



P.O. Box 1212, Carson City, Nevada 89702
www.nevadahomeschoolnetwork.com

June 16, 2013

This was a busy year at the Nevada legislature for Nevada Homeschool Network!

Since NHN was first formed in 2002 we've been involved in every legislative session. In 2003 and 2005 we worked on problems confronting homeschoolers, and of course in 2007 we successfully asked the legislature to pass one of the best homeschool laws in the country. While promoting legislation, we've also been active in every session to ask the legislature to either amend or in some cases to kill bills that would impinge on our homeschool and parental freedoms.

This is a wrap-up on the five bills that consumed the majority of our time, beginning of course with SB314. This is the Parental Rights law that NHN promoted, so more ink will be splattered on that one, naturally! We hope this overview of our experiences at the legislature this session will give you an appreciation for the work that NHN does, since so much of it is unseen in real time. But more importantly, we hope this overview gives you an understanding of how important you are to the successes we've had at the Legislature. Thank you, and enjoy!

SB314 – Parental Rights – SUCCESS! – Successfully Passed!

For years we've maintained that homeschooling and the larger field of parental rights are non-partisan issues, and we've worked with both parties in all sessions. This session, even before November's elections, we decided to ask Mo Denis (D) to sponsor our bill. In 2007, then-Assemblyman Denis was instrumental in getting our 2007 homeschool law passed through the Assembly. So last fall Elissa Wahl and Frank Schnorbus met with now-Senator Denis to ask him for **a bill that would make it a law that parents have a fundamental right to direct the upbringing, education and care of their child.** He agreed, but he knew it had the potential to be an emotional and divisive bill. Being larger than simply homeschooling we knew we had our work cut out for us on how to approach this issue! The rationale for such a law would need to be demonstrated since most people presume it has always been in statute. Based on the experiences of other States we knew the bureaucrats in government schools and state child welfare agencies would oppose parental rights. We expected them to testify that if our bill passed there would be chaos in schools, and parents would legally be allowed to abuse and neglect their children. And subsequently that was exactly the tenor of their testimonies during this session.

Getting this bill passed was truly a team effort in every respect. While **Frank Schnorbus** worked on research and a plan to present our arguments, **Barbara Dragon** became our voice to the world through the NHN website, emails, Facebook and Twitter, and more importantly was a key leader in all of our decisions. **Kelley Radow** enlisted every person and resource at her disposal to set up meetings with key legislators and the Governor's office, and spent untold hours coordinating our lobbying schedule with legislative secretaries. **Laura Siegel and her husband Chip** were instrumental in helping Frank write the pamphlet that would present our case, and she

also helped Kelley when possible. Being the newest board member, **Ray Poole** attended many important meetings at the legislature, “learning the ropes” for future sessions. And as usual, **Elissa Wahl** in keeping with her reputation in all of Las Vegas as the go-to person for all alternative schooling matters, made contacts and testified in favor of the bill at both hearings from Las Vegas. Because Frank, Barbara, Kelley and Ray live closest to Carson City they were able to spend countless hours lobbying individual senators and members of the assembly, an intricate and very necessary part of ushering a piece of legislation through to final passage. In addition, we contacted [Mike Smith at HSLDA](#), who supplied sample language. We then contacted [Michael Ramey at ParentalRights.org](#), and he agreed to let us be the PRO liaisons for Nevada. When time came for hearings in the Judiciary Committees of both the Senate, and later the Assembly, Mike Smith deferred to [Scott Woodruff](#), an attorney representing PRO. Scott’s testimony (and his advice throughout) was indispensable! Since both Judiciary Committees consist largely of attorneys, Scott could discuss the legal ramifications of all aspects, including simply defining the three types of rights that we have in America: absolute, fundamental, and ordinary.

But the greatest factor in our success was YOU! Over the years we’ve seen many good bills fail because the public is not interested. When we needed you, you responded, and THAT is why we have a fundamental parental rights law in Nevada today!

