



Testimony for Task Force on K-12 Public Education Funding

February 28, 2014

My name is Amanda Morgan, attorney for the ACLU of Nevada. Thank you for the opportunity to testify today. The ACLU of Nevada is deeply committed to ensuring that Nevada's constitutional guarantees regarding education are meaningful. As emphasized by the Nevada Supreme Court, **"Nevada's Constitution clearly expresses the vital role that education plays in our state in Article 11,"** and **"[o]ur Constitution's framers strongly believed that each child should have the opportunity to receive a basic education** and their views resulted in a Constitution that places great importance on education. **Its provisions demonstrate that education is a basic constitutional right in Nevada."** *Guinn v. Legislature of State of Nev.*, 119 Nev. 460, 76 P.3d 22 (2003) and overruled in part by *Nevadans for Nevada v. Beers*, 122 Nev. 930, 142 P.3d 339 (2006)(invalidating provision of holding stating that procedural constitutional provisions must yield to substantive constitutional mandates).

As you will explore more today, despite this mandate, the Nevada educational system is failing its students, especially those who are poor, at-risk or English Language Learners. The state has the nation's highest high school drop-out rate and worst graduation rate. Nevada finds itself at the bottom of every good list and the top of every bad list.ⁱ The following measures of educational achievement demonstrate that the education system in Nevada has crumbled:

- Highest high school drop-out rate (6% annually) and the worst graduation rate (62%) in the nation.ⁱⁱ
- Nevada's fourth-graders rank 43rd in math and 44th in reading proficiency on national standardized exams.ⁱⁱⁱ
- Nevada's eighth-graders rank 44th in math and 48th in reading proficiency on national standardized exams.^{iv}
- Nevada ranked 49th in adults between the ages of 18 and 24 with a high school diploma and 50th in adults ages 25 and 34 with a bachelor's degree.^v
- Nevada's growing population of ELLs—estimated 70,000—are graduating at a rate of 29%^{vi} and are suffering from one of the worst achievement gaps in the country.^{vii}

One must ask, how did this come to pass? The culprit is Nevada's antiquated funding scheme and the state's refusal to fund to the cost of providing an adequate education. Notably, Nevada just received an "F," and the lowest rating in the

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U.S. for the fairness of its state funding system, as well as its abysmal funding effort, in the January 2014, "Is School Funding Fair? A National Report Card," publication from the Education Law Center.

We believe the state must take a fundamentally new approach in addressing the educational needs of its students. It must reform. The Nevada Plan no longer meets the needs of the students or the state, and it should be abandoned. The State must address the particular needs of students in poverty, those who are at-risk, and those who are English Language Learners. It must also fully commit to funding levels identified in the very research initiated at the Legislature's behest. *See* American Institutes for Research (2012, September 25). *Study of a new method of funding for public schools in Nevada*, at 20. Formulation based on one study mandated that the legislature increase education funding for ELLs to \$145 million, and this does not include the needed additional funding for at-risk and poor students, and funding overall.^{viii} Without this investment, the children of our state will be lost.

ⁱ See, e.g., Alexandra Berzon, Nevada in a Budget Squeeze, Wall St. J., Feb. 22, 2010, at A3, available at <http://online.wsj.com/article/SB10001424052748703791504575079391267764> ("Democratic lawmakers often blame the low spending for the state's ranking on what they call the bottom of all the good lists and the top of all the bad lists. Nevada has among the highest number of uninsured children and suicide rates and among the lowest reading scores and college degrees per capita."); Dina Titus, Nevada Senator, Address at the 4th Annual Clark County Education Association (May 5, 2007) (transcript available at <http://www.ccea-nv.org/index.php/recent-articles/436-senator-dina-titus-addresses-group.html>) ("If we do not make education a real priority, Nevada will never get off the bottom of every good list and the top of every bad list"); Dan Klaich, Building a New Nevada: How the College of Southern Nevada Is Using Partnerships to Build a Better Community, Nev. Sys. Higher Educ., <http://archive.constantcontact.com/fs030/1100950573924/archive/1102824459206.html> (last visited Mar. 25, 2011) ("It is no secret that Nevada has been at the bottom of every 'good' list and the top of every 'bad' list when it comes to quality of life and education.").

ⁱⁱ Nevada Dep't. of Educ., Provisional Data File: SY2010-11 Four-Year Regulatory Adjusted Cohort Graduation Rates, available at <http://www2.ed.gov/documents/press-releases/state-2010-11-graduation-rate-data.pdf>.

ⁱⁱⁱ Las Vegas Chamber of Commerce, Education Briefing Series: K-12 Student Achievement Testing 2 (2010), available at <http://www.lvchamber.com/sites/default/files/document/chamber-student-testing-narrative.pdf>.

^{iv} *Id.*

^v NCHEMS Information Center for Higher Education Policy and Analysis, State Profile Report, available at [http://www.higheredinfo.org/stateprofile/index.php?state=32&years\[\]=2011&years\[\]=2010](http://www.higheredinfo.org/stateprofile/index.php?state=32&years[]=2011&years[]=2010) (selecting all measures).

^{vi} Nevada Dep't. of Educ., Provisional Data File: SY2010-11 Four-Year Regulatory Adjusted Cohort Graduation Rates, available at <http://www2.ed.gov/documents/press-releases/state-2010-11-graduation-rate-data.pdf>.



^{vii} National Center for Education Statistics, (2011, June). *Achievement gaps: how Hispanic and white students in public schools perform in mathematics and reading on the national assessment of educational progress*.

^{viii} Latino Leadership Council, *Nevada Neglect English Language Learners Children at its Economic Peril*, 2013 Brief ("using the 2012 SB 11 study [AIR study], a conservative estimate of additional ELL funding;" "average weight for Nevada comparables = 1.39").



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