

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

**Seventy-Fourth Session
May 7, 2007**

The Committee on Education was called to order by Chair Bonnie Parnell at 3:45 p.m., on Monday, May 7, 2007, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/74th/committees/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblywoman Bonnie Parnell, Chair
Assemblywoman Debbie Smith, Vice Chair
Assemblyman Bob Beers
Assemblyman David Bobzien
Assemblyman Mo Denis
Assemblyman Joseph P. (Joe) Hardy
Assemblyman Ruben Kihuen
Assemblyman Garn Mabey
Assemblyman Harvey J. Munford
Assemblyman Tick Segerblom
Assemblyman Lynn D. Stewart

GUEST LEGISLATORS PRESENT:

Senator Steven A. Horsford, Clark County Senatorial District No. 4
Senator Dennis Nolan, Clark County Senatorial District No. 9
Senator Maurice Washington, Washoe County Senatorial
District No. 2
Senator Joyce Woodhouse, Clark County Senatorial District No. 5



STAFF MEMBERS PRESENT:

Kristin Roberts, Committee Counsel
Carol M. Stonefield, Committee Policy Analyst
Kelly Troescher, Committee Secretary

OTHERS PRESENT:

Lonnie Shields, Assistant Executive Director, Nevada Association of School Administrators
Joseph Turco, Representative, American Civil Liberties Union of Nevada
Barbara Clark, Steering Committee Chair, Connecting the Dots Parent Involvement Summit
Alison Turner, Legislative Liaison, Nevada Parent Teacher Association
Hilarie Robison, Representative, Nevada Public Education Foundation
Donna Hoffman-Anspach, Representative, Nevadans for Quality Education
Chinda Cook, Private Citizen, Las Vegas, Nevada
Keith Rheault, Superintendent, Public Instruction, Department of Education
Joyce Haldeman, Representative, Clark County School District
Lynn Chapman, Vice President, Nevada Families and Co-Founder of Home Educators of Faith
Janine Hansen, President, Nevada Eagle Forum
Anne Loring, Representative, Washoe County School District
Renee Bufkin, Private Citizen, Washoe County, Nevada
Mary Jo Malloy, Representative, Nevadans for Quality Education
Lonnie Shields, Representative, Nevada Association of School Administrators and Clark County Association of School Administrators
Dotty Merrill, Representative, Nevada Association of School Boards
Bryn Lapenta, Representative, Washoe County School District
Randy Robison, Representative, Nevada Association of School Superintendents
David Schumann, Vice Chairman, Nevada Committee for Full Statehood
Richard Meier, Optometrist, Meier Eye & Vision
Nancy McMillan, Vice Principal, Hug High School
Craig Kadlub, Representative, Clark County School District
Brad Waldron, Representative, Clark County School District

[Meeting called to order at 3:47 p.m.]

Chair Parnell:

We have a lot of members missing as they are presenting bills in other committees, but I do want to get started.

I would like to open the hearing in Senate Bill 143 (1st Reprint).

**Senate Bill 143 (1st Reprint): Revises provisions governing pupils and parents.
(BDR 34-415)**

Senator Maurice Washington, Washoe County Senatorial District No. 2:

Senate Bill 143 (R1) is a measure that came out of the Legislative Committee on Education. I am here on behalf of the Majority Leader to testify on the bill. When the bill first came out it dealt with parental involvement.

It has always been the intent of the Majority Leader and some of the legislators to make sure parents are involved in their children's education. We have sought many measures to try to enhance that involvement—some measures being punitive, some being non-punitive, and some measures statutorily requiring parents to be involved. When the bill came out there were a number of provisions that almost mandated parents' involvement in their children's education.

After my Committee heard the bill, we got together with some of the stakeholders who were going to implement the statute and put in place some procedures and policies to make sure it would work. One of the things we wanted to do was make sure this was not a punitive measure and was not restricted to certain geographic, demographic, or socioeconomic areas, but we also want to make sure it has a broad base that encompasses all schools within any given district.

Senate Bill 143 (R1) authorizes elementary school teachers to provide parental involvement reports to the parents or legal guardians of students who are prescribed by the Department of Education. The statement of importance to the parent require the academic success of the student, a checklist indicating the students involvement such as completed homework, class attendance, punctuality, school dress code, et cetera. This is what you will find in Section 2 of the bill.

It also provides a list of community resources that will assist the parent in addressing those items on the checklist. It is a checklist as opposed to a mandate, so the parents can see how the student is doing and what area or

areas they are deficient in. That list will be provided in the child's report card each time the report card comes out.

This bill also requires the school that has been designated as a "needs improvement" for three consecutive years review with the school support team. The existing educational improvement data agreements are made available to the parents and the legal guardian of elementary school children.

It also deals with the honor code to make sure the legal guardian is respectful of the code that is put in place for testing and making sure the parents comply with those requests on the checklist. They sign off on it, then it is filed.

Chair Parnell:

Are there any questions? [There were none.]

Assemblyman Munford, would you like to make a comment about your code of honor?

Assemblyman Munford:

I am happy to see that is being addressed and in some way it is being implemented into this bill. That was something I felt had a great deal of merit in terms of education. In my experience as a teacher, I was able to see where many students would be so committed to succeeding and achieving, they would sometimes resort to some very deceptive methods.

I thought now that I have the opportunity as an elected official I would try to implement some type of measure to deal with that. You have my support.

Senator Washington:

We appreciate your support. I must admit the code of honor was not my idea but that of the Committee and stakeholder who worked on the bill. The kudos go to them.

Assemblyman Beers:

I agree with Assemblyman Munford. I think this is a good idea. I like the idea that you converted this over to an affirmative measure rather than a mandate. The list is an excellent idea because one of the things I hear in my district is sometimes a lot of parents do not have any idea of what to do. They are not given a guidebook when that baby comes into the world.

Senator Washington:

There are some things that are required to be in the checklist. Then there are some things which are permissible that can be added to the checklist by the district.

Chair Parnell:

It is a shame that the idea has been mischaracterized. It has always been known as the "parent report card." It is not a parent report card. If you look at the information, it is a report to parents about whether or not their child is coming to school on time, abiding by the dress code, et cetera.

As a responsible parent I would have appreciated getting that information. As a former sixth-grade teacher, I know that there are students who leave home dressed one way and by the time they get to school they are dressed in a completely foreign outfit to that parent.

It is a two-way street. Picking up the phone and calling parents gets difficult with all we are asking of teachers.

I do not see the language in here as being threatening. Now we are saying we do not support grading parents. This is not grading parents. This is information relayed to the parents about their child.

I know there are a lot of reasons on the Senate side where it ended up like this. It is a decent place to start, although it could have been stronger. We do not need to get into that discussion. I just think it is important to say that on the record. Along with the press that is focused on this matter, it is a situation that I might not support or teachers might not support. What it has been called has done a disservice to Senator Raggio's intent. Getting kids through school and doing what teachers are asked to do takes participation by the family, the student, and the classroom teacher.

You have my support on this.

Senator Washington:

I appreciate your comments. The intent is not to make it punitive or make it a mandate, but to make it a source of information that can provide some guidance for those parents and provide the resources that are in our community to aid them and assist them in helping their students. Most of us want our children to be successful. We all have the same goals in mind. We may just have different means of trying to get there.

Chair Parnell:

We have a bill regarding truancy and excessive absence that is now on the Senate side and what I like, and what these two bills have in common, is that it says "a list of resources and services available within the community to assist the family in correcting whatever is going wrong." I know in the truancy bill a lot of attention is paid to intervention because it is not that kids are bad, though sometimes that is the issue, but a lot of times it is extenuating circumstances that create a situation where a child is not going to school or not coming to school according to the dress code. But the bill says if you are a parent and you are struggling and you do not know where to go, we can get you that information.

Assemblyman Hardy:

This would be more of a parent support card?

Chair Parnell:

I could not have said it better.

Assemblyman Munford:

Sometimes we want all of the support we can get from parents and want parents to be a part of their child's education. I have had some experiences with parents where they become overbearing. They tend to not be as supportive and instead try to dictate. In parent conferences, I ended up having to defend my teaching style, my teaching method, my philosophy, et cetera, like I was the bad guy. However, it was their child in this meeting because of disciplinary reasons or lack of performance regarding their child in the classroom. To some extent, parents should be more supportive than critical or cynical of the system.

A lot of parents use their political clout, and sometimes they get more mileage and accomplish more of what they want by putting the teacher in jeopardy instead of doing more for their child, who is the problem.

There should be something done to enlighten the parents on the fact that they are there just to observe and support, not to give the impression that they have more professional background and training than the teacher. We spent a great deal of time getting prepared to become a teacher. When you are a veteran teacher and parents sit there and try to tell you how to conduct your class, you have to draw a line.

I believe in the parents being involved, but do not tell me how to do my job.

Assemblyman Denis:

I am the new president for the Nevada Parent Teacher Association (NPTA), so parental involvement is important to me. When we think of the parent report card, we are looking at Section 2, subsection 3, page 4, where it is talking about what parents have done; that is a good thing to know. I would hope that the schools are going to work with parents. I hope this does not turn into a checklist where people start wanting to check where we worked with the parents instead of looking at the issue of some parents not being available during the day. Hopefully, teachers can work with parents when they are available. Sometimes parents cannot attend school activities because they are in the evenings and the parents work in the evenings. I see this as a good start and some help for parents.

Edline is sometimes great and sometimes frustrating for a parent. I will look on there and see that my kids have not done their homework, but sometimes I feel Edline is something extra for the teachers to do. Sometimes it does not give me enough information to know what I can do as a parent. This bill would help with that problem. Because we are trying to pass this bill does not mean we do not need to continue to look for ways to work with parents to make it easier for them to be involved in the process.

We could require the principal to have a meeting with the parents, so many schools would create a Parent Advisory Council (PAC), which has been done. The schools would hold this meeting at 9:00 a.m. when all of the parents were working and would get two or three parents to show up. On their report they had to turn in at the end of the month, they got to check off that they had a parent meeting. In actuality, they did not make an attempt to meet with the parents and get input from them.

Chair Parnell:

I would like to point out that Section 5 is not new language, although it is new in this bill, but I am not sure why it looks different. One of the other important components of this bill is also in Section 5: the Superintendent of Public Instruction shall establish an Advisory Council on Parental Involvement. That advisory council is an important piece to this bill.

