

**MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY**

**Seventy-Seventh Session
February 18, 2013**

The Senate Committee on Judiciary was called to order by Chair Tick Segerblom at 9:01 a.m. on Monday, February 18, 2013, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 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 Tick Segerblom, Chair
Senator Ruben J. Kihuen, Vice Chair
Senator Aaron D. Ford
Senator Justin C. Jones
Senator Greg Brower
Senator Scott Hammond
Senator Mark Hutchison

STAFF MEMBERS PRESENT:

Mindy Martini, Policy Analyst
Nick Anthony, Counsel
Linda Hiller, Committee Secretary

OTHERS PRESENT:

The Honorable Nancy M. Saitta, Justice, Nevada Supreme Court
Ben Graham, Administrative Office of the Courts, Nevada Supreme Court
Jill Marano, Deputy Administrator, Division of Child and Family Services,
Department of Health and Human Services
Carey Stewart, Director, Washoe County Juvenile Services; President, Nevada
Association of Juvenile Justice Administrators
Regan J. Comis, M + R Strategic Services
Mike Baughman, Court Appointed Special Advocate
Scott J. Shick, Chief Juvenile Probation Officer, Juvenile Probation Department,
Douglas County; Member, State of Nevada Juvenile Justice Commission

Deborah Cunningham, Deputy Superintendent for Administrative and Fiscal Services, Department of Education
Joyce Haldeman, Associate Superintendent, Clark County School District
Jo Lee Wickes, Deputy District Attorney, Juvenile Division, Washoe County District Attorney's Office; Nevada District Attorneys Association
Lisa Foster, Nevada Association of School Superintendents

Chair Segerblom:

I will open the hearing of the Senate Committee on Judiciary. I want to make a request to have Committee bills drafted in the following categories: Nevada Resort Association gaming, construction defects, authorization of wagering on election outcomes, notary publics performing marriages, subpoena power for defense counsel, juror qualifications, noncompetete clause, inmate IDs, pari-mutuel racing and mortgage relief.

SENATOR JONES MOVED TO INITIATE TEN BILL DRAFT REQUESTS.

SENATOR FORD SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Segerblom:

I will open the hearing on Senate Bill (S.B.) 31 with a presentation by Justice Nancy M. Saitta of the Nevada Supreme Court.

SENATE BILL 31: Provides for the sharing of information regarding certain children among child welfare agencies, schools, courts, probation departments and treatment providers. (BDR 5-385)

The Honorable Nancy M. Saitta (Justice, Nevada Supreme Court):

As a member of Nevada Supreme Court, I am proud to be here on behalf of S.B. 31. I have had an assignment at the Court ever since I came to the Court. It has to do with the Court Improvement Program, which in simple terms, has to do with child welfare in every court in the State. I have also been a part of the Commission on Statewide Juvenile Justice Reform through the Court.

For the past year, I have worked with several people within the juvenile justice and child welfare systems. We have worked with experts on how we can better serve our foster care and delinquency population.

The goal of S.B. 31 is to make certain that Nevada entities dealing with our children—schools, courts, parents, parole and probation officers, district attorneys, juvenile justice committee members and everyone who touches the life of a child—know as much as possible about that child. We are mindful of federal confidentiality laws, but unless we can communicate efficiently and quickly with one another about the precise needs and concerns of children—whether there are special education issues, abuse and neglect issues or delinquency issues—we cannot adequately serve the child.

When our school districts get a foster child as a new student, he or she may have come from a different school or just been removed from a traumatic situation. Our school district is often without sufficient information to help that child.

The present bill draft is not our final product. We want to tell you what is the intention of S.B. 31 and to assure you that we plan to include confidentiality concerns and the needs of our State's children in a tight, well-defined bill draft. We have had many discussions about this bill. We want the language to define what information can and should be released. We plan to define the list of individuals who can request information. Most important, we are going to create mechanisms within statute that clearly allow for protection of confidential information about people other than the child so we are not disseminating information beyond the point of the bill's goal, which is to help the child with his or her needs.

