

**MINUTES OF THE
SENATE COMMITTEE ON HUMAN RESOURCES AND EDUCATION**

**Seventy-fourth Session
June 3, 2007**

The Senate Committee on Human Resources and Education was called to order by Chair Maurice E. Washington at 8:35 p.m. on Sunday, June 3, 2007, in Room 2135 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 in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Maurice E. Washington, Chair
Senator Barbara K. Cegavske, Vice Chair
Senator Dennis Nolan
Senator Joseph J. Heck
Senator Valerie Wiener
Senator Steven A. Horsford
Senator Joyce Woodhouse

GUEST LEGISLATORS PRESENT:

Senator Bob Beers, Clark County Senatorial District No. 6

STAFF MEMBERS PRESENT:

Marsheilah D. Lyons, Committee Policy Analyst
Joe McCoy, Committee Policy Analyst
Sara Partida, Committee Counsel
H. Pepper Sturm, Chief Deputy Research Director, Research Division, Legislative Counsel Bureau
Shauna Kirk, Committee Secretary

OTHERS PRESENT:

Ray Bacon, Nevada Manufacturers Association
Joseph Enge, Education Policy Analyst, Nevada Policy Research Institute
Joyce Haldeman, Clark County School District
Julie Whitacre, Nevada State Education Association

CHAIR WASHINGTON:

We will now open the hearing on Senate Bill (S.B.) 540.

SENATE BILL 540 (1st Reprint): Revises provisions governing the system of public education in this State. (BDR 34-113)

SENATOR BARBARA K. CEGAVSKE (Clark County Senatorial District No. 8):

Senate Bill 540 provides for a major overhaul of the State-level governance structure of public elementary and secondary education in Nevada. The primary purpose of this bill is to simplify the existing policy structure by providing an enhancement to the Executive Branch through the appointment of the Superintendent of Public Instruction, while still maintaining legislative oversight. Here is the chart the State Board of Education distributed to urge us to restructure K-12 governance ([Exhibit C](#)). Let me tell you about this fragmentation.

Many of you may be familiar with the conditions in public education that existed in 1997 that led to the Nevada Education Reform Act. To summarize these conditions, there was a perception that the State Board of Education had a dysfunctional policy presence. Nevada's standards-based reform effort prior to 1997 was roundly criticized by business leaders, the public, Legislators and the Governor. Before 1997, the statewide standards-based reform activity was uneven, unstructured and unable to progress. School districts could not agree upon common assessments; some districts wanted to adopt their own standards, many did not want statewide testing, and several did not want any testing at all. No one at the Board or the Department of Education level was willing to take a leadership role to untangle this mess. Neither the Governor nor the Legislature was able to get the Board to act. The Governor was so frustrated, he mentioned the problem in his 1997 State of the State address when he said: "Today is the beginning — of the end — of our surrender to mediocrity." Please take a moment to think about this. The matter was of such significance that the leadership of two branches of state government took the same action. It is not a coincidence that both the Governor and the Legislature chose to act at this point. During the 1997 Session, the Governor and the Legislature together decided to go in another direction to accomplishing systematic reform by creating separate education bodies that could complete the reform agenda. This action was accomplished by the passage of the Nevada Education Reform Act.

There was also an opinion shared by a number of Legislators and Executive Branch agencies that there may have been a reluctance or lack of ability on the part of the Department of Education (NDE) to fulfill its regulatory role with the school districts. After reviewing the actions of the Legislature in 1995 and 1997, it appears to me that there was some confusion within the Department concerning key regulatory responsibilities, such as standardizing accountability reports and testing systems. Added to that was the lack of the authority on the part of the Governor and his staff to require enforcement of statutory obligations for regulatory control. An example of that is that both the *Executive Budget* and the 1995 Legislature-approved additional positions for the Department's accountability and program evaluation unit, but the unit was dissolved during a 1996 reorganization of the NDE. Likewise, members of the 1995 Legislature expressed concerns that the Board and the NDE were not active in intervening and preventing the financial bankruptcy of the White Pine County School District.

SENATOR CEGAVSKE:

Some of these problems can be attributed to the personalities of the time, but I would argue that many of the difficulties can be connected to the structure of the governance system that also existed at that time. Senate Bill 540 addresses those concerns with the streamlined structure this chart shows.

