

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON EDUCATION**

**Seventy-Third Session
March 21, 2005**

The Committee on Education was called to order at 3:47 p.m., on Monday, March 21, 2005. Chairwoman Bonnie Parnell presided in Room 3142 of the Legislative Building, Carson City, Nevada, and, via simultaneous videoconference, in Room 4401 of the Grant Sawyer State Office Building, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Ms. Bonnie Parnell, Chairwoman
Mrs. Debbie Smith, Vice Chairwoman
Mrs. Sharron Angle
Mr. Kelvin Atkinson
Mr. Joe Hardy
Mr. Brooks Holcomb
Mr. William Horne
Mr. Garn Mabey
Mr. Mark Manendo
Mr. Bob McCleary
Mr. Harvey J. Munford

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblywoman Susan Gerhardt, Assembly District No. 29, Clark County

STAFF MEMBERS PRESENT:

Carol Stonefield, Committee Policy Analyst
Kristin Roberts, Principal Deputy Legislative Counsel
Rachel Pilliod, Committee Manager
Paul Partida, Committee Attaché

OTHERS PRESENT:

Nancy Hollinger, Member, Board of Trustees, Washoe County School District, Reno, Nevada
Kendyl Depoali, Assistant Superintendent for High Schools, Washoe County School District (WCSD), Reno, Nevada
Juanita Y. Jeanney, Director II, Student Accounting and Assessment, Department of Public Policy, Accountability, and Assessment, Washoe County School District (WCSD), Reno, Nevada
Lucille Lusk, Chairman, Nevada Concerned Citizens (NCC), Las Vegas, Nevada
Barbara Clark, Member-at-Large, Nevada Parent Teacher Association (PTA), Carson City, Nevada
Deirdre Hammon, Disability Rights Advocate, Reno, Nevada
Jeanne Simons, Private Citizen, Wellington, Nevada
Mark Coleman, Principal, Silverado High School, Las Vegas, Nevada
Skip Rapoport, Private Citizen, Las Vegas, Nevada
Loretta Evenson, Member, Nevada Parent Teacher Association (PTA), Carson City, Nevada
Carolyn Edwards, Member, Nevadans for Quality Education (NQE)

Chairwoman Parnell:

[Meeting called to order and roll called.] We are going to go out of order today. I know most of you are aware that we will be going back into Floor session at 5:00 p.m. There are some things that we need to do. Most especially, we need to get some Committee bill draft requests out of this Committee, so that we can take them down and allow the persons who need, to start working on them. The first one is BDR 34-475.

- BDR 34-475: Revises provisions regarding education to increase parental involvement. (Assembly Bill 336)

Chairwoman Parnell:

Please remember that your vote to introduce this BDR does not commit you to any future support of this bill.

ASSEMBLYMAN McCLEARY MOVED FOR COMMITTEE
INTRODUCTION OF BDR 34-475. (ASSEMBLY BILL 336)

ASSEMBLYWOMAN SMITH SECONDED THE MOTION.

THE MOTION PASSED. (Mr. Horne and Mr. Manendo were not present for the vote).

Chairwoman Parnell:

The second bill draft is S-482.

- BDR S-482: Makes various changes regarding education and makes appropriations. (Assembly Bill 335)

ASSEMBLYWOMAN SMITH MOVED FOR COMMITTEE INTRODUCTION OF BDR S-482. (ASSEMBLY BILL 335)

ASSEMBLYMAN McCLEARY SECONDED THE MOTION.

THE MOTION PASSED. (Mr. Horne and Mr. Manendo were not present for the vote).

Chairwoman Parnell:

At this time, I will open the hearing on A.B. 76, which is being introduced on behalf of the Washoe County School District (WCSD).

Assembly Bill 76: Authorizes boards of trustees of school districts to accommodate medical absences in policy for attendance of pupils at school. (BDR 34-607)

Nancy Hollinger, Member, Board of Trustees, Washoe County School District (WCSD), Reno, Nevada:

[Read from prepared testimony, Exhibit B.]

We appreciate your time today and are here to present to you Washoe County School District's bill, A.B. 76. The purpose of this bill is to permit school district boards to adopt a policy to exempt students who are physically or mentally unable to attend school from the current limitation on absences, for the purposes of promotion or receiving credit. We have sent you a very minor amendment (Exhibit C) to our bill, which I will discuss in a few moments.

[Nancy Hollinger, continued.] Because of the district relationship between a student's attendance and his or her opportunity to learn what we need to teach, school boards and the Legislature have devoted considerable effort to attendance policy. Even NCLB [No Child Left Behind Act of 2001] uses attendance as one factor in determining whether a school has made Adequate Yearly Progress (AYP).

Under Nevada law, a school board must set a minimum number of days for a student to be in attendance in order to be promoted or to receive credit. A student may miss up to 10 days per year. With permission of the principal or teacher, that will not count against him if he has completed coursework requirements.

Up until the 2003 Session, days that a student was physically or mentally unable to attend school also did not count against him for purposes of promotion or receiving credit. However, in 2003, at the request of one of our districts and with the support of the Washoe County School District, the Legislature removed the provision. Although days that a student is sick now do count against him, if a student is about to be denied promotion or credit, the student and parent can appeal. If the parent affirms that the student was physically or mentally unable to attend school on a given day, and if the student has completed coursework requirements, then those days will not count against the student for promotion or to receive credit.

The difference between the treatment of sick days before and after the 2003 Session is simply this:

- Before 2003, sick days with a parent's note automatically did not count against the student for promotion or credit.
- After 2003, sick days did count, but upon successful appeal did not count.

