

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

**Seventy-Fourth Session  
May 30, 2007**

The Committee on Education was called to order by Chair Bonnie Parnell at 3:51 p.m., on Wednesday, May 30, 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/](http://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](mailto: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

**STAFF MEMBERS PRESENT:**

Sara Partida, Committee Counsel  
Carol M. Stonefield, Committee Policy Analyst  
Kelly Troescher, Committee Secretary



**OTHERS PRESENT:**

Keith Rheault, Superintendent of Public Instruction, Department of Education  
Frank Schnorbus, Chair, Nevada Homeschool Network  
Craig Kadlub, representing Clark County School District  
Gina Anderson, representing Nevada Homeschools Incorporated  
Ariella Nounna, Private Citizen, Las Vegas, Nevada  
Susan Nounna, Private Citizen, Las Vegas, Nevada  
Zoe Hardge, Private Citizen, Las Vegas, Nevada

**Chair Parnell:**

The Assembly Committee on Education will come to order. [Roll.] Sara Partida will be our legal counsel today; she is substituting for Kristin Roberts. We are having a work session on Senate Bill 404 (2nd Reprint).

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

I would like the Committee members to go through the bill. Should homeschool parents notify the school district about homeschooling their children? That is the policy question.

There are two forms in your folder. The first form is the initial notification of intent for first-year homeschooling ([Exhibit C](#)), and the second form is the notification of intent for second and subsequent years of homeschooling ([Exhibit D](#)). Part two of the first form allows the parent to make a declaration of responsibility, and part three is a privacy statement. The first form is for first-year homeschool students. The State of Nevada requires that a second form be resubmitted for second-year homeschool students. The forms will be referenced in one of the amendments.

As elected officials, we want to ensure homeschool students are receiving adequate and equivalent education. Should the State keep in touch with homeschool families or should homeschool families have to notify the State only once? I think that is the crux of this bill.

I received many emails about the bill. There is a copy in one in your folders from a member of Homeschool United and the Southern Nevada Homeschool Advisory Council ([Exhibit E](#)). She believes a notification of intent should be filed every year; she also states the exemption should note that the homeschool student is exempt from compulsory attendance of public school.

Frank Schnorbus responded to questions during the original meeting in an email ([Exhibit F](#)).

**Assemblyman Hardy:**

Can the parent enroll a child in public school after they submitted a notification of intent? Does the parent have an option of placing the student back into public school?

**Chair Parnell:**

I am guessing yes.

**Assemblyman Hardy:**

The notification of intent form is a way for the State to track homeschool families. Homeschool students are potential public school students. The State should consider that when considering the budget.

**Chair Parnell:**

That is a good point. It allows the school district to know how many school age children there are in that district. They will know how many students are attending homeschool, charter school, or public school.

**Assemblyman Hardy:**

It would be beneficial for a coach who cannot get enough people on a team. The coach could use the form as a way to recruit students, and homeschool students would have the opportunity to get involved in sports.

**Chair Parnell:**

It would be a way to contact homeschool families about tests like the American College Testing Program (ACT). It is a form of communication.

**Assemblyman Denis:**

Who maintains the forms? Is it the State or the school districts?

**Chair Parnell:**

The school districts maintain the forms.

**Sara Partida, Committee Counsel:**

In response to the previous questions, homeschool students could enroll in public school anytime. Currently, the forms are maintained by school district superintendents.

**Chair Parnell:**

The school district personnel in the audience are indicating that is correct. Are there other questions about the exhibits? [There was no response.] With that, please open your work session documents to Senate Bill 404 (2nd Reprint).

**Carol M. Stonefield, Committee Policy Analyst:**

[Read from work session document ([Exhibit G](#)).]

There is a mock-up of an amendment proposed by the Legal Division. It has a number of revisions to the bill.

[Summarized mock-up of Senate Bill 404 (2nd Reprint) ([Exhibit H](#)).]

**Chair Parnell:**

I would like Mr. Bobzien to explain why that language was redesigned.

**Assemblyman Hardy:**

There is a rationale that exempts students who cannot enroll in distance education.

**Chair Parnell:**

That is current law. I am not sure why "equivalent instruction" was deleted. We deleted the phrase and rephrased it.

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

The Department does not have a problem with students participating in distance education. It is a provision that did not get changed.

**Chair Parnell:**

It says homeschool students are prohibited from enrolling in distance education classes, but I do not think that was your intent. I wonder why that was not proposed before.

