

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

**Seventy-Third Session  
May 20, 2005**

The Committee on Education was called to order at 4:14 p.m., on Friday, May 20, 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  
Mr. Joe Hardy  
Mr. Brooks Holcomb  
Mr. William Horne  
Mr. Mark Manendo  
Mr. Bob McCleary

**COMMITTEE MEMBERS ABSENT:**

Mrs. Sharron Angle (excused)  
Mr. Kelvin Atkinson (excused)  
Mr. Garn Mabey (excused)  
Mr. Harvey J. Munford (excused)

**GUEST LEGISLATORS PRESENT:**

None

**STAFF MEMBERS PRESENT:**

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

**OTHERS PRESENT:**

Daniel Klaich, Vice Chancellor of Legal Affairs, University and Community College System of Nevada (UCCSN), Reno, Nevada  
Joyce Haldeman, Executive Director, Community and Government Relations, Clark County School District (CCSD), Las Vegas, Nevada  
Keith W. Rheault, Ph.D., Superintendent of Public Instruction, Department of Education, State of Nevada  
Frank Schnorbus, Parent at Large, Nevada Homeschool Network, Las Vegas, Nevada

**Chairwoman Parnell:**

[Meeting called to order and roll called.] Today will be different than other Committee meetings. Everything that we are discussing today will be in the form of a work session. We will not be taking testimony on the various bills unless we specifically ask for comment from the sponsor of the bill or regarding anyone who presented other amendments. All of these bills have had previous hearings. Today is the last day. There will be an opportunity for public comment at the end of the meeting.

As our first order of business, I will open the work session ([Exhibit B](#)) on S.B. 32.

**Senate Bill 32 (1st Reprint): Makes various changes relating to qualifications for free tuition and loans for certain students at institutions of University and Community College System of Nevada. (BDR 34-158)**

**Carol Stonefield, Committee Policy Analyst, Legislative Counsel Bureau:**

You should have the Work Session Document ([Exhibit B](#)). The materials relating to S.B. 32 are in it. This bill was sponsored by the UCCSN [University and Community College System of Nevada], and it was heard on May 16. The bill establishes residency requirements for free tuition. There are two situations: the family of a student must reside in Nevada for at least 12 months prior to the matriculation of the student at an institution, or a student, whose family does not reside in Nevada, must reside in Nevada for at least 12 months prior to matriculation.

The board would be required to define "matriculation," as well as which definition will be used to measure the residency for eligibility in the nursing loan program. The bill also requires the term "bona fide resident" to be construed

with the policies of the regents to the extent that the policies do not conflict with any statute. The granting of free tuition is expanded to include employees of the University System, members of the armed forces, and other persons deemed necessary to promote research education, public service, and the economy of the state.

[Carol Stonefield, continued.] The proponents said that the residency requirement of 12 months is common across the country, especially among neighboring states. There were no opponents. The fiscal impact information provided by the UCCSN indicates that the refund payout so far has been approximately \$750,000. This is the refund payout to cover that period of time from the fall of 1995 to the spring of 2004, when the students that were here between 6 months and 12 months had been charged the non-resident rate.

There is an amendment attached ([Exhibit B](#)). The Chair proposed that increasing the period required to establish residency will not affect the refund due for overcharges between fall 1995 and spring 2004. The amendment would be a transitory section.

**Chairwoman Parnell:**

You all have a letter from UCCSN, signed by Mr. James Rogers ([Exhibit C](#)). I'd like to give a little bit of background on why you have this. We had a staff meeting yesterday going over everything, getting ready for today, and it dawned on me that this bill is supposed to become effective on July 1. We have students that possibly have moved to Las Vegas or Reno, expecting the 6 months residency, going to register in August for the fall semester, and would not still have that 6 months because the law would have changed, and they would have been denied that residency and would have an expectation level that they would have had to had resided here 12 months.

I met with a couple of folks from UCCSN, shared that concern, and hoped that there would be a way to capture the population that were already here, expecting to be admitted to our University System with in-state tuition, only to be told come August that the rules had changed on them. The letter in front of you says that there is an appeals process available that could be used. That would be one option.

Is there a copy of the appeals process available? Is it online? Is there any way that the members of the Committee could see how that works, or could you tell me how the appeals process works in your mind to capture the students who are expecting to be admitted in August with in-state tuition after having resided here for 6 months?