As you will hear from members of our staff, much to the surprise of the Washoe County School District, the appeal process turned into a nightmare for us without a significant positive impact on student attendance. While the appeal process may have worked for other districts, it definitely did not work for us or for our students and parents. For that reason, we are asking that districts be given the opportunity to choose the pre-2003 method of dealing with student sick days.

[Nancy Hollinger, continued.] The end result is the same for the student with either approach. If a parent affirms that a child is physically or mentally unable to attend school and if the student has completed course requirements, sick days cannot be used to deny promotion or credit. What differs is the process. We respectfully ask that local school board be allowed to determine which process is most effective for their students.

The description of this option for local school boards is in subsection 4 of our bill. As I indicated earlier, we do have one amendment ([Exhibit C](#)). At the suggestion of Lucille Lusk, with whom we are in agreement, we are proposing to strike subsections (a) and (b). We believe those subsections appear to insert another bureaucratic step in what we envision as a very simple and already prescribed process for a student who is ill. A parent sends a note or calls the school with that information. That day is automatically not counted against the student for purposes of promotion or receiving credit if the course requirements are met. No other form or application for exemption from a parent would be needed. That's it. Simple.

Please allow me to introduce two members of our staff, who will give you a brief description of the events that have lead to our request for this legislation. You will hear from Kendyl Depoali, who is in charge of all Washoe County School District high schools, and Juanita Jeanney, who is with our Department of Public Policy, Assessment, and Accountability, and who deals with attendance issues on a daily basis.

Before they begin, I'd like to add that all of the other school superintendents have unanimously supported this, and the Nevada Association of School Boards is also in support.

Kendyl Depoali, Assistant Superintendent for High Schools, Washoe County School District (WCSD), Reno, Nevada:

[Read from prepared testimony, [Exhibit D](#).]

As Mrs. Hollinger has already shared with you, during the 2003 Session of the Nevada Legislature, there was much discussion regarding the abuse of medical absences in some school districts, although a large number of such willful abuses had not occurred in Washoe County. As a result of this testimony, however, NRS [*Nevada Revised Statutes*] 392.122 was revised.

The most significant change in that statute was that the medical absences were no longer automatically exempt from the minimum number of days of required attendance established by the local boards of trustees.

[Kendyl Depoali, continued.] In accordance with this statutory change, the Washoe County School District revised its then-existing attendance policy. We drafted additional warning letters for parents, along with a form for requesting an administrative review. The new statute provided that, if parent or legal guardian affirmed that the absences were of a medical nature and if the pupil had completed the make-up work, the absences would then be credited towards the pupil's days of attendance upon approval of the appeal.

To say that this statutory change has created a tremendous amount of work for Washoe County School District students, parents, teachers, school administrators, and clerical staff is an understatement. The number of attendance letters sent out tripled during the 2003-04 school year alone.

Administrators have also reported that much more of their time has been consumed with administrative review of these appeals. The number of appeals in the 2002-03 school year was collected for only high school students; there were 30 such appeals processed by high school administrators that year. By contrast, during the 2003-04 school year, when medical absences were unapproved and an appeal had to be applied for, if the student exceeded the 90 percent attendance requirement, which usually occurred near the end of the semester, district administrators processed these appeals:

- Elementary administrators processed 491 appeals.
- Middle school administrators processed 200 appeals.
- High school administrators processed 3,618 appeals.

This represents an increase in appeals processed by high school administrators of about 12,000 percent from the number before the statutory change occurred.

[Kendyl Depoali, continued.] Let me also share with you that parents and legal guardians have been outraged when they receive our letter of attendance concern regarding the absences, when they have previously sent in notes or called the school and notified the site of the student's medical absence. Parents of very ill students with chronic conditions, everyone recognizes, have been frustrated that they have to through this appeal process.

Moreover, our medical caregivers—including doctors, counselors, psychiatrists, and dentists, among others—have communicated to district administrative staff that parents and legal guardians are frantic about scheduling appointments outside of school hours. In addition, teachers and administrators have reported an increase in the number of students attending school when they were ill and should have remained at home. None of us believe that any of these outcomes were intended by this statutory change.

In spite of all of these appeals, and in the context of all this outrage, the district's attendance has not improved commensurate with the investment that we have all made in observing this statutory requirement. The effort simply has not resulted in the improvement that would make this effort cost effective.

Thank you, Madam Chair and members of the Committee, for the opportunity to share with you the context surrounding the district's request to amend NRS 392. Juanita Jeanney, from the district's Department of Public Policy, Accountability, and Assessment, will describe the student attendance before and after this statutory change.

**Juanita Y. Jeanney, Director II, Student Accounting and Assessment,
Department of Public Policy, Accountability, and Assessment, Washoe
County School District (WCSD), Reno, Nevada:**

[Read from prepared testimony, [Exhibit E](#).]

One of my duties is to implement the attendance policy for Washoe County School District (WCSD). As you know, NRS 392.122 states: "A board of trustees shall prescribe a minimum number of days that a pupil who is enrolled in a school in the district must be in attendance for the pupil to obtain credit or to be promoted to the next higher grade." The WCSD Board of Trustees decided that students in the WCSD must be in attendance at least 90 percent of

enrollment in order to be promoted to the next higher grade or to earn credit. We call this the 90 percent attendance requirement.

[Juanita Jeanney, continued.] Prior to the 2003 Legislative Session, NRS 392.122 stated that the days on which a pupil was not in attendance because the pupil was physically or mentally unable to attend school must be credited towards the required days of attendance. For WCSD, this meant that any time that a parent stated that his child was ill, that absence did not count against the 90 percent attendance requirement.

