

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

**Seventy-Third Session
May 9, 2005**

The Committee on Education was called to order at 3:50 p.m., on Monday, May 9, 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:

Senator Bob Beers, Clark County Senatorial District No. 6

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Dr. Craig Kadlub, Director, Government Affairs, Clark County School District (CCSD), Las Vegas, Nevada
Frank Brusa, Legislative Advocate, representing Nevada Association of School Administrators (NASA)
Doug Byington, Legislative Advocate, representing Nevada Association of School Administrators (NASA)
Anne K. Loring, Legislative Advocate, representing Washoe County School District (WCSD)
Mary Jo Parise-Malloy, Member, Nevadans for Quality Education (NQE), Las Vegas, Nevada
Frank Schnorbus, Parent at Large, Nevada Homeschool Network, Las Vegas, Nevada

Chairwoman Parnell:

[Meeting called to order and roll called.] This afternoon, we are going to start with S.B. 212.

Senate Bill 212 (1st Reprint): Limits time for commencement of morning classes in high school. (BDR 34-729)

Senator Bob Beers, Clark County Senatorial District No. 6:

The last Legislative Session was notable for me, as it may have been for all of you. It was notable for me, in no small part, because, as punishment for getting reelected, my wife sent my teenager up here to live with me. She enrolled at Carson High School and did the semester. She enjoyed it very much. Her grades improved. Her outlook improved. Then, I heard in June of 2004 that 19 percent of Clark County's seniors were denied their diplomas because they failed one or the other of the proficiency exams—in comparison with 3 percent in Washoe County and 1.5 percent here in Carson City.

I cast about looking for differences that we might be able to legislate, to hopefully reproduce some of the success that other districts around the state were achieving, and that Clark County was failing to achieve. One of those was school start times. Here in Carson City, high school starts at 8:00 a.m., and they get out around 2:20 p.m. In Las Vegas, high school starts just after 7:00 a.m., and they get out around 1:10 p.m. That is where the bill before you came from. It turns out that in Washoe County, a large number of the schools start at 8:00 a.m., but there is a smattering of schools that start a little bit

earlier for a variety of reasons. In the Senate, we amended this back to 7:35 a.m. It still accomplishes the goal of getting Clark County on the same cycle as the rest of the state.

[Senator Beers, continued.] Interestingly enough, it was after making this observation and while thinking about this bill draft that I came across research out of Minnesota. Apparently, I've learned that there is a fairly significant body of it. With all of these doctors on your Committee, you probably already know this. There appears to be a measurable failure for post-pubescent adolescents to adjust their circadian rhythms like we grownups can do. We can get up at 5:00 a.m. and function if we set our minds to it. But for many post-pubescent adolescents, they simply cannot do it.

I know that, in our house, my daughter is starting to get better. For much of the last three years, you could wake her up at 8:30 a.m. and she'd start functioning at 9:00 a.m., or you could wake her up at 5:30 a.m. and she'd start functioning at 9:00 a.m. Meanwhile, her little brother has popped out of bed with the bed made, the homework done, and the video game in the process of being figured out by 6:30 a.m. or 7:00 a.m. It makes a world of sense to me to have high schoolers not spend that first hour, from 7:00 a.m. to 8:00 a.m., simply sleeping with their eyes open through some important class.

Chairwoman Parnell:

This still pertains to just core curriculum, correct?

Senator Beers:

Yes. You'd still be able to have an early bird class. Actually, you could even do a core curriculum class early, as we amended, as long as it is voluntary. In Washoe County, they do have early bird classes that are of a serious nature. As long as it is a voluntary class, then it is okay under this law.

Chairwoman Parnell:

It couldn't be twelfth grade government, which is a requirement?

Senator Beers:

If they offered it later in the day as well, but they could certainly offer it and ask for volunteers for people who wanted to go early.

Assemblyman Munford:

I have to say that at one time, I was considering introducing this bill, and you beat me to the punch. I wasn't going to go to the point of 8:00 a.m. I thought maybe 7:30 a.m. or 7:40 a.m. I must agree with you that, even as a teacher, I always thought to be there at 6:40 a.m. That was the time that we had to be

there. It was quite a chore, quite a task. I know in my experience that during first period and even part of the second period, there is a lack of performance level there. There is no alertness. You have to pull at students at that period of time. They might have their eyes open, but their minds are not on task. They are not really focused, like they should be.

