

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Seventy-sixth Session
April 6, 2011**

The Senate Committee on Education was called to order by Chair Mo Denis at 3:38 p.m. on Wednesday, April 6, 2011, 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 Moises (Mo) Denis, Chair
Senator Ruben J. Kihuen, Vice Chair
Senator Valerie Wiener
Senator Sheila Leslie
Senator Barbara K. Cegavske
Senator Don Gustavson
Senator Greg Brower

GUEST LEGISLATORS PRESENT:

Senator Mike McGinness, Central Nevada Senatorial District

STAFF MEMBERS PRESENT:

Pepper Sturm, Policy Analyst
Billie McMenamy, Committee Secretary

OTHERS PRESENT:

Craig Hulse, Washoe County School District
Joyce Haldeman, Clark County School District
Dotty Merrill, Ed.D., Nevada Association of School Boards
Dale Erquiaga, Senior Advisor, Office of the Governor
Tray Abney, Reno/Sparks Chamber of Commerce
Ray Bacon, Nevada Manufacturers Association
Rebecca Gasca, American Civil Liberties Union of Nevada

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Craig Stevens, Nevada State Education Association
Tracey Green, M.D., State Health Officer, Health Division, Department of Health
and Human Services
Russell Rowe, Esq., Clinics in Schools
Pam J. Beal, Southern Nevada Immunization and Health Coalition
Amber Joiner, Nevada State Medical Association
Paula Berkley, Food Bank of Northern Nevada
John Griffin, Esq., Nevada Justice Association
Marlene Lockard, Nevada Women's Lobby
Lynn Chapman, Nevada Families Association
Janine Hansen, Nevada Eagle Forum
Donnell Barton, Office of Child Nutrition and School Health, Department of
Education
Greg Esposito, Southern Nevada Building & Construction Trades Council, Clinics
in Schools
Bart Mangino, Clark County School District
Keith Rheault, Ph.D., Superintendent of Public Instruction, Department of
Education

CHAIR DENIS:

We will open the meeting with Senate Bill (S.B.) 365.

[SENATE BILL 365](#): Eliminates certain mandates pertaining to school districts and
public schools in this State. (BDR 34-184)

SENATOR MIKE MCGINNESS (Central Nevada Senatorial District):

The idea for this bill was generated from conversations with personnel in the Washoe County School District about the budget reductions and continued mandates. Before you is a comprehensive list of mandates, "Unfunded Mandates Bill" ([Exhibit C](#)). This bill will allow the school boards to make decisions on a local level. They can reach out to the community and decide the best way with limited resources, to meet the needs of their unique student populations. We need to trust our local school boards. They are elected by the people; they are closer to the people, so let them make the decisions.

SENATOR BROWER:

I am amazed at how much we micromanage education from Carson City. As you suggested, let the local elected bodies, within certain parameters, do what they think is best for their local districts.

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SENATOR CEGAVSKE:

I am pleased to see this list and excited to repeal some of these unfunded mandates. Will we be able to apply any cost savings to the kindergarten through Grade 12 (K-12) revenue account?

SENATOR MCGINNESS:

It may take time before we realize a cost savings.

SENATOR CEGAVSKE:

If S.B. 365 passes, we need to ensure that any funds generated go back to the K-12 revenue account.

CRAIG HULSE (Washoe County School District):

This bill has a history of policy decisions that have been made in this Legislature. Conversations began during the special session when cuts to K-12 education were inevitable. We created a comprehensive list working with all 17 school districts—17 "unique" school districts. Budget reductions ([Exhibit D](#)) have continued over the last four years from each school district, but the mandates are still in State law. Senate Bill 365 would free up resources in the school district to do things our local school board decides are of importance and would allow those decisions to be made at a local level with existing resources that come from the Distributive School Account funding. What you have in front of you, [Exhibit C](#), is a comprehensive list of mandates required by State law for school districts. There is no funding attached to these mandates.

