

**MINUTES OF THE
SENATE COMMITTEE ON HUMAN RESOURCES AND EDUCATION**

**Seventy-fourth Session
April 9, 2007**

The Senate Committee on Human Resources and Education was called to order by Chair Maurice E. Washington at 1:41 p.m. on Monday, April 9, 2007, in Room 2135 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 Maurice E. Washington, Chair
Senator Barbara K. Cegavske, Vice Chair
Senator Dennis Nolan
Senator Joseph J. Heck
Senator Valerie Wiener
Senator Steven A. Horsford
Senator Joyce Woodhouse

STAFF MEMBERS PRESENT:

Marsheilah D. Lyons, Committee Policy Analyst
Joe McCoy, Committee Policy Analyst
Sara Partida, Committee Counsel
Shauna Kirk, Committee Secretary

OTHERS PRESENT:

Lorne J. Malkiewich, Director, Director's Office, Administrative Division,
Legislative Counsel Bureau
Dr. John Ellerton, Task Force for the Fund for a Healthy Nevada
Jane A. Nichols, Ed.D., Vice Chancellor, Academic and Student Affairs, System
Administration Office, Nevada System of Higher Education
Ron Sparks, Director, Western Interstate Commission for Higher Education
Vicenta Montoya, Nevada Hispanic Democratic Caucus
Lynn Chapman, Nevada Eagle Forum
Janine Hansen, Independent American Party

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David K. Schumann, Vice Chairman, Nevada Committee for Full Statehood

John L. Wagner, The Burke Consortium

Dr. Nancy Alamo, Director II, English Language Learner Program, Clark County School District

Dr. Norberta Anderson, Director II, English Language Learner Program, Clark County School District

Dr. Bryn Lapenta, Interim Assistant Superintendent, Washoe County School District

Dotty Merrill, Ed.D., Executive Director, Nevada Association of School Boards

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

Richard Siegel, Ph.D., President, American Civil Liberties Union of Nevada

Otto Merida, Latin Chamber of Commerce

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

Pilar Maria Weiss, Political Director, Culinary Workers Union, Local 226

Rita Bonilla

James Richardson, Nevada Faculty Alliance

John H. Emerson, California–Nevada Conference Board of Church and Society, United Methodist Church; Conference Committee on Children and Poverty, United Methodist Church; Nevada-Sierra District Council on Ministries

Dr. Craig Kadlub, Clark County School District

Ken Young, Clark County School District Police Services

Keith W. Rheault, Ph.D., Superintendent of Public Instruction, Department of Education

Michael J. Willden, Director, Department of Health and Human Services

Joyce Haldeman, Clark County School District

Anne Loring, Washoe County School District

Julie Whitacre, Nevada State Education Association

Jack Kim, Sierra Health Services, Incorporated

CHAIR WASHINGTON:

We will open the hearing on Senate Concurrent Resolution (S.C.R.) 18.

SENATE CONCURRENT RESOLUTION 18: Expresses support for vocational rehabilitation programs and services in this State. (BDR R-296)

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SENATOR BARBARA K. CEGAVSKE (Clark County Senatorial District No. 8):
Senate Concurrent Resolution 18 expresses support for vocational rehabilitation programs and services in this State and was requested by the Legislative Committee on Persons with Disabilities (Disabilities Committee). The Disabilities Committee worked closely with the Strategic Plan Accountability Committee (SPAC) to prepare recommendations to improve services for people who are disabled.

One of the concerns that SPAC has is a loss of federal section 110 funding from the Rehabilitation Services Administration (RSA). The RSA allocated \$3 million more to Nevada than the Rehabilitation Division, Department of Employment, Training and Rehabilitation (DETR), was able to match. It is also projected for the next fiscal year, Nevada will also have to send back federal money due to a lack of matching funds. This situation is what prompted the Disabilities Committee to request S.C.R. 18. The resolution expresses the support of the Nevada Legislature for the use of state and federal money for the development of facilities, programs and other resources needed by persons with disabilities in this State to help them prepare for and engage in gainful employment. This resolution also encourages DETR to continue to seek private contributions to make up the difference between current State General Fund expenditures and the total matching money needed to allow DETR to use the full allotment of federal money to which Nevada is entitled.

SENATOR HORSFORD MOVED TO ADOPT S.C.R. 18.

SENATOR WIENER SECONDED THE MOTION.

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

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CHAIR WASHINGTON:
We will now open Senate Bill (S.B.) 164.

SENATE BILL 164: Revises provisions governing the Task Force for the Fund for a Healthy Nevada. (BDR 40-95)

LORNE J. MALKIEWICH (Director, Director's Office, Administrative Division, Legislative Counsel Bureau):

The underlying bill, S.B. 164, proposes to shift some staff responsibility for the Task Force for the Fund for a Healthy Nevada from the Legislative Counsel Bureau (LCB) to the Department of Health and Human Services (DHHS). After this bill was introduced, you asked us to meet with the representatives of the Department and devise a way to allocate the responsibilities for the Task Force. We concluded the most efficient way to administer these grants was to dispose of the Task Force for the Fund for a Healthy Nevada. You have a mock-up of the proposed amendments for S.B. 164 ([Exhibit C](#)). On page 2, in section 1, subsection 4, you will see the language regarding the Task Force being deleted. On page 3, all of section 2 which created the Task Force is being repealed. On page 4, you will see the Department is responsible through the Grants Management Advisory Committee (GMAC) to conduct the meetings rather than the Task Force. We have, in place, a GMAC for this specific purpose. It is a theme you will see throughout the bill.

The other concern we have is to maintain legislative involvement in the process. If you turn to page 5, you will see how that is handled throughout bill. Former references to recommendations from the Task Force are switched to the Legislative Committee on Health Care. The Legislative Committee on Health Care will be making recommendations but will not have the authority that the Task Force did as far as actually approving the grants. The Legislative Committee on Health Care will be making recommendations to the Department and to the Aging Services Division for the various grants. If you turn to page 7 of the mock-up, the Department is to review and consider the prioritized list of needs submitted by the Committee on Health Care and recommendations of the GMAC.

On page 10, line 17 of the proposed amendment, we are adding a requirement that the Legislative Committee on Health Care prioritize the needs for programs under paragraphs (g), (h) and (i) of subsection 1 of the *Nevada Revised Statute* (NRS) 439.630 and make recommendations to the Aging Services Division with respect to the paragraph (d) allocations.

In section 5, we would like to make a few changes with the GMAC. On page 11, we want to add a member with experience, knowledge and skill in the area of cessation of the use of tobacco. It is the one area the Task Force had responsibility over which we felt the GMAC lacked. We have also added a

member appointed by the "Majority Leader of the Senate" and a member appointed by the "Speaker of the Assembly" to maintain some legislative input into the process. We would get a legislative appointment to the GMAC.

On page 12, lines 20-21, you will find the addition of the duties they have concerning awards under the NRS 439.630 and requirement in the new subsection 7 to consider the priority submitted by the Committee on Health Care and to submit recommendations to the Department concerning the grants under the NRS 439.630. The remaining provisions are technical, requiring immediate appointments by the Majority Leader and the Speaker and the Director of the DHHS.

CHAIR WASHINGTON:

The intent is to make this process easier and more efficient and to ease the burden and workload from the Department as well as give the providers an opportunity to know where they stand in the grant-management application process.

MR. MALKIEWICH:

This will help with questions of how much money is available for administration. It will cut down on administrative costs and leave more money available for grants.

SENATOR HECK:

I certainly see the need to increase efficiency. I do not see any requirement for someone with a medical background assisting with the assessment of these medical grants. Was there any consideration for that?

MR. MALKIEWICH:

This is just one way to make it work. There are many different variations. The Legislative Committee on Health Care often will have a physician. There are other bills in this Session revising the composition of the GMAC. You may want to take a look at that as well as getting more physician input.

CHAIR WASHINGTON:

Can we make provisions in the amendment to make sure someone from the medical community is part of the GMAC?

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DR. JOHN ELLERTON (Task Force for the Fund for a Healthy Nevada):

I have been a member of the Task Force for the Fund for a Healthy Nevada from the beginning. Although the Task Force has been valuable in setting standards, its time has passed. It is time to make the process more efficient and more direct. As a member of the Task Force, I would support this amendment completely.

SENATOR CEGAVSKE MOVED TO AMEND AND DO PASS S.B. 164 TO INCLUDE A MEMBER FROM THE MEDICAL COMMUNITY ON THE GRANTS MANAGEMENT ADVISORY COMMITTEE.

SENATOR HECK SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR WASHINGTON:

We will open the hearing on S.B. 357.

SENATE BILL 357: Authorizes the Board of Regents of the University of Nevada to administer a loan forgiveness program for students enrolled in certain educational programs at the Nevada System of Higher Education. (BDR 34-72)

SENATOR WIENER:

The original bill created a workforce assessment commission with very significant voices at the table and created a loan forgiveness program in higher education. We came to the version that you have as an amendment ([Exhibit D](#)). This will help Western Interstate Commission for Higher Education (WICHE) update its statute under which it works to help them become more competitive with the loans they offer and more flexible than is currently stated in statute.

