



**NEVADA LEGISLATURE  
LEGISLATIVE COMMISSION'S COMMITTEE TO STUDY THE GOVERNANCE  
AND OVERSIGHT OF THE SYSTEM OF K-12 PUBLIC EDUCATION  
(Assembly Concurrent Resolution No. 2, File No. 89, *Statutes of Nevada 2009*)**

**SUMMARY MINUTES AND ACTION REPORT**

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The second meeting of the Nevada Legislature's Legislative Commission's Committee to Study the Governance and Oversight of the System of K-12 Public Education (A.C.R. 2) was held on March 11, 2010, at 9 a.m. in Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. The meeting was videoconferenced to Room 2134 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. A copy of this set of "Summary Minutes and Action Report," including the "Meeting Notice and Agenda" ([Exhibit A](#)) and other substantive exhibits, is available on the Nevada Legislature's website at <http://www.leg.state.nv.us/interim/75th2009/committee/>. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (e-mail: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775/684-6835).

**COMMITTEE MEMBERS PRESENT IN LAS VEGAS:**

Assemblywoman Bonnie Parnell, Chair  
Senator Joyce Woodhouse, Vice Chair  
Senator Barbara K. Cegavske  
Senator Steven A. Horsford  
Assemblyman Paul Aizley  
Assemblyman Lynn D. Stewart

**LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:**

Melinda Martini, Senior Research Analyst, Research Division  
H. Pepper Sturm, Chief Deputy Research Director, Research Division  
Kristin C. Roberts, Senior Principal Deputy Legislative Counsel, Legal Division  
Maryann Elorreaga, Senior Research Secretary, Research Division

## **OPENING REMARKS**

Chair Parnell called the meeting to order and welcomed Committee members, guest presenters, and the public. She said the meeting will begin with an overview of concepts that may be used to modify education governance structures in response to new federal initiatives in education. The Committee will then continue its review of Nevada's education governance structure.

## **APPROVAL OF MINUTES OF THE MEETING HELD ON JANUARY 21, 2010, IN LAS VEGAS, NEVADA**

- The Committee **APPROVED THE FOLLOWING ACTION:**

SENATOR WOODHOUSE MOVED TO APPROVE THE MINUTES OF THE JANUARY 21, 2010, MEETING HELD IN LAS VEGAS, NEVADA. THE MOTION WAS SECONDED BY ASSEMBLYMAN STEWART AND PASSED UNANIMOUSLY.

## **OVERVIEW OF APPROACHES TO MODIFY THE STRUCTURE OF STATE GOVERNANCE AND OVERSIGHT OF THE SYSTEM OF K-12 PUBLIC EDUCATION IN RESPONSE TO CERTAIN FEDERAL INITIATIVES**

- Senator Steven A. Horsford, Clark County Senatorial District No. 4, said that Senate Bill 330, introduced during the 2009 Legislative Session, attempted to address many of the issues being considered by the A.C.R. 2 Committee. He focused his remarks on the governance structure of the State Board of Education. He noted that after a review of the process for forming the State Board during the 2009 Session, it was recommended that the State Board be comprised of both elected and appointed members. With that configuration, voters would still have input regarding the composition of the Board and the appointed members could be required to have specific qualifications and experience. Having a mixture of elected and appointed members would facilitate interaction between the Board, the Superintendent of Public Instruction, and the Executive and Legislative Branches of Nevada government. Finally, by having a mixture of elected and appointed Board members, Nevada would be better able to justify the need for additional resources at the State level.
- M. Christopher Brown II, Ph.D., Executive Vice President and Provost, Fisk University, Nashville, Tennessee, said the structure and governance of Nevada's education system is an important issue. He focused on two points: (1) the structure of the Department of Education (DOE) and moving it to a strategic and multifocal department; and (2) delimiting the number of commissions and councils in the State of Nevada. He noted the future of Nevada and its economy are contingent upon its ability to be adaptive and responsive to change. He said Nevada's current organizational structure is unwieldy and provides less than maximal efficiency and responsiveness and suggested that this is a great opportunity for Nevada to develop the civic capacity to

change and, hopefully, the Nevada Legislature will lead the way. In conclusion, Dr. Brown said if we continue to do what we have always done, we will continue to get the same result. It may not be what the State wants and certainly is not what the children of Nevada need.

