

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

**Seventy-Third Session  
May 2, 2005**

The Committee on Education was called to order at 3:51 p.m., on Monday, May 2, 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. Garn Mabey  
Mr. Mark Manendo  
Mr. Bob McCleary  
Mr. Harvey J. Munford

**COMMITTEE MEMBERS ABSENT:**

Mr. William Horne (excused)

**GUEST LEGISLATORS PRESENT:**

Senator Steven Horsford, Clark County Senatorial District No. 4

**STAFF MEMBERS PRESENT:**

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

**OTHERS PRESENT:**

Joyce Haldeman, Executive Director, Community and Government Relations, Clark County School District (CCSD), Las Vegas, Nevada  
Barbara Clark, Member-at-Large, Nevada Parent Teacher Association (PTA), Carson City, Nevada  
Frank Schnorbus, Parent at Large, Nevada Homeschool Network, Las Vegas, Nevada  
Keith W. Rheault, Ph.D., Superintendent of Public Instruction, Department of Education, State of Nevada  
Laura Mijanovich, Northern Nevada Coordinator, American Civil Liberties Union of Nevada (ACLU), Reno, Nevada  
Ricci Rodriguez-Elkins, Executive Director, Center for Charter School Development, Sparks, Nevada  
Elissa Wahl, Chair, Nevada Homeschool Network, Las Vegas, Nevada

**Chairwoman Parnell:**

[Meeting called to order and roll called.] We are going to start today by hearing S.B. 286.

**Senate Bill 286 (2nd Reprint):** Encourages Clark County School District to construct career and technical high school within a certain area of Clark County. (BDR S-1228)

**Senator Steven Horsford, Clark County Senatorial District No. 4:**

I'd like to go through a little bit of the rationale for the need for the bill and what we hope that the bill will address, as it relates to a community issue. I know that Assemblyman Munford had a similar bill here that you have already heard some testimony on. We'll try not to be redundant. We want to restate the need for the legislation. I'll go through a quick presentation ([Exhibit B](#)) that I've prepared.

Senate Bill 286 strongly encourages the Clark County School District (CCSD) to construct a career and technical high school within what is known as the Southern Nevada Enterprise Community in Las Vegas. I've attached a map in your materials ([Exhibit C](#)) that has some shaded areas. Those give you the generic boundaries—those shaded areas are the generic boundaries—of the Southern Nevada Enterprise Community. We use that designation because that was a designation approved by Congress and by the Department of Housing and

Urban Development (HUD) back in 1998, because of specific issues pertaining to poverty, high unemployment, low education performance, and other social ills that are plaguing this community in particular, in comparison to other parts of the Las Vegas Valley.

[Senator Horsford, continued.] Within the Enterprise Community, one of the reasons that we are bringing this bill forward—and we are trying to encourage the school district to ensure that this school is being built—is because of the dropout rates that this Committee reviews all of the time. We are struggling to graduate the number of young people in this state that we need to. According to the 2003 information, the dropout rate was at 5.7 percent. This statistic, I think, is understated. I've talked to various Committee members. It really only demonstrates those high school seniors who did not graduate, which I think is underreported.

Also, a reason for the bill is the high percentage of high school students who are failing to pass the High School Proficiency Exam (HSPE). Every year, around this time, we get emails and phone calls from constituents saying, "My young child is not going to graduate from high school; they are not going to be able to walk in graduation, because they cannot pass the HSPE." I believe that there are things that we can be doing to ensure that they can, indeed, pass that exam.

Another reason for this bill is that the area that is designated within the Enterprise Community also has, historically, high gang activity. According to Metro [Las Vegas Metropolitan Police Department], there has been a 61 percent increase in gang activity in the last 3 years alone—not to mention all of the other behavioral problems that are plaguing our young people, including teen pregnancy and drug use. Finally, and probably most importantly, we are all working here in the Legislature to ensure that our young people have the skills and employability training that will prepare them for this twenty-first century workforce that everybody always talks about. I believe that developing this career and technical high school will also ensure that happens.

