

**MINUTES OF THE 2015-2016 INTERIM
ADVISORY COMMITTEE TO DEVELOP A PLAN TO
REORGANIZE THE CLARK COUNTY SCHOOL DISTRICT**

FEBRUARY 2, 2017

The meeting of the Advisory Committee to Develop a Plan to Reorganize the Clark County School District was called to order by Chair Michael Roberson at 2:30 p.m. at the Grant Sawyer Building, Room 4401, 555 East Washington Avenue, Las Vegas, Nevada, and via videoconference at the Legislative Building, 401 South Carson Street, Room 2144, Carson City, Nevada. Exhibit A is the Agenda and Exhibit B is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT (LAS VEGAS):

Senator Michael Roberson, Senatorial District No. 20, Chair
Assemblywoman Olivia Diaz, Assembly District No. 11, Vice Chair
Senator Moises (Mo) Denis, Senatorial District No. 2
Senator Aaron D. Ford, Senatorial District No. 11
Senator Joseph (Joe) P. Hardy, Senatorial District No. 12
Senator Becky Harris, Senatorial District No. 9
Assemblywoman Dina Neal, Assembly District No. 7
Assemblywoman Melissa Woodbury, Assembly District No. 22

COMMITTEE MEMBERS PRESENT (CARSON CITY):

Assemblyman Paul Anderson, Assembly District No. 13

STAFF MEMBERS

Brenda Erdoes, Legislative Counsel, Legal Division, Legislative Counsel Bureau
Risa Lang, Chief Deputy Legislative Counsel, Legal Division, Legislative Counsel Bureau
Karly O'Krent, Deputy Legislative Counsel, Legal Division, Legislative Counsel Bureau
Kevin Powers, Chief Litigation Counsel, Legal Division, Legislative Counsel Bureau
Julie Waller, Senior Program Analyst, Fiscal Division, Legislative Counsel Bureau
Jaimarie Dagdagan, Program Analyst, Fiscal Division, Legislative Counsel Bureau
Adam Drost, Program Analyst, Fiscal Division, Legislative Counsel Bureau
Kelly Richard, Principal Research Analyst, Research Division, Legislative Counsel Bureau
Angela Hartzler, Secretary, Legal Division, Legislative Counsel Bureau
Jordan Haas, Interim Secretary, Legal Division, Legislative Counsel Bureau
Linda Hiller, Interim Secretary, Legal Division, Legislative Counsel Bureau

OTHERS PRESENT:

Dr. Steve Canavero, Superintendent of Public Instruction, Department of Education
Felicia Ortiz, Member, Community Implementation Council; Member, State Board of Education

Mark Newburn, Vice President, State Board of Education
Glenn Christenson, Chair, Community Implementation Council
Tom Skancke, President, CEO, TSC² Group
Michael Vannozzi, Vice President of Creative Strategy, TSC² Group
Pat Skorkowsky, Superintendent, Clark County School District
Kellie Ballard, Director, Office of the Deputy Superintendent, Clark County School District
Deanna Wright, President, Clark County School District Board of Trustees
Annette Dawson Owens, Break Free CCSD
John Vellardita, Executive Director, Clark County Education Association

Chair Roberson:

I will open the 10th meeting of the Advisory Committee to Develop a Plan to Reorganize the Clark County School District. Not all of our members are here, but they will be arriving.

We have two new members on this Committee, Assemblywoman Melissa Woodbury and Assembly Minority Leader Paul Anderson.

I will now open agenda item II, public comment. Seeing none, I will close agenda item II.

In August, this Committee unanimously approved a plan for the reorganization of the Clark County School District (CCSD), which included the vision of Michael Strembitsky (Exhibit C). We also approved recommendations for carrying out the reorganization established by this Committee (Exhibit D). We approved sending proposed regulations to carry out the reorganization as described in the plan and recommendations to the State Board of Education. The State Board reviewed and adopted the proposed regulation, which was then approved by the Legislative Commission, filed with the Secretary of State and now has the force and effect of law (Exhibit E). In October, this Committee met to receive information about the implementation by the School District and some of the concerns at that time.

Now, as we are about to go into the Legislative Session, it is important to hear from the School District again, to determine any issues which the District may be encountering and to determine whether there is anything we can or should do at the Legislature to ensure that the implementation goes smoothly. Initially today, we are going to hear from State Superintendent Steve Canavero. Dr. Canavero asked if this Committee would convene to try to address some of the issues that the State Board has faced in regards to the implementation of the regulation, including the lawsuit that has been filed by CCSD. We will then hear from Tom Skancke and Glenn Christenson for an update on their work with the District in implementing Assembly Bill (A.B.) 394. Finally, we will hear from Superintendent Skorkowsky and CCSD Board President Deanna Wright. We will ask them to inform the Advisory Committee about the progress they have made towards implementation and to describe any difficulties or challenges that the District may have encountered.

We have recognized all along that the work on this reorganization has just begun. The State Board adopted the regulation a few months ago. We knew then that there would be a lot

more work that would need to be done once the School District started the implementation of the plan.

Dr. Canavero, please come forward. I will do something a bit differently today. Each person who testifies will do so under oath. I will administer the oath, which is authorized by statute. I would remind witnesses that, according to statute, willfully misrepresenting facts after being sworn in is a gross misdemeanor.

SENATOR HARRIS IS NOW PRESENT

Those of you who will be speaking, please state your names.

Steve Canavero (Superintendent of Public Instruction, Department of Education):

Steve Canavero.

Felicia Ortiz (Member, Community Implementation Council):

Felicia Ortiz.

Mark Newburn (Vice President, State Board of Education):

My name is Mark Newburn.

Chair Roberson:

Raise your right hands. Do each of you swear or affirm that you will testify truthfully regarding the matter now before this Committee, knowing that any person who willfully misrepresents any fact in this regard is guilty of a gross misdemeanor?

Dr. Canavero:

I do.

Ms. Ortiz:

I do.

Mr. Newburn:

I do.

VICE-CHAIR DIAZ IS NOW PRESENT.

Dr. Canavero:

I come before you today with a request to consider the complaints enumerated in the lawsuit filed by the CCSD Trustees, to which the State Board of Education and myself are parties. I am not a lawyer; I am not here today to discuss legal merit or other technical matters related to the lawsuit. There are plenty of lawyers in the room to address or not address those questions. I am here today to seek solutions, as I believe you are, that are aligned to the intent of the thoughtful plan that this Committee adopted that may result in an end to the lawsuit.

Today, with two members of the State Board of Education, we will focus on matters related to the regulations, R142-16, that were adopted by the State Board and approved by the Legislative Commission (Exhibit E). This Committee was established under A.B. 394 and has been engaged in a public process to develop a plan and recommendations for the reorganization of CCSD. You engage in extensive fact-finding and involved many other public bodies in this process. There have been 9 meetings for this committee and 11 for the Technical Advisory Committee. The Clark County Commissioners held Town Hall meetings. Around mid-August, the Advisory Committee, following significant fact-finding and public outreach, adopted a revised plan to reorganize CCSD. On that same day, draft regulatory language was unanimously endorsed by the Committee, and that language went to the State Board of Education for consideration, ultimate adoption and then again back to the Legislative Commission for approval.

Consistent with A.B. 394, and as a matter of policy, the State Board of Education's intention was and is to adopt regulations that are necessary and appropriate to effectuate the implementation of the plan developed by the Advisory Committee. The State Board of Education frequently relies upon various bodies, councils, boards and commissions to conduct extensive fact-finding and public engagement to develop regulatory language suitable for their consideration and adoption. These processes range from informal stakeholders convening to formal adoption by statutorily created committees. Looking back over my service to the State, never have I seen a regulation go before the State Board of Education with such significant public engagement and highly regional application. This is an important point. The Board's action on R142-16, the regulations, reflect its intent to support regulations that are aligned to the adopted plan. The Board's action reinforces that the plan is thoughtful, and the regulatory language proffered by the Advisory Committee furthered the detail of that plan. The State Board appreciated the deep fact-finding and extended public process of this Committee and others in the development of the plan. By being here today before you is further evidence of honoring the process and ensuring any action on R142-16 remains consistent with the intent and the plan. The essence of the plan and regulations that animate this plan provide for the fundamental shift from a top-down to a bottom-up education system in CCSD, a promising and exciting educational policy, providing local schools, or precincts in this case, with significant autonomy and the commensurate financial resources to execute on the school plan developed by school organizational teams comprised of parents, teachers and school staff that is responsive to student need and holds tremendous potential for the students of Clark County and possibly our State, so much so that I am here today requesting that the issues raised in the

complaint filed by CCSD, their evidence, perhaps in testimony today, along with whatever other issues that they may raise be considered by this Committee so that the Committee may deliberate as to whether or not the plan is to be modified or your intent clarified and transmitted to the State Board for their possible amendment of R142-16.

Chair Roberson

If I hear you correctly, you believe that the State Department of Education and the State Board of Education are willing to work with CCSD to resolve the lawsuit, and you would consider some revisions to the regulations to ease the School District's ability to implement A.B. 394 based upon recommendations from this Committee?

Dr. Canavero:

Absolutely. I believe that reflects the general intent of the Board as well.

Chair Roberson:

One issue that has created confusion, and I think it is important for the Committee members here to hear from you in regard to the weighted funding and how you see that working with the regulations.

Dr. Canavero:

The weighted student funding formula, which is required as part of the regulations that were adopted—there are two aspects to the regulation, generally. One of those is for CCSD to adopt a student weight, as it is adopted by the State. There is a second component of the regulation which provides for a variance. In other words, if CCSD does not adopt the State weight, they may adopt something different, and the variance goes to the State Department and we can say yes or no to the variance and then the District can implement it. Given where the State is in the rollout or adoption of uniform statewide weights, it is very early, and we only have one weight that is established, and that is for special education, and it is district specific. As we transition from Senate Bill 508 to a student weight—it is codified in Senate Bill 508. If CCSD is unable to implement that special education weight, or any of the other weights, for special education, English Language Learners (ELL), poverty or Gifted and Talented Education (GATE), then I will be clear and put on the record that the Department would entertain, underneath that variance, any weight, or a weight of 1.0 if that is what is necessary to move us into implementation in this early stage of both the State's transition to a weight as well as the early stages of implementing A.B. 394.

Chair Roberson:

I know that it varies by county, but what is the State's established weight for special education right now?

Dr. Canavero:

The average statewide weight is \$3,094. Clark County's specific special education weight is a little over \$2,900 per student.

Chair Roberson:

You and I have had this conversation, and I know that it is sometimes difficult to establish a ratio, but what would that roughly equate to?

Dr. Canavero:

The uniform or average statewide weight of \$3,094 is roughly 1.53 if we express it as a multiplier of the average Distributive School Account, which makes it right around 1.5 or slightly less at the \$2,900 change, given Clark County's Distributive School Account allocation. That is a Fiscal Year 2017 number that I have provided.

Chair Roberson:

The Governor has proposed more money this Session in his Executive Budget, so in theory, that weight would go up if his budget is passed by the Legislature?

Dr. Canavero:

Yes. The Governor's recommended budget includes \$107,000,000 in new funding specifically towards the weights, including \$42,000,000 for ELL, \$30,000,000 for special education, \$30,000,000 for students in poverty and \$5,000,000 for GATE.

Chair Roberson:

So that everyone is clear, from your perspective, if the School District is unable to come up with a weight above 1.0 based on available funds at this time, it would be okay with you if they submitted a 1.0 weight?

Dr. Canavero:

That is accurate, especially considering that we are doing draft budgets for the first year of the next biennium. Every district has to submit draft budgets until the budget is passed in the Legislature, at which point they modify their budgets. This seems like an appropriate stepping stone.

Chair Roberson:

I am not including special education, because there is a weight for that already.

Dr. Canavero:

Correct. There is a weight for special education. In the State Department, the Advisory Committee's plan and the regulations that were adopted by the State Board of Education, by including the ability for a district to request a variance from an established weight, if you have considered the fact that in some cases, dollars from that weight would be retained at the District site and the majority of the funds or a portion of the funds would go down to the school site in order to administer, in this case, special education services across the district, where you may have a high cost, low incidence student at one school that would significantly be above the state weight, and then you may have other services that are less expensive.

Mark Newburn (Vice President, State Board of Education):

We would like to reiterate that even though we have adopted initial regulations, we always anticipated working to update them. We are completely open and anticipating to work to modify the regulations. I think where sometimes our confusion comes in is this body was the developer of the plan, and so we viewed you as the caretakers of the plan, where we were involved with the regulations to implement the plan, so we have had a little bit of care, maybe too much care, in being afraid to overstep and step into modifying the plan itself. Some guidance along those lines from this body would be very helpful to us.

Chair Roberson:

That point is well taken, Mr. Newburn.

Felicia Ortiz (Member, Community Implementation Council; Member, State Board of Education):

I want to reiterate what we said in that I have been part of the Community Implementation Council overseeing this reorganization and been extremely impressed with how much CCSD has done to that effect so far. I would like to see it continue. We are in a good position to make this happen, if these issues are addressed, and hopefully we are able to come to a good decision that will make all parties happy and allow us to continue to do good work for the kids.

Chair Roberson

Member Ortiz is also a member of the Community Implementation Council, so she is intimately familiar and involved with the day-to-day implementation of A.B. 394.

