provide this benefit. The amendment puts back the ability for insured plans to charge a co-pay. This requires a doctor's visit, and the co-pays help cover the administrative cost. We noticed it does not put the co-pay back in the State plan.

CHAIR WIENER:

Is there a range on how you do the co-pay? If a child came in for an annual examination and a shot, is it the same co-pay for the whole visit?

MS. GRIMMER:

I will have to get specific information from Jack Kim. Generally, if there is a service with an additional lab fee or additional test statement, there may be an additional co-pay along with the doctor's visit co-pay. It is my understanding for immunizations the co-pays are less than \$15.

CHAIR WIENER:

We will now close the meeting on S.B. 381 and open the meeting on S.B. 393.

**SENATE BILL 393**: Revises provisions governing barber schools. (BDR 34-1223)

SENATOR HORSFORD:

Senate Bill 393 changes the governance structure and licensing for barber schools. It transfers the authority from the State Barbers' Health and Sanitation Board to the Commission on Postsecondary Education. In 2007, Assemblyman Arberry and I sponsored legislation that allowed for the creation of the State's first barber school. We only have one instructor in the State for barbers. I have watched the process and supported the work of the instructor and owner of this barber college, I believe there is a need to transfer the governance of the barber schools from the State Barbers' Health and Sanitation Board to the Commission on Postsecondary Education. The Commission on Postsecondary Education governs many vocational-education programs including vocational driving schools and massage therapy, among others. This is a logical step towards an organized system similar to these other trades. This will make the governing structure transparent. It will hold our barber schools accountable to reasonable requirements for accreditation based on the structure and the infrastructure that is in place through the Commission on Postsecondary Education. I am offering an amendment that we are waiting for from the Legal Division. It makes changes to the rules regarding apprenticeships and allows one barber to supervise up to three apprentices. I have heard from constituents in support of this bill. When we look at vocational programs and their purpose, the barber field has been an area of particular interest to various communities. I have been able to witness young men and women realize they can turn their lives around and be productive. The Commission on Postsecondary Education is better suited to support the students and the instructional process. They can ensure that regulatory and technical assistance systems are making any of the schools we establish productive.

MR. WEEKLY:

I also have observed this process through its infancy. It is time to advance the process. It is bureaucratic and denies individuals an opportunity to come to a school like the Nevada Barber College. It has been gratifying to have this barber school in our community. People would have to travel to another state for credentials to be a part of this profession. I support this bill.

LUIS MARMOLYO (Nevada Barber College):

I am a student at the Nevada Barber College. I am here to support this bill.

DOUG GARNER (Nevada Barber College):

I am an educator with the Clark County School District (CCSD). I am a doctoral candidate and instructor with the University of Nevada, Las Vegas and I am on staff with the Nevada Barber College as their curriculum and education instructor. This bill provides appropriate positioning for the Nevada Barber College as a postsecondary institution. It falls in line with other vocational-instructional institutions.

DAVID PERLMAN (Administrator, Commission on Postsecondary Education):

There is no opposition from the Commission on Postsecondary Education. I do not believe it will be a burdensome task for us. I have looked at the regulations the Barbers' Board has adopted, and we will have to adopt some for the sanitation issues. We want to provide the students protection in the event there is precipitous closure. We also have bonds in place and have a recovery fund. We are the repository for academic transcripts with approximately 100,000 transcripts on file. I have a statement that I would like to have be a part of the record ([Exhibit R](#)).

ROYAL BYRON (Co-owner, Instructor, Nevada Barber College):

I am the Nevada Barber College's instructor and co-owner. We are in strong support of this bill. We feel there is a better safety net in the Nevada Commission on Postsecondary Education.

RAYMON GREEN (Barber, Nevada Barber College):

I have completed the instructor-training program, and I am in support of S.B. 393. I hope to continue to promote public and personal hygiene and the true professional skills of my trade.