As you know, the 2003 Legislative Session heard much testimony regarding the abuse of medical absences, and a change was made in NRS 392.122. After the 2003 Legislative Session, the WCSD Attendance Committee reconvened to make the necessary changes in our attendance policy due to the revision of the NRS. The major change made in the last legislative session meant that medical absences were no longer exempt from the 90 percent attendance requirement. As mentioned by Mrs. Hollinger and Mrs. Depoali, we found that when medical absences were included as absences that count against the attendance requirement, everyone's job became larger.

Attendance letters tripled because we now had to send letters to parents who had already sent in an absent note or called in notifying the district of their child's medical absence. This means the costs of mailings, paper products, and labor have tripled. Additionally, parents were sending their student to school when it would have been in everyone's best interest for the student to stay at home. Needless to say, parents were very unhappy.

During the flu season, the Washoe County Health Department contacted WCSD, asking that we conduct a news conference with the Health Department, requesting that parents keep their children home if they had the flu. There was great concern on behalf of the Health Department that, because medical absences counted against the attendance requirement, parents would be more likely to send their sick child to school, causing a flu epidemic.

As you can imagine, health care professionals were displeased with the new attendance policy, because they were concerned that students were attending school when they shouldn't have been in attendance due to illness. Additionally, the health care

professionals were feeling pressure from families to schedule appointments before and after school. It is obvious there are only so many of those appointment times available in one day. On the first day of school, one health care provider sent his receptionist over to the district office to let us know that he had 100 percent cancellation of appointments on that particular day.

[Juanita Jeanney, continued.] As mentioned earlier, parents have already sent in a note or called to notify the school that the student had a medical absence. If the student exceeds the attendance policy, the parent has to fill out a request for administrative review—an appeal. The parents get very frustrated with this process, because they believe that they have already provided the school with a medical excuse and that the appeal process is an additional unnecessary step.

At the high school level, the number of requests for administrative review, or appeals, increased from 30 appeals in the 2002-03 school year to 3,618 appeals in the 2003-04 school year. The administrative review process calls for the parent to affirm that the absences were of medical nature and each teacher to verify that the student completed the make-up work. Although the student is notified that he exceeded the 90 percent attendance requirement, as soon as he hits that magic number, oftentimes the student does not believe that he fails the class until he sees the F on the report card. Appeals for seniors during graduation are extremely hectic and critical. WCSD administrators are complying with the attendance requirement and appeal process but state that it is very taxing on a plate that is already extremely full.

When all is said and done, the fact of the matter is that medical absences are exempt from the attendance policy; it's just a lengthier process. Per NRS 392.122, once the parent affirms that those days were of a medical nature and the pupil has completed the coursework requirements, those days shall be credited towards the required days of attendance. The student is granted the appeal after a tremendous amount of work and frustration on everyone's part.

In conclusion, for WCSD, once the medical absences were included in absences that counted against the 90 percent attendance requirement, appeals increased by over 12,000 percent, letters tripled, and our average daily attendance rate only improved

by 0.5 percent, from 94.6 percent to 95.1 percent. We ask that you give consideration to A.B. 76.

Chairwoman Parnell:

Those numbers were amazing. Are there questions for any of the presenters?

Assemblywoman Angle:

I'm reading here from the law as it was written. "After review, the principal's designee shall credit towards the required days of attendance each day of absence for which there is evidence or written affirmation by a parent or legal guardian of a pupil, that the pupil was physically or mentally unable to attend school." If you got a note from the parent or a medical excuse from the parent or from the doctor, I guess I do not quite understand why they weren't excused, why they had to go through the appeal process. Could you explain how that happened?

Juanita Jeanney:

Prior to last legislative session, NRS 392 stated that medical absences were exempt from the attendance policy. When that was taken out, it was then interpreted that medical absences were to be included in the 90 percent attendance requirement and that, when you read the statute, it states that the parents will be notified if the student is in jeopardy of not earning credit or being promoted to the next grade. The medical absences were included in the 90 percent and then the parent, if the student should have exceeded, was notified by letter that the student exceeded and that there was a request for an administrative review available. If the parent affirmed that the absences were of a medical nature and the student made up the work, they would be counted as days present. The statute didn't allow for the medicals to be exempt up front.

Assemblywoman Angle:

The law, before we changed it, did allow for exemptions, but now the law didn't allow for exemptions. Was that your interpretation or your legal department's interpretation? The reason I am confused is because Clark County was able to interpret that as exempt and they didn't have near the problem that Washoe County did. I'm trying to find out where the disconnect was in this. Also, I'm not reading here the exemption. Did we put that back in, or did we just add more language? I'm looking for that word that medicals are exempt.

Juanita Jeanney:

When looking, prior to 2003, there was a subsection (a), and it said that the days on which a pupil is not in attendance because the pupil is physically or mentally unable to attend school, those days would be counted as included in attendance. That was the old NRS; that was stricken and that was no longer

there. The intention was that medical absences were to be included in the attendance requirement, whichever the district determined what that percentage was—in our case, 90 percent.

Assemblywoman Angle:

That was your attorney that made that interpretation?

Juanita Jeanney:

I believe at that time our attorney was involved with the subcommittee. We sat down and looked at it, yes.

Lucille Lusk, Chairman, Nevada Concerned Citizens (NCC), Las Vegas, Nevada:

I am here to support A.B. 76 and Washoe County School District's request today. What this does is return to a similar situation as existed before 2003. It does give the school board the ability to decide whether to utilize an absolute exemption or whether to utilize an appeal process. It's my understanding that the appeal process system has worked well in Clark County, where the interpretation has been slightly different, and in most of the other school districts. It has not worked well in Washoe County, and no one wants to see a lot of time wasted on unnecessary appeals or to see the disruption that has occurred in that school district.