SENATOR FORD IS NOW PRESENT.

Senator Hardy:

I appreciate the numbers. What is a virtual weighted formula now for special education? What is it in the regulation as proposed and what is it you are suggesting in the amended regulation? For the ratio of 1.53, which one is that? Where are we going and where did we come from?

Dr. Canavero:

The State started in 2013 and truly made significant investments in 2015, and again the Governor's recommended budget includes additional investments on top in 2017 to expand the State toward a student weighted funding formula. Senate Bill 508 from the 2015 Session lays out the policy framework. There is no particular weight or a number that is established particularly in law or in the regulations. The regulations point back to the State, and whether or not the State has established a per-pupil student weight for a student who qualifies within four categories: GATE, ELL, free or reduced price lunch or poverty, or special education. In 2017, again under Senate Bill 508, special education was the first statewide weight. We converted the existing Fiscal Year 2016 allocation in special education. There was an additional \$20,000,000 in Fiscal Year 2017. Then we converted from a unit-based funding formula, which was approximated and historically built upon a teacher unit for special education services on a caseload. We converted in 1 year to a student per-pupil weight. The additional dollars were then allocated across the pupils. Senate Bill 508 also contained two provisions to ensure that no district had less money in Fiscal Year 2017 than it did in Fiscal Year 2016. As a result of those calculations, each district received a number, a dollar value, an increased investment for students with disabilities. They ranged, because of the conversion. Clark County School District, Lyon County School District and the State Public Charter School Authority, at the end of that math, had received the lowest per pupil. That ranged from around \$2,900 to \$9,000 in some of our smaller counties. The investments went to keep everyone the same, then we invested in each district at the bottom until we exhausted the resources. That resulted in Fiscal Year 2017 with a statewide average weight across all students with disabilities of a little over \$3,000 which, if we express it is a multiplier of the Distributive School Account, the per-pupil guarantee is 1.53. The individual Clark County weight is around \$2,900, maybe \$2,984, per student with a disability. The other weights have not been established as a uniform statewide weight. The English Language Learners investments are currently in our zoom schools, the poverty investments are in victory schools, so they have yet to reach the entire population. The Gifted and Talented Education funding is around \$403 per pupil in Fiscal Year 2017. In the Governor's recommended budget, I estimate that we can get to around \$600 per GATE student that is identified and served, creating a second statewide uniform weight.

Senator Hardy:

I am trying to figure out an apples-to-apples comparison. What was a given special education student able to divide over the Distributive School Account before, in 2015 to 2017, and what is the proposal now that will make everyone happy? Are we increasing to

1.53 from something? What is the “from” and what is the “to” that we are amending or considering amending to?

Dr. Canavero:

None of this is considered in the regulation, just to be clear, in terms of State policy. In the existing biennial budget and the next biennial budget, we are currently at 1.53 or \$3,000 on average. The Governor’s recommended budget includes \$30,000,000 in additional funds, in the recent budget presentation, suggesting an allocation method that has two parts to it. The first part is an inflationary increase to all of the funds. We would probably anchor it off of the traditional two percent rollup that is historically in the budget. The remaining dollars would be allocated first to those districts who are lowest funded. In other words, we are bringing the base up. I have not yet run the October count for Fiscal Year 2017 to give you a specific figure, but we are working on that now.

Senator Hardy:

Will it be more than 1.53?

Dr. Canavero:

Yes. I would envision that the additional \$30,000,000 from the Governor would increase that value. In the second year of the biennium, we would get to about \$200,000,000 in special education funding, and we are presently at \$168,000,000 for Fiscal Year 2017.

Senator Hardy:

So we are going to go up to 1.62?

Dr. Canavero:

I could not give you a number. We are working those numbers right now.

Assemblywoman Neal:

Why are we discussing the weighted funding formula? Are we going through the parts of the main issues in the case? What fine line are we walking between clarifying intent, and are we in some role as being a middle negotiator here for a lawsuit? I just need to be clear, because I am trying to figure out what the next thing is you are going to talk about after the weighted funding formula, and that would be more helpful for me. Is there another topic you plan on discussing?

Chair Roberson:

I am the one who brought up the weighted funding formula, because I knew there had been confusion amongst a lot of different people on how that provision in the regulations worked.

I am not asking Dr. Canavero to go through the lawsuit point by point. I just wanted to provide some clarity on how that regulation is intended to work for the School District. I am not looking to get into a discussion on the weighted funding formula generally. That is a matter for the Legislature. We do not have the time to do that today. I do not believe it is the intent of Dr. Canavero to walk through the lawsuit. I asked that question because it has been brought up a lot from a lot of different people and there seems to be confusion over the issue of the weighted funding formula and what is required of the School District to propose a weighted funding formula. I did not intend for this discussion to drag on as long as it has. I just asked a simple question because I want to clarify how that regulation is designed to work with regard to the requirement of the School District to propose a weighted funding formula.

Assemblywoman Neal:

I understand that, but I also understand that any time we want to discuss something in a legislative context where we are holding a meeting and there is a legislative record, that those minutes and those comments are then viewed or can be accessed by the court in order to determine what may or may not have been legislative intent or ideas. I am mindful of the conversation that is taking place, and for my own comfort I just want it to be crystal clear about what it is or the stage that we are setting.

Chair Roberson:

I would simply ask that everyone speak truthfully. I have simply asked a question because I know there has been confusion about that one particular issue. That is all there is to my question. Dr. Canavero answered it, and I did not intend to get into a long discussion about the weighted funding formula. Kevin Powers, attorney for the Legislature, will discuss the lawsuit momentarily, and that is where there will be a specific discussion of the lawsuit so this Committee has an update on the lawsuit and where it sits right now.

Senator Denis:

I need some clarification, because I heard Senator Hardy talk about a proposal or a resolution or something, and I have not seen anything yet. I understood this as what you just mentioned, that you are just explaining the procedures and that even though there have been some weights and things talked about that the Board has the ability to adjust that. Senator Hardy was trying to talk about comparing apples to apples, and one of the things he mentioned was something about some resolution or something that I do not have before me, so I do not know what he was referring to, so I just want to make sure we are having a discussion about the procedure on how this could happen.

Dr. Canavero:

I am not aware of any resolution either. I was only speaking to the regulation which has two aspects to it, to adopt the State weight or to seek a variance from the State if they are unable to adopt the State weight uniformly. I just wanted to make sure it was clear, and I

have been trying to be clear on this with CCSD, but I appreciate the question so I can clear it here on the record that, in this transition period, if we are unable to achieve a particular weight, either by their budget or because the State has yet to adopt one, that we would certainly consider approving—I would consider approving, because it is with the Department, not with the Board—a weight of 1.0, and then consider whatever the proposal for special education is, because special education is the only population that has an established State weight.

Chair Roberson:

For the record, all Committee members are now present.

I will now ask Kevin Powers, the litigation attorney for the Legislative Counsel Bureau, to give us his opinion about this litigation and its potential effects on the implementation of the A.B. 394 reorganization plan.

Kevin Powers (Chief Litigation Counsel, Legal Division, Legislative Counsel Bureau):

The Legislative Counsel Bureau (LCB) Legal Division is a nonpartisan legal agency. We do not support or oppose any particular viewpoint, policy or piece of legislation. We do, however, provide the Legislature and its committees with objective legal advice concerning questions or issues of law, such as the constitutionality or validity of statutes and regulations. Because this lawsuit filed by the Clark County School District against the State Board of Education involves the constitutionality and validity of statutes and regulations, we have been asked to provide our opinion as to the potential merits of this litigation.

For procedural background, this summer, the Advisory Committee adopted plans and recommendations for the reorganization of CCSD, and that was under the authority of A.B. 394. On September 1, 2016, the State Board adopted implementing regulations that were adopted based on the authority given to them by A.B. 394. On September 9, 2016, the Legislative Commission approved those regulations. On December 21, 2016, CCSD filed a complaint for declaratory and injunctive relief in the Carson City District Court, challenging the constitutionality and validity of both A.B. 394 and its implementing regulations. On January 19, 2017, CCSD filed a motion for a preliminary injunction, seeking to enjoin implementation of the reorganization plan reflected in the State Board's regulations. The State's response to the preliminary injunction motion is due on February 17, 2017.

Because a preliminary injunction motion is the next stage in the litigation, we are going to focus on that motion and the arguments included in it. A preliminary injunction motion is not a full-blown review of the merits. Instead, it is a stopgap measure where the plaintiff goes to the District Court and asks the District Court to temporarily halt implementation of the regulations and preserve the status quo pending further judicial review. To get a preliminary injunction, the School Board will have the burden to show that it has a reasonable likelihood of success on the merits of its legal claims, and that if the regulations are implemented, the School District would suffer irreparable harm for which there is no adequate remedy of law. Considering those two factors, the District Court will also take into consideration the public

interest at stake and also weigh the relative hardships between the parties. When weighing the public interest, courts have found that the public has a substantial interest in seeing that laws and regulations are implemented. This is because courts have found that enjoining the implementation of a law or regulation would actually disturb the status quo, because in our society which favors the rule of law, the status quo is actually that law should be implemented, not enjoined.

What this means for CCSD is that they must meet a high threshold to prove that they are entitled to a preliminary injunction to enjoin the regulations. When a District Court considers the merits in a preliminary injunction motion, the District Court will first determine the applicable standard of review to apply to each legal claim. Then, the District Court will take that standard of review and determine whether CCSD has a reasonable likelihood of success on the merits. When I discuss the claims, I will follow the same blueprint. First, we will discuss the applicable standard of review, then our office, through our legal analysis, will determine what our opinion is as to whether or not the School District has a reasonable likelihood of success on the merits.

To understand what our office does when it comes to a legal question like this, we review the controlling statutes, the Constitution, case law and judicial decisions on similar issues. We also review treatises, such as treatises on various areas of like such as administrative procedure, and we will review law review articles and other sources of legal authority. We try to take all of that legal authority, apply it to the claims being made by CCSD and come to our opinion as to whether they have a reasonable likelihood of success on the merits.

Now we will start with some of the individual claims that the School District had. First, there are constitutional claims. The School District makes two claims with regard to the separation of powers under Article 3, Section 1 of the Nevada Constitution. First, CCSD claims that A.B. 394 unconstitutionally delegated the Legislature's lawmaking power to both the Advisory Committee and the State Board of Education in violation of the separation of powers. Second, CCSD claims that the Advisory Committee unconstitutionally usurped and exercised the executive powers of the State Board of Education that were conferred on the Board by A.B. 394. This is a constitutional challenge to both A.B. 394 and its implementing regulations.

When courts review a constitutional challenge, they view every statute with a presumption of constitutionality. In the case of any doubt, courts will make every possible presumption in favor of the constitutionality of a statute. Courts will only interfere when the Constitution is clearly violated. This means that the plaintiff has a heavy burden to show that the statute is unconstitutional beyond a reasonable doubt. Furthermore, it is a fundamental rule of constitutional review that the judiciary will not declare an act void because it disagrees with the wisdom or policy of the Legislature or executive branch. This is because the political branches set and implement policy; the courts do not do that. They review constitutional questions. When reviewing the constitutionality of a statute, questions relating to policy, wisdom or whether the legislation is good or bad are matters solely for the political branches of government and not the courts. The courts are not a forum to resolve policy disputes.

They are only a forum to resolve issues of law as to whether something is or is not constitutional.

I will now discuss the likelihood of success on the merits of the School District's claims. Under separation of powers, each branch of government is given certain exclusive powers, and the other branches of government cannot interfere, usurp or exercise those exclusive powers. Each branch of government is not limited to just exclusive powers. There are overlapping, shared or ministerial powers that all three branches of government have and can exercise. One of those shared or overlapping powers is the power of investigation, fact finding and information gathering. All three branches can exercise that power; it is not strictly executive, judicial or legislative. The framers anticipated that, in the realm of information gathering, all three branches would cooperate and work together to assist each branch exercise its core powers. For example, this typically goes on every interim and in every session. One example showing that cooperation is, this past year, the Governor issued an executive order creating the Southern Nevada Tourism Infrastructure Committee. That committee was charged to investigate and find facts regarding tourism infrastructure improvements in southern Nevada, such as the convention center or a possible stadium for the National Football League or at the collegiate level for the university. As part of its information gathering, that committee drafted proposed statutory language, and that proposed statutory language was submitted to the Legislature during the Special Session. The Legislature reviewed that language and adopted some of that proposed statutory language. When that executive branch committee drafted proposed statutory language, it was not engaging in lawmaking, it was engaging in information finding, and that information was expressed through proposed statutory language. The lawmaking was done by the Legislature in the Legislative Session. Here, the School District is claiming that this Committee, by drafting proposed regulatory language, violated the separation of powers. But this committee, under A.B. 394, was only given the investigatory powers to make plans and recommendations. As part of its investigation, this committee drafted proposed regulatory language. That was not this committee exercising regulation making. It was information gathering expressed through proposed regulatory language. Then, this committee submitted that proposed regulatory language to the State Board of Education who, like the Legislature during the Special Session, decided whether or not to adopt that proposed regulatory language. The actions of this Committee were simply investigation and fact finding. The State Board exercised the regulation-making authority, and there was no violation of separation of powers. It is the opinion of this office that the School District, with regards to their separation of powers claim in that instance, does not have a reasonable likelihood of success on the merits.

