

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Seventy-Eighth Session
March 27, 2015**

The Senate Committee on Education was called to order by Chair Becky Harris at 3:34 p.m. on Friday, March 27, 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)

GUEST LEGISLATORS PRESENT:

Senator Ben Kieckhefer, Senatorial District No. 16
Senator Debbie Smith, Senatorial District No. 13

STAFF MEMBERS PRESENT:

Todd Butterworth, Policy Analyst
Risa Lang, Counsel
Shelley Kyle, Committee Secretary

OTHERS PRESENT:

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Susan Payne, Director of Safe Schools, Safe2Tell, Attorney General's Office,
Colorado Department of Law, Denver, Colorado
Dotty Merrill, Ed.D., Executive Director, Nevada Association of School Boards
Christine Koehler
Lonnie Shields, Assistant Executive Director, Nevada Association of School
Administrators
Tim Crowley, Nevada Association of School Boards
Marlene Lockard, Nevada Women's Lobby
Scott Baez, Washoe County School District
Diana Glomb Rogan
Kathleen Conaboy, K-12, Inc.; Chair, State Public Charter School Authority
Nicole Rourke, Clark County School District
Melinda (Mindy) Martini, Deputy Superintendent for Business and
Support Services, Department of Education
Mike Hix, Secret Witness
Brett Kandt, Special Assistant Attorney General, Office of the Attorney General
Sean B. Sullivan, Deputy Public Defender, Public Defender's Office,
Washoe County
Brian Vasek, Legislative Extern-Clark County Public Defender's Office
Misty Allen, Suicide Prevention Coordinator, Division of Public and
Behavioral Health, Department of Health and Human Services,
Mark Herron, Trustee, Davidson Institute for Talent Development
Colleen Harsin, M.A. M.S.W., Director, The Davidson Academy of Nevada
Patrick Gavin, Director, State Public Charter School Authority
Lauren Hulse, Executive Director, Charter School Association of Nevada

Chair Harris:

We will open the hearing on Senate Bill (S.B.) 338.

SENATE BILL 338: Requires the Attorney General to establish the Safe-to-Tell Program to enable the anonymous reporting of dangerous, violent or unlawful activity in or at a public school. (BDR 34-870)

Senator Debbie Smith (Senatorial District No. 13):

In February 2014, I partnered with the Washoe County School District and others to host a school safety summit in Sparks in response to the middle school shooting in my neighborhood. At the summit, I met Susan Payne who is an exceptional resource for us. The school board association invited her to

speaking at one of their conferences recently. That is what generated my idea to move forward with a bill.

A few weeks ago, I opened the *Reno Gazette-Journal* and read a story about a middle school student in Fallon who committed suicide. The story inspired me that we have to do more than we are doing.

In my written remarks ([Exhibit C](#)), S.B. 338 creates an easy mechanism for Nevadans to anonymously report violent or unlawful activities or threats of violence on school property and at school events. In closing, I think about the 343 teenagers who have committed suicide that we could have possibly saved. We need to be leaders on this issue. How many lives will be lost if we wait another 2 years?

Susan Payne (Director of Safe Schools, Safe2Tell, Attorney General's Office, Colorado Department of Law, Denver, Colorado):

During my 26 years of being a sworn law enforcement agent, I have seen unspeakable tragedies involving children. In my presentation today, I will give you an overview. You have been given a printed presentation ([Exhibit D](#)) which has factual data that you can follow.

I would like you to think about a method we used for prevention at the U.S. Department of Homeland Security. Having worked at Homeland Security and with the FBI, those agencies are largely about protection, mitigation and prevention.

In Nevada, fusion centers are listed on the Department of Public Safety, Division of Emergency Management Office of Homeland Security Website.

A fusion center is a collaborative effort of two or more agencies that provide resources, expertise and information to the center with the goal of maximizing their ability to detect, prevent, investigate and respond to criminal and terrorist activity under the State's Division of Emergency Management Office of Homeland Security.

The centers encourage citizens to know what to look for, watch for and what to report. A citizen can provide information anonymously, and in doing so enables agencies to intervene early when there is a reported concern.

