

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

**Seventy-Fourth Session
May 23, 2007**

The Committee on Education was called to order by Chair Bonnie Parnell at 3:47 p.m., on Wednesday, May 23, 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
Assemblyman Bob L. 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

COMMITTEE MEMBERS ABSENT:

Assemblywoman Debbie Smith, Vice Chair (excused)

STAFF MEMBERS PRESENT:

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



OTHERS PRESENT:

Frank Schnorbus, Chair, Nevada Homeschool Network
Barbara Dragon, representing Nevada Homeschool Network
Elissa Wahl, representing Northwest Las Vegas Homeschoolers
Ruben Cruz, Private Citizen, Las Vegas, Nevada
Michael Johnson, Private Citizen, Las Vegas, Nevada
Michael Silic, representing Southern Nevada Homeschool
Advisory Council
Lynn Chapman, Vice President, Nevada Eagle Forum
Irene Rushing, Private Citizen, Sparks, Nevada
Craig Kadlub, representing Clark County School District
Keith Rheault, Superintendent of Public Instruction,
Department of Education

Chair Parnell:

The Assembly Committee on Education will come to order. [Roll.] I will open the hearing on Senate Bill 404 (2nd Reprint).

Senate Bill 404 (2nd Reprint): Revises provisions governing homeschooled children. (BDR 34-738)

Frank Schnorbus, Chair, Nevada Homeschool Network:

[Submitted ([Exhibit C](#)) and ([Exhibit D](#)).] Senate Bill 404 (2nd Reprint) updates and modernizes the 60-year-old homeschool law. The law was passed in 1947; it remains unchanged. The bill requires the parent to take full responsibility for the education of the child. In cases of truancy or educational neglect, the court can order the parent to present the child's educational plan. Additional safeguards will establish the responsibilities and expectations of the parents. To keep track of truancy, the parent will be required to send a notice of intent. When the bill was presented to the Senate, there were several amendments. We are excited about this bill, and we think it will work well for homeschool parents and children in Nevada.

Chair Parnell:

How does the new language codify the current provisions in the *Nevada Administrative Code* (NAC)? How did you make the nexus between the regulations and the language in Section 3?

Frank Schnorbus:

Section 3, subsection 1, is from the NAC. Section 3, subsection 2, states, "The purpose ... is to inform the school district ... the child is exempt" This is for purposes of truancy. Section 3, subsection 3, requires the name and address of the parent or child. Section 3, subsection 4, requires the name, age, and gender of the child. Section 3, subsection 4(c) is a critical component of homeschool. It states, "A statement signed and dated by each such parent declaring that the parent has control or charge of the child and the legal right to direct the education of the child, and assumes full responsibility for the education of the child while the child is being homeschooled." Subsection 5 is also from the NAC. Subsection 6 requires the superintendent to retain the notice of intent for 15 years. Subsection 7 deals with getting a copy of the notice of intent. The superintendent must reply to a request for records within five days.

Assemblyman Hardy:

Page 6, line 9 states, "... declaring that the parent has control or charge of the child" I favor a law that allows that, but I do not know if that language works from a legal standpoint. I am not in control of my kids. There is better language that we can use. I do not know if this language was lifted from somewhere else, but I do not think it works.

Chair Parnell:

That is a good question. We will refer that to the legal staff. Ms. Roberts, do you know anything about that or would you like to research that for our next meeting?

Assemblyman Hardy:

I think responsibility is a better word than control.

Assemblyman Denis:

We are asking the parent to submit a statement, but in actuality, every parent is responsible for making sure their child is educated. I am wondering why that provision is in the bill.

Chair Parnell:

It is in statute; parents can be found guilty of educational neglect. We will look into that.

Frank Schnorbus:

The language is probably from the current NAC, but I do not know that for sure. I am looking at the NAC right now.

Chair Parnell:

We will check that; we have a copy of the NAC.

Barbara Dragon, representing Nevada Homeschool Network:

The NAC requires the parent to sign a statement stating that the parent takes full responsibility for the education of the child. The State Board of Education required that provision. The statement ensures schools will not get sued by an 18-year-old for educational neglect. *Nevada Revised Statutes* (NRS) 392.040 states compulsory attendance in public school is mandated between the ages of 7 and 17. Senate Bill 404 (2nd Reprint) will give the authority to the parent. The provision that states "... declaring that the parent has control or charge of the child" is from statute. Clark County and the Senate were concerned about the child's proof of identity. The parent has the proof; they are responsible. That is established in Section 3, subsection 11. The courts can investigate if homeschooling is taking place.

Chair Parnell:

I am looking at NAC 392.024, which deals with the notification of intent to homeschool. Currently, the parent must provide a signed statement declaring that the parent assumes full responsibility to ensure the child will receive equivalent instruction pursuant to NAC 392.035. All information provided by the parent must be true and accurate. Why is there a need to change the language from the current provisions in the NAC? It seems to be clear.

