

STATE OF NEVADA
OFFICE OF THE STATE TREASURER

NOTICE OF WORKSHOP
Education Savings Account - SB 302

Conducted On
August 21, 2015

Transcribed By: Always On Time

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6 DAN SCHWARTZ: Good morning everybody. Welcome to
7 the second workshop on SB 302, more popularly known as the
8 Education Savings Accounts. First, I'm going to just introduce
9 the people you see in front of me. Welcome to the people in Las
10 Vegas. We have a nice group here and I understand you have a
11 pretty full house there.

12 To my immediate left is Grant Hewitt who is the Treasury
13 Chief of Staff. To my immediate right is Tara Hagan who is the
14 Chief Deputy Treasurer. And to my far right is Dennis Belcourt
15 who is the representative from the Attorney General's Office on
16 this particular bill. And, in Las Vegas, you are graced with the
17 presence of Linda English, who is the Deputy Treasurer for
18 Education. Is that correct?

19 I'm going to let—we have some fairly finite rules that we
20 like to follow. It's not going to preclude anyone from talking,
21 it's just when you can talk and for how long. So, Tara, do you
22 want to speak to those please?

23 TARA HAGAN: Certainly, thank you Mr. Treasurer.
24 Tara Hagan for the record. So, the purpose, as you know, of

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1 today's hearing is to solicit comments regarding SB 302.
2 However, you'll notice that we do have two opportunities for
3 general public comment. So, if you have comments related to SB
4 302, for example, the 100 days, if you wanted to speak to that,
5 that would go under general under public comment and not under
6 No. 2, which is regarding the regulations and soliciting those
7 comments on those draft regulations.

8 So, for the public comment, we'll be limiting everyone to
9 two minutes. Then, when we move to Agenda Item No. 2, regarding
10 the draft regulations and comments on those, groups will be
11 limited to five minutes and individuals to three minutes. Now,
12 we may have clarifying questions during your testimony, should we
13 do that, we would stop the clock so you get your full allotted
14 time.

15 So, with that, I'll turn it back over to the Treasurer.

16 DAN SCHWARTZ: Thank you Ms. Chief Deputy. We're
17 going to start with Public Comment. And, public comment can be
18 anything, any subject you want, you've got two minutes to speak
19 and again, if we cut you off, we're not cutting your comments
20 off, we just are going to ask you to put it in Item No. 2, which
21 is comments on the rules and regs.

22 So, we'll start with public comment—and again, because this
23 hearing is focused on SB 302, I would ask you to try and focus
24 your comments on the bill. Public comment, you can speak
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1 anything, you can speak your mind, but if you would keep it
2 focused on the bill and then on the rules and regs, which those
3 in Carson have received copies of. Your comments are appropriate
4 there.

5 What we'll ask is, I think it's both the same here and in
6 Las Vegas. There's four seats up here. For those of you who
7 wish to speak on the Public Comment section, please come forward
8 and fill a seat and we'll start listening. Don't be shy. And,
9 by the way, we will be here until everyone has had a chance to
10 say their piece.

11 GRANT HEWITT: So, just one bit of housekeeping,
12 Grant Hewitt for the record. We will start in Carson City, we'll
13 do the Carson City Panel and then we will flip to Las Vegas and
14 do those. So, if there's anybody else who wants to add to public
15 comment, when Vegas is going, please occupy the seats and then
16 we'll just flip back and forth. We'll also do that on Agenda
17 Item No. 2, to make sure that it runs smoothly.

18 DAN SCHWARTZ: Okay. Sir, tell us who you are and if
19 you're with a group, let us know, we'll give you an extra—you get
20 only two minutes in Public Comment. So, speak coherently,
21 concisely and tell us what's on your mind. Thank you sir.

22 JONATHAN BUTCHER: Yes, good morning. My name is
23 Jonathan Butcher and I'm the Education Director at the Goldwater
24 Institute, headquartered in Phoenix, Arizona. The Goldwater
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1 Institute designed Education Savings Accounts in 2005 and we
2 helped with the first bill that passed in the nation in Arizona
3 in 2011 and then have since helped with expansion and
4 implementation since that time.

5 We have been active around the country as Education Savings
6 Accounts have passed in Nevada and elsewhere. In general, on SB
7 302, my general comment would be based on looking at some of the
8 regulations that are already there and then what's been passed in
9 the law—two really critical things have come from the first four,
10 now going into five years of Education Savings Accounts in
11 Arizona.

12 The first is that we surveyed the parents, and we being
13 myself, Jason Bedrick from the CATO Institute as well as the
14 Friedman Foundation helped with that survey and asked them what
15 they thought of Education Savings Accounts in Arizona.
16 Especially compared to their experience at a traditional public
17 school and found high levels of satisfaction. Parents were very
18 pleased with the program and the results from that survey and
19 from a small focus group that I did of families using the
20 accounts in Arizona, led to regulation changes that the
21 Department of Education implemented in Arizona.

22 So, I would encourage the Treasurer here and others to be
23 conscious of what the responses are from parents in using the
24 accounts and how that can go into how the program grows and
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1 matures over time.

2 The second is that, we have also looked at Lindsey Berg,
3 first and then I'll be following up later, how parents have used
4 their Education Savings Accounts in Arizona. And, the findings
5 were unequivocally that families were using the accounts to find
6 the best combination of public and private educational services
7 for their children. That's significant because we have
8 fundamentally here, with Education Savings Accounts, a way to
9 really meet the promise, right, that every child is different and
10 every child deserves a chance at a quality education.

11 I have some specific comments on the regulations but I'll
12 save those for later.

13 DAN SCHWARTZ: Thank you very much, that's two
14 minutes.

15 JONATHAN BUTCHER: Thank you.

16 DAN SCHWARTZ: Good, thank you sir. Just so I
17 understand clearly—one of the issues were whether parents or the
18 education establishment, and I use that in a neutral tone, are
19 best equipped to design or to select a program of education for
20 their kids. Do you have any comment on that?

21 JONATHAN BUTCHER: You know, the system that the United
22 States has used for the past 200 years has been based on the idea
23 that if you live in a certain zip code, right, we're going to
24 just say, you're going to go to the school that's attached to

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1 that zip code. Now, granted, a lot has changed, right,
2 especially over the past 25 years. But, what we're finding now,
3 right, is that internationally, the United States does not rank
4 well with other developed countries. State to state, there's a
5 pretty wide variation. All the evidence that we've got,
6 graduation rates, etc., tell us that what we've got right now
7 isn't providing the best that we can to these kids.

8 With Education Savings Accounts, we're saying, all right,
9 we tried it this way, we said, you know, we're going to send you
10 over here, and that will be what we do. Now we're saying, look
11 parents, you know what's best for your child, you raised them,
12 right, we're going to give you the chance to find what's best for
13 them.

14 The research on similar programs, Education Savings
15 Accounts, is pretty straightforward, that families have found
16 quality education services. So, I think that, yes—I mean, what
17 we're doing is we're telling parents, you know what's best and
18 you can find what's best for your child.

19 DAN SCHWARTZ: Good, Mr. Butcher, thank you very
20 much.

21 JONATHAN BUTCHER: My pleasure.

22 DAN SCHWARTZ: Good, ma'am?

23 MARY YOUNT: My name is Mary Yount. I'm a parent
24 of a second and fourth grade student who are in a private school

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1 currently. I'm here today because I feel that the current
2 private school students are being left out of the Education
3 Savings Accounts and while the bill's intention, I would think,
4 would be to allow school choice for all students in Nevada, it
5 leaves us out. Unless we would like to leave our private school
6 for 100 days and disrupt our child's education; which they're
7 already in the middle of and move to a public school and then--
8 then we have a choice to go back and receive the ESA.

9 So, I think my main question today, I know the law cannot
10 be changed with this body, but I--my biggest concern is that, in
11 Section 18 of the Regulations it says that, a private school
12 student could attend one class in a public school in order to
13 qualify for the 100 days. So, I'm hoping the body will address
14 that because I've spoken to the school districts and there is no
15 such option, as far as I've been able to find. And hopefully,
16 you can help us--these parents work through going to the school
17 districts and creating an option so that we can do this without
18 disrupting our kids' lives. You know, they're little children
19 that are--big change is difficult for them and in the long run, we
20 really want the best for our kids and so we're hoping to not have
21 to disrupt our kids' lives to get, what to me, I think is fair
22 and should be available to all students.

23 DAN SCHWARTZ: Good, thank you. Ms. Yount, I will
24 remind you that we live in a democracy. Anything can be changed.

1 Any questions here? Okay, thank you very much. We've noted your
2 comments and you're not the first person to make that
3 observation.

4 We're going to go to Las Vegas now and then we'll come back
5 for here, thanks. Again, tell us who you are and you can begin.

6 MARCUS TRUMMER: My name is Marcus Trummer. I'm a
7 parent of two small children. So just to echo those prior
8 comments, I wanted to address or get a little bit more clarity
9 on, if your kids are entering the system for the first time, like
10 Kindergarten, I'd like to see some sort of rules or regs with
11 regards to the 100 days, because obviously they don't have any
12 time spent in public or private. So, to see how that would be
13 navigated in the final rules. That's it.

14 DAN SCHWARTZ: Do you want to—okay, thank you. We
15 have noted that. And, I appreciate your brevity in that. Ma'am?

16 BONNIE WOOD: Hello, good morning. My name is
17 Bonnie Wood and I'm an active duty military spouse of 14 years.
18 My family and I moved to Las Vegas one year ago because my
19 husband was assigned to Nellis Air Force Base for a three year
20 tour. When we moved to Las Vegas one year ago, we chose to put
21 our children in private school for personal reasons, despite the
22 financial strain and sacrifice. They have attended private
23 school this past year. When I heard about the Education Savings
24 Accounts I was extremely disappointed to find out the

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1 requirements deem for a child to attend public schools for 100
2 consecutive days to qualify.

3 We have moved 10 times in 14 years. My children have never
4 attended the same school for two consecutive years because of the
5 demands of the military. In order for my children to qualify for
6 ESA funding, we would have to remove them from their private
7 school, place them in a public school for 100 consecutive days,
8 be eligible for the funding, hopefully be able to get them back
9 in their private school, only to move one year later to another
10 state or country because of the military demands that we have.

11 The regulation states the purpose of the ESA funding is
12 provide parents the choices on how his or her child is educated.
13 In addition, the funding exists so that parents may make the
14 individual choice that best meets the education needs of his or
15 her child. I propose and would like you to incorporate a
16 military clause in the regulation allowing the 100 day of public
17 school attendance to be waived for active duty military children.
18 Please change the ESA legislation so that military families are
19 not inadvertently penalized because of their circumstances and
20 can make the best education decisions for their children by
21 allowing to keep their children in one school throughout their
22 Nevada military assignment. This would allow military families
23 to avoid sending their child first to public school only to move
24 them again and then for us to leave the Nevada area for our

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1 military careers. Thank you very much.

2 DAN SCHWARTZ: Thank you Ms. Wood. Just a comment
3 is, our Governor and the Legislature I know are especially
4 concerned and pay attention to what is happening in the military.
5 Next? Sir.

6 Good morning Treasurer, and thank you for this opportunity
7 to be part of the public record. My name is Ron Nelson. I own
8 and operate a business in Las Vegas. I own a home in Las Vegas.
9 My children were born in Las Vegas. We made a choice when they
10 became school aged to give our kids a Catholic education. I like
11 the public schools. I have contributed to the public schools. I
12 will always, as a taxpayer, contribute to the public schools.
13 The public schools are important.

14 At the last workshop, the word 'disruption' came up a lot.
15 That this law was disruptive. And, it was meant to be
16 disruptive. And you have disrupted our school. You've disrupted
17 our family. You've disrupted our neighbors. I'm glad that you
18 gave me the opportunity to just vent. I'm here to vent, I guess.

19 You know, every gathering we go to, we're talking about
20 ESAs and SB 302, and what? Why? How? Did we vote for this?
21 Well, we either did or didn't vote for it in the last election,
22 electing our representatives who got the keys to the bus and took
23 us to where we're at now.

24 You know, it only takes a mule to pull down a barn but it
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1 takes some good carpenters to build a barn and now is the time to
2 build the barn. You know, I'm going to challenge you again, Mr.
3 Treasurer, to write the regulations so that this law can stand
4 and is constitutional and fair and just. And yes, the 100 days
5 are not fair and they're not just.

6 Why 100 days? Why not 95? Why not 150? Why not 3.5? You
7 know, it just—we're all—our heads are spinning. We're all in the
8 same side at a party and we're all yelling at each other about
9 the same thing on the same side. You know, I just—there's got to
10 be a way—you've got the keys, Mr. Treasurer. You are writing the
11 regulations, you and your staff. You can be fair and just and
12 constitutional or not.

13 You know, you've opened the door a little bit with this,
14 take a class that doesn't exist in a school somewhere. But that
15 doesn't get us out of the thing.

16 GRANT HEWITT: Mr. Nelson, that's two minutes. Just
17 wrap it up.

18 RON NELSON: Again, I'm not a constitutional
19 lawyer, I'm just a layman. I'm a taxpayer, I'm a father. My
20 wife and I made a choice to send our kids to Catholic school and
21 we want to be part of this thing. If I may, I don't know how
22 close I'm getting to my two minutes, but I'm going to go ahead—

23 GRANT HEWITT: Mr. Nelson, you've reached the two
24 minutes. If I can get you to wrap it up.

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1 RON NELSON: I'm going to go ahead quote case law
2 here. The test of whether a statute violates due process clause
3 of the Fifth Amendment with the [inaudible] standard of the Equal
4 Protection Clause of the Fourteenth Amendment is whether a
5 statute manifests patently, arbitrary classification which is
6 utterly lacking in rationale justification. Thank you for your
7 time sir.

8 GRANT HEWITT: Thank you. Thank you Mr. Nelson.

9 DAN SCHWARTZ: Mr. Nelson, let me just ask you a
10 question. What would be—if you had to make a recommendation to
11 us, what would it be? You get one. Get rid of the 100 days, put
12 on an online course, what would be your suggestion?

13 RON NELSON: My suggestion would be to write a
14 regulation that says that a military family would get a military
15 exemption. A family that was born and raised in Las Vegas, would
16 get an exemption to the 100 days. The 100 days would be for
17 somebody that just moved here to take advantage of the law. So,
18 my suggestion is, write a regulation that includes my family in
19 this bill.

20 DAN SCHWARTZ: Okay, good. Thank you Mr. Nelson.
21 No, well spoken, all of you and thank you again for your taking
22 the time and making your comments. I think we go back to—I don't
23 see anyone else in the first line there, so we're going to go
24 back to Carson City. Thank you.

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1 JACKIE CHENEY: Thank you. My name is Jackie Cheney
2 and I am a grandparent and a parent. I just have one brief
3 comment. One of the key factors to success for educating this
4 countries youth is promoting the parental and family involvement
5 in the education process of their children. And, I just want to
6 say that, everyone who has a child in private school or wants to
7 put their child into private school, those parents are very
8 actively involved. Generally, this program has a huge, strong
9 family commitment to education and you can count on us to make
10 sure this program is successful.

11 DAN SCHWARTZ: Ms. Cheney, thank you very much.
12 Thank you. You're next.

13 BRI THORESON: Bri Thoreson, for the record. Mr.
14 Treasurer-

15 DAN SCHWARTZ: I'm sorry, I didn't catch your name.

16 BRI THORESON: Bri Thoreson of Little Flower School.
17 Thank you so much for the opportunity to be here today. For the
18 opportunity even to discuss this, that we have this bill as
19 strange as it is to all of us.

20 I ask you again to reconsider the 100 day exception. I
21 realize that the 100 days is written into law, and I further
22 realize that you've already made exceptions to this based on the
23 premise of legislative intent. I implore you once again, to
24 examine legislative intent with regard to the 100 days. It has

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1 been stated by you, Mr. Hewitt, at several roundtables meetings
2 that we've been at that the 100 days was put in place as a way to
3 ensure funding for our public schools and I respect that. If
4 that is the case and that's the true legislative intent, the
5 solutions I proposed at the July 17th hearing should be plausible.
6 For a one time exception for current private school families,
7 military families and siblings of already qualified students.

8 I do not believe that the legislative intent was to
9 discriminate against private school families, to create hardships
10 for students and families or to force families to withdrawal from
11 their already chosen environment in order to receive an amount of
12 funding that cannot be ignored.

13 This is a landmark program for the State of Nevada and I
14 ask you to be a model to the nation. A successful model that
15 promotes our State positively, not simply an example that people
16 talk about. Thank you.

17 DAN SCHWARTZ: Thank you Ms. Thoreson, that is what
18 we're trying to be.

19 CHERI WULFORST: Good morning, my name is Cheri
20 Wulforst. I live in Reno, Nevada. I've been living in Reno for
21 the last 16 years. Both of my children were born and raised here
22 in Reno. I have a 4th grader and a 1st grader. They both
23 currently attend private school in Reno. At the time that we
24 chose the private school for my daughter, five years ago for
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1 kindergarten, there were no other choices for working parents for
2 kindergarten. My husband and I both work full time. Full day
3 kindergarten did not exist, especially with paid before and after
4 school care, which now exists, which is wonderful—that choice did
5 not exist at the time that we made our choice. So, one of the
6 deciding factors for why our children go to the school they go to
7 was that.

8 When kindergarten was over, we decided to stay at the
9 school. My daughter loved it. She's currently in 4th grade, fully
10 entrenched in activities and friends. She has a support network
11 there. She's very comfortable there and that's important for a
12 child at that age; 9 years old, 10 years old. There's a lot of
13 confusion for children growing up today and to have the stability
14 of a network of friends is a critical part of their development.

15 I don't want to reiterate what everybody else has said
16 regarding the days, but I do not understand what it achieves. We
17 have made the step to follow the guidelines. Grant Hewitt has
18 been wonderful, excellent support, guiding me and I followed the
19 advice. I've taken my children out of the private school. I've
20 put them into public school. It's now Day 10 for them and I can
21 tell you, it is causing some confusion for my 9 year old. I
22 asked her the other day, how is she doing, how is school and she
23 said, mommy, in three tears, it just doesn't feel like home to
24 me. And, although it is an excellent school, it is extremely

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1 disruptive to her live and I would ask that the 100 days be
2 removed from the regulations. It does not achieve anything
3 except discrimination. Thank you.

4 DAN SCHWARTZ: Cheri, thank you. I think we're going
5 back to Las Vegas. Again, if you could just identify yourself
6 and-

7 TONY GIL: My name is Tony Gil. I live in Las
8 Vegas, Nevada. My daughter attends a private school that I
9 chose. The reason I chose the school is because it's a safe and
10 a family oriented school. Not to talk against any public
11 schools. Just we-like the prior lady that spoke-there's a
12 certain amount of disruption that will go along with me taking my
13 daughter out of the school. It's not fair to my daughter and I'm
14 really here stating and imploring to you to be fair to all the
15 residents of Nevada. We all pay taxes. We have all voted for or
16 you know, put you in office. So, I would just implore to you, to
17 please, in a sense of fairness for everybody that lives here in
18 the State and to take away the 100 day statute and thank you for
19 your time.

20 DAN SCHWARTZ: Thank you Mr. Gil. I don't see too
21 many elected representatives, but I see Senator Gustafson here
22 who is assiduously taking notes over there. So, hopefully your
23 comments will be brought directly to our State Senate. Next?

24 JESUS LEON: Good morning and thank you for this
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1 opportunity. I'm really pleased for this law. Although—oh,
2 sorry. My name is Jesus Leon, I'm a father of four kids in Las
3 Vegas. They were all born and raised here. We've been living
4 here for 24 years. As this law came by, it make a great
5 opportunity for us to choose a better school for our kids.
6 Especially with some outward changes on the public schools, we
7 wanted to put our kids in a private Christian school because of
8 the values and what they are going to teach them to do. More
9 rights, instead of bullying or things that are going on in the
10 schools.

11 Anyways, my concern is, when we fill out the applications,
12 they just limit the space on data to do it online. Sometimes,
13 when we try to put all the applications for all my kids, we only
14 had one opportunity and if we don't do it right, they dismiss our
15 chance to enroll them on the early application. And, if we do
16 it—if we divide them into two, they only gave us one chance. So,
17 is there a way that they can give us more—a different way to
18 apply online, to make sure that our kids can get the chance of
19 receiving this opportunity?

20 I think it's—I will go along with a lot of parents that
21 they are saying, if the kids are from Nevada, they all should
22 have the same rights. They've been going on this school for all
23 their school years and now with the 100 days, it's kind of
24 uncertain if they are going to qualify or not. They've been

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1 going on Clark County Schools for their lives and it's just,
2 right now, we don't even know if they are going to qualify.
3 Thank you.

4 GRANT HEWITT: Thank you sir. This is Grant Hewitt,
5 Chief of Staff, for the record. We are cognoscente of the
6 online, the form issues and we are actually going to be
7 launching, by close of business today, an online full enrollment
8 form. So, you no longer have to fill out a PDF and attach it to
9 an email and send it in. It will all be a completely digital
10 enrollment process. We intend to launch that as soon as we get
11 out of this meeting. So, the final touches are being put on so
12 you can easily apply for every one of your children, just one
13 right after the other, and they'll all be submitted and you'll
14 get a receipt back at the same time.

15 JESUS LEON: Thank you so much.

16 DAN SCHWARTZ: Thank you Mr. Leon. I'll just--this is
17 just a reminder is, we do--if you're comfortable in English,
18 that's fine. If you're more comfortable in Espanol, we have
19 someone here who can translate. So, whatever language you
20 prefer, you may use. Thank you. Ma'am?

21 MELANIE YOUNG: My name is Melanie Young. In general,
22 I believe the 100 day requirement to be completely arbitrary.
23 And not in line with the intention of SB 302. SB 302 was
24 designed to provide opportunity to the most students within

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1 Nevada and this is highly restrictive.

2 More specifically, I'm the parent of a daughter who is 5
3 years old, who has just entered into a private school, partly
4 because it is a full day program. And, I have submitted the
5 application, but I request that there be a waiver to the 100 day
6 public school requirement for those entering kindergarten. It's
7 simply unfair to require me to take my daughter out, send her for
8 100 days, only to be put back in. She's on her fourth day in
9 school and the first time she spoke with another child in the
10 classroom was yesterday. So, this would be extremely disruptive.

11 So, specifically, my request is regarding kindergarten, but
12 in more general terms, it is completely arbitrary and I support
13 the proposals made by the lady in Carson City, made her
14 statements about four people ago.

15 I also have a written testimony to submit for the record.

16 DAN SCHWARTZ: Thank you Ms. Young. You can—Linda is
17 there someone there who can take the written submissions?

18 LINDA ENGLISH: Absolutely. You can give those to me.
19 That's fine.

20 DAN SCHWARTZ: Okay, thank you. We're back up in
21 Carson City. Ma'am?

22 SPEAKER: [off mic] I am a grandparent
23 [inaudible] and, I support [inaudible] have chosen public
24 schools and we are hugely involved in our—my husband and I as
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1 grandparents, we have the kids every morning and every
2 afterschool--every day afterschool.

3 I think the 100 days is appropriate. It gives--as I
4 understand it, it was designed so that people who were in public
5 school or had their students in public schools, could experience
6 public schools for 100 days and then make a choice. Choose
7 either to go to private school or to stay in public school.

8 The testimony I'm hearing says that people have already
9 made that choice. So, it--I don't see this promoting choice in
10 the same way as I at least--and I've listened to the discussion
11 about the bill--I felt the bill was saying, you know, try public
12 schools. If there's private school that's better after you've
13 been in public schools for 100 days, then you have the
14 opportunity to go to a private school. I have no problem with
15 going to private schools. But, our family strongly supports
16 public schools. I really feel if people give public schools a
17 chance and provide the same support that a student--their child is
18 given by them in private schools, that there may be some or many,
19 who knows, who decide to remain in public schools.

20 I think the 100 days absolutely supports the idea of giving
21 people a choice.

22 DAN SCHWARTZ: Thank you. I will make a comment.
23 Hopefully it's consistent with the hearing--the workshop today.
24 I'm a public school kid. I went to elementary school, I went to
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1 high school and I loved it. I think the issue here seems to be
2 that the parents who are concerned about the 100 day requirement
3 have already done that. In other words, they've given the public
4 schools a chance and they've chosen otherwise. That seems to be-

5 SPEAKER: But that was prior to the bill-

6 DAN SCHWARTZ: Right.

7 SPEAKER: And, it's--some of the people I've
8 heard have had their children--have testified today, had their
9 children in private school since they started school. So, it
10 seems to me that not--of those who have testified, they have
11 chosen private school from the beginning. That's what I heard.

12 DAN SCHWARTZ: Okay. Good, no thank you. Your point
13 is well taken. We've got to follow the rules here. You're
14 welcome to come up and say something, but--[crosstalk] Okay,
15 ma'am?

16 JENNIFER EVANS: Good morning. My name is Jennifer
17 Evans and I have three children who I have put in private school
18 from kindergarten. This law, or the 100 day requirement, feels
19 very much like I'm having to penalize my children for my choice
20 of putting them in private school. You know, I have made the
21 sacrifice all the way from the time they were in kindergarten up
22 until my daughter who is in 8th grade right now. I mean, they're
23 private school costs more than my mortgage does to send them
24 there. So, I've made the sacrifice every single month to make

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1 sure that I pay for what I feel is right for my children.

2 Now, when I was made aware of this law, I wanted to comply.
3 So, I took them out and put all three of my children in public
4 school. It has been horribly disruptive to them. You know, it's
5 all they've known and my daughter is 14 now and you know, when I
6 picked them up yesterday, she got in the car. I asked her how
7 school was today, baby, and you know, she told me through tears,
8 she goes, 97 more days to go mom.

9 I just--and it's not--I was raised in public schools. It's
10 not that there's anything against public schools, but when the
11 kids get their structure and their friends and their support
12 system; to have to take them out for--like somebody said before,
13 just an arbitrary 100 days. I mean, why not make it 80 days or
14 90 days? I mean, the 100 days, it just feels like it just had to
15 be written in somewhere and it's very disruptive for kids who
16 don't know any different.

17 You know, it's not anything against public schools, but it
18 just feels like, if we all pay taxes, we should all have the
19 ability to have access to this funding.

20 And, you know, my other concern is, at the end of the 100
21 days, is their spots going to be open? They go to a very
22 private--small, private school down in Menden and if those spots
23 get filled, with other kids, well then all the sudden their 100
24 days becomes 180 days, or 186 days, whatever the school calendar

25

1 is and they can't get back in.

2 So, you know, I thank you for the opportunity for this
3 bill, but if you would please consider waiving the 100 days for
4 kids—I find it more disruptive for kids who have already attended
5 a public school to have to leave and then be put in a private
6 school setting just to be bumped back to a public school setting.
7 Versus, you know, if they just start off in public schools. Then
8 they can transition in, but to have to take our children from one
9 school, put them in another and then bounce them back to the
10 other, it just—it just doesn't seem fair to our kids.

11 GRANT HEWITT: That's two minutes. If you want to
12 wrap it up.

13 JENNIFER EVANS: Oh, that was?

14 GRANT HEWITT: Yeah.

15 JENNIFER EVANS: Oh, okay. It goes quick.

16 GRANT HEWITT: It goes fast.

17 JENNIFER EVANS: Thank you.

18 DAN SCHWARTZ: Thank you Ms. Evans. Ma'am.

19 SPEAKER: My name is Raju [inaudible]. I'm from
20 Reno. Both my kids went to private school since preschool until
21 8th grade. My second son, who is in 8th grade, in private school
22 went to entire seven years private school, made all the family,
23 friends, teachers and now I pulled him out because when I heard
24 about this bill, it make me very upset—my family, my husband—

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1 entire summer, searched for one class or online school for him.
2 Never took any vacation this summer because of this. And, just I
3 want him to get better education. So, I couldn't find any ways.
4 I pulled him out of private school and put him in public school.
5 Today, this is Day 5 for him. Every day, same thing, counting
6 days. I say, okay, no problem. But, education wise, his
7 homework is very easy at public school compared to private
8 school. Grading system is very hard at private school than
9 public school. So, it seems easy for him but education is higher
10 at private school. That's why we choose for our kids to go to
11 private school.

12 Now, after 100 days, he's going to go back. He will be
13 super behind. He won't even get his Honors class. The private
14 school offers Honors English, Honors Math, Honors Literature; and
15 now, he has to retest again and he will not be able to get back
16 to those classes. He only will get back to his friends that take
17 a class together. We will miss graduation. At public
18 graduation, they don't do graduation. Paying eight years of
19 private school, I will miss my husband and I will miss all these
20 opportunities that private school offers.

21 And, 100 days, I mean it's not fair for private school that
22 I had to pull my kid out, after eight years. I think you guys
23 should not have 100 days.

24 DAN SCHWARTZ: Thank you. I want to make one
25

1 comment. Nevada has a lot of very precocious kids here. They're
2 all counting the days to the statutory requirement is fulfilled.

3 Thank you for your comments, ma'am.

4 RJ LARUE: My name is RJ LaRue, and I'm from
5 Reno. I'm here to talk about the 100 days regarding special
6 needs kids. Special needs kids are in public school and some of
7 them are getting a better education there, I get that. But, what
8 about the kids—specifically, let's talk about the autism kids who
9 don't do good with change. You're excepting these kids, who are
10 getting an adequate education in a private school, to go back to
11 a public school where parents have had horror stories, not just
12 for them, but for their kids. Medical issues, anxiety issues for
13 these kids. 100 days, a school year is 180—so, for more than
14 half the year, you want these kids to go back to where they
15 struggled and had concerns and had bullies and they were targets.
16 The 100 days doesn't work. I'm not saying for everyone, but you
17 need to put in consideration, special needs kids who have found a
18 private school that is working for them. And, the family who is
19 finally back to being a family. That's all, thanks.

20 DAN SCHWARTZ: Thank you Ms. LaRue. Back to Las
21 Vegas.

22 HEIDI CAMPBELL: Thank you. My name is Heidi Campbell.
23 I'm a resident in Henderson, Nevada. I'd like to talk to you
24 today about another special population that the 100 days affects
25

1 that I haven't heard a lot of feedback on and that's our student
2 athlete. Because there's regulations with the NIAA regarding our
3 student athlete and a penalty if they leave the school that they
4 opened their eligibility at and they go to another school.
5 They're no longer allowed to play sports at that school until 180
6 days. Then they can reopen their eligibility at that school or
7 if they return to their school that they came from, they can
8 reopen their eligibility at that time.

9 So, a lot of our families are dependent on sports
10 scholarships and looking for scholarships. So, their child
11 basically has to sit out 100 days before they're eligible to play
12 again.

13 Now, if you haven't opened your eligibility up and you
14 choose to do the 100 days and you go to a public school for high
15 school, or you choose an online virtual charter school, or you
16 choose an online school, the regulation with the NIAA is that you
17 have to play your sports at your public high school; which means
18 you have to open up your eligibility at your public zoned high
19 school. So, my child, who has attended a private school, not his
20 whole life, he did attend public school until the 5th grade. It
21 didn't work. We moved him over to a private school. He's been
22 at private school now until the 8th grade. He's starting his
23 freshman year. If he opens up his eligibility at the high school
24 he's zoned for, when he goes back to his private school, he has

1 to wait another 180 days to play sports at that school.

2 That's unfair to our student athletes. NIAA should've been
3 consulted in regards to this bill. Regulation should've been
4 made in consideration with the 100 days. I've spoke with them
5 many times. They've been great. They said they're trying to
6 work things out. But they're also bound by statute. So, our
7 student athletes are not allowed due process at all. They either
8 forego the SB 302 completely, as my sophomore in high school,
9 we've just said, forget about the 100 days, sports are the reason
10 he gets up in the morning to go to school. So, we forego that
11 for our sophomore. Our freshman, we've had to pull out and tell
12 him, he cannot participate in sports his freshman year, until he
13 returns to his private school.

14 I think you need to think about this population. They're
15 not getting their due process as you go through these
16 regulations. Thank you.

17 DAN SCHWARTZ: Thank you Ms. Campbell. Sir.

18 CHRIS SCHENIDER: Good morning and thank you for
19 allowing us the opportunity to speak. My name is Chris Schneider
20 and I serve several functions, I guess you would say. I'm first
21 and foremost the husband of my wife Christy and then there's also
22 our three children who all attend private school. I'm also the
23 Administrator of a private school here in Las Vegas. With the
24 token number of Lutheran Schools in the State of Nevada, we

25

1 easily represent 3,000 students.

2 It's not them of who I want to speak today. I want to
3 speak about our public schools. I want to speak about educators.
4 There was a story run on Fox 5, here in Las Vegas yesterday that
5 indicated Clark County School District has yet to register 1/3rd
6 of their students that they're expecting for their classes. They
7 are 900, that's 9-0-0 teachers short.

8 So, I got an idea. Let's put our kids from private school
9 into that. [audience applause] I speak neither sarcastically,
10 nor facetiously, I speak honestly and I speak truthfully. I
11 speak it from the point of view that I'm here to represent
12 educators. These teachers of whom I have acquaintance and
13 friends in these public schools are telling me, first off they
14 didn't like this because they feel like it's taking money away
15 from them. Secondly, they have been told that not only are their
16 salaries frozen, but they have had their class sizes increase
17 from 32 to 36, oh and by the way, there was a memo sent out over
18 the summer that it's now going to be somewhere around 40. Oh and
19 by the way, we don't have all the teachers yet.

20 So, others have said, would you please consider changing
21 the 100 days? I'm going to say, change it. I'm going to give
22 you a recommendation to fix it. That recommendation is, how
23 about foregoing it for one year—let me clarify that. Not
24 foregoing.

25

1 If you are currently in a private school as a student, year
2 one, you're not eligible, but from thereafter, you are eligible.
3 We're not disrupting our students' lives. The families will
4 still receive a benefit, but it will not be at the expense of our
5 students in private and public and charter schools. Thank you.

6 DAN SCHWARTZ: Thank you Mr. Schneider and I also
7 appreciate the suggestion on how we sort of fix things. So,
8 thank you. Sir?

9 ADAM BERTRAND: Good morning, thank you Treasurer. My
10 name is Adam Bertrand and I am a father of four children, three
11 of them born here in Nevada. We've been residents of the State
12 since 2001. I am also, like you, Mr. Treasurer, I grew up in the
13 public school system. I graduated from the public school system
14 and I am acutely aware of what goes on as you go through middle
15 school and high school; and the things that you can be exposed to
16 and the challenges that you can have.

17 I have my daughter in private school. She's been there
18 since 2nd grade. She did attend 1st grade in public school. We
19 made the decision at that point to put her in private school
20 because of the things we were already seeing that were going on
21 that were not right. Since then, with that choice, we make great
22 sacrifices. I've made sacrifices to have a smaller house. We
23 moved down to a smaller house. My wife stopped working and had
24 one income. We have a one income family to be able to do what we
25

1 need to do and still support her education.

2 When this bill came about, I thought it was actually—I
3 thought it was actually going to be advantageous for everyone;
4 for every child who needs an education here in State of Nevada.
5 With the 100 day rule, I don't see that being the case. I've
6 heard stories so far, of people who have taken their kids out of
7 private school to be able to meet that requirement, I'm not going
8 to do that. Whether she's in 9th grade, whether I have my kids
9 coming into kindergarten, I can't do that.

10 The other option was online courses and yeah, that may be
11 an option. Our school is relatively small and there are probably
12 things that the public school system could give us opportunities
13 to expose our children to, as far as, you know, foreign languages
14 or different things that can be online courses. But, as we went
15 and researched those avenues, and I think we heard it from Ron
16 earlier, none of those options are available here in Clark
17 County. We had one of our secretaries at our school call for
18 weeks and weeks to try to find open avenues and they're just not
19 available.

20 So, I would ask that you repeal the 100 day rule and give
21 the children who are educated here in this City and this State
22 the opportunity to be able to take advantage of that. Whether
23 they're a private school or they are public school. Thank you.

24 DAN SCHWARTZ: Thank you Mr. Bertrand. Again, I'll
25

1 just remind you and everyone, it's not over until it's over. We
2 have a representative from the State Senate and I'm sure the
3 Governor is listening somewhere. Yeah, go ahead.

4 GRANT HEWITT: For the record, this is Grant Hewitt.
5 I appreciate everybody who is coming up to talk about the 100
6 days. I want to level set the process at this point for how the
7 100 days can change. It is not up to our office to change the
8 law as passed. It is entirely at the control of the State
9 Legislature. And, members of the State Assembly, State Senate
10 and ultimately the Governor's Office, to decide whether or not to
11 change the 100 day rule.

12 We have been given a law to implement and to regulate.
13 Those regulations cannot violate that law. So, the 100 days is
14 Section 7.1 and while I encourage the Public Comment because it's
15 the only way the legislature is going to know that they need to
16 change the 100 days; I just want to level set that this is a
17 specific topic that is very much out of the control, direct
18 control of Treasurer Schwartz.

19 So, please, remember that and be cognoscente of it. We
20 encourage the discussion, but we do have a limited ability to
21 affect it.

22 DAN SCHWARTZ: Thank you Grant. But again, just to
23 say, I think that all of your comments are appreciate and
24 hopefully are heard both in the Legislature and in the Governor's
25

1 Office. We now come back to Carson. Sir, you sat down—you had a
2 comment that you wanted to make? No? Okay. I want everyone to
3 be heard. Yes ma'am.

4 ANTOINETTE BUDREWICZ: My name is Antoinette Budrewicz. I
5 have two kids in private school in Reno. When RGJ, which is a
6 newspaper here in Reno had an article that, to get qualified for
7 the 100 days, that you need to have your kids in public school—
8 the zoned public school or charter schools and I jumped on that
9 opportunity. So, I did my homework. I contacted the principals
10 of my zoned schools and both elementary and middle school
11 principals had said that they're all crowded and we cannot
12 consider your kids right now.

13 Okay. I went to charter schools and they said also, we do
14 not accept part-time students. I went online, just to go ahead
15 if you guys intend to go online and both online public schools
16 and charter schools said that they do not have part-time status
17 students. So, they do not allow part-time there too. So, based
18 on my results and the details of the plan not being released in a
19 timely fashion, leave me to draw a conclusion that this bill was
20 set up to fail for private school families.

21 It makes it hard for us to qualify for this 100 day rule.
22 Based on another article in RGJ, this 100 day is, the intent was
23 to prevent a major influx of demand from all the State's current
24 private school students. I'm speaking from the newspaper. So,
25

1 it's like dangling a carrot in front of us and these workshops
2 that you held, the first one a month ago and this one, it just
3 makes--it's just a make--a feel-good legislation, to make our
4 voices heard.

5 So, why not just keep the money and improve the public
6 school situation. This bill just shows us that Nevada Public
7 Schools are just another failed government program. Thank you.

8 DAN SCHWARTZ: Ms. Budrewicz, let me just say this
9 also is, this bill is a work in progress, okay. There has to be
10 a certain--we give a certain amount of credit to the Legislature
11 that passed it. Again, this is an innovative and I believe, the
12 most comprehensive bill in the country, but it's not done yet. I
13 have faith in our Legislature and our Governor that all of you
14 here by making your voices heard could well change that bill.
15 Again, I think as my Chief of Staff has said, the bill is what it
16 is now, but I think by your being here and by your registering
17 your comments, you'll be heard. So, that's all I can say. So,
18 thank you. Yes ma'am.

19 MARY CROW: Hello, my name is Mary Crow and I have
20 five children who are currently in private school. My two oldest
21 boys did go to public school for a few years and it was back when
22 we had year-round tracks. At the time, we decided, when we put
23 them in the private school it was because once they went to
24 middle school and high school, the tracks changed and you had

1 kids on different—your elementary kids on different days of
2 school, you know, high school kids off. Everybody was just
3 chaotic. It was hard to live your family life.

4 So, we did make the choice to put all of our kids in
5 private school and they've been in there for about five years.
6 So, I just—to reiterate what everyone else has said about the 100
7 days, it's really hard for me to figure out how to pull all of my
8 kids who are involved in sports and are comfortable and set in
9 with their current schools to pull them out and have their lives
10 disrupted.

11 I also know a lot of teachers in the public schools and I
12 feel like it's not fair to our public schools or our teachers who
13 are already overworked to have to take on children, for 100 days,
14 and try and educate them to only—for no purpose other than that
15 person is then going to pull their child back out. I think it's
16 not fair. Our teachers should not have to work to educate these
17 children if they're not going to keep them there in that school.

18 So, that's about it. Same thing everyone has said, so.

19 DAN SCHWARTZ: Thank you Ms. Crow and again, I
20 reiterate that every voice that is spoken here is a voice that
21 will be heard. So, yes sir.

22 SPEAKER: Thank you for the opportunity to
23 speak. I just wanted to—good morning by the way.

24 DAN SCHWARTZ: Good morning.

25

1 SPEAKER: I would just like to respectfully ask
2 for clarification on the regulations, specifically Section 18;
3 where it establishes—

4 GRANT HEWITT: Excuse me sir, if this is about the
5 specific regulation, if you could wait until Agenda Item No. 2,
6 because that's where we're going to actually specifically talk
7 about the specific regulations. Comments right now are geared
8 towards items not in the regulations.

9 SPEAKER: That's kind of what it was. That
10 basically the regulation doesn't clarify whether a first time
11 student, a first grader for example—

12 GRANT HEWITT: Thank you, okay.

13 SPEAKER: Sorry about that. I was just trying
14 to ask for clarification to be included on the Section 18, about
15 qualification; for qualifying students basically there's no way
16 for me to clearly understand that my child will be included in
17 the program as a first grader, coming into the system, under the
18 ESA Program, which is kind of what I asked last time I was here.
19 Thank you.

20 DAN SCHWARTZ: Thank you, I think—just to briefly
21 answer your question—I think there is still some unclarity on
22 that point.

23 GRANT HEWITT: State Treasurer speaks clearly on
24 that. Yeah. We are—Grant Hewitt for the record. We are
25

1 continuing to evaluate how first time students or, we refer to
2 them as students who are not required to attend public school are
3 treated under the law. And, as we get more clarification,
4 hopefully by the next hearing, we will have a complete answer for
5 you. I apologize that we don't today.