The bill itself passed unanimously out of Senate Judiciary, and also on the Senate floor. On the Assembly side there was much more resistance. In one memorable meeting Assembly Majority Leader William Horne (D) was very hostile, not listening to anything we tried to say. Assembly Speaker Marilyn Kirkpatrick (D) was in attendance, and she told us that a straw poll in the Assembly showed 31 out of 42 were opposed to making parental rights fundamental in Nevada law. Judiciary chairman Jason Frierson (D) agreed to hear the bill, but in order to get it to pass he felt it was necessary to change the wording from “upbringing, education and care” of the child to “care, custody and management” of the child. He also agreed to add wording that was submitted by Division of Child and Family Services (DCFS) that this law would not allow a parent to be unlawful or to abuse or neglect a child. Although this DCFS request has Jill Marano, Deputy Administrator of DCFS on the letter, Chrystal Main presented it to the committee. Ms. Main, in a difficult situation regarding foster children a few years ago, told Frank Schnorbus that her first priority is to “protect the interests of her agency”. Apparently, opposing a law giving parents fundamental rights with regards to their own children is in the best interests of DCFS. The bill did finally pass the Judiciary Committee, with members Richard Carrillo (D), Lesley Cohen (D), and Ira Hansen (R) opposing the statement that the liberty interest of a parent in the care, custody and management of the parent’s child is a fundamental right. **When the full Assembly voted it was Yea 27, Nay 14, Excused 1.**

As far as the legislators themselves are concerned, we did make new friends, and we did have some unpleasant surprises. For example, on the good side; in the Senate Judiciary Committee hearing both Senators Scott Hammond (R) and Mark Hutchinson (R) championed the bill. When time came to vote on our bill in the Assembly Judiciary, Olivia Diaz (D) spoke up and called our bill “a breath of fresh air”, and she agreed to present our bill to the full Assembly. We were so thankful! On the other hand, when we met with Assemblyman Ira Hansen (R) we were assured we were wasting our time because he was in such agreement with the bill, but when the time

came to vote he voted against parental rights twice, once in committee and again on the full Assembly floor. On the Assembly floor the people who don't think parents should have this fundamental right codified in law were Maggie Carlton (D), Richard Carrillo (D), Lesley Cohen (D), Andy Eisen (D), John Ellison (R), Lucy Flores (D), Tom Grady (R), John Hambrick (R), Ira Hansen (R), William Horne (D), Pete Livermore (R), Harvey Munford (D), Dina Neal (D), and Heidi Swank (D).

By this point in the process we thought our troubles were over, but we were wrong! We put in a request to have a photo op with Governor Sandoval (R) when he signed our bill, and it was granted! We were so happy because we had worked so hard on this important piece of legislation! But it was short-lived; that evening we were told the signing ceremony was postponed due to "scheduling issues." During the session, we had met twice with the Governor's staff on this bill specifically, plus one other time on another bill (SB445). We started hearing rumors that the Governor was having problems with our bill, but we never got an answer on what specifically. Was it because it was Mo Denis (D) who sponsored the bill? Was it the content of the bill itself? Was it because we had advocated for amendments to the Governor's pet bill SB445? What we do know is that on June 6 we saw the Legislature website was updated to reflect that the Governor signed SB314 into law on June 5. We never got the photo op... Then, apparently as a reflection of some total confusion in the Governor's office, Frank Schnorbus's written request to the Governor to sign SB314 was replied to with an email thanking him for writing their office concerning SB221. A few days later Barbara Dragon received a similar response to her SB314 request, thanking her for writing them concerning AB46. The ending to the journey of SB 314 was very odd indeed.

Of course there are many other "behind the scenes" stories, but in the end we are thankful for this becoming law! We believe we are the very first State to get a parental rights law passed where there is a Democratically controlled legislature and a Republican Governor. **We are also very thankful to Senator Mo Denis and to his staff Todd Westergard and Denise Davis.**

SB192 – Religious Freedom Preservation – Defeated, unfortunately.