Those of us who still have strong connections with the schools know that a lot of the parent conferences take place in the evening. I know teachers that have conferences between one in the afternoon and nine at night to accommodate parents. I do not think there is anyone out there that does not recognize, especially in our State, where we could have parents working day shift, swing shift, or graveyard shift—we have to do all kinds of things to work around other schedules to make that work.

Are there any more questions? [There were none.]

Lonnie Shields, Assistant Executive Director, Nevada Association of School Administrators:

The Nevada Association of School Administrators (NASA) supports S.B. 143 (R1) as amended. We would like to offer a friendly amendment ([Exhibit C](#)) which would include NASA in the groups that would create the form, which you will find in Section 2, page 4, line 12. We felt this was agreed to by Senator Washington and the workgroup, but somehow we slipped through the cracks and were not included.

The reason we would like to be included is that we would be responsible for introducing this form to the teachers in our schools and consulting with those teachers on when to use the form with parents of students in their classrooms. The principals are also required under this law to provide reports to the support team in an aggregated form. We are also given the responsibility of protecting the anonymity of the parent, student, and teacher in those forms, therefore we feel we should be involved in the creation of that form.

Chair Parnell:

Thank you for bringing this forward. Not including NASA was probably just an oversight when the amendment was written.

Are there any questions? [There were none.]

Joseph Turco, Representative, American Civil Liberties Union of Nevada:

May I change my position to neutral? I originally came in as opposed. When the bill was first introduced I testified against it. Before I became a lawyer I was a teacher. I taught at one school in Ingleside and another in San Mateo, California. You could not have had two more diverse socioeconomic communities. In the wealthy neighborhood the parents were around a lot, almost too much. In the poorer neighborhoods they were not around.

I testified before the Senate that certain groups would be tagged and marginalized. The bill was rather punitive in its original form. I have taken a good look at it and have now switched the American Civil Liberties Union (ACLU) to neutral on this bill. It is permissive and it is more positive.

We hate lists at the ACLU, and the only reason I cannot be in full support of it is because somewhere a list of problem parents is going to be created. I do not suppose that can be helped. I am happy to switch to neutral, and I wish this bill the best of luck.

One thing was for sure in the Senate. Everyone in that room agreed that parental involvement was important.

Chair Parnell:

Are there any questions?

Assemblyman Denis:

With the information that is going to be generated with this checklist are we going to actually be tracking this information? I did not hear that in the intent.

Barbara Clark, Steering Committee Chair, Connecting the Dots Parent Involvement Summit.

Assemblywoman Debbie Smith and I had a long-term goal of doing a parent involvement summit, which we accomplished in March of 2006. If you look on page 7 of the document I handed out ([Exhibit D](#)), you can see the list of people who are on the Steering Committee. Since then we have added the position for the representative from Nevada PTA.

As the Steering Committee Chair, I am here to speak to Section 5, the establishment of the Advisory Council on Parent Involvement. When we had our parent involvement summit in 2006, we had 157 attendees. Sixteen out of the seventeen school districts sent representatives. That group met all day and came up with recommendations of what they felt was needed to go to the next level in parent involvement within the State.

We had a follow-up summit on October 26, 2006, of which you have the report, to further define those recommendations. We did two presentations to the Interim Committee on Education on the statewide council. The recommendations from the two summit meetings are on page 6 of the report. They are a statewide parent involvement council, permanent and ongoing. There is a need for oversight to provide ongoing leadership for planning, communication, policy development, advocacy, and sharing of information on parent, family, and community engagement. This entity will serve as an advisory to the Legislature.

There is a statewide parent involvement coordinator position dedicated to assist in implementation of proven strategies throughout the State, and also, collection and distribution of resources.

Senate Bill 143 (R1) addresses the statewide parent involvement council, just as the Legislature determined, to establish educational standards and gave the necessary resources for this to occur. Research shows there is a strong link between parent involvement and academic achievement. This cannot be shown

unless we establish the same resources and commitment the State showed regarding the standards.

We have a statewide parent involvement policy creating the statewide council. It is an important piece and needs to be established in order to create that link to academic success. This council would be able to provide to the Legislature the best practices and parent involvement that will, over the course of time, establish that link.

We had 157 people from broad-based stakeholders who came to the same conclusion that we need to do something statewide to bring about effective parent involvement. One of those is having a statewide council.

We would encourage you to support this bill.

On a personal level, I have been a part of parent involvement for 15 years. I encourage you to support this entire bill. It is another communication tool. Regarding the committee makeup that is in Section 2, I have great confidence they will be able to come up with a format that will be acceptable for all the stakeholders to use. It is a checklist of items that are already being tracked at the school. That is nothing new. That committee can come up with additional positive resources as well as comments to bring forth to the parents. Parent involvement is work. It takes time and effort. We cannot continually bring forth things that do not involve work. It will not come about easily.

Chair Parnell:

Are there any questions? [There were none.]

Alison Turner, Legislative Liaison, Nevada Parent Teacher Association:

Nevada Parent Teacher Association (NPTA) strongly supports this bill. We feel this bill provides tremendous progress towards making parent involvement possible, guided, and supported throughout the State of Nevada.

The parent support card will help provide parents with specific information on how to support their children, especially if those children are encountering difficulties in school. The statewide council that is recommended in another part of the bill is something we have all worked toward for some time. It will provide support and ongoing information about new research and new methods available to help further parent involvement and engagement throughout the State of Nevada.

Chair Parnell:

Are there any questions? [There were none.]

I will close the hearing on Senate Bill 143 and open the hearing on Senate Bill 312 (2nd Reprint).

Welcome, Senator Horsford.

**Senate Bill 312 (2nd Reprint): Revises provisions relating to education.
(BDR 34-604)**

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

We have several people in Las Vegas who are going to testify in support of this bill.

There are three documents that I have distributed to the Committee. The first is a PowerPoint presentation ([Exhibit E](#)), which Hilarie Robison will be going through. The second is a study from Stanford University ([Exhibit F](#)) on the multiple-measures approaches to graduation. The third is a report from the New York Performance Standards Consortium ([Exhibit G](#)) on keeping accountability systems accountable. We will be referring to those documents during the presentation.

Senate Bill 312 (R2) is a bill that has been brought forward after more than two years of work by more than 50 community organizations, educators, parents, and students in response to the fact that Nevada ranks second to last in the nation for the rate of students who successfully complete high school.

The statewide coalition established a successful initiative referred to as Ready for Life. The purpose of Ready for Life is to help connect students by the age of 25 to post-secondary education and/or employment so they can successfully compete in life and not impose significant social costs on the rest of society by not being properly prepared.

The PowerPoint presentation provides an overview on the need for this legislation.

Hilarie Robison, Representative, Nevada Public Education Foundation:

[Read from PowerPoint presentation ([Exhibit E](#)).]

Chair Parnell:

Are there any questions?

Assemblywoman Smith:

On the second page of your chart, I was curious why you do not talk about going into an apprenticeship or career other than immediately enrolling in higher

education. We spend a lot of time in this Committee talking about career and technical education, and I am curious why that is not part of this.

Hilarie Robison:

We support that as an appropriate avenue for post-high school. These numbers were what was available from the Department of Education. I want to look to see if they track those numbers as well or if someone throughout the State does. We would like to see that also; we just did not have access to it for this presentation.

Assemblyman Beers:

Almost every one of the points that you brought up were items that I mentioned on my campaign trail in pushing toward an emphasis for career and technical education, adding relevance back into the system. It is amazing that the federal Department of Education does not know this.

Assemblyman Kihuen:

When you were presenting this bill on the Senate side, what changes were made? What suggestions were made by some of the Senators?

Senator Horsford:

Sections 1 and 2 expand the grade levels that the school districts are required to report to the Department of Education for the purposes of dropouts. Currently they are required to report from the ninth to the twelfth grades. This bill would require it start at the sixth grade. As the research indicated, the dropouts are beginning earlier and earlier and we cannot wait to figure out the problem until they get to high school.

Sections 4 and 5 deal with the multiple pathways to demonstrate proficiency. This is something that only 4 states currently do not do: Nevada, Alabama, Louisiana, and South Carolina. We propose to bring forward that provision.

The bill was passed out of Senate Human Resources and Education. On the Floor an amendment was presented that changed that alternative pathway to demonstrate proficiency. Currently, there are three subjects that are required. There will be a fourth this year, which is science. The bill, as originally proposed, would have required students to pass at least two of the four subjects and then they would have been able to seek an alternative route for the other two subjects. The amendment requires students to pass math and reading and then they are able to demonstrate proficiency in the other subject with science being added as long as they have a 2.75 grade point average (GPA).

That was an amendment that was introduced in the spirit of trying to move forward the other provisions that are very important in the bill. We did support that amendment.

There is an administrative code that prohibits an eighth grader who has not earned the necessary credits from advancing to the ninth grade.

In Clark County we have second- and third-year retained eighth graders who are literally 16 years old and still in middle school. That is not a safe environment for those students or the younger students who attend those middle schools. The discussion from many of the principals in the middle schools is to allow those students to progress to high school on academic probation. They would still have to satisfy their middle school credits, but, at the same time, they would be able to continue to earn high school credits, of which they are falling further and further behind.

There is another provision in Section 8 which allows for students to test out. Some of our best and brightest are required to sit in a classroom even though they have proficiency in a subject. That provision would allow the student to move forward.

In Section 9 it increases the compulsory age to attend high school from 17 years of age to 18 years of age unless the student has already earned the necessary credits to graduate. At which time they would be able to leave at whatever age they earned those credits.

This is based on research from the Harvard University Civil Rights Project, which demonstrates that students are not just dropping out of school; they are being pushed out by public education across America.

Children are entitled to a public education in the State of Nevada until they are 21 years of age or 22 years of age if they are special education students. Because many of these students are bringing down a school's Adequate Yearly Progress (AYP) scores they are being pushed out. This was observed because of adult education. One of their single largest age groups for students enrolling in adult education is 17 to 22 year olds. It is because they cannot successfully pass a proficiency exam or because they are so credit deficient. This bill says to remain in high school as long as you possibly can up to the age of 18.

Adult education only provides \$621 per student compared to the Distributive School Account (DSA) allocation that we provide. It does not include special education and there are not dedicated English language programs for all of the students. It is not required. Those are two barriers to those students

succeeding in adult education. I am not saying that adult education should not be a choice, but it should not be the only choice for these students.

