

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Seventy-Eighth Session
March 6, 2015**

The Senate Committee on Education was called to order by Chair Becky Harris at 3:32 p.m. on Friday, March 6, 2015, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Becky Harris, Chair
Senator Scott Hammond, Vice Chair
Senator Don Gustavson
Senator Mark Lipparelli
Senator Joyce Woodhouse
Senator Moises (Mo) Denis

COMMITTEE MEMBERS ABSENT:

Senator Tick Segerblom (Excused)

STAFF MEMBERS PRESENT:

Todd Butterworth, Policy Analyst
Beth Ann Reykers, Committee Secretary

OTHERS PRESENT:

Craig Stevens, Clark County School District
Patrick Gavin, Director, State Public Charter School Authority
Andrew Diss, Director, StudentsFirstNV
Lauren Hulse, Executive Director, Charter School Association of Nevada
Melissa Mackedon, Administrator, Oasis Academy

Chair Harris:

As both Vice Chair Hammond and I will be presenting bills this afternoon, Senator Lipparelli will serve as acting chair for most of today's meeting.

Senator Lipparelli:

I will open the hearing on Senate Bill (S.B.) 200.

SENATE BILL 200: Revises provisions relating to enrollment of pupils in charter schools. (BDR 34-183)

Senator Scott Hammond (Senatorial District No. 18):

I present S.B. 200 for your consideration. Under existing law, a charter school may enroll certain children before enrolling children who are otherwise eligible for enrollment. These include the children of an employee of the charter school, a member of the committee to form a charter school and a member of the governing body of the charter school.

Section 1 of S.B. 200 authorizes a charter school located on a federal military installation to give the same enrollment preference to the children of people who reside or work on a federal military installation. Section 2 of the bill authorizes a person who sells or leases land for a charter school, at a cost of not more than 25 percent of the appraised value for the land, to designate an area in which children who reside in that area may be enrolled in that charter school. Children residing in the designated area may be enrolled in the charter school before others, including children who are otherwise given enrollment preference.

Last year I was approached by representatives of Nellis Air Force Base who requested a change to existing statute regarding charter school enrollment preference for schools on base. There is a public school on Nellis Air Force Base; however, it may be replaced with a charter school. Under existing law, if the school at Nellis becomes a charter school, there is no guarantee that the children of the people who live and work on the base would be able to enroll. Senate Bill 200 ensures that a charter school on Nellis or any other military installation in Nevada must give preference to those children of parents who live or work there.

This is not merely a hypothetical situation. A similar scenario already occurred in Arizona. We are simply taking steps to ensure those who serve our Country are not burdened by having to take their children off base for school.

The second part of S.B. 200 assists charter schools that want to build by allowing land developers and charter schools to negotiate a mutually beneficial agreement. If a charter school receives land for 25 percent of the appraised value, it can put the balance that would have gone to purchasing the land toward building the school or improving the educational services it provides. However, after discussing this section of the bill with various groups, I offer three slight amendments to S.B. 200. Amendment 1 caps the number of students coming from the designated area at 25 percent. Amendment 2 limits the designated area to a 2-mile radius. Amendment 3 limits enrollment preference to a one-time lottery, essentially the opening of the school.

After offering these three amendments, the language in S.B. 200 still did not rise to an acceptable level of comfort for people. As there is agreement with the first part of the bill, I am now offering a fourth amendment to strike section 1, subsection 3 from S.B. 200.

Section 1, subsection 3 of S.B. 200 was designed as a strategy to offset the start-up costs for a charter school. This fourth amendment does not alleviate or address the critical issue charter schools face trying to find adequate funding for facilities, but at this point, the bill does not have language that is palatable to stakeholders.

Senator Woodhouse:

Would you please repeat the four proposed amendments to S.B. 200?

Senator Hammond:

The first three amendments I enumerated will not apply. I am only offering a single amendment at this time. That amendment strikes the language in section 1, subsection 3 of the bill. After speaking with stakeholders, the language in subsection 3 needs modification. I do not want S.B. 200 stalled while the language in subsection 3 is reviewed and modified.