[Assemblyman Munford, continued.] You'd have to consider a best thing for changing the time. I know that is a fiscal thing. I can recall school starting at 8:00 a.m. in Clark County. In Bonanza, where I was at, when we first opened we started at 8:00 a.m. I thought that was very nice. Because the district grew and all of these other things, they had to make all kinds of adjustments. I wish there could be some way that the time could be changed. I know there would be many teachers—because they've shared it with me—that would like to see a later time. There is no question about it. I know there is a problem with the fiscal thing. Your bill has good intent. I agree with that. There is no question about it.

Senator Beers:

It wasn't too many years after you moved me along to the eighth grade.

Assemblyman Munford:

I don't know if you people know that Senator Beers was one of my students.

Senator Beers:

In Clark County, we started at 8:00 a.m. as well. As far as the fiscal impact goes, I think we're down to the point where the fiscal impact might be a couple hundred TiVos at the education shed; I'm not sure. Initially, I think the Clark County School District (CCSD) came in and assumed that we would be moving high school from 7:00 a.m. to 8:00 a.m. and making no other changes. That would require some additional buses, because they have to move the younger high school students around. I believe that we have them convinced that there is a world of opportunity outside of that—ranging from having elementary schools start at 7:00 a.m., high school starting at 8:00 a.m., and middle starting at 9:00 a.m., or some combination thereof, as long as the high schoolers aren't there at 7:00 a.m. They could even, for example, move everybody back one hour and there would be absolutely no impact on the bus transportation schedule. Any fiscal impact, I think, is almost by choice. It doesn't make any sense that there would be a fiscal impact to me.

Assemblyman Holcomb:

Is Washoe County on board?

Senator Beers:

Yes. It was Washoe County that wanted the amendment to move it back from 8:00 a.m. to 7:35 a.m. They, the last I heard, are in full support of this. It would have no impact on them. It would have no impact on any school district but CCSD.

Assemblyman Holcomb:

I'm surprised that you came up with that, and not CCSD.

Senator Beers:

Maybe some of these other veterans will agree with me that there are no original ideas in legislating. This is something that, I think, other people had suggested. If I'm not mistaken, Assemblywoman Giunchigliani had introduced this in previous years. This is just somebody else's idea that I brought back at a time when it could get through the Senate.

Assemblyman Hardy:

The circadian rhythm, in a scientific way, looks at your steroid inputs and all those kinds of things. I don't know if you've looked at the map, but Minnesota is higher than we are in that globe thing. I'm not familiar with the Minnesota study. I'll do anecdotal things, as you have pointed out. My own children have done seminary before even early bird. They've done the band before early bird. They've done student government in early bird. As I look at the children who are salutatorian, valedictorian, and honor students, I'm not sure if this is a chicken or egg effect. Do we teach our children to go early to bed; therefore, they are early to rise, and therefore, they do better? Or is it that they do better because they are early to rise, or late to rise, or late to bed? I don't know that I've seen what I would call a scientific study that really shows that people do better if they don't get up so early, as much as the hours of sleep that are required for the teenage body to adjust. I'd be very interested in the studies. From what it looks like, you've allayed everybody's concern that I can see.

Senator Beers:

Except yours.

Assemblyman Hardy:

Except mine.

Senator Beers:

It is as I'm sure, you all know in your lives, it is very rushed this Session. I'll get you a copy of the studies ([Exhibit B](#)). It is popular literature, but it references the academic scientific study, which I believe was not done with measurements

of brain chemicals, but by observing large numbers of children and drawing statistical conclusions on their behavior.

Assemblyman Hardy:

In Minnesota.

Senator Beers:

In Minnesota. As a result, they changed their school start time from 7:00 a.m. to 8:00 a.m., and attendance went up 17 or 18 percent after the first year. There was initially a fair amount of trepidation on the part of parents. At the end of that year, it was above 80 percent approval. I lived through that with the first half of tenth grade in Las Vegas, the second half of tenth grade here, and then eleventh grade in Las Vegas.

Chairwoman Parnell:

I believe when Chris Giunchigliani presented A.B. 279—that has some language as far as school start time—I think she handed out the same information, Senator, that you used in your hearing.