JANE A. NICHOLS, ED.D. (Vice Chancellor, Academic and Student Affairs, System Administration Office, Nevada System of Higher Education):

I am here for the Nevada System of Higher Education (NSHE). I am also here as one of the WICHE commissioners. We need more support for loan programs in critical need areas for Nevada students. As we worked through the idea and thought of the best model, we decided it was best to do this through the

WICHE model. It already has in place a strong loan-forgiveness program and a practice component in the health care area that clearly identifies where the greatest needs exist. What you have on the proposed amendment is the language that would allow for the interest rate to be set by WICHE and gives them the flexibility to more effectively administer the program, [Exhibit D](#). With me here today is the director of WICHE, Ron Sparks, to make a few comments.

RON SPARKS (Director, Western Interstate Commission for Higher Education):
We are in full support of the remarks that have been made. The flexibility will allow our program to be more competitive with our loan-forgiveness program. It also reiterates the idea of what WICHE is about which is workforce development and underserved programs.

SENATOR WIENER MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 357.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR WASHINGTON:

We will open the hearing on S.B. 398.

SENATE BILL 398: Provides for a pilot program of English immersion in certain public schools. (BDR S-940)

SENATOR BARBARA K. CEGAVSKE (Clark County Senatorial District No. 8):
Senate Bill 398 would create a pilot program of English immersion for Nevada public school students with limited proficiency in the language. The need for a vigorous program that promotes English language acquisition at an early age and at an accelerated pace is clear. From 1995 to 2005, the number of limited English proficiency (LEP) students grew by approximately 208 percent. As of school year 2005 to 2006, 15.3 percent of all Nevada public school students were classified as LEP, and this figure rises to 17.3 percent in Clark County. In Washoe County, 14.3 percent of all students are LEP students.

It creates a pilot program in English immersion for English language learners (ELL) in schools across the State. This bill simply calls for a program in which LEP students would remain in the regular classroom, and the English language teacher would co-teach with the regular education teacher at certain times during the school day or the school week. Senate Bill 398 does not call for an increase in teaching personnel or for an increase in the amount of resources schools normally have. The Department of Education is given discretion in choosing the schools that will participate in the pilot program. This bill is based upon a fact that has been established by scientific research and understood by educators for some time. The younger the students, the less inhibited they are in learning a language. Elementary school students are able to learn languages with relative ease and spontaneity. Recent initiatives in other states have recognized the importance of the immersion approach to teaching language as well as the inefficiency that is often the result of not taking this course.

In 2003, the Minnesota Legislature voted to cap at five years the amount of time that a school district may draw on state aid for LEP. In 2000, Arizona voters approved Ballot Proposition 203 that requires all public school instruction to be conducted in English. Students not fluent in English are placed in an intensive one-year English immersion program while also learning other academic subjects. In 1999, California voters adopted Proposition 227 that requires most instruction to be in English. Since that time, the number of children in bilingual classrooms has been cut in half. The importance of learning English in a student's life hardly needs to be emphasized. English proficiency is the gateway to all other academic subjects in our public schools, and it is essential for the social and economic success that students may look forward to in their adult lives.

The No Child Left Behind Act of 2001 has required the states to bring LEP students up to the level of proficiency in English. By promoting the most effective means to achieve this, S.B. 398 will enhance the opportunities for Nevada's LEP students. There are approximately 50 languages that are known in Clark County and 108 unknown languages not interpreted.

VICENTA MONTOYA (Nevada Hispanic Democratic Caucus):

The Nevada Hispanic Democratic Caucus opposes S.B. 398. This bill is ill-conceived and is attempting to micromanage the school district. The school districts have existing programs for teaching of the children who have limited English language skills. There does not appear to be any justification for this bill,

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and we urge that it be killed in committee. Education dollars are scarce, and there is no need to waste money on a questionable English immersion program.

LYNN CHAPMAN (Nevada Eagle Forum):

You have been given a copy of the "Education Reporter" that talks about California English immersion programs that are working ([Exhibit E](#)). I will read from this exhibit.

JANINE HANSEN (Independent American Party):

The Independent American Party supports this bill. It has proved to be a success in other states and is overwhelmingly supported by the voters. You have been given a copy of a document titled "Bilingual Education Goes to Voters Again." I will read portions of that document ([Exhibit F](#)).

DAVID K. SCHUMANN (Vice Chairman, Nevada Committee for Full Statehood):

We should not be wasting scarce educational dollars on programs like English as a second language.

JOHN L. WAGNER (The Burke Consortium):

The Burke Consortium supports this bill.

DR. NANCY ALAMO (Director II, English Language Learner Program, Clark County School District):

The English Language Learner Program supports the intent of S.B. 398. I will read from my written testimony ([Exhibit G](#)).

SENATOR WIENER:

How many languages are you addressing?

DR. ALAMO:

We have 96 languages represented throughout the district.

SENATOR WIENER:

Is this in addition to the ELL program that has been historically used in schools, or is it a replacement?

DR. ALAMO:

The ELL is part of sheltered instruction used in the general classroom. Techniques are used in the classroom with the ELL students and non-ELL students alike.

SENATOR WIENER:

Is immersion part of the sheltered-instruction program?

DR. ALAMO:

Yes, because the ELL students are in classrooms with non-ELL students.

SENATOR WIENER:

It benefits those who may not have the challenge going in, and the entire classroom benefits.

DR. ALAMO:

That is correct.

SENATOR WIENER:

If you were able to fulfill it to its greatest extent, what would be the student population that you would attempt to reach with this program?

DR. ALAMO:

We are looking at tens of thousands more.

SENATOR WIENER:

How many schools are participating?

DR. ALAMO:

We provide sheltered instruction in all of the Clark County schools which is over 300 schools.

DR. NORBERTA ANDERSON (Director II, English Language Learner Program, Clark County School District):

I also share the same feelings that Dr. Alamo has expressed. Sheltered instruction provided in the Clark County School District (CCSD) is the best practice teaching for all students. We have shown great gains in our student population that are identified in the ELL programs based on the No Child Left Behind requirements.

DR. BRYN LAPENTA (Interim Assistant Superintendent, Washoe County School District):

I echo the CCSD regarding this bill. We also have the current instructional program in place in our school districts using the Sheltered Instruction Observation Protocol (SIOP).

DOTTY MERRILL, Ed.D. (Executive Director, Nevada Association of School Boards):

The Nevada Association of School Boards signed in as neutral on this bill. The sheltered instruction is one of the best practices that has been proven across the country as described in the Las Vegas testimony. I wanted to remind you, according to the insight data gathered by the Legislative Counsel Bureau and the Department of Education staff, the statewide expenditure of services to ELL students was \$303 per student in the fiscal year 2006. At some point, the Association would encourage this Committee to consider the additional costs for providing classroom instruction to English language learners. That is a big decision point for you.

SENATOR CEGAVSKE MOVED TO DO PASS S.B. 398.

SENATOR HECK SECONDED THE MOTION.

SENATOR WIENER:

If we already have 60,000 students in all of our schools, why are we doing beyond what we are already doing? I need to understand the distinction.

SENATOR CEGAVSKE:

This is for the whole State. Pilot programs will be set up throughout the whole State according to the Department of Education. It will bring information back to us for the next session.

SENATOR WIENER:

Would it be duplicative in the two larger counties where we already have programs? Is it the intent to do it in smaller counties?

SENATOR CEGAVSKE:

As stated in the testimony, it would be up to the superintendent for the State to make the decisions as to where the pilot programs go.

SENATOR WIENER:

Would it be possible to bring him forward to see what his plans might be?

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

You have heard testimony today that Washoe County School District (WCSD) and CCSD have the SIOF model in place. The pilot would contemplate the SIOF model as it is employed in some locations because it talks about a co-teaching kind of a program. The SIOF trains the classroom teacher to deliver the best practices for all of the students. Ultimately, the Department of Education would work with the school district to determine where they would like pilots. The SIOF also exists in other school districts. Because we have trained staff in the school districts, we would be able to assist identifying what specific model would be of a benefit. If CCSD and WCSD determine it is duplicative of their efforts, we would not involve them in the pilot as a site but involve them as advisors since they have had such history with the project. At your discretion, we would work as directed.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR WASHINGTON:

We will open the hearing on S.B. 415.

SENATE BILL 415: Provides that certain alien students are not eligible to receive certain types of financial assistance through the Nevada System of Higher Education. (BDR 34-222)

SENATOR JOSEPH J. HECK (Clark County Senatorial District No. 5):

Senate Bill 415 is an attempt to put Nevada law in concert with current federal law. The federal Illegal Immigration Reform and Immigrant Responsibility Act of 1996 prohibits states from providing a postsecondary education benefit to an alien who is not lawfully present in the United States unless the citizen or national of the United States is eligible for such a benefit. The 8 *United States Code*, (U.S.C.) section 1623 states:

Notwithstanding any other provision of law, an alien who is not lawfully present in the United States shall not be eligible on the

basis of residence within a State (or a political subdivision) for any postsecondary education benefit unless a citizen or national of the United States is eligible for such a benefit (in no less an amount, duration, and scope) without regard to whether the citizen or national is such a resident.