SENATOR LESLIE:

The assumption is all of these mandates are bad. There are a few on this list I am not willing to give up, such as: Crisis Response in Public Schools; and Use of Aversive Intervention, Physical Restraint and Mechanical Restraint On pupils With Disabilities. I cannot assume these mandates are outdated and not needed without hearing more testimony.

MR. HULSE:

The intent was not to choose or pick one over the other of these mandates.

SENATOR LESLIE:

I want to hear from the school district of mandates which are outdated and not worthy of being statewide issues.

CHAIR DENIS:

The school districts need to give us direction by stating which mandates they feel are outdated.

SENATOR BROWER:

This list is a good start, and the bill is a great idea, but this Committee needs to scrutinize each mandate to make sure it does not group them together or miss anything.

JOYCE HALDEMAN (Clark County School District):

Clark County School District (CCSD) supports S.B. 365. Can you make these mandates all permissive? They will remain part of the statute instead of being required of the districts, so educators can make the best decisions necessary for their students. Those administrators spend so much time taking care of these mandates that they cannot take care of the students. To require school districts to do all of these for all students is not a good idea.

DOTTY MERRILL, ED.D. (Nevada Association of School Boards):

We appreciate the unique perspective Senator McGinness brings to his legislative service. Nevada school boards have had to deal with one mandate on top of another mandate. There are mandates that could be removed or made permissive. These are decisions local boards can make about the dedication of staff time and district resources.

DALE ERQUIAGA (Senior Advisor, Office of the Governor):

We are here to lend our support to S.B. 365. Recognizing the concerns raised by Senator Leslie, there are mandates on this list that we would not suggest you repeal. You might consider permissive language. Another course of action might be to alleviate the boards from specific delineation, for example, memberships on committees. A safety committee is important, but detailing who every member must be in each of the 17 school districts is not necessary for this body. Nevada has a long-standing policy that our statutes be clear for legal interpretation reasons. That has driven the bill drafters to be as clear as possible. What we want is a law to say the district "shall have a policy." I encourage the Senate Committee on Education to consider repealing many of these delineated lists that perhaps are exhaustive and leave implementation to the jurisdiction of our duly elected boards.

TRAY ABNEY (Reno/Sparks Chamber of Commerce):

We support the intent behind this bill. From the perspective of Washoe County, we like the idea of giving more local control to the school board to serve our students' best interest.

RAY BACON (Nevada Manufacturers Association):

We have one set of laws that applies to all of our school districts. Permissive language will take away the impediments and get to something realistic and manageable for smaller rural school districts. We have not considered the smaller rural school districts as we have added these mandates. They do not have the capability to handle them.

REBECCA GASCA (American Civil Liberties Union of Nevada):

We understand the reason this discussion is taking place and do not disagree with the intent of the bill. Education originated as an obligation to raise children to be effective and productive adults. We hope you would be reticent to repeal any mandate that could disproportionately affect minorities, youth of color and students with disabilities, especially those who help us evaluate the national trend which is known as "the school pushout" or "the school to prison pipeline." Those students who are affected by zero tolerance policies or other types of special education programs are those students who are most often pushed into the criminal justice system. We would find it problematic without mechanisms that control or adequately follow students in the transparency of the school districts' response. It would serve to undermine the State's obligation to ensure there is an equal opportunity for students regardless of their race, ethnicity, language barriers, learning disabilities or mental health disabilities. We hope you take that into consideration as you walk through each of these suggested repeals.

CHAIR DENIS:

Mr. Hulse, this list is unmanageable. Can you coordinate the school districts and other groups wishing to contribute input to refine and prioritize this list?

MR. HULSE:

The working group will come together to develop a list easier to navigate for the Committee.

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SENATOR CEGAVSKE:

If the group can give a reference and recommendations to each mandate, I can work with the list. We need their expertise.

SENATOR WIENER:

The Committee will need a level of specificity for direction.