6 SPEAKER: Thank you. And, that's basically the
7 confusion. You know, whether is a kindergarten or a 1st grader.
8 When I was here last, basically it said that kindergarteners were
9 not required to be school but first graders were and I asked
10 where the qualification for my kid going into first grade was.

11 DAN SCHWARTZ: There is some disagreement between the
12 Treasurer's Office and other's in the government. So, we're
13 hoping to get that clarified.

14 SPEAKER: Thank you. Make sure you pull for my
15 kid.

16 DAN SCHWARTZ: We will, okay.

17 SPEAKER: I appreciate your time, very much and
18 good morning.

19 DAN SCHWARTZ: Good morning, yeah. Thank you for
20 making your comments. I've made a promise to open up another
21 Committee Meeting. So, I'm going to excuse myself for about 10
22 minutes, but I leave you in the very capable hands of our Chief
23 of Staff and our Chief Deputy Treasurer. I should be back
24 shortly.

25

1 So, we now go to Las Vegas, please.

2 GRANT HEWITT: Thank you Mr. Treasurer.

3 MICHELLE DEMERS: Good morning. My name is Michelle
4 Demers. I'm here to talk regarding, about the kindergarteners
5 and where they would fall. I ask that they should not be
6 subjected to the 100 day rule because kindergarteners should be
7 automatically accepted into the program since they have not
8 previously attended any school. It is at this time when families
9 decide between the public and private school system and the point
10 of this program is to allow parents to choose the best education
11 for their Nevada children. First time students should be given
12 that right immediately upon entering the education system and not
13 be forced into attending a public school only to leave 100 days
14 later. I ask that for first time students automatically be
15 accepted into the program and if they deem that kindergarteners
16 are not legally required for school, then I ask that first
17 graders not be subjected to the 100 day rule and given the money.

18 Secondly, regarding the private school about, we can
19 qualify for the ESA if we take one or more classes at a public or
20 charter school and I too have spoken with my principal and it is
21 not available for them to take one or two classes for elementary
22 school, therefore, we do not have that option to get that ESA.
23 So, I ask that they go over the requirement to make it so that we
24 can get 100% of the money and not cause undue stress on our

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1 children. The one thing that's not being thought of is as
2 private school children are being pulled out of our schools, our
3 spots are being taken.

4 Lastly, in the last meeting it was mentioned about the 100
5 day rule, about the budget. That they had done that in order to
6 meet the budget. I also agree that all children born in Nevada
7 should receive this money without having to complete the 100
8 days. It's very frustrating to know that any child that can come
9 from another state can go to a public school for 100 days and my
10 children who I have sacrificed, budgeted, to do everything to put
11 them in private school do not get that money. But someone else
12 that's never paid taxes, their children weren't born here, they
13 have done anything for the economy, automatically gets that
14 money. Thank you.

15 GRANT HEWITT: Thank you very much for your comments.

16 MAGGIE BERTRAND: Hi, my name is Maggie Bertrand and I'm
17 a stay-at-home mom of four children. I think there's a very big
18 misconception that the families that have their children in
19 private school are among the wealthy in our community; but that's
20 simply not the case.

21 My daughter attends a small church school where our parents
22 work as police officers, DMV workers and even bus drivers. We
23 sacrifice every day to provide a private school education for our
24 children because Nevada has failed our children with among the
25

1 lowest ranking public school system in the entire country. We
2 are being discluded from this bill with the 100 day regulation.
3 We're being required to place our children, for 100 days, in a
4 school that does not rank with what they're currently getting in
5 order to benefit from this bill that everyone else gets to
6 benefit from. We're taxpayers. We've been contributing for
7 everyone's education and we've not gotten any assistance. I
8 believe that this 100 day regulation needs to be removed so we
9 can allow all of our children the same opportunity. Thank you.

10 GRANT HEWITT: Thank you very much.

11 CASSIDY BERTRAND: Hi, my name is Cassidy Bertrand and
12 I'm a sophomore entering my 9th year at Liberty Baptist Academy.
13 I'm involved in the Engage Program, contributing over 200 hours
14 of community service this last school year and I'm also involved
15 in extracurricular activities like Drama Club, yearbook and I was
16 just accepted into the National Honor Society.

17 I'm the average high school student. Liberty Baptist
18 Academy is a very small church school. I'm concerned that the
19 regulation on this education bill requiring 100 days of
20 enrollment in public school before even making us qualify to
21 apply may cause my school to shut down. If even 10% of the
22 families at my school were to leave, our doors would be closed.

23 It seems unfair that my family has sacrificed for nine
24 years to give me a better education than what my home state

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1 provides, yet would have me take—would have to take me away from
2 my school, my friends and my teachers in order to qualify.

3 As I said before, I'm the average high school student, but
4 I am being singled out and excluded from this education bill.
5 Please consider allowing all Nevada students to benefit from this
6 bill and allowing us all to be treated equally. Thank you.

7 GRANT HEWITT: Thank you ma'am, and thank you for
8 coming today. We're now going to move up here to Carson City.

9 AMBER COOPER: Thank you. My name is Amber Cooper
10 and I'm a home schooled mom from Reno, Nevada. I just wanted to
11 mention that I had found—I've successfully found the one class
12 requirement for the 100 days. Last year my middle school
13 daughter took not one, but three PE, art and orchestra at our
14 zoned middle school and the school was very welcoming and
15 arranged her schedule to be most convenient for us. I'm not sure
16 if others who searched for the one class requirement were
17 unsuccessful because the schools were misinformed, or if their
18 private school schedules, if it conflicted with the class times
19 at public school or if others think that electives don't count
20 for the one class. I received verification from the Treasurer
21 that electives do count as the one class requirement, that
22 extracurricular does not count. Extracurricular is classes that
23 don't receive grades and often meet afterschool.

24 So, I do support repealing the 100 days because it just
25

1 happened to work for us and we're homeschoolers, so we can be
2 sort of flexible. But, if that doesn't happen, I wanted the
3 parents here to know that one class options do exist.

4 GRANT HEWITT: Thank you for your comment and you're
5 probably going to become a very popular person out in the
6 hallway. So, seeing no one else right now in Carson City, we'll
7 flip down to Vegas and then we'll come back to Carson City.

8 BRYAN SMITH: Good morning, my name is Bryan Smith.
9 I was born and raised in Las Vegas. Received my education
10 through public school, received a diploma and I've lived here
11 since. Although I enjoyed my time here growing up and learned a
12 lot through the years, there are many horrible things I witnessed
13 throughout those years and are still present today. And, in
14 recent events have gotten worse; including peer pressure of
15 drugs, bullying, violence, promiscuity, even the overlooked issue
16 of ditching school. I could go on but I'm pretty sure you get
17 the idea.

18 I'm a husband to my wife and father to four sons, three of
19 which currently attend Liberty Baptist Academy. One of the major
20 reasons I chose to put them in this school is to protect them
21 from the garbage I was exposed to. I believe that my children,
22 as well as their classmates, are the vision of the future and
23 because of that, I want to provide the best quality education for
24 them. When a parent chooses the environment for their child to
25

1 be educated and to learn moral value, it's a decision that should
2 not be taken lightly. With the options presented, Liberty
3 Baptist Academy meets the standards, for me as well as other
4 parents.

5 I do find it absurd as the sole provider of my home, as
6 well as a Nevada tax paying resident, that I should have to put
7 my kids in public school to just to participate in an ESA that I
8 already paid for. If the majority of the parents, again, took
9 their child out of our school to reap this benefit, our children
10 may not have a school to return to and it's a complete injustice
11 to my children that they're not being treated equally by this
12 educational system. They're being robbed of the option to
13 receive higher education, that they deserve. Whatever the
14 outcome is of this legislation, my children will continue to
15 receive their education from Liberty Baptist Academy, simply
16 because moral value and better education is worth every penny.
17 Thank you for your time.

18 GRANT HEWITT: Thank you sir.

19 JAMES WEBB: Good morning, my name is James Webb.
20 I've been a taxpayer in the State of Nevada for 41 years. I have
21 eight children. I have my children in private school because I'm
22 in law enforcement and see daily—on a daily basis, what the youth
23 and the future they have right now. I want my kids to be in a
24 safe school. None of my kids have ever benefited from my
25

1 taxpayer money. I ask you to please consider all children in
2 Nevada receive the funding for our choice of school. Because I
3 refuse to put my children in public school, for 100 days, my kids
4 will miss out. All Nevada children deserve their choice in
5 education. Thank you.

6 GRANT HEWITT: Thank you sir. You have one more down
7 there?

8 JAN SHORER: Good morning. My name is Jan Shorer.
9 I live in Las Vegas. My husband is the Administrator of our
10 school. So, he's very involved in this whole process of how we
11 can make this work for our schools so that we don't lose our
12 children that are in our school because what the law says, it
13 gives an option to people to have their kids in private school.
14 The only thing that you haven't thought about is, if all these
15 people pull out, there won't be private schools to put them back
16 into. We are very concerned with this law. We have diehard
17 people—you've heard many, many people from our school have
18 already talked, and they're diehard people, but they're thinking
19 of pulling their kids out of our school so they can benefit from
20 this law.

21 My husband and I both have been public school teachers in
22 Clark County School District, but we chose to put our students,
23 our children, into our school. We would have even if he wasn't
24 the Administrator of the school. But, we chose to put them in
25

1 there because we have seen what it is. So, it's not like we
2 don't know what the public school system is like, we do. So,
3 we've been trying to rack our brain how we can make this work.

4 So, I told my husband, I said, hey why don't we take our
5 6th, 7th and 8th graders, take them out, put them into band—because
6 band can never fill up. They can never tell us band is closed.
7 No, there's always band options. My husband was a band director.
8 I'm a music teacher. You can always find room. But, let's say
9 band is at 11:00 in the morning. How are we supposed to get our
10 children there and bring them back to our school?

11 So, the one class option is really not an option. My son
12 is a 10th grader in our school. He went from kindergarten all the
13 way through. So, I said, hey that Cimarron, they have school at
14 7:00 in the morning. Let's—our school doesn't start until 8:15.
15 Let's have him go to a class at 7:00 in the morning and then come
16 to our school. My husband said, absolutely not. I am not
17 putting our son, even for one class, in that environment.
18 There's a reason why our children are in private school; to
19 protect them from things to see, things that they would hear. I
20 don't want my son listening to language that those child—and,
21 we've walked through high school hallways and we hear it. You
22 can't say that it's not there. It's there. And, we protect our
23 children from all that just so we can put them there, even for
24 one class is not an option.

25

1 So, there used to be an option and then they amended it of
2 course. The virtual school, you can't do that for one class.
3 So, my suggestion is, okay, if you're going to make the 100 day
4 rule stick, then make the virtual academy able to homeschool our
5 children for one class in our home, we can watch what they see.
6 We can monitor what they're learning and we can tell them, no
7 that's not right, we don't believe in that, whatever it is. So
8 that they can have this option and they can benefit from the ESA.

9 GRANT HEWITT: Thank you ma'am. Now we'll come back
10 up here to Carson City. Sir?

11 MARK de la TORRE: Good morning. My name is Mark de la
12 Torre and again, I thank you for this process. I testified last
13 time there was a hearing and was encouraged by the options you
14 proposed, the online school or the one class.

15 In following that and getting your updates, there was an
16 update that came out on a Friday night that said, online schools
17 not available, but you can take one class locally. My wife and I
18 choose to send our two children to a local Catholic school and
19 we're very pleased with it.

20 Then, trying to pursue that option locally, talking to the
21 local public elementary school for the area in which we live in
22 and talking to the charter school, in one case, when I talked to
23 them about it, it was the first time they had ever heard of SB
24 302. After sharing information with them and then getting the
25

1 runaround, I finally got a call back from the principal saying,
2 we're not going to participate in this. Then the local
3 elementary school, I got the same thing.

4 So, thank you for going down this road. Thank you for
5 making options available, but as far as we're concerned, in
6 Carson City, where we live, with our children for elementary
7 school, we're just running into a roadblock and there is no other
8 option. Keep pursuing what you are about options for parents who
9 have children in private school because for some of us, taking
10 our children out of that school and putting them someplace else
11 for 100 days is just not going to happen. We like where we're
12 at. Even though our kids are in private school, we still support
13 our area public schools. We buy stuff from their kids. We
14 participate in their events. You know, we try to be good
15 citizens for our town. But, right now, what we see is just short
16 of another legislative session, changing this for some private
17 school parents who will not pull their kids out of private school
18 and put them in a public school for 100 days and disrupt their
19 lives. The options you've put forth so far, thank you for, but
20 they're just not an option for us because it's a roadblock. We
21 see no way around it at this time. Thank you.

22 GRANT HEWITT: Thank you for your comments. Ma'am.

23 SPEAKER: I'm sorry, I had to come back again
24 because I heard a comment, a couple-previous-

25

1 GRANT HEWITT: Ma'am, since we're trying to get
2 through so many people, could you wait until the second public
3 comment section to come back. We're just trying to get through
4 all the-

5 SPEAKER: Sure.

6 GRANT HEWITT: Thank you. You've had your two
7 minutes, but we'll happily--Agenda Item No. 3, let's you come back
8 if you're still around. Let's go to Las Vegas.

9 KRYSTAL RICCIO: Hi, my name is Krystal Riccio. I am a
10 current resident and have been since 1999 of the State of Nevada.
11 I've also been a property owner, taxpayer and mother of four
12 children. I have chosen, with my husband, to place our children
13 in private school with a Christian education and I feel like the
14 bill has--the 100 days, obviously, is not an option for our
15 family.

16 I do want to read a statement from my 11 year old. He's
17 currently enrolled in school and already begun, so he's unable to
18 be here but he--I apologize for the lack of animation, because he
19 would be much better at stating his case.

20 It says, Dear Nevada Government, I was born in Henderson,
21 Nevada in 2003 and have been going to Green Valley Christian
22 since I was 4 years old. My parents told me about the new bill
23 and the rules that were made to qualify for an Educational
24 Savings Account. I was very upset. I do not feel like I'm being
25

1 treated fairly as a citizen of Nevada because now I have to move
2 to a public school for at least, over a half a year, so that the
3 State that I have been living in can qualify me as worthy of
4 educational money even though I've been living in Henderson,
5 Nevada, out of Clark County for my whole life.

6 Also, if I go to public school for at least 100 days,
7 that's over half the school year. If that happens, I'll be
8 having to go to night tutoring to keep up my level of education
9 I'm expected to be at to get back into Green Valley Christian
10 School, which will take me away from any extra time for sleeping,
11 playing video games and watching movies. Or, I'll have a hard
12 time trying to catch up like a dog chasing a car.

13 So, I also hate it how you'll be forcing me to not be with
14 my friends that I've known since preschool, but instead, excuse
15 me-[pause for emotions] but instead, I would have to make new
16 friends and maybe made fun of by the other kids because I'm new
17 and I'm smart. And, that's him.

18 I mean, really, I'm 11 years old. I've lived in Nevada my
19 entire life and don't have the same opportunities as another 11
20 year old in Nevada to get money for school. How fair is that?
21 It's not equal and it's just sad. Please change the rules so
22 that I can feel free to choose my education too.

23 GRANT HEWITT: Thank you ma'am, and please thank your
24 son for his comments.

25

1 VICTOR JOECHS: Thank you. My name is Victor Joechs
2 and I'm with the Nevada Policy Research Institute. We certainly
3 understand the angst over the 100 day requirement. I would like
4 to encourage everyone here who is upset about that to contact the
5 one elected official who can do something about this. That
6 person is Governor Sandoval. His office number is: 702-486-
7 2500. His Northern Office number is: 775-684-5670. If you're
8 in Carson City today, the Governor's Office is across the quad.
9 I encourage you to visit, to hold rallies outside his office and
10 demand action. The Governor has an office, I believe, right here
11 in the Grant Sawyer Building too, so don't think your voice can't
12 be heard in the South.

13 Now, the legislative session has ended but there are rumors
14 swirling that the Governor will call a special session to provide
15 tax breaks to Faraday. If that happens, Governor Sandoval has
16 the ability to add Education Savings Accounts to the Agenda,
17 including eliminating the 100 day requirement entirely. He could
18 also just call a special session just for that.

19 If ESA Funding began in July 2016 instead of April 2016 as
20 currently scheduled, it would cost the State between \$100-150M,
21 but the money is there, it's about priorities. Law makers just
22 passed a \$7.3B budget, including the largest tax hike in Nevada
23 history and it was filled it tens of millions of dollars for
24 anti-bullying programs, tens of millions of dollars for giving
25

1 iPads, tens of millions of dollars for ineffective full day and
2 pre-K programs, hundreds of millions of dollars for wasteful
3 class-size reduction programs and even millions in business
4 subsidies. And, there's also \$32M in car tab taxes that Sandoval
5 had originally put in the General Fund Budget, that are now going
6 to be going to the Highway Fund in 2016. In 2017, all of that
7 money, about \$64M is scheduled to go to the Highway Fund.

8 As I said, the money is there, it's about priorities. So,
9 I urge everyone here who is upset about this, who has people at
10 their school who are upset about this, if you're a principal, if
11 you're an education leader, contact Governor Sandoval. He is the
12 one that can fix this. Thank you.

13 GRANT HEWITT: Mr. Joechs, that's been two minutes,
14 thank you. Next?

15 SPEAKER: Hi, good morning ladies and gentlemen
16 and the Treasurer. My name is Marcelina [inaudible]. I'm here
17 from Liberty Baptist Church. My son attend the public school
18 since he was, you know, 5 years old. He was—I don't want to put
19 the public school down, but it was so bad to the point that the
20 police had to come to the house to get my son out to go to school
21 and assured him that he was going to be okay. Because the
22 bullying and that stuff that was around that school, it was
23 really bad for him.

24 So, my daughter is 10 years old and she's attending to the
25

1 private school. I'm making a lot of sacrifices. I'm a taxpayer
2 here since I got to this country. Because you know in my accent,
3 I'm coming from a different country, but since I got here, I've
4 been paying taxes. My husband is American and he's been paying
5 taxes forever. So has his father. I don't want to put my
6 daughter what my son went through. So, this way I'm making
7 sacrifices to give them an education, to my daughter, that she
8 deserves.

9 When you guys count all the students in Clark County, you
10 guys forgot about the private school students. We all the
11 parents, that sacrifice that pay for that school, we pay taxes
12 too. So, that's what I wanted to say. I think the 100 days in
13 public school is out. So, please take it in consideration and
14 give us and the kids a chance to have a better education and a
15 better life and this country this is free and people can have a
16 lot of opportunity. So, please, give us a chance, thank you.

17 GRANT HEWITT: Thank you. Now, we'll come up here to
18 Carson City.

19 JENNIFER KANDT: Hi, my name is Jennifer Kandt. I'm
20 the parent of a private school student. I'm certain that you've
21 been hearing this testimony over and over, that we're upset by
22 the 100 days and I will repeat that, I am very upset by that as
23 well.

24 We did start out in the public school system. We spent two
25

1 years there and it was mediocre at best and we made a choice to
2 move. I think the—what's upsetting to me most of all is that we
3 are the people who pay taxes, paid for private school in addition
4 to that and we're not burdening the system with our kids. Now,
5 you're going to allow people who were in the public school system
6 to get a benefit that we're not entitled to.

7 I feel that I'm hearing you make a couple exceptions or are
8 considering a couple of exceptions to the 100 days. It seems
9 that you're allowing an exception for people who attended public
10 school last year, before the bill was even effective. It's not
11 even effective until January 1st, to my knowledge. So, by
12 allowing people who were in public school last year, that seems
13 like an exception to me. You're also talking about allowing an
14 exception for children entering kindergarten.

15 So, my question would be, if we could allow these
16 exceptions, do you have the authority to state that the 100 day
17 requirement would be waived for children entering kindergarten,
18 military families, special needs children and any student
19 enrolled in a private school on January 1, 2016.

20 That's it, thank you for hearing my testimony.

21 GRANT HEWITT: Thank you ma'am. We'll now go back to
22 Clark County. At this point, I see no one rushing to the table
23 here in Carson City. We'll just stay at Clark County. So, as
24 you finish your testimony, until somebody decides to pop up here
25

1 in Carson City, we'll just roll through down in Clark County.

2 So, I'll let you guys start.

3 MELISSA OLIVAS: Hi, my name is Melissa Olivas. I was
4 at the last workshop and I want to congratulate the Treasurer's
5 Office on really trying to make some progress. We do appreciate
6 all of your efforts.

7 As others have stated, the online class, we started looking
8 at that and of course, it wasn't an option. There are physically
9 no classes that my children can go to, schedule wise, so that's
10 not an option.

11 So, let's be clear, this is not just for tuition. It's for
12 tutoring, testing fees and therapies. So, even though I'm paying
13 for a private school, I got that, I budgeted for it. But, if my
14 son needs a tutor, then the person sitting next to him can get
15 that paid for but I can't. My family is a 70 year family of
16 Nevada. I went to Nevada schools. I went to public school and
17 private school and I made my choice.

18 The money is there, the gentleman from the Research
19 Institute said that and so, I asked last time, I'm going to ask
20 again. We need a special session to fix this. That's the only
21 thing that's going to work. The Treasurer's Office, we realize,
22 cannot do it, so Governor Sandoval, please, include all of
23 Nevada's families. We with kids in private school should have a
24 choice.

25

1 GRANT HEWITT: Thank you.

2 RICHARD QUERNEY: All right. My name is Richard
3 Querney, here in Las Vegas. Right now I'm raising my grandson
4 who is 2. We raised 11 kids, nine adopted. My wife is an
5 educator with advanced degrees, I'm an educator with advanced
6 degrees. When I first came here, I came here as a teacher but
7 could only take one year at the Clark School System. It was in
8 my opinion that they had everybody pulling their punches, but I'm
9 going to call it the way I see it.

10 We had my grandson, he went to the--the first year, he went
11 to the Clark County Schools. We had him reading a 3rd grade
12 level, by the time he went to his first year. I went by the
13 school three times and always saw Matthew by himself. I stopped
14 in there one day and heard the teacher say to the principal, oh
15 that's Matthew, he already knows this stuff so we just let him
16 play, we don't even work with him. I pulled him out and put him
17 into a private school and it was working for him, all right.

18 This year, we took him out of the one private school we
19 were in for different reasons. He was--for 59 days he went to the
20 public school here. We had the police involved. He was bullied.
21 He classmates said, oh we just take it. Well, I didn't take it.
22 I had the cops there. I had one kid press charges against him
23 and the kid was expelled. I don't think I should have to go
24 through this again.

25

1 I'm addressing the elderly woman who spoke against people-
2 against the 100 days. Yes, you can sit there and say what you
3 want to, but I have experience with the school system. Nevada
4 failed.

5 Now, I know people that are talking about going to the
6 private school and also have them on the internet school and
7 helping the kids do the internet school just for the 100 days.
8 So, the kids would be going to two different schools, just to
9 satisfy this requirement.

10 There's not many private schools out there. Right now, you
11 don't have enough staff for the public school. So now you want
12 the kids from the private school to go into the public school
13 that is understaffed, underpaid and not doing their job. Well,
14 that doesn't sound very thoughtful. Thank you.

15 GRANT HEWITT: Thank you sir.

16 SANDRA STAHL: Hi, my name is Sandra Stahl. My
17 children attend Cornerstone Christian Academy. I have questions,
18 or many of us have questions specific to the distance learning
19 program and how it relates to faith based schools. I'd like to
20 read a statement from one of the students-or, from one of the
21 other parents that was written to the Treasurer's Office, and
22 hopefully get some type of clarify on whether or not the distance
23 learning program applies to faith based institutions.

24 It reads: Dear Mr. Treasurer, Please accept this written
25

1 comment in response to the proposed legislation regarding SB 302,
2 and in specific response to Section 2, which has been changed so
3 that private school students may not take online distance
4 education courses to satisfy the 100 day rule. It is my
5 understanding that you have amended that language based upon
6 notification from Nevada Department of Education, stating that a
7 private school is not eligible to participate in a program of
8 distance education.

9 However, pursuant to the statutes relied upon by the Nevada
10 Department of Education, a private elementary and secondary
11 educational institutional operated by the church, religious
12 organization or faith based ministry is exempt from NRS Chapter
13 394 and consequently cannot be included in the provision that
14 makes certain private school students ineligible for enrollment
15 in distance education.

16 Specifically, Nevada Department of Education relies on NRS
17 388.852, to exclude private school students from enrollment in
18 online courses. However, pursuant to NRS 388.852, only students
19 who are exempt from compulsory education and are enrolled in a
20 private school, pursuant to Chapter 394 of NRS are not eligible
21 for distance education.

22 NRS 394.211-1D specifically exempts schools operated by
23 churches, religious organizations and faith based ministries.
24 Accordingly, children enrolled in private schools are not
25

1 included in the prohibition of NRS 388.850, for distance
2 education, because they are not enrolled in a Chapter 394 private
3 school. Consequently, private school students, at qualifying
4 religious schools may in fact participate in distance education
5 classes for purposes of the 100 day rule.

6 That was a mouthful. My question is, do private faith
7 based schools qualify for distance education and what
8 specifically are the rules surrounding that with the distance
9 education? We've found a school, Nevada Learning Institute, and
10 it provides a class that is not in our curriculum currently at
11 the school, our parents are more than willing to enroll our
12 children in this, but we just want clarify before we have our
13 children take French. Thank you.

14 GRANT HEWITT: Thank you for your comments and I hope
15 you will submit that letter for the record, because I'd love to
16 read it more closely. And, we will hopefully provide more
17 clarity in the coming weeks or days. We'll stay down in Clark
18 County. There's no one else up here in Carson City, so the floor
19 is yours.

20 VANESSA WARD: Good morning. My name is Vanessa
21 Ward. I have two children, an 11 year old and a 6 year old. My
22 11 year old has been both in public and in private and for
23 financial reasons between 1st and 2nd grade, we put him in public.
24 After one experience with public, we decided to continue with the
25

1 personal sacrifices we would have to make, financially, in order
2 to keep our kids in private school because the education system
3 is clearly deficient in the State of Nevada.

4 I have worked in law enforcement for many years. Mr. Webb
5 here, who previously spoke, he also addressed the fact that the
6 school system here, it has problems with the students and their
7 behavior. Being in law enforcement for over a decade, I have
8 seen that. When I had an opportunity to address people that
9 worked in the school district, specifically law enforcement,
10 Clark County School District Police, whenever I asked them as I
11 was preparing to send my son to school—whenever I asked them,
12 what's the best school to send my children to, they always
13 answered, either send them private or go out of state because
14 it's not here. That is still the case.

15 I don't mean to bash everything that our government tries
16 to do to provide a good education to the kids that live in our
17 State, but there's problems and I just don't want that problem to
18 be forced on my kids. When we're trying to sacrifice and make
19 ends meet and get our kids the proper education because they are
20 our future, not only for our family, but for our State and for
21 our country and our kids, they're just not meeting standards all
22 over the world. So, please, please take away the 100 day
23 standard and don't force my kids to go to public. Thank you.

24 GRANT HEWITT: Thank you for your comments.

25

1 MARTIN LEWIS: Good morning. My name is Martin
2 Lewis. My wife, Sarah and I, were both born and raised in Las
3 Vegas and attended public school when we were growing up. We do
4 have three kids that attend Omar Haikal Islamic Academy and from
5 the time that we had them in private school, we do recognize a
6 huge difference between the private school setting, as far as
7 academia, the physical setting, versus a public school.

8 This is a great law. It's monumental as far as education.
9 I'm sure the nation is watching, but this 100 day hurdle presents
10 major disruptions across all different fronts. I mean, mainly it
11 seems to discriminate against private school families.

12 One, I mean, it's disruptive even for the public schools.
13 I mean, imagine having—you know, there are going to be parents
14 who are going to do this, no matter what. They're going to put
15 their kids in and they're going to—they recognize they're going
16 to disrupt their education, they're going to potentially set them
17 back a little bit, who knows. But you know, developmentally,
18 it's not a good idea for them.

19 But, for the public school, imagine having a kid show up
20 for 100 days and then all the sudden disappear. What's going to
21 happen to those books? What's going to happen to those places?
22 It's disruptive for the private schools. You know, if you pull
23 your kids out for 100 days, who is going to pay for the teachers
24 that are at these private schools? So, that presents a financial
25

1 burden to the private schools.

2 But also, it's disruptive to the student, for obvious
3 reasons that other people have stated before me. It's disruptive
4 for the student to have to move from one school to another and
5 then back. But also, I just found out at some private schools,
6 there's something called a revolving door policy where if you
7 take your student out of private school, you potentially may not
8 be able to put them back in. So, you lose their spot. I think
9 it eliminates the whole family as well, so.

10 I really hope that we can make this law look and perform
11 great, and not discriminate against the private school families
12 and you know, let's set an example for the nation and get our
13 school system out of 50th place. Thank you for your time.

14 GRANT HEWITT: Thank you.

15 BRYAN RICHARDSON: My name is Bryan Richardson. I am
16 with Leadership Academy of Nevada, which is an online charter
17 school here in the State of Nevada. About three years ago, we
18 had a group of parents who had their students enrolled in a
19 private online school and went to the State to see what they
20 could do and ESA, something like this, did not exist, so they
21 were told, they should start a charter school. So, that's how we
22 came about. So, we're very empathetic with all the parents that
23 are speaking today. We truly believe in school choice and really
24 support the ESA and SB 302.

25

1 However, I'm speaking on behalf of my school and just as
2 the previous gentleman stated, if you were to allow one class
3 option for online schooling, that would be very disruptive to our
4 school. Because then we become a placeholder for those students
5 just for 100 days and then they're gone. So, what do we do with
6 the staffing we have to hire to accommodate those students that
7 are coming to us? You know, what do we do with those books?
8 Like the gentleman said. There's a lot of different impacts that
9 would happen to us as an online charter school to allow those
10 students to come to one class.

11 So again, I'm very empathetic about what these parents—
12 because we were there three years ago, but also, I want just to
13 make it known, our concern as an online charter school, the
14 impact that it would have on us if you allowed the one class
15 option. So, thank you.

16 GRANT HEWITT: Thank you for your comments. We'll
17 now move up here to Carson City.

18 MARION HAMMOND: Good morning. My name is Marion
19 Hammond. I am a mom and I'm also on the Leadership Team at
20 Bishop Manogue Catholic High School here in Reno, Nevada. And, I
21 truly appreciate hearing people's differing opinions, I think
22 it's fascinating, but the grandmother who spoke earlier in
23 support of the 100 days must have grandchildren zoned in an
24 amazing public school.

1 Let's face facts however, the majority of Nevada public
2 schools are failing the majority of their students. I am not
3 here to bash public schools. I have many personal ties in the
4 public school system and many friends who teach and many little
5 ones who attend public schools, but even the best public schools
6 cannot offer what some citizens of Nevada choose for their
7 children, including our Governor, and that is to send their
8 children to a faith based education. The best public schools in
9 Nevada cannot offer that.

10 My daughter is a student at Bishop Manogue, she attends
11 religion class. She goes to school masses. She talks about her
12 faith. We pray at the beginning of the day. I would never
13 expect someone else to do that for their child, but that's what I
14 choose as a parent for my child.

15 So, we're here--and the 100 days, as the law as it's written
16 right now, and I understand you're hoping that there's some way
17 around it, but as it is right now, for those private school
18 parents who are trying to work with it as it currently exists,
19 there just isn't an option out there for the private school kids
20 to utilize. You've heard parents in tears today talking about
21 their children are out there counting down the days when they can
22 return, but there is the one class option and that is great, but
23 it cannot currently be online, for reasons I don't understand.
24 It has to be in a bricks and mortar school and our parents have

1 searched. I'm telling you, you have unleashed the energy of
2 dedicated parents. I'm sure you've heard about it. One mom here
3 today testified she spent the entire summer looking for this
4 option. I can tell you at Bishop Manogue, we have had parents
5 talk to 10, 15, 20 different schools, options, anyone out there
6 that would accommodate one of—a private school child attending
7 their school in some what shape or form, for 100 days, taking a
8 class that they didn't—they're not currently offering in the
9 private school and it cannot be found.

10 You're right, the mom who said she found something for her
11 younger child is going to be mobbed later, everyone is going to
12 want to know where that is, but I can tell you that many, many
13 people have looked and it is not out there. Or, at least it's
14 not available to everyone at all age levels.

15 GRANT HEWITT: I've appreciate the comments, we've
16 hit the two minute, if you want to wrap up.

17 MARION HAMMOND: Okay. Please help understand how can
18 we jump through the hoops you have established? We are all
19 willing to jump, we just can't find the hoops. If you can't do
20 away with the 100 days entirely, please at least open back up the
21 option of an online class that's much more accommodating, thank
22 you.

23 DAN SCHWARTZ: I didn't catch your name.

24 MARION HAMMOND: It's Marion Hammond.

25

1 DAN SCHWARTZ: Ms. Hammond, the reason for the brick
2 and mortar is statute, a pre-existing statute, prior to SB 302.

3 MARION HAMMOND: Okay. And, if the 100 days can't be
4 changed, is that something that can be changed?

5 GRANT HEWITT: Not easily.

6 MARION HAMMOND: So, it's easier to change the 100
7 days—in that case, just do away with the 100 days.

8 DAN SCHWARTZ: No, as I say, this is democracy. We
9 all participate in our government. It's not over until it's
10 over. Anything can be changed, whether it will be changed, of
11 course, is up to the Governor, the Legislature and at the end of
12 the day, all of you.

13 GRANT HEWITT: And, we'll go back to Las Vegas.

14 CHRISTOPHER BEAUMONT: Thank you. My name is Christopher
15 Beaumont. I have two sons who were both born in Las Vegas. One
16 of who was actually born on the Centennial of Las Vegas, that are
17 both in private school.

18 As a side note, again on the earlier comment supporting the
19 100 day rule, I was also a public school kid in New York,
20 Florida, South Carolina and several California schools. Arguably
21 in a time when public schools had less stress on the educational—
22 or, going on with the educational system.

23 I've heard a few statements as far as if there can be an
24 exemption put in. I guess my suggestion would be that the

25

1 exemption be for students who attended any school in Nevada in
2 the year 2014-2015, or last education year.

3 Then, I have two questions. One is, do you have any
4 statistics on how many applications are in so far? Since the
5 impact of this program seems to be of great concerns to some
6 groups. And then the second, there have been a lot of questions
7 on--there's an SB 302 Parents' Facebook Group that's growing and a
8 lot of questions coming in on the reason for the 100 day rule and
9 why it relates to public or charter schools and not residency or
10 overall school enrollment in the State, since the only school
11 attendance that's not considered eligible is pretty much the
12 faith based and private schools, which this bill applies to.

13 So, I wonder if you could actually comment on any of that.

14 GRANT HEWITT: Chief of Staff, Grant Hewitt. I think
15 you are up to date on a number of applications. As of last
16 night, we've received over 2,200 applications for the ESA Program
17 during the early enrollment period. I know there's a lot of--
18 people who want demographic breakdowns for those, we don't have
19 them at this time. We are continuing every day to receive about,
20 anywhere from 75-100 new applications a day for the program.

21 What's your second questions, I missed it, sorry.

22 CHRISTOPHER BEAUMONT: The second question is just
23 clarification on the reason for the 100 day rule in the schools
24 as opposed to based on residency in the State?

25

1 GRANT HEWITT: So, Senator Hammond—this is Grant
2 Hewitt for the record. Senator Hammond spoke to this at the last
3 hearing that the reason behind the 100 days is that for a student
4 to have a qualifying allotment in the distributive school
5 account, which is what funds ESAs, it's also what trickles down
6 to the school district from the State level, you must've been
7 included in the school count in the previous year or that year to
8 have an allotment created. So, if you weren't there for the 100
9 days, then there's no actual budget allotment for your child,
10 thus there would be no ESA funding available. If we let everybody
11 in on the 100 days, as Senator Hammond indicated, you'd have
12 approximately a \$200M whole in the budget.

13 DAN SCHWARTZ: Those are just the reasons that are
14 given. So, as I say, we're trying not to answer questions, but
15 where there's an easy answer, we'll certainly try.

16 CHRISTOPHER BEAUMONT: Is that—thank you.

17 GRANT HEWITT: Thanks. And, please, everybody know—
18 those who have talked to me, you can email
19 NevadaSchoolChoice@NevadaTreasurer.gov. We are very, very good
20 at getting back to people, normally within 24 hours. So, if you
21 have any specific questions, please feel free to direct them
22 there.

23 CHRISTOPHER BEAUMONT: Thank you, thank you all for your
24 work.

25

1 DAN SCHWARTZ: Yeah, thank you. Next.

2 MARSHA MALLORY: Good morning, my name is Marsha
3 Mallory. I am a parent of two that go to private school. The
4 reason we made that choice six years ago is because the public
5 education system here was doing such a good job of doing a bad
6 job. We made that choice because it was just the way to go. We
7 saw where Nevada fell. We saw where it continues to fall. I'm
8 just here to ask, just don't forget about us. Everyone who made
9 a sacrifice, because it was a choice, but you almost want to
10 correct people and say, no we made that sacrifice because that's
11 what it is for so many families out in this State.

12 As far as the 100 days, I understand Treasurer that it's
13 said and it's something that a lot of hands are tied and they
14 can't do anything about that, but it's almost like you guys are
15 asking for alternatives. So, if it has to stick, then tell us
16 where to go. Give me one class in a brick and mortar, tell me
17 when, tell me where and I'll show up. I will open the doors as
18 my mom says, we'll be there. Just tell us where to go.

19 You know, if online is an option, we'll do that. Just, if
20 100 days has to stick, then give us an option on how to fulfill
21 that. Just that's all we're asking for, if it has to stick. I
22 certainly wish Senator Hammond was here so that we can put a face
23 as to why we're here. He's the reason we're here. He's the
24 reason it's so transformative. I just wish he was here, but
25

1 maybe next meeting.

2 If a special legislative session is called, I would only
3 recommend, be sure it's held at Thomas and Mack, because I
4 guarantee you, it will be standing room only. We are very
5 passionate about this. So, just don't forget about us. That's
6 all we're asking. Don't forget about us. You keep—everyone
7 says, we hear your voices, we hear your voices. Just listen to
8 our voices, is what we're asking. Thank you.

9 DAN SCHWARTZ: Ms. Mallory, the reason we're here is
10 because we are listening, so thank you. Yes sir.

11 DENATO RICCIO: Yes, hello. My name is Denato Riccio
12 and I've been in Las Vegas since 1998 and a resident of Clark
13 County. I understand this 100 days, you know, now is a result of
14 a budget shortfall. I don't want to see the State have a budget
15 shortfall. But, you earlier said that the online class was a
16 regulation or statute regulation in regards from Clark County and
17 why it has to be a brick and mortar school. I don't fully
18 understand that statement, but you did make a statement saying
19 that that was going to be more of a challenge than removing the
20 100 day rule. I don't—or, can you tell me or explain to me how
21 that's a \$200M problem—to me, a \$200M problem of waiving the 100
22 days, which I can respect, is a pretty big problem. But, the
23 online distance learning, is that a \$200M problem?

24 GRANT HEWITT: Grant Hewitt for the record. I just
25

1 want to make sure that we're very clear about the online
2 learning. NRS 388.050, I believe it is, says that a student
3 currently occupying a private school seat, so is enrolled full
4 time in a private school cannot attend a program of distance
5 education. This—that also goes for homeschooled students, and
6 homeschool students should be defined as someone who has filed a
7 Notice of Intent to homeschool their children, thus removing them
8 from the public school system, cannot attend a program of
9 distance education.

10 The fact is that a family who wants to attend a program of
11 distance education as their primary form of education, so Nevada
12 Connections Academy, for example, and not be a homeschool student
13 and not be a private school student, can achieve the 100 days
14 through a Nevada Connections Academy Program. It's just you
15 cannot be dual enrolled, so to speak, in a private and a-or,
16 and/or homeschool and an online private school. So, you can
17 achieve it through online education, as long as it's a public or
18 charter school that is the online school.

19 I know that is convoluted and a little confusing, but
20 that's the reality.

21 DAN SCHWARTZ: As an elected official, I'll put it
22 straight, it's a pre-existing statute. It was a statute that was
23 enacted prior to the ESA.

24 CHRISTOPHER BEAUMONT: Do you not have the authority to
25

1 override the statute?

2 DAN SCHWARTZ: Senator Gustafson, do I have the
3 authority to—he's shaking his head.

4 GRANT HEWITT: The Senator is shaking his head at us.
5 So—

6 CHRISTOPHER BEAUMONT: Is it statute to—is it in the statute
7 that you cannot dual enroll?

8 GRANT HEWITT: Yes. That's the key. The key is, you
9 cannot dual enroll in a program of distance education. You can
10 take, under two different statutes, it allows for a private
11 school student or a homeschool student to enroll in a traditional
12 brick and mortar program to achieve—to take a class. And we are,
13 the Treasurer's Office has indicated that we accept current laws
14 and the allowability of that to achieve the 100 days.

15 You know, I think Chief Deputy Treasurer Hagan is about
16 ready to cut me off. This is not a point for back and forth.
17 So, again, if you have specific questions, please contact
18 NevadaSchoolChoice@NevadaTreasurer.gov.

19 DAN SCHWARTZ: Thank you, we're just going to have to
20 move on here, just due to the time constraint.

21 CHRISTOPHER BEAUMONT: Can I just put a request in?

22 DAN SCHWARTZ: The request has been noted.

23 CHRISTOPHER BEAUMONT: I would request that you would
24 override that.

25

1 DAN SCHWARTZ: We will do that. Thank you.

2 CHRISTOPHER BEAUMONT: Thank you.

3 DAN SCHWARTZ: We don't have any more speakers—oh,
4 keep it going. Yeah. So, we'll keep going here in Las Vegas.

5 MARY CHAPMAN: My name is Mary Chapman. The only
6 comment—I understand the Treasurer's Office is stuck with the
7 statute as it was written, but the statute just says 100 days, so
8 my question would be that the Treasurer's Office would interpret
9 the 100 days as 100 calendar days. Because if you go by 100
10 calendar days, instead of 100 school days, it would make a lot of
11 people's life a lot easier, because it would cut the time
12 substantially and allow people to get that 100 calendar days in
13 before the end of the year, so everybody would be eligible come
14 January 1st.

