

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON EDUCATION**

**Seventy-Eighth Session
March 30, 2015**

The Committee on Education was called to order by Chair Melissa Woodbury at 3:16 p.m. on Monday, March 30, 2015, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/78th2015. In addition, copies of the audio or video of the meeting may be purchased, for personal use only, through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblywoman Melissa Woodbury, Chair
Assemblyman Lynn D. Stewart, Vice Chair
Assemblyman Elliot T. Anderson
Assemblyman Derek Armstrong
Assemblywoman Olivia Diaz
Assemblywoman Victoria A. Dooling
Assemblyman Chris Edwards
Assemblyman Edgar Flores
Assemblyman David M. Gardner
Assemblyman Pat Hickey
Assemblywoman Amber Joiner
Assemblyman Harvey J. Munford
Assemblywoman Shelly M. Shelton
Assemblywoman Heidi Swank

COMMITTEE MEMBERS ABSENT:

None



GUEST LEGISLATORS PRESENT:

Assemblywoman Dina Neal, Assembly District No. 7
Assemblyman Stephen Silberkraus, Assembly District No. 29

STAFF MEMBERS PRESENT:

H. Pepper Sturm, Committee Policy Analyst
Kristin Rossiter, Committee Policy Analyst
Karly O'Krent, Committee Counsel
Joan Waldock, Committee Secretary
Trinity Thom, Committee Assistant

OTHERS PRESENT:

Magdalena Martinez, Ph.D., Director, Education Programs, Lincy Institute,
University of Nevada, Las Vegas
Pat Skorkowsky, Superintendent, Clark County School District
Dale A.R. Erquiaga, Superintendent of Public Instruction, Department of
Education
Carrie A. Buck, Principal, Pinecrest Academy, Henderson, Nevada
Chris Garvey, Trustee, District B, Board of School Trustees, Clark County
School District
Craig M. Stevens, Director, Intergovernmental Relations, Government
Affairs, Community and Government Relations, Clark County
School District
Jessica Ferrato, representing the Nevada Association of School Boards
Mary Pierczynski, representing Nevada Association of School
Superintendents
Kevin L. Child, Trustee, District D, Board of School Trustees,
Clark County School District
Ray Bacon, representing Nevada Manufacturers Association

Chair Woodbury:

[Roll was called. Protocol and procedures were explained.] Due to a scheduled presentation at 5 p.m. today, we may need to recess our meeting and return afterward to complete the bill hearing. We will open the hearing on Assembly Bill 394, which revises provisions relating to the organization of school districts.

Assembly Bill 394: Revises provisions relating to education. (BDR 34-900)

Assemblyman David M. Gardner, Assembly District No. 9:

Assembly Bill 394 is a voluntary program that I have discussed with the school districts and the Department of Education. This bill is an attempt to make our school districts more accountable and closer to parents. Assembly Bill 394 sets forth the manner in which a local plan may be developed and how a local precinct council may be formed for an approved local school precinct, and it requires a city council to set salaries for precinct council members.

This bill would allow an incorporated city inside of a school district to create its own sub-school district. That sub-school district would be called a precinct. It would allow for a precinct board, which would control the precinct. I will be going over it in greater detail later in my presentation. In the event a precinct plan does not grant authority to a precinct council to manage a local school precinct, the school district board of trustees will remain in control of those schools in the precinct.

Finally, the measure authorizes two or more contiguous school districts to consolidate their districts through an interlocal agreement. That is mostly for the rural school districts. We have some school districts that have as few as 80 students. They may benefit from consolidating with another district. This is not a requirement. Both the deconsolidation and the consolidation are completely voluntary.

Sections 3 through 6 provide definitions of terms such as governing body, local school precinct, precinct council, and precinct plan. Section 7 states the boundaries of a school precinct must start at the boundaries of the city. I have produced an amendment ([Exhibit C](#)) that will be on the Nevada Electronic Legislative Information System (NELIS), which says these school precincts will be based on the municipality's borders. However, if a municipality and a school district, or a school precinct and another school precinct, decide that they want to amend those borders, that is allowable under this plan. That is to keep us from having absurd results, such as a student on the very edge of one of these precincts being able to go across the street for that school. The intent is to give local control.

Section 8 is probably the most important part of the bill. It explains what requirements the city must send to the Department of Education in order to be approved as a school precinct. That is developed in paragraphs (a) through (s). This plan being sent to the Department of Education may include the terms and conditions necessary to create, manage, and operate the local school precinct.

This includes: revenue allocation for the operation of the school that can consist of funding capital projects and school programs; the issuance of bonds; general financial planning; the hiring of employees; and planning for facility operations. This plan can also include development of an academic curriculum as well as planning, providing for athletic programs, and student transportation.

Section 9 talks about the process for getting a school precinct approved. After a hearing is held and the city council approves a proposed plan to create a local school precinct, the council must file a notice of intent to form a local school precinct with the local school board and the local county commission where the proposed school precinct is located, as well as with the State Board of Education and the Committee on Local Government Finance, among others. Any entity that receives a notice of intent has the opportunity to review the proposed precinct planning and submit their own recommendations to the State Board.

Section 10 of the bill relates to the State Board's review of the plan. The State Board has up to 120 days to review the plan, hold a public hearing to approve, disapprove, or amend and approve a proposed precinct plan. The State Board must provide a 30-day notice of public hearing and notify any and all entities identified in section 9 in writing when and where the hearing will be held. It must also send notice to any other group that asks to be notified. If a notice is sent saying there are possible amendments to the plan, the Board will provide public notice. The hearing must take place within the boundaries of the city that filed the notice. After the hearing is held, the State Board has 10 days to render a decision whether to approve, deny, or amend and approve the plan.

Section 11 focuses on the appointment, election, and terms of service for the members who will serve on a local precinct council. Initially, the governing body will appoint five qualified members to serve on an interim precinct council. At the next general city election, five members who are residents of the local school precinct will be elected. The term for members of the precinct council is four years. Any vacancies that occur can be filled by appointment.

Section 12 of the bill relates to the operations of the precinct council. It requires quarterly public meetings, a majority of members constituting a quorum, and the annual appointment of a chair, vice chair, and a secretary.

Section 13 authorizes the payment of a monthly salary to each member of the precinct council, all or part of which may be donated to a school located within the local school precinct.

Section 14 requires the state Superintendent of Public Instruction to hold a public hearing to resolve any disputes that may arise between a precinct council or a local school board with respect to the precinct plan. The state Superintendent is required to hold a hearing within 30 days of receiving the request and provide each party with a 10-day written notice of the hearing date and time. The Superintendent must render a decision on the hearing within 10 days and notify the parties involved in writing.

Section 16 addresses how a city council may dissolve a local school precinct. The city council must provide the State Board of Education with a notice of their intent. Upon receiving the notice, the State Board shall provide for the transfer of all powers, duties, and obligations of the precinct council to the local school board in the district where the school precinct was created.

Section 18 authorizes two or more local school boards of contiguous school districts to consolidate through an interlocal agreement. The boundaries of a consolidated school district must be conterminous with the boundaries of the contiguous school districts being consolidated.

Those are the basics of A.B. 394. If you have any questions, I can answer those. I have asked Magdalena Martinez, from the Lincy Institute at the University of Nevada, Las Vegas (UNLV), to testify in support of this bill. She has done some research regarding the benefits of deconsolidation.

Assemblyman Hickey:

This is something urban areas of the state, specifically Clark County, would be most interested in. Currently it is such a gigantic school district. In rural areas, would this allow for consolidations of smaller counties? We have heard that discussed before. I assume this has passed certain legal challenges in other places. Did you consider ways in which school districts might be formed other than by the strict boundaries of cities?

Assemblyman Gardner:

Regarding the rural districts, yes. It is a voluntary system. If they want to consolidate, they can. If they want to consolidate portions of their school district, they can. This gives them flexibility on what they want to do. As far as what we can do regarding the boundaries in large urban areas, I brought an amendment. Currently the bill says the boundaries of the precinct have to match the borders of the municipality. The amendment allows that the precinct will start at the borders of the municipality, but will allow that to change if a precinct and a school district or a precinct and another precinct can agree on it. This is mostly to avoid the absurd results we may have when we have a school right on the border. Saying someone cannot go across the street to go

to their school does not make a lot of sense to me. This will allow the flexibility for the precincts and the school districts to come together to determine if this makes the most sense.

Assemblyman Hickey:

Would you address the legal challenges that have occurred when this sort of reworking of districts has taken place? What might you anticipate with respect to this?

Assemblyman Gardner:

Most of the legal fights on these have to do with whether deconsolidation creates rich and poor school districts and whether it treats minorities fairly and safely. I do not believe that we are having that issue in this case, mostly because the funding does not change. People in North Las Vegas will receive the same amount of funding as Summerlin, which will get the same amount as Henderson, which will get the same amount as Mesquite, on a per-pupil basis. There will be no change in funding. I do not anticipate a legal fight along those lines. Most of the lawsuits I have seen regard how minority students are treated.

Assemblywoman Swank:

I represent Assembly District No. 16, which crosses the border from Las Vegas to unincorporated Clark County. Can you talk about how this will work across that city/county divide? It seems that if Las Vegas and Clark County decided, as adjacent precincts, that they would merge, we would go back to what we have now. The divide is right through Sahara Avenue for me. How would that work?

Assemblyman Gardner:

Technically, they could. Let us assume, as this is a voluntary program, that Las Vegas decides to break off and form its own precinct, then later decides to rejoin Clark County. This bill does not prevent it; it allows them the ability. Regarding the schools, that is part of why I brought this amendment, which handles that. We will be seeing what makes the most sense. If you have schools right over the county line from Las Vegas, perhaps just on the south side of Sahara, and we have students going there from Las Vegas, maybe we will make that part of the precinct or maybe the precinct will decide they can stay in the Clark County School District. The amendment allows that flexibility to decide who needs to take the schools, who can do the best job, and who can help the children the most.