The National Association of State Boards of Education reports that there are only seven other states remaining that have a governance model similar to Nevada's, which is an elected state board which hires the state superintendent. That means that 42 other states have a structure that allows the governor direct or indirect oversight of the state's public policy decisions regarding K-12 education. There are two states that have completely eliminated their boards of education, but in the others, the governor either appoints all or some of the state board members or the state superintendent, and in nine states the governor makes both types of appointments.

You have been given a document titled, "Model II States with Specialty Education Committees and Commissions" that share our governance structure ([Exhibit D](#)). These policy bodies will sound familiar. The Standards on Excellence Commission is a role served by Alabama's Education Study Commission; the State Standards and Assessments Development and Implementation Council was created by the Colorado Legislature; the Commission on Educational Restructuring and Accountability was created by the Kansas Legislature; the

Center for Educational Performance and Information was created by executive order in the state of Michigan; the Schools Accountability Commission was created by the Nebraska Legislature. The point is that a quick review revealed that in five of those other seven states the legislatures or the governor created "workaround" commissions and councils similar to those in Nevada. Some were temporary, but many remain on the books in those states. In my mind, these actions provide significant evidence that the governance model used in Nevada and those other states is flawed.

The Education Commission of the States provided a number of materials about state-level policy governance, and the recent actions of the states in this regard. One structural deficiency with the elected-member model that was described is the lack of clarity with regard to who is responsible and accountable at the state level for public education. The two additional criticisms of elected state boards of education in general are the lack of coordination in education-reform efforts, and less efficiency in implementing state policy decisions. In discussing this with Senator Raggio, it was these two conditions that were of particular concern to the Governor and many Legislators in the events leading up to Nevada's Education Reform Act of 1997.

The conclusion I reached in my mind was that the governance model of an elected state board of education, without the direct influence by the Governor on that board or a strong indirect influence, may have contributed to Nevada's problems in the past. Unless we change those dynamics, similar problems can and will occur in the future.

In formulating the key components of Senate Bill 540, a number of options and alternatives were considered to address this imbalance. As amended, the bill includes several key components. I would like to have staff go over those provisions at this time.

H. PEPPER STURM (Chief Deputy Research Director, Research Division, Legislative Counsel Bureau):

As a legislative staff member, I am not able to testify in favor of or in opposition to any bill. I am here at the request of the Chair and Senator Cegavske to review the highlights of the first reprint of this bill. You are being handed a mock-up of S.B. 540 so that you can follow along with my review ([Exhibit E](#)). On page 2 of the bill, section 1, which is proposed for deletion in the mock-up,

specifies that the Governor or his designee serves as an ex officio member of the State Board of Education.

Sections 2 and 3 on pages 2 and 3 of Senate Bill 540 specify that the Governor selects the president of the State Board of Education and has input on agenda items.

Section 4, proposed for deletion in the mock-up, would allow the superintendent to reject actions or regulations adopted by the Board.

Section 6, on page 4 of the bill, specifies that the Governor will appoint the Superintendent of Public Instruction to a four-year term from names submitted by a search committee. The committee reviews candidate qualifications, conducts interviews and recommends three potential candidates to the Governor for his appointment. The search committee consists of five members: one member of the State Board of Education, two members appointed by the Governor, one non-legislative member appointed by the Senate Majority Leader, and one non-legislative member appointed by the Speaker of the Assembly.

Section 8, on page 4 of the bill, provides that the superintendent oversees the activities of the State Board of Education along with the newly named commissions and councils dealing with academic standards and educational technology, as well as certain activities of the regional professional development programs. The next section describes those changes with the new advisory bodies.

Sections 10 and 11, pages 5 and 6, Senate Bill 540 changes the name of the Commission on Educational Excellence to the Advisory Commission on Educational Excellence, and section 31 specifies that it make recommendations for allocations to the Legislative Committee on Education. The appointment process and duties remain essentially the same, modified to restore the previous process of submitting school improvement funding requests through the State Board of Examiners and the Interim Finance Committee.

Section 12, on pages 8 and 9 and section 14 on page 10 of the bill reassign the fiscal approval process for the Advisory Commission on Educational Excellence. The Commission makes recommendations about school improvement grants to the Legislative Committee on Education; that committee reviews and revises

them as needed and passes them along to the State Board of Examiners and the Interim Finance Committee for their action.