15 GRANT HEWITT: I appreciate your comment. If I could
16 do a calendar day, I absolutely would, but Section 7.1 of the
17 bill indicates that—except as otherwise provided in Subsection
18 10, the parent of any child required by NRS to attend a public
19 school who has been enrolled in a public school, in this State,
20 during the period immediately preceding the establishment of an
21 Education Savings Account pursuant for not less than 100 school
22 days, without interruption, may establish an Education Savings
23 Account. So, our—once again, our hands are tied on the school
24 days.

25

1 DAN SCHWARTZ: It's statutory. Next.

2 PRISCILLA HOWELL: Hi, my name is Priscilla Howell, and
3 actually two of my questions were answered when I was in line,
4 but I did want to throw out—it does seem like you all are working
5 very hard to try to find some solutions that don't go towards
6 actually changing the law, but still remain within the confines
7 of interpreting the law, which I really appreciate. I guess I'd
8 throw out, I think it's got to be a lot cheaper to set up some
9 type of brick and mortar or some type of solution to let us
10 qualify for the 100 days and it wouldn't be to call a special
11 session. So, just to throw it out there that perhaps there is
12 some solution there.

13 DAN SCHWARTZ: Yeah, thank you. Again, that's an
14 idea and that would be in the hands of the Governor and the
15 Legislature. Next.

16 SPEAKER: Good morning. My name is Julianne
17 [inaudible]. I'm the mother of five children, an active duty
18 military spouse and I also serve our nation in the Air Force
19 Reserve. Currently I have three children in a small Christian
20 school. We moved here from Germany and were zoned actually for a
21 very good public school. Our children went to the German school
22 system in Germany, not the DOD System but the German speaking
23 system. My daughter was going into 3rd grade. Her only education
24 at that point had been in the German system where she had 88 kids
25

1 in her school. When I enrolled her in the public school system,
2 they were—gave us their numbers at 902 and 903. For her first
3 American school experience, I was overwhelmed at the thought at
4 putting her into such a large school. Again, it's a very well
5 rated school and I want to start by saying I have no—I don't want
6 to bash the public school. That's not my goal. I don't think
7 that's a productive thing to do. I think there are very strong
8 public schools in Clark County, just as there are very strong
9 private schools. I think there are mediocre ones and not so
10 great ones and you're going to find that across the board of
11 private, charter, public, altogether. The teacher in the
12 classroom will make a huge difference whether you're in a private
13 or a public school. What I think it comes down to at the end of
14 the day is the equality of all of our children in the State of
15 Nevada.

16 I personally am not a State resident of Nevada because of
17 our military status. However, we are very supportive of the
18 State of Nevada, very proud to be here and to serve our country
19 here. So, I think, in everybody's comments, I go back to, is
20 there a way to look at the legislation, whether that's to call a
21 special session, whether that's to—whatever else is in the realm
22 of your control, to create equality for all of our children that
23 live here in the State of Nevada. Whether they be special needs,
24 whether they be military children, whether they be born and
25

1 raised here their entire life or whether they will live here for
2 a short amount of time, for whatever reasoning, I just think at
3 the end of the day, the equality piece is missing in this.
4 Perhaps that to find the brick and mortar option or perhaps it's
5 to waive the 100 days or to pick one day, one date and make it
6 grandfathered to who qualifies.

7 I'm a little bit concerned in this session that, I
8 originally thought that I our kindergarten who started just a few
9 days ago would qualify since she had never been to school before,
10 but now am I understanding correctly that she may not qualify for
11 this program?

12 DAN SCHWARTZ: It's—Mr. Hewitt, correct me, it's
13 still very much under consideration.

14 GRANT HEWITT: Yes. That is correct, Mr. Treasurer.
15 We continue to accept children who are not required to attend
16 public school to apply. We place them in a pending category and
17 as final regulations are sorted out with the Nevada State
18 Legislature, we will make a final determination on their
19 eligibility.

20 DAN SCHWARTZ: So, it's not yet decided. Where were
21 you stationed in Germany?

22 SPEAKER: [inaudible] Air Base, sir.

23 DAN SCHWARTZ: Oh, okay. I was at [inaudible] I was
24 up north.

25

1 SPEAKER: Okay. So, I guess in closing, I would
2 just ask again, we look at all children across the board and try
3 to look at the equality of the system. Look at what we can do to
4 better the education across the board and to give parents the
5 choice of where they want to send and not punishing the children
6 who are already chosen, like I said, I gave you the background of
7 why we chose to put them in private school, that was the right
8 decision for our children. I also want to say, if I asked my 5th
9 grader today, if I went in and said to her, hey I need you to do
10 this for mom and go to a public school for 100 days so that we
11 can financially do this, make this work. She'd probably look at
12 me and say, okay mom, if it's what we need to do I'll do it, but
13 that's because that's the kind of kid she is. I'm not going to
14 ask her to do that. I'll continue to do what I need to do to
15 make this work for them. I know there a lot of people who are
16 having to face that because there's no other option. I just ask
17 that you would, at the end of the day, do whatever you can to
18 make this right for our children. Thank you for your time.

19 DAN SCHWARTZ: Good thank you--yeah, thank you for
20 being here. Next.

21 STEVE COCHRAN: Good morning. My name is Steve
22 Cochran. I have been a long time resident of Clark County and
23 Nevada. I graduated from UNLV, several years ago. A long time
24 ago. Graduated with a degree in education. I've been with the
25

1 school district, as a teacher and also as matter of fact, also in
2 the maintenance department as a custodian. I've also had some
3 experience when I was living in Colorado—my wife and I lived in
4 Colorado, for eight years I worked at a private Christian school.
5 I can see a vast difference between the private school and the
6 public school system. There's a vast difference. The
7 educational level is phenomenally different.

8 I would like to see the possibility for the private schools
9 to have the same possibility as everybody else does. I mean,
10 after all, let's get on a level playing field with everybody
11 else. I think that's what everybody wants, is a level playing
12 field, so why don't we just make it level for everybody and
13 include the private school kids. There's just a vast difference.

14 I'm also a member of Liberty Baptist Church and my wife is
15 the Secretary there. So, I do have a personal interest there,
16 but beyond that, I just have seen the difference. I think if
17 anybody has had experience with the two and can see the
18 difference, I think you'd kind of agree with that.

19 So, thank you very much for your time and I appreciate your
20 work on this, you guys up there, thank you.

21 DAN SCHWARTZ: Thank you Mr. Cochran for voicing your
22 opinion. Ma'am?

23 SPEAKER: Hi, my name is Michelle [inaudible].
24 I have two daughters that are going into middle school. They got
25

1 accepted to a private school. I kind of just need confirmation
2 on—I found out really quickly last week from secretary of the
3 school that I thought that I had until November for early
4 application, but as per me looking down, I realized that I had to
5 get the application in before their first day of school. So, I
6 hurried up and got their application in for the ESA. I scanned
7 everything over, but I was wondering with the birth certificate,
8 it's a verifiable birth certificate, we have 30 days to send it
9 there, by scanning that, is that good enough or do I need to send
10 that document, you know, to Carson City? I just wanted
11 confirmation that that's all good with them starting school on
12 Monday.

13 GRANT HEWITT: Grant Hewitt for the record. Assuming
14 your application was signed in all the right places, assuming you
15 had the student ID number there and you filled out a complete
16 application, if you scanned your birth certificate, we are
17 accepting the scans. I appreciate your question. I know my
18 assistant is probably going to probably do very bad things, but
19 if you want to contact NevadaSchoolChoice@NevadaTreasurer.gov,
20 with your students' name, I'm very happy to try to verify if we
21 have everything in order. But, we have a backlog at the moment.

22 SPEAKER: I just wanted to thank you for passing
23 the law.

24 GRANT HEWITT: Thank you.

25

1 DAN SCHWARTZ: Good. Bottom line is, you're okay and
2 you can thank Senator Gustafson and his colleagues for passing
3 the law. Thank you. Next?

4 DONNA DELUCA: Hi, my name is Donna DeLuca. I have a
5 daughter in 4th grade at a Catholic school. I'm a single parent,
6 a single income family. I struggled to get my daughter into this
7 school for kindergarten and it is a challenge to keep her in that
8 school. I feel like because I'm sacrificing as a single income
9 family, single parent, to keep her into this education, I feel
10 like I'm being penalized. I'm a product of both Catholic and
11 private school in California and Colorado and I can tell you
12 there is a distinct difference between the two. I am not going
13 to pull her out for the 100 days. She's expressed extreme
14 anxiety overhearing discussions about it. I'm not going to do it
15 to her, I'm not going to do it to the school. I will continue to
16 struggle and sacrifice to keep her in the environment that she's
17 thriving in. I feel like it's terribly unfair to not make this
18 for everyone and to get rid of the 100 days. That's pretty much
19 what I have to say about that.

20 DAN SCHWARTZ: Thank you Ms. DeLuca, we've noted your
21 comments. Yes sir.

22 SPEAKER: Good morning, Scott [inaudible] for
23 the record. Treasurer Schwartz and Grant Hewitt, thank you very
24 much for all your doing with this. My question was going to be
25

1 just actually urging you to come up with the regulations for 6
2 and 7 year olds and kindergarteners and 1st graders, but you
3 seemed to have answered that question three and four speakers
4 back. So, on that note, I really do want to thank Treasurer
5 Schwartz, Chief of Staff Grant Hewitt and the rest of your office
6 for expediting this as quickly as you have. This is—I've been
7 involved in government affairs for many, many years and this is
8 one of the most expedient rollout of regulations that I think
9 I've ever seen up there. So, you all deserve a big round of
10 applause and a pat on the back. I thank you whole heartedly.

11 GRANT HEWITT: Thank you Mr. [inaudible]

12 DAN SCHWARTZ: Yeah, thank you very much. We get a
13 number of complaints but public officials always welcome
14 compliments, so that's appreciated. I think that's it for the
15 Public Comment section. Is that—we usually do the next thing
16 with a vote. We can keep going on or we can take a five minute
17 recess. I'm going to ask—first, how many of you would like to
18 take a five minute recess? Three. How many of you would like to
19 continue on? It looks like the ayes or the nays, have it. So,
20 if you have some other urgent needs, you can sneak away but we're
21 going to continue with the hearing.

22 Chief Deputy Hagan, we're on to comments on the rules and
23 regs, is that correct?

24 TARA HAGAN: That's correct. Tara Hagan for the
25

1 record. We'll move to Agenda Item No. 3, and that is to solicit
2 comments on the draft regulations.

3 DAN SCHWARTZ: So, again, we would ask that you limit
4 your comments to the regulations, which we've handed out here and
5 which I assume have also been handed out in Las Vegas, made
6 available.

7 TARA HAGAN: And, Mr. Treasurer, may I also just
8 note, that any written testimony that we receive will be included
9 in the final meeting minutes, thank you.

10 DAN SCHWARTZ: Thank you. We're going to continue
11 with our order of comments. As in the past, we'll start in
12 Carson City. Ma'am, you're up.

13 JACKIE CHENEY: Hello, for the record, my name is
14 Jackie Cheney. I spoke earlier but I just have one brief comment
15 regarding the regulations. If you could please give
16 consideration on the start date for the educational expenses for
17 qualifying students. If it's possible at all, to begin that
18 coverage date of January 1st, that would be my request is
19 consideration for that. I know the funds may not be actually
20 available until April, but if it's possible to begin the coverage
21 January 1st, that would be very helpful. Thank you.

22 GRANT HEWITT: So, just a clarifying question. Grant
23 Hewitt for the record. What you're asking for is that we allow
24 people to utilize the April payment date to pay for expenses

25

1 incurred from January to April?

2 JACKIE CHENEY: That's correct.

3 GRANT HEWITT: So, reimbursement for stuff already
4 paid for, okay.

5 JACKIE CHENEY: Yes, thank you.

6 GRANT HEWITT: Thank you very much.

7 DAN SCHWARTZ: Yes sir.

8 JONATHAN BUTCHER: Yes, good morning again. Jonathan
9 Butcher with Goldwater Institute. I wanted to comment on the
10 enrollment process as it's happened in Arizona. The Arizona
11 Department of Education opened a window between January and April
12 where they accepted enrollment materials for parents entering the
13 program. The result was that many parents started asking well
14 before the January date if they could enroll early to make sure
15 they could get everything in on time. Then, after April, parents
16 would come back and they would say, oh I didn't even know that
17 the enrollment period was open or that it had closed.

18 So, whatever steps can be taken to make the enrollment
19 something that is ongoing so that parents don't get—if they miss
20 a part of the cycle, they're not stuck waiting until the
21 beginning of next year.

22 I heard the comment about changing the online application
23 so that parents will have a more effective online system by the
24 end of today. I know you said—and I would just compliment you

25

1 guys on that because that was something that Arizona's Department
2 had a hard time with and the fax machine became a subject of a
3 lot of coffee table conversations about that.

4 I also wanted to compliment on defining the exact times
5 during which deposits will be made into the accounts. To this
6 day, Arizona parents always know what day they're supposed to be
7 expecting money and when it doesn't come, parents talk amongst
8 themselves. So, I would just urge you to, as early as you can,
9 if a payment is going to be delayed in a quarter, let parents
10 know. Because what happens right now is, parents will say, well
11 I was expecting it today, it hasn't come. Then that of course
12 has a ripple effect on the private school who was expecting the
13 payment from the card too.

14 GRANT HEWITT: Can I ask a clarifying question here?

15 JONATHAN BUTCHER: Sure.

16 GRANT HEWITT: When it comes to the Arizona program
17 and your experience with the Arizona program, how often does the
18 Arizona program miss a payment date?

19 JONATHAN BUTCHER: It's never that they missed a payment
20 entirely. It's just the date—periodically. I mean, I would have
21 to go back and talk to some of the parents who I follow, who are
22 in the program. I can tell you that, when it happens, everybody
23 starts talking. So, it's—it's sometimes at least once or twice a
24 year, but it depends.

25

1 GRANT HEWITT: Could you provide our office with some
2 data on that, from the past?

3 JONATHAN BUTCHER: Sure, I'd be glad to.

4 GRANT HEWITT: Thanks.

5 JONATHAN BUTCHER: Yeah, I'd be glad to. So, the last
6 one and the one that--well, the other compliment I wanted to make
7 before my last comments would be, the surety bond issue--really
8 want to compliment you on putting that into place and I think in
9 even a more effective potential manner than had been proposed for
10 Arizona's program. I really think that that has a way of giving
11 the legislature assurances that if there is fraudulent or misuse
12 that you guys would be able to recoup those funds.

13 So, last comment has to be with the reasonable academic
14 progress of participating entities. I would just urge you to
15 really define that very specifically and I would say that the
16 fundamental idea behind Education Savings Accounts is that
17 parents are going to make the best choices for their children and
18 if the choices are limited based on some--how students were
19 performing in that entity, I think then we're saying, we don't
20 really trust parents to make a good decision for it.

21 I also think that--there was a gentleman who was here
22 earlier who said, well look, what if we just had a tutoring
23 program and we have them for 10 weeks and we raise them a half a
24 standard deviation but they're still below grade average, but I

25

1 brought them up further than where they were before, am I going
2 to be dinged because, you know, I don't have that student
3 performing at what level was set.

4 So, I would just urge some caution there with setting those
5 guidelines about what the achievement is going to look like for
6 providers.

7 GRANT HEWITT: Appreciate your comments, thank you.
8 If you want to submit them formally in writing, you can as well,
9 we'd be happy to have them.

10 JONATHAN BUTCHER: Okay, thank you.

11 DAN SCHWARTZ: Just as a footnote, that actually is
12 one of the topics that is under discussion at the moment.

13 GRANT HEWITT: Yeah. The Section 29 is what you're
14 referring to and there is much debate on how that process works.
15 Even in the supplement summary revisions to the regulations that
16 we've provided a copy of outside, it's already addressing that we
17 have to work better on that section.

18 JONATHAN BUTCHER: For what it's worth, that's the big
19 debate right now nationally, right. The A-F scores are
20 undergoing all sorts of turmoil with testing and things like
21 that. All the states are changing their tests with the common
22 core and all that kind of thing. So, you're walking into
23 something, right, with this, that suddenly becomes very sticky.

24 GRANT HEWITT: Appreciate your comment.

25

1 DAN SCHWARTZ: Thanks. Ma'am?

2 DENISE LASHER: Yes, good morning. Thank you for
3 having this hearing and listening to all the passionate comments
4 by the parents that have testified so far this morning. I'm
5 going to refer to-

6 DAN SCHWARTZ: Who are you?

7 DENISE LASHER: Sorry, I was just ready to jump into-
8 Denise Lasher, I'm representing the American Federation for
9 Children here today. Thank you sir, for reminding me of that.

10 So, I'll go by-I'll address the different sections that I'd
11 like you to consider my suggestions related to that suggestion.

12 No. 16, it says that, you'll announce the dates for open
13 enrollment for the upcoming school year during the fourth quarter
14 of the preceding year. I think it would be better for parents to
15 know if you could announce this at the beginning of the fourth
16 quarter of the fiscal year. There's going to be some families
17 that are going to want to sign up during summer, early summer, so
18 they can get approval before school starts in August. So, that's
19 one suggestion I would have there, if it's possible for you to
20 have those dates by that time.

21 Section 26, I think it would be helpful if there was a
22 deadline in the rules to make this decision, that's referred to
23 in Section 26. There's no amount of time in order to review
24 questionable expenditures by the Committee.

25

1 GRANT HEWITT: It was Section 26, would you recommend
2 a 30-day timeline? A 60-day, what is your recommendation?

3 DENISE LASHER: I think 30-days.

4 GRANT HEWITT: Thank you.

5 DENISE LASHER: Would be helpful.

6 Section 29, which Jonathan had addressed, I have several
7 comments related to the way that it is worded currently. A
8 parent could be using multiple providers to provide educational
9 services, so will every provider have to provide a copy of the
10 NORM Referenced Test that the student has taken? And, I would
11 suggest that you have the parent provide the test result.
12 Chances are, you're going to have a school, a tutor, you know, is
13 the physical therapist supposed to provide a copy of the test?
14 Is the speech therapist also supposed to provide a copy of the
15 test for that exact same student? I think it's going to be very
16 confusing.

17 Then, I did not see anything in the law that gave the
18 Treasurer the ability to make a decision on reasonable academic
19 progress. I could be mistaken on that but I think that that
20 particular section-sentence in this section exceeds what the bill
21 had requested for academic progress.

22 DAN SCHWARTZ: I think that was Mr. Butcher's comment
23 was how do we define reasonable academic progress.

24 DENISE LASHER: Yeah, exactly.

25

1 DAN SCHWARTZ: That currently is a topic of
2 discussion here.

3 DENISE LASHER: So, again, I think that he's exceeding
4 the responsibilities. Parents will be the best judge of whether
5 a provider is providing appropriate service. They're going to
6 speak with their feet.

7 Another unintended consequence with this particular
8 language is that schools may be inclined to only admit students
9 that are high performing students. So, a struggling student, if
10 they were to accept that student under an ESA and they did not
11 score well, then the school could lose their qualification as a
12 participating entity.

13 So, those would be changes that I would recommend that you
14 consider under that section.

15 DAN SCHWARTZ: Thank you. Just briefly, one of our
16 objectives here is to prevent fraud and abuse. I know the
17 legislature is just very jumpy when it comes to spending public
18 money. So, I think that is the intent behind the language and
19 that's what we're trying to nail down here.

20 DENISE LASHER: I appreciate that. I would encourage
21 you to also look at the rules that were drafted for the
22 Opportunity Scholarship. The students, they are required to take
23 a test, standardized test, and the results are submitted. Long-
24 term longitudinal Study will be reviewing those results, but

25

1 again, the Department of Education is not going to be making a
2 determination of whether a particular student made reasonable
3 academic progress. They're going to—they feel that the parents
4 are the best judge of that and they will speak with their feet if
5 they're not happy with the results that a participating entity is
6 providing.

7 Then the other section would be 32. Again, it would be
8 helpful if there was a time limit for that decision to be made
9 that's addressed in Section 32.

10 DAN SCHWARTZ: Good, Ms. Lasher, you finished?

11 DENISE LASHER: Okay, that's it.

12 DAN SCHWARTZ: Thank you very much for your comments.

13 DENISE LASHER: Thank you.

14 DAN SCHWARTZ: Las Vegas?

15 NATE BRADEN: Hello, my name is Nate Braden. I'm
16 from Denver, Colorado. Unless you hold that against me, I'll
17 explain why I'm here. I've heard a lot about—from parents about
18 what an opportunity this represents and it's absolutely true.

19 I represent education providers, so I wanted to talk about
20 Section 28 of your bill. First and foremost, I don't know how
21 you got this law passed. I'm very glad you did because we've
22 been trying to pass something even of a limited nature like this
23 in Colorado and it is radioactive. So, they won't even touch it.
24 So, it took a lot of guts to pass this, and so I commend you for
25

1 that.

2 So, we go to where the opportunity is. Right now the
3 opportunity is here. So, let me explain a bit about what my
4 company does and if at any time you say, no, sorry, can't do it,
5 go home to your mountains and your 39 year old quarterback with
6 the very delicate neck, I will do so without offense sir.

7 DAN SCHWARTZ: And, don't forget your recreational
8 marijuana.

9 NATE BRADEN: Yeah, and the pot dispensaries too.
10 We hear about that as well, absolutely. Direct all your errors
11 here. I actually voted against that but that's another matter.

12 So, I am the Chief Executive Officer of a company called
13 American World, Inc. and what we do is we offer education
14 services in Denver. Here's what we do and you can tell me if
15 this is a possibility here because we want to offer the same
16 services to you here in Nevada.

17 So, a couple of things. We're big on education. We're big
18 on experimenting in education, in an entrepreneurial approach.
19 So, some of the things we offer—we have a standard literacy class
20 we offer at Title 1 Schools in Denver, Title 1 being those
21 schools which have student body that over 40% qualify for free
22 and reduced lunch. So, that's our niche that we've developed in
23 Denver. Our literacy classes that we provide there, we hire
24 instructors. We would hire local instructors here to do this,

25

1 depending on demand. We have a teacher to student ratio of 1:6.
2 We have last year, got a 22% increase in reading scores among our
3 students. We got double digit increases in fluency rates and
4 across the board increases in attitudes towards reading. So,
5 those are some of the results that we have.

6 GRANT HEWITT: Sir. I have a question.

7 NATE BRADEN: I would like to offer the same
8 services here to Nevada parents.

9 GRANT HEWITT: Just a quick question.

10 NATE BRADEN: I'm sorry, yes.

11 GRANT HEWITT: Grant Hewitt for the record, would you
12 describe that your company or your services are—I think you're
13 looking at Section 28. Are you a tutoring service, do you—is
14 that what you would consider yourself?

15 NATE BRADEN: Essentially we are, yes. So, we offer
16 literacy classes, we have debate competitions. We've also
17 partnered with CU Denver to provide college classes to high
18 school students who are still in high school at a very reduced
19 rate, which is very helpful in the Title 1 Schools.

20 Just after this meeting, as a matter of fact, I go down to
21 UNLV to see if we can't establish the same partnership. So, our
22 goal is to have, especially in the Title 1 Schools, is to have
23 students try and get as much college as they can while they're
24 still in high school. Between our classes and the AP Classes, we

25

1 believe they can get about a year under their belt of college
2 before they even graduate high school.

3 So, those are some of the services we are willing to offer
4 here.

5 DAN SCHWARTZ: Mr. Bradin, I don't want to trespass
6 on your first amendment rights, but this is for public comment,
7 not advertisement. I'm sorry, this is comment on the rules and
8 regs, so if you have any specific-

9 NATE BRADEN: So, here's what we--three points.
10 First point is, if there is demand in Nevada Public Schools, will
11 we be able to use the public school buildings? Will my
12 instructors, who I would hire out here, be able to go into the
13 public schools and use them? Which we do in Denver.

14 The second question we have is, right now, the classes that
15 we have are in the afternoon and they qualify as electives in
16 Denver Public Schools. It's got to be during the school day, I
17 would suggest, because it's too hard to arrange something after
18 school. So, if that is a possibility as well, for my instructors
19 to go into the schools during the afternoon, after the core
20 classes in the morning to be able to teach our class as
21 electives.

22 And, the third point, question that I have is, interaction
23 with parents. So, what I envision here is, is there a way to--for
24 us to offer our services to parents, to meet with parents, to
25

1 answer their own questions about results and others.

2 So, I kind of envision the Home Depot of education if you
3 will. Wherever this happens, the parents could go in and say, I
4 want six of those, two of those, three of those—whatever services
5 they want from us and from other companies. How would we do
6 that? We'd be happy to come back out here and—[crosstalk]

7 DAN SCHWARTZ: Mr. Bradin, please—good thank you.

8 GRANT HEWITT: Grant Hewitt for the record. This is
9 a confusing point for many parents and participating entities.
10 If you have an Education Savings Account, so you apply and you
11 get accepted and your account is funded, you cannot be a part of
12 the public school system. You are having to remove your children
13 from the public school system if you have an ESA. So, to your
14 company's issue, you would need to contact the Nevada Department
15 of Education or the Clark County School District, because it
16 seems that you are targeting students who are currently or still
17 in the public school system.

18 So, an ESA parent or an ESA family cannot be within the
19 public school system.

20 NATE BRADEN: Okay, I see. So, those ESAs do not
21 apply for public schools at all.

22 GRANT HEWITT: No, that's correct.

23 NATE BRADEN: They do not, okay. Thank you, that's
24 all I have.

25

1 DAN SCHWARTZ: Good, and thank you for coming all the
2 way from Denver to offer your comments, appreciate it. Next.

3 VICTOR JOECHS: Thank you Victor Joechs with Nevada
4 Policy Research Institute. First, to kind of just follow-up, the
5 Governor does have an office here in Las Vegas on the 5th floor,
6 in case anyone is interested in stopping by.

7 GRANT HEWITT: Victor, please keep the comments to
8 the regulations.

9 VICTOR JOECHS: Absolutely. I would like to applaud
10 the Treasurer and your office for your hard work in implementing
11 ESAs and getting these regs out so quickly. And, I know that
12 you've talked a little bit about identifying if 5 and 6 year olds
13 qualify. I would just like to put on the record that under NRS
14 292.040, Subsection 4, a 6 year old is required to attend a
15 public school unless their parent files a waiver. So then, when
16 you look at the eligibility requirements in Section 7 of SB 302;
17 unless a parent files a waiver, that child is required to attend,
18 which we believe makes them eligible, under Section 7 of SB 302.

19 GRANT HEWITT: So, Victor, just a clarifying
20 question.

21 VICTOR JOECHS: Yeah, absolutely.

22 GRANT HEWITT: Sorry to stop your roll there, but--so,
23 what you are actually saying is that you believe that
24 kindergarten students should be required to attend 100 days in
25

1 the public school system before they are eligible for an ESA? I
2 just want to be very clear.

3 VICTOR JOECHS: As a policy outcome, I don't think
4 that's a good policy outcome. In terms of what the law is
5 written, the only authorization I see in the law as written is
6 for 6 year olds, who as kindergarteners were in public schools
7 for 100 days. I'm not going to—you know, I've heard legislators
8 say that wasn't their intent because of the—[crosstalk]

9 GRANT HEWITT: We're not going to debate the issue, I
10 just want to know that that's your interpretation, thank you.
11 You can continue.

12 VICTOR JOECHS: Absolutely. So, 6 year olds, I think
13 are clearly eligible.

14 Let me go to Section 21 and 22, which is the regulation
15 that freezes the accounts during breaks in the school year. One
16 concern that we have is that, one of the features of ESAs are
17 that the funds are used for multiple purposes and have multiple
18 participating entities. Some of these entities don't have
19 clearly defined breaks, like a private school.

20 So, for instance, if you're taking tutoring year round,
21 like I say, you're going to a private school and you're paying
22 \$4,000 and you're doing a tutor for \$1,000. Your private school
23 might end in June but your tutoring could continue throughout the
24 summer. So, our suggestion would be that if a parent is using

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1 ESA funds at a participating entity that doesn't have a
2 traditional school calendar, then the Treasurer interpret that as
3 meaning, there's no break in the school year. Otherwise, I'm
4 concerned that the money will be frozen during the summer when,
5 you know, I think some parents are going to want some of those
6 educational activities to continue.

7 Section 26 and 27, in terms of looking at the allowable
8 expenses. You know, I appreciate this, Treasurer, and your
9 office and what you're doing on this program, but I am concerned
10 in the long-term if we give the Treasurer basically complete
11 authority to approve or reject expenses, that that could become
12 something that happens to be more partisan or based on what's
13 more politically popular. So, I would suggest putting something
14 in there that the Treasurer needs to have clear and compelling
15 evidence to question an expenditure and not just leave it up to
16 the discretion of the Treasurer, because as we know, elected
17 officials change.

18 A similar comment with the Committee—and I appreciate the
19 appeals process, but the Committee is appointed all by—the
20 Treasurer and so, you know, I think there needs to be another
21 appeals process in order to avoid, you know, that kind of
22 political—in the future, potentially you know, someone doesn't
23 like a certain curriculum because a certain teaching about
24 evolution or creationism, I don't want that [crosstalk]

1 DAN SCHWARTZ: Victor, what would you suggest? What
2 would you suggest?

3 VICTOR JOECHS: I would suggest if a parent could get
4 \$500—so, if someone submits a curriculum and gets rejected, the
5 Advisory Board rejects it by a 4-0 vote and if the parent can get
6 the signatures of 500 parents participating in the program within
7 90 days that that curriculum automatically be allowed to be
8 accepted. The basis for that is two-fold. One, I think the
9 point of the bill is that we trust parents and parents are able
10 to make the right decision. Collecting 500 signatures is a
11 pretty high burden. Especially when you're going to a parent and
12 saying, you know, support this curriculum that these people think
13 is basically fraudulent. You know, I trust the parents in terms
14 of coming up with that decision.

15 DAN SCHWARTZ: Thank you.

16 VICTOR JOECHS: My comments on Section 29, and I don't
17 want to echo Denise's excellent comments, but I do not think
18 there's any authority in SB 302 for the Treasurer to disqualify a
19 participating entity for academic progress or lack thereof. I'm
20 especially concerned about a redefining of academic progress
21 every year. Again, especially considering you don't know who is
22 going to be in the office in seven years.

23 And again, what Denise said about, you know, a student
24 could be receiving services from a number of participating

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1 entities and how do you differentiate between those. You know,
2 one of the goals of SB 302 was to really again, trust parents.
3 And the reason that the Treasurer is administering it in part, is
4 because in Arizona, the Department of Education wanted to really
5 fiddle with the services that parents were providing. The hope
6 was that the Treasurer's Office would be more—you know, this is
7 legitimate, this isn't legitimate and it's not about, do we like
8 this curriculum or not.

9 I also want to point out that the NORM Referenced Test
10 which is one of the exams required, you know, that's a really
11 hard test to use to gauge academic progress because you're not
12 measuring against standards. You can't pass or fail a NORM
13 Referenced Test. All it does is it compares you to your peers.
14 So, I have great concerns about the long-term implications of
15 making the Treasurer's Office a gauge of that. I don't think the
16 authority is in the bill and I don't think it's a good policy
17 outcome.

18 You know, I know everyone likes to think about, you know,
19 government regulation and where is the accountability. But you
20 know, the public schools have a failure rate of about 50%. So, I
21 don't want us to be this assumption that, you know, a 95% success
22 rate with an ESA is somehow a big problem that we have to get rid
23 of. You know, if you compare what's happening in public schools
24 with what's going to happen with ESAs, I would submit the ESAs

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1 are going to be much better.

2 GRANT HEWITT: Victor, can you wrap up or start to
3 summarize. I know you submitted written testimony and we do have
4 it in the record.

5 VICTOR JOECHS: I will. My only other comment is,
6 Section 39 and 41 in terms of the—you know, when there is an
7 abuse reported. I'm concerned about those timelines. Section 39
8 is 15 days before the account basically is liquidated. You know,
9 the notice is going to go out in the mail, that's going to take a
10 couple of days. The parent is supposed to mail back, that's
11 going to take a couple of days. If parents are on vacation, if
12 parents just don't get it right away and they need to gather
13 evidence, I just don't think that's enough time. And, especially
14 because the account is frozen as soon as there's accusation of
15 improper activity, I don't think there's any harm in extending
16 that window out. I think we even suggest 180 days. Again, the
17 reason is, there's no more fraud that's possible because the
18 account is frozen. So then the parent says, hey my money is not
19 available, what am I—you know, what's happening, and then that
20 let's then, you know, go in and look at it without having any
21 additional risk of the dollars. So, thank you.

22 DAN SCHWARTZ: Good. Thank you.

23 VANESSA WARD: Hello again, I wanted to make sure
24 that for my kids that I understand what SB 302 says that can and

25

1 cannot happen.

2 GRANT HEWITT: Can I get your name for the record?

3 VANESSA WARD: Oh, I'm sorry. Vanessa Ward.

4 GRANT HEWITT: Thank you.

5 VANESSA WARD: I have an 11 year old and a 6 year
6 old. The 11 year old, we had determined that it was okay per SB
7 302, that as long as he is not concurrently or simultaneously
8 enrolled in a private or homeschooling scenario, that he can
9 attend an online school, is that correct?

10 GRANT HEWITT: That is correct.

11 VANESSA WARD: As his 100 day standard.

12 GRANT HEWITT: Yes.

13 VANESSA WARD: That is correct, thank you.

14 GRANT HEWITT: Yes.

15 VANESSA WARD: And, my 6 year old, she would be
16 attending 1st grade. We did submit an early application. We did
17 also have a private school in mind. So, we were kind of looking
18 to have an idea of when the determinations will come down,
19 regarding those children. The ones that are under 7 years of
20 age, because we don't know if that's just an automatic, if we can
21 just go ahead and put her in the private, or if we have to keep
22 her enrolled in public and then when the determination comes
23 down, we'll know what to do at that point.

24 GRANT HEWITT: Grant Hewitt for the record. October—

25

1 I suspect that will be an October timeline for having final
2 determination on the—on how the 100 days applies to children
3 under the age of 7. I would direct that the safest way to
4 qualify for an ESA is to have the 100 days. So, if you are
5 already in a public school—there's no way I can—we can reject an
6 application for a student who has 100 days in the public school
7 system. But, if you pull your child and put them in private
8 school and are hoping on the under 7 exemption to the 100 days,
9 you know, not to use a gaming reference, you're rolling the dice
10 and I don't know if that's, you know, guaranteed.

11 VANESSA WARD: Okay. And, from what you just stated,
12 it is an absolute that if we attend 100 days of public school
13 that there is no manner for our application to be rejected,
14 including income.

15 DAN SCHWARTZ: That is correct. This is not a needs
16 based standard.

17 VANESSA WARD: Okay, thank you. Thank you.

18 GRANT HEWITT: Now we're going to come up here to
19 Carson City.

20 BRI THORESON: Thank you, Bri Thoreson. I would like
21 you to consider in Section 27 to adding one public school
22 representative and one private school representative in an
23 advisory capacity to the Committee you are proposing for a
24 reference. Currently it's all parents that are serving on that,
25

1 which is wonderful, but I think in a referential manner, to
2 financial obligations at both institutions, you should have a
3 school representative.

4 GRANT HEWITT: Just a clarifying question. You're
5 okay if they don't have a vote? You're okay if they're just an
6 advisory capacity?

7 BRI THORESON: I am recommending an advisory
8 capacity.

9 GRANT HEWITT: Okay.

10 BRI THORESON: In Section 29, we've already discussed
11 reasonable academic progress. I would like that to be more
12 clearly defined. And I would also like for there to be a way for
13 a parent to contribute to reasonable academic progress. I think
14 that their input in that is valid and valuable. It is possible
15 that parents will use this ESA to move their children for social
16 and emotional reasons. Maybe their academic progress remains the
17 same, however, you end up defining that. I think that they
18 should have a voice in that process and not just be told by
19 someone else, your child has not made progress. So, please
20 consider adding parent perspective and a way for parents to
21 contribute to that. Thank you.

22 DAN SCHWARTZ: Thank you Ms. Thorson, good comments.

23 GRANT HEWITT: And we go to Las Vegas.

24 DAN SCHWARTZ: Ma'am, you're up.

25

1 CATHERINE THOMPSON: Good morning, my name is Catherine
2 Thompson. I'm the Superintendent for Catholics and the Dioceses
3 of Las Vegas. And, while I know that you've already received our
4 most recent seven page correspondence, I promise not to read it
5 to you in its entirety. I just want to highlight a few very
6 important points.

7 The Dioceses of Las Vegas does reiterate it's gratitude in
8 the monumental efforts of the State Treasurer's Office with
9 regard to SB 302. We sincerely appreciate not only the hard work
10 undertaken by your office and others, but we also appreciate the
11 many challenges encountered in developing the regulations to
12 implement this bill.

13 During the most recent roundtable discussion, we did
14 emphasize and request that you seek an immediate opinion from the
15 Nevada Attorney General's Office as to the applicability or lack
16 thereof on NRS 388.850. We are of the opinion that NRS 388.850
17 is in no way prohibiting our students from enrolling in distance
18 education or online classes to satisfy the 100 day requirement.
19 We strongly believe that any such suggestion is a
20 misinterpretation of the statute. Moreover, we remain of the
21 opinion that the STO has the full broad authority to devise
22 regulations that permit private school students participation in
23 the ESA Program, such that a single online course satisfies the
24 requirement of SB 302.

1 Our letter does state specifically and it does go back
2 through the timeline since we've been attending these sessions,
3 but I would like to conclude with our suggestions and
4 recommendations.

5 DAN SCHWARTZ: Ms. Thompson, just so you—just to
6 interpret, Mr. Belcourt, is this something that the AGO's Office
7 could—

8 DENNIS BELCOURT: Dennis Belcourt, Deputy Attorney
9 General, for the record. The Attorney General's Office, pursuant
10 to a statute renders opinions on State Law and regulations as
11 well. At the request of your office, as well as other offices,
12 so we need a request from your office to do an opinion. Then, I
13 don't assign those out, so it will probably be assigned out by
14 our Solicitor General.

15 DAN SCHWARTZ: So, Ms. Thompson, what specifically
16 when we write a letter to Mr. Belcourt and the AGO, what is the
17 question you would like us to pose to them?

18 CATHERINE THOMPSON: The—as far as the—we'd like to
19 separately define what constitutes a school day. There are so
20 many examples of competing and often contrary definitions of the
21 same term within the law and we'd like it—

22 DAN SCHWARTZ: Again, not to interrupt. Do you want—
23 do you want to just send us an email or a letter?

24 CATHERINE THOMPSON: Yeah, I have—I'll include all of the
25

1 questions that we have that we'd like to have clarified.

2 DAN SCHWARTZ: That'd be great. As I say, we'd be
3 happy to submit that to the Attorney General's Office.

4 CATHERINE THOMPSON: And, let's see. We talked about the
5 definition of the [inaudible] attendance. We've talked about and
6 quite a bit of our previous correspondence and testimony; the
7 waiver of the exemption of the 100 day requirement, for the
8 coming open enrollment period for those parents who have already
9 made their school choices.

10 If the 100 day requirement cannot be eliminated at this
11 juncture, either through the legislative or judicial processes,
12 we suggest promulgation of regulation that would provide a one-
13 time exemption from or a waiver of the 100 day requirement for
14 those students currently enrolled in a private school, which
15 falls within the definition of participating entity as defined by
16 302. Such a one-time exemption could be made available during
17 the first regular enrollment period, from January 1, 2016 to
18 February 29, 2016. This would empower the parents of private
19 school students to maintain their children in their current
20 educational environments this year and afford equal treatment
21 under the law. Thank you.

22 DAN SCHWARTZ: Thank you. Ma'am, you're up.

23 KRISTI BARILE: My name is Kristi Barile. I am a home
24 school mom from North Las Vegas who recently, sorry—a little
25

1 emotional here. I had to be forced to put my kids into public
2 school because of some financial restraints that we had in our
3 family. Thankfully, my kids have 94 days in and counting.

4 I plan on—excuse me. I plan on being a participating
5 entity and my children to be opt-in students. A few of my
6 concerns are the testing, the approved costs for field trips and
7 such, things like that, also, the freezing of the funds over the
8 summer and approved curriculum.

9 In Section 29, the regulation calls for Department of
10 Education approved tests, however, I understand that the intent
11 of the sponsor was to be NORM Referenced and this is concerning
12 for those of us who may have special needs. My daughter has
13 dyslexia. For her to go into a DS Back Testing this last school
14 year was awful. And, for a dyslexic student, it's just—
15 standardized testing like this is not going to work, especially
16 with the—I'm at a loss.

17 DAN SCHWARTZ: Ms. Barile, can I interrupt you?

18 KRISTI BARILE: Yes.

19 DAN SCHWARTZ: My daughter also has dyslexia and
20 she's now in a PhD program, but I can—I know that throughout her—

21 KRISTI BARILE: There's definitely hope.

22 DAN SCHWARTZ: There is definitely hope.

23 KRISTI BARILE: But because of that, some of our
24 curriculum may not be on your approved list either.

25

1 DAN SCHWARTZ: We will—as I said, I know throughout
2 Allison’s education, she was always given special time as someone
3 who showed dyslexia, so not to worry.

4 KRISTI BARILE: Yes. Okay. Also, as far as what will
5 be—the approved costs. I would love to have money available for
6 field trips, for community classes, for PE and also purchases
7 from sites like Amazon for our curriculum. In the past we’ve
8 used to get our cheap—our books at a less expensive cost, we go
9 through them instead of directly through publishers. And, I
10 understand that the State wants to omit fraud, however, I’d like
11 to remind the Treasurer that these are public funds and we are
12 the public.

13 Also, the funding freeze. When I purchased my curriculum
14 in the past, it was always in the summer. I was always
15 purchasing for, you know, July, August, for the curriculum. So,
16 if that 15 days is in effect, then my kids would not be able to
17 have a summer break.