Chair Parnell:

I want to point out that some of the key elements of this bill are so important and found to be so important by the Legislative Committee on Education that they are in a multitude of bills. The information that was gathered during the interim rose to the top and that is why you will see some of these key issues in more than one piece of legislation.

During the interim I did a lot of work on the teacher's pay for performance issue and talked to other states about how they assessed their teachers. There is so much talk about giving teachers a test or looking at their test results to see how you can judge a teacher. I called across the country and talked about different district pay for performance. I found in the vast majority, probably as of four or five months ago, there was not a state that just depended on a test because there is no such test. The most interesting conversation I had was with a gentleman, I think he was a psychometrician, a test person, who said that when you are looking at doing an analysis of anyone—a teacher, a high school student, or whoever—you should never use a single test. You should never use a single source to judge anything. That was coming from someone who does that as a living. I thought that was interesting and something that we all need to keep in mind.

Assemblyman Stewart:

On the alternative method of graduating, if the student cannot pass the rest of the proficiency, who determines if the portfolio meets the standard? That seems very subjective and nebulous to me.

Senator Horsford:

The Department of Education, through regulation, would have to develop the standard. The standards for the multiple pathways would have to be consistent with the standards for the proficiency exam. That is exactly how the other states approach the multiple pathways.

In the Stanford report ([Exhibit F](#)) on page 2 it lists the four states that have multiple measures. Based on their graduations in 2001 you will see there was an increase in the percentages for graduation from 70 percent to a high of 86 percent. The states that only tested were 61 percent to a low of 51 percent.

Other states have learned that a way to increase their graduation rates is to allow students alternative approaches to demonstrate that proficiency. This

study also concludes that it is the analytical and critical thinking skills that are demonstrated through those alternative approaches that you cannot find in the standardized tests. That is a message that I want to reiterate.

This bill passed unanimously on the Floor. None of us are for weakening standards. This Committee has worked hard to increase standards. The point in this bill is that there are other avenues to see whether a student has demonstrated that proficiency. If it helps the students to show their proficiency in a different manner other than a test, this bill would provide that opportunity.

Assemblyman Munford:

I can recall on many occasions where students would pass the proficiency test but they could not pass a class. That is almost what you are saying. A teacher can set up a certain type of standard in his classroom in terms of term papers, oral report, things of that nature. I taught seniors three quarters of my career and there were many of them that could pass the proficiency test but when it came to passing my class they were having trouble. You cannot graduate without passing the class. I taught United States Government and if you do not pass U.S. Government, you can pass all of the proficiency tests you want but you will never graduate. That is very important. They still have to do the classroom material. Some teachers have a very stringent standard that is almost equivalent to the proficiency test to some degree. I support this program and I think it has a lot of merit to it.

Where is the office located? Do we contact you through the website? Is there any walk in area or office that we can go to?

Senator Horsford:

Students would still be required to take the exam three times. If they fail they can take the alternative route based on the amendment that was passed. This is just one step. Students would still be required to take all the required subject matter. It is just for those cases where a student does not pass one or more of the proficiency exams after several attempts. This would allow them an alternative route to demonstrate proficiency in those areas. They would still have to have a 2.75 GPA, and with the amendment, they would have to pass the math and reading portions of the exam.

Chair Parnell:

We have many people who would like to speak in favor of this bill.

Donna Hoffman-Anspach, Representative, Nevadans for Quality Education:

[Read from prepared statement ([Exhibit H](#)).]

Chinda Cook, Private Citizen, Las Vegas, Nevada:

I am here as a parent and have had children in the Clark County School District for 25 years. I support this bill as a parent. I think this bill will help remove some of the barriers that our children face.

Alison Turner:

The Nevada Parent Teacher Association (NPTA) supports S.B. 312 (R2) and encourages your support, as well.

Our favorite part of the bill is expanding the accountability information. This seems like an obvious step. It is something that needs to be done. We need to find out why these children are deciding that they do not want to stay in school when it is vital to their success in life.

I would also like to comment on expanding the age of compulsory attendance to 18 years old. There are so many classes and so many areas where students can learn so many things. It seems to be a very strong concept to encourage them to stay in school and take advantage of those things.

Chair Parnell:

Are there any questions? [There were none.]

Keith Rheault, Superintendent, Public Instruction, Department of Education:

The State Board of Education held their meeting this weekend and this was the first chance they had to look at the bill with the amendments. They are supportive of the bill. They dwelled on Section 4, in particular, regarding the alternative route. They were supportive of that.

Regarding the licensure, their main concern was with subsection 3 where it allows an essay, a senior project, or a portfolio of a student's work. The way it is worded says those three will be there. What they have asked me to do is look at the other states that were mentioned. In the data I had, it was either a portfolio or some kind of appeals process, so I need to look further into what might be appropriate. They wanted to see if there were other ways for that to be done so it would be more consistent throughout the State. That was their only concern.

After hearing the discussion, I will probably need some clarification to make sure we are okay. On Section 4, subsection 1(b)(1), I was interpreting "passes the subject areas of math and reading on the proficiency exam" to mean they passed the course work in English and math. I am not sure what subsection 1(b) means by they are eligible if they "failed the high school proficiency examination." If you read that as passing the test, the only one left is writing.

So I interpreted that as passing the English and math courses, having a 2.75 GPA, and meeting the criteria. It would be helpful if I had that clarified to make sure we are both on the same track.

Chair Parnell:

We will make sure that Legal gets together with you.

Keith Rheault:

I thought I heard "test" so I am not 100 percent sure what that means.

Chair Parnell:

With your prior statement about not wanting to leave anything out, I know that Carson High School is going through their wonderful senior project program. Anyone who has judged the senior projects at Carson High School knows the students do a tremendous amount of work by spending two to three hours going over their written work and then going back to the school the day they do their oral presentation, so we would not want something like that left out of this.

Keith Rheault:

A lot of senior projects take more than six months to plan. They would have to take the test three times. That would be their sophomore year, junior year, and then in the fall of their senior year. Some of these portfolios and senior projects need to be planned out at the beginning of the year. If a district does not require a senior project, it will be a rush after they are notified in October that they did not pass the test, they are going to have that alternative piece. That is where they wanted some flexibility. They are going to look at expanding the criteria list.

Chair Parnell:

Can you get us some language or something in the next few days?

Keith Rheault:

Just clarification; the way it is worded "or any combination" and "not limited to" gives them the opportunity to add to the list beyond the essay, senior project, or portfolio.

Kristin Roberts, Committee Counsel:

The intent was that the pupil who had failed the high school proficiency exam in its entirety, which is on line 5, page 17, must have passed the subject areas of math and reading on the exam.

Senator Horsford:

That provision as amended was not my amendment. We would need to meet with the sponsor of the amendment to clarify it. The sponsor of the amendment is the Majority Leader on the Senate side, so I ask that whatever change we make we ensure that the Senate will concur so we do not lose the other provisions of the bill.

Assemblyman Stewart:

With the diversity of the State, from Esmeralda and Eureka Counties to Clark and Washoe Counties do you see a difficulty in trying to set a statewide standard for this alternate method?

Keith Rheault:

It is going to be a challenge putting the regulations together so that the same portfolio in Clark County, if that student gets approval, is the same criteria followed in Elko County. That will be the difficulty in putting together regulations. It may involve some additional work on a matrix that says these are the precise things you have to look at before approval can be granted. That is a difficult piece.

We agree that whatever it is it has to show the same level of proficiency had they passed the test, but it is just a different way to show the student has the knowledge.

Chair Parnell:

There is a bill this session regarding the grading scale because we found there were some Advanced Placement (AP) classes with one grading scale and other AP classes with a different grading scale.

Some states have a kind of point system. You might need 500 points to graduate with a standard diploma. That 500 points could be met through a high school proficiency worth a certain amount, a senior project, GPA, class standing, and all sorts of things that would equal that minimum level. I think it is a good start and we will have things to learn from it and places to go with it.

Assemblyman Segerblom:

Senator Horsford, was it not your intention that you still have to pass the proficiency test with respect to math and reading?

Senator Horsford:

I supported the amendment in order to ensure the other provisions moved forward and the discussion around multiple pathways to demonstrate proficiency did not die. What the Chair is saying is we need to look at this as

part of one of the studies that the Standing Committee on Education may look at, and what the ultimate criteria are that have to be met since we have implemented the policy. We have got to look at that and compare it to other states. I do not think this is something we will be able to decide this legislative session, but I did want to open the door to allow students to have an alternative route. It is not going to help as many students as we would like. Based on the statistics we received from Clark County, slightly over half of the students who currently fail the proficiency test fail in math. This bill, as amended, would not fix that for those students. We are going to have to look at something different whether it is remediation or what the students are being taught. I do not know the answer to that.

Assemblyman Segerblom:

For this session at least, you do not want to take out the math proficiency test?

Senator Horsford:

Not without the concurrence of the Majority Leader. This is out of respect for him and the compromise the bill will sustain if we change it too much. If he does not concur, we may lose the other provisions of the bill that would help other students as well.

Assemblyman Segerblom:

For the record, I support the concept of getting rid of the math proficiency because that punishes people who probably cannot ever pass that test.

Assemblyman Stewart:

I hope we are not on the road to lessening all standards. I think the standards that we have set have been a positive thing overall. There is such pressure on people like Assemblyman Munford and others who may have been in the position to graduate students who have not measured up. The proficiency tests are that standard that makes them pass a minimum. Cheating goes on, parental pressure goes on, all kinds of things go on to get that kid graduated. I hope this is not the beginning of a slippery slide to reduce standards overall.

Senator Horsford:

I agree. I am as passionate and committed about maintaining high standards. The research shows that standardized testing is not the only way for a student to demonstrate proficiency in a subject. That is the only thing this bill does. It does not say the students should not be proficient in the subjects. It requires proficiency.

I would ask you to look at the Stanford University study ([Exhibit F](#)) and also the New York Professional Schools Consortium ([Exhibit G](#)), as well. Those students

are demonstrating higher critical thinking skills than what we require out of our proficiency exam. That is something we are not doing. In some ways we are failing the students who have the ability to do above and beyond what the proficiency exam requires. That is the push and the emphasis.