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DAVID CAMOCHO (Student, Nevada Barber College):

I am a student at the Nevada Barber College and am in support of this bill. I have been attending the Nevada Barber College since December 2008.

SENATOR HORSFORD:

What is required for the instruction?

CHAIR WIENER:

The members of the Commission always carefully review a school's curriculum.

MR. BYRON:

The school has a 38-week program and requires 1,500 hours of training before the students can receive their license. The 1,500 hours consists of 700 service haircuts, 50 shaves and 50 facials which they donate. There are also 200 hours of theory instructions. It must be done within a year. That is the short course required before taking the exam. It allows them to deal with the public on a social level and helps them benefit each new community.

TEXANNER BYRON (Co-owner, Nevada Barber College):

I am also in support of S.B. 393.

NATHANIEL K. LASHORE (President, State Barbers' Health and Sanitation Board):

I am not in support of this bill. It takes away the authority of the Barber Board to regulate the barber industry. That is getting towards deregulation, and we have seen the results of that. We are glad we have a barber school in Nevada. It gives us the opportunity to be involved in the regulation and ensure students get the proper training they need. Our ultimate responsibility is to protect the public. We would like to see a good school and we support the owner of the school. If the school is successful, the students can be successful. We are there to protect the consumer. David Perlman called us about our interest in the bill. At that time, we asked who would regulate or license the instructors. He stated it would probably be the Barbers' Board. We have seen the results of people coming from other states that were not regulated. Those students do not know how to operate the equipment. We have had to stop them from shaving people because of unsafe practices. We want to make sure this is regulated so the students come out prepared to do the job. Students have come to us frustrated because of the lack of instructors and proper training. The instructors are busy providing services to the consumer instead of training them. They have had to go to other barbershops for some support.

Our Board is a member of the National Association of Barber Boards of America. We have attended conferences that have helped us better serve Nevada. One of the things we learned is the importance of having a bond. In A.B. No. 424 of the 74th Session, there was a requirement for a bond that was taken out. Last week in Las Vegas, a cosmetology school went out of business. There was a \$400,000 bond to help ensure that people got their money back. That is why this school should have a bond as well. The State has 223 barbershops and 883 barbers. California is not regulated at all, and they went to postsecondary education. There are about six states under postsecondary education. Four of them are not regulated by the barber board. The ones that have tried it say it does not work. We have students coming before our Board to take the exam, and they are not prepared. We are told instructors are too busy taking care of customers. That is the problem with having too many apprentices working under registered barbers. Currently, six apprentices can work in a shop. We want to make sure barbers are able to provide the services necessary for safe practice. I have a statement that I would like to be a part of the record ([Exhibit S](#)).

SENATOR HORSFORD:

What is the process for the Board, and what process do you have in place for curriculum, assessment, development or review? What is your process for having a fund to protect student's tuition? These practices are customary to the Commission on Postsecondary Education. It is what they do for schools they regulate. We are trying to streamline it and make it consistent for all vocational-education institutions. What is unique about barber schools that disqualify them from participating under Postsecondary Education?

MR. LASHORE:

The Cosmetology Board has a \$400,000 bond and they say that is not enough. A bond should be sufficient to cover the maximum number of students' tuition.

SENATOR HORSFORD:

What is the Board's current policy on bonding?

MR. LASHORE:

There is no regulation now.

SENATOR HORSFORD:

There is no process in place?

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MR. LASHORE:

No. There was a mandatory bond in A.B. 424 of the 74th Session, but it was left out.

SENATOR HORSFORD:

In the development of the regulations, did the Board not implement that as a standard?

MR. LASHORE:

It was not in the laws that were given to us, so we were not able to enforce or demand the schools give us a bond. We suggested it for protection, but they did not.

MR. PERLMAN:

We have regulations in place that require bonding. There is a tuition recovery fund, and the bond is paid first. We always have a reviewer who works for the State or in the industry who can do curriculum reviews.

CHAIR WIENER:

How many schools are under your jurisdiction?