The Clark County School District also claims that the State Board was not given adequate guidelines by A.B. 394 in adopting the regulations. However, CCSD focuses on one narrow provision of A.B. 394. Under the well-established rules of statutory construction, you do not read a statutory provision in isolation. You read a bill as a whole; you read all provisions of the statute together to harmonize them and carry out, not defeat, the legislative intent. Assembly Bill 394 set out a list of criteria containing 20 standards that the Advisory Committee was to look into and follow in developing its plans and recommendations. Those standards also applied to the State Board in its regulation making. When the State Board

was developing its regulations, it had before it the plans and recommendations of the Advisory Committee, but it also had the statutory guidelines in A.B. 394. There were clearly sufficient statutory guidelines in A.B. 394 to guide the discretion of the State Board in its regulation making. Therefore, it is the opinion of this office that with regard to that claim of the School District, it does not have a reasonable likelihood of success on the merits.

The next claim raised by the School District is that the regulations exceed the statutory authority provided by A.B. 394. We will start with the applicable standard of review. When an agency adopts regulations under the Administrative Procedure Act, the regulation is presumed valid and the party challenging the regulation bears a heavy burden to prove its invalidity. Because it is presumed that the agency lawfully adopted its regulations under the enabling statute, there is a presumption that the regulation does not exceed its statutory authority. In this case, it must be presumed that the State Board's regulations are valid, and the School District bears a heavy burden to make a clear showing of invalidity. Like all agencies, the State Board of Education may only adopt regulations as authorized by statute. In order to invalidate those regulations, there has to be some transgression of that statutory authority. Every agency, when it implements a statute, has an implication that is closed with the power to interpret the statute as a necessary incident of administering the statute. When a statute is silent on a matter, the agency has the authority to adopt regulations to fill the gap, so long as the regulation does not conflict with the language of the statute. What the United States Supreme Court has said in this regard is that the power of an administrative agency to administer its statutes necessarily requires the formulation of policy and the making of rules to fill any gap explicitly or implicitly left by the Legislature. When an agency fills such gaps reasonably, the courts accept the result as legally binding.

In addition, in our state, we have a provision in the State Constitution that authorizes the Legislature to appoint a body made up of members from both Houses of the Legislature to review whether a regulation conforms to statutory authority and carries out legislative intent. Under the Administrative Procedure Act, that body is the Legislative Commission. This constitutional provision is fairly unique among the states; what it does is authorize the Legislative Commission to essentially exercise a quasi-judicial review of administrative regulations. Typically, only the judiciary reviews whether regulations carry out statutory authority and conform to legislative intent. Our Constitution gives that power to the Legislative Commission. With regard to the validity of regulations and their review, the Nevada Constitution creates shared authority between the legislative branch and the judicial branch. The result is that, when the Legislative Commission approves a regulation, that approval has to carry significant and greater weight and deference before the Court because the Legislative Commission is essentially saying, as it is authorized to do by the Constitution, that they have reviewed the regulation and that it conforms with statutory authority and carries out legislative intent. Because of that constitutional power of the Legislative Commission, the courts cannot substitute their judgement for that of the Legislative Commission; the courts can only review for plain error. There has to have been some clear error made by the Legislative Commission. If there is any doubt or uncertainty, that doubt or uncertainty has to be resolved in favor of the Legislative Commission. In this case, the Legislative Commission reviewed the State Board's regulations, determined that they conformed to statutory authority and carried out legislative intent, so therefore there is

nothing in the record to show that the Legislative Commission was plainly wrong. Quite frankly, after reviewing the regulations, it is the opinion of this office that they clearly do carry out the Legislature's statutory intent underlying A.B. 394. Therefore, with regard to this claim, it is the opinion of this office that the School District does not have a reasonable likelihood of success on the merits.

The next claim raised by the School District is that the regulations violate the unfunded mandate statute in NRS 354.599. That statute provides that, if the Legislature directs one or more local governments to establish a program or increase a program or service, and that causes an increase in expense for a local government of \$5,000 or more, a specific source for the additional revenue to pay the expense must be authorized by a specific statute. On its face, this statute only applies to the Legislature; it does not apply to administrative agencies. More importantly, the unfunded mandate statute purports to impose a duty on the Legislature. However, the unfunded mandate statute is not a constitutional provision. It is a well-established principle of constitutional law that a prior state legislature cannot, through an ordinary statute, bind a subsequent state legislature without amending the state constitution. Therefore, as a matter of constitutional law, the unfunded mandate statute cannot limit the power of the Legislature, and the Legislature was free to enact A.B. 394 and authorize the reorganization of the Clark County School District without providing any additional revenue or without even complying with the unfunded mandate statute. Because of the constitutional principle that one legislature cannot bind another legislature, A.B. 394 takes precedence over the unfunded mandate statute. It is also a well-established principle of constitutional and statutory construction that statutes must be harmonized, and if there is any conflict between statutes, then the statute which applies specifically to a certain situation takes precedence over a statute which applies only generally. A statute which is enacted later in time takes precedence over a statute which is enacted earlier. In this case, A.B. 394, which was enacted in 2015, is the more specific statute, the more recently enacted statute, so even if the unfunded mandate statute had any application here, A.B. 394 would still take precedence over the unfunded mandate statute. Simply put, the unfunded mandate statute does not apply to A.B. 394 and its implementing regulations. Therefore, it is the opinion of this office that CCSD does not have a reasonable likelihood of success on the merits of this claim.

The School District's final claim is that the regulations are arbitrary and capricious. To understand the standard of review here, we must discuss the process that agencies go through with regard to regulation making and adjudication of contested cases. When an agency engages in regulation making, it is quasi-legislative. It is adopting rules of general applicability that apply across the board. When an agency engages in adjudication of contested cases, it is applying rules of general applicability like statutes and regulations to the facts of individual cases. It is case-by-case adjudication, so the agency is engaging in a quasi-judicial function. When an agency adjudicates case-by-case, it takes in evidence, it weighs that evidence, has an evidentiary hearing and considers that evidence. From that evidence, the agency determines whether or not to apply the statute or regulation in a given situation. The standard of review there is that the agency, in adjudicating a contested case, there has to be substantial evidence in the record to support the agency's action. That standard, however, does not apply to regulation making. The School District, in its case,

uses the standard of review for adjudication of contested cases to claim that the regulations are arbitrary and capricious. That is the wrong standard of review. For regulation making, the standard of review is that the regulation is not arbitrary or capricious so long as it is rationally related to a legitimate regulatory interest. As the United States Supreme Court has said, in general an agency's rules will be found arbitrary only if the agency had no reasonable ground for the exercise of judgement. This is a highly deferential standard, and agencies are accorded wide latitude in their regulation making, and rational distinctions may be made with substantially less than mathematical exactitude. In addition, the agencies do not have to implement and solve every problem in one regulation. They may go step by step and address only part of a problem, saving complete resolution for future regulation making. Furthermore, in regulation making, there is no due process requirement for an evidentiary hearing, and there is no requirement under the Administrative Procedure Act to take any evidence. Instead, it is a policy evaluation made by the regulation-making body. In the case of a regulation-making process, the agency is not adjudicating cases. It is making policy decisions that apply across the board in a generally applicable manner. Therefore, it only has to have a rational base underlying its decision, and it has to be any rational basis. If there is any conceivable basis to justify the regulation, it is not arbitrary and capricious; it is valid. In this case, in their motion for a preliminary injunction, the School District goes through each section of the regulation that it challenges and explains why it believes there is no substantial evidence for that part of the regulation. For example, the 80 percent rule, the weighted funding, the implementation by this coming school year, and they say there is no substantial evidence in the record. That is the wrong standard of review. Each of those provisions of the regulations is supported by a policy judgement that is rationally related to legitimate legislative and regulatory interest. In particular, the goal of A.B. 394 was to decentralize the School District and extend more autonomy to local school precincts. In order to accomplish that, the regulation distributes more money to local school precincts. It also creates weighted funding to help schools that have certain students that have a higher cost give better education to those certain students. Everything in the regulations tries to achieve the goal of decentralization and local autonomy, so every provision of the regulation is rationally related to legitimate regulatory interest. Therefore, it is the opinion of this office that the School District does not have a reasonable likelihood of success on the merits of that claim.

That then brings me to the final issue to discuss: the potential effects of the District Court's decision on a preliminary injunction. This is a legal opinion of this office; the court is the final decider of whether or not the regulations should be enjoined by a preliminary injunction. The regulations are presumed valid and they are effective now. Even though the School District filed in the District Court a preliminary injunction motion, the regulations still have to be implemented by the School District until the Court rules on the preliminary injunction motion. If the Court denies the preliminary injunction motion, the School District still has to go forward and implement the regulations and carry out reorganization. At that stage the lawsuit will move to its discovery phase, where evidence will be gathered and through that process, the parties will move to a full review of the merits of the motion, but if there is no preliminary injunction in place, then CCSD will have to implement the reorganization. There is a provision in the law that if a preliminary injunction is denied, it is possible for CCSD to appeal that determination to the Nevada Supreme Court, but unless the School District

obtained a stay, it would still, while the appeal was pending, have to implement the regulations. Turning to the opposite, if the District Court were to grant the preliminary injunction, first the District Court would have to determine whether or not to enjoin the entire regulation, or only portions of the regulation. For example, the School District challenges as arbitrary and capricious only certain portions of the regulation. If those are the ones that are invalid, then typically a District Court will enjoin those portions and the rest of the regulation will go forward. That is one possibility if the District Court issues a preliminary injunction. It would be limited in scope and only invalid provisions would be enjoined. However, if, for example, the District Court found a constitutional violation, it is possible for the District Court to enter a preliminary injunction and enjoin implementation of the entire regulation. If the District Court were to do that, that would be subject to appeal, and therefore if the State Board decided in that circumstance to appeal such a preliminary injunction, it could. In addition, even if an appeal was filed, it is possible that the case still has to go through the next phase, because a preliminary injunction is a stopgap measure. It is not the end of the lawsuit, so even if the District Court entered a preliminary injunction, although implementation of the regulation would be enjoined, the lawsuit would still go forward to discovery and there would still eventually be a full resolution of the merits at a later time in the lawsuit. That covers all the issues this office was asked to address. I hope my presentation will help the Advisory Committee in its deliberations.

Chair Roberson

I found your presentation to be very informative.

Assemblywoman Neal:

You were talking about the implication of basically when we are silent, and the regulatory agency can fill in the gaps. You were talking about this reasonableness, the power of the administrative agency to fill it in and it is a reasonableness standard, so my question to you is, is not the determination of whether or not they reasonably filled in or did not fill in a question for the court, not necessarily a legislative body?

Mr. Powers:

In Nevada, it is actually a question for both. Because the Legislative Commission has constitutional power to review regulations, the Legislative Commission first had the power to determine whether the regulations reasonably filled in the gap. When the Legislative Commission approved the regulations, it said that the regulations carried out statutory authority and were consistent with legislative intent. That determination by the Legislative Commission also goes to the judicial branch. Ultimately, the judicial branch will be the final determiner of whether or not the regulation carries out statutory authority and legislative intent. However, the judicial branch, because of the constitutional power invested in the Legislative Commission, should give great deference to the Legislative Commission's determination.

Assemblywoman Neal:

When you talked about their claim about regulations exceeding the statutory authority, and then you were saying the presumption is on the validity, pretty much leaning toward the Legislature, my question again is, is that not up to the Court to decide whether or not, in the review of—they still have to review that presumptive issue, true?

Mr. Powers:

That is correct. What the presumption does is help guide the Court's decision-making process. The Court goes in with the presumption that what is before it is valid, constitutional and enforceable. What that does is shifts the burden to the person challenging the regulation and gives them the heavy burden to try to overcome that presumption. What the presumption also does is that, if there is any doubt or uncertainty, such as a close call as to whether it is within the statutory authority, the presumption means that the close call goes to the agency. In this case, the close call goes to the Legislature. Any close call goes against the challenging party.

Assemblywoman Neal:

In regards to all of the information that you are giving today, what is the legal effect of the conversation you are having on the record right now, when the Court will then review this Committee, which is doing investigatory, or ministerial, duties? How will they view this information that you are now giving on the record?

Mr. Powers:

What I am giving on the record is a legal opinion. It is involving issues of law. When a court reviews issues of law, it reviews them *de novo*, which means anew, without deference to anyone, so when a District Court reviews this issue of law, it owes no deference to a legal opinion of the Legislative Counsel or a legal opinion of the Attorney General or anyone else's legal opinion. If the District Court's decision on an issue of law is appealed to the Nevada Supreme Court, the Supreme Court reviews that *de novo*, and the Supreme Court owes no deference to the District Court's legal opinion, let alone any other legal opinion, including my own. Yes, the judicial branch is the final decider of all issues of law, but based on our research and analysis of the case law, statutes, Constitution and secondary sources, we believe that the School District, based on that body of law, does not have a reasonable likelihood of success on the merits, but ultimately that is an issue of law to be determined finally by the courts.