Assemblywoman Swank:

Would unincorporated Clark County be all one precinct?

Assemblyman Gardner:

Clark County School District will stay the same as it is right now. It will still have everything except for what is taken out by these precincts. For example, I have had people talk to me wondering about islands where there is an unincorporated county within the borders of Las Vegas or unincorporated county in Henderson. I believe the amendment will fix that. We would be able to say, "This makes absolutely no sense, having us taking separate areas. Let Las Vegas or Henderson take that little portion." That makes sense. This is supposed to be making sense and helping our students, not creating a fight over power.

Assemblyman Armstrong:

Can you take me through a timeline? If I were the City of Las Vegas or the City of Henderson and wanted to go through this process, how long would it take from start to finish?

Assemblyman Gardner:

We do not know. The reason we do not know is because section 8 requires a detailed report that the City of Las Vegas would have to complete. They would have to do that study to show that they know what they are going to do with athletics, transportation, funding, and how they are going to run their district. They cannot just say, "We want this school district. Can we get it tomorrow?" They have to put a lot of time and study into it. Their plan is sent to the State Board of Education for approval.

The first section is gathering that information and sending it in. After that, the State Board of Education has 120 days to have a hearing on it. Thirty days before that hearing, they have to give notice. They have the hearing. Within ten days, they have to say yes, no, or yes with amendments. We do not know how long that first period will take. The study could take a year or longer. In 1997, a study for Clark County was done that took about a year.

Assemblyman Stewart:

The Clark County School District has facilities, such as administration buildings, bus yards, and the Sahara and Flamingo buildings. Is there a provision to divide those up? How does that work?

Assemblyman Gardner:

There is not a plan to divvy those up. We do have some economies of scale, transportation being one of them. I expect that in their plans most of these

cities will say they are going to continue providing transportation or purchasing through Clark County because it is easier to purchase for 30,000 teachers than for 5,000. If they break off, cities would be allowed the flexibility to decide if they want to take on their own administrative work and their own payroll, or keep it at the county level. That decision would be part of the plan they file. The workload will be decided based on the city, whether they want to take it on themselves and they can afford it, or whether they want to keep it at the county level and reimburse the county.

Assemblyman Stewart:

The bill is to take effect January 1 of next year. That would be the planning stage. The actual breakup would take place in August, at the beginning of the school year. Is that your intent?

Assemblyman Gardner:

It could be that soon, but we do not know how long it will take to do those initial studies. They could be done by January; they could take until next August. We do not know. It would depend on when the studies are done. Once those are complete, they can get their applications to the State Board. If everything is done in January, then by next August there could be a split. If everything is done by next August, then the split will not occur until December or maybe the next school year.

Assemblyman Stewart:

Is it hard and fast that rural areas have to be contiguous in order to consolidate? If you had two on one side and one on the other side and they are not too far apart, could they still form a new precinct, even though there was one in between them?

Assemblyman Gardner:

It would just come down to whether all three agree to join and agree to share resources to become one precinct.

Chair Woodbury:

Does this bill cause municipalities to break off into their own school precincts, or does it simply allow them to do that if they so choose? It is possible that no one would ever do that.

Assemblyman Gardner:

This is a voluntary program. There is no coercion in it. It is not mandatory. If a city does not want to do this, it does not have to. If a city wants to do this, this gives them a pathway and a structure to follow.

Assemblyman Elliot T. Anderson:

I will give you credit for being brave. This is an interesting bill. We all know that Henderson is going to want to do this. It would, in effect, give them that authority and they would use it. There is a hammer that has not been implemented from 2011—the teacher evaluation system. I worry that you will have teachers who are all going to want to go to the easy schools with good parents, students who are more engaged, and who have had a better run at life with more opportunities. These are students who are starting off in a better place. They will not need as much work from their teachers. Then you are going to have places like North Las Vegas which might have a harder time recruiting teachers because of that hammer. We already have a problem recruiting people to at-risk schools because we often have to provide incentives for that recruitment. How would you deal with that if everyone started breaking off causing an exacerbated teacher shortage in our poorer areas, but having too many teachers in the nicer areas? If the Achievement School District proposed in Governor Brian Sandoval's State of the State Address passes, Clark County School District would be reemploying people that were fired when a charter school operator came in. How would that work? How would we deal with the personnel issues?

Assemblyman Gardner:

I would argue that we already have that problem. My wife was a teacher. All new teachers were sent to Title I schools. If you look, a lot of the tenured teachers are already at the very nice schools. That is where she did her student teaching. I do not think this will worsen the existing problem.

As far as how we handle that, this bill does not affect the teacher evaluation one way or the other. There is another bill the Governor mentioned as weighted funding for students. If that passes—which I hope it will—North Las Vegas and Las Vegas will actually be getting more money on a per-pupil basis than would Henderson. That could lead to extra support and extra money for teachers who would give us the kind of incentive you are talking about.

Assemblyman Hickey:

Have you talked with the school district about cities deciding whether or not to use central services from the Clark County School District? They might not be inclined to want to provide bus or payroll service to a district that is not under their direct control or responsibility.

Assemblyman Gardner:

I have been talking with the Clark County School District since early January about this plan. I have mentioned shared services. As of now, they have had no complaints. They had issues about whether a study should be done first.

I believe that each city is going to be doing these studies. Their concerns were more along those lines as opposed to being about the sharing. They may very well have those issues, but they have not informed me.

Assemblyman Munford:

I represent Assembly District No. 6, which is 90 percent people of color and of a low socioeconomic level. Before you bring anything like this to my district, you will have to have a town hall meeting. My constituents will want to weigh in on this, and I can tell you right now they will be opposed. You would have to go to the extreme to convince them to accept it.

Assemblyman Gardner:

There will be at least three town hall meetings. The city council will have a meeting at which they elect the five people to create their plan. They will have a second meeting when they decide to submit their plan. The State Board of Education will have a third town hall meeting. As far as whether they will accept the plan or not, you know your constituents better than I do. Many studies have been conducted regarding deconsolidation of large school districts. The Lincy Institute of UNLV has prepared a paper on this that shows the benefits of deconsolidation, especially in areas of poverty. We are talking about more money per student and increased student outcomes. I will let Ms. Martinez talk about that later.

Assemblyman Munford:

That is why I said you need to have a town hall meeting. You will need to thoroughly and deeply educate the parents on this so they can understand both the good things and bad things that might result from deconsolidation. You said that the result is improvement in student performance and achievement. We will see what the parents think.

Assemblyman Gardner:

That is one of the reasons we did not make this plan mandatory. We want the people of these cities to say whether they want it or not. Their elected officials will listen. This bill does not force anyone to do anything. It gives cities an option that they currently do not have.

Assemblyman Munford:

Many of the parents in my district are skeptical and cynical. They have heard this kind of talk before. Promised resources for our community have never arrived. We have always been shortchanged. We have not received what we thought we deserved in comparison with other districts surrounding us. It will require a lot of convincing. I am accessible. I will be at town hall meetings.

They tried something like this when I was a freshman assemblyman. It did not go anywhere. This is a new day, a new time, and you are a new assemblyman. We do not know what might happen.

Assemblyman Gardner:

The first talk of deconsolidation in the Clark County School District was in 1971.

Assemblyman Munford:

I have heard the talk a long time. When it was brought up in the past, it actually made it to the floor of the Assembly.

Assemblyman Gardner:

Assemblywoman Sandra J. Tiffany brought a deconsolidation plan forward in 2001.

Assemblyman Edwards:

One of the problems that Clark County School District seems to have is a constant churn of teachers going from school to school because the schools do not know how many students will be attending until the last minute. If these precincts are set up, does that add the probability of additional stability for teachers because it is less likely they will be transferred at the last minute?

Assemblyman Gardner:

That is one of the things this bill hopes to accomplish. If teachers want to stay in Henderson, they can stay in Henderson. If they want to stay in Las Vegas, they can stay in Las Vegas. When my wife was first hired as a teacher by the Clark County School District, she was told that she could be sent out to Mesquite even though she lived in Las Vegas. That is 80-plus miles away. That was a concern for us. I had a job in Las Vegas and we did not know how we would be able to manage. That is something you have to sign on to when you are hired as a teacher with the Clark County School District. This is an attempt to correct that issue, allowing teachers to stay within the geographical area they already live in.

Assemblywoman Diaz:

I want to understand section 8. It is saying that the governing body of an incorporated city may appoint a committee of five qualified electors. The scope of their duties is pretty intense. How do we ensure that the right people are assigned to do this task in a way that is meaningful? You said funding would be the same as it is now, but in the description of what this newly-formed committee would do, it stipulates the allocation, dedication, and transfer of revenue; the authority to issue bonds; and the application for and receipt of any

grant. Based on what I am reading, it does not seem that things would remain as they are now. I think things would be shifted and that things would change. I think there would be different propositions as to what the new precinct is envisioning for the newly-formed district. Would you elaborate on those two pieces for me? They need to make sense. I need to be comfortable that whoever we are going to be appointing to this is capable.

Assemblyman Gardner:

We would have to trust our city councils and mayors. They also have to do a good enough job to convince the State Board of Education to approve their plan. I do not think the State Board of Education is going to approve a weak plan. They will require a data-intensive and thoughtful process.

As far as your second question is concerned, the funding I am talking about is the State Distributive School Account (DSA), the local support, and bonding. The idea is to keep the bonding at the county level, but if the cities want to break it off they can. If the City of Las Vegas wants to put forth a bond, they could do that if that is what was in their plan. As far as grants are concerned, I believe that is already an ability of the individual schools. Some schools get Title I funding and others do not. I do not know if this is done at the county level or the individual school level. That would remain the same. If it were done at the precinct level, the precinct would still be allowed to do it. If it is being done at the school level, the school would still be allowed to do it.