**Daniel Klaich, Vice Chancellor of Legal Affairs, University and Community College System of Nevada (UCCSN), Reno, Nevada:**

Yes. The appeals processes are all online. I would only note that I think we are talking about an exceptionally small population of students. First of all, we are not talking about any current high school senior. The window of 6 months or 12 months is irrelevant to any high school senior. We are talking about someone who is out of high school and, presumably, out of the education system—someone who is coming back in, made a determination, moving to Nevada, and thinking that they could start the community college or the university in the fall.

We are thinking that this is a very small pool. We have indicated to the Chair and the Committee that if there are these individuals that the Chancellor will direct to appeal, their appeals—with respect to residency—should be honored. If they have justifiably moved to the state to become a bona fide resident and the term changes on them, we don't think it is appropriate to disadvantage them. We will notify the various campus appeals officers that is the case. We've also indicated that we will prominently display—on all of our websites—the fact that there is an appeals process, that the process has changed, and that they can take advantage of it if there are any people who fall into this group.

**Assemblyman Horne:**

If we are going to allow this group of student to be waived, why not just change the date? Why have the burden on them to appeal in order to get it? Why not just give it to them?

**Daniel Klaich:**

I don't even know how to start drafting that, quite frankly. I think you are trying to draft a statute to fit the smallest of exceptions, rather than the largest of rules. I think it is more appropriate to deal with the larger issue. That, clearly, is the Committee's judgment. I don't know how I would even start solving that problem, other than putting it on our websites. If we can put it on our websites that says if you have done this, let us know and you will be classified as a resident, and we will do that. That is the only way that I know how to deal with it. I just don't know how to do more than that; I'm sorry.

**Assemblyman McCleary:**

I agree with Mr. Horne completely on this. Since we are making it effective on July 1, I think we need to change the date. We are concerned about some of the people that might get caught in the middle of this and who have moved here to go to school. We don't want to penalize them. We understand that you have a process here, but we are saying, why make them jump through hoops? Can we change this to January 1, 2006 and make that the effective date? Would

that bring some comfort to this Committee? I know it would to me, and I want to ask you, Dan, if that would be acceptable to your system.

**Daniel Klaich:**

I've been told a number of times that there are 63 people who push buttons here, and I'm not one of them. Acceptable or unacceptable, our budgets have closed with these amounts budgeted in. I would indicate to you that they have been budgeted in as savings to the State. The changing of this residency policy will, in fact, result in a lower General Fund appropriation to the University and Community College System from the State. I guess that Ways and Means and Senate Finance—when they finally concurred on our budget—would have to change the budget by a few thousand dollars.

**Assemblyman McCleary:**

How can you make a proposed budget with it hinging on a bill that you don't know if it is going to pass? That seems a little presumptuous to me.

**Daniel Klaich:**

This is the budget that LCB [Legislative Counsel Bureau] staff has prepared for the money committees. They requested our information on both ways. This is the way they chose it. We gave them both numbers.

**Assemblyman McCleary:**

Is it possible to exempt any student who has moved here before July 1 from this provision? Anybody who has moved here before July 1 would be admitted, and anybody who has moved after that timeframe would have to be here 1 year.

**Daniel Klaich:**

If I understand the concern, it is not really July 1. It is probably September 1, March 1, February 28, or something like that. These are people who—per the Chair's concern—are already here and moved into the state. They are here now, within that 6-month window.

**Assemblyman McCleary:**

I realize that they are here now. I'm saying that those people who are here now, let them go to school. I have a concern there.

**Daniel Klaich:**

I guess the only other thing I could say about that class of people is that if they are here, and if they have registered for a class, or if they register for any class prior to July 1, they will still be okay.

**Chairwoman Parnell:**

What about the student that is here waiting to start the fall semester? That is the person who is getting lost in this. That is who we want to protect. We are not trying to be argumentative. We are not trying to hurt the University System. It is our role to support and help the students out there every bit as much as the institution. That is what we are trying to find common ground on.

**Daniel Klaich:**

I appreciate that, Madam Chair. If I'd indicated otherwise, I apologize to the Committee.

**Assemblywoman Smith:**

I was wondering if we could do something in transitory language. Rather than changing an effective date, we could deem students bona fide residents if they had been here for 6 months at the start of the semester, with the intention of attending the University System.

**Daniel Klaich:**

I think that is something that could work. I believe that has been the question that I appeared to be getting from all of you.

**Assemblywoman Smith:**

This would avoid them having to appeal. It would eliminate that burden for the student. I don't think it would be too harmful.

