

**MINUTES OF THE
SENATE COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS**

**Seventy-third Session
March 22, 2005**

The Senate Committee on Legislative Operations and Elections was called to order by Chair Barbara Cegavske at 2:04 p.m. on Tuesday, March 22, 2005, in Room 2144 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Barbara Cegavske, Chair
Senator William J. Raggio, Vice Chair
Senator Warren B. Hardy II
Senator Bob Beers
Senator Dina Titus
Senator Bernice Mathews
Senator Valerie Wiener

GUEST LEGISLATORS PRESENT:

Senator Sandra J. Tiffany, Clark County Senatorial District No. 5

STAFF MEMBERS PRESENT:

Brenda J. Erdoes, Legislative Counsel
Michael Stewart, Committee Policy Analyst
Elisabeth Williams, Committee Secretary

OTHERS PRESENT:

Alan M. Schlottmann
Robert Schmidt
Janine Hansen, Nevada Eagle Forum
Lynn P. Chapman, Nevada Eagle Forum
Rose E. McKinney-James, Clark County School District

CHAIR CEGAVSKE:

We would like to open the hearing on Senate Concurrent Resolution (S.C.R.) 8.

SENATE CONCURRENT RESOLUTION 8: Directs Legislative Commission to conduct interim study to develop plan to deconsolidate Clark County School District. (BDR R-721)

SENATOR SANDRA J. TIFFANY (Clark County Senatorial District No. 5):

Thank you for allowing me to bring this bill forward again. Deconsolidation is just a nasty word that seems to get people's attention. This time, we are trying to develop a plan. It is not to question whether the Clark County School District should have more than one school district. Senate Concurrent Resolution 8 answers the tough questions on where the map study stopped. It moves the process forward into actually creating a plan and bringing it back. I do not have to read the preamble for you because you all have already read it.

CHAIR CEGAVSKE:

Senator Tiffany, could you read it? There are probably members who do not know about the map study. Could you just refresh the memories of the Committee?

SENATOR TIFFANY:

In 1996, Senator Jon C. Porter had a study commission to see if it made sense to deconsolidate the Clark County School District. They came up with all of the difficulties and the tough questions which we need to have answered. Some of the difficulties included: the property tax along the Las Vegas Strip, the bond indebtedness, the civil rights questions, how many school districts should there be, how the districts should be broken up, what the population of the school district should be and how employee contracts would be handled. They are enumerated in the back of the study.

The Legislative Commission foresees hiring a contractor as the facilitator and establishing an advisory committee. The Commission would not actually get into the question of whether it makes sense to deconsolidate or not, but to answer the tough questions beyond the map study. The two gentlemen with me have spent a number of years on this issue. They have also worked with an expert at Harvard University, who has spent the last 10 or 12 years of her life just looking at large school districts and determining what to do with them. They will address this issue on the academic side.

ALAN M. SCHLOTTMANN:

I am an economist and a full professor at the University of Nevada, Las Vegas (UNLV) with research interests in State and local public finance. My recent research has related to the building of wealth in the minority community, particularly among Hispanics and African-American households, with attention on housing. Much of this work has been sponsored and published through organizations like the U.S. Department of Housing and Urban Development, Harvard University's John F. Kennedy School of Government and other similar organizations. My comments today do not reflect any official position of UNLV, any unit on the UNLV campus or any related branch of the Community College of Southern Nevada. Is that a good enough disclosure?

As a researcher, I am fairly perplexed and honestly disappointed that the significant amount of research on school size, district size and student performance has not been available, as far as I can tell, to my State Legislators. I really do not understand why the deconsolidation issue appears to have lapsed into a case of myth versus reality. I do not use this word in a silly sense, but I am really sad that so much misinformation exists in the press in Nevada. There is so much credible research which strongly suggests the negative implications of large districts on poor, disadvantaged and minority students. Obviously, I clearly support the purposes of this study to see the nuts and bolts and the detail necessary to engage in deconsolidation. One educational issue all Legislators, Democrat or Republican, should agree on, is that the deconsolidation of the Clark County School District makes sense. To me, it is not a political issue. It is a research issue in terms of what is best for student achievement.

There has been research done since the map study in 1996, which used literature from the 1980s. What have people been doing since the study? Is there any consensus in terms of the impact of large school districts on student performance? I have discussed this with a couple of Senators here. In the early 1990s, special issues of journals, such as *Education and Urban Society*, basically came up with a conclusion. They said school district size has a consistent and negative relationship with student performance. Much of that literature was not incorporated in the initial map study. In truth, nothing has changed on that particular conclusion in the last 15 years of research. Much of the recent work in California, where they use individual test scores and the nine standardized tests developed by Stanford University, looked at school, class and district size. They found that district size has a negative influence on student

performance. District size hinders educational achievement and has the biggest impact on middle school performance. I know many people on this Committee are seriously concerned about student performance and the future generations of our State. When I look at the Clark County School District statistics, as all of you are aware, the minority school dropout rate is exactly the middle school cohort which mirrors the conclusion from the California study.