MR. STURM:

Section 15 of the bill provides the process for compiling and reviewing a proposed budget for the Distributive School Account would involve the Superintendent and the State Board of Education prior to its submittal to the Budget Division. Existing law requires the board of trustees of each school district to submit to the Superintendent of Public Instruction and to the Department of Taxation a written report of the annual budget of the school district. The Superintendent of Public Instruction is required to compile the reports of the annual budgets and submit the written compilation to the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau.

Section 15 requires the Superintendent of Public Instruction to include certain information in the biennial budget request for the State Distributive School Account for submission to the Department of Administration based upon the annual budgets submitted by the school districts. Essentially, the budget for K-12 education, the Distributive School Account, would be compiled by the Department of Education and submitted by the Superintendent and the Board to the Governor and the Budget Division for their review and adjustment prior to inclusion in the *Executive Budget*. This change would make the process similar to the manner in which other Executive Branch agencies submit their budgets. The Commission on Educational Technology becomes the Advisory Commission on Educational Technology to the Superintendent. The appointment process and duties remain essentially the same, modified to support the superintendent. The Council to Establish Academic Standards for Public Schools is renamed the Advisory Council for Academic Standards for Public Schools. The appointment process is modified to delete legislative appointees. These changes are made to reflect the advisory role of the Council to the Superintendent and to maintain separation of powers and principles. The duties of the Advisory Council remain essentially the same, modified to support the Superintendent and the Department's regulatory role.

Sections 29 through 32, beginning on page 23 of the bill, specify that the Superintendent establish the geographic boundaries of the Regional Professional Development Program. The structure and duties of the program remain

essentially the same, modified to reflect the enhanced role of the Superintendent and the Department.

Section 36 provides that the current term of the Superintendent of Public Instruction continues until 2010, unless a vacancy occurs. After the current term expires, the Governor will make the appointment as specified in the bill.

Section 37 specifies the terms of the members of the Council to Establish Academic Standards for Public Schools expire June 30, 2007, and the Superintendent will appoint the new Advisory Council's members by July 1, 2007.

Section 38 requires the Superintendent to determine the fiscal agents for the Regional Professional Development Programs.

Section 39 provides the Legislative Counsel Bureau with the authority to make any needed technical changes to the statutes, to measures approved by this Legislative Session, and to the *Nevada Administrative Code* in accordance with the name changes and revisions provided for in Senate Bill 540.

The section concerning new geographical regions of the Regional Professional Development Program takes effect July 1, 2009. Other than certain transitory provisions mentioned above, the majority of the changes that are contained within this bill take effect July 1, 2007.

SENATOR CEGAVSKE:

Senate Bill 540 simplifies the existing policy structure by providing for greater involvement by the Governor in matters affecting public elementary and secondary education in Nevada. The changes represent an enhancement to the Executive Branch through the appointment of the Superintendent while still maintaining legislative oversight. These revisions also eliminate a major policy conflict within Nevada's structure of education governance by clarifying leadership responsibilities and accountability for influencing and carrying out the State's policy direction for public elementary and secondary education. You should also have a paper "Substantive Conflicts to S.B. 540" amendment ([Exhibit F](#)).

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SARA PARTIDA (Committee Counsel):

Senate Bill 540 has a substantive conflict with section 21 of A.B. 567 which has already been passed to the Governor and approved. Section 33 of S.B. 540 removes the Superintendent of Public Instruction from the governing body altogether; and A.B. 567 makes the Superintendent of Public Instruction a nonvoting advisory member. The Committee can do as they wish with these two provisions. I only want to point out the differences. You can remove the Superintendent; you can make him a nonvoting-advisory member; you can make the two provisions consistent.

ASSEMBLY BILL 567 (1st Reprint): Revises provisions governing university schools for profoundly gifted pupils. (BDR 34-918)

SENATOR CEGAVSKE:

I would recommend that we go with the language in A.B. 567 on that issue.

CHAIR WASHINGTON:

Is that in section 21 of S.B. 540, or is that section 21 of A.B. 567?

Ms. PARTIDA:

If you look at the "Substantive Conflicts to S.B. 540," [Exhibit F](#), the relevant section of A.B. 567 is printed at the bottom of that page. As Senator Cegavske stated, her intent would be to put that in place of section 33 of S.B. 540.

