



Nevada State Senate

December 6, 2016

Dear Members of the Board of Trustees,

As Chair of the Advisory Committee to Develop a Plan to Reorganize the Clark County School District, I am writing to convey my disappointment at learning that once again, the Board of Trustees of the Clark County School District (CCSD) is trying to delay and impede the work of the Advisory Committee. I had hoped that once all of the meetings were completed and the regulations were adopted, the Board of Trustees would work collaboratively with the Community Implementation Council and the consultant. Instead, I have received reports that the Superintendent is being stripped of his ability to work on anything related to the reorganization and that various other roadblocks have been put in place to prevent the plan and recommendations of the Advisory Committee from being carried out in accordance with the regulation adopted by the State Board of Education (LCB File No. R142-16).

Although the Board of Trustees may not be happy with the regulation that was adopted by the State Board of Education or the plan and recommendations approved by the Advisory Committee, the Board of Trustees had the opportunity to participate every step of the way and has even been provided a seat on the Community Implementation Council. The regulation was adopted after numerous public hearings and hours of public input. R142-16 was adopted by the State Board of Education during a public meeting, was approved by the Legislative Commission during a public meeting and was filed with the Secretary of State and became effective on September 9, 2016. NRS 233B.040 specifically provides that regulations that are "adopted and filed in accordance with the provisions of [chapter 233B of NRS] . . . have the force of law[.]" The Attorney General has also opined that properly adopted regulations have the force and effect of law, and that chapter 233B of NRS "provides a measure of legislative oversight to assure that a regulation does not thwart legislative policy before the regulation is adopted." AGO 2002-32 (8/27/2002). Therefore, when R142-16 was approved by the Legislative Commission and filed with the Secretary of State, it was given the force and effect of law which the Board of Trustees is required to follow. To the extent the Board is trying to impede others from complying with the regulations and is taking actions to prevent the regulations from being carried out, the Board is violating law.

Once again, I am requesting that the Board of Trustees comply with the regulation that is supported by so many and which was adopted after so many public meetings. Among other things, Section 33 of R142-16 requires the Clark County School District and the Superintendent of the School District to cooperate with the Advisory Committee to carry out the reorganization. Hindering the process is in direct contravention to the law. Rather than try to prevent the reorganization of the school district, it is my hope that the Board of Trustees will become a partner in this process and will work collaboratively with the Community Implementation Council and the consultant so that the transition of CCSD may occur in the most efficient and effective manner possible. In addition, I urge you to allow Superintendent Skorkowsky to do his job and follow the requirements of the regulation by continuing to work with the consultant. Finally, I sincerely hope that you will continue to allow Erin Cranor to represent the Board of Trustees on the Community Implementation Council.

Sincerely,

A handwritten signature in dark ink, appearing to be the initials 'MR' followed by a horizontal line.

Senator Michael Roberson