I'll speak specifically to the dropout issue and the graduation issue first, and then I will illustrate how the career and technical high school model can help improve that. According to information from the Department of Education, in the 2002-2003 school year, the statewide dropout rates among Hispanic and African-American students was significant:

- For Hispanic students, the dropout rate was 8.9 percent.
- For African-American students, the dropout rate was 7.9 percent.

[Senator Horsford, continued.] This compares to CCSD:

- For Hispanic students, the dropout rate was 9.8 percent.
- For African-American students, the dropout rate was 8.4 percent.

Historically, within this Enterprise Community, there is a larger percentage of minority representation among Hispanic and African-American students. We hope that this school will help address these high dropout issues. As well, the graduation rates among African-American and Hispanic students are not on par with other students.

The statewide graduation rates are:

- For Hispanic students, it is at 62.8 percent.
- For African-American students, it is at 59.6 percent.

The CCSD graduation rates are:

- For Hispanic students, it is at 62.1 percent.
- For African-American students, it is at 59.1 percent.

I believe that everybody is working hard to provide a good quality education for our young people, but the hope of S.B. 286 is to provide it in a model that we know works. There are all types of educational models that have been implemented and that we've been able to evaluate, but one of the most successful models has been the vocational and technical trade model—now known as the career and technical high school. At one particular school in Las Vegas, the Southern Nevada Vocational Trade Technical Center—which is comprised of over 56 percent minority students—the dropout rate at this particular school was only 1.3 percent among Hispanics and less than 1 percent for African-American students. The graduation rate was over 90 percent for Hispanic students and over 92 percent for African-American students. These are the types of statistics that, I think, we want for all our young people at all schools, and the schools that work. I believe that the career and technical model is that model.

Another statistic that we have been able to research is the attendance level. The attendance level at career and technical high schools is over 95 percent. The students are engaged, they love what they are doing, they have a sense of purpose of why they go to school, and the information that they are learning is actually going to help translate into a career for them in the future. That is the whole purpose of why we are here, to educate our young children.

What are the alternatives if we don't pass S.B. 286? Based upon everything that I hear in the Senate Judiciary Committee every morning, and information that we've heard from the Director from the Department of Corrections:

- The average age is 37 years old.
- 84.6 percent of them are Nevada residents.
- On average, inmates have an eighth-grade literacy level.
  - Forty-eight percent of males and 43 percent of females score below the eighth grade level.
- Seventy-two percent of the inmates have no marketable job skills whatsoever.

[Senator Horsford, continued.] Jackie Crawford, the Director, is working really hard to help these prisoners get those skills. Why aren't we giving the young people the skills that they need—before they ever have to get into the predicament of ending up in prison—in order to get those skill sets? That is the intent, Madam Chair, of S.B. 286. We do feel strongly that it will provide excellent educational opportunities for our young people in a community that we feel needs it greatly.

Mr. Munford, as a former educator, talks regularly about how often we have been pushing for these types of models to be brought to our community. We are hopeful that the school district is working hard now to make this happen. I can tell you from experience that we have been asking for this type of a model for a very long time. While schools get built—every month a new school opens in Clark County, I understand—for some reason it continues to evade this particular community. We don't feel that is acceptable any longer.

**Assemblyman Holcomb:**

I'd like to add one thing to your presentation. Today, I did a little bit of research on the prisons, and when Jackie Crawford took over, the first thing that she did was institute training programs for these young people. I asked her why, and she said that it eliminates the recidivism. It gives them jobs. We expended, in the budget, approximately \$500 million for the prison system. I also had the opportunity to talk with Carlos Brandenburg of the Mental Health Division. He also agreed that most of these people who are receiving State money for health—92 percent—earn less than \$16,000 per year. He said that if they had marketable skills, a lot of them would not be recipients.

We have budgeted \$400 million. We are talking approximately \$1 billion for both our prison and our mental health. Basically, we are treating symptoms rather than the cause. If you can get them at the high school level and give them these marketable skills, would you have less of a problem?