I built a pilot model for school safety which was a large part of the Safe Community & Safe School Strategy focus. This pilot model attracted the attention of Colorado state officials and I was asked to provide a briefing. Two weeks after my briefing, the Columbine High School tragedy occurred. In Colorado, we did not have the opportunity to carry out this plan proactively or in a preventative fashion.

In building the Safe2Tell program, we recognized the need to engage the key stakeholders and empower young people to be part of the solution of school and community safety.

We knew it would take a comprehensive effort and through the research, I worked with Delbert Elliott, Ph.D., from the Center for the Study and Prevention of Violence, University of Colorado. He is one of the leading researchers in youth violence and his statement to the Youth Violence Prevention Summit held in Washington, D.C., on January 22, 2013, ([Exhibit E](#)) can be found in your packet.

Young people need to know there is help and hope and adults willing to respond if they see friends struggling. We need to address the barriers and the code of silence that prevents young people from speaking up when a friend needs help. Youth are concerned with retaliation or looking like a "snitch." This information is compiled in a handout ([Exhibit F](#)) by Dr. Del Elliott, Founding Director, and Dr. Beverly Kingston, Director of the University of Colorado, Center for the Study and Prevention of Violence.

We need to look at the precipitators to violence. How could we have prevented the violence from happening? What gaps exist in order for our communities to use the resources that currently exist to help children when someone needs help?

The goal is to ensure that all students, parents, teachers and community members have access to a safe and anonymous way to report concerns about their safety or the safety of others.

People say we cannot measure prevention. The fact is: We can measure the number of times students have made a report and what the results have been. There is accountability and follow-up on every report that is made.

We have a culture where people mind their own business, look the other way or do not know who to call when an incident is not at a 911 level. In the case with young people, we do not want a crime to have already occurred.

In 2004, Las Vegas, Nevada, was number one in the Nation and Colorado Springs, Colorado, was number two in the Nation for the number of youth suicides.

We want students to recognize a red flag and be able to forward the information to an adult who can help when there is a concern for their safety or a friend's safety. The focus is early intervention and prevention through awareness and education.

Dotty Merrill, Ed.D. (Executive Director, Nevada Association of School Boards):

In S.B. 338, we are trying to strike a balance between preparing for an unthinkable horror—such as school violence or student suicide—without giving way to fear. It is a road map we can follow in Nevada and we can use the Safe2Tell program in Colorado as a template. It will help us be better prepared to prevent acts that may have devastating effects on our schools and communities.

In your own community, you may have heard of a school tragedy. When these tragedies occur there is a ripple effect. The tragedies impact, not only the families of the students, but the entire school population.

Today, my role is to walk the Committee through S.B. 338 and you have received a copy of the summary ([Exhibit G](#)).

Christine Koehler:

The Safe2Tell program was part of the Colorado school district I worked in for 10 years as a school psychologist. I am now in the Clark County School District as a school psychologist and I am passionate about the Safe2Tell program.

Safe2Tell is not a hotline. Safe2Tell is about building relationships; it is about creating safe environments; it is about fostering positive school climates; it is empowering our students to make a difference and telling them what they can do if they have a concern.

When I attended Safe2Tell training, a key part of the training was about building relationships. That is a large part of who I am today as a school counselor. One

must build relationships with students in order for them to have academic, social and emotional success. They need to be cared for, empowered and know they can do something to make a change in the world.

The Safe2Tell program was embedded in the culture of my school in Colorado. The staff and students were trained. The students knew what was expected of them and knew what they could do if they were worried about a situation. The students became part of the solution because they were part of the training.

I know Safe2Tell works and I am in support of S.B. 338.

Chair Harris:

Senator Smith, Governor Brian Sandoval's bill, Senate Bill 504 deals with bullying and should this legislation pass, an Office of Safe and Respectful Learning will be established in our schools. Have you given consideration should Safe-to-Tell pass as well, of locating this program in the Governor's Safe and Respectful Learning Office rather than in the Office of the Attorney General?

SENATE BILL 504: Amends provisions relating to a safe and respectful learning environment in public schools. (BDR 34-201)

Senator Smith:

Yes, I have. I will have Susan Payne explain what she sees as the obstacles of not housing S.B. 338 in a law enforcement environment.