## **OVERVIEW OF DATA FROM THE SURVEY OF OPINIONS FOR THE LEGISLATIVE COMMISSION'S COMMITTEE TO STUDY THE GOVERNANCE AND OVERSIGHT OF THE SYSTEM OF K-12 PUBLIC EDUCATION**

- Melinda Martini, Senior Research Analyst, Research Division, Legislative Counsel Bureau (LCB), reviewed reports of the results of the Survey of Opinions related to the State Board of Education ([Exhibit B](#)), the Superintendent of Public Instruction ([Exhibit C](#)), and the DOE ([Exhibit D](#)).

## **DISCUSSION AND CONSIDERATION OF THE STATE BOARD OF EDUCATION, DEPARTMENT OF EDUCATION, AND THE POSITION OF SUPERINTENDENT OF PUBLIC INSTRUCTION**

- Cliff Ferry, Ph.D., Vice President, State Board of Education and State Board for Career and Technical Education, thanked the Committee for its work in evaluating the current structure of K-12 governance and oversight.
- Christopher Wallace, President, State Board of Education and State Board For Career and Technical Education, answered the following questions posed by the Committee regarding the State Board of Education:

### **1. What is the primary charge of the entity?**

Pursuant to *Nevada Revised Statutes* (NRS) 385.075, the State Board of Education establishes policies to govern the administration of all functions of the State of Nevada relating to supervision, management, and control of public schools not conferred by law on some other agency. In addition, NRS 385.080 authorizes the State Board to adopt regulations for its own government and, as necessary, for the execution of the powers and duties conferred upon it by law. Furthermore, pursuant to NRS 385.3469 and NRS 385.34691, the State Board prepares a report of accountability and a corresponding plan to improve the achievement of pupils in the State of Nevada.

### **2. What is the annual budget that supports the work of the entity?**

The budget for the State Board is approximately \$60,600 for Fiscal Year 2009-2010. Included in this amount is \$11,000 for member salaries, \$22,000 for national membership dues, and \$27,600 for operating costs.

3. With which groups does the entity communicate?

The State Board communicates with the Superintendent of Public Instruction, the DOE, the Council to Establish Academic Standards for Public Schools, and certain charter schools.

4. What recommendations do you have for improving the efficiency and effectiveness of the entity?

The State Board recommends the elimination of the Council to Establish Academic Standards for Public Schools, the Commission on Educational Technology, the Commission on Educational Excellence, and the Advisory Council on Parental Involvement. The responsibilities of all these commissions and councils should be moved under the authority of the State Board. Elimination of the councils and commissions would reduce staff time and expenses while still serving the needs of the State by providing administrative support and reporting to one entity. The State Board also recommends the elimination of the Legislative Bureau of Educational Accountability and Program Evaluation because accountability information regarding K-12 education generated by it is duplicated in the information that is readily available through the DOE. The membership of the Statewide Council for the Coordination of the Regional Training Programs should be revised to include a required position for either a member of the State Board or a DOE staff member. It was further recommended that the State Board be increased to a 13-member Board and remain an elected Board.

- Keith W. Rheault, Ph.D., Superintendent of Public Instruction, DOE, explained the process for the selection of Nevada's Superintendent of Public Instruction, noting Article 11 of the *Constitution of the State of Nevada* assigns responsibility to the Legislature to provide for a Superintendent of Public Instruction. Additionally, pursuant to NRS 385.150, the State Superintendent is appointed by the State Board for a term of three years. Dr. Rheault also discussed selection processes in other states. Next, Dr. Rheault reviewed a document titled "Nevada Department of Education Structure and Personnel" ([Exhibit E](#)) and explained the organizational chart and the staff positions within the DOE.