**Kristin Roberts, Principal Deputy Legislative Counsel, Legislative Counsel Bureau:**

If I understand you correctly, we would be adding a transitory section to the bill to say that if the student has resided here for at least 6 months prior to matriculation in the university or the first day of instruction, then he or she shall be deemed a bona fide resident for the fall 2005 semester?

**Daniel Klaich:**

That sounds good to me; I think we are talking about a few students. I think the Committee has raised a legitimate concern, and we should make sure that we deal with these students fairly.

**Assemblyman Holcomb:**

Did you say the appeal process could also be mentioned? Would that be effective in resolving the problem? We are not talking about very many students.

**Daniel Klaich:**

That was the original suggestion that I made. I had indicated that the Chancellor would direct those appeals officers to grant the appeals if those students were there. As I understand the questions of some Committee members, do we want to put the burden on the students or not? I think it gets to the same place.

**Assemblyman Holcomb:**

Yes, if it solves the problem, rather than rewriting the law. To me, if we were not talking about that many students, that is the alternative. That is up to the Committee.

ASSEMBLYMAN HORNE MOVED TO AMEND AND DO PASS  
SENATE BILL 32 WITH THE TRANSITORY LANGUAGE AND THE  
APPEALS ISSUE.

ASSEMBLYMAN McCLEARY SECONDED THE MOTION.

**Chairwoman Parnell:**

Is there any discussion on the motion?

**Assemblyman Manendo:**

Looking at the laundry list, I don't have a problem with employees of the System, members of the armed forces, people in education, and everybody else that follows in this line—that they can get the free tuition and not have to wait the 12 months. I think if we are going to have such a laundry list for all of these people, then let's just keep it at 6 months. Why go to 12 months? All of these things are important. Somebody who comes into the state who wants to be a dentist, as opposed to someone who wants to learn about automobiles or somebody who wants to be a teacher, to me that is all important.

If we are going to encourage people to come into our wonderful state and utilize our higher education system—and we are going to have such a laundry list in here that is very broad—then let's just keep it at the 6 months and not go to 12. That way, we are capturing everybody. I think it is discriminatory to say that because of what you are doing, what you are planning on learning in this state is more important than another student's education. We are going to waive your tuition, because we think you are more important to be a teacher than somebody who is going to be an auto mechanic, a dentist, or somebody who is going to learn financing. That is all important to our economy, and it's a public service—our social workers. I think that we should keep it at the 6 months.

**Assemblywoman Smith:**

I'm a little bit confused. I thought in the testimony when we heard the bill, we talked about those issues only being with regard to the funding for the nurses, as an example, that is referenced in Section 2 on page 3, that it was not actually changing who is entitled to what. Maybe I misunderstood that. I guess that I need to have that clarified as well. If the intent is that we are expanding who is entitled to free tuition, I need to have that clarified.

**Daniel Klaich:**

I think that Mr. Manendo and Mrs. Smith are talking about two different issues. In the nursing issue, the residency requirement stayed the same at the 6-month level. It didn't change. I believe what Mr. Manendo is raising is that if there is a listing—which he indicates here—of those that can be granted residency on an accelerated basis, does it make sense to change the policy at all? I would suggest that it does. Again, that is up to the discretion of the Committee. I think that this list is narrowly drawn. There are two common denominators between the items in this list. How do we look at a class of people who we know have made a move for a bona fide purpose that, under that law, would be the kind of thing that a judge or jury would look at and say that you are changing your residence, as opposed to coming in here and getting free tuition?

The other list—which I believe is a result of prior discussions and questions with Mr. Manendo; he is more concerned about that—is the individuals where there actually are judgments made with respect to certain professions. That is something that, originally, we were asked to put into our policies by economic development authorities, in the event that they wished to try to put packages together to lure major people or corporations that would diversify the economy to the state. That is a policy decision I leave to the Committee.

**Assemblyman Holcomb:**

How many students are we talking about, approximately? You said that there was just a small number.

**Daniel Klaich:**

I honestly would be just guessing. I am trying to work my way through the whole theory of it. I'm looking at a substantial portion of our students matriculating out of high school, although we are getting more non-traditional students. That class would not be involved, except for the transitory language here. I can't imagine that we are talking about 100 students systemwide. I do have the appeals process procedures ([Exhibit D](#)) for UNR [University of Nevada, Reno] that we've pulled off the Web.



**Chairwoman Parnell:**

If we pass this with the amendment that is being discussed, we are trying to find the way to capture the students who—if they believe that they only needed to be here 6 months—will be granted in-state tuition with that 6-month period.