18 Some of the things we would do are to study our State
19 history and then come up to Carson City for a field trip and go
20 to the Capital and several things—I’d like some clarification
21 with that, as far as field trips go and if that is included in
22 distance education.

23 Lastly, being able to astray from the approved list. Or,
24 how do I go about, as an individual participating entity, going
25

1 to get the curriculum that I see would work best for my students
2 approved. I know that the sponsors intent was for the
3 participating entities and the parents to have as much freedom to
4 meet their students' needs as possible. Thank you.

5 DAN SCHWARTZ: Thank you. We'll forward all of your
6 requests to the Legislature. I know that Senator Gustafson and
7 his colleagues however are tough task masters, so I'm sure they
8 will consider it. Thank you. Yes sir.

9 JIM FIRZLAFF: Hi. My name is Jim Firzloff, I'm a
10 parent here in Las Vegas. Before I ask you my question, I would
11 like to thank you all for the incredibly courageous bill that you
12 passed. I think that when all this gets taken care of that it's
13 going to exponentially increase the educational level of all the
14 students in Nevada. So, thank you, from the bottom of our
15 hearts. And, I have just a quick question and then I'll be done.

16 We filled an early application and received an email
17 notification that our application was received. Then we received
18 an email in response to a question about how the ESA payments
19 would be made. Specifically that only one \$1,250 payment would
20 be made in April for the 2015-2016 school year. Even though, we
21 properly applied before enrolling our son in to private school as
22 they encouraged us to do. My question is this: if the law
23 provides that approximately \$5,700 or \$5,000 will go to tuition
24 each year, why wouldn't the entire amount be available for the
25

1 2015-16 school year, given that a family did the early
2 application prior to enrolling their son or daughter into private
3 school?

4 GRANT HEWITT: Grant Hewitt for the record. The
5 issue revolves around that the approximately \$5,000 ESA payment,
6 according to SB 302 is to be made in four equal payments over the
7 course of the year. We are making those payments on calendar
8 years. And, our office feels strongly that what we can make sure
9 to deliver on for parents in Nevada is that we will be able to
10 make a first funding payment in April for April, May and June.
11 We don't feel that it's appropriate at this time to commit to a
12 January payment date, because the technology and the processes
13 just might not be in place for that. But, we do know that we can
14 make an April payment date.

15 DAN SCHWARTZ: Jim, the short answer to your question
16 is, payments are mandated quarterly. So, you'll get the full
17 amount, but paid quarterly. Answer your question?

18 JIM FIRZLAFF: Yeah. So, if I understand you
19 correctly then, if there's only one payment for the 15-16 school
20 year, for a family that applied early and followed all the rules,
21 then that would just automatically balloon to the total \$5,000
22 for the year?

23 DAN SCHWARTZ: Yeah, it's-

24 JIM FIRZLAFF: The \$5,000 is-

25

1 GRANT HEWITT: It's still a quarterly payment. It is
2 one fourth of the \$5,000 and then they'll be another payment in
3 July and then another payment in October, I believe, if my
4 calendar is right. So, it's just--every three months there will
5 be a payment. And, we can commit that we can make the first
6 payment, comfortably, we know we can accomplish that with all of
7 the things to make the first payment in April.

8 JIM FIRZLAFF: Gotcha. I get that. So, wouldn't the
9 July payment be for the 16-17 school year? I'm just trying to
10 understand if there's \$5,700 or \$5,000 for the 15-16 school year--
11 and I understand--trust me, I understand the complications with
12 getting the payments ready soon enough, but why would a family
13 not get in total \$5,000 for the year if they applied?

14 GRANT HEWITT: Because the payments are for time
15 going forward. The program doesn't officially start until
16 January. And, thus--I think a comment that was made earlier,
17 we're going to look at the ability to retroactive--allow people to
18 utilize the April payment in January/February may--but you know,
19 the program does not officially launch--we have no ability to fund
20 any accounts until January and it's January forward. There's no
21 authorization in the law to allow us to utilize payments in the
22 past. It's just--it's just not there.

23 JIM FIRZLAFF: And because the program doesn't start
24 until January, that's officially when payments would start.

25

1 GRANT HEWITT: That's the earliest that they could
2 start. The earliest—and I don't—I can't commit to making that
3 January payment. So, we have committed to an April payment.

4 DAN SCHWARTZ: Okay, good. Thank you sir.

5 JIM FIRZLAFF: Thank you.

6 DAN SCHWARTZ: And, if you have additional questions,
7 you can give Grant a call, he's available. Good. All right.

8 Next.

9 JIM FIRZLAFF: I will, thank you.

10 DAN SCHWARTZ: Yeah, please do. Yeah.

11 CHRISTOPHER BEAUMONT: Christopher Beaumont—

12 GRANT HEWITT: We're going to come over here to
13 Carson City.

14 [crosstalk]

15 DAN SCHWARTZ: Christopher, we have a quick comment
16 here. Yes ma'am.

17 LISA PLUMMER: Hi, my name is Lisa Plummer. I have a
18 question. I have four kids that I've had in private school their
19 entire lives. I did make the decision to pull three of them for
20 public school to access this. I'm unclear about, if I apply at
21 100 days during the first enrollment period and receive the ESA,
22 am I required to leave the public school at that time?

23 GRANT HEWITT: Grant Hewitt for the record. You are
24 required to leave the public school system, the last day of

25

1 March; because the payment time would be April. If you would
2 like to have that coincide cleaner, with a school year, you would
3 apply in the second open enrollment period and then your funding
4 would occur in July and you would be required to remove your
5 child from the public school system on June 30.

6 LISA PLUMMER: So, in response to the gentleman—these
7 parents who did early application, if I'm understanding it,
8 they're really only going to be eligible for two quarters of
9 payment for this year, correct?

10 GRANT HEWITT: We can commit to one quarter of
11 payment for this year and we're going to try for the two.

12 LISA PLUMMER: Okay, thank you.

13 GRANT HEWITT: Yes. And, I think there is a lot of
14 confusion about that issue. And, we will be addressing an option
15 in probably—sometime in November or December for current folks
16 who filled out early application periods, if they would like to
17 indicate that they would like a later payment start date, so they
18 would like to start in the July payment rather than the April
19 payment, that we would be able to defer that to the April
20 payment, or the July payment, sorry.

21 DAN SCHWARTZ: Good. Thank you. If you've applied
22 for early enrollment and you have 100 days for the 2014-2015
23 year, your golden, you can pretty much choose what you want to
24 do. For them that is. Next, thank you.

25

1 GRANT HEWITT: Now we're in Las Vegas.

2 DAN SCHWARTZ: We're in Las Vegas, I'm sorry.

3 CHRISTOPHER BEAUMONT: Thank you. I'm Christopher Beaumont,
4 I spoke earlier. I wanted to ask or draw attention to Section 18
5 which is the only section that seems to define things outside of-
6 or to be specific, outside of SB 302 and ask that that be
7 modified to strike words like 'public', in the public school,
8 'charter' in charter school, and the 100 day rule here, and
9 rather reflect language similar to Section 9, which defers back
10 to SB 302. Since obviously there's a lot of interest in 302
11 itself, hopefully having some kind of revision. And, the
12 language as it sits right now would require that this be revised
13 after 302 if those changes do come down the line.

14 DAN SCHWARTZ: Okay, good. Thank you. Good
15 suggestion. Ma'am?

16 MARY CHAPMAN: Mary Chapman. I just have a question
17 because I find Section 18, especially Section 18, Subsection 2,
18 extremely confusing because we've been talking about what it
19 takes to qualify as the 100 days. There's been mention
20 previously that it has to be done in a brick and mortar school
21 that one class works, but when I look at this regulation, it says
22 that you only have to submit evidence of enrollment in one or
23 more classes, including for classes offered online; which is
24 directly contradictory to what has been said earlier. So, the

25

1 problem is, we're getting mixed messages and mixed information.

2 So, is the correct information what is written, or is the
3 correct information what was said earlier?

4 GRANT HEWITT: Grant Hewitt for the record. To
5 clarify that--try to clarify this again. The only--students who
6 are not able to obtain the 100 days through an online class or
7 classes is students who are homeschooled or private school
8 enrolled students. Homeschool being defined as, a student who is
9 filed a Notice of Intent with their local homeschool district.
10 If you are a home educated student, which means you attend Nevada
11 Virtual Academy and you are learning at home, you are not
12 considered a homeschool student, you are home educated. You may
13 utilize a program of distance education to obtain that. What you
14 can't do is be dual enrolled--and, obviously there may be an AG
15 opinion sought here, but you cannot be dual enrolled in a
16 homeschool, as defined under statute, which is filing a Notice of
17 Intent, or having occupying a seat in a private school at the
18 same time. Our office will allow a student who attends a Nevada
19 Charter or Public School, Virtual Academy to qualify for the 100
20 days utilizing those, they just can't be dual enrolled.

21 DAN SCHWARTZ: Ms. Chapman, if I can just give a more
22 precise answer is--that's why we have elected officials that come
23 up here. That--what you're reading was a mistake. In other
24 words, we initially promulgated the regulations hoping that an

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1 online course would work. The Department of Education came back
2 to us and said, that's not going to be the case. So, what we've
3 said here is, right now, if you're in private school, you cannot
4 take—at the moment, this is where the regs stand, you cannot
5 take an online course to satisfy the ESA. And, as my colleague
6 said, however, you only need to take one course in a brick and
7 mortar school to qualify. And, as many people have indicated
8 here, that's been a problem finding.

9 We're hoping that the marketplace will answer that need.
10 But, we can't assure that. Does that answer your question?

11 MARY CHAPMAN: That answers my question. So, this is
12 written incorrectly, so that's [crosstalk] correct the regs.

13 DAN SCHWARTZ: Certainly the case, yeah.

14 MARY CHAPMAN: Maybe less confusing. My other
15 question is, under the statutes, religious education schools are
16 exempt from the dual enrollment prohibition. So, I know that
17 he's saying that you can't do dual enrollment relying upon that
18 statute, however, if you're in a religious educational school,
19 you are exempt from that statute, so are you going to exempt the
20 religious education schools from the dual enrollment prohibition
21 because they are exempt by law and are permitted to dual enroll?

22 GRANT HEWITT: Grant Hewitt for the record. I'm
23 absolutely going to dive in, head first, to address that issue.
24 This is kind of the first—the Catholic School District brought it

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1 to my attention, but I'm curious to read further and seek
2 guidance from our AG down the road, to make sure that's clear.
3 We were going with the generic understanding that the Department
4 of Education gave us and they were not specific on the religious
5 schools that you're quoting. So, we are going to dig further and
6 hopefully have future guidance on that. But, I appreciate--this
7 is what the public hearings are for. You've brought a very good
8 point to our attention and we are going to address it. So, I
9 appreciate that.

10 MARY CHAPMAN: Thank you.

11 DAN SCHWARTZ: Thank you Ms. Chapman. I think we
12 have one more in Las Vegas--two, three more and then we have a
13 lady in Carson. We'll take the last lady in Las Vegas and then
14 we'll bounce back up here. Yeah, you're on.

15 BONNIE WOOD: Hello, my name is Bonnie Wood for the
16 record. I just had a question. You had stated earlier that
17 around the October time frame, you were going to have an idea if
18 the under 7 year old children will be able to have this funding
19 without having to attend the 100 days of public school. I'm just
20 curious to know, is that the same timeline where you will also
21 have those decisions made i.e. for a military clause, or for the
22 one year exemption if they've already been attending private
23 school, things like that? Are we just looking--is October the
24 timeframe when these answers are going to be--going to come

25

1 forward?

2 GRANT HEWITT: Grant Hewitt for the record. The
3 October timeline is when final regulations will be adopted and
4 that the Legislative Commission will weigh in on approving those
5 regulations and hopefully provide some clarify to the questions
6 that you're asking.

7 BONNIE WOOD: My other question is—

8 DAN SCHWARTZ: Which is—which is to say, yes.
9 October is the time.

10 BONNIE WOOD: So, yes October is kind of when you're
11 going to make these decisions about if there's going to be a
12 military clause, or if there's going to be a one year exemption
13 if we've already been in private school, those things will come
14 to a head in October, we'll be receiving answers for that?

15 DAN SCHWARTZ: Yeah, it actually won't be us. It
16 will be the Legislative Commission, which will make those
17 decisions. We'll implement them but they'll make the decisions.

18 BONNIE WOOD: They'll make the decisions, okay,
19 thank you. So, my question with that is, so currently since I
20 have—I have two children that were enrolled in private school
21 last year and they're enrolled in private school this year, so we
22 don't at this time qualify for ESAs just the way the legislation
23 is written. Do I need to just go ahead and submit applications
24 for them, on the chance then in October these clauses may come—

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1 may make it so that my children can get ESA funding, or do you
2 tell me in October, yes we're going to have a military clause, or
3 yes we're going to have a one year exemption and then apply at
4 that point? I just don't want to not apply now even though the
5 way it's written I can't get funding, does that make sense—

6 GRANT HEWITT: Are your children under the age of 7?

7 BONNIE WOOD: No, they're not.

8 GRANT HEWITT: Okay, then please wait until—you would
9 wait until final regulations are adopted in October and if the
10 100 days happens to disappear or something else, obviously the
11 application will change and you will be able to check yes to the
12 qualifying questions and you can then qualify. So, please, hold
13 your applications. Do not apply today unless you have a child
14 under the age of 7, or you already have the 100 days in the
15 public school system.

16 BONNIE WOOD: Okay. that was my question. And
17 then, also, for the brick and mortar, just to be able to attend a
18 class in a brick and mortar to fulfill that 100 days, are you
19 just going to contact our private school principals, let us know
20 what's out there for us? Like, you were saying about the
21 marketplace, like that's what is going to decide if they're going
22 to be able to have a brick and mortar option for us, how will we
23 be able to find that out? Will it—will you just let our
24 principals know so that we can be able to participate in those

25

1 things?

2 GRANT HEWITT: Grant Hewitt for the record. We are
3 in constant communication with private school principals about
4 the situation, but ultimately it's up to your local school
5 district or charter school sponsor to decide if they're going to
6 allow that. If we happen to learn of anything through the
7 process—like I found a parent earlier today who had found the one
8 class option, you know, we're happy to make that information
9 public, but we are—we are trying to launch the program, not
10 police the school districts on what they're offering. We can
11 only say what we can accept.

12 BONNIE WOOD: Thank you very much.

13 DAN SCHWARTZ: Thank you Ms. Wood and let me—again,
14 we're happy to answer all questions but the purpose of this
15 hearing is really to gather your comments on the rules and
16 regulations. Grant is certainly happy—Chief of Staff Hewitt is
17 certainly happy to answer your questions, about I would request
18 that you do those directly through him rather than in the space
19 of this public workshop. Okay. Yeah—

20 MARY CROW: Mary Crow. I think you sort of just
21 went over all of it. My main concern was, okay—if I pull my kids
22 out of private school now, which they're starting on Monday,
23 putting them into Nevada Connections Academy for 100 days and
24 then putting them back in, but it sounds like I shouldn't do that

25

1 until October.

2 GRANT HEWITT: Chat with me after the meeting.

3 DAN SCHWARTZ: Yeah, speak with Mr. Hewitt after the
4 meeting. He'll be here.

5 MARY CROW: Then, obviously my suggestion of,
6 putting something out there to the public schools and the charter
7 schools as a whole, saying that you know, this is something that
8 our—because you guys are requiring this requirement to have this
9 one class, giving them some options on how to work with the
10 system to allow them to accommodate all of us, so that we don't
11 have to do that. Because I've—we've called charter schools, they
12 say you have to be enrolled full time. The lady that was
13 homeschooled, I think has that ability because her children are
14 homeschooled. If you're in a private school and you want to take
15 one class, they won't let you. Your homeschooled, they're
16 required by law to be able to accept your student as a
17 homeschooled student to take one or two classes in a public
18 school. So, it's different if you're already enrolled in a
19 private school. I have not found any schools, especially
20 elementary that are willing to comply.

21 DAN SCHWARTZ: Yeah. Again, I think your case is not
22 unusual and what we're hoping is that some brave entrepreneurial
23 charter school will step forward and meet the demands of Nevada's
24 parents.

25

1 MARY CROW: That would be nice. So, that's it.

2 DAN SCHWARTZ: Good. Thank you, very much.

3 MARY CROW: Thank you.

4 DAN SCHWARTZ: Yeah, ma'am?

5 JENNIFER KANDT: Jennifer Kandt, again, for the record.

6 I just wanted to get a little bit of clarification on the 100
7 days, again, sorry I'm stuck on this, but-

8 DAN SCHWARTZ: You're not alone.

9 JENNIFER KANDT: Section 7 of SB 302, I think, said
10 that the 100 days would start prior to the establishment of the
11 ESA account, is that correct?

12 GRANT HEWITT: That's correct.

13 JENNIFER KANDT: Okay. Then I go back to, if the bill
14 is not effective until January 1st, how can you establish an
15 account prior to that date?

16 DAN SCHWARTZ: You can establish the 100 days, but
17 officially the account cannot start until Jan. 1.

18 GRANT HEWITT: Your establishing an account by
19 applying, but we're not funding the accounts until January.

20 JENNIFER KANDT: Okay. So, you're considering the
21 application as the establishment of the account.

22 GRANT HEWITT: Yes.

23 JENNIFER KANDT: Okay. And, I guess then, I'm just
24 going to go back to, I think to me that feels like an exception.

25

1 I think the kindergarten feels like an exception and if you have
2 the authority to make these types of exceptions, then I would ask
3 that you would consider other exceptions as well. Again, such as
4 military families or any student currently enrolled in a private
5 school as of January 1, 2016. Thank you.

6 DAN SCHWARTZ: Thank you, good. And again, my
7 suggestion would be, I stepped out of the room, but my
8 understanding is one of the previous people that commented
9 suggested that you either call the Governor or you talk to
10 Senator Gustafson or any of his colleagues and make that request.
11 Okay, back to Las Vegas.

12 BARBARA BLAKELY: Hi, my name is Barbara Blakeley, for
13 the record. I have a question about charter schools. So, if
14 your child is enrolled in a charter school for 100 days, they
15 qualify to apply for an ESA. I understand that. So, I
16 understand also that after they apply for the ESA, and if they
17 get approved, they have to withdraw. Do they have to withdraw
18 from the charter school or is it they only have withdrawal from a
19 public school?

20 DAN SCHWARTZ: A charter school is considered a
21 public school. So, the answer would be—yeah, the answer is yes.

22 BARBARA BLAKELY: So, charter schools potentially could
23 lose a lot of enrollment after 100 days. So, my question is, why
24 would a charter school want to help us achieve the 100 days, if
25

1 they're potentially going to lose students?

2 DAN SCHWARTZ: I can give you two reasons. One, my
3 understanding is that most charter schools have waiting lists of
4 3x to 4x the capacity. And two is, again, I would appeal to the
5 entrepreneurial, creative members of our community who would
6 said, okay, we've got a full school, maybe we could have a
7 special class for parents who are trying to meet the ESA
8 requirements. So, in other words, I'm saying, right now, charter
9 schools are not hurting for students. And, there might be some
10 additional revenue for them to offer this course.

11 BARBARA BLAKELY: So, I have a couple of other questions
12 now. So, if the-

13 DAN SCHWARTZ: These can't be personal questions,
14 they have to be relating to the regs.

15 BARBARA BLAKELY: No, no, they're-well, and that's what
16 I would-yeah, it would lead to the regs. So, if a charter school
17 allows, you know, they have that entrepreneurial, you know,
18 attitude and they allow a class, who is going to pay for that
19 class? Public funds would pay for that one class or would the
20 like-if I was a private school parent, would I have to pay for
21 that class?

22 DAN SCHWARTZ: My understanding is that the ESA will
23 offer a prorated amount for that class.

24 BARBARA BLAKELY: How can an ESA pay for a public class
25

1 though.

2 DAN SCHWARTZ: Hold on, I'm getting a correction here
3 from Chief of Staff Hewitt.

4 GRANT HEWITT: Sorry, I had to step out for a second.
5 The—your one class that you take at a charter school will be paid
6 for by the public school system.

7 BARBARA BLAKELY: Okay. And then, one more question I
8 have is, now I lost it. Oh, the—if a charter school allows
9 private school students to take that one class, does that allow
10 the private school student to be qualified for the full funding—
11 and, I understand that the full funding is not right now, but you
12 know—I think you understand what my question is.

13 GRANT HEWITT: In an effort to kind of keep with
14 Treasurer Schwartz' wishes, we will make a public announcement
15 about how prorating works. We're still working out some of the
16 details on the prorated payment process. But we will make an
17 announcement in the coming week.

18 DAN SCHWARTZ: But, just briefly, the amount would be
19 prorated, is that correct? Yeah, the answer is yeah.

20 BARBARA BLAKELY: Okay, thank you.

21 DAN SCHWARTZ: Thank you. Next.

22 ELISSA WAHL: Hi, Elissa Wahl. I just—I really did
23 want that last point clarified. I think for the entire community
24 that if they go ahead, through the trouble of taking one class

25

1 that they're not getting the full amount. I don't think that's
2 been very well discussed. I don't think it's very well known.
3 So you did say, if they take one class, it's prorated.

4 GRANT HEWITT: Grant Hewitt for the record. It will
5 be prorated for a period of time. There will be a time delay,
6 but eventually those accounts will be able to go to full status.
7 How that timeline works is still being discussed with the
8 Department of Education and the Budget Office.

9 ELISSA WAHL: Is that for sure, that they'll go full
10 status by taking one class?

11 GRANT HEWITT: Eventually over time, yeah. I don't
12 know if that's a year. I don't know if that's two years, I don't
13 know if it's six months. We still have to work those details
14 out, but there will be a process by which you can receive full
15 status, eventually.

16 DAN SCHWARTZ: Yeah. Just—Mr. Hewitt, my
17 understanding and I could be incorrect here is that the State of
18 Nevada will kindly pay for your qualifying course, okay. And,
19 once you've qualified and you reenter private school, you would
20 be eligible for the full quarterly payment.

21 GRANT HEWITT: Over time. There's going to be a
22 delay.

23 ELISSA WAHL: Who's the one that decides what's
24 qualifying? You or the statute? Because the statute says 100

25

1 days.

2 GRANT HEWITT: So, it's one class for 100 days. You
3 have to have the one class for 100 days. Then you're going to
4 receive a prorated payment for a period of time that eventually
5 will reach a full payment status, because you qualified in a non-
6 full time status, you're only going to receive a prorated status
7 for a period of time when you enter the program. Eventually you
8 will get to a full payment. It just may take a year.

9 ELISSA WAHL: Is that understanding something that's
10 going to be able to be rejected by the Legislative Commission,
11 that one class would equal one day?

12 GRANT HEWITT: Well, they can reject anything, yes.

13 DAN SCHWARTZ: The Legislature is all powerful in
14 this State.

15 ELISSA WAHL: Okay, that's what I needed to hear,
16 thank you.

17 DAN SCHWARTZ: So, write them and let them know your
18 thoughts. Okay, we have one more.

19 SETH RAU: For the record, Seth Rau, the Policy
20 Director at Nevada Succeeds and I'd like to thank you Treasurer
21 Schwartz and Chief of Staff Hewitt for being very accommodating
22 and listening to many questions and concerns that many people in
23 this community have had, or in this state have had over the past
24 few months. Again, I'd also like to thank all of the parents for

25

1 being really involved in the process today. It's—it's really
2 interesting, because I've followed this process through the
3 legislature and there were a couple dozen people at most of the
4 hearings, not a couple hundred, so it's a little different to see
5 that.

6 I'm coming here today to address Section 29 of the
7 requested regulations and I think the revisions that the Chief of
8 Staff put out are much stronger in allowing it to look beyond a
9 test result. One of the things I would encourage you to include
10 in the regulations would be, if we're requiring every student to
11 take a nationally NORM reference test, number one, I would
12 recommend that you follow the process that has been put into
13 place with Assembly Bill 165, the Opportunity Scholarships, which
14 defines what type of nationally NORM referenced tests are
15 allowed. And the Department of Education has cultivated those
16 regulations already and they've already gone through temporary
17 approval. So, I would suggest putting those regulations into
18 Section 29, or possibly another section of the regulations so
19 that there's the same standard for the Opportunity Scholarships
20 and the Education Savings Accounts.

21 We know that some people may be using both an Opportunity
22 Scholarship and an Education Savings Account, so having
23 consistent standards in both programs is something that should
24 make sense and make the process easier to use.

1 The second part of my request would be centered around
2 looking at data transparency and making sure that we already have
3 NevadaReportCard.com and the Nevada School Performance Framework
4 for our District and Charter Schools in the State. If we're
5 going to have the nationally NORM referenced data, if we could
6 aggregate that data and have that data available to parents. I'm
7 not suggesting grading schools on a 1-5 star basis for private
8 schools and tutoring options, that's probably a step too far at
9 this point, but at least having that data available to the public
10 so parents, when they're making choices can see that how the
11 student growth is going in certain programs. Having that data
12 aggregated out and having parents have that available is
13 something that should be a core government function. I know
14 there's some private sector groups that are talking about putting
15 up a Yelp! type site, but having these tests that are required by
16 State Law, be available for the public to see an aggregated
17 results is something that we would advocate for. Thank you very
18 much.

19 DAN SCHWARTZ: Good, thank you. YEs sir.

20 CHRIS SCHNEIDER: This is Chris Schneider again,
21 speaking on that very question in the sense of how it relates to
22 AB 165. I don't see anything in the current regulations for SB
23 302 speaking to this, but how-how the funds being given to the
24 families issued by the State would be seen in relation to AB 165,
25

1 as whether or not it'd be considered taxable income, or how these
2 funds would be classified, because AB 165 is income dependent, I
3 would just like to make sure there's clarification and make sure
4 that we have families for whom SB 302 works for them, does not
5 bump them out of AB 165 if they also might qualify and be able to
6 use those funds.

7 DAN SCHWARTZ: Actually, you raise a good question
8 is, what would also be the federal tax implications of SB 302.
9 Okay. I think that is it for comments on the rules and regs. I
10 believe, Chief Deputy that we have another public comment
11 section?

12 We have a final public comment section. I'm going to start
13 in Carson City. Does anyone up here have any public comment?
14 Seeing none, I will go to—oh, hold on. We have a runner. Two
15 minutes.

16 LISA PLUMMER: Hi, Lisa Plummer. I just want to say,
17 our State's prosperity depends on future learners. I'm a native
18 Nevadan. I attended public school K-12. That was a different
19 time. I have four children who are fifth generation Nevadans.
20 I'm committed to my children's education, which is why I pulled
21 them out of the best fit for them, put three of them in public
22 school that's already overcrowded. It's straining their system
23 and my kids. It's not been what's best for them or their
24 schools. Please consider how these choices effect all these

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1 students. It depends on it.

2 I ask you what's the cost to our State for our prosperity.

3 They are our future. Thanks.

4 DAN SCHWARTZ: Thank you. Any other public comment
5 and just—as a footnote there, the Treasurer's Office has launched
6 our College Savings Program, which some of you will soon
7 encounter Sage, the desert tortoise who is going to be speaking
8 for us. I think that's exactly our point. We know where our
9 schools are and we're hoping to create what we call a Culture of
10 Education in this State.

11 We have two public comments in Carson City. Over—let's go
12 to Las Vegas. You're up ma'am.

13 MARSHA MALLORY: Hi, I'm Marsha Mallory and this has to
14 do with the regulations, I wanted to catch it before we move on
15 to the final public comment. My question is for April 1st, say
16 it's ultimately funded come April 1st, I have applied for the one
17 for my two children, one below age 7 and one above age 7, so just
18 speaking about the one below age 7, if she was to do 100 days and
19 the 100th day was say March 8th, come April 1st, would she be
20 funded on an ESA if we fulfilled the 100 days before April 1st
21 hit? I hope that makes sense.

22 GRANT HEWITT: No, it makes complete sense, but in an
23 effort to keep with the Treasurer's guidelines, if you could just
24 send us an email and I'll answer your question—if you send it

25

1 today, you'll have an answer by the end of today. Again,
2 NevadaSchoolChoice@NevadaTreasurer.gov. I'm happy to answer
3 specific questions. If you happen to be in Carson City, I will
4 stand in the hallway and we can answer questions for the rest of
5 the day, so thank you.

6 DAN SCHWARTZ: Ms. Mallory, do you want to write that
7 down, his email?

8 MARSHA MALLORY: I got the email. One more thing,
9 please Grant, the one that you're going to—the application that
10 you're going to make a little bit more user friendly, that will
11 have—we're just going to get grandfathered in, right? The 2,200
12 that have already applied?

13 GRANT HEWITT: Correct.

14 MARSHA MALLORY: Per attachments on email, we'll just
15 get grandfathered in with the new one.

16 GRANT HEWITT: Grant Hewitt for the record. You're
17 probably going to end up receiving an email alert from the
18 system. We will have a member of our staff key your application
19 into the new database as we get to them. So, you do not have to
20 reapply. It will be taken care of by our staff in house, we will
21 process those applications.

22 MARSHA MALLORY: Thank you.

23 DAN SCHWARTZ: Thank you. Yes sir.

24 CHRIS SCHNEIDER: It's Chris Schneider again. A couple
25

1 of things. One is, if you're looking to someone to be on that
2 Committee for Section 27, let me know. Secondly, we had very-
3 some very [inaudible] in our nation recently with respect to
4 equality, what it means to be equal and what rights are defined
5 in each of those things and how they're applied. My point in
6 saying all that is, my understanding, and please correct me if
7 I'm wrong, the number of students who are public school eligible
8 that attend private school, the percentage is approximately 3.5%.
9 Is that correct, or close to that please?

10 GRANT HEWITT: I'm not that good at math, right off
11 the top of my head. There's about 26,000-22,000-26,000 private
12 school students in Nevada. That may be accurate.

13 CHRIS SCHNEIDER: 22,000-26,000 attend private schools?

14 GRANT HEWITT: Yes, attend private.

15 CHRIS SCHNEIDER: Okay. Do you know approximately what
16 percentage that is of say the overall number of students in say
17 Nevada?

18 GRANT HEWITT: I don't, sorry. Not off the top of my
19 head.

20 CHRIS SCHNEIDER: You can figure it out. I just heard
21 someone in here from the back of the room yell out 7%, 3.5%, they
22 didn't yell it they were very nice.

23 GRANT HEWITT: Somewhere around there.

24 CHRIS SCHNEIDER: My point is, according to an article
25

1 in the Washington Post from September 22, 2014, it says,
2 according to the statistics from the US Census Bureau, same sex
3 couples make up less than one half of one percent of all married
4 couples in the United States and yet there is a huge uproar and
5 desire and change to make equality happen for less than one half
6 of one percent of the population in these United States. What is
7 the percentage we need to hit to make it work for us who are
8 currently in the private schools? If we're 7%, what does the
9 number need to be for our voice to be considered worthy of making
10 an effective change now? I feel at points that I'm like Abraham
11 going to God, asking him to spare the people of [inaudible] and
12 that number kept dwindling. My question is, to what percentage
13 must that number go—and it's not an exact answer I'm looking for,
14 it's just a point I'm trying to make. I appreciate what you all
15 are doing and I—my family, my school, my staff and I, we pray for
16 y'all regularly. We know that your job is not easy and we thank
17 you for staying strong. Thank you.

18 DAN SCHWARTZ: Good, thank you Christopher. We'll
19 treat that as a rhetorical question and hopefully have an answer
20 at some point. Thank you, yes ma'am.

21 CHRIS SCHNEIDER: As you should.

22 DAN SCHWARTZ: Thank you.

23 DANNETTE KIRK: Hello, my name is Dannette Kirk and
24 I've been in Las Vegas, Nevada since 1979. I have five children
25

1 who are all grown and raised. I'm now a grandmother. My
2 youngest son is at UNLV. I have been in the public school system
3 as a school teacher and the private school system as a school
4 teacher and I put my children in private school, all five. And,
5 all five have graduated from a private school.

6 I am now in the situation, my daughter would sit here but
7 she's not a public speaker. We have two grandchildren and our
8 oldest granddaughter is now poised and ready to go to
9 kindergarten. So, just from our hearts would be to make a plea
10 to really consider the under 7 regulations because she is
11 currently set to go to a private school starting on Monday and my
12 daughter did fill out the application.

13 I guess from my heart would just be, thank you for
14 everything that the Legislators do. And again, I know you have
15 to sit around the table and take all of our public comments and
16 all of the regulations and read the law and I support that. I
17 mean, we vote and we support what you do and thank you. But,
18 just—I would just ask that you hear the hearts of the parents and
19 of the grandparents that we do know what's best for our kids and
20 our grandkids. I have sacrificed and have not had nice things to
21 pay for private school education and some private colleges. I
22 have three, four children that now have degrees and masters and
23 they are a result of us sacrificing for their education because
24 we chose what we wanted them to do. I just believe that there's

25

1 a lot of parents that would really like to have that handle again
2 and be able to drive what their kids—where they go and what they
3 do. So, just again, thank you, as you take into consideration, I
4 would just ask that you really consider the pleas of the hearts
5 of the parents and the grandparents that want to do what's best
6 for their kids, thank you.

7 DAN SCHWARTZ: Good, thank you ma'am. I think I see
8 no more public comment in Las Vegas. We're finished here. Just
9 a few concluding remarks, just following up on the last
10 individual who spoke is, we certainly hear you here at the
11 Treasurer's Office. We're hoping that the Governor and the
12 Legislature hear you. Just to reply to a request by our resident
13 journalist, Cy Ryan, who is sitting there looking very skeptical.
14 He'd asked me just briefly to address the possibility of a
15 special session. I've been requested not to speak on it, but
16 what I can say is that it is under consideration and that's all I
17 can say. I would urge you, if you feel strongly about it, that
18 you should write the Governor and write your, either State
19 Senator or State Assemblyperson.

20 With that, thank you all for attending both here and Carson
21 City. I think to me, there are two prerequisites for a
22 successful school system. One is great teachers and two is
23 parent involvement. I think by your presence here, by your
24 comments, you've all fulfilled that second requirement.

1 Beyond that, as I say, we apologize again, we've tried to
2 answer questions. We will note your comments, but I think one of
3 the issues that really is out there is that we have been moving
4 expeditiously at the Treasurer's Office. I think if we had moved
5 at the pace which people thought we would move at, we probably
6 wouldn't be here at this hearing until next September. So, bear
7 with us, there's a lot of challenges, there's a lot of issues.
8 We haven't done it perfectly, but—and this is a compliment to Mr.
9 Hewitt and Ms. Hagan and the rest of our staff; I think they've
10 done a great job in doing what they can to really move this
11 forward and to get this program funded.

12 I think our next step, Mr. Chief of Staff is, we hear back
13 from the Legislative Commission?

14 GRANT HEWITT: Grant Hewitt for the record. So, to
15 clarify next steps. We will take the comments that we receive
16 today. We will make any adjustments to our proposed regulations
17 that we have. We will submit those changes to the Legislative
18 Council Bureau and hopefully sometime in the next 15-20 days, we
19 will see back from the Legislative Council Bureau a final draft
20 of regulations. We will notice for a public hearing to adopt
21 those regulations, that will be a 30-day notice. Then we'll have
22 another hearing very similar to this where we adopt those. Then
23 it goes to the Legislative Commission for legislative approval of
24 the regulations. And, we're hoping, like I've mentioned many
25

1 times, we're on an October timeline. So, we hope to have final
2 stuff by October.

3 DAN SCHWARTZ: Right. Of course, that could always
4 change if the Governor decides to have a special session and the
5 Legislature and the Governor move on that and the ESAs are
6 discussed.

7 So, again, thank you very much. Thank you to all of you.
8 This public workshop is adjourned. Thank you.

9 [end of audio 03:19:47]

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From: Rosvi [mailto:rosvi0401@yahoo.com]
Sent: Friday, August 14, 2015 10:53 PM
To: State Treasurer
Subject: Public comment (mother of a private schooler)

I have been trying to find a public school and/ or charter school that will have an available course for my children who are enrolled in a parochial school so we can qualify for the ESA.

There is no course available after my children's regular school hours. There are elective courses that my middle school son can possibly take but all the class schedule falls within 7-2 PM which is the same time as our parochial school 8-3 PM.

This requirement is impossible to meet.

What course would be available for my 2nd and 3rd grade schoolers ? The public school curriculum is the same as the private sector so there is no course these elementary students can take not to mention the class schedule is the same as their regular school.

What they might be able to enroll in after their regular school schedule would be extracurricular activities and sports, but as I understand are not included to qualify.

Maybe the department of education can guide us as to what classes are available for our private schoolers and the schedule that would work out, then the requirement can be met.

With the research I have made, phone calls and school visits, I did not find any course available for my Grade 2, 3 and 7 that they can take so we may qualify for the ESA.

Suggestions:

1. Get a clear guidance from DOE (CCSD) as to the classes available for each grade level and schedule that would work out with the private schools' hours if indeed these course requirement is feasible.
2. Eliminate requirement of 100 days school Attendance across the board and open the school choice to all students required to attend school. Anyway, there is no income limitation and everybody can decide which school to send their kids into.

Thank you so much for letting our voices be heard. This new regulation will empower parents on how to direct their children's education and not feel trapped to what they feel is inadequate and most importantly help all the families with financial support needed to make this decision.

Sincerely,
Mrs. Albeza

Michael A. Kerr & Marie M. Kerr

Via Email & U.S. Mail

August 11, 2015

State of Nevada
Office of the Treasurer
101 N. Carson Street, Suite 4
Carson City, NV 89701

Re: Proposed Regulations Relating to SB 302

Dear State Treasurer,

We are writing this public comment in follow up to our comments of August 9, 2015, a copy of which we are enclosing with this letter. As I explained in our Public Comment of August 9, 2015, our sons have been enrolled in private schools for 2015-2016, after being homeschooled for a few years.

We would like to apply for an ESA; however, we do not appear to be eligible to receive an ESA without withdrawing our sons from private school. Such withdrawal would force us to remain liable for one year of private school tuition for two kids – approximately \$20,000. We would also have to forfeit the \$1500 we have spent on uniforms and books so far, and take the chance that our sons will not be able to get spots in private school for the 2016-2017 school year.

In my letter of August 9, 2015, I posit that the application of NRS 388.850 to SB 302 is an unconstitutional legislative entrenchment, and application of a general law in a manner which is not uniform. Put simply, the Treasurer's Office is treating private school children differently from public school students. Further, the Treasurer's Office is making it impossible for parents who have kids who are enrolled in private school to qualify for an ESA, thereby making it impossible to implement SB 302, Section 7(10) which reads in pertinent part:

A parent may establish an education savings account for a child who receives a portion of his or her instruction from a public school and a portion of his or her instruction from a participating entity.

SB 302 envisions that a child will be able to attend both private school and one or more classes from a public school. However, this is impossible in Washoe County today. My sons are incapable of being in two locations simultaneously. Both public schools and private schools operate during the same hours, and for example, my 6th grader cannot sit in a private school classroom at Our Lady of the Snows and also sit in a public school classroom at Hunsberger or Pine at the same time.

Michael A. Kerr & Marie M. Kerr

Next, I spoke with a representative with the Nevada Department of Education who informs me that public schools do not offer classes after hours (3:00-5:00 PM), and given their budget cuts, it is unlikely that they will be able to do so in the future. Therefore, it is impossible for our kids to take one or more classes in a public school classroom while attending private school full time as envisioned by SB 302. Further, there are no Nevada public or charter schools that would allow our children to take one or two classes online; all such schools require full time enrollment. In any case, the Treasurer's Office has posted on its application page, contrary to its proposed regulation, that it will not allow students to take online classes to fulfill the 100-day ESA requirement.

We thus respectfully request that the Nevada Treasurer's Office reconsider the newest statement on its website on the ESA application page which reads:

UPDATE: The Treasurer's Office has been notified by the Nevada Department of Education, that pursuant to NRS 388.850, a private school or "home school" student may not participate in a program of distance education (online class) to satisfy the 100 school day requirement. However, a private school or "home school" student may qualify for an ESA by taking one or more classes in a public or charter school, pursuant to NRS 386.580(5) and 392.070(3).

This statement conflicts with the Section 18(2) of the proposed regulation by the Nevada Treasurer's Office published on August 4, 2015 which reads:

Sec. 18. A child who is required to attend a public school pursuant to NRS 392.040, and who applies during an open enrollment period will be approved as a qualified student if ...

2. The child submits evidence that he or she has been enrolled in one or more classes (including a class or classes offered online), at a public or charter school, pursuant to NRS 392.070(3) for at least 100 school days, without interruption, immediately preceding the receipt of an application to establish an education savings account by the Treasurer. (Emphasis added).

Thus, we request that you keep the language of the proposed regulation as drafted. Further, we request that the Nevada Treasurer's Office and the Department of Education work cooperatively to allow private school students to take one or more classes online, or in person, at a public or charter school to ensure that SB 302 7(10) may be implemented.

Very truly yours,



Marie Kerr,
Attorney and Mom

Michael A. Kerr & Marie M. Kerr

Via Email & U.S. Mail

August 9, 2015

State of Nevada
Office of the Treasurer
101 N. Carson Street, Suite 4
Carson City, NV 89701

Re: Proposed Regulations Relating to SB 302

Dear State Treasurer,

We are parents of two children who are currently enrolled in private school in Nevada. We have been tax-paying residents of Nevada for the last 15 years. Our sons both perform well above grade level, and immediately prior to this school year, we have been home-schooling them so that they could pursue an advanced curriculum. In the case of my younger son, home-schooling further allowed him the flexibility to travel for competitive gymnastics. Prior to our discovery of the Education Savings Account (“ESA”) program, we enrolled them both in private schools so that they could be around more kids.

