

STATE OF NEVADA  
OFFICE OF THE STATE TREASURER

NOTICE OF WORKSHOP  
Education Savings Account - SB 302

Conducted  
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3 NOTICE OF WORKSHOP - EDUCATION SAVINGS ACCOUNT

4 SEPTEMBER 2015

5  
6 DAN SCHWARTZ: Good morning everybody. My cell  
7 phone says it's 10:00 which means time for us to begin. First of  
8 all, I'd like to welcome you all. Thank you for coming. We  
9 appreciate your interest in the ESA and appreciate your coming  
10 here to observe and/or comment.

11 I'd like to just introduce the people on the [inaudible]  
12 here. To my left is Grant Hewitt who is Chief of Staff. To my  
13 right is Tara Hagan who is the Chief Senior Deputy. To my second  
14 right is Dennis Belcourt who is the Deputy Attorney General. In  
15 Las Vegas, you are looking at the Deputy Treasurer, Linda  
16 English, maybe Senior Deputy Treasurer, I think. Yeah. Senior  
17 Deputy Treasurer.

18 I just have a couple—before we begin officially, I just  
19 wanted to make one announcement. As though of you who read the  
20 paper probably have seen, we filed our response to the ACLU  
21 lawsuit. I thought it was a good brief, a very strong brief.  
22 There were three major contentions. One is that the ACLU filed a  
23 defective complaint, namely they referred to our program as  
24 vouchers. We're not vouchers; we're in fact a digital payment  
25

1 method. There's a big difference.

2 Two, most importantly, public funds are not going to a  
3 religious purpose. I think it's pretty clear from the  
4 applications and from the legislative history that these are  
5 strictly—and the requirements, strictly an educational purpose.

6 Three is that, because of the way in which the funding is  
7 structured, this is private not public money.

8 So, obviously, the Courts will make the final decision, but  
9 those are our responses.

10 Before we again, dive into the hearing, we initially had  
11 scheduled this as an adoption hearing agenda where we were going  
12 to effectively adopt the proposed regulations. That has changed.  
13 And to explain that, I'm going to turn it over to Chief of Staff  
14 Hewitt who will outline the amendments and the new funding  
15 schedule.

16 GRANT HEWITT: Thank you Treasurer Schwartz. For the  
17 record, Grant Hewitt, Chief of Staff for the State Treasurer's  
18 Office. As Treasurer Schwartz hinted to, there's going to be a  
19 change to today's agenda. The State Treasurer's Office staff has  
20 recommended to substantial changes to the regulations that our  
21 Deputy Attorney General believes are large enough that we should  
22 notice for another Public Hearing for Adoption and we will do  
23 that and that hearing will happen somewhere around November 19<sup>th</sup>.

24 The two changes that we are recommending, these are going  
25

1 to be topical. We will have exact language posted on our website  
2 as soon as possible. The first one is dealing with children who  
3 have not yet started public schools, so children entering  
4 kindergarten. We believe that Section 7.1 of SB 302, while it is  
5 clear how to treat students who are in the public school system  
6 or are required to attend public schools, it does not address and  
7 is not clear on how you deal with children who are coming into  
8 the public school system for the very first time in their  
9 kindergarten year.

10 It is our contention that these children should not be  
11 required to have the 100 days and that they should automatically  
12 qualify for an ESA if they apply. We come to this determination  
13 by understanding the legislative intent and speaking with the  
14 author of the Bill who indicated that the 100 day clause was to  
15 ensure that funding was available for a student in the DSA.  
16 Because the Department of Education and the Budget Office already  
17 make assumptions for kindergarteners coming into the program,  
18 that those assumptions indicate that they should not have to  
19 obtain the 100 days because they're already in the funding  
20 formula.

21 The second amendment, again topical, we will get exact  
22 wording out as soon as possible, revolves around military  
23 families who are based in Nevada during their time of active  
24 duty. We believe that Nevada has displayed over the last number  
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1 of years and the last legislative session how important military  
2 families are and in keeping with that, we are creating an  
3 exemption for active duty, military families who are based in  
4 Nevada, that they too will not be required to obtain the 100 days  
5 prior to enrolling in the program.

6 The third announcement is that the Treasurer's Office has  
7 indicated, pretty much from day one of the program that our goal  
8 was to fund accounts in April of 2016. We are excited to  
9 announce today that pending the approval of all of our funding  
10 requests at tomorrow's IFC meeting, that we will be able to fund  
11 accounts starting the first week of February. For those families  
12 who have already pre-applied or have applied during the early  
13 application process, they will be given a one-time option to  
14 choose which funding date works best for their situation. So,  
15 they will be able to select either a February date, a May date or  
16 an August date, depending upon if they wanted to finish the  
17 school year in the public school system and start fresh at the  
18 end of the year.

19 Those are the three major announcements today. Due to  
20 those announcements, we will not be having Agenda Item No. 3,  
21 which is the hearing to adopt. We will open Public Comment and  
22 then we will close Public Comment, skip Agenda Item No. 3 and  
23 reopen Public Comment, keeping with the Agenda. Those are the  
24 announcements. Mr. Treasurer.

1 DAN SCHWARTZ: Good. Thank you Chief of Staff  
2 Hewitt. We think those are fairly significant announcements. As  
3 I say, certainly in line with our intent to take an expansive  
4 reading of the law. In terms of funding, again, our purpose here  
5 is to enable the parents of Nevada to do what the law has  
6 suggested, which is to make the earliest possible choice for  
7 their sons and daughters, be it public, charter, private or home  
8 schooling.

9 It is my desire to accept these two topical amendments to  
10 ensure there is clarity in the law and to ensure that the men and  
11 women who serve our country and are based in Nevada are not  
12 penalized for doing that.

13 As Mr. Hewitt mentioned, these changes will require another  
14 notice to adopt the regulations, which is by statute a 30 day  
15 process. Our intent is to hold that meeting around November 19<sup>th</sup>.  
16 So, for those of you who got up sort of early today, put that on  
17 your calendar. We're hoping that that—as I say, we expect that  
18 will be the final public hearing. Then the regulations go to the  
19 Legislative Commission which will decide whether to adopt or not.

20 I'm going to go right to public comment and public comment  
21 is—the purpose of public comment is to ensure that those who are  
22 here, who would like to speak up may comment on anything that is  
23 not in the Agenda. Since what we have in the Agenda we've  
24 postponed, you can pretty much speak your mind.

25

1 My understanding is that we're limiting public comment to  
2 one minute, is that correct?

3 GRANT HEWITT: That's correct Mr. Treasurer.

4 DAN SCHWARTZ: Thank you. So, for those of you who  
5 either—we'll start in Carson City and then we'll go to Las Vegas,  
6 but for those of you who would like to speak on anything, but  
7 specifically to the ESA, now is your chance.

8 I will somewhat preempt the comments on the 100 days.  
9 We've—this is our third hearing. This is—obviously it's a matter  
10 of concern to us, but it's in the law and you know, absent a  
11 special session called by the Governor, we're not going to be  
12 able to change it for the moment. If the Governor, for reasons  
13 that are clear to him or best known to him, wants to hold a  
14 special session, wants to put the ESAs on it, then it's something  
15 that becomes material and relevant again.

16 So, if there's any public comment, please come up and sit  
17 in the chair up front here, there's four chairs. Same thing in  
18 Las Vegas, if there's any public comment, please feel free to  
19 come forward.

20 GRANT HEWITT: Just a little bit of housekeeping.  
21 Both in Vegas and in Carson City, if you'll—as Treasurer  
22 indicated, fill up the chairs and then we'll go Carson City and  
23 then we'll go down to Vegas. When we're in Vegas, you can empty  
24 out the chairs in Carson City and refill them. So, just to keep

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1 that in mind. And, we'll start here in Carson City, Mr.  
2 Treasurer?

3 DAN SCHWARTZ: Yes. Thanks.

4 GRANT HEWITT: Start over here.

5 LESLIE PITTMAN: Okay. Thank you very much. For the  
6 record, Leslie Pittman. Here today on behalf of American  
7 Federation for Children. Thank you Mr. Treasurer and your staff.  
8 I want to congratulate you, pending IFC approval on your ability,  
9 it looks like to fund accounts in the first week of February.  
10 That's great news.

11 So, again, I'm here on behalf of the American Federation  
12 for Children and just had a couple of comments. I'll try and get  
13 within the 60 seconds. While application periods are not  
14 specified in the rules, I just wanted to see if we could get  
15 clarification that other than those individuals applying now  
16 through November 30<sup>th</sup>, which will be given a one-time exemption to  
17 delay enrollment until the fall of 2016; that when you apply,  
18 when parents apply, they will be asked to enroll in the ESA by  
19 the payment date. So, families applying in the first quarter of  
20 2016 will now have to enroll in the ESA by April, I'm guessing.  
21 From our perspective, it wouldn't be practical for parents to  
22 have to pull their child out of public school in April. So, our  
23 position is that a parent should be allowed to choose the start  
24 period for their first payments.

25

1 GRANT HEWITT: Grant Hewitt for the record. Just to  
2 clarify the process. With the new announcement of the funding  
3 schedule changing from April to February, we're trying to move to  
4 a more—a funding schedule that more mimics the school year. So,  
5 the funding dates for 2016 will be the first week of February,  
6 the first week of May, first week of August and then the first  
7 week of November. We will be announcing the open enrollment  
8 periods as it pertains to those various dates in the coming weeks  
9 as we match up the calendar. This is obviously a recent change  
10 to move to February, we're excited about it, but we haven't tied  
11 enrollment—open enrollment periods to that.

12 So, a family can pick any time during the year, during an  
13 open enrollment period to make that decision of choice. It is,  
14 to your point, based on a funding date. But, if they waited  
15 until this last end of the year or end of the school year, they  
16 would be qualifying for the August funding date. So, we're  
17 trying to make it so it matches the school year better. That was  
18 the shift up to February. So, just keeping that in mind. Thank  
19 you for the comments.

20 LESLIE PITTMAN: Sure. Thank you. Just a couple more,  
21 okay? So, we also note that Education Savings Accounts can be  
22 used for fees and we think it might be wise to define those fees  
23 in the rules so there's no confusion about which fees are  
24 eligible.

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1           The other last important piece is for students with  
2 disabilities, the law allows for the ESAs to pay for special  
3 instructional services or specialized services yet the law isn't  
4 specifically clear that a licensed therapist can be a  
5 participating entity. So, we would suggest, under a paragraph B,  
6 Section 11 of the law which states, an eligible institution can  
7 be a participating entity, that maybe we include further  
8 clarification that institutions with therapists licensed to  
9 provide specialized services to children with disabilities can be  
10 participating entities. I'm happy to submit this in writing to  
11 you, Mr. Hewitt, if that's helpful. Thank you.

12           GRANT HEWITT:           That would be very helpful, thank you.

13           DAN SCHWARTZ:           Thank you Ms. Pittman. Yes sir.

14           DONNIE NEWSOME:        Good morning. My name is Dr. Donnie  
15 Newsome. I'm the Owner and Director of Fit Learning which is a  
16 private learning laboratory in Reno. I'm here to comment on the  
17 proposed regulations for tutoring organizations. Similar to Ms.  
18 Pittman, I have some concerns around like, who is included among  
19 the accredited and licensed people who can qualify as providers.

20           There's a couple of things that the Committee ought to just  
21 know about the world of tutoring. So, the proposed regulations  
22 for schools make a lot of sense in that there should be licensed  
23 personnel and annual standardized testing. However, there's some  
24 issues with applying those same ways of evaluation to a tutoring  
25

1 organization.

2       First of all, there's no universally recognized  
3 accreditation or licensing for tutors. It is the wild west. It  
4 is not—it's not an industry that you want to flood with taxpayer  
5 dollars without really clear accountability of exactly what types  
6 of accreditations will qualify there. Again, there is no  
7 tutoring accreditation. So, you'll have to look broadly at who  
8 would fit in there.

9       The second issue the noting that we would be evaluated by  
10 the use of annual standardized tests. Tutors do not operate on a  
11 school calendar. The contact time for a tutor may be no more  
12 than a few hours with a student. So, using annual standardized  
13 testing, there's no way to show year on year growth as a  
14 functional contact with a tutoring organization. So, you may  
15 want to reevaluate how that sort of organization would be judged  
16 in terms of their efficacy under this law.

17       The final thing that I'll mention is, I can't emphasize  
18 enough how important it is that we bring some accountability to  
19 the tutors who are operating and receiving ESA funds and ensure  
20 that the quality is as high as possible there. Releasing these  
21 funds to unqualified amateurs and para-professionals is a real  
22 disservice to the students of Nevada. The goal of this is to  
23 improve the quality of education here and not hand it over to  
24 folks who just really aren't prepared to issue these sort of

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1 standardized tests. I mean, the State of Nevada itself could not  
2 adequately administer standardized tests to students, so it's a  
3 lot to ask of a tutoring organization to do the same sort of  
4 thing.

