

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

**Seventy-Third Session
May 18, 2005**

The Committee on Education was called to order at 3:58 p.m., on Wednesday, May 18, 2005. Chairwoman Bonnie Parnell presided in Room 3142 of the Legislative Building, Carson City, Nevada, and, via simultaneous videoconference, in Room 4406 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 Terry Care, Clark County Senatorial District No. 7

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Colonel David E. Cantrell, Director of Manpower and Personnel, Nevada
National Guard, Carson City, Nevada
Miles L. Celio, Administrative Services Officer, Office of the Military,
State of Nevada
Dr. Trudy Larson, Assistant Chancellor, University and Community
College System of Nevada (UCCSN)

Chairwoman Parnell:

[Meeting called to order and roll called.] I will open the hearing on S.B. 78.

Senate Bill 78: Makes permanent authority of Board of Regents of University of Nevada to grant waivers for registration and laboratory fees for active members of Nevada National Guard. (BDR S-89)

Senator Terry Care, Clark County Senatorial District No. 7:

This bill actually has a history that goes back two years. The bill today simply would sunset a provision contained in the legislation of two years ago. I love to tell this story. As you know quite well, sometimes you get ideas for bills because you talk to regular folks in your district, and thus comes an idea that is wildly successful. About three years ago, my wife and I decided to go down to Luv-It Custard near the Stratosphere Tower and buy some frozen custard. We went there and a couple of cops pulled up in uniform, and one of them got to talking. It came out that I was a member of the Legislature. This gentleman, who last I heard was still with Metro [Las Vegas Metropolitan Police Department], had moved to Las Vegas for the opportunity from New York, where he had been a member of the Guard.

He asked me why they don't do in Nevada what they do in New York, which was to offer a tuition waiver program for members of the Guard who wished to continue with their education beyond high school. I said that I didn't have any idea and that I would look into it. I found out that at that time the Guard each year had a miniscule amount of money that they could divvy up. It was hard to do it for members of the Guard who wanted to go to school—it really wasn't all that much. I proposed the bill last year that basically said that we were going to give a tuition waiver for members of the Guard—there are catches to that—and see how it went. That is why there was the sunset provision. The program has—you are going to hear from someone else—been wildly successful.

[Senator Care, continued.] The purpose of this bill today is to simply remove the sunset provision and make it permanent. Of course, when I first had this conversation with this officer in Las Vegas, nobody was thinking in terms of Iraq. We all know with our commitment in Iraq and Afghanistan and the tremendous pressure that has been put on members of the Guard and even some Reserve units—because of the comparatively small size of the Iraqi duty force and our commitments worldwide—that the Guard has had to bear a duty here that was probably unforeseen by most members who went into the Guard 5, 10, or even 20 years ago. They are the ones making the sacrifice, and they are the ones that are overseas—many of them on second tours now. They sacrifice to their families as well.

The purpose of the bill is to simply make it permanent. I can tell you that when we did this two years ago—on a temporary basis—we left it to the Guard to decide how to implement the program, whether there would be grade point requirements. People were not going to be allowed to go to law school or medical school. This was focused on post-high school, your undergraduate degree. That is the intent of the bill. I can tell you that two or three weeks ago, I was getting on a Southwest flight one Friday afternoon and sitting in the front row with two of my colleagues, and a member of the Guard getting onto the aircraft in uniform stopped, leaned over, and said “Thanks for the tuition.” That is one of those things that makes you say this was a great idea. That is the point, Madam Chairwoman.

Chairwoman Parnell:

Technically, for everyone, it simply deletes the expiration date. There is no language change or policy change. It just extends that. I applaud you for realizing that this needed to be done and recognizing the importance of extending this to our Guard members.

Colonel David E. Cantrell, Director of Manpower and Personnel, Nevada National Guard, Carson City, Nevada:

I’d like to apologize on behalf of Major General [Giles] Vanderhoof; he could not be here today. He is attending a meeting with all of the other generals of all the states. I’m sure you know the topic would be Iraq at this time. On my left, I have Mr. Miles Celio. He is the Administrative Services Officer for the Office of the Military. He will provide some details, if you need some details on numbers and things like that. I would like to emphasize on behalf of General Vanderhoof that this bill is his number one priority—especially now. Of course, with the war against terrorism going on, it is very difficult to recruit at times. We have done very well with this, both the Army and Air National Guard. It is because of this that we are successful and able to do what we do.

Chairwoman Parnell:

It is nice for him to have this as his number one priority, because it is not often that we all have a number one request that would be so easy to love.

Miles L. Celio, Administrative Services Officer, Office of the Military, State of Nevada:

As the Colonel said, I'm here to answer any technical questions that might come up. I have been involved in this process since before the bill was originally passed two years ago. I handle the tuition reimbursement process that we had in the past. I have some statistics on the use of the current waiver.

Chairwoman Parnell:

That references a question that I just asked our staff member. That is the fiscal note. At this point in time, after it has been through the Senate side, it actually does not have a fiscal note.