In addition, other people have tried to look at some intriguing issues of interest with respect to school district size. There is specific concern about poor students from disadvantaged areas. As an example, the Louisiana Department of Education, not what we would call one of the wealthiest states in America, published their report where they find a strong, consistent, negative correlation between district size and student achievement and low-income populations. The higher the level of poverty in the community served by a school—and this is their term not mine—the more damage the larger schools and school districts inflict on student achievement.

DR. SCHLOTTMANN:

I have had several discussions with Carolyn Hoxby, who is an economist at Harvard University. As an African-American woman, she was concerned about the impact of school achievement on minority populations. She is basically recognized as a person who has looked at the impact on student achievement of smaller districts as opposed to larger districts, like Miami-Dade and Clark County. Independent of any returns to scale, the consolidation of districts in a metropolitan area dampens school performance. This sort of literature and universal concept was really not brought forth in much of the work you have seen. What I find extraordinarily striking about the literature is the result that smaller districts translate into substantial improvements in school performance for impoverished communities. The idea of having large school districts within disadvantaged communities often gets referred to in literature as compounding the disadvantage. In simple but powerful terms, my reading of the literature is that large districts compound disadvantage.

I tried to come up here today and, as a researcher, find you a counterargument that those comments were not true. To the best of my ability, I have not been able to find a counterargument in the research literature about the negative impacts of school district size. This was held in the studies done on school-system size and performance in California as far back as 1988. They

hold in studies in 1996 relative to states like West Virginia, Georgia, Montana, Ohio and Texas. Dr. Schmidt is going to mention some of those studies to you.

As a citizen of the State, much of the same sources of information are brought forward to you as Senators. None of that information is really discussed in the popular press. For example, a piece of misinformation I really do not understand and I fear has become a part of our legislative politics is a consistent theme of senior administrators associated with Clark County School District. They say the trend is toward consolidation. With respect, Senators, listen. In Arkansas, they have 310 districts. They may consolidate some of the smaller districts, because rural population shifts to the cities. What does this have to do with Clark County? In Arizona, there are 227 school districts and because of population shifts, they may have to consolidate some. What does this have to do with Clark County? Yesterday, Iowa, which is known for its emphasis on education, released their study on the 367 school districts in Iowa. What does Iowa have to do with Clark County? Historically, some of the small cities and towns have their own school districts. However, now they might want to consolidate some of those. This has nothing to do with Clark County. When people talk about doing a school district size, they are talking about 40,000 or 50,000 students maximum, not 300,000 students. Again, I take you back to Ms. Hoxby's work. She finds negative results in school districts which approach the size of Miami-Dade. Clark County School District is starting to get into the top five.

DR. SCHLOTTMANN:

In terms of looking at the issue of deconsolidation, I cite consistently literature from Harvard University; University of California, Berkley and our own work. Large school districts have negative implications for student achievement, particularly in poor and disadvantaged neighborhoods. Poor kids lose. Therefore, there are issues you should consider looking at if you were to move ahead with deconsolidation. One is how to handle issues like bond indebtedness and the issue of new debt? What should be the number of new districts and their geographic boundaries? What about asset division among the new districts? What about civil rights issues? What about existing employee contracts? Then as an overarching theme among those six points, how do you really plan the implementation? If you move forward, it seems to me that would be the set of issues which need to be addressed. I know everyone on this Committee is concerned about the education and the future of children, especially those children in disadvantaged neighborhoods. Simply as a citizen of the State, I would ask each of you to try to separate myth versus reality and actually get a

feel for what serious researchers, with no political ax to grind, are saying about district sizes being too large. Clark County School District is clearly too large.

SENATOR RAGGIO:

I appreciate your testimony, and I have long felt this was overdue. The study has already been conducted in past years. It is always interesting to me that the same groups who advocate class-size reduction, because it has a favorable impact on students, take the opposite tack when they talk about district-size reduction. You have made the case for district-size reduction. I am open in the area of class-size reduction. We do get some studies, depending on who originates them, which go either way. You said you looked, and I have not seen any study yet, that larger districts somehow improve learning capability. You suggested the opposite.