Ms. Payne:

Any option is probable. You need to decide where you want your answering point or if you want it to be an outside answering point. In order for the person who oversees the Safe2Tell program to share information, even if they work in the Governor's Office, that person needs to be a sworn law enforcement category I peace officer. The reason is the number of cases that require further investigation and the information sharing laws allow a sworn law enforcement category I peace officer to talk to a school psychologist, principal or the school resource officer about confidential juvenile information within the confines of the law.

If Safe2Tell was located in the Governor's Office of Safe and Respectful Learning, the person hired for that position had those credentials. Colorado has some legal items in place—that is the advantage of having the legal team at the Attorney General's Office help with the guidelines.

Chair Harris:

We just considered a bill in the Senate Committee on Judiciary to loosen interagency privacy rules in order for us to obtain the necessary resources for our juveniles. In concert with that, we could globally look at the best way to meet the needs of Nevada students and children and arrive at a comprehensive broad-based solution.

Lonnie Shields (Nevada Association of School Administrators):

The Nevada Association of School Administrators is in support of S.B. 338. As a principal of Mount Rose Elementary School for 17 years, such a program as Safe-to-Tell would have been helpful to the teachers and students. A missed opportunity may not have been missed. Anytime we have one missed opportunity in this life, we are not serving our students well.

Tim Crowley (Nevada Association of School Boards):

The Nevada Association of School Boards is united in support of S.B. 338. We want a strong program where students know there is an environment that is Safe-to-Tell about what they hear, know their voices will be heard without repercussion and know that follow-through will be taken. We want to prevent suicides and other terrible events from happening.

Marlene Lockard (Nevada Women's Lobby):

The Nevada Women's Lobby is in support of S.B. 338. Today's complex environment, with social media and things we did not imagine a few years ago, have an impact on the young people throughout our State. If there is a safe haven for a student to be candid and risk free, we support this measure.

Scott Baez (Washoe County School District):

The Washoe County School District is in support of S.B. 338. The bill will help maintain a safe, respectful learning environment.

Diana Glomb Rogan:

I support S.B. 338. Anything we can do to empower young people to help themselves, to help each other and to help is a service to all of us. If we cannot provide a safe feeling for young people to tell us what they perceive as a threat to themselves or others, how can we assure them and provide them with a sense of safety to deal with an actual threat or violence they perceive?

Kathleen Conaboy (K-12, Inc.; Chair, State Public Charter School Authority):

K-12, Inc. is in support of S.B. 338 and it is a sound approach to handling the burgeoning problem of threatening situations faced by our schools, teachers and students.

I am also representing the State Public Charter School Authority. Safety and security of school children and mental health issues are pending in several other bills. It is good to have a broad discussion about these issues. Senate Bill 338 is a broad-brush approach and it is not particular to a district, school or a charter school. It covers everyone. For the record, we are agnostic to the location of the program in response to your question, Madam Chair.

Nicole Rourke (Clark County School District):

The Clark County School District is in support of S.B. 338. The program should be located where the most comprehensive service could be provided. Many of the circumstances that happen to our students and their families, happen outside of the school day. It is important they have access to the most immediate help possible.

Melinda (Mindy) Martini (Deputy Superintendent for Business and Support Services, Department of Education):

The Department of Education is in support of S.B. 338. In Senate Bill 504, there is a provision for a 24-hour hotline. We are willing to work with the sponsor to amend or change the language that will work in the Department of Education as well.

Mike Hix (Secret Witness):

Secret Witness is an organization that provides a mechanism for the confidential reporting of crimes. Tips are collected from the Secret Witness line and passed on to law enforcement. Witnesses can remain anonymous and obtain rewards for solved crimes. Since 1979, Nevada citizens with information about unsolved crimes have anonymously called Secret Witness more than 74,000 times, helping to solve over 3,000 crimes, including 35 murders. Rewards in excess of \$300,000 have been paid.

Secret Witness is comprised of volunteers only, which is proof that citizens with public problems do not have to seek costly government solutions.