**Frank Schnorbus, Chair, Nevada Homeschool Network:**

A couple of years ago, we thought about proposing a change to that provision, but it has not been a huge issue. There were not many homeschool students taking advantage of distance education. Most students take regular public or charter school classes. We left the issue alone.

**Chair Parnell:**

We talked about students being expelled from public schools. Would you encourage us to change the provision?

**Frank Schnorbus:**

I do not encourage or discourage. It is an option for some students. I am neutral.

**Chair Parnell:**

It seems strange to strictly prohibit something.

**Assemblyman Beers:**

We could make the provision a permissive clause if we change the words "is" and "not" to "may be."

**Chair Parnell:**

It would state, ". . . may be eligible to enroll . . . ."

**Assemblyman Beers:**

That is a wide variety of circumstances for each child.

**Chair Parnell:**

I think we are all on the same page. Last week, we discussed how many classes a child should take in order to be considered a public school student. We need to reference that language so it limits class room time to no more than 50 percent.

**Assemblyman Denis:**

We talked about homeschool students who are also enrolled in private school. Are we saying that homeschool students are eligible for public or private school, but they are not eligible for distance education?

**Chair Parnell:**

Yes. Do we also change it for students enrolled in private school?

**Assemblyman Hardy:**

It does say private school.

**Chair Parnell:**

Do we want to enable both private school students and homeschool students to enroll in distance education?

**Assemblyman Hardy:**

Yes.

**Chair Parnell:**

Or are we mostly talking about homeschool students?

**Assemblyman Hardy:**

I would consider all students. There are three types of students we are discussing: students who are exempt from compulsory attendance of a public school, private school students, and homeschool students. Currently, these students are not eligible to enroll in distance education classes. It does not make sense to me because these are the types of students that would benefit from distance education.

**Assemblyman Denis:**

It would be a budget issue. If we open distance education to all private school students, will it not create concerns about the budget?

**Chair Parnell:**

I can see both sides of the issue. It seems the issue is about homeschool. I agree homeschool students should have access to distance education. Two years ago, we talked about access to extracurricular activities. I am fine with homeschool students accessing classes, but there is a distinction between private school and homeschool. I would rather address homeschool than private school.

**Assemblyman Hardy:**

I concur with your statement. It would limit the numbers significantly. Perhaps we can reference available space.

**Chair Parnell:**

Thank you for remembering that; available space is noted in the bill. Mr. Bobzien, would you like to explain why you supported the website?

**Assemblyman Bobzien:**

The website will provide information to all parents, not just homeschool parents. It is important that the information is available. On a technical aspect, the original language referred to a website tab, which is a navigational mechanism. I have discomfort with legislating website navigation, but I think the school districts should maintain the information. The professionals who are developing and maintaining the website need to figure out how all those things come together. That was my suggestion.

**Chair Parnell:**

We will continue going through the work session document.

**Carol M. Stonefield:**

[Continued to summarize mock-up of Senate Bill 404 (2nd Reprint) ([Exhibit H](#)).]

**Chair Parnell:**

I am concerned about the language on the educational plan. The only time the parent needs to submit an educational plan is in the initial notice of intent. Is that correct?

**Carol M. Stonefield:**

Yes.

**Assemblyman Denis:**

Page 6, line 23 of the mock-up states, "A written acknowledgement that a child is being homeschooled is effective for one school year." If a parent files the form of intent in the middle of a school year, would they have to submit another form in September or August? Would they have to renew their intent at the beginning of each school year?

**Chair Parnell:**

Perhaps our legal counsel can assist us.

**Craig Kadlub, representing Clark County School District:**

One notification of intent is valid until the end of a school year. If a parent decides to homeschool in May, the parent needs to submit another application for the beginning of the subsequent school year. I cannot speak for other school districts.

**Assemblyman Hardy:**

It applies to truancy.

**Chair Parnell:**

Some homeschool parents felt strongly about having a form that states their child is exempt from compulsory attendance.

**Sara Partida:**

Regarding the concern on enrolling homeschool students in distance education courses, we would have to amend this so those students will be counted.

**Chair Parnell:**

Maybe we will do that next time.

**Assemblyman Segerblom:**

If a parent wants to homeschool their child, the parent needs to file a form of intent. Would the student be tested to find out his academic performance?