SENATOR BOB BEERS (Clark County Senatorial District No. 6):

I am in support of this bill.

SENATOR NOLAN:

Is it physically possible to process this bill with the amount of time we have left in this Session?

SENATOR CEGAVSKE:

Anything is possible.

SENATOR NOLAN:

I agree with what you are proposing. However, this is such a significant and enormous policy issue.

SENATOR CEGAVSKE:

Everybody was notified of this bill. We can decide to do nothing and let it continue the way it is, or we can make some changes. Once we established the fiscal impact, we were able to proceed with the bill.

SENATE BILL 540 (1st Reprint): Revises provisions governing the system of public education in this State. (BDR 34-113)

CHAIR WASHINGTON:

This is not the first attempt to reorganize the Department of Education and have the Governor select the superintendent.

SENATOR CEGAVSKE:

Dr. John Gwaltney worked with me on this. A lot of the recommendations came from him.

SENATOR HORSFORD:

I commend you for bringing this measure forward. I believe there needs to be reform. However, the bill was introduced on March 26. It was referred to the Senate Committee on Finance rather than this policy Committee. It is now 9:08 p.m. on day 119, and we are now just hearing this bill. Why was there not more consideration for bringing this before the policy Committee? This bill impacts everybody and there is no opportunity for them to be heard. I have only been in a Finance meeting a few times, and every time I am told to speak only to the fiscal part and never to the policy. While there were hearings on April 13, 2007, May 21, 2007 and May 28, 2007 and the bill was passed out on May 29, 2007, I do not know how much of a policy discussion has occurred.

SENATOR CEGAVSKE:

There was a bill we were trying to find to put in governance for this Session. We happened to have one in the Senate Committee on Legislative Operations and Elections. When the bill was drafted and came to the floor, the decision of the Majority Leader was that it goes to Finance because of the fiscal note. There was a \$410,000 fiscal note at the time. This was a bill that Senator Raggio had requested, and we worked on it together. I worked on removing the fiscal note and was not trying to elude this Committee.

SENATOR HORSFORD:

I have many questions and I know it is late, but I do not want to oppose the bill only because we are getting it so late. I also do not want to support it if it is not in a manner that I feel comfortable.

The first step in this bill was to figure out what the organization should look like in relation to the function of roles and not in relation to persons or personalities. I study organizational management. It is what I like about organizations and their function. You have done a great job of capturing functions. In the bill, there are specific provisions that I need to make sure get implemented in the manner that you envision them. Are sections 1 and 4 being deleted in the amendment?

SENATOR HECK:

I was of the opinion the chief executive officer should not serve on his cabinet agency. I was uncomfortable with having a Governor sitting on the Board and having the ability to put things on and take things off or refuse to take action on what was to be presented.

CHAIR WASHINGTON:

I agree with Senator Heck. It not only puts the Governor in a compromising position, but it also provides some questions of how priorities are set on certain projects.

SENATOR CEGAVSKE:

We are trying to get the Governor involved with the State Board of Education and the Department of Education.

SENATOR HORSFORD:

In section 2 of the amendment, I do not see the Governor deciding who the president of the State Board will be being stricken.

SENATOR CEGAVSKE:

Section 2 is not deleted.

SENATOR HORSFORD:

Would the Governor still appoint a member from the elected Board for president?

SENATOR CEGAVSKE:
Yes.

SENATOR HORSFORD:
In section 3, would the ability to add an item on the agenda remain at the discretion of the Governor?

SENATOR CEGAVSKE:
Correct. If you want him involved, you have to give him something.

SENATOR HORSFORD:
But you deleted section 4, which does not allow the Governor to disapprove or reject a regulation.

SENATOR CEGAVSKE:
In section 3, subsection 3, they do not have to approve the agenda for the meeting of the Board for consideration. It is just a consideration the Governor is able to put something on the agenda. That last word is very important.

SENATOR HORSFORD:
The president typically decides items to go on the agenda. If the Governor appoints the president, then he is going to get his way on what gets on the agenda regardless of whether the majority of the State Board agrees.

SENATOR CEGAVSKE:
But it is still a consideration, and I think that is important.

SENATOR HORSFORD:
Section 6 concerns the appointment of the Superintendent of Public Instruction by the Governor which is a change of the State Board of Education's process.

SENATOR CEGAVSKE:
Correct.

