

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Seventy-sixth Session
April 13, 2011**

The Senate Committee on Education was called to order by Chair Mo Denis at 2:36 p.m. on Wednesday, April 13, 2011, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412E, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator 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 David R. Parks, Clark County Senatorial District No. 7

STAFF MEMBERS PRESENT:

Pepper Sturm, Policy Analyst
Kristin Roberts, Counsel
Billie McMenemy, Committee Secretary

OTHERS PRESENT:

Keith Rheault, Ph.D., Superintendent of Public Instruction, Department of Education
Steve Canavero, Ph.D., Director, Office of Charter Schools, Department of Education
Kathleen Conaboy, K-12, Inc.
Christopher Roller, American Heart Association

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Bart Mangino, Clark County School District
Tracey Green M.D., State Health Officer, Health Division, Department of Health
and Human Services
Russell Rowe, Nevada Justice Association; Clinics in Schools
Craig Hulse, Washoe County School District
Samuel McMullen, Citizens for Fire Safety

CHAIR DENIS:

We will not hold another hearing on these bills and will not take further testimony. This is our time to act on the bills. I will open the work session on Senate Bill (S.B.) 38.

[SENATE BILL 38](#): Revises provisions governing apportionments to school districts, charter schools and university schools for profoundly gifted pupils. (BDR 34-507)

PEPPER STURM (Policy Analyst):

This bill was requested by the Department of Education (DOE). At the direction of the Chair, the Superintendent of Public Instruction (SPI), Keith Rheault, prepared a proposed amendment ([Exhibit C](#)) to address concerns raised at the hearing.

SENATOR WIENER MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 38.

SENATOR KIHUEN SECONDED THE MOTION.

SENATOR GUSTAVSON:

Section 2, subsection 3, of the proposed amendment may authorize the SPI to withhold the entire amount of an apportionment. I am concerned they may withhold more money than they should. I have a problem with that section of the bill.

CHAIR DENIS:

There is an appeals process.

SENATOR GUSTAVSON:

I understand there is an appeals process but that takes time. I do not want to put an unfair financial burden on a school.

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THE MOTION CARRIED. (SENATORS CEGAVSKE AND GUSTAVSON
VOTED NO.)

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CHAIR DENIS:

I will open the work session on S.B. 116.

[SENATE BILL 116](#): Requires the State Board of Education to prescribe an
adjusted adult diploma. (BDR 34-92)

MR. STURM:

Senate Bill 116 requires that the State Board of Education (SBE) adopt regulations to prescribe an adjusted adult diploma and set forth the requirements for receipt of an adjusted adult diploma for pupils who did not obtain an adjusted diploma through their Individualized Education Program (IEP). We have a work session document for S.B. 116 ([Exhibit D](#)). Several amendments were proposed. Ex-Senator Joyce Woodhouse proposed amending section 5 of the bill to delay the effective date to July 1, 2013, to eliminate the fiscal note for the current biennium. We also received an amendment from the Nevada State Education Association (NSEA) that proposed to amend the bill substantially. It would delete section 1 through section 4 of the bill. Instead of adjusted adult diplomas it would require that the SBE review all types of diplomas issued in Nevada and all types of diplomas issued in other states.

SENATOR CEGAVSKE:

I am intrigued by the NSEA amendment. I am concerned that we have too many adjusted diplomas and that we are going down the wrong path. The students are better off receiving their General Educational Development diploma than an adjusted diploma. I will not support S.B. 116. I agree that we need to review the different types of diplomas.

SENATOR BROWER:

I do not like the bill but will defer to others. I am surprised we have so many adjusted diplomas.

CHAIR DENIS:

The bill appears to have issues. We could support this proposed section. Without the bill, what is the process?

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MR. STURM:

A letter from you, Mr. Chair, can be sent on behalf of the Senate Committee on Education asking their staff or the Legislative Committee on Education to review. That does not have the force of law or have to go through Senate Committee on Legislative Operations and Elections.

SENATOR LESLIE:

I would suggest the Committee send a letter of intent. I agree we need a review.

CHAIR DENIS:

We will move on to the charter school bill, S.B. 212.

[SENATE BILL 212](#): Revises provisions governing charter schools. (BDR 34-900)

MR. STURM:

Senate Bill 212 creates the State Board of Charter Schools (SBCS). There were numerous amendments proposed as found in the work session document ([Exhibit E](#)). At the direction of the Chair, Keith Rheault, SPI and Steve Canavero, Director, Office of Charter Schools, DOE, convened a group of interested parties to develop a consensus amendment to the bill.

A mock-up of the changes is in the work session document, [Exhibit E](#). Pages 1e and 2 of the mock-up is the legislative declaration. On page 2, instead of the SBCS it has been changed to the State Public Charter School Authority (SPCSA) throughout the bill.