CRAIG STEVENS (Nevada State Education Association):

We oppose S.B. 365 though we understand the intention behind the bill. There is a lot in here that parents, teachers, educators and the Committee have fought hard to accomplish. Perhaps we can enlist the help of the State Board of Education, who are our elected officials, and bring together the school districts and the stakeholders for a thoughtful debate. They can determine the best recommendation to the Legislature.

SENATOR WIENER:

Many of these mandates have come before committees I have served on and chaired during my eight sessions. Some of these measures were processed individually for an entire session, one at a time. We did thoughtful deliberation. There was a reason we processed those over a long period of time; individually, some took an entire session.

CHAIR DENIS:

We will now close the hearing on S.B. 365 and open the hearing on S.B. 247.

SENATE BILL 247: Establishes the Program for School-Based Health Centers.
(BDR 34-112)

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

I am here before you today with a labor of love which is S.B. 247. I am offering a conceptual amendment (Exhibit E). This bill deals with school-based health centers (SBHCs) and is an outcome of many conversations. The intention of the measure is to create a statewide health authority in the Health Division (HD), Department of Health and Human Services, as a receptacle to fund SBHCs. There are different streams of funding available. The school-based health authority would establish a best-practice, evidence-based model. The idea is these centers will be developed at a local level with the board of trustees and advisory councils. The State will be the authority to receive and funnel the money and establish standards. We will need an ongoing dialog for success.

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CHAIR DENIS:

As I read your proposed amendment, it appears to be permissive language.

SENATOR WIENER:

Yes, Mr. Chair, the language is permissive. We are offering a best-practices based model; it is permissive, and the advisory councils will be specific to the different facilities for flexibility.

CHAIR DENIS:

With this permissive language, can we implement it now?

TRACEY GREEN, M.D. (State Health Officer, Health Division, Department of Health and Human Services):

I am here today in support of S.B. 247 as presented with the proposed amendment. The bill, with the amendment, establishes an office of SBHCs at the HD and the program of SBHCs at the HD. To the extent that funding is available, it requires the State Health Officer, HD, or designee to administer the program, adopt regulations to carry out the program and apply for and accept federal grants, gifts and private donations for the implementation of the program. We do not have that infrastructure now and are not competitive. We do not qualify for many federal grants that are available.

In addition, S.B. 247 authorizes school districts and charter schools to establish SBHCs.

The annual Commonwealth Fund report in 2011 ranked Nevada 50th in the nation for children without a medical home. Through our H1N1 flu efforts, we identified two primary problems for Nevada's children: a lack of access to services and a shortage of primary-care providers.

Research has demonstrated that SBHCs can deliver these crucial services such as comprehensive preventative health care, mental health care and screening for high-risk behaviors to hard-to-reach populations. Scholastically, those schools that have integral SBHCs have shown reduced absenteeism, tardiness and dropout rates.

I have presented you a map of the United States ([Exhibit F](#)) showing current SBHCs across the nation and the estimated numbers of SBHCs needed to serve children ages 6-17 years.

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SENATOR CEGAVSKE:

Where will the statewide office be? Who will be in charge of implementation and the money?

DR. GREEN:

At this time, the function will be housed in my office. We have a mechanism established for receiving grants. We are willing and ready to assume the cost for the creation of the regulations. I foresee us working with the stakeholders, which include the school districts, schools and the current SBHCs.

SENATOR CEGAVSKE:

I am concerned about having another mandate; what it will do to each school district, and districts not able to facilitate on premises.

DR. GREEN:

In no way is this mandating any school district to provide this service. This is for the acceptance of funding for those school districts that are interested.

CHAIR DENIS:

A school district can opt out, and no reporting is required, is that correct?

DR. GREEN:

This in no way designates the responsibilities of the school district. Those requirements are to receive federal or private money that might come to the State.

CHAIR DENIS:

The administration of this program will come through your office at no additional cost to the State; did I understand that correctly?

DR. GREEN:

That is correct.