Federal legislators recently passed, and the President signed, the Uninterrupted Scholars Act (USA). This closely follows our intention in S.B. 31, which allows for homeless children and children in our foster care and child welfare partners to be considered for better access to services and information. Why do we need this bill if the federal Act does this already? Because we need to be better in Nevada, we need to be stronger and on the cutting edge of how we serve our children. We cannot allow children in foster care to be labeled as special needs just because they have been removed from a home where there is abuse and neglect—he or she needs to be given every educational opportunity each of us would wish for our children and grandchildren.

We want to make one amendment to be certain the information our partners share is well defined. This bill started with the child welfare system, picking up partners from the delinquency courts and other agencies to cover an entire cross section of children. These individuals usually come before us first as abuse and neglect victims. Then, sadly but frequently, they become a part of our delinquency population and often funnel into our adult criminal system. We can do better.

This bill is about sharing information. We want to make sure our schools, workers, judges, parents and children can find out what is being said about them and why they are being tracked or dealt with in a certain way. We want to make certain that any benefit the children are entitled to at the State or federal level is administered in a timely manner. The group of people I was referring to earlier is planning to meet after this hearing to start crafting the language we hope will culminate in a well-crafted and well-defined bill.

Senator Hutchison:

From the court's view, or the juvenile justice system's view, what does this bill do that those systems cannot do now? What are we trying to remedy?

Justice Saitta:

The court needs to understand how a child is doing in school, how foster placement will affect the child's educational path and how placement in school is going to be defined. When we remove a child from a home, we usually have a hearing 72 hours later for that child or the family to appear before the judge. Often, educational, welfare or delinquency records are unavailable for that meeting, so we do not have a history of what has already been done for this child or family.

There is a need for the information put before a court to be carefully included; and there are times when certain information should not be available for those making decisions. We need a full and robust package of information about the child and his or her family, and we need it in a timely manner. We need to give our schools and child welfare workers the ability to get this information into the courtroom so the judge can make an informed decision.

Senator Hutchison:

Why is there a lag now; is it a technology issue, or is it an issue of record keeping?

Justice Saitta:

It is all of those reasons. Our school district systems do not speak directly to our court systems. There is good reason for that. However, our child welfare systems also do not speak to the education system or to the court. We need to give permission and statutory guidance to our partners on to whom, how and when they can release information and through which channels that information needs to go. My dream would be that all the computers in the child welfare system, the delinquency system and the education system in this State could speak to each other every time they had a case before them. I know that will not happen, but people can bring information into the courtroom for that judge to make a decision in a timely and robust manner. By robust I mean that we understand every bit we can about that child before we begin placing him or her.

Senator Ford:

The amendment from Clark County ([Exhibit C](#)), in section 1, subsection 1, proposes to strike "a judge of juvenile court" from paragraph (a) and "a master of juvenile court" from paragraph (b) from the list of those permitted to request and provide records and information. The amendment proposes to add to the list "the parties of any delinquency proceeding ..." and adds that the judge/master who desires to inspect the records can get that information through the parties. What is the rationale for striking judge and master from the language? Is it because, as you just said, that judges do not necessarily need everything in front of them and maybe it should be up to the parties to determine what goes before the judge? If there is more to it than that, I would like to know.

Speaking of things that should not always be before a judge, I know that juvenile records are sometimes sealed when it comes to adult proceedings relative to criminal practice. My second question is: What safeguards do we have in this statute that would prevent information released during juvenile proceedings from being carried over into adult proceedings to the extent that it could make future problems for the child?

Justice Saitta:

The answer to your first question about what a court should not have is that frequently there is information in an education file and a child welfare file that has nothing to do with the matter before the judge. In that instance, the judge needs to make his or her decision on the information that is pertinent, especially currently pertinent to the case. There may be information in an education file

that pertains to prior instances, matters that do not affect the matter before the judge. He or she should not have that information unless an appropriate partner brings the information to the judge's attention.

The second question you asked has to do with how we protect this information once released. One of the biggest concerns our constituents working on this bill have is once the information is released—even with the safeguards we thought we had written into the initial draft of this bill—it is very difficult to keep it properly and confidentially contained. The person receiving that information cannot—without proper safeguards, redaction and otherwise—pass it on to someone else.

One thing our bill will add is releasing information that will be redacted. Some of this information can and should be used for research purposes. If we are doing things on the delinquency or welfare side that we think are best practices or stand as a national model, we want to be sure 10 years from now that our children come through these systems successfully. We want to track all the factors going into this child's file. This will allow us to do it faster and more efficiently.