**Senator Horsford:**

I couldn't agree more. It is not rhetorical; it is fact. In my opinion, we continue to invest on the punitive side—on the reaction side—and not on the prevention

side. I work in the community that this bill will impact. I live in the area, and I know young people that will benefit with having a school. We need schools all over this state. This community, in particular, has so many problems. If we really want to stop investing \$25,000 to incarcerate someone, and invest in the education that they need, then I think S.B. 286 is one step in that direction.

**Assemblyman Holcomb:**

We had testimony from Frank Dianda of Q & D. He basically said that, for the employee with least marketable skills, he is paying at least somewhere up in the \$30,000 range. They make upwards of over \$170,000, or somewhere around there. It was phenomenal.

**Assemblywoman Angle:**

I was looking for a fiscal note on this. I know there must be something to Clark County to put this school in. If there is not, could you explain how the cost will be handled to establish this school?

**Senator Horsford:**

The bill, as amended, only strongly encourages the school district to make this school happen. There are funds in the 1998 school bond fund that will construct the school. Based upon our discussions with the school district, there is intent to make sure that happens. For the benefit of the community, however, we brought this bill forward to ensure that the pressure stays on—especially now with the transition of the new superintendent—that the commitments that have been made by the school district and board of trustees are followed up on, and that we not delay any further the development of this school. Every year and every day that goes by that we don't have a school like this in our community, young people are falling to the other issues that I talked about in my presentation.

To answer your specific question, there is no fiscal note legislatively; the bill is not a formal mandate. It is a strongly worded statement that this should happen, as we were able to get passed out of the Senate.

**Assemblyman Hardy:**

You wouldn't be against, on your map ([Exhibit C](#)), the school being in a little rectangle just south of number 4, at the apex of Industrial Road? The concept is to have it accessible to the Enterprise Community. Is that where I'm coming from?

**Senator Horsford:**

As written, the bill encourages that the school be built within the Enterprise Community. Therefore, it would need to be in the shaded areas. Schools are the

heart of any community. A lot of people would agree with me on that. When you don't have a school of this magnitude in your community, then you are defeating the purpose of the role of the schools and what it can do to transform a community.

[Senator Horsford, continued.] The intent would be for the school to be built somewhere in the shaded areas. Based upon my discussions with the district and the model for career and technical, that is more likely to happen. They are now exploring the available parcels of land. The bill doesn't require that it happens. If they choose to build across the lines, then they will have achieved some part of the mission. I can tell you, on behalf of the community, that it will not fully support the goal. I brought this bill forward based upon constituents who said, "We want a school in our community." If they did it right on the other side of the lines, it would probably be sending the wrong message to the community that you are trying to address.

**Assemblyman Hardy:**

That was important for me to understand. Perhaps I was looking at what was closest to the greatest good. That would be right in the middle of that, where there is another I-15 triangle coming down. I understand where you are coming from now. That could be in the 5.04 place instead of the 3.01 ([Exhibit C](#)), because the school itself—the campus—lends a certain lifting of the whole community. I appreciate you clarifying that for me.

**Senator Horsford:**

There is another map ([Exhibit C](#)) that shows all the schools that are currently in operation. If you put this overlay of the Enterprise Community on this map, you will find that there is no high school in this particular area. You have two that are north of Cheyenne—Canyon Springs and Cheyenne—and you have Rancho and Western that are the closest proximity. Interestingly enough, most of the young people who reside in this community—historic West Las Vegas—actually take buses to either Palo Verde or Green Valley High School. Based upon estimates that I've heard, that is one hour each way to go to school. That affects student engagement, their ability to participate in extracurricular activities, and parent involvement. That is why we feel that it is important for this school to be in the community.

**Assemblyman Hardy:**

Are you saying that the folks who get bused to Palo Verde and Green Valley don't want to be bused any more or go to those schools anymore? Is that a door that you are opening up for us to discuss at some point?

**Senator Horsford:**

My understanding is that the career and technical high school—when approved and built—would be located in the community. Those young people who reside in that community would have the first options to attend that school. For those that want to continue to attend a traditional high school or another type of magnet program, they would continue to have those options, and transportation would most likely be provided to those different educational settings.