**Kristin Roberts:**

To clarify for purposes of the motion, is it also to include the transitory section that was proposed by the Chair on Wednesday—Section 3—and an additional transitory section to address the group of students who are currently residing in the state to be deemed bona fide residents?

**Chairwoman Parnell:**

Yes. That was the intent of the maker of the motion.

THE MOTION CARRIED, WITH ASSEMBLYMAN MANENDO  
VOTING NO. (Assemblywoman Angle, Assemblyman Atkinson,  
Assemblyman Mabey, and Assemblyman Munford were not  
present for the vote.)

**Chairwoman Parnell:**

We will open the work session for S.B. 212. This bill was introduced by Senator Beers.

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

**Carol Stonefield, Committee Policy Analyst, Legislative Counsel Bureau:**

Senate Bill 212 provides that a class in high school must not start before 7:35 a.m. This provision does not apply to magnet schools, alternative schools, career and technical education (CTE), classes offered during an optional class period before the start of the regular day, and schools that operate double sessions or extend the day due to overcrowding conditions. Proponents cited research that would suggest that teenagers are not alert in the morning due to sleep and wake patterns that are different from pre-adolescence and adult. Because of this, they should start school later in the morning and dismiss later in the day.

There were no opponents, although Clark County School District (CCSD) noted that it wanted to be on record that it considered this a local issue. The fiscal

impact varied among the districts, with CCSD reporting that if the start time is simply moved one hour later, or the order of start times is altered among the elementary, middle, and high schools, there would be no cost. If high schools are the only schools to change, then there would be a cost to purchase additional buses, and those additional buses would involve additional operating costs. There were no amendments proposed, although the Chair requested that Section 43 of A.B. 279 be included for the Committee's information.

[Carol Stonefield, continued.] This is the bill that this Committee passed, which included a provision calling for the boards of trustees of each school district to determine the feasibility of establishing a different start time, according to the provisions.

**Chairwoman Parnell:**

In a nutshell, we have a bill that would mandate to the school districts the start time and also could most likely result with a fiscal note, or we could amend this bill with language to that similar to A.B. 279. Assembly Bill 279 asks for a two-year study on the feasibility. I think that the policy decision of this Committee is, do we feel that we want to mandate this? If so, we pass the bill as it reads. Do we want to not act on the bill and rely on the study language in A.B. 279, or do we want to amend this bill with the study language? With that, I will leave it to my creative Education Committee members to answer the question.

**Assemblyman Hardy:**

I like the concept of a study. I did ask for the science and the study thereof. What we heard in testimony was the Minnesota experience. I don't know if you are aware of it or not, but there is some difference between Minnesota and Nevada. I'm still not convinced with this study. I would like to see more study on this, whichever direction that took.

**Assemblyman Horne:**

Exactly where is A.B. 279 now?

**Carol Stonefield:**

According to the LCB website, the bill is scheduled for hearing in Senate Finance on May 24.

**Assemblyman Horne:**

If the bill doesn't have enough power to get away from the gravitational pull of that black hole, we will be without it. Maybe we might want this vehicle, if nothing else. I'd like more study as well.

**Chairwoman Parnell:**

Are you suggesting that we should take the language from A.B. 279 and amend S.B. 212 with the language referencing the early start study?

**Assemblyman Horne:**

That would be correct.

**Assemblyman Holcomb:**

We would go with the study?

**Chairwoman Parnell:**

We would also amend Senator Beers' bill to have the same language that is also in A.B. 279, in case A.B. 279 does not get out of the black hole, as Mr. Horne said. I represent Carson High School, which is the high school that Senator Beers was so pleased with because of their start time. I also go way back to PTA [Parent-Teacher Association] days and everything else where the rural counties seemed to ignore some of these grand ideas on our rural counties. Their busing alone is a nightmare to work around. We don't know how this would affect transporting kids two hours in one of our rural counties and to start high school at a specific time. If we did study it, that is information that we would learn. They might love the idea, but we don't know. Mandating that makes me a little nervous.

ASSEMBLYMAN HORNE MOVED TO AMEND AND DO PASS  
SENATE BILL 212, DELETING THE BILL AS A WHOLE AND  
REPLACING IT WITH THE LANGUAGE FROM SECTION 43 OF  
ASSEMBLY BILL 279.

ASSEMBLYWOMAN SMITH SECONDED THE MOTION.

THE MOTION CARRIED. (Assemblywoman Angle, Assemblyman Atkinson, Assemblyman Mabey, and Assemblyman Munford were not present for the vote.)