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As a past president and board member of the Secret Witness Program in Washoe County and Carson City, my concerns regarding S.B. 338 and the creation of the Safe-to-Tell Program by the Attorney General's Office are outlined in my letter ([Exhibit H](#)).

While Secret Witness is and continues to be in favor of any measure to help fight crime, especially at our schools, we are concerned the creation of the Safe-to-Tell Program, will result in confusion among the students in northern Nevada. They are familiar with the successful cash reward program which allows them to report crimes on their campuses while remaining anonymous.

An effective and proven crime-fighting Secret Witness Program exists in northern Nevada without the need of paid staff or tax dollars.

Secret Witness is not against S.B. 338; we are concerned the creation of Safe-to-Tell will result in confusion over a new number or new text line. We have spent the past 20 years promoting a school secret witness program in northern Nevada.

Brett Kandt (Special Assistant Attorney General, Office of the Attorney General):

On behalf of Nevada Attorney General Adam Paul Laxalt, he commends the state of Colorado for coming together in the wake of the Columbine tragedy and in the 16 years since, formulating an effective solution to try to save lives in their schools.

We thank Senator Smith for taking the time to bring to the Senate Committee on Education for consideration whether Nevada should look at formulating a similar program.

We have concerns that the bill in its current form does not afford us the flexibility we may need as a State to bring together all the stakeholders and determine in the most-efficient, expeditious and cost-effective way to replicate a similar Safe2Tell program in Nevada.

The stakeholders would be our 643 public schools, 42 charter schools and 76 law enforcement agencies. The way S.B. 338 is drafted, it states a

public safety agency which would include fire-fighting agencies, and it is unknown to us if they were to be included.

Nevertheless, the Attorney General's Office is a law enforcement agency and we have established lines of communication with most of the law enforcement agencies within our State. We do not have established lines of communication with our schools. We do not want to replicate existing resources, such as Secret Witness or our existing fusion centers in northern and southern Nevada. We want to leverage our existing resources and have the flexibility to formulate a solution that works best for Nevada.

For that reason, we are working with Senator Smith and looking at the language of the bill and how we can craft something that affords us the flexibility to move forward together collaboratively and formulate a solution that works for our State.

Sean B. Sullivan (Deputy Public Defender, Washoe County Public Defender's Office):

The Washoe County Public Defender's Office is neutral on S.B. 338. I echo the sentiments and comments of Brett Kandt. It would be a privilege to work with the Attorney General's Office and Mr. Kandt to craft language in support of S.B. 338.

My specific concerns are in section 5, subsection 1. I note there is a privilege for the State or any political subdivision to refuse to disclose the identity of a person or confidential informer and that has been codified in NRS 49.335. We do have caselaw on that and it appears to me that at least, in part, section 5, subsection 1 did consult NRS 49.335 and its progeny. It deviates in parts, which does cause us concern. Where it does deviate, I would work with Mr. Kandt of the Attorney General's Office, Senator Smith or other proponents. I would provide my services to craft a piece of legislation that we all can support.

Brian Vasek (Legislative Extern-Clark County Public Defender's Office):

I echo the remarks of my colleague from the north, Mr. Sullivan. On behalf of the Clark County Public Defender's Office, I am willing to work with the sponsors and other stakeholders of S.B. 338.

One thing that has not been discussed in section 6, is the creation of a new criminal penalty for disclosure of this information.

In the Clark County Public Defender's Office, we have begun compiling a memo and have submitted the compilation to other committees. We will begin submitting more in the coming weeks about the creation of new crimes in the State. This is something that makes our list as a misdemeanor. However, it is 1 of only 34 bills currently that create new crimes in the State without a lot of discussion in this Legislature of ways we can remove crimes or lessen penalties. Again, it is a misdemeanor and it is not nearly as much of a concern as the lack of probation for other crimes or enhancing penalties for other crimes. I do not know if the individuals who would be involved in this, if they are law enforcement or members of the Attorney General's Office, it sounds to me this could be handled with a civil penalty or some sort of punishment within the agency, rather than criminalizing the behavior itself.

Chair Harris:

I suggest that you speak with Senator Brower, Senatorial District No. 15, regarding your concern.