SENATOR HORSFORD:
In the process, the section remains where the terms of the Superintendent are the same terms as the Governor's position.

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SENATOR CEGAVSKE:
Correct.

SENATOR HORSFORD:
The Governor is able to appoint members for the search committee for the selection of the new superintendent.

SENATOR CEGAVSKE:
The Governor appoints two, and the Legislature appoints the others.

SENATOR HORSFORD:
Once they select three of the finalists, the Governor appoints the Superintendent.

SENATOR CEGAVSKE:
You have one member from the State Board; you have the Governor's two appointments; and you have the Majority Leader and the Speaker's appointments. There are five people looking at the selection.

SENATOR HORSFORD:
Is there a selection process now that is utilized by the State Board when they go about recruiting?

SENATOR CEGAVSKE:
I do not think that is it in statute.

CHAIR WASHINGTON:
Do you know what the process is now?

MR. STURM:
In the past, they have conducted national searches and contacted headhunters. During last round, I do not believe they did that. They have used headhunters and national searches in the past.

CHAIR WASHINGTON:
Is there public comment for elected members on the State Board?

SENATOR CEGAVSKE:
That is my understanding.

MR. STURM:

They have brought candidates into public meetings for interviews.

SENATOR HORSFORD:

On the sheet you gave us for the governance model, [Exhibit D](#), Texas and New Mexico are the only other two states that have an elected board, but the governor appoints the chief, and we would be the third state to use this approach rather than the other four models that are out there.

SENATOR CEGAVSKE:

Correct. They have that mixture.

SENATOR HORSFORD:

Only Texas and New Mexico have an elected board and a chief appointed by their governor. There are 12 states using model 1; there are 8 states using model 2; there are 11 states using model 3; and there are 9 states that use model 4. Yet you are recommending that we follow a model that only two other states have enacted. What is the rationale based on that?

SENATOR CEGAVSKE:

In looking at models one, three and four, all of those governors appoint the state board. We worked with a member of the State Board and asked which one he thought was best. He wanted to have the elected board.

SENATOR HORSFORD:

We all take information from people in whom we trust, but I could care less what they think; I want to do what is right. I think Dr. Gwaltney has done a lot of great things, but he is too close to the establishment.

SENATOR CEGAVSKE:

That is why we brought the different selections. I was trying to get the least resistance. If you want to amend it and get the support, I am with you.

SENATOR HORSFORD:

I do not know whether I would support this or not, because I do not have enough time to digest what it all means. I am not necessarily opposed to the Governor appointing someone. At some point, I may have an objection to a certain Governor at a particular time and what they might do. When the majority of the people elect somebody who has education at the top of their platform,

maybe they should be in charge of the State Board of Education. We are now on day 119, and I do not know whether I agree or not. Based on the information you have given us, more than two-thirds of the states in the country do it that way and only two do it the way you are proposing. That is part of my concern in section 6.

CHAIR WASHINGTON:

There was an attempt at one time to abolish the State Board of Education and make it an appointment by the Governor. I tend to agree with you. If you are going to go all the way, go all the way and appoint the Board. When Bob Miller was the Governor, some said they did not want that because they were afraid of his appointments. My response has always been that you get what you elect. Most people do not know who represents them at the State Board of Education. It is a moot point, and the governors are always praised or blamed for the success or failure of education.

SENATOR CEGAVSKE:

Many states look to Minnesota and Wisconsin for education standards. They have the best policies and the best governance. We look to those two states for teachers. They have the highest standards and are looked at for education excellence.

SENATOR HORSFORD:

In section 6, there is no job description for the Superintendent or minimum qualifications. Is that something that we should have?

SENATOR CEGAVSKE:

I believe that is in another part of the *Nevada Revised Statutes* (NRS).

SENATOR HORSFORD:

Is the Governor able to go around that criterion?

SENATOR CEGAVSKE:

I think that is in the NRS also.

SENATOR HORSFORD:

When the first empowerment bill came out, we had a 174-page bill on S.B. 540. Now, we are down to a 30-page bill. When we started with the Governor's version of empowerment, we had a lot of layers of bureaucracies. There were a

lot of steps for schools to go through to access money for grants. The process of applications go to the Advisory Commission, to the Interim Education Committee, to the State Board of Examiners and then to the Interim Finance Committee for approval. Does that seem cumbersome, and what you are trying to get away from?