SENATOR CEGAVSKE:

What was wrong with the name of Charter Institute?

CHAIR DENIS:

They decided on the SPCSA for reference.

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

We thought there might be a mix-up between the SBE and the SBCS. The institute was not in the initial bill. The SPCSA was agreed upon by the interested parties.

SENATOR CEGAVSKE:

Who were the parties involved in the working group?

DR. RHEAULT:

The group consisted of charter schools sponsored by the SBE, charter schools sponsored by school districts, Clark County School District (CCSD) and Washoe County School District (WCSD), DOE staff, the national authority group, private citizens and individuals representing various entities.

SENATOR WIENER:

I am curious why it states "the SPCSA" when charter schools are public schools. To me, that raises the question that there is a private charter school authority.

DR. RHEAULT:

It does appear redundant. There are people who do not recognize charter schools are public schools in the State.

SENATOR CEGAVSKE:

Previous discussion was for the establishment of an 18th school district.

DR. RHEAULT:

That was a critical discussion in the review of the bill. There is a distinction between a school district and a local education agency (LEA). The federal government recognizes an LEA as a legal body that can accept federal funds and provide services. As an LEA, the SPCSA will be able to receive and distribute Title I Funds.

MR. STURM:

On page 28, lines 25-32, of the work session document, [Exhibit E](#), there are changes to the references within the accountability statute. On pages 35 and 38, the school governing body and the sponsor are added to the list of those who receive any required school turnaround plans. On page 45, the SPCSA is created. Page 48 of the work session document, [Exhibit E](#), authorizes a charter school to contract for purchase services with its sponsor excluding services covered by the oversight fee. Charter schools are not required to purchase services from its sponsors as a condition of charter approval. Charter schools choosing to purchase services from its sponsor shall execute an annual service contract. Within 60 days of the end of its fiscal year sponsors will

provide its charter schools with an itemized list of services purchased by the charter school reflecting the amount charged along with the actual cost and reconcile any discrepancy there.

CHAIR DENIS:

Dr. Rheault, can you give the Committee an example?

DR. RHEAULT:

It may be cost-prohibitive for many of the charter schools in this group of ten schools to employ an auditor. The SPCSA might contract with one auditor for all ten schools.

CHAIR DENIS:

The language is permissive so any charter school that did not want to participate would not be required to do so.

MR. STURM:

Page 49 of the work session document, [Exhibit E](#), deletes old language that was in section 37 of S.B. 212. The section did not meet the requirements of the United States Department of Education for funneling funds to the State-sponsored charter schools. Section 35.5 language declares the SPCSA to be an LEA.

SENATOR CEGAVSKE:

Is there a charge taken off the top of the federal funds and, if so, how much?

DR. RHEAULT:

I will use Title I as an example—there is a limit of a 3 percent administrative charge that the State and the district can charge. The federal government determines the formula, and it is based on the number of disadvantaged students in the schools. The SPCSA receives and proportionately distributes the funding.

SENATOR CEGAVSKE:

Does 3 percent apply to all of the federal funds you receive?

DR. RHEAULT:

They are all different.

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MR. STURM:

On page 51 of the work session document, [Exhibit E](#), section 39, it states the Committee to form a charter school submits its application directly to the sponsor.

SENATOR CEGAVSKE:

I want to be certain this clarifies that the DOE cannot approve or disapprove an applicant; it only reviews the application.

MR. STURM:

Page 53, lines 21-23 reads, "If the Department determines the application is complete, the Department shall transmit the application to the proposed sponsor for review" Our next substantive change is on page 56, [Exhibit E](#), section 41. It revises the process for charter schools to change sponsors. The process must not include the original requirements of the initial application. Page 59 of the proposed amendments [Exhibit E](#), states that the new SPCSA is authorized to adopt regulations relating to specified sections of the charter school statute.

CHAIR DENIS:

This is the section where the choice was to either have the DOE create the regulations or the SPCSA.

MR. STURM:

That is correct.

SENATOR CEGAVSKE:

What would the circumstances be for the DOE to deem our regulations void?

KRISTIN ROBERTS (Counsel):

Page 60, lines 20-22 of the work session document, [Exhibit E](#), reads "The State Board of Education may disapprove any regulation adopted by the State Public Charter School SPCSA if the regulation"

SENATOR CEGAVSKE:

Can you give me an example of subsection 4, paragraphs (a) and (b), lines 23-30, on page 60 of [Exhibit E](#)?

MS. ROBERTS:

The language was borrowed from the Professional Standards Commission of Nevada. The SBE has the SPCSA.

SENATOR CEGAVSKE:

I have real concerns. I cannot be supportive of this section.

CHAIR DENIS:

If it threatens the efficient operation of public schools in the State or creates an undue financial hardship ...