5 GRANT HEWITT: Great. Just a quick question and  
6 clarification. As a tutoring facility, the SB 302 makes it very  
7 clear that we have to have tutors that are accredited by a  
8 regional, state or national organization. I, in researching  
9 this, did discover to your point, there is no real national  
10 accreditation. In your expertise as a tutoring facility, how do  
11 you—what groups do you know of or regional groups that you know  
12 of that provide some sort of standards for tutors? To your last  
13 point where you don't want to have random people become eligible  
14 to receive tutoring, how do you suggest that we look at that?

15 DONNIE NEWSOME: You're going to have to look across a  
16 broad spectrum of accreditation that engage in the world of  
17 education. So, I don't have a totally clear answer for you  
18 there. I know a number of the folks who work in my organization  
19 are certified behavior analysts, which generally doesn't fall  
20 under the umbrella of education. There are obviously  
21 subspecialties in each domain. Certainly you want to keep out,  
22 you know, like a licensed plumber might not be an appropriate—  
23 even though there might be a national accrediting body for that,  
24 it wouldn't be appropriate. So, you're going to have to do some

1 separation of human service based professionals from other sorts  
2 of licensed professionals and having some awareness of the fact  
3 that within some of these specializations, accreditations, there  
4 are subspecialties towards education.

5 GRANT HEWITT: So, just a follow-up question. For  
6 your-for Fit Learning, is that the organization?

7 DONNIE NEWSOME: Yes.

8 GRANT HEWITT: For Fit Learning how do you qualify  
9 someone who works in your organization? How do you say that they  
10 are a qualified person?

11 DONNIE NEWSOME: We don't require any particular degree  
12 or credential to become one of the personnel. We do internal  
13 training and audit and everyone who works for us participates in  
14 an unpaid internship for a number of months before they're  
15 qualified to work with any of our students.

16 Now, we are probably the example of the most rigorous  
17 program for training educators for one-on-one tutoring services.  
18 But again, we have not been able to rely on any external  
19 accrediting body for the implementation of our model.

20 GRANT HEWITT: Great. Thank you. And could you just  
21 submit to our office an email outlining your comments? I'd  
22 probably like to pick your brain a little bit off the record.

23 DONNIE NEWSOME: Absolutely. May I make one more  
24 suggestion on the record?

25

1 GRANT HEWITT: Sure.

2 DONNIE NEWSOME: In lieu of the annual standardized  
3 test, there's wide availability of progress monitoring tools  
4 which are curriculum based measurement. Many schools are use  
5 these as part of the response intervention tiered system. These  
6 are set up to be weekly pen and paper tests that are linked to  
7 national normative standards. They're brief, they're easily  
8 implemented by almost anyone who can follow a simple protocol. I  
9 just recommend looking at that as maybe a more suitable way to  
10 evaluate a tutoring organization's competency.

11 GRANT HEWITT: Thank you.

12 DAN SCHWARTZ: Just a quick comment. I don't think  
13 the standardized tests are actually—I don't think they're aimed  
14 at evaluating tutors.

15 GRANT HEWITT: To clarify that, the key in working  
16 with Department of Education on the testing side because this is  
17 the one piece of the law that they administer. It's every  
18 student who is receiving ESA dollars, whether they're home  
19 educated or in a private school, has to take the testing. So,  
20 it's not necessarily the tutors have to administer the testing or  
21 are being judged on the testing, it's how we are showing  
22 accountability at a student level. They may have some home  
23 education, some tutoring, some private school in there, but to  
24 receive the ESA dollars, you have to take the testing.

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1           DONNIE NEWSOME:           It would be great to have  
2 clarification on who is accountable for administering that in the  
3 instance that there's multiple services being received by a  
4 student, that's homeschooled. Is it the parents responsibility  
5 to administer? If I work with that student for a week, am I  
6 responsible for administering that?

7           GRANT HEWITT:           That's a great comment. I'll work  
8 with the Department of Ed to try to clarify that.

9           DONNIE NEWSOME:           Thank you so much.

10          GRANT HEWITT:           Yeah.

11          DAN SCHWARTZ:           Thank you. Yes sir.

12          NICK EMORY:            Good morning. My name is Nick Emory.  
13 My family and I live here in Carson City. I just wanted to share  
14 with you some comments with you as a father and as a community  
15 member in regards to this. I don't have much expertise like  
16 maybe some of the others who have spoken this morning or from  
17 previous times. I just have my heart and gut here to share with  
18 you about my kids and kids in our community.

19           We have three children--

20          DAN SCHWARTZ:           Keep this close to one minute.

21          NICK EMORY:            Yes sir. We have three children and  
22 currently our two oldest are in kindergarten and first grade and  
23 we have them enrolled in private school, based on circumstances  
24 that we felt were best for them. Part of those circumstances, we

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1 based those off of was the fact that we've adopted our children  
2 through the foster care system. Much like the provision that you  
3 guys have added to this bill and the Educational Savings Account  
4 for people actively serving in the military, I would ask you to  
5 consider what kind of provision you could offer towards foster  
6 children and kids who have been adopted through the foster care  
7 system so that as they experience many transitions throughout  
8 their time, the educational system could stay in place and that  
9 foster families would be encouraged. This would be a valuable  
10 tool, a recruitment tool, for more foster families. So they  
11 wouldn't have to wait 100 days or apply to those things, that  
12 they can continue on providing great education for that children  
13 or to help those children in transition with that.

14 So, that is really my heart with you to share with you  
15 about how that important that is to me. There are our future—my  
16 children, they have a great legacy to build out and the kids in  
17 our community. There are many kids in need throughout rural  
18 Nevada, within the different major areas of our area and we just  
19 have to be able to speak up for them.

20 So, I know you have done some provisional work for certain  
21 family members, including those serving actively in the Army and  
22 I would ask that you would consider—I know that makes another 30  
23 days and yaddy yadda, but these kids matter and it's very  
24 important that they be included in this because that transitional  
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1 process in having to go back into a public school or go back into  
2 a school setting that might have actually been part of the  
3 damaging process for them and their experience would be really,  
4 really poor.

5 So, we just ask that you would consider that.

6 DAN SCHWARTZ: Thank you Mr. Emory. If for some  
7 reason we don't, and I'm not saying we won't, there's the next  
8 legislative session. So, we will—obviously we've heard what  
9 you've said. We've made a note of it. But, if we don't act,  
10 2017 is not that far away.

11 GRANT HEWITT: Nick, just a clarifying question. As  
12 a parent of foster children or adopted children, do you—I recall  
13 just reading in education statutes that there are some current  
14 exemptions for foster children to be able to stay in the same  
15 schools, even if their foster family is outside of the district.  
16 Are you aware that there is in the education statutes some  
17 protections already?

18 NICK EMORY: Both my wife and I serve with CASA of  
19 Carson City. So, CASA is an organization that advocates for  
20 children that are placed in the protective custody of the State  
21 of Nevada. So, there is already statutes in place that allow a  
22 child to remain in their current school where they're at, but  
23 sometimes those circumstances are not capable when a child has to  
24 be placed with a family member and that placement requires that  
25

1 they go to another area. So, sometimes the placement trumps that  
2 provision. That's a safety net for them, in case their foster  
3 family is on one side of the town and they lived previously on  
4 another side. There would still be a cost to that foster family  
5 in getting the child to school and things like that and possibly  
6 these types of funds could help in any of those circumstances.

7 What we want to do is create—create space for foster  
8 families to step up and take care of and help these kids during  
9 those times. Having some amendments to this would really help  
10 those foster families and those kids who have been adopted  
11 through the foster system in Nevada.

12 GRANT HEWITT: Thank you for your comments. I was  
13 just curious to see if there were already some exceptions in the  
14 statutes for foster kids. Thank you.

15 NICK EMORY: Thank you so much.

16 DAN SCHWARTZ: Good, thank you Mr. Emory. Appreciate  
17 it. Ma'am?

18 GINA BARTH: Hi, my name is Gina Barth. I can't  
19 top that one. It's a very compelling argument. I am actually,  
20 just had more a logistic question. I tried to navigate the  
21 legislation as it stands right now and my question is, can Nevada  
22 families send their children to school in another State?

23 So, for example—

24 DAN SCHWARTZ: We can give you an answer on that.

25

1 Mr. Hewitt.

2 GRANT HEWITT: It's not—it's actually not a clear  
3 answer and I know where you're going with it. We're being asked  
4 this with the California line here and we're being asked in  
5 Mesquite, Nevada where St. George is the closest private school  
6 to Mesquite.

7 It is something we are asking our legal counsel about and  
8 we are digging into. I don't have a clear answer today. We're  
9 trying to figure out how it plays into the situation. I would  
10 personally, and I know the Treasurer probably agrees, we'd love  
11 to be able to see if that's the nearest private school, that  
12 that's the option that you have but I don't know if the law  
13 allows it and we're still researching.

14 GINA BARTH: Because I'm actually here representing  
15 myself who has—currently has children in private school in  
16 California. I live in Incline Village. And so, that's sort of  
17 my question, but from an actual, you know, line—not even as the  
18 crow flies, but as you drive, you know, there aren't other viable  
19 closer options for us. So, that would be, you know, one thing.

20 I guess my question on behalf of the school is whether or  
21 not they should go ahead and try to submit an application so that  
22 they can receive funding for children coming up in 2016.

23 GRANT HEWITT: When the participating entity  
24 application process begins, which I hope is going to happen in  
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1 the next couple of weeks, I would tell you to have them apply  
2 because then it creates—it drives more of the question, we get  
3 to—to get more involved with the legal answer. The worst thing  
4 that could happen if they apply is they get denied, but we can at  
5 least continue to examine the question. It is a question that is  
6 on the Treasurer's Office's radar and we are trying to get  
7 clarity on it.

8 GINA BARTH: Great. And if there's any other, you  
9 know, follow-up, I know that the school administrators and many,  
10 many people in our community would show up to a hearing such as  
11 this and make their voice heard.

12 GRANT HEWITT: We appreciate it and if it's not  
13 allowed in this section of the law, it will be something I think  
14 we need to address in the next legislative session because there  
15 are many communities across—not just Incline Village but Mesquite  
16 and Moapa Valley down in Southern Nevada that this is a really  
17 pressing issue for. We will continue to look at it.

18 GINA BARTH: Great, thank you very much.

19 DAN SCHWARTZ: Thank you Ms. Barth. Las Vegas,  
20 Linda? Any speakers there?

21 VICTOR JAKES: Thank you Mr. Chair. For the record,  
22 Victor Jakes, with the Nevada Policy Research Institute. We  
23 really appreciate the hard work that you and your staff have put  
24 in implementing this program and just on behalf of our

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1 organization, want to congratulate you on being able to start the  
2 funding in February. That's wonderful. I think that's really  
3 going to help a lot of families here in Nevada.

4 I just wanted to put in a couple of comments on some of the  
5 proposed regulations. Section 7, which defines the freezing of  
6 the account when there's a break in the school year. We just  
7 hope there would be some clarification that school days are based  
8 on the activities of the participating entities. So, for  
9 instance if you are enrolled in a private school but you also  
10 have a tutor, I want to make sure those funds aren't frozen if  
11 the parent wants to use those tutoring services during the  
12 summer. Or, for instance, it's an opt in parent and there's not  
13 a traditional school year because there's not a traditional  
14 private or public school involved, you know, just clarity that  
15 that money is accessible as long as there's educational  
16 activities going on.

17 Section 9, Subsection 2, where you list, you know, at least  
18 once a year there will be open enrollment periods. We'd like to  
19 see that put into regulation that at least twice a year there be  
20 open enrollment and certainly have every confidence in your  
21 office and you know, when you were Treasurer, that there will be  
22 enough open enrollment times, but these were certainly—you know,  
23 regulations will last when your term limited out, I think that  
24 would be important to have in the law in case there's a Treasurer  
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1 who is not as friendly to the program as you are.

2 Section 17, Subsection 2, I think it would be good just to  
3 add language clarifying that a licensed Nevada teacher is  
4 qualified as a tutor in their subject area. Certainly I think  
5 you could read that into that section with saying, you know,  
6 they're accredited by a State Agency, but maybe just some  
7 clarification to help out teachers who also want to tutor, thank  
8 you.

9 DAN SCHWARTZ: Thank you Victor. Yes ma'am.

10 BONNIE WOOD: Bonnie Wood for the record. Good  
11 morning everyone. Thank you very much for this opportunity to  
12 speak. I'm especially grateful to Treasurer Schwartz and Mr.  
13 Grant Hewitt, Chief of Staff to the Treasurer for the time to  
14 speak.

15 I'm here on behalf of the active duty military families to  
16 express our utmost gratitude to the Treasurer's Office for  
17 writing regulation into the ESA legislation that exempts active  
18 duty military families from the 100 day public school  
19 requirement. It is obvious how much you value the military and  
20 I'm honored to see how much you appreciate what the military  
21 community brings to the great State of Nevada.

22 I'm a spouse of an active duty military member for the past  
23 14 years. My family and I moved to Las Vegas one year ago  
24 because my husband is assigned to Nellis Air Force Base for a  
25

1 three year tour. We have moved 10 times in 14 years to include  
2 to separate overseas assignments. My children have never  
3 attended the same school for two consecutive years because of the  
4 demands of the military.

