

DISCLAIMER

Electronic versions of the exhibits in these minutes may not be complete.

This information is supplied as an informational service only and should not be relied upon as an official record.

Original exhibits are on file at the Legislative Counsel Bureau Research Library in Carson City.

Contact the Library at (775) 684-6827 or library@lcb.state.nv.us.

SB 254 -- school choice

Mr. Chairman and committee members, my name is Craig Kadlub and I'm speaking on behalf of the Clark County School District.

Our first position in this matter is to express opposition for several reasons. First, please understand that our opposition is not to the concept of allowing families some flexibility in where their children attend school. We support that and, in fact, have a district regulation that outlines approximately a dozen different mechanisms whereby students can attend school outside of their attendance zone. The mechanisms include zone variances, magnet options, administrative transfers, compliance with NCLB choice provisions, special education options, and academic program options.

Does this mean that everyone who seeks a zone variance will have it granted? No. Our process takes many things into consideration including impact on the diversity of the sending and receiving schools, current and projected enrollment, space availability, staffing, and others. Under any scenario -- whether it's our present regulation or the process described in SB254 -- it is unlikely that all requests could be accommodated. But I can tell you that under our present system, almost 26,000 students -- more than one-tenth of our enrollment -- are attending schools other than those to which they're zoned. This figure includes all students who are attending school out of zone, whether it's family initiated, related to student program needs, or an administrative placement at an alternative school.

Aside from already having a process in place that's serving thousands of families, we have concerns with the mechanics of SB254, such as the timing of applications and approvals, which could pose problems in terms of staffing and overcrowding; compliance with provisions of NIAA that prohibit school shopping for athletic purposes; and capacity formulas that determine whether a school will be nine-month or year-round.

Fundamentally, we feel that zoning is a matter best left to local control and we feel that our current policy accommodates as many requests as is practically possible, so, as stated, our first position is to oppose this measure for the reasons cited. However, if you choose to pass the bill, we are prepared to offer amended language to section 2 that would mitigate some of our concerns. Thank you.

CLARK COUNTY SCHOOL DISTRICT REGULATION

5112

ZONE VARIANCE, BOARD-APPROVED OPTION, TRANSFER, AND MAGNET SCHOOL ASSIGNMENT

I. Student Assignment

- A. The purpose of this regulation is to set out procedures by which a parent or guardian of a student in kindergarten through grade twelve may request that a student be assigned to a school other than the one in the attendance zone in which the parent or guardian resides.
- B. The district shall assign each student residing in the district to a school that will offer the appropriate educational placement for that student. The district shall use the official residence of the parent or legal guardian of the student to establish the school to which the student is assigned. For the purpose of assignment to a school, a student may not claim residence while living with an aunt, uncle, sister, brother, or other relative or friend, except as provided in Nevada Revised Statutes concerning guardianship.
- C. For the reasons outlined in Section II below, a parent or guardian may request that a student attend a school other than his or her assigned school. It is within the district's discretion to approve the request initiated by a parent or guardian, based on the procedures and criteria described in Section II. For the reasons outlined in Section II below, the superintendent or the superintendent's designee may assign a student to a school outside the attendance zone in which the student resides.

II. Reasons for Which a Student May Attend a School Outside of the Attendance Zone in Which the Student Resides

- A. The district may, at its discretion, approve a request initiated by a parent or guardian for the following reasons:
 - 1. Board-Approved Zoning Option. The district may approve a request when an option approved by the Board provides for attendance in more than one school.
 - 2. Zone Variance. Below are the reasons for which the district may grant a zone variance.
 - a. Change of Family Residence. The district may approve a request for a zone variance for a student whose parent or guardian intends to move from one attendance zone to another within the semester. The district may allow a student to enroll in the school in the new zone upon providing documentation regarding the forthcoming move. Such documentation shall include one of the following: (1) a properly executed contract to purchase a home; (2) a properly executed rental or lease agreement; or (3) a current

utility deposit payment receipt or billing statement showing the name of the parent or guardian and the service address. Such documentation shall accompany the application for a zone variance. The district may allow a student whose parents move during a semester to remain in the school of first enrollment until the end of the semester.