Assemblywoman Swank:

Section 16 has to do with dissolving a local school precinct. I am concerned that we are giving these local school precincts the ability to bond to fund projects. I do not see anywhere in the bill where there are any clawback provisions for the state in the case of a precinct dissolution. If one of these precincts dissolves and it has taken out bonds, there is a responsibility for those bonds that then falls to either the county or whoever subsumes that local precinct. You could have a local precinct that bonds out, mismanages its finances, and dissolves. Who is then responsible for those bonds? Ultimately, the state is responsible.

My second question has to do with capital improvement projects (CIP). We know in the past the Clark County School District has apportioned CIP across the entire district. If you are going to break the district into local precincts, you might end up with some precincts that have had more investment in their CIP and some that have had less. I am in an area where there are a lot of old schools requiring more investment. How are we going to make sure precincts that have a lot of older schools and have not had much

invested in them are going to get enough funding for upkeep and for new schools?

Assemblyman Gardner:

I would be amenable to an amendment regarding clawback provisions. If the City of North Las Vegas precinct dissolved, the City of North Las Vegas would be liable because they would be City of North Las Vegas bonds. I am not sure on that. Bonds would have to be repaid; they cannot just be left out there. My thought is that bonds would be broken up on a per-pupil basis in the same way the funding would be broken up. If you have many students, you would get a lot more of the bond cap along with the bond space. If you have fewer students, you would receive less of the bond space so that you could use it to provide for the student population in your precinct.

Assemblywoman Swank:

This is similar to the problem we have had in not funding English language learners (ELL). We were funding all students across the state equally without taking into account at-risk students and ELL students in funding. If we are only funding CIP based on the number of students, we are again not taking into account students who are in a building from 1940 or from 1960. Having straight per-pupil funding would leave these older precincts less funding for schools that actually need more funding. I would suggest a different way to fund that.

Assemblyman Gardner:

I do not agree with that assessment. Yes, the older buildings would need more work, but the newer areas need brand new schools. If you leveled out the dollars, the new districts may actually need more dollars than the older districts. A new elementary school costs \$25 million to build and a middle school costs \$45 million. I do not know what it costs to build a high school. I think this way of allocating funds is fair. We are just saying that we will divide it on a per-pupil basis, not allowing for individual cases.

Assemblywoman Swank:

I can show you some schools buildings in the urban areas that have been neglected and probably need to be replaced.

Assemblywoman Joiner:

I find this whole issue fascinating. A hundred years ago we had deconsolidated schools. It was incredibly inefficient, students were learning different things, and there were no standards. There was a lot of effort made to consolidate schools to provide a more efficient and streamlined approach to administration and a more professionalized system for our children. Now we are talking deconsolidating. Is there evidence from other states that this is good for everybody? If you are cutting off one of the arms of the starfish, I am not just concerned about the body of the starfish that is left. I am concerned about its health, but also about the health of the arm that becomes a new starfish. I want this to benefit both sides, not just one or two or a few of the precincts that think that they can get a better deal out of it for their students and then have those left behind suffer because of whatever has been taken from them in terms of resources or buildings. What evidence do you have that this type of attempt to deconsolidate leaves both pieces healthy?

Assemblyman Gardner:

Ms. Martinez will be talking specifically about that. There are numerous studies over the past decade showing that many times when you consolidate, it costs more money. There are actually diseconomies of scale. That has been proven in a lot of these studies. As far as both parts being better after deconsolidation, that is the point. They will be able to focus on just their area. Let us assume that Henderson forms its own precinct. They have 50,000 to 60,000 students. That would leave about 260,000 students in the Clark County School District. That would bring the school district closer to the parents and the students. They will be able to focus more, because now they have 260,000 students, rather than 320,000. The Henderson precinct would be focusing on 50,000 to 60,000 students, as opposed to being a part of a 320,000-pupil district.

In 1956 this state consolidated into one school district per county; we had approximately 200 school districts before that. Clark County alone had 19. They consolidated in order to save money, but we are in a different place now than we were in 1956. The population of the entire state was 300,000. We had 40,000 students in Clark County alone. We have grown to almost ten times that. There are reports that show when school districts get this big, it actually hurts our students. This is a voluntary program. Henderson may do the study and determine that deconsolidating will increase costs and harm their students. If that is what their study shows, they will not go forward with their plan. I do not envision that the State Board of Education would approve such a plan. There are many layers built into this to protect the outcome.

Assemblyman Elliot T. Anderson:

I think there is a lot of angst about creating winners and losers with this legislation. We are worried about the implications. We saw an article in the *Las Vegas Sun* that mentioned how the magnet programs and the technical academies are scattered. Every municipality will not be able to reach them. You commented that you would expect these to be resolved by interlocal agreements. I do not know if that is feasible. Each district is going to want to keep as many of those seats for their students. I think there will be a fight over those programs. There will not be any incentive to make those agreements. I am not clear on how the funding would work and how the different property tax bases would support the schools, especially when you throw in the change to the funding formula. What protections are in this bill to ensure that we are not creating districts that are winners and losers?

Assemblyman Gardner:

The intent of this bill is not to change the funding at all. The way I have read this—and when I was telling them how to write this—right now the Clark County government collects our property taxes and sales taxes that, along with the DSA, are passed down to the school district. With this, everything would still be collected at the county; it would just now be passed down on a per-pupil basis to the various precincts and the school district. That means there will be no change in the funding. As far as whether or not it is feasible that these groups will come to interlocal agreements, I suggest we treat our city council people and our county commissioners as adults. They care about the students. There may be some fighting over funds, but I believe they are not willing to destroy the futures of their students just so they can have a little bit more power.

Assemblyman Elliot T. Anderson:

I appreciate that and certainly do not mean to say that the adults are not responsible. I think that they will fight for their constituents' children because those are the people who elect them. If they are put in a place where they are only representing those students, they will fight for the children in their district first. Who can blame them? This is a representative democracy. I wish that everyone always thought globally. I try to remind myself that we do not only represent our districts, we represent the state. There is political pressure. Parents are passionate about providing the best opportunity possible for their children. That is my biggest concern.

Assemblyman Gardner:

I agree, but I also think there may be another potential outcome if there is fighting over a particular magnet school. The *Las Vegas Sun* article talked about how most of the magnet schools are in Las Vegas. If there is fighting,

we could come to an interlocal agreement. If that is not feasible, we can create new magnet schools. Every one of the existing magnet schools was created back when I went to school. I think we had two magnet schools in the Clark County School District. I may be exaggerating a little bit, but there were not as many as there are now. We have come a long way. We can always add new magnet schools if they perform as they have been and there is a desire for more.

Assemblyman Edwards:

There are about 359 schools in the state, 79 of which have been rated one star—so bad that they may be taken over into the achievement school district. Is it possible that this kind of program, rather than just creating winners and losers, could be creating more winners than losers, helping the overall status of the state itself? Many people think this will create losers, but it could be that we are creating a lot of winners.

Assemblyman Gardner:

I think we will be creating winners. It is a voluntary program. First, the city council will have to be convinced that it is a good idea. Second, you will have to convince the state Department of Education. That will require a lot of evidence and facts to back up the plan. Third, breaking up districts, allowing more funds to students, has improved student achievement. Fourth, they are going to be trying to focus on their own constituents. Currently, the cities of Las Vegas, North Las Vegas, and Henderson really have no say in the Clark County School District. This gives them something to fight for. This will bring them closer to their constituents; they will know them better. Your mayor, your city council members, were elected. There are five people who represent these groups specifically. We are saying if they want, this allows them to focus more directly on their constituents for their educational process.

Assemblyman Armstrong:

Based on studies of deconsolidation, is one result when the cities are controlling smaller precincts that they are able to get more grant funding and alternative funding, rather than just funding from the state or local levels? In my mind, if there are a lot of smaller precincts, they will be a lot more innovative and creative in terms of progress and funding mechanisms as well.

Assemblyman Gardner:

It depends on how the laws are passed. The Arizona Legislature allowed Maricopa County a little bit of cap room on their property taxes and sales taxes. They were able to then decide yes or no when they were going to break off, if they wanted that. Some areas, like Scottsdale, decided they wanted to push the limits. They put a lot more money into their schools than cities like Mesa,

which did not. That was allowable. As far as whether they applied for more grants, I do not know. I will defer to Ms. Martinez on that.

Assemblyman Flores:

I commend you for your "go forward" attitude in trying to do something this drastic. I do not know if I agree with it yet. You mentioned that this approach meant more money per student. How did you come to that conclusion if we are not going to change the funding formula and that per-student funding would continue at the present rate?

Assemblyman Gardner:

That is based on my reading of the research which says that sometimes, with large school districts, there is a diseconomy of scale, meaning they are spending more money on administration per student. It is my understanding of the research that if we created precincts, we could have less money spent on administration and more spent on pupils directly.

Assemblywoman Swank:

Thinking about how city councils can create precincts, what if Las Vegas decides they want to become a local precinct. Unincorporated Clark County decides they do not. North Las Vegas decides they do not, and Henderson decides they do. Do we not have a discontinuous district as a result? Would North Las Vegas, because they opted not to become a precinct, be isolated in the north, unincorporated Clark County separate, a precinct in the middle? What happens if all of the local jurisdictions decide that they want to have their own precincts, but Henderson decides they do not?

Assemblyman Gardner:

Assuming your hypothetical, Las Vegas and Henderson say okay to deconsolidation; they would still be contiguous. Las Vegas would connect with unincorporated Clark County in the area where I live. It would all still be connected, but would be s-shaped, wrapping around Las Vegas.

Assemblywoman Swank:

If Henderson and North Las Vegas, not being contiguous, are the only two remaining, then what happens? What happens if the vast majority decide to form precincts and we have a few islands that do not want to have their own local precincts? How do we deal with that? What if North Las Vegas does not want to form a precinct, but everybody else does?

Assemblyman Gardner:

Assuming Las Vegas, Henderson, and North Las Vegas decide to form precincts, we would still probably have about 30 to 40 percent of students who

are in unincorporated Clark County, the southwest part of Las Vegas. They would not be affected either way. As far as their being contiguous, the precincts do not have to touch each other. Las Vegas does not have to touch Henderson if those two decided to be their own precincts. As far as the county islands, that is what the amendment I brought forward clarifies. It would allow for the county and Las Vegas to decide which portions would go with which precinct. There would be a negotiation between the cities and the county school district to decide who could best serve those children.