Further, the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) restricts the eligibility of aliens for state and local benefits including postsecondary benefits. The 8 U.S.C., section 1621 states that an alien who is not a qualified alien is not eligible for any state or local benefit including postsecondary educational assistance. In keeping with the federal law, S.B. 415 limits state-sponsored financial aid to bona fide residents of the State and amends the definition of bona fide residents to exclude an alien who is not eligible for a state or local benefit in accordance with the PRWORA. In the latest issue of *State Legislature* magazine, there is a small sidebar on this topic. Utah is one of the states that provide this service. They are currently looking at a legislative proposal to end it while other states are facing lawsuits regarding this very issue. Wyoming and Georgia specifically bar students who are not legal permanent residents from in-state tuition eligibility. Arizona voters in Proposition 300 did the same thing. The opponents to this measure will attempt to paint this as anti-immigrant or unfairly penalizing children for the mistakes of their parents. These accusations are without merit. This is about following the law. By allowing this practice to continue, the State is out of compliance with federal law and runs the risk of having every out-of-state student who attends one of these institutions demanding the same benefit as evidence by other states that are currently facing these lawsuits.

In his book *Leadership*, Rudy Giuliani, the grandson of immigrants, addresses the problems plaguing social programs of New York City when he served as mayor. He writes, "for every right there is an obligation, and for every privilege there is a duty." Grandson of immigrants myself, I firmly believe if someone wants the rights of an American, then they have an obligation to work towards citizenship. If they want to enjoy the privileges of what America has to offer, they have the duty to obey her laws. It is for these reason, I urge your support of S.B. 415.

SENATOR NOLAN:

When students graduate from one of our high schools and are now an adult, what is their status at the point when they seek to go on to an institution of

higher education. Although they are still the children of illegal aliens who are in the country, what is their citizenship status at that point in time?

SENATOR HECK:

They remain an unqualified alien graduating from high school in the State. The PRWORA lays out certain eligibility requirements to be considered a qualified alien, and those individuals would be eligible for all the benefits of any other citizen. However, if you do not meet any one of those seven criteria spelled out in that Act and lacking formal citizenship, you would not be eligible for that benefit. Likewise, as other states have seen, you could have out-of-state students wanting this same tuition waiver, because that is what the federal law allows.

SENATOR NOLAN:

In your research on this particular issue, was there any discussion at the time the 1996 Act was adopted on the differentiation between providing public benefits to those children of illegal immigrants with a K-12 education versus providing them benefits in a higher education realm?

SENATOR HECK:

There was no discussion at the time that Act was passed. The fact that undocumented children receive education in a public school system is based on a 1982 U.S. Supreme Court decision *Plyler v. Doe* 457 U.S. 202 (1982) in which the U. S. Supreme Court stated that it was unconstitutional to prevent those children from having an education under the 14th Amendment and the equal protection clause. The issue there is that this was a constitutional right for K-12. Postsecondary education is not considered a constitutional right. It is actually a privilege. We have no finite number of how many children may be in the K-12 system, but educated estimates can be obtained. In 2005, the Office of Homeland Security estimated there were 240,000 undocumented immigrants in Nevada. A further report from the Pew Charitable Trusts, estimates that 16 percent of undocumented immigrants are school-aged children. If you were to multiply that by the \$6,686 reported to National Center for Education Statistics for the 2003 and 2004 per-pupil spending, we are spending about \$257 million annually on K-12 education.

DR. NICHOLS:

I cannot disagree with anything that Senator Heck has said. He is right about the federal law. We have an obligation to tell you the impact of this. You have my written statement, and I would like to read that into the record ([Exhibit H](#)).

Those statements cover our position and the position of the Board of Regents. The Board has no position on S.B. 415. Historically, it has allowed for Nevada high school graduates to continue on to higher education.

RICHARD SIEGEL, Ph.D. (President, American Civil Liberties Union of Nevada):

In preparing my testimony, I consulted with the Immigrations Rights Project of the American Civil Liberties Union of New York and the National Immigration Law Center in Oakland and Washington, D.C. The National Immigration Law Center puts forward the view that there is nothing automatic in the two federal acts. It depends on action at the state level. States can take affirmative, positive action to have undocumented students who are high school graduates to continue eligibility for such programs. They can do it both by explicitly doing it and sometimes by simply continuing to do it. It has been taken by some courts as acceptable under these acts to be that the states are acting accordingly, and it makes the students continue to be eligible. We have an explicit policy in this State and are trying desperately to get as many students as possible into such programs as nursing and teaching, yet this Act explicitly seeks to remove students who would otherwise be eligible for nursing loans. It would directly conflict with the public policy of the State. Our public policy wants as many students to be applying for nursing loans who are graduates and honor graduates of Nevada high schools. I do not want the second best. I certainly do not want the second best if the first best is a student who may have come to Nevada as a one-year-old with their parents and made no act that really constitutes a criminal act. These students, and their parents, are paying Nevada taxes. I hope that you would not move forward with this bill.

SENATOR NOLAN:

You had indicated that ten states had taken action on it. What did the other 40 states do?

DR. SIEGEL:

I believe they have not taken any action. The ten states have explicitly authorized these students be eligible for such scholarships.

SENATOR NOLAN:

I happen to agree with you regarding the children of the illegal immigrants who have been here for 17 years, paying taxes and living a productive life. What are the options for those children to gain citizenship?

DR. SIEGEL:

There are routes to citizenship that exist today. I know students who have taken advantage of those routes. The focus on our immigration policy, today, is that we need to focus on the people who can help us with our greatest needs in this country. We need to shift our immigration policy from a simple family unification model to one which is on skills and needs. This goes directly against that public policy. It takes that group which is our most skilled and best educated, and says you shall not have the opportunities to help the people of Nevada.

SENATOR NOLAN:

That has to be balanced with school funding, what our needs are in public education and the demands. We are falling short on the number of teachers that we need to educate and the number of students who we are required to educate.

MS. MONTROYA:

I would like to read from my written testimony ([Exhibit I](#)).

OTTO MERIDA (Latin Chamber of Commerce):

The Latin Chamber of Commerce opposes S.B. 415.

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

The Progressive Leadership Alliance of Nevada is opposed to this bill. Our concerns arise from two issues. The Personal Responsibility and Work Opportunity Reconciliation Act was actually passed in 1996, and it was strictly a benefit program. It was regarding welfare. Medicaid and education were not in this bill. That was only for a small portion of the welfare recipients who could achieve the standards that were laid out by the State. I am concerned we are connecting it to PRWORA, because PRWORA also denied legal immigrants benefits. They had to be in the State for five years. It is mixing the wrong issues together. We also feel that children who are high-achieving students who go through our public schools, and who obtain the ability to go to college should

be allowed to go to college. Becoming a citizen these days is difficult. We do not know how many are we talking about in this bill that we are going to deny higher education and deny the ability to be contributing citizens in our State.

SENATOR CEGAUSKE:

I have several e-mails from people who forwarded an e-mail from Progressive Leadership Alliance of Nevada. They were opposed to your e-mail and in favor of the legislation that you are opposing. Do you advocate or help citizens get citizenship, and is that something that you are helping to promote?

MS. GILBERT:

We do have a citizenship program. It is a very lengthy and difficult program.

SENATOR CEGAUSKE:

It is not the State that is making these changes. It is the federal government.

PILAR MARIA WEISS (Political Directors, Culinary Workers Union, Local 226):

The Culinary Workers Union also opposes S.B. 415. We support the policy that we have had in the State. If you graduated from a Nevada high school, we would support students going forward and wanting to achieve more in the university system. The ten states that have dealt with the conflict between state and federal law have opt-out clauses, and we would be supportive of Nevada doing that if people do not feel comfortable retaining the system that we have.

SENATOR CEGAUSKE:

Does someone who is in this country illegally not have to pay nonresident fees? They do not even have to pay tuition. Is that a correct statement?

RITA BONILLA:

Yes, that is correct. I would like to read my written testimony regarding that question ([Exhibit J](#)). I am a product of the English immersion program.

CHAIR WASHINGTON:

Ms. Bonilla what country are you from?

MS. BONILLA:

I was born in the United States, and my parents were born in the United States.

DR. NICHOLS:

The Nevada System of Higher Education requires all of our students to be U. S. citizens. The only exception is the Nevada high school graduate. There are about 16 categories that a student can meet to be considered for tuition purposes. Being a Nevada high school graduate is one of them. This is the difference in paying the in-state rate versus the large nonresident fee. If a student is not a high school graduate in Nevada, they have to meet our definition of a resident. Then it goes to the traditional meanings that we are accustomed to thinking about for residency. I suspect a circumstance like that would happen when someone did not graduate from a Nevada high school.

SENATOR CEGAVSKE:

Is it a year residency that you have to have before you are not considered an out-of-state student?

DR. NICHOLS:

It is one year. We have very elaborate residency requirements.

SENATOR CEGAVSKE:

I am confused by your statement when you said that if we pass this bill that it would be harmful and yet you say you require residency.

DR. NICHOLS:

The only impact of this bill would be on that category of students who are entitled to our in-state fees by virtue of graduating from a Nevada high school.

SENATOR CEGAVSKE:

Do you check whether or not they are legal citizens?

DR. NICHOLS:

We have historically accepted the Nevada high school graduate directly into higher education.

SENATOR CEGAVSKE:

Do you get a Social Security number?

DR. NICHOLS:

We ask for a Social Security number. By federal law, a student is not required to offer a Social Security number. If that is the case, we give the student an

identification number. Nevada K-12 schools also do not require a Social Security number.

SENATOR NOLAN:

Do we know how many students we are talking about who graduate and enter into postsecondary education?