Miles Celio:

No, Madam Chairwoman, it does not. We didn't have a fiscal impact, per se, as it went through the process on the Senate side; I know the Regents had a representative there that had some fiscal impact from their standpoint. I believe that was adjusted in their budget for the University System. There was some impact there, but it is in their budget.

Chairwoman Parnell:

I would confirm that too, for the members of the Committee. It did go through Senate Finance, and by the time it came out of the Senate, this bill had not been re-referred to Ways and Means. That means a couple of things: it does not have a fiscal note, but it also means that it needs to be acted on by Friday.

Assemblyman Manendo:

Has there ever been any denial for any of the waiver of the fees and registration that you know of?

Miles Celio:

Not that I'm aware of. We have always had a requirement of a C average, a 2.0 GPA [grade point average]. After this bill was passed, they have to pass the course. If they drop out, withdraw from the course, or flunk the course, the student then has to reimburse the University System. That has been a little strange, because with the mobilizations we've had. People have been forced to withdraw from courses. The UCCSN [University and Community College System of Nevada] has been extremely willing to allow that to happen based on what has gone on with college and such as that.

Assemblyman Manendo:

Initially, has there been anybody declined the first time?

Miles Celio:

No. Not that I'm aware of. This was passed during the 21st Special Session; it didn't even pass in the regular session two years ago. We worked with the Regents rather quickly in August to try to put the rules and guidance together on how this would be implemented. They were very helpful. We had a number of people who signed up initially, right away, and none were turned down.

Dr. Trudy Larson, Assistant Chancellor, University and Community College System of Nevada (UCCSN):

I wanted to let the Committee know that we are strongly supportive of this bill. It was already built into our budgets, because we feel that this is such an excellent use of fee waivers. There is quite an extensive procedure for any kind of mobilization. It is already in our handbook. This is already well integrated into the system. We would be very pleased to have this continue. It has been an excellent bill.

The only thing that we did add in the joint subcommittee was further appropriation for Nevada State College (NSC) being able to have the fee waivers. That was approved by the joint subcommittee. We are pretty hopeful that this will make it through pretty simply. It is already included for the rest of the campuses in the base budget.

Chairwoman Parnell:

I will close the hearing on S.B. 78. Normally, at this point in time, I would ask for a motion and take the vote. Since we do have four of our members absent—and I think they would all like to cast a vote—I would like to give them the opportunity to do that. I will open the work session on S.B. 367.

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

Carol Stonefield, Committee Policy Analyst, Legislative Counsel Bureau:

You should have a work session document ([Exhibit B](#)). The third page of the document begins the materials related to S.B. 367. This bill expands the options for a pupil who is suspended or expelled from a public school. In addition to the existing option of homeschooling, the bill allows for such a pupil to be enrolled in a program of independent study, a program of distance education, or in a charter school. The measure also requires that the governing body of a charter

school, upon request, be provided access to records related to a pupil's suspension or expulsion before the governing body makes a decision concerning the enrollment of a pupil.

[Carol Stonefield, continued.] Proponents suggested that when families are forced into a position of homeschooling their children, the children might not actually receive an adequate education. There were no opponents to the bill. The fiscal impact was—according to the materials provided by the local school districts—that some districts questioned the costs that might be associated with providing independent study teachers or the distance education courses. There have been three amendments proposed. They are summarized on the following page in a table ([Exhibit B](#)). The amendments follow.

The first amendment has been proposed by the Center for Charter School Development, the second amendment from the Nevada Department of Education, and the third from the Chair of this Committee. These amendments may be somewhat exclusive. They do present options for the Committee to consider. The Center for Charter School Development suggested amending Section 2 of the bill, in subsection 8, to provide that the governing body may review the background of such a pupil to determine if the educational needs of the pupil may be satisfied without undue disruption to the rest of the school. The governing body may make a decision after it has reviewed the circumstances of the student's suspension or expulsion and may approve enrollment in accordance with procedural policy adopted for such issues. Then, the governing body may adopt a policy allowing for immediate expulsion of any such pupil upon recurrence of similar incidents. The Center of for Charter School Development would propose the same language in Section 3, subsection 3.

The proposal from the Department of Education, however, would delete both of those sections and would provide in relevant places that the charter schools would have the same authority as school districts to enroll suspended or expelled students. Then, the Chair of the Committee proposed to insert a new section. This amendment is in the mockup, which is about three or four pages following the table ([Exhibit B](#)). This would allow enrollment in a charter school that is formed exclusively for the enrollment of pupils with disciplinary problems. That language would be inserted into Section 2 of the bill and Section 3 of the bill, and then it would add NRS [*Nevada Revised Statutes*] 386.580 to the bill and amend it by providing that a charter school may be formed exclusively for the enrollment of students with disciplinary problems that warrant a specific program. That section would also be amended to delete the single-gender requirement.