Assemblywoman Swank:

What about Boulder City, Laughlin, and Mesquite? I am thinking in terms of worst case. I am trying to figure out the logistics of this, as we are not sure how it is going to shake out.

Assemblyman Gardner:

It comes down to incorporated cities. I do not believe Laughlin is an incorporated city. There are only 19 in the entire state. Boulder City and Mesquite are incorporated cities and would be able to be their own school precincts. I think Mesquite being its own precinct is a very good idea because they are a rural district, very different from Las Vegas. They could focus on their 17,000 people. As far as logistics, they would operate as their own school district out there. They would have to either agree with Clark County School District on how to use busing transportation and those kinds of things, or they would have to set up how they would do that on their own. That is what this is supposed to be. These precincts are supposed to be sub-school districts, allowing them to have autonomy that hopefully results in better educational outcomes.

Magdalena Martinez, Ph.D., Director, Education Programs, Lincy Institute, University of Nevada, Las Vegas:

I focus on research as it relates to education from a K-20 perspective. I appreciate the opportunity to address you today. Many of the questions you have raised are very good empirical-type questions. The purpose of my visit here today is to share with you some of my findings along with those of my colleague, Dr. David F. Damore, from the political science department. We have been researching this issue for some time. We have developed a policy brief ([Exhibit D](#)) that is about 99.9 percent complete. I say that because there are still some typographical mistakes. It is scheduled to be released in two days. I have some copies for you today if you would be interested in having a copy with the caveat that you might find a typographical mistake or two.

The title of our brief is "Modernizing Nevada's Education Structures: Opportunities for the 78th Session of the Nevada Legislature." Before I talk

about the very specific research findings we have found as they relate to district size, economies of scale, and student outcomes, I would like to share with you that in February 2014, the Lincy Institute commissioned an updated adequacy study. As you may recall, in 2006, the Legislature commissioned an adequacy study for K-12 funding by Augenblick, Palaich and Associates (APA). Knowing that this legislative session would focus heavily on issues relating to K-12 funding, we commissioned an updated study to look at what it takes to provide all students with an adequate education with a specific focus on English language learners (ELL), free or reduced-price lunch students, high-poverty students, and special education. We make reference to it in the report. What the updated study told us was based on 2012 to 2013 figures, we were about \$1.6 billion short of providing adequate education. This does not include any type of special funding for ELL, free and reduced-price lunch, special education, and additional categorical funding that we see in our K-12 funding.

That said, we framed our discussion from the perspective of, "What else can policymakers do?" If we know that it is very unlikely that we will provide adequate funding for this legislative session or in the near future to cover that shortfall of \$1.6 billion, what are some other things that policymakers can consider to save an additional \$1.6 billion investment? We focused on issues related to deconsolidation and consolidation, along with electric boards, which I will not address today, but it is addressed in my brief. What I would like to do is share some of those findings with you.

One of the things I failed to mention is that most of my research has focused on looking at underrepresented student populations, particularly in the critical transition points from high school to college and to minority-serving institutions, specifically Hispanic-serving institutions, historically black colleges and universities, and tribal colleges and universities, as well as looking at issues of access and equity for college students. My interest in this work stems from my interest in higher education and trying to understand the continuum of how students get to college and what the critical intervention points are that make a difference, recognizing that southern Nevada and Nevada as a whole is very different than it was in the 1950s when many of our policies related to adequacy and governance were developed and are still in place today. One of the things I want to say about governance is that it is a reflection of the changing relation that the state has with its constituencies, with the needs of its communities, and with the economic priorities of the state. In my research I found that many states have, in fact, changed a lot of their governance throughout the years during the legislative session, whether it is K-12, economic development, or higher education. It is not actually a bad thing when you look at it. Many questions are raised. As mentioned, many of you have raised excellent empirical questions. The truth of the matter is that the changes are

also a reflection of the policymakers adapting to the needs of local communities, the changing demographics, and the priorities of the state.

I would like to echo Assemblyman Gardner regarding the 1995 Legislature, which passed a resolution requesting analysis of the county-based school district model and whether organization was warranted. Some of you may be aware that the resolution resulted in an independent study by independent consultants. [Read from page 8 of ([Exhibit D](#)).]

While this very comprehensive study from 1996 consults the empirical evidence that was available, most of the empirical evidence focused on school size and student outcomes, and a few focused on district size. Since then, there has been a robust body of literature and evidence that focuses specifically on district size, student outcomes, and poverty.

In what follows, I would like to provide you with a review of these studies and suggest that some of the recommendations found in this 1996 study to reconfigure school districts still remain relevant today and the consolidation of other school districts a viable option. [Continued reading from ([Exhibit D](#)).]

Another way to understand the outcomes and the role of district size is in a study in 2009 by W. A. Fischel, a Dartmouth College professor, who has focused on looking at governance nationally.

[He] suggests that studies on "district scale economies is not clear about the point at which scale economies cease" since most of the evidence of economies of scale come from "the consolidation of very small rural districts." State-specific studies, for instance Georgia, have not found dramatic cost saving. [Pages 8 and 9 of [Exhibit D](#).]

Another useful framework to understand school districts and the competitiveness of school districts is looking at the 70 largest metropolitan areas. In the study by Fischel, his analysis suggests that Clark County is the least competitive urban school district in the nation.

While other urban metropolitan areas have large school districts—for instance, New York, Los Angeles, and Phoenix—there are at least four school districts within the same urbanized areas to offer residents options of school districts, and thus, district competitiveness. [Page 9 of [Exhibit D](#).]

Not finding any evidence that large school districts yield economies of scale, we then turn our attention to district size and student outcomes. In our analysis of empirical studies that examined school district size and student outcomes there are few, if any, advantages of large school districts. [Read from pages 9, 10, 11, and 13 of [Exhibit D](#).]

I thank you for your time. I have shared with you just a brief abstract of some of the findings in our report. I am happy to take any questions.

Assemblyman Elliot T. Anderson:

If you have split urban and suburban districts—higher population densities in some parts, less dense suburbs in this hypothetical district—is it usually the urban districts that want their own district or is it the suburban areas that want their own district?

Magdalena Martinez:

In my review of the literature, I was not able to ascertain or examine that type of question. When we look at competitiveness of urban school districts, one of the things that emerges is that people who live in the suburbs have more options in terms of where to live and where to send their children, whereas in the urban context there are fewer options. One of the things that the literature suggests is that of the 70 largest metropolitan regions, the overwhelming majority have at least three additional schools from which to choose. That is not the case for our largest urban area. The act of deconsolidation has varied from state to state. I did not submerge myself as much in terms of how regions that have tried to deconsolidate have fared. There are some examples in Utah that allowed them to look at deconsolidation. Another example is in California. Often the difficulty comes, not so much from the evidence, but rather the perception by citizens. In my observation, the lack of real information that residents have in making these decisions—the perception that there would be inequitable access to certain resources—is oftentimes one of the biggest barriers to deconsolidation.

Assemblyman Armstrong:

How does your empirical data play out with this bill? It does not seem that we are so much deconsolidating and making multiple districts; this seems like a sort of hybrid approach. We are allowing the cities to not have to take over the entire district but have some of the functions provided by the county. How does that affect your analysis? In the urban areas, have you found any data for what an optimal district size is? What I heard you say is that in most urban areas there are at least four different districts to create competitiveness. Is there a population number, or is it based on having multiple districts?

Magdalena Martinez:

One of the things that we do is include in our policy brief a breakdown of school districts by state. Nevada has one of the fewest school districts given our population. We have the second-fewest school districts in the nation. The only state that has fewer school districts is Delaware, with about one-third of our population. They have fifteen school districts.

As to your question, it is the case that most urban areas have many more than just one school district. Clark County is the thirty-first largest metropolitan area in the country with the fifth-largest school district in the nation. That is not very common at all in the nation. In fact, most urban metropolitan areas have many more options for their constituencies.

Assemblyman Armstrong:

Based on the data that you have collected, is there an optimal district size or are there just multiple opportunities within an urban area?

Magdalena Martinez:

That is an excellent empirical question. I believe that the 1995 and 1996 study addresses your question and suggests the optimal size given the population density and the other variables that have been raised by this Committee.

Assemblywoman Swank:

You talked about Seattle and the small districts that you need to have to improve results in high-poverty schools. Did I hear that these smaller districts had about 3,200 students? Was there a number in Seattle?

Magdalena Martinez:

The Washington state study looked at how students were faring in a large school district. That study, in particular, was interested in looking at poverty and student outcome. Smaller schools appear to have greater equity effects. I do not have that specific figure with me, but I believe the study does address those numbers.

Assemblywoman Swank:

If I could get the whole study, I would be very interested. My concern is that we would break down into smaller precincts that would not actually be small enough to help our high-poverty students.

Assemblyman Stewart:

Do we have any evidence of why the other large school districts—New York, Chicago, Los Angeles—have not broken up?

Magdalena Martinez:

I did not come across a lot of literature because I was looking at actual empirical studies that have looked at district size, economies of scale, and student outcomes. I looked briefly at bills that had been introduced through the Education Commission of the States that does a very nice job of inventorying all of the state bills that relate to consolidation and deconsolidation. There have been, to be sure, many bills introduced in very large urban contexts, specifically the cities you mentioned. Some of them moved through certain houses and some of them have not. Of those that have, oftentimes it is optional and requires citizen petition or voting. In those cases, it is a little bit more difficult because it has been my observation in reviewing this literature that many parents will have incomplete information and are fearful about what that means in terms of access to what they have become accustomed to. It is a major change, so there has to be a lot of education and input from municipalities and local communities.

Assemblyman Stewart:

Has there been a school district of comparable size or even half the size of Clark County that has deconsolidated and has had better results?