There are 700 high school students—ninth through twelfth graders—who live in West Las Vegas right now, and the majority of them attend either Palo Verde High School or Green Valley High School. We feel that is too far of a commute for young people, particularly when we are looking at all the other graduation, dropout, and student engagement issues. We think it is counterproductive to our goals as a state of improving education for those young people.

**Chairwoman Parnell:**

I've used this number for a long time. Back in my PTA [Parent Teacher Association] days, I'd go around the state and say we were at a basic support per pupil of about \$2,000, and the cost to house a prisoner was maybe \$10,000 or \$12,000. Now we are looking at \$4,424 per year for one of our public school students for basic support. We spend approximately \$20,000 to house a prisoner for one year. If we could have changed that 15 years ago when I was State PTA President, gotten on the right track, and realized that programs like this could save so many of them, give them a skill, and if they have a skill, they will be less likely to resort to a life of crime and continue to return.

It is so frustrating to see that figure actually widen in the cost and, if you want to talk big dollars, the construction of a prison. I get a sense this Session that we all—very bipartisan, both Houses—have come to recognize the importance of this kind of a program. I applaud you and Mr. Munford for bringing the issue of necessity of this kind of high school, in particular, for your neighborhood.

I was fortunate enough to visit the Agassi Academy; I believe that is in this enterprise neighborhood. What a joy that building has been for that neighborhood. They have never had an incident of graffiti or any kind of destruction. It has given the people in the neighborhood a sense of excitement and pride to have that facility where it is. If we could do that with a state-of-the-art career and technical high school, I think it would bring wonderful things to the community and great benefits from the students.



**Assemblyman Harvey J. Munford, Assembly District No. 6, Clark County:**

I can say, with my colleague here, me too. He said it so well and so eloquently. I can—in a sense, historically—say there has always been, to some extent, the issue raised about putting a school in our community. It has always been something that the people wanted. It has always run up against opposition. The opposition has always been that, after the civil rights movement of the 1960s, the strive was for integration. Many people were afraid of the fact that this school would turn into an all-black high school.

They said we would be defeating the actual purpose of what we were trying to achieve and what we have strived for. For that reason, that goal was diminished. We still kept it in our minds, but we didn't seem to have the push, desire, or drive to support. We have basically been ignored by the school district to some degree. As Senator Horsford said, the students are constantly being bused. I don't think any of you can realize what the students have had to go through. Many of the students have been bused ever since they were in the first grade. They continue to be bused.

One thing that helped alleviate that, to some degree, was that Charles W. West Middle School was built about 6 or 8 years ago. That helped to alleviate some of that burden of busing. To help with the so-called diversity, or not to be a predominately black school, Charles W. West has 62 percent African-American students, 30 percent Hispanic, and then Asians, American Indians, and Caucasians make up the rest of the students. Many of those students may feed to our particular school. We were able to address that problem with Charles W. West. There are approximately 1,200 students there. That would be something in our favor.

As you said, it does give the community pride when you have a high school, church, a park, and so forth. That is what we are striving for. Our community has always had a negative connotation. It has always been someplace that people want to avoid, circumvent, go around, and they never wanted to look at it in the sense of participation or something. You said you went over to Agassi; you got a pretty good dose. You probably drove by my house; I should have been outside to see you. I applaud Senator Horsford for making this effort. I think the constituents who we represent are looking forward to having something happen.

**Chairwoman Parnell:**

I would like to add, when we process this bill, that your name, Mr. Munford, if we can get another reprint, to be on the bill as well. Would that be all right with the sponsor? I will certainly recommend that in our work session.

**Senator Horsford:**

Yes, of course.

**Joyce Haldeman, Executive Director, Community and Government Relations,  
Clark County School District (CCSD), Las Vegas, Nevada:**

I speak today in strong support of this bill that urges the CCSD to construct the CT [career and technical] high school in the geographic area that is outlined. You have all heard me speak on two other occasions about our CT programs, of how strong they are and how much we believe that they influence the development of our students. You have also heard me testify to the fact that we don't have enough of those programs. Although we do have three high schools that are primarily CTE [Career and Technical Education] high schools, each of them has long waiting lists and students who are not able to get into them. We recognize the need to have more of those. As a result of that, from the funds that have come from the 1998 building program, we have identified funds to build four CTE high schools.