DR. RHEAULT:

This is the same language the SBE currently uses with regard to teacher licensing provisions.

MR. STURM:

Pages 63 through 65 of the work session document, [Exhibit E](#), amends section 46, subsection 3 of S.B. 212. The change would require the DOE to pay sponsors a yearly sponsorship fee from the amount of the quarterly apportionment it makes to a charter school. A charter school can request the amount be less than 2 percent, but at least 1 percent if the SPI determines the charter school has been operating. The new language states the charter school has to operate in Nevada for at least three consecutive years, meet its adequate yearly progress targets, have satisfactory audits and, if a high school charter school, have a minimum of 75 percent of the students pass the high school proficiency exam.

CHAIR DENIS:

The concern was that the charter school must be in operation five years before it could apply for the reduced rate at 1 percent.

SENATOR CEGAVSKE:

Are the charter schools told what services they will receive for the 2 percent? It is important to delineate what services a charter school can expect for the 2 percent fee. Can the fee go higher than 2 percent?

CHAIR DENIS:

One of the requested changes is to not exceed 2 percent.

STEVE CANAVERO, PH.D. (Director, Office of Charter Schools, Department of Education):

The national average for supporting an independent entity is 3 percent. In specific relationship to the fees and services, really these fees support what is contemplated in the bill in terms of a quality sponsor. In that regard, the duties are enumerated earlier in the bill in terms of evaluating the charter school contracts. The fees are there to hire the staff qualified to carry out the provisions as contemplated in the bill, to support the SPCSA in making appropriate decisions and monitoring an oversight of their existing schools. It is not so much a one-to-one relationship between the dollar submitted to the sponsor and the direct service coming back to the school.

SENATOR CEGAVSKE:

Do you not know what services are provided? Are services different for each school?

DR. CANAVERO:

It is different for each school. We provide technical assistance. We conduct seminars for potential charter school applicants; however, there are no funds or fees associated. There are three ways to fund charter sponsors: a per-pupil fee; the line item on a state budget; or, if this entity sits within another like a university, it would be a line within their budget. Revenue is a necessity to support the entity.

SENATOR CEGAVSKE:

A potential charter school collects their per-pupil fee. There is a dollar amount paid to the DOE. There could be a dollar amount paid to another entity. Is this a one-time fee for any charter school?

DR. CANAVERO:

The 2 percent fee is paid directly to the SPCSA to hire qualified staff.

DR. RHEAULT:

The fiscal note attached to the bill is neutral based on the 2 percent administration fee.

CHAIR DENIS:

The SPCSA will have a budget line item.

MR. STURM:

For pages 68 and 69 of our mock-up, [Exhibit E](#) and section 51 of the bill, a proposed amendment is as follows: the SPCSA and all other charter school sponsors will be required to include in their annual report the status of charter school applications, approvals, charter schools actually in operation and schools approved but never opened. The report will include the sponsor's strategic vision for chartering, give a cost breakdown of its authorizing functions and an accounting of services provided to the schools it sponsors.

Page 78 and page 79 of the mock-up, [Exhibit E](#), addresses the potential staffing between the time the director of the SPCSA is hired and the transfer of DOE staff to assist the director. The proposed amendment in section 60 is to add "or before" after the word "on."

CHAIR DENIS:

The consensus mock-up was developed from suggestions given during previous hearings.

MR. STURM:

We have recommendations from The National Alliance for Public Schools Charter on page 1c, of [Exhibit E](#), in our work session document for S.B. 212. The sponsor is responsible for collecting, analyzing and reporting State assessment data in accordance with the performance framework.

KATHLEEN CONABOY (K-12, Inc.):

Dr. Rheault and Dr. Canavero brought quality to the discussions at the stakeholder meetings. As I look at these contract issues, one of the things that strikes me is that some of this language is appropriate for regulation. We will have more time for discussion during the interim as the SPCSA evolves.

SENATOR CEGAVSKE:

Section 43, subsection 4, lines 20 through 30, on page 60 of the mock-up, [Exhibit E](#), gives me concern. Ms. Conaboy, I would really appreciate your input.

MS. CONABOY:

We had lengthy discussions, as Dr. Canavero suggested, regarding granting regulatory authority to this new entity. There was some ambivalence about school districts not having regulatory authority and if the new authority would

function as the school district functions, then perhaps it should not have that authority which the school districts do not have. Since this language comes from other parts of statute relative to other boards, K-12, Inc. did not have a problem with this. I am assuming the approach will be to engage stakeholders in the development of regulations. If stakeholders are involved, one would hope the regulations that come forward to the board would be useful and beneficial and supportive of charter schools.

SENATOR CEGAVSKE:

How do you feel about the new language, not to exceed 2 percent of the total amount of money apportioned to the charter school?