MR. PERLMAN:

We have approximately 142 schools and approximately 40 more that are not licensed by us but reviewed by us for approval to train.

CHAIR WIENER:

Do any of those schools deal with professions that involve licensure?

MR. PERLMAN:

Yes, we work with other boards. We work with the nursing board and license the nursing schools. We work with agencies that license real estate for insurance. The law states, if it leads to professional licensure, we are required to license that entity.

SENATOR HORSFORD:

Where does the Board operate, and where do students go to get applications?

MR. LASHORE:

It is located at 4017 East Flamingo Road, Las Vegas, Nevada.



SENATOR HORSFORD:

I have had complaints from constituents about having to go to a barbershop to pick up information or get issues addressed on their application. Where is that facility?

MR. LASHORE:

The same location.

SENATOR HORSFORD:

Is it a public building or a barbershop?

MR. LASHORE:

It is a combination.

SENATOR HORSFORD:

Is there dedicated staff that support the Board, and if so, how often do they work and how many positions do you have?

MR. LASHORE:

We have a president, vice president and a secretary.

SENATOR HORSFORD:

I do not mean officers of the Board but staff that supports the function of the Board.

MR. LASHORE:

No. We have no staff.

ANTINETTE MAESTAS (Nevada State Barbers Association):

I have written testimony I will read ([Exhibit T](#)).

SENATOR HORSFORD:

Is it your understanding that once a student finishes a program, they are not licensed by the Board? Is that what you believe this bill does?

MS. MAESTAS:

No. I believe that when they are finished with their 1,500 hours of barber school, they have to be licensed by the Board. I do not believe Postsecondary

Education knows our industry. Tomorrow you could go to California, get a business license, open a barber school and start teaching.

SENATOR HORSFORD:

I want it to be clear for the record that the individuals who complete education at a school go before a board for testing and licensing. I do not understand how it is equated that the industry would be deregulated.

VICKY SAKACH (Vice President, State Barbers' Health and Sanitation Board):

Most of you get a haircut or personal service. Direct contact with multiple persons invites the spread of infectious diseases. The regulation of the Barbers' Board in Nevada has dramatically helped prevent the spread of infections and disease. This is not true for all states. There are numerous outbreaks of infections in California. In a town in northern Nevada, there have been over 100 cases of developed eye herpes. What they had in common was being waxed.

MR. PERLMAN:

We would work with the Barbers' Board as we do with other agencies that we regulate. We work to make sure that both sides of the application go forward. We do not have the expertise in barbering, but we do not have the expertise in nursing either and are successful with that. We rely on other agencies to assist us.

MR. WEEKLY:

I can respect the concerns about health and sanitation and how important it is. If it was happening on a professional level, we would not be here talking about this bill. If you could see what this industry is dealing with in southern Nevada, you would see that this whole thing needs to be overhauled. Your current president's office is in a beauty shop. You talked about California, but you did not say anything when the Board sent everyone to California to be licensed. If the Committee does not consider this bill, then let us do something that completely overhauls the Board and get some people in here that can clearly oversee this profession.

MR. LASHORE:

We have a school in place and want to help. The instructor asked us to help him, and we have.

SENATOR HORSFORD:

It is interesting how little issues and small bills can turn into much more. The significance of this, in my estimation, is that we have the first barber college in the State. It is an educational, vocational institution and there is infrastructure already in place to meet the needs of curriculum development, assessments, bonding and protection for students. They have a public office with staff available to address the public's concerns. These are all reasons for this bill's consideration. It is not about deregulating the barber industry whatsoever. We know we need the Barbers' Board to license individuals who become barbers. The Barbers' Board knows how to run barbershops. The Postsecondary Education Commission is able to help support the Barber College as an education-vocational institution. Working with the Barbers' Board will actually improve the system and help it go forward. I have conferred with our Committee Counsel, and the instruction qualification, as required in current law, will be preserved. I will make an amendment to that point. The qualification currently in statute will remain.