SENATOR CEGAVSKE:

Can the school districts individually apply for the grant money?

DR. GREEN:

The State must apply for some funding and private agencies apply for other funding. There is a cooperative effort with SBHCs that the school districts use a

sponsoring facility or sponsoring organization as the entity that delivers the health-care services. There is a desire to create a relationship between education provided within the school district and medical services provided by the sponsoring organizations.

RUSSELL ROWE, ESQ. (Clinics in Schools):

I am one of the founding board members of Clinics in Schools which has been in operation since 2009. We have assisted over 14,000 children with their medical care. Over 90 percent of the children we see do not have health insurance. Clinics In Schools supports the goals of this bill because it provides access to federal funding and promotes the development of SBHCs within Nevada. We support moving forward to put a structure in place in Nevada to promote the development of SBHCs.

Section 7, subsection 2, of the proposed amendment, [Exhibit E](#), deletes a provision regarding the development of the regulations and essentially encourages collaboration among all parties to participate in that process; we support that.

With regard to section 7, subsection 2, paragraph (b), of the proposed amendment, we do not oppose the creation of advisory councils, but with current language it appears we would have to have one for every SBHC.

Section 7, subsection 2, paragraph (c), of the proposed amendment mentions minimum services that must be provided to qualify; one is counseling, which is not defined. We do not provide mental or behavioral health counseling. We provide general health counseling so we would like to be able to work with the sponsor so we do not disqualify any of the organizations currently in existence.

SENATOR WIENER:

The intention of section 7 was to define an umbrella. The idea is not about micromanaging from the State level, it is about getting the umbrella in place.

PAM J. BEAL (Southern Nevada Immunization and Health Coalition):

The Southern Nevada Immunization and Health Coalition is a diverse partnership of dedicated members representing private and public health organizations, social service agencies, community based organizations, businesses and individuals. I am here today in support of S.B. 247 as presented with the amendment.

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AMBER JOINER (Nevada State Medical Association.):

We would like to go on the record in strong support of S.B. 247 as amended. The Nevada State Medical Association has supported the establishment of SBHCs for years and would like to see them proliferate. This bill is critical and necessary to establish an infrastructure at the State level. It puts us in a competitive capacity to receive federal funds and additional grants.

PAULA BERKLEY (Food Bank of Northern Nevada):

We support S.B. 247. Food and health go hand in hand. We are eager to assist in any way we can, so count us in as a partner.

JOHN GRIFFIN, ESQ. (Nevada Justice Association):

We have one issue with section 15. The issue is not so much in providing immunity or protection to the boards of trustees or the governing body of the charter school; it is in the drafting and the wording. In reviewing the language you can come up with a number of scenarios. We need to accomplish the intent.

SENATOR WIENER:

The school board of trustees and the health-care provider have the protection, so is it the sponsoring facility and the sponsoring organization where your concern is?

MR. GRIFFIN:

Not particularly.

MARLENE LOCKARD (Nevada Women's Lobby):

We are in support of this legislation.

LYNN CHAPMAN (Nevada Families Association):

We oppose this bill. What is the process to give consent? Who is held accountable if something happens to a child during a visit with the SBHC? Is there a report given to the parent advising the outcome of their child's visit to the SBHC?

DR. GREEN:

The SBHCs nationally, and as a State office, are directly in support and insist upon parental involvement. The relationship is between the school board, the school and the sponsoring facility. Federal money requires parental consent to

be part of the application and is mandated within the federal applications for much of the dollars designated for SBHCs. The standard is a relationship between the schools and the SBHCs where parents designate what services, if any, they wish to have provided for their child. The document is updated annually.

JANINE HANSEN (Nevada Eagle Forum):

School-based health clinics are not a new idea; they have been around the country for over 20 years. In the original bill on page 4, section 10, there were specific and well-worded guarantees for parental consent. This whole section has been deleted from the bill.