5 We have chosen this life of service and active duty  
6 military. We know the costs of uprooting our families every few  
7 years and asking them to flexible in all circumstances. As a  
8 result, I am truly humbled and I thank you for adding this  
9 military exemption into the ESA legislation so our military  
10 children are not inadvertently penalized because of our unique  
11 circumstances of moving so often, sometimes in the middle of the  
12 school year and being temporarily located in the Nevada.

13 The support that you have shown us throughout this process  
14 was more than I ever expected. Thank you for responding to our  
15 phone calls, emails and walking us through the process of how  
16 this military clause can be implemented. I am grateful that you  
17 support military families by providing this ESA funding and  
18 waiving the 100 day requirement so that we can make the best  
19 educational choices for our children by keeping them at one  
20 school throughout our Nevada military assignment.

21 I would like to go on record and encourage the Legislative  
22 Commission to approve this military exemption regulation so the  
23 ESA bill can continue to move forward. In years to come, what  
24 you have done for military families will always be appreciated.

25

1 You have helped my family, and so many other military families  
2 that I know and this is just the tip of the iceberg of whom you  
3 have helped. You have made your mark on history by passing this  
4 progressive bill and you will be remembered as the Treasurer's  
5 Office that cared enough to make a change.

6 Again, thank you Treasurer Schwartz and Mr. Grant Hewitt  
7 for your support for the military and this opportunity to speak.

8 DAN SCHWARTZ: Thank you Ms. Wood. I think it goes  
9 without saying that we certainly appreciate what you and your  
10 family have done for the people of Nevada and for the people of  
11 the United States of America. Yes ma'am.

12 JULIANNA PEEPCORN: Good morning. My name is Julianna  
13 Peepcorn [ph] for the record. I have been a military spouse for  
14 15 years, served in the active duty Air Force for 11 years and am  
15 currently serving in the Air Force Reserve. My husband and I  
16 have five children and have lived in Nevada for over two years  
17 and are both stationed at Nellis. We are privileged to serve our  
18 nation and honored to serve it at this time, here in Nevada.

19 I'm speaking today on the record, to thank you Treasurer  
20 Schwartz, Mr. Grant Hewitt and everyone at your Treasurer's  
21 Office who has had a hand in bringing this military exemption to  
22 fruition. It was an overwhelming feeling of gratitude when we  
23 learned, with your support that this has come much closer to  
24 reality. What I can tell you is as a parent, when you realize  
25

1 someone has your child's best interest at heart, it's simply  
2 breathtaking.

3       Your dedication to our service members, but more so to our  
4 children who are really the unsung heroes of our military  
5 families means more than you may ever truly know or that I could  
6 express in—here in this room. Military life can be difficult on  
7 kids, particularly school aged children as they are confronted  
8 over and over with being the new kid yet again or face a mid-year  
9 move. Giving us the option to avoid sending our children to  
10 multiple schools in the short time they are stationed here, truly  
11 lightens the stress that comes with relocating every few years.  
12 The impact that you've directly had on military families will  
13 reach out for many years.

14       I just want to make sure that you're aware of that. I  
15 understand it's not finalized yet and as this process moves  
16 forward, I respectfully ask and urge the Legislative Commission  
17 to approve the proposed military exemption to the 100 day rule.  
18 Also, as a mother of a kindergartener, move forward with allowing  
19 first time students to automatically qualify.

20       Again, thank you Treasurer Schwartz and Mr. Hewitt for your  
21 continued support of our military families. Without your active  
22 role in the process, I have no doubt this opportunity would not  
23 have been possible. Your commitment to taking care of our  
24 children, ensuring they're not unduly hurt for things beyond  
25

1 their control, such as moving to Nevada mid-school year and  
2 providing some consistency in a lifestyle that is often turbulent  
3 is commendable.

4 From the bottom of my heart what I can say is, thank you  
5 for your time, your consistent effort and your devotion to our  
6 children's education.

7 DAN SCHWARTZ: We certainly appreciate your comments  
8 and again, we thank you and your family for your service to our  
9 State and to our Nation. Thank you.

10 JULIANNA PEEPCORN: Pleasure, thank you.

11 PATRICIA SHOWERS: Hi, good morning, my name is Patricia  
12 Showers, for the record. I'm here as a parent. I wanted to  
13 thank all parties involved in creating and executing this ESA  
14 Program. Nevada is leading the way in this forward thinking  
15 approach that empowers and involves the community to reflect more  
16 deeply the state of the education that our children are facing  
17 and it's dire need for change and source of constant support.

18 As an Air Force Veteran and still active duty Air Force  
19 family member, I represent a lifestyle that is lived out in its  
20 own unique beat. I'm honored to serve and support the military  
21 community but the demands required on my family can feel  
22 overwhelming. Over the last 12 years, my family has moved seven  
23 times, faced five deployments and spent only one holiday with  
24 extended family. I only point this out to highlight the  
25

1 inconsistencies that my children face.

2 I want to personally thank you Treasurer Schwartz and Chief  
3 of Staff Hewitt for understanding the importance on including  
4 military families in this legislation. This ESA provides the  
5 opportunity for my children's needs to be met, routines to be  
6 consistent and acceptance into the Nevada community.

7 Over 1.5 million active duty service members live in Nevada  
8 but that doesn't even account for the retirees, veterans or  
9 family members. As one small voice that represents this facet of  
10 Americans, I am grateful for Treasurer Schwartz and Chief of  
11 Staff Hewitt for personally taking phone calls, reading emails  
12 and taking necessary action toward including and understanding  
13 the differences and needs of military children and their  
14 education.

15 I will continue to seek support for this exemption and I  
16 urge the legislative commission to the support the passing of it.  
17 It not only services our children but acts as a catalyst for  
18 military families to embrace the State of Nevada and feel proud  
19 to call it home. Thank you.

20 DAN SCHWARTZ: Thank you Ms. Showers. Appreciate  
21 your comments and as I mentioned to your two colleagues, to your  
22 two fellow citizens, the Treasurer's Office certainly appreciates  
23 the service which you, your family and your husband given to the  
24 United States of America and to our State. So, thank you. We're  
25

1 back here. We have one comment, okay. Yes ma'am.

2 LAURA HERSCH: Hello, my name is Laura Hirsch. I'm a  
3 parent of a child with autism. I originally came here today to  
4 see if there was going to be any waiver for children with  
5 disabilities but something else came up which I wanted to comment  
6 on, which was the testing for getting ESA dollars. I know my son  
7 and his IEP, he has the Nevada Alternative Assessment, so he does  
8 a different kind of testing. So, I was just curious as to if  
9 there is some language in the law about that or if not, there  
10 should be.

11 GRANT HEWITT: Grant Hewitt for the record. In the  
12 proposed regulations there's not. What it outlines is the test  
13 that will be accepted will be provided by the Department of  
14 Education. So, they'll provide a list of NORM based reference  
15 tests that are accepted. I will take a note from this meeting to  
16 go speak with them and ensure that a test for disabled students  
17 or learning different students are on that list to ensure that  
18 there is--because clearly there is a process today in the public  
19 school system for this, so we need to ensure that it transfers  
20 into the ESA program. The regulation just states that a list will  
21 be provided by the Department of Education. I will work to  
22 ensure that that has those types of tests on it as well, thank  
23 you.

24 LAURA HERSCH: Thank you.

25

1 DAN SCHWARTZ: Thank you Ms. Hirsch and again, I'll  
2 just sort of rephrase the comment I made earlier. If—we  
3 certainly appreciate your comments, if for some reason we don't  
4 act on your suggestion, it's not because we have hard hearts, it  
5 that we're—this is the first of its kind in the nation and we're  
6 trying to get it done and as I say, the next legislative session  
7 is not but a year and a half away.

8 LAURA HERSCH: May I ask about the waiver for the 100  
9 day rule for special education?

10 GRANT HEWITT: Grant Hewitt for the record. There's  
11 been a number of requests for waivers from the 100 day rule.  
12 It's on a list and we were—we were able to announce the military  
13 exemption today and the kindergarten. It's something we're still  
14 looking at. We're going to be drafting—we have to draft these  
15 two amendments. Obviously if Treasurer Schwartz is amendable or  
16 we find a way to do that, we will make that happen. Right now, I  
17 don't have an answer yes or no on it.

18 LAURA HERSCH: Thank you.

19 GRANT HEWITT: Stay tuned for the next hearing which  
20 is around November 19<sup>th</sup>.

21 DAN SCHWARTZ: And I say, it's not because we have  
22 hard hearts, it's because we're trying to get some basic rules  
23 and regs passed here. Yes ma'am.

24 NANCY JONES: Hello, my name is Nancy Jones and I'm  
25

1 a parent here in Carson City. I have two questions. The first  
2 is regarding the new regulation about kindergarteners who are  
3 incoming. In the statute as I read it so far, it made it sound  
4 as though children under age 7 would not be necessarily  
5 considered as equally eligible for an ESA right out of the bat;  
6 however, incoming kindergarteners are frequently under age 7, so  
7 I wonder if that will change the eligibility of children under 7.  
8 I have a daughter in a charter school, kindergarten right now, we  
9 were thinking, okay with the 100 days, we'll get that all taken  
10 care of but with that caveat, I wasn't sure if she would continue  
11 to be eligible equally with others who are 7 or older.

12 My next question is regarding the uses of—families uses of  
13 ESA funds for opt-in students. In the regulations, I wasn't sure  
14 what would or would not be considered acceptable uses of the  
15 funds. I wanted to make sure that my voice was heard that I and  
16 other parents who are interested in this for opt-in students,  
17 that the regulations be as open as possible so that we can  
18 provide books, materials and opportunities for our students to  
19 participate in athletic programs, arts and cultural experiences  
20 so that we can broaden the education of our children.

21 GRANT HEWITT: Grant Hewitt for the record. I'm  
22 happy to talk to you just as soon as we adjourn to make sure that  
23 we get all those comments and concerns in there. As it relates  
24 to the age 7 question; that's part of our goal with the

25

1 kindergarten exemptions to ensure that children under age 7 are  
2 able to utilize an ESA program. But, like I mentioned earlier,  
3 we have to draft that language. So, stayed tuned for the next  
4 hearing and I'll chat with you after the meeting.

5 NANCY JONES: Okay. Do you have any information  
6 regarding how the opt-in funds can be used?

7 GRANT HEWITT: So, the regulation was left fairly  
8 open to allow for exactly what you're asking for, which is a  
9 large latitude on it. We are designing a parent handbook that  
10 will help outline these questions. So, as soon as that's done,  
11 we'll be able to better answer that. In general, I think what  
12 you're asking for is going to be clearly allowed under the rules.

13 NANCY JONES: Wonderful, thank you so much.

14 DAN SCHWARTZ: Thank you Ms. Jones. Back to Las  
15 Vegas. Go ahead. I can't—unfortunately—there we go. Good.

16 GIL RICHARD: My name is Gil Richard. I am a  
17 teacher in a private school here in Las Vegas. I want to thank  
18 Treasurer Schwartz and Chief of Staff Hewitt for this wonderful  
19 program. The people of this State and the children really  
20 appreciate it.

21 As a teacher in a private school, I believe there's a  
22 provision that says the children have to be attending 100 days in  
23 public school before applying for the benefits or the savings  
24 account. I would like to know if it's possible to have a  
25

1 provision that allows the parents who are already enrolled—have  
2 already enrolled their children in a private school to benefit  
3 from these funds also, because I think they deserve it. I don't  
4 know if the assumption is that they are more comfortable and they  
5 can afford—but that's not a general rule. Some of them are  
6 wanting to make personal sacrifice to give their children a  
7 little bit better of an education.

8         So, that's my concern today as a teacher in a private  
9 school and representing those parents; to know if it's possible  
10 to enter a provision that would allow these parents to apply for  
11 the benefits. Thank you very much.

12         DAN SCHWARTZ:             Thank you Mr. Richard. The answer is,  
13 at the moment, we're bound by the law. As much as we in the  
14 Treasurer's Office would like to accommodate, I'd have to say the  
15 answer is no, but as I said earlier, write to the Governor. He  
16 can call a special session. That can be changed and/or the 2017  
17 Legislative Session is fast upon us. I know that members of the  
18 committee there are certainly sympathetic to what you're saying.  
19 Thank you.

20         GIL RICHARD:             Thank you sir, thank you. I will do  
21 that.

22         DAN SCHWARTZ:             Good, thank you, please do. Next—  
23 anyone—I can't see if there's anyone next to you there. Are you  
24 the final—Ah, okay, go ahead. Yes sir.

25

1 MATT FISHER: Good morning, thank you. My name is  
2 Matt Fisher. I'm the Principal at Faith Lutheran Academy in Las  
3 Vegas and I just wanted to say thank you Mr. Schwartz and Mr.  
4 Hewitt and your whole staff for announcing that it is your  
5 contention for children--well, I wanted to gain clarification  
6 actually on the contention for incoming kindergarteners to be  
7 exempt from the 100 day rule or is it your contention for  
8 children under 7 to be exempt for the 100 day regulation.