**Chairwoman Parnell:**

Next, we will consider S.B. 221. This was introduced by Senator Cegavske.

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

**Carol Stonefield, Committee Policy Analyst, Legislative Counsel Bureau:**

Senate Bill 221 provides that homeschool children would be allowed to participate in interscholastic activities and events in addition to those governed by the Nevada Interscholastic Activities Association (NIAA). Homeschool children must be allowed to participate through a public school, and the same rules governing public school pupils must apply to them. Private schools that participate in interscholastic activities and events governed by the NIAA must adopt a policy that prohibits participation by homeschool children through the private school, or that allows participation if space is available. The private school may charge a fee that is equal to or greater than the fee charged to students enrolled in the private schools.

The proponents referred to legislation that was enacted in 2003. At that time, they thought that legislation would apply to homeschool children in K through 12, but because that legislation refers to the NIAA—which governs only high school activities—the activities of middle school and elementary school children were not included. This bill would address the activities governed by any other interscholastic association. The NIAA also prohibited a homeschooled child from participating through a private school, according to the proponents. This bill would address that as well. There were no opponents. The estimated fiscal impact to local districts is minimal.

There have been a couple of amendments proposed. One of them was because members of the Committee raised questions about which public school a homeschooled child would participate in. The Chair included a mockup amendment that addresses the attendance of a homeschooled child in the school in the attendant zone where the child lives. The Nevada Homeschool Network provided the attached amendment ([Exhibit B](#)), which follows the mockup. That one proposes to address the private school issue.

The Nevada Homeschool Network proposes an amendment that will allow a homeschooled child to participate on a private school team that participates in interscholastic activities and events with public schools, if the private school has adopted a policy allowing such participation. The private school may also adopt a policy not allowing participation by the homeschooled child. If a private school allows participation by a homeschooled child, the amendment allows the school to charge a fee equal to or greater than what it charges enrolled students. It also requires that the rules and regulations that apply to its enrolled students also apply to the homeschool child.

I believe the difference between the bill and the homeschool amendment is that it goes to another section of the bill. For the Committee's information, NAC [*Nevada Administrative Code*] 386.793—addressing participation by

homeschool children through private schools—is also included for your consideration.

**Assemblywoman Smith:**

We had this discussion at the original hearing and I need to ask Kristin [Roberts]: regarding the private school language, if we didn't adopt that, and yet the NIAA has already adopted it, what does that mean? What good does it do for us to not have it? How does what we do affect what they have already done?

**Kristin Roberts, Principal Deputy Legislative Counsel, Legislative Counsel Bureau:**

The Legislature authorizes the regulatory bodies to act. That is what the NIAA has done in its regulation. If this Committee chooses not to do anything, then that regulation will stand. However, it also means that the NIAA could change that regulation. If the Committee decides to put this language in the statute, then the NIAA would not have that discretion.

**Chairwoman Parnell:**

If I may make a comment pertaining to the proposed amendment—the mockup language—basically, I was concerned about Section 1, subsection 2. I couldn't quite understand why we are saying a private school can become a member, and I have absolutely no problem with that at all; I hope they do. They would then be required to accept a homeschooled child into the program if they met all of the other conditions, et cetera. I didn't understand the language of giving them the particular right to deny having a homeschooled child play.

If you look at the original language, it specifically says that they would have the right to not engage in this acceptance of homeschooled children. I didn't see any reason for it. I don't want to get into the philosophical argument of it, but I didn't see any need for that in the bill. I care about public schools, and that is what I feel like I have the jurisdiction over. If we've made the commitment and the policy, as a Committee, that we think that this is the right thing for our public schools to do, then that is what I think needs to be addressed in this legislation. [Handed out [Exhibit E.](#)]

**Assemblyman Hardy:**

I'm looking at it in a different way. I don't think we can require a private school to take a homeschooled child into the private school, because the private school is a private school. I'm okay with it as we are looking at it now.

**Chairwoman Parnell:**

You would recommend at this time that we go with the proposed amendment mockup language?

**Assemblyman Hardy:**

Yes.

**Assemblyman Horne:**

Did we address the problem of the attendance zones and private schools? I mentioned that the private schools could go anywhere; does this mockup take care of that?

**Chairwoman Parnell:**

This mockup takes the reference to private schools out completely, and then if you look at page 3 of the mockup, line 28, and a school in which the child is otherwise zoned to attend, that is where we captured the school zone.