We recently discovered that the Treasurer’s Office is faced with the question of whether to exclude dually enrolled students from the definition of “qualified students” in SB 302. A student is dually enrolled when he or she is enrolled in both a private school or other participating entity, and at least one class in public school. On August 4, 2015, the Treasurer’s Office published proposed regulations which have a broad and inclusive definition of a “qualified student” to include dually enrolled students. This is a correct interpretation of SB 302; however, the inquiry should not stop there, and your rulemaking should include several other topics:

What is a qualified student? If a dually enrolled student is not considered to be a “qualified student” in the regulation, such an interpretation would be contrary to the statute and legislative history. Section 7(10) of SB 302 as enrolled reads, “A parent may establish an education savings account for a child who receives a portion of his or her instruction from a public school and a portion of his or her instruction from a participating entity.” Further, according to Sen. Scott Hammond, the author of the bill, students who are enrolled in both public school and in a private school or other participating entity for 100 consecutive days are eligible to apply for ESAs. *Minutes of the Senate Committee on Finance, May 14, 2015.*

Interaction Between NRS 388.850 and SB 302

Secondly, the Treasurer’s Office must determine whether students who are dually enrolled may participate in online learning in a public charter school to establish 100 days of public school to be eligible for an ESA. The Treasurer’s Office announced on the application page of its website, outside of its rulemaking, that NRS 388.850 requires that private schooled or homeschooled students may not participate in online classes.

Michael A. Kerr & Marie M. Kerr

This statutory interpretation should be clarified during the rulemaking to expressly state that Nevada public charter schools that offer online classes are within the definition of a public school in Section 7(10) of SB 302.

If NRS 388.850 is applied to SB 302 to disallow private schooled children from attending online public schools to qualify for an ESA, this presents a conflict between NRS 388.850 and SB 302, the later-enacted statute. **It is axiomatic that one legislature may not bind the legislative authority of its successors.**

How are these laws conflicting? School-aged children are in school from 8:00 AM – 2:00 PM, the same hours that public schools are in session. It is impossible for the same child to be sitting in a classroom in private school and sitting in a classroom in public school at the same time. This frustrates the express and unambiguous language in SB 302 and the proposed regulation that private school students who attend one or more classes in public school for 100 consecutive days are “qualified students”.

Under Article IV, Section 21 of the Nevada constitution, general laws must be interpreted in a manner which is uniform and not arbitrary.

By applying NRS 388.850 to SB 302, the State is interpreting a general law in a manner which is not uniform. Families with children who are currently in private school should not be treated differently from families with children who are in public school unless the State can enunciate a rational reason for such unequal treatment.

There is no rational basis for treating children differently.

One could argue that SB 302 allows families of kids who are in poverty to attend schools of their choice. This incorrectly assumes that all of the kids in private schools are ‘rich’ and that all of the kids in public schools are ‘poor’. Not all families of kids in private school are wealthy, and not all families of kids in public school are in poverty. Many parents of children in private school are scraping up just enough money each month to pay for tuition, and foregoing their own wants so that their children may have a quality education. Why should we be penalized for sacrificing for our children’s education? Some families with children in public school are wealthy. Why should these families receive a windfall that we are not eligible to receive?

Further, families who currently have children who are dually enrolled in private schools should not have a pro rata reduction in their ESAs. Such a reduction is not contemplated by the statute,

As to those students who are dually enrolled, the money that their parents are spending on private schools is not money that would otherwise go to public schools. These dollars are paid directly from the parent to the school. Further, if a student is dual-enrolled in private and public school, then the public schools in which such children are enrolled receive more money during the period of dual enrollment than they would otherwise because such public schools receive funding for the term of the dual enrollment, while the parents continue to pay for private school tuition.

Michael A. Kerr & Marie M. Kerr

Public schools are deprived of education dollars that would have otherwise gone to them when public school students move to private schools and ESA dollars are then paid to private schools. However, if the problem is that the public schools are underfunded, the solution is not treating dually enrolled students differently from public school students, but rather, the solution is increased funding for public schools.

Very truly yours,



Marie Kerr,
Attorney and Mom

From: Rachelita G [mailto:nicarg7@gmail.com]
Sent: Thursday, August 06, 2015 7:36 AM
To: Nevada School Choice
Subject: School Choice workshop on August 21st

Thank you, Treasurer, for welcoming public comment and requests.
Would you please consider making allowance for all Nevada resident students or at least those who have attended Nevada public school during ANY consecutive 100 days, not just for the 2014-2015 school year?

Celia Rachel Garcia
614 Winchester Dr
Henderson, NV 89002
702-250-1417
nicarg7@gmail.com

From: Nate Braden [mailto:nate@aatw.me]
Sent: Thursday, August 06, 2015 7:46 AM
To: Nevada School Choice
Subject: Public comments re: August 21 meeting

To Whom It May Concern-

The following are provided as suggestions pursuant to Sec. 28 of the Education Savings Account Regulations, in anticipation of the August 21 ESA workshop:

- 1.) That participating entities be provided a deadline for submitting their applications to the Treasurer's office
- 2.) That participating entities be advised as to how their programs will be communicated to parents (i.e. – direct mail, online catalog, bulk email, etc.)
- 3.) That participating entities be advised as to how demand for their services will be communicated to them (through the treasurer's office or direct communication with the parent?)
- 4.) That participating entities be advised as to how their programs will be scheduled during the school day (i.e. – in the afternoon as electives, or in the morning as core classes)
- 5.) That participating entities be advised as to where their instructors can teach students (i.e. – will space be provided at the school or must the classes convene off-campus?)
- 6.) That participating entities be advised as to who is responsible for providing background checks on instructors; the school district or the participating entity?

Regards,
Nate Braden
CEO, America and the World, Inc.

From: Jennifer Kandt [<mailto:jenkandt@gmail.com>]
Sent: Thursday, August 06, 2015 1:04 PM
To: Grant Hewitt
Subject: public comment on SB302 Draft Regulations

Public comment for proposed regulations relating to SB302:

It appears that an exception is being made to eligibility on the 100 day requirement. The bill does not become effective until January 1, 2016, and the 100 days would need to be immediately preceding the effective date of the bill as Senator Hammond's amendment specifically stated that his amendment intended to limit the applicability of the bill to "only pupils who enter private education on or after the effective date of the bill." The effective date of the bill is January 1, 2016. It is my understanding that this had to do with students being counted for that current year. The implementation process seems to be making an exception to the law for individuals who attended public school last year, and not the immediately preceding 100 days prior to application (which would have to be after the effective date of the bill). IF you are making an exception for one group of people, why not another?

I am interested in more information on how the exception could be expanded for those of us currently attending private school. The regulations being implemented seem to include allowing students to take one distance learning class. However, NRS 388.850 prohibits private school students from taking a distance media class, so I am unclear the benefit of this regulation.

Respectfully submitted by Jennifer Kandt, mother of a student attending private school.

From: Dave Frohman [mailto:davefrohman@yahoo.com]

Sent: Thursday, August 06, 2015 4:24 PM

To: Nevada School Choice

Subject: Nevada School Choice Eligibility

If I am reading the proposed rules correctly, you are not eligible for this program if you have already attended a private school. That is grossly unfair to all the families that are currently sacrificing to send their child or children to private school not to be eligible. Unless this program's sole aim is to drain students from the public school system and punish the public schools this needs to be changed. If the program is meant to give all children the opportunity to attend private school by giving their parents a refund of the tax dollars they are paying into the public school system it should be for all families that wish to do so not just ones currently in public school. The way this is currently set up, families already in private school are not only going to pay for public schools they don't wish to use but for other families attending the same schools as they are. This is very unfair and needs to be changed.

David Frohman

From: Kristi Moore [mailto:kristimoore100@yahoo.com]

Sent: Thursday, August 06, 2015 4:29 PM

To: Nevada School Choice

Subject: Nevada Education Savings Account

To Whom it May Concern,

I am interested in finding out more about the new "Nevada Education Savings Account" explained in SB 302. I currently have 3 children under the age of 18 enrolled in schools in Nevada. I am very concerned that certain sections of the bill are extremely discriminatory against many Nevada children and families due to the unusual requirements for eligibility. When I first moved to the state of Nevada from California, I enrolled my oldest child in D'Vorre & Hall Ober Elementary School. I noticed the drastic difference in quality of education and standards as compared to the school of which my child had previously been enrolled, called Dingeman Elementary School in San Diego County School District (both public schools). Without going into great detail, the Clark County School District failed to meet academic the needs of my child. I placed him on a wait list at a local private school. After one and a half years in a school within the Clark County School District, my son was excepted into a private school in Las Vegas, Nevada. The private school has met every one of my child's needs and he thrives academically and socially. My middle child was also enrolled in a private school in Nevada and my youngest will begin in the fall. It is a huge financial sacrifice that our family makes to place our children in private schools in order to give them the best education so that they may become productive members of society and hopefully the state of Nevada. Of course, we would have liked to take advantage of a lower cost education by attending the state funded public school system had it been of good quality. However, like many Nevada residents that will soon utilize the state funding from SB 302, we realized the quality of the education in the public sector was lacking significantly in quality and chose private schools.

I am requesting that an addendum be made to the SB302 for the "100 consecutive days of enrollment in a Nevada public school immediately prior to applying" rule. This rule excludes certain Nevada families from being eligible for state funding that would assist in providing for the costs of a better education. It seems to give priority/discriminatory treatment to Nevada families of students currently enrolled in Nevada public schools and excludes those Nevada residents who have been sacrificing financially to provide a better education for their children in Nevada's private schools. I would like for someone to explain the rationale for this "100 day" rule for me. Please let me know how I can find out about my rights as a Nevada resident to become eligible for receiving state assistance towards the cost of my children's education in private schools in Nevada in a similar way that the Nevada residents with children currently enrolled in public schools will be eligible to receive in the near future with SB 302. If the only way is for all of the Nevada families with children currently enrolled in private schools to pull our children from the private schools for 100 consecutive days while they fulfill the unusual criteria for eligibility, please let me know and I will gladly get the word out to the community. Otherwise, please give me a link to an application for an exemption to this rule.

Sincerely,

Kristi Moore
702-480-9249

From: Nancy Momcilovic [mailto:Nancy@firmrcm.com]

Sent: Thursday, August 06, 2015 4:46 PM

To: Nevada School Choice

Subject: Section 18 Language

I reviewed the language and section 18 does not address children entering kindergarten. Additionally the language in section 18 state that the “*The child submits evidence*” for the 100 day requirement. Does the child really have to do this or should this be submitted by the parent/guardian? This language really should be altered.

Nancy Momcilovic, Esq.



From: Pjcs [mailto:jim@jcs.reno.nv.us]
Sent: Thursday, August 06, 2015 5:21 PM
To: Nevada School Choice
Subject: ESA

I am disappointed. I thought that this law would have applied to everyone in the State. How can you deny the money to those who chose to send their children to private schools before last year. They too should be compensated for the costs.

James Smalley

From: Valerie Longballa [mailto:VLongballa@pyramidmaterialsinc.com]
Sent: Friday, August 07, 2015 1:12 PM
To: Nevada School Choice
Cc: vlongballa@yahoo.com
Subject: SB302

Dear Mr. Grant Hewitt:

I am writing you this letter in hopes that you will give some of the private school parent's an option to help ease the burden, like you are doing for the rest of the Nevada families. We are zoned for an AT-RISK, TIER 2 School. I looked into variances, and was denied by all 6 schools I called/visited. We then enrolled at the local charter school, but was not picked in the lottery. When faced with the decision to send my children to the underperforming school or cut out vacations and send my kids to private school, we decided to budget for better education. Now hearing that we do not qualify for the SB302, it is heart breaking. In order to qualify, I would need to uproot my children from their school that they are enrolled in and place them in the AT-RISK, TIER 2 School we are zoned for. Can you tell me that that seems like a fair option? I have called every charter school and on-line school as well as the school my children are zoned for looking for a class we can take for the next 100 days, and they have all told me there are no options. I am begging you provide us with some options for classes, so we do not have to up root our children for 100 days and risk the chance of losing our spot at the school my children have flourished.

I thank you in advance for your consideration on this matter.

Sincerely,
Valerie Longballa

-----Original Message-----

From: Stars2lite [mailto:stars2lite@aol.com]

Sent: Friday, August 07, 2015 5:24 PM

To: Nevada School Choice

Subject: Bill 302

So upset and disappointed with you all! How is it that this bill is to help kids and the welfare of the kids education when you place no many rule that can help our children in their education. It so upsetting to know that we fall in 49 place for the worse education system in the United States and that it failing our children's that you still have to continue to fail our kids once again and not so thing for the benefit of our children and place for restrictions on our kids!

How long will politics play a roll in Nevada and hurt our kids in their education, when is enough and you all grow some backbone and do what is right for once for our kids!

I'm voicing my option and frustration as the recommendations of the email suggested.

Diana Reyes

From: Maureen [mailto:mzupon@sbcglobal.net]
Sent: Tuesday, August 11, 2015 8:08 AM
To: Nevada School Choice
Subject: Fwd: Funding for Private School Parents

Dear Mr. Hewitt,

As the parent of two private school children in Nevada I have several concerns about the implementation of SB302

- 1) **The 100 day requirement forces parents to disrupt their child's daily life and education to attend public school for 100 days.** With the passage of SB302 the Nevada Legislature has recognized and taken action on fact that the current Nevada school system is failing our children. SB302 provides families with an alternative option if the public schools are not providing their child with the education they had hoped for. As the parent of two private school children I also recognized the potential that the public schools in Nevada would not provide my child with the best possible education. This is the primary reason that we chose private school for our children. Now, under SB302 based on timing and the ages of my children the only option I am given to benefit from the Education Savings Accounts (ESA) is to remove my children from their current school and place them in a public school for 100 days in order to qualify for the funds. There needs to be an option for families who didn't have the opportunity to make this choice at the beginning of their child's schooling so that the lives of the children are not disrupted by moving to a different school and then back after 100 days.
- 2) **The Treasurer's office indicates that private school students can enroll in one class at a public school to become eligible for an ESA, but in today's reality there is no such option.** According to the information put out by the State Treasurer's Office, private school students can enroll in one class with a public school and that class will allow them to be eligible to apply for an ESA. However, I have made contact with the Washoe County School District, and there is no option to enroll in one class. Students must be enrolled on a full time basis. If the Treasurer's Office can provide further guidance on how private school students might be able to enroll for one class that information should be made readily available.
- 3) **Tuition at private schools will rise significantly due to the impacts of this bill, making the hit to private school parents even greater.** Basic economic principals can foretell what will happen as SB302 comes into effect. Demand for private schools will increase and supply will not be able to keep up because it takes time to expand or create new private schools. As demand increases private schools will be able to make large increases in tuition because most people will be getting the \$5,000 subsidy. However, for the parents of existing private school children, who have been left out of the funding, the burden of private school tuition will become even more difficult. It is simply not fair to penalize families just because they made the choice for private school at an earlier date, prior to the passage of SB302. Two children of similar economic background will be sitting next to each other in their private school, and one student will be getting a free education while the other family is spending \$5,000 for the same education. It is simply not fair to put this burden on some families but not others.
- 4) **The State must be able to fund ESAs for all private school children because in the long run all families will do what it takes to be eligible.** In the long term if the State cannot afford to provide ESAs for all students who choose private school, then this program will fail. Future families, who want to send their child to private school will most likely send their children to public school for Kindergarten and then move to private schools in first grade so they can obtain funding for all future years. The economic impact on the family is so great that most families will choose to attend public school for the minimum requirement and then complete their education at private school with the \$5,000 subsidy. This will happen so the State should be prepared to fund all private school students going forward, and current private school students should not be left out.

I hope that these concerns will be addressed at the meeting on August 21st. This bill discriminates against families who have already chosen private school for their children, and this oversight needs to be addressed. We are a small group of citizens compared to the number of families currently in the public school system we need a voice.

Best regards,
Maureen Zupon

From: Jennifer Verive [mailto:jennifer@jverive.com]

Sent: Tuesday, August 11, 2015 10:42 AM

To: Nevada School Choice

Subject: Submitting written comment for 8/21/15 Workshop on the ESA Program (SB302)

Dear Treasurer Schwartz and Mr. Hewitt:

I am writing to offer a comment regarding the Education Savings Account Program (SB302) as part of the workshop to be held 8/21/15. My family went to the workshop in July but were not able to stay long enough to offer a comment at that time. We appreciate the opportunity to do so via written comment. And thus will make a more extensive one than we could do in person.

In my childhood, I went to 3 elementary schools, 2 junior high schools, and 2 high schools. All this moving was due to my single mom's employment opportunities. Being the new kid over and over was a lonely experience. The best school time I had was three years spent at a private school (3rd thru 5th grade). Indeed, about five years ago the class had a reunion and I went—many of my classmates were surprised I made it back for the reunion since I had attended the school for just three years (it went thru 8th grade), but they all remembered me and were happy to see me. The small, nurturing community of that school was a very real experience.

Thus, when my daughter was born, I knew right away what type of educational environment I wanted for her. My husband agreed. So, we did the things usually valued in our culture—we planned, made deliberate choices, saved, and continue to sacrifice to enable our daughter to attend St Teresa of Avila Catholic School here in Carson City. And she has thrived. She is going into 4th grade this year and reads at a 10th grade level. She won an award for math last year. She was elected one of two 4th Grade representatives to student council. In Kindergarten, she won second place in KPBN's Young Writer's contest with her book on cats. She has attended St Teresa's since preschool.

When I told my daughter last month that we would have to take her out of her beloved school in order to participate in the ESA program, **she burst into tears**. We held out hope that an online course would be sufficient and we would not have to remove her from school.

Now, due to the way the Department of Education is choosing to interpret the "100 days attendance in a public school" requirement I must rip my daughter out of the environment in which she has thrived, put her into a new school for half a year, and then re-transition her back into my choice of schools, as is now my right in the state of Nevada. In other words, I am being required to harm my child.

It is unconscionable that in order for me to participate in the ESA program, to be fiscally responsible and enjoy a citizen benefit, I am being required to harm my child. At the July workshop you put on, I understood that the "100 days" requirement was a technicality made for budgeting reasons. That is, it was not a "content-oriented" decision—lawmakers did not intend to harm children, lawmakers did not intend to punish parents that have had their children in private schools, lawmakers did not intend to entice parents to "try out" the public school system. Law makers intended only to provide a budget to fund the School Choice law. By taking distance education off the table, the law is being enforced unequally and certain groups of children are being adversely affected.

Apparently, Someone at the Department of Education has decided that having my child take an online course, before or after her traditional school day at her private school, is not an acceptable way to interpret the "100 days" requirement. This is abhorrent. Did this Someone consider the harm being done to my child? If so, did they simply not care? Did they personally not like SB302 and wanted to make the "100 days" requirement difficult? (Unfortunately, the comments at the July workshop from a public school teacher suggests that this may be the case—that the Dept of Ed actively wants to harm children in order to make a point.) Did they choose an option that benefited the administration component of the program?

Whatever the reasons, decisions can be undone. More thought needs to be input on how to enforce this law WITHOUT HARMING children! Waivers and exemptions abound for just about every law on the books. A developer wants to build a housing development but there is a protected species in the area—so they have to set aside lands or change their plans a bit. A small business wants to open a shop but there is not enough parking spaces per city ordinance—so they apply and get a waiver to have fewer parking spaces. Tens of thousands of Nevadans purchase goods on the Internet and do not submit a sales tax form—and no one enforces that at all. The point is, the decision to take distance education off the table for meeting the 100 days requirement is unnecessary and detrimental. The decision needs to be re-thought.

And so I beseech you, sirs, to work on the behalf of the children of Nevada. **It should not be acceptable for enforcement of this law to harm my child.** It should not be acceptable for enforcement of this law to mitigate harm to my child. The 100 days requirement is a budgetary technical issue; there should be zero tolerance for harming children. Enforcing this law should result in no harm to our children. It should do as the lawmakers intended—to allow families to raise and lift up their children into an educational environment that is best for their children.

So here are some ideas:

- 1) Reconsider Distance Education: Allowing students to take one course online at a charter/public school is the most compassionate route for the children and the most sensible for administrators. Most public schools have an online component--why can't that be used? Please push back on the Dept. of Ed.
- 2) Stability Exemption: Allow students that have been enrolled at a private school for at least 2 or 3 *consecutive* years to be exempt from the 100 days requirement.
- 3) After School Programs: Allow children to attend an after-school program to meet the requirement. There are many programs that receive grants from the state or city. Thus, they use "public" money. For example, my child participates in the Strings in the Schools program managed by the Carson City Symphony. It's just one day a week, plus performances, but it is made possible in part by public money. The Dept of Ed has indicated that ONE class is sufficient—that is what, 45 min? How many times a week? There is a lot of wiggle room here.
- 4) ESA Deferment: Allow families with kids in private school to open an ESA but keep their children in private school. Fund the ESA and then give those monies to the public school district in their location. For one year. After one year, the funds are able to be used by the family. The schools get the ESA funding for one year (MORE than 100 days) and children are not harmed.

Given the simplicity of the distance education option, it is mind-boggling that it has been taken off the table. The bottom line is that enforcing this law needs to **benefit the CHILDREN**. Not the parents. Not the lawmakers. Not the bureaucrats. Not even you and your staff, sirs. The intent of the law is to benefit children. Please make this happen.

Most Sincerely,

Jennifer Verive, Ph.D.

775.885.7593

Carson City, NV

From: Rona Yee [mailto:rona8yee@gmail.com]

Sent: Tuesday, August 11, 2015 11:23 AM

To: Nevada School Choice

Subject: 100 days

Good Day!

I received a notification that for private school students, to meet the 100 days requirement must be done by attending physically a public/charter school. Online class is not acceptable. However, I find this to be a contradiction - because for example an english class taken online or in person class, the credits are still accepted by the public school. In fact some public school offer online class to their students. I am bit disappointed that private school students are being excluded to use the program. As I said in the past public meeting, private schools have been saving the State of Nevada millions since the establishment of private school. Because if there were no private school and everybody attend a public school - that would require the State to have larger budget for schools to accomodate all those private school students who are now attending public school.

We are out of town for the Aug 21 meeting but please do consider all the students of Nevada (public and private)

Sincerely
Rona Yee

-----Original Message-----

From: William Smith [mailto:bill@keysierra.com]

Sent: Tuesday, August 11, 2015 3:30 PM

To: Nevada School Choice

Cc: Mary Levy

Subject: SB302 - Congratulations and Concerns

Dear Mr. Hewitt,

I want to congratulate you and Governor Sandoval on leading the nation with the implementation of SB302. There is no doubt that the impact of this for the children and schools of Nevada will drive us from nearly last in the nation in education straight to the top!

I am writing because of a concern I have that needs immediate attention: the 100 public school requirement for eligibility. There must be a reason that the law was passed in that form, but I don't understand it. We have moved our two kids from a public school to a private school three years ago. As they are in 6th and 7th grade right now, we are essentially penalized for the next six years because we have not been a burden on the public school system for the last three!

We have been paying double (property taxes plus tuition) and this partial offset provided by SB302 should be welcome relief; however, with the wrinkle in the eligibility requirements we are going to do whatever is necessary. I am sure that you are hearing from other concerned parents on this as well. I want to ask the legislators to get out in front of this so that a really terrific bill does not result in some bizarre 100 day enrollments at public schools—making it hard for them to plan and educate. I know this was not the intention and I look forward to hearing that this has been fixed.

Thank you for your interest. In closing, please pass our heartfelt thanks for Governor Sandoval's leadership!

Regards,

Bill and Kristen Smith

Good Morning I am writing in regards to the SB 302 Bill.

We have four children who are currently enrolled in the private school sector in Carson City. We have been living in Carson for over ten years and paying taxes. Our state is ranked 49th educationally in the nation. Without question, something needs to change. But why does the change have to be punitive to those families already enrolled in private education?

Implementing a way for people to be able to use their tax dollars for a school of their choice is wonderful. The guidelines to do so are not so wonderful and are discriminatory on many levels. The assumption is that all children that are in our public system are there because they cannot afford not to be. This is untrue. The second assumption is that all children in private schools can afford to be there. Again not true. As a matter of fact, the consensus among private schools this year is that it is a banner year for financial aid requests. If the true purpose of the bill is to allow school choice for all students living in Nevada why is there a mandatory 100 day enrollment in a public school?

Our children have been in the same school setting for years. They look forward to going to school, seeing their friends, enjoy learning and prayer. You are asking that parents of these children to remove their children from their known, safe, familiar environment, place them in a public school setting for 100 days, disrupt their school year, as well as, public and private school teachers and then return them to where they were. Was any thought given to the impact this disruption would have on the child? During their time in the public school setting they will not be educated in the manner in which they were accustomed. They will not be able to pray or take their religions education classes. They will then be forced to take those classes at night in their respective churches. I personally will not be able to have all my children transition at the same time given their ages. So, for my family, I will be at multiple schools in Carson City over multiple years so each of my children qualifies for these monies. WHY? How does this help my children? Will counseling be available for the trauma this will cause the children? Why can we not fulfill this arbitrary 100 day rule on line? Where are the charter elementary schools in Carson? Why are we not grandfathered in? What do I tell my children? They are already excited for their school year at the school they love, BUT, thanks this ESA program, they may need to leave for 100 days. Let's talk discrimination because I feel very strongly that private school families are being discriminated against. A solution needs to happen immediately. School starts next week for Carson and the week after for private. Help us somehow to make this a non discriminatory system.

From: Laura Partridge [mailto:laura@creativeconceptsmedia.net]
Sent: Wednesday, August 12, 2015 10:24 PM
To: Nevada School Choice
Subject: School reimbursement for private schools - SB 302

Dear Mr. Hewitt,

I would like to share my frustration with the caveats of the bill. I think the 100 days at a public school, etc. requirement is unrealistic and difficult to administer. I believe that this should apply to all families that send their kids to private school. As the parent of two private school children in Nevada I have several concerns about the implementation of SB302

- 1) The 100 day requirement forces parents to disrupt their child's daily life and education to attend public school for 100 days. With the passage of SB302 the Nevada Legislature has recognized and taken action on fact that the current Nevada school system is failing our children. SB302 provides families with an alternative option if the public schools are not providing their child with the education they had hoped for. As the parent of two private school children I also recognized the potential that the public schools in Nevada would not provide my child with the best possible education. This is the primary reason that we chose private school for our children. Now, under SB302 based on timing and the ages of my children the only option I am given to benefit from the Education Savings Accounts (ESA) is to remove my children from their current school and place them in a public school for 100 days in order to qualify for the funds. There needs to be an option for families who didn't have the opportunity to make this choice at the beginning of their child's schooling so that the lives of the children are not disrupted by moving to a different school and then back after 100 days.
- 2) The Treasurer's office indicates that private school students can enroll in one class at a public school to become eligible for an ESA, but in today's reality there is no such option. According to the information put out by the State Treasurer's Office, private school students can enroll in one class with a public school and that class will allow them to be eligible to apply for an ESA. However, I have made contact with the Washoe County School District, and there is no option to enroll in one class. Students must be enrolled on a full time basis. If the Treasurer's Office can provide further guidance on how private school students might be able to enroll for one class that information should be made readily available.
- 3) Tuition at private schools will rise significantly due to the impacts of this bill, making the hit to private school parents even greater. Basic economic principals can foretell what will happen as SB302 comes into effect. Demand for private schools will increase and supply will not be able to keep up because it takes time to expand or create new private schools. As demand increases private schools will be able to make large increases in tuition because most people will be getting the \$5,000 subsidy. However, for the parents of existing private school children, who have been left out of the funding, the burden of private school tuition will become even more difficult. It is simply not fair to penalize families just because they made the choice for private school at an earlier date, prior to the passage of SB302. Two children of similar economic background will be sitting next to each other in their private school, and one student will be getting a free education while the other family is spending \$5,000 for the same education.
- 4) The State must be able to fund ESAs for all private school children because in the long run all families will do what it takes to be eligible. In the long term if the State cannot afford to provide ESAs for all students who choose private school, then this program will fail. Future families, who want to send their child to private school will most likely send their children to public school for Kindergarten and then move to private schools in first grade so they can obtain funding for all future years. The economic impact on the family is so great that most families will choose to attend public school for the minimum requirement and then complete their education at private school with the \$5,000 subsidy. This will happen so the State should be prepared to fund all private school students going forward, and current private school students should not be left out.

I hope that these concerns will be addressed at the meeting on August 21st. This bill discriminates against families who have already chosen private school for their children, and this oversight needs to be addressed. We are a small group of citizens compared to the number of families currently in the public school system, but our opinions should not be ignored.

Laura Partridge

Laura Partridge, President
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From: Courtney Koo Lee [mailto:courtneyklee@gmail.com]
Sent: Thursday, August 13, 2015 9:55 AM
To: Nevada School Choice
Subject: SB 302

Good morning. I have just read through sb 302, and have some concerns. I think that if a program like this one goes into effect, then it should benefit any family who sends one or more children to private school. It affords unequal treatment to families who all pay taxes, but benefits only those families who have sent children to public school(s) for the preceding 100 days. This promotes parents who currently send their children to private schools to pull their children out for 100 days to attend public school, then place them back into private schools. The disruption to the child's education is clear, but the benefit of the ESA is too much to ignore. There should be no current public school attendance requirement.

Also, is there an exception for preschool children as there are no public preschools? Please advise.

Thank you.

Courtney Lee (parent of 3 children)

-----Original Message-----

From: aurascott@cox.net [mailto:aurascott@cox.net]

Sent: Thursday, August 13, 2015 12:17 PM

To: Nevada School Choice

Subject: ESA

The rule that a Nevada child must attend a Nevada public school for 100 days in order to qualify for the ESA is unfair to Nevada parents who have been sacrificing to send their child to private school.

It is an undue burden to take your child out of the school of your choice for 100 days, and then place them back into the exact same school they were just at prior.

I believe proof of Nevada residency and proof of the child attending ANY Nevada school should be enough.

Are the property tax dollars that private school families pay, not equal to the property tax dollars that public school students pay?

A family that has never used the public school system, despite paying for it, is being doubly penalized by having to remove their child from a school for 100 days, and HOPE that they can get back in later.

The fact that this 100 day rule was purposely thought out and added to the law, is proof that it was written to dissuade private school families from attempting to apply for the money, that is suppose to be available for ALL Nevada families, not just some.

Thank You ,

Scott Olson

From: Alicia Marshall [mailto:amarshalls07@yahoo.com]
Sent: Tuesday, August 11, 2015 8:02 AM
To: Nevada School Choice
Subject: Re: 100 day requirement

That doesn't seem fair that Nevada Learning Academy, which is a CCSD school, would not count to fulfill the requirement since they would still have to enroll my son as full time student and be counted into your overall budget whether full time or part time? If Nevada Learning Academy does enroll my son as full time to then allow me to take a class alongside private school, why would it be prorated? It is not fair at all how the language keeps getting interpreted differently only when it applies to private school student?

Going back to what is stated on your website "However, a private school or "home school" student may qualify for an ESA by taking one or more classes in a public or charter school, pursuant to NRS 386.580(5) and 392.070(3)." Why would Nevada Learning Academy not be considered public school when it is one?

I unfortunately cannot attend the Workshop slated for August 21 since we will be at our daughters college orientation however would like my opinion represented at the Workshop.

We are middle class (low middle class) hard working individuals that have worked multiple jobs at a time to send our kids to private school. Our circumstances now are strained since my husband lost his job just over two months ago and we have been doing everything we can to "try" and come up with the funds (borrowing from credit cards) to afford private school for our son along having to help out our daughter attend college this fall as a freshman. This voucher system would be a blessing to our family but I am not going to jerk my son around from his school now to the public system and back again after the mandated 100 day rule. We pay our taxes and have never benefited from the school funds being that we opted to send our kids to private school. I ask that we are given the chance to keep our son in private school and take a class at Nevada Learning Academy to meet your requirement. I would gladly keep him a full year taking the course and not just drop him after the 100 days unless that March deadline would apply to this scenario?

Respectfully

Alicia

From: magda wrobel [mailto:mw_maggie@yahoo.com]
Sent: Friday, August 14, 2015 5:05 PM
To: Nevada School Choice
Cc: Magda Wrobel
Subject: Educational Savings Account Program Petition for ammendment

To: Nevada Treasurer

This is a petition for an amendment to Nevada Senate Bill 302 to extend the Education Savings Program to deserving children currently attending Private and Catholic Schools.

My name is Magdalena Immormino. My 2 children attend Our Lady of Las Vegas Catholic School. I chose this school because of their Catholic tradition and reputation, but mainly for their excellence in education and specifically for their secure environment. The alternative was scary and frankly unacceptable. The public Elementary school in my residency zone is Joseph E. Thiriot Elementary School. While researching this school option we found:

School Grade C - below State and District averages
25 registered sex offenders in the residency zone
4 former meth labs
and per District Accountability Report 2013-2014, there were 5 reported incidents of Violence to Students and 1 incident with Weapons.

Again this is a Clark County School District Elementary School!

This seemed a very poor choice to send my 5 year old daughter and two years later, her brother.

We decided to try to find a way to afford a better, safer option.

Between my husband and I, we work 3 jobs and struggle and sacrifice a lot financially to make sure we can afford our rent and school tuition each month.

I have to say that its not easy, but it's worth it for my kids' future. My children; Adriana and Vito are straight A students. I'm very proud of them and glad that they have this opportunity to be safe and to thrive academically at the Our Lady of Las Vegas Catholic School.

Through Our Lady of Las Vegas Catholic Church, we recently became aware of SB302 the Education Savings Account Program. While we applaud the program giving the opportunity to children currently attending public school to receive funds for education related expenses including tuition at Catholic Schools, we are very disappointed that this opportunity hasn't been extended to families already bearing the financial burden of students attending private or Catholic school.

We humbly ask you to consider extending SB 302 to families like ours - based on financial situation and student performance. We are asking for a little help to make sure our children can remain in a safe and academically rewarding environment throughout their scholastic years.

Thank you for your kind attention and help in this very crucial matter.

Sincerely,

Magdalena Immormino

From: Terri Winter [mailto:terriwinter04@aol.com]

Sent: Sunday, August 16, 2015 12:10 PM

To: Nevada School Choice

Cc: regsan@aol.com

Subject: SB302-Special circumstances

Hello, my name is Terri Winter. I spoke to the group and Senator Hammond at the informational meeting on July 17th. I am hoping that in the event of special circumstances the school choice funds will be available to children that are already attending private school. As I spoke of at the meeting, our son who is now in 4th grade at Calvary Chapel Spring Valley was diagnosed with Selective Mutism between preschool and kindergarten. We have had great results in his private school with the teachers, principal, and other families working along with my husband and I to help Gavin overcome the classroom anxiety that renders him unable to speak. It is a sacrifice for us paying a tuition based education for our son, as my husband is of retirement age and extends his work life in order that our child gets the help and education he needs and deserves. Taking Gavin out of CCSV would be detrimental to his progress as the school situation is the trigger for his anxieties. We can not even consider putting him in public school because of his disorder and the potential for a relapse and at an older age he may not recover. If you don't have any knowledge of this disorder I recommend that you do some research and learn how devastating this is for those who suffer from it and have been misdiagnosed or worse yet, never diagnosed and unable to get help.

I would plea with you to please provide an online option for classes to qualify for the 100 day public school requirement. Please contact me as soon as possible with any potential alternatives that our child would not be discriminated against and not receive the funding he is entitled to. As I stated at the meeting my husband and I are both longtime Nevada homeowners and we work full-time as we always have and pay our taxes to this community, we are not looking for any hand outs only what is fair when we are in need.

Thanks for you consideration.

Best regards,

Terri Winter

702-580-1324

From: Shauna Hill [mailto:shaunalaw1@gmail.com]
Sent: Sunday, August 16, 2015 6:50 PM
To: Nevada School Choice
Subject: ESA SB 302

The 100 day Rule should be eliminated!

My children have both attended private school since Pre-K. They are now entering 6th and 2nd grade. We started with a private school education, not because we are wealthy but because we were zoned for a school that was not performing well and wanted our children to get a quality education.

Each year tuition, fees, after-school care, school lunches have continued to increase to a point that is extremely burdensome for us financially. We are already enrolled in the private school for this school year but I don't know if we will be able to make it the full year financially. I have already planned to apply for the lottery for charter schools for next year. However, if we are not fortunate enough to get into a charter school, we will end up in the public school system that is not equipped to provide a quality education to children that have received an advanced education for several years.

What sense does this 100 day rule make for us? I believe there are many people similarly situated in the smaller private schools.

The likely outcome for us is that our kids will end up in poorly performing public schools after 9 and 4 years of an advanced education and years of financial sacrifice on our part including the loss of being home owners.

I urge you to reconsider this 100 day rule.

Sincerely,

Shauna Hill
(702) 467-9292

From: Sheri Jaferian [mailto:stoothfairy@sbcglobal.net]
Sent: Sunday, August 16, 2015 8:36 PM
To: Nevada School Choice
Subject: Re: ESA Update

This is disappointing as families like ours who spend money for education are not eligible. We have sacrificed many dollars in order for our children to not be faced with the results of \$75 million dollars of budget cuts in Nevada. The public schools classrooms are bulging at the seams from over crowding with no more resources, teachers, or funding to build more modular classrooms. There is no secret that there is a shortage of teachers in Washoe County. The school my children are zoned for is Hunsberger elementary. We PAY big bucks to provide our children a school that had last year in my daughter's first grade class a one to 8 1/2 teacher ratio with a teacher's aid, and my son's second grade class had a one to thirteen ratio!! That is HUGE! The teacher to student ratio in the first and second grade at Hunsberger is one to 32-34 and no aid! It's not tough to figure out which classroom's children get more one on one interaction with the teacher. It seems that we are being excluded from participating in this program by a means of "punishment" that we send our kids to private school. We are spending so much more on education even after our tax dollars are certainly included in the revenue for Washoe County public schools, but we are not allowed to participate in the program! That seems very unjust! We pay taxes to support the school system, we don't use any of the resources, add to wear and tear on buildings, use the bus system ect. But, we are excluded from getting a little help like everyone else who has a publicly schooled child can. It is simply discriminatory, and is not sitting well with many of us that have privately educated children. I hope to expect that the criteria for receiving funding from this grant is changed to not discriminate against families such as ours. Thank you, Sheri Jaferian

From: Katie Brown [mailto:katiebrown82@att.net]

Sent: Monday, August 17, 2015 11:06 AM

To: Nevada School Choice

Subject: Concerns RE: SB 302

State Treasurer Dan Schwartz,

I am writing you today to express my concerns and frustration regarding the new law, SB 302. As your website states, "SB 302 provides a means for Nevada Parents with children enrolled in a public/charter school to choose a different option to meet their educational needs." As a parent of two children who attend a Catholic school in Reno, I am confused as to why this choice only applies to children who are enrolled in public/charter school even though my husband and I pay the same exact taxes as the public school parents. As you know, there are laws in place that protect students from being denied admission to a public school based on religion. However, you are denying my children access to an Education Savings Account....

I understand that my husband and I have a "choice" to withdraw my children from their private school and enroll them in a public or charter school for 100 consecutive days and then they would qualify for an ESA. This would mean a change of schools two times within a four month period. Data, and common sense, tells us that when a child changes schools there is a disruption in learning and an impact on educational success. I do not understand why they cannot take a distance education course (which we would pay for) to meet this criteria. In fact, the distance education options are listed under "State Sponsored *Charter Schools*" on the WCSD website. I suspect this option has been eliminated because the NV Department of Education wants the child to be enrolled in a public/charter school so when they do the final "count day" in September, those children are counted and the school is allotted the \$5000 for that pupil.....and when the child is withdrawn after the 100 days and re-enrolled in their private school, that public school still gets to keep that \$5000. The update to the law says the child must be in one or more classes at a public/charter school for 100 days, but there are not any opportunities for an elementary student to only enroll in one "in seat" class at a public/charter school.

If we stick to the original intention of why SB 302 was created, which is to meet the educational needs of **all children**, then the 100 day "in seat" requirement makes no sense at all. Let's get back to focusing on the kids.....not the money.

Thank you for your time and I hope you will take my concerns into consideration.

Sincerely,
Katie Brown

Questions for 8/21/2014 Workshop for SB302

1. Kindergarteners should **not** be subjected to the 100 day rule. Kindergarteners should be automatically accepted into the program since they have not previously attended any school. It is at this time when families decide between the public and private school system. The point of this program is to allow parents the right to choose the best education for their Nevada children. First time students should be given that right immediately upon entering the education system and not be forced into attending a public school only to leave 100 days later. Can first time students automatically be accepted into this program? If you deem that Kindergarten is not legally required for school, then first graders should **not** be subjected to the 100 day rule.
2. A private school student may qualify for an ESA by taking one or more classes at a public or charter school pursuant to NRS 386.580(5) and 392.070(3). However, after calling the public school there are NO classes that students can enroll in other than completely withdrawing them from their private school and placing them in public school thus losing their spot in the private school. How can we complete this requirement to get 100% of the money without causing undo stress on our children if the public schools won't allow us take classes?
3. In order to meet the budget, all children BORN in Nevada should receive this money without having to complete the 100 days. Any child that was not born in Nevada should have to complete 100 days. Parents have paid taxes for the 5 years prior to their child/children attending school so they should have this benefit over a family that recently moves to Nevada, attends school for 100 days and has access to the money. Can this be added to the law in an emergency Legislature Meeting like Treasurer Dan Schwartz mentioned at the workshop in July?

From: Eric Brown [mailto:eric@abcfireco.com]

Sent: Monday, August 17, 2015 5:01 PM

To: Nevada School Choice

Subject: Concerns SB302-If online courses are not allowed it could cost NV an extra \$170,000,000.00

I am a parent of two Catholic school students. My wife and I decided when the two were toddlers that going to Catholic school was aligned with what we wanted for them. Not only do they get a great education, they receive the message of God every single day. There is also the comfort of feeling you are in a close knit community. My children attended Catholic school before the passing of SB302 and will continue to whether we get the education savings account or not. I will not pull them out of the school they know and love for 100 days to go to public or charter school just to receive a stipend from the State. Not only does pulling them out make no sense at all, there are also many studies that show children put through sudden changes such as these have a difficulty adjusting and learning ability/grades are affected negatively.

From what I understand, the only entity/people/department that opposes the online charter school as a way to get the required 100 days is the NV Dept. of Education. At first I could not understand it, but then I used common sense and what I know about Depts. of Education throughout our beloved country. All they care about is the money. They may say they love the children, but when they look at our children all they see is dollar signs. Case in point: There are 34,000 (and change) children in private schools in Nevada. If they were enrolled in a Public school the school district would get \$5,000 per child. $34,000 \times \$5,000 = \170 MILLION . That is a \$170 MILLION the Dept of Ed/School Districts will not have if the stipend is given to existing private school families. That right there is the sad truth. The Dept of Ed does not agree with the online school as a way of being eligible because it will cost them a lot of money.