Ms. CONABOY:

We requested the fee not exceed 2 percent or consider a cap. As the largest charter school in the State, any increase in fees really impacts us significantly. We are entirely supportive of the SPCSA and understand that it needs budgetary underpinning. I would like to work with the DOE for a description of the services.

SENATOR CEGAVSKE:

How many students do you have? What percentage do you pay to the SBE?

Ms. CONABOY:

We have 3,200 students. The difference of 1.5 percent to 2 percent for us is \$85,000. In current statute, new schools pay 2 percent in the first year, district-sponsored schools pay 1 percent and SBE sponsored schools pay 1.5 percent.

SENATOR CEGAVSKE:

Does this proposed amendment take care of your concern?

Ms. CONABOY:

Yes, the 2 percent cap addresses my concern.

MR. STURM:

Ray Bacon, Nevada Manufacturers Association, Blue Ribbon Task Force member, proposed to amend section 29 on page 46 of the mock-up, line 11, to add "and/or accounting" after the word "finance."

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CHAIR DENIS:

These are persons for the make-up of the SPCSA, is that correct Mr. Sturm?

MR. STURM:

Yes, Mr. Chair, the person serving as a member on the SPCSA is the governing body of that authority.

CHAIR DENIS:

I do not see a reference to parent involvement. Is section 29 where we would add parent-child insight language?

MR. STURM:

Yes, that language can be specified on page 45 of the mock-up by saying "one of which must be the parent of a child enrolled in a charter school."

MS. ROBERTS:

We can add a new paragraph (b) to include at least one parent of a child enrolled in a charter school and make (b) the new (c).

CHAIR DENIS:

We can also include in that section "and/or accounting" after the word "finance" as proposed by Ray Bacon.

SENATOR CEGAVSKE MOVED TO AMEND AND DO PASS AS
AMENDED S.B. 212.

SENATOR LESLIE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR DENIS:

We will open the work session on S.B. 230.

[SENATE BILL 230](#): Prohibits the sale or provision of foods containing trans fats at public schools within this State. (BDR 34-666)

MR. STURM:

Senate Bill 230 prohibits public schools from selling or serving food or beverages that contain trans fats. Senator Denis asked Christopher Roller of the American Heart Association to work with concerned parties to develop a possible amendment to the bill, which is in the work session document ([Exhibit F](#)).

CHAIR DENIS:

The measure will apply to food sold during, before or after school activities. School districts would create a guideline to educate individuals bringing food into the school.

SENATOR LESLIE:

Have the school districts had time to review the new amendment, and are they comfortable with these amendments?

CHRISTOPHER ROLLER (American Heart Association):

I followed up with school representatives after the original Committee hearing that had expressed concerns with specific provisions of S.B. 230. I came up with a draft amendment, received additional feedback, made additional changes and then recirculated the draft. I received feedback from one of the school representatives after the second revision.

SENATOR CEGAVSKE:

May I ask which school district contacted you?

MR. ROLLER:

I was contacted by Dotty Merrill representing the Nevada Association of School Boards after the second revision. She did not feel her advisory board would support the additional changes. I heard nothing else.

BART MANGINO (Clark County School District):

The idea would be to allow each district to formulate its own policy. Baked goods sales are a common method for fund-raisers, so we will need clarification on how to address trans fats in those situations.

MS. ROBERTS:

Section 1, subsection 2, paragraph (b) of the mock-up deleted fund-raising activities.

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SENATOR BROWER:

This bill puts us squarely in the position of being the trans fat police. I cannot support a bill that tells the districts what to do with respect to food.

CHAIR DENIS:

Is this too restrictive for the school districts? We are trying to do the right thing.

MR. MANGINO:

The day-to-day activities of the student store, cafeteria and recommendations to the athletic programs are manageable. The activities of a high school are six days a week and it would be difficult to monitor foods being brought in.

MR. STURM:

The mock-up that was provided may have wording issues. On line 13 of the mock-up, [Exhibit F](#), section 1, subsection 2, now says "Except as otherwise provided in subsection 3, the prohibition set forth in subsection 1 applies with respect to all food and beverages that are sold on school grounds during the regular school day or during an extended school day program or athletic event." Prohibition referred more to ensure these are not sold or made available to the students. That language was stricken.

MR. ROLLER:

That is how I understood the language.

SENATOR BROWER:

The fact we are having so much trouble coming up with language everyone understands reinforces my position that we should not meddle in this issue as a Legislature.

SENATOR LESLIE:

With these amendments, the bill accomplishes the intent, which is bringing to the districts' attention, in an appropriate fashion, that a policy is enacted.

CHAIR DENIS:

This is not a mandate.