Senator Ford:

The Chair and I disagree on the appropriateness of you presenting to us in this public forum while litigation is pending. As a member of the Legislature, I stand by our work and I stand by the work that our Legislative Counsel Bureau staff puts in on behalf of legislation. That said, I find it highly inappropriate for us to be having a public hearing where essentially you

just laid out the State Board of Education's response brief on the record. All they have to do is pull the transcript and copy verbatim what you said and they have their brief available. I understand the importance of us defending our work, and I will say for the record—as I have said before—that our Legislative Counsel Bureau staff is great and what you have done is a constitutional act. That said, there is pending litigation over this issue, and we are not parties to it. We could have been named, but we were not. I would have much rather preferred this presentation—I guess am not really talking to you Mr. Powers, but out loud for the record—this should have happened behind closed doors. We are not subject to the open meeting law, and you could have briefed us by simply saying you think it is constitutional. This litigation hopefully will come to a cessation pretty soon either because it is settled or because the Court is going to make a determination, but I want to be on the record saying that I do not think it appropriate for us to be having this conversation in public on the record while litigation is pending over legislation that we have passed.

Mr. Powers:

This office is statutorily authorized by NRS 218F.710 to answer, on the request of any legislator, committee or commission, any question of law, and that is what I have done today. I have answered a question of law. I have not revealed litigation strategy, I have not revealed facts of any cases, I have not revealed discussions about litigation strategy. What I did was research the law, present that law to this committee and base the legal opinion on that law. That is perfectly appropriate within the confines of a legislative hearing and is authorized by statute specifically for this office to answer questions of law. I understand your concerns, but in the realm of defending the process and this agency's role in the process, we are well within the language of the statute in NRS 218F.710 to provide an opinion on questions of law.

Senator Ford:

I am not challenging whether what you have done is legal or constitutional, or illegal or unconstitutional. I am not using that phraseology. I said it was inappropriate. You were requested, and that is why you are down there. I would not have requested you to sit at the helm of the table and give us a rendition of why our statute is legal when litigation is pending. There are thousands of cases out there where people have sued over legislation we have passed. We have not given briefings in public over them like this before people go before the court and make their arguments. Again, inappropriate is the phrase I am using. You are entirely right that you have statutory ability to respond to the Chair's request to present. I would like to note for the public and for the record that I think this is inappropriate.

Chair Roberson:

Your note of inappropriateness is duly noted. I think transparency is important. This entire process for the last year and a half has been transparent. This is the tenth meeting of the A.B. 394 Advisory Committee, and Senator Harris chaired additional meetings, but when you combine the number of public meetings between the A.B. 394 Advisory Committee, the Technical Advisory Committee and the public meetings we had in the community, I think

there were over 35 different meetings. It is important for this Committee to understand the cloud of uncertainty that is hanging over this law due to this litigation. I think it is entirely appropriate in my role as Chair to ask our legal counsel to tell us publicly, in front of the world, their opinion of this lawsuit. I am here today, as I hope all of us are, to try to help resolve this lawsuit so we can work hand in hand with the School District, the State Board of Education and the State Department of Education to see this implementation through.

We will now take a brief recess.

Chair Roberson:

This meeting will now reconvene at 3:48 p.m.

At our last meeting, this Advisory Committee approved hiring a consultant to help the School District with implementation of the plan to reorganize the School District. We also appointed a Community Implementation Council (CIC) to receive information from the consultant and also provide assistance to the School District. Before we ask the School District to testify, I would ask Tom Skancke and Glenn Christenson to come forward to inform us about the work of the consultant and the CIC. As with Dr. Canavero, I will swear in the witnesses before they testify.

We have three people at the table: Tom Skancke, Glenn Christenson and Michael Vannozzi. Each of you raise your right hand. Do you swear or affirm that you will testify truthfully regarding the matter now before this committee, knowing that any person who willfully misrepresents any fact in this regard is guilty of a gross misdemeanor?

Let the record reflect that they all said they do.

Glenn Christenson (Chair, Community Implementation Council):

A lot has happened since we last met in October. We got off to a rocky start at the Community Implementation Council (CIC). Unfortunately, we were not able to secure the unanimous support of this body. Certainly, the CCSD Board of Trustees was not happy to see us. There were a number of people from various community organizations that felt they should have had a seat on the CIC, and there is a lot of confusion and conflation of the Achievement School District effort and the A.B. 394 effort. In short, there were a lot of challenges when we first started. Largely because of that, our first goal at the CIC was to demonstrate that we are not the enemy; that in fact, we could be very helpful in achieving mutual goals of implementing A.B. 394, as well as improving student outcomes in our schools. To do that, we had to earn the trust and confidence of the naysayers. While we are not 100 percent there, it is fair to say that anyone who attended our first meeting of the CIC in November and compared it to the meeting we had in January, our third meeting, would notice a dramatic improvement in terms of tone and tenure. We wanted to start building a team to implement the Clark County Schools Achieve initiative. As challenging as the beginning of the effort has been, we have really turned a corner and are seeing the CIC working very closely with the senior leadership at the District, with the Trustees, and also

with our consultant. As part of this idea of creating a team concept, and to take advantage of the intellectual capital that we have on the CIC, I assigned each member a specific task that would be needed in terms of accomplishing the Clark County Schools Achieve initiative and the implementation. We knew going into this effort that there were significant issues around technology. I asked CIC Member Felicia Ortiz to take a look. It turns out she is a technology consultant, and she has quickly gone in and made a strong assessment of what is going on in the technology area and there is a lot of need there. Another area that is particularly important, I know to Senator Denis, was community engagement. I sat in on a meeting the other day with the leaders of the Family and Community Engagement Services Department, with Nicole Rourke and Cheryl Adler-Davis, and I was amazed because the conversation all revolved around customer service. I was excited about that, because there are already areas within the District that are focusing on customer service, which will be particularly important as we go forward. I had asked Member Nora Luna to pay particular attention to this area, and one of the things that she has noted is that many of these school organizational teams do not have interpreters. Her particular concern is that it is unfair to the janitors who frequently serve as the interpreters for these meetings to serve in that capacity, because a lot of times they do not understand the concepts or have not been exposed to them in the past. At our last CIC meeting, Nicole Rourke brought that up, and during the course of some brainstorming, someone suggested that perhaps some of our bilingual teachers would be willing to serve in that capacity. Fortunately, Member Vikki Courtney, who is the president of the Clark County Education Association (CCEA), wrote down those ideas. Many times, this whole effort has been a matter of connecting the dots, and we are doing a good job of that. As another example, if this effort is going to work, there is a lot of training that needs to happen. Several different layers within the organization will be asked to do things they have not necessarily done before. I asked Member Brent Husson of Nevada Succeeds to get his arms around that, because we have the District doing some training, CCEA doing training, the Public Education Foundation doing training, and we need to get an idea of who is being trained, what they are learning and when that training will be complete. We could not have asked for anyone better to do that than Mr. Husson in his capacity as president of Nevada Succeeds. One thing we have learned is that there are two nearly existential threats to completing this effort. That is technology. I have to applaud the District for getting as much done as they have given the lack of technology and managements systems they have. For this to work, we need to have much better computer systems within the District. The second is the weighted funding formula. We have to get to a position where the funding follows the students to the schools, otherwise the effort is in jeopardy.

As the chairman of the CIC, I am pleased with the work of the consultant. I am on the phone or in person with one of them nearly every day of the week, including weekends. I know how hard they are working to make this effort successful. I hope you have had the opportunity to look at their first report, which they presented in December. It was thoughtful, thorough, and provided a strong assessment of exactly where we were in the effort and what was needed to complete the Clark County Schools Achieve effort. I look forward to their second report, which we will receive in our meeting on February 15. In addition to Mr. Skancke, I would like to make a special mention of Michael Vannozzi, Andrew Doughman and Brian Knudsen, who were all part of the consultant team, and doing a terrific job.

I am enthusiastic about this effort. We have a long way to go, and there is a lot of hard work to be completed. The thing I am particularly encouraged about is, in our community now, there is a lot of momentum around improving K-12 education and student outcomes. When I look at the business community and I see things like the Be Engaged Effort, where John Guedry is assembling mentors for the principals, school associate superintendents and other school leaders. When you are being asked to do new things, it is nice to have a mentor, someone to call for unvarnished consultation on how things might be done in a different or better way. Looking at various community and parent groups, like Citizens for the Common Good, we have talked to Robert Ho and Paul Wharf and what they are trying to do to find good participants for school organizational teams. The Public Education Foundation, specifically Jeremy Hauser and all the work that he is doing on trainings, especially with the school associate superintendents. It is a remarkable effort, and I will give special thanks to the Las Vegas Sands and Brent Husson for getting the necessary funding for that program.

Chair Roberson:

I am happy with the new leadership of the Clark County School Board: President Wright and Vice President Edwards. It seems there has been a lot of increased collaboration and cooperation with you gentlemen between the School Board, the School District, the consultants and the CIC, but I would like to hear that from you. I would like to hear your perspective on it, and it is important for the committee to hear where you have been since October, what some of the challenges were that you faced and what level of cooperation and collaboration you see today. Where do you see us going forward, and where do you see us over the next few months? I am looking for a sense of where we have been the last couple of months, where we are now and where you see the work you have been doing with the School District going forward.

Tom Skancke (President, CEO, TSC² Group):

To answer your question, as Mr. Christenson said, this effort started out a little rocky, a little shaky. I will say that since December 20, the relationship has changed dramatically between CCSD and our efforts. I too could not be more pleased with the new leadership on the Board, and the direction that the trustees and the Superintendent and his staff have taken. I would like to clarify for the record—

Chair Roberson:

Yes, I got that wrong. The vice president is Linda Young. I do know that Trustee Edwards specifically has been very good to work with.

Mr. Skancke:

Trustee Edwards is the clerk of the Board. I could not be more pleased as someone that has been involved with education in this state for a number of years with the progress we

are making. I have said this in CIC meetings and at every community outreach meeting—the team that the Superintendent has established for the implementation—there were 20 of them on Monday at a focus group and a workshop with our team and their team, and things are progressing along smoothly and rapidly. Mr. Christenson noted one of the things that is probably the biggest challenge for the District is the age of their technology system and the need for new technology. Their system is 22 to 24 years old, and it is still a COBOL system, which goes back to the 1970s. The first iteration would probably be punch cards, but CCSD is doing a little better than that. The entrepreneurial spirit of the individuals that have to communicate within the departments at the School District, in many cases, is better than corporate America. Part of the system they have—I like to use the analogy of a wire and two cans. In some cases, that is what they are dealing with. Some departments are using Microsoft Cloud, some are using Google, some are using other hardware or software programs, and the District staff and the team that has had to cobble this all together in a very entrepreneurial way should be commended for that. It is unfortunate that they have to do that. It is unfortunate that they have to have so many people inputting data by hand. If we could improve their technology systems at the District and find the necessary funding for that, we would find more efficiencies the State and the Legislature having better information coming out of CCSD. There would be more efficiencies because the departments would be talking and communicating better than they are today.

We have had many questions about what this effort really is, and this is not an academic effort. We are not in the classroom, we are not dealing with the academic programs of CCSD, we are not working with the trustees, teachers, principals or the Superintendent and his team directing anything that deals with academics or anything in the classroom. This is a business effort. This is a financial effort. This is a complete cultural turnaround of how CCSD does business. Many things have been done, several of those things in October and a lot of work was done in November. Some things that have happened in the last 30 days, the Superintendent has completely reorganized the Administration Office. He has hired a new chief operating officer, retired colonel Rick Neil, from the United States Air Force. In my assessment, Mr. Neil was a perfect hire for that position. I have said publicly before that if he can operate Creech Air Force Base and serve in our military for over 25 years, then he can certainly be the chief operating officer for CCSD. Kim Wooden, the Deputy Superintendent, her responsibilities and duties have changed substantially. I have spent many hours with Ms. Wooden, and I think that was a superb promotion, and her new responsibilities within the District are appropriately assigned and aligned with the implementation of this legislation. Dr. Mike Barton has been elevated to the chief student achievement officer. Dr. Barton has been with CCSD for a number of years. We have had several interactions with Dr. Barton, and I think the Superintendent did a superb job of elevating him to this position of dealing with student achievement as the chief student achievement officer.

In the last 90 days we have been working on this effort, the 16 school associate superintendents have been hired. The process was conducted by the Superintendent and his team. Those individuals have been identified are they on the job and doing their job. Nearly all teacher leaders have been identified. Mr. John Vellardita from the Clark County Education Association testified before the CIC that over 10,000 teachers signed up to be

involved as teacher leaders for the implementation of the school organizational teams (SOTs). Over 1,100 parents have signed up to be on the SOTs. Nearly all of the support staff has been identified, and all of the teams are working and are moving forward with the responsibilities of the SOTs. The strategic budgets were submitted on January 17 as required, and those budgets got out of the door and the SOTs and principals are actually working off those budgets. People are working; the implementation is occurring. There is a lot of work to be done, and as Mr. Christenson pointed out in his testimony, on February 15, our analysis after the end of Phase 2 will be given to the CIC on February 15. On February 16 we will move forward with Phase 3 of our scope and our work.

We did a workshop and a focus group with the Superintendent's team in December, and the latter part of our focus group was wrapped around what the School District senior level employees and team members wanted to call this effort. We spent about two hours on the branding of this, and the brand for this effort moving forward succinctly identifies the work, captures the spirit of what this Advisory Committee and the Legislature intended to do going forward with the implementation. We could not continue to call this the A.B. 394 Implementation. In about 5 days or less, you will quite likely have a new A.B. 394 very quickly, and I hope that that A.B. 394 will not be something that would be confusing with the effort we are doing here. After a two-hour conversation, the Superintendent's team came up with "Clark County Schools Achieve," and that ties in to the pledge of achievement for CCSD. It focuses on achievement of the students, achievement of the SOTs and achievement as a whole for our community.