Barbara Dragon:

It did not really change. The statement refers to NAC 392.035; it establishes the school subjects such as mathematics, English, science, social science, and so on. We transferred that provision to Section 3, subsection 11.

Chair Parnell:

I am talking about filing the notification of intent. Page 4 and 6 refers to the notice of intent. The current language in NAC is cleaner.

Barbara Dragon:

That is what we did with the original bill; we transferred the statement. The language was added with the first amendment.

Chair Parnell:

We will look at the original bill.

Barbara Dragon:

Regarding the proof of identity issue, we wanted to provide assurance that the parent is legally responsible for the child.

Frank Schnorbus:

We tried to address every aspect of homeschool. We addressed people who are doing a good job, people who are abusing homeschool laws, and ways to deal with those parents. We tried to be cognizant, and we think it is a good bill.

Barbara Dragon:

[Read ([Exhibit E](#)).]

Elissa Wahl, representing Northwest Las Vegas Homeschoolers:

I support this bill. We have constant problems with various school district personnel. There are a lot of misinterpretations. The bill will be helpful for us.

Ruben Cruz, Private Citizen, Las Vegas, Nevada:

I am 13 years old and in the seventh grade. I like being in homeschool. On a typical day, I work independently on mathematics, language, science, and history in the safety of my home. My parents are there for me when I need them. I take a cooperative civics class, and I am learning the Bible. It is great that I can help my younger brother and sister with their lessons. I can enjoy their company any time of the day. The best part of homeschool is the field trips. They are educational and fun. I am asking you to pass Senate Bill 404 (2nd Reprint). I would like to keep enjoying the benefits of homeschool. If you pass this bill, Nevada will be the friendliest state for homeschool families.

Michael Johnson, Private Citizen, Las Vegas, Nevada:

I am 13 years old. I have been in homeschool for about two years. It has been different the past two years, and I have learned how homeschool gives me a better education. I can learn at my own pace. I excelled in public school, but I was not challenged. Many public school teachers support homeschool because there are too many students in Nevada. When I was in public school, there were over forty students in my fifth-grade class. Because there is a growth problem in Nevada, many students do not have one-on-one teacher time. Senate Bill 404 (2nd Reprint) will eliminate the requirement to notify the school district. You will save the school district and homeschool families' time and money. Overall, voting yes on Senate Bill 404 (2nd Reprint) will be the best choice for you and me.

Michael Silic, representing Southern Nevada Homeschool Advisory Council:

I have been involved with the Southern Nevada Homeschool Advisory Council since 1998. It was a privilege to work with Mr. Schnorbus and Ms. Wahl, and I am proud of the work they did to improve the exemptions of homeschool students. We appreciate the streamlining of the process, as there is quite a bit of paper work involved. We have three children who are enrolled for

exemptions. Years ago, we had to submit the curriculum and resources that we were using. The bill makes the process a lot more simple, and homeschool parents across Nevada agree. Please approve Senate Bill 404 (2nd Reprint).

Lynn Chapman, Vice President, Nevada Eagle Forum:

My daughter was in homeschool, and she recently graduated from Truckee Meadows Community College. The national and state president of our organization participated in homeschool. Homeschool has been around for a long time; it is very effective. The homeschool laws need to be updated, and we support this bill.

Irene Rushing, Private Citizen, Sparks, Nevada:

I am a homeschool mentor, and I served on the committee that helped to modernize the Nevada homeschool law. I am also a homeschool mother and the vice chair of a homeschool group representing 170 families. We would like to show our support for Senate Bill 404 (2nd Reprint).

Craig Kadlub, representing Clark County School District:

I am speaking on behalf of Clark County School District. I will be addressing one portion of the bill, which is on page 8, lines 10 to 22. I am sure this does not apply to the homeschool families that testified today. There are many dedicated homeschool families, but there are parents who pull their children out of school with no real educational plan in mind. This passage prevents parents from pulling their children from middle school to circumvent the statutory requirements that students must pass. When students enroll in high school, they must demonstrate proficiency in math, English, and other subjects through an exam or transcript from an accredited homeschool program. When children are pulled from the public school system to avoid those requirements, it becomes a drop-out problem. The Clark County School District fully supports the passage.

Chair Parnell:

There are problems with overcrowding in Clark County schools. The phrase "... a class that is not available to the child at the private school or homeschool or to participate in an extracurricular activity ..." was removed on page 9. Now it states, "... any classes and extracurricular activities" Does it concern the District that the language is broad?

Craig Kadlub:

Yes, it does. The language that was stricken mirrors the language that is in NRS 386.420 to 386.470. However, if a student does not have access to a certain class, we do not want to deny him the opportunity. If the homeschool

can offer the class, then why should the student go to a public school for one class? I do not see a need for it. We are fine with the existing language.

Chair Parnell:

There is another concern about leaving the language as it is. No more than 50 percent of the classes can be taken in the public school system. Otherwise, the student would be considered a public school student. The language needs to be tightened.

