

**MINUTES OF THE  
SENATE COMMITTEE ON HUMAN RESOURCES AND EDUCATION**

**Seventy-third Session  
April 20, 2005**

The Senate Committee on Human Resources and Education was called to order by Chair Maurice E. Washington at 2:35 p.m. on Wednesday, April 20, 2005, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Maurice E. Washington, Chair  
Senator Barbara K. Cegavske, Vice Chair  
Senator Dennis Nolan  
Senator Joe Heck  
Senator Bernice Mathews  
Senator Valerie Wiener  
Senator Steven Horsford

**GUEST LEGISLATORS PRESENT:**

Assemblyman Mo Denis, Assembly District No. 28  
Assemblywoman Bonnie Parnell, Assembly District No. 40

**STAFF MEMBERS PRESENT:**

Marsheilah D. Lyons, Committee Policy Analyst  
Cynthia Cook, Committee Secretary

**OTHERS PRESENT:**

Rosemary West, Vice President, Community Development, United Way of Southern Nevada  
R. Keith Schwer, Ph.D., Executive Director, Nevada KIDS COUNT  
Sean McClenahan, Andre Agassi College Preparatory Academy  
Ricci J. Rodriguez-Elkins, Center for Charter School Development  
Lucille Lusk, Nevada Concerned Citizens

Dr. Keith Rheault, Superintendent of Public Instruction, Department of Education

CHAIR WASHINGTON:

We will open the meeting with a presentation by representatives of Nevada KIDS COUNT.

ROSEMARY WEST (Vice President, Community Development, United Way of Southern Nevada):

KIDS COUNT is a well-known project of the Annie E. Casey Foundation. Its purpose is to track the well-being of children at both the national and the state levels. The Center for Business and Economic Research, University of Nevada, Las Vegas has produced the annual KIDS COUNT book. The Nevada KIDS COUNT has an advisory council consisting of 59 members. Our goal is to further the objectives to assist in providing and recommending the best available data on child well-being indicators. We believe it is our job to promote KIDS COUNT throughout the State of Nevada. Members represent the diverse population of Nevada, including rural and urban regions. Members of the executive committee function to bring child well-being issues to the attention of KIDS COUNT.

R. KEITH SCHWER, PH.D. (Executive Director, Nevada KIDS COUNT):

Nevada KIDS COUNT works to develop useful information and database research to better the lives of children and youth. The 2005 annual data book is one of our major products, giving us fact-based information with which to work. The Annie E. Casey Foundation has worked nationally to track the well-being of children. The information is of help to legislators, policy makers and citizens to better understand the status of children. From this perspective, Nevada became a member of the effort. We were the last state to enroll. We believe the information will help you and Nevada to better understand the status of children. The Nevada KIDS COUNT receives no state monies. Support is through the Annie E. Casey Foundation. The annual data book has key pieces of information. There is a one-page summary of key facts which pinpoints by area the key indicators and comparisons between 2004 and 2005. There is one key factor that continues to come out. We do much better with young children than with teenagers. We have prepared for each of the Committee members detailed information within their district.

SENATOR NOLAN:

The one-page summary of key facts is informative. In light of the fact Nevada has been one of the fastest growing states, when I see we have improved in

some areas I am pleased. Does any one thing stand out as being a major concern in Nevada?

DR. SCHWER:

I would say it is the teen issues where we have our greatest problems. There are issues in terms of the economic well-being of families. That translates into the well-being of children. Historically, we have had lower rankings in comparison to other states in the teen birthrate and the high school dropout rate. It is in the teen issues we tend to fall below average. The population growth does have a significant impact. We also know we have had an increase in immigrants who do not have English as their first language. By focusing on these issues and reporting them, the analysis will help us go forward.

SENATOR HORSFORD:

The information by district puts into perspective the challenges and opportunities with which we are dealing. Is there a way we are incorporating the data into a plan that will help to address issues?

MS. WEST:

The data is helpful to look at how we will move, philanthropically, to address the most pressing issues. The areas we have chosen to focus on are access to health care, commitment to education and high school graduation and support for self-sufficiency.

CHAIR WASHINGTON:

I did not see information in the book about foster children, and those who are transitioning from foster homes. I would think that an important subject.