Dr. Craig Kadlub, Director, Government Affairs, Clark County School District (CCSD), Las Vegas, Nevada:

I would like to be on record as saying that we did support the amendment on the Senate side, and we believe that we can implement it in a way that there will be no fiscal impact to the district. I would also like to be on record as stating that we feel that school start times really ought to be something addressed by the local board. This is not an issue that has been brought to the local board, either by the Senator, to my knowledge, or parent groups. I know it has been raised in the Parent Advisory Council meetings, but always with mixed outcomes. Basically, what it boils down to is that people want the school to start when it is convenient for them at that grade level. Even in the dialogues that have occurred, in an effort to consider what parents in the community want, there hasn't really been any unanimous decision to arise out of those. Again, we feel it is an issue that should have, at least, began at the board level.

Chairwoman Parnell:

I will close the hearing on S.B. 212 and open the hearing on S.B. 268.

Senate Bill 268 (1st Reprint): Revises provisions governing qualifications for employment as administrators of school districts. (BDR 34-945)

Senator Bob Beers, Clark County Senatorial District No. 6:

This bill is fairly short and simple. It requires administrators to teach one day per semester. Your leaders should be able to do every job.

Assemblyman Munford:

Did I hear you right? They would teach a class every quarter of every year?

Senator Beers:

Every semester. One day per semester.

Assemblyman Munford:

Would they get to select their class?

Senator Beers:

Presumably, one day that they would otherwise call in a substitute, they would go and do it themselves.

Assemblyman Munford:

Do they get to pick the class that they feel they might have a little strength in? You can't just throw them into a math class, if they have no strength there.

Senator Beers:

Right.

Assemblyman Munford:

That might have a little merit.

Chairwoman Parnell:

If he/she doesn't hold a license to teach, would they personally observe a classroom at least one day each semester? Will they do multiple observations of classrooms, because they are the person at a school site who is doing the teacher evaluations? They are in classrooms throughout the year, observing. Would that take the place of the observations? That seems to me to satisfy the requirement in Section 1, subsection 1(b). Could you explain that to me?

Senator Beers:

That is true. It would. It turns out, I believe, that the term "administrator" is provided inconsistently to a broad variety of job functions. The inconsistency comes in between districts. There are positions that are administrators in Washoe County that are probably not in Clark County, and vice versa. This extends to headquarters administrators as well. In Clark County, we have plenty of administrators who are not in the business of observing multiple classes per semester.

Assemblywoman Smith:

I'm trying to get a better idea of what you really want to see happen out of one day. Tell me a little more about your expectations.

Senator Beers:

There are two. My experience is colored, being from Clark County, where we have the fifth largest school district in America. The other four are urban cores of much larger metropolitan areas. We have a unique situation in Clark County. I think there are over 220 offsite administrators in the Clark County School District (CCSD). These are administrators that are not assigned to a school. I get concerned that they might lose track of the point of the job, if they never see children. Part of this is to ensure that they get that reminder, at least once per semester, about the point of this whole exercise, as well as from a pure leadership standpoint. The principal and administration at a school are the leadership team. They are the executive suite. The people they are to lead will themselves become more leadership-worthy if they know that they have walked that mile in their shoes, or even one day in their shoes. I see this as a combined re-syncing of personal values with the mission of the job and a tool to strengthen the management and interaction between management and teachers at every school in the state.

Assemblywoman Smith:

I'm thinking, based on that, that maybe you should have added legislators to that requirement. I look at the decision making that the school leadership does, and I absolutely agree that the leadership is where it is. I have been quoting a survey that I heard about at a conference recently in California. When teachers were surveyed, asking them the main reason that made them transfer from one school to the other, it was the leadership—the principal. I'm not sure if one day we'll get there.

Senator Beers:

It didn't start out just one day per semester. It started out as one semester every five years.

Assemblywoman Smith:

Are you talking one full day in one classroom, or could it be two periods here and one-half of a day there, or a combination thereof?

Senator Beers:

The bill doesn't address that. I would add that the original version did include legislators, but the Senate was just going to exempt them.