Chair Segerblom:

When you have court proceedings about the child, is someone from the school district normally there?

Justice Saitta:

Almost never. The reason is that the school district is in the business of education. We cannot ask our educators and their staff to be in courtrooms. By releasing the information to the appropriate people at the appropriate time, the experts who do appear in a courtroom, we can assist a judge, welfare worker or caseworker with making sure the educational plan is appropriate. Our educators need to know the kids coming to school every day who may have a court proceeding about them; their behavior may be affected by what is going on at home or in the courtroom. If we can communicate about what is affecting this child's life, we can better plan for him or her and devise a full and fair education plan.

Chair Segerblom:

Are the records you are referring to computerized so they would be easily accessed?

Justice Saitta:

We are working closely with the general counsel for the Clark County School District (CCSD). Washoe County courts already have a tightly knit established educational liaison committee they work with out of their model court; we are working closely with the Second Judicial District Court education partners. Our rural partners are already engaged in information exchange that our urban centers cannot yet do.

Chair Segerblom:

Are you saying that some of what you are trying to do with this bill is being done in other parts of the State but not in Clark County?

Justice Saitta:

To a certain extent, but it is not being done uniformly or efficiently. The exchange of information is not being consistently released. The people dealing with this information need to be comfortable that when they receive a request, they are releasing the appropriate information to the appropriate person. This statutory amendment, along with federal considerations, will make it much easier for everyone in the State.

Senator Hammond:

When it comes to obtaining information on an Individualized Education Plan (IEP), those plans can change yearly, sometimes twice a year. With the potential changes to something like an IEP, how are you proposing to get the information from the school? Will you require the school district to update the information, or will you wait until the school district is asked to update the information and then put it into a computerized system? What will you be requiring of the school district or anyone else to get these changes to the parties who need them?

Justice Saitta:

My knowledge in the educational area is limited. I have worked with educators, though, and know what an IEP is and how it affects a child, and how it is that the information taking place in our courtrooms can and should affect the IEP of a child.

To answer your second question, how the information will be asked for or received about the child is something we will work on in the amendments. It is not uncommon for a child to be removed from a home where there is abuse or

neglect. The law requires that the children remain in their home schools if at all possible, but it is not unusual for it to take several weeks for their records to catch up with them. It is easy to see how difficult it is to be pulled from one school, where the child is at a certain level in a class, to another school where the class is already at a different level. No one knows where the incoming child's records are. If it takes weeks before anyone at the new school understands the child's situation, it can immediately affect the well-being and educational path of that child. We are hoping for a more readily available exchange between caseworker and educator when that child first comes to the new school.

Senator Hammond:

You are requesting two full-time employees to handle the information in the fiscal note. If a child has been in the system for a while, moves from one school to another school, would it be the responsibility of these employees in your system to collect all the data from one school to another? Or do you wait until the information is requested?

Justice Saitta:

I want to clarify that it is not my fiscal note. I know that a fiscal note is in many cases a death knell for a bill.

Chair Segerblom:

It is not our intention to add any new employees because of this bill. We think there are already employees in the systems who could do this.

Justice Saitta:

To answer your question about who we think will be compiling this information, we anticipate it will just become a matter of course with the child welfare caseworker passing the information to school districts or educators.

Senator Hutchison:

The fiscal note seems to be directed at personnel costs only. Identified in the bill are a data analyst and an information technology employee. There are many of those people in State government who could do this, are there not? Could we find a room for them to multitask and carry out some of these functions so there is no significant financial impact?

Justice Saitta:

The answer to your question is a resounding yes. All of us in this State at any level have been working for the last several years doing two, three, sometimes four jobs. I have no doubt the educational partners I have been working with would be able to make this work. It is going to be far less intrusive than my review of the fiscal note would suggest. It will take some time for us to work through the specifics. If we can get the legislation in place, my vision is that we will engage in a significant education process where the courts, our child welfare people, the delinquency people and the schools all sit down together as partners to figure out how to make this work.

Senator Hutchison:

Do you expect those interested in this bill to come back with suggestions and real-life examples of departments or areas that could absorb these responsibilities within existing jobs?