**OVERVIEW OF DATA FROM THE SURVEY OF OPINIONS FOR THE COMMISSION ON EDUCATIONAL EXCELLENCE (NRS 385.3784)**

- Melinda Martini, previously identified, reviewed the report of the results of the Survey of Opinions related to the Commission on Educational Excellence ([Exhibit F](#)).

## **DISCUSSION AND CONSIDERATION OF THE COMMISSION ON EDUCATIONAL EXCELLENCE**

- Caroline McIntosh, Chair, Commission on Educational Excellence, conducted a Microsoft PowerPoint presentation ([Exhibit G](#)). She discussed the mission of the Commission, its budget and disbursement of grants, programs supported by the Commission, and recommendations for improvement. Ms. McIntosh also noted that an annual report of the Commission's activities and analysis of the progress of schools and school districts in improving achievement of pupils utilizing Commission grants is provided to:

1. The State Board of Education;
2. The Governor;
3. The Legislative Counsel Bureau;
4. The Legislative Committee on Education;
5. The Interim Finance Committee; and
6. The Board of Trustees of each school district.

She explained that administrative support, equipment, and office space is provided by the DOE. Ms. McIntosh then discussed programs supported by the Commission, its benefits to students, and possible duplicative duties of the Commission and the DOE. In conclusion, Ms. McIntosh noted her recommendations for improvement:

1. Set clearer priorities for the distribution of funds;
  2. Establish clear standards for accounting of funds through the technical assistance from the Legislative Counsel Bureau and from the auditor; and
  3. Provide adequate staffing to enable effective and efficient distribution of funds and accountability.
- Chair Parnell called for public comment on the previous testifiers.
  - Juanita Simpson, Member, Clark County Democratic Black Caucus, said the Caucus supported maintaining the State Board of Education.
  - James Gamblue, Member, Clark County Democratic Black Caucus, said he supported both keeping the State Board of Education and Senator Horsford's suggestion to bring in a public entity to assist the Board. He said families need to be included in the education process.

## **OVERVIEW OF DATA FROM THE SURVEY OF OPINIONS FOR THE COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION (NRS 391.011)**

- Melinda Martini, previously identified, reviewed the report of the results of the Survey of Opinions related to the Commission on Professional Standards in Education ([Exhibit H](#)).

## **DISCUSSION AND CONSIDERATION OF THE COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION**

- Terry M. Owens, Ph.D., President, Commission on Professional Standards in Education, referred to his March 9, 2010, letter to Assemblywoman Bonnie Parnell ([Exhibit I](#)) and presented the Commission's position on maintaining the Commission as the licensing entity for educational personnel, supporting the State Board of Education as a body of elected officials, and the modification of the authority of the Superintendent of Public Instruction.

## **OVERVIEW OF DATA FROM THE SURVEY OF OPINIONS FOR THE LEGISLATIVE COMMITTEE ON EDUCATION (NRS 218.5352) AND THE LEGISLATIVE BUREAU OF EDUCATIONAL ACCOUNTABILITY AND PROGRAM EVALUATION (NRS 218.5356)**

- Melinda Martini, previously identified, reviewed the results from the Survey of Opinions regarding the Legislative Committee on Education (LCE) ([Exhibit J](#)).

## **DISCUSSION AND CONSIDERATION OF THE LEGISLATIVE COMMITTEE ON EDUCATION AND THE LEGISLATIVE BUREAU OF EDUCATIONAL ACCOUNTABILITY AND PROGRAM EVALUATION**

- Senator Joyce Woodhouse, Chair, LCE, answered questions posed to each of the entities under review by the A.C.R. 2 Committee. The questions and answers are listed below:

### **1. What is the primary charge of the entity?**

The LCE was created by the Nevada Education Reform Act of 1997 (NERA). The Committee evaluates, reviews, and comments upon issues related to education in Nevada.