ASSEMBLYMAN HARDY MOVED TO AMEND AND DO PASS  
SENATE BILL 221 USING THE MOCKUP AMENDMENT.

ASSEMBLYMAN McCLEARY SECONDED THE MOTION.

THE MOTION CARRIED. (Assemblywoman Angle, Assemblyman Atkinson, Assemblyman Mabey, and Assemblyman Munford were not present for the vote.)

**Chairwoman Parnell:**

Next, we have S.B. 268, which was introduced by Senator Beers.

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

**Carol Stonefield, Committee Policy Analyst, Legislative Counsel Bureau:**

Senate Bill 268 was heard on May 9. It provides that a school district board of trustees would be prohibited from employing a person as an administrator unless the individual has provided instruction in the classroom at least one day in each semester if the person is licensed to teach, or has observed a classroom at least one day each semester if the person is not licensed to teach. The bill provides that the board may employ a person as an administrator on

July 1, 2005, even if the person does not meet the requirements of the bill. The person must meet the requirements of the bill as condition for any further contract renewals.

[Carol Stonefield, continued.] Proponents stated that school district administrators should be afforded the opportunity to visit school classrooms. Opponents argued that these requirements would reduce administrator productivity days; it would be difficult for them to recruit administrators from states that do not have these requirements. Administrators already have to have three years of teaching experience to be licensed in Nevada, and building administrators must visit classrooms to evaluate teachers, so they observe classrooms many times during the school year. There was no fiscal impact estimated, except from the testimony about lost productivity.

During the discussion, it was suggested that one possible solution to the issue of recruiting from out of state might be to change the verb tenses so that they are present tense, rather than past tense. The Committee also discussed limiting the application of these provisions to those administrators who are at district level. The Chair has proposed the attached amendment ([Exhibit B](#)), which would direct each board of trustees to develop a policy, as well as defining “administrator” as those individuals who work at the district level. In Section 2, there would be a report required from each school district with the compilation of those reports made by the Department of Education and submitted to the 74th Legislature. The reports would relate to the policies developed by the school districts.

**Assemblyman McCleary:**

I think we make our school districts jump through so many hoops and do so many things. This is just another thing we are going to throw on their plate for them to do, another report for them to have to fill out, and another deadline. My gut instinct is that I don’t like this at all.

**Assemblyman Holcomb:**

I agree with Mr. McCleary. I will vote against this bill.

**Chairwoman Parnell:**

Are there any additional comments or questions in regard to S.B. 268, either with or without the amendment? Do we have a motion? I do not hear any; I will close the work session on S.B. 268.

At this point in time, during public comment, we had a bill—S.B. 403—which was a bill that I had a lot of trouble with, as well as some constitutional concerns. Yet, it was an issue that our school districts wanted to bring to the

table and put on the record to see if there was some way that this issue could be looked at during the interim.

**Senate Bill 403 (1st Reprint): Requires board of trustees of school district to report certain disciplinary information regarding teachers and school administrators to Department of Education. (BDR 34-415)**

**Chairwoman Parnell:**

Joyce [Haldeman] and Dr. [Keith] Rheault, please tell us what you are going to do with the subject of S.B. 403.

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

We'd like to thank you for this opportunity for us to put on the record what our concerns are and the reason why this bill was brought forth. The CCSD hires 2,500 teachers per year. One of the greatest concerns that we have is that when we are hiring teachers, we have access to as much information about their background as possible. This is so that we can make sure that the teachers who are in the classroom with our children should, in fact, be there and are appropriate to work with our students. One of the things that happens on occasion—and I will repeat empathically that this doesn't happen very often, but we want to be able to prohibit it from happening in the future—we will unknowingly hire someone who was disciplined, about to be disciplined, or about to lose their license in another district for reasons we think are serious. Yet, because we are not aware of those things, we just pass bad apples around from one district to another.

This bill would compel districts from within the state to report those kinds of discipline problems, so that another district could knowingly make a decision on whether or not they would hire someone. I would like to emphasize that this would not prohibit someone from hiring one of those teachers. It would simply help them have the background on that teacher so that they could make that decision. I think Dr. Rheault has some things that, in his experience, would demonstrate the need for this bill.

**Chairwoman Parnell:**

Direct your comments on more of what you plan on doing in the interim, because we will not be taking action on the bill specifically.