**Chair Parnell:**

Currently, there are no requirements for testing of homeschool children. We discussed providing the option for homeschool students to take high school proficiency examinations.

**Sara Partida:**

It is my understanding that homeschool students are not required to take any tests.

**Chair Parnell:**

If a homeschool student wants to apply for the Millennium Scholarship, a high school proficiency exam is required. Otherwise, there are no required tests.

**Assemblyman Segerblom:**

Filing the form once a year does not seem to be an onerous obligation. I am wondering why the word "electronic" was removed. In this day and age, it would make submitting the form a lot easier.

**Chair Parnell:**

This is a work session; we will not have people testify. However, if anyone has any new information, please come forward. Otherwise, our staff will answer the Committee's questions.

**Assemblyman Hardy:**

Page 7, line 38 says the parent or legal guardian has control over the child. No one really has control over their children, but jurisdictional control is the intent.

**Carol M. Stonefield:**

The term "control" or "charge" is already provided in *Nevada Revised Statutes* (NRS) 392.040, which is the compulsory attendance law.

**Gina Anderson, representing Nevada Homeschools Incorporated:**

Nevada Homeschools Incorporated is a non-profit group of homeschool parents, and we favor Senate Bill 404 (2nd Reprint).

**Chair Parnell:**

Thank you. Do you support the bill as amended?

**Gina Anderson:**

Yes.



**Ariella Nounna, Private Citizen, Las Vegas, Nevada:**

I am concerned about a section of the bill. I am reading a book about the *Declaration of Independence* and the *United States Constitution*. The book states, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble ...."

**Chair Parnell:**

Did we take care of your concern with our amendment?

**Susan Nounna, Private Citizen, Las Vegas, Nevada:**

There is a section that said you would not infringe upon the religious rights of a parent.

**Chair Parnell:**

It is still in the bill.

**Susan Nounna:**

Perhaps someone can help me find it. Anyway, it says "except." The term is a concern. Ariella was studying the *U.S. Constitution*, and that concerned her. She wanted to address that. It states that religious rights would not be infringed upon unless the government has a higher need. Ariella wanted to hear what the Committee had to say.

**Chair Parnell:**

Thank you. You did a great job. I used to teach government and social studies for students in the eighth grade. I am very proud that you referenced that.

**Frank Schnorbus:**

That language was part of the law. The Religious Freedom Restoration Act was signed into law by former President Bill Clinton. Part of the act was struck down by the United States Supreme Court. The U.S. Supreme Court stated that it is up to the states if they want that language in state law. That is what we are trying to do here.

**Chair Parnell:**

Again, that language is currently in the amended version of the bill. It is on page 7, line 31.

**Zoe Hardge, Private Citizen, Las Vegas, Nevada:**

I want to thank the Committee for the amendments. I agree with the amended bill. The bill requires the parent to submit the curriculum during the child's first year of homeschool, but the requirement does not apply to subsequent years.

However, the court can request a curriculum at anytime. It is confusing for the parents.

**Chair Parnell:**

It is a good point. Are you referencing a one-year educational plan or ...

**Zoe Hardge:**

A one-year plan.

**Chair Parnell:**

The bill does not necessarily say that. Page 7, line 20 of the mock-up states, "The parent of a child who is being homeschooled shall prepare an educational plan of instruction for the child ...." Is it a one-year plan or a longer plan? Perhaps that is causing some confusion.

**Zoe Hardge:**

We are currently doing one-year plans on a grade-by-grade level.

**Gina Anderson:**

The difference between the two forms is that the first-year form includes an educational plan while the subsequent form does not.

**Assemblyman Hardy:**

Page 7, line 24 of the mock-up states, "... as appropriate for the age and level of skill of the child as determined by the parent." The plan has to be a long range plan. The age and educational level of the child needs to be considered in the plan. They have a good point. We could add language to the bill.

**Frank Schnorbus:**

There are a few reasons for the language. The school districts do not use the information. In other words, school districts are placing the burden on homeschool families to file the information. When the school districts do use the information, they judge if the educational plan is acceptable. Let us say I have a child who is gifted or has special needs. A plan may work for one child, but it may not work for another. The school districts do not know the educational level of homeschool children, and it places an extra burden on the homeschool parents. School districts do not have the ability to evaluate or assess a child's educational level. If someone files an educational neglect or truancy complaint on a parent, the parent must submit an educational plan to the court, and the judge will decide if the curriculum is adequate enough.

