

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

**Seventy-fourth Session
March 13, 2007**

The Senate Committee on Legislative Operations and Elections was called to order by Chair Barbara K. Cegavske at 1:34 p.m. on Tuesday, March 13, 2007, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412, 555 East Washington Avenue, Las Vegas, 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 Barbara K. Cegavske, Chair
Senator William J. Raggio, Vice Chair
Senator Warren B. Hardy II
Senator Bob Beers
Senator Bernice Mathews
Senator Valerie Wiener
Senator Steven A. Horsford

STAFF MEMBERS PRESENT:

Brenda J. Erdoes, Legislative Counsel
Michelle L. Van Geel, Committee Policy Analyst
Brian Campolieti, Committee Secretary

OTHERS PRESENT:

Janine Hansen, President, Nevada Eagle Forum
Stacey Patchett
Julie Whitacre, Nevada State Education Association
Craig Kadlub, Clark County School District
Sharron Angle, Former Assemblywoman
Matt Griffin, Deputy for Elections, Office of the Secretary of State
Kristi Geiser, Office of the Secretary of State
David K. Schumann, Nevada Committee for Full Statehood

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CHAIR CEGAUSKE:

Today we will hear Senate Bill (S.B.) 223 and S.B. 230.

SENATE BILL 223: Directs the Legislative Commission to conduct an interim study to develop a plan to deconsolidate the Clark County School District. (BDR S-339)

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

Senate Bill 223 will develop a committee to deconsolidate the Clark County School District. Over time, this district has grown quite large. It has over 300,000 children and is the fifth largest school district in the United States. When you compare the top ten largest school districts in the United States, none look like Clark County. Our peers—Chicago, Los Angeles and New York—are inner cities thrown together into one school district by politicians at a loss for what to do. Clark County does not fit that model. If you toss a frog into a pot of boiling water, it will jump out. If the frog is in a warm pot of water and the temperature is turned up, the frog will cook. That is how Clark County School District got to where it is today. Unless you were a parent in the school district, you did not notice the rigid management and centralization of authority and decision-making. The best course to take is breaking up the District.

A fair amount of scholarly work looks at the optimal size of Clark County School District. Increase in size brings a theoretical economy of scale such as produced International Business Machines Corporation (IBM) and Microsoft Corporation. The lack of a competitive environment creates a rigid self-serving bureaucracy that sucks enthusiasm from its employees. Deconsolidation of Clark County School District passed the Nevada State Senate during the 73rd Session but did not pass in the Nevada State Assembly. However, the funding made it into the budget. The Legislative Commission met and was unable to select a contractor to execute a plan for deconsolidation.

CHAIR CEGAUSKE:

I assume you could give testimony for people who will testify against S.B. 223?

SENATOR BEERS:

I want my grandchildren to attend a school district that does not employ a bevy of public relations professionals.

CHAIR CEGAUSKE:

The placement of five regional centers was recognition the district was too large. They had to do something for people in those regions to bring them closer to the administration. This was the beginning of decentralization for me; with S.B. 223, it could be finished. Could the district start that formulation themselves?

SENATOR BEERS:

One symptom of the rigid bureaucratization is an adverse attitude toward change. It has gotten worse in the last four years. Each region of the Clark County School District is larger than Washoe County School District as a whole.

JANINE HANSEN (President, Nevada Eagle Forum):

I support S.B. 223 because the most important thing for parents is influence on the schools their children attend. I provided a study done on school districts in the State of Louisiana ([Exhibit C](#), original is on file in the Research Library). Oftentimes, we think bigger is better, and that is not necessarily the case. School districts have become large bureaucracies. I also provided a brief ([Exhibit D](#)) which gives an overview of large school districts in the United States and how consolidation has increased. Parents can have more influence on school boards if they can go directly to them. In addition, [Exhibit C](#) shows states with the largest school districts have the worst achievement and social outcomes. Large school districts are harmful to all students and parents alike.

STACEY PATCHETT:

I am a mother of five children of which four attend Clark County Schools. I support S.B. 223. It would be negligent if Nevada did not address the issue of rapid growth in Clark County and the impact on the education system. It is important to have this responsibility lie with parents and local administrators. The large school district of Clark County limits our responsibility and the influence we have on our children's education. For example, I have a son attending middle school and have been frustrated as a parent when dealing with the school district. Three years ago, the district decided to bus students from an ailing school to a thriving one. The consequences of that were twofold. The district was taking students to an area where parents had less influence, and the transition impacted the new school in negative ways. Each community is responsible for its children's success. More importantly, administrators and teachers should have autonomy to function in their school setting, rather than having all directives delivered from one central station. Teachers' abilities to

decide and help children are limited because they are required by the district to pass all students. Teachers and principals need to have more control and not rely on the district to compute all grades. Our responsibility is taken away from us by a higher authority. One argument for keeping the Clark County School District together is the Las Vegas magnet school program. It has been said these schools will fail if the district is decentralized; I do not agree with that. That will not happen because parents care about where their children receive their education. If the district is decentralized, Las Vegas magnet schools will survive.