Justice Saitta:

When it comes to child welfare and delinquency issues, I am the eternal optimist. I am confident we will make it work. For the last 18 months we have been writing, developing and researching this bill to address the needs among all the constituencies. I have every confidence we can make it work without two new full-time employees in an already overburdened system.

Ben Graham (Administrative Office of the Courts, Nevada Supreme Court):

There is not a person in this room, especially the attorneys, who does not realize that if it had not been for the support of family and friends, and particularly the educators along the way, we would not be sitting here as attorneys.

Jill Marano (Deputy Administrator, Division of Child and Family Services, Department of Health and Human Services):

I support this bill and have submitted my written testimony ([Exhibit D](#)).

Chair Segerblom:

Have you been in communication with Justice Saitta and her team about making sure transportation to schools for foster children is part of the bill?

Ms. Marano:

The McKinney-Vento Homeless Assistance Act of 1987 specifies that children in foster care will have access to transportation to and from school free of charge. If we define the child as homeless in this bill, by default it would include the transportation requirement.

Chair Segerblom:

It is good to know this bill covers that issue.

Carey Stewart (Director, Washoe County Juvenile Services; President, Nevada Association of Juvenile Justice Administrators):

The Nevada Association of Juvenile Justice Administrators is in support of S.B. 31. It will allow us to share important case information with other agencies in a timely fashion. We often have to make critical decisions for kids as they enter or exit our detention facility or go into a higher level of care.

The way our juvenile delinquency system operates now, we can release information through a court order. Unfortunately, the decisions we need to make on a daily basis sometimes cannot wait for a court hearing. These decisions need to be made on weekends or after hours for the best interest of the child. In Washoe County, we are involved in a crossover youth project model in cooperation with the Washoe County Department of Social Services. That project is aimed at preventing the deeper penetration of kids crossing over from the dependency system to the juvenile delinquency world. The ability to share specific case information as kids cross over would aid us greatly as we try to prevent that deeper penetration into our systems. The best way to do that is through communication between the workers who deal with these kids every day. The ability to share information will improve the outcome for those kids.

Regan J. Comis (M + R Strategic Services):

I represent M + R Strategic Services, which manages juvenile justice reform in cooperation with the MacArthur Foundation in several states. We support S.B. 31. By opening these channels of communication, the interested parties can better service and coordinate services for these youths so they can become more productive members of society.

Mike Baughman (Court Appointed Special Advocate):

Today I am here as a court-appointed *guardian ad litem*. I volunteer as a Court Appointed Special Advocate (CASA) in Carson City. I work directly with

three boys who are now in the care of the State. I want to offer some perspectives in support of S.B. 31 on why I think this an important issue and why I hope we do not get lost in the weeds on this bill. I am very disappointed with the fiscal note that came from the Department of Education (DOE).

I am a father and grandfather, and I have a grandson who was a foster child. He was ultimately adopted by my daughter and son-in-law, and it was because of him that I became a CASA volunteer. My job as a CASA volunteer is to advocate on behalf of the children in court and ultimately to get them to a safe environment. The courts look to me to provide them with an outside perspective in their hearings. I have a court order that allows me to obtain the records we are describing today. I can obtain medical, health, counseling and educational records, and I can use those records in conjunction with the Division of Child and Family Services, Department of Health and Human Services. I work with court-appointed attorneys and others to determine the best path forward for these kids who are in the care of the State. The goal is to find permanency in his or her living environment.

We generally work under a 12-month time frame to get these kids into a safe, permanent situation. We have hearings at 3, 6 and 9 months, and in those hearings I am required to produce a report and submit it to the court. These reports are based on a lot of different information, most of which is addressed in this bill, and most of which I can acquire through court order. When it comes to educational records, I will not go to the Department of Education to seek those records. I will go to the local school district. I have never had any difficulty receiving educational records that were subsequently provided to the court, allowing the court to make informed decisions about how to proceed with the child.

I find it shocking the DOE would project it will spend the kinds of money we are talking about here. As you know, that is the kind of thing that kills legislation. Given DOE's projections of 24 to 120 requests a year, in fiscal year 2013 or 2014, if there are 24 requests for information, DOE estimates it would cost almost \$8,000 a request to comply with this bill. I can go to the local high school and almost immediately get the educational records of my CASA kids. At that level of effort, we are looking at costs of about \$200 an hour and 7.86 hours for each request if you are assuming that rate set by the fiscal note. It does not take that long to fill these requests. I encourage this Committee to take a hard look at this legislation. We need to do it. Not all the parties in this

discussion have the advantage of having a court order giving them the authority to acquire records for the benefit of these kids.