9 GRANT HEWITT: Grant Hewitt for the record. This is  
10 an important distinction that we're still having to work through.  
11 That's why we don't have it actually firmly written right now.  
12 It is our contention that students who are not required to attend  
13 public school who are entering for the very first time would be  
14 exempt from the 100 days. Whether or not that's an age  
15 determination or something else, we have to firmly research the  
16 NRS to make sure the language is correct.

17 So, that's one of those things I don't have a final answer  
18 on but the intent is, if you're not required to attend, which is  
19 age 7 is the requirement to attend, but that statute can get a  
20 little confusing. So, we're having to work through that.

21 MATT FISHER: Okay. So, still working through--like,  
22 for example, if a student was enrolled in a private school for  
23 kindergarten this year, still working through clarification of  
24 that?

25

1 GRANT HEWITT: Still working through—still working  
2 through it. Just bear with us for a couple of weeks and we'll  
3 get you an answer.

4 MATT FISHER: Thank you very much.

5 DAN SCHWARTZ: Yeah, thank you. Come back on  
6 November 19<sup>th</sup>.

7 MATT FISHER: Thank you.

8 DAN SCHWARTZ: I think that's it. I don't see anyone  
9 here in Carson. So, I'm going to close the public comment  
10 section. Due to the announced—and, by the way, thank you for  
11 everybody who came up and made your comments known. As I say, I  
12 certainly appreciate it. It's quite useful for us.

13 So, we're going to close—Carson, I see one brave lady has  
14 stepped up in Las Vegas, so we'll take her comments and then  
15 close Las Vegas. Ma'am?

16 CLAUDIA KENTE: Hi, Mr. Schwartz, my name is Claudia  
17 Kente. I have a question, I keep hearing this 100 day rule, and  
18 forgive my ignorance, but can you explain to me what the point of  
19 the 100 day rule is, because I'm really not understanding—other  
20 than, it sounds like a control issue to me. What is the point of  
21 the 100 day rule? It doesn't make any sense to me at all.

22 GRANT HEWITT: Grant Hewitt for the record. I'm  
23 going to keep this really brief. The 100 day rule was put in  
24 place by the legislature, by the fiscal committees in the

25

1 legislature because there needed to be a way to ensure that a  
2 student was counted in the DSA allotment for the State. The DSA  
3 is the funding source for ESAs. If your child was not in a  
4 public school during a count then there's no record for them in  
5 the funding formula for Nevada education. So, it was decided  
6 that 100 days was how long somebody had to be in there to ensure  
7 that they were accounted for in the counting and funding of  
8 Nevada schools, and so that's why the 100 days was put in place.

9 CLAUDIA KENTE: Oh, okay. It just—I have a child in—I  
10 have six kids. I have one in kindergarten who is in a private  
11 school. So, I can't continue in the private school according to  
12 the 100 day rule. I have to put them in a public school and then  
13 put them back in a private school. It's just—it's not in the  
14 best interest of the children is all. But, I get laws, so—

15 GRANT HEWITT: We kind of agree with you, so we'll  
16 leave it at that.

17 DAN SCHWARTZ: Yeah. We don't disagree, but again, I  
18 said it before, the next legislative session is a mere one year  
19 and six months away. Actually less, three months. So. Good.

20 CLAUDIA KENTE: Well, thank you for this. This is an  
21 amazing gift that you've given to the children of the State of  
22 Nevada. I really appreciate parent choice. Thank you.

23 DAN SCHWARTZ: Thank you. We're counting on you and  
24 all the parents there to really make this work, so it will be  
25

1 over to you hopefully in a few months. Thank you.

2 Okay, I don't see any other faces in Las Vegas so I'm going  
3 to close the public comment section of this hearing. We now then  
4 move to what would've been discussion and adoption of proposed  
5 regulations, but due to the announced amendments we're no longer  
6 holding a hearing to adopt the regulations. We will hold  
7 another—we will post a public notice shortly after this meeting  
8 so that we will hold, what I hope will be, the final adoption  
9 hearing around November 19<sup>th</sup>. Then, whatever our regulations are,  
10 go to the Legislative Commission for their approval. Then of  
11 course, as I mentioned at the outset we've got to dispose of  
12 these two lawsuits, which with the Attorney General—Deputy  
13 Attorney General Belcourt, Attorney General Laxalt, we're  
14 optimistic that the State of Nevada will prevail.

15 Just as a matter of procedure, I now have to open up public  
16 comment again, even though we just had it. This is required by  
17 statute. Last chance for anyone to have their piece heard.  
18 First in Carson City. Seeing none, I'll go to Las Vegas, anyone?

19 I'm closing public comment. I think that's it. Is that—  
20 yeah. Again, I want to thank everyone for coming. It really  
21 means a lot to us here in the Treasurer's Office. Our staff,  
22 myself, but certainly the staff is really—we do care about the  
23 ESA. We're optimistic about getting those checks out in  
24 February.

25

1           Those of you who want to make your opinions known on the  
2 military exemption and the kindergarten exemption we're calling  
3 it, please do call the Legislative Commission. Senator Roberson  
4 is-

5           GRANT HEWITT:           Yeah, I think so. He's the Chair.

6           DAN SCHWARTZ:           Yeah, call Senator Roberson and let  
7 him know. Again, thank you very much. Hearing is adjourned.

8           [end of audio]

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**From:** [Monica Works](#)  
**To:** [Nevada School Choice](#)  
**Subject:** RE: Senate Bill 302  
**Date:** Friday, October 09, 2015 1:18:34 PM

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Good afternoon,

My name is Monica Works, I am very interested in information to see if my child would be eligible to receive this credit to attend private school in lieu of public. We have recently moved back to Carson City from Fremont, CA. Due to the downturn in the economy a few years back we relocated to the bay area where my husband was working. However, with the economy improving in Reno we have returned to our home in Carson City as of last week. Unfortunately, the schools have not improved, in fact to our dismay seem to have worsened. The reality of this has made us question our reentry here. The school district here is sad in comparison to the one we were in Fremont. Therefore, all week we have been scrambling to make some adjustments and looking at alternatives in the area. There is a private school here in Carson that we are excited about for our younger child. My daughter is in fourth grade, a very important year, so I would like to give her the best education we can that is comparable to the one she was receiving in the Bay area, and I feel it would be at this school. However, I am not sure if she qualifies to receive this credit. She was enrolled in Preschool & Kindergarten here in Nevada from 2010-2012, but since we moved in March 2012 she has been enrolled out of state, would she still qualify since she has been a student previously for over the 90 days? I would greatly appreciate a response to my query, so I can take the appropriate action to place her where she can succeed.

Thank you,  
Monica Works  
775-443-8828



Jamie L. Winter  
775 473 4514  
jamie.winter@dgsllaw.com

October 9, 2015

Via Email to NevadaSchoolChoice@nevadatreasurer.gov

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

**Re: SB 302/LCB File No. R061-15**

Dear Sir or Madam:

Nevada Connections Academy (“NCA”) submits these comments in response to the Revised Proposed Regulation of the Nevada State Treasurer, LCB File No. R061-15 (“Proposed Regulations”) to prescribe the requirements and procedures for applying to establish an education savings account as promulgated by Senate Bill No. 302, Chapter 332, Statute of Nevada 2015.

Distance education charter schools are well established in Nevada and provide quality, viable school choice for Nevada parents. Our interest in the Proposed Regulations is due to the unique nature of our online program.

**Comment 1.** Section 6 of the Proposed Regulations defines “school day” but it does not define how many instructional hours are required for a student to achieve a partial school day. We believe this is ambiguous language which can have an impact on determining whether a student has reached 100 days in a public school and/or is in violation of Nevada compulsory attendance requirements. We further believe that to deter chronic absenteeism, partial school days should not be considered in determining scholarship eligibility or at minimum only minimal number, perhaps five (5) partial attendance days, should be allowed to count toward the 100 consecutive days. Further, we believe a student should be required to be in attendance for 2/3 of the school day (approximately 4 hours) in order for that day to be counted as a partial day. We believe the regulations specifically should address the following questions: how does partial attendance affect reporting obligations under Nevada truancy laws; and how many days of partial attendance can be applied to meet the 100 day attendance requirement? For example, if a student satisfies the partial attendance requirement for 100 consecutive days, is that student scholarship eligible? Is that student truant? Will a student who physically attends a private school all day and logs into virtual charter school at night or on weekends be considered to have attended the public school on a partial day basis? We are seeing more and more students engaging in this type of activity under the belief that they can “do their time” at NCA in order to qualify for the scholarship and simultaneously attend a private school without being officially enrolled. Because NCA is a virtual school, attendance can be marked at any time of the day or night—so a student technically could be at a private school all day, and log the required number of weekly hours at night or on weekends.

We recommend that the Nevada State Treasurer

- define how many hours constitute a partial day for purposes of Section 6
- define how partial school days are to be factored into the 100 consecutive day attendance requirement for purposes of determining scholarship eligibility
- define when a student with consecutive or interrupted partial school days is considered truant to avoid ambiguities with respect to truancy laws
- define under what circumstances a student who is adjudicated truant can be scholarship eligible
- clarify that any mechanism for counting partial days would have to be consistent with other regulations under Nevada law to avoid potential issues concerning a school's ability to track "partial days" for other regulatory purposes

**Comment 2.** Nevada Connections Academy is concerned that section 8 (4) may create incentives for parents and private K-12 providers to improperly manipulate the scholarship program. A virtual charter school environment provides students with an opportunity to obtain a high quality public school education with the flexibility to receive a uniquely individualized learning program. The current Section 8(4) of the Proposed Regulations can create an incentive for parents and private institutions to stretch the intention of the law to benefit the private institution or the parent. The language of the Proposed Regulations may be construed to allow a parent to formally enroll a student in a virtual charter school while minimally (and in some cases less than minimally) accessing the public school curriculum, thereby technically meeting state attendance requirements, and simultaneously attending a private school on a regular basis through the payment of a "seat saver" fee or entering into an "audit" agreement

Students and parents have been forthcoming with their intentions regarding meeting the 100 days requirement. Indeed, one of our students communicated that he and three of his friends from a private school all came to Nevada Connections Academy to get the \$5,000 after one hundred days. The student said he could not wait to go back when he could and that some of the other students had already paid their tuition to the other school so they were still taking classes there or playing sports there since they were not technically enrolled. Similarly, a student is on track at Nevada Connections Academy but has 12 overdue lessons for Biology, English and Physical Education. The student mentioned that she goes to her private school on Tuesdays for supervision since her parents both work. She said she is not enrolled in the private school but she takes math and biology (not for credits) but for extra help. She stated that she is not dual enrolled but at Nevada Connections Academy for the "100 days voucher." Currently, we have confirmed that **455 students enrolled in NCA this year are also attending private schools simultaneously**, and at one private school, it appears those that are enrolled in NCA and attending the private school amount to approximately twenty-eight percent (28%) of the private school's reported student population.

We believe that the practice of offering parents the ability to reserve space in a particular private school through payment of a seat saver fee or to prepay the private tuition while enrolled in a public school in

order to hold a seat for that private school is contrary to the intent of the Nevada Legislature when it created the scholarship program. It creates an incentive for that student to minimally engage in the public school in which he/she is enrolled and instead focus attention on requirements and social structure of the private school the student will enroll in once the mandatory 100 days attendance has elapsed. This behavior is contrary to the academic interests of the student, as well as disruptive of the public school in which the student is enrolled. In addition, this behavior may have a negative impact on a virtual charter school's performance framework which in turn may have consequences on the virtual charter school's renewal. We believe that this was not the intent of the legislature when SB 302 was passed. We recommend that the Proposed Regulations address the issue of "seat savers" or tuition "pre pay" practices in private schools or at the very minimum provide that the rules and regulations, including but not limited to, attendance and academic engagement that are adopted and implemented by a virtual charter school governing board be adhered to in order to qualify for the scholarship. In addition, this raises concerns of dual enrollment and the Treasurer should confirm that a student enrolled in private school through "seat savers" or tuition pre pay practices will not be considered to have attended the 100 consecutive dates required prior to applying for the scholarship.

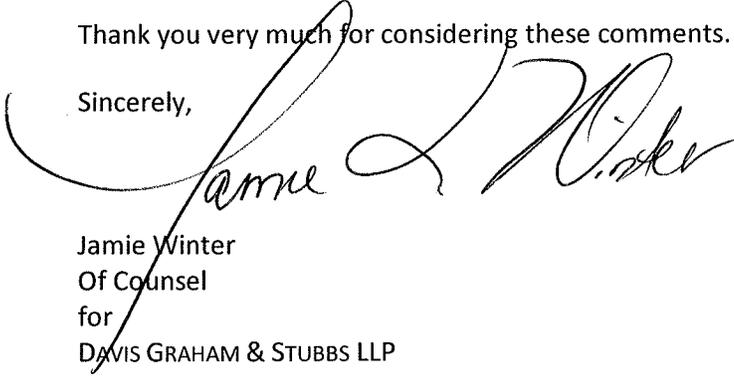
**Comment 3.** Section 8(5) can be construed in a manner that is inconsistent with Nevada truancy laws. The Proposed Regulations authorizes the State Treasurer to approve an application made on behalf of any eligible student who has been enrolled in a public school and in one or more qualifying courses at a public school for the 100 days immediately preceding the application date unless the State Treasurer authorizes a waiver for extraordinary circumstances and the student has not been absent from the public school for more than 15 consecutive school days during that period of 100 school days. Pursuant to Nevada compulsory attendance laws, a student is considered to be truant if a student has "an unapproved absence for at least one period, or the equivalent of one period for the school, of a school day." See NRS 392.130(2). In addition, if a student is declared a truant three or more times within one school year the student is deemed to be a habitual truant. See NRS 392.140(1).