There was another bill in front of the legislature that dealt with Constitutional issues, this one was patterned after the Federal RFRA (Religious Freedom Restoration Act) that President Bill Clinton signed into law in 1993. **It was aimed at governmental actions that substantially burden a person's free exercise of their religion.** NHN is interested in this for two reasons: first a substantial percentage of homeschoolers do so for religious reasons, so NHN supports any law that reinforces their right to do so, and second NHN actually submitted similar language in 2007. But in 2007 it was not to be; a clerical mistake said the bill language had to be an educational issue, so instead of RFRA we changed course and got our homeschool law instead! But 2013 was not the year for RFRA either. After passing the Senate Judiciary Committee and the full Senate, it died in committee when Jason Frierson, the Chairman of the Assembly Judiciary Committee, held a hearing but refused to let the bill come up for a vote. NHN was not the primary organization behind this effort, but we did testify in favor of it.

AB203 – Grandparents Rights – Successfully Defeated!

As NHN was working to draft the arguments to pass the Parental Rights bill, we heard that Assemblyman Pete Livermore (R) was sponsoring a Grandparent's rights bill. Previous

experience in the Nevada legislature on this kind of effort caused us great concern, and we immediately asked Assemblyman Livermore to work with us so that we could confirm that his grandparents bill and our parental rights bill didn't conflict. **Unfortunately the language of the bill, when the LCB got it drafted, would have allowed grandparents to interfere in their own children's lives, taking them to court and forcing the parents to allow visitation between the grandparents and the grandchildren.** Parents may have a reason to not want their children to be with the grandparents, having spent their own childhood with those grandparents. Furthermore, it is easy to envision grandparents who might not have agreed to the marriage to begin with, and would use such a law to create disharmony and stress in the marriage in order to induce a breakup of the family. The US Supreme Court had already ruled on this exact situation in the Troxel case (2000), and the Nevada legislature has already denied this same or similar language in 2007, 2005 and 2001. Existing Nevada law already gives the Family Courts the ability to grant certain rights to grandparents in divorce and similar situations. This bill got a hearing in the Assembly, but it never made it out of committee. **NHN testified against this bill because of the infringement on parental rights that this would have allowed.**

SB182 – Lowering of School Age to 5, Full Day Kindergarten – Successfully Defeated!

This bill came up early in the session and NHN was there to testify. **This bill, as introduced, would have lowered the compulsory school age from 7 down to 5, and simultaneously would have required that all 5 year old children attend full day kindergarten in public schools.** During testimony several organizations and individuals testified against the age 5 for compulsory attendance requirement. Several others testified in favor, stating that those opposed to starting their child at age 5 could simply homeschool their child. While NHN was appreciative that legislators and pro-public school advocates recognized the homeschool alternative, NHN was deeply concerned about the circumstances whereby parents who didn't plan to homeschool might be forced to in order to meet the needs of their child. Current law allows children to start kindergarten at age 5, and further allows parents to delay formal schooling until age 7, based on the needs of the child as determined by the parent(s). NHN was also concerned about the effect of full day kindergarten; some States already mandate full day kindergarten, but the long term effects of this practice are a matter of academic debate. **NHN believes the parent(s) should be the ones to determine what is appropriate for their child, not the government.**

After we testified against it on these points, the sponsor of the bill, Senator Debbie Smith (D) offered to amend the bill to address our concerns about the compulsory age. In her amendment she left the bill's compulsory attendance age change from 7 down to 5, but allowed for parents to hold their child back an extra year if they filed exemption paperwork at age 5. Although NHN acknowledged that this would be better, the bill still would have required full day attendance in Kindergarten. Ultimately, though, it was the budgetary impact that this law would have had on the State's budget that caused it to stall. NHN continues to be very concerned that although there is a growing library of evidence that Early Childhood Education (ECE) is detrimental to a child's development and brings about only temporary academic advantages, the State bureaucracies and labor unions that would benefit from earlier and earlier State programs may eventually win. Regretfully, NHN believes that the Governor does not oppose ECE as a matter of principle, but instead looks at it as a luxury that we can't currently afford.