Assemblyman Munford:

Are you talking about regional superintendents and all of these top level administrators? Will they be evaluated or anything of this nature? Who will be observing them? Are they there to demonstrate to instructors that this is the method and way you are supposed to do it? What is their intent, in the sense of them demonstrating sort of the expert teacher, or do they have this quality that the classroom teacher can learn and benefit from the administrators doing this? I don't know. Are they going to be evaluated? Is this all part of looking at them as a qualified administrator as well, showing how they teach in a class? That is something that should be looked at. Is that involved in this too?

Senator Beers:

This would apply to superintendents, regional superintendents, assistant regional superintendents, assistant assistant regional superintendents, and the whole works. There is, currently, no mechanism in here for their performance to be evaluated. My concern is, occasionally, reconnecting each and every one of them with their inner teacher. I believe that the term "principal" means principal teacher. That is how it evolved to be the top person at the school. It should mean principal teacher. Good ones will not only not have a problem complying with this, they will look forward to it.

Assemblyman Munford:

You might be right there. They come into our classroom, and immediately, they feel that they have that ability to determine how well we are doing, how much we are accomplishing, and how well we are performing. In a sense, it should be sort of a very easy task for them to some degree, isn't that true?

Senator Beers:

The principal should be the principal teacher.

Assemblyman Munford:

They can walk by our classroom, and I've heard some administrators say they can walk by our classrooms and tell if there is something going on that is going to be in a progressive nature, that you are accomplishing something. In a way, I was back teaching.

Chairwoman Parnell:

Certainly, that gives us a lot to ponder. I would guess, from your comments, that in CCSD, this really is directed to those individuals who are administrators and are not on a school campus every day—those who do not have that connection with the kids, teachers, and what is going on every day.

Frank Brusa, Legislative Advocate, representing Nevada Association of School Administrators (NASA):

On a personal note, I was never afraid to go in and teach a social studies class in any of the schools where I was a principal. I relish the opportunity. It seemed that every time I had the chance to go into a class, there was the knock on the door that said, "Mr. Brusa, you are needed in the office." Invariably, there would be one, two, three, or four irate parents coming in to want to speak to the principal. From that point of view, you have to understand a few things, just from productivity.

In Clark County, there are roughly 1,200 school administrators outside of the school. Given that, during the year, they are going to be in the classrooms 2,400 days. In Washoe County, if there are 250 administrators in the school district, they are going to be in classrooms 500 days. Those people have jobs. In some instances, those people are productive school administrators.

Let's take, for example, Dr. Kadlub. He has a job to do in the school district. Joyce Haldeman has a job to do in the school district. Dotty Merrill has a job, every day, in the school district. There are a lot of those people, in school districts around the state, who are productive. They have to do certain things in order to make things work for principals, teachers, students, and parents. If we take those days away from some of those people, there are certain things that are not going to happen in school districts. From a productivity base, I would say there are some concerns about this bill.

There are some concerns regarding continuity of instruction. As a principal, I would be responsible for scheduling nonschool administrators into my building and work with my teachers to make sure that the person was licensed in mathematics, science, social studies, or English. That becomes a problem, when I am responsible for NCLB [No Child Left Behind Act of 2001], and I'm responsible for the accountability and assessment of students. I seem to see that there could be a problem with the continuity of instruction. That is the other side of the coin when we look at this bill. I am not opposed to the bill, in concept. There are problems with the bill. I think that we need to take an overall look at the bill and see the value of what we are doing. I expressed my concern in the Senate. I express my concern, again, in the Assembly to you.

Assemblyman Holcomb:

Would this be a more amenable bill, if it were half of a day? I know principals have parents that come in, unruly students that they have to deal with, and so on. What if it were in increments of half of a day at a time, or something like that?

Frank Brusa:

I don't know what would be reasonable. You still have to have somebody logging in and handling the logistics problems. One other thing that I didn't state—and I think that Anne Loring is also going to state this—when we looked at the bill, we saw a problem with Section 1, subsection 1(b) of the bill. For example, if you had hired a school administrator from outside of the state, you would have to make sure that, before you offered that person a contract, you would have to have that person either observing or teaching a class in the previous semester before you hired them. If that person did not have two semesters of being in a classroom as an observer or teaching a class, you couldn't offer that person a contract in any of the state school districts to come in. I know there is an example that she is going to state of somebody that they are bringing in, and if that person doesn't have this qualification, they can't offer that person a contract. In essence, you could eliminate all out-of-state administrators coming into this state if they do not meet the qualifications that you have under this bill, if it passes. That is another problem that we have.