Senator Lipparelli:

Are you abandoning the language in section 1, subsection 3 altogether, or will it appear in subsequent hearings as an amendment?

Senator Hammond:

I am abandoning the language in totality. We are trying to solve the issue of adequate funding for facilities. The stakeholders and I will work together to seek a better way to address this issue.

I urge your support of S.B. 200 to ensure that military families have enrollment preference for on-base charter schools.

Craig Stevens (Clark County School District):

The Clark County School District (CCSD) "Good News Minute" today is: the CCSD will offer 7 new magnet schools and 5 new select schools in the 2015-2016 school year. The CCSD currently has 21,185 seats in magnet and career and technical programs. This number will be increased by 25 percent in the CCSD's upcoming 2-year expansion, eventually adding 5,000 more seats.

The CCSD was opposed to S.B. 200, but after hearing the testimony by Senator Hammond, the CCSD is in full support of the bill.

Patrick Gavin (Director, State Public Charter School Authority):

The State Public Charter School Authority (SPCSA) supports S.B. 200 with Senator Hammond's amendment to strike section 1, subsection 3. I was involved in the development of the Nation's first charter school on a military base, at Naval Air Station/Joint Reserve Base New Orleans, Belle Chasse, Louisiana. Belle Chasse Academy is one of the top performing charter schools in Louisiana. Its genesis was a result of a similar change in statute, which permitted preference for military-connected children. Schools on military bases with nonmilitary-connected pupils present unique challenges during times of heightened security. After the 9/11 terrorist attacks, the security level on-base was elevated, students who were not military-connected, and whose parents did not have the proper identification, were not permitted on base. They could not attend school. Recognizing that we cannot be sure of what type of security situation we will face in the upcoming years, it is critical that we recognize that on-base charter schools, or on-base schools of any type have unique security constraints.

Moreover, military-connected children, particularly in times of deployment, have important needs. Arguably, these students could be considered an at-risk classification given the kinds of stresses that are unique to their family circumstances. The SPCSA supports S.B. 200 with the amended language.

Andrew Diss (Director, StudentsFirstNV):

StudentsFirstNV supports S.B. 200 with the deletion of section 1, subsection 3.

Lauren Hulse (Executive Director, Charter School Association of Nevada):

The Charter School Association of Nevada (CSAN) also supports S.B. 200, with the deletion of section 1, subsection 3. I want to commend Senator Hammond for discussing the lack of facilities funding received by charter schools. The acquisition of facilities for charter schools must be addressed and we look forward to working with Senator Hammond on this important issue.

Senator Lipparelli:

I will now close the hearing on S.B. 200 and open the hearing on S.B. 208.

SENATE BILL 208: Requires certain notice to be provided to certain parents and legal guardians when a new charter school will begin accepting applications. (BDR 34-729)

Senator Becky Harris (Senatorial District No. 9):

Senate Bill 208 requires newly established charter schools to notify families in the local area when a charter school will be opening in their neighborhood. This bill is very simple. At least 90 days before a new charter school begins accepting student applications, the school will be required to notify the parent or legal guardian of any child living within 3 miles of the school about the enrollment process.

There are going to be some friendly amendments to the bill, but I want to outline the purposes of S.B. 208. There have been concerns by my constituents and many others regarding the charter school enrollment process. Parents have indicated it is often difficult to get their child into a neighborhood charter school because there has been no information disseminated regarding the application process. There is a lack of application and registration information as well as the time frame for the opening of the neighborhood charter school. People within different communities feel like they are excluded from their local neighborhood schools and are frustrated. When they finally do go to charter school and learn about the application process they have often learned that not only has the application process been closed, but also there was a significant waiting list. Senate Bill 208 is designed to make the student population of a charter school more representative of the community in which it operates. This simple notification process will provide access and choice to parents within a

neighborhood where a charter school resides. I encourage you to support S.B. 208 because it helps open the realm of possibilities for parents and students as they determine which education experiences will best serve their family.

In my brief discussions with stakeholders regarding the radius for notification, it was determined a 2-mile radius would be more appropriate, as it is consistent with other charter school legislation.