If I might comment in regard to Mrs. Angle's question, the language is fairly convoluted. It's possible to interpret it either way. The attorneys have interpreted it quite differently. This seems quite straightforward, in terms of allowing the school board to make that decision that will work for their community.

Chairwoman Parnell:

I think where Washoe County has probably come into some trouble is that appeal process that starts after the tenth, when they receive the letter saying "Your student has exceeded the days allowed." It's not within that ten; now they have to go through a much more complicated process once the number ten hits. That was new from 2003. I remember sitting in on that testimony last session. I think that's what caused a lot of concern. I hope that helps too, Mrs. Angle.

Assemblywoman Angle:

I'm starting to get a better grip on this, but I am still concerned about the law that still exists in NRS 392.130. It says in number 3, "If a pupil is physically or mentally unable to attend school, this is a condition for an excused absence..." That is still in our law. I am still having some difficulty in understanding in how we got to this interpretation and these problems. I'll listen to more testimony.

**Barbara Clark, Member-at-Large, Nevada Parent Teacher Association (PTA),
Carson City, Nevada:**

I'm not sure if I could give any insight into the legalities of the issue. We did oppose it in 2003. We believe it is the fundamental right of parents to excuse their child. In essence, what happened is that a bureaucratic process, as indicated by Washoe County School District, was set up only to come back to the very fact that the parental vote was taken. You are going to be looking at a lot of parent involvement bills here this week. When you talk about parent involvement, you're looking at ways in which you invite parents in to be part of a partnership and reaching academic success of their children and all children.

When you have things that go out to say "Warning, appeal, and prove; come in under a speculative light so that you can prove whether or not you are right in excusing your child for being sick," I'm not sure that is going to allow parents to be involved, invite them in, and bring parent involvement, which we know has shown to be a critical factor in academic success. We are opposed to this. The question would be to ask Clark County whether or not they went through the same appeal process after the 10 days, or whether they viewed it differently. I was under the impression that everybody was doing the same thing as Washoe County. I would be interested in hearing that it was done differently. Regardless, parents should have the right to excuse that child. That note or voice should be accepted, and we hope that you support A.B. 76.

Assemblywoman Angle:

I was wondering if you could tell us—since you are involved in the PTA, and parents should complain to you if there was any problem with this law—if any parents had told you that their children had been denied credit because of this attendance. I was wondering if you had any of those types of complaints.

Barbara Clark:

No. We hear quite a number of complaints about going through the process. Generally, I believe that most of the parents who I have talked to were able to go through the process and their children were not denied the credit. I don't know of any of those stories. Most parents, when they are faced with something they have to do, will go ahead and do it—not be happy about it, but do whatever it takes to make sure their child gets that credit and can move forward and will go along with that. We were adamantly opposed to it last session. Parents, as Washoe County indicated, were very unhappy.

Assemblyman Munford:

Speaking in terms of Clark County—because I left the district this past year—the case there is that, once you reach 10 absences, you are automatically permitted to have an appeal process. They reviewed all 10, because there was a

possibility that within those 10, there could have been a legitimate excuse that the parents had or something like that. If the case was that the absence was legitimate, then you would continue to receive credit. That is the way it was. Once you got to 10 and you got the eleventh one, you automatically had an appeal process. That's the way it was in Clark County, I don't know if it has changed this year or not.

Deirdre Hammon, Disability Rights Advocate, Reno, Nevada:

The reason that I am here is because I have nieces and nephews that I help parent, as far as schooling goes. I have a niece who went blind last year. We built it into her IEP [Individualized Education Program]. Whatever days she missed because of the illness that was taking her sight, we would build those into an extended school day year, and she would make up the coursework at that point. She was required to appeal the process. However, when you read the actual law—if you look at Section 1 of NRS 392.122—it says, “For the purposes of this subsection, the days on which a pupil is not in attendance because the pupil is absent for up to 10 days within 1 school year with the approval of the teacher or principal of the school pursuant to NRS 392.130 must be credited towards the required days of attendance if the pupil has completed course-work requirements.” It is not very easy to understand.

When I read it, and I do read a lot of law and I know you all read a lot of law, you get back to NRS 392.130, and you go, “What does that say?” Right? Then you pull that up and it says, “If a pupil is physically or mentally unable to attend school, the parent or legal guardian or other person having control or charge of the pupil shall notify the teacher or principal of the school orally or in writing, in accordance with the policy established by the board of trustees of the school district, within 3 days after the pupil returns to school.” Then we come back here and it says, “Must be credited towards the required days of attendance if the pupil has completed course-work.”

Washoe County went into this process, it looks like, of gearing up for this huge policy that didn't need to exist, because this part of the law takes you right back to what already existed if the student was excused by the parent. If you were to put it all together and, instead of saying “In pursuant to NRS 392,” what I would actually say is, “For the purposes of this subsection, the days which a pupil is absent with the approval of the teacher or principal, or when the parent or legal guardian or other person having control or charge of the pupil has complied with the policy established by board of trustees, pursuant to the provisions of NRS 392.130, must be credited towards the required days of attendance if the pupil has completed the coursework requirements.”

[Deirdre Hammon, continued.] You didn't have to move into an appeal process at that point. If the student is not behind on coursework, and if the student has notices from the parents or doctor's excuses, you never had to move into the appeal process. The only time that you would have to move into an appeal process is if you didn't have notes from the parent, or if the child was behind on coursework and was not excused by some other provision like an IEP or a 504 plan—now there is the policy that really could have been put in place. What process do you use in a district to notify the folks who generate those letters that you have a student who is exempt under an IEP or 504 plan, so that you are not discriminating against that child for having a disability?