Assemblywoman Angle:

Having been a substitute teacher, how many substitute teaching days do you figure in a school on average? How many times do you have to have a substitute come in?

Frank Brusa:

For a high school, let's say, of 100 teachers, you might have a teacher out 500 to 1000 days.

Assemblywoman Angle:

The reason I ask that question, of course, is because if you have that many needs for substitute teachers, it would seem that, logistically, you could put an administrator in on any one of those substitute teaching days. Just ask them to come in at that time. Also, as an administrator, don't you have days that you personally take off during the school year, and someone takes over your job at that time? I would think that if you were in the classroom, couldn't that same person fill in for you in the office while you were in the classroom doing what every substitute teacher does, which is fly by the seat of their pants most of the time? You have the curriculum there, but as far as continuity of classroom, I don't think the teacher really expects that continuity to go completely smoothly, because you are a different person and you have a different goal in mind. Could you speak to that? I'm hearing what you are saying, but because I know what it takes to do substitute teaching and how you have to coordinate that effort, I don't see the difference between coordinating that and coordinating something like this.

Frank Brusa:

I know that when I'm out of the building, we never had a replacement for the principal. Usually, if you are out for a short period of time, you didn't get a replacement. If you were out on a long illness or whatever, you might get a replacement administrator to come in and be the principal of the school. Usually, when administrators are out of the building for short periods of time, you don't replace them.

For the continuity of the program, I see some problems in trying to coordinate who the person is that is going to coordinate the members of the facilities department, who might have a teaching credential, and then trying to make a contact with that person to say, "I have Mrs. Angle out on January 15, can you come in for her?" I see some logistics problems with this. I just don't see it being feasible to do certain things that we want to try to do. I know the concept is a good concept, but I don't see this as being reasonable.

Assemblywoman Angle:

I see the principals having a chain of command. If you are gone, somebody like the assistant principal takes over your duties for that day. It isn't like you are calling in somebody to substitute for you. The other thing is that I know substitutes in K through eight only need an associate's degree and not a teaching credential. It is just a provisional certificate. The same for K through twelve; I think it is a bachelor's degree with that same provision also. To me, anyone that is administering probably has enough education to get a substitute teaching certificate.

Assemblyman McCleary:

Frank, you have made a lot of good and valid points here with your concerns. There is one that I want you to readdress. You mentioned continuity of instruction. How would continuity of instruction be any different having an administrator as a substitute teacher?

Frank Brusa:

It is the teacher who establishes the continuity of instruction. As a high school principal, I would be responsible for making sure that we had someone coming into Mr. Munford's class that was licensed to teach in his class—government, U.S. history, world history, or whatever it would be.

Assemblyman McCleary:

For a substitute?

Frank Brusa:

For substitutes, yes. Usually, when it is the substitute, it is the teacher who makes the contact with the substitute service and says, "I want somebody in social studies," if you can get the social studies person. If the English teacher is requesting the substitute, you try to get somebody in English. If it is an elementary school teacher, you try to get somebody that has experience in primary education. There are times when you don't get that, when you have loads of teachers out on a flu situation or whatever it is, and you are lucky enough to have someone come into the classroom. From a continuity of instruction point of view, it is always essential that you try to involve the teacher to make sure that he or she gets the person that they want to come into the classroom.

Assemblyman McCleary:

You made a lot of good and valid points. I just saw that as a dent in your armor there. I didn't see how that worked. You guys are beating him up pretty well; I'm trying to help here.

Assemblywoman Smith:

My question is along those same lines. You mentioned needing to handle the logistics, and with NCLB having a highly-qualified teacher. The ideal for the student would be that you'd have to do that, but under the law, you wouldn't, right?

Frank Brusa:

That is correct.

Assemblyman Munford:

To comment on Mr. Brusa's point with Assemblyman McCleary: usually, teachers, when we are going to be out and we have to acquire a substitute, do recommend certain substitutes. We do try to keep that continuity going. Usually, we try to get someone, and there are substitutes that have some background in the social studies area. They will leave their card with us and tell us that whenever we are out, make sure you contact them. They've also substituted with other teachers in the department. We have a pretty good awareness of who is available in our field. We do try to keep that continuity together. We try to get someone in there that does have a little bit of background and qualifications in our area. I can support him on that statement he was trying to explain to you, Assemblyman McCleary.