**Chair Parnell:**

As Dr. Hardy said, we want to make parents responsible for updating educational plans, and the courts will determine if the plans are acceptable. Do we agree on that?

**Frank Schnorbus:**

Yes. I think the court of law is the key. One of the amendments would require parents to submit the plans to the court. I request that it be removed; it is problematic. We are following current regulations, but we found the information is not being used by the school districts.

**Chair Parnell:**

I do not think it needs to be used. The information should be kept on file so the school district knows what is going on with that child.

**Susan Nounna:**

Twenty years ago, homeschooling was illegal in the Nevada. Homeschooling is now legal and accepted. Homeschool students take the same tests as public school students. I do not mean to sound negative, but it was an embarrassment that homeschool students outperformed public school students on the tests. We quit testing homeschool students because the variance was so extreme. We are moving in the direction where regulations on homeschool students are getting looser and looser. I am concerned that parents who teach their children poorly will create the poster child of homeschool. When I started homeschooling my daughter, we had counselors during the first year and it was very helpful. I believe in freedom, but homeschool standards are helpful.

**Chair Parnell:**

Thank you. An educational plan is submitted with a notification of intent. It is not used to determine the approval or disapproval of being able to homeschool. It is simply a statement of intent to homeschool a child, and it is very important to understand that.

Ms. Partida, the bill could state that the notice of intent must include the plan but should not be used as a basis for denial of the notice of intent. If that is fine with everyone, I do not think we will have a problem with that. We do not want to use it in a negative way, but it is important to know that parents need to take responsibility for the educational plan.

**Gina Anderson:**

This question regards the entry of homeschool students into public high school. If homeschool students are exempt from being tested, do they need to take an eighth-grade proficiency examination or provide their transcripts?

Page 8, line 10 of the mock-up states, "A homeschool child who enrolls in a public high school shall, upon initial enrollment: provide documentation sufficient to prove that the child has successfully completed the courses of study required for promotion to high school through an accredited program of homeschool study ...." It also states, "Demonstrate proficiency in the courses of study required for promotion to high school through an examination prescribed by the board of trustees ...." Does this provision refer to the eighth-grade proficiency examination? I would like to know so I can advise people accordingly.

**Chair Parnell:**

It would be one of those three provisions in Section 4. The board of trustees provides control and policy, and they will determine that. We do not want to be too specific. Clark County may require an eighth-grade proficiency examination, but another school district might access proficiency in another way. There is local control over that.

**Gina Anderson:**

A homeschool parent cannot provide transcripts or credits. The only thing the parents can provide is their documentation that their child successfully completed the required coursework.

**Chair Parnell:**

Again, that is controlled by local entities. Clark County may use an eighth-grade proficiency examination while the Carson City School District may not.

ASSEMBLYMAN HARDY MOVED TO AMEND AND DO PASS AS  
AMENDED SENATE BILL 404 (2ND REPRINT).

ASSEMBLYMAN BEERS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

**Chair Parnell:**

I imagine there will be continuing discussion on this bill. If the Senate does not concur, there will be a conference committee. Meeting adjourned [4:58 p.m.].

RESPECTFULLY SUBMITTED:

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Kelly Troescher  
Committee Secretary

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Katrina Zach  
Transcribing Secretary

APPROVED BY:

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Assemblywoman Bonnie Parnell, Chair

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

## EXHIBITS

**Committee Name:** Committee on Education

**Date:** May 30, 2007

**Time of Meeting:** 3:45 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 404 (R2)	C	Assemblywoman Bonnie Parnell, Assembly District No. 40	<i>Initial Notification of Intent for First Year of Homeschooling</i>
S.B. 404 (R2)	D	Assemblywoman Bonnie Parnell, Assembly District No. 40	<i>Notification of Intent to Homeschool for Second and Subsequent Years of Homeschooling</i>
S.B. 404 (R2)	E	Zoe Hardge, Private Citizen, Las Vegas	Letter to Assembly Committee on Education
S.B. 404 (R2)	F	Frank Schnorbus, Nevada Homeschool Network	Letter to Assembly Committee on Education
S.B. 404 (R2)	G	Carol M. Stonefield, Committee Policy Analyst	Work Session Document
S.B. 404 (R2)	H	Carol M. Stonefield, Committee Policy Analyst	Mock-Up for <u>S.B. 404 (R2)</u>