- b. **Day Care Requirement.** The district may approve a zone variance request for an elementary or middle school student to attend a school outside his or her attendance zone when the student of working parents must have day care and such care is located outside of the attendance zone in which the student resides. In addition to completing a zone variance application, parents requesting a zone variance for this reason must provide the district with a notarized statement indicating the place and hours of employment and verified enrollment in a childcare facility. If the zone variance is approved, the district will assign the student to the school in the elementary or middle school attendance zone in which the childcare facility is located.
 - c. **Employed High School Student.** The district may grant a zone variance request of a parent of a high school student to allow the student to attend a high school other than his or her assigned high school when student employment is complementary to the educational and/or vocational goals of the student, provided supporting data, including a letter verifying employment and check stub, are provided with the application.
 - d. **Child of Employees of CCSO.** The district may approve a zone variance request for a student to attend the school where the parent or guardian is an employee. Along with the zone variance application, employees must provide verification of parental rights or legal guardianship of the student.
 - 3. **Magnet Schools or Programs.** The district may assign a student to a magnet school or program if the parent or guardian has completed an application for such a program in a timely manner and the student meets the eligibility criteria.
 - 4. **Majority-to-Minority.** The district may approve a transfer request for a student to attend a school where the student will bring both the sending and receiving schools' minority average closer to the district-wide minority average (m-to-m transfer).
 - 5. **Prime 6 Schools.** The district may approve a request for a student to attend a Prime 6 School.
- B. The superintendent or the superintendent's designee may assign a student to a school outside the attendance zone in which the student resides for any of the following reasons:

1. A student has special education needs;
2. A student needs a second language program; and
3. Administrative. Individual school principals and/or the Region Superintendent or designee may approve administrative zone exceptions if it is determined, through written evidence, that the best educational interest of the student would be served by allowing attendance in a nonresident zone.

III. Process and Procedures

A. Space Availability Ranking Report

By December 1 and by March 1 of each year, the Office of Demographics and Zoning shall provide to the Instruction Unit a Space Availability Ranking Report ("Ranking Report"). The district shall make this Ranking Report available to the principal at each school. The Ranking Report will include for each school the following: the current or projected enrollment; the racial and ethnic diversity; and the program capacity excluding portables (except those permitted under Regulation 7124 and 7124.1).

B. Identification of Board-Approved Options

By the second Tuesday in March of each school year, the Office of Demographics and Zoning shall publish a list of Board-approved zoning options. The district shall make this list available to the principal at each school.

C. Identification of School for Special Emphasis for Majority-to-Minority Transfers

By the second Tuesday in March of each school year, the Office of Demographics and Zoning shall provide to the Instruction Unit a list of schools for special emphasis for minority-to-majority transfers. The schools identified for special emphasis will be those that are less than 25 percent minority and more than 75 percent minority. The district shall make the list available to the principals.

D. Timelines for Requests by Parents or Guardians

1. Board-Approved Options and Zone Variances

- a. Unless a student is a new resident to Clark County or there is a bona fide condition or event that could not have been foreseen prior to May 1, the district shall accept a request for a zone variance or for a Board-approved zoning option from parents or guardians for the next school year only between March 1 and May 1 for the following school year.

- b. The district shall make every effort to notify parents and students by June 30 of the action taken on each request for a zone variance or a Board-approved option.
- c. The district shall not accept a request for a zone variance or Board-approved zoning option request submitted after May 1 unless the student is a new resident of Clark County or there is a bona fide condition or event that could not have been foreseen prior to May 1.
- d. Students must enroll in and attend their assigned school while a request for zone variance or Board-approved zoning option is being processed.
- e. A zone variance shall be valid for only one school year. Any student receiving a zone variance must request a renewal of this variance for each school year in which the student wishes to remain in attendance in school in a nonresident zone.
- f. A student who is assigned to a school based on a Board-approved option may continue at that school until he/she reaches the highest grade offered at that school.
- g. The district shall rescind immediately a request for zone variance or Board-approved zoning option if any of the information on the application is found to be fraudulent.

2. Magnet Schools and Programs

- a. During the spring of each school year, the district shall accept applications to attend a magnet school or program for the following school year.
- b. At the elementary level, parents of a student who is currently enrolled in a magnet school or program must complete an application each year indicating their intent for their student to return to that magnet school or program. Students in elementary magnet schools or programs may continue in that program until they reach the highest grade level offered by that school.
- c. At the secondary level, a student who is attending a magnet school or program and who is making satisfactory progress does not have to submit an application for that program for subsequent years. The student may continue in that school or program until the student completes the highest grade at that school as long as the student continues to make satisfactory progress.

3. Prime 6 Programs

- a. The district shall accept applications for a Prime 6 School between May and September for the following school year.

- b. Parents do not have to complete an application for subsequent years for a student who is accepted to a Prime 6 School. A student who is accepted to a Prime 6 School may continue in that school until the student reaches the highest grade at that school at which the student is accepted.