In Nevada, the charter school governing board (including a virtual charter school) is required to adopt and implement truancy policies that are at least as restrictive as the compulsory attendance laws. See NRS. 386.585. For example, a governing board may adopt an attendance policy that results in a withdrawal of a student after the student has had three unexcused absences. Furthermore, in a virtual charter school environment, it is possible for a student to be considered truant if the student does not participate in the required attendance each school day (e.g. 5.5 hours a day), or fails to attend state mandated testing which is not required in private schools. The language in the Proposed Regulations is not clear whether a student who has been deemed habitually truant will qualify for the scholarship or whether a student will be deemed to be ineligible for a scholarship if a student is withdrawn during the 100 days mandatory attendance as a consequence of habitual truancy. We propose that the Proposed Regulations clearly state that habitual truant students are not qualified to receive a scholarship and that students who, due to a school initiated withdrawal, are withdrawn by their public school during the 100 days mandatory attendance for any legitimate reason, including habitual truancy, are not eligible to receive a scholarship.

Nevada State Treasurer  
October 9, 2015  
Page 4

Thank you very much for considering these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Jamie Winter". The signature is written in a cursive style with a large, sweeping initial "J".

Jamie Winter  
Of Counsel  
for  
DAVIS GRAHAM & STUBBS LLP

Laura K. Granier  
Partner  
for  
DAVIS GRAHAM & STUBBS LLP



Jamie L. Winter  
775 473 4514  
jamie.winter@dgsllaw.com

October 9, 2015

Via Email to NevadaSchoolChoice@nevadatreasurer.gov

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

**Re: SB 302/LCB File No. R061-15**

Dear Sir or Madam:

Nevada Connections Academy (“NCA”) submits these comments in response to the Revised Proposed Regulation of the Nevada State Treasurer, LCB File No. R061-15 (“Proposed Regulations”) to prescribe the requirements and procedures for applying to establish an education savings account as promulgated by Senate Bill No. 302, Chapter 332, Statute of Nevada 2015.

Distance education charter schools are well established in Nevada and provide quality, viable school choice for Nevada parents. Our interest in the Proposed Regulations is due to the unique nature of our online program.

**Comment 1.** Section 6 of the Proposed Regulations defines “school day” but it does not define how many instructional hours are required for a student to achieve a partial school day. We believe this is ambiguous language which can have an impact on determining whether a student has reached 100 days in a public school and/or is in violation of Nevada compulsory attendance requirements. We further believe that to deter chronic absenteeism, partial school days should not be considered in determining scholarship eligibility or at minimum only minimal number, perhaps five (5) partial attendance days, should be allowed to count toward the 100 consecutive days. Further, we believe a student should be required to be in attendance for 2/3 of the school day (approximately 4 hours) in order for that day to be counted as a partial day. We believe the regulations specifically should address the following questions: how does partial attendance affect reporting obligations under Nevada truancy laws; and how many days of partial attendance can be applied to meet the 100 day attendance requirement? For example, if a student satisfies the partial attendance requirement for 100 consecutive days, is that student scholarship eligible? Is that student truant? Will a student who physically attends a private school all day and logs into virtual charter school at night or on weekends be considered to have attended the public school on a partial day basis? We are seeing more and more students engaging in this type of activity under the belief that they can “do their time” at NCA in order to qualify for the scholarship and simultaneously attend a private school without being officially enrolled. Because NCA is a virtual school, attendance can be marked at any time of the day or night—so a student technically could be at a private school all day, and log the required number of weekly hours at night or on weekends.

We recommend that the Nevada State Treasurer

- define how many hours constitute a partial day for purposes of Section 6
- define how partial school days are to be factored into the 100 consecutive day attendance requirement for purposes of determining scholarship eligibility
- define when a student with consecutive or interrupted partial school days is considered truant to avoid ambiguities with respect to truancy laws
- define under what circumstances a student who is adjudicated truant can be scholarship eligible
- clarify that any mechanism for counting partial days would have to be consistent with other regulations under Nevada law to avoid potential issues concerning a school's ability to track "partial days" for other regulatory purposes

**Comment 2.** Nevada Connections Academy is concerned that section 8 (4) may create incentives for parents and private K-12 providers to improperly manipulate the scholarship program. A virtual charter school environment provides students with an opportunity to obtain a high quality public school education with the flexibility to receive a uniquely individualized learning program. The current Section 8(4) of the Proposed Regulations can create an incentive for parents and private institutions to stretch the intention of the law to benefit the private institution or the parent. The language of the Proposed Regulations may be construed to allow a parent to formally enroll a student in a virtual charter school while minimally (and in some cases less than minimally) accessing the public school curriculum, thereby technically meeting state attendance requirements, and simultaneously attending a private school on a regular basis through the payment of a "seat saver" fee or entering into an "audit" agreement

Students and parents have been forthcoming with their intentions regarding meeting the 100 days requirement. Indeed, one of our students communicated that he and three of his friends from a private school all came to Nevada Connections Academy to get the \$5,000 after one hundred days. The student said he could not wait to go back when he could and that some of the other students had already paid their tuition to the other school so they were still taking classes there or playing sports there since they were not technically enrolled. Similarly, a student is on track at Nevada Connections Academy but has 12 overdue lessons for Biology, English and Physical Education. The student mentioned that she goes to her private school on Tuesdays for supervision since her parents both work. She said she is not enrolled in the private school but she takes math and biology (not for credits) but for extra help. She stated that she is not dual enrolled but at Nevada Connections Academy for the "100 days voucher." Currently, we have confirmed that **455 students enrolled in NCA this year are also attending private schools simultaneously**, and at one private school, it appears those that are enrolled in NCA and attending the private school amount to approximately twenty-eight percent (28%) of the private school's reported student population.

We believe that the practice of offering parents the ability to reserve space in a particular private school through payment of a seat saver fee or to prepay the private tuition while enrolled in a public school in

order to hold a seat for that private school is contrary to the intent of the Nevada Legislature when it created the scholarship program. It creates an incentive for that student to minimally engage in the public school in which he/she is enrolled and instead focus attention on requirements and social structure of the private school the student will enroll in once the mandatory 100 days attendance has elapsed. This behavior is contrary to the academic interests of the student, as well as disruptive of the public school in which the student is enrolled. In addition, this behavior may have a negative impact on a virtual charter school's performance framework which in turn may have consequences on the virtual charter school's renewal. We believe that this was not the intent of the legislature when SB 302 was passed. We recommend that the Proposed Regulations address the issue of "seat savers" or tuition "pre pay" practices in private schools or at the very minimum provide that the rules and regulations, including but not limited to, attendance and academic engagement that are adopted and implemented by a virtual charter school governing board be adhered to in order to qualify for the scholarship. In addition, this raises concerns of dual enrollment and the Treasurer should confirm that a student enrolled in private school through "seat savers" or tuition pre pay practices will not be considered to have attended the 100 consecutive dates required prior to applying for the scholarship.

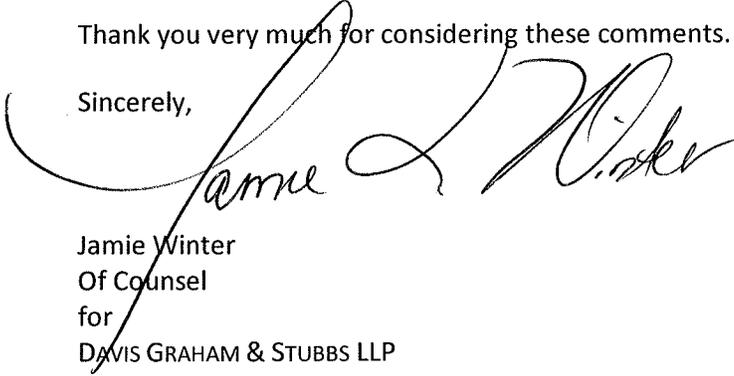
**Comment 3.** Section 8(5) can be construed in a manner that is inconsistent with Nevada truancy laws. The Proposed Regulations authorizes the State Treasurer to approve an application made on behalf of any eligible student who has been enrolled in a public school and in one or more qualifying courses at a public school for the 100 days immediately preceding the application date unless the State Treasurer authorizes a waiver for extraordinary circumstances and the student has not been absent from the public school for more than 15 consecutive school days during that period of 100 school days. Pursuant to Nevada compulsory attendance laws, a student is considered to be truant if a student has "an unapproved absence for at least one period, or the equivalent of one period for the school, of a school day." See NRS 392.130(2). In addition, if a student is declared a truant three or more times within one school year the student is deemed to be a habitual truant. See NRS 392.140(1).

In Nevada, the charter school governing board (including a virtual charter school) is required to adopt and implement truancy policies that are at least as restrictive as the compulsory attendance laws. See NRS. 386.585. For example, a governing board may adopt an attendance policy that results in a withdrawal of a student after the student has had three unexcused absences. Furthermore, in a virtual charter school environment, it is possible for a student to be considered truant if the student does not participate in the required attendance each school day (e.g. 5.5 hours a day), or fails to attend state mandated testing which is not required in private schools. The language in the Proposed Regulations is not clear whether a student who has been deemed habitually truant will qualify for the scholarship or whether a student will be deemed to be ineligible for a scholarship if a student is withdrawn during the 100 days mandatory attendance as a consequence of habitual truancy. We propose that the Proposed Regulations clearly state that habitual truant students are not qualified to receive a scholarship and that students who, due to a school initiated withdrawal, are withdrawn by their public school during the 100 days mandatory attendance for any legitimate reason, including habitual truancy, are not eligible to receive a scholarship.

Nevada State Treasurer  
October 9, 2015  
Page 4

Thank you very much for considering these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Jamie Winter". The signature is written in a cursive style with a large, sweeping initial "J".

Jamie Winter  
Of Counsel  
for  
DAVIS GRAHAM & STUBBS LLP

Laura K. Granier  
Partner  
for  
DAVIS GRAHAM & STUBBS LLP

From: [Mandy Norton](#)  
To: [Nevada School Choice](#)  
Subject: Nevada School Choice Program  
Date: Wednesday, October 07, 2015 1:20:17 PM

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## To Whom it may Concern:

Hello. My name is Mandy Norton. I am emailing about the Bill allowing for education vouchers so that families can use their money to educate their children how they best see fit. Let me begin by saying that I am very excited about this program. What a wonderful way to empower parents and families. It makes me proud to be a Nevadan. When I first heard about the program, I was thrilled.

We send five (soon to be six) children to a private school where we feel the education and environment are of a superior level. The choice to send our children to a private school has required GREAT financial sacrifice on the part of our family. Please don't assume that because we did it before the vouchers, it

was an easy thing to do. We have had to make REAL sacrifices to ensure that our children receive an education that we would like them to have.

I was a little surprised when I heard about the 100 day public school requirement, but because I assumed it did not affect my family (Four of our children attended CCSD public schools for well over 100 days (for five years)--the fifth child started kindergarten this year), I was not too concerned about it until I learned that because our 100 days did not fit into the designated time frame allowed, they did not count. I won't lie, I felt a little targeted and discriminated against because of this provision. We have been paying taxes for public education since we moved to Nevada 8 years ago. Because we made the decision to send our children to a private school three years ago, we have essentially been double paying for

our children's education. I was shocked that there was no provision for us to receive the vouchers without uprooting our children and plugging them into the public system again for the mandatory 100 days, only to rip them out again back to the private school they currently attend...doesn't that seem a little ridiculous (not to mention emotionally difficult for the children)? By taking our children out for the 100 days, we would also risk losing our children's spot in their current school (They have a very long waiting list). Our children would also risk falling behind. At our current school, multiplication begins in 1st grade. As a mother who put four children through public school first grade, I can tell you that they do not touch multiplication in first grade, which means that IF we can get our children back into their current private school, they will be behind. It is blatantly wrong to target a

group like this bill is doing.

So, here is what I am requesting: There must be a way to amend the bill to allow for a waiver to be signed by those already attending private schools. There must be a way to make those funds available to us this year, as soon as possible. There must be a way to make the law just and fair and right. As you discuss possible options, please consider making a waiver available to those who have already sacrificed so much to ensure that their children get the best education possible.

Thank you so much for your time.