Just because a student does not pass an exam does not mean they do not know the material.

Assemblyman Stewart:
It generally does.

Chair Parnell:

This is a hard one to not become emotionally involved in. My sons had the history and English brains. They did not have the math and science brains. They are old enough that they graduated from high school prior to this. I have never been sold on the one-size-fits-all and I have said to a number of people, "What about the next Stephen Spielberg?" That person would not be the kind of kid who is going to be able to get through this. What are we telling students when we have one standard that is a one-size-fits-all and it determines that they have made a success of themselves or they have not? As a parent and as a former teacher, I am appalled by that kind of philosophy. A lot of people disagree with me on that. I really compliment you for at least bringing the discussion to the table. It is long overdue.

Is there anyone else wishing to speak in support of S.B. 312 (R2)?

Joyce Haldeman, Representative, Clark County School District:

The Clark County School District has been working with the Ready for Life initiative since its inception. There are quite a few people from the Clark County School District who sit on that committee and have been an active part of the recommendation they made. Particularly for the many measures of the bill that have been discussed aside from the high school proficiency exam, there is strong support from the school district to support those measures. We think it will make a big difference in the way we are able to help our students along.

I want to make sure it is very clear that the Clark County School District is not in favor of lowering the academic standards for passage of a high school proficiency exam. We want to maintain high standards. We do recognize it would help some students if there are alternative ways to accurately assess their knowledge of a subject.

One of the suggestions we made on the Senate side, which was not accepted, is that we thought a cumulative score of the various portions of the exam would

be a good way to measure it. That way you can recognize those strengths and make accommodations for the weaknesses of a student who is really good at English and science but not math, for example.

There have been numerous times that we have heard of students who have failed the math portion by one, or two, or three points and yet they have 95s or 99s on the other parts of the test. This would be a way that it could make up for that.

Just so you have an idea of the impact the amendment will have in Clark County, while working with Senator Horsford we calculated how many students from last years graduating class would have been affected by this amendment. When you consider the students who pass the math portion, who pass the reading portion, and who have a 2.75 GPA, there were a total of 21 students who met those three criteria but had not yet passed the writing portion. Of those 21 students, 16 of them were English Language Learners (ELL), 2 of them were special education students, and 1 of them was both special education and an ELL. The impact of 21 students is not huge but may have a greater impact when we add the science portion of the proficiency exam. It is a small difference in what would happen.

Chair Parnell:

Are there any questions? [There are none.]

Is there anyone in opposition to S.B. 312 (R2)?

Lynn Chapman, Vice President, Nevada Families and Co-Founder of Home Educators of Faith:

I am not against this bill but I do have a concern, on page 22, Section 9, where it talks about *Nevada Revised Statutes* (NRS) 392. This pertains to home schoolers. We are concerned about the wording. It says "...unless a child has graduated from high school," and changing the age that children need to be in school. Home schoolers do not get a formal certificate when they graduate. With my daughter, I bought the books and I taught her myself so she did not receive any credits, so to speak, so how would we prove that our children graduated? Is there some way we can exempt home schoolers from this?

Kristin Roberts:

Section 9, line 15 says "...except as otherwise provided by law." That other law is NRS 392.070, which is the exemption from compulsory school attendance.

Lynn Chapman:

So we are covered?

Kristin Roberts:

Correct.

Janine Hansen, President, Nevada Eagle Forum:

That was the same concern I had.

Chair Parnell:

I am glad we were able to deal with that.

Anne Loring, Representative, Washoe County School District:

We support almost the entire bill. Because of some legislative interest in this issue, Washoe County School District attempted to identify the number of eighth grade dropouts. We think this would be valuable to report to the community.

We support the emphasis of credit by exams. We use this in middle school math, high school foreign language, high school computers, and would love to expand it. The principal issue we have is being able to afford and provide proctors for a large numbers of these. We think this is very valuable to students.

We also support the section dealing with the issues of academic probation. We provide a variety of credit recovery mechanisms for our young people.

We support increasing the age from 17 years of age to 18 years of age.

The issue with which we beg to differ on the bill, in spite of the amendment, is a long-standing policy of our board of trustees to not support alternatives to the high school proficiency exam for graduation, except for the fact that Nevada is one of only 16 states to provide an adjusted diploma for special education students. For those young people it has been a long-time policy in the State of Nevada to allow them to receive a diploma, which has all of the value of a standard diploma from Nevada, but is based on the requirements of their Individual Education Plan (IEP). We would take into account the discussion we are having here about alternative assessments. I do not know how many of the states that have been discussed also provide what Nevada does, which is the adjusted diploma.

The high school proficiency exam is generally not thought to be extraordinarily rigorous. I think there was surprise among some people, including myself, to

learn this year that the geometry questions on the math exam are written at a middle school level and not at a high school level. A student should be able to accomplish that level of mathematics in order to go out into the community and workforce and say that they have earned a high school diploma. Recognize with this amendment the math proficiency exam would still be required.

It is important to realize, and perhaps during the interim there might be some study by the Legislative Committee on Education, that when you look at the pass rate on all of the exams after the first try it is usually surprisingly low in all of the subjects. By the time the students take it repeatedly because of enormous efforts by schools and school districts to provide all sorts of tutoring, and outside help via computers, the pass rates get higher and higher by the senior year.

In Washoe County 99.9 percent of our students passed the reading and writing portions of the proficiency exam and 96 percent of them passed the math. It would be hard to argue that the issue is test diversion with numbers like these. It is probably that they are not doing well enough in math. We work on improving that.

Given the concerns that the business community has repeatedly expressed about the quality of our graduates and the very startling numbers of the percentage of our kids who go on to higher education in our own State and need remediation, we think that the high school proficiency exam is not even aligned with those requirements as it now stands.

When Vermont became the first state to go to statewide portfolios, they found them to be not only costly to try to do but also notoriously unreliable in terms of scoring from school to school. Should we go down this path, there will be a concerted effort to make sure they are equal from district to district. None of us wants to get into a situation where a diploma from one of our counties in Nevada indicates lower levels of achievement.

Chair Parnell:

Nevada has an adjusted diploma for special education students. If you are not in special education, there is no way to get an adjusted diploma. That needs to be clarified for the record.

As an adult I use geometry that I learned in high school when I get new carpet or I am going to paint a wall; I go into the paint store and figure out how much paint I am going to need. Other than that I do not use math on a daily basis. My overriding concern about looking at a math score is that it bothers me to use a math score as sort of a determiner as to what someone's success in life will

be. That is an attitude we cannot afford to get sucked into. There are a lot of things that determine our success in life. Success could find that child we never expected to succeed. It could happen to the child from a family that you never thought had a chance of succeeding. They could end up just being the wonderful surprise story of mankind. I hate to give up on a student for a score of any kind in any subject area.

Assemblyman Munford:

What was the average number of students in Washoe County who passed the proficiency exam?

Anne Loring:

It was 99.9 percent who passed the reading and the writing and 96 percent passed the math portion of the proficiency exam.

Assemblyman Munford:

That was across the board of all of the high schools in Washoe County?

Anne Loring:

Yes, that is the district-wide average. Not every school got to that number.

Assemblyman Munford:

I can understand to some degree because I had an opportunity to tour two schools in Washoe County this past week. I went to Hug High School and Reno High School. The number one factor that attributed to the success rate in these schools is the small class sizes. I did not see any class with more than 25 children in it. That is one of the key components to being successful in student performance.

When I taught in Clark County I never had a class size under 30 students. The average was 35 students.

Chair Parnell:

Are there any questions? [There were none.]

Is there anyone else who would like to testify? [There were none.]

I will close the hearing on S.B. 312 (R2) and open the hearing on Senate Bill 313 (R1).

Senate Bill 313 (1st Reprint): Authorizes the boards of trustees of school districts to adopt a policy relating to the enrollment of certain pupils in kindergarten in a public elementary school. (BDR 34-605)

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

I would like to see whether or not those students whose numbers were recorded in Ms. Loring's testimony on S.B. 312 (R2) were from ninth-through twelfth-grade students or just twelfth-grade students because we lose a lot of kids by the time those twelfth-grade statistics are reported. That needs to be reflected in the discussion.

Senate Bill 313 (R1) hopes to address a concern in existing law that prohibits a parent from requesting to have a choice to enroll their child in kindergarten. Currently, existing law requires that a child who is five years of age on or before September 30th of the school year be admitted to kindergarten. Senate Bill 313 (R1) authorizes a local district to develop a policy in which a parent can have a child enrolled if the child is five years of age on or before December 31st of the school year.

You will hear testimony from some who will say there is a lack of evidence to support children being enrolled in kindergarten at an early age. You may also hear that some students are not developmentally ready to be enrolled in kindergarten. Others may say that there may not be an equitable process to decide if a child should be enrolled in one particular school and not in another. The goal of this legislation is not to debate those arguments but to give parents the choice to decide whether their child should be enrolled or not.

I have distributed a report from the Education Commission of the States ([Exhibit I](#)). This information shows that 29 states allow early entry into kindergarten. Twenty-one of those states leave the decision to admit students into kindergarten early to the discretion of their local education agencies. There is a list of those states in the document. Nevada prohibits it. It is not allowed whether a local district wants to do it or not.

I have worked with some individuals who had opposition to the bill as originally written because I wanted to give the discretion to principals. People came forward and said that was too much and the districts needed to have a process. We agreed on the amendment that was brought forward which would create a standard process and would include, as stated on page 4 of the bill, an assessment of the child that is appropriate to determine whether the child is prepared adequately to attend kindergarten. This was in an effort to work cooperatively with those who had concerns over the bill.

There is evidence that indicates that a child who is ready to learn should attend kindergarten. Children that possess basic skills of reciting the alphabet, shapes, colors, and numbers should be permitted at the request of the parent and at the discretion of a local district to enroll that child.

An arbitrary date such as September 30th does not take into account when a child is ready to learn. The child should be given the opportunity to start school. Research also indicates that while not all children possess the skills to enroll in kindergarten based on age, keeping them out of school an entire year sets those children further behind. Studies indicate these students not only lose the opportunity to learn at an early age, but also they lose economic earning power compared to their peers based on an arbitrary date.

Giving the parents the choice to decide to enroll their child in kindergarten based on a process through the local district should be permitted, and S.B. 313 (R1) seeks to resolve that.