DR. SCHLOTTMANN:

Dr. Schmidt will talk about a couple of studies which speak to exceptions where it does not hurt. In terms of helping, the literature I read states it is very difficult to find any carefully done study by well-recognized researchers, as opposed to people who have a predisposed concept of what they want to tell, and then they go out and find supporting research.

SENATOR RAGGIO:

This is one case where bigger is not necessarily better.

DR. SCHLOTTMANN:

The literatures gives no indication that is true.

SENATOR RAGGIO:

You threw out a number earlier. Based on what you have looked at, maybe Dr. Schmidt can respond. What would be, in your viewpoint, the ideal size of a school district? You said something about 40,000 or 50,000 students. I am sure there are all kinds of estimates, but what would you say?

DR. SCHLOTTMANN:

The estimate tends to be imprecise for the following reason. Everyone in this room knows one of the fundamental concepts of having something larger rather than smaller is economies of scale. For example, I can buy large sets of pencils cheaper than smaller sets of pencils. People have tried to estimate at what point the economies of scale run out. Where do you capture those? I hesitate to put

an exact number on that because it is an estimate, but some of the estimates I have seen are between 40,000 and 50,000 students.

SENATOR RAGGIO:

The resolution before us does list many of the items you indicated would be appropriate for consideration for the study. Obviously, you would not want to create a district which contained a disproportionate number of disadvantaged students or a district in which assets were not proportionally allotted. That was all contemplated in this study, and I am not sure if it was looked at in the last study or not.

DR. SCHLOTTMANN:

As Senator Mathews and Senator Titus know, I have done a fair amount of research associated with democratic and union issues. I do not understand, from what I read in the paper, why this specific topic is becoming a political issue. I am a first-generation college graduate myself. I am sorry if I seemed a little excitable in front of the Committee, but children from low-income families need every break they can get. I was one of those kids. Education has made my life much different than anyone else in my family. I want these kids in Clark County to have the same opportunity to succeed that I did. I really think large district sizes are hurting their opportunities.

CHAIR CEGAVSKE:

We heard in another committee from Senator Michael Schneider who has a bill to make the schools smaller. An elementary school would hold 300 students, the middle school would hold 600 students and the high school would hold 900 students. Have you seen any statistics about that?

DR. SCHLOTTMANN:

It is expensive, but smaller schools matter as much as smaller districts.

CHAIR CEGAVSKE:

The cost is overwhelming. The school district is under pressure to build fast, so they have built large schools to get in as many students as possible.

SENATOR WIENER:

I have an inner-city district; it is less inner city than it was before it was redrawn, but it has a lot of at-risk schools. In order to have a configuration where the populations are relatively equal, you would almost have to go

downtown at Main Street and Fremont Street in Las Vegas and divide the district into shapes resembling slices of a pie. That way everyone would get a little bit of the inner-city schools, suburban schools and the newer growth.

I visit every school every year. I spend at least six or seven full days in my schools. My concern would be how the configuration might be designed. How would you address the inequities? You are talking about how the economically challenged students will not be left behind. Unless they are divided into a district which has, like I said, a little bit of the inner city, suburban and newer growth, the district will not be equal in terms of the population served. I am concerned these students will be left behind because they are inner city. I am also concerned about teacher recruitment to these inner-city schools; they will not be a great place to sign up to teach, compared with other districts in southern Nevada.

I have talked to teachers and asked them how we are fortunate enough to have them in the classrooms they are in because it is draining. These kids are needy, there is no question they are needy. I ask the teachers how we keep them because they have such a passion for teaching. Some of them say this is where they are supposed to be, "It is my mission." They do get drained though. It is not the first choice for many teachers to be in an inner-city school. It is a tough struggle. I was wondering how you would address that in designing districts to have as much equity as possible in terms of getting teachers and giving the students an education.

DR. SCHLOTTMANN:

That is one of the serious questions you would have to address to make sure it was done correctly. As you are aware, when Los Angeles started its class-size reduction program, they found exactly the same issue you raised. A lot of the new teachers they were hiring did not want to go into the inner-city schools. Are those legitimate issues? You bet. They would have to be carefully thought out. That is why the State Legislators are ahead of the curve trying to make sure those issues are addressed. You want to look before you leap.

I was aware of your passion on this issue before I came up today to say the fundamental concept of deconsolidation is right. You are pointing out, Senator Wiener, the devil is in the details. I agree with you. The data of how Los Angeles solved the same issues are relevant to your concerns because California

is next door to Nevada. Some people at Claremont Graduate University (CGU) are trying to develop that data to see what the implications are now.