DR. NICHOLS:

We do not know, but your staff from the Legislative Counsel Bureau has asked us to try to estimate the maximum number of students who might be impacted by this bill. We have made an attempt and believe that 447 students might be impacted by this bill throughout the Nevada Higher Education System and 88 percent of those are at the community colleges. The maximum number impacted under the Millennium Scholarship may be 94 students.

SENATOR NOLAN:

Do we ask them to fill out an affidavit stating they are going through the immigration process?

DR. NICHOLS:

We do not.

JAMES RICHARDSON (Nevada Faculty Alliance):

We do have some concerns about the public policy of this bill, but if these students are going to stay in our State, we do need to make them citizens and help them to become citizens.

MS. CHAPMAN:

I am in support of this bill.

MS. HANSEN:

The Independent American Party supports this bill. This is a tool that has been provided through this law for the federal government and the states to take action and deal with this issue.

MR. SCHUMANN:

It should be difficult to get citizenship, and I support this bill.

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MR. WAGNER:

I support S.B. 415.

JOHN H. EMERSON (California–Nevada Conference Board of Church and Society, United Methodist Church; Conference Committee on Children and Poverty, United Methodist Church; Nevada-Sierra District Council on Ministries):

I am in opposition to this bill. I speak from a Christian tradition that places a high value on a learned mind and hospitality of the alien.

SENATOR HORSFORD:

Is it your intention to take action on this?

CHAIR WASHINGTON:

It is.

SENATOR HORSFORD:

I would like to propose an amendment ([Exhibit K](#)).

SENATOR HECK:

I would ask for an opportunity to review the amendment of the bill.

CHAIR WASHINGTON:

We will hold it until after the recess. We will close the hearing on S.B. 415 and open the hearing on S.B. 534.

SENATE BILL 534: Revises provisions governing the jurisdiction of school police officers. (BDR 34-410)

DR. CRAIG KADLUB (Clark County School District):

This bill is about safety and nothing more. Every year we see multiple incidents where children are struck by cars and sometimes fatally. We have parents parking two and three cars deep and parking in red zones. The back of the bill says it would allow school police to have jurisdiction on streets contiguous to these schools and during times when school functions are in session.

SENATOR CEGAVSKE:

Did we talk about this in a previous session regarding the school police becoming police?

DR. KADLUB:

I do not recall that being discussed legislatively. There may have been informal discussions.

SENATOR CEGAVSKE:

Is this just for Clark County, or does this help any of the other counties?

DR. KADLUB:

The bill is permissive so it is for any county that has a police force and wants to do it. It does not require that an officer, if he is assigned to a high school, be out front when there is traffic present.

SENATOR WIENER:

We had something similar to this bill in the Senate Committee on Judiciary. What is the difference from this and the bill we heard there?

DR. KADLUB:

I am not sure that there is a difference.

SENATOR HECK:

Is this for true traffic violations like parking issues, running stop signs and those kinds of things and not for a school police officer who sees someone with a taillight out and effecting a stop because the person was driving down the street in front of the school?

DR. KADLUB:

That is correct.

SENATOR WOODHOUSE:

As an assistant principal and a principal, I can tell you that the safety of the students is impacted by the cars that are disobeying the red zones, the bus lanes and just about everything. This bill would help to make sure our children are safe.

KEN YOUNG (Clark County School District Police Services):

The Clark County School District Police Services supports this bill.

SENATOR CEGAVSKE MOVED TO DO PASS S.B. 534.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

CHAIR WASHINGTON:
We will recess at 3:27 p.m. until 6:00 p.m.

CHAIR WASHINGTON:
We will now reconvene the meeting at 6:17 p.m. and open the hearing on S.B. 535.

SENATE BILL 535: Revises provisions governing certain educational programs for pupils in public schools. (BDR 34-581)

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

This is one of two bills the State Board of Education forwarded for consideration. The intent is to simply clarify all of the conflicting statutes and to clean up regulations regarding alternative education programs, correspondence programs, adult diploma programs and distance education. You may be familiar with the genesis 20 years ago in which we had statutes that governed correspondence courses. At that time, it was mailing back and forth courses. After that, an independent study came into being where Clark County started letting students who could not attend class everyday pick up a packet of materials to complete at home and meet with the teacher once a week. Then we had alternative education programs where new programs were put together to service students who were at risk of dropping out of school. After that, statutes were added for distance education. When you put them all together, it made a jumbled mess of conflicting statutes.

It came to a head this fall when we had our department auditors in Clark County. They were monitoring the count-date report and one of the middle schools had an alternative program. When they got there, they asked about the authority to do this because the NRS 385.3612 states it is for high school students at risk for dropping out. There is another statute as an example,

NRS 388.537, which says they can have alternative programs in K-12. We thought it would be a good idea to schedule a meeting with all the school districts to see if there would be some interest in cleaning up the statutes. When the meeting started the room was completely full with 60 or more people having concerns with the statutes. What came from that meeting is S.B. 535.

In section 1, we are deleting high school and referring to it as a K-12 alternative program. Sections 2, 3 and 8 are to clean up a piece of convoluted payments system for distance education. This makes it cleaner and the districts already have agreements on a lot of things. It is less expensive and eliminates most of the paperwork coming to the state level. In section 6, it will look like we are deleting a number of things as far as the criteria for alternative programs. It was duplicated from another statute, and we are just cleaning it up in that spot.

DR. RHEAULT:

In section 11, there were three conflicting statutes and three conflicting regulations that governed alternative programs using independent study. If it were an alternative program, it said it could only be used for temporary placement in an independent study. No one knew what temporary placement meant. Once you start with an independent study course, you need to finish it. We did receive an amendment from Washoe County that is on page 7, lines 18 and 19. We have agreed that there is no problem to accept the amendment. The amendment is requesting that we allow them to work towards either the regular diploma or the adult high school diploma. In subsection 5, line 3, it talks about alternative programs, and it allowed a shorter school day or the opportunity for a longer school day. You can run longer or a shorter day as long as it meets at least 180 days like any other student does in an alternative program.

SENATOR HORSFORD:

Under the adult education program, was there any discussion of whether or not special education or ELL programs should be provided in the adult education programs?

DR. RHEAULT:

I do not believe there was in special education services.

SENATOR HORSFORD:

Is the provision that requires the 180 days from the independent study?

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DR. RHEAULT:
That would be the alternative education programs.

SENATOR HORSFORD:
Is that online?

DR. RHEAULT:
They can use distance education, but it could be an alternative program where the students show up every day.

SENATOR HORSFORD:
Is the intent that these programs primarily be seeking a standard diploma?

DR. RHEAULT:
That is the intent. If they do not make it, they could still qualify for the adult diploma, but the intent is to work towards a regular diploma.

SENATOR HORSFORD:
Is that for those students who are under 17 years of age?

DR. RHEAULT:
Correct.

SENATOR HORSFORD:
These programs that would be approved at the discretion of the Department are for programs that help students achieve a standard diploma, not an adjusted diploma.

DR. RHEAULT:
Correct. We are approving alternative programs for K-12 for a standard diploma.

SENATOR WIENER MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 535.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

CHAIR WASHINGTON:

We will go back to S.B. 415.

SENATE BILL 415: Provides that certain alien students are not eligible to receive certain types of financial assistance through the Nevada System of Higher Education. (BDR 34-222)

SENATOR HECK:

I have concerns with the fact that they are filling out an affidavit and what type of an enforcement tool is that in the future. During the interim, I conducted a constituent mailer to a wide demographic area. It had a 10-percent return. Of the 1,019 returns, 520 listed immigration reform as their primary issue. This result was far above the next two issues, taxes and education, that came in at 105 each. Based on that, I am reluctant to accept the amendment at this time.

SENATOR HORSFORD:

Based on his response, would he consider putting in an additional provision that if the students who filled out this affidavit failed to begin the citizenship process, they would have to pay those proceeds back to the State?

SENATOR HECK:

I would have to see that. I am not sure how that would be enforced.

SENATOR HORSFORD:

Of the ten states that have done this type of affidavit approach, some have language that says if you do not commence the pathway to citizenship at a certain time, which follows suit with WICHE and some other practices that this Legislature has enacted, then after a certain period of time, that student would be required to pay back the scholarship. It gets to the intent of what we are seeking to do here and strikes a reasonable compromise. The message that I am hearing is this is some of our best and brightest. They came here at no fault of their own.

CHAIR WASHINGTON:

We have two options. We can either pass the bill and offer the amendment on the floor, or the sponsor of the bill wants us to wait until Wednesday and allow it to be amended and reviewed.

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SENATOR HECK:

I would prefer to pass the bill, and do the amendment on the floor after I have looked at the other ten states.

SENATOR HORSFORD:

We have two more work sessions through this week. If we can come to a compromise and a language that strikes a balance, why would we push a bill to have the debate on the floor when we know it is going to be extremely controversial? Why can we not do that work in this Committee?

CHAIR WASHINGTON:

We can reconvene at the back of the bar so it will not have to go through the floor session or move it to the desk.

SENATOR HORSFORD:

Can we move the bill with no consideration out of this Committee? Without some certain reasonable standards, I would make a motion to move S.B. 415 to the floor with no recommendations.

SENATOR HORSFORD MOVED TO SEND TO THE SENATE FLOOR WITH NO RECOMMENDATIONS S.B. 415.