CHAIR WIENER:

We will close the hearing on S.B. 393 and open the hearing on S.B. 378.

**SENATE BILL 378**: Establishes requirements for certain early childhood education programs. (BDR 34-1134)

GLORIA DOPF (Deputy Superintendent for Instructional, Research and Evaluative Services, Department of Education):

This bill puts a plan in place for a formalized alignment between pre-kindergarten through the kindergarten through twelfth grade (K-12) programs. There are State funds in place for supporting early childhood-education programs. The Legislature has received a recent report, under A.B. No. 627 of the 74th Session, regarding the impact of State dollars spent for early childhood education. This bill creates a formal structure for this type of effort to continue. It does not create any additional mandate for additional funds, nor does it create a mandate for a family to access the early childhood program. It merely creates an opportunity to have a comprehensive plan ensuring childhood programs have components in them that are the requisite building blocks toward the K-12 education standards. The programs that receive State funds must follow a particular set of requirements for appropriately licensed teachers and a program of early childhood education. This requires the Department of Education and the State Board of Education to formalize the process for any programs receiving

public funds. We are hoping that with the onset of the American Reinvestment and Recovery Act of 2009 (ARRA), there will be some opportunity for expansion of early childhood programs in this State.

CHAIR WIENER:

Could you explain the funding you said was available?

MS. DOPF:

One of the priorities President Obama set forth under the ARRA is the expansion of early childhood education. It is not a mandate; it is a permissive use of the funds. Particularly, under the supplement for the Title I.

CHAIR WIENER:

I have an e-mail from Janine Hansen that I would like to have made part of the record ([Exhibit U](#)).

CHAIR WIENER:

We will close the hearing on S.B. 378 and open the hearing on S.B. 389.

**SENATE BILL 389**: Revises provisions governing accountability in public schools. (BDR 34-807)

MS. DOPF:

Several years ago, the No Child Left Behind Act of 2001 (NCLB) was passed, and the State modified its existing assessment and accountability system to conform to the requirements of federal law. At that time, we had in place the Nevada Education Reform Act (NERA) and a specific set of identifiers for schools needing improving as well as consequences attached to those schools. We also had a Title I system in place for school designations and consequences under Title I. One of the requirements of the NCLB was to mesh those systems. All states were required to have a uniform system of school designations, assessment and accountability. In 2003, we began to roll out the uniformity of that system and put in place designations for non-Title I schools, which was a revision of the NERA process as well as consequences. Our intent, and the legislative intent at the time, was for uniformity and consistency between schools receiving Title I funds, and the balance of schools in the State.

We have approximately 150 schools that are Title I served. They receive federal funds, and there are over 400 schools that do not receive Title I funds. We

were required to look at what would be appropriate for an accountability system for schools that are non-Title I but have some comparability of expectations. At that point, the Legislature enacted a system where all non-Title I schools designated as "In Need of Improvement" (year 3), would have to have an intervention involving a School Support Team (SST) similar to how Title-I schools are designated to have an intervention involving a SST that assists the schools. We have been living under that structure for several years and received State support. That money has been in legislative appropriations at approximately \$10,000 per school. In contrast, Title I schools receive in excess of \$20,000 for that same functionality. We never had enough State funds for exactly the same thing, but we were pleased to have some amount of State funds to support the non-Title I SSTs. The benchmark for the percentage of children that must make proficiency under NCLB is increasing every other year in order to get to a 100-percent proficiency in the 2013 time frame. There are an increasing number of schools not making adequate yearly progress (AYP). If you get 70 percent of the children making proficiency, and the next year you get 80 percent, you may not make AYP that year. If it had been the 70 percent, you would have continued to make AYP. It has been an evolving picture in all states. As that target increases, more schools are being identified as not making AYP in our State. We have an increasing number of schools at the Needs Improvement, year 3 level, and requiring a SST and consequently the potential for coming back every two years to the Legislature. We need more money at the \$10,000 per school to keep funding the SST. It is an ever-increasing fund the Legislature would have to consider in economically hard times. We have found that not every school in year 3, year 4, year 5 and year 6 levels need the intervention of the SST. They may need a different kind of intervention. We were faced with two circumstances: the increasing number of schools increasing the potential of funding requests of the Legislature; a process that may not meet the needs of all of the schools. Staff met with administrators, and districts met with the Title group to come up with a concept of differentiating the consequences at the year 3 level and beyond and to cap the amount in the fund to meet those needs.