In the education arena, I have not seen this many people wanting to participate in K-12 in a long time in our community. What you have all done as elected officials and leaders is given the community an opportunity to participate, come to the table and get involved with the education future of their children. We hope at the end of the day that this effort achieves all the goals and objectives, what you set out to do as the Advisory Committee and a legislative body. While our work ends on October 31, that is just the beginning of the 2018-2019 process. This is a living piece of work; there is no end to this effort, quite frankly. The School District is going to have to continue to evolve and continue to transform the work that we, as a consulting team and the CIC, and the work that you all have set out, over the next 3 to 5 years. My personal hope is that we actually give this legislation and CCSD—the teachers, parents and principals—the opportunity to fully implement this legislation. One of the things we have heard from teachers and principals—and this is not a criticism, this is just facts, information—is that the environment in which they all have to work changes every 18 months when the Legislature changes, or when something does not happen immediately, legislators in the past, currently and in the future will try to fix a problem. There are no problems to fix today in the work that we are doing. Please give it a chance to be fully implemented. I am begging that we do not make any substantial changes, to give the District, the principals and teachers an opportunity to work through any obstacles or any barriers over the next year, to see if this is going to work. I would evaluate this in 2018, moving into the 2019 Legislative Session. The biggest complaint that we have heard from teachers and principals is, they are mandated with multiple programs and just by the time they get them fully implemented, it has to change again and they have to implement and do something new. As we go into the 2017 Legislative Session, it would be helpful—and I am

not speaking for myself, but for the people we have met with—that we give this a chance. If there needs to be minor tweaks, that is your decision, not mine, the CIC's or the consulting team's. We have heard from principals and teachers time and again that they do not have enough time between when something passes and when it gets implemented, when something else has to change again.

In Phase 3, we will be stepping up our community outreach and our community interaction program. We have retained the services of Shaundell Newsome from Sumnu Marketing. We met earlier this week with Ericka Aviles, and she sent us an email this afternoon indicating that she would love to work with us and help us with some of the community outreach. We will be bringing on Ericka Aviles by February 21. The last individual that we will be bringing on is contingent upon the outcome of the litigation. If the litigation is not resolved, then I will not be able to bring on another full-time employee, who is an expert in these types of turnaround projects, for the final phase of our implementation. This individual has 15 years of experience in K-12 turnaround, budgeting, federal funding and grants, procurement process and a background in English Language Learners. I would love to bring this person on full-time, but the uncertainty is not allowing me to do that. I am hoping that this is resolved. We need this individual. This is not a consultant, this is someone I would hire full-time and I would have to relocate this individual from the east coast, but I am encouraged by the resource that he would bring to the table to help us with the third and final phase. I would be remiss to not introduce Michael Vannozzi, who was the project manager from our team on this. I have brought Mr. Vannozzi to the table to ask any technical questions from the analysis we have done and any of the work that we may be presenting to the CIC on February 15 for the analysis of our Phase Two.

Senator Ford:

Let me preview a question that I think Superintendent Skorkowsky will answer about the technology. We have heard this for years that they need better computer systems. Is your recommendation going to include an estimation of how much you think it is going to cost to get it done? I know we are going to hear from the Superintendent on this as well.

Mr. Skancke:

We have been working with the Superintendent and CIC members Felicia Ortiz and Brent Husson, and we have reached out of state to some consultants as well. There is an estimated cost that the District has done themselves. I have not had any outside validators let me know if that is accurate or not. The number ranges anywhere—and I am going off of recollection, not statistics, so I am not intending to tell a falsehood here—as low as \$12,000,000 and as high as \$46,000,000. That depends upon the number of years in the contract; it depends upon a full implementation of the system. I would defer to the Superintendent to give you the exact number, but that is what I have seen.

Senator Ford:

Regarding the implementation, I am sure that you are getting some of the same feedback that I am getting from teachers. By the way, I am hearing that they appreciate the reorganization, but I am also hearing some consternation that they do not think they can make it within the time frame that has been allotted, that they can complete the reorganization in the more condensed time frame that this Committee placed upon them. I see some heads nodding, and I would like to know if you concur with that assessment.

Mr. Skancke:

We have heard similar remarks, but the one thing that we have heard is—the majority of what we are hearing is they are excited about the opportunity to have something new to work on. They are excited about being empowered as teachers and principals. Like with any change, people do not think things can happen rapidly. Again, this is a living work. Will it absolutely happen on the time line? That is my hope. I believe that with the team the Superintendent has assembled internally and the spirit of enthusiasm that we have seen, that it can be done. If there is a will to get it done, I think it can be done. Is it going to be a heavy lift? Yes. Will it be done by October 1? I honestly do not know.

Senator Ford:

That is where I was going. I was going to press back just a little bit, because I want your expert judgment. I would like to know, in your analysis, your conversations, the issues with information technology and others that I am sure you have found, what in your professional judgement is an appropriate time frame? Can it be done? If you are saying that you do not know, then that is the answer.

Michael Vannozzi (Vice President of Creative Strategy, TSC² Group):

When talking to teachers specifically, and I will take it as teachers on SOTs becoming very familiar, the School District smartly went with a system that it has been building slowly over a period of time, which is the strategic budget system, to allocate resources to local schools, and the majority of schools were already familiar with the system. It is a challenge for many principals and many new members of SOTs to learn all the intricacies of the system, but from the school point of view, I think the District smartly elected to go with a system that most schools were familiar with. That being said, we do not know yet on the administrative side whether or not that same ease will come on the administrative side, but I would say on the school side, most school sites are familiar with the strategic budgeting system that was deployed as a part of the implementation. I will leave it up to the Superintendent and his team to go further with that.

Mr. Christenson:

What occurs to me is that this is an aspirational goal, but every year that we delay this, there is that cohort of kids that are not going to be able to take advantage of what I think is a

very important piece of legislation. We are moving the decision making closer to the end user. Will it be perfect come October 1? No—that part I can tell you. But I can also tell you that, from what I have seen in the District, from our consultant and from the CIC, it will not be for lack of effort. We are going to run as hard as we can to see if we can get this put in place.

Mr. Skancke:

We will probably have a better idea for you on that as we start getting into the actual implementation process, which is the third phase of our scope.

Senator Ford:

Okay.

Mr. Skancke:

I would be happy to come back to you within the next 60 days to give you a very honest, forthright assessment of whether or not it can or cannot be done. I will be happy to fly up to Carson City and give you that information. We will be having CIC meetings on a monthly basis, and that will be a public record within the next 60 days.

Senator Ford:

I appreciate that, because I do want an actual assessment of whether we can get it done or not. Again, it is not because I am trying to slow the process down. We want an actual good product at the end of the day, so that is what I was trying to get at, in your professional judgement.

Assemblywoman Neal:

My first question is related to—because I heard two different terms—full-time employee—and I was wondering, Brent Husson, Shaundell Newsome, and Ericka Aviles—are they subcontractors, consultants, what is their status and what is the cost?

Mr. Skancke:

Brent Husson is a member of the CIC. He is a volunteer, so he is volunteering his time. Shaundell Newsome is a subcontractor through our contract, which for the record is a public document. It is a very public document. They have an hourly rate that we are allowed to bill subcontractors at. I do not recall off the top of my head what his hourly rate is. Ericka Aviles will be an hourly as well, and that is provided for us in our contract with the Legislative Council Bureau. We have a flat fee; we cannot come back to you and ask you for any more money. We are managing our budget. Mr. Christenson is a former chief financial officer and, for the record, a very fiscal conservative, so he reviews all of our invoices and all of our bills. We submit our invoices to the Legislative Counsel Bureau, and we have a certain format in

which we have to submit those. They are subcontractors to us, and we have a specific billing rate that we are allowed to bill them.

Assemblywoman Neal:

I looked on the Legislative website, which is where they tell us to go if we want to find any updates, and I did not see that, and I know I was on there 2 days ago, so maybe it is under a meeting minute or something. Where would I find this?

Chair Roberson:

Ms. Lang, could we make sure that a hard copy is delivered to Assemblywoman Neal before she leaves the meeting today?

Assemblywoman Neal:

In the actual initial 95-page report, on page 56, there was a statement made about purchasing laws and regulations and that there may be a direct conflict between the intention of A.B. 394 and the Nevada Revised Statutes and CCSD regulations. In regards to this conflict, what has been the resolution or activity around that conflict?

Mr. Vannozzi:

We have identified that there are—and perhaps the Superintendent and his team can give you the exact regulations in CCSD—but we have identified those things. The District has not moved forward with any of the purchasing changes yet, so there has been no resolution as of yet.

Chair Roberson:

I appreciate you bringing that up Assemblywoman Neal. Part of the purpose for this meeting is to identify issues with the regulations and the implementation of A.B. 394 that this Committee might propose recommendations to the State Board to address and resolve, so I appreciate you raising that issue. I am sure we can also have the same conversation with Superintendent Skorkowsky and Board President Wright momentarily.

Assemblywoman Neal:

I will hold the rest of my questions until the other members have asked theirs.

Senator Denis:

We have talked about implementation. As I talk to my schools, one of the big concerns that they have now that they are meeting and talking about budgets, I have heard this in at least a couple of my schools, that because of the way it is being implemented in using the average teacher salaries that these particular schools are not too excited. They are having

to cut \$300,000 out of the budget, which means they will be laying off 10 teachers. It does not seem like we can be very successful in these at-risk schools if we are getting rid of teachers, so can we really do this without putting more money in, because we were talking about the weighted funding, but earlier the discussion was that we would do 1.0. That is just the same as what we currently have. How realistic is it that we can succeed at this without putting more funding into this?

Mr. Christenson:

You have put your finger on something that has been troubling for me as well as we started to look at putting this together. One of the advantages ultimately is that you have to have a system that will allow for the actual cost of a teacher in the building, or any employee in the building, because that is the only point in time when it is actually fair, because as long as we are using an average salary, there will be some inequities in there. There is no doubt about that. The expectation is that the next year we will get there, but those are some things that you as legislators need to consider. You are right; I agree with you.

Chair Roberson:

I would remind the Committee that we had a robust discussion on average teacher cost versus actual teacher cost, and the resolution, the recommendation we made to the State Board, and frankly the State Board was pretty vocal about this, that they want to take a look over time at identifying whether using the average teacher salary as the methodology is equitable and how we would transition to an actual teacher salary cost over time.

Senator Denis:

I remember that discussion and understand it, but now as we are trying to implement, the reality is that these schools that need the most help are the ones that are going to end up losing teachers, and that is not going to help. I am just pointing this out because, as we go into the Legislative Session, we really need to talk about that, because we could stick to the plan and we could implement, but if we get to the implementation and schools are having to lay off teachers, and what we are trying to do is help our kids. I wanted to see if you had seen the same thing as you were out there.

Mr. Vannozzi:

The School District is coming up behind us, but the strategic budgeting program of CCSD has been phased in over the years, starting from the empowerment program; it has its roots there. Perhaps CCSD can check out that specific example for you, but I am not aware of anything related to the implementation of Clark County Schools Achieve that would have that result at this time. Simply put, in the strategic budgeting system, most schools have been running through the strategic and flex budgeting system. We could track that down, or I could work with CCSD to help you track that down, what actually happened there.

Senator Denis:

They are actually sitting down with budgets now and talking about this. Principals are talking with teachers and teachers are concerned because they are hearing that they are going to have to get rid of a kindergarten class, or first grade or second, to make this stuff work. I want this to succeed, I just want to make sure that we as legislators and others realize that, for this to work, we really have to put something in place that gets them the resources that they need in all schools.

Mr. Christenson:

My response related to theoretically how this would work, so I am not aware of a school that loses \$300,000 in funding. I do not know that, but I think the sooner that we can get to where we are dealing with actual numbers in every case, the better off we will be.

Chair Roberson:

Maybe I missed something, but who is talking about schools having to make cuts or losing money through this process? That does not make sense to me.

Senator Denis:

These are the school organizational teams that are now meeting with their parents and teachers and they are looking at their budgets. The principals are looking at their budgets, and they are having discussions with their teachers. All the schools should be doing this right now. That is where I am hearing it, because I have heard it from at least two schools that have similar problems.

Chair Roberson:

I would like to see backup on that, because the schools who have the greatest need will receive more funding under this plan, not less, because money will follow the child, and those schools will now be able to keep the savings when they do have teacher vacancies. They will keep that money. We are requiring that 80 percent, for the first time, which is more than current, 80 percent of all unrestricted dollars go to the schools. I would really be curious to see the evidence you are talking about, where Title I schools or schools in urban Clark County are going to actually lose money through this process. I do not think that is true.

Senator Denis:

You would think that that would not be true, except the information in the budgets they are working with now—when you use that average teacher salary, that is where the problems are coming in—that they are being told this is how much money you are going to get, and they have to figure out the teachers that they need for that. You can talk about money following the child, but if we are not really doing weighted funding, then everyone gets

exactly the same amount of money, and if you are only using the average teacher salaries, there are going to be some winners and some losers, because some teachers cost more and others cost less. Depending on the make-up of the school, they could end up with less money.