JULIE WHITACRE (Nevada State Education Association):

The Nevada State Education Association (NSEA) is concerned with S.B. 223 and the impact on collective bargaining agreements for teachers and support staff in Clark County. There is no guarantee the new districts would be bound to the current collective bargaining agreement which could affect nearly 30,000 employees. We are asking the Committee to sponsor provisions to address this issue. One is to include a provision to bind successor school districts to existing collective bargaining agreements. Additionally, successor districts would recognize the existing bargaining agent in their new districts or bargain with that agent over terms of the resultant agreement.

CHAIR CEGAVSKE:

You are not opposed to the separation of the district. You are concerned with what could happen to the union.

MS. WHITACRE:

Our concern is the impact on the current collective bargaining agreement.

CHAIR CEGAVSKE:

You are not opposed to the deconsolidation of Clark County School District?

MS. WHITACRE:

I am neutral on that position.

CHAIR CEGAVSKE:

Is all of NSEA neutral?

MS. WHITACRE:

At this time, yes.

SENATOR BEERS:

I would be open to such an amendment.

SENATOR HARDY:

You bring up a good point, Ms. Whitacre. We deal with this a lot in the Senate Committee on Government Affairs as well as in the Senate Committee on Commerce and Labor. I am always concerned about legislating around any private agreement. I have concerns about putting that kind of conclusion in S.B. 223. How can we have an effective deconsolidation study without taking this into consideration? I favor an amendment to S.B. 223 that the study considers the impact on private agreements.

MS. WHITACRE:

Another issue we would take into consideration involves pending grievances. How do we continue to deal with employees who have agreements pending in one district while transferring to another?

SENATOR RAGGIO:

Senate Bill 223 only develops a plan for reconsolidation. It does not implement the plan. Nothing will change without further implementation. The State Assembly agreed to reconsolidation during the 73rd Session and failed to do so. The funding appropriated at \$250,000 was never used.

CRAIG KADLUB (Clark County School District):

Senator Beers said we have a bevy of public relations professionals. Let me reassure him those people have communication degrees or teaching backgrounds; they do not have any public relations backgrounds. Your Website states they make six figures annually; no one in communications makes six figures. Our office is smaller than districts of comparable size. Senator Beers also indicated the District has deteriorated in the last four years. We have shown improvement in all subgroups and posted a decrease in our dropout rate. We are above the 62 percent of the budget dedicated to instruction. Additionally, our busing procedures are in compliance with the No Child Left Behind Act of 2001. Senate Bill 223 requires a time line to carry out the plan which we see as more than a study.

SENATOR RAGGIO:

Senate Bill 223 has a time line, but it cannot be implemented without further legislative action. The decision to make each of the 17 counties a school district

was arbitrary. It does not make any sense. We should also look at consolidating small, conterminous counties that are underfunded.

MR. KADLUB:

If there was a benefit to deconsolidation, you would find support. We do not dispute the fact we are a large district. The reason we do not support S.B. 223 is because it cannot guarantee student achievement will improve. Page 2, lines 16 through 18 of S.B. 223 assert deconsolidation is necessary to assure effective instruction. That is an unproven conclusion. The statement holds more truth by replacing the word "deconsolidation" with "smaller schools" or "smaller class sizes." If deconsolidation was proven to fix our problems, we would support S.B. 223 because we want improved achievement as well. The existence of under-performing small districts indicates other influences at work besides district size.

The Nevada Policy Research Institute (NPRI) published a study on district size. The authors note school district "size does matter, and that students, teachers, parents and taxpayers are all better off where school districts are smaller in size." The authors also state in concluding remarks: "Setting a ceiling on the size of districts and schools ... will achieve better academic results and the more efficient use of tax dollars in the long term." These statements from NPRI are consistent with the literature in that most studies that consider district size qualify their findings by adding comments about school size and class size. Reducing district size in conjunction with other reforms can result in improved achievement. The claim that deconsolidation alone improves achievement cannot be substantiated. In a study of school district size, a researcher from the University of Illinois concluded that considering the size question in isolation is futile. The researcher also stated that questions about institutional size are secondary to the more fundamental concerns of resources, services and programs for target populations. We agree with that finding. There are more critical variables to student performance than district size. However, S.B. 223 does not consider any other factors and proposes only to fragment the system in place.