SENATOR CEGAVSKE:

You can send it directly to the Interim Finance Committee if you want. You would have to amend it.

SENATOR HORSFORD:

Currently, the Commission on Educational Excellence reviews and approves the grants as the grant requirements dictate.

SENATOR CEGAVSKE:

There are some issues with S.B. No. 404 of the 73rd Session and how that happened. It was pretty dramatic as to how that process happened. We are looking for ways to make sure that it does not happen again. These were the steps we thought might help the process. The school districts believe it will take longer to give the grants out doing it like that. We felt it needed to be double-checked because of what transpired last time. There was a lot of money that went out for things that should have not have gone out.

SENATOR HORSFORD:

I have real objections to sections 10 through 15 regarding the Advisory Commission on Educational Excellence. It just started. I have heard more positive feedback from teachers and students who have benefited from S.B. No. 404 of the 73rd Session than from any other State grant program for education. The wholesale change to those provisions when it is only in its third year of implementation, to me, seems premature. I do not see how it is related to the restructuring of the Department. I would ask that be completely deleted and stay with what we have.

SENATOR CEGAVSKE:

I agree with you. There are some good programs, but it is frightening to see the amount of money that was not managed correctly.

SENATOR HORSFORD:

I serve on the Commission on Educational Technology and wonder why we would invoke the Superintendent of Public Instruction to develop this plan for integration of education technology without the input of the Commission. I have not heard of any problems, and we were directed by the Legislative Committee on Education to work on an implementation plan for integrating education technology. Now it is one person's responsibility.

SENATOR CEGAVSKE:

We are not making it just one person. You still have the Commission. We are trying to have somebody that oversees it and have the responsibility and accountability. We circumvented the State Board of Education. All of these committees that we put together in these commissions were the Legislature's way of telling them you are not doing your job so we are going to go around you.

SENATOR HORSFORD:

We have an elected body, and it is the State Board of Education. They have a role; we need to beef up their role and have them carry out their role. We are not abolishing the Board. The Board ultimately needs to be accountable and not to the Superintendent of Public Instruction alone. The elected board is the one elected from constituency groups. I do not have a big problem with the Governor selecting the Superintendent of Public instruction. That is something that should be discussed and debated. To not empower the elected Board to oversee their commissions and to have them only interact with the Superintendent waters down the State Board. It is going to make it even more inefficient. It is the same for the Advisory Council for Academic Standards; it is the same for Educational Technology and the Educational Excellence.

Finally, I do not understand why, in sections 29 through 32, the four regional geographic boundaries are being abolished and giving the Superintendent, and only the Superintendent, the ability to establish those geographic boundaries. It is not "the superintendent shall establish the geographic boundaries with the approval of the Board." It is that the Superintendent will create the boundaries.

SENATOR CEGAVSKE:

The State Board wanted to be a part of this, and this is something we are giving to them so they have the involvement.

SENATOR HORSFORD:

That is not in section 29. Section 29, subsection 2 says, The Superintendent of Public Instruction shall establish the geographical boundaries of each regional training program"

SENATOR CEGAVSKE:

The Superintendent will do that with the Board.

SENATOR HORSFORD:

It does not say that.

SENATOR CEGAVSKE:

In section 31, we have annual reports that go to the State Board.

SENATOR HORSFORD:

Those are just reports after the work has been done. If we are not going to abolish the Board, we cannot circumvent the Board's authority to make decisions and give it all to the Superintendent who is appointed by the Governor. You will have made the ten-member Board defunct. I have a State Board of Education member representing my area. I know who she is and call upon her to do her job as an elected State Board of Education member. I need her to represent my area. There was a point in section 38 regarding the fiscal agent of the four regional training programs. Can someone point that out to me?

MR. STURM:

This section was put in because if the Superintendent does reorganize the geographic boundaries, that requires them to designate a fiscal agent for the purpose of building the budget for the 2009 Legislative Session. This requires him to designate the fiscal agents for those regions as soon as possible in order to build the budget in time for 2009.

MS. PARTIDA:

That is accurate.