Based on the input from the group, we would not make any changes for the non-Title schools in the year 1 and year 2. That would remain a technical-assistance requirement on the part of the districts. That would not change under this, because it is not the intent to change that structure. It can be argued that we should go down further. The secondary part of this is alignment with what the federal law requires for the Title I schools and what

funding is available for that purpose. To move down to year 1 and year 2 could potentially require additional supplemental economic requests. At this point, those schools are on notice that they need to work some things out. If they do not and go into year 3, other interventions are in order. In aligning the year 3, which means they missed four years of AYP, we propose that rather than requiring a SST year for every school, it be the year that an in-depth audit be conducted. Title I schools have the opportunity to look at their alignment of curriculum to the standards of the instructional practices. The Committee has heard from an outside entity about looking at the alignment of instructional practice to the standards. This would give each school the requirement to do that type of analysis by looking at a comprehensive analysis of the curriculum and the instructional practices as well as the achievement level of the children. We feel that would be an appropriate process when looking at any correction. After that, the Need Improvement year 4 would have the opportunity of SST if that is what is determined. As an example, some schools miss AYP by one or two children who are special education or English Language Learners. It may be more appropriate to get specific professional development to meet the needs of those children if that is where the data shows that is where the need is. Then, put in a SST to do an analysis of the larger function. That is the concept under the "year 4" differentiation of consequences driven by a more formal analysis. You can fine point where the need is and provide monetary support and services attached to that need.

CHAIR WIENER:

Committee, you might remember me referring to Valley High School when they were evaluated. In their checklist of improvements, in one category one student was not there so the entire school went down. We are going in the wrong direction regarding rewarding good behavior. This allows a customized approach and greater investment in evaluating the progress of the school and where it needs the most work.

MS. DOPF:

This bill helps maintain costs. It helps point to the needs and gives more flexibility to the districts and the schools to attach a solution to a real problem.

CHAIR WIENER:

Section 3, subsection 3, line 33 of the bill deals with the delay of imposition of corrective action not to exceed one year. What does that mean and how has that time frame developed?

Ms. DOPF:

Even though that is carried in a new section, it is not a new option. In current federal and State law, should the Department of Education or district feel that it is not warranted to impose a particular sanction, or the next step in a corrective action, there is an availability to postpone the imposition of that action one year. It is consistent with what currently exists. It is not a new allowance.

CHAIR WIENER:

I can see it is current law, but I was not aware of it. On page 5, line 1, the bill states the examination in science must not be included in the definition of AYP. Science was just added as a full-year curriculum in Grade 7. Could you explain that provision?

Ms. DOPF:

That is the current configuration and federal law does not utilize science for AYP purposes. It is the English Language Arts, which includes reading, writing and mathematics for AYP.

FRANKIE MCCABE (Director, Office of Special Education, Elementary and Secondary Education, and School Improvement Programs, Department of Education):

In the fourth year of a school not meeting AYP for five years, meaning they are in need of improvement year 4, they will need to perform the curriculum audit and to plan restructuring. We call it "turnaround." You build a plan to turn the school around rather than just restrict it. Currently, in the fourth year, non-Title schools continue to develop a school improvement plan but continue what they did before. We are finding with Title I schools, it is a juncture where something different needs to occur. In Title I restructuring, we have the district more involved with that particular school in helping develop a plan. Under Title I, the district develops the plan on how to turn that school around, what additional supports to provide and what sanctions to provide. We created a parallel in State statute that in the fourth year, non-Title I schools, like Title I schools, will develop a turnaround plan. If they do not make AYP that year, they will implement that plan the next year. We are trying to draw benefit from everything we do in Title I, which has more funding now. Everything we are developing, we can utilize for the State non-Title I schools as well. We can monitor the implementations of those turnaround plans as we do for Title I schools.