I would like to come back up and respond to the testimony after it is finished due to recent objections to the bill, if I may.

Chair Parnell:

Are there any questions? [There were none.]

Is there anyone in support of S.B. 313 (R1)?

Renee Bufkin, Private Citizen, Washoe County, Nevada:

I am here in support of S.B. 313 (R1). This bill affects me personally, and I would like to explain how. Some things might come up where a parent is faced with a restriction like what is in the NRS. I have four children, ages 6, 4, 2, and 7 weeks. My two oldest attend High Desert Montessori, which is a charter school in Reno. As a charter school it is a public school, so it is bound by NRS regarding the age for admission to kindergarten.

Montessori is set up into multiage classrooms. The theory of Montessori education is that early childhood education is extremely important so children start at the age of 3. My second child's birthday is in the middle of October so when my husband and I chose Montessori education, we were thrilled to find a public school that was a Montessori school, but we were faced with my second child being two weeks shy of being three years old when he started. We talked to the educators, the principal, and the teachers, and they felt that the value of him being in school at the age of three for that entire year was in keeping with the Montessori tradition. He is now finishing his second year of the primary classroom, which is ages 3, 4, and 5. Age 5 is the Nevada equivalent of kindergarten, but he cannot go into kindergarten because of a Nevada Statute that prohibits him. If S.B. 313 (R1) does not pass he is faced with a situation where he is going to be in a three-year program for four years because he does not fit into this arbitrary date set by the State.

When I realized what I was facing I called the principal, the school board, the head of the charter school, Senator Raggio's office, and Assemblyman Bobzien's office, and that is how I found out about this bill. I was excited to find out that the Legislature was receptive to this and realized there is a problem. Everyone else I talked to said they were sorry, there was nothing they could do, and there were no exceptions.

I realize the need for an arbitrary date. We cannot have everyone entering kindergarten whenever they feel like it is appropriate. What S.B. 313 (R1) appears to do is provide that flexibility for parents to decide their situation is different. In my particular circumstance it is because my child, at the end of next year, will have completed all of the work of the primary classroom in a Montessori school and will be ready to move on to the lower elementary classroom.

As far as equity and fairness goes, I do not see why it is fairer that you have an arbitrary date where a child born on the cutoff date is allowed to go to kindergarten this year, but a child born the day after does not get to go until next year. That is a decision better dealt with in a flexible way where a parent can decide if their child is ready or not.

I am in support of S.B. 313 (R1).

Chair Parnell:

It is nice to have a parent testify who is dealing with these issues.

Are there any questions? [There were none.]

Mary Jo Malloy, Representative, Nevadans for Quality Education:

Nevadans for Quality Education (NQE) supports S.B. 313 (R1).

Lonnie Shields, Representative, Nevada Association of School Administrators and Clark County Association of School Administrators:

We would like it on the record that our concern was met with the amendment Senator Horsford has put in this bill.

Chair Parnell:

Is there anyone opposed to this bill?

Dotty Merrill, Representative, Nevada Association of School Boards:

When this bill was introduced before the Senate Committee on Human Resources and Education we met with Senator Horsford and he graciously helped remedy the concern that had been communicated by the Nevada

Association of School Boards (NASB) regarding the initial language, which placed the responsibility on the principal.

Section 1 of the bill, subsections 9(a) and 9(b) on page 4, represents the willingness that Senator Horsford had to address the concerns; however, as sometimes happens during a legislative session, a direction on a legislative proposal can change or shift as more input is gathered and thinking is broadened. That is what has happened here.

On May 5, 2007, the Executive Committee and the Board of Directors, a group that involves 26 representatives from each of the school districts, considered this bill and adopted a different position on the proposal. I have been directed to present that position to you.

Although providing school boards with the opportunity to develop policies and regulations, should they wish to do so, is clearly an improvement over providing that authority to principals, school board members are concerned about the potential for the situation that would arise when one county elects to adopt such a process and the county next door does not.

School board members stated they believe that having the September 30th cutoff date for 5-year-old entry into kindergarten ensures there is a level playing field no matter where children live, no matter how in or out of poverty they are, or any other conditions that might apply to them.

There will always be children born just following whatever deadline is established. They will be born on January 1st or January 2nd after the window established in this bill, and they too might have the same concerns as you heard in the previous testimony. There will be a problem of this sort regardless.

Another concern is the potential for parents to misuse such a procedure and such an opportunity seeking it as a child-care option rather than an educational enhancement for the child.

There are already enough high stakes tests for children beginning as early as third grade, and this would provide a high stakes assessment or a way to determine if children in the window after the cutoff date were ready for kindergarten.

A number of school board members said that kindergarten classes in their school districts are already larger than the optimum class size. There is a potential for raising class sizes further as a result of this kind of opportunity.

Although the proposed legislation makes entrance to kindergarten permissive, those who choose to adopt these policies and regulations for the consideration of children who turn five after September 30th and before December 31st will require the use of assessments and staff time to administer those assessments. We worked with Senator Horsford on this language because we were striving for something that is more objective than children looking like they are ready to attend kindergarten. If school boards adopt policies and regulations and proceed down this road, then there will be costs for the assessment itself and for the staff to administer it. The assessments would have to be administered one-on-one. It is difficult to administer an assessment to a kindergartener that is a fill-in-the-blank assessment. There would have to be other ways to gauge readiness and preparation.

There was a concern communicated about the need for an appeal process. The appeal process would also include staff time.

The school board members greatly appreciate and respect Senator Horsford's sensitivity to this issue and to families who find themselves in this particular situation, but I have been directed to support the statute as it exists.

Assemblyman Bobzien:

I see there are a number of other states doing this. From the concerns you have laid out, I have a hard time envisioning the scale at which there would be a problem. Has there been an attempt to investigate in some of the other states the frequency at which these exemption or appeals are actually used? If this is every kindergarten student asking to get in a year ahead of time, you will certainly have a problem, but if this is a much rarer situation I am a bit dubious as to what the impact would be.

Dotty Merrill:

I need to say that this happened on Saturday, and I have spent quite a bit of time trying to explore the issue you raised. What I have discovered in looking at half of the states that allow school boards to make this determination locally, is that as far as I can see the places that are doing this are small school districts. I cannot give you more information at this time.

Chair Parnell:

We have school districts that are decreasing in size, and there might be an occasion where you have a very small kindergarten class and it would not be a problem at all to add two or three more children into that classroom if their parents so desired.

It is too bad there is no way to give it some local control within certain parameters. It is silly to tell parents that their child cannot start kindergarten if he is ready, has passed the assessment, and there is room in the class. I do not know if there is a way to come to a compromise this session. It is a discussion worth having.

Assemblyman Bobzien:

Maryland, Indiana—these are not states with small school districts exclusively. These are heavy-hitting school districts that are somehow able to do this.

Bryn Lapenta, Representative, Washoe County School District:

With the addition of the amendment, we recognize that this bill is permissive, but it does have a fiscal impact. That makes it difficult for us to enact in terms of facilities, space, and the cost of the one-on-one testing to determine the eligibility for entrance.

Randy Robison, Representative, Nevada Association of School Superintendents:

We have concerns with the equity issue that has been raised. We are in favor of local control, but on an issue like this we may end up with several different policies across the counties.

When wards are given the ability to review and revise their policies, they may be asked to do so on a regular basis. In a smaller school district that may not present much of an issue, but in a larger district that may represent a rather complicated issue.

You heard testimony earlier in support of this bill by a very articulate person and it took nearly ten minutes. Multiply that by a couple of hundred people, and it is a lot of time out of a school board agenda to deal with that kind of an issue.

Another testifier mentioned that it does not matter what date you pick. There will always be someone born just after that date so there will always be a request to review and revise. I am not opposed to taking time to do what is best for our children, but school board members and their agendas in the districts in which they are obligated to oversee have a tremendous amount of important business to transact. They meet on a limited basis for a limited time and need every minute they can spare to operate that district.

The way the statute is currently drafted is working well.

Joyce Haldeman, Representative, Clark County School District:

We stand in opposition to S.B. 313 (R1) because we do not think it will resolve the issue.

The entry level for kindergarten students is a topic that already receives a lot of attention in our district. At this point we are always able to refer questions and explanation of the statute to the Department of Education, and they tell us that is the single biggest phone call they get.

It is interesting that many parents feel their children are above average and many think there should be an exception for their child. Sometimes it is because they think their child is the brightest. Sometimes they say it is because he is the tallest. We actually had one parent who wanted an exception for her son because she wanted him to be able to drive when he was a sophomore so that he could drive his siblings to school.

If there is an appetite on the part of the Committee to lower the entrance age for kindergarten students then we would hope you would do it wholesale, and that you do not require the districts to set up policy and the assessment piece that would go along with it.

Making exceptions for the numbers of children we think would come forth with this kind of request would impact the class sizes we already have, especially as we are moving toward all-day kindergarten. We feel we would rather concentrate on that effort rather than make space available for other children who can pass the assessment.

If this bill were to pass I know there would be very heavy lobbying on the Board of Trustees to change the policies so they would be able to accommodate these students. The law then requires that there be an assessment set up for the students and that would incur additional expenses for the district. It would take a lot of time to assess that cost. It would open the door for the question of assessing every student as they come into the Clark County School District because even at the date we have there is a wide variety of preparation levels, and I do not know if that is a pathway we want to go down.

David Schumann, Vice Chairman, Nevada Committee for Full Statehood:

We have talked a lot this session about scarcity of money for education. When you have scarce resources it is a basic law of economics. You have to allocate the resources to where they are needed the most. We have a very obvious need in American education because the Organization for Economic Cooperation and Development has found and declared that all kindergarten through twelfth-grade education in the United States, including Nevada, is substandard. The Third International Math and Science Study in 1998 found that Americans rank lowest in the industrialized nations in math and science, so maybe that is why all of these kids are having trouble with math because as a nation our kids rank low.

The money that this will use should be applied to high schools. That is where the dire need is. Getting kids into kindergarten and first grade will not change the fact we are producing children that rank below all the other nations in the world. The notion that they will come out with higher SAT scores because they go into kindergarten at the age of four—I challenge anyone to show me a credible study that proves that. On the other hand, it is easy to show you that our high schools are failing our children. We are failing our children. The money is far better spent improving our high school children.