ROBERT SCHMIDT:

I earned a Ph.D., J.D., several masters degrees, and I have advanced degrees in economics, the law and sociology-demographics in particular. I come here not only as a researcher, but as a teacher in the Department of Public Administration at UNLV where I teach organizational theory and public administration about every other year. My regular education job is as a senior research fellow for CGU in California. I am also the professor of governance for the Helsinki School of Economics international school as well as for a school in St. Petersburg, Russia.

I have a definitive feel for the Clark County School District, what with five children, most of whom attended the Clark County school system; we have also used the private school system there too. I have traveled quite extensively, so my children have also been in the Minnesota, Illinois and southern California school systems. I have a good sense of the school system in Clark County because I have been to every one of the schools, attending the only one I had not been to before just in the last week. Unfortunately, I have been to a number of schools not always on the best of terms, I have three active boys; two of the boys have graduated, and I only have one son remaining. I have some feel of how the system works. I can talk about the positives and negatives of what happens in the schools. More importantly, I have studied the school district itself, as well as other school districts.

We understand the Legislature has a particular role, and this Committee has a specific role. One of those roles is simply to improve the outcomes. What are those outcomes? Those are the outcomes for the kids, either the learning outcomes or perhaps the efficiency and effectiveness outcomes: getting the bang for the buck. This Legislature, like a lot of other legislatures, tends to look at exactly the same things. These things are used across the United States. First of all there are the teacher-training issues. I will call it the "how do you teach" issue. How should we change the instruction? We already have the investment, why do we not change the instruction?

The second issue you usually look at is the new-materials development. Maybe we need a new curriculum, maybe we have not taught the right things or maybe we need to change it around a little. We saw this, by their own admission, in

the Clark County School District. A couple of years ago, they forgot to teach times tables for a brief period and have since corrected it, but some of the math scores dropped. They also did not promote certain types of math classes for a period of time. Both teacher training and new-materials development are rarely successful. Teacher training is not successful because those who are experienced teachers generally tend to do what they find works for them. It is hard to change that once you have learned a way that works with the kids. New-materials development is not successful because we suffer from fads. We tend to go in and out of different things.

Another issue legislators look at is class-size reduction. We have heard a lot about it. I can best say that the data and reports on class-size reduction are equivocal. Some are good and some are bad. If you do look at them in any great detail, you will find out that certain types of classes at given ages are better off at a smaller size. Generally, of the 130 studies done over the last 25 years, if anything, there has not been any great bang for the buck.

Another issue is just spending more money because more money will attract and retain better teachers. To some extent, there is certainly some truth to that. If you have more money, then you can attract some better people. In the long run, it rarely works out. For example, the Kansas City School District in the early 1990s doubled, by federal court order, its funding to schools. They got zero improvement over the next ten years in the Kansas City School District.

Another issue brought up is the need for more parental involvement. I find this the most disingenuous of all of the statements. What it does is simply try to honor parents for their role, while at the same time assign blame to them. There is absolutely no evidence or studies done which show parental involvement is any more or any less than it was 30, 40 or 50 years ago. The data simply is not there.

Of course, the two issues which are illogical and rarely addressed are school size and district size, which is pretty interesting. If you really think about it, educators and policy makers generally do not, as a rule, ever go to the size issue, either in schools or districts, because it does not make any sense. It does not logically tie to performance. They also take a look and say it is probably not economical. By the way, I need to make this clear. An exceptionally large school district has 40,000 students. A large school district by most researchers is 3,000 to 5,000 students. For those of you who do not know, in the

Clark County School District there are about 280,000 students. The Clark County School District estimates that in 2014, there will be 443,000 students in a single school district. Another reason policy makers and educators rarely look at this issue is that they believe it is not possible to have smaller school districts. It is either too dangerous to change the existing power relationships or it just cannot be done for an assortment of impractical reasons.

DR. SCHMIDT:

Minneapolis has a huge school district of 40,000 students, according to the State of Minnesota, which has over 400 school districts. There are basically three types of schools when it comes to school size at the high school level: 3,000 students, 1,600 students and 400 students. A boutique is 400. Middle of the road is 1,600, and 3,000 or more students is larger. Most of the 3,000-plus and even the 1,600-plus districts are obviously in very urban areas. In the case of Minnesota, they took these large school structures, and they broke the physical schools into small schools within the schools. That has been done fairly successfully. For those of you who have not been to one of the Clark County School District schools, I brought an educator out from Minnesota to look at them. He first thought they resembled a minimum-security prison. I said, if you come with me and walk through them, you will also feel they are minimum-security prisons as students walk to their 15-minute nutrition breaks and the like.