Magdalena Martinez:

I did not come across it for this literature review. I think that many of the bills that have passed or not passed have limited information.

Assemblyman Stewart:

I believe you said that one study found that the ideal school district had between 1,000 and 30,000 students. Is that correct?

Magdalena Martinez:

Yes.

Assemblyman Stewart:

Clark County would need between 12 and 320 school districts to achieve optimal size.

Magdalena Martinez:

I believe the 1996 analysis provides some good analysis and recommendations. Despite the fact that the school district was about half the size, one can still glean some very strong recommendations. I think the distinction with the bill

being discussed today is that this is a precinct approach, whereas the 1996 analysis talked about distinct districts. The same could be applied to the discussion today in terms of optimal size. I believe their recommendation was that seven to eight school districts would be optimal.

Assemblywoman Joiner:

My biggest concern is that we are allowing a small portion to branch off and leave the host district with all those students to fend for themselves. There are all kinds of implications—urban versus suburban, racial implications, and flight issues. I do not like the idea of some children getting whatever advantages they think they can get out of a really small district and the rest of the children just being left. In your research, were you able to find that both pieces were healthier after deconsolidation? Is there a best practices way to break up a district? To me, it would seem more equal to do it in a different way than this—letting portions chip off. Does your research show any way to do that better?

Magdalena Martinez:

I cannot answer those questions right now. Those are questions that should be engaged at a much more local level. In terms of the bill at hand, my interpretation and read of it is that it would allow that pathway to have those conversations and to really engage with experts that have engaged in this type of work. The studies I have cited vary from state to state. The context is very different. Every state is very different. I think that the change in governance is nothing more than a reflection of responding to the needs of the demographic shift, of the priorities of the state, and the needs of the community. I think those are all good questions that should be further explored.

Assemblyman Flores:

I want to return to a question I presented to Assemblyman Gardner, in which we talked about savings. I also heard you mention that. I understand where that is rooted. In smaller school districts we have the same amount of money per student but it is more focused. Obviously at first, in the setting up of a new district, there will be administrative costs going into that—meetings, setting up layers of hierarchy, et cetera. How quickly do we start seeing the savings? Will it be something we see down the road in five years? Is it something we see ten years down the road? I understand that eventually there should be savings following deconsolidation. How quickly do we see that?

Magdalena Martinez:

We are having a conversation about precincts. There is current statute that allows and encourages interdistrict collaboration. That question could be answered through analysis and modeling of current expenses. I cannot answer

that question because it is not specifically my area of expertise. I know that there are researchers who answer that type of question. It can be answered as part of your deliberations. For instance, if a locality were to be interested in pursuing such a route, there are experts who can answer those questions.

Assemblyman Armstrong:

What we are trying to do is improve performance overall and raise the standard for everyone. Based on the data that you have seen, when urban areas break into multiple districts, does that generally improve student performance as a whole?

Magdalena Martinez:

I think that is the million dollar question. To be sure, changing the governance of a large school district in and of itself will not produce meaningful outcomes. In fact, it is coupling that with other meaningful educational reform efforts. For instance, an area that is unaddressed in this brief but that I have been examining is the role of charter schools, particularly for high-poverty students. That is a reform effort that has shown significant improvements particularly for our most underserved populations.

Chair Woodbury:

Thank you for your time. Before we go to the floor session, I am going to have Superintendent Pat Skorkowsky testify from Las Vegas because he needs to leave. Superintendent, we will not have time to ask you questions. Is that okay with you?

Pat Skorkowsky, Superintendent, Clark County School District:

That would be fine. With the Nevada School Performance Framework there are always going to be winners and losers. The way this is structured, there will always be one-star schools, there will always be five-star schools. I am speaking in opposition to Assembly Bill 394. There are too many "what ifs" in this bill and too many things that could be challenged economically, could be challenged on the basis of diversity, and could be challenged in court. When we look at the magnet school option alone, it is one of the biggest challenges. Students within these entities—the City of Henderson actually has no magnet schools—would now have county residents speaking up against them saying that the seats are in county schools and need to go to county schools. The entities could pit themselves against each other. When you look at the creation of minority districts, there will be minority districts in the Clark County School District if the bill goes through as written. There will be litigation with the U.S. Department of Education Office for Civil Rights because there will be challenges and access issues across the board.

I want to remind you that the administration of the Clark County School District is not top-heavy. When you look at the top ten districts in the nation, looking at their administrator-to-student ratio, we are the lowest among them. We are also the lowest among the counties of Nevada except for Lander County. This bill would allow the Elko County Board of Commissioners to go forward and say, "We would like to incorporate Eureka County." Eureka County could say no to that. That decision would then be left up to the State Board of Education and the state Superintendent of Public Instruction and could pit entities against each other. With that, local control needs to be local control, but the way this bill is written those decisions would be made at the state level. If the City of Henderson or any other entity comes forward and says that they need this, it would be the State Board of Education making the decision, not the City of Henderson. We need to look at these very carefully as well as the issue that when we go forward with concerns between entities, the state Superintendent of Public Instruction has the final word. That is giving the power not even to an elected or a co-appointed body; it is giving it to one individual.

When you talk about stability, if the City of Henderson were to come in under projections, that means they would have more teachers than they actually would be able to use within their current funding. That means that the City of Henderson would have to reduce their teacher workforce because the population and the money coming to the city would not support it. I also want to remind you that some of our highest salaries are in the City of Henderson in the Summerlin area. If the City of Henderson is given additional funding or cannot create funding within the current guidelines of our financial plan within the state, then they would not be able to afford all the teachers they currently have in their entity.

With all due respect to Ms. Martinez and her research, all she did was compare district sizes. Every one of those studies is just a comparison of district sizes. There is no empirical research, especially according to Kati Haycock, who is somebody that the state of Nevada has long listened to as an education guru. There is no research to show that the breaking up of a school district, especially a large urban district, increases student achievement in any way, shape, or form. We actually do have to base our grants on a need basis, which means that the City of Henderson, if we were to give it a grant, would not be able to go forward with a grant proposal because they did not have a proportion of students of the at-need or at-risk category to meet the minimum qualifications for these grants. Now you are creating those have-and-have-not districts. It could actually end up hurting the City of Henderson, especially with some of the things I previously said.

This bill is based on assumptions. I heard several times, "We are assuming." I would strongly encourage you to not make assumptions and not make a vote on this particular bill as written. I would tell you that you are jeopardizing students in the process. If you think that we are going to be able to work through all these things without potential litigation, it is going to be a grave challenge. I would hate to have litigation coming forward in the next year or two as we go forward that would impede the education of our students. As we go forward, it is essential that you look at the situation and prepare for it. We are basing this on a bill that is written with no details in it whatsoever. If we are going to do this right—and I am not opposed to looking at this and saying we may need to make these decisions—we need to ensure that we are not harming children, that we are not potentially harming our teachers in some way, and that we are not creating a situation where we have haves and have-nots. We need to make sure that we go through this with very thoughtful, detailed information and make sure that we are assuring that the money that comes to the student would then actually be used on the student in that entity and not have it go to other areas. With that I strongly encourage you to slow down, to look at this, and not make it a political decision, but a decision that is right for students. Look at this in a more detailed study so that you can determine what to do. Use the 1995 study, use the study that was done by then-Senator Tiffany, and let us make this about what is best for children, and not what is best for adults in this situation.

Chair Woodbury:

Committee, we are needed on the floor of the Assembly right now. We will resume upon adjournment of the floor session. We are in recess [at 4:47 p.m.].

We are called back to order [at 5:46 p.m.]. We will resume the hearing on Assembly Bill 394. I will take testimony in support of A.B. 394.

Dale A.R. Erquiaga, Superintendent of Public Instruction, Department of Education:

It is my pleasure to be here in support of Assembly Bill 394. I will not belabor the point. I will do a "me too" to the Assemblyman. As you know, Governor Brian Sandoval included a pathway for local governments to have a discussion about deconsolidation and for local rurals to have a pathway or a conversation toward consolidation. We think that this bill accomplishes that. I, too, would like to credit the sponsor of the bill. This is a complicated issue. I think that the pathways spelled out here—both of them—are crafted in a smart way and will provide the local control that we have heard so much about. We talked about local control a lot last week. I was often on the wrong side of that issue last week. It is nice to be squarely on the side of local control, because that is what this bill is about. I wanted to express the administration's

support for the measure. The duties that are assigned either to the State Board or to the Superintendent are in keeping with the responsibilities there.

I did, however, want to correct a couple of misstatements made by a previous speaker that I do not want to leave on the record. First of all, there was an example given about how, if Elko County and Eureka County tried to consolidate and that needed to be adjudicated, it would come before this hearing process. That is not true. The hearings process that is spelled out here in section 14 is for a precinct plan, not the consolidation of rural districts. That is a separate area. There is no hearing process predicated there. I know that we are impassioned when we speak for or against a bill, but we should be honest. That was a misstatement.

Also, the statement was made by a previous speaker that section 14 leaves this hearing authority in the hands of a single individual. That is also not true. If you read all the way to the end of that section, the hearing is final for purposes of judicial review. We have a judicial review process built in here. Judges are, by my last count, an elected body in this state. We have all those controls that we have talked about so much, about elected representation.

Those are both important points to clear up about this bill. It was stated twice by a previous speaker that the Nevada School Performance Framework—the one-star, five-star rating—requires that there will always be one-star schools. That is not true. A point system is used. In the first year of the Nevada School Performance Framework there was allowed to be a bell curve for purposes of point distribution. That curve was moved so that they could set so many five-star, so many one-star. Those scores are frozen now. It is a cut-score system, not a normative system. If we are going to ridicule data and say that is being used against us, we should be honest about that. It is troubling to me that information is presented to you that does not give the accurate picture. I wanted to clarify those three points, Madam Chair, and express the administration's support for this measure.

Chair Woodbury:

Is there anyone else who would like to testify in support of Assembly Bill 394?