Lynn Chapman, Vice President, Nevada Families and Co-Founder of Home Educators of Faith:

We are not in support of this bill. I found some interesting information from the Foundation for Child Development, the Yale Child Study Center. Boys were expelled at a rate over 4.5 times that of girls, and this is from preschool—these are 4-year-olds. The researcher said that no one likes to hear about 4-year-olds being expelled from preschool, but it happens rather frequently. He goes on to say that many times "bad boys" are relabeled "challenging." Part of it is because 4-year-olds are wired a little differently and have not matured enough. He also said that little boys are victimized by expulsions, never mind the fact that they beat each other up more than girls do. That is part of what the problem is. Boys tend to squiggle, wriggle, and move around a lot. They do not like to sit in a structured situation very often.

Toddler's brains are not as well developed and their inhibitions, against violence in particular, are not wired yet. The researcher did note that the part of the brain that inhibits risky behavior does not fully develop until the age of 25.

As a home school consultant, I have talked to many parents and part of the reason they do not want their children to go into school at even five years of age is because they are not quite ready. They do not do well. They wriggle around too much. The problem is that if they are in school sometimes they are labeled as a behavioral problem because they cannot sit still. That behavioral problem goes into their record and follows them through their school career.

I have a problem with 4-year-olds being put in with 6-year-olds. There are a lot of 6-year-old children in kindergarten and that might cause a problem with the age difference. I am wondering if the dropout rate is so high in Nevada because children are just burned out by the time they get into the higher grade levels.

Chair Parnell:

I am a little surprised at your testimony. This bill is encouraging parental choice and you are always at the table supporting parental choice, especially with issues such as home schooling. If you look at Section 1, subsection 9(a),

"Prescribe the procedure for the parent or legal guardian of a child to request that the child be approved for enrollment." This is a parental choice issue and you are opposing it. It is contrary to what your normal position is.

Lynn Chapman:

Yes, but it is because of the age of the child, and I believe children need to be children and at 4 years old they are not quite ready to go to school yet.

Chair Parnell:

Do you not think that is the parents' decision to make?

Lynn Chapman:

Yes, up to a point, but if you have 5- and 6-year-olds going into kindergarten, 4-year-olds just are not ready.

Chair Parnell:

It is an issue of parental choice.

Lynn Chapman:

Yes and no. When taxpayers are paying for it, it also involves us in that respect.

Janine Hansen, President, Nevada Eagle Forum:

We feel that the reprint of the bill is better than the original. We testified against this in the Senate. We feel that the welfare of the child needs to be considered here.

I have a degree in child development, and children, for me, have been a lifelong passion. I have grandchildren ages 5, 4, 2, 20 months, 9 months, and one on the way, so these are issues which I face.

The book *School Can Wait* covered some 6,000 studies of children and when they went to school. They found that children who went to school later rather than earlier did better in leadership, academically and socially. Our concern is for the child.

When you look at parental choice, what will happen is parents will find a lot of pressure on them from other people who have pushed their children into kindergarten early. There will be a lot of competition among parents, which might not be in the best interest of the child.

There is a tremendous differential between boys and girls. Boys are at least a year behind girls when they go to school. I see that with my grandchildren. I

have a grandson who is 4 and his sister is 2. She was far more ready to go to nursery school and participate fully than he was.

For mainstream children there is little evidence to support the contention that formal preschool and kindergarten are necessary for school achievement or are more advantageous than learning in a traditional setting. A significant body of research shows that formal early education can be detrimental to mainstream children. Children who receive academic instruction too early are often put at risk for no apparent gain by attempting to teach the wrong things at the wrong time. Early instruction can permanently damage a child's self-esteem, reduce a child's natural eagerness to learn, and block a child's natural gifts and talents. The researcher concludes that there is not evidence that such early instruction has lasting benefits and considerable evidence it can do lasting harm. If we do not wake up to the potential danger of these harmful practices, we may do serious damage to a large segment of the next generation.

We do still have a certain parental choice because they can go to kindergarten at 5 years old and even at 6 years old.

We feel it is in the best interest of the child to start later rather than earlier not only socially and emotionally, but academically. That is why we do not support early entrance.

Chair Parnell:

Is there anyone else who would like to testify? [There were none.]

Senator Horsford:

There is no fiscal impact for S.B. 313 (R1). The bill was reviewed by the Chairman of Senate Finance and the bill was not put into Finance. If this had a fiscal impact, everyone on this Committee knows where the bill would be right now.

It is completely discretionary. It is a parent's choice to decide whether or not to allow their child to be enrolled.

Many in our educational establishment are hiding behind Nevada law. Often they want complete flexibility and discretion from our law but in this case they want to hide behind the law. One of the rationales was that they do not want parents showing up and making their school board meetings any longer. What those people were elected to do is respond to parents.

I think it is interesting that you would oppose a bill that would allow children to start learning early and give parental choice.

The amendment that was brought forward was by one of the chief opponents that spoke here today. If I would have known that they were going to come and oppose us on the Assembly side, I would have gone with my bill as originally written or I would have brought something else, but to have me agree to an amendment and then come on this side and oppose it is very offensive.

What is more important? The cost of administering an assessment or teaching students the fundamentals that they need to learn? To have someone come up here and say that the cost to implement the assessment could be too great, calls into question their whole commitment to begin with.

I do not know any principal or teacher who would not administer this assessment. This bill was brought forward and recommended by several principals. I am sure they would do this on their own time if they could.

Not every parent wants their child in kindergarten and currently they are not required to attend school until 7 years of age. This, in no way, changes that. It is a parent's choice entirely to put their child in kindergarten.

Ms. Hansen spoke about the fact that she does not believe the children should be in school. That is her choice as a parent, but parents who want their child to be in school should be able to have that choice.

Twenty-three other states allow for local discretion to authorize whether students are admitted or not. They are not all small districts or states: Arizona, California, Illinois, Indiana, New Jersey, North Carolina, Ohio, and Texas. I guess this is why Nevada continues to be on every "bad" list and not on the top of every "good" list.

I would ask that this Committee look at the intent and language of the bill. Currently, it is a prohibition. Districts cannot do it. If the bill passes, it sounds as if the school districts would not choose to take this discretion on to begin with. That is their choice, but right now they are prohibited from doing so. That is against their best interest. I guess what they are saying is that if we gave them this flexibility and a majority of the parents came out and said that this is what they wanted for their district, the school districts may not listen to the wishes of the parents and the district. That is very troubling.

I know that I am emotional, but this is my first experience in being sideswiped on a piece of legislation. Several of the people who came forward did oppose the bill and opposed it based on the merits that were brought forward in the hearing on the Senate side. I do take offense to those who object based on new considerations from an amendment they proposed.

Assemblyman Segerblom:

Would you be willing to amend it to just limit it to girls?

Senator Horsford:

I guess my two-month-old girl is already going to catch up to my six-year-old son, so I am going to have to watch her progression.

Assemblyman Beers:

Having been beaten up by a girl in kindergarten, I would oppose that.

Senator Horsford:

Thank you for lightening the mood before moving on to your next bill.

Education is important to a lot of people, and I hope we keep the focus on the children and not on bureaucracies or systems because they sometimes get in the way of what is in the best interest of children.

Chair Parnell:

I will close the hearing on S.B. 313 (R1).

We have had a doctor waiting who wants to give a brief presentation on eye exams.

Vice Chair Smith:

The presentation we are going to have is not about eye examinations. It is about reading, and how this particular group has equated eye exams to reading capability and the possibilities of helping kids become better readers,

Dr. Richard Meier is a well-known and successful optometrist in Reno who does a tremendous amount of work in our school systems. He does a lot of pro-bono work in our community by working with kids with eye problems. I thought it would be interesting for the Committee to see this presentation and know what he believes we could do in our schools with a fairly simple test. This also exemplifies the type of program that could be used in the Senate Bill 404 grant program that would help schools become part of a program like this if they believe it would improve student achievement.

Richard Meier, Optometrist, Meier Eye & Vision:

I work with a lot of children with learning disabilities. I work with stroke, head injuries, trauma, legally blind, and partially sighted people. You can ask me about astigmatism, contact lenses, and if another cannot fit you, I am the guy to go to. We have all of the technology in my practice.

I come to you today as a fifth grader. In the fifth grade I was farsighted in the morning and nearsighted in the afternoon. You guys have to read all of these bills that come through, and I have tried to read those bills and I cannot read them.

In fifth grade I was called dumb, lazy, and stupid. I had to eat peanut butter for breakfast, I had to go to bed at eight o'clock, and I could not play sports. That was my diagnosis and treatment program that the schools came out with.

I have a gentleman with me tonight who was told he was stupid and he believed it. He is now a successful businessman and owns a multi-million dollar corporation.

I have a woman here who is from Hug High School. Her job is to get kids to graduate. She has 24 kids who have not passed the proficiency test because they have vision problems.

I have another woman with me who is a school psychologist in Silver Springs. We looked at her kids in Silver Springs and found that they have vision problems. They were not tested and evaluated.

The whole process is to look at your kids. How many of them have vision problems that are undiagnosed? If you look in your packet at one of the brochures ([Exhibit J](#)), that is a former president's daughter on the cover. She was never diagnosed with the vision problem we are trying to identify.

Look at "The Hidden Disability." It lists signs and symptoms of kids who have these vision problems.

How many of you have visited the educational programs that are in our State? You can walk into any classroom and you can see they are like this [physically demonstrating symptoms of vision problems].

If you look at this next brochure it shows you what the kid looks like, lying on one arm, covering one eye, and using a finger to read. The testers say they can see 20/20, their eyes are healthy, and there is no problem. Now the State is going to spend \$9,369 to educate these kids, but they have a vision problem that is contributing to their inability to learn. The odds are that 80 percent of these kids who are learning disabled have a vision problem that is undiagnosed. They see 20/20. That is what is being tested. Can you see a 3/8 inch letter that is 20 feet away? They are being tested that way. Then you have to appropriate money to treat a vision problem that they are not treating the correct way.

I am trying to come up with a way to treat this vision problem more specifically and address the problem. You guys want to get to the root cause of the problem. When you guys figure out what the root cause of a problem is, you fix it.

Now I am going to demonstrate how this woman reads. She is my patient. I am going to show you how she reads. This is her reading of this task. Can you see the little black dot up there? She is trying to read that Assembly bill number. What do you think of her eyes moving all around like that? Do you think that is efficient?