Homeschoolers in Nevada do have a great homeschool law, but we must guard homeschooling against the public school impulse to use homeschooling as a scapegoat for their failed programs or policies. Homeschooling is a commitment that the parent(s) must make on their own, not be coerced into. In 2005 NHN successfully went to the Nevada Legislature with SB 367 to change the law that forced the parents of certain children kicked out of their public school to homeschool those children. That was a recipe for disaster; parents who had already lost control of their children having to take on the added responsibility of providing the child with an education. But NHN was able to refocus the law onto independent study programs, distance education programs, and the new charter schools that were emerging. The public school system saw homeschooling as a dumping ground, being able to rid themselves of difficult children, while saddling homeschooling with non-academic and often violent students. NHN will continue to advocate against the use of homeschooling for such political and bureaucratic reasons.

SB445 – Nevada Educational Choice Program – Defeated, fortunately, and unfortunately!

The Governor came up with the very innovative program that would have allowed businesses, financial institutions and others who pay an excise tax to make a donation to a scholarship organization. That organization in turn would provide grants to children in homes whose income is less than three times the poverty level, allowing them to attend schools in this State, including private schools. It could also be used to pay for educational expenses associated with an “accredited program of homeschool study.”

NHN fundamentally agrees with the concept, and saw this as a great potential for all low-income students in Nevada, including homeschoolers. However, the wording in the bill used language that apparently came from current law that allows local school districts to accept credits earned, in an “accredited” program, toward graduation when enrolling in a public high school after homeschooling. As written, SB 445 would have given authority back to the local school district to “approve” a homeschool, negating existing homeschool law for those students wanting to use the scholarship. Other states that have passed similar “scholarship” laws have pointedly left homeschoolers out, so NHN was very grateful for our inclusion in the bill, but also very concerned that this program could and would be used to put homeschoolers back under the oppressive fist of the public school system. So we met with the Governor’s office, and were told that the Governor would not be willing to exclude homeschoolers. Instead they suggested that we find a way to fix the language to accommodate homeschooling, which we did.

Unfortunately, the Governor’s staff did not make use of our work, presumably assuming that NHN wouldn’t notice. When the day of the hearing arrived, NHN had been working to inform other organizations and interested parties about the potential for the loss of our homeschooling freedoms. The bill already had its detractors, especially those invested in the public school system who saw this as a way to bypass their monopoly on all monies in the State. Begrudgingly NHN had to testify against the bill as written, and other organizations that would otherwise have supported the bill also opposed it because of the homeschool issue. Although the Governor’s staff then said (again) that they’d accommodate our concerns, the bill never went any further, apparently due to a lack of interest by the Governor. NHN would very much have liked to testify in favor but under the circumstances had to oppose SB 445.

Other Bills and Miscellaneous Notes

Needless to say there were many other bills that NHN tracked. Many were bills that we may have agreed or disagreed with, but decided not to lobby on due to the lack of their direct applicability to homeschooling and/or parental rights. Which is just as well! Working at the legislature, while we all have day jobs, and children and/or grandchildren, is exhausting! We at NHN are volunteers, and in the legislature we are registered as “non-paid” lobbyists. It is difficult to compete against paid lobbyists who literally spend their entire days in the legislature building, roaming the halls and talking to legislators in the hallways and at lunch and dinner.

The difference, clearly, was YOU! When we really needed you to call or email, you did! Those paid lobbyists simply do not have that kind of rapport with their members or the public. It is a great privilege to advocate for homeschooling in general, and for parents in particular.

And now one last favor, should you be inclined to do so. **A gift to or joining NHN now would GREATLY support our ongoing work.** Donations/memberships help pay for ink cartridges, paper, gas, and other minor expenses incurred by our officers during the session. Please visit the NHN website today; even a small amount helps to defend homeschooling and parental rights specific to Nevada. **Thank you!**

Sincerely,

Nevada Homeschool Network Officers

Frank Schnorbus, Elissa Wahl, Barbara Dragon, Ray Poole, Kelley Radow, Laura Siegel