What do we want from these institutions? First of all, I would argue, what we really want are schools where people, this means all parties, know and attend carefully to one another. We want to improve outcomes by doing that. It is not only the school size, or the district size, it is the scale. I want to use that word because scale implies a substantive level of complexity over just size. That scale provides us with some diseconomies of scale that we actually have. To recommit to what Dr. Schlottmann has already stated, there are a series of studies which have been done in states of various sizes, such as Georgia, Ohio, Texas and West Virginia. What is interesting about those states is they all have great urban, suburban and rural areas. There is also a great physical area to cover in those states. Those studies, with the one exception Dr. Schlottmann brought up, show a disadvantage to large-school size or scale and large-school-district size or scale.

The one exception, interestingly enough, is in affluent areas. In those areas, a slightly bigger school district, meaning 3,000 to 5,000 students, is actually

beneficial to those students. This should not surprise you because this is measured by the outcome of test scores. What happens is, if you take a look at the normalized data, these large schools in affluent areas provide a broader curriculum for these students. It also allows them, because of the way they are scored across the state or national average, to do much better. There is some benefit to that.

In general, and this is the most important point that Dr. Schlottmann brought up, the effect of size and scale is negative in poor schools, which just means schools with a lot of poor kids. We know, as a matter of fact, that no matter whose numbers you want to use, socioeconomic status exerts the single strongest influence on achievement—not better teachers, not how much they are paid, not what the house looks like and not whether or not the kid's parents were involved. Between one-half and two-thirds of the variance, depending on who you talk to, is attributed to that. The empirical evidence shows that across the United States with smaller schools and smaller school districts for those people. If you are in poverty or there is a large portion of poverty in your area, that is what you need. That is not necessarily the case in affluent school districts where you have a large pocket. These are not as common, and again, that means school districts of 5,000 students. It has recently been proposed by many that school districts ought to start with the assumption of a single high school and then broaden from there. In Clark County that might be as many as 40 school districts, and I seriously doubt that makes a lot of sense. At least at this point in time, that is what has been done.

I would like to add a couple of other items. I absolutely concur with Dr. Schlottmann that you can see this negative effect. It is statistically significant across different states, cultures, income levels and races. In our own Clark County community, a number of surveys have been conducted over the last several years. One was done for Clark County Development Services which also looked at some of the other people who have an interest in the school district and its performance. In that survey, the number one item that prevented business leaders from moving their company to the State of Nevada was the perception, I did not say reality, that the school district is not good. They could not find good schools.

The second item is a set of surveys done over the last five years which took a look at whether or not the school district was too large. The consensus across race and economic strata was that the school district should be broken up. That

was generally a 60 to 40 view. As a follow up to what Dr. Schlottmann had to say earlier, if you are truly concerned about the outcome of the students, you would have smaller schools, and smaller school districts. In particular, you would focus on those areas where there is a lower socioeconomic strata.

SENATOR TIFFANY:

This bill needs to be rereferred to the Senate Committee on Finance because \$250,000 is noted for the facilitator of the study.

SENATOR RAGGIO:

We have generally agreed upon the number of interim studies. Each House has the same number. As you know, this time we are going to have a limited number because of the pressures on the Legal Division. Then we appropriate the funding, generally, for the studies. It does not have to go to the money committees. If we do a separate appropriation, then it would have to go to the Finance Committee.

SENATOR TIFFANY:

As a policy maker, if you decide to move forward with this bill, I would like you to take a look at the composition of the committee and particularly the advisory committee. I would like to see a civil rights attorney there from the law school. Part of what will be important is what Senator Wiener talked about. We want to make sure that if we come back with a recommendation, the issue is seriously addressed. You might want to think about that as a committee.

CHAIR CEGAVSKE:

Now, we will open up the floor for a public hearing on S.C.R. 8.

JANINE HANSEN (Nevada Eagle Forum):

We have supported this concept for a number of years. We support it because of the appearance of having an opportunity to be involved. I read an interesting study out of New York City which said it is not parental involvement that matters, but parental power. When you have a smaller school and a smaller school district, parents can have more influence on what the policies are in their own school district.

You have had these wonderful, credentialed people here to talk to you today. I am not going to pretend I am, but I brought you a study which was presented in Louisiana in 2003 ([Exhibit C](#), original is on file at the Research Library). One

of the things which impressed me about this study is the four pages of references in the back. Many of those studies have already been mentioned today. Just look at the executive summary on page 3 of [Exhibit C](#). The third bullet down reads: "The states with the largest schools and school districts have the worst achievement, affective and social outcomes." The fourth bullet states: "There was strong, consistent negative correlation between district size and student achievement in low-income populations." The fifth bullet states: "The higher the level of poverty in a community served by a school, the more damage larger schools and school districts inflict on student achievement." Then under the next category, the Notion of Economies of Scale: Advantages, the third bullet states: "The larger a school district gets, the more resources it devotes to secondary or even nonessential activities." The fourth bullet states: "Instead of making up a larger percent of the budget as school district size increases, the percentage spent on teachers, books, and teaching materials decreases."