SENATOR WIENER SECONDED THE MOTION.

THE MOTION FAILED. (SENATORS WASHINGTON, CEGAVSKE, NOLAN AND HECK VOTED NO.)

* * * * *

SENATOR HECK MOVED TO DO PASS S.B. 415.

SENATOR NOLAN SECONDED THE MOTION.

SENATOR WIENER:

Based on the fact that we are going to be offering at least one floor amendment and as a response to what has occurred in the Committee, I will reluctantly support getting the bill to the floor with the option of changing my vote. I appreciate the full consideration of all alternatives in this measure. It is a substantial policy. I will support the motion with the option of changing my vote

on the floor should the amendments not provide the remedy to some of my concerns.

CHAIR WASHINGTON:

That is duly noted for the record. We will make sure every Senator has a full preview of the amendment and its considerations.

SENATOR WOODHOUSE:

I will be abstaining on this vote. I believe we should solve the issue here in the Committee.

CHAIR WASHINGTON:

Duly noted.

THE MOTION CARRIED. (SENATOR HORSFORD VOTED NO.
SENATOR WOODHOUSE ABSTAINED FROM THE VOTE.)

CHAIR WASHINGTON:

I have been advised from staff that the amendment would come from Senator Horsford and not be a Committee amendment.

SENATOR CEGAVSKE:

I would like to discuss a bill this Committee has passed out with a recommendation that might be beneficial to the bill. I have talked to Senator Horsford who had proposed the amendment and asked him if we would consider it. In S.B. 399, Senator Horsford proposed that we have community base included for the training. I would like to know if the Committee would accept an addition to the amendment adding the word licensing along with the training aspect. Senator Horsford indicated that he was supportive of that on his amendment. Senator Washington has indicated the possibility of the Division of Child and Family Services putting in the language.

SENATE BILL 399: Requires the Division of Child and Family Services of the Department of Health and Human Services to coordinate with and assist each agency which provides child welfare services in recruiting, training and licensing providers of family foster care. (BDR 38-86)

CHAIR WASHINGTON:

I had indicated, if the amendment was adopted by the Committee, to have within the amendment to license those providers that provide training by the Division, and the Division could set the criteria and regulation as to what they are looking for.

SARA PARTIDA (Committee Counsel):

As the bill currently reads, the Division is to coordinate with and assist each agency that provides child welfare services in recruiting, training and licensing of providers of family foster care. The amendment offered by this Committee was to say the Division would coordinate with agencies which provide child welfare services and with private or community nonprofit organizations that also train and recruit.

SENATOR CEGAVSKE:

Are training and licensing already in there?

MS. PARTIDA:

Yes, with respect to agencies which provide child welfare services.

CHAIR WASHINGTON:

Are you talking about future agencies that want to provide services?

SENATOR HORSFORD:

As I understand it, that really refers to local government agencies.

MS. PARTIDA:

That is correct. The way I understand the licensing of foster homes, it is only the Division and the agency within counties of 100,000 or more in population, that provide child welfare services and are even authorized to license foster care homes. I am not completely clear as to what it is the Committee wants to offer.

CHAIR WASHINGTON:

I am confused also.

MICHAEL J. WILLDEN (Director, Department of Health and Human Services):

Ms. Partida is correct. There are only three licensing agencies in the State. The State, Clark County and Washoe County are the agencies. There was a bill that got shut down in the Assembly that would have allowed us to bring in a third

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party and bring in organizations with licensed foster homes. Their concern was about what oversight the State would have and amendments were not accepted.

SENATOR CEGAUSKE:
I did not know you had already debated that.

CHAIR WASHINGTON:
We will open the hearing on S.B. 8.

SENATE BILL 8: Provides that the repeated misuse of alcoholic beverages or controlled substances by a person who is responsible for a child's welfare constitutes prima facie evidence of negligent treatment or maltreatment of the child under certain circumstances. (BDR 38-245)

MARSHEILAH D. LYONS (Committee Policy Analyst):
Senate Bill 8 provides that the repeated misuse of alcoholic beverages or controlled substances by a person who is responsible for a child's welfare constitutes prima facie evidence of negligent treatment or maltreatment of the child under certain circumstances. There is an amendment proposed by the Washoe County Public Defender's Office. It is the same amendment that was in the previous work sessions.

CHAIR WASHINGTON:
I understand from Senator Cegavske that Senator Townsend had an opportunity to review the amendment, and it was acceptable to him. I will entertain a motion to amend and do pass.

SENATOR HECK MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 8.

THE MOTION FAILED FOR LACK OF A SECOND.

* * * * *

CHAIR WASHINGTON:
We will now open the meeting on S.B. 97.

SENATE BILL 97: Limits salaries of certain school district administrators to one and one-half times the salary of the highest paid principal in the district. (BDR 34-16)

JOE MCCOY (Committee Policy Analyst):

This bill provides that a school district shall not enter into a contract or agreement with an administrator if that contract or agreement provides a salary or other compensation for the administrator in an amount that is more than one and one-half times the salary or compensation paid to the highest-paid principal in the school district. This restriction applies to administrators who are employed to provide services at the district or regional level rather than the school level. This restriction applies only to contracts and agreements that are executed or renewed on or after July 1, 2007.

On page 5 of the work session document ([Exhibit L](#), original is on file in the Research Library), you will see two amendments have been offered by Senator Washington. The first clarifies the salary limit of one and one-half times will apply to the highest salary on that salary schedule and not to the salary that is being paid at a given time in the district. The second amendment limits the provision of this measure to the Clark County School District.

CHAIR WASHINGTON:

I will take a motion on S.B. 97. Hearing no response, we will open the meeting on S.B. 110.

SENATE BILL 110: Revises provisions governing the administration of examinations to pupils enrolled in the public schools. (BDR 34-474)

MR. MCCOY:

This bill eliminates the requirement that each school district and each charter school administer the norm-referenced tests to pupils. In addition to the criterion-referenced tests, the high school proficiency examination and any other examination required by federal law, each school district, and each charter school may administer one additional examination per grade level each school year to pupils enrolled in kindergarten and Grades 1 to 12, inclusive. The State Board of Education is required to prescribe the additional examinations that may be administered, and the Department of Education is required to maintain a list of those additional examinations.

There are three amendments to this bill which can be found on pages 7 through 10 of [Exhibit L](#). The first amendment is offered by Senator Washington. The second amendment is offered by Senator Beers and the third amendment is offered by Senator Horsford.

SENATOR HORSFORD:

I did speak to the sponsor of the bill, and he is aware that I am bringing forth this amendment. The committee will recall we heard S.B. 312, which is the bill brought forward by the "Ready for Life" initiative. There are two provisions that apply to S.B. 110.

SENATE BILL 312: Revises provisions relating to education. (BDR 34-604)

There are provisions under a section of S.B. 312 that provide for multiple pathways for students to demonstrate proficiency. At the request of Senator Nolan, I have distributed a document entitled, "Multiple Measures Approaches to Graduation" ([Exhibit M](#)) from Stanford University that demonstrates the states which have examination high-stakes tests, and also use state or local performance measures for graduation decisions. It not only keeps more students in school, they also show student achievement levels above the national average. Again, that provision would still require that the students meet the four years of proficiency that our current system provides for and only allow students multiple pathways to demonstrate the proficiency. Section 5 allows for students who are doing well to test out of the subject areas so they can proceed on to the next required course for graduation. I would respectfully ask those amendments be considered.

CHAIR WASHINGTON:

Ms. Lyons, is there a conflict with those amendments?

MS. LYONS:

Your amendment allows the districts to continue doing the test they currently do, but it urges them to look at the amount of time spent and the value of the test. Senator Beers' amendment actually requires them to look at the amount of time, specifically, and to look at the test, if required and to report back. If the Committee would like to take all three, you would be taking Senator Beers' and Senator Horsford's. You could accept amendments one and three.

SENATOR HORSFORD:

Can you restate the difference between amendments one and two again?

Ms. LYONS

As I understand the amendments, the first amendment offered by Senator Washington simply allows the districts to continue doing the tests they are already doing and urges them to take a look at the amount of time spent and whether the test is the most effective tool. Senator Beers' amendment actually asks that they look at the amount of time, document that time, and look at the effectiveness of the test and report that back to our Committee.

CHAIR WASHINGTON:

I would withdraw my amendment.

SENATOR HORSFORD MOVED TO AMEND AND DO PASS S.B. 110
WITH AMENDMENTS FROM SENATORS BEERS AND HORSFORD.

SENATOR WOODHOUSE SECONDED THE MOTION.

SENATOR HECK:

I appreciate Senator Horsford bringing in these amendments. I think it is important that we have an alternative pathway. I have concerns about some of the alternative pathways. All of the discussions we have had in this Committee and the reason we looked at setting standards for the millennium is the controversial, potential grade inflation. If we are using an overall grade point average as one of the alternatives, that causes me concern. Senator Horsford is alright with striking that as one of the criteria which you can see on line 20.

SENATOR CEGAVSKE:

I have concerns with the bill as a whole. As it is now, I cannot support the S.B. 110 amendments from S.B. 312 sections 4 and 5. There are no criteria set.

CHAIR WASHINGTON:

I understand that Senator Beers was in agreement with your amendment, Senator Horsford.