Carrie A. Buck, Principal, Pinecrest Academy, Henderson, Nevada:

I am here to support A.B. 394. When I think of the Clark County School District, the fifth-largest district, I want to start humming the theme song to *Mission Impossible*. There are 316,778 students, 228 elementary schools, 58 middle schools, 55 high schools—a total of 341 schools. Plus there are another 12 schools to be built within the next two years thrown into the mix. Additionally, there are 45 failing traditional schools and 7 failing

charter schools under the control of the Clark County School District. [Read from prepared statement ([Exhibit E](#)).]

Chair Woodbury:

Is there anyone else who would like to testify in support of Assembly Bill 394? [There was no one.] Is there any testimony in opposition?

Chris Garvey, Trustee, District B, Board of School Trustees, Clark County School District:

I represent over 249,000 constituents, 50,000 of whom are children that attend Clark County School District schools. My district spans across the Clark County jurisdiction, the City of Las Vegas, the City of North Las Vegas, Mesquite, and the unincorporated areas of Moapa, Moapa Valley, and Bunkerville.

I am opposed to A.B. 394 not because it tries to address creating education environments that allow for local control and decision-making based on unique educational needs. I oppose it because of what appears to be a pattern within many of the educational bills coming before this session. [Read from [Exhibit F](#).]

I beg to differ with Superintendent Erquiaga, but those are things that are of concern. [Returned to reading from [Exhibit F](#).]

I suggest looking at studying this to find what are the best ways to have local control. To move forward without more understanding of the harm that could be done is not what this body is intending.

Craig M. Stevens, Director, Intergovernmental Relations Government Affairs, Community and Government Relations, Clark County School District:

We want to thank Assemblyman Gardner for bringing this bill forward. We know that the intention of this bill is the same as our intention, which is better student achievement and making sure our children are getting the best education that they possibly can. There is no certainty that breaking up the Clark County School District will achieve better results. Research, at best, is mixed. We had someone come here earlier to suggest otherwise, but in the studies that we have looked at, research is mixed. In many studies, it actually says that it is the size of the school building that determines the success of students. In 2010, a study commissioned by the Las Vegas Chamber of Commerce ([Exhibit G](#)) said it is class size that determines this, and that there is no correlation between the size of the school district and student results. It is our contention that the studies are mixed. We need to look carefully at legislation and how we go about doing this.

Larger school districts trade efficiencies in delivering better services to students. Due to the size of the Clark County School District (CCSD), we allow for those efficiencies. During the 2011 Session, Senate Bill No. 14 of the 76th Session was passed. The bill required that curriculum be written for both math and English by the Department of Education. At that time, the Department of Education did not have the resources or the personnel to do this. We worked with them in creating our Curriculum Engine. Because of the efficiency of the Clark County School District, we now have Curriculum Engine statewide. The smaller school districts appreciate what we have done and are happy because they would have had to spend their money to do this. It would have been inefficient for the rest of the state to go about doing something like this when we had already done it, had the money to do it, and were happy to share. There are other things we have done. For example, Lincoln County's food and menus come from the Clark County School District. We have a bus program in which districts can buy buses from us. These are things we are able to do that help out the students of Clark County and students across the state.

Creating new school districts will also create additional boards, administration, superintendents, and staff. I just wanted to make sure that folks realize this. Is this truly the best use of our educational dollars? We also believe that any plan for deconsolidation needs to be careful. We could very easily create segregated school districts that would clearly highlight the haves and the have-nots. These new school districts will be ripe for lawsuits if we are not too careful.

Our stance on A.B. 394 stems from the many unknowns that this bill creates. Student achievement is the number one priority of CCSD, but we believe that some of these unknowns could disrupt hundreds of thousands of students. I would like to go through some of these unknowns. One, no city in Clark County can understand the breadth of creating a whole new school precinct, especially without the cooperation of other cities throughout the county. Two, we have contractual questions. We currently enter into both short-term and long-term contracts. Services are rendered based on several factors, not just school size. These factors could drastically change, depending on who is going to be creating a precinct. How do we handle these debts that we possibly cannot pay? How will the state and the county deal with employee reassignment leaving thousands of employees unharmed? How will the teachers be reassigned? How will central district staff be reassigned? Will current salaries and benefits be honored? Will new salary schedules need to be created? Do educators have a property right to their current contracts? How would the inevitable layoffs be handled? The bill does not respond to this. We expect the best from our elected officials, but we need to make sure that the heart is in the right place, but also the language.

We have financial questions regarding this bill. Deconsolidation could have serious financial implications. Will costs increase to the state by creating significant inequality in wealth among new school districts? If you look across Clark County, the cities are not created equal; however, the Nevada Plan is created equal. How is it, then, that if one part of the state is not getting the per-pupil funding they need? Where is the money going to come from? Are you going to take it from another city, or is it going to have to come from other programs? How is the state going to ensure that every student is given an equal amount of money, which the Nevada Plan does right now? It does it very well, although we contend it is not enough, but equality is one thing it does do very well. We need to make sure that we are watching that. How would previous and current bonds be paid off and prioritized? Would each new precinct have the sole responsibility of paying off the buildings they will take over? How would separate school districts determine who gets projects for the bond rollover that was just signed into law? Currently it is determined by need. Currently if there are overcrowded schools, we build schools to alleviate those pressures. If we have a precinct-level system, while we hope everyone would come together, they would not have to. There could be fighting over those dollars saying, "We need a school here," when truly what you have to do is look countywide and see where people are moving to. That is where that pressure is put. It should not be done at the city level. How would the Legislature ensure that the facilities being taken over by one precinct would have an equal number of quality facilities as another?

We also have some questions on central office services. Several issues that affect students are the services we provide. Who owns the school buses? How would the district provide transportation? That transportation could be put on the county or on the individual school precinct. We do not know who is going to be where, so how do we prepare—not just one year, two years, five years—how do we invest in our school district if we have no idea how many students are going to ride our buses? How would a new school precinct provide food service when contracts already exist? You have heard before that CCSD has one of the best magnet school programs in the country. Access to these programs would be limited if this bill, as we read it, were to go forward. Who would take over the sponsorship of our charter schools? Our charter schools service some of the most at-risk, underserved students in the state. We would contend that many of these students are close to dropping out. If we are going to be changing sponsors, changing who takes them over—how is that going to affect their learning environment? We are very concerned about that. What happens to those current contracts with charter schools if they go somewhere else? They have to reorganize.

I would like to bring your attention to Jordan, Utah. In 2009, it went through deconsolidation. Instead of spending their education budget allocation on student learning, they had to spend it on creating new administration and new services. According to sources, the deconsolidation created a deficit of \$59 million within that new school district. I would like to remind the Committee, that is just creating one new school district. This bill could create several more. This new school district began to realize the severe budget cuts that they had to make. One of their ideas was to lay off 250 teachers. The climate got so bad in Jordan, Utah, that the students staged a walkout in protest of the degraded learning conditions of the new school district. This is what happens if you do not do this thoughtfully, study the issue, and make sure that you are not going to hurt students. It is a cautionary tale. Nevada needs to take a detailed look at how deconsolidation will affect student learning. The Clark County School District in its current form has been around for more than 60 years. We have evolved, and we have learned not just how to best educate students, but what does state law say? What does federal law say? How do we interact; how do those laws intermingle?

Interfering with the lives of parents and students just as the state begins to implement its new evaluation system, new standards, new assessments, could have severe consequences. We believe that moving forward with this plan without first studying the issues that would be created by it—without a solid plan of determining finances, staff, and curriculum—is simply walking blindly forward with the hope of something better. That is no way to run an education system.

One final thought—the Committee needs to look further into considering how to create smaller districts. We are not opposed to the idea of deconsolidation; what we are opposed to is how it works in this bill. Should you decide to look further into how smaller districts can be beneficial to the students of the state, you need to make sure that we do not further isolate particular groups; that we are not exacerbating existing inequalities in school facilities and instructional resources; and that there is a plan so as not to lead to severe inequities in fiscal resources, especially in generating capital outlays necessary for growth. The bill should better address employee concerns—and it would affect their rights when a school district is divided up—and address concerns about programs, such as special education and programs for the gifted, that draw upon a large cross section of the county, which would be placed in jeopardy if this bill went forward.

That is my testimony. One thing that I would also like to address, if possible, is there was a comment made regarding the shuffle of teachers. We do not forcibly place any educator. They voluntarily move to other schools. What we

have to do is follow the contract. When we place them, they have to follow the contract at the school the educators go to. We do not force any teacher out; we do not force them to teach at any particular school. It is completely up to them. The contract states that. If we did not do that, I promise you that education unions would have a problem with it.

Assemblyman Armstrong:

Hopefully, if this measure were to pass, a city or entity developing their plan would replay your questions to come up with answers to a lot of those questions. I wanted to go back to the beginning of your testimony, when you were talking about the Curriculum Engine. Did you share costs with other districts on that, or did Clark County pay for those districts?

Craig M. Stevens:

I am not sure of the answer to that question. Perhaps I can get that information to you.

Assemblyman Armstrong:

It sounded as if you were saying that Clark County had more money and was more than willing to share. That brings me to a concern I have had throughout the session. How is CCSD spending its money? Is it going toward the students of the district? We saw the audit of the class-size reduction. If you are now telling me that you spent money for other districts as well, I come back to CCSD not spending money on what they should be spending it on. That is a concern for me.

Craig M. Stevens:

I have just been made aware that we did not offer that free of charge. We do have to create curriculum. Because of our economy of scale we are able to do it, finance it, and find the resources. That is the argument regarding economy of scale. We are able to do that because of how large we are, whereas other districts were not in a financial position to be able to do that kind of thing. It is not that we are putting our money in the wrong place. I would argue that a curriculum for English and math is exactly where we need to put our money. We were able to do that and to share it with other districts. We needed to make sure that the costs were recouped. We need to provide a quality education for our students and that takes money.

Assemblyman Armstrong:

My concern is that per-pupil spending in Clark County is going for pupils in Clark County and not for other districts, because they receive that funding for other districts.