Now I will move into hypotheticals. Imagine if these 34,000 private school children were enrolled in public schools for the required 100 days so they could receive the stipend. The cost of that would be the above mentioned \$170 MILLION. Now imagine that at exactly 100 days all 34,000 children moved back to private school. That would make \$170 MILLION worth of education savings accounts. I am no State Treasurer, but that is an extra \$170 MILLION. Paying double is probably not the best way to spend tax payer money nor is it a good way to get re-elected.

My advice is for the Treasurer's office to stand up to the Dept of Ed and allow the online classes to be included as a way for the existing private school children to be eligible. Contrary to what most of the country thinks, most families that have children in private school are not rich and plenty of my friends struggle month to month just to pull it off. Besides saving the extra \$170 MILLION, what is cheaper, a Civil Rights, class action lawsuit from 34,000 private school parents challenging the legality of the law itself or the Dept. of Education suing the NV Treasurer's office? I would say the cheaper of the two is letting the Dept. of Ed sue the Treasurer's Office as the State of Nevada cannot sue the State of Nevada. I myself do not have the financial means to file a lawsuit of any kind, but there are plenty of affluent private school parents that most likely will. My personal opinion is that you let the online courses be included for eligibility and it would save NV taxpayers \$100s of Millions of dollars.

Thank you for your time and see you on Friday.

Sincerely,

Eric Brown
Fire Sprinkler Division Manager
ABC Fire and Cylinder Service
Ph: 775-856-1553
Fax: 775-856-5204
Cell: 775-544-4851

From: [Kellie Smith-Pryor](#)
To: [Nevada School Choice](#)
Subject: (ESA) SB 302 Comment for Meeting on Friday August 21, 2015 at 9:00am
Date: Tuesday, August 18, 2015 4:05:30 AM

Hello,

I have a child who has been attending private school before SB 302 was put into effect. I am hoping that parents such I are a part of this "gray" area that is currently being worked on as it is highly disproportionate to provide aid to children in public schools when there are children attending private schools who are experiencing the same financial difficulty.

QUESTION: Am I supposed to withdraw my child from the private school she is attending and enroll my child in a public school for 100 school days in order to qualify for (ESA) SB 302? And if I am required to do this, is my child guaranteed a spot at the private school she previously attended?

If I have misunderstood how SB 302 reads, then I am requesting the appropriate form that applies to students currently enrolled in a private school or advised how this particular category will be handled moving forward.

Respectfully,

Kellie Pryor

John Luterzo



Maureen Manion-Luterzo

3101 Harborside Drive – Las Vegas, NV 89117 - (702) 562-0060

johnflight1@aol.com

702-562-0060

ishimom@embarqmail.com

July 17, 2015

*Nevada State Treasurer
101 N. Carson Street
Suite 4
Carson City, NV 89701*

To Whom it May Concern,

We are writing this letter regarding the recent law that was signed by Governor Sandovall: SB302 – The Nevada Universal School Choice program. We need assistance in moving forward.

Recently we have been trying to get clarifying information from all sources that one would believe should have a vested interest, or at least some reasonable amount of operating knowledge of the process because of their involvement in the new statute in the educational arena here in Clark County. Sadly, getting any assistance has been futile.

We spun our wheels contacting CCSD Community relations, NV State Treasurers Office, NV Department of Education, local Supervision and administration in our Zone (12), and even the principal of a local high school... no one ever even heard of the new SB302. How sad. I have spent countless hours explaining what I know about the new Senate Bill to multiple people, rather than me getting answers to the questions I NEED. As I understand, contacting the Nevada Treasury by email is my last resort. Here is our conundrum:

Our fourteen year old daughter, Kerrienne Luterzo had previously attended a Clark County school for SIX YEARS at MJ Christensen. We watched appallingly as the school system and the ratings declined. Not in a position to move from Nevada and definitely wanting the best for our child's education, we made a rational decision to remove her from the public school system for middle school. She attended Faith Lutheran Middle School in Las Vegas.

When the parameters of the new SB302 were announced, we were naturally upset. We are an average family. We are not wealthy, just because our child attends a private institution. In fact, it is simply the opposite. We tend to be "education poor". We live for paying tuition. My husband works overtime on all his days off. Having previously been retired, I returned to the workforce, making just under \$12.00 an hour, hoping to

08-18-15
Page Two

supplement tuition costs. We do what it takes to make our child's life better. Unfortunately, we wouldn't have been in this situation if the public schools were adequate here in Nevada.

As you could imagine, seeing the parameters for SB302 distressed us. Because we took a proactive measure to bolster our child's education, we continued to pay the same taxes as everyone else, but are now going to be penalized and ineligible for an average of \$5700.00 that can be spent towards her education. I think it is even more disheartening because, as I have said, she did attend a Clark County school for SIX YEARS, which according to your guidelines, counts for NOTHING.

So, moving forward, we licked our wounds and decided this was far too much money to discount. We spoke to our daughter, and we all agreed that we would place her back in the public school forum, but we would do so in a home school setting so she could thrive.

Additionally, since we are both airline employees, we thought this would allow us the opportunity to have a hands on approach to our daughter's education that intertwined the advantage of educational travel (since we have travel benefits). Once we satisfied the 100 day requirement we agreed to revisit returning to Faith Lutheran or continue the home school, depending on the results. We did everything to meet all of THE PRESCRIBED GUIDELINES...or so we thought.

NOW....this week...we find the new caveat had been added that "home schooling" even though it is a Nevada accredited curriculum, would not allow you to be eligible for the 100 days in a Clark County School District as previously stated. Why is it that this regulation was now changed?

Furious and persistent, we noticed your additional exception for "private and home school" students. It stated that they can take one or more classes in public school which makes them eligible in the SB302 program. I have spent the last three days trying to register my daughter in a single class. I am not even picky. I don't even care what class. But no one seems to know how to do it. One administrative person at Spring Valley High School told me today that she would call me back because another child registered this morning for only Algebra, but she didn't have any idea how or why it was done. I assume there is another parent out there like me, who is either home schooling or has their child in private school. I am getting no resolution, and in the mean time, my daughter is registered to start private school this Thursday August 20, 2015, which your new information states will also make her ineligible. Do I send her? Do I wait to see if someone will finally respond at the State level? Why is her time at MJ Christensen not applicable? Why are private school students being discriminated against?

08-18-15
Page Three

I am at a loss. We have tried at every avenue to meet your requirements, but have been stonewalled at every point. There is not one official representative who has been able to help me in any way, shape or form. The way this Bill has been written is discriminatory against children who have attended private schools. Where do we go from here.

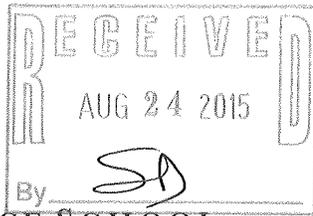
I appreciate if you respond as soon as possible, as you can understand the urgency. We need to know what we need to do. Your immediate attention is greatly appreciated.

Sincerely,

*Maureen Manion-Luterzo
John Luterzo*



SAGE RIDGE SCHOOL
The Power of a World-Class Education



2515 Crossbow Ct.
Reno, Nevada 89511
(775) 852-6222

Nevada State Treasurer Dan Schwartz
c/o Chief of Staff Grant Hewitt
101 N. Carson Street, Suite 4
Carson City, NV 89701

Re: Comments to Proposed Regulations
Education Savings Accounts Workshop, August 21, 2015

Sent via First-Class Mail and Email:

NevadaSchoolChoice@NevadaTreasurer.Gov

Holly Primka, Assistant to the Chief of Staff, HPrimka@NevadaTreasurer.Gov

Dennis Belcourt, Nevada Attorney General's Office, DBelcourt@AG.NV.Gov

Treasurer Schwartz,

Please accept these comments on behalf of Sage Ridge School. We are Reno's only non-sectarian, co-educational, college preparatory day school. Sage Ridge School is a fully accredited member of the Northwest Association of Independent Schools (NWAIS). The school has been open since 1998, and we currently educate approximately 220 students annually from grades 5 to 12.

After careful review of the Treasurer's draft regulations for the Educational Savings Accounts, the administration at Sage Ridge School has identified below a few points of concern that we hope you will address before publication:

Section 15: Definition of Tuition Eligible for Payment through ESA

"Tuition" eligible for payment through the ESA is defined as, "only the cost for enrolling a full-time student into a participating entity, except for amounts charged:

1. As application fees, entrance fees, parking fees, technology fees, athletic fees or studio fees, laboratory fees, surcharges or other fees imposed for specific courses, whether or not charged to all students;
2. For books, supplies, room or board, whether or not charged to all students.

First, tuition is defined as the "cost of enrolling," but "enrolling" is not defined. We would recommend that this be worded as the "cost of attendance," which may avoid any dispute on what enrollment means. Second, the definition uses a double negative. Tuition is "only" enrollment costs, "except" for amounts for application, entrance, parking, technology, etc. Assuming normal usage of a double negative, tuition includes all those



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items. We would recommend a removal of the double negative. Third, it is not clear whether “books, supplies, room or board, whether or not charged to all students,” must be charged by the school, or can involve individual retailer charges, like parents buying books through Amazon.com, or paying for school lunches through our third-party caterer. We recommend that the regulations include specific language allowing ESA funds to be used for expenses not directly paid to a school.

We propose that Section 15 be revised as follows:

“Tuition” as referenced in SB 302 means only a fulltime student’s cost of attendance at a participating entity, including any amounts charged:

1. As application fees, entrance fees, parking fees, technology fees, athletic fees or studio fees, laboratory fees, surcharges or other fees imposed for specific courses, whether or not charged to all students; and
2. For books, supplies, room or board, whether or not charged to all students.

Tuition includes amounts paid for the above permissible expenses even if paid to third-party vendors rather than directly to a participating entity.

Section 21-22, 24 & 36-37: Payments into ESA and Accessible/Frozen Funds

There are unresolved issues on the access to funds, both in terms of distribution: (1) from the Treasurer to the ESAs and (2) from the ESAs to pay for expenses. Section 24 says funds are paid to the ESAs the first weeks of January, April, July, and October. Is this made at the start of the existing quarter (January for first quarter, April for second), or payment for the prior quarter (January for the fourth quarter, April for the first)? Our impression is the latter – retrospective payment – based on previous public comments from your office that ESA funding for the 2015/16 school year is only available for first and second quarter 2016, with the first distribution to be made in April 2016. On the other hand, the law (SB 302, Section 7(4)) and regulations (Section 36) say that if you receive funds, you are not eligible to return to public school until the next distribution, which suggests funding is prospective. The Treasurer should specify in the regulations whether payments are retrospective or prospective.

This unanswered question may affect funding eligibility for students in their first or last year of an ESA. If funding is retrospective, as an administration, we would want to make sure that the July distribution (for second quarter) can be drawn upon by parents of seniors who just graduated. The problem is presented because their accounts are frozen when the funding is made, and their child is no longer eligible for an ESA after graduation. Sections 36-37 discuss termination of an ESA, and that funds in an ESA after termination return to the State general fund.

Regardless of whether funding is prospective or retrospective, funds distributed in the first week of July would be automatically frozen until mid-August when public school resumes. The funds are tied up unless



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regulations are adopted that more clearly address payment issues. Sections 21-22 say that funds are frozen during any break in the school year, a requirement under SB 302. However, there may be cash flow issues for parents or schools under the proposal when taken in conjunction with the timing of funds available from the Treasurer. The frozen periods are defined as (1) any breaks between school years, or (2) 15 or more consecutive days without required attendance. "School year" isn't defined, so it isn't clear whether we look at the calendar for the local public school or our specific calendar. If we apply the Washoe County school calendar, funds are frozen over summer and winter break.

The freeze doesn't recognize when expenses are incurred or paid. It adopts a cookie cutter approach from the public school calendar and there is no recognition of differing timelines or for the cost of summer school. In this instance, we request that an expense incurred *for* the school year, but paid by a parent during a "frozen" period, the expense can still be processed and paid from the ESA during the freeze.

Section 28 & 29: Participating Entities, Academic Reporting and Progress

The Treasurer may disqualify a school from receipt of ESA funds if the Treasurer determines a student is not making "reasonable academic progress," which will be "defined annually by the Treasurer." This limited statement raises a number of questions that we hope you will address in revisions to the regulations. (1) Is the Treasurer an appropriate entity to evaluate a student's academic progress?; (2) The definition of "reasonable academic progress" is not yet provided; (3) How and why will it be redefined annually?; (4) As written, *one* problematic student could eliminate Sage Ridge School from receiving ESA funds for *all* students; and (6) The Treasurer is given broad discretion to make these determinations based on "reasonable" cause under Section 13. We hope to receive clarification on all of the above issues, particularly why the Treasurer was chosen as the appropriate entity to evaluate a student's academic progress.

Section 31: Financial Reporting

SB 302 only calls for evidence of these funds, not audited financial documentation. However, the regulations state that if more than 10 ESAs designate Sage Ridge School as their private school, the School must either (1) "provide audited financial documentation" of "unencumbered assets" sufficient to pay the Treasurer the amount reasonable expected to be paid from the ESAs to the School, or (2) post a surety bond in that amount. Will all information provided be subject to public disclosure? It is also unclear how often the School will have to provide this information or updates. Clarification would be helpful.

Other: Exceptions

Section 20 provides for exceptional circumstances allowing a student to be eligible if they missed more than 15 consecutive public school days. There is nothing in SB 302 that authorizes such exceptions, and the Treasurer's scope of discretion is not specified.



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Other Points Not Addressed in the Regulations

The regulations do not say how (1) funds will be administered or (2) parents can access funds. The regulations are written as if the Treasurer's Office will be doing the administration. SB 302 Sections 8(4) and 10(1) provide for engagement of a financial management firm and funding for those services. Draft Regulation Sections 33 & 35 recognize the statutory right to engage a third-party administration, and a financial management firm would seem to provide many details on the administration. Professional management will focus program administration.

There is currently no information on how parents access the funds. Section 25 says that the Treasurer will establish procedures. Will parents get a checkbook, electronic credit/debit card? Will they have to submit reimbursements? If so, how long do they have to submit receipts or apply for reimbursement? How long will it take to process claims or release funds? Is there interest paid on the funds in the ESAs? This comes in to play if our parents wish to make payments directly to the School. We hope these may be clarified with a third-party administrator.

We sincerely appreciate your time and consideration of these points.

Respectfully,

Norman M. Colb
Head of School

Louis M. Bubala III
Sage Ridge School Parent Volunteer

Comments on proposed SB302 regulations

August 19, 2015

Submitted by Victor Joecks
Nevada Policy Research Institute
vi@npri.org, 702-222-0642

NPRI applauds the Treasurer and his office for their hard work in implementing ESAs and for getting these regulations out so quickly. We have one overarching question about eligibility and then our section specific comments and recommendations follow.

These regulations do not make clear the eligibility of kindergartens and first graders. There has been discussion both that students under the age of seven aren't eligible for ESAs and that kindergartens do not need to attend public schools for 100 days to become eligible.

NRS 392.040 states that six-year-olds are required to attend public school, unless, according to NRS 392.040, subsection 4, their parent files a waiver with their local district. If a five-year-old attended kindergarten for 100 consecutive days before applying for an ESA as a six-year-old, that child is eligible for an ESA according to Section 7 of SB302 (2015), assuming the child's parent doesn't request a waiver.

It would help to add a regulation making that clear.

Some lawmakers are stating that the intention of the 100 day requirement was to protect the state budget, which was definitely our understanding during the process, and that since kindergarteners already have an allocation under the DSA, the intention was for kindergarteners to be eligible without having to attend public school for 100 days.

Parents need clarity on what will and won't be allowed for five- and six-year-olds.

Section specific comments and suggestions

Section 16. Comment: It would be helpful to put some additional requirements into regulation about the periods of open enrollment.

Suggested: Enrollment will be open for a minimum of 24 weeks a year, including at least six consecutive weeks in July and August of each year.

Section 17, subsection 2. Suggested: Change "30 days" to "30 calendar days."

Section 18, subsection 1 and 2. Suggested: Change "child submits" to "parent or child submits."

Section 18, subsection 2. Comment: Our reading of this regulation is that a 5 year old who takes one online class would be fully eligible. This point could use some additional clarity,

especially on if the child would receive full or partial ESA funding. And if partial funding, for how long they would receive partial funding. Based on Section 7 of SB302 (2015), we believe a child in that circumstance would be eligible for full ESA funding and don't see the justification for partial funding.

Section 21 and 22. Comment: One of the features of ESAs is that the funds can be used for multiple purposes and at multiple participating entities. Some participating entities, like tutors or opt-in parents, may not have defined "breaks" in the school year like a more traditional private school. Additionally, parents will likely want to purchase curriculum using ESA dollars before the school year starts, during what is currently defined as a "break."

Suggested: If a parent uses ESA funds at a participating entity that doesn't have a traditional school calendar, including but not limited to tutoring or other teaching services provided by a tutor or tutoring facility that is a participating entity, a program of distance learning, summer classes, and being an opt-in parent, then the Treasurer shall interpret that to mean there is no break in the school year.

Section 26. Comment: The presumption should be that an expense authorized by a parent is beneficial for their child's education. We don't want the approval of expenses to hinge on the whims of the Treasurer, especially if a future Treasurer is not as supportive of the program as the current officeholder. The Treasurer's ability to reject expenditures should be limited to cases where there is clear and compelling evidence that an expenditure would be wasteful.

Suggested: If the Treasurer has clear and compelling evidence to question an expenditure, the Treasurer may refer questionable expenditures to the committee and the committee may deny certain expenditures by with four votes. If an expenditure is not denied by four votes, it is deemed approved.

Section 27. Comment: Since committee members are appointed by the Treasurer and serve at the pleasure of the Treasurer, there should be an appeals process put in place to prevent partisan-motivated rejections of expenditures

Suggested: If the committee rejects an expense, a participating entity or parent will have 90 days to collect signatures representing the parents of 500 students participating in the ESA program. If a participating entity or parent collects verified signatures representing the parents of 500 students participating in the ESA program, the expenditure is deemed approved.

Section 28, subsection 2. Comment: The section doesn't contain a timeline for approval or a requirement that the Treasurer's Office approve prospective participating entities that submit the SB302 requirements.

Suggested: Upon receipt of an application on behalf of a prospective participating entity, the Treasurer shall review and send to the prospective participating entity, within 30 calendar days, notification of whether their application to become a participating entity has been approved or denied. The Treasurer will only deny an application if there is clear and compelling evidence that the prospective participating entity did not meet the requirements of section 5 of SB 302 (2015).

A prospective participating entity may appeal the Treasurer's decision to the committee created pursuant to section 27 of these regulations. The committee may deny or approve the application of a prospective participating entity by a majority vote.

Section 29. Comment: There is no authority in SB302 (2015) for the Treasurer to disqualify a participating entity. An annually defined "reasonable academic progress" is a moving target that could be used to take funding away from politically unpopular participating entities. Additionally, a student may be receiving services from a number of participating entities. Would all entities — even ones doing an excellent job — be responsible for the lack of reasonable academic progress?

Section 12 of SB302 (2015) requires students to take either a norm-referenced achievement examination or an examine required under NRS 389. All students may not take a norm-referenced test.

To require all participating entities to provide a record of academic progress creates confusion when a student is receiving services from multiple providers.

Suggested: Eliminate Section 29.

Section 31. Comment: In Section 11, subsection 3(a), of SB302 (2015) participating entities that are reasonably expected to receive \$50,000 or more from education savings accounts during a school year are required to post a surety bond equal to the amount of payments reasonably expected. The requirement that a participating entity post this bond if they receive funds from more than 10 ESAs is significantly stricter than the law requires.

For instance, if a tutor had 15 clients at \$2,000 each per year, they would have to post a surety bond under Section 31 of the regulations, but wouldn't be required to do so by the law.

Suggested: "If it is reasonably expected that a participating entity will receive, from payments made from education savings accounts, more than \$50,000 during any school year, prior to the next quarterly funding installment, the participating entity shall be required to:"

Section 39. Comment: While it is important for the Treasurer to ensure that ESA funds are used lawfully, the timeline in Section 39 is quite short. Assuming it takes three to four days to mail out the notice and three to four days for a parent to return the notice with the requested information, that could only leave a week for a parent to get the letter, gather evidence and respond. Many families take vacations that are longer than a week or could have a family crisis that would keep them away from home for more than a week. Also, the regulation requires the student, not the parent, to resubmit the requested information.

Suggested: The qualified student or parent of a qualified student will be required to resubmit proof of residency prior to the reactivation of the education savings account. If the qualified student or parent of a qualified student fails to respond to the Treasurer within 180 calendar days, the Treasurer shall terminate the education savings account and return any remaining funds to the State General Fund.

Section 41, subsection 1 and 3. Comment: This is a one-size fits all punishment. While ensuring accountability is essential, should an agreement be terminated if a parent or qualified students makes an honest mistake and runs afoul of an obscure regulation? There needs to be a distinction between honest mistakes and substantially misusing funds.

Also, a five-day turnaround time to respond is very short, especially because the parent must submit a written explanation. Since the account is frozen, and there is no possibility of further misuse, a longer time period should be given to respond. This will prevent a parent or qualified student from inappropriately having their account shut down and liquidated.

Suggested:

1. The Treasurer shall terminate the agreement and freeze the education savings account of any parent or qualified student if the parent or qualified student substantially misuses funds or repeatedly and intentionally fails to comply with the major terms of the agreement or applicable laws or regulations.

3. A parent may petition the Treasurer for redetermination of the Treasurer's termination of the agreement by providing the Treasurer, within 90 business days of receipt of the Treasurer's notice, a written explanation why the Treasurer was incorrect in determining the parent or qualified student substantially misused funds or repeatedly and intentionally failed to comply with the major terms of the agreement or applicable laws or regulations.

Section 42. Suggested: Change "Sections 1 through 23 and 15 through 41 become..." to "Sections 1 through 23 and 25 through 41 become..."

Thank you.

FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 | MADISON, WI 53701 | (608) 256-8900 | FFRF.ORG

August 19, 2015

SENT VIA EMAIL & U.S. MAIL:
StateTreasurer@NevadaTreasurer.gov

The Honorable Dan Schwartz
State Treasurer
101 N. Carson Street, Suite 4
Carson City, Nevada 89701-4786

Re: Proposed Changes to Implementation of SB-302, "Education Savings Accounts"

Dear Mr. Schwartz:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding the proposed regulations for SB-302, "Education Savings Accounts." FFRF is a national nonprofit organization with 22,700 members across the country, including many members in Nevada. Our purpose is to protect the constitutional principle of separation between state and church.

Minimal fraud and abuse protections

The proposed regulations for implementing SB-302 lack minimal protections and assurances that public money is being properly monitored to prevent fraud and abuse. Under the program, millions of dollars will go to fund a religious education. Where public money goes, public accountability must follow. In other states, new private school funding programs have been rife with fraud and abuse. For instance, taxpayers in Florida and Wisconsin have lost millions to fraud when money was given to unaccountable private educational institutions. Once fraud is discovered, it is often too late to recover the money.

As Treasurer, you are tasked with safeguarding the state's funds and ensuring that "education savings accounts" are in fact being used to provide an education. These funds are not intended to enrich parents or private religious schools. The proposed regulations do not prevent fraud, which means taxpayers will be on the hook for your lack of oversight. If public funds are going to be put into private hands, then the least that the State Treasurer can do is make sure that those funds are going towards the purpose that they are being divvied out for and not allow them to be used for improper purposes.

Recommendation: All savings accounts must be audited, which will be done at random times throughout the year.

The fox is guarding the henhouse

Section 27 of the proposed regulations requires that four of five committee members making determinations on expenditures must be parents of qualified students who have educational savings accounts. These are the exclusive voting members of the committee, unless there is a tie. Hence, the committee is under the complete control of persons with the ability to spend savings

account money. This design of the committee ensures that public money will freely flow without proper oversight. The committee does not include any representation of trained educators or taxpayers without children.

In addition, we are unaware of any other governmental body that mandates a person be a parent of a child in order to be a member. In fact, even public school boards have no such requirements. Persons who do not have school-aged children must also have a say in how public money is spent.

Recommendation: Committee membership will only be limited based on county of residency, not based on parental status.

Lax 100-day enrollment requirement violates state law

SB-302 restricts participants by requiring that students be enrolled in a Nevada public school for “100 school days without interruption” leading up to their application. The State Treasurer’s proposed regulations ignore this important provision by allowing private school students to take just one class in a public or a charter school for 100 days. This is unacceptable and contrary to the legislative intent of the law. The regulations should require that students are actually enrolled in public school for 100 days.

Recommendation: In order to qualify, students must have been fully enrolled in a public school.

Conclusion

You have the unenviable task of making a flawed program subject to some form of oversight. While we look forward to the day when SB 302 is struck down as violating the state constitution, taxpayers should not have to suffer in the interim.

Sincerely,



Patrick C. Elliott, Esq.
Freedom From Religion Foundation

From: George Keller [mailto:gfkeller@hotmail.com]
Sent: Thursday, August 20, 2015 11:05 AM
To: Nevada School Choice
Subject: 100 DAYS REQUIREMENT IS WRONG & UNJUST!!

THE 6% OR 7% OF STUDENTS IN "PRIVATE SCHOOLS" OR "HOME SCHOOLS" BEFORE THE ESA LAW SHOULD ALSO BE ELIGIBLE. THEIR PARENTS OR GUARDIANS ARE NOT "RICH", JUST TRYING TO GET A "GOOD" EDUCATION FOR THEIR CHILDREN! THE U. S. CONSTITUTION APPLIES TO ALL CITIZENS, NOT JUST THE PEOPLE WHO SEND THEIR CHILDREN TO PUBLIC SCHOOLS.

THANK YOU

GEORGE KELLER
513 OAKWOOD CT
HENDERSON, NV 89002

From: Ryan Johnson, CCIM [mailto:Ryan@johnsongroup.net]
Sent: Thursday, August 20, 2015 11:17 AM
To: Nevada School Choice
Subject: Nevada's Education Savings Account Program (ESA)

I sent this before but never heard a response, just wanted to make sure it was included in the meeting tomorrow morning.

I would like to share my comments regarding the interpretation and implementation of Senate Bill 302 [SB 302]. I am disappointed that children attending these institutions are prohibited from inclusion within the ESA program, however, children who would like to - transfer in- are included in the ESA.

Despite supporting public schools through payment of property taxes for buildings I am partnered in and the house I own (with a portion of that revenue disbursed to schools in the state), I am penalized by SB 302 for already enrolling my child in private education. Because my child enrolled in private kindergarten, we will never meet the 100 consecutive day public school requirement.

Under SB 302, a child enrolled in public school during the 2014-2015 school year can now receive an ESA to send their child to private school. Whereas a parent who has made fiscal sacrifices to provide their child with a private education is not capable of receiving an ESA due to a timing/enrollment issue? This does not seem to seem to make any sense to me. How can you give some paying citizens ESA and not others? I think anyone with a child should be given the same rights and options, regardless of where they started going to school. One of the main reasons we and others chose private school was because of the overcrowding of the public schools. I believe our decisions helped public schools become less crowded than they would have been had we not made that sacrifice

I believe SB 302 will have a positive influence on all children, and I think that all families have the right to the same benefits, regardless of where they have attended school the past 100 days.

Can you please update me with any new news regarding this situation. Also is there anyway to get the same benefits if we were in a private kindergarten last year, without having to transfer our child for 100 days just to see the same benefits as others?

Should you have any questions or comments, please feel free to call or email

Ryan J. Johnson, CCIM
Associate Broker
JOHNSON GROUP
5255 Longley Lane, Suite #105
Reno, Nevada 89511
Office: 775-823-8877 ext 202
Cell: 775-232-8551
Fax: 775-201-0153

My name is Kristi Barile

I ~~was~~^{am} a homeschool mom from NVU who had to put her ~~kids into~~^{5th} generation S. NV kids into a public charter due to financial restraints.

My children currently have 94 days in their public charter.

I plan on being a participating entity and my children to be opt-in students.

A few of my ~~concerns~~^{are} testing, approved costs, & the freezing of funds. and approved curriculum

Section 29 of the regulation call for a Dept of Education approved test. However, I understand that the intent of the sponsor was to be norm referenced. This is very concerning as my children will not use ~~CC aligned~~. CC aligned curriculum. Especially for my Special Needs, dyslexic child.

~~2ndly~~ 2ndly. What will be approved costs? I need monies to be available for field trips, community classes & physical education, also to be able to purchase ~~from~~^{from} sites like Amazon for better prices on books and

~~Next~~ ^{Next} ~~lastly~~ for the funding freeze to be lifted, as summer is when I am shopping for curriculum.

~~Lastly~~ ^{Lastly} Will be able to stray from the approved list, or if there is an ~~un~~^{un}approved curriculum, how do ~~to~~ as an individual participating entity go about getting curricula approved? As again, the sponsor wanted participating entities to have as much freedom to meet their student's needs as possible.

-----Original Message-----

From: kxanlon1000@gmail.com [mailto:kxanlon1000@gmail.com]

Sent: Thursday, August 20, 2015 11:32 AM

To: Nevada School Choice

Subject: Workshop comment

To whom it may concern,

I am unable to attend the workshop, but I would like to include my comment. I would like to see information on how an elementary school aged child can fulfill the public school requirement of attending one or more classes for 100, without being removed from their current private school. I am unable to find any resources available for families that have children currently in private school. If there is a list of after school or summer classes that we could have our child attend to meet the requirement, that would be extremely helpful. I have already contacted Washoe County School district, and the classes currently do not exist. Many at my school would be willing to pay for such classes. Thank you so much for listening to my comment.

Warm regards,

Kelly Hanlon

From: Courtney Burns [mailto:courtney-burns@hotmail.com]
Sent: Thursday, August 20, 2015 11:41 AM
To: Nevada School Choice
Subject: ESA

I am unable to attend the meeting tomorrow, because my husband and I work three jobs between the two of us in order to keep our children in a Christian education - something that is very important to us.

We are devastated that we are being put in the position of having to completely disrupt our children's education AND further overcrowd the neighborhood school we are zoned for in order to take part in this program and possibly relieve some financial burden. I cannot understand the sweeping generalization that is being made that all private school parents are wealthy and do not need this. If that is what the issue is, then set an income cap. Under your current system, an affluent family who has not considered private school will suddenly be eligible for a voucher. This makes absolutely no sense. The sheer unfairness to families of this aside, how can you justify doing this to the public schools? They are already stressed, at capacity, and clearly struggling with transiency and to perform. You are creating a more transient environment. How can you not see this?

Please, please, please reconsider these terms. We are tax payers, we are loyal citizens, and we are just trying to do the best for our children. Please do not punish us for choosing to sacrifice for our kids.

Courtney Burns
courtney-burns@hotmail.com
702.296.1104

From: Maryjean711 [mailto:maryjean711@aol.com]

Sent: Thursday, August 20, 2015 11:46 AM

To: Nevada School Choice

Subject: esa

My family and I are very upset with this bill discriminating against students who are enrolled in private schools. We are taxpayers and have been supporting the public school system while paying our private school tuition.

We shouldn't need exceptions or 100 days. We should be able to write down our children's current school and tax bills to qualify.

Mr and Mrs Jones

2551 Kensington Pl

Carson City NV 89703

Taxpayers with children in private school

Please read attached letter as well

Hopefully you can come up with an acceptable solution tomorrow

Good Morning I am writing in regards to the SB 302 Bill.

We have four children who are currently enrolled in the private school sector in Carson City. We have been living in Carson for over ten years and paying taxes. Our state is ranked 49th educationally in the nation. Without question, something needs to change. But why does the change have to be punitive to those families already enrolled in private education?

Implementing a way for people to be able to use their tax dollars for a school of their choice is wonderful. The guidelines to do so are not so wonderful and are discriminatory on many levels. The assumption is that all children that are in our public system are there because they cannot afford not to be. This is untrue. The second assumption is that all children in private schools can afford to be there. Again not true. As a matter of fact, the consensus among private schools this year is that it is a banner year for financial aid requests. If the true purpose of the bill is to allow school choice for all students living in Nevada why is there a mandatory 100 day enrollment in a public school?

Our children have been in the same school setting for years. They look forward to going to school, seeing their friends, enjoy learning and prayer. You are asking that parents of these children to remove their children from their known, safe, familiar environment, place them in a public school setting for 100 days, disrupt their school year, as well as, public and private school teachers and then return them to where they were. Was any thought given to the impact this disruption would have on the child? During their time in the public school setting they will not be educated in the manner in which they were accustomed. They will not be able to pray or take their religions education classes. They will then be forced to take those classes at night in their respective churches. I personally will not be able to have all my children transition at the same time given their ages. So, for my family, I will be at multiple schools in Carson City over multiple years so each of my children qualifies for these monies. WHY? How does this help my children? Will counseling be available for the trauma this will cause the children? Why can we not fulfill this arbitrary 100 day rule on line? Where are the charter elementary schools in Carson? Why are we not grandfathered in? What do I tell my children? They are already excited for their school year at the school they love, BUT, thanks this ESA program, they may need to leave for 100 days. Let's talk discrimination because I feel very strongly that private school families are being discriminated against. A solution needs to happen immediately. School starts next week for Carson and the week after for private. Help us somehow to make this a non discriminatory system.

From: Candice Humber [mailto:candicehumber@gmail.com]
Sent: Thursday, August 20, 2015 12:58 PM
To: Nevada School Choice
Subject: SB302 Considerations

I would like to propose that a child with a disability that would normally qualify for an IEP in public school should be exempt from the 100 day requirement for eligibility.

I would like to propose that a child of a 100% disabled veteran should be exempt from the 100 day requirement for eligibility.

These two groups should not be excluded on the first round of the program because families pay many additional medical expenses due to disabilities which take away from their ability to pay school tuition. Kids with disabilities or kids who have parents with disabilities are more vulnerable in general and need to be able to choose a school that meets their needs. Having to remove them from private school just to qualify would have a great impact on their mental stability. In addition, this would not significantly increase the applications for SB302 nor would it "blow" the budget, but it would look great politically.

Thank you,
Candice Sims

From: Lidder, Mylinh [mailto:mlidder@dot.state.nv.us]
Sent: Thursday, August 20, 2015 1:03 PM
To: Nevada School Choice
Subject: comments regarding ESA

Please clarify whether kindergarten school days count towards the 100 days requirement. Also, when is a child qualified for ESA? At a certain age or at a certain grade level.

Thank you.
Mylinh Lidder

From: Kristin Ownby [mailto:kdo530@gmail.com]
Sent: Thursday, August 20, 2015 1:08 PM
To: Nevada School Choice
Subject: ESA Workshop

Good Afternoon,

My husband and I will be unable to attend tomorrow's workshop, because we will both be working to ensure we are able to continue daughters' Christian education - something that is important to us.

We are devastated that we are being put in the position of having to completely disrupt our children's education (and further overcrowd the school we are zoned for) in order to take part in this program and possibly relieve some financial burden. We cannot fathom the broad generalization that all private school parents are wealthy and do not deserve the benefits of this program. After briefly reading through the minutes of previous workshops I understand the 100 day rule was put in place because adding all Nevada students increased the budget by over 2 million dollars. A possible solution could be to put income caps in place? Under your current system, a wealthy family who is not currently enrolled in private school will now automatically be eligible for the program simply because their child has attended public school for 100 or more days. This makes no sense. The sheer unfairness to families aside, how can you justify doing this to an already burdened public school system? They are already overcrowded, under-performing and clearly struggling with a transient population. This program will most certainly add to their transient problem - "send them for 100 days & get \$5,000". What happens to these schools, teachers and remaining students when their children start fleeing in 100 days?

I urge you to please reconsider the terms of this program. The concept is great, but the implementation is seriously flawed. Right now there is no way to deny that those of us who have chosen to work two and three jobs, scrape pennies, sacrifice vacations and new cars to give our children a better education are being punished.

Sincerely,
Kristin & Chris Ownby

From: michael sullivan [mailto:sullivegas@yahoo.com]
Sent: Thursday, August 20, 2015 1:24 PM
To: Nevada School Choice
Subject: reqirement for public school attendence before application

I want to know what the reason is for the requirement that students must attend public school for 100 days before applying for an ESA.

Michael Sullivan

From: sarah schultz [mailto:sarah7schultz@yahoo.com]
Sent: Thursday, August 20, 2015 1:23 PM
To: Nevada School Choice
Cc: Ethaan Schultz
Subject: ESA Program

Hello-

My name is Sarah Schultz-

I would have loved to make this meeting however I have 3 children, (youngest starting first grade this year) ALL in private school with my husband working out of state returning home once a month to pay for the third one entering school. Our decision to stick with private school was because of the new ESA Program we heard of offering aid to help ensure we could keep sending them. That was until we heard that this would not apply to us because our sacrifice of not leaning on the public school system and paying taxes for those that do is now a punishment. We are NOT wealthy and have sacrificed, health insurance and many other things to send our children to private and have never completed 100 days in public. Ultimately, the cost of three private school tuitions will be unattainable for us and I will be putting all 3 into public as the tuition raises and having 3 children in private is just not affordable. We had to get a loan for this year alone with the third one already enrolled thinking we could get assistance starting this year.

***Most people attending private school are not wealthy people! I know so many people who have family members (like ourselves) to pitch in on the cost and many other things! It is a major sacrifice for a majority of us parents! I ask you to look into some exemptions for the programs acceptance categories! Such as number of children and income even if it is not quite poverty level!!!. The talk amongst everyone I know is that the help will go to those who ultimately would not continue to pay for schooling when they hadn't before and return to public as well as those of us paying three times the cost without help will be putting ours in public as the help did not apply to us who struggle which will over crowd the public school systems tremendously! It will be a spiral of switching schools and pulling kids in and out. I ask you to consider the rest of us with multiple children etc.

Any help we could get would guarantee we sacrifice to send all three to private school until they graduate! Without this help we just cannot continue to send all 3. Many of us will not pick and choose which child can attend private while the others go to public because of cost while all kids who did their "100 DAYS" receive the help. The public schools will be over crowded with "Private School Left Overs" and defeats the very purpose of relieving the financial burden and classroom size off public schools! I ask you to reconsider or offer help on a person to person basis as I have multiple children. Wealthy people (the minority) obviously wouldn't ask or need the help. The average people do!!!! That would strengthen the Nevada economy as a whole!

Any information that could be useful to help my sons would be appreciated!

Ethaan and Sarah Schultz

Sarah (cell) 702-400-6301
Ethaan (cell) 702-296-6000

sarah7schultz@yahoo.com

From: Tara Crammer [mailto:Tara.Crammer@strategicbh.com]
Sent: Thursday, August 20, 2015 1:38 PM
To: Nevada School Choice
Subject: Question for 8/21 Meeting

Hello,

During the workshop, could you please address how this will effect children entering Kindergarten, who could not meet the 100 days of enrollment requirement?

Thank you,

Tara Crammer, MA, MFT
Director of Partial Hospitalization
Montevista Hospital
5900 W Rochelle Ave
Las Vegas, NV 89103
702-251-1260
www.strategicbh.com

From: Bonnie Wood [mailto:bbwood777@yahoo.com]
Sent: Thursday, August 20, 2015 1:43 PM
To: Nevada School Choice
Subject: ESA and military

Hello,

We are an active military family of 14 years and we moved to Nevada a year ago. We will be here for a 3 year assignment. When we moved to Nevada we chose to put our children in private school for personal reasons despite the financial strain and sacrifice. When I heard of the Education Savings account of Nevada, I was extremely disappointed to discover that my children would first need to attend 100 days of public school before we eligible to receive funding for our private school. This would mean that I would have to remove my children from their private school, place them in public school for 100 days, only to move them back again to their private school (this time with the funding) then move out of state the following year due to our military orders.

We have moved 10 times in 14 years. My children have never attended the same school for 2 years in a row due to the demands of the military. Even though military children move frequently, you are requiring them to attend 2 different schools in one military assignment so that they can receive funding for private school...first public for 100 days, then private.

I am asking you to consider a "military clause" to the ESA bill allowing active duty military children to be exempt from the requirement to attend public school for 100 days before being eligible for funding through ESA.

Thank you very much and I would like a response back please.

Bonnie Wood
850-728-1144

From: Dennis Lancaster [mailto:dalancas@outlook.com]
Sent: Thursday, August 20, 2015 2:12 PM
To: Nevada School Choice
Cc: 'Rachel K Akers'; 'Sue Blakeley'
Subject: Comments for the State Treasurers Office Public Workshop-Aug 21

Mr. Hewitt,

While I have reviewed the proposed changes, as well as those made thus far, they still do not address the issue of eligibility requirements, with respect to those entering school in Nevada.

Specifically, as the requirements read today, to become eligible a child must attend Kindergarten or 1st grade in public school before he/she may become eligible for an ESA. This specifically excludes all children who attend private schools, who otherwise would be eligible for an ESA account.

Why is the state requiring a child to begin his/her education in a public school, only to disrupt his/her education and social adjustments to satisfy a state requirement for eligibility? This child is entering his or her education career with a disadvantage of having to intentionally make a considerable life change only to satisfy the states inability to forecast budgeting for that same student. This is unfair and completely avoidable, by better managing forecast student populations and budgeting accordingly.

This also excludes the impact on the family unit by having a child, or children, have to deal with the anxiety of making new friends and establishing new relationships with teachers and others. Why are we subjecting our young students to this turmoil needlessly, and so early in their education life?