I would say that the law already says that, and if you wanted to clear it up, maybe, bring forward what is already there. But to create a whole new level of bureaucracy, where the board of trustees again has to go back and create another policy, adds layers upon layers to what the district already did, that I don't think they had to do in the first place. The law already called for those things to be excused.

Chairwoman Parnell:

Was that a proposed amendment that you were reading?

Deidre Hammon:

Yes. I can propose that as an amendment ([Exhibit F](#)) so that it brings the language forward instead of saying, "pursuant to NRS..." Yes.

Chairwoman Parnell:

If you could get a copy of that to our staff, that would be terrific. When we have a work session on this, we will certainly address that.

Assemblywoman Angle:

This language that is proposed, you believe that it's going to hinder more? Is that what I'm hearing? Could you clarify? Are you in support of this language?

Deidre Hammon:

I am not in support of changing this language, because we have to go back to the board of trustees to do more grinding up of policies when, actually, the policies already exist in the districts. There is nothing else that needs to be done. The law already provides for those to be excused, and the principals or the teachers can already make those excused and credit them towards the days of attendance without having to do anything else with any kind of district policies or anything. That would be my recommendation.

Jeanne Simons, Private Citizen, Wellington, Nevada:

When I saw this bill on the agenda, I had to come and testify. Last year, we moved out to Smith Valley. It's a very small rural town, and my youngest son has asthma and he is sick a lot of the time. He got a concussion; we had a doctor's note. It was given to the school right away. He had to have a tetanus shot to come back to school, and he had a reaction and had to go to the emergency room. He was excused by the doctor for a week. We kept receiving these lovely letters that everyone is talking about. This was in Lyon County. To make a long story short, it was requested that my son file for an appeal because he was a junior and he was not going to receive credit for all of the semester, and so I filed the appeal since he was a minor. It would be great if there were some clarification on this.

However you decide to do it, could you put the word "medical" in there? Because every one of my son's excuses was a doctor excuse. We should have never received any of these notices. When I appealed it the next semester, when he missed three days because he had mono—he gets sick all of the time—they sent the notices again, so I had to request, under Section 504, to put in a special thing so that my son does not receive these letters, does not receive these threats, and Lyon County asked for my son to sign a contract with them that said he would do his best not to miss any more school. I refuse to have him sign this, because he has asthma. He's been on steroids, he gets sick a lot, and so I refuse for him to sign that. Please fix this or make it clearer.

Chairwoman Parnell:

Thank you, and Jeanne, it was interesting because earlier in the testimony a few of us that also serve on the health care committee had parents and students who suffer from asthma—a bill relating to their conditions last week. My comments were that we ask so much of our students, but yet we deny them the right to carry their inhaler or be empowered to take care of themselves. I think that often we forget that a child's health is their most precious gift and that, to be able to do well in school, we want them to be healthy. I think that was the concern of many when this bill was brought forth two years ago. It seemed a little overboard to many of us. I appreciate your comments and hope your son is doing well, and I hope you are doing well.

Are there any additional comments on A.B. 76? Seeing none, I will close the hearing on A.B. 76 and open the hearing on A.B. 184.

Assembly Bill 184: Requires development and distribution of parental involvement compacts. (BDR 34-921)

Assemblywoman Susan Gerhardt, Assembly District No. 29, Clark County:
[Spoke from prepared testimony, [Exhibit G](#).]

I am here today to present A.B. 184, which is a measure to encourage and facilitate parental involvement in children's education. Numerous studies have shown that parent participation in education is positively and significantly related to student achievement.

According to a publication sponsored by the United States Department of Education, students whose parents are actively involved in their education have better grades, test scores, and long-term academic achievement.

These students also attend school more regularly, complete more homework, and demonstrate more positive attitudes and behaviors than those students with less involved parents. Over 30 years of research has proven, beyond dispute, the positive connection between parent involvement and student success. Effectively engaging parents and families in the education of their children has the potential to be far more transformational than any other type of education reform.

Assembly Bill 184 would require that the Department of Education prescribe a form for "parental involvement compacts." These compacts, which will comply with the federal No Child Left Behind Act [of 2001] provisions and parental involvement policies adopted by the State Board of Education, will help to foster a partnership between the parent, teacher, and student.

To help ensure effectiveness, these compacts will be required to include:

- Teacher and school administrator contact information
- The course curriculum for the grade the student is enrolled in
- Classroom, dress-code rules, and policy
- Homework policy
- Direction for finding student resource materials, as appropriate to the grade of the student
- Suggestions for parents on how they can assist their children with schoolwork at home
- Expectations for parent-teacher conferences

- Expectations for pupil progress reports and how to request them
- How to find language assistance for parents who have limited proficiency in English

[Assemblywoman Gerhardt, continued.] Additionally, the bill requires that each school district's board of trustees shall adopt a policy to develop and distribute these parental involvement compacts. This policy will require each classroom teacher to distribute the compact to the parent or guardian of each pupil and collect it once it has been signed.

Further, this measure will require that each school district ensure that the compact used, or an expanded version of the compact, is the same as that prescribed by the Department. Finally, the bill will allow for the school districts and the Department to review and amend, as necessary, the compact—at least once every year—in an effort to incorporate the best practices found to encourage parental involvement.

In summary, A.B. 184 contains specific provisions that are designed to enhance the capabilities of the teacher and the parent to communicate and work together effectively to monitor and assist pupils in their academic achievement. Assembly Bill 184 will ensure consistency through the use of the standardized compacts on a statewide basis, eliminate variations from school to school and district to district, and will reliably inform parents of what will be expected of their children in any given class.