As we focus on these kids and find a safe learning and living environment for them, much of the path forward for them is working with their parents. I spend a great deal of time working with the child's parents in mental health counseling, substance abuse counseling and vocational rehabilitation for job training to get the parents in a position where the family can reunite. There are times when I am helping parents access medical or other types of records they can use for their own advancement so they can create a healthy environment for their children, but I am not authorized to receive this information. Our preferred option is reunifying kids with their parents. If there are problems getting the information we need about the parents to help them to get to a place in their lives where they can safely provide a home for their children again, then we ought to address that.

The mother of one of my CASA kids is trying to get into substance abuse counseling. She needs her records from a mental health facility in Reno where she was receiving mental health and substance abuse counseling. She has to have those records transferred to a facility in Carson City. She tried for 8 weeks to get those records transferred. I offered to make a call to the facility and had a conversation with a nurse there who was very accommodating, especially when I told her there were kids involved. Those records were then transferred. It is not allowed by law for me to ask for records I do not have written authority to receive. Look beyond the kids and ask whether there is also a need for the records of the parents to be made available to different parties working to resolve the issues and help with the reunification process.

Chair Segerblom:

Why would the DOE have a dog in this fight? This seems like an issue that should be between the local juvenile justice authorities and the local schools.

Mr. Baughman:

I agree. I would never go to the DOE to acquire educational records, whether it is a previous transcript or an IEP. If I am working with the school district on an IEP, I do not know what the role is for the DOE. The Department of Education is located in Carson City. We have kids in State custody throughout the State. If I were in Winnemucca, it would not be convenient for me to go to the DOE. I would go to the local school district to acquire the records I need.

Scott J. Shick (Chief Juvenile Probation Officer, Juvenile Probation Department, Douglas County; Member, State of Nevada Juvenile Justice Commission):

I support this bill. Having different entities sit down and talk about a child and keep him or her moving forward within the framework of his or her lives and the school system is what we want to accomplish. The majority of kids who end up in our courts in the rural areas are academically regressed and have nutritional issues. These are the things we need to address immediately before they continue to manifest. The rural juvenile probation officers and chiefs also support it. In rural jurisdictions, we face unique challenges in bringing all this information together to make the best decision for the kids.

Chair Segerblom:

Do you go to the DOE for school records?

Mr. Shick:

My probation officers go to the school and work with school counselors to request information about credits, credit deficits and areas of need for completing classes, grade levels and graduation. That relationship already exists between juvenile probation officers on a need-to-know basis. The more information we have for these at-risk kids to make better decisions at the right time, the more it will prevent them from penetrating the juvenile justice system. We work with law enforcement, the school district, child protective services, social services and mental health personnel in multidisciplinary teams. This is not a new concept; we just want to put some shape to it with this bill.

Deborah Cunningham (Deputy Superintendent for Administrative and Fiscal Services, Department of Education):

The DOE is in favor of this bill. We have interpreted it to have a fiscal impact of needing two staff people. We have interpreted it would be part of our State longitudinal data system. We link with higher education and Department of Employment, Training and Rehabilitation data systems. We interpret that we would be linking with child welfare and the courts through this bill. We also interpreted we would be providing information to individuals who could request the data. This would require two staff people—one to fill the data request accurately and correctly within the privacy requirements, and another to get the data from the different systems and have it available.

Chair Segerblom:

It is my understanding we are talking about local juvenile justice systems and local school districts. I do not understand where the role of the State Department of Education (DOE) comes in. It seems like the judge would go to the child's school or school district and attempt to get the information there. Why would the DOE be involved?

Ms. Cunningham:

We have a longitudinal data system that collects data nightly from school districts, so we have a great deal of information. We interpreted that the requests would come to us. If they would not, it would change the fiscal note.

Senator Jones:

What is a longitudinal data system?

Ms. Cunningham:

We have a State longitudinal data system that tracks children from kindergarten to Grade 12. We are building the capacity to track them through college and into the workforce, which would include information we would be able to use to enhance their learning. We interpreted we would be incorporating it into that system and there would be costs.