DR. SCHWER:

What we are able to do is dictated by the funding we receive. We are trying to work within the resources we have to put together data that is readily available. There are key issues for which we do not have data.

CHAIR WASHINGTON:

I am not sure if you are funded by the State or the federal government.

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DR. SCHWER:

We are funded through a grant from the Annie E. Casey Foundation. Other states have stepped forward in various ways to support these efforts.

SENATOR MATHEWS:

In the future, will you expand to look at leadership in the schools and the progress of students?

DR. SCHWER:

We are always open to ideas. Research has shown that learning during the preschool years is of utmost importance. New ideas are coming out, and significant work is being done on the rate of return to education. We find major players in the country are focusing on this matter. We work with the funds we have available. We carry our program throughout the State. We have many partners that are stepping forward to help us in all of the areas of dealing with children.

SENATOR WIENER:

Do you work with the youth risk-behavior survey?

DR. SCHWER:

Yes, the survey is part of the information we collect. The KIDS COUNT book is not all that we do. We have a series of policy briefs which review what we know about various topics. Those are focused issues and whether we include all of that in a book is a decision yet to be made.

CHAIR WASHINGTON:

We will open the hearing on Assembly Bill (A.B.) 162.

[ASSEMBLY BILL 162 \(1st Reprint\)](#): Revises provisions governing charter schools and educational personnel. (BDR 34-934)

ASSEMBLYWOMAN BONNIE PARNELL (Assembly District No. 40):

I am here today on behalf of the Assembly Committee on Education. We feel this is a progressive piece of charter school legislation. The Committee vote was unanimous as was the vote in the Assembly.

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SEAN MCCLENAHAN (Andre Agassi College Preparatory Academy):  
Assembly Bill 162 accomplishes several things. The first change is on page 2, lines 3 through 11. This section provides more flexibility for charter schools that have proven to be established. The next change is on page 3, lines 11 through 16. It allows for a mechanism whereby a charter can change their sponsor after they have been renewed. The third change is on page 5, lines 19 through 31. This allows preference for admissions for schools that serve at-risk students. We have realized many families have children who attend different schools in the district and it is difficult for parents to drive their children to multiple schools. The first preference is for a sibling and the second is to offer enrollment to children who live within two miles of the school.

CHAIR WASHINGTON:  
Have you tested the constitutionality of these preferences?

MR. MCCLENAHAN:  
I have not, but I know there still would be open enrollment. It would all be done by the lottery system if there are more applications than there are openings. We would not be closing the enrollment.

CHAIR WASHINGTON:  
I am going to ask the staff from the Legal Division of the Legislative Counsel Bureau to review this provision.

MR. MCCLENAHAN:  
The next change is found on page 7, lines 20 through 24. This clarifies the language about the collective bargaining agreement with the teachers union. It allows the employee to be protected under the agreement as the relationship applies with the school district. The final change is an alternate route for teacher licensure. It starts on page 12 and continues through page 14. This is addressing a narrow array of potential candidates. This would benefit all schools in Nevada.

RICCI J. RODRIGUEZ-ELKINS (Center for Charter School Development):  
The Center for Charter School Development supports this bill. We are concerned about page 13, lines 42 through 45 and page 14, lines 1 through 7. Nevada's public school system relies on substitutes teachers. Alternative licensure makes sense, but this bill does not address the immediate needs of our schools. Some of the strongest charter school laws in the country allow for this kind of

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provision. More lenient alternative certifications are popular in other states. We would like you consider this.

CHAIR WASHINGTON:

I ask you and Mr. McClenahan to give us amended language to which you both agree.

SENATOR NOLAN:

Ms. Rodriguez-Elkins, did you express your concern when A.B. 162 was being heard in the Assembly Committee on Education?

MS. ELKINS:

We discussed the need for change informally with the backers of the bill. The feeling was that we have to take baby steps in order to change legislation. I was hoping that this Committee could look at taking a larger step.

SENATOR NOLAN:

If this issue is something that has been discussed and we make a change, that will cause a conference committee with the same people who dealt with this the first time around.

CHAIR WASHINGTON:

Ms. Rodriguez-Elkins, perhaps your concerns are addressed in Senate Bill 56.