Chair Roberson:

We should monitor that, and as we go through this process, identify if that is truly happening and, as we go into the Legislative Session, try to address that issue to the extent it does happen. I am happy to work with you on that.

Senator Denis:

And that is why I am bringing this up, because we are going to have to work this out in the Legislative process if we want this process to succeed.

Vice Chair Diaz:

I want to bring back what the focus of the scope of work should be, which are students. What I felt enamored about this process and this opportunity to reorganize the School District was the positive impact that it would ultimately have on our schoolchildren, and that we were pushing ourselves to do more for our kids every day. However, just up to the last few meetings, my certainty about where we were headed and how we were pushing things did not quite meet my expectations. When Michael Strembitsky came and talked to us about what empowerment looks like, what autonomous schools mean, he did not throw in there that we needed an extra layer of people to help us implement. He told us, ask your teachers, what are you lacking, what do you not have, what do you need. Basically, the solution is to put it at their fingertips, those tools and those resources that they need to teach our children. I understand that we are all here because we want our school system to be off to the right path, to improve, because we are missing cohorts of people, children we have missed for many years, but I am also concerned about wanting to move too fast, too soon. You just said it in your remarks, teachers are complaining about too much on their plates every year. Every year we have a new mandate, every year we have something new. If we really do not look at ourselves as a District in the mirror and analyze the true points that need to be resolved, this is just a reshuffling, and it is not going to have the impact that it needs to have on kids. First and foremost, I want to point out—I could have told you, I have been in the trenches—I could have told you years ago—and I think we have been saying it at the Legislature, that technology is a big issue, and the lack of resources that the School District has been getting over years is a true issue, but somehow, somehow, if it comes from a teacher, it does not matter, but if it comes from a business community member, it must be real. I feel a little taken aback that now we realize that we have a lack of funding, we have inadequacies, we are short money, we are talking about how we are budgeting per unit and how the implications might have further implications that are already hurting inner-city schools. What I want to leave you gentlemen with today is, it should be about quality implementation, not a timestamp, that we are the Advisory Committee, and to me advisory means helping and not mandating. I do not know where the turn went, but I

think this should be a collaboration, and I think that as many people as we can bring together to have the conversations and not have conversations in a cone, it would be welcome and it would be refreshing. I can tell you that there are some individuals that you are saying that you are entrusting with some work—I can tell you that we have former teachers that have experience in working with parents, and we could probably have started by looking at those individuals as well to help in this work, because they have been passionate and they have been vocal and they try to get involved and they try to point to where we need to improve as a District, and I just feel like, who is being considered for these contracts. Who really—because yes, one thing is running a business, but education is not a business, and I can tell you that I am a fiscal conservative—I always was in my classroom. Guess who bought her tissue paper and extra supplies and did not want to bother the office manager to ask or request for more funds because she knew the school was already strapped? I am saying that the process should be more organic. It should come from the teachers, because we said that we do not want this top-down anymore, we want this bottom-up. We have to respect the key stakeholders that are involved in making these decisions. The School Board of Trustees have their responsibilities that they have to live up to, and so does the Superintendent. We have to look at quality leadership, because if you try to roll this model out, and you do not have true quality leadership at the helm in each school, then the reorganization is for not. Have we really looked at, do we have capable people who will be the leaders, and do we have the diversity that reflects the School District? Yes, we have been transparent here while in Committee, but I feel like the communication and information has not been equally shared with all the members, and it would be appreciated if that would happen from here on out, because I believe Senator Harris and Senator Hardy and everyone who sits up here cares equally about the direction that we are going in, but we do have to be mindful of, do we want to push fast and hard, or do we want to get it right? For me, I would want to get it right before creating unintended scenarios where our kids that are already behind academically are going to be put further at risk because we did not foresee something coming.

Chair Roberson:

I think we need to do both; we need to push fast and hard and we need to do it right. I recall Michael Strembitsky sitting there at that table before all of us when we debated whether we should try to have this reorganization implemented by the 2017-2018 School Year versus the 2018-2019 School Year. He has done this kind of thing all over the world, and he was very clear. If you give a school district 2 years, they will wait until the second year to do the work that is necessary, so whether we did this in 1 year or 2, we would still be scrambling, because this is a dramatic overhaul of the fifth largest school district in the country. For me, the answer is that we have to do both. At one point you mentioned leadership and having the right leadership. Maybe everyone on this Committee has not had the opportunity to watch the CIC meetings and hear what is happening in those, but someone like John Guedry, who has been working with C-level executives all over the valley to mentor and work with the principals throughout this valley, is really key to this. There has been a lot of work going on with a lot of people, not just the three individuals at this table, to address those really valid concerns you just raised. If any of you at the table want to talk about that, this might be an appropriate time to do that.

Senator Hardy:

I have the same kinds of concerns, and agree with the Chair that the sooner we do, the sooner we get the students able to take advantage of this process, recognizing that there is some anxiety on the part of teachers or in the schools. We have in Moapa Valley, as I understand, maybe two teachers who are not going to be there. There are two paths, it seems: the School District and then the A.B. 394 people who are trying to figure all of this stuff out. How does one raise the red flag and say this is what is happening to us. Is it real, is it not real, and how do we keep two teachers, how do we keep 10 teachers, how do we do that? Mr. Vannozzi, is that you who would know? How do we marry the two of those entities?

Mr. Vannozzi:

The new organization of CCSD that was brought on by this reorganization fundamentally changed the way that decisions are made and things happen in the School District. It is not all the way implemented yet, but one of the things that is implemented, and one of the things that will work well, is something called the school associate superintendents. This is directly out of Michael Strembitsky's plan. Today, schools have one supervisor, whereas before, they had 15, or any other number of people who could tell them they can and cannot do things. It is a principle of the organization of CCSD now, written on the A.B. 394 website, that schools have one supervisor, and that supervisor lets them do what they need to do, and if they raise a red flag, that supervisor will try to help them as best they can to address those issues. I cannot remember offhand who the school associate superintendent is for Moapa Valley, but that is part and parcel of this reorganization that happened over the last couple of months.

Senator Hardy:

If Senator Denis' schools lose 10 and Moapa Valley's schools lose 2, do you hear from people who just gained 12 teachers and how happy they are?

Mr. Vannozzi:

Again, I would like to take those concerns and work with the School District to understand where they are, and if those decisions were made, how they got made. The District does have a structure in place through the school associate superintendents to communicate and be a liaison to the Central Services Department in schools. That is a direct result of the regulation.

Senator Hardy:

I appreciate your commitment to help facilitate that process.

Senator Harris:

My question is a follow-up on our previous meeting where we talked about the contract you had, specifically with regard to how you are going to hire your consultants. Assemblywoman Neal asked part of my question. I appreciate the work that you are all doing, particularly the volunteers that you have enlisted and the people who are donating their valuable time to this effort. As I hear the Vice Chair ask her questions about getting it right and the long term survivability of all this and how we are going to implement it, in that contract if I recall correctly, we allowed for consultants to be paid up to \$350 an hour. Are all of your consultants going to be paid at that rate? Are you enlisting people at variable rates of service, and could you elaborate on that for me?

Mr. Skancke:

No, not every consultant is paid at that level. We discounted our hourly rate substantially. I discounted my own hourly rate substantially. The sub-consultants that we are retaining, I believe the highest rate we can pay a sub-consultant is \$200 per hour. If my recollection serves me correctly, I believe Mr. Newsome is at \$125 per hour, and Ericka Aviles will be paid at \$125 per hour as well. That is the contracted amount. We do not bill for travel or expenses; we are not allowed to bill for that, so therefore we are not billing for that. It is purely our time, no materials. We have a by-hour contract.

Senator Harris:

Thank you for taking such great care and such a great stewardship over the funds that have been allowed for you to do your work.

Assemblywoman Neal:

I think it was Senator Ford who was asking about the SAP system, or the SAP human capital management system. In the Gibson report, on page 63, it cost \$10,000,000 at the time in 2011, and you are saying there is a significant increase to around what number?

Mr. Skancke:

My understanding, and I believe the Superintendent could address this a lot more efficiently and succinctly than I can, but the rate depends upon how many years and terms there are to the service agreement. If you sign an 8, 10, 12 or 15-year service agreement, these companies tend to base their rates on the terms and the length of those agreements. I would defer to the Superintendent; they are actually the ones that have done that assessment. Internally, we will start working with them, and have been trying to get to this, but we have been focused on February 15 to get some private sector involvement. I have made a plea publicly a few times that maybe the private sector could step up and assist us with this investment. The private sector here makes lots of investments in lots of different institutions, and I will say here to all of you that CCSD could use some private sector assistance when it comes to these types of efforts. The business community writes lots of

checks to the University of Nevada, Las Vegas and other institutions, and it would be very helpful if they could assist us in this effort as well. The private sector has been helping doing assessments in this matter.

Assemblywoman Neal:

On page 65, around the risk management, it said that there was not a deep dive, but the last sentence on that page says that risk management issues may exist around legal matters and other issues. What are the legal matters and other issues, because it is vague and I do not understand what that is referring to?

Mr. Vannozzi:

This was a challenge that was identified in one of the focus groups we have had with CCSD administrators. It really speaks to the idea that is not an issue yet, I should say, because to date the reorganization has happened in-house; the allocation of money has all been in-house, so it is District employees under different budgets. There was a concern that was articulated by CCSD personnel that there could be members of an SOT, for example, who become members of an SOT so they could get access to funds that the SOT would assist in the budget doing. That was a concern that someone relayed, but at this point I do not believe it is an issue because we are talking about the allocation of resources internally at CCSD.

Assemblywoman Neal:

On page 67, there was a discussion around the adopted culture of workarounds, and the statement made was that District personnel have or recognize that this adaptive culture is not well-suited to large scale systemic change, and indeed the entire system of flex budgets is based on the workaround that the existing staff Enterprise Resource Planning system, and that there were some fundamental issues. Has that been addressed or worked out? What is happening?

Mr. Vannozzi:

What that refers to is the strategic budgeting system, which was formerly called the flex budgeting system, is actually a system that was coded in-house by the District personnel. It is actually a system that oversees approximately \$1,400,000,000 of revenue right now. District personnel acknowledge that this system is necessary for what they want to do, but it does not integrate other functions of the District specifically, such as things related to education support services and operational services, which are the hearts of the District that are considered administrative. Even though many of those education supports, special education supports, licensed professionals and others work in the schools, work as part of Individualized Education Programs, that system right now does not interact well with an administrative system. That is part and parcel of the effort to launch a unified Enterprise Resource Planning system. That will take a bit of time to do, and I think that with Member Ortiz of the CIC and the State Board working cooperatively with the District and others who

have thought through and been entrepreneurial about these issues and the consultant team, the aim would be to come to a system which would be comprehensive in allocation of resources.

Assemblywoman Neal:

In that conversation, one of the comments that was made was that this current parallel system compromises the health of the data environment, and the alternate system has not been implemented, and continuing to reconcile it, however they are doing it, is not a practice that is not advised or sustainable, right? If the health of the data is being impacted, in what ways and how significant is that impact, because that is not clearly identified here?

Mr. Vannozzi:

Anyone who has worked with the District over the years, and the State Department and others, as well as nonprofit groups that work with the District, they know that sometimes to answer a question, one that we may feel is a simpler question, is sometimes difficult for District personnel, which is a direct result of the systems they have to work with. The health of the data environment is how I, in that paper, chose to refer to that.

Assemblywoman Neal:

Okay.

Chair Roberson:

I will now ask Clark County School Superintendent Pat Skorkowsky and Clark County School Board President Deanna Wright to come forward.

Please raise your right hands so that I can swear you in. Do you swear or affirm that you will testify truthfully regarding the matter now before this Committee, knowing that any person who willfully misrepresents any fact in this regard is guilty of a gross misdemeanor.

May the record reflect that they both said that they do.

Pat Skorkowsky (Superintendent, Clark County School District):

We have done so much work in the past 4 months, actually less than 4 months, just a couple days shy of that September 9, 4-month date. Kellie Ballard will walk us through the CCSD website so that everyone is aware of where we are putting all of our materials. If you would indulge us for a few minutes, it is a great thing for all of you to see and make sure that the community sees as well.

Kellie Ballard (Director, Office of the Deputy Superintendent, Clark County School District):

I am happy to share with you the webpage that we have established to serve as our main mechanism to communicate information regarding the implementation of the reorganization of CCSD. The webpage can be found at ab394.ccsd.net, and has also been included on the main banner of the CCSD webpage for several months. You can see on this first landing page here that we hold a space holder for our highest priority messages. We also see the space as kind of a place where we can spike the football to celebrate some major accomplishments for some of the milestones we have reached, and this example here is a good example of that, where we have posted a link to the web-based version of our school program, planning and budgeting guide that the SOTs are using right now to plan their work toward development of the school plans of operation. The first page here is an “About” page to share some general information about the history of the reorganization, including the 2015 Assembly bill that we have all been speaking of, the establishment of this Committee and the Technical Advisory Committee, adoption of the regulation and the beginnings of the work of the District in the implementation. There are some resources also included on this page that include the reorganized list of schools in the current performance zones, as well as the names of the school associate superintendent overseeing each of those performance zones. Next is included slides from the first introductory presentation that was shared with staff and the public to introduce the reorganization to all stakeholders, and also a document outlining the changes we anticipated and a time line that we expected to achieve as we worked through the organization. Next is a listing of the principals’ organization that we have been discussing amongst ourselves to guide us in our work throughout the organization and as we continue to work in the future. We have a copy of a family guide that we developed to help introduce some of the information to families, and we had some help with our Family and Community Engagement Services Department on that. We also include links to status updates that we have provided beginning this year to the Board of Trustees, and we share those with everyone as well on the [A.B. 394](http://A.B.394) website. There is the reorganized CCSD organizational chart. At the bottom, there is an archive section that right now holds the preliminary timeline for the selection of the school associate superintendents. Next up is a page that is provided entirely in Spanish. It includes all of the information from the “About” page and then you can see also has some of our resource documents that have also been translated into Spanish. We have also included translation tools that can electronically translate the entire website to a number of languages here. I could not attest to the accuracy of that translation, but that tool is available for our stakeholders. Next up is a page that we have included to serve as a home for all of the documents that are related to the organization that have been released by the Board of Trustees and this Advisory Committee. The page also includes direct links to the website of the Nevada Legislature for direct access to the resources of the Advisory Committee, the Technical Advisory Committee and the Community Implementation Council.