SENATOR BROWER:

If we are not mandating, I need clarification. It seems to me that even with the amendment, what we are saying is that ...

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CHAIR DENIS:

We are mandating the policy

SENATOR BROWER:

It says "shall" adopt the policy that no food or beverage containing trans fats is purchased by the district and provided to the pupils. That is a mandate.

SENATOR LESLIE:

Is this the policy of the federally funded school lunch and breakfast program?

MR. ROLLER:

The Child Nutrition Act reauthorization requires that trans fats be removed from foods provided for breakfast and lunch.

SENATOR BROWER:

Is that free breakfast and lunch provided through those federal programs?

MR. ROLLER:

Not just the free meals.

SENATOR BROWER:

So are we only talking about the vending machines, ball games and the school store?

MR. MANGINO:

That is correct.

SENATOR BROWER:

Do we really want to micromanage that over the discretion of every elected school board in Nevada?

CHAIR DENIS:

Do we as a Legislature want to establish this as a priority for our children?

SENATOR GUSTAVSON:

I feel we are going in the wrong direction and down the wrong path. We all have a choice of what we eat and what we want our children to eat.

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SENATOR CEGAVSKE:

Based on the language in this proposed amendment, what are the consequences?

MR. ROLLER:

I want to clarify that this is not a junk-food bill.

SENATOR BROWER:

Why do we let the children buy candy bars? Where do we draw the line? We are against trans fats; why are we not against high-sugar foods that provide little or no nutritional value?

CHAIR DENIS:

The question is why the trans fat versus high sugar?

MR. ROLLER:

Trans fats are scientifically proven to contribute to type 2 diabetes and early onset cardiovascular disease within children. There is no ingredient more dangerous in food than trans fats. The market has done a good job of taking trans fats out of food. This bill closes some of those gaps where some foods with trans fats would be made available to children.

SENATOR BROWER:

My question was a rhetorical one.

CHAIR DENIS:

Trans fats are very dangerous.

SENATOR LESLIE MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 230.

SENATOR WIENER SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS BROWER, CEGAVSKE AND
GUSTAVSON VOTED NO.)

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CHAIR DENIS:

I will open the work session on S.B. 247.

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

MR. STURM:

Senate Bill 247 establishes a program for School-Based Health Centers (SBHCs). We considered this bill on April 6, 2011, with a proposed amendment at the time. Senator Wiener has provided a revised version found in your work session document ([Exhibit G](#)). The revised mock-up expands the type of entity that can administer a center to include a "sponsoring organization," and specifies the function under the provisions of the act.

SENATOR WIENER:

On page 2 of the mock-up, [Exhibit G](#), Section 7, subsection 2, deletes the advisory council reference. On page 2, section 7, subsection 2, deletes the list of services to be provided that had included preventative health services counseling, acute health service and referrals for acute services. We delete section 9 of the bill but authorize school districts to establish SBHCs and prescribe their services. Existing centers felt the language might challenge their status. We addressed their concerns in the revision. We restored section 10 which sets forth the nature and content of parental permission for services and prohibits providing services not authorized by parents and further prohibits counseling on abortion and the distribution of contraceptives, and abortion drugs and devices.

CHAIR DENIS:

What is your vision as we move forward?

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

Mr. Chair, it is to establish regulations for standards that will allow for the development of SBHCs that provide nationally recognized minimum health standards and to bring funds into our State. If the next health officer and/or health division SPCSA decides they are not interested in SBHCs, my concern is that our grant objectives would be lost. Once we establish these SBHCs, it is important we assure continuance.

SENATOR BROWER:

How is what we have today different than what you envision?

DR. GREEN:

I envision us having a more comprehensive preventative health service provided to our children with many more access points and regulations. One of the comprehensive preventative services would include mental health services, which are not currently provided. We would look to other sponsoring agencies so we could have more SBHCs throughout Nevada. Instead of just Clark County, we would see additional services in Washoe County and throughout our rural areas. In addition we would provide technical assistance to hospitals and other potential sponsoring agencies.

SENATOR BROWER:

Is this SBHC an office in a public school in Clark County?

DR. GREEN:

The SBHC we have in southern Nevada does use the high school campus. There are many different models. It is often within the school, but there are models where they share a campus. I envision a clinic within a school where children can be examined at the SBHC; thereby parents do not miss work and children can readily return to class. In addition, there would be sports physicals, immunizations and mental health services. We would enhance what we have and create new, more comprehensive, preventative health services.

SENATOR BROWER:

You feel a statute is preferable but is not necessary.

DR. GREEN:

The statute is necessary. State-to-state, it is what we see. Our competition is with other states that have statutes to support the longevity of the program. My concern is going into schools without sustainability and not having an office of SBHCs that in another health officer's purview is not an important priority.