Mandy Norton

702-885-6572

**From:** [Andrew Ballagh](#)  
**To:** [Nevada School Choice](#)  
**Cc:** [Andrew Ballagh](#)  
**Subject:** Education Savings Account Program  
**Date:** Wednesday, October 07, 2015 4:26:38 PM



**Andy Ballagh**  
[www.andysfagent.com](http://www.andysfagent.com)



**Andy Ballagh**  
Agent

 [Email Me!](#)

 [702-562-7504](tel:702-562-7504)

**FAX** [702-562-7508](tel:702-562-7508)

 [Visit Andy's Home Page](#)

 [Map & Directions](#)

 [Access Your Account](#)

7455 W Azure Drive  
Suite 110  
Las Vegas, NV 89130

To whom it may concern, Governor Sandoval, State Representatives:

I am writing you in regards to Nevada's Education Savings Program that was recently passed. I've been a resident of Las Vegas for 21 years, am a business owner and provide jobs in our community. My wife is a native of Vegas, a graduate of UNLV and a public school teacher for 23 years. Even more than I, she's poured her heart out in to this community and the kids.

When the bill was first announced, I can't describe how thrilled we were. Although our daughter had been in public school we decided that Faith Lutheran was the best option for her scholastically, socially and spiritually. However, coming up with \$12,000+/year tuition was a real stretch for us. And it was very difficult to get accepted into the school. We were on a waiting list for over a year. So she spent last year, her sixth grade year, at Faith. She just started her 7<sup>th</sup> grade year. As you can imagine we thought the \$5,000 subsidy would really help us. What a great idea this was that you had and it made sense. It was the right thing to do.

Then more details came out about the program and who is eligible. You can imagine our shock and dismay as we found out that our daughter is not eligible because her time in public school didn't immediately proceed her attending private. We just don't understand this and frankly feel discriminated against. We are tax payers just like everyone else and this just isn't morally right.

What can we do about this? First, some say, "pull your kid out of Faith and put her back in public school long enough to meet the requirements". We don't think that's in the best interest of any child socially. And if we did there's no guarantee that we'll ever be able to get accepted back into Faith. With the influx of more families wanting to get in, because they can now afford it, it's going to take longer with no guarantee that we'll even get another spot. Secondly, you know that with this subsidy, most if not all the private schools are going to increase their tuition costs. But this won't affect the new families enrolling in the

private schools as much as it will the existing. A family like ours who already pays \$12,000/year will be paying \$15,000, \$17,000+ ... And this of course is just not fair.

You know what this feels like? It feels just like it did when people who quit making their mortgage payments got help getting their loan adjusted or home short sold from the banks who took our government bailouts paid by our tax dollars. Most of us were all in the same position but the folks who tightened up their belt and scratched and clawed to make their payment each month got no help.

In conclusion we respectfully ask that you change this, be fair and help each family. Please, we all need the help and we all deserve the same respect as tax payers.

Sincerely,



**Andy Ballagh**

Agent

[Retirement Calculator](#)

[Car Loan Calculator](#)

Providing Insurance and Financial Services

Stay Connected:



**From:** [Brad Norton](#)  
**To:** [Nevada School Choice](#)  
**Subject:** Nevada's Education Savings Account Program  
**Date:** Tuesday, October 06, 2015 2:03:02 PM

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To Whom it May Concern:

My name is Brad Norton. For the past 8 years, my family and I have made a wonderful home in Henderson and are established and active in the local community. We have 6 children, 5 of whom currently attend school with the youngest waiting in the wings. We are good citizens that want the best for our children, both educationally and societally/environmentally, and we believe, like you, that we are in the best position to make that determination.

We appreciate and understand the challenges that arise when attempting to meet the needs of so many whose varying backgrounds and aspirations are often extremely diverse. We applaud the efforts made by the Nevada Legislature to provide parents with a choice in their children's education. However, we are also greatly concerned with the blatant discrimination that we, and so many others like us, are facing simply because we chose to sacrifice and make our children's education and well-being a priority.

Our children spent many years in the public school system, but due to educational and environmental concerns, we decided that we needed to explore other educational avenues for their success and well-being. As a result, we made the very difficult financial decision and have been sacrificing greatly so that our children would have the opportunity to attend a private school where we believe they are receiving not only a quality education, but are in an environment that is consistent with the morals and values that we treasure and want instilled in our children.

To that end, I am greatly troubled that my family, along with thousands of other Nevada families, will not be able to avail ourselves of the Nevada Education Savings Account Program simply because we made a choice to sacrifice for the success of our children. The fact that the legislature would believe that it is proper or otherwise acceptable to discriminate against my family and others similarly situated is offensive and deplorable. We are being unfairly targeted and punished for choosing to help our children succeed, the very purpose of SB 302, simply because we chose to act prior to the passage of SB 302.

It is clear SB 302 was created to provide concerned parents with the opportunity to decide what educational and environmental direction was best for their children. This is the fundamental reason that I, and most families I know, have sacrificed to send their children to private school. I simply ask that the an accommodation be made for those families who had the foresight, determination and wherewithal to send their children to a private school prior to the passage of SB 302. This is most certainly a reasonable accommodation, and it is the proper and right thing to do.

Sincerely,

Brad Norton - concerned father and citizen

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Brad Norton

[brnorton@gmail.com](mailto:brnorton@gmail.com)

[702-241-1616](tel:702-241-1616)

## How SB302 changed my life

My name is Rachel Affleck. My husband and I are the parents of 3 lovely children, ages 7, 5, & 1. Our family has had Clark County residency as far back as 1987. We have wonderful roots in this town and love living in a culturally rich city like Las Vegas!

- In June 2015 my family was living out of state, considering a permanent relocation pursuant to a job offer. The prospects were tempting and ending our residency in Nevada was a strong possibility.
- On June 15, 2015, (during our out of state speculating) I became aware of SB302.
- Being a home school family, my husband was surprised how SB302 peeked my interest. In fact, I surprised myself as an advocate of home school, educational freedom, and family rights for the past several years... Private school was not on our horizon, nor had it been a financially viable option to even consider.
- Realizing that private school would now be an option, I quickly saw how it could help our family through the hurdles we were facing in our children's education, in ways that both home school and public school could not. (Side note: Why do public schools NOT use phonograms?! As a proven method to resolving dyslexia and improving fluency- it's a life changing program that SHOULD be mainstream but somehow was passed up during the common core alignment. LOVE our phonograms!)
- Immediately I made an out of state phone call and interviewed our first choice in private schools. In addition to an introduction to \*life changing\* phonograms, my research revealed the following:
  - Licensed as a non-profit private school, they would not, could not, hike up their tuition fees as a result of ESA vouchers.
  - Licensed as a faith-based non-profit private school, their relatively low tuition fee of \$5,600 would be nearly paid in full by an ESA voucher! The remainder of expenses for book fees, registration fees, uniforms, etc. would be affordable to our 3 children with a few sacrifices and a careful budget- miraculous! The impossible became possible!
- Within 5 days of the news of SB302 we withdrew our pursuits to re-locate out of state! LIFECHANGING, in less than 5 days! Thus maintaining our residency, commerce, taxes, and civic service in the best city in the world, and local to Las Vegas!
- Within 2 weeks, my home school devoted 7 year old was enrolled in private school for Fall 2015! A HUGE life changing idea decided and implemented in under 2 weeks! Knowing that sooner was better than later for this child at this time, we used our savings to afford immediate tuition, and will absolutely pursue an ESA voucher for Fall 2016 enrollment, at a time that is best and most fitting to this child's particular needs. (Side note: After only 4 days in the atmosphere of a private school, our child is THRIVING! We can see measurable improvements in every desirable way! I will not soon forget her sincere question, "Why didn't you tell me this school was an option?". How

- does a parent explain to a 7 yr old (who still believes in magic, fairy tales, and that they can become anything they want to become), that dreams and education only apply to *affordable* options? How do you explain that in reality becoming your personal best is limited by the opportunities afforded you? We are not hoping to get something for free, we wouldn't take it. For years, our family has paid tax dollars into a public education system that has failed us. ESA's allow us to utilize what is ours in a way that works for us- finally!
- Within a month of hearing of SB302, our 5 year old (who was on the same home school track \*which we've LOVED to this point, for us!\* as his 7 year old sibling) was enrolled in Kindergarten and is grinding down his "100 days" to an ESA voucher; where our children can attend together again and I can rest assured in the soundness of their wise curriculum! The expenses of uniforms and fees will be welcomed in concurrence with a covered tuition that I know will afford him his fundamental right to a thriving academic career. Your future is as bright as your education some say, and SB302 is our light!
  - Whether private school, public school, or home school fits your families needs at a particular time, isn't it true that one size fits all approach to education is a fail? Is it not true that education is an inalienable right? Further, is it not true that these rights are guaranteed in the constitution of the United States? Education savings vouchers really should've existed from the inception of education for all!
  - In regards to ACLU's petty lawsuit, it's not altogether surprising- though I will say for an organization who's stated mission is fundamental and equal rights for everyone- this level of hypocrisy is a whole new level of bully on their part!

**SHINE ON SB302!**

Rachel Affleck  
raffleckt@gmail.com

**From:** [Bonnie Wood](#)  
**To:** [Nevada School Choice](#); [Grant Hewitt](#)  
**Cc:** [Kandi Winters](#)  
**Subject:** ESA and Military Clause  
**Date:** Tuesday, October 06, 2015 6:17:29 PM

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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 Christian school for personal reasons despite the financial strain and sacrifice. They attended private Christian school this past year and will enter 2nd and 4th grade.

When I heard about the Education Savings account, I was extremely disappointed that the requirements deem for a child to attend public school for 100 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 on 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 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 choices for their child by keeping them at one school throughout their Nevada military assignment.

In addition, I attended the ESA workshop today with the state treasurer. Initially,

we had been told that private schools cannot be dual enrolled with an public online class to meet the 100 day requirement. Several faith based educators said that there is a law that exempts faith based schools and will allow faith based schools to dual enroll with an online public school. This was all submitted to the Treasurer. The treasurer had not heard of this law and said he would look into it. I wanted you to be aware of this so that you can let us know if my children who are attending a faith based school can dual enroll with a public school online class to meet this 100 day requirement.

I spoke with Senator Hammond on the phone again today and he said both he and the treasurer are in favor of having a military clause in the ESA legislation. This clause would exempt active duty military children from the requirement of attending 100 days of public school first in order to receive ESA funding. Senator Hammond advised me to attend the upcoming hearing to encourage the Treasurer to keep going with adding the military clause in the legislation. The treasurer is in favor of the Military Clause. Senator Hammond told me that the Treasurer needs to approve the military clause, write the legislation, have the legislation committee approve the military clause so it can be apart of the regulation before the end of December. Please respond to me about your thoughts on a military clause for Active Duty military children and how you are working towards passing this legislation.

Thank you and I look forward to your response,  
Bonnie Wood  
850-728-1144

**From:** [BLALOCK, JACK A Lt Col USAF ACC 820 RHS/CD](#)  
**To:** [Nevada School Choice](#)  
**Subject:** Nevada Education Savings Account  
**Date:** Monday, October 05, 2015 5:17:39 PM

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Good day!

I am writing concerning the pending legislation for the Nevada Education Savings Account. We moved to Nellis AFB, NV recently and would like to take advantage of the ESA program. However, over the last few years we have home-schooled because there were very limited options where we were living in Germany. As we settle here, we would like to use a private school, but do not have a way to get the required 100 days of public school accomplished by January. Is it possible to make a military clause in Section 9 that allows military families to be waived of this requirement? Active Duty military personnel are only here for a few years, and many would like to have a choice of schools upon arrival. Please consider adding in a clause to help make this possible. Thanks for your consideration.

Respectfully,  
Jack

JACK A. BLALOCK, Lt Col, USAF, P.E.  
Deputy Commander, 820th RED HORSE Squadron  
Nellis AFB, NV  
DSN: 312-682-1234  
COMM: (702) 652-1234

**From:** [Travis Whidden](#)  
**To:** [Nevada School Choice](#); [April Whidden](#)  
**Subject:** Feedback of SB302 for your Oct 20th meeting  
**Date:** Friday, October 02, 2015 9:15:27 AM

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Dear Mr Grant Hewitt,

I think what you guys are doing is great, but completely unfair to those of us who have worked very hard to get our kids into private school already. You might assume that everyone that has kids in private are 1%'ers --- we are not. We work just as hard. How do you think we feel when the kid sitting next to mine gets a half price deal at our school. I am disgusted that we pay the same taxes that our neighbors do, and cant get the same level of benefits offered by this plan. Like I said, what you are doing is great. Nevada needs better schooling. That is why i selected not to put my children into public school from day 1.

This really needs to be addressed. And nobody has told me and thousands of other families why you need 100 days of public school first before you can get this benefit. What was the logic behind this decision.

I would like a reason why you find that existing parents are not eligible.

Thank you

Travis Whidden  
702-379-3788

**From:** [Bonnie Wood](#)  
**To:** [Nevada School Choice](#); [Grant Hewitt](#)  
**Subject:** ESA and Military Clause  
**Date:** Friday, October 02, 2015 10:06:55 AM

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Mr. Hewitt,

Below is my written testimony speaking on a military clause for the ESA:

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 Christian school for personal reasons despite the financial strain and sacrifice. They attended private Christian school this past year and will enter 2nd and 4th grade.