Misty Allen (Suicide Prevention Coordinator, Division of Public and Behavioral Health, Department of Health and Human Services):

The Division of Public and Behavioral Health, Department of Health and Human Services, is neutral on S.B. 338. I do want to state that one of the components on the strategy enhances the suicide prevention strategy of the State training component of S.B. 338. Training is critical to increase awareness of worrisome, concerning behaviors and communication. Training will greatly enhance our effort of early recognition of those at risk for suicide.

Senator Smith:

My first order of business, when I return to the Session on April 8, 2015, will be to bring the stakeholders together and discuss ways we can compromise or amend S.B. 338 to make it work.

Chair Harris:

I will close the hearing on S.B. 338 and open the hearing on S.B. 313.

SENATE BILL 313: Authorizes the governing body of a private school to develop and provide a program of distance education. (BDR 34-1032)

Senator Ben Kieckhefer (Senatorial District No. 16):

Senate Bill 313 relates specifically to The Davidson Academy of Nevada in Reno. It is an institution that provides robust education for profoundly gifted and talented pupils across the Nation. The Davidson Academy of Nevada wants to ensure an opportunity is afforded to more students in our State and would like to afford the opportunities for distance education.

Mark Herron (Trustee, Davidson Institute for Talent Development):

In 2005, the Legislature created a new class of public schools in Nevada to serve profoundly gifted students. In 2006, the Davidson Institute for Talent Development, a nonprofit, based in Reno, was started by Bob and Jan Davidson. The Davidson Academy of Nevada, on the University of Nevada, Reno (UNR) campus, was started to support intellectually gifted students throughout the Nation. It is the first, and to this point, the only university school for profoundly gifted pupils.

At this time, we have 137 students. We want to expand the reach of The Davidson Academy of Nevada: first, to the students of Nevada who are outside of the Reno area and are unable to relocate. Second, we want to reach students outside of Nevada, potentially worldwide.

We propose to accomplish these goals through a rigorous program of distance education. To implement these goals, we will form a private school as part of the Davidson Institute, just as is The Davidson Academy of Nevada. The private school would be in parallel with the existing school and funded independently so there is no question about State Distributive School Account (DSA) funding supporting out-of-state students.

There is an interpretation that existing law prohibits private school students and home-schooled students in Nevada from enrolling in any program of distance education. As such, the Department of Education will not consider a license application for a private school intending to offer a distance-education program.

Senate Bill 313 will allow a private school to offer a program of distance education in section 4 and exempt that school or program from the requirements of NRS 388.820 which are the distance-education requirements for public schools in section 2 of the bill.

Senate Bill 313 will allow private schools and university schools for profoundly gifted pupils to associate and enter into agreements for developing curriculum for distance education.

The proposed amendment ([Exhibit I](#)) in front of you would allow the university school, which is The Davidson Academy of Nevada, to provide a distance education program exempt from NRS. 388.820 et seq.—the same proposed for private schools. That is in item 2 in [Exhibit I](#).

There is a typo. In number 1 of [Exhibit I](#), (See Sec. 2, paragraph 2 should be paragraph 3); number 2 (See Sec. 2, paragraph 3 should be paragraph 2).

The amendment would allow the university school to collect DSA funding for Nevada students who are enrolled in a full-time education program.

Finally, in the original bill, the language in the original draft of the bill related to private schools or university schools entering into agreements. We believe that provision is unnecessary; it is already covered by existing law. The Davidson Institute is in support of S.B. 313.

Senator Hammond:

I have a bill that will be introduced next week with an Education Savings Account which may address the portion you are talking about regarding the DSA funding. It will have a list of educational delivery systems that can be used.

Mr. Herron:

I have heard of that.

Senator Denis:

Would a separate private school be created to provide the distance education to pupils?

Mr. Herron:

Yes. At this time, The Davidson Academy of Nevada exists under the Davidson Institute as a nonprofit. We would establish a private school within the same structure to avoid any possibility or appearance for State funding supporting out-of-state students.

Senator Denis:

What is the number of pupils you expect for the distance education? What would the number be for out-of-state pupils and what is the number you expect for Nevada pupils?