As a related point, we are also considering two amendments ([Exhibit H](#)) to A.B. 184, addressing information regarding school breakfast and lunch programs. Many students in the school districts would take greater advantage of the breakfast and lunch programs that are provided if they knew about them in greater detail and how to sign up for them. We would also like information on opportunities for parental volunteer involvement added.

I appreciate the Committee's consideration of this bill and am happy to respond to any questions. However, at this point I would like Assemblywoman Smith to have an opportunity to make a few comments. I was very pleased when she agreed to be a joint sponsor on this bill. As an education advocate, she has provided the practical knowledge to make this a workable plan. She is going

to elaborate a little bit on how we can make this bill work for our schools.

Assemblywoman Debbie Smith, Assembly District No. 30, Washoe County:

Ms. Gerhardt is correct. I have spent the last 20 years advocating on public education issues, primarily parent involvement. In 2001, we passed a bill requiring the State Board and districts to adopt parent involvement policies based on the National Parent Involvement Standards, which are communication, advocacy, parenting, student learning, community involvement, and volunteering. Communication is an important tool in the parent involvement realm. With A.B. 184 in place, we can begin to ensure that the communication that parents receive from their school is meaningful and comprehensive.

I would like to clarify a few points about the bill. The legislation was never intended to be a fiscal burden on the districts that will require massive copying and massive pieces of paper. In fact, most schools are already distributing most, if not all, of the information that the bill requires to be distributed. Our goal, as I stated, is to ensure that whether your child goes to school in Las Vegas, Reno, or McGill, you receive pieces of information vital to your child's success in school. If a dress code and homework policy are already printed in a handbook, great. There would be no need to provide it in another format.

Secondly, if there is more than one teacher, such as in middle and high schools, only one set of general school information would be expected to be distributed. An individual compact with each teacher would be signed and any specific classroom information attached. Most teachers are already providing the information that is required in the legislation. The last piece of the bill, which provides for a signature by the teacher, student, and parent, is a vital step in forging a strong home-school partnership. Certainly, the expectation here is that the school would make every effort to have a compact signed.

There is no enforcement component. The parent involvement police aren't involved. Our goal is that we would be encouraging a strong partnership between the school and the home, if a compact was indeed signed by all three parties. I think this is a great step towards strengthening the parent involvement in Nevada's schools, which we know will lead to increased student success. We do have a few amendments ([Exhibit H](#)) that were worked out, as my colleagues know. We choose not to return this bill to the drafters to make a few corrections after Ms. Gerhardt received the drafting. We have spoken with some of the districts and have a few amendments to offer.

If we can step through the page in order, that would probably be the most helpful. We inserted in Section 1, line 1, "The Department shall prescribe a form

for parental involvement compacts in collaboration with representatives from school districts and parents." It's saying that if we are trying to forge this relationship, we should probably have all sides involved in developing the form.

[Assemblywoman Smith, continued.] Then if you go down to Section 1, line 2: "Each parental involvement compact must..." Delete "include," and add in "be accompanied by, without limitation..." What this accomplishes goes back to my remarks that, rather than thinking that the compact itself had to have all of this information, it could be accompanied by a product that the district is already using to communicate with the parents.

If you go to Section 1, line 2(b): "The curriculum of the course or standards for the grade..." We felt that it was important to include the standards, because they truly are the guiding tool for what is being taught in our schools. Then at the end of the sentence on line 2(b): "the dates of major examinations..." Because, again, the goal is to be talking about the big picture. There was not an expectation that every test that a classroom teacher gives would need to be outlined at the beginning of the year, but CRT [Criterion Referenced Test], high school proficiency exam, and that type of thing would be listed. At the end of that sentence: "if known by the teacher at the time the information is distributed," so that, if a project is added, there would be no complication about someone saying, "It wasn't provided at the beginning of the school year."

Line C, add "grading and," in "The grading and homework policy of the pupil's teacher or school," so that students and parents would be aware of what the grading policy is in the classroom. I think most teachers already distribute that.

I'd like to make a little bit of a change here, if we can go to item (j). The one that you have has (k), "Information on school breakfast and lunch programs." You will also be offered that amendment in a separate amendment from Ms. Berkley later. We'd also like to add in here (l), "Opportunities for parental and/or volunteer involvement." We would actually have (j), (k), and (l). I'm sorry. I have a different version that I had for myself, and I'm going off of the wrong one.

Dropping down to Section 1, line 3(b), you would delete "signed parental involvement compact," and at the end of the sentence, add "signed by the parent or legal guardian, the student, and the teacher."

Assemblyman Hardy:

What is going to happen, in that we must require the parent or legal guardian to sign, if they don't sign it?

Assemblywoman Smith:

Not a thing. As I mentioned in the testimony, our intention wasn't that this is a punitive measure. There are no parent involvement police. Our goal was to start the process of forging this relationship between school and home by requesting that the compact be signed.

Assemblyman Hardy:

Where I'm going with that, if it's a "must require," then you can use that, or somebody could potentially use it to accuse someone else of not doing something that they should have—as evidence that they have neglected their child. I don't like the word "must." If you got rid of "must," it would make me feel better. It doesn't sound good. Otherwise, I like it.

Assemblywoman Gerhardt:

Which line are you on?

Assemblyman Hardy:

Line 35, page 2 on the bill: "The policy adopted by a board of trustees must require each classroom teacher to..." I see the burdens on the classroom teacher to go get these signatures, and there are some times where that is difficult to do.

Assemblywoman Gerhardt:

We actually discussed that topic a little bit. I don't have a problem with putting something into the language that would say, "Make every reasonable effort to obtain the compact..." There are no punitive measures here. What we are trying to do is make a first step, to be sure that all the information has gotten to the parents.