### **2. What is the annual budget that supports the work of the entity?**

State funding of \$9,552 will support the functions of the Committee for the 2009-2011 Biennium with an additional \$35,000 to support contract services for the Council to Establish Academic Standards for Public Schools and \$8,000 to support contract services for the Commission on Educational Technology.

### **3. Who provides administrative support for the entity?**

Staff of three divisions of the LCB provide Committee support: the Research Division; the Legislative Bureau of Accountability and Program Evaluation; and the Legal Division.

4. With which groups does the entity communicate?

Since the scope of the Committee's activities is very broad, the Committee communicates with individuals at every level — pre-kindergarten through higher education.

5. Which group oversees the work of the entity?

The Committee answers to the Legislative Commission and the Legislature.

6. Is there duplication of duties with any other entity in the K-12 governance structure?

Article 11, Section 2, of the *Constitution of the State of Nevada* provides that the fundamental responsibility for Nevada's system of public schools rests with the Legislature. The LCE provides for the legislative review of the education system in Nevada and serves to monitor various national and State initiatives. Because of the Legislature's constitutional responsibility, it does not appear there is duplication of the Committee's responsibilities and duties with any other entity.

7. How does the work of the entity ultimately benefit students in the State of Nevada?

Since its inception, the LCE has reviewed many issues concerning education in Nevada. Based upon its review, bill draft requests are forwarded to the Legislature for consideration. Historically, the Committee forwards funding bills to the Legislature so that funding for certain effective programs is not lost if the Executive Branch does not include funding for such programs within its budget.

Since 2001, national trends in education have become a primary focus of the LCE. During the 2001-2002 Interim, the LCE focused its work on effectively implementing the federal No Child Left Behind Act of 2001 in Nevada, blending it with Nevada's own accountability system, so that Nevada's schools would not lose federal funds. During the 2009-2010 Interim, the LCE has focused its attention on the eligibility requirements and the various selection criteria in the Race to the Top application guidelines.

8. What recommendations do you have for improving the efficiency and effectiveness of the entity?

As Chair of the Committee, I think that the issues to be studied should come from multiple sources, including members of the LCE. I would support having the Legislature provide direction on topics to be considered during the interim based upon

work during legislative sessions. I would also support the idea of soliciting input from the public, educational organizations, and individuals in the field of education for topics for consideration. I also support Committee members having some flexibility to determine issues to be addressed during the interim periods.

- Melinda Martini, previously identified, reviewed the results from the Survey of Opinions regarding the Legislative Bureau of Educational Accountability and Program Evaluation (LeBeape) ([Exhibit K](#)).
- Mark Krmpotic, Senate Fiscal Analyst, Fiscal Analysis Division, LCB, referred to a March 11, 2010, document titled “Legislative Bureau of Accountability and Program Evaluation, A.C.R. 2 K-12 Governance Committee,” ([Exhibit L](#)) and gave a brief history of the establishment of the Bureau and reviewed its primary duties and responsibilities which include:
  1. Providing independent analyses and recommendations to the Legislature on 27 DOE budget accounts;
  2. Performing “quick polls” to school districts and charter schools pursuant to legislative requests;
  3. Monitoring Letters of Intent to the DOE; and
  4. Reviewing and analyzing budget reduction proposals for K-12 education.

Mr. Krmpotic noted the budget of the Fiscal Analysis Division supports the functions of LeBeape. He recommended that legislators be made aware of the services that can be provided to them by LeBeape and pointed out the continued accountability and oversight of K-12 education budgets and programs by LeBeape ultimately benefits Nevada’s students.