Assemblyman Hickey:

Mr. Stevens, for someone who is not against deconsolidation, you give a very detailed 40 or 50 reasons why you do not think it is possible, and all the burdens it would place on us. You talked about the Nevada Plan. You said that breaking up districts would somehow reconfigure that or that it would no longer be equal, but that has been one of the constructive criticisms and the impetus for our changing the Nevada Plan. We are not going to treat it like a cookie cutter. We are going to make provisions for English language learners, for free and reduced lunches, and for children with special needs. To me, that seems like a contradictory statement to say that the Nevada Plan, as it has been the cookie cutter, is what makes a strong system. The direction we are moving is to try to tailor our services and funding to where the greatest needs are. I do not think that is a fair characterization of what it might mean if we deconsolidated the district with respect to how monies would be spent.

Jessica Ferrato, representing the Nevada Association of School Boards:

Today a lot has been talked about deconsolidation. I do not want to take up extra time. People have made a lot of good points of how challenging that would be for us. The thing I would like to point out on behalf of the Nevada Association of School Boards is that we have concerns about the equity for children if this were to occur from a deconsolidation perspective. If certain areas were to form their own precincts, we would be narrowing certain neighborhoods and areas of town, providing less equity for some of the students. We also have some concerns about locating teachers in those districts.

I want to highlight consolidation. The rural areas of Nevada are all quite unique. We have some concerns about the logistics between the large spaces that exist in the state. Also, the rural districts feel that they are already collaborating and sharing in terms of information and resources, to the extent that they can. There is some concern in the rural areas if they were to consolidate, how that would work with their contracting and their employees. It inevitably will mean that they will need fewer employees. How will that work? How will that play into contracting? For anybody that is under a contract, how would they transition those contracts? There is a risk for liability in a consolidation or a deconsolidation scenario for people who are mid-contract.

Assemblyman Edwards:

Mr. Stevens, my question goes back to the issue of stability and your earlier testimony. I have friends who are teachers. They have told me that, on average, one out of three years they show up for work on the first day of school and are told, "We do not have a class for you. You need to find another school to teach at." I talked with some people at Clark County School District about this a few months ago. I was told that there was considerable "churn" and turnover amongst teachers who go to a school that they just taught at for two or three years and suddenly cannot teach there anymore because they do not have the right class number or class size. One of the points that you made was how deconsolidation would cause disruption—teachers would need to be reassigned and reallocated. It seems as if you already have that problem, and it is pretty bad. I do not understand your hesitation in setting up precincts within which the teachers would actually have greater stability than what they currently have. Would this not be an asset of breaking it up? I will use Mesquite as an example. If all the teachers in Mesquite continue to work there, then you have greater stability within the senior ranks that are able to help their students year after year. If, however, they are subjected to the same thing that happens in Las Vegas, it seems as if you create more of a problem. This is one way to limit an ongoing problem.

Craig M. Stevens:

I respectfully disagree. If you create five different school districts with five different collective bargaining agreements, you will have five different ways to replace teachers, putting them in different schools. Right now we have a system. It may be complicated in some part, but it is dictated by the collective bargaining rules we deal with. What you would be creating, if we had different collective bargaining agreements, is a number of different ways that we would be able to place teachers. I am not sure that would increase the stability. In addition, you see educators move from one district to the other, one city to another. They are going to be following different rules—where they go on the salary placement. This is not to say that good results could not come of that. We just do not know. We do not know the implications of this bill. I am not trying to argue, saying it is a bad thing. I am trying to say that we do not know, and we should not put our students and educators in a position where we do not know what is going to happen should we have all of those different agreements, all of those different ways to hire, retain, and move educators.

Assemblyman Edwards:

I do not understand what your disagreement is because it is a fact that 30 percent of the time teachers are forced to change schools. If you parcel off different portions of the school district, then you minimize the possibility of

that happening. It seems as if it is more likely that you would have stability within the teaching staff because they would be dedicated to a certain precinct—like Mesquite, Boulder City, or Henderson. You would actually reduce the probability of that kind of turnover. I would have to disagree with your statement that it would make matters worse. On the contrary, it limits the opportunity for this type of churn, helping the student body to have the same kind of teachers as they go along. In this way, I think the precinct would help the situation in ways CCSD has not been able to do in the last 60 years.

Assemblywoman Diaz:

I know the definition of insanity is to do things over and over. You recognized in remarks that there is probably need for change. What I am hesitant about is how much we are throwing at the district all at once. Having lived through previous legislative sessions, we cannot throw so much change that we do not know what is up or what is down. What concerns me the most is the students. We need to be very deliberate and intentional with plans. We cannot just say that we do not think a plan will hurt them, and then really hurt the populations that we wanted to save in the first place. Sometimes that gets lost in the discourse.

I believe this measure has already been contemplated in the past. Did you do any history review? What happened when we tried this before?

Craig M. Stevens:

I have done some research. The studies that have been mentioned speak about the challenges that are created by deconsolidation. They do not look at a plan on how to deconsolidate. One of the things I appreciate about this bill is it is a plan. However, it is a plan that we feel puts in too much ambiguity in how it is done. If this body were to study how to go about doing it—there are steps in the process. Even the 1997 study said that some of this needs to be looked at in a more specific way. It would be better, moving forward, to find out what the plans are, and how they will affect students.

Mary Pierczynski, representing Nevada Association of School Superintendents:

We want to thank Assemblyman Gardner for his concern about children and starting a conversation that he strongly feels will improve the lot of our students; however, we have concerns about this bill which is why we are here opposing it. There are a lot of unanswered questions. Mr. Stevens has pointed out several of them. Those things would have to be vetted before we could lend our support for the bill.

I also wanted to mention, Assemblyman Armstrong, that you brought up Clark County School District. A couple of sessions ago, our school districts

were asked to consolidate our efforts in many different areas where we could in order to save money. Clark County School District does contract food services, for instance, with places like Lincoln County School District. Lincoln County does pay for that; it is not a Clark County expense. I wanted to make sure that was clear on the record.

The other thing I want to mention is consolidation in the rural districts. The rural districts are working together through interlocal agreements. To give you some examples, Esmeralda County is a K-8 school district. They have an interlocal agreement with Nye County. Their children go to Tonopah High School. Nye County has Duckwater, a tiny elementary school. The students go on to high school through an interlocal agreement with White Pine County or Eureka County. Interlocal agreements between school boards are going on in the rural districts to try to cut down on some costs.

Assemblywoman Dina Neal, Assembly District No. 7:

I am coming here today as the parent of a child who will be entering high school. I am opposed to section 8, subsection 2(h). I have concerns that I want to share. That paragraph talks about the precinct council assuming the liabilities of the Clark County School District. I do not know what that means, but one of my first concerns is that Clark County School District entered into a Prime 6 program, which is a modification of Clark County School District's prior desegregation plan. That increased families' school choice and offered them the ability to enhance their attendance at their neighborhood school. What effect would this bill have if this modification of the desegregation plan is currently in effect and the Prime 6 schools are in certain parts of the county? What will we do if some of those adequacy measures, equity measures, or equitable remedies have not been met? Are those liabilities that the local precinct council will be taking on?

Other areas of concern I have are that there is a long line of desegregation cases. What are the parameters of the protections we have to make sure there is not improper use of optional attendance zones? What protections ensure there is not an improper creation or alteration of attendance zones? What about feeder school patterns? I understand that this is an intradistrict remedy, but I want to make sure that the principles put forth in the bill in sections 8 and 10, subsection 4, are meeting the equitable principles in issues that we may fall into in terms of how we run a school district and these five residents who could be appointed through the city council. What is their knowledge; what is their expertise; what are their abilities? There is a provision under section 10, subsection 4, that allows that if there is no vesting of authority into the local precinct council then the school board of trustees retains some level of authority. It is not necessarily a catchall, but is an overlay of authority.

I am confused as to who, then, makes decisions. If the precinct plan is not adopted and then full authority is not vested because a portion of the plan is not adopted, then what do we do? As a parent, I want to know who am I going to go to with my complaints about my child? Who am I going to when I find out that his attendance zone has changed and he has to go to a different school? Based on this bill, I am confused. It sounds as if I will be lobbying the city council just so that I can have a voice to determine who is appointed and who I can talk with about my educational issues. I am not clear on what authority is being retained by the school board or its trustees. Do I have to talk to Mr. Erquiaga to find out what my power and authority is as a parent and how this is going to be regulated? For me, that is a problem. I want to put my issues on the record as a parent who represents a middle-schooler who is going to be going to high school.

Kevin L. Child, Trustee, District D, Board of School Trustees, Clark County School District:

All they have done is draft a bill without thinking of the outcome. We are going to pay for seven superintendents—around \$250,000 a year—and five assistant superintendents—at about \$150,000 a year. We will have seven boards of trustees if this passes. What about our landlocked properties and our overcrowding issues? If you have a city and they already have schools in it and they are landlocked, where are they going to get those schools and how are they going to have a mutual agreement with the other districts to place our children? When I look at it this way, it is going to cost the taxpayers many dollars. I hope the taxpayers realize that may happen if the cities get ahold of these school districts. I go back to the point system scores. The state judges our schools by point systems.

Florida has a waiver for English language learners (ELL) but we do not. English language learner students are counted in the grades given to our schools. That brings our scores down and our points down. Then they charge us for the absentees while most states do not. When they do that, it counts off our point system. Then we have our special-challenge students. Their scores are ranked with the regular students. I believe there should be some disconnect there, but every child matters. C. P. Squires Elementary School has over 150 specially challenged children. It is a three-star school. If their scores were not counted, it would probably be a five-star school. Things like this are how we are sometimes set up to fail. I am a newly-elected board member, and I am doing a lot of research.

You talked about budgeting. In January we opened up our books to business leaders in our community. We call it return on investment. Every dollar counts. We do care about Clark County's tax dollars and Nevada's and the federal

dollars. We are very good stewards of your money. We are hoping to maintain that in the future. We do have seven districts that represent seven different areas in Las Vegas. To link us up and say that you have to split us up—we are already split up into seven districts. We are elected officials. It is just like saying, "Let us break up the state of Nevada because it is too big."