The training page is home for all of the training materials that we have been developing for stakeholders. We have been providing principals with regular updates that have helped frame for them, every 2 to 3 weeks, the information that they should be sharing with their stakeholders, what activities they should be participating in at that time, and what they can

expect in the near future. We have shared eight of those at this time. As we have been developing training sessions for staff and school communities, we have posted all of the materials in the folders that are accessible on this training webpage. All of these materials, including scripts, source videos, instructional materials, are all available to the public and are made available as soon as they are released to the principals. The page includes the introductory presentation that we first shared with stakeholders that was also included on the "About" page, and includes a preliminary training calendar. Our focus through the beginning of January was to prepare principals and SOTs to begin their work toward developing school plans of operation, and that is reflected in the training materials that are available at this time. The "introduction and overview" was the preliminary 23-minute video produced to introduce the requirements of the law and the expectations of the first several months of implementation. "How to form school organizational teams" includes the requirements for the make-up of SOTs as well as information on how members are elected. We work closely with the Clark County Education Association, the Education Support Professionals Association and the Nevada Parent Teacher Association to include their election processes in the training materials. The "Strategic budget training": the purpose of this training is to provide principals, teachers, staff and parents with a baseline understanding of the budget planning process based upon the data and the needs of the school. The training consists of video content in conjunction with a set of four activities that are designed to be facilitated by the presenter for the trainee. The "Climate and culture training" purpose is to ensure that all stakeholders have the same base information regarding school climate and culture, and to ask stakeholders to reflect on how they can contribute to and benefit from a positive school climate and culture. "Consensus building and shared decision making": the purpose of this training was to ensure that all stakeholders have the same base information regarding consensus building and shared decision making. Furthermore, the training was intended to offer stakeholders an opportunity to reflect on the value of team member perspectives on the importance of establishing common goals and on their current and future consensus building practices. "How school organizational teams function": the purpose of this training is to ensure all stakeholders have the same base information regarding the function of the SOTs. This training was intended to help teams function efficiently and effectively. Finally, "Using data to inform school planning," which was just presented to assistant chiefs and school associate superintendents to be shared with principals. The purpose of this training was to ensure that all stakeholders have the same base information regarding school data and how that data informs school planning. Furthermore, the training is intended to offer stakeholders an opportunity to engage in critical conversations about the data and data sources at the school, in order to make recommendations to the principal regarding a plan of operation, which includes both the strategic budget and school performance plan.

You can see from our preliminary training calendar how quickly we moved through these critical pieces over the last 4 months. The "Families" page we added to our website as a result of some feedback from some stakeholder groups to increase the ease of finding resources that are most important to parents. This currently includes our families' guide as well as all of the training materials available on the "Training" page. The feedback we received was that the materials were not being found easily by parents and families in the training page itself, so we repeated their access here. Finally, we maintain a list of

frequently asked questions with responses for all of our stakeholders as well, and maintain those as we continue to get questions. I hope that this website provides a valuable resource for you.

Chair Roberson:

Board President Wright, I am pleased that you were elected to be president of the Board. I think the Board made a wise decision. I want to ask for your perspective on the current state of the implementation of A.B. 394. I would like to know how it has been to work with the CIC and the consultant, and if you are happy with how that relationship is going and whether you find it productive. I would like to know what challenges you see going forward that this Committee can help with, or if the Legislature can help with going forward.

Mr. Skorkowsky:

One of the pieces of information that is most essential for us to look at is first the examples of the A.B. 394 implementation activities (Exhibit F). This is not an exhaustive list by any stretch; this is an overview of all the work that has been done since September 9 when we began this task. It is organized by each month, so some of the earlier months I will not go into details for because we all know that some of the things are going to culminate, and specifically I want to spend a lot of time on the month of January and some on December to talk through some of those pieces, and then I will talk to you about how, woven within this, are the work we have done with the CIC as well as the consultant. Then I will talk to you specifically about some challenges from there as we go forward.

Chair Roberson:

Can you give us a general sense of how it is going? How is the work with the consultant and the CIC? How is implementation going from your perspective?

Mr. Skorkowsky:

It is moving at the speed of light. We have been working extremely hard as a District team to make sure that we are implementing the reorganization with the fidelity that it deserves and the effort to make sure that we not only do it by the time frame that we were given, but to do it right and make sure that we are addressing any challenges that we have along the way. We have been fortunate to work with the CIC on many of the occasions, and as you heard specifically with Member Ortiz, and being able to bring her in and sit down and talk with our Technology team and our Business and Finance team to look at some of the challenges. We will go into the amounts a bit later, if you would like to, on the system itself, but what we have seen is a chair who cares deeply about education, who has been involved with me since I became Superintendent, and that is Chair Christenson. Members that are, some of them new to the work within the District, but have been supporters of public education. Then we bring in the TSC² piece. They are helping us frame the work so that we can deal with this in chunks and be able to address each step along the way. We guide them sometimes, and they guide us and they push us to make sure that we are giving the

right messages out, that we are getting the right implementation pieces together, and so it has been a collaboration. Not without challenges, at times, but it has been a good collaboration.

Chair Roberson:

What are those challenges?

Mr. Skorkowsky:

Any time you are trying to bring in outside groups, and understand that we sometimes have to educate them on certain aspects of the District before we can get the benefit of their expertise, so it has been a learning curve for both of us in this process.

Chair Roberson:

Has it been a valuable experience? Do you see value in this relationship?

Mr. Skorkowsky:

I do see value in the relationship, and I see that the understanding of the systems and structures of CCSD, and I have said this publicly before, we do not know what we do not know sometimes. They have helped us understand some of the barriers that we are facing and some of the pieces that we might be able to put in place to break down those barriers as we go forward.

Chair Roberson:

Before I forget, I would like to address two issues, because one of the issues has been brought up repeatedly today and that is technology. We have had a lot of conversations about what you need from the Legislature. Can you tell us, do you know what you need now? If you do not, when will you know?

Mr. Skorkowsky:

We do know. We actually conducted, in 2015, a request for proposal (RFP) for a system. At the time, we were looking at piecemealing the funding pieces together for that. We had run into some difficulties with our budget after the 2015 Session and reallocation. At the time, and we think this is still good, that for us to implement for the first year of the implementation would be, for hardware and software, \$13,000,000 to \$17,000,000 depending on fluctuations in the prices. The price goes up the longer we extend the contract with the corporation, so we can go up to anywhere for a 10-year agreement up to \$45,000,000 for that piece. What we are working on now is making sure that the requirements that we have in the system are the right requirements. That is where Member Ortiz has been extremely valuable in asking questions to help us further define what new proposal we might need to put forward if given money in the Session.

Chair Roberson:

I appreciate that. The reason I ask is because there is a sense of urgency, not solely because we are in the middle of an implementation and certainly that technology will aid in that implementation, but we are also about to start a Legislative Session, and the Session is only 120 days long. I will ask again, when will this Committee know what the request is for the dollar amount and the specific technology that the School District needs so that we can help you fulfill that need?

Mr. Skorkowsky:

Right now, I can tell you that \$13,000,000 is the minimum of that end, depending on the life of the contract. Because our RFP is 2 years old, we would accelerate the RFP process, but we are required by law to go through another RFP. We have brought together all of our stakeholder groups. In the past, we would do a quick review of the information and then roll out an RFP as soon as possible; we would compress the timeline so that we could—if we could compress it as well as we hope, then we could have that RFP done and ready to go hopefully by June, is our target date.

Chair Roberson:

That concerns me, because Senate Majority Leader Ford just walked in, and I know he wants to get you money for this technology. Can we expedite this? If we could push a button next week to get you the funding that you need, I am sure that a lot of us would like to do that.

Mr. Skorkowsky:

We can expedite it, and we will expedite it as quickly as we can. I will get you a timeline prior to Monday and the start of the Session.

Chair Roberson:

Will you get it to the entire Committee?

Mr. Skorkowsky:

I will make sure that you get it. We will send it to the secretary so that it goes out.

Chair Roberson:

That would be very helpful. The second issue I wanted to bring up is, and you and I have talked about this for a long time, and I want to make sure we can address it, and that is the issue of the 80-20. Eighty percent of unrestricted funds, under the A.B. 394 implementation, have to be spent at the school site. What do you need so that you can meet that?

Mr. Skorkowsky:

Some flexibility in the way that the regulation is written. It will take me just a bit to explain what challenges we ran up against. We were working extremely hard to get to that 80 percent this year. We were focusing in on the transition of the system, from looking at it as was talked about earlier as full-time equivalent or a person as opposed to the dollars for the person. We had to sit down with our Budget and Finance Department, Dr. Eva White, and our team—

Chair Roberson:

Dr. Eva White is great, by the way.

Mr. Skorkowsky:

She is phenomenal. We had to sit down with each department and division head to break down their line item budget to determine what was school-based and what was central-focused. We had to go line-by-line through that piece. When we did that, we were able to identify over 70 percent of that budget that is nonrestrictive to go out to schools. We were working towards three other areas that are school-based programs or functions, but we could not get them into the budget by the January 15 deadline. That is what we ran up against. For those positions, look at first the custodians of the schools, because they were protected in article 14 of the regulation under Central services. The second was special education teachers and their instructional assistants in schools. Those again were protected in that Central Services part. The last was computer technicians, which was protected in Central Services. All three of these categories of individuals drive to the school every day, work directly with the school and focus in on working to support the school. The challenge we ran against is to take them out of article 14, Section 14-7, we ran up against how to remove them from the Central Services piece to go to a school-based piece. There is a specific procedure outlined in there, and we were working to get that done before the January 15 deadline. We had gone to the building principals and discussed this with the building principals. We had gone to the school associates and discussed that. But as we reviewed the regulation and were preparing our Board items to go to the Board, which is also required, the third leg was the leg that was the barrier that kept us from getting there, and that was to go to all of the SOTs and get their approval. I do not understand if that is a simple majority, we have not been able to get into that, how I have to work through the SOTs to get there, but the SOTs did not start their work until after January 15. I was required by the regulation to do it all before January 15, so we had conflicting pieces in the regulation that prevented us from getting to that piece.

Chair Roberson:

I believe, based on previous conversations, that if you can move these three services to the schools, you are at 83 percent, are you not?

Mr. Skorkowsky:

Right around in that area, yes.

Chair Roberson:

Why not just make a change to the regulation to provide more flexibility there, at least in this particular case, so that, even though you missed the January 15 deadline, that does not mean that we cannot change a few words here—recommend to the State Board. Dr. Canavero has already said that he will consider revisions based on recommendations from this Committee. That seems to me, and I am only speaking for myself, like a pretty easy fix. Would that be acceptable to you?

Mr. Skorkowsky:

It would, but there is one caveat. We have not been able to run through a request for purchase process yet to allow schools the full flexibility of those dollars, so it would be a situation, until we can do that for the 2018-2019 School Year, where we are giving them the money in their budget and allowing flexibility in how they utilize those specific positions. Because of contractual obligations, I cannot necessarily say that they have flexibility in whether or not they keep that custodian or not, or that computer technician. At this point in time, we have not been able to get to that process in the 4 months that we have had. We will anticipate doing that in preparation for the 2018-2019 School Year. I do not want to misrepresent that schools are going to have full flexibility over those funds, because we are requiring them to maintain for the first year until we have alternatives that have been secured through the purchasing process.

Chair Roberson:

Sure. That is why we are having this meeting. This dialogue is so important, because for so long people have not been communicating with each other. We are all reasonable people here; we can come to a resolution on this issue pretty easily. In that light, you heard Dr. Canavero, about the weighted funding formula and who is responsible for that. Did that give you some clarification on how that would work?

Mr. Skorkowsky:

It did, and that is one of our challenges. I definitely want to hear from Senator Denis which schools specifically, because I was texting my team as he was talking, trying to figure out where that is at. Some of the pieces with the weighted funding formula and the challenges that we face with that—I want to give a brief example of the special education concern that we have with that weight. Our special education students are not funded on a per-pupil average; they are funded on an individual education plan determination of that school team. We have, at Red Rock Elementary School, for example, has over 100 students in their special education programs, and the additional cost on top of the per-pupil ranges

anywhere from \$3,000 for a speech-only student to over \$50,000 for a student who is in our autistic program with a one-on-one nurse.