Do we want to make it a standard in the schools that our children learn to expect the federal government to provide their health care? Do we have individual responsibility for our health care? Can we make those individual decisions, or will we have this care through the schools; through socialized government? We oppose S.B. 247.

DONNELL BARTON (Office of Child Nutrition and School Health, Department of Education):

We are neutral on S.B. 247. We do not believe this will have a great impact on the Department of Education, but it will have great benefits for children.

GREG ESPOSITO (The Southern Nevada Building & Construction Trades Council, Clinics In Schools):

For unemployed construction workers in Nevada, in numbers larger than ever before, health insurance benefits are now expiring. Their children are out of health care. These clinics are providing the services those children need. I am cautious of new legislation that may interrupt or disrupt this system that is already in place with clinics in schools. The implementation of this bill will do a wonderful thing statewide. I hope in the implementation of this bill the existing programs are not negatively affected and the people that need it most are not negatively affected in the interim.

BART MANGINO (Clark County School District):

Clark County School District is neutral with regard to S.B. 247. We thank Senator Wiener for the permissiveness of the bill and reasserting the responsibilities of the local board. We have a concern regarding the creation of the State authority with the ability to accept school-based federal funds. Our

concern is that it could put us in competition for those funds. We would like the opportunity to work with the sponsors.

SENATOR WIENER:

The intention is not to be competitive. Collaboration is important to make this work in a most efficient and equitable way.

CHAIR DENIS:

Having no further discussion, we will close the hearing on S.B. 247 and open the hearing on S.B. 317.

SENATE BILL 317: Requires that plans developed and implemented to respond to crises occurring at public schools and private schools also address response to emergencies. (BDR 34-77)

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

I am here to present S.B. 317. Existing law requires the development committee of a school district to develop a plan to be used in responding to a crisis. The interpretation was narrowly focused on crisis involving violence. I want to ensure that we can expand the scope to include emergencies. It is the same infrastructure but would include emergency, as defined in section 2. The expertise of emergency management personnel is included.

MR. MANGINO:

I am here today on behalf of the CCSD in support of S.B. 317. We appreciate the intent and the broadening of this bill. If an organization like CCSD has personnel in place, there would not be overlapping of authorities or cross jurisdiction.

SENATOR WIENER:

I visit 20 to 30 schools a year. A great deal of pride and comfort is generated when I see the safety plan posted in the forefront for review. Children cannot learn in an unsafe environment. They are not likely to approach a school if they feel unsafe.

CHAIR DENIS:

We will close the hearing on S.B. 317 and open a work session on S.B. 196.

SENATE BILL 196: Revises provisions governing empowerment schools.
(BDR 34-86)

PEPPER STURM (Policy Analyst):

Senate Bill 196 is based on the interim study from the Legislative Committee on Education. This bill combined proposals for the Program of Empowerment Schools. Section 1 eliminates the 100 school statewide cap for empowerment schools. Section 2, subsection 5, page 5, authorizes empowerment schools to carry over State Empowerment School grant appropriations. Section 3 removes the sunset provision on the empowerment statutes that are currently in place. Without this change, empowerment statutes would expire. Section 4, as written, requires a timetable process and State reporting for converting all public schools to empowerment schools. The one amendment was from the CCSD and is included in your work session packet, "The Empowerment Schools Study: Final Report – February 15, 2010" ([Exhibit G](#)). Their amendment deletes the requirement for a timetable and process to convert all schools. This replaces it with criteria they would use to convert to this model of empowerment and how a school would maintain its empowerment status. Included in your work session packet are the criteria they would use to convert to this model of empowerment and how a school would maintain its empowerment status.

MR. MANGINO:

Please turn to the "Study Summary" page, [Exhibit G](#).

SENATOR CEGAVSKE:

Mr. Mangino, I would like to know the good practices examples and the bad. I know there have been issues with high school empowerment schools. I want to know why we had issues. Was the issue administration? We need details to proceed.

CHAIR DENIS:

This report, [Exhibit G](#), only addresses elementary schools. Can you address the issue with high schools?