SENATOR HORSFORD:

I spoke to him; he was aware of it; I e-mailed the provisions to him several days ago. To Senator Cegavske's comments under section 4, subsection 3 of the amendment, the State Board would have to adopt regulations and those regulations, just like what we have just approved for the alternative programs, still have to meet proficiency standards. In no way does this water down the academic standards set by this Legislature or the Council to Establish Academic Standards for Public Schools. One of the first bullet points in [Exhibit M](#) states, "Encourage the teaching and evaluation of a more ambitious range of thinking and performance skills (including students' abilities to conduct research and communicate effectively in many ways)."

SENATOR CEGAVSKE:

Without having the State Board sit here and tell me what they would do, I do not know what they will do. I understand the intent.

MS. LYONS:

I would point out on page 9 of [Exhibit L](#), the plan that is required to be developed pursuant to this amendment must ensure the school district does not exceed in any school year on or after the 2009-2010 school year the total number of minutes determined pursuant to subsection 1. It does ask them to look at the amount of time and develop ways to ensure they do not go beyond that time.

SENATOR HORSFORD:

I want to address Senator Cegavske's concerns and any other Committee member who may be having the same feelings. There was testimony that another approach would take the cumulative results for the four subject areas. If the language in section 4 is something the Committee cannot support at this time, I would be open to that as an alternative.

SENATOR NOLAN:

I would be fine with Senator Beers' amendment. After Senator Horsford has had a chance to speak with Senator Beers and those parts of the amendments are amicable, I would be glad to support that amendment as well.

SENATOR HORSFORD:

I did speak to Senator Beers. He has had the language over the weekend.

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SENATOR CEGAVSKE:
Did he say that he supported it?

SENATOR HORSFORD:
I talked to him Friday and told him I was proposing these amendments. I went through everything with him and gave him a copy of the amendments. He said it was fine with him.

CHAIR WASHINGTON:
We have a motion on the floor to amend and do pass S.B. 110 with Senators Beers' and Horsford's amendments in striking out line 20, page 10, [Exhibit L](#).

SENATOR NOLAN:
I am going to support the amendment and reserve my vote on the floor should the amendment not accomplish what we want it to do.

CHAIR WASHINGTON:
Any member can offer an amendment on the floor for S.B. 110.

THE MOTION CARRIED. (SENATOR CEGAVSKE VOTED NO.)

* * * * *

CHAIR WASHINGTON:
We will now open the hearing on S.B. 185.

SENATE BILL 185: Revises provisions governing the Commission on Educational Excellence. (BDR 34-426)

MR. MCCOY:
Section 2 of this bill requires the Commission on Educational Excellence to establish guidelines for reviewing, evaluating and approving applications for grants of money from the Account for Programs for Innovation and the Prevention of Remediation. Section 2 directs that the guidelines include consideration of the list of priorities of schools provided to the Commission by the Department of Education and revises the contents of that list.

Section 3 of this bill identifies specific information relating to allocations from the Account that the Commission is required to include in its annual report on the Account.

Section 4 of this bill places a limitation on the amount of money that may be expended from the Account each biennium for expenses incurred by members of the Commission to travel to the school districts and schools that receive allocations from the Account. Section 4 also authorizes the Commission to spend a maximum amount of money from the Account each biennium for the costs incurred by the Commission to hold meetings and conferences for recipients of allocations from the Account to discuss or display effective programs, practices and strategies. It also authorizes an evaluation of the programs that received allocations from the Account by an independent consultant.

SENATOR WIENER MOVED TO AMEND AND DO PASS S.B. 185 WITH BOTH AMENDMENTS.

SENATOR WOODHOUSE SECONDED THE MOTION.

MOTION CARRIED UNANIMOUSLY.

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CHAIR WASHINGTON:
We will now open the hearing on S.B. 228.

SENATE BILL 228: Enacts provisions related to certain medical review committees. (BDR 40-986)

MR. MCCOY:
Existing law grants certain privileges to various medical review committees in regard to the nondisclosure of information. This bill enacts provisions regarding the access, sharing and confidentiality of certain information by various medical review committees.

SENATOR CEGAVSKE:
Is this existing law grants?

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SENATOR HECK:

Last Session the Senate Judiciary Committee passed the ability to extend medical peer review to the trauma system that developed in southern Nevada. As they developed the process, they realized that it is hard to review trauma deaths when you do not know the cause of death and need autopsy reports.

SENATOR NOLAN MOVED TO DO PASS S.B. 228.

SENATOR CEGAVSKE SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS WIENER AND WOODHOUSE VOTED NO.)

* * * * *

CHAIR WASHINGTON:

We will now open the hearing on S.B. 239.

SENATE BILL 239: Creates the P-16 Advisory Council. (BDR 34-416)

Ms. LYONS:

This bill creates the P-16 Advisory Council to assist in the coordination between elementary, secondary and higher education in this State. There is a mock-up for S.B. 239 ([Exhibit N](#)).

SENATOR CEGAVSKE:

We had a discussion on my amendments and Dr. Rheault also had his amendment. We are waiting for his to come back. I just wanted to make sure we could see what Dr. Rheault had.

CHAIR WASHINGTON:

We had a clarification from the Legal Division, Legislative Counsel Bureau regarding the constitutionality. There is a letter that we are going to enter into the record so we make sure the intent of the P-16 Council complies with all the constitutional issues as far as the makeup between the Executive Branch and the Legislative Branch.

SENATOR CEGAVSKE:

The most important part is the bottom of page 2 and the top of page 3.

SENATOR HORSFORD:

I do not see anyone represented for prekindergarten. There are no representatives in section 6 for early childhood.

CHAIR WASHINGTON:

We can add one more amendment to include one representative from early childhood.

SENATOR CEGAVSKE:

We have people making the appointments. Do you want to put in that one of them would have to be included?

CHAIR WASHINGTON:

We can have the Governor appoint one member to represent preschool.

SENATOR CEGAVSKE:

It has one member from higher education, elementary, secondary and early childhood education as well.

CHAIR WASHINGTON:

It would be section 6, subsection 2, paragraphs (a), (b), (c) and (d).

SENATOR CEGAVSKE:

Would you rather have it that way?

SENATOR HORSFORD:

I do not know that one person can represent early childhood, elementary and secondary.

SENATOR CEGAVSKE:

I have no problem with that at all.

SENATOR WIENER MOVED TO AMEND AND DO PASS S.B. 239 TO INCLUDE ONE REPRESENTATIVE FROM EARLY CHILDHOOD.

SENATOR HORSFORD SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR WASHINGTON:

The letter from the Chief Deputy Legislative Counsel regarding the P-16 Advisory Council dated April 9, 2007, will be made a part of the record ([Exhibit O](#)).

CHAIR WASHINGTON:

We will now open the hearing on S.B. 244.

SENATE BILL 244: Revises provisions governing waiting times for emergency medical services at hospitals. (BDR 40-94)

Ms. LYONS:

Existing law provides that hospitals and providers of emergency medical services (EMS) are required to transfer a person who arrives at the hospital by an ambulance, air ambulance, or vehicle of a fire-fighting agency to an appropriate place in the hospital to receive emergency services and care within 30 minutes after the time at which the person arrives at the hospital. Existing law also requires hospitals and providers of emergency medical care to track the time elapsed from when a person arrives at the hospital to the time the person is transferred to an appropriate place to receive care. Senate Bill No. 458 of the 73rd Session enacted the statutory requirement for tracking wait times and also required the Health Division to conduct a study to identify both the causes of excessive waiting times and any corrective actions that might eliminate excessive waiting times. The provisions requiring the study expired by limitation on December 31, 2006. Section 1 of this bill creates an ongoing study of waiting times, which is required for all hospitals and providers of EMS in each county whose population is 400,000 or more. In counties whose population is 100,000 or more but less than 400,000, the State Board of Health may require a study if there are excessive waiting times at one or more hospitals in the county.

SENATOR NOLAN:

The amendment addresses everyone's concern. The amendment takes what was a study and converts it into a collection of data by all those providers who would, on a quarterly basis, submit it to the Board of Health. The bill also provides they may delegate all of its duties with regard to the EMS providers to the district board of health. It also requires that the information be submitted to the director of the Legislative Counsel Bureau and submitted to the regular session for review. Additionally, it clarified the reporting medium to be an electronic method as requested by the EMS providers. The other provision was to clarify whose role was what in regard to the State Board of Health and the district board of health authority. The costs would be shared as agreed to by EMS providers and the hospitals.

CHAIR WASHINGTON:

I understand Senator Heck and Bill Welch are satisfied.

SENATOR WIENER MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 244.

SENATOR HECK SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

SENATE BILL 313: Revises provisions relating to the enrollment of certain pupils in kindergarten in a public elementary school. (BDR 34-605)

MR. MCCOY:

This bill authorizes the principal of a school to provide permission for a child to enroll in kindergarten if the child will be five years of age on or before December 31 of the school year. Under existing law, a child may not enroll in kindergarten unless the child is five years of age on or before September 30 of the school year.

SENATOR HORSFORD MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 313.

SENATOR WIENER SECONDED THE MOTION.

SENATOR NOLAN:

I am going to vote against the motion. I was compelled by the testimony earlier. It will not matter where we set the date; we will always be moving the bar.

CHAIR WASHINGTON:

This actually amends the whole bill to set a date of September 31, but is criteria based on the amendment by the school board?