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

When looking at the bill, I couldn't tell you the extent of how many teachers we are talking about. During the interim, I'd like to know how many this would affect. I handed out a document ([Exhibit F](#)), showing that we already do report to the national clearinghouse. There is some information on that. About 10 years ago, they made this electronic. We can now make monthly checks against new licenses. I think we have a pretty good handle of teachers coming from out of state. It actually caused us to revise our application. We used to say, "Have you ever been convicted of one of these offenses?" They could honestly answer no. When we did our first check, we had 120 teachers who had applied or were licensed in Nevada on that first run in 1994.

The reason they got by was because as soon as they were under suspicion or going for suspension in the other state, they would quickly move to another state, apply for the license, and honestly say they hadn't been convicted yet. We report to this. During the interim, I probably will just bring the exact contents of this bill to the superintendents and try to get a handle of how many teachers we are talking about. There are a lot of teachers that resign for things that may not get a suspension or a revocation. It could be embezzlement. I have one on my desk right now regarding funds. There are breaches of contracts that show up on this NASDTEC [National Association of State Directors of Teacher Education and Certification] list.

I know, for example, that there were several on the list who had breached contracts in other states. In some states they take that seriously and suspend the license. They were hired in Nevada, which is fine; they can choose to do that. Those types of individuals show here. Then, looking at it, maybe there is some fine-tuning. I can say most of the people who would show up in S.B. 403 would not be reported to NASDTEC because they have to be a voluntary surrender, a suspension, or a revocation. A lot of these probably wouldn't amount to that.

**Chairwoman Parnell:**

The daughter of a friend of mine is applying for teaching jobs. I remember in the olden days—last time I looked at an application for anything—it would ask if you had ever been convicted of a felony. She called home crying, because it asked if you had ever been arrested. She was one of those college students with minor in possession or minor in consumption. She had to check that box. She was very upset over being asked that question so generically. Is that true with all applications for districts in all states?

**Keith Rheault:**

I don't know if the districts have additional questions, but I can tell you that we've revised our State applications. They are not that generic anymore; there are felonies. It specifically asks about physical abuse, drug-related offenses, and sexual offenses. Those are the only ones that we are concerned with—felonies and misdemeanors in those cases. We get full FBI [Federal Bureau of Investigation] reports—for example, where driving under the influence shows up. Unless they have had two or three that shows a pattern, then we would probably question what kind of character and background that you have.

**Joyce Haldeman:**

I know in Clark County, we do still have that question about having been arrested. We allow on the application an opportunity for them to explain what the arrest is. I know that there have been teachers who have been hired and have had those kinds of things in their past. The thing that we take seriously is that if they say they haven't been arrested, and then it later shows up that they had lied on their application. That is grounds for immediate dismissal.

**Assemblywoman Smith:**

I am glad you are looking at this. I was involved in an extreme situation several years ago. A teacher from out of state was vacationing here, had too much to drink one night, and he shot and killed a friend and the friend's brother. He was a teacher in this other state, and until I, as a concerned citizen, contacted the Department of Education in that state, he was still in the classroom. He was being charged with killing two people and was out on bail. He ended up going to prison, but in the interim, the guy was in the classroom. I think it really is important that we figure it out. I don't know if something like that would ever be captured, but it is a real-life example of those kinds of things happening.

**Keith Rheault:**

Where I would probably get involved—and that is why I supported the bill—is if some incident occurs and they were hired by another district, and everything was kept hush-hush in the district they came from. I get the calls from the parents and the citizens asking why the State didn't tell them. My response is that we don't know, because it is not required to report to us. Maybe, the way the bill is written, the school districts could request if they had anything on file. They came from Clark County and we are going to hire them. If it's clean, we tell them whether it is clean or not. That is why I supported it. It is a double-check for districts. They can choose to hire them or not. We'll work on language, hopefully, and come back with some recommendations in 2007.

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

I want to thank the Committee for passing S.B. 221. It is a very important bill that we are excited about for these children. I do want to say that I have some concern about the way that the amendment that did get passed is worded. As a matter of public comment, we are unclear as to exactly what this thing will do. We are thinking that because it says that a homeschool child who participates in interscholastic activities and events pursuant to the subsection must participate through the public school, they are basically not allowing any participation through any private school. Also, we are not sure that this end does not apply to the NIAA high school, which would then revoke everything that we have been working to get through the NIAA. That is a major concern of ours.

**Chairwoman Parnell:**

We will take that under consideration. My intention all along was to not give them the option to deny a homeschool child if they were in the Association. I think that is what the Committee thought, based on my comments. If we need to revise that amendment, we certainly can. We will be meeting again on Wednesday, and we can have clarifying language.