SENATOR BROWER:

Is this health-care service more comprehensive than a school nurse can provide?

DR. GREEN:

We have school nurses in every school in Nevada. The workload for school nurses on national average is 1 to 750 students. In Nevada they are 1 to approximately 1,250 students. Our nurses are primarily providing acute care services within the schools. It is not part of our nurses' purview to immunize students.

SENATOR BROWER:

How do we pay for the extra people needed for the SBHCs?

DR. GREEN:

The sponsoring agency is fiscally viable if it is a federally qualified health center, a hospital or a sponsoring agency. It also provides billing of services and attracts additional dollars.

SENATOR BROWER:

Are the services free?

DR. GREEN:

Each child has a pay source, whether it is federal funds, Medicaid or private insurance.

SENATOR WIENER:

This does not require mandatory participation. Children would not be denied care if they have no pay source. This program would allow us to access resources that we are not currently accessing. With the State SPCSA, we would have the ability to attract dollars that can only be received by a state SPCSA.

CHAIR DENIS:

Would the SBHCs have physicians?

DR. GREEN:

The decision would be determined by the sponsoring facility or the sponsoring agency. Services are often provided by nurse practitioners or physician assistants. There is always a physician available and/or the service provider.

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CHAIR DENIS:

Is the nurse practitioner or the physician assistant under the direct supervision of a physician?

DR. GREEN:

Yes, absolutely.

CHAIR DENIS:

Can the SBHCs currently in operation in Clark County continue to provide services and not be required to operate under the umbrella of this bill?

DR. GREEN:

Section 10.5 was added to the proposed amendment, [Exhibit G](#). Districts and centers wishing to receive money from the State Health Officer must comply with the requirements of this bill. The other centers can continue to practice as they are.

SENATOR GUSTAVSON:

Who are some of the sponsoring organizations?

DR. GREEN:

There would be medical sponsors and nonmedical sponsors. Sponsors of SBHCs could be hospitals in rural communities, federally qualified health centers, groups of nurse practitioners and physicians, as well as Health Plan of Nevada or Hospital Health Plan.

SENATOR GUSTAVSON:

Will the taxpayer be responsible for financing these SBHCs?

DR. GREEN:

These SBHCs are not taxpayer supported. The sponsoring facilities that qualify within the guidelines for federal funds would be hospitals, public health centers, community health centers, nonprofit organizations and local educational agencies. The goal is for the centers to be fiscally sound.

SENATOR GUSTAVSON:

Federal funds and grants are taxpayer money.

SENATOR BROWER:

There was some issue with respect to the immunity provision in the bill. Does the amendment address the issue?

SENATOR WIENER:

A school district will contract with a sponsoring organization which then contracts with a sponsoring facility that has the medical capacity to provide direct care to students. It will be the policy call of each school district. Based on liability concerns, there will be school districts reluctant to participate. There is no mandate.

RUSSELL ROWE (Nevada Justice Association; Clinics in Schools):

The concern with respect to the immunity provision is the protection of consumers within the system to make sure that anyone injured is able to recover fully under the law.

SENATOR WIENER:

Does this mean there is no remedy with the sponsoring facility?

MS. ROBERTS:

Section 16 subsection 4 of the proposed amendment gives immunity to the board of trustees of the school district or the governing body of a charter school.

SENATOR BROWER:

This basically says a provider is not liable if acting with reasonable care.

SENATOR WIENER:

Is your concern with the board of trustees or the health-care provider?

MR. ROWE:

Yes, that is correct. It is with the governing body or the school district which already has limitation of liability under the law. This revised language does not change the essence of the original language of the bill.

CHAIR DENIS:

We are trying to come up with liability protection for the sponsoring organization, is that correct, Senator Wiener?

SENATOR WIENER:

This bill is significant and important to the young people of our State. I want clarity too. I am willing to continue with dialogue.

MR. ROWE:

We will continue to work with Senator Wiener on the language of this bill. We understand the importance of this bill. If I may put on my hat for Clinics in Schools, we would like to continue to work on this legislation as well. We are an existing nonprofit organization, operating two facilities without the requirements of this bill. We can apply for federal funds and grants, with or without the school districts. This bill will provide a greater opportunity for funds partnered with the State. Our broader concern is once this is established, the funds we can apply for today will now be run through this one SBHC so we would have to apply through that process. The way the language is currently crafted concerns us.

SENATOR WIENER:

I will continue with the dialogue because I am not going to let down children in this State.

CHAIR DENIS:

We will reschedule S.B. 247 to another work session. We will take a short recess at 5:25 p.m. and will reconvene at 6 p.m. in this room.

CHAIR DENIS:

We shall reconvene at 6:04 p.m. and open the work session on S.B. 276.