Chair Woodbury:

Is there anyone else in Carson City or Las Vegas wishing to speak in opposition to Assembly Bill 394? [There was no one.] Is there anyone in either location wishing to testify as neutral to Assembly Bill 394?

Ray Bacon, representing Nevada Manufacturers Association:

This is one of those cases where I agree with a lot of what has been said on both sides of this complex issue. Let me also say, since I think I am the only person in the room who was around in the 1995 session and interim, I am the only one who remembers the last serious conversation about this issue. It was a very serious conversation then. At that point, the school districts were universally and totally in lockstep against it. This time, at least we are hearing some reasonable conversations about the fact that we need to do something. I will go through a laundry list of things that will be somewhat disjointed.

I will start off with the one that I think is the most obvious. From an elected official standpoint, the Clark County School District is the least representative elected board that we have in the state of Nevada. Ponder that. You have seven people to cover the entire Clark County area. You can say that the Clark County Commission is exactly the same thing, but the vast majority of the people who are represented by the Clark County Commission are also represented by the City of Las Vegas, the City of Henderson, Boulder City, Mesquite, et cetera. You have one of the most important issues in the state, in one of the areas where we are doing the worst, as the least elected representation in the state. That is probably a signal that we ought to do something. Do I think this bill is the right vehicle? Not completely, but it is certainly a step in the right direction. It opens up the discussion, and that is critical.

Let me deviate a little bit. If any of you have not read Joel Klein's book on his experiences during his tenure in New York City, I would highly recommend it. A lot of what he is talking about is what New York City did. They did not break up the district. They broke up a lot of the local control issues, because the local controls were inconsistent and they had a system of patronage inside the city. The people who were in those intermediate positions, in many cases, had huge staffs. They went through and dissected and removed a lot of those staff members. They focused on choice. They created choice. They focused on

students. They did not focus so much on the teachers and on the adults inside the system; they focused on what was in the best interests of the students.

Let us talk about student performance and student learning issues. You have bills coming through this time, and there has been a lot of discussion about the things that really do make a difference. The reading by third grade issue is one of those things. If you take a look at every place that has done that, it has made a monumental difference. Do we have every student in the state reading at grade level by the end of third grade? The answer, unfortunately, is no. We have pockets inside Clark County where we do not have good reading skills. We have pockets in the tribal schools in this state, in the rural areas. We have to start taking a look at performance school by school and figure out what we are doing wrong and give the places that need the help the resources they need. Part of that is adjusting the funding issues. Superintendent Skorkowsky made this issue: If you adjust the funding formula during this session and then go through and do the breakup, you are going to wind up with court battles over the funding. It is almost guaranteed. He is not wrong. Simultaneously, we have to get focused on what the student performance is and what we are doing.

Let us talk a little bit about the choice issue. Whether choice comes from charters, from broader expansion inside the magnet program, or whatever you are doing in this regard, we need to take a look at choice. If you look at Southwest Career and Technical Academy (CTA) in Clark County, last fall they had 3,300 applications for 380 seats. Children's lives are changed by a lottery. We are not willing to exercise a lottery for school funding, but we are willing to damage students forever in a lottery? Give me a break. That is flat wrong. I do not know what we have to do to get the capacity up, but the CTA programs in particular do not need a fancy school facility, they do not need something new. There are existing buildings that are empty that can be rehabilitated for a fraction of what you can build a new school for. Most of the CTA programs, by definition, have opted not to have an athletics program. They still have physical education, but they do not have an athletics program. Students opt to go to those schools. The graduation rate runs between 95 and 99 percent. That works. It gives students the education that they need. Some students apply for multiple programs, but it is still our capacity in that area—the career and technical education (CTE) area. If we are going to change the economy of the state, the CTE programs, especially the ones focused on science, technology, engineering, and math (STEM) skills, become critical to the future not only of the state, but critical to the future of those students.

As we go through and take a look at this issue, it is not clean. There are no good answers. Do we shift around too many teachers inside this state?

Absolutely. Let us pick on the nice town of Mesquite. Let us say that Mesquite becomes a separate district or a separate subpanel of a district. All of a sudden, those teachers will not be told they have to drive the 80 miles to go to teach in Las Vegas because their position was eliminated. If you eliminate those problems, you will probably add stability to the system. If you break it down to the point where you can even say, by sector, we are going to find you a new job because the student load shifted. You get to stay in Henderson or in North Las Vegas or Summerlin. You start to make some progress. The instability, the teacher shortage, and the issues that we are dealing with across the state, more profoundly in Clark County than other places, are issues that we need to deal with.

We need to fix our charter law, which we have not done except tinkering around the edges. How much can we fix our charter law? If we followed the charter law in Arizona and fixed it that way, we might wind up with something like the BASIS charter schools. Does anyone in here know about the BASIS schools? They have two or three schools in Arizona, one in Scottsdale and one in Tucson. Those are totally different communities. The one in Scottsdale is listed as the fifth-best school in the country. The one in Tucson is the sixth-best school in the country, with a totally different demographic. They are clearly doing something right in that school. Yet, the Knowledge is Power Program (KIPP) people and BASIS will not come to Nevada because of our charter law. This is a huge issue that you are opening up. There are autonomy issues that we need to address. This is a starting ground. I do not think the bill is perfect, but I would ask that you take a serious look at what you can do to enhance this bill and still move forward. I think the door is open. Remember, the fixes in New York City took eight years. This is not going to happen in a year. It is a long process to make the fundamental changes we need.

Chair Woodbury:

Is there anyone else in Carson City or Las Vegas wishing to testify as neutral to Assembly Bill 394? [There was no one.] Assemblyman Silberkraus would like to testify in support at this time, as he was unavailable earlier.

Assemblyman Stephen Silberkraus, Assembly District No. 29:

This bill is very important to me, to my district, and to my city. The Henderson City Council came out unanimously in support of this ([Exhibit H](#)). We are looking forward to the opportunity to move forward and actually improve schools in our area, providing better services to our families and to our children. As a father of a son who will be entering the school district in the next few years, it is of paramount importance to me to see these schools improved and to have programs that will allow him and every other student in

Henderson and across Nevada to flourish. I strongly—personally and in my official capacity, after having talked to many of my constituents—endorse this and ask for your support.

Assemblyman Gardner:

I have heard testimony about having to hire new superintendents. That could be true. I believe we currently have sixteen or seventeen. We could probably cut a few, to tell you the truth. In the Clark County School District there has been talk about evidence of what happened in Jordan, Utah. I can just as easily point to Maricopa County, Arizona, and several other places that have deconsolidated without those kinds of issues. We are also talking about a very different bill than what they used in Jordan, Utah. I have heard repeatedly about the need for a study. The first time we studied this was in 1971, and nothing happened and the situation got worse. The second time we studied it was in 1997—nothing happened, and it got worse. My concern is that nothing is happening. Nobody is doing anything.

I am happy that we are having this conversation, but I am a little bit annoyed that most of this opposition I did not hear about until today. This is the first time. None of these people have contacted me. I have talked to the Clark County School District, but even the vast majority of their opposition I have heard about for the first time today. We are trying to make things better for students. I have four children and am deathly afraid of our school district because the standards and achievement keep going down. I graduated in 2000; my brother graduated in 2013. You would be surprised at how low the standards have dropped in just thirteen years. Right now we have no competition. It has been pointed out that we are the seventieth out of seventy urban school districts in terms of competition. We are the very last. We have the worst level of competition when it comes to school choice. Right now we are saying, "Hopefully, you are in a good school district or you lucked out and are rich enough to go to a private school." I am an attorney and not rich enough. I assume most other people are not either. If the opposition wants to come with amendments, I am happy to hear them. The goal of this bill is improving education that has been getting worse for years. Nothing has been done about it except for studies. I was asked to do a study and told them no, as we have to do something. In my opinion these cities will be doing studies. Henderson, Las Vegas, and North Las Vegas, if they decide to do this, because it is voluntary, will be doing studies. We will get those facts. We will find all the answers. I do not know what cities will want to do. If you can read the minds of the city councils and mayors, please tell me. I am sure a lot of people will want to know that, but I do not know and I am sure you do not know. The idea is to give them the pathway forward. If they take it, they take it. If they do not, they do not. That is what this bill is about.

Chair Woodbury:

I would like to let you know that if anyone has submitted or will submit written testimony or a letter regarding this bill, it will be posted on the record. I will close the hearing on Assembly Bill 394.

Is there anyone here for public comment? [There was no one.] Our next meeting is a joint meeting with the Senate Committee on Education at 5 p.m. tomorrow. Presentations will be made on providing protections from bullying in public schools and on a safe and respectful learning environment. The Senate Committee on Education will be hosting this meeting. Our next regularly scheduled meeting is Wednesday, April 1, when we will hear two bills. We may have a work session. If there is no further business to come before the Committee, we are adjourned [at 6:47 p.m.].

[An exhibit not mentioned previously includes testimony in opposition to Assembly Bill 394 ([Exhibit I](#)).]

RESPECTFULLY SUBMITTED:

Joan Waldock
Committee Secretary

APPROVED BY:

Assemblywoman Melissa Woodbury, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Education

Date: March 30, 2015

Time of Meeting: 3:16 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 394	C	Assemblyman Gardner	Proposed amendment
A.B. 394	D	Magdalena Martinez, The Lincy Institute	Policy brief
A.B. 394	E	Carrie A. Buck, Pinecrest Academy	Prepared statement in support
A.B. 394	F	Chris Garvey, Clark County School District	Prepared statement in opposition
A.B. 394	G	Craig M. Stevens, Clark County School District	Education Study by Applied Analysis
A.B. 394	H	Mayor Andy Hafen, City of Henderson	Letter of support
A.B. 394	I	Anna Slighting, Clark County School District	Testimony in opposition