I just mentioned a couple of items. One of the things Senator Wiener was talking about earlier is addressed on page 14 of [Exhibit C](#):

... There are several other subtle costs that discredit the economies of scale cost saving ideals. These other costs of larger schools and districts are lower graduation rates, higher dropout rates, high rates of violence and vandalism, higher absenteeism and lower teacher satisfaction.

One of the ways you attract teachers who are more interested and better is to have higher satisfaction. Smaller schools and smaller school districts seem to provide that.

I will read from [Exhibit C](#):

The costs to society are higher crime rates, increased cost of incarceration, more violence in schools and more families receiving public assistance. These authors also report that it takes more paid professionals per student to deal with the negative effects of alienation in a large school than in a small one, where people know each other better. Walberg and Fowler (1986) report that "it appears that the smaller [the] district, the higher the achievement when the socioeconomic status and per-student expenditures are

taken into account because the superintendent and central staff awareness of citizen and parent preferences ... "

This is my big concern. One of the reasons we have problems in our schools is because our schools are not responsive to citizen and parental concerns. That is because parents have no power in the schools when they are so large. If you can go down to your school, you know the teachers and the principal; you are in the Parent Teacher Organization or the Parent Teacher Association, you are participating, and you have a lot more influence about gaining positive outcomes.

Taking this into account, the smaller districts were better because they recognized "parent preferences, the absence of bureaucratic layers and administrative complexity, teacher involvement in decision making," one of the things that makes teachers happier, "and close home-school relations; these may account for efficiency of small districts."

There are a lot of things which have already been mentioned. The idea is that smaller schools and smaller districts are most advantageous, as we have already heard, to those who are on the lower part of the economic scale. In terms of the involvement of citizens and parents, this has a great impact for them to not just be involved, but empowers these parents to have some decision-making influence with their own children in those schools. That makes a huge difference.

I will just close with a couple of stories. When my son was in first grade, he was chosen to be a student of the month. He was sitting with the superintendent of schools in Washoe County at lunchtime. My son was talking and mentioning some of his concerns to the superintendent. It was an opportunity for them to get acquainted and for him to understand some of those problems. Another time when he was in the fourth grade, they were having a particular type of class of which he knew I disapproved. I did not want him to participate unless he had parental permission. He simply told his teacher that his mother did not want him to be in that particular drug class. His teacher took his word for it because she knew of me. In that way, my wishes as a parent were honored and I think that is important.

Another time when my daughter was in second grade, there was a problem with stealing in her class. She had been accused as a part of this. I went to find

out what happened. I found the teacher was punishing every student in the class because of what a couple of students were doing. My daughter was severely affected by this. I was able to go to the school and make a difference in that classroom. Parents need empowerment so they have influence. They can also have influence as citizens with regard to going back to the basics so our children have things like phonics. Parents can make a difference in our schools.

I support this resolution. These studies which have been presented and the ones I have read are easily available on the Internet. That is where I got this one. They help in improving our schools, which we all want to do so our children have the best education possible, especially those in disadvantaged areas. Certainly, my children were in areas where they were in lower-income schools. I am concerned about that.

LYNN P. CHAPMAN (Nevada Eagle Forum):

I brought a news release entitled: "Montana's Small Schools and Districts Counter Poverty's Harmful Effects on Student Achievement" ([Exhibit D](#)). I found this article interesting since I came from a small area in California. I lived in an area and went to a school that was 70-percent black. It was a tough neighborhood, but we got an excellent education because it was small.

I will read an excerpt from this news release:

New research released ... shows that Montana's smaller schools and school districts reduce the harmful effects of poverty on student achievement. The research results, which reflect data from nearly all of Montana's urban, suburban and rural public schools Poverty is generally understood to have a negative effect on student achievement. Researchers Craig Howley of Ohio University and Robert Bickel of Marshall University sought to discover whether smaller schools can weaken this relationship. The clear conclusion is that they can.

The researchers analyzed the test scores for Grades 4, 8 and 11 in 889 schools in 457 districts The poverty level in the schools was measured by the percentage of students in the school district who receive free or reduced-price lunches.