Assemblyman Hardy:

I like "reasonable." I like first steps. I don't like "musts."

Assemblywoman Gerhardt:

Okay, that is doable.

Assemblyman Munford:

This is primarily for what ages? This is for elementary and middle schools? How does it work in high school? Many of these areas that you are covering—every teacher in high school has to have a class syllabus or class expectations. Many of these areas are covered in that and maybe a few aren't, but most of them are. We do attach to our syllabus our expectations, the signature thing for the students to take home to their parents and have them sign. It is not a

mandatory thing or anything, but sometimes we might throw some bonus points in if you bring the signature in.

[Assemblyman Munford, continued.] All that is for is to give some kind of protection to the teacher, that at the end of the semester or the nine weeks or something I wouldn't hear, "Mr. Munford, you never told us about this." It is all right there for proof and verification. I think it would sometimes have more effect at the elementary or middle school levels. High school homework policies and all of these different things, we have all of those things in there. I think it is a good idea, a compact of this nature. I don't know about the high school level; I have some concerns about it, that's all—the expectations. We all do, as high school teachers. That gives them two sources for them to get the understanding and the information. I would still support it. I think it's a good idea.

Assemblywoman Gerhardt:

We are not asking for duplication of effort. At the high school or middle school levels, as you were mentioning, if a syllabus is already put together, then the teacher's job is basically done. There is only one informational package that will be put together, and then if a student has several teachers, the only thing that is going to be required of the individual teachers is to put that curriculum information along with the informational package. What we found is that many schools are doing a lot of these items. There is no consistency. That is what we are trying to achieve: some certainty that every school and every district is going to be sure that this information is gotten to the parent and the student.

Assemblyman Munford:

I like the idea about the parents. When you have parent conferences, we don't have that in our expectations. You set down some type of ground rules or something of that nature, how our parent conference may be, what to be expected in a parent conference, and things of this sort. Sometimes, when you go to parent conferences, parents have a tendency to come in possessing some animosity, like the problem with their child's lack of performance is your fault and the teachers end up having to defend themselves, instead of the child might be the problem. I'm not sure of what your language is when talking about parent conferences and what you require of the parents when they come into a parent conference. It's sometimes not as simple as it could be.

Assemblywoman Gerhardt:

As we were discussing the bill, one of the things that we realized that was going to be a positive consequence was in the area of conferences. If you have this information from the beginning, when the parent goes in to discuss their student's progress, they actually have some specific things that they can talk

about—the assignment coming up, the test, and how to prepare for it. I think that it would facilitate a little more dialogue during that conference.

Assemblywoman Smith:

There is a lot of good information out there. There are a lot of good resources to help parents and teachers conduct a really successful parent-teacher conference. This would be one more step to encourage that. There are brochures and publications that can be accessed, and so we would see this as a building process to help the parent-teacher conferences be more successful.

Assemblywoman Angle:

I was wondering, with these new amendments, will that mitigate the entire fiscal note on this bill or will there still be some outstanding fiscal note? I see here that there is an impact on the state and also on local governments. Could you define what that impact might be? The way you were talking about sounded like you had mitigated that. I want to make sure.

Assemblywoman Smith:

Yes. We have resolved those differences. I think by dealing with the fact and meeting with the districts and talking about it—the intention was never that existing publications be duplicated and that everything had to be in an individual compact. Certainly, the forms that they already use that have policy on them are perfectly acceptable. There is only one form statewide that would need to be developed, and that would be a very minimal effect on the Department, which I'm assuming Dr. Rheault can address. But beyond that, the majority of this is already produced by the district, and I believe you will hear the testimony that it does not have a significant impact.

Mark Coleman, Principal, Silverado High School, Las Vegas, Nevada:

I was unsure as to what I wanted to say to the Committee today, because I have ambivalent feelings. I have been in education for close to 30 years—26 years in the district. School reform and change is not easy in public education. I have absolutely nothing against the intent of what Assemblywomen Gerhardt and Smith are talking about because, in essence, I agree. I have some concerns only in that I'm not convinced creating a law will get where they want to go, but one could not fault the intent.

I have to say, Assemblywomen Gerhardt and Smith, you are on the right track. What I'd like to do is go a step further. I have no idea; I know Assemblyman Munford is aware, because I talked to him recently. If you really want to make a difference and you really want to put it all out there, there are programs that are available right now. Silverado High School was the first in the state to use one of them, called Edline. There are now 21 other schools in the Clark County

School District that use that program. The program is a 24-hour per day, 7-day a week ability to communicate with parents on absolutely everything going on in a building—more so than what is required here in law.

[Mark Coleman, continued.] I'm not sure you would have to have a law passed to get what Assemblywomen Gerhardt and Smith are looking for. I'd be more than happy, as a representative of Clark County, to be very familiar with both the programs, called Edline and EduLink, that are 24/7 programs. If you really want to make a difference, I'd love to see this state take on statewide funding to put these programs into absolutely every home in the state of Nevada for a child who is going to school, no matter what district it is. One question I would ask, not knowing what final funding might be: Is every child in this state worth \$2 to \$4 to guarantee that there is a system in place that would allow that responsible parent, who wants to be involved, an opportunity to be involved and have every tool that they would need communicated to them, 24/7, anywhere in the country, once they're on a computer and connected to the Internet?

If there is a willingness to do that, I think you can go much further than what you are trying to do in your law. I have communicated with Assemblyman Munford. I have communicated with Speaker Perkins, and I have talked with Senators Heck and Beers. I know there is willingness out there. I'm saying is that you have the great idea, if you really want to make a difference. I think you have that potential. I'd certainly be willing to sit down and talk to you further to determine how that could happen.