Assemblyman Mabey:

I've read the mockup bill. Does that include the amendments or not? Does it include just part of the amendments?

Carol Stonefield:

I don't believe that the mockup contains any of the other amendments. What you really have before you are three different proposals that go to different concepts.

Chairwoman Parnell:

I will share a little bit of the conversation that I had yesterday with Vice Chairwoman Smith and our staff. If we look at the page that has the three rows of proposed amendments ([Exhibit B](#)), I had a concern with the first one from Ricci Rodriguez-Elkins. That is in the center of it, where it says, "The governing body may make a decision after it has reviewed the circumstances of the student's suspension or expulsion and may approve enrollment in accordance with procedural policy adopted by that board." If a public school has the information and has made the decision that a student has done something to warrant suspension or expulsion, I don't know that we should let a charter school override that suspension or expulsion.

I think we have to trust that there was something egregious that created that. I had a vision that the public school expels a student because they were brandishing a weapon on a school campus, but for some reason a charter school policy allows that governing board to adopt their own policy regarding that, then accepts that student in, and that child comes to school and has a gun or commits an act of violence. I felt a very heavy weight on my shoulders with that possibility. I think when Mr. [Frank] Schnorbus and those who testified came before us, the real intent of this bill was to provide alternative forms of education for students who have been expelled or suspended. I think, in the language that we've kept in, that we would keep in without that amendment, any child who is expelled or suspended would have three options. They would have the option to attend a charter school with the specific intent to serve this population of students. We would then have the choice of distance education, or we could choose independent study.

To me, that is the heart of the bill and the heart of the request. This is so that a child would not be forced to be in a homeschooling position where the parents were not making that choice. I think, looking at anything else that opens up the door to allow a violent student to attend, I don't want a violent student who has not shown any behavioral correction, where there has been no interaction or no attempt to change that behavior, to just walk into one of our charter schools. I was envisioning somebody expelled from Carson High School, and now the bill

says they can go to Silver State High School, which is our new charter high school in Carson City. That would make me feel, as a legislator, very uncomfortable creating that situation.

[Chairwoman Parnell, continued.] That is when we created the third column of choices in the proposed amendment ([Exhibit B](#)). I hope that gives everybody a general idea as to where we went after looking at the amendments that had been proposed up to yesterday afternoon.

Assemblywoman Smith:

I agree. I think the bill takes a good step towards giving those students options and being able to make sure that those students have an opportunity to graduate, as an example.

ASSEMBLYWOMAN SMITH MOVED TO AMEND AND DO PASS
SENATE BILL 367 WITH THE CHAIRWOMAN'S AMENDMENT AND
THE CLARIFICATION REQUESTED BY DR. KEITH RHEULT, AS
EXPLAINED BY MS. STONEFIELD.

ASSEMBLYMAN HARDY SECONDED THE MOTION

Assemblyman Mabey:

Does this include what Dr. Rheault wanted—in the middle column, where it says, delete subsection 3; deletes references to charter schools having separate authority to enroll?

Chairwoman Parnell:

I think what one of the things that he was concerned about is that his suggestion was deleting the reference to charter schools having separate authority. That would certainly take care of that issue. It gets a bit more complex in merging it into the language. I'll have Ms. Stonefield answer that.

Carol Stonefield:

It would be possible, I think, to amend the mockup proposed by the Chair. The mockup goes to subsection 8 in Section 2 and subsection 3 in Section 3, both of which Dr. Rheault proposed for deletion. In order to retain the proposals from the Chair, that part of Dr. Rheault's amendment would have to be omitted. Then, he does propose in Section 3, subsection 2 to insert charter schools in three places and give the charter schools the same authority as the school district boards of trustees. It would be possible to take that provision, insert that into the mockup, and blend the two of them.

THE MOTION CARRIED. (Assemblyman Atkinson and
Assemblyman Horne were not present for the vote.)

Chairwoman Parnell:

We will now reopen the hearing on S.B. 78.

Senate Bill 78: Makes permanent authority of Board of Regents of University of Nevada to grant waivers for registration and laboratory fees for active members of Nevada National Guard. (BDR S-89)

ASSEMBLYMAN MANENDO MOVED TO DO PASS
SENATE BILL 78.

ASSEMBLYMAN HARDY SECONDED THE MOTION.

THE MOTION CARRIED. (Assemblyman Atkinson and
Assemblyman Horne were not present for the vote.)

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

Not heard.

Chairwoman Parnell:

That will do it for this afternoon; this meeting is adjourned [at 4:49 p.m.].

RESPECTFULLY SUBMITTED:

Paul Partida
Committee Attaché

APPROVED BY:

Assemblywoman Bonnie Parnell, Chairwoman

DATE: _____

EXHIBITS

Committee Name: Committee on Education

Date: May 18, 2005

Time of Meeting: 3:58 p.m.

Bill	Exhibit	Witness / Agency	Description
	A	*****	Agenda
	B	Carol Stonefield/LCB	Work session document