MR. MCCOY:

My understanding is that the amendment would have December 31 as the cutoff date.

SENATOR HORSFORD:

It sets the date of September 30. If the district decides to implement a procedure to admit students whose birthday falls after that date, then it prescribes the procedures, the conditions and the assessments to ensure the students are age-appropriate to enter.

DOTTY MERRILL, ED.D (Executive Director, Nevada Association of School Boards):
What we are trying to do in our friendly amendment, [Exhibit L](#), is retain September 30 as the date by which children must be five years old to go into kindergarten. In the event there are children who are born after September 30, but before December 31 of the school year, the board of trustees of the school district may prescribe procedures, conditions and standards that include recognized assessments that are age appropriate to govern the admission of those children. They do not have to wait until after September 30. They can have all of that done before the beginning of the school year.

SENATOR CEGAVSKE:

Do we not have something in the statute similar to this?

JOYCE HALDEMAN (Clark County School District):

You may be thinking of the children who did not go to kindergarten that take an assessment test to go into the first grade.

SENATOR CEGAVSKE:

I will not be supporting this bill.

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SENATOR HECK:

I have concerns over the assessment process as well.

THE MOTION CARRIED. (SENATORS NOLAN, CEGAVSKE AND HECK
VOTED NO.)

* * * * *

CHAIR WASHINGTON:

We will now open the hearing on S.B. 314.

SENATE BILL 314: Requires the provision of information concerning services that are provided at certain residential facilities for older persons. (BDR 40-1169)

Ms. LYONS:

Senate Bill 314 requires the provision of information concerning services that are provided at certain residential facilities for older persons. The amendment is on page 26 of the work session document Exhibit L. The amendment removes residential facilities that are not attached to licensed facilities.

SENATOR CEGAVSKE:

What is this actually going to do? They have to post in a facility the contract of sale or the agreement for occupancy in the contract. They also have to do a Website. There are other agencies that Websites could be under. Why are we making a business post something and put it in a legal document that is signed by people putting them into the nursing home?

SENATOR WOODHOUSE:

Some of the facilities are not clear in their contracts. This is a step to make sure that families know exactly what kind of care they are receiving when they sign the contract and go into the facility. The posting is another place to indicate to the people coming into the facility their levels of care. The Website is to put information out there so people can find and understand the various kinds of facilities and care available.

SENATOR CEGAVSKE:

This will have to be referred to the Finance Committee. It will have a fiscal note by the Website. Are you mandating that each individual facility have a Website?

SENATOR WOODHOUSE:

It would be done one time at the State.

SENATOR CEGAVSKE:

We would also be mandating for these businesses.

SENATOR NOLAN:

Many times it is not clear what level of care will be provided. If it is not disclosed to you what level of care you can receive, whether it is a nurse's assistant, a licensed practical nurse or a nurse who is on the property, it is easy to put your loved one into a facility that looks like any other facility and not receive the type of care you had expected. The amendment addresses my concerns regarding that. I like the amendment and will support it.

MS. LYONS:

This bill addresses independent-living facilities which are not licensed by the State. These are facilities that may have a 55-and-older category. This bill is trying to address the independent-living rooms or apartments that are connected to facilities that are licensed. That is where I understand the confusion is coming in. People are moving into facilities that are independent, and you can have no expectation of medical care. In those cases, you are asking those organizations that run both a licensed facility which does provide some medical services and independent-living facilities notice the people as to which type of housing they have.

SENATOR CEGAVSKE:

Would the sponsor be willing to amend the Website to some existing Websites, rather than creating a new one?

CHAIR WASHINGTON:

The Department of Health and Human Services, Aging Services Division provides a Website.

MR. WILLDEN:

The Aging Services Division has agreed to host this Website with a link to the Department of Health and Human Services, Health Division, for licensing matters. I do not know if there is a fiscal note.

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SENATOR CEGAVSKE:

There would be a cost; I do not know how much.

SENATOR WOODHOUSE:

When we had the testimony on the bill the other day, the Aging Services Division indicated that if the bill passed this Committee, there would be a new fiscal note.

SENATOR HORSFORD MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 314.

SENATOR WOODHOUSE SECONDED THE MOTION.

SENATOR CEGAVSKE:

Is that motion an amendment on the amendment? The Website would go to the Aging Services Division and not be an additional requirement.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR WASHINGTON:

We will now hear S.B. 328.

SENATE BILL 328: Revises provisions governing educational personnel.
(BDR 34-473)

MR. MCCOY:

The board of trustees of a school district is authorized to employ a superintendent of schools, teachers and all other necessary employees. Section 1 of the bill prohibits the board of trustees of a school district from employing or reemploying a person as an administrator unless that person who holds a license to teach provides instruction in a classroom for at least one day during each semester in the year before his employment or reemployment by the school district. If the person does not hold a license to teach, he personally observes a classroom for at least one day during each semester in the year before his employment or reemployment by the school district. Existing law requires each probationary teacher to be evaluated at least three times during each school year and a post-probationary teacher to be evaluated at least once each school

year. Section 5 of this bill requires an administrator who is responsible for evaluating a teacher to personally observe that teacher in the classroom for not less than one hour during each evaluation period. If a deficiency is discovered during the evaluation process, every effort must be made to assist the teacher to correct the deficiency. Existing law prescribes the circumstances under which an administrator may admonish an employee. Section 6 of this bill requires that, if an administrator admonishes a teacher, an admonition must include a description of the deficiencies of the teacher and the actions that are necessary to correct those deficiencies.

Nancy Hollinger's amendment proposes the amendment to section 1, subsection 1, to delete the word "employ" to then read, "the board of trustees of a school district shall not reemploy a person as an administrator unless the person" Lynn Warne of the Nevada State Education Association proposes an amendment in section 5, subsection 3, to state that an administrator charged with the evaluation of a probationary teacher shall personally observe the performance of the teacher in the classroom for at least one hour during each evaluation period.

Ms. LYONS:

It also requires that at least 45 minutes of that hour be consecutive.

SENATOR HORSFORD:

Is the section about "shall not reemploy a person" staying or going? My concern is that in very extenuating circumstances where this does not happen, are we saying an administrator will not be reemployed for spending an hour of time in the classroom. We could lose qualified administrators because this provision was not followed. What is the enforcement of that? It says the board of trustees shall not reemploy a person as an administrator unless that person has done what the bill says they better do.

Ms. LYONS:

My understanding was they did not want someone who was a new hire to be subject to spending this time in a classroom. It was not in regard to someone that was being reemployed or continuing a contract and was for someone new coming into the district.

DR. LAPENTA:

The intent was to be able to hire someone who did come from out of state. However, I agree with Senator Horsford. If someone did not work in the classroom as a substitute, they would not be able to be reemployed.

ANNE LORING (Washoe County School District):

If you go back to the original intent of the original bill, it was that an administrator could not be employed or reemployed if they did not spend time in the classroom. This amendment was addressing just the detail of saying "employ or reemploy" which means you could not employ from another state and did not do something like this. The intent of this amendment is to delete "employ" and limit the bill to "reemploy." However, as Senator Horsford said, you could not reemploy someone who had not spent time in the classroom which was the original intention of the bill.

SENATOR HORSFORD:

Who is tracking this? What is the database? I like expressing a statement that administrators should spend time in the classroom. The administration and the logistics of compliance concern me. If one person fails to do something or if the district fails to properly spend their time in the classroom, they cannot be reemployed. We do not have the qualified educators running our schools now. Yes, we want them to spend time in the classroom, but we need to look at another enforcement mechanism rather than not reemploying them.

CHAIR WASHINGTON:

When Ms. Hollinger offered the amendment, that was not my understanding.

MS. LYONS:

It was my impression the Committee understood that was the intention of the original language. I may not have expressed it correctly.

CHAIR WASHINGTON:

We will go to Dr. Merrill's amendment.

DR. MERRILL:

Our amendment would take the bill as introduced or the amendment as considered in the hearing which was to delete subsection 1 in its entirety and substitute the language that is provided for you on page 31 of your work document, [Exhibit L](#). It would remove the "employ, reemploy" controversy. Our

amendment proposes the board of trustees of school districts shall develop and adopt policies and regulations that set forth procedures and conditions for a program to engage administrators in annual classroom instruction or observation appropriate for the responsibility of the administrator's position and duties, including administrators employed both at the district level and the school level. In subsection 2, it states, "on or before February 1, 2008, the board of trustees of each school district shall provide copies of its adopted policies and regulations for this program to the Director of the Legislative Counsel Bureau."

This would require that the board of trustees, through the public meeting process and in consultation with the bargaining units, set up a program so there will be annual classroom instruction or observation appropriate for all of the administrators in the district.

JULIE WHITACRE (Nevada State Education Association):

We do not agree with Dr. Merrill's amendment. We believe it is too permissive, and we would rather see a more definite language in statute regarding this issue.

SENATOR HECK:

What if it is that amendment, but the intent is as outlined in Senator Beers' amendment?

DR. MERRILL:

The legislative intent would be critical here. If that intent is on the record, that is what the guidelines would be.

MS. WHITACRE:

That would be helpful. We would like it to be in the statute.

SENATOR CEGAVSKE:

I agree with Senator Heck regarding keeping section 1, lines 13 through 32. It is important to spell it out.