- Senator Cegavske asked how many requests for information are received by LeBeape from the DOE, State Board of Education and the school districts.
- Joi Davis, Program Analyst, Fiscal Analysis Division, LCB, replied there are very few requests submitted to LeBeape from the DOE, State Board of Education and school districts. LeBeape requests information from those entities in response to requests from Legislators.
- Assemblyman Stewart asked if there were only two positions within LeBeape.
- Tracy W. Raxter, Assembly Fiscal Analyst, Fiscal Analysis Division, LCB, said there are two positions that perform duties directly related to LeBeape. Those duties can also integrate with their budget review duties for the DOE, and other agencies.



## **PUBLIC COMMENT**

- Ray Bacon, Executive Director, Nevada Manufacturers Association, said one selection criterion in the federal Race to the Top application requires that a state have in place a data system to support instruction. The LeBeape would be a good choice to verify that the data systems are doing what they are intended to do and that the measurements are consistent from district to district. Secondly, the public wants to know who is accountable for student academic performance Statewide. He then suggested three alternative methods of selecting a Superintendent of Public Instruction. Finally, he suggested modification to Nevada's open meeting law.

## **ADJOURNMENT**

There being no further business to come before the Committee, the meeting was adjourned at 3:30 p.m.

Respectfully submitted,

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Maryann Elorreaga  
Senior Research Secretary

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Melinda Martini  
Senior Research Analyst

APPROVED BY:

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Assemblywoman Bonnie Parnell, Chair  
Date: \_\_\_\_\_

## **LIST OF EXHIBITS**

[Exhibit A](#) is the “Meeting Notice and Agenda” provided by Melinda Martini, Senior Research Analyst, Research Division, Legislative Counsel Bureau (LCB).

[Exhibit B](#) is a survey titled “State Board of Education,” submitted by Melinda Martini, Senior Research Analyst, Research Division, LCB.

[Exhibit C](#) is a survey titled “Superintendent of Public Instruction,” submitted by Melinda Martini, Senior Research Analyst, Research Division, LCB.

[Exhibit D](#) is a survey titled “Department of Education,” submitted by Melinda Martini, Senior Research Analyst, Research Division, LCB.

[Exhibit E](#) is a document titled “Nevada Department of Education Structure and Personnel,” submitted by Keith W. Rheault, Ph.D., Superintendent of Public Instruction, Department of Education.

[Exhibit F](#) is a survey titled “Commission on Educational Excellence,” submitted by Melinda Martini, Senior Research Analyst, Research Division, LCB.

[Exhibit G](#) is a Microsoft PowerPoint presentation titled “Commission on Educational Excellence Presentation to the Committee to Study Governance and Oversight of the System of K-12 Public Education in Nevada,” provided by Caroline McIntosh, Chair, Commission on Educational Excellence.

[Exhibit H](#) is a survey titled “Commission on Professional Standards in Education,” submitted by Melinda Martini, Senior Research Analyst, Research Division, LCB.

[Exhibit I](#) is a letter dated March 9, 2010, from Terry M. Owens, Ph.D., President, Commission on Professional Standards in Education, addressed to Assemblywoman Bonnie Parnell, Chair, Committee to Study Governance and Oversight of the System of K-12 Public Education in Nevada.

[Exhibit J](#) is a survey titled “Legislative Committee on Education,” submitted by Melinda Martini, Senior Research Analyst, Research Division, LCB.

[Exhibit K](#) is a survey titled “Legislative Bureau of Educational Accountability and Program Evaluation,” submitted by Melinda Martini, Senior Research Analyst, Research Division, LCB.

[Exhibit L](#) is a document titled “Legislative Bureau of Accountability and Program Evaluation ACR 2 K-12 Governance Committee,” dated March 11, 2010, submitted by Mark Krmpotic, Senate Fiscal Analyst, Fiscal Analysis Division, LCB.

This set of “Summary Minutes and Action Report” is supplied as an informational service. Exhibits in electronic format may not be complete. Copies of the complete exhibits, other materials distributed at the meeting, and the audio record are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. You may contact the Library online at [www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm](http://www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm) or telephone: 775/684-6827.