SENATE BILL 276: Revises provisions governing safe and respectful learning environments in public schools. (BDR 34-643)

MR. STURM:

The first proposed amendment in the work session mock-up ([Exhibit H](#)) deletes all the sections of the bill except sections 1, 2, and 3, which are the accountability reporting requirements for bullying incidents, and section 9 of the bill is retained. It establishes a Bullying Prevention Fund. Section 32 of the bill requires the Governor to proclaim a "Week of Respect" each October to raise public awareness. Clark County School District has proposed amendments to the bill, [Exhibit H](#). Rana Goodman, on behalf of seniors in the Anthem Community in Henderson, would like to expand the scope of the bill to apply to

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bullied adults, especially senior citizens who are bullied. The ACLU suggested a thorough review of the bill for First Amendment considerations.

SENATOR DAVID R. PARKS (Clark County Senatorial District No. 7):
My recommendation is in support of proposed amendment 6259 to S.B. 276. The mock-up, [Exhibit H](#), incorporates not only the discussions that took place in the hearing on the bill but also the suggested revisions from the CCSD. This will greatly strengthen existing statutes.

SENATOR BROWER:

I appreciate the sponsors' intentions. I do not think the State needs to weigh in on this. As strongly as I feel about the issue and as strongly as I urge the school districts, superintendents and principals to take this seriously and do a better job than they are doing, I do not think we need to do this.

SENATOR LESLIE MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 276 WITH PROPOSED AMENDMENT NO. 6259.

SENATOR WIENER SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS BROWER, CEGAVSKE AND
GUSTAVSON VOTED NO.)

CHAIR DENIS:

We will now open work session on S.B. 315.

SENATE BILL 315: Authorizes the board of trustees of a school district to allow a person with certain qualifications to teach a particular course for a provisional time without licensure. (BDR 34-819)

MR. STURM:

This bill is sponsored by Senator Ben Kieckhefer. This was an alternative route to licensure bill. We have a proposed amendment ([Exhibit I](#)) in our work session document to delete section 1 of the bill. Section 1 of the bill created a special license for a person to teach a single course. Section 2 of the bill appears to be identical with section 1 of Assembly Bill 230, so there is no conflict. We will hear that bill later this Session. Section 5 addresses reciprocal licensing.

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ASSEMBLY BILL 230: Authorizes an alternative route to licensure for teachers and administrators.(BDR 34-738)

SENATOR CEGAVSKE MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 315.

SENATOR BROWER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR DENIS:
I will open the work session on S.B. 318.

SENATE BILL 318: Establishes provisions governing permissible flammability of certain components in school buses. (BDR 34-781)

MR. STURM:
At the last hearing, Sam McMullen presented a proposed amendment with which Senator David R. Parks was in agreement and is in your work session document ([Exhibit J](#)). Senator Parks' proposed to limit the provisions of the bill to buses purchased after January 1, 2014, and clarifies that the bill's provisions apply to the purchase of new buses. It provides that occupant seating fire testing also include the option of using the School Bus Seat Upholstery Fire Block test from the National Transportation Specifications and Procedures (NTSP), in addition to the ASTM International Standards test specified in the bill.

SENATOR WIENER:
Which test does CCSD use?

MR. MANGINO:
We currently use the NTSP for school buses.

SENATOR BROWER:
Does CCSD have an objection with this bill as amended?

MR. MANGINO:

In the bill's original form, we had an objection. Each plastic component contained in the engine compartment of the school bus must meet a V-O classification when tested in accordance with the Underwriters Laboratories.

Senator Brower:

It seems to me to be a safety bill adopting safety standards. If the districts do not have a problem with this bill as amended, I am comfortable with it.

MR. MANGINO:

Our concern is the electrical wiring and plastic components contained within the engine compartment of the school bus. We are not sure if that means a special order or not.

SENATOR BROWER:

If we pass this law, will school districts have a problem purchasing buses at a reasonable cost?

MR. MANGINO:

In the amendment we will have until January 1, 2014, which will allow us the opportunity to research it in more detail.

CRAIG HULSE (Washoe County School District):

Our original testimony stands. The only concern from our department is that this could incur a higher cost for the buses in the future.

SENATOR GUSTAVSON:

In Nevada, how many buses have had fires?

MR. MANGINO:

In the work session document, [Exhibit J](#), Diana Hollander, Program Officer, Child Nutrition and School Health, Pupil Transportation with the DOE, stated there were fewer than ten fires on school buses in the past ten years and there has never been a fatality or injury on a school bus in Nevada as a result of a fire.