Mr. Herron:

We are working diligently to start, in fall 2015, independently of this legislation, and not for credit, a distance-education program, if you will, as a prototype. We are going to offer three or four courses, not for credit, unless the student's home district outside of the State, was to accept that. In addition, to judge the demand.

Ultimately, we expect the numbers to be sizeable. In-state, it will be small numbers. We are looking at the top 0.1 percent of the population from an intellectual ability standpoint. Nationwide, our hope is that it will be well received and popular.

Senator Denis:

How will the distance education provide the same type of education as The Davidson Academy of Nevada which is on the UNR campus?

Mr. Herron:

We are spending a fair amount of time working on how to structure a distance education that gives the same high-touch level as The Davidson Academy of Nevada. Distance education is a rapidly changing environment with the University's massive open online courses. At this time, most of it is not for credit.

We are looking at a hands-on component where students could periodically go to a regional facility and have interpersonal interaction with others students and with their teachers. The Davidson Academy of Nevada has high standards and we fully intend to maintain those standards.

Senator Denis:

Does The Davidson Academy of Nevada have Grades 7 through 12?

Mr. Herron:

Roughly speaking, yes we do. We have an ungraded program. We offer a high school diploma; many of our students leave before the traditional age and some students stay as well.

Senator Denis:

Will the Davidson Institute's private school be housed on the UNR campus or will it be off campus?

Mr. Herron:

It would be a combination of housing the private school in our non-UNR facility in Reno and some of the infrastructure could be housed on the campus of UNR.

Chair Harris:

What kind of students will your distance education benefit? Will you target the same type of students you currently serve who are the profoundly gifted? Are you looking to expand the range of students that you can provide services to?

Mr. Herron:

Our objective is to provide the services to the same category of students.

Chair Harris:

What is the population of the profoundly gifted students you would be reaching through your distance education?

Colleen Harsin (Director, The Davidson Academy of Nevada):

As Mr. Herron indicated, it would be about half of our students over time. At this time, our current enrollment is 137 students. It is a unique environment. These are students who have exceeded most of the curriculum available to them at their regular schools and their age-grade level. Not having the students launch into college several years early in order to keep learning academically, we bring them together so they are with intellectual peers. While the academics are rigorous and top-notch, the sense of community and belonging benefits all of us in the community in many ways.

In any given year, about half of the students are seeking to move to our community to access The Davidson Academy of Nevada. There are a number of families not able to relocate for economic reasons. As we bring in professors, physicians and other kinds of folks into this community, we have families who

are willing to split to establish residency in Nevada and commute home to other states during breaks.

It is a high-need population. The students are in the 0.1 percent, a small slice of the population. These students are as valuable as other special needs groups within our academic community. The students could be from Clark County or New Hampshire and unable to relocate. We want to reach out to them and we cannot reach all of them with the current structure of a public school only.

Chair Harris:

Will your services be for Nevada students and students beyond our State?

Ms. Harsin:

Our first commitment is to Nevada. There have been students who have applied to The Davidson Academy of Nevada from other areas in the State and their applications were pending the likelihood of them being able to move. That did not happen and they do not have another option that is comparable.

Senator Denis:

What are The Davidson Academy of Nevada's definitions of profoundly gifted versus highly gifted? There are three or four definitions. In some cases, the definitions are the same and in other cases, they are not.

Ms. Harsin:

There is discrepancy and discussion about parsing out those levels. Whether they are considered extremely gifted, profoundly gifted we are definitely within the wider catchment area of highly gifted. We are looking at students, if they were to take intelligence tests that are individually administered and nationally standardized, the pupils would be at the third deviation from the mean. Looking at the bell curve and education typically being geared towards the mean bringing those below the mean up and those above the mean, often receiving gifted and talented services. We are looking the far tail of that distribution.

We look at test scores, letters from teachers and anecdotal information from the parents. There is no one perfect test to determine one's level of intellectual ability. We look at a number of data points to assess a pupil's need for special services.

Any student who is two to three deviations from the mean on the other end of the distribution would qualify for special services. What we are looking at is the mirrored image of that in terms of the comparison to what our schools do a great job of offering. There are students who fall outside of those bounds.

Senator Denis:

I am interested how this works as far as the distance versus the in-person. I know you have great success with the pupils on your campus. Would those same pupils do well in a distance environment?