Senator Jones:

Could we exclude that from the bill and get rid of the fiscal note?

Ms. Cunningham:

I believe you could.

Senator Ford:

Regarding the longitudinal issue, it would be beneficial to have that information in the longitudinal database. Would you suggest, in view of the fact that the fiscal note is tied to this, that we not include the information to avoid the fiscal note? Would it be more beneficial to include the information into the longitudinal data system and then deal with the fiscal note separately?

Ms. Cunningham:

I do believe you would get more timely and accurate information through longitudinal data tracking. One of the biggest savings would be the time. It was

mentioned that sometimes it takes weeks to get information, so having the information available centrally could have some benefits.

Senator Hutchison:

Is there an ability to obtain records beyond the schools, say, from medical and counseling facilities? Is that partly driving your assessment that you would need additional personnel to obtain information? There has been some question about whether this interchange would be just between courts and schools, or is it more than that?

Ms. Cunningham:

Our understanding is that the collaborative initiative would include welfare, education and the courts.

Senator Hutchison:

How do you determine you need another employee instead of giving an assignment to an existing employee? Is it for informational technology services or data analysis? There are already so many employees with these capabilities in the State system, why not ask someone to take it on? Is everyone at full capacity to the point where it would be impossible for someone to do something else?

Ms. Cunningham:

We are already multitasking, absorbing work and struggling to do what is on our plate.

Senator Hutchison:

Are people just passing out at work and doing a lot of overtime? How do you objectively determine when you are at capacity?

Chair Segerblom:

I hate to say it, but State employees for the past 6 years have been on furloughs, unable to replace staff—this whole State system really is bare bones. There is not a lot of meat.

Senator Hutchison:

I am just objectively trying to understand. Are we going on the assumption that because there have been furloughs and budget cuts, everyone is tapped out?

I am just trying to understand what the objective criteria are for a decision that someone, or a system, is at full capacity.

Ms. Cunningham:

A couple things concern us at the DOE. One is the amount of overtime the Department needs to meet its duties. The other is the amount of services we contract out because our staff does not have the capacity to deal with it. The other is whether we are meeting our time lines. We have plans and commitments and a schedule, and if we cannot meet those, it tells us we are at capacity.

Senator Hutchison:

Thank you, that is helpful. When you are assessing your Department's capacity, you are looking at overtime; when you have to farm things out to independent contractors, you are looking at how quickly and timely you can get your work done. Your job is to evaluate all that and say: when I look at all that, and when I look at this bill, we have to hire two more people. That is what you conclude.

Ms. Cunningham:

Yes. We are working on the management integrity of the DOE. One of my goals is to get our overtime to zero. Therefore, when a bill comes up where we are being asked to do additional things, we have to think very hard about how that fits in with our other commitments.

Senator Hutchison:

You heard the prior testimony where some of these involved agencies are feeling like they can absorb this into their systems. Based on your professional opinion, what is your response?

Ms. Cunningham:

If you do go the local route and do not involve the DOE, the fiscal note would go away. If you want the advantages of the State longitudinal data system, which would include timeliness and maybe access to other information about the learning of a child, then you would be missing out on that without the DOE system.

Senator Hutchison:

As you read the bill, which direction do you think would be best, the local route or the longitudinal database route?

Ms. Cunningham:

As we read it, we did believe it required the DOE to be involved.

Joyce Haldeman (Associate Superintendent, Clark County School District):

We oppose this bill in its current form, but we like what it is trying to accomplish. During the interim, we gathered stakeholders together and had some robust discussions about this bill. We are all on the same page in terms of the intent of the bill.

From the perspective of the Clark County School District, we are worried about some of the definitions. We also have to work in compliance with definitions from the federal directives including the Individuals with Disabilities Education Act, McKinney-Vento Homeless Assistance Act of 1987 and the No Child Left Behind Act of 2001. I do not think our opposition will be long term. We will continue to work together so we can iron those things out.

Since you discussed the fiscal note, I want to clarify that the CCSD did not submit a fiscal note. Our reading of the bill is the same that most of you had, which is that information requests would go directly to us for those living in Clark County. We acknowledge it would probably have an impact on us in terms of copying materials and making them available to the requesters, but it is hard for us to predict what that volume might be since we do not know how often or how intense the requests would be. We are so supportive of the concept of S.B. 31, we feel even if there is an impact to us, we will simply absorb it because this will benefit our students as much as it will benefit the systems that are trying to come together. We recognize our kids come from a holistic environment, so what is going on in their lives has a direct impact on their education. The more we can work together, the more beneficial it will be for the students.