SENATOR HORSFORD:

While I would be open to giving the discretion of the Governor to appoint their Superintendent of Public Instruction, I do have concerns about what part of the State that person lives in and where they spend their time. More than two-thirds of our student population is in southern Nevada. I get frustrated with the current

Department of Education in that all the resources are in northern Nevada; all of the staff is here. They never come to Clark County. When two-thirds of your consumers are in southern Nevada, you should be close to them or have representation in your department that is close to them. I do not see those provisions in this bill. The regional training programs and abolishing these geographic boundaries concerns me. If we select someone who does not understand the needs a particular area of this State, they may make one geographic boundary very big and have all the resources go there and the other three get less. The bill does not adequately address those needs.

This is a significant policy decision. I wish I could have worked with you over the last 119 days. I believe there is a lot of merit in some of the provisions. I wish I could support it.

SENATOR NOLAN:

I do not disagree with anything the Senator is proposing. When you are fiftieth, as Senator Horsford pointed out on the floor today, there is only one way to go and that is up. We are at almost 10 p.m., and I agree with Senator Horsford in regard to this being a discussion that should have been had a long time ago. Is it possible to call for the question, because I think that we know where this is going? Why belabor the point at this late hour?

SENATOR CEGAVSKE:

There were a lot of us that did not get to work on the empowerment bill. It was something done behind the scenes and brought to us at the last minute. You can delete sections 10 through 14 and have the money committee deal with the Educational Excellence.

RAY BACON (Nevada Manufacturers Association):

If you look at every government structure that has a senior elected official in their state or governing body, they have seen dramatic improvements in education. Test scores went up 30 percent in Chicago in 4 years. Do I think that this is perfect? No. Do I think we should appoint the Board? Yes. Do I think those appointments should have specific qualifications? Yes. Starting in the 1987 Session, this body, with its distrust for the State Board, has continued to decline to the point where we now have an ineffective function. Whether the Superintendent reports directly to the Board or the Governor, somehow we have to get to the point where the education in this State is accountable to the Governor.

SENATOR HORSFORD:

There have been a lot of discussions about whether or not we need an elected School Board, but we are not having those discussions. You can only do so much at the State Board level, and we are only having a part of that debate. I do not want to have just a part of the debate.

SENATE BILL 540 (1st Reprint): Revises provisions governing the system of public education in this State. (BDR 34-113)

JOSEPH ENGE (Education Policy Analyst, Nevada Policy Research Institute):

This is the most important educational legislation you have seen in years. We need to have accountability. I urge you to move mountains and whatever it takes so we do not have another two years of chaos.

SENATOR HORSFORD:

Would you agree to put a provision in this bill that the Governor will be responsible by appointing the Superintendent, and if they fail to make the performance outcomes required, they will resign their position or not run for another four years? What is the consequence for not meeting performance for the Governor?

MR. ENGE:

That is an excellent point. There are serious political consequences that one can bring to bear during an election. Right now, we do not have that.

JOYCE HALDEMAN (Clark County School District):

I will restrict my comments to section 12 and the process that will be in place to approve the applications for the "404 dollars," also known as S.B. No. 404 of the 73rd session I know that is not the correct word, but that is what we have all been calling it. There were 512 grants that were approved and 319 of those came from Clark County. The grant applications are not a simple piece of paper. They include a two-year budget for the program.

CHAIR WASHINGTON:

Ms. Haldeman, I have just learned that the sponsor of the bill is willing to amend out that section.

MS. HALDEMAN:

That would make me happy.

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JULIE WHITACRE (Nevada State Education Association):

We too understand the need for change and reform with the state governance system on education. I am here tonight to oppose S.B. 540 in its current form. We do not agree the problem is that the Governor does not appoint the Superintendent. The problem is the Legislature has a history of circumventing the State Board of Education.

CHAIR WASHINGTON:

I will take a motion to amend with the mock-up, to adopt the conflict amendment deleting sections 10 through 14.

SENATOR CEGAVSKE MOVED TO AMEND AND DO PASS AS AMENDED WITH PROPOSED AMENDMENT 4348 TO S.B. 540 AND BY DELETING SECTIONS 10 THROUGH 14.

SENATOR NOLAN SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS WIENER, HORSFORD AND WOODHOUSE VOTED NO.)

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CHAIR WASHINGTON:

We will now adjourn the Senate Committee on Human Resources and Education
at 10:01 p.m.

RESPECTFULLY SUBMITTED:

Shauna Kirk,
Committee Secretary

APPROVED BY:

Senator Maurice E. Washington, Chair

DATE: _____