Chair Roberson:

Dr. Canavero addressed that issue earlier.

Mr. Skorkowsky:

Yes, he did. I want to make sure that everyone understands that even just adding that \$2,968—I have the specifics—additional dollars would not allow us to fully and adequately take care of special education, because right now we spend over \$361,000,000 from the general fund to put into special education to cover those costs at this point in time. There are challenges there with that piece.

Chair Roberson:

I am focused on how the regulation reads and who is responsible for the weights. Dr. Canavero said today that you do have the ability, for categories other than special education, to propose a 1.0 if you do not feel comfortable with a higher weight. The special education weight is already policy, regardless of whether we ever had A.B. 394, we still have a State weight for special education. I do not want to get off the issue here; the issue is who is supposed to do what in proposing a weighted funding formula. I hope that everyone is on the same page, based on what Dr. Canavero said. If we are not, then I want to make sure that that is clear.

Mr. Skorkowsky:

It is clear. One of the pieces that we were trying to do to actually fulfill the intent of the legislation was we ran a simulation on what—if we were to use the weights from the interim task force that Senator Denis ran, before the 2015 Session. We applied that, using the same dollars that we had been allocated in our general funds. What we found was that we could not comply with the do no harm clause that is in there for our schools from year-to-year budgeting, and we ran into some huge winners and huge losers in those situations, which is going to be very important as we go forward. That is why we keep pushing for the additional funds in the weighted funding formula, because schools like Coronado High School would have lost almost \$1,400,000 in the simulation, while schools like Eldorado would gain almost \$1,000,000. We know that we do not want to hurt the instructional programs at Coronado High School that have made it so successful while giving those additional funds. That helps clarify the 1.0 weight. It is clear; we understand that.

Chair Roberson:

The Governor has proposed another \$30,000,000 for special education. My hope, and my request, is that you will work with the State Superintendent to work out some of those issues. If changes to the language of the regulations need to be made, I think this

Committee is ready and willing to listen to potential recommendations to the State Board. I think we are all willing. I have not heard anything today that is insurmountable, that we cannot work out. Do you agree?

Mr. Skorkowsky:

I am more than happy to work with you on that piece. I know that our Board is working to come to a resolution, but there are some things that are still challenges that we want to address. That is what we are doing here today.

Chair Roberson:

President Wright, I will open it up to you. Same questions, generally. What is your sense of how A.B.394 is going? How has your interaction been with the CIC, the consultant and the consultant group? What can we do to help this implementation going forward?

Deanna Wright (President, Clark County School District Board of Trustees):

This discussion is very important. I will stay with the Superintendent's theme and say that warp speed is what I feel like our staff has been working at. It does concern us, the amount of hours that our staff has had to be putting in. Along with all of the duties of this additional work, there are still the duties of running the School District, which was already a full-time job for most of these people, and schools and that kind of thing. That has been very concerning for us. What I have seen from the CIC, as they have talked in open meetings and even just engaged a little bit with me on the side, has been positive. They have really validated some big things that we as trustees have been saying over the years. This was brought up earlier, that sometimes, for whatever reason, when the School District, teachers or trustees have said things, they maybe have not had as much weight. They have really been validating some of our big concerns, and we really do appreciate that. It is nice that they actually have gotten in with our employees and staff and not just done a cursory look of items, but actually gotten into a deeper level of what everyone really deals with on a day-to-day basis and the challenges that come with all of those things.

Chair Roberson:

What can we do going forward to help you implement A.B. 394?

Ms. Wright:

There are still some challenges, and there is some rewording of some of the regulations that would be helpful. In the end, what we are looking for is some flexibility in the regulations that would help us protect kids, that would help us maybe on some different situations with implementation problems, so that there could be some exceptions to things. I can tell you that, personally, the weighted student funding is a big one. The 80-20, which the Superintendent just talked about. We also have some Central Office functions that we are very concerned about moving out to schools. Special education is one of them, but also

some of the funding for magnet stuff, so we need to just be thoughtful and maybe re-wordsmithing some of those regulations so that we protect our students.

Senator Ford:

I probably missed a little bit of that; I was out on a conference call while you were presenting. About Section 14, you said that there have been some problems for you. What percentage are you at, without being able to move things out of Section 14?

Mr. Skorkowsky:

We are over 70 percent right now.

Senator Ford:

What does that mean, 75?

Mr. Skorkowsky:

It ranges between 70.19 to 73, depending upon the documentation. I just received an update, so I do not have that completely memorized yet.

Senator Ford:

So your suggestion is to remove things from what I will call the protected list, which is custodial services under Section M. Is it information technology under Section P?

Mr. Skorkowsky:

Sections of information technology under Section P, which is the computer technicians.

Senator Ford:

And then there was special education. What section was that?

Mr. Skorkowsky:

It is under Section H, which is service to ensure compliance with all else relating to civil rights. That includes special education. I believe that is where the Individuals with Disabilities Education Act was put in.

Senator Ford:

I will have to refresh my recollection on the rationale for us putting these in the protected list anyway. It probably has to do with the Education Support Employees Association being the bargaining unit for some of these, custodial services for example?

Mr. Skorkowsky:

I do not remember specifically. I know there was lots of public input, and I think that is where that change came from.

Senator Ford:

I am going to want to go back and look at the rationale for us including those before I can—well, there is nothing I can do. If the State Board decides to pass regulation changes that is on them, but for a recommendation from me, I am not certain I am ready to acquiesce to that. On the one hand, 83 percent sounds great, but the alternative could be a recognition of the limitations, and you are somewhere between 70 to 73 percent. We could leave it as be. That is worth further discussion.

I want to go back to the weighted student funding issue, because I am not sure I am clear on where you are standing on that. As I understand it, you were saying that some money could be lost from Coronado and sent to Eldorado, as an example.

Mr. Skorkowsky:

We did a simulation, looking at the weights from the interim committee, and with that simulation of weighting special education at 2.0, ELL at 1.5, poverty at 1.5, that simulation resulted in those disparities and changes. We knew then that we could not implement any weights and so we had to move forward with a 1.0 weight in our strategic budget workbooks. That is where we are at, because we would not have been able to do that without the hold harmless clause that is in there, and comply with that hold harmless clause.

Senator Ford:

How effective is this without weighted student funding, then? If Eldorado is still going to get the same amount of money, with the exception of the special education students, because their needy students are still getting a 1.0, how is this being effective?

Mr. Skorkowsky:

I cannot talk to that piece specifically, because I do not have the foresight of the future and knowing how schools will perform. I do know that some of these schools are receiving categorical funds at this point in time through the zoom program, the victory program, and even Title I federal funds, etc., so there is still the support there. It is not through the weighted funding formula that this is being proposed or has been proposed.

Senator Ford:

I have heard categorical funding lumped into weighted funding formula discussions quite a bit.

Mr. Skorkowsky:

Right now, it is not; it is separate. It is money that we cannot include in the 80 percent that goes to schools.

Senator Ford:

Have you calculated a number that you need in order to therefore be able to apply the formula that Senator Denis and his committee came up with 2 years ago, in order to adequately implement that formula in CCSD. What is that number?

Mr. Skorkowsky:

It is over \$600,000,000 to fully implement in CCSD, based upon that formula and our current pupil numbers.

Senator Ford:

So in Clark County alone, not the rest of the State, in order to fully implement, you need \$600,000,000. One of the comments that has been made, several times over the course of these meetings, is that in order to have a fully effective reorganization, we need full and equitable weighted student funding formula monies appropriated. Do you still agree with that statement?

Mr. Skorkowsky:

If we are going to put the dollars down to the school level so that true decisions can be made on the programs that meet their students' need, then yes, we do need to move forward with that.

Senator Ford:

That is just CCSD, \$600,000,000. Does Mr. Canavero have any indication from the rest of the State? How much do we need in order to implement for the entire State?

Dr. Canavero:

When I presented to the Legislative Committee on Education, I modeled the task force weights, and the model was at \$1,200,000,000.

Chair Roberson:

I believe it was Senate Bill 508 from last Session, provides that we get to those levels by 2020. I do not think there is any expectation, and there has not been any expectation, that we are going to get to those levels recommended by that interim committee this Session. Governor Sandoval certainly has proposed over \$100,000,000 in new money, in addition to

all of the categorical programs that were already in place. At some point, and I do not want to belabor this conversation today, because that is not what this meeting is about, I know John Vellardita and others have talked about how we need to move, for instance, with ELL from zoom schools to zoom services. Right now, with or without A.B. 394, we have a system of haves and have-nots. If you are an ELL kid who happens to be in a zoom school, you get a lot of extra support. If you happen to not be in a zoom school, you are not getting that extra support. That is one of the tasks that, as a Legislature, we have to look at this Session. A lot of these things are issues with or without the task of reorganizing the School District.

Senator Denis:

I just wanted to clarify—even what came out of the committee last time—the bill that came forth from that committee had those weights being put in over 4 years. Even in the first year, I believe it is 1.1, then 1.2 and so on, so even at that point it was not doing it because of the hold harmless stuff.

Chair Roberson:

Let us make no mistake: education, whether it is Clark County or any school district in the State, is always going to say they need more money, and I am not disagreeing that they need more money. I do not think that need for money is different whether we have the A.B. 394 reorganization or not. We are talking about needs that you feel, and that we all feel, that the School District has. We obviously want to fund education as much as we can, and we have made great strides over the last couple of years to do that, and with the Governor's budget we are making even greater strides. But we are not going to solve every problem on funding in this Committee or with this reorganization. To your point, Senator Ford, would more money help the reorganization? Of course it would. But more money would help the education of our children generally. I do not want to get off track here on whether we can do this reorganization based on whether we fully fund these weights that were proposed in the 2013 or 2014 Interim. I do not think that is a valid point; I do not think that is necessarily the case. That is my opinion, and I just want to put it on the record.

Superintendent Skorkowsky and Board President Wright, I would ask that you work with Dr. Canavero and this Committee to try to resolve issues going forward. We know there is a lawsuit out there. The Legislature is not a party to that litigation at this point. I would simply encourage all the parties to work together to resolve this. I think it is a true statement, correct me if I am wrong, that everyone here wants to see this reorganization be successful. Is that correct? Okay. Then let us make it successful. Thank you again for being here today and talking with us. It really helps for us to have this communication.

I will now go to public comment.

Annette Dawson Owens (Break Free CCSD):

I love this new tone. I am grateful that we are pushing fast and hard, get it right as much as possible. Slow and soft and I think we are going to get it as equally wrong. We know things are not going to be perfect; we are learning as we go. We have got some of our leads in Break Free that sit on these SOTs. I would like to echo the same thing that we also have seen that we are losing some of our teachers, and why schools hate this is because principals lose great teachers, and then the projections come in and they have to rehire them back. We are seeing the same thing that Senator Denis brought up. We are so grateful to you Legislators, for the Department of Education, for our School Board. We appreciate you being able to meet with us, and encourage you to continue to employ every viable option to move our schools forward and to do what we can so all of our students can achieve.

John Vellardita (Executive Director, Clark County Education Association):

First, I just want to emphasize, the most significant piece of this transition has already occurred, and it is in the buildings, and it is with these leaders that have emerged, whether they are parents, support staff, educators. Just on our end, we had a lot of teachers that were involved and excited about this. They are going through that process, and they went through joint training around school budget, finance and shared decision making. That was done with the School District and us. Administrators are going through training. The most significant system that has to be built right now is a sustainable training system of leadership. Assemblywoman Diaz alluded to that, and that is the most significant thing. That process, that is the first leg of the stool, and that has already taken place. The second thing is really the transition of Central Administration to a service agency. Senator Ford, to your point asking Superintendent Skorkowsky about the three areas that flipped from 70-whatever to 80 percent, that is really a conversion of administration the way it is now to a service agency. You can move the money, because if you are deploying the staff into the building, the question is do you convert it and how do you service that building. I have not seen enough evidence that that is taking place, but I am not close to it. I think that is the most significant thing. The third thing, just around the weights and the money, I think—and I am going to just plug this—if you are going to consider anything in the 2017 Session, I would look at these categorical monies that are earmarked for Clark County, and look at whether or not those monies, along with additional monies, can be used differently to service every kid in Clark County. That, then, objectively looks at the whole question of funding in a different light. Right now that is earmarked and it cannot be touched. I think it is fair game to look at that money now.

Chair Roberson:

I anticipate that we will continue to meet throughout the session, depending on how things go. There is a CIC meeting on February 15. I do anticipate that we will want to continue to work on this implementation throughout the Session, so we can continue to have these meetings.

I will now adjourn this meeting at 5:43 p.m.

RESPECTFULLY SUBMITTED:

Jordan Haas, Interim Secretary

APPROVED BY:

Michael Roberson, Chair

Date: _____

Exhibit	Witness/Agency	Description
A		Agenda
B		Attendance Roster
C	Chair Michael Roberson, Senatorial District No. 20	Revised Plan to Reorganize the Clark County School District
D	Chair Michael Roberson, Senatorial District No. 20	Revised Recommendations of the Advisory Committee
E	Chair Michael Roberson, Senatorial District No. 20	Adopted Regulation of The State Board of Education LCB File No. R142-16
F	Pat Skorkowsky, Superintendent, Clark County School District	Examples of A.B. 394 Implementation Activities