On page 2, under the first bullet of [Exhibit D](#) it states: "Smaller schools significantly reduce poverty's power to dampen student achievement in two of the three grades in which tests are given." Under the second bullet:

Overall, academic achievement scores in Montana's smaller schools [were] as high or higher than in larger schools for all grades, despite the fact that the poverty level in the smaller schools averaged between 15 [percent] and 52 percent higher.

The article continues:

The researchers found even more power results in an analysis of Montana's school districts. There, in 9 out of 11 comparisons of larger and smaller districts, poverty's power rating was lower in the smaller districts. Despite having a poverty rate about 16 percent higher, smaller districts outperformed larger districts on standardized tests.

The researchers concluded that Montana has derived "substantial benefits" from its historic decision to maintain small schools and districts "Consolidation or smaller schools would likely produce lower achievement scores."

That was said by Marty Strange, policy director of The Rural School and Community Trust policy program. If you want more information or the whole report, you can go to their Web site which is included on page 1 of [Exhibit D](#). I am definitely in favor of making smaller school districts. It would be better for parents and for students as well as for the teachers. I have had a couple of teachers to whom I have talked and they agree with me. They think that would be better for them as well.

Regarding testimony heard today, I have a lot of friends who have teaching credentials in Washoe County and they cannot find a job. Obviously, if we are looking for teachers and there are teachers out there, why are we not hiring them?

CHAIR CEGAVSKE:

Ms. Chapman, I have heard that comment in Las Vegas. I have nothing to back that up, except for some comments constituents have told me.

ROSE E. MCKINNEY-JAMES (Clark County School District):

I appreciate the opportunity to offer a few observations. You will note that [Exhibit B](#) shows I did not sign in favor or opposed to S.C.R. 8 because this is a decision you will make. We wanted to bring to your attention a few thoughts, many of which have been covered by the testimony of the two experts who preceded me. The first thing is that we all concur. Our primary goal and objective is to ensure continuous improvement in academic achievement in any school district.

The resolution spells out the implementation of a plan and the logistics of moving toward that goal. We want to make sure some of the issues raised are addressed and fully fleshed out, not the least of which relate to debt, asset allocation and the potential for inequities, which we want to avoid to the extent possible. We emphasize that while the resolution does not address the potential fiscal or financial implications of such a plan, the district would ultimately assume responsibility for accepting the fiscal impact of the decisions moving forward. If the measure moves forward, we want to see a detailed discussion of those potential impacts.

We do not want to be in a position to do anything other than be helpful in this process. This concept has been discussed over time. We are prepared to provide you with the information that we think will be helpful as you analyze this process. The District has no other comments beyond what I have shared with you. We want to address the issues regarding the potential inequities, and the allocation of both the debt and assets of the District going forward. Finally, we want to ensure we keep a focus on academic achievement overall. Those are our issues.

CHAIR CEGAVSKE:

We will now close the hearing on S.C.R. 8. We will now have a work session on Senate Bill (S.B.) 129.

SENATE BILL 129: Requires Legislator who is public officer or employee to take unpaid leave of absence during regular or special session of Legislature.
(BDR 17-28)

This is the bill that Senator Titus had brought before us. Senator Care had proposed an amendment. We did have discussion on the amendment and there

was an agreement on this, but we wanted to bring it back to see if there were any concerns on the amendment or the bill itself.

SENATOR BEERS:

I have spent a little time contemplating the problem this bill addresses. A thought occurs to me that we do not stop being Legislators when the last gavel bangs. We continue to take calls from constituents over the course of the interim. Many of us serve on interim committees where we vote on policy concepts which may or may not have to do with our day jobs. If you are going to bring this to a vote, I will vote to do pass. It bears noting that this is a more complex issue than just what happens during the interim. We all need to bear in mind that we all have these conflicts throughout the duration of our terms of office.

SENATOR HARDY:

I would like to associate myself with Senator Beers' comments and maybe add a couple more. I am supportive of the citizen Legislature we have in Nevada. It is worth protecting at all costs. I certainly understand it is wise public policy to take the steps to ensure these individuals do not double dip, as it has been called, but I have some concerns. As I recall, the testimony indicated S.B. 129 would prohibit public employees from taking vacation time or making those kinds of arrangements. If we were to vote today, I would probably vote in favor, but reserve the right to change that vote on the Senate Floor.

CHAIR CEGAVSKE:

If you would like, Michael Stewart can address that. We had discussed it, but I do not think it is in the bill.

SENATOR HARDY:

I thought testimony was given that public employees would not be able to use vacation time.

CHAIR CEGAVSKE:

It was discussed.