4. Minority-to-Majority Transfers

- a. The district shall accept applications for minority-to-majority transfers between March 2 and May 1 for the following school year.
- b. Parents do not have to complete an application for subsequent years for students whose applications for a minority-to-majority transfer are approved. Students may continue in the approved school until the student reaches the highest grade offered at that school.

E. Process for Reviewing Requests

1. Requests initiated by parents or guardians

a. Board-Approved Option

- 1) A parent or guardian must submit a completed application for a Board-approved option to respective Region Superintendent or designee, depending on the location of the school, pursuant to timelines established in this regulation.
- 2) The Region Superintendent may approve the Board-approved zoning option request if there is space available.

b. Zone Variance

- 1) The parent or guardian must submit the completed application for a zone variance to the principal of the receiving school pursuant to the timelines established in this regulation.
- 2) After consultation and agreement with the principal of the sending school, the principal of the receiving school may approve or deny the request. In making a determination to accept or deny a request, the receiving school principal shall consider the reason(s) for the request, the total number of requests for a school, and the effect of the request on both the sending and receiving schools with regard to: (1) utilization and enrollment for the upcoming school year and (2) racial and ethnic diversity.

c. Magnet Schools and Programs

- 1.) A parent or guardian must submit a completed application for a magnet school or program as follows:

- a. Elementary Students - submitted to the Magnet Schools Projects Department.
- b. Secondary Students - submitted to the magnet school to which they are making application.

Applications must be received on or before the approved deadline date.

- 2.) The Magnet Schools Projects Department will receive and approve requests to a magnet school program, subject to the diversity guidelines established for the magnet school or program, available seats at the magnet school or program, the effect on the diversity of the sending school and any eligibility criteria. The Magnet Schools Projects Department shall not approve a request to attend a magnet school or program if the granting of the request would result in a decrease in the diversity of the sending school. If there are more applicants than seats available in a magnet school or program, the district shall conduct a lottery utilizing the above criteria.

d. Majority-to-Minority Transfers

- 1) The Instruction Unit or designee may approve a request for a minority-to-majority transfer if granting the request brings both the sending and receiving school's minority average closer to the district-wide minority average.

e. Prime 6 Program

- 1) The Instruction Unit or designee may approve a request to a Prime 6 School subject to space available.
2. A request initiated by the superintendent or the superintendent's designee may be initiated and approved at any time.

IV. Athletic Eligibility

At the high school level, athletic eligibility is granted for Board-approved zoning options, magnet schools or programs, and minority-to-majority transfers.

V. Transportation

The district will provide transportation for students living beyond 2 miles who are granted a request for a Prime 6 program, a magnet school or program, or a minority-to-majority

transfer. The district shall determine whether transportation will be provided for Board-approved zoning options at the time the Board zoning is approved. The district shall not provide transportation for zone variances.

VI. Monitoring

The Instruction Unit shall monitor the implementation of this regulation. To facilitate this monitoring, the office of Demographics and Zoning shall provide the Instruction Unit the following information: (1) the total number of zone variances approved; (2) an analysis of the reasons for which zone variances were approved; (3) the total number of Board-approved zone options, magnet school and programs requests, Prime 6 and minority-to-majority requests granted; and (4) the impact of all exceptions approved pursuant to this regulation on the capacity and racial and ethnic diversity of each school.

VII. Appeals

A. Appeal of a Zone Variance Decision

Parent or guardian shall receive written notification of approval or disapproval of a zone variance request from the principal of the receiving school. If a zone variance is denied, the parent or guardian may appeal the decision to the Region Superintendent or his/her designee. The parent or guardian must make the appeal in writing and ensure that it is received within 15 days of receiving written notification from the principal of the receiving school.

B. Appeal of a Magnet School or Program Decision

If a student is not selected to attend the magnet school or magnet program, the parent or guardian may appeal the decision to the principal of the magnet school or program within 15 days of receiving the written notification. A parent or guardian has the right to a further appeal of a program decision by submitting a written appeal to the director of the Magnet School Projects Department within 15 days of notification of the principal's decision.

C. Appeal of Other Decisions Pursuant to This Regulation

A parent or guardian may appeal a denial of a request for a Board-approved zoning option, for a majority-to-minority transfer or to a Prime 6 program to the Instruction Unit.

Review Responsibility:	Instruction Unit
Adopted:	[5112:7/11/63]
Revised:	(6/24/77; 8/13/81; 9/10/96, 12/9/99)
Pol Gov Rev:	9/5/01