Doug Byington, Legislative Advocate, representing Nevada Association of School Administrators (NASA):

I'm here to support Frank and what he said. I agree to you that the principal is in the classroom. As an administrator, we must have at least three years of teaching experience, a certificate, and an administrator's certificate. We get into the classroom, and when we are evaluating teachers, we are required by law to visit that classroom at least three times during an evaluation period. We can be in that classroom more than that, if the situation calls for it. I can speak from personal experience, over the years, that I was in Washoe County—for 32 years—that I taught a number of classes.

As a counselor, I had a complete unit on the Ajax Missile for an honors class. When Judy Simpson was here last week, I went in and taught a class on economics for her special group. Principals are getting in the classroom, and as time has gone by, there are more intrusions into that administrator's time to do the kinds of things that they like to do. We are redirected sometimes because of law. I know that almost all of them would like to get into that classroom, sit, mix, and mingle with the kids and understand that. I want to support everything that Frank said. We have a lot in our basket.

Anne K. Loring, Legislative Advocate, representing Washoe County School District (WCSD):

Mr. Brusa has already told you about what I'm about to tell you. As written, Section 1, subsection 1 has the clear implication that we will not hire an administrator unless that person has provided instruction one day per semester or has observed in a classroom. The problem with this wording is that it would preclude us from hiring anybody from outside of Nevada not governed by this statute, if other states do not have a similar statute. The example Frank alluded to is that we have just hired a dynamic principal for Hug High School, coming out of Portland, Oregon. As far as we know, there is no such requirement in Portland, Oregon, which means we couldn't hire this gentleman—who we think is going to be a fantastic principal for our district.

Should you process this bill, we would recommend that you change the verb tense. I'm getting into deep water here, and my colleague, who is an English teacher, should be explaining this. It probably ought to read, "The board of trustees of a school district shall not employ a person as an administrator unless the person, if he/she holds a license to teach, provides instruction." Then, "observes a classroom," so that the implication is that once you have the administrator, then you have this expectation of—as I think Senator Beers said—connecting with your inner teacher. If you are an accountant, I'm not sure what you are connecting with. That is a concern that we had, and we just

caught it today. It was brought to our attention. We do have a serious concern with that wording, as written.

Assemblywoman Smith:

I am making the assumption that the sponsor of the bill probably wouldn't have intended for someone brand new coming in to have had this experience. Do you want to clarify that?

Senator Beers:

I can assure you that this is the last piece of legislation that I will allow to be introduced in my name without having Ms. Loring look at it. She writes good amendments.

Chairwoman Parnell:

It seems to me that the administrator that we are talking about in this bill is the school administrator that is not at a school site. Am I correct?

Senator Beers:

I think, and those that are. I see a two-fold purpose. One is to remind offsite administrators of what this is all about. The other is also to strengthen the bond between the leadership team and the teaching staff at all schools in the state. I can see some benefit to be derived for both sets of administrators.

**Mary Jo Parise-Malloy, Member, Nevadans for Quality Education (NQE),
Las Vegas, Nevada:**

Being involved in the schools quite a bit, many times principals actually teach in model lessons, and so do assistant principals. Clark County is so large that sometimes, we have difficulty finding substitute teachers. In those cases, many times principals, assistant principals, deans, and counselors go in to sub classes. They are in the classrooms. It is also the responsibility of the administration on the school site—it has been said before in this hearing—to go and do observations. They spend a great deal of time in the classrooms. I'm not quite sure of the offsite administrator portion of this bill. The offsite administrators handle daily business operations. Some of them don't have, or have never held, a teaching certificate.

You have talked today about the learning and how that is going to happen. If you bring somebody in that is offsite and not familiar with what is happening in the classroom, I don't understand how that is going to be advantageous to the class or to that person who is doing the teaching that day. I don't understand who is going to benefit if this bill passes. Is it the student, or is it the person who is coming in to teach? I want to know what good it will do to bring

somebody in from the facilities department to teach a world history class. That is not quite clear to us.