MICHAEL STEWART (Committee Policy Analyst):

Senate Bill 129 applies to a leave of absence. It does not apply to any vacation time that could be used. If you were on a leave of absence, you would not be allotted any vacation time or sick leave. I believe sick leave was also discussed.

SENATOR HARDY:

Sick leave is a different issue. Vacation time is something public employees ought to use whenever they desire. Let us say a public employee had a months' vacation time accrued. Could they use that month of vacation time and then take a leave of absence for the other three months? How would that work in this situation?

SENATOR TITUS:

Senate Bill 129 says a public employee would take a leave of absence without pay for the four months the public employee is in the Legislature. The public employee would not be allowed to use vacation time. I understand that public employees earn their vacation time. If they want to use it to come to the Legislature, maybe it should be their right. The reason I did the bill this way is because it makes it clean. There is no connection so you are separate. Once you start allowing someone to take vacation time, then someone else is going to want to trade shifts, someone else is going to work on weekends and someone else is going to want to teach distance education classes to come. Once you open the door, there are 1,000 exceptions. This way, S.B. 129 is just cleaner. If you want to address that, get ready for every other exception to come forward.

SENATOR HARDY:

Every other exception you mentioned ought to be addressed and probably is not appropriate. That is the only area of this bill that gives me some difficulty.

CHAIR CEGAVSKE:

We have the work session document ([Exhibit E](#)) for S.B. 129, which was introduced by Senator Titus. It requires a Legislator who is a public officer or employee of the State or a local government to take a leave of absence without pay from his or her public employment during any regular or special session of the Legislature. Then the proposed amendment would specify that a state agency, local government or other public employer is not obligated to grant a leave of absence to a Legislator to allow service in the Legislature. The other issues you brought up, Senator Hardy, are beyond the scope of what we are doing. Did you want to offer something else to add to the bill? What are you looking for?

SENATOR HARDY:

My preference would be to add something that spoke to the ability to use vacation time. I understand Senator Titus's concern. I certainly do not want to

disturb the concept of the bill, but I would be more comfortable if we had language in S.B. 129 which spoke specifically to that. Something like stating nothing prohibits a public employee from using vacation time.

CHAIR CEGAVSKE:

You want the bill to specifically say a public employee can use vacation time?

SENATOR HARDY:

We should not be in the business of telling people what they can do with their vacation time.

CHAIR CEGAVSKE:

Senator Raggio is right. The local governments are putting in their own. Senate Bill 129 and the proposed amendment say the employer does not have to grant the leave of absence. That leaves it open. Do you have the proposed amendment? It is in [Exhibit E](#).

SENATOR HARDY:

As I read it, the amendment does not address that. The amendment simply says there is nothing in here to indicate that the employer has to grant vacation time. In other words, the local government can set a policy that says you cannot serve in the Legislature. That is what Senator Care's amendment contemplates.

SENATOR TITUS:

Another problem is that if you leave it open to local governments, some allow vacation time and some do not. Now you are going to get back to a situation where you have different people treated differently all with taxpayers dollars. You either have to have it one way or the other. Part of the purpose of this bill was to standardize a policy for public employees.

CHAIR CEGAVSKE:

Senator Titus, has anyone else come forward to you to make any other comments regarding anything Senator Hardy or Senator Beers has stated today?

SENATOR TITUS:

They have not. Some people do not like it because it means they will have to take a leave of absence without pay. That is the choice you make. I have also heard the comment that it is not fair for public employees to have to do that when private employees do not. I agree the standard is higher and the burden is

greater, but because public employees are paid with taxpayers' dollars, that is something they are going to have to accept. Teachers have always taken a leave without pay. I know Assemblyman Bernie Anderson, Assemblywoman Chris Giunchigliani and Senator Bernice Mathews did that. If you will not pass S.B. 129 without vacation time, then that is better than nothing. It is cleaner and more straightforward to have the public employee take a leave of absence. I will leave that to the Committee to decide.

SENATOR HARDY:

I will allow my comments to stand here and may make some comments on the importance of the citizen Legislature on the Senate Floor. I do not want to hold up the bill if the rest of the Committee wants to process it.

SENATOR BEERS MOVED TO AMEND SENATOR CARE'S AMENDMENT
AND DO PASS AS AMENDED S.B. 129.

SENATOR MATHEWS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

* * * * *

Senate Committee on Legislative Operations and Elections
March 22, 2005
Page 23

CHAIR CEGAVSKE:

I will now adjourn this meeting of the Senate Committee on Legislative Operations and Elections at 3:15 p.m.

RESPECTFULLY SUBMITTED:

Elisabeth Williams,
Committee Secretary

APPROVED BY:

Senator Barbara Cegavske, Chair

DATE: _____