There is concern about the expense S.B. 208 will impose on a new charter school. In preliminary research, I found the cost of notification to be \$1,500 to \$3,000, depending on the material to be disseminated. Amending S.B. 208 to state that all households within a 2-mile radius will be informed of a charter school locating in their neighborhood will be less expensive and simplify the process.

Senator Gustavson:

I support S.B. 208 with the two amendments. Changing the 3-mile radius to a 2-mile radius is consistent with other charter school legislation. Notification of all residents within the 2-mile radius will make it easier to ensure all parents and guardians are notified and will be less expensive for the new charter school.

Senator Woodhouse:

You mentioned the estimated fiscal impact for a new charter school would be anywhere from \$1,500 to \$3,000. How were those estimates calculated?

Senator Harris:

Those amounts are an estimate based on a CCSD model. Senator Hammond can address this issue, as his charter school engages in these types of notifications.

Senator Hammond:

I have been a member of the board of a charter school for the last 4 years. After I read S.B. 208, I did some research. We try to notify as many potential students as possible when we open a charter school campus. We contract with a company that has access to very specific data, such as school-age children within the school's neighborhood. We typically buy enough material that encompasses 4-5 zip codes. In Las Vegas, this equates to a 2-3 mile radius. The information cost is approximately \$500. When the cost of mailing is added, depending on the type of material being mailed—flyer, postcard—it has never

cost more than \$1,000. The notification includes the location of the school and the enrollment procedures. It is a minimal expense.

Senator Lipparelli:

Would you be satisfied with the terminology, “uses reasonable efforts to notify the parents or legal guardian of any school-age child”? I would hate to have people object to the enrollment process because an individual parent did not receive notification. I think the change in language could avoid nuisance claims that not every parent received notification.

Senator Harris:

I have the same concern. The language will be amended to include all households within the zip codes. This will address transiency within a zip code.

Senator Denis:

I appreciate Senator Hammond addressing the school perspective. How are prospective students currently notified?

Senator Hammond:

I can only speak for the charter school with which I have experience. We need the enrollment in order to operate, so we engage a company that supplies the data we need: the number of houses and the area to be served. We purchase the data and then send out postcards notifying families of the enrollment procedures and timelines. Sometimes we hold a meeting where families can attend and get further information, other times we put the information on a postcard.

Senator Denis:

In addition to sending a mailing, do you also distribute materials at community centers?

Senator Hammond:

We have done that as well as hold open houses in neighborhoods and at a centralized location, such as a casino ballroom.

Senator Denis:

Did you find that the way in which Senator Hammond’s school notifies potential students is not a common practice?

Senator Harris:

I have not spoken with every charter school operator, but I have been told that there is not a requirement to notify the local neighborhood that a charter school is moving into the area. I have had numerous complaints from parents concerning the lack of notification that a school in their neighborhood is a charter school. Parents are complaining that they are not invited to have their children participate in this type of school opportunity. Senate Bill 208 is an effort to address these concerns. I think this will benefit charter schools and the neighborhoods because we will have schools that are more reflective of the communities in which they reside. There will be more diversity and more opportunity.

Senator Denis:

I agree, S.B. 208 makes the notification process consistent.

Mr. Gavin:

The SPCSA appreciates the intent of S.B. 208, and agrees with Senator Harris this is an important policy matter. We do have some concerns from an operational perspective. Some factors are important to consider as part of this bill. Charter schools do not receive either federal or State start-up funding. Senate Bill 208 will impose a cost to a charter school prior to any Distributive School Account payments. There are also timeline elements that are prescribed in statute and regulation which overlap, and in some cases, conflict with S.B. 208. We think this is a real opportunity to look carefully at how we can ensure a streamlined and appropriate process which ultimately results in high-quality schools representative of their communities.

Senator Denis:

Since you work with multiple charter schools, will you share how they typically disseminate information about the opening of a charter school within a neighborhood?