Chairwoman Parnell:

Is there anyone else wishing to testify on S.B. 268? Seeing none, I will declare the hearing closed. [Opened hearing on S.B. 221.]

Senate Bill 221 (1st Reprint): Provides for participation of homeschooled children in certain interscholastic activities and events. (BDR 34-1158)

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

Last Session, we approached the Legislature and asked them to allow homeschool children to play in public school sports. During a difficult session, they gave that to us. We were very appreciative, but it wasn't until several months later that we found out that the legislation that had passed only applied to high school students. We thought the entire time that it was from K to twelve. We resolved at that time that we would need to reapproach the Legislature to try to get language to allow K to twelve, not just ninth to twelfth grade homeschooled children to play in public school sports. That is what this bill does.

At the same time, a problem came up, which did eventually get resolved in the regulations of the high school association, which is the Nevada Interscholastic Activities Association (NIAA). We had come by a letter from a private school that had gone to the NIAA, requesting that a homeschool child play on their team, because they were a member school of NIAA. The answer had come back as a no. This bill also addresses that. If a private school chooses to have a homeschool child on their team, they must be allowed to. In other words, no outside regulations can be written that would not allow that. That would give the public school a monopoly on any of the homeschool children that were out there, including the very talented ones that may want to pole vault or play in whatever sports there are.

Those two angles are what S.B. 221 addresses. We found out later that one component got left out. I believe that Assemblyman McCleary will address that. It has to do with the private schools and the K to eighth grade, middle school, and elementary school children. I believe that is going to be resolved in a minute. We obviously support it, since I wrote the letter ([Exhibit C](#)) requesting it.

Assemblyman McCleary:

I know high school and junior high have athletic teams, but does K through five?

Frank Schnorbus:

To my knowledge, no. We homeschoolers have come before you too often. We don't want to be here much. We would like to fade off and not have to keep coming back. This is intended to be for the future. We want to leave the language open that if a sports league was formed in an elementary school setting, this would allow these children to play there also. Obviously, the reason that we have done this is that many children are motivated by sports. This is what their lives are around. This means so much to them to be able to play. That is why we have come to the Legislature, to allow this.

Assemblyman McCleary:

I need to disclose that I am a homeschooler. We use the little league programs in the community for our son. As far as the amendment ([Exhibit C](#)), this is Frank's amendment. I am in support of it and ask the Committee to consider it.

Assemblyman Horne:

When a homeschooler is going to participate in these sports, how do you determine which school they will participate at? Do you get to choose?

Frank Schnorbus:

That is actually a very significant question, because you can open it up—especially, at the high school level; I don't think it is so true at the lower levels—to school shopping and coaches going out looking for children, trying to get them to join the team, and things of that nature. The NIAA, at the high school level, has very strict regulations regarding school shopping. Their regulations, of course, require that if the child lives within the zone of a district, that would be the school that they would have to be part of. If I live in Douglas County, I can't go up to Carson and join a Carson City public school. It would have to be the school that I would, otherwise, be going to, if I were to be going to that public school.

Assemblyman Horne:

As you remember, last Session I was supportive of your efforts. I do have the concerns on that. I knew that the NIAA had regulations on where a student had to participate, but I did not know what that would encompass. I would need some clarification to make sure that it does, indeed, encompass a homeschooler. Sometimes coaches try to grab somebody to play on their team, but they also attempt to have that student attend that school. In your case, the student wouldn't be attending that school; they would just be participating in a sport. I would like to see something that says that for homeschoolers, if they

choose to participate in public school interscholastic sports, they participate on the team in which they would be zoned for if they were to be attending that school, if that makes sense.

Frank Schnorbus:

It does make sense. To be honest with you, I would have to look at this and see if it already does. Frankly, I thought it already did, but it doesn't make it so.

Chairwoman Parnell:

Mrs. Smith has found the citation for that, she thinks. Now, we need to decide if that is language that applies to the high school student, or if that language—the way it is written currently—applies to all, or if we need to propose an amendment.

Assemblywoman Smith:

I was looking at the Digest, and I think it does refer to the language that you are looking for. I'm concerned about adding the private school component to this. How do you prevent the private school from shopping for athletes when they compete against the public schools in sports? That is one that concerns me the most. It seems as though we have the homeschool issue covered. I'm concerned about the private school element of it. I don't know if you have thought about that.