MS. LYONS:

On page 30, in section 1, line 3 of the proposed amendment from Senator Beers could state, "the board of trustees at a school district shall adopt a policy which requires a person as an administrator" That language will take away the employ and reemploy issue.

DR. MERRILL:

To clarify, would this go back to page 30 as it was just referenced. This language still indicates that they personally provide instruction, in subsection 1, paragraph (a), for one regularly scheduled instruction day during the school year and, if not holding a license to teach one full instruction day each semester. Can we clarify that?

MS. LYONS:

It is my understanding there are several other amendments proposed that change the language from semester to annually.

MR. MCCOY:

Section 5, which relates to the administrator's review of teachers, is the logically distinct section. Section 1 has to do with broadly engaging administrators and having them participate in some manner in the classroom setting. Those two things can be considered separately.

SENATOR HECK:

If we use the first paragraph of Dr. Merrill's amendment for the introduction and then say, "such policies and regulations must include at a minimum" and use Senator Beers' proposed amendment on page 30, lines 5 through 32, [Exhibit L](#), we can merge them together.

SENATOR WOODHOUSE:

Senator Beers' amendment on line 7, "during each semester" has been deleted, but it is not deleted on line 10. I would recommend that it be deleted there as well.

CHAIR WASHINGTON:

We also have amendment 2 on page 29 of the work session document, [Exhibit L](#), to amend to an hour observing a teacher of which 45 minutes are to be consecutive.

SENATOR WIENER:

What is the consequence of the administrator not doing this?

CHAIR WASHINGTON:

That would be part of the policy and procedures of the board of trustees.

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SENATOR HECK:

I move to amend and do pass utilizing the first paragraph of Dr. Merrill's amendment as the introduction followed by lines 5 through 32 of Senator Beers' amendment deleting line 10, "during each semester" and adding the phrase "in each school year" and finishing that with the second paragraph of Dr. Merrill's amendment and accept amendment 2 on page 29 of [Exhibit L](#) from Ms. Warne.

SENATOR HECK MOVED TO AMEND AND DO PASS S.B. 328 WITH DR. MERRILL'S AND SENATOR BEERS' AMENDMENTS, ADD THE PHRASE IN EACH SCHOOL YEAR AND THE SECOND PARAGRAPH FROM DR. MERRILL'S AMENDMENT AND ACCEPT AMENDMENT 2 FROM MS. WARNE.

SENATOR CEGAVSKE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR WASHINGTON:

I will open the hearing on S.B. 355.

SENATE BILL 355: Creates an Office of Faith-Based and Community Initiatives.
(BDR 38-1314)

MS. LYONS:

This bill creates an office of faith-based and community initiatives. We have an amendment from Senators Horsford, Nolan and Washington, [Exhibit L](#).

SENATOR HORSFORD:

I have two additional amendments based on input of Assemblywoman Weber. The first is to ensure that the council reflects geographic, ethnic and religious diversity and to model the council makeup after the bill that she proposed which are seven faith-based members, seven nonprofit members and seven government members. I do differ in that it needs to be statewide. Assemblywoman Weber's amendment is only limited to Clark County. Because most of the grants come from the Department of Health and Human Services and not the Governor's Office, that provision would be important to maintain.

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SENATOR NOLAN MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 355.

SENATOR WIENER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR WASHINGTON:
I will now hear S.B. 377.

SENATE BILL 377: Enacts provisions relating to early intervention services for infants and toddlers with disabilities. (BDR 40-12)

Ms. LYONS:
This bill enacts provisions relating to early intervention services for infants and toddlers with disabilities. You have an amendment proposed by Brian Patchett from Easter Seals attached to the work session document, [Exhibit L](#).

SENATOR CEGAVSKE MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 377.

SENATOR NOLAN SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS WIENER, HORSFORD AND
WOODHOUSE VOTED NO.)

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CHAIR WASHINGTON:
We will now open the hearing on S.B. 400.

SENATE BILL 400: Establishes the Scholarship Program for Children in Foster Care. (BDR 34-875)

MR. MCCOY:
This bill establishes the Scholarship Program for Children in Foster Care to be administered by the Department of Education authorizing the legal guardians or

custodians of certain pupils who are in foster care to apply to the Department to participate in the Scholarship Program. It also revises provisions governing the apportionment of money from the State Distributive School Account to provide for the payment of money for the education of pupils who participate in the Scholarship Program.

SENATOR CEGAVSKE:

We want to make sure the students have an option to stay at the school they attend or if the family moved, go with the family. If there is a cap on the school, what would take precedence? We might not be able to get them into another school they desire. Transportation is not included. Mainly, it ensures that the school districts have continuity for the foster kids.

SENATOR CEGAVSKE MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 400.

SENATOR HECK SECONDED THE MOTION.

SENATOR HORSFORD:

What is the intent of page 40, section 14, subsection 1, paragraph (b), [Exhibit L](#)?

Ms. PARTIDA:

That section is stating the children's eligibility to be for any child who has been placed in a foster home, and any child who is enrolled in public school, or if that child is too young to be enrolled in public school previously, that child would still qualify for the program. That would apply to a child who was too young to be in kindergarten in the previous school year and would have the option of enrolling that child in the school he would have been zoned for at the location of the foster home.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR WASHINGTON:

We will now open the hearing on S.B. 529.

SENATE BILL 529: Revises certain provisions relating to Medicaid. (BDR 38-601)

Ms. LYONS:

This bill relates to Medicaid by revising certain provisions concerning the recovery from recipients or third parties of certain costs for Medicaid paid by the Department of Health and Human Services. It also revises certain provisions concerning liability for the submission of a false claim to the State or a local government.

SENATOR NOLAN MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 529.

SENATOR WIENER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

CHAIR WASHINGTON:

We will open the hearing on S.B. 533.

SENATE BILL 533: Makes various changes relating to county hospitals.
(BDR 40-1388)

Ms. LYONS:

Senate Bill 533 makes various changes relating to county hospitals. There is an amendment proposed by Senator Washington on page 65 of the work session document, [Exhibit L](#).

SENATOR HECK MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 533.

SENATOR NOLAN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR WASHINGTON:

We will now open the hearing on S.B. 536.

SENATE BILL 536: Makes various changes governing the privacy of certain health information. (BDR 40-305)

Ms. LYONS:

Senate Bill 536 makes various changes governing the privacy of certain health information. There is an amendment proposed by Jack Kim Exhibit L. There were sections in the bill that he felt did not address their original intent.

CHAIR WASHINGTON:

We like this bill. It allows us to move into the future dealing with e-health so that information can be transported electronically to doctors, hospitals and pharmacies.

SENATOR HECK MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 536.

SENATOR NOLAN SECONDED THE MOTION.

JACK KIM (Sierra Health Services, Incorporated):

When we went through the bill, we were looking at medical records that pertain to providers, hospitals and health plans. When the bill was drafted, the two different drafters put things such as the privacy of records for juvenile court hearings in it which was never the intent of this bill. They had things on provider hearings at the Medicaid office which was never the intent. They do not have medical records relevant to the discussion on electronic medical records. We tried to identify all of those sections that had no relevance to the electronic medical records and proposed that they be deleted.

SENATOR WIENER:

Will we still be more strict than the federal requirements if we do this?

MR. KIM:

All of the forms you have to sign off are the same requirements that are required under Health Insurance Portability and Accountability Act of 1996, (HIPAA) which are the same requirements you have under this bill. We had a problem with some of the Nevada statutes because some of them required

working consents. Working consents do not really work in the electronic medical records field. For example, if someone is in a car accident and the patient has a contagious disease and in the hospital with their medical records at a doctor's office somewhere, there is a chance the records would not get to the hospital. Only a limited number of organizations can access those records and only for treatment and payment for health care operations.

SENATOR WIENER:

If we support this, will patients then be informed about information transfer? Will they know that things have changed substantially?

MR. KIM:

In my opinion, doctors are already transferring records to each other without getting consents. If you look at the statutes and the requirements, to a large extent, records would not be transferred. What we are trying to do is make allowances so that they are under just one set of rules.

MS. LYONS:

For clarification, the federal HIPAA compliance is that a state can institute things that are more stringent which is what Nevada has done for many medical records. It is based on specific diseases, based on a host of different things, and this bill would take the standard to what HIPAA and the federal government require. If you are going to transfer records, you have to have a signature each time that transfer takes place. Instead of that, if that is what the state laws says, you would only be subject to the federal requirements which still ensures a certain degree of privacy. When this bill was drafted, they tried to draft it in such a way that the body could look at each of the areas affected and determine which they felt should be subject to the more relaxed provisions the Committee felt needed to retain and what the State had already adopted. If the Committee chooses to delete these provisions then, this provision would still apply unless the Committee deliberated some other standard by which these records would be able to be transferred.

SENATOR WIENER:

I am going to vote no with the idea that after more conversation I may be more inclined to support.

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SENATOR HECK MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 536.

SENATOR NOLAN SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS WIENER, HECK AND WOODHOUSE
VOTED NO.)

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CHAIR WASHINGTON:

We will now adjourn the Senate Committee on Human Resources and Education
at 8:29 p.m.

RESPECTFULLY SUBMITTED:

Shauna Kirk,
Committee Secretary

APPROVED BY:

Senator Maurice E. Washington, Chair

DATE: _____