MR. MANGINO:

Clark County high schools are the newer schools going into the empowerment model so the information is not available. If you are looking at implemented instructional strategies programs, they vary based on individual schools. I am sure we can put the information together for you. My understanding was to

provide information regarding empowerment schools; the year they moved to that model which would also show you the number of years and finally the results on the standardized test we used, for example Criterion Referenced Test (CRT) and or High School Proficiency Exams.

SENATOR WIENER:

What does the percentage in each column reflect in [Exhibit G](#)?

MR. MANGINO:

The percentage is based on High School Proficiency Exams, CRT Exams and the percent gains in the number of students making adequate yearly progress.

CHAIR DENIS:

Are there any questions?

SENATOR WIENER:

All schools do not meet the criteria to be an empowerment school. The language of the proposed amendment, in section 4, would be to establish criteria to identify schools which would be appropriate to convert to empowerment schools.

SENATOR CEGAVSKE:

My recommendation is that section 4 of this bill is not needed and should be deleted.

CHAIR DENIS:

I agree with the proposed amendment that every school should not be made an empowerment school. I like the criteria they would use to convert to this model of empowerment.

SENATOR CEGAVSKE:

I have been to an elementary school that operates as a true empowerment school. The district tried to get them to act under the empowerment school program. Their test scores are up. They were the highest in the State. The criteria might pigeonhole that school.

CHAIR DENIS:

Empowerment allows that freedom to each school.

MR. MANGINO:

The intent of the amendment was to provide flexibility at a local level in identifying the criteria necessary to enable schools to move into the empowerment model.

CHAIR DENIS:

Can you give us an example of the necessary criteria to become an empowerment school?

MR. MANGINO:

Criteria are left to the individual school district identifying the needs. Those needs might be specific to achievement, a request made by the individual school community or based on parent and district personnel discussions.

CHAIR DENIS:

Senator Cegavske gave a scenario of a school not labeled as an empowerment school. The criteria are there only if the school decides it wants to become an empowerment school.

MR. MANGINO:

That is correct, Mr. Chair.

SENATOR LESLIE:

You are asking us to mandate every school district instead of allowing the local school districts to establish their own criteria without the report to the Superintendent of Public Instruction, Nevada Department of Education. Why would we mandate this?

MR. MANGINO:

My interpretation of the proposed amendment for section 4 would be that the mandate is removed. It is permissive.

SENATOR LESLIE:

Is the report really necessary?

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

There are bills currently before the Legislature that require the Department of Education to give a letter grade to every school. We have enough data reports to determine how effectively every school district is operating.

CHAIR DENIS:

We have addressed section 1 to remove the cap, section 2 regarding flexibility and section 3 to remove the sunset, and we are all in agreement to remove section 4.

SENATOR CEGAVSKE MOVED TO AMEND AND DO PASS S.B. 196.

SENATOR LESLIE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR DENIS:

We heard discussions earlier on S.B. 317, presented by Senator Wiener. Senate Bill 317 is not currently on the work session agenda; however, I would like to reopen the discussion for this bill.

SENATOR WIENER MOVED TO DO PASS S.B. 317.

SENATOR KIHUEN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR DENIS:

With no further business to come before the Senate Committee on Education,
the meeting is adjourned at 6:06 p.m.

RESPECTFULLY SUBMITTED:

Billie McMenamy,
Committee Secretary

APPROVED BY:

Senator Mo Denis, Chair

DATE: _____

<u>EXHIBITS</u>			
Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 365	C	Senator Mike McGinness	Unfunded Mandates Bill
S.B. 365	D	Craig Hulse	Budget Reductions
S.B. 247	E	Senator Valerie Wiener	Proposed Conceptual Amendment for S.B. 247
S.B. 247	F	Tracey Green, M.D.	United States Map by NASBHC
S.B. 196	G	Pepper Sturm	The Empowerment Schools Study Final Report-February 15, 2010