There is the profile and her reading speed. She makes 98 looks per 100 words on her left eye and 100 on her right eye. The average should be 96. She regresses eight to nine times, sees 1.02 words, she does .25 seconds per look, and her reading speed is at 243. Now you are a high school graduate. How fast should a high school graduate read? How many words per minute should a high school graduate read?

Assemblyman Munford:

I did not measure by speed; I measured by comprehension.

Richard Meier:

How much comprehension should they have?

Assemblyman Munford:

I would tell them to read a couple of paragraphs then be able to explain what they read and present the basic concept of the reading assignment.

Richard Meier:

An average high school student should read at 250 words per minute when they graduate.

Could I have Dr. McMillan come up and speak? She will explain what is going to happen at Hug High School. You visited Hug High School recently, correct?

Assemblyman Munford:

Yes.

Nancy McMillan, Vice Principal, Hug High School:

I am interested in this program because I feel like it could explain why I still have 24 seniors who are going to try for the last time to pass the high school reading proficiency test. There has to be some other reason they are failing. I personally know these kids and know their innate ability is good. They have

20/20 vision so there has to be something else going on. I know it is not the fault of the elementary system because we have great teachers there, but I am searching for some other answer for these kids.

I am also concerned about our incoming freshman class for next year. Forty percent of those kids have a third- to fifth-grade reading level, as diagnosed at their middle schools. I am concerned that the problem is getting worse instead of better.

Richard Meier:

What we are doing is looking for a different approach than what has been previously done. Education asks for more money, but then they do the same thing over and over again and expect different results. That is the definition of insanity. Let us look at the root cause. These kids cannot track across a line of print. They cannot track from the end of the line to the start of the next line. They cannot keep it clear and single. They end up saying that reading is boring and then they cannot perform.

Let education do all it can do, but also let us design programs that are implemented in high schools or elementary schools to teach students how to track, focus, and use both eyes together and address the problem. These kids can see 20/20, but they cannot track, focus, or use both eyes together. If you look at the last brochure, it says that a comprehensive learning vision screening administered to 600 children kindergarten through eighth grade, show that 47 percent of the children have eye teaming problems. Forty-six percent have focusing problems. Sixty-five percent have eye movement problems; they cannot track. If you cannot stay on the right line, you are not going to perform. Sixty percent have perceptual motor problems.

There are 300 kids coming into Hug High School and out of those there are between 80 to 100 kids who have vision problems.

What I would like to do is see if we can find funding to set up special programs to help a whole school district. The superintendent in Eureka had his daughter come to us and now she is performing. He asked us to come out to Eureka because he has the number one school district in the State, and I want to make it even better.

There are thousands of kids who are being told they are stupid. They can now read and do what they want to do. If you can read those bills, we can do a Visograph on you and find out if you are reading it at about 140, 150, or 160 words per minute.

If you want to do better and you want your kids to do better, we need to do something different than what we have been doing. This has been a dream of mine since I was little and told that I was dumb, lazy, and stupid, and I am not.

Chair Parnell:

I would like to say before we go on, I am presenting a bill on Thursday before Ways and Means, Assembly Bill 354, which started out as a joint effort by Dr. Mabey and me, that ended up asking school districts to collaborate with health care professionals in the area. What the bill would say is that by the end of the first year in public schools, you will have a hearing test, an eye test, and weight measurement. I did not stop to think that we are not checking kids' vision and hearing until much later on in their school experience. They could have been spending a number of years in our schools with severe hearing or vision problems and we were not addressing that. Assembly Bill 354 would at least begin to acknowledge that we need to make sure the kids we have sitting in our classrooms can see well, can read well, and can hear well before they are deemed not smart or a behavioral problem.

Richard Meier:

Let us talk about vision. When the terminology is applied that you will test vision, what you are saying is you will identify whether or not they can see a 3/8 inch letter 20 feet away. That is not what we are talking about. There is zero correlation between that and reading. You have to look at how fast they can track. If every teacher knew how a child performed when they read, they would be doing a much better job at education.

Chair Parnell:

Hopefully that will happen by encouraging this collaboration with doctors in a school district.

Richard Meier:

What I have seen is that they just test acuity.

Chair Parnell:

Now you can start working with others in your profession in areas around the State to collaborate with their school districts to get this done. That is at least a start.

Richard Meier:

We need to expand vision more. We identify those students as seeing 20/20, but that is not enough testing.

Chair Parnell:

If anyone in your area of Washoe County wonders if there is a problem, it is great to have you to call and consult.

Richard Meier:

We are here to look at other avenues. We are going to put together a program and I will be working with the students. Next legislative session we will give you specifics on what we did to get these kids to perform.

Chair Parnell:

Are there any questions?

Assemblyman Beers:

Can you give us a sampling of what some of these solutions are?

Richard Meier:

If you have ever gotten a driver's license, you have used a piece of equipment that tested your eyes to see if you could use both eyes to drive. We use it to see if you use both of your eyes to read.

The solution to the problem is to start training teachers how to identify and treat the problem.

Assemblyman Mabey:

Do you have any scientific articles that are written on this?

Richard Meier:

We have a whole packet of information for you ([Exhibit J](#)).

Assemblyman Mabey:

What would be the treatment?

Richard Meier:

If you want to be more efficient in reading, you need to start practicing how to look accurately. If you read a bill, for example, read the first letter and last letter for each line of 20 lines as fast as you can. Can you go from the end of the line to the start of the next line? You need to be able to do 20 lines in 25 seconds. The second goal is first and last letter in 20 lines in 20 seconds. The third goal is 20 lines in 18 seconds. The fourth goal is 20 lines in 15 seconds. The fifth goal is 20 lines in 13 seconds. If you double your speed, there is a direct correlation between that and reading speed.

If you want to increase your reading speed, I would do five exercises a day in 20 line races. If you do that for three weeks, by the end of the session you are going to read faster.

Chair Parnell:

You have certainly given everyone something to think about. It is a good tie-in with some of the issues we have heard today.

I am going to open the hearing on Senate Bill 245 (R1).

Senate Bill 245 (1st Reprint): Revises provisions governing pupils. (BDR 34-99)

This bill has to do with alternative settings for disruptive students.

Senator Dennis Nolan, Clark County Senatorial District No. 9:

Senate Bill 245 (R1) is a bill we brought about as a result of an ongoing problem in the Clark County School District with regard to disciplinary problems with students. When you have kids at the middle and high school level who are problem kids and create disruptions in the classroom after a warning by a teacher, the teacher will send them back to the Dean who will then schedule a parent/teacher conference. Once the parents come in, it is possible to find out what the problem really is and the kid will be sent back to the classroom. Then if their behavior continues to be a disruption, the student will be sent to in-house detention where they will spend their time with their studies in an environment where they cannot be a disruption to the rest of the class. If they continue to be a disruption in that environment, it is time to consider sending the kid to an alternative program or expelling the kid.

Unfortunately, in Clark County it does not work that way. The problem in Clark County stems from our inability to have enough teachers in the classroom. With 400 plus open positions for teachers, there are not enough teachers in most of the middle schools and high schools to do in-house detention. What has evolved is that these problem students will go through the process that I just described until the parent/teacher conference, then they will return to the classroom. If they continue to be a disruption, most of the time there is not an in-house detention. If there is a seat open in an alternative program, they might be sent there. They used to be expelled, but law enforcement and other associations have come to the school district and said the schools cannot expel hundreds of problem children because those same children will carry on their problems into the community, so a lot of these kids are returned to their class.

The impetus behind S.B. 245 (R1) was a last resort detention program that would primarily help Clark County. It is a permissive bill that allows the school

district to adopt a program, which would allow the parents or student to pay for detention. They would actually be able to charge the parents for having those kids in school.

The gist of the bill is to afford to pay for personnel, which is currently not budgeted to monitor the students in detention. Also, we want to get the attention of the parent and the student. Perhaps one or two days in a paid detention might be enough to help those students understand we are not kidding around.

If this paid detention was not implemented, the student would go right back into the classroom. They would either be put in an alternative school or be suspended. This is a last ditch effort prior to suspension.

Senator Joyce Woodhouse, Clark County Senatorial District No. 5:

[Read from prepared statement ([Exhibit K](#)).]

Chair Parnell:

Are there any questions?

Assemblyman Munford:

I am familiar with the in-house program and it worked well. I know it lost its funding.

Discipline is the key to classroom instruction. They are going to interfere with the opportunity for other students to get an education. Most of the discipline problems are because you have a large number of students in class. You can cut down on discipline when the number of students in a class is smaller.

You can try anything to find a solution to this problem. I am supportive in that sense. They have tried everything to discipline students and I guess this is just another one. Most of the weight bears on the teacher, though. The teachers have to develop an atmosphere that he or she as a teacher does not tolerate disruptive students.

Assemblyman Segerblom:

Would the student be able to go to a room until the parents come?

Senator Nolan:

This is a last ditch effort before being expelled or sent to an alternative school. If the kid becomes such a problem that the teacher sends him to the Dean and the Dean says it is time for a parent/teacher conference, he writes it up and schedules an appointment somewhere a couple of days out for the parent. The

kid goes back to school or back to class after the requested parent conference (RPC) has been scheduled.

Assemblyman Segerblom:

My son took a toy gun to school and they RPC'd him and he was kicked out of school. I had to call to get him back into school, but the phone was busy, so it took three days to get the meeting scheduled. The kid should have been back in school instead of sitting home for three days while I tried to get a meeting scheduled. I think what you are trying to do is fantastic.

Chair Parnell:

A bill last session appropriated \$1 million for districts to use for alternative placement for disruptive students. It does not go very far when you look at the students who are in our schools across the State. The key difference between the bill that is asking for the appropriation and this bill is that the parents in this bill are required to pay a fee to have their child attend the alternative in-school suspension.

Assemblyman Stewart:

What a crazy idea making parents responsible for their children.

What type of fee are we talking about?

Senator Woodhouse:

Typically, schools I have talked to had five to ten students in the in-house suspension rooms. If you had a \$20 fee times five students you would have enough to pay a substitute to be there in that room for that day. That would get it started.

I would not like to see the fee become so astronomical that it would be a problem for parents, but just enough so the parents know that their child continues to have discipline problems and the parents can make sure the child knows that they know.