Craig Kadlub:

When a child takes only one public school class, they must be fully enrolled.

Assemblyman Bobzien:

Section 3, subsection 10, discusses the need for putting testing information in a clearly identified place. I understand the concern for this provision. How will that information be distributed to parents?

Craig Kadlub:

I believe all the information is on our website, but beyond that, I do not know how proactive the notice will be.

Assemblyman Bobzien:

Is the phrase "Each school district shall maintain on its Internet website a tab for homeschooling ..." in NAC?

Craig Kadlub:

I do not know. I can find out and send you an email.

Assemblyman Bobzien:

I am glad attention is brought to this issue because it is important that parents receive the information. However, I am concerned about the language; it is very specific. I am more comfortable with language that would place the responsibility on the school district to make the information easily accessible.

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

Initially, there was a fiscal note. When the bill was amended to move all the requirements from the Department of Education to the school districts, the fiscal note was eliminated. The bill is a philosophical decision made by the Legislature. Over the past 20 years, the State Board of Education greatly reduced the requirements. It was required that homeschool students participate in State mandated tests. There were strict requirements on who could teach homeschool students. Most of those restrictions have been reduced or eliminated. Based on the current statutes, the State Board of Education has

reduced the paperwork and requirements without legislative action. Equivalent instruction is missing from the current statute. The bill deletes the NAC regulations governing homeschools. One of the differences between the bill and the regulations deals with submitting an exemption. The regulation requires that an exemption be submitted every year; the bill requires that it be submitted once. Proof of the child's identity is required when the parent requests the exemption. The bill requires that, but only when the court orders it. The regulations define equivalent instruction and minimum days of instruction, and that is not clear in the bill. These are the key differences.

Regarding Assemblyman Bobzien's request, there is a regulation that includes similar wording. The Board of Trustees of each school district will provide each homeschool parent written notice of the registration dates. The regulations do not direct the parents to a website, but information will be provided in a timely manner.

Section 5, subsection 9, states, "The Department may adopt such regulations as are necessary ... to provide the programs of special education" The State Board of Education reviewed that request and chose not to do that. It will be changed from "may" to "shall." There are detailed special education regulations. We believe special education regulations are written to cover every student in public school, homeschool, or private school. We do not need specific regulations for each type of student. It complicates the statutes.

Chair Parnell:

Thank you. Committee members, there is a homeschool packet ([Exhibit F](#)), a document on NAC and homeschool children ([Exhibit G](#)), and a chart comparing provisions ([Exhibit H](#)) in your folders. If you have some time, please look at the information.

Assemblyman Bobzien:

Dr. Rheault, you brought up special education. What do the regulations include? I can imagine the potential problems.

Keith Rheault:

Line 8 on page 10 provides a list of specific requirements that the Boards of Trustees made before providing programs for special education and related services to homeschool students. In the last State Board of Education meeting, we finished approving about 180 pages of new special education regulations based on the new federal law. The regulations are specific enough so that the rights of special education students will be protected. We would have to duplicate 180 pages for a homeschool student; it is already there.

Assemblyman Denis:

I noticed Section 1 was added from the original provision that deals with charter schools. I do not understand the relationship between homeschools and charter schools.

Keith Rheault:

That was added and we strongly support it. It makes charter schools equivalent to public schools. Previously, they were prohibited from accepting homeschool students to take extra courses. It simply allows charter schools to do that.

Chair Parnell:

Thank you all for coming. I will close the hearing on Senate Bill 404 (2nd Reprint). We will stand in recess; I will not adjourn the meeting. I imagine we will meet next Monday or Wednesday and continue the hearing on Senate Bill 404 (2nd Reprint). With that, have a good evening. [4:33 p.m.].

RESPECTFULLY SUBMITTED:

Kelly Troescher
Committee Secretary

Katrina Zach
Transcribing Secretary

APPROVED BY:

Assemblywoman Bonnie Parnell, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Education

Date: May 23, 2007

Time of Meeting: 3:45 p.m.

Bill	Exhibit	Witness / Agency	Description
	A	Assembly Committee on Education	Agenda
	B	Assembly Committee on Education	Attendance Roster
S.B. 404 (R2)	C	Frank Schnorbus, Nevada Homeschool Network	<i>Homeschooling Grows Up</i>
S.B. 404 (R2)	D	Frank Schnorbus, Nevada Homeschool Network	<i><u>S.B. 404</u> Answers to Good Questions</i>
S.B. 404 (R2)	E	Barbara Dragon, Nevada Homeschool Network	Prepared Testimony
S.B. 404 (R2)	F	Chair Bonnie Parnell	<i>Homeschool Packet</i>
S.B. 404 (R2)	G	Chair Bonnie Parnell	<i>Homeschooled Children</i>
S.B. 404 (R2)	H	Chair Bonnie Parnell	<i><u>S.B. 404</u>: Comparison of Provisions with Nevada Administrative Code</i>