SAMUEL McMULLEN (Citizens for Fire Safety):

The issue is not the wiring under the hood. The issue is the plastic components or the auto parts which are not plastic. They can be rubber or plastic. Current

automotive standards allow these components to melt, and then they fume. Either the fumes are noxious, or they will flame up. The point is to elevate the standard so you move the components to an electronic standard. The issue with electronic plastics is that they are not supposed to melt or flame as quickly. If you have a fuel leak in the engine component, you do not aggravate it with easily ignitable plastics or rubber. Our cost estimate is currently zero on the interior of the bus as it relates to the upholstery. We were able to validate that is the current standard. There are multiple manufacturers who put together plastic-related components or upholstery-related components to these standards.

SENATOR CEGAVSKE:

In section 1, subsection 2 of the proposed amendment, [Exhibit J](#), why did we need to add "such testing must be conducted ... " that is a mandate?

SENATOR PARKS:

When testing is performed on a piece of equipment, they try to replicate as close to a real world situation as possible. Seats are tested against all possible flammable substances.

CHAIR DENIS:

Is this a new process to CCSD?

MR. MANGINO:

It is my understanding that the manufacturers of the buses are responsible for that testing.

SENATOR BROWER:

The school districts do not perform the test. What we are saying in the proposed amendment is by a certain date they can only buy new buses if they meet certain standards, which include having been tested in accordance with these ASTM standards.

SENATOR CEGAVSKE:

If we have national standards, why are we including this in the *Nevada Revised Statutes*?

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CHAIR DENIS:

Does CCSD currently have a policy that when you purchase buses you follow a national safety standard?

MR. MANGINO:

Our bus purchasing policy follows industry standards.

MR. HULSE:

I assume WCSD holds fire safety to the national standards.

CHAIR DENIS:

Senator Parks, if the school districts follow industry standards when they purchase buses, why do we need this bill?

SENATOR PARKS:

I do not know how ASTM International Standards would be able to provide certification without having completed a test on a complete assembly.

CHAIR DENIS:

We are moving our work session on S.B. 449 and S.B. 451 to April 15, 2011.

SENATE BILL 449: Revises provisions governing tuition charges, registration fees and other fees assessed against students in the Nevada System of Higher Education. (BDR 34-932)

SENATE BILL 451: Revises provisions governing tuition charges, registration fees and other fees assessed against students enrolled in institutions of the Nevada System of Higher Education. (BDR 34-933)

CHAIR DENIS:

We will now open our work session on S.B. 365.

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

MR. STURM:

Senate Bill 365 was sponsored by Senator Mike McGinness. The Senate Committee on Education heard the bill on April 6, 2011. This is the bill that had a list of mandates concerning school districts and public schools. There are

proposed amendments in your work session document ([Exhibit K](#)). Craig Stevens with the NSEA suggested a proposed amendment. Basically, that amendment would revise the bill to require the items in sections 1 through 37, which place a direct unfunded financial burden on the school districts from a state or federal mandate, be reviewed by each school district, and have them make recommendations to the interim Legislative Committee on Education prior to the 2013 Legislative Session. Craig Hulse provided us an annotated list from the WCSD, [Exhibit K](#), titled "Unfunded Mandates Bill." The Office of the Governor suggested revising statutory provisions within the bill that specify membership composition.

SENATOR CEGAVSKE MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 365 WITH THE "UNFUNDED MANDATE LIST."

SENATOR BROWER SECONDED THE MOTION.

CHAIR DENIS:

You are referring to the proposed amendment presented by Craig Hulse of the WCSD, is that correct?

SENATOR CEGAVSKE:

That is correct. It is the closest amendment aligned to the bill.

CHAIR DENIS:

There are a few obvious mandates that we could eliminate, but unless we are going to take more time to review each mandate on the list, I will not vote in favor of the proposed amendment.

THE MOTION FAILED. (SENATORS DENIS, KIHUEN, LESLIE AND WIENER
VOTED NO.)

* * * * *

SENATOR WIENER MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 365 WITH THE PROPOSED AMENDMENT BY THE NSEA.

SENATOR KIHUEN SECONDED THE MOTION.

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SENATOR LESLIE:

It is prudent to have the interim Legislative Committee on Education review the information without the pressure of time. I am in support of this motion.

THE MOTION CARRIED. (SENATOR CEGAVSKE VOTED NO.)

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CHAIR DENIS:

Having no further business in front of this Committee, our meeting is adjourned at 7:06 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. 38	C	Pepper Sturm	Work Session Document
S.B. 116	D	Pepper Sturm	Work Session Document
S.B. 212	E	Pepper Sturm	Work Session Document
S.B. 230	F	Pepper Sturm	Work Session Document
S.B. 247	G	Pepper Sturm	Work Session Document
S.B. 276	H	Pepper Sturm	Work Session Document
S.B. 315	I	Pepper Sturm	Work Session Document
S.B. 318	J	Pepper Sturm	Work Session Document
S.B. 365	K	Pepper Sturm	Work Session Document