When I heard about the Education Savings account, I was extremely disappointed that the requirements deem for a child to attend public school for 100 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 on 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 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 choices for their child by keeping them at one school through out their Nevada military assignment.

In addition, I attended the ESA workshop today with the state treasurer. Initially, we had been told that private schools cannot be dual enrolled with an public online class to meet the 100 day requirement. Several faith based educators said that there is a law that exempts faith based schools and will allow faith based schools to dual enroll with an online public school. This was all submitted to the Treasurer. The treasurer had not heard of this law and said he would look into it. I wanted you to be aware of this so that you can let us know if my children who are attending a faith based school can dual enroll with a public school online class to meet this 100 day requirement.

I spoke with Senator Hammond on the phone again last week and he said both he and the treasurer are in favor of having a military clause in the ESA legislation. This clause would exempt active duty military children from the requirement of attending 100 days of public school first in order to receive ESA funding. Senator Hammond advised me to attend the upcoming hearing to encourage the Treasurer to keep going with adding the military clause in the legislation. Please respond to me about your thoughts on a military clause for Active Duty military children?

Thank you and I look forward to your response,  
Bonnie Wood  
850-728-1144

**From:** [Melanie Emery](#)  
**To:** [Nevada School Choice](#)  
**Subject:** SB-302 question  
**Date:** Thursday, October 01, 2015 4:13:27 PM

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Greetings,

My name is Melanie Emery, and we currently have our two daughters, in kindergarten and first grade, enrolled in a private school in Carson City Nevada. We have only been able to afford this because the school has given us a generous scholarship, but even with this scholarship it has been a tremendous financial commitment and sacrifice for our family. Although it has been difficult for us to swing these last two years financially, it has been totally worth it. You see, we adopted our children through the foster care system and with this has come some special needs, specifically anxiety issues with the girls. When our oldest was ready for kindergarten last year we enrolled her in our local public school. She went for three days. In those three days it became more than apparent that the large classroom size and environment of the public school was not a good fit for her. Her anxiety was off the charts. There were several incidents that occurred that made it clear that the public school environment was not a good fit for her. It was at that time we made the switch to private school.

When I first heard about SB-302 I thought it was a Godsend to our family! However, as I have been doing more research I have learned that in order to get the educational savings account our children will need to attend a public school for 100 school days. This poses a problem for the following reasons:

- 1) My girls, with their special needs as specified above, would have a very difficult time transitioning to a new school. Routine and security are HUGE for them. Additionally, the public school environment as currently offered at our local school is not a good fit for them due to the large class and school size. We saw this first hand when we attempted it with our oldest.
- 2) If we leave the school they are currently enrolled in to attend the public school for 100-days they may lose their spot at their current school. This is almost a certainty.
- 3) Due to this bill our school does not necessarily see the need to continue on with their scholarships, so after next year we will most likely lose the scholarship we have making it impossible for us to afford our current school.

All this to say, are there any exceptions being made for the 100 day public school rule being made? Are the children that are already in public school grandfathered in so they are not displaced at their current school?

Thank you so much for any assistance you can offer!

Sincerely,  
Melanie Emery  
916.548.7857  
Carson City, NV

Sent from my iPhone

**From:** [Pjcs](#)  
**To:** [Nevada School Choice](#)  
**Subject:** esa eligibility  
**Date:** Thursday, October 01, 2015 8:57:53 PM

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I do not have children in the school system, I do have Grand-children in the system. I am concerned that your current regulations exclude those who have already left the public school system and will not benefit by ESA. Some of these people make great sacrifice to keep children in some form of alternative education with not compensation—they have already realized that the public system has failed. These people deserve as much financial help as those who have, because of finances or lethargy, have allowed their children to remain in the public system.

I believe that the legislature intended that all these people need financial assistance and do not understand you “100 days in the system” for qualification edict. It need to include all Nevada’s children of k-12 age.

James C Smalley  
2940 Deer Run Dr  
Reno, Nv 89509



This email has been checked for viruses by Avast antivirus software.

[www.avast.com](http://www.avast.com)

**From:** [Dave Frohman](#)  
**To:** [Nevada School Choice](#)  
**Subject:** Nevada School Choice ESA program  
**Date:** Wednesday, September 30, 2015 11:00:49 AM

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To whom it may concern,

I would like to state my strong opposition to this program the way it is currently being implemented.

I am 100% in favor of school choice and allowing families to utilize some of their tax money to attend the school of their choice. But it is grossly unfair to only allow children currently in public schools to take advantage of this program.

As it currently stands, the families that are currently making the large sacrifices necessary to send their children to a private school will not only be subsidizing public school children but also children who will be attending the same private schools as they are paying for their children to attend.

Unless the only real purpose of this program is to cannibalize from the public schools, it is very unfair not to allow any Nevada family to take advantage of this program.

David Frohman

**From:** [Courtney Burns](#)  
**To:** [Nevada School Choice](#)  
**Subject:** ESA concerns  
**Date:** Wednesday, September 30, 2015 12:34:00 PM

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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.

Why won't you address the 100 day flaw?  
Zack and Courtney Burns

**From:** [Robert and MaryAnn Beck](#)  
**To:** [Nevada School Choice](#)  
**Subject:** question re: ESA Hearing for the Adoption of Regulations  
**Date:** Tuesday, September 29, 2015 4:34:10 PM

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Good afternoon,

I heard a recent radio interview where it was discussed that concessions might be made for families who currently have children enrolled in pvt school. perhaps an on-line class making them eligible or some other sort?

my concern is not wanting to disrupt my child's education by transferring them to a public school for 100 days just so I can save a few dollars as her parent. While, of course, I need the money and that savings would help me to sometimes decide between eating a steak for dinner and paying the school tuition it's a choice I make as a parent.

I have 3 children and my wife is a stay at home mom. we feed a family of 5 on a single income and we struggle to make ends meet but, because our school district historically ranks 49th or 50th in educational standards we made a choice to enroll our children in private school and the results have been terrific. Our children are advanced and doing well as they enter the higher grades.

Here is my quandary. It seems disingenuous to me that, as a tax payer who struggles to pay for private school tuition who is unable to write off that tuition on his taxes, will have children in private school whom I am paying full price for(as well as taxes) and my tax dollars will be diverted from the public school system to fund another parent's child attending the same private school for free, or at a reduced rate.

You can see how that might seem counter-intuitive to a school-choice initiative benefiting your constituents. As parents we made a choice to do the best we could for our children and have struggled for years keeping that promise we made them. Now they will share a classroom with kids attending school for free.

I am hopeful you will consider an alternative method for students already enrolled in private school to be eligible for this program and enjoy that same opportunity.

Thank you.

Robert M. Beck

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From: NevadaSchoolChoice@NevadaTreasurer.gov

To: nothingtofear@msn.com  
Date: Tue, 29 Sep 2015 15:35:13 -0700  
Subject: ESA Hearing for the Adoption of Regulations



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## **OFFICE OF THE NEVADA STATE TREASURER**

### **Nevada's Education Savings Account Program**

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The Nevada State Treasurer's Office is excited to announce that we will hold a Hearing for the Adoption of Regulations for the Nevada's Education Savings Account (ESA) program on **Tuesday, October 20, 2015 at 10:00 A.M.** The meeting will be held at the Legislative Building in Carson City and video conferenced to the Grant Sawyer building in Las Vegas. We encourage anyone who has concerns about the regulations to provide their testimony in writing prior to the meeting by emailing it to: [NevadaSchoolChoice@NevadaTreasurer.gov](mailto:NevadaSchoolChoice@NevadaTreasurer.gov) You can view the Notice as well as the proposed final regulations by clicking on the following link:

<http://www.nevadatreasurer.gov/SchoolChoice/Home/>

**Grant A. Hewitt**

*Chief of Staff – Office of Nevada State Treasurer*

Email: [ghewitt@nevadatreasurer.gov](mailto:ghewitt@nevadatreasurer.gov)

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**Nevada's Education Savings Account Program**  
555 E Washington Ave Suite 4600  
Las Vegas, NV 89101

**(702) 486-5101 Telephone**

**Internet: [www.NevadaTreasurer.gov](http://www.NevadaTreasurer.gov)**

**Email: [NevadaSchoolChoice@NevadaTreasurer.gov](mailto:NevadaSchoolChoice@NevadaTreasurer.gov)**

**From:** [mclarkhallock@gmail.com](mailto:mclarkhallock@gmail.com)  
**To:** [Nevada School Choice](#)  
**Subject:** Qualifying Schools  
**Date:** Tuesday, September 29, 2015 8:12:38 PM

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To Whom it May Concern,

After reading the latest email sent out I am unclear of what a "qualified" school is. Are we taking away Faith based schools which were originally part of the approved private school list? Also before it asked if your child attended 100 days of school. Now it is saying "100 uninterrupted days". That's basically like perfect attendance which is insane for real life families and children. Lastly in prior update emails it said that funds would be released in the Spring. Now it is saying that it is unknown. Many families, like my own, have asked for help from family members until the money comes. This will become a financial hardship for some.

I believe there needs to be a more clear cut description of what is really going on. The media up North is having a field day with this and it is not right that the State Treasurer does not respond. It makes the citizens of the South not very comfortable and lacking confidence in the department.

Having a 6th grader start a new school and thinking they will be able to go there for the remainder of their middle school years then having to switch them out to another school and begin the process of making friends all over again is not good to their social/emotional development.

All things being said, I would love to receive a response from the Treasury Office.

Best Wishes,  
Melissa Clark-Hallock  
702-525-5005

**From:** [Laurie Saposhnik](#)  
**To:** [Nevada School Choice](#)  
**Cc:** [Nicholas Mele](#)  
**Subject:** Concern Regarding Nevada ESA  
**Date:** Tuesday, September 29, 2015 5:32:23 PM  
**Importance:** High

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The current legislation is requiring the following: "Statutes of Nevada 2015, at page 1829. If an applicant is a tutor or tutoring facility, such proof must include, without limitation, proof that the applicant is accredited by a state, regional or national accrediting agency. "

Mathnasium as well as many other tutoring facilities in the state of Nevada that help thousands of students are not accredited by any national, regional, or state educational institution. They are independent entities that provide very much needed assistance to students who are behind in various subjects.

We are concerned with the requirement for our organization to be accredited. We have had many parents inquire about our eligibility in the program. We feel that this requirement is prohibitive to us as a small business owner in the state of Nevada. Additionally, we are concerned that many students who are behind in Math will not be able to benefit from leveraging the ESA for usage of our services or other tutoring entity's services. We would request the State to reconsider this requirement.

Laurie Saposhnik  
Director Sales and Community Outreach  
Laurie.Saposhnik@mathnasium.com  
702-248-8887 Summerlin  
702-823-2777 Rhodes Ranch  
310-829-7283 Santa Monica  
702-835-3634 Mobile



**From:** [ashleybrand51@gmail.com](mailto:ashleybrand51@gmail.com)  
**To:** [Nevada School Choice](#)  
**Subject:** Concern about the regulation  
**Date:** Tuesday, September 29, 2015 6:22:21 PM

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I am a parent of a preschooler and my only concern is placing my child into a public school temporarily in an effort to receive grant funding. For a child who has never attended a public or private school, I would hope there would be a provisional waiver that can be applied for students under age 6.

Thank you for your time and I look forward to new updates as they arise.

Sincerely,  
Ashley

Sent from my iPhone

**From:** [Corey Enus](#)  
**To:** [Nevada School Choice](#)  
**Cc:** [H Alan Waldman](#); [hstaco@cox.net](mailto:hstaco@cox.net)  
**Subject:** Being Penalized  
**Date:** Tuesday, September 29, 2015 5:20:31 PM

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I love the program and appreciate its efforts, but feel like parents who have worked, sacrificed and scraped together enough money to be able to send our kids to private schools are being unfairly penalized. We are left with the options of disrupting our children's education or missing out on this opportunity, our sacrifice is being turned into a detriment. In reading the minutes from your meetings many other parents have voiced similar opinions, I hope you take those opinions into consideration.

Thank you,

**Corey J. Enus**  
**SNWA/LVVWD**  
**Public Information**  
(702)822-8496 office  
(702)219-5193 cel  
(702)258-7146 fax

**From:** [Bonnie Wood](#)  
**To:** [Grant Hewitt](#); [Nevada School Choice](#)  
**Subject:** ESA and Military Clause  
**Date:** Wednesday, September 16, 2015 11:00:01 AM

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Mr. Hewitt,

My name is Bonnie Wood. I spoke at the most recent ESA workshop on behalf of the active duty Military families. I am asking for a military clause in the bill to allow for active duty military children to be waived from attending public school for 100 days due to the fact that we move every 2-3 years.

I spoke with Senator Hammond on the phone today and he told me that you are in favor of adding this clause as Senator Hammond is in favor of adding this clause as well. I wanted to encourage you to press forward with adding this language in the bill as I know you are writing the legislation.