Ms. Harsin:

That is our first and biggest concern: to recreate, as much as possible, that sense of community to span the distance.

Chair Harris:

This impacts the funding. Would you provide a variety of classes for a particular student or would you provide one class for a student? Would the fee you charge be the amount the DSA represents for that particular class or classes?

Ms. Harsin:

In order to be a full-time student at the current public version of The Davidson Academy of Nevada, a student must be enrolled in at least five courses. From the distance-learning perspective for a student from Clark County, because that would be the most likely scenario, the student would be on board with us ideally as a full-time student. We would therefore, collect the respective DSA for that student. At this time, we are not looking to do partial courses within the State. The Davidson Academy of Nevada is now all full-time students.

Chair Harris:

They would either be your student or they would not.

Ms. Harsin:

That is correct.

Melinda (Mindy) Martini (Deputy Superintendent for Business and Support Services, Department of Education):

The Department of Education supports the concept of S.B. 313. We have not had an opportunity to review the amendment, however.

Senator Kieckhefer:

Bob and Jan Davidson are treasures to the State and it was their vision to create the Davidson Institute and The Davidson Academy of Nevada. Both are institutions Nevadans can be proud of. Senate Bill 313 is an opportunity to take their vision to the next level and serve more students who are in significant need.

Chair Harris:

The hearing on S.B. 313 is closed.

Senator Lipparelli:

I will open the hearing on S.B. 390.

SENATE BILL 390: Revises provisions relating to charter schools. (BDR 34-78)

Senator Becky Harris (Senatorial District No. 9):

Senate Bill 390 enables charter schools to offer enrollment preference to students attending other overcrowded schools.

I have provided three maps ([Exhibit J](#)) showing you the overcrowding in some of the schools in the Clark County School District (CCSD). The first map shows the elementary schools, the second map shows middle schools and the third map shows the high schools. These maps are based on Count Day Enrollment.

The areas shown in red on the maps are 25 percent or more over capacity in the schools. The overcrowding in our elementary schools is the greatest. In middle schools, we have only one school that is 25 percent or more over capacity and two high schools that are 25 percent or more over capacity.

Because of the critical shortage of facilities, S.B. 390 would give students an opportunity to attend a school not as overcrowded. Some of these schools are 60 percent or more over capacity within the red areas. There is a need to provide families with options to provide less crowded education for their children.

At this time, charter schools offer many enrollment preferences to children. Some of those preferences are: children who were previously enrolled in a prekindergarten program at the school; children who have siblings attending the school; children who have a parent closely involved with the school; children

who fall into a particular at-risk category served by the school; or children who reside within 2 miles of a charter school serving an area with a high percentage of at-risk children.

Senate Bill 390 proposes to add an additional category to this list: children who are enrolled in a non-charter public school operating at least 25 percent beyond its intended capacity. As with the existing preferences, this would be permissive, not mandatory.

To ensure the local administrative burden is nominal, the bill requires the school districts to post, by November 1 of each year, a list of non-charter public schools. The list will include each school's enrollment capacity, actual enrollment and the percentage by which actual enrollment exceeds capacity.

There is a drafting error in the bill that was overlooked and I will propose my friendly amendment to replace the word Department with the word district in section 1, subsection 2, paragraph (e) and section 1, subsection 9. The school districts have the enrollment information of their individual schools and utilize this information rather than the Department of Education.

Senator Lipparelli:

Would S.B. 390 apply statewide? Would students in a school that is over capacity avail themselves to this alternative?

Senator Harris:

Yes, the bill applies statewide. I utilized the CCSD information for the example because that information was available to me.

Students would have the opportunity to avail themselves. Not all households will find a charter school that appropriately addresses their educational needs. Senate Bill 390 provides another tool for families looking at educational opportunities in their area.

Senator Woodhouse:

Are there schools, particularly elementary, in the Washoe County School District (WCSD) that are over 25 percent?

Senator Harris:

At this time, there are three schools in WCSD, if memory serves me correctly. There will be more with the investments that Tesla is making; WCSD is concerned about increased need and funding. Senate Bill 207 will address a lot of that. Although I used the CCSD as an example, it is not the only area with overcrowding in the State.