Mr. Gavin:

Schools employ a broad range of strategies. There are both statutory and regulatory requirements that must outline their enrollment and marketing campaign. That plan is reviewed carefully by the SPCSA. For some schools it is much more of a grass roots effort. Some schools rely on tools like social media, others mail out flyers. It varies based on enrollment capacity. With all due respect to Senator Hammond's school, it is worth noting that his school is

supported by a very large and respected company that has significant expertise in this area. There are other schools that are started by extraordinarily well-intentioned teachers, parents and community leaders. They may not have the deep marketing expertise that permits a bulk mailing to happen with the degree of tight execution and cost control that may be possible for Somerset Academy, Doral Academy or some of the other schools that are associated with that organization. We do not say that capacity should not be developed in the schools we oversee. We think this is an opportunity to look at what can be done as an Authority and State to better support our schools on the front-end and that both have the appropriate capacity to do this work at a very high level.

Melissa Mackedon (Administrator, Oasis Academy):

As the administrator of a rural charter school, Oasis Academy in Churchill County, a legislative appointee on the SPCSA and a board member of CSAN, I have some concerns regarding S.B. 208. Oasis Academy is a five-star reward school. We will be opening the first rural charter high school next fall. I have the utmost respect for the intent of S.B. 208. We certainly want to provide equal access to our charter school in Churchill County, and we make every effort to do so. I offer the following for consideration by the work group as they develop the amendment for this bill.

When we opened Oasis Academy, we did not know 90 days before we opened where our facilities were going to be located. This legislation would have been problematic for us. I have colleagues in Washoe County who are in a very similar circumstance. Additionally, \$1,500 does not sound like a lot, but when you are starting a charter school, there is no start-up funding available. It would have been nearly impossible for us to spend \$1,500 on a mailer as described in S.B. 208. Nevada is such a diverse state, maybe the 2-mile radius makes good sense in Clark and Washoe Counties, but in rural communities, it does not make sense. In Ely, at Learning Bridge Academy, a 2-mile radius is in wilderness. Senate Bill 208 should take into consideration the unique location of each charter school.

Senator Woodhouse:

How was your student body enrolled since you opened with less than a 90-day notice?

Ms. Mackedon:

For about a year prior to opening, during our application process, we had monthly meetings at the local firehouse. Those meetings were advertised in the local newspaper. We had students enrolled before we had a location. We worked with the city and hung a huge banner over our main street that informed the community about our school and its registration process. We also distributed flyers at Little League games and other activities where there were high concentrations of students. We tried to get the word out to as many parents and students as possible. The owners of the building finished the tenant improvements within 70 days and then we were able to open our doors.

Senator Lipparelli:

I believe the language I suggested, to use reasonable efforts to notify the community, would work in rural Nevada. It sounds like Oasis Academy used extraordinary efforts to notify members of the community.

Ms. Mackedon:

I am an advocate for rural charter schools. I hope to see more of them opening in our State. I think each one of those will be unique. It is essential that access is provided, but I want to ensure that the language of S.B. 208 addresses the needs of rural Nevada as well as urban areas.

Ms. Hulse:

I echo the concerns expressed by Mr. Gavin and Ms. Mackedon. We support the concept of S.B. 208, and hope the proposed amendment will address the concerns of rural charter schools.

Senator Harris:

I am excited to work with the Nevada Charter School Authority as well as the other stakeholders to best help parents and the various communities that we have throughout Nevada to begin to understand and explore the options that are afforded to their families through charter schools. I look forward to a notification requirement that fosters more diversity and increased interest in charter schools.

Senator Lipparelli:

I will now close the hearing on S.B. 208.

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Chair Harris:

There being no further comment or business before the Committee, the meeting is adjourned at 4:13 p.m.

RESPECTFULLY SUBMITTED:

Beth Ann Reykers,
Committee Secretary

APPROVED BY:

Senator Becky Harris, Chair

DATE: _____

| EXHIBIT SUMMARY | | | | |
|-----------------|---------|---|-------------------|-------------------|
| Bill | Exhibit | | Witness or Agency | Description |
| | A | 1 | | Agenda |
| | B | 2 | | Attendance Roster |