Dennis and Rachel Lancaster
Henderson, NV

-----Original Message-----

From: Leslye Pineda [mailto:leslyepineda@yahoo.com]

Sent: Thursday, August 20, 2015 2:35 PM

To: Nevada School Choice

Subject: Re: Private School Students

> On Aug 20, 2015, at 2:25 PM, Leslye Pineda <leslyepineda@yahoo.com> wrote:

>

> Hello, I'm a mother of four children and have applied for the ESA application, and I'm very concerned that two of my children may not be eligible for this program because they were enrolled in a private preschool/daycare. Unfortunately I had no other choice because the state of Nevada doesn't provide full day kindergarten in ALL schools and good low cost preschools. I don't think its fair that private school students are going to loose the possibility of this great program. Not all the families with children in private schools are wealthy. I am one of the few parents that has to struggle to pay tuition. I even considered moving out of state to provide my children a better education. Please reconsider the options for private school students. Thanks

Leslye Pineda

-----Original Message-----

From: misserbell@cox.net [mailto:misserbell@cox.net]
Sent: Thursday, August 20, 2015 2:40 PM
To: Nevada School Choice
Subject: Nevada Education Savings Account

Good afternoon.

We are writing to you today so that our voice can be represented in the discussion involving the Nevada Education Savings Account. Unfortunately, our schedules do not permit us to attend the meeting on this subject.

We have two children, ages 12 and 6. Although, one is just beginning her academic journey, our oldest daughter is well established in the program that we have selected for her. We are not wealthy people, but we have made the decision to have our children attend private school. There were several factors that made us decide this path many years ago.

First, we are natives to Nevada. I graduated from Clark High School and my husband graduated from Gorman High School. We have seen the best, and worst, that public and private schools have to offer first hand. The exposure to the negative has amplified over the years, and we felt the private school atmosphere allowed our children to be children longer.

Second, we feel that the Christian based teaching that we have chosen for our children, not only compliments the teachings we have at home, but strengthens our family as a whole. Our children have had religion as part of their daily lives. They view it as a core requirement. To them, it is as necessary as math and science. The family unit as a whole is also required by the school to fulfill community service hours, further strengthening our family's commitment to our faith and community.

And lastly, the security and protection that comes from the private school setting provides peace of mind. My husband is a patrol officer with the LVMPD. His profession also impacted the education path that we chose for our children. Unfortunately, we didn't realize how much of an impact his profession would have on our children until recently. Police officers - and their families - are not viewed favorably by all of society. There is a peace of mind knowing that our children are attending a school that will protect them from the negative stereotype that comes with his profession. After all, we view him as our hero and nothing else.

We are not wealthy people. We make sacrifices for our children as all parents do. We have saved, forfeited family vacations, worked extended hours, all so that our children may have the best education. We have received monetary assistance from family members so that our children are raised in an environment that allows them to be the best that they can be.

Please consider the common family when deciding on the details of this bill. To remove a child from an atmosphere during their teenage years, and throw them into the unknown would not benefit anyone. This applies to all students, not just those in the private schools. It would create an unnecessary burden on an already overburdened system.

We appreciate the time and effort that you are putting forth in finalizing the details of this bill. We hope that you consider our situation when making your final decisions.

--

Melissa Bell
7250 Shallowford Ave
Las Vegas, NV 89131
702-236-4623

From: Debra Brandani [mailto:dbrandani@yahoo.com]
Sent: Thursday, August 20, 2015 3:03 PM
To: Nevada School Choice
Subject: comment

I am a parent to three children enrolled in public schools in Las Vegas. I am disappointed in this proposed legislation does not provide for Public School Choice. Why must my choices be limited to the school I am zoned for, ones that may have empty seats or private school. This legislation does not provide for the very much needed competition to help improve our public schools. Under this legislation the public schools only stand to lose students, and only those students whose parents are very close to affording private school and can provide the transportation and before and after school care that will also be required.

A much better plan would have allowed parents to choose which public school their child and their tax dollars would go to. This would inspire poorer performing schools to improve and respond to parent concerns and reward the schools that are responsive to the comments they receive from concerned parents. Even those children whose parents are not involved in their schooling would benefit.

This program will provide the equivalent of a tax break to those close to affording private school and will do nothing to provide the competition needed to improve our public schools. For competition to be effective, it must be viable competition.

This program will take a lot of money out of the public school system and give them no opportunity to gain. That is not competition.

sorry, but I am very disappointed.
Debra Mazza
702 321 4411

From: Adrian Bucher [mailto:aabucher@hotmail.com]

Sent: Thursday, August 20, 2015 3:12 PM

To: Nevada School Choice

Subject: RE: ESA Workshop Updated Information

My comments are below:

I would like to be able to use this program but more than likely, the 100 day rule precludes me from doing so. I don't understand why the legislature has this rule in place. Shouldn't all kids in NV, including those already in private school, get the same benefit? I shouldn't have to pull my child out of his current school, have him go to public school for a hundred days then put him back in private school just to qualify. This is disruptive to him and well as to both the public and private schools. If this bill is truly to benefit kids then this rule makes zero sense.

THE FRIEDMAN
FOUNDATION
FOR
Educational
Choice

Treasurer Schwartz, thank you for accepting our written testimony for the August 21, 2015 rules workshop. It is our hope at the Friedman Foundation that Nevada's Education Savings Account (ESA) opportunity will have a smooth start. To ensure that parents will be able to fully utilize the program, and so as many students as possible will have access to their education funds, each proposed rule should be reviewed with this question in mind: does this rule enhance or restrict a parent's ability to access the educational dollars allocated for their child and spend that money on the appropriate educational services that the child needs?

With this standard in mind, we would like to address two topics: 1) the 100 day rule; and 2) kindergartner student eligibility for the program.

It's been said that the 100 day requirement was inserted into the legislation as a way to protect the state budget, as any student who was in school for 100 days would have funding under the Distributive School Account (DSA). While all children, including those already in private school, should have access to public funds allocated for their education, fiscal analysis revealed that including all current private school students would incur \$200 million in new expense to the state; that cost was too much for the state to bear in the first year of the program, at this point in time. As the program establishes a firm foundation, including current private school students should be considered.

Kindergarteners should be allowed to access the ESA funds. Prior to accessing an ESA, they have no requirement to attend public school in the state of Nevada. Therefore, the 100 day rule would be impossible to apply to entering kindergartners. Additionally, since kindergartners are included in the DSA, funds are already set aside for their education. Kindergartners below the age of 7 should be allowed an ESA without the requirement to first attend public schools for 100 days.

Nevada's ESA is truly one of a kind and has the possibility of creating an educational marketplace not seen anywhere else in the United States. It is important that all those involved in implementing the ESA stress inclusion and access as the central tenets of this program.

We thank the treasurer's office for being timely and transparent in all communications; we are confident that this welcomed public service will continue.

Sincerely,



Leslie Davis Hiner



Advancing Milton & Rose D. Friedman's vision of school choice for all children.

One American Square • Suite 2420 • Box 82078 • Indianapolis, Indiana 46282
Voice: 317-681-0745 • Fax: 317-681-0945 • www.EdChoice.org



August 21, 2015

PROPOSED REGULATIONS FOR SENATE BILL 302

This legislation promotes a better education for our children. We as parents and grandparents commend Governor Sandoval, the Legislature and the Nevada State Treasurer's Office for their efforts to promote and effectively implement this legislation.

One of the key factors to success for educating this Country's youth is promoting the parental and family involvement in the education process of their children. This program definitely has strong parental/family involvement for the education of children. You can count on us to be there to ensure the success of this program and the betterment of our children's education.

Please consider starting the tuition payment date January 1, 2015 or as early as possible for qualifying students.

Glen and Jackie Cheney
7548 Old US HWY 395
Carson City, Nevada 89704
775-882-8885

Katrina Koh

10135 Prattville Avenue, Las Vegas, NV 89148

katakoh@aol.com

702.597.4687

August 23, 2015

RE: SB 302

Dear Governor Sandoval, State Treasurer Schwartz, and Senator Becky Harris,

My husband (Froilan Cordero) and I have been residents of the State of Nevada for about 10 years. We own and operate a small business in Las Vegas and are parents of a 6th grader. We are tax-paying citizens serving in our community since we moved to Nevada in 2004. When our son was ready for school, we contemplated our options, looked at our financial ability, and decided to enroll him in a private Catholic school. We make sacrifices each year to make it work for our family.

We attended the workshop last Friday, August 21, 2015, and although we did not comment, I am writing to you today to express our concerns regarding SB 302 and specifically the 100 school day eligibility requirement for the ESA (educational savings account). We don't believe the intent of the bill was to be exclusionary and limit which child qualifies. Yet, the 100 day provision of the regulation, Section 18, does exactly that by making our child ineligible as he has not been enrolled in a public school (Part 1 of the section). Part 2 of Section 18 is impossible to achieve as there are no such classes at a public or charter school that can be available for those of us in a private school. As many parents and educators have already stated, there is not an option that we have found in our communities that can meet this provision.

It is fundamentally unjust to preclude certain children the ability to participate in the ESA program offered by SB 302. All children should be given equal opportunity. Therefore, I offer the following suggestions:

1) Remove regarding the 100 school day in a public school requirement of the Education Savings Account Regulations (Section 18).

2) If the 100 school day in a public school requirement cannot be removed, then add a "grandfather" clause in the regulations to state that ALL students enrolled in any Nevada school (public, private, charger, or distance learning center (online school)) be automatically eligible for the ESA.

3) Allow current private school students to also enroll online as a part-time student or other such entity that exists to take a core or elective class that is not being offered at his/her currents school. In other words, allow a student to have dual enrollment in a private school (full time) and in another online, public school environment or other existing entity (part-time).

Governor Sandoval, State Treasurer Schwartz & Senator Becky Harris

8/24/2015, p.2

Katrina Koh

I have seen State Senator Lipparelli's mailer recently and applaud his efforts to work for Nevada children and recognizing that "*all* children can learn in the way that's right for them." I encourage Governor Sandoval and State Treasurer Schwartz to make SB 302 right and fair for ALL children in the state of Nevada; to make it a model program that it was intended to be in providing "parents with choices as to how his or her child shall be educated..." All Nevada children, including my own, deserve same rights and opportunities.

Thank you for your attention and time.

Sincerely,

Katrina Koh

CYNTHIA G. MILANOWSKI

8520 CHIQUITA DRIVE

LAS VEGAS, NV 89128

cgmilanowski@gmail.com

702-845-9115

August 21, 2015

Dear Governor Sandoval, State Treasurer Schwartz and Senator Lipparelli,

My name is Cynthia Milanowski, and I am a 24 year resident of the State of Nevada and the mother of 8th grade and 6th grade daughters. I was able to attend today's workshop regarding SB 302, by chose not to make comments during the workshop. Instead, I would like you to have my thoughts in writing regarding this Bill.

Let me first state that 8 years ago when my oldest daughter was ready to begin kindergarten, I chose to send her to St. Elizabeth Ann Seton school (SEAS) because I felt that SEAS offered the best learning environment for her. For the last eight years I have made the same decision every fall – that SEAS was the right place for her to learn. When my youngest started kindergarten six years ago, I made the same choice, and have made the same choice for her every fall thereafter. SEAS is where they belong.

Now with SB 302 and its current implementation plan, I am being penalized for my choices regarding my girls' education. As it currently stands, if I do nothing, they will be attending classes at SEAS with new students whose parents made the same educational choice I did, but who are being rewarded for their choice to the tune of \$5,700. I, on the other hand, receive nothing. Such implementation of SB 302 is patently unfair if not unconstitutional.

In order to participate in the Educational Savings Account, I have only one choice: withdraw my 8th and 6th grader from SEAS, enroll them in the local public school for 100 school days, submit my ESA application and then pray there is a seat available for them at SEAS. Such disruption to my children's education is unjust, unfair and unreasonable.

I believe there are three simple solutions that will rectify the unfair implementation of SB 302:

1. Remove the 100 day public school enrollment requirement from the current implementation plan. It is my understanding that this would require a change to the law by the legislature. If that is truly the case, I implore you to call a special session to repeal this requirement. By doing this, the ESA will be available to ALL Nevada students as it should be.
2. If the 100 day requirement cannot be removed, then the regulations should include a "grandfather" clause stating that all students enrolled in ANY Nevada school (public, private, charter, or distance learning center (online school)), are automatically eligible for the ESA. There is no reason or justification to specifically exclude private school students from receiving the ESA benefits.
3. Allow current private school students to enroll in a local school district *on-line* school as a part-time student so as to take a core or elective class that is no offered at his/her current

school. In other words, allow for dual enrollment as a fulltime student at a private school and as a part-time public school in an on-line environment. On completion of 100 days of an on-line class, the student should be eligible to apply for an ESA. There has been discussion that a current private school student could attend his/her private school and at the same time enroll in a local public school or charter school (bricks and mortar facility) for 100 days in order to satisfy his/her 100 day requirement. In reality, this is not a solution. I have visited my three local middle schools over the past week. All three told me the same thing: they cannot and will not accommodate private school students for this purpose. In fact, they do not offer early morning or late afternoon classes. More disturbing was the fact that at all three locations, I had to educate the administrators on SB 302 and its requirements as they knew nothing about the program. You will be happy to know that I directed all three schools to the State Treasurer's web site so they could obtain the relevant information.

Gentlemen, please understand that I, along with many other faithful private school parents, have lived in the Las Vegas community for years. We have paid our taxes, purchased property, been responsible employers and employees, and supported our community. We have the same right to benefit from the ESA just as all other Nevada families.

Quite by coincidence, I received a flyer in the mail today (after having attended the SB 302 workshop) regarding State Senator Lipparelli's work in Carson City. I have attached a copy of this mailer for your information. The mailer recognizes that "our children have a voice in Carson City" and Senator Lipparelli "stands up for Nevada children." As evidence of his drive to assist the children of Nevada, including *my children*, the mailer states the obvious regarding the ESA when it recognizes that Senator Lipparelli has been working for our children by "expanding school choice options like Educational Savings Accounts – so ***all children can learn in the way that's right for them.***" There is no mention that Senator Lipparelli believes that the benefits of the ESA are limited to only certain students; they are for all children.

Thank you for your time and service to our great state and I encourage both Governor Sandoval and Treasurer Schwartz to follow the lead of Senator Lipparelli and ensure that all children, including my private school children, benefit from SB 302 and the ESA "so they can [continue to]learn in the way that's right for them." I also encourage Senator Lipparelli to stand up for the current private schools students of his district (including my children) and "work tirelessly" to see to it that our children receive the benefit of the ESA.

Kind Regards,

Cynthia Milanowski

From: Carmen Prater [mailto:spacewench@outlook.com]
Sent: Thursday, August 20, 2015 4:38 PM
To: Nevada School Choice
Subject: ESA Program Comment for 20 August Workshop

I respectfully ask that my following comments be considered during the workshop if possible:

I am an aerospace engineer, and my wife an occupational therapist who recently relocated to NV for work purposes. We have a 6 yr. old son starting 1st grade this year at a private school in Henderson. Given that NV public school systems are consistently ranked among the last places on any credible educational quality study/ listing, we were reluctant when making this relocation choice. As parents greatly concerned and involved in the quality of our son's education, we initially rejected NV as a viable choice for our family. This was tough because we absolutely love the state. It is one of the most beautiful parts of the country we have experienced with a government that is typically very fair to the residents and businesses within the state. Everything about NV was right for us except the public schools. We researched the cost and quality of private schools in the area, and determined we could afford it providing I take on a 2nd job. While we make a decent income, we could not afford the \$12K yearly private school expense without securing additional employment.

We were elated to learn about the ESA Program until reading the limitations placed on families who have already chosen to do what's necessary to avoid having their children attend NV public schools. The requirement for 100 days of attendance in a public/charter school does nothing but face such families in a predicament of either choosing to disrupt their child's learning to comply or to forego taking advantage of this wonderful program that fairly and justly allows families the ability to take the funds that would be for public school and put them towards the education they feel their child deserves. Taking my son out of private school for 100 days to attend public school will only upset the continuity of his learning environment with no guarantee he will have a space in our chosen private school after the 100 days have been satisfied. I find no understandable just cause for this requirement, and believe it to be nothing but burdensome to the citizens as well as the state. The ESA Program was intended to allow NV families a choice. The current requirements discriminate against families who have already taken it upon themselves to responsibly do what they feel is best for their children despite the financial burden such choice may cause.

I would ask that the fairness of the 100 day requirement be revisited, and for the state to make the right choice by omitting such a requirement.

Respectfully,
Carmen L Prater
Las Vegas, NV
661.406.5788
carmen.prater@outlook.com

From: Bonnie Wood [mailto:bbwood777@yahoo.com]
Sent: Thursday, August 20, 2015 4:57 PM
To: Nevada School Choice
Subject: ESA and military

Hello,

We are an active military family of 14 years and we moved to Nevada a year ago. We will be here for a 3 year assignment. When we moved to Nevada we chose to put our children in private school for personal reasons despite the financial strain and sacrifice. When I heard of the Education Savings account of Nevada, I was extremely disappointed to discover that my children would first need to attend 100 days of public school before we eligible to receive funding for our private school. This would mean that I would have to remove my children from their private school, place them in public school for 100 days, only to move them back again to their private school (this time with the funding) then move out of state the following year due to our military orders.

We have moved 10 times in 14 years. My children have never attended the same school for 2 years in a row due to the demands of the military. Even though military children move frequently, you are requiring them to attend 2 different schools in one military assignment so that they can receive funding for private school...first public for 100 days, then private. I am asking you to consider a "military clause" to the ESA bill allowing active duty military children to be exempt from the requirement to attend public school for 100 days before being eligible for funding through ESA.

Thank you very much and I would like a response back please.

Bonnie Wood
850-728-1144

From: Robyn B [mailto:cellorobyn@gmail.com]
Sent: Thursday, August 20, 2015 5:28 PM
To: Nevada School Choice
Subject: comment on proposed regulations (9/21/15)

I can't make it to the meeting tomorrow, so I wanted to submit my comments on the newly proposed regulations.

I believe the proposed Sec. 29 "re-writes" the law to be more restrictive than the law was intending, rather than simply "regulating" it. The way SB 302 was originally written, there are two options for test-taking: exams pursuant to chapter 389 of NRS, or norm-referenced exams. The "or" is left out of the proposed regulations, making the regulation overly restrictive.

Also, nowhere in the original law is the Treasurer given the authority to disqualify a participating entity based on exam *results*. The law requires participation in an exam only. The proposed regulations have far more reach than the law gives them authority. This law was based on trusting the parent to use the grant to best educate their children. Any proposed regulations should reflect that.

Sincerely,
Robyn Brown
6953 Caspian Tern Street,
North Las Vegas, NV 89084

SB302 Section 12, subsection 1 (a)

- (1) Any examinations in mathematics and English language arts required for pupils of the same grade pursuant to chapter 389 of NRS; OR
- (2) Norm-referenced achievement examinations in mathematics and English language arts each school year;

From: kimbi wood [mailto:kimbi54624@gmail.com]
Sent: Thursday, August 20, 2015 6:27 PM
To: Nevada School Choice
Subject: ESA Program

To Whom it may concern,

I am writing this email to express my concerns regarding the proposed ESA Program, since I am unable to attend tomorrows meeting due to my work schedule. When I first heard about the program I was ecstatic about the idea, finally some help to cover the cost of my daughter's education. My excitement, however, was quickly shattered once I realized that my daughter was going to be excluded from the group because she goes to a Christian Based private school. My husband and I greatly value a faith based education and we have made countless sacrifices over the last 6 years to ensure that she is able to go to this type of school. We aren't rich, in fact we are barely considered middle class. This is also the case for the majority of the families at our school, most of which are US military soldiers, police officers, and Clark County school district teachers and employees. Most of our kids wear hand-me-down uniforms because we all pass them around as our kids grow. We are all making sacrifices everyday to ensure that our children get a good education. We all pay taxes that support the Clark County school district, yet we are being excluded from the benefit the ESA Program offers. It is simply unfair.

This program is supposed to give other options for those that are unhappy with the school they are zoned for and it's supposed to alleviate over crowded classrooms. The way I see it, this program will have an opposite affect. Parents are going to pull their children from the private schools and enroll them in public schools for the required amount of days and then pull them once again. Las Vegas is a very transient city to begin with, and this situation will only cause an increase in this type of environment. Las Vegas public schools already fail to perform on a National level, how will the increase in classroom sizes and constant flow of kids coming and going help this situation? The school my daughter is zoned for consistently performs in the 50's range for both math and reading, which isn't considered a passing grade. So I want other options.

Please reconsider the terms of this program. We are Las Vegas citizens too, we pay our taxes. I don't understand why we are being punished for making sacrifices for our children's education.

Thank you,
Kimberly Wood

From: Candice Humber [mailto:candicehumber@gmail.com]

Sent: Thursday, August 20, 2015 7:01 PM

To: Nevada School Choice

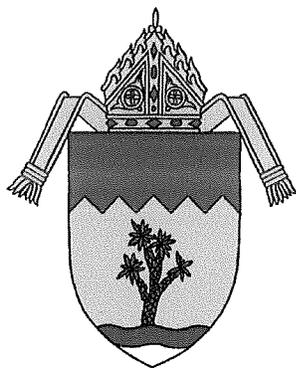
Subject: Suggestion for SB 302 Regulation

Funds should not be released to parents unless proof of enrollment in an approved private school is submitted.

It is odd that applications are being accepted even though funds are not going to be released until April. I can easily state on my application that I will enroll at Las Vegas Day School, but what if my child takes the admissions test and does not actually get into the school. Most of the private schools require an admission test and do not accept every student that applies.

In thinking about the math, if 2000 ESA applications have been received, how many of those children will actually be accepted into their desired school. I know that at the school that my child attends there are very few spots available. Each year there are 1-2 available spots for grades 1-6. Kindergarten has about 30 spots with priority given to siblings. Even when applying to get my daughter into kindergarten, it was extremely competitive...she had a 30% chance of getting into the school because there were 3x more applicants than spots available. We just need to have a way to ensure enrollment in the school of choice prior to releasing funds.

Thank you,
Candice Sims



August 20, 2015

Mr. Dan Schwartz
Nevada State Treasurer
NEVADA STATE TREASURER'S OFFICE
101 North Carson Street, Suite 4
Carson City, Nevada 89701

Mr. Grant Hewitt
Chief of Staff
NEVADA STATE TREASURER'S OFFICE
101 North Carson Street, Suite 4
Carson City, Nevada 89701

Re: Revised Regulations Regarding the Implementation of Senate Bill 302

Dear Messrs. Schwartz and Hewitt:

The Roman Catholic Diocese of Las Vegas reiterates its gratitude for the monumental efforts of the State Treasurer's Office ("STO") in regard to SB 302. We sincerely appreciate not only the hard work undertaken by your office (and others), but also appreciate the many challenges encountered in developing regulations to implement this bill.

We ask that you seek an immediate opinion from the Nevada Attorney General's Office as to the applicability – or lack thereof – of NRS 388.850. We are of the opinion that NRS 388.850 in no way prohibits our students from enrolling in distance education or on-line classes to satisfy the '100-day' requirement. We strongly believe that any such suggestion is a misinterpretation of the statute. Moreover, we remain of the opinion that the STO has the full, broad authority to devise regulations that permit private school students' participation in the ESA program such that a single on-line course satisfies the requirements of the SB 302.

Set forth below is a partial timeline of the events relevant to the development of the regulations in issue, as well as our comments concerning the revisions to the proposed regulations.

Mr. Dan Schwartz
Mr. Grant Hewitt
August 20, 2015
Page 2

Background – The Roman Catholic Diocese of Las Vegas’ Position Prior to the Issuance of Temporary Regulations

In our July 14, 2015 letter we raised various issues, including those concerning the “100 days” of public school attendance language within SB 302.ⁱ That letter, in pertinent part stated:

On its face, the 100 day requirement of SB 302 (which was not included within the originally drafted legislation) appears to unduly and unreasonably burden those individuals who have already effectuated their school choice. . . . However, a more nuanced reading of SB 302, coupled with the authority delegated to the State Treasurer’s Office, seems to permit the creation of specific regulations that can avert the aforementioned impact. While at first blush this language appears to present a barrier to our existing families’ establishment of an ESA, other language within the bill (as from other sources) suggests there remains flexibility to afford existing private school students the ability to obtain the same benefits as their public school counterparts. For example, the Legislative Counsel’s comments describe the bill as: . . . establish[ing] a program by which a child *enrolled* in a private school may receive a grant of money in an amount equal to 90 percent . . . of the statewide average basic support per pupil. Sections 7 and 8 of this bill allow a child to enroll part-time in a public school while receiving part of his or her instruction from an entity that participates in the program to receive a partial grant.

S.B. 302, 78th Leg. (Nv. 2015) (emphasis added).

We felt the aforementioned language demonstrated an intention to benefit those children already enrolled in private schools. Moreover, we indicated that the bill itself suggested contemporaneous attendance in both a public school and a private school, or participating entity, to satisfy the 100 day attendance component by those already *enrolled* in private school. Specifically, section 7.10, states in pertinent part: A parent may establish an [ESA] for a child who receives *a portion* of his or her instruction from a public school and a portion of his or her instruction from a participating entity. S.B. 302 §7.10, 78th Leg. (Nv. 2015) (emphasis added).

Issuance of Temporary Regulations submitted on August 4, 2015

We were optimistic upon our initial reading of the temporary regulations developed by your office dated August 4, 2015, which were posted to the STO’s website. Those temporary regulations allowed an existing private school student to satisfy the 100 day requirement by enrolling in a public or charter program of distance education. Specifically, those regulations stated:

Mr. Dan Schwartz
Mr. Grant Hewitt
August 20, 2015
Page 3

Sec. 18. A child who is required to attend a public school pursuant to NRS 392.040, and who applies during an open enrollment period, will be approved as a qualified student if:
...

2. The child submits evidence that he or she has been enrolled in one or more classes **(including a class or classes offered online)**, at a public or charter school, pursuant to NRS 392.070(3) for at least 100 school days, without interruption, immediately preceding the receipt of an application to establish an education savings account by the Treasurer.

Temporary Regulations, Submitted 8/14/15.

August 6, 2015 Department of Education Opinion and Subsequent Las Vegas Roundtable Hosted at the Grant Sawyer Building by NPRI

In a 'clarification' issued just two days after the submission date of the proposed regulations, a press release issued by the STO stated:

The State Treasurer has been notified by the Nevada Department of Education that pursuant to NRS 388.850, a private school or "home school" student may not participate in a program of distance education (online class) to satisfy the 100 school day requirement. Nevada Revised Statute 388.850 prevents a private school or "home school" student from enrolling in a program of distance education (online class).

However, a private school or "home school" student may qualify for an ESA by taking one or more classes in a public or charter school, pursuant to NRS 386.580(5) and 392.070(3).

"This is not the outcome we had proposed" said Grant Hewitt, Treasurer's Chief of Staff. "With school starting in just a few days, we want to ensure that parents had clarity on the issue. We hope that the Legislature addresses this issue in an upcoming legislative session so students can qualify for an ESA through a program of distance education while still attending their primary education choice" Hewitt said.

Thereafter in a recent roundtable meeting held on Monday August 10, 2015, we had heard for the first time that the Nevada Department of Education advised distance learning entities (or those who provide on-line classes, such as the Connections Academy) must reject the enrollment of diocesan catholic school students; that such enrollment is "against the law" – that law being NRS 388.850.

Mr. Dan Schwartz
Mr. Grant Hewitt
August 20, 2015
Page 4

NRS 388.850 Does Not Prohibit the Enrollment of Our Students
in Distance Education or On-Line Classes

First and foremost, it would seem that statutes pertaining to issues predating SB 302 are of questionable applicability. The STO has been granted broad authority to develop regulations necessary to the implementation of SB 302, which would include definitions unique to SB 302. Indeed, the law is full of particular terms of art which are defined differently depending upon the context and the statute in which the particular term is referenced.

Even if NRS 388.850 was applicable to this issue, the statute *does not* prohibit the enrollment of our students in public school distance education. Specifically, NRS 388.850, falling under the distance education section, states:

Eligibility for enrollment.

1. A pupil may enroll in a program of distance education **unless:**
 - (a) Pursuant to this section or other specific statute, the pupil is not eligible for enrollment or the pupil's enrollment is otherwise prohibited; . . .
2. A child who **is exempt from compulsory attendance and is enrolled in a private school pursuant to chapter 394 of NRS or is being homeschooled is not eligible to enroll in or otherwise eligible for enrollment pursuant to subsection 1.**

Nev. Rev. Stat. §388.850 (2015) (emphasis added).

Our students are not excused from compulsory attendance. Indeed, the pupils of the schools of the Roman Catholic Diocese of Las Vegas are required, by law, to attend school. Moreover, our State of Nevada, Department of Education mandates that our schools set forth certain attendance (and academic) standards. For instance, our students must attend school for a minimum of 180 days per school year. Thus, the suggestion that our students are not subjected to compulsory attendance requirements is misplaced. There is simply no basis for any claim that our pupils are prohibited from simultaneous on-line (or distance) enrollment to satisfy the 100-day requirement. Those students attending private school are 'eligible' for distance learning and must be accepted.

Again, we request that the STO obtain an immediate interpretation and opinion from the State Attorney General's Office in this regard.

Incorporation of Prior Comments and Suggestions

We suggest that the STO revise the latest version of the draft/temporary regulations to promote universal school choice for all which should include, without limitation, the following:

- The STO has the authority to define a “school day”
For the purposes of SB 302, the STO should separately define what constitutes a “school day.” Again, there is a plethora of examples of competing, and often contrary, definitions of the same terms within the law. This should be no exception. A single on-line class should satisfy the “school day” requirement within SB 302.
- Simultaneous attendance at both the students’ private school of choice and a public school through on-line classes should fulfill the 100 day requirement.
 - The 100 days attendance requirement should be satisfied by private school students if they have previously completed—or when they enroll in--on-line classes offered by the public school. This could be done while the student maintains his/her enrollment at the current school of choice. This suggestion remains similar to example number two on page two of the STO’s “Issues Proposal for Education Savings Account Eligibility Under SB 302” dated 6/29/2015.
 - Brick and mortar-based attendance (originally suggested by the Department of Education, although NRS 350.850 did not appear to be cited), or any regulation requiring live attendance, could effectively eliminate ESAs for many in private schools. It would be to the detriment of the child to uproot them from their school of choice, their friends, their teachers, their peers and their school community to meet the 100 day requirement. It is not only wholly disruptive to the child’s educational experience, but negatively impacts the child’s academic achievement. What is more, the student’s space at the private school may no longer be available after completion of the 100 day requirement.
- Definition of ‘uninterrupted’ attendance should not apply to those students who have previously attended a private school.
The STO should include within its regulations an exemption from the ‘uninterrupted’ requirement for those students currently ‘enrolled’ in a private school. Those not previously attending public school on a full-time basis should be afforded credit toward the 100 days for any and all classes taken on-line, in-person or through any other means where such classes would qualify for credit at a public school. Moreover, participation in public school PSAT, SAT and ACT preparation classes could also be used to satisfy this requirement.

Mr. Dan Schwartz
Mr. Grant Hewitt
August 20, 2015
Page 6

- A waiver or exemption of the 100 day requirement for the coming open enrollment period for those parents who have already made their school choice.
If the 100 day requirement cannot be eliminated at this juncture, either through the legislative or judicial processes, we suggest promulgation of a regulation that would provide a one-time exemption from, or waiver of, the 100 day requirement for those students currently enrolled in a private school which falls within the definition of “participating entity” as defined by SB 302. Such a one-time exemption could be made available during the first regular enrollment period, from January 4, 2016 to February 29, 2016. This would empower parents of private school students to maintain their children in their current educational environments this year and afford equal treatment under the law.

We are confident that NRS 388.850 does not prohibit our students’ enrollment in on-line classes. We ask that the STO seek an immediate opinion from the Attorney General’s Office on this issue prior to the implementation of the proposed regulations. We also believe that the STO has the complete authority to separately define a ‘school day’ for the purposes of SB 302 to ensure universal school choice.

We hope that this communication has provided you with ample support for regulations that are inclusive to those students already attending private school. We look forward to working with you on these matters and are available to answer any questions.

Very truly yours,

Very truly yours,

Catherine Thompson

CATHERINE THOMPSON
Superintendent of Schools
DIOCESE OF LAS VEGAS

Judith Simon-Kohl, Esq.

JUDITH KOHL
General Counsel
DIOCESE OF LAS VEGAS

¹ Specifically, the bill sets forth in pertinent part: “any child required . . . to attend a public school who has been enrolled in a public school in this State during the period immediately preceding the establishment of an education savings account pursuant to this section for not less than 100 school days without interruption may establish an education savings account for the child. . . .” S.B. 302, 78th Leg. (Nv. 2015).

-----Original Message-----

From: bebe1978@cox.net [mailto:bebe1978@cox.net]

Sent: Thursday, August 20, 2015 8:09 PM

To: Nevada School Choice

Subject: Nevada School Choice Bill

Mr. Hewitt,

I am writing regarding the meeting to be held on Friday, August 21, 2015 for the proposed regulations of The Nevada Education Savings Account Program. Although I find the idea of the program honorable, the current proposal is hardly fair to all taxpaying citizens. I am unable to attend Friday's meeting as I and my husband will be working and unable to travel from Las Vegas. We, however, do feel that our opinions should be heard. We have been paying property taxes in the state of Nevada for more than sixteen years. Our parents have been contributing for nearly thirty years. We have both held steady jobs and provided a private Christian education for our two children for the past eight years (while paying property taxes). We chose the education we felt was best for our children, and have made great financial sacrifices to ensure that the values of both their education and faith are upheld.

It baffles me to think that our hard work and participation in the economic structure of the state of Nevada will be overlooked when considering "school choice" for students and parents. Our children have never spent a day in a public school classroom. My husband and I are not wealthy, nor do we earn an exorbitant income. We are a dual-income family. As the current proposal stands, if our financial situation should change tomorrow, our family would not be eligible for this program, and our children would be unable to continue the education we have "chosen" for them. In talking to other parents, the question has been raised, "Who does this proposal assist"? It seems that the population of taxpayers that this proposal assists is marginal and disproportionate to the actual population of families who are enrolled in private schools, at least, here in Southern Nevada. We question who the target taxpayers are that you seek to help with this proposal.

Please consider "school choice" for all students and their taxpaying families. Consider the assistance you are offering to some, and why only some, taxpayers. Consider how this current proposal effects public school classrooms as well. Consider how this proposal will effect public education funding and overcrowded classrooms (one of the reasons many parents have chosen alternative educational options) when those of us currently paying tuition can no longer afford it due to tuition hikes when this bill is enacted.

Thank you for your time and consideration.

Sincerely,
J. McCombs

From: Laura Olesczuk [mailto:laurababy29@hotmail.com]
Sent: Thursday, August 20, 2015 8:31 PM
To: Nevada School Choice
Subject: school choice

My husband and I will be unable to attend tomorrow's workshop, because we will both be working to ensure we are able to continue our son's education - something that is important to us.

We are devastated that we are being put in the position of having to completely disrupt our child's education (and further overcrowd the school we are zoned for) in order to take part in this program and possibly relieve some financial burden. We cannot fathom the broad generalization that all private school parents are wealthy and do not deserve the benefits of this program. After briefly reading through the minutes of previous workshops I understand the 100 day rule was put in place because adding all Nevada students increased the budget by over 2 million dollars. A possible solution could be to put income caps in place? Under your current system, a wealthy family who is not currently enrolled in private school will now automatically be eligible for the program simply because their child has attended public school for 100 or more days. This makes no sense. The sheer unfairness to families aside, how can you justify doing this to an already burdened public school system? They are already overcrowded, under-performing and clearly struggling with a transient population. This program will most certainly add to their transient problem - "send them for 100 days & get \$5,000". What happens to these schools, teachers and remaining students when their children start fleeing in 100 days?

I urge you to please reconsider the terms of this program. The concept is great, but the implementation is seriously flawed. Right now there is no way to deny that those of us who have chosen to work two and three jobs, scrape pennies, sacrifice vacations and new cars to give our children a better education are being punished.

Thank you.

Laura Olesczuk

From: Dave Grupe [mailto:daverover34@gmail.com]
Sent: Thursday, August 20, 2015 9:41 PM
To: Nevada School Choice
Subject: ESA Program

To Whom it may concern,

Since I am unable to attend tomorrow's meeting due to my work schedule

I am writing this to express my concerns regarding the proposed ESA Program. I was completely disappointed to learn that my daughter was not going to qualify for this program because she goes to a Christian Based private school – Something that is very important to my family and that she is over the age of 7. Why the age cut off? Shouldn't all of our kids matter? We have sacrificed so much over the last 6 years to make sure that she can continue at her school. A school that provides a better education than any of the public schools in our area. The people that attend this school are "everyday Joes", many of which are Clark County school district teachers and employees. I always thought it said something about the district when its own teachers won't send their kids to public school. My point is, that we aren't wealthy people, we are caring parents that want more for our kids. We are all making sacrifices everyday to ensure that our children get a good education. We all pay taxes that support the Clark County school district, yet we are being excluded from the benefit the ESA Program offers. How is this fair? Am I supposed to pull my child out of a school she loves, and put her in public school for 100 days? I don't see how this benefits anyone. If anything it will only add to overcrowded classrooms and to the already high number of kids constantly coming and going. Las Vegas public schools are continuously at the bottom of national rankings, and I only see this adding to the problem.

Please reconsider the terms of this program. We are Las Vegas citizens too, we pay our taxes which contribute directly to the public education system. Our children deserve better than this. The hard working families of this city deserve better.

Thank you,

David Grupe

From: Tori Anderson [mailto:n8nvicki@gmail.com]
Sent: Thursday, August 20, 2015 9:42 PM
To: Nevada School Choice
Subject: SB 302

We started off in public schools, because we had an elementary school less than two blocks up the street. Our child was placed in a corner and told to color because he knew English and several other kids did not. We knew then that this school would not work for the education of our children. Our daughter attended public school as well through the beginning of the fourth grade and could not get the attention she needed to be successful, so we pulled her as well.

We located Lamb of God Lutheran School, which is obviously a Christian based private school. The transformation of our children in this education program was nothing less than amazing. We have been paying for schooling for our children ever since. My two children are now entering Faith Lutheran.

We were very excited to here about the current plan to help parents like ourselves with our schooling choice. After all we have paid taxes in Clark County for schooling and we are still paying for our own private school tuition. You can imagine how disappointed we were to find that we would actually have to pull our children from their current school, go back to public school and then get back on the list to get back into Faith Lutheran in order to participate in the new program. We would not be guaranteed our places back at the school, which then defeats the entire purpose.

There is no doubt that this is a good step for those folks who have realized that Clark County public schools are not the place for their children's education. All we ask is for the benefits of this program to reach those of us who have made the sacrifices for our children's education. It makes no sense that next year, families in our same economical situation will benefit from this program because their children were enrolled in CCSD but we will not. Please reconsider the terms of this Bill.

-----Original Message-----

From: rllv@cox.net [mailto:rllv@cox.net]
Sent: Thursday, August 20, 2015 10:34 PM
To: Nevada School Choice
Subject: SB 302

Dear Nevada Treasurer,

I am a parent of two children that have luckily been able to attend private Christian schools for the past few years. My husband and I agree that we would not have sacrificed their Christian education for the sake of having more money. However, we feel that the new SB 302 is unfair to students who already attend private education schools. Primarily because there is not going to be an income cap associated with it. We are also tax payers and feel like there are plenty of people who CHOOSE to send their children to public school but their incomes have surpassed ours. Now, these students would be eligible to attend the same school as my children BUT, they would only have to pay half of the tuition. How is this fair, constitutional, and not discrimination? How is the state intending to regulate families that choose to "trick the system"? Basically, withdraw their students from private school, place them in public school for 100 days exactly, then re-enroll into private school at half the price for the rest of their school education. My husband and I would never do that but I am sure that there are MANY families that are choosing this route. Twelve years of school, receiving more than \$60,000 in assistance for ONE child, or two children, over \$120,000 in tuition assistance, sounds pretty tempting for basically enrolling your children into public school for 100 days. How do you intend to monitor and make families accountable?

We feel that the state has good intentions with the SB 302 but there are several kinks in the plan. If the state were to put a salary cap, let's say incomes under \$70,000, that would make better sense, and most people who can not afford private education, this would most certainly help them. This would also benefit some current families that are making daily family sacrifices to send their children to private schools. My husband and I would not fall into this category but it would atleast it would show us that the state's intentions really are to help students have more choices in education. My son has a good friend who is going to greatly benefit from this bill and I am grateful for that. I also know several families that do not go on family vacations, play sports, and go out to eat on a regular basis so that they can pay for their children's private educations. What about these families? They do not qualify for assistance because their children hasn't attended a public school for 100 days? How is this fair to them? I would urge you to reconsider some of the parameters of the SB 302 before it is in place. It definitely has good intentions but excluding families only on the basis of that they have elected to send their children to private school prior to the effect of this law, seems to be discrimination.

Thank you for your time,
Ruth Edlin
Proud mother of two well-rounded children

From: Justin Smith [mailto:justintsmith07@gmail.com]
Sent: Thursday, August 20, 2015 10:54 PM
To: Nevada School Choice; Lannah Smith
Subject: 100 Day Requirement and Home School

Hello,

My wife and I are interested in applying for the ESA for our children. We currently Home School our children full-time.

During the first open enrollment period (January 4th – February 29th, 2016) the STO will make a onetime exception to the policy outlined above:

1. The student must have been enrolled in a Nevada public/charter school for at least 100 consecutive school days anytime during the 2014-2015 school year;

OR

2. The student must have participated in a class/classes provided by Nevada public/charter school pursuant to NRS 392.070(3) for at least 100 consecutive school days anytime during the 2014-2015 school year.

A) Does the above text from the following link mean that our children will not be able to participate in the ESA if they have **always** been Home Schooled?

<http://www.npri.org/issues/publication/first-glimpse-of-eligibility-requirements-for-esa-program-released>

B) If there is a **one time** exemption for "Home School" children to enroll in the ESA program, what will be the case for **future children** we may have that we "Home School"?

Thank you,

Justin and Lannah Smith
775-223-7423
775-224-6119

From: Justin Smith [mailto:justintsmith07@gmail.com]
Sent: Thursday, August 20, 2015 11:40 PM
To: Nevada School Choice
Subject: Idea for August 21st Meeting to Solve Budgeting Problem

We see a couple different sides to this bill:

Parent Side:

Freedom to choose where child receives education from.

Private School Side:

Funding to help better their students' education.