It is the belief of the CCSD that one of these high schools can, in fact, be built in the zone that has been outlined by this bill. For that reason, we offer strong support. We do know that this is a high school that will support that community. We do think we can put one in that exact area that is being talked about. One of the problems that we've had in siting in that geographic area before is that there was not enough population to warrant a high school to be there. This being a magnet school, we recognize that we will be able to meet the needs of the population that lives there as well as draw in other students from parts of the community. That also helps with our desegregation efforts and all of the things that we are trying to do to make sure we don't have racially identifiable schools. We think that this is a perfect way to meet the needs of all of those things.

One of the things that we are concerned about is the availability of land. I will tell you that we have identified a couple of potential sites and are working on finding out which one of those is best suited for the needs. I'm pleased to tell you that Senator Horsford has indicated to me that if we need to have some help from some of the city entities that are located there to leverage access to some of the lands that we are looking at, he would help us with that. We think this is definitely a win-win, and we do encourage the support of this bill.

I did hear in the testimony of Senator Horsford some concern about the ability of this plan to go forward with the announced retirement of Carlos Garcia. I will tell you, regardless of his future and what he does next, this is not an issue that is only supported by Mr. Garcia, it is an issue that our school board and the

top-level administrators all recognize as being very important. I think there is widespread support for this concept.

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

I don't know how I can possibly top Senator Horsford, Assemblyman Munford, and you, Chairwoman Parnell, and what you have already indicated with the statistics. Indeed, occupational education seems to be one of the key practices or programs that can be instigated that will show some great success in neighborhoods. Indeed, as we spoke on previous bills, we believe that every child, everywhere within the state, should have access to career and technical classes and education. The opportunities available to everyone need to be there. Not everyone has the same path to take. Nevada PTA would like to offer our support as well for this bill.

ASSEMBLYMAN HARDY MOVED TO AMEND AND DO PASS  
SENATE BILL 286.

ASSEMBLYMAN McCLEARY SECONDED THE MOTION.

THE MOTION CARRIED. (Mr. Horne was not present for the vote.)

**Chairwoman Parnell:**

At this time, we are going to open the hearing on S.B. 367.

**Senate Bill 367 (1st Reprint): Revises provisions governing education of  
suspended and expelled pupils. (BDR 34-617)**

**Frank Schnorbus, Parent at Large, Nevada Homeschool Network, Las Vegas,  
Nevada:**

This bill strikes home in every single aspect of what I do. It deals with troubled children, generally, who have been expelled from public school for some reason. There are a number of reasons that they get expelled. It is generally because there is a bad home life of some type—not always, but very often. The problem right now is that if a child is forced to homeschool because they have lost the right to attend a public school, this kid goes out into the gutter and out into the streets. This kid is not going to be homeschooled.

Once in a while, our homeschoolers will get an angry phone call from a parent saying, "My child was expelled, and I'm being told I have to homeschool them, and I don't want to." We started looking at this, and we believe that the

ultimate responsibility for the education of a child is with the parent. Ultimately, that is the bottom line. It is the parent's responsibility. When this law was first put into effect back in 1995 and 1997, we didn't have the plethora of educational options that we have now. We have been very lucky to get independent study, distance education, and charter schools added to the options that a child has when they are in a public school system. We are asking for in this bill is to add those options to homeschooling. If a child is expelled, for whatever reason, these options should be available to the district.

[Frank Schnorbus, continued.] If you look on page 4 of the bill, lines 23 and 24, basically, a charter school is allowed to make a decision whether to accept this child. Down at the bottom of the page, lines 42 and 43, he/she has to qualify for enrollment—the same with line 45 and line 1 of page 5. Finally, on page 5, lines 5 through 10 still give the local board of trustees the option to determine whether this child is going to be unduly disruptive to that mode of education. There are still many ways for a district, with this bill, to evaluate which mode of education is going to best for this child.