I wanted to thank you for still working out adding the military clause in the bill as you continue to write the language, refine the language and ultimately keep the language in favor of military families in the bill. Senator Hammond told me about the meeting on October 20 at 10am. I plan to be there to speak on behalf of the Active Duty military families at this workshop.

Could you please respond to my email and give me an update on the military clause?

Very Respectfully,  
Bonnie Wood  
850-728-1144

**From:** [Sue Blakeley](#)  
**To:** [Grant Hewitt](#); [Nevada School Choice](#)  
**Subject:** SB302 Regulation -Exempt Students under 7 years old  
**Date:** Wednesday, October 21, 2015 8:31:32 PM

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Dear Treasurer Schwartz and Mr. Hewitt,

I would like to express a thought concerning a proposed regulation for SB 302 that is now being reviewed by the Legislative Council. Having attended all three of the State Treasurer's hearings, it was a notable difference at the last hearing (October 20) that the current thought is to exempt only kindergarten students from the requirement to have spent 100 days in a public school immediately preceding their application for an Educational Savings Account.

Please consider that this exemption should NOT be written to exempt a particular grade level (kindergarten) but rather it should state that **any student under the age of seven years old** is exempt from spending 100 days in a public school. In August, all parents with a child under the age of seven were encouraged to apply for the ESA when the early application was released. This seemed appropriate because in Nevada seven years of age is when a child is legally required to attend school. The parents (of those students under seven years old who applied for an ESA using the early application but entered the first grade this year ) certainly believed that the age of seven years was the important factor (per the application).

Although everyone realizes that the regulations were simply proposals, if the exemption is not extended to under the age of seven years but rather says kindergarten, there will undoubtedly be a significant feeling by those parents of being misled.

Please let me know who I should contact concerning this concern.

Respectfully,  
Mrs. Sue Blakeley

Cell: 702.493-7532

**From:** [Nancy Jones](#)  
**To:** [Nevada School Choice](#)  
**Subject:** Thank you for the meeting yesterday.  
**Date:** Wednesday, October 21, 2015 4:34:07 PM

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Dear Mr. Grant Hewitt,

Thank you for taking time to hear the comments and questions at the hearing yesterday. I am writing to ask that as you draft the parent handbook for how the Opt-in families can use ESA funds you consider the ways that current homeschool families would like to benefit from the amazing school choice program here in Nevada.

In our conversation yesterday, you mentioned that funds would be disbursed on a reimbursement basis. So, after families spend the money on books or dance class or other learning materials, they would then submit a receipt and await reimbursement. Is that correct?

I have been in discussion with other Nevada homeschool families who are considering applying for the ESA program and becoming "opt-in" students. Some items that they currently spend their personal budgets on to educate their children fall into three broad categories of content, instructional method and application, and experiences. All three of these categories are essential to providing a whole-child education that will meet the needs of individual students according to their learning style and ability.

**Content:**

- books
- audio books (such as a subscription to Audible)
- curriculum (including supplemental materials like tests, activity books, pictures)
- music or other audio materials such as language CDs or audio lectures

**Instructional Method and Application:**

- learning games and materials (like Montessori activities, microscopes, telescopes, lab equipment, math manipulatives, desks, chairs, etc.)
- project supplies (like paper, art materials, glue, paint, etc.)
- learning apps and online subscriptions (like ABC mouse, or The Great Courses)
- technological equipment (like computers, tablets, printers and ink)

**Experiences:**

- cultural and physical activities and classes for their children (like dance, swimming, soccer, karate, theater, art, piano, etc.)
- cultural experiences (like art/history/natural history/children's museum admission; theater, dance, and musical performance admission; renaissance/history fair admission; aquarium and zoo admission)

I ask and urge you to help ensure that the ESA funds for homeschool families can be

used to provide a wide range of resources and tools to provide an excellent, broad, and creative education for their opt-in students. I would love to continue this discussion with you and others who are influencing the formation of regulations and policy that will affect the opt-in students.

Sincerely,  
Nancy Jones

1521 Goldfield Ave  
Carson City, NV 89701  
661-243-9904

To Scott Hammond

I think I figured you out. You and I had discussed SB302. You claimed your “pittance” of a salary did not afford the luxury of sending your children to private school. Funny, that word is derogatory by nature. But your “pittance” is more than my salary.

This is how I see it. You were disenchanted by your pittance as a Senator and your salary from your regular job so you figured out a way for the tax payers to increase your salary by \$20,000.00 a year. You have four children, I have one. Throughout our conversation you conveyed an “entitlement” attitude. You said that it should make no difference to me as I am already paying. Yes, I am paying my taxes, for a service I don’t receive, and I am paying for tuition for my child. I am paying twice.

You call me “ridiculous” because I don’t want to disrupt my child for 100 days and have her attend a public school system, which you admit has failed. Any school teacher knows that removing a child half way during the school year is disruptive. I wonder if you made that rule to rip off the federal government. See, the public schools receive money for each child attending a certain number of days.

You tell me that if this bill were fair, no one would have voted for it. So you know that this bill is unfair. You admitted it. It just doesn’t apply to me and never will because you have made the rules so difficult for responsible parents. When I asked if illegal aliens will benefit, you proudly said, “Yes, of course, they are in the public school system”.

What taxes are they paying that they should receive this benefit and my child will not.

You flat out tell me that this bill was not meant to benefit me as my child was not calculated into the equation. You said the State simply cannot afford to pay for those children whose families already make education a priority. I told you I had not been on vacation for over 7 years because my child’s education has been a priority. When I asked how many vacations you had been on, you dodged the question by saying your “pittance of a salary” as senator and your wages at your other job would not be enough to pay for public school.

You resent me for making my priority my child. What’s really ironic, you hate the public school system, yet you are a school teacher. Doesn’t that make YOU part of the problem?

**This bill is a farce and should be recalled.** It does not declare all children in Nevada matter. It is a scam to allow Senator Hammond a \$20,000.00 bonus, per year, he feels he’s entitled to.

Deborah Larson

10/20/15 10:20AM

My name is Dr. Donny Newsome and I am the owner and director of Fit Learning, a private learning laboratory in Reno. My program was started in the Psychology Dept at UNR in 1998 and privatized in 2004. Since then we have served over 1000 students from Northern Nevada and around the world, many of whom have fallen years behind their peers academically. At Fit Learning, we apply the scientific method and behavioral science to the field of education. Each student attending our program is treated as his or her own case study and we have a 100% success rate.

Given my considerable experience in operating and evaluating a high quality academic program, I've come here today to comment on the proposed regulations for tutoring & academic supplement organizations under SB 302.

It is of critical importance that vendors (schools and tutors) receiving ESA funds for academic services be held accountable. My concern, however, is that the appropriate regulatory practices for schools, such as licensing and annual standardized testing, may not be appropriate for tutoring organizations.

There is no universally accepted accreditation or license for tutors. As a result, the range of quality in the tutoring industry is vast. Ranging from individual amateur instructors, to science-based laboratory settings with teams highly trained and credentialed personnel. The requirements to become a tutoring provider under the ESA law should be clarified and strengthened to exclude amateurs and para-professionals. The purpose of this law is the increase the quality of instruction – we owe it to Nevada's students and tax payers to ensure all ESA funds are spent on schools and programs with a track-record of success and accountability.

Further, in a school setting, annual standardized testing can be used to evaluate year-on-year student growth and thereby provide a means for evaluating private school performance when those schools accept ESA funds. This method is inadequate for tutoring organizations for a number of reasons.

First, a tutoring organization's term of service for a student is not guided by the academic calendar. Contact with a student may amount to no more than a few hours. As such annual testing makes no sense for evaluating the efficacy of a tutor because year-on-year trends will not be observable.

Additionally, independent tutors may not be equipped or qualified to administer many computer-based standardized tests. Even the state of Nevada and its well paid vendors utterly failed to appropriately administer standardized tests in schools last year (as widely reported in the RGJ and elsewhere). Better means of objectively evaluating the outcomes of tutoring must be identified to ensure ESA funds are well spent.

The passage of SB302 holds much promise for increasing the quality of education in Nevada. However, a failure to properly assess and regulate the non-school academic service providers accepting ESA funds opens the door to flooding an unregulated and notoriously unaccountable industry with tax payer dollars. The net effect of this will be a

further diminishing of educational quality in a state already ranking at the bottom. Reallocating education dollars away from Nevada's failing public schools is a great idea, but handing those funds over to unqualified and unregulated amateurs would amount to poor stewardship of tax-payer money and an unforgivable disservice to Nevada's students.

I ask that your office please evaluate these aspects of the proposed regulations, and if you are interested, I stand ready to volunteer my time and expertise to helping the committee find workable solutions to these issues.

Thank you,



Donny Newsome, PhD, BCBA-D

Owner, Director, Fit Learning  
Reno, NV

[drdonny@fitlearners.com](mailto:drdonny@fitlearners.com)

Donny Newsome, Ph.D., B.C.B.A - D  
*Director*

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## 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

October 19, 2015

Re: Additional Comments to Proposed Final Regulations  
Educational Savings Accounts Public Hearing

Sent via Email:

[NevadaSchoolChoice@NevadaTreasurer.Gov](mailto:NevadaSchoolChoice@NevadaTreasurer.Gov)

Holly Primka, Assistant to the Chief of Staff, [HPrimka@NevadaTreasurer.Gov](mailto:HPrimka@NevadaTreasurer.Gov)

Dennis Belcourt, Nevada Attorney General's Office, [DBelcourt@AG.NV.Gov](mailto:DBelcourt@AG.NV.Gov)

Treasurer Schwartz,

In response to the proposed final regulations posted September 15, 2015, the administration at Sage Ridge School raises several points in hopes that you can clarify them in the final regulations.

First, on page 5, section 7, Frozen Funds, the definition of a break in school, which requires the freezing of funds, still says 15 consecutive days. It is flawed in that it doesn't define whose 15 days. 15 days at the private school? At the student's otherwise public school? Washoe or Clark County? And what date does it unfreeze? It is impossible to tell when funds are accessible. Additionally, we are unclear on the definition of "frozen." That should be better defined.

Second, on pages 5-6, section 8, Tuition and Fees, tuition is defined as the "cost of enrolling," but does not include fees or books. The law, SB302, Section 9, specifically authorizes ESA payment for fees and textbooks. Why has this been excluded from the definition of tuition? An amendment or further clarification that fees and textbooks are eligible for reimbursement is requested.

Third, on page 6, section 9(4), Eligibility, it's noted that so long as a student was enrolled in one public school class in the prior 100 days, they are eligible for ESA funding. No discussion about pro-rated payments based on one class out of seven exists. We'd like to see more detail in this definition.

Lastly, there are still no details provided about a range of operational issues – reimbursement vs. payment directly to the school; reimbursement for expenses paid before funding was provided; and carry forward of funds. A memorandum of procedures prior to the distribution of funds would be helpful.



## 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 points.

Respectfully,

Norman M. Colb  
Head of School

Louis M. Bubala III  
Sage Ridge School Parent Volunteer

**From:** [Jenna Morey](#)  
**To:** [Nevada School Choice](#)  
**Subject:** ESA Testimony- Peck Family, Genoa, NV  
**Date:** Sunday, October 11, 2015 10:00:54 AM

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For submittal at ESA Regulation Hearing on October 20, 2015:

Hello-

On behalf of our children and other Nevada families like us, we would like to submit that in the adoption of rules and regulations for Nevada's ESA program a "sibling exception clause" is missing and necessary. Our daughter (Hadley-age 7, 2nd grade) who happens to be our oldest child, currently meets the 100 day public school requirement for participation in the program by attending Jacks Valley Elementary school for Kindergarten and 1st grade. Shortly before this program was adopted into State law, my husband and I made the decision that our locally zoned public elementary school was not meeting the educational needs of our daughter and we made the decision to choose private school. Our son, Mason was affected by this decision because he was starting Kindergarten. Applying for a variance to another Douglas County school was not an option because they were not available due to high enrollment and if granted, our children could be split up into two different schools. Further, we would have to re-apply for those variances every year making it difficult to ensure the stability of our children in knowing which school they would attend each year.

Requiring our son to attend public school for 100 days as the younger sibling of our daughter who has already met the requirement is an undue hardship on our family. It is a hardship from a transportation stand point with having children at two different schools, it is a hardship on the emotional well-being of our son to have to assimilate at a different school than what he is used to. Additionally, it is discriminatory on us as parents when we already tried our local school with our daughter for two years and made the decision that it was not satisfactory, so why would we then subject our son to the same sub-standard experience? If the variance process would have been an option, we would have explored it for him but again, variances are not available and not guaranteed and we are unable with two working parents to put our children at two different schools.

For the reasons stated above, siblings starting school who are younger than one who has met the 100-day requirement in public school and is approved for an ESA account should be EXEMPT from the 100-day requirement.

Thank you,

Jenna Peck  
Concerned Parent  
Genoa, NV  
jennalaketahoe@yahoo.com  
(775) 781-0975