SENATE BILL 207: Revises provisions relating to financing of school facilities.
(BDR 30-1256)

Senator Denis:

Would schools automatically be notified of the charter schools in their area? Are all the charter schools involved or just the ones in the schools' areas?

Senator Harris:

We can get clarifying language in the bill that students would need to attend the charter school or make application to the charter school close to their community. I can see Mr. Gavin is disagreeing.

Senator Denis:

I am not advocating one way or another. I am wondering how it will work.

Senator Harris:

It is important charter schools are representative of the communities in which they are serving children through education. I would not be opposed to those children staying in their communities. This is something in need of discussion and clarification.

Senator Denis:

My concern is when you give options to parents, especially in my district, transportation is a need in many families. Attending a charter school close by would be more of a possibility for them.

Senator Gustavson:

How will transportation needs be met?

Senator Harris:

At this time, transportation would be the responsibility of the family if the student did not attend a school in their zone. It is a method by which some families would be able to take advantage of another educational opportunity.

Choice is not choice; options are not options, if one cannot get there. Unfortunately, with this particular piece of legislation, I cannot provide a transportation piece though I would welcome it in the future. I know every child deserves an opportunity for the best education he or she can receive. At this time, resources are limited.

Senator Gustavson:

Many families cannot provide the transportation for this choice and opportunity for the overcrowded schools.

Senator Harris:

For those fortunate enough to exercise this option, their family will be able to make the decision if this is the right opportunity for them. For those who remain in the elementary school because they do not have the transportation piece, it is a frustrating situation they have found themselves in. I would like to provide opportunities and options. Perhaps, the students who are unable to attend a charter school because of lack of transportation will benefit from class-size reduction.

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

I am in support of S.B. 390. I would like to offer the following friendly amendment. This would add a similar preference for students who currently attend low-performing schools, as based on a list maintained by the Department of Education.

We need to recognize we have a strong charter school community in Nevada serving our rural and suburban communities. Our urban communities are our inner-city communities where many low-performing schools are located. The inner-city communities do not participate as fully yet in the charter school movement.

We want our schools to reflect the diversity of our communities and meet both kinds of at-risk needs: both the child who is in a school that has an untenable crowding situation and the child who is in an untenable academic situation.

Ms. Martini:

The Department of Education is in support of S.B. 390 with the Chair's amended language.

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

The Charter School Association of Nevada is in support of S.B. 390. We want it permissive and not mandatory. It will burden the application process for our schools.

Senator Harris:

The Committee's questions have sparked a conversation between Mr. Gavin and me in which we are throwing out ideas to help this bill more directly impact children and families in a positive way. Those who have the desire will have an ability to take advantage of this opportunity should this legislation pass. We have some wordsmithing we will work on; there will be some conceptual amendments. We will have discussion and dialogue off-line. I thank the Committee for making this process better.

Senator Lipparelli:

I will close the hearing on S.B. 390.

Chair Harris:

I will open the meeting to the public comment.

Ms. Hulse:

A five-star rural charter school will open a high school next year.

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Chair Harris:

There being no further comment or business before the Committee, the meeting is adjourned at 5:36 p.m.

RESPECTFULLY SUBMITTED:

Shelley Kyle,
Committee Secretary

APPROVED BY:

Senator Becky Harris, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit		Witness or Agency	Description
	A	1		Agenda
	B	5		Attendance Roster
S.B. 338	C	3	Senator Debbie Smith	Written Testimony
S.B. 338	D	31	Susan Payne, Colorado Attorney General's Office	Presentation— Safe2Tell
S.B. 338	E	2	Susan Payne, Colorado Attorney General's Office	Statement
S.B. 338	F	5	Susan Payne, Colorado Attorney General's Office	Handout— Safe2Tell Initiative
S.B. 338	G	3	Dotty Merrill, Nevada Association of School Boards	Written Testimony
S.B. 338	H	1	Mike Hix, Secret Witness	Written Testimony
S.B. 313	I	3	Mike Herron, Davidson Institute	Proposed Amendment
S.B. 390	J	3	Senator Becky Harris	Maps