Certainly, it hurts homeschoolers from an image standpoint, if a child is being forced to homeschool by day, but the kid is out on the street, on a skateboard, or holding up a 7-Eleven. I've given a number of handouts to this; one of them is my block diagram ([Exhibit D](#)). When I was reading through the existing law, I have to tell you that it crossed my eyes. I finally had to sit down and put it into a graphical form so I could understand what was going on. If that is of any value to you, I'm glad. That is what helped me understand what was happening.

I believe that this bill, as it is right now, is going to do what we need it to do. I've also attached a Clark County publication ([Exhibit D](#)) from May 2004, regarding this exact situation here. I have also given you an Attorney General's opinion ([Exhibit E](#)) that was given to Dr. [Keith] Rheault regarding whether a child truly can be forced to homeschool. The bottom line answer is yes. With the existing law, that is the way it is. We are asking to change that and give the district more options with this bill.

**Chairwoman Parnell:**

The choices are independent study and the possibility of a distance education program. What if a district didn't have either to offer? I don't think distance education is available in all 17 of our school districts. Did you look into that? Do you have some other options?

**Frank Schnorbus:**

My understanding is that it is not available. I heard that there are only two, but I may be wrong on that. Maybe Dr. Rheault or someone else can answer this for me, but I thought that some of those distance education programs could be used by people outside of the district. If you lived in White Pine, you could use the Clark County distance education. I'm not really sure. One of the questions that came up in the hearing on the other side was, "Who is going to pay for this distance education and who is going to pay for this independent study?" This bill doesn't address that. Whatever is in effect currently would still be in effect. If that burden goes to the parent now, that would still go back to the parent. It is going to cost the parent money to homeschool the child. If it would meet the needs of the child better to be in an independent or distance education program, the parent can still be required to be obligated for that expense.

**Assemblywoman Angle:**

I'm looking at a fiscal note from some of the school districts. I'm assuming that they are saying it is going to cost to put them into a charter school or some other school. I'm wondering how that is possible since they get the per pupil allowance already. It is just shifting from one school to another. Could you explain why they would put that fiscal note on there?

**Frank Schnorbus:**

I honestly don't know why. I appreciated Lincoln County's note that they thought it would be beneficial to them. I would have to defer to someone from one of those districts to explain that.

**Keith W. Rheault, Ph.D., Superintendent of Public Instruction, Department of Education, State of Nevada:**

We do support the bill. I do get calls from grandparents who have inherited an expelled student. They ask what they can do; they can't homeschool. I tell them that is their only choice right now. They either do not get homeschooled and sit there, or they are going to sit there doing nothing. I told them that I can't help them with the way the law is written. We do support that.

As far as the cost, I didn't look at the individual school districts' fiscal notes that they submitted, but most of the time we do the count the last day of the first school month. The funding might be provided in September, and then they get expelled some time during the year, move back with some relative, and that money does not follow that student. It has already been paid to one school district. A lot of these students end up going to live with a relative in some other district, and then that money doesn't follow them. I can maybe see some cost there. If they were enrolled in either distance education or independent study at the beginning of the school year, this bill would allow them to collect

the regular DSA [Distributive School Account] payment. There shouldn't be a cost. It is really what happens in the middle of the school year when the allocation has already been made; I would assume that is probably part of it.

[Keith Rheault, continued.] I do support all of the pieces of this. The only one that I had a little question or concern on was on the very last pages on page 5, where it allows students to enroll in the charter school. Most of the charters aren't set up to handle students who have been selling drugs or having weapons. If we don't want them in a public high school, why do we want them at a charter? My suggestion would be, for example, on the bottom of page 4, where it says that if they are ineligible to attend, a school district may let them in if they provide an alternative program, an independent study, or distance education program.

If a charter offers distance education, then I don't have any problem. They don't have to physically come to the school and mingle with the other students. I would think it would accomplish the same thing by modifying Section 3 to say, "Any public school or charter school..." if you offer these three things. Then, everyone is playing on the same ball field. Charters are public schools. I may be wrong, but I would interpret that last piece on page 5 to say that a charter can have these students come right to the school. Most of them do not offer distance education, so they would physically be sitting with the other students, when we are saying at the school district that you can't let them do that.