CHAIR WIENER:

The audit will yield information that will give some direction for improvement and that takes time. How do you handle it when the calendar goes to the next year and they have not been able to improve yet? Who will conduct the audit?

Ms. McCABE:

We pattern this requirement after what we currently do for districts identified as In Need of Improvement under Title I. We utilized our comprehensive resource center and some of the current research on what needs to be in a comprehensive audit. We call it a curriculum audit. The way we have defined curriculum is curriculum, instruction and assessment. We are finding that schools with School Support Team Leaders assigned to them are areas that schools struggle. We will build the audit tool with the assistance of our comprehensive center and input from districts. We have such audit tools that exist now in some of our districts. The Clark County School District has developed a comprehensive tool used in a few of their regions. We intend to look at those tools developed and the tools developed by other states.

CHAIR WIENER:

You are doing it along the way and creating improvements as you go.

SENATOR HORSFORD:

Is there some way we can reflect the fact that the audit is more inclusive of instruction and assessment in the language?

Ms. McCABE:

Yes. We did this with our Title I audit for a district. Part of the reason we call it curriculum is because it is part of the federal requirements to look at curriculum. We thought just looking at it was not enough. Curriculum, instruction and assessments are two sides of the same coin. We would make it more specific and still meet all of the federal requirements.

SENATOR HORSFORD:

Is it possible to add some timelines and performance measures to what is expected from the turnaround plan? A school is not meeting AYP, the audit goes in, the audit evaluates and has recommends, and there is the turnaround plan. I assume in the plan its ties it to performance or at least have language alluding to the development of performance standards with the timeline for



benchmarks. My questions would be, for Legislative intent, how long does a school get to turn around or to implement the plan and show progress?

Ms. McCABE:

The comprehensive center has made a distinction between "rapid turnaround" and "slow, steady turnaround." We can see if there is not going to be enough time to reach the target. We are looking at how we can make that distinction and still be reasonable so we do not create a standard that schools cannot meet. We are willing to look at that.

SENATOR HORSFORD:

What about the conversion of nonperforming schools to allow some other entity to come in and operate, and what do you see as the federal trend around the issue of nonperformance schools?

Ms. DOPF:

The State law that has been developed under chapter 385 of *Nevada Revised Statutes* states the non-Title schools can follow a similar process as long as they are no more egregious than the corrective actions and sanctions under the Title. It is under the State Board's discretion as to how they want to provide for the corrective actions beyond the years that you are talking about. At the current time, the State Board has identified that they will not adopt any corrective actions more egregious than the list within the federal one. That remains as a set of consequences that can occur.

SENATOR HORSFORD:

There is a feeder school in my district that failed to meet AYP repeatedly. The Department did a corrective plan, and there still was no progress. We should not keep trying something repeatedly on the same school and hope that something is going to change without completely converting it to something new. There is frustration with trying new things on the kids who need the most help. Is there anything in the bill to prevent replicating models that may or may not work?

Ms. McCABE:

We have tried to have more accountability in the turnaround plans and have somebody at the Department work with the school and monitor it more closely, making midcourse correction. We now have enough years of data to see what the breaking point is, and how many things to try before you know the school

has not made progress. Most of our schools have made progress. It is something we need to look at to help drive the decisions we make.

CHAIR WIENER:

We should not wait until the breaking point before we make a conversion and a major transformation into something else. We can only try so many different ways. We probably need to start early.