Home School "Opt-in" Children Side:

Unable to participate because of 100 day rule.

Public School Side:

Unable to properly budget due to possible mass fluctuations of enrollment.

State Treasurer Side:

Unable to properly fund ESA due to amount of students currently outside of system

Possible Solution:

Graduated Transition

Our solution to all of these problems and the 100 day rule is to base ESA availability on the the natural flow of students throughout the Districts and to other states.

We do not know if these slots would be better tracked Monthly, Quarterly or by the school year but think of it this way.

If 100 kids are "Transferred Out" of the Churchill County School District for the current school year lets say they leave within the first quarter. The District is now "over-funded" by that amount after the Count Day. This information is available in the SIS for each school and district.

Assuming that the amount was adjusted (based on previous data to allow for potential re-entry of children into the District in the 2nd through 4th Quarter for funding) to 75 ESA Slots available. Then 75 Private School/Home School Churchill County children would be accepted for the ESA.

Lets say applications had to be received by December 31st for January ESA children. The same procedure would follow the next year.

This solves problems for all sides:

- Parents still have more options available
- Kids that do not qualify for the 100 day rule could slowly enter the system
- School Districts can better budget for the money leaving the district at a slower rate
- State Treasurer would better be able to fund the ESA
- Prevents false positive enrollment for 100 days each school year, and prevents the mass exodus of public school students to the ESA.

Unresolved Thoughts about implementing such a plan:

-How to determine which ESA applications get the available slots each year in each County/District

Please share this at the meeting on August 21st and see if it leads to a better solution.

We hope this helps :)

Lannah and Justin Smith

775-224-6119

775-223-7423

-----Original Message-----

From: Lorie Januskevicius [mailto:LAJanuskevicius@hollandhart.com]

Sent: Friday, August 21, 2015 6:44 AM

To: Nevada School Choice

Subject: SB 302

Unfortunately, My husband and I will not be able to attend the meeting tomorrow due to the fact that we both work long hours during the week, so that we can provide our children with a Christian education - something that is extremely important to us.

We are devastated that we are being put in a position of having to completely disrupt our children's education, which will undoubtedly overcrowd the neighborhood school we are zoned for in order to participate in this program, so that we may possibly relieve some financial burden.

We cannot understand the sweeping generalization that is being made that ALL private school parents are wealthy and do not need this assistance. If that is what the issue is, then set an income cap or reduce the amount of funding for each student based on income.

Under your current system, an affluent family who has not considered private school, until now, will suddenly be eligible for a voucher. This makes absolutely no sense.

The sheer unfairness to tax paying families of this aside, how can you justify doing this to the public schools? They are already stressed, at capacity, and clearly struggling with transiency. You are creating a more transient and burdened environment. How can you not see this?

We are being discriminated against by the current terms of this program. Please reconsider SB 302 and take into consideration the families in private schools. We are tax payers, we are loyal citizens, and we are just trying to do the best for our children.

Please do not punish those of us who choose to make significant sacrifices for our children.

Thank you.

Michael and Lorie Januskevicius
7241 Elderly Avenue
Las Vegas, NV 89131
702-743-4932

From: Darlene Caruso [mailto:darlenescaruso@hotmail.com]

Sent: Friday, August 21, 2015 6:56 AM

To: Nevada School Choice

Cc: Monica Conteduca; nrigoni@ccanv.com; Christine Krol; Scott.Hammond@sen.state.nv.us; Sherry Jackson

Subject: RE: ESA Workshop Updated Information

Mr. Treasurer-

Please accept these written comments in response to the proposed regulation regarding SB 302 and in specific response to the Section 2 which has been changed so that a private school student may not take an online (distance education) course to satisfy the 100 day rule.

It is my understanding that you have amended that language based upon notification from the Nevada Department of Education stating that a private school student is not eligible to participate in a program of distance education. However, pursuant to the statutes relied on by the Nevada Department of Education, a private elementary and secondary educational institution operated by a church, religious organization or faith-based ministry is exempt from the Private Elementary and Secondary Education Authorization Act (NRS Chapter 394) and, consequently, cannot be included in the provision that makes certain private school students ineligible for enrollment in distance education. Specifically, the Nevada Department of Education relies on NRS 388.850(2) to exclude private school students from enrollment in online courses. However, pursuant to NRS 388.850(2), only students who are "exempt from compulsory attendance and [are] enrolled in a private school pursuant to chapter 394 of NRS" are not eligible for distance education. NRS 394.211(1)(d) specifically exempts schools operated by churches, religious organization and faith-based ministries. Accordingly, children enrolled in private religious schools are not included in the prohibition of NRS 388.850 for distance education because they are not enrolled in a Chapter 394 private school. Consequently, private school students at qualifying religious schools may, in fact, participate in distance education classes for purposes of the 100 day rule.

Thank you for your continued efforts in this matter and your consideration of these comments.

Darlene Caruso

From: Darrin Raskopf [mailto:draskopf@centurylink.net]
Sent: Friday, August 21, 2015 7:08 AM
To: Nevada School Choice
Subject: ESA Question

Is it possible to allow children of families who meet the poverty requirements or disabled children to be exempt from the 100 day rule to qualify for the ESA. These 2 categories of kids already have an exemption and allow for 100% funding at the state level so can that exemption also include the 100 day requirement. This will allow only a few more children to be eligible for the program but it will allow kids who desperately need the program access.

Thank you

From: Jim Firzlaff [mailto:JimF@trinity-life.org]
Sent: Friday, August 21, 2015 7:17 AM
To: Nevada School Choice
Subject: Sb302 Law ESA payments

Could you please address the idea that only ONE payment will go out for those parents who have properly applied prior to the start of school and have enrolled their kids in a private school. If the law provides that \$5,000 will go to tuition how can you only do one payment of \$1250 For the first year when the application was received prior to the start of the school year?

Best regards

Jim Firzlaff
702 25-3103 cell
From my Samsung Galaxy® Note 4.
Please excuse typos

-----Original Message-----

From: Joseph And Jessica Zwiijac [mailto:zwiijac@gmail.com]

Sent: Friday, August 21, 2015 8:10 AM

To: Nevada School Choice

Subject: Question for workshop

I have a question I would like answered as I will be watching online.

What things for homeschooled children can the ESA money be used for? For example, can it be used for a new computer and school supplies?

Our homeschool group that we belong to has uniforms, can it be used for that? What about field trip fees?

Thanks for taking the time to answer these questions

Jessica Zwiijac

From: Glen and Jackie Cheney [mailto:cheneypad@hotmail.com]
Sent: Friday, August 21, 2015 8:23 AM
To: Nevada School Choice
Subject: Input for S.B. 302

August 21, 2015

PROPOSED REGULATIONS FOR SENATE BILL 302

This legislation promotes a better education for our children. We as parents and grandparents commend Governor Sandoval, the Legislature and the Nevada State Treasurer's Office for their efforts to promote and effectively implement this legislation.

One of the key factors to success for educating this Country's youth is promoting the parental and family involvement in the education process of their children. This program definitely has strong parental/family involvement for the education of children. You can count on us to be there to ensure the success of this program and the betterment of our children's education.

Please consider starting the tuition payment date January 1, 2015 or as early as possible for qualifying students.

Glen and Jackie Cheney
7548 Old US HWY 395
Carson City, Nevada 89704
775-882-8885

From: Juan and Paige Romero [mailto:jellybeans529@gmail.com]

Sent: Friday, August 21, 2015 8:23 AM

To: Nevada School Choice

Subject: Kindergarten students

I feel that the 100 day rule in regards to brand new kindergarten students should be waived. To force such small children to start a new school, and get used to how things function and then they would have to move to their private school in 100 days is disruptive to their new experience of starting school. Many of the children are being separated from their parents for the first time and to have to experience getting used to 2 schools is not positive in any way for such a small child.

Thank you,
Paige Romero

-----Original Message-----

From: Carmel [mailto:carmel4_1@yahoo.com]

Sent: Friday, August 21, 2015 8:25 AM

To: Nevada School Choice

Subject: Section 15.

Hello,

Thank you for this opportunity to clarify this bill and revisions. In the situation as a parent being the "participating entity" in reference to section 15- what exactly can "athletic fees", "laboratory fees", "supplies" be used for? For instance, can ski lessons or tennis lessons be used for athletic fees for physical education? Would a field trip to a museum or outdoor science camp be covered under laboratory fees? Art classes at local museum? Does supplies cover the cost of a computer? I feel that the guidelines are very loose. I would rather know these things upfront rather than be reported to Attorney General after the fact. Also, there are cooperative classes taught by parents in a community setting. Would fees for these type of classes be covered?

I am not clear on how the committee decision for expenditures would work. Would the questions I just posed go through the committee for approval before I enrolled my children?

Thanks for your help clarifying these issues.

Carmel Bang

From: Marizela R. [mailto:smile7404@hotmail.com]
Sent: Friday, August 21, 2015 8:26 AM
To: Nevada School Choice
Subject: RE: ESA Workshop Updated Information

I'm sending this email to voice my concern regarding this bill. I can't be at the meeting as my husband and I are both working and we're not able to take time off work. As a tax paying citizen I'm concerned that this bill has a perception that if you already have your child in a private school, you make enough money and do not need the assistance. Which is completely inaccurate, my husband and I work full time so that we can send our kids to a private school. We could really use some help from this bill as every school year it's a struggle. Our family has to struggle while other families who had their kids in public can receive assistance since their child qualifies for going to a public for 100 days. We sent our kids to private since they were in pre-k. Both our boys are 4.0 students hard working kids. These facts can be provided upon request. Now, in order for my kids to qualify I have to uproot them from their schools for 100 days and they will lose their place at the schools they currently attend. I ask you to please find away to assist the parents that have struggled to have both parents work full time to send their kids to private and make some exceptions to this bills. This money can be evenly spread with kids currently attending private and not to eliminate them. We too are taxing paying citizens. Please... I ask for some kind of help for our families who struggle every year to send their kids to a private school to obtain the best education.

Sincerely,
Marizela Razo

-----Original Message-----

From: Gerald Razo [mailto:razo213@hotmail.com]

Sent: Friday, August 21, 2015 8:35 AM

To: Nevada School Choice

Subject: SB 302 Concerned Parent

Hello,

I'm sending this email to voice my concern regarding SB302. I can not attend the meeting as my wife and I are unable to take time off of work. As a tax paying citizen I'm concerned that this bill has a perception that if you already have/had your child in a private school, you make enough money and do not need the assistance. For me personally this is completely inaccurate as my husband and I work full time so we can send our kids to a private school. We could really use some help from this bill as every school year it's a struggle. Our family has to struggle while other families who had their kids in public can receive assistance since their child qualifies for going to a public for 100 days. We sent our kids to private since they were in pre-k. Both of our boys are 4.0 students and very hard working kids. These facts can be provided upon request. Now, in order for my kids to qualify I have to uproot them from their schools for 100 days and they will lose their place at the schools they currently attend. I ask you to please find away to assist the parents that have struggled to have both parents work full time to send their kids to private and make some exceptions to this bill. This money can be evenly spread with kids currently attending private and not to eliminate them. We too are taxing paying citizens. Please... I ask for some kind of help for our families who struggle every year to send their kids to a private school to obtain the best education.

Sincerely,
Gerald Razo

"NEVER QUIT"

-----Original Message-----

From: Nicole Browne [mailto:ntb4@me.com]

Sent: Friday, August 21, 2015 8:46 AM

To: Nevada School Choice

Subject: Comments for meeting today

Hello,

I was intending to be at this morning's meeting but have a sick child and cannot attend. Please see my questions and comments below to include at today's meeting.

Also, I have sent two other emails that have gone un-answered and was assured they would be. I would greatly appreciate a response.

Sincerely,
Nicole Browne
775-771-2752

1. How can SB302 suggest a private or homeschool child take "one or more classes" for at least 100 days if not allowed by the State in the first place? The charter school in which I tried to enroll my private school children told me that "the state won't allow (them) to take part time students."

SB302 as now proposed blocks all avenues for non-public kids to receive ESA, including the ERRONEOUS suggestion to go part-time.

2. What is the significance of the timing for public school attendance?

Since the public school time has to be 100 days immediately preceding the application, SB302 prohibits the ESA for a child who tried public school at one time and transferred to private or home school before the 100 day requirement.

3. Which leads to the ultimate question:

Why does SB302 make the ESA avail for one taxpayer and not the other? The law discriminates one taxpayer from another.

Based on what? It appears to the taxpayer that the law discriminates against Faith since most of Nevada's private and home schools are faith-based.

Or put another way...

What is the basis for discriminating against private or home schooled students who have already been paying their fair share of taxes into a system they haven't used? One could argue that the non-public school taxpayers are in fact owed a refund in addition to the ESA.

From: Jim Firzlaff [mailto:JimF@trinity-life.org]
Sent: Friday, August 21, 2015 8:58 AM
To: Jim Firzlaff; Nevada School Choice
Subject: RE: Sb302 Law ESA payments

Could you please address the idea that only ONE payment will go out for those parents who have properly applied prior to the start of school and have enrolled their kids in a private school. If the law provides that \$5,000 will go to tuition how can you only do one payment of \$1250 For the first year when the application was received prior to the start of the school year?

Best regards

Jim Firzlaff
702 25-3103 cell
From my Samsung Galaxy® Note 4.
Please excuse typos

From: Jackeline Obregon
Sent: Friday, August 21, 2015 9:01 AM
To: Nevada School Choice
Subject: ESA QUESTIONS for 8/21/15
Importance: High

I have the following questions:

- 1) Does a 6yr old (just turned 6 in February) going into first grade still need to meet the 100 day requirement? If so why is this if Kindergarten is not required in the State of Nevada. Do the regulations address this issue?
- 2) You website states: "**NOTE:** Applications that are received for children under the age of 7 will be placed in an approved/pending status. These applications will be reviewed after the Legislature has approved final regulations" What does this mean for my child? He is 6 and I have already submitted an application for the ESA.
- 3) What happens if someone is approved for the ESA but has already paid the tuition for that school year? Does he/she get reimbursed for what has already been paid to the school?
- 4) Does an afterschool reading/tutoring program offered at a private school count as a class?

I am unable to attend this morning's meeting but will be listening in if possible and would like an answer to these questions.

Jackie Obregon

| Email: jobregon@dncfp.nv.gov

-----Original Message-----

From: Trummer, Marcus [mailto:Marcus.Trummer@wynnlasvegas.com]

Sent: Friday, August 21, 2015 10:28 AM

To: Nevada School Choice

Subject: Kindergarten

Good morning.

In supplementing my oral comments in the workshop this morning, I wanted to provide a written comment as well .

As the first LV speaker, I then had the chance to hear other testimony and wanted to broaden my comments.

With regards to assessing regulations I believe it to be beneficial (fyi) that I'm responsible for SEC and gaming compliance for Wynn Resorts.

Topic: kindergarten

Point : don't believe it is the intent of ESA's on forcing new students (kindergarten) to follow a specific path to then have a choice after a period of time. This contradicts the concept of choice for new students. For these younger children the rules need to address eligibility when no history of attendance is available.

Recommendations: include eligibility rules for new entrants to kindergarten which require either birth in NV, a few years property taxes, or related measures to obtain funds.

In speaking with Senator Hammond a few times, I believe this topic (requiring kindergarten entrants to be forced to go to public to then have a choice) was not the intent of how the bill was drafted.

I am available for dialogue if you have any questions.

Marcus Trummer

Chief Audit Executive

Wynn Resorts, Limited

702-525-6543

Marcus.trummer@wynnresorts.com

From: Geni Hubbard [mailto:genihubbard@gmail.com]
Sent: Friday, August 21, 2015 11:11 AM
To: Nevada School Choice
Subject: Nevada's Education Savings Account (ESA) program

To Whom It May Concern,

My husband and I were unable to attend the workshop regarding the Nevada's Education Savings Account (ESA) program, but wanted to share our concern/input.

We are devastated that we are being put in the position of having to completely disrupt our children's education (and further overcrowd the school we are zoned for) in order to take part in this program and possibly relieve some financial burden. We cannot fathom the broad generalization that all private school parents are wealthy and do not deserve the benefits of this program. After briefly reading through the minutes of previous workshops I understand the 100 day rule was put in place because adding all Nevada students increased the budget by over 2 million dollars. A possible solution could be to put income caps in place? Under your current system, a wealthy family who is not currently enrolled in private school will now automatically be eligible for the program simply because their child has attended public school for 100 or more days. This makes no sense. The sheer unfairness to families aside, how can you justify doing this to an already burdened public school system? They are already overcrowded, under-performing and clearly struggling with a transient population. This program will most certainly add to their transient problem - "send them for 100 days & get \$5,000". What happens to these schools, teachers and remaining students when their children start fleeing in 100 days?

I urge you to please reconsider the terms of this program. The concept is great, but the implementation is seriously flawed. Right now there is no way to deny that those of us who have chosen to work two and three jobs, scrape pennies, sacrifice vacations and new cars to give our children a better education are being punished.

Thank you,
Geni & Daniel Hubbard

From: Twain Estates Manager [mailto:twainestatesmanager@brprop.com]
Sent: Friday, August 21, 2015 2:47 PM
To: Nevada School Choice
Subject: School Choice

Dear Treasurer,

I have concerns with the manner in which the private school children are being excluded. I understand budgeting may be an issue but we have paid the full education for our child since pre-K as she is going to Grade 5 this year that means we have relieved the state of the burden of expense for our child for the last 6 years. The state has not had to pay for education, school lunches, or any other expense related to my child. She is 10 years old, born in the state of Nevada but has not been an expense to the school system at any time.

My husband and I had 4 children go through the system with only 1 graduating. We did not feel those odds were the best so with that and the ratings of the public schools we chose to work extra to pay for our 10 yr. olds education. Even with my husband being laid off we paid for her education which was not an easy task. Now there is a program available to help with paying for education options and because we choose to work hard and try to offer her a better education we don't qualify? That makes no sense.

It also makes no sense that we be required to take her out of a school that has a max of 12 kids in the class and send her to a system that is over-crowded and understaffed. The news said the school is still short 900 teachers and will need to use temp Teachers and offer them more education. How does it make sense that to improve my child's education I must remove them from a system that is flourishing to put them in a system that is failing?

There needs to be a better system to determine who is eligible for this program. As I said, our child was born here and has lived here her whole life. We have lived here since 1987. We register our cars here, vote, and work here. Why not a system that evaluates how long a child and their family have been residents of this state? There are lots of new people coming in and due to my job as an apartment manager I see people living here for years and still registering their cars in other states! Not right then that they are eligible for this program before we are if their child has been in public school. It should be required that the families meet all requirements that a resident would. Nevada ID, Nevada registration, Nevada employment. If they meet all those then we would need to next look at how long the child has lived in the state.

Then I would think another thing to look at would be how long as residents have they already received free education? If they have received free education then isn't time that someone else gets a chance at a discount? One of the big reasons we choose private school was the small class sizes but a major factor was our religion. We like the idea that our child is raised with God in her heart and in her school. In a country that supports freedom of religion it seems unfair that we have to pay to exercise that freedom.

Another option I would suggest is making the benefit amount smaller for the first 3 years of the program. Maybe \$4000 per child would spread the money a bit thinner and help more families. Even at \$5,000. It will not cover the private school for 1 year. Usually, private school runs from \$6,000 to \$12,000 depending upon the school. Then there is the cost of registration, book fees, uniform fees, and extra curriculum fees. With all that said the current program benefit amount is not going to fully cover any child's private education and parents will still need to be prepared to put at least \$2,000 towards the school year. Of course, this does not even count the fact that a lot of children in public school are on discount lunch programs which is not an option in private school. So, any parent wanting to take advantage of this program must still be financially able and willing to take on additional expense. If they choose another option such as home schooling and it does not cost the full benefit then they should not receive anything other than what is needed for the program they choose.

I believe if a person is going to complain about a problem then they should be prepared to offer solutions which I believe I have accomplished. I am aware that the things I am suggesting may cause the approval process to be a bit slower because it will require more screening and follow up. I have a solution for that as well! Maybe this program can create a couple of new positions to ensure the funds are being handled correctly and verifications of need are completed. Of course, my experience with people, management, and accounting would make me a perfect candidate that that position!

I look forward to seeing where the Treasurer goes with the Nevada School Choice and look forward to participating.

Angel Denning
Property Manager
(702) 367-6330 Tel
(702) 367-6276 Fax
twainestatesmanager@brprop.com

From: Steve Hadley [mailto:snhadley@sbcglobal.net]
Sent: Friday, August 21, 2015 3:26 PM
To: Nevada School Choice
Subject: 100 Days

Hello,

Will there be further discussion or discourse regarding the 100 day requirement of putting kids who have 'only' gone to private Christian schools their entire lives into public school? We have paid property taxes and toward public schools, for years. We are not wealthy. We have gone into great debt, no savings and home disrepairs to keep our children in their Christian school. Essentially paying 'twice,' including for public schools we have not used for years... The idea that there are many families like ours who are not wealthy at all- who have gone into debt for schooling- cannot have access to ESA help without putting our kids in the very system we've gone into debt to keep them out of- is very traumatic. Putting our daughter into the public system for this fall's 7th grade verses a Christian school has been extremely difficult- and all to get the '100 days,' in order to have access to funds we pay taxes towards...

Will this 100 day rule ever be changed so that families and non-wealthy children such as ours, are not punished for having been in Christian schools in order to get the same help? We are very excited about Nevada's ESA system, but it really is very, very difficult for many non-wealthy families paying twice for schooling, when we have to enter the very system we went into debt to stay out of.

Please consider waiving the 100 day rule- for kids who have been in private/Christian schools... Please consider an income waiver- that waives the 100 day rule for those making a non-wealthy income.

This has been a traumatic school year thus far- for us and our 12 year old daughter. And we know others as well... And we have a son that is a grade behind- also in Christian school- that we are using our tax refund for school- who is in the exact same boat... Please consider at least income levels to waive the 100 day rule for those who have always been in Christian or private schools...

Thank you so much for this program and thank you for considering input from Nevadans.
Nicole and Steve Hadley

-----Original Message-----

From: Brian Syzdek [mailto:briansyzdek@gmail.com]

Sent: Friday, August 21, 2015 6:29 PM

To: Nevada School Choice

Subject: ESA 100 day rule explanation?

Sir,

As you know, the ESA excludes current private school students (reference the 100 day policy).

I've been trying for months to better understand that rationale for the exclusion.

The Treasury department has not provided a reason, my research has not provided any answers, and finally, I cannot think of a logical reason for the discrimination either.

Would your department be able to explain the logic behind this discriminatory policy?

Thank you,

Brian Syzdek
619-990-8733

Introduction: Angela Rock-Segler, Parent of two Private School Students.

Thanks: I certainly understand and commend the attempt by the Legislature to create and pass an innovative program that will provide an opportunity to move Nevada out of its last place ranking when it comes to education. That effort must be applauded. I – like many – am extremely frustrated by a few issues; but I remain hopeful. So Thank You.

I am Very Concerned About 2 Things:

1. Is there a meaningful and necessary reason for the 100 day requirement?
 - a. I understand that this “is what it is” absent a special session. So, I start by asking that consideration be given to a special session. If that isn’t an option, I think parents will only be able to accept the concept of the requirement if there is a truly understandable reason for the requirement.
 - b. I’ve heard that it was put in place so that the budget would “pencil.” That doesn’t make sense as the requirement itself doesn’t limit the number of people that can receive an ESA. As written, every student in Nevada could apply. So, using the requirement as a “head counting” or “penciling” tool isn’t understandable.
 - c. In truth, it incentivizes private school parents to disrupt the social fabric of these schools (public and private both) by moving their children around for 100 days. I’m not an educator, but I believe that such disruption can have a negative effect on the child, the teachers, the family, and the educational system as a whole. Negatively impacting the system is the exact opposite of what this bill should be doing.
 - d. If a special session is being given any consideration at all, I would respectfully ask that the “penciling” be sharpened in a way that allows all students to apply for an ESA. It doesn’t make sense to move Nevada to the top by disregarding and excluding the families of the estimated 34,000 private school children. We must all move together. A divide isn’t helpful, it doesn’t bring us together, and it doesn’t build a better Nevada.
 - e. Please consider a special session.

2. Is there a clear and concise reason with citation to the bill itself (or another statute or regulations) as to why on-line public school classes would not count towards 100 day requirement?
 - a. I apologize if this has already been published with citation. I cannot find it.
 - b. If the ESA funds are not limited to the fist X number of applicants, then arguably all school age children in Nevada can have an ESA. If everyone goes to public school for 100 days; everyone gets the account. We know that the brick and mortar schools can’t handle that capacity. So, it seems, that an on-line option would be the least disruptive to the children, the teachers, and the classrooms themselves. We don’t need to exacerbate the over-crowding problem in the public schools.
 - c. So, it appears that the current decision by the Nevada Department of Education to prohibit on-line classes was an attempt to remove the most sensible option and force all private school parents into the quagmire of “do we add to the over-crowding problem in order to be given an equal opportunity?”
 - d. Without concise explanation; this seems like targeted exclusion.
 - e. If the 100 day requirement stands, then I would respectfully ask that either on-line classes be permitted or a concise explanation for prohibition be given that eases our fears of targeted exclusion.

Conclusion: Please consider a special session and please consider a path to Nevada’s ESAs that treats everyone equally and doesn’t disrupt the brick and mortar schools. Thank you again for this innovative bill and for your time.



Monica Conteduca <mconteduca@ccanv.com>

RE: ESA Workshop Updated Information

1 message

Darlene Caruso <darlenescaruso@hotmail.com>

Fri, Aug 21, 2015 at 6:56 AM

To: "NevadaSchoolChoice@NevadaTreasurer.gov" <nevadaschoolchoice@nevadatreasurer.gov>

Cc: Monica Conteduca <mconteduca@ccanv.com>, "nrigoni@ccanv.com" <nrigoni@ccanv.com>, Christine Krol <kechain@juno.com>, "Scott.Hammond@sen.state.nv.us" <scott.hammond@sen.state.nv.us>, Sherry Jackson <sjackson@ccanv.com>

Mr. Treasurer-

Please accept these written comments in response to the proposed regulation regarding SB 302 and in specific response to the Section 2 which has been changed so that a private school student may not take an online (distance education) course to satisfy the 100 day rule.

It is my understanding that you have amended that language based upon notification from the Nevada Department of Education stating that a private school student is not eligible to participate in a program of distance education. However, pursuant to the statutes relied on by the Nevada Department of Education, a private elementary and secondary educational institution operated by a church, religious organization or faith-based ministry is exempt from the Private Elementary and Secondary Education Authorization Act (NRS Chapter 394) and, consequently, cannot be included in the provision that makes certain private school students ineligible for enrollment in distance education. Specifically, the Nevada Department of Education relies on NRS 388.850(2) to exclude private school students from enrollment in online courses. However, pursuant to NRS 388.850(2), only students who are "exempt from compulsory attendance and [are] enrolled in a private school pursuant to chapter 394 of NRS" are not eligible for distance education. NRS 394.211(1)(d) specifically exempts schools operated by churches, religious organization and faith-based ministries. Accordingly, children enrolled in private religious schools are not included in the prohibition of NRS 388.850 for distance education because they are not enrolled in a Chapter 394 private school.

Consequently, private school students at qualifying religious schools may, in fact, participate in distance education classes for purposes of the 100 day rule.

Thank you for your continued efforts in this matter and your consideration of these comments.

Darlene Caruso

From: NevadaSchoolChoice@NevadaTreasurer.gov

To: darlenescaruso@hotmail.com

Date: Thu, 20 Aug 2015 14:47:21 -0700

Subject: ESA Workshop Updated Information



OFFICE OF THE NEVADA STATE TREASURER Nevada's Education Savings Account Program

The State Treasurer's Office wanted to take a moment this morning and remind everyone that we will be hosting a second workshop regarding Nevada's Education Savings Account (ESA) program. If you are unable to attend the meeting in person, please feel free to submit written comments to: NevadaSchoolChoice@NevadaTreasurer.gov. The workshop will be streamed live from Carson City/Las Vegas. Please [Click Here](#) to find the link to view the meeting on the day of the event.

Details of tomorrow meeting:

State Treasurers Office Public Workshop - 8/21/15 @ 9am

Room 4100 of the Legislative Building, 401 S. Carson St., Carson City, NV.

Videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 E. Washington Ave., Las Vegas, NV.

The State Treasurer's Office looks forward to your comments on the proposed regulations.

For a copy of the proposed regulations [Click Here](#), you may also download changes that have already been made to the proposed regulations by [Clicking Here](#).

Grant A. Hewitt

Chief of Staff – Office of Nevada State Treasurer

Nevada's Education Savings Account Program

555 E Washington Ave Suite 4600

Las Vegas, NV 89101

Internet: www.NevadaTreasurer.gov

(702) 486-5101 Telephone

Email: NevadaSchoolChoice@NevadaTreasurer.gov

Dear Nevada Government;

I was born in Henderson, Nevada 2003 and have been going to Green Valley Christian School since I was 4. When my parents told me about this new bill and the rules that were made to qualify for an educational savings account, I was very upset. I do not feel like I am being treated fairly as a citizen of Nevada because I now have to move to a new public school for at least over half a year just so the state that I have been living in can qualify me as worthy of educational money even though I have been living in Henderson Nevada Clark County for my whole life. Also, if I go to a public school for at least 100 days, that's over half the school year. If that happens, I will be having to either go to night tutoring to keep me at the level of education I'm expected to be at to get back into Green Valley Christian School, which will take away any extra time for sleeping, playing video games, and watching movies or I will have a hard time trying to catch up like a dog chasing a car. I also hate it how you will be forcing me to not be with my friends that I've known since preschool, but instead I have to make new friend and may be made fun of by other kids because I am new and I am smart. I mean really I am 11 years old, have lived in Nevada my entire life, and don't have the same opportunities as other 11 year olds in Nevada to get money for school. How fair is that? It's not equality and it's just sad. Please change the rules, so I can feel free to choose education too.

Sincerely,

Aniello Riccio
Nevada Resident since 2003

My name is Bonnie Wood. I am an active duty Military Spouse of 14 years. My family and I moved to Las Vegas 1 year ago because my husband was assigned to Nellis Air Force Base for a 3 year tour.

When we moved to Las Vegas one year ago we chose to put our children in Private school for personal reasons despite the financial strain and sacrifice. They attended a private school this past year.

When I heard about the Education Savings account, I was extremely disappointed to find out that the requirements deem for a child to attend public school for 100 consecutive days.

We have moved 10 times in 14 years. My children have never attended the same school for 2 consecutive years in a row because of the demands of the military.

In order for my children to qualify for the ESA funding, we would have to

1. remove them from their private school,
2. place them in public school for 100 consecutive days
3. be eligible for the funding for their private school
4. put them back in their private school (if they can still get in) with the funding
5. only to move one year later to a different military assignment in another state or country

The regulation states that the purpose of the ESA funding is to provide parents with choices on how his or her child is educated. In addition the funding exists so that the parent may make the individual choice that best meets the education needs of his or her child.

I propose and would like you to incorporate a military clause in the regulation allowing the 100 day of public school attendance to be waived for Active duty military children. Please change the ESA legislation so that military families are not inadvertently penalized because of their circumstances and can make the best educational decisions for their child by allowing them to keep their children at one school through out their Nevada military assignment. This would allow the military family to avoid sending their child first to public school for 100 days and then moving them when military children already move so much.

August 21, 2015

Melanie Young
1212 8th Place
Las Vegas, NV 89104

▶ Grant Hewitt, Chief of Staff
State Treasurer's Office
101 North Carson Street, Suite 4
Carson City, NV 89701

RE: Nevada Education Savings Account,
SB 302 Proposed Regulations

To the State Treasurer's Office SB 302 Implementation Team,

I am the parent of a 5-year old child who begins school in the 2015-2016 school year. I am writing to support the adoption of a regulation for the Nevada Education Savings Account that would define 'qualified student' as those entering school for the first time in Kindergarten. Students who could not have attended school, but are now entering Kindergarten, should not have to meet the 100-day public school requirement in order to be considered eligible for the program.

To require that a student beginning school for the first time in their life (Kindergarten) needs to have attended public school for 100 days prior to moving to a private school is unfair to the child. It is detrimental to their educational development and emotional well-being. No sooner will they become familiar with the school program then will they be taken out and forced to begin anew at a private school. Further, this would create unnecessary distress in their social development.

This is also disruptive to the public school system itself in that it will further stress the already overwhelmed school district. If children are required to enroll in public school to meet the 100-day requirement and then removed during the middle of a school year, additional burdens on the teachers, staff, and facilities of the public schools would be incurred.

I strongly encourage the Office to adopt a regulation that allows children entering school for the first time in Kindergarten for the 2015-2016 school year to be eligible for the Nevada Education Savings Account program.

Sincerely

Melanie Young
1212 8th Place
Las Vegas, NV 89104

Michael A. Kerr & Marie M. Kerr

Via Email & U.S. Mail

August 21, 2015

State of Nevada
Office of the Treasurer
101 N. Carson Street, Suite 4
Carson City, NV 89701

Re: Proposed Regulations Relating to SB 302

Dear State Treasurer,

As you recall, we submitted public comments on August 9, 2015 and August 11, 2015 regarding the implementation of SB 302. At this time, the Treasurer's Office has been tasked with drafting regulations for the implementation of SB 302 which are fair and consistent with legislative intent.

The Constitution of the State of Nevada, case law and legislative intent mandate that the Treasurer's Office permit students who are dual-enrolled in private school and taking at least one online or in-person class in public school for at least 100 days be eligible to receive an Education Savings Account ("ESA"). The Treasurer's Office and the Department of Education should work cooperatively to ensure that the legislative intent of SB 302 is followed.

In drafting your regulations, please keep in mind the following rules of statutory interpretation which must guide your analysis:

- 1. Article IV, Section 21 of the Nevada Constitution requires that general laws be interpreted in a manner which is uniform and not arbitrary.**

The Treasurer's Office may not apply NRS 388.850 to SB 302 because doing so is the unconstitutional interpretation of a general law in a manner which is not uniform. Put simply: Families with children who are currently in private school should not be treated differently from families with children who are in public school unless the State can enunciate a rational reason for such unequal treatment.

- 2. If the Treasurer's Office applies NRS 388.850 to SB 302, it will have created an unconstitutional legislative entrenchment, tying the hands of the 78th Legislature by an earlier legislature.**

SB 302 7(10) is unambiguous that students in private school may be dually enrolled in both public school and private school, and thus, eligible for an ESA. As explained in my previous correspondence, it is impossible to implement SB 302 7(10) when NRS 388.850 is applied to this subsection. Thus, the application of NRS 388.850 to SB 302 7(10) allows an earlier enacted statute to tie the hands of the 78th Legislature.

It is an axiom of statutory interpretation that an earlier legislature may not tie the hands of a later legislature regarding the subject matter of the entrenching provision. See *United States v. Winstar, Corp.*, 518 U.S. 839, 872 (1996).

3. **The Treasurer may not use the legislative history to look beyond the plain language of the statute to determine its meaning regarding whether private school students may be dually enrolled in public school to be eligible for an ESA.**

The starting point for statutory analysis is the plain meaning of the statute. As set forth in *Robert E. v. Justice Court*, 99 Nev. 443, 445, 664 P.2d 957, 959 (1983), when "...a statute is clear on its face, a court cannot go beyond the statute in determining legislative intent."

This means that the Treasurer may not re-write SB 302 to disallow private school students from taking one or more classes in public school to meet the 100 day ESA requirement. SB 302 7(10) clearly and unambiguously states that students who are dually enrolled in public and private school may receive an ESA. Further, the statute does not state that ESA funds for such dually enrolled students may be reduced according to the amount of time spent in public school classes vs. private school classes.

4. **Legislative intent mandates that private school students be permitted to take one or more online courses from a public or charter school to receive an ESA.**

In looking at this last provision, the Treasurer's Office must construe the law in a manner "in light of the policy and spirit of the law, and the interpretation should avoid absurd results." *Hunt v. Warden*, 111 Nev. 1284, 1285, 903 P.2d 826, 827 (1995).

The Treasurer's Office originally wrote its regulation to allow private school students to take one or more online courses to fulfill the ESA 100-day requirement. This was changed in the unofficial rule-making promulgated on the Treasurer's website application form when NRS 388.850 was applied to SB 302.

The application of NRS 388.850 to SB 302 results in an absurdity. I think our kids are great, but they are not Superkids. Superkids, and electrons, can exist in two different locations simultaneously. Unfortunately, our kids have not yet conquered the laws of physics or gravity.

SB 302 was intended to be universal, and to promote school choice. Private school families must jump through a series of crazy hoops to be eligible for an ESA. Specifically, they must disenroll their kids from private school, enroll the kids in public schools for 100 days, and then re-enroll the kids in private schools, assuming there is a spot for them which is not already taken by students previously in public school. This series of crazy hoops results in the *opposite* of the policy of school

Michael A. Kerr & Marie M. Kerr

choice, mandating that private school students attend public school if they want to go to private school.

I can sum up these crazy hoops in one word -- absurdity.

We again request that the Office of the Treasurer write regulations permitting dually enrolled private school students to be eligible for an ESA. Further, we request that such regulations allow dually enrolled private school students to enroll in one or more online courses, and that the Department of Education require that each and every school that receives funding from the State of Nevada permit students to take one or more online courses while being enrolled in private school.

Very truly yours,



Marie M. Kerr,
Attorney and Mom



SAGE RIDGE SCHOOL

The Power of a World-Class Education

2515 Crossbow Ct.
Reno, Nevada 89511
(775) 852-6222

Nevada State Treasurer Dan Schwartz
c/o Chief of Staff Grant Hewitt
101 N. Carson Street, Suite 4
Carson City, NV 89701

August 27, 2015

Re: Additional Comments to Proposed Regulations
Education Savings Accounts Workshop, August 21, 2015

Sent via First-Class Mail and Email:

NevadaSchoolChoice@NevadaTreasurer.Gov

Holly Primka, Assistant to the Chief of Staff, HPrimka@NevadaTreasurer.Gov

Dennis Belcourt, Nevada Attorney General's Office, DBelcourt@AG.NV.Gov

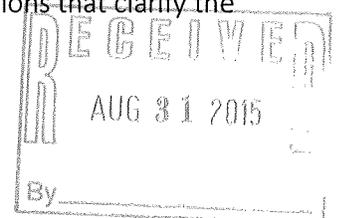
Treasurer Schwartz,

In response to issues discussed at the ESA workshop on Friday, August 21, 2015, the administration at Sage Ridge School raises two points in hopes that you can clarify them in your proposed regulations.

First, the statement was made that when an ESA application is accepted, a student will have to withdraw from public school before the end of the next quarter because ESA funding would begin the next quarter. An additional comment was made that perhaps the student will be allowed a deferral of a quarter, for example, so they don't have to leave public school on March 31, but may finish the spring semester in public school before starting private school in the fall. We support the inclusion of deferral rights in the regulations. We can anticipate parents preparing for the transition from public school in one school year, to private school the following year, who complete the ESA application sometime before the second quarter (the last quarter that they will be enrolled in public school). If there isn't a deferral option, then they will simply have to fill out the application again during the second quarter. A deferral makes more sense than rejecting their application as unused and requiring them to complete a new application.

Second, we understood your comments during the workshop that payments will be prospective, so the April 2016 payment is funding for April, May and June 2016. We were not clear whether (1) those funds can be used for expenses incurred January, February, or March 2016, (2) they can be used to reimburse parents if they paid the tuition or expenses during 2015 (if someone in Fall 2015 paid tuition in full for 2015-16, or Spring 2016 textbooks paid for during December 2015), or (3) those funds can be carried forward to pay for expenses in 2016-17. We support additional language in the regulations that clarify the expenses that are eligible for payment through the ESA.

SAGERIDGE.ORG





SAGE RIDGE SCHOOL

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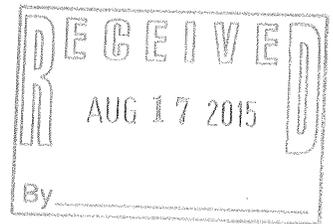
2515 Crossbow Ct.
Reno, Nevada 89511
(775) 852-6222

We sincerely appreciate your time and consideration of these two points.

Respectfully,

Norman M. Colb
Head of School

Louis M. Bubala III
Sage Ridge School Parent Volunteer



To: Nevada Treasurer

This is a petition for an amendment to Nevada Senate Bill 302 to extend the Education Savings Program to deserving children currently attending Private and Catholic Schools.

My name is Magdalena Immormino. My 2 children attend Our Lady of Las Vegas Catholic School. I chose this school because of their Catholic tradition and reputation, but mainly for their excellence in education and specifically for their secure environment. The alternative was scary and frankly unacceptable. The public Elementary school in my residency zone is Joseph E. Thiriot Elementary School. While researching this school option we found:

School Grade C - below State and District averages

25 registered sex offenders in the residency zone

4 former meth labs

and per District Accountability Report 2013-2014, there were 5 reported incidents of Violence to Students and 1 incident with Weapons.

Again this is a Clark County School District Elementary School!

This seemed a very poor choice to send my 5 year old daughter and two years later, her brother.

We decided to try to find a way to afford a better, safer option.

Between my husband and I, we work 3 jobs and struggle and sacrifice a lot financially to make sure we can afford our rent and school tuition each month.

I have to say that it's not easy, but it's worth it for my kids' future. My children; Adriana and Vito are straight A students. I'm very proud of them and glad that they have this opportunity to be safe and to thrive academically at the Our Lady of Las Vegas Catholic School.

Through Our Lady of Las Vegas Catholic Church, we recently became aware of SB302 the Education Savings Account Program. While we applaud the program giving the opportunity to children currently attending public school to receive funds for education related expenses including tuition at Catholic Schools, we are very disappointed that this opportunity hasn't been extended to families already bearing the financial burden of students attending private or Catholic school.

We humbly ask you to consider extending SB 302 to families like ours - based on financial situation and student performance. We are asking for a little help to make sure our children can remain in a safe and academically rewarding environment throughout their scholastic years.

Thank you for your kind attention and help in this very crucial matter.

Sincerely,

Magdalena Immormino