For the record, the discussion about allowing foster children to remain in their school, *Nevada Revised Statutes* 392B has language that already allows that. We have a number of foster children who are allowed to stay at their existing schools even when they move to a home zoned for another school.

Jo Lee Wickes (Deputy District Attorney, Juvenile Division, Washoe County District Attorney's Office; Nevada District Attorneys Association):

I am a juvenile prosecutor in juvenile delinquency. We signed up in opposition to this bill although we are not opposing the bill in concept. We do have some

amendments. We support the need to clearly define records and information-sharing between partners in the juvenile justice and child welfare systems to provide appropriate information to the appropriate people at the appropriate time in order to assist us with placement decisions.

You have heard the same sentiment from Justice Saitta and Mr. Stewart from juvenile services. I serve on numerous commissions with Justice Saitta and we have been working together on this. I am confident we will continue to work on those items together to get the best product for the children of our State.

Lisa Foster (Nevada Association of School Superintendents):

I echo what Ms. Haldeman from CCSD said about the concerns we have with some of the definitions and their consistency with federal law. We would also like to create a better understanding of who is doing what. We are confident we can get these issues settled.

Chair Segerblom:

Do you know John McCormick, the Rural Courts Coordinator of the Nevada Supreme Court? He has been working on this too and has submitted a proposal ([Exhibit E](#)).

Ms. Foster:

Yes.

Senator Hammond:

Ms. Haldeman, you were saying you were not exactly sure what the impact would be on the CCSD, our State's largest school district. From the testimony here today, people have said they were able to obtain information from school districts, so this information exchange is already taking place. How do you handle it now? Do you know how many requests you are getting now?

Ms. Haldeman:

I do not know the specific answer to your question. People find a lot of different avenues in the CCSD to get what they need. Whether they start in the central office or at the individual schools, I do not know. We did have testimony from Mr. Baughman in Carson City who said he was able to weave through the system to get some things to which he probably should not have had access. Parents probably do that frequently. I believe the intent of this bill is to make it easier for everyone to work together so there does not have to be those

go-arounds. It would be nice if we had a modern student information system to automate this. Unfortunately, we have an antiquated system. I know you are aware of how Schools Administrative Student Information (SASI) works and the different problems we have with it. In an ideal world, if there were money to put in the technology we need so this could be done electronically, it would be best for everyone. We have been saving for years to replace our system but are not there yet. We do it the old-fashioned way where we get a request and we make a hard copy and give it to the requesters. I can find out how the process works now, but I would imagine that for every request, there is probably a different process. People find ways to get what they need.

Senator Hammond:

I cannot help but think we are duplicating our efforts, spending time on these transactions that could be consolidated. I am aware of SASI, but it does not work in my classroom.

Justice Saitta:

I am happy to see the fiscal note is at least hanging by a thin thread. Some of the students we are talking about are already being captured by the longitudinal data the State is collecting. We do not anticipate a significant increase in that information. If we want to keep them in the longitudinal study, we have volunteers who will help compile the information. We are going to meet immediately after this hearing to begin to work on amendments.

Chair Segerblom:

Yes, if we could avoid going over to the Senate Committee on Finance for fiscal analysis, that would be great. The support is here, so if you come back with amendments, we are ready to do a work session on this bill.

Senate Committee on Judiciary
February 18, 2013
Page 20

Chair Segerblom:

I am closing the hearing on S.B. 31 at 10:06 a.m.

RESPECTFULLY SUBMITTED:

Linda Hiller,
Committee Secretary

APPROVED BY:

Senator Tick Segerblom, Chair

DATE: _____

<u>EXHIBITS</u>				
Bill	Exhibit		Witness / Agency	Description
	A	1		Agenda
	B	3		Attendance Roster
S.B. 31	C	1	Clark County	Proposed Amendment
S.B. 31	D	1	Jill Marano	Written Testimony
S.B. 31	E	1	Administrative Office of the Courts, Nevada Supreme Court	Proposal from John McCormick, Rural Courts Coordinator