Chairwoman Parnell:

I do want to point out that this is only one of about five or six bills that indirectly or directly have to do with increasing parental involvement. A couple of the bill draft requests—and we don't know the numbers yet, because those are what we are going to be paying attention to in about five minutes—actually do address the programs that can be implemented in our schools, such as the two you are referring to. Keep your eyes open for those. I think we want to make sure that we cover all of our bases with parent involvement, from the most basic to those that do get into a fiscal impact for our schools. We want to make sure that we are trying to do this in as many ways as we can.

Mark Coleman:

The schools are really doing most of the things that are mentioned. Responsible parents will always absorb and engage all of these opportunities. Parents who aren't responsible, who throw away the papers, who don't pay attention to something they have signed off on, and that is the advantage. If we have the opportunity to put in programs, that would allow parents to know what is going

on. That is really a great way to increase parent awareness of what is going on in the schools.

Skip Rapoport, Private Citizen, Las Vegas, Nevada:

I'm the lucky father of two high-achieving academic students at Silverado High School here in Las Vegas. Before our children were of school age, my wife and I would share reading time daily with them. For the first six years that my children were students in Clark County School District, my wife and I were passively involved in our children's education. We attended the open houses, teacher-parent conferences, and any special events in which our children were participants. When your children are straight-A students, all seems to be well. It has been my observation that most parents don't become actively involved until they have an issue, then it is one issue and done. I'm here to tell you that the implementation of the Edline system at Silverado has been an essential ingredient toward motivating my children and a great tool with which I can check on their progress.

Edline also affords me the ability to communicate directly with teachers at my leisure without regard to the time of day or night. We don't waste time playing phone tag. I believe that this system has become an effective means to promote regular parental involvement and regular two-way meaningful communication between home and school as noted in NRS 392.457 2(a). I further believe that if you want to show your constituents that parental involvement is as important to you as you say it is, then you need to step up to the plate and fully fund Edline or a similar product for all of Nevada's students and their families.

Chairwoman Parnell:

Mr. Rapoport, I'm going to have to stop you because your comments don't pertain directly to this piece of legislation. As I said earlier to Mr. Coleman, there are other bills that will be before us that will have that fiscal impact as part of it. This Committee does not deal with that, nor is this particular program addressed in this bill. If you could keep your comments to support or opposition of A.B. 184, especially when we are short on time, I would greatly appreciate it.

Skip Rapoport:

I firmly believe that you cannot effectively legislate parental involvement.

**Loretta Evenson, Member, Nevada Parent Teacher Association (PTA),
Carson City, Nevada:**

I am very fortunate; in Carson City, we do have a lot of this information that goes home. I know that the concern was the high school level. I think the high school level is the most important level. I have a high school student; she's a senior, trying very hard to pass the proficiency exams and doing her senior

project. Carson City has been very good at making sure that I get the information as to when SAT® tests are, ACT® tests are, senior projects are due, and how to notify the teachers. You need to plan, and having this type of information is absolutely important, especially at the high school level. You get this a lot at the elementary school level, where the parents are really involved, and where the parents really need to be involved.

[Loretta Evenson, continued.] I think that this bill contains all of the components to be successful. It starts out giving the information that all the parents need at elementary, middle, and high school levels. Each would be depending on the level. It also has proof of deliverance to the parents. My daughter does bring home things from her teachers that I have to sign that say, "This is what we expect in this class, I will be giving homework." It sets out the dress code. When my daughter stands there in something I don't think is right, I know it's not right. That was given to me. I have something to look at.

I also like the thought that, yearly, they can go through and adjust. I think the bill says that yearly, they can go through and evaluate. That way they can perfect it. If they find that other things need to be done, it is right there. I do think that having legislation, having this available to parents, is very important to the success of our children.

Carolyn Edwards, Member, Nevadans for Quality Education (NQE)

While I agree that parental involvement is very desirable, I'm not sure it's something that can be legislated. It may be better for this to be either a policy or a resolution. In Clark County, most of that material is already provided. It would not be a significant hardship to continue to do that. I do think making this a legal issue is another question. I'm not sure it's indicated. I've been involved as a parent since my children came here 13 years ago. Nobody could have stopped me, but if I'm an uninvolved parent, this is not going to get me involved. I think we need to look at what our goals are and what we are trying to accomplish.

Chairwoman Parnell:

Are there any questions for Ms. Edwards? I do not see any. I think we won't be able to complete. We have two or three people who would still like to speak and probably not be able to complete the hearing today. I will not close the hearing. We will continue that, and you will be noticed of when we will allow everyone to complete the conversation on that. We stand adjourned [at 5:02 p.m.].

RESPECTFULLY SUBMITTED:

Paul Partida
Committee Attaché

APPROVED BY:

Assemblywoman Bonnie Parnell, Chairwoman

DATE: _____

EXHIBITS

Committee Name: Committee on Education

Date: March 21, 2005

Time of Meeting: 3:47 p.m.

Bill	Exhibit	Witness / Agency	Description
	A	*****	Agenda
	B	Nancy Hollinger/WCSD	Prepared testimony
	C	Nancy Hollinger/WCSD	Proposed amendment to A.B. 76
	D	Kendyl Depoali/WCSD	Prepared testimony
	E	Juanita Jeanney/WCSD	Prepared testimony
	F	Deidre Hammon/Disability Rights Advocate	Proposed amendment to A.B. 76
	G	Assemblywoman Gerhardt	Prepared testimony
	H	Assemblywoman Gerhardt and Assemblywoman Smith	Proposed amendments to A.B. 184