**Frank Schnorbus:**

May I clarify that the intent of having put that one subsection in that got taken out was to prevent an association or league from preventing participation? That is what was happening. It wasn't the school. We weren't trying to force it. That is why we were trying to put it in there that the school could either accept or not accept. It would leave it up to the school. We did not want to force a private school into it. Until the NIAA adopted the rules that they adopted, they were not allowing private schools to have a homeschool child. That is why we had put that in there.

**Kristin Roberts, Principal Deputy Legislative Counsel, Legislative Counsel Bureau:**

I can respond to the first part of the question. If you look on page 3 of the mockup ([Exhibit B](#)), it is amending Section 392.070. It says, "In addition to those activities governed pursuant to NRS 386.420 to 386.470..." Those are the NIAA. Those operate separately from what is being addressed in this amendment. It goes on to reference a homeschool child that participates in activities and events pursuant to this subsection. It is only governing the participation of the homeschool children in public schools, separate from the NIAA.

**Chairwoman Parnell:**

I think we are all on the same page. We will make sure that we did this correctly and that we are referencing the right statute and the law. We'll go with that. We've taken the action on it. We will just not take it down for action on the Floor until we've confirmed that we did what we meant to do.

**Frank Schnorbus:**

If I can help in any way, I would really appreciate it.

**Assemblyman Manendo:**

I'm sure that everybody has read the latest email from Robert Bray, dated Thursday, May 19, about the math proficiency test provided by Measured Progress. The exam included a math formula sheet with incorrect math formulas. Students were interrupted by teachers and counselors during the test. Corrected formulas were written on the board and handed out on separate pieces of paper. Some students who had already left the testing room were called back—a clear breach of testing protocol. The reading proficiency test provided by Measured Progress for today's exam included spelling errors and typographical errors. One of my students contacted the group with confusion about one of the stories that she was reading with the multiple errors. Situations cause less-than-optimal testing conditions with seniors trying to earn a diploma before graduating ceremonies next month. You already know about the hundreds of missing tests and the endless wait for results. This just keeps going on. I'm sick of it.

**Chairwoman Parnell:**

What is really appalling is that mess up could affect somebody's graduation status. That is unacceptable.

**Assemblyman Manendo:**

Absolutely.

**Chairwoman Parnell:**

For those schools that were impacted, we cannot have that determining whether or not one of our high school seniors gets to walk through graduation.

**Assemblywoman Smith:**

I did copy the Committee on my request to Dr. Rheault for a response to the inaccuracies. To me, that is so scary. Of course, we need to see that documented and all of that. The other issue has been resolved, and everyone had their test results very quickly. It was Clark County and Washoe County. That has been resolved, and everyone had their test scores within a couple of

days. I think this latest issue is awful. I have sent a request to Dr. Rheault to respond to us.

[Assemblywoman Smith, continued.] I had been thinking that maybe the Committee should write a letter to the State Board. This is in their purview. We need to look at some harsh action over this. The big problem is that there are so few of the vendors that do this. We already left one vendor for another vendor. It is becoming a real problem for us. More than penalizing them, what do we do about the kids who may have been affected? I will contact Dr. Rheault on Monday morning and make sure that we can get a response about the latest information that we got.

**Chairwoman Parnell:**

Based on this latest information, do we know exactly where that took place? At this point in time; this would have to be a local kind of a way to figure it out so that nobody is hurt negatively by the mistake of this company. I would put it out there on the airwaves that I would hope that cooperation would be taking place. Make sure that we are not hurting a student—who otherwise would have graduated—who, because of no fault of their own, might not be. We are adjourned [at 5:20 p.m.].

RESPECTFULLY SUBMITTED:

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Paul Partida  
Committee Attaché

APPROVED BY:

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Assemblywoman Bonnie Parnell, Chairwoman

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

**EXHIBITS**

**Committee Name:** Committee on Education

**Date:** May 20, 2005

**Time of Meeting:** 4:14 p.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A	*****	Agenda
	B	Carol Stonefield / LCB	Work Session Document
<u>S.B.</u> <u>32</u>	C	Chairwoman Parnell	Letter from James Rogers
<u>S.B.</u> <u>32</u>	D	Daniel Klaich / UCCSN	Web information
<u>S.B.</u> <u>221</u>	E	Chairwoman Parnell	Letter from NIAA
<u>S.B.</u> <u>403</u>	F	Keith Rheault / NDOE	Professional practices document