Frank Schnorbus:

That is another hard-fought discussion topic. For quite a while, the NIAA—at the high school level—had quite a number of concerns regarding private schools. Of course, they have private schools within their organization. How do you keep a private school—some of which are very large—from drawing from all over the valley and putting together a team that is completely unbeatable? It is a difficult question, because that is why NIAA has their regulations written the way that they do. They have had to fight those battles. I would submit that at the lower levels, the competition is not nearly as strong as it is at the high school level. I don't think it is less of an issue. I just don't think that it happens, because the competition level isn't as high as it is at high school. Once you get into the high school, it is addressed by the regulations.

Assemblywoman Smith:

Maybe I'm misreading this whole thing. If I look at the new language in Section 1, subsection 2, to me that is adding the component that allows a homeschool student to participate in sports at a private school. We need to add a whole new segment here. It also says "may adopt a policy." In my mind, if they are going to be doing this, they have to adopt a policy. That should be a "shall" instead of a "may." Am I missing the boat here on what we are

addressing? I think we are adding a whole new element to this by saying a homeschool child can participate in a private school. How do we keep them from recruiting then?

Frank Schnorbus:

Section 1 deals with NRS [*Nevada Revised Statutes*] 386, which is the high school level. Section 2—and the rest of the bill—deals with the non-high school ages. The portion that you are talking about right here is dealing with the high school level. We did go to the NIAA in January or February, and they adopted these policies right here. Dr. [Jerry] Hughes [Executive Director, NIAA] wrote me a letter—which is not signed—supporting our bill. It basically said that it is working for them at the high school level. He sees no problems with it working at any other level also.

To get to the component that you are asking about with the private schools, the problem we had was that we had a homeschooler who wanted to join a private school. The private school then asked permission of the NIAA: “May this homeschooler join our team? They will follow all the same rules that our children do.” The NIAA denied that. However, they did get back to me and asked, “What should we have done, or what can we do for the future?” At that point, we proposed some regulation changes on their part. It took a long time, but they did adopt those regulation changes. These are the changes right here—this (a), (b), and (c) (of [Exhibit C](#)). These are what the NIAA adopted at the high school level.

The intent is not to force the private school to do anything. That is not our intent. We have to say that if the private school wants the homeschool children, they may have them. If they don’t want them, they may also adopt a policy excluding them. We don’t want to be in that situation.

Assemblywoman Smith:

If they have already adopted a policy, why do we need this in a bill? It looks like they have already done what they want to do.

Frank Schnorbus:

The reason is that when this bill was first drafted, it had a different form to it. Actually, on the first draft of this bill, they put all of Sections 2, 3, and 4 into Section 1. Basically, we are trying to make it so that this would apply to any grade that a child wanted to join a private school—from K all the way to twelfth—and since the high schools have already done it, it didn’t affect them. There was an amendment made to the bill in the Senate, and when the Legislative Counsel Bureau (LCB) rewrote it, this is the way they rewrote it. They took that component and they put it here. That is part of the amendment.

They left this component out in the middle school and elementary school levels. That is what the amendment does; it asks to have that put into that level also.

Assemblywoman Smith:

I have more of a problem with what has already been put into regulation than anything else. I don't really understand how we sanction a private school to be able to go out and accept any student to play on a team when we restrict all of the other schools. That part doesn't make sense to me.

Chairwoman Parnell:

Are there any additional questions? I don't see any. Is there anyone else wishing to testify either in support or opposition of S.B. 221? I don't see any. With that, I will close the hearing on S.B. 221. Is there any other business to come before the Committee? Seeing none, the meeting is adjourned [at 4:56 p.m.].

RESPECTFULLY SUBMITTED:

Rachel Pilliod
Recording Attaché

Paul Partida
Transcribing Attaché

APPROVED BY:

Assemblywoman Bonnie Parnell, Chairwoman

DATE: _____

EXHIBITS

Committee Name: Committee on Education

Date: May 9, 2005

Time of Meeting: 3:50 p.m.

Bill	Exhibit	Witness / Agency	Description
	A	*****	Agenda
	B	Senator Beers	Research document
S.B. 221	C	Frank Schnorbus/Nevada Homeschool Network	Proposed amendment