**Chairwoman Parnell:**

Because a charter school is a public school, it would be defined as the same. If it says you are expelled from a public school, I would think that, technically, that might be determined by the Attorney General's office if it were questioned. That would, in fact, be considered the same, and therefore, the student would not be allowed to attend that school.

**Keith Rheault:**

I know it is permissive, after looking at the student's records and what happened, that they allow them into the charter. To me, it would be cleaner if you held them under the same pieces of the public, saying if you offer independent study, distance education, or any other types of program for adult education, then you want to enroll them, go ahead.

**Chairwoman Parnell:**

I would guess, too, with the persistently dangerous determination now of NCLB [No Child Left Behind Act of 2001], that the possibility of seeing more students in this position—I would imagine that we would see them equate to that down the road. Schools are now getting very uneasy about anything that happens,

because it is going to deem that school a persistently dangerous school. We may see more children wanting to find alternative types of education—or needing to—because of expulsion and suspension rules.

**Keith Rheault:**

When we kick them out or expel them and there is no way that their parents are going to work with them for homeschool, they might work with the school district to where they can get a diploma. Otherwise, they are dropping out and end up in the prison system. The distance education program, I think, really is the answer more than the independent study. If there is a student in Eureka, they can contract with Clark County. If they get the payment, it would just shift over to Clark County and cover all of the expenses for distance education. They can do all of it, probably, except the testing of the student for the HSPE [High School Proficiency Examination]. There would be some arrangements that a district would have to make to take these types of students, but that could probably be worked out at a minimal cost.

**Joyce Haldeman, Executive Director, Community and Government Relations,  
Clark County School District (CCSD), Las Vegas, Nevada:**

I'm here in support of S.B. 367. The CCSD has a thorough independent study and a thorough distance education program that we think would be available for these students. I was glad that it was pointed out that the funding mechanism is not discussed in the bill. We are fine with that. I want you to be aware that it is not discussed. If a student were to opt for the distance education program right now, the cost of those distance education courses would have to be borne by his/her parents—like other parents who currently pay for distance education.

I would also like you to make sure that you know that if a student is expelled on Friday, he would not automatically be enrolled in a distance education program on Monday. They work with regular semesters just like other coursework does, because they do have an ongoing dialogue with the teacher. It is not one of those things where you just give them the class and they are off on their own. There were concerns that mentioned testing. That is one of the opportunities for the students to all be together. It was determined that it would be easy for us to make alternate arrangements for those students who had been expelled, so that they were not in the same testing situation as regular students. I wanted to make sure that you were aware of those things.

As Dr. Rheault pointed out, our distance education program is available to students from other districts. It has an excellent array of course offerings. We actually now have a virtual high school. Students could actually get their entire diploma through distance education, without ever having taken a traditional course.

**Laura Mijanovich, Northern Nevada Coordinator, American Civil Liberties Union of Nevada (ACLU), Reno, Nevada:**

I want to be on record supporting S.B. 367. It is good to see that the Legislature is encouraging creating more educational opportunities for kids that are the most at risk and the most needed.

**Ricci Rodriguez-Elkins, Executive Director, Center for Charter School Development, Sparks, Nevada:**

We, too, are in support of S.B. 367, primarily the provision or amendment from the earlier bill that allows for the charter schools to access the records of the pupils. I think that is a really important provision. There are at least two charter schools that I can think of right now that do currently serve students who are suspended. Expulsion has been that line where, because of state law, they have not accepted them. I know that Judge [Michael] Gibbons is one of the board members at Sierra Crest Academy. He has expressed the desire to be able to see that expelled students do have the option to come to charter schools if charter schools have the resources to be able to support it.