We are just trying to find a way to bring the lesson home and keep the kids in school.

Assemblyman Denis:

What happens if a parent wants to do this but cannot afford to do it?

Senator Nolan:

There is a hardship provision that is included in the bill. It is near the bottom of page 2 and says, "...include a provision for a parent or legal guardian to request

and receive a waiver or reduction of the fee for good cause, including, without limitation, financial hardship." They would have to demonstrate whether or not they could afford it.

Chair Parnell:

Is there anyone who would like to speak in favor of S.B. 245 (R1)?

Craig Kadlub, Representative, Clark County School District:

They have thoroughly explained it. It makes parents and students accountable. The concept is not outrageous. If students incur extraordinary expenses, there should be some measure of compensation.

We support the bill.

Chair Parnell:

Is there anyone in opposition to this bill?

Joseph Turco, Representative, American Civil Liberties Union of Nevada:

The American Civil Liberties Union (ACLU) is now neutral on this bill. It is a testament to the checks and balances in a bicameral house. In the Senate the bill needed to be sent to be reworked a little bit, and it was. We actually think it is terrific in regard to adding an extra layer before expulsion. We all know that expulsion leads to dropout. This option is great. The benefits of this bill outweigh the due process requirements regarding the payment.

I do have to put on the record that the payment is a problem because education is a fundamental right and anytime you alter or take away a fundamental right due process must be afforded, meaning meaningful guarantees. A notice is an opportunity to be heard; to challenge a decision to send a student to in-house detention and require them to pay for it might be a due process thing.

The other thing about having the student and family pay is practical. What if they are not eligible under the waiver but they refuse to pay? Will the school send bill collectors?

Payment suggests fault and maybe it is not the student's fault. Maybe it is their mental situation, their home life, their physical situation, or it could be a lousy teacher. Kids who do not learn act out.

Chair Parnell:

I know there are certain references now that if your child is suspended and you want to appeal it, you can go to the school board and have a discussion. I do not think this bill cut that out.

I know when I was teaching oftentimes a parent would challenge a suspension. If that is still in place, that would give you a little more comfort, as well.

Is there anyone else wanting to speak in support of or opposition to S.B. 245 (R1)? [There were none.]

Senator Nolan:

There is an appeal process at the school board level.

I think there is more than enough due process. If this is the last step prior to expulsion, a parent has had a lot of opportunities to talk with teachers, principals, and deans about the student.

Brad Waldron, Representative, Clark County School District:

I can address the due process procedures by policy and regulation in Clark County. Students do have the opportunity to be heard at the school level on any type of expellable offence. Some of the expellable offences are mandatory by statute. The appeal process, as far as going to an in-house detention, would be waived. During the course of any type of disciplinary investigation, due process rights are available to students and parents.

Chair Parnell:

The laws regarding expulsion are really tight, and they are about dangerous kids and kids you do not want to have in your schools. I would assume that most of those students would not be attending these in-house programs. That is something we would want to be careful about before passing this bill along.

We will close the hearing on S.B. 245 (R1).

We will open the hearing on S.B. 535 (R1).

Senate Bill 535 (1st Reprint): Revises provisions governing certain educational programs for pupils in public schools. (BDR 34-581)

Keith Rheault, Superintendent, Public Instruction, Department of Education:

The Department of Education requested this bill. It was brought forward because of items that kept popping up in the statutes. It is intended to clean up a number of things. We first started with correspondence courses, and then added independent study statutes, then we went to alternative education programs. Lastly, we added distance education programs.

When I put word out last fall that we were going to look at cleaning these up and aligning them better, I thought we would get a few people showing up at the Department. We ended up with a filled board room because of the interest in it. We spent all day going through every statute for distance education, correspondence, independent study, and alternative education, and ended up with this bill.

If you start with Section 1 ([Exhibit L](#)), we are deleting high school. It shows an alternative program of education for pupils at risk of dropping out of high school. We know that in Clark County there are a lot of alternative programs at the middle school level. Our auditors said they were not going to count students at the middle school level because it says here it is only for high school. *Nevada Revised Statutes* (NRS) 388.573 emerges from another statute passed ten years ago that said school districts could allow alternative programs for kindergarten through twelfth grade. There were conflicting statutes, so we are cleaning up the high school piece because of all the alternative programs currently available.

If you go to Section 3, the funding for distance education programs has always been a problem. They have always wondered why rural districts have not implemented or taken advantage of the great distance education program that Clark County or some of the other bigger school districts have. The small rural districts cannot afford to do their own program.

The current wording required that a formal agreement be signed between districts and that it be forwarded to the Department of Education for approval. Upon approval I had to make an apportionment that if a student from Eureka took one class through Clark County and there was an agreement to take that Advanced Placement (AP) class, I had to deduct 1/6 of the Distributive School Account (DSA) payment from whichever district that student was at. If you look at it, that was like a \$1,500 hit just for one distance education course.

What the statute changes is that the districts would still have an agreement between them. Clark County has made their distance education programs available at a little over \$100 per credit or per semester. It is nowhere near the \$1,500. If it is a reasonable agreement between the two, we will have a lot more participation in the rural districts in distance education.

Section 4 cleans up the approval process for the alternative education programs. We will have the Department of Education approving the alternative programs submitted on an annual basis. If there is an appeal and we deny a certain piece of the alternative program, they can appeal to the State Board.

We are cleaning up Section 4, page 6, subsection 5(h). It had to do with independent study as part of an alternative program. The old wording used to allow the temporary placement of pupils for independent study. We could never figure out what temporary meant. You either started the course and finished it or you did not. On the independent study statutes it allows that any student can take that course. This is another item we will clean up.

Section 6 deletes a lot of the language defining which students could participate in a distance education program. It looks like we are deleting all of these requirements as to the type of pupils that can participate.

Section 7 was actually just a duplicate. The types of students that should be served in a distance education program was repeated under Section 7 under a different statute.

Section 8 has all of the different discussions and red tape that the districts had to go through to get approval for a student to even take a distance education course. We are recommending deleting all of that except for the still formal agreement between the districts to let them work it out. It is much easier that way. The districts can transfer the funds between themselves.

In Sections 10 and 11 ([Exhibit M](#)), we are requesting that these sections be amended. We would like to add an additional sentence to Section 11. We are still going to require that they provide work assignments, that they meet weekly, and enter into a written agreement. There are some slight variations that we ran into in some alternative programs, so we are proposing to address that. When our auditors show up, they do not know whether to use the statute or what we approved in the plan. This would give us the flexibility to identify some slight variations that they might see, as far as the attendance of the pupils. We ask that the same language be added to Section 11 for independent study under subsection 2(b).

The rest of the bill just cleans up some of the wording in current statute.

Chair Parnell:

You did a great job. It must feel good to have all of that language deleted that is no longer useful for any reason.

Keith Rheault:

The whole purpose was to clean them up once and for all.

Chair Parnell:

Are there any questions? [There were none.]

Brad Waldron, Representative, Clark County School District:

We are charged with all of the alternative programs in Clark County. Last year we had nearly 40,000 students that passed through those programs in abuse and neglect, behavior schools, correctional facilities, adult education, independent studies, or whatever the case may be. Cleaning up the language in this bill is commendable. I was satisfied that so many districts were represented at the meeting Mr. Rheault set up. All but two districts were represented at that particular meeting.

Chair Parnell:

Are there any additional questions or comments? [There were none.]

We will close the hearing on S.B. 535 (R1).

Kristin Roberts, Committee Counsel:

I would like to clarify the amendment ([Exhibit M](#)). I am looking at Section 10, page 12, line 10 of the first reprint. It is (a), (b), and (c). I am hoping you can clarify why there is an "or (d)."

Keith Rheault:

We still intend to delete (a), (b), and (c). The only difference is if there is not an alternative program, since this is defined under distance education, if a school has submitted an alternative plan, we will divert to that as the final piece. Either we are going to use the approved alternative plan, or if it is just a distance education program, we are going to look at (a), (b), and (c).

If you have a better way to word that, go ahead.

The plan was that it would give an option to go off the approved alternative education plan or use (a), (b), and (c) under distance education.

Kristin Roberts:

To further clarify, the first option is (a), (b), and (c), and the second option would actually be a number 2.

Keith Rheault:

The "or" treats it like a separate approval.

Chair Parnell:

I will have Ms. Roberts email something to you.

Keith Rheault:

It is the same thing that applies to the independent study.

Chair Parnell:

I think we want to see it and make sure everyone is comfortable with it before we take action.

[Meeting adjourned at 7:21p.m.]

RESPECTFULLY SUBMITTED:

Kelly Troescher
Committee Secretary

APPROVED BY:

Assemblywoman Bonnie Parnell, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Education

Date: May 7, 2007

Time of Meeting: 3:45 p.m.

| Bill | Exhibit | Witness / Agency | Description |
|------------------|---------|--|---|
| | A | | Agenda |
| | B | | Attendance roster |
| S.B. 143 (R1) | C | Lonnie Shields, Assistant Executive Director, Nevada Association of School Administrators | Proposed amendment |
| S.B. 143 (R1) | D | Barbara Clark, Steering Committee Chair, Connecting the Dots Parent Involvement Summit | Addendum and report |
| S.B. 312 (R2) | E | Senator Steven A. Horsford, Clark County Senatorial District No. 4 | Power Point presentation |
| S.B. 312 (R2) | F | Senator Steven A. Horsford, Clark County Senatorial District No. 4 | Study from Stanford University |
| S.B. 312 (R2) | G | Senator Steven A. Horsford, Clark County Senatorial District No. 4 | Report from the New York Performance Standards Consortium |
| S.B. 312 (R2) | H | Donna Hoffman-Anspach, Nevadans for Quality Education | Prepared statement |
| S.B. 313 (R1) | I | Senator Steven A. Horsford, Clark County Senatorial District No. 4 | Report from the Education Commission of the States |
| | J | Dr. Richard Meier, Optometrist, Meier Eye & Vision | Packet |
| S.B. 245 (R1) | K | Joyce Woodhouse, Clark County Senatorial District No. 5 | Prepared statement |
| S.B. 535 (R1) | L | Keith Rheault, Superintendent, Public Construction | Proposed amendments |
| S.B. 535 (R1) | M | Keith Rheault, Superintendent, Public Construction | Proposed amendments |