Ms. DOPF:

The leadership and the skills of the leader at a turnaround school are unique. We know more about what type of leadership is needed and what skills that leader needs to have in order to run a school in a turnaround mode and get results. We would like to build on improving training, mentoring and support of the administrators and the team to help bring in and support some of the skills that we know need to exist. If we can differentiate some of the support provided at the restructure and beyond level, we might be able to bring in specialized training and support to those school leaders.

CHAIR WIENER:

Did you have an amendment?

Ms. McCABE:

We do not have the amendment today.

CHAIR WIENER:

We will close the hearing on S.B. 389 and open the meeting on S.B. 275.

**SENATE BILL 275**: Creates the Commission on Spending, Government Efficiency and Educational Equity. (BDR 31-170)

SENATOR STEVEN A. HORSFORD (Clark County Senatorial District No. 4):

We considered a similar bill during the 24th Special Session of 2008 when it was learned the Nevada Spending and Government Efficiency (SAGE) Commission was unable to include K-12 and higher education within the purview because of the separation-of-powers issues. What S.B. 275 seeks to do is reconstitute that entity through legislative direction establishing the membership and expanding its authority to include education. It establishes an 11-member commission, 5 of whom are appointed by the Governor, 2 appointed by the Majority Leader in the Senate, 1 from the Minority Leader in the Senate,

2 members from the Speaker of the Assembly and 1 member from the Minority Leader of the Assembly. It also indicates that members appointed should have knowledge, experience and expertise in elementary, secondary or postsecondary education including knowledge and expertise in school financing, specifically, the Nevada Plan for School Finance. In addition to the expectations of the 20 to 30 hours per month engaged in the various topic issues, the SAGE Commission would be charged with, specifically the areas outlined in section 4 of the bill, but also determining whether the pupils enrolled in the public schools are provided comparable educational opportunities. They would take into consideration those pupils who reside in rural or remote areas of the State, as well as those who reside in urban areas. The SAGE Commission would be charged with identifying any inequities in public education and determine whether those inequities are a result of the current system of financing of public schools. Based on some of the frustration from stakeholders, this is an issue that our Legislature is going to have to address. We need an entity that is looking into these issues and bringing in recommendations. It addresses the NSHE and identifies areas where savings or increased efficiency may be found. We need to continue to make our government smarter, more streamlined and to be more accountable. We also need to continue to answer the questions that are challenging to us regarding our ranking and the per-pupil investment. The SAGE Commission would be required to submit a report on or before January 15 of each year to the director of the Legislative Counsel Bureau. The director would submit that report to us in the odd numbered years or to the Legislative Commission during the interim process. This SAGE Commission would expire on June 30, 2011, unless the Legislature determined that it is necessary. I would like to offer a suggestion for consideration to include equity and adequacy in the scope. Factors for equity are not the same as for adequacy. We have a very equitable Nevada Plan for School Finance. We have a study that says we are not adequate in that funding formula. If there are both inequities and inadequacies, we need to understand what those issues are and find recommendations and solutions to address them.

DR. NICHOLS:

The first point the Board of Regents wanted me to convey to you is that under Chair Wixom's leadership, the Board has been creating a similar group to look at some of our issues of concern. We have to find efficiency and do it in a way that leaves an adequate educational structure for our students. The Board of Regents is in support of this bill. It is a bill that is carefully created to be a partnership bill that can examine some of the issues of how we collaborate in

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funding education and answer some of the questions of this Session. It would be an advisory to the Legislature.

TRAY ABNEY (Director of Government Relations, Reno Sparks Chamber of Commerce):

The Reno Sparks Chamber of Commerce strongly supports S.B. 275.

CHAIR WIENER:

We will now close the hearing on S.B. 275 and adjourn the Senate Committee on Health and Education at 4:24 p.m.

RESPECTFULLY SUBMITTED:

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Shauna Kirk,  
Committee Secretary

APPROVED BY:

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Senator Valerie Wiener, Chair

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