By having access to the student records prior to them being enrolled, that is a very important provision. It empowers the charter school, if I'm reading this correctly, to be able to deny that student, should the board become concerned about the student's behavior or suitability for that particular charter school. A couple of the concerns that I had were that perhaps an amendment be added, because one of the things I have seen happen, working with Sierra Crest, is that when we opened that school this year, we had eight students who had multiple suspensions. Being a brand new and very small charter school, the school had no financial resources or social agency resources to be able to accommodate the high number of suspended students that we had. We very quickly developed a youth program.

One thing that would be helpful for the students who are coming in—after the board has a chance to review the records of the students—is to be able to possibly shorten the due process, so that the charter school could have an alternate policy that would be specifically forged. I don't know if it can be done legally. If you had a student who came in with multiple suspensions, and they were on a kind of probation going into the charter school, the school that served at-risk students—and who wanted to be able to help the student—gives the student the opportunity, and everybody understands—the student and the parents—that this is a trial period.

This is so that normal suspension policies and expulsion policies are four or five suspensions prior to expulsion. If you are bringing in a suspended student, and they are a known problem student, and if the school wants to try to



accommodate them, for that school to have to try to accommodate that student for another five suspensions would be very difficult on a school with limited resources. I'm asking if it could be considered that the school can establish a policy that would provide for the opportunity for this student, but the school would not have to wait out another five suspension due process, prior to the student being formally expelled again.

**Chairwoman Parnell:**

It sounds like two things rolled into one. We can discuss that when we have our work session. I think the governing body, certainly, has certain policy parameters that they can follow. I think we all get a little nervous when we are talking about due process being skewed.

**Ricci Rodriguez-Elkins:**

Exactly. Those provisions are actually in statute. That is what the concern would become. If we accept a student, are we now going to have to follow a five suspension limit before expulsion again? The school was dragging the student out, and all of the other students for another multiple many months. That was the concern.

**Chairwoman Parnell:**

We will certainly take that under consideration. If you could write that down, it would greatly assist our staff.

**Elissa Wahl, Chair, Nevada Homeschool Network, Las Vegas, Nevada:**

[Handed out prepared testimony, [Exhibit F](#).] This is a topic near and dear to my heart. Nevada Homeschool Network strives daily to present a loving and diligent image of the homeschool family. This bill does that, while allowing for all children—even violent children—to receive an education. I'm also one of the people that receive the calls from the frustrated parents, telling me, "I don't know how to homeschool. I don't want to homeschool. I work, and what am I going to do with this child while I work all day?" I don't have an answer for these parents. As much as I can sit down and educate them on homeschooling, it is not a path they have chosen, and so it isn't a path they are going to be diligent about.

The main thrust of this bill is that it allows options. I do feel strongly that the charter school portion be allowed to stay in as it is. Hopefully in the future, with the flexibility of the charter schools and the era of technology, they might even be able to become flexible in the application of the teacher time. I know that we have a lot of charter schools here in Las Vegas that are online with a minimal amount of teacher classroom participation. Maybe in future that is something they can look at and find an alternative to that minimal teacher classroom

participation for these expelled students. I do think that allowing that option of allowing the children to go to charter school is important. We do support this bill; it is all about options.

**Chairwoman Parnell:**

I will conclude the hearing on S.B. 367, as we have had two different proposals for amendments. We will take both of those up in work session. I will close the hearing on S.B. 367, and this meeting is adjourned [at 4:50 p.m.].

RESPECTFULLY SUBMITTED:

RESPECTFULLY SUBMITTED:

---

Gregory Sharry  
Recording Attaché

---

Paul Partida  
Transcribing Attaché

APPROVED BY:

---

Assemblywoman Bonnie Parnell, Chairwoman

DATE: \_\_\_\_\_

**EXHIBITS**

**Committee Name:** Committee on Education

**Date:** May 2, 2005

**Time of Meeting:** 3:51 p.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A	*****	Agenda
	B	Senator Horsford	PowerPoint presentation
	C	Senator Horsford	Information packet
	D	Frank Schnorbus / Nevada Homeschool Network	Information packet
	E	Frank Schnorbus / Nevada Homeschool Network	Attorney General's opinion
	F	Elissa Wahl / Nevada Homeschool Network	Prepared testimony