**SENATE BILL 56:** Makes various changes concerning charter schools and distance education programs. (BDR 34-18)

LUCILLE LUSK (Nevada Concerned Citizens):

Nevada Concerned Citizens support A.B. 162. There are several important provisions in the bill. The provisions for sibling and neighborhood preference are narrowly defined. Chances are high they will hold up under scrutiny. We are in support of alternate licensure. Assembly Bill 206 also provides an avenue to broaden the issue.

**ASSEMBLY BILL 206 (1st Reprint):** Provides for issuance of special license for persons with certain graduate degrees and work experience to teach pupils in public schools. (BDR 34-996)

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MS. RODRIGUEZ-ELKINS:

I have spoken with Mr. McClenahan and I respectfully withdraw my request for an amendment.

CHAIR WASHINGTON:

We will close the hearing on A.B. 162 and open the hearing on A.B. 168.

**ASSEMBLY BILL 168**: Revises provisions governing charter schools.  
(BDR 34-861)

ASSEMBLYMAN MO DENIS (Assembly District No. 28):

This measure grants the State Board of Education the discretion to approve or deny an application to form a charter school. Currently, a committee to form a charter school is required to submit an application to the local school district. If the application is denied, the committee may submit it to the State Board of Education if it contains all of the information prescribed by the Department of Education. I have been working with Ms. Lusk on an amendment to this bill.

MS. LUSK:

The proposed amendment ([Exhibit C](#)) clarifies the procedures to be followed by the State Board of Education in reviewing and approving or denying a charter school application.

CHAIR WASHINGTON:

When an applicant applies for a charter, they apply for the next school year. There should be a time frame within the application process to correct any deficiencies.

DR. KEITH RHEAULT (Superintendent of Public Instruction, Department of Education):

The Department of Education supports this bill and A.B. 180.

**ASSEMBLY BILL 180 (1st Reprint)**: Revises provisions governing charter schools. (BDR 34-1034)

DR. RHEAULT:

The Clark County Board of School Trustees recently denied an application for the second time because of management. The school must hurry if they want to be in place for the next school year. The time frame suggested by

Chair Washington might be difficult to meet. We have to bring it to a meeting of the State Board of Education in July. That would put the charter school at a disadvantage.

CHAIR WASHINGTON:

If it does not look feasible for a charter school to be in place for the next school year, it should be indicated the application is granted for the year following.

DR. RHEAULT:

There are time limits. Once the local board of trustees receives an application, they must act within 30 days, even if they must hold a special meeting. If there are problems, it could take 60 to 90 days after applying with the district.

SENATOR WIENER:

Was the charter school that was denied from another state?

DR. RHEAULT:

The management organization and the curriculum to be used in Clark County had problems in Michigan. I do not recall if they were the sponsor of a charter school which had been revoked.

SENATOR WIENER:

Do we need precise language specifying Nevada?

DR. RHEAULT

That management organization was working with a committee to form a charter school in Nevada. It must be a Nevada School for which the State Board of Education has the responsibility to approve or deny an application.

SENATOR HORSFORD:

I thought existing law required an application to be submitted in enough time for approval. Is there not a requirement to submit an application before the end of a preceding school year?

DR. RHEAULT:

The board of trustees in a school district is authorized to develop regulations. Applications to start a charter school the next school year are due in the office of the Department of Education for review in December. That allows enough



time for districts to review and either reject or approve the charter. It can be done if applications are submitted in a timely matter.

CHAIR WASHINGTON:

I believe the time constraints should be in statute. It will give the State Board of Education the opportunity to find the deficiencies and the applicant the opportunity to correct the deficiencies.

MS. RODRIGUEZ-ELKINS:

We are in support of A.B. 168 with the amendments. We believe the State Board of Education should have the right of denial to ensure high-quality schools. The amendment would ensure the charter school and sponsor know the procedures that are expected of them. I would like to note the current State Board of Education, Dr. Rheault and the personnel of the Department of Education have been highly supportive of charter schools.

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CHAIR WASHINGTON:

There being no other issues before us today, this meeting of the Senate Committee on Human Resources and Education will now adjourn at 3:36 p.m.

RESPECTFULLY SUBMITTED:

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Cynthia Cook,  
Committee Secretary

APPROVED BY:

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Senator Maurice E. Washington, Chair

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