The exercise of drawing lines on a map does not address the real problems of large schools and classes, low basic support, concentrations of poverty and second language students. Senate Bill 223 could improve student achievement if deconsolidation is coupled with other reforms, specifically schools and smaller classes. The main problem with S.B. 223 is it seeks to create a plan without a

clear idea of effect. We could probably support S.B. 223 if all it does is seek a study on the effects of deconsolidation as the only variable in improving student achievement. There is minimal research in that area. It would be nice to know how cutting up a school district, absent any other reform, helps students. Senate Bill 223 puts the cart before the horse by asking for an implementation plan and time line without knowing the effect. Deconsolidation results in duplication of services which means higher costs. In the past, some communities have indicated a desire to not reconsolidate, which raises the possibility of litigation. Senate Bill 223 could also negatively impact future building programs.

People send their children to schools; they do not send them to districts. The most effective education reforms are implemented at the school and classroom level. If Governor Jim Gibbons' empowerment program proves successful, district size becomes irrelevant. Senate Bill 223 is not worth the turmoil and expense it will create. Deconsolidation could be supported if it is the outcome of a meaningful education plan.

CHAIR CEGAUSKE:

Over the 20 years of working with the Clark County School District, I heard parents ask how they could get to the superintendent and beyond the school. When we added up how many administrations and people you had to go through to get to the superintendent, it took seven different people, including the teacher, to get to the superintendent. Most parents would give up after two or three. That is why a small bureaucracy would be efficient for the system as well as for parents. That was one of the issues which got me interested in supporting S.B. 223. Former Clark County School District Superintendent Carlos A. Garcia agreed with the idea and subsequently created the five regional centers. That told everyone the district needed closer contact with the communities. Voters throughout Nevada are discontent. Federal and state funding over the last ten years have doubled, but the achievement level and degrees of improvement have not become manifest. Deconsolidation is a radical move, but we need something to change the current status.

As a parent, I want contact with the district that creates policies and regulations for the school my children attend. Class-size reduction is an unfunded mandate by the school district. The other thing districts are asking for is all-day kindergarten which you cannot facilitate with the teachers you have. Clark County uses full-time, permanent substitute teachers who are not trained

to be in a classroom. We are not getting what we need. The school district could make smaller class sizes, but it has fought deconsolidation for the change.

MR. KADLUB:

We support Governor Gibbons' empowerment program and the region concept because decentralization works. It is not the same as deconsolidation, but it brings decision-making closer to the communities. There is no fix in S.B. 223 for any issues you mentioned and no proof that cutting up a district results in better education.

SENATOR HARDY:

I have sympathy for what you are saying, Mr. Kadlub. I will not vote for deconsolidation unless those questions you brought up are answered. I voted for deconsolidation and intend to support it again because it does no good to look at the benefits of deconsolidation without an implementation plan. It does not make sense to look at this until we resolve the other side. We need to establish deconsolidation as the right thing for education, but at the same time, we must know how it can be done.

SENATOR BEERS:

I posted a corrective entry on my blog pointing out Mr. Kadlub's testimony; there are no public relations professionals on staff; none make six figures annually and no communications office is smaller than in similar school districts. I guess you disagree with what is written in [Exhibit C](#). Some research indicates large school districts do not get the job done. I disagree with your idea that S.B. 223 would not improve educational performance. I enrolled my child in a smaller school district and found performance was amazing.

CHAIR CEGAUSKE:

I close the hearing on S.B. 223 and open the hearing on S.B. 230.

SENATE BILL 230: Requires person signing petition for initiative or referendum to print given name followed by surname on petition. (BDR 24-180)

SHARRON ANGLE (Former Assemblywoman):

Senate Bill 230 will facilitate Nevadans' ability to petition their government. The initiative process gives people a voice in their government. I provided my initiative petition ([Exhibit E](#)) as an example of the change to petitions proposed by S.B. 230. Senate Bill 230 proposes the signature precede the printing of the

voter's name. The natural inclination of printing one's name is to print the first name and then the last name. It was difficult to have people sign their last name first. Senate Bill 230 makes petition-gathering an easier process by having people print their name naturally. Senate Bill 230 is simple and makes it easier for people to participate in the process of petitioning their government.

SENATOR HARDY:

This makes perfect sense to me. Was there a reason it was done the other way? Do county clerks feel having the last name first helps in some way? Do you know why it was done backwards?

ASSEMBLYWOMAN ANGLE:

I do not know why it was done that way. It could have been a clerical expediency to arrange last names alphabetically.

BRENDA J. ERDOES (Legislative Counsel):

My recollection of putting the last name first was because those names are checked by the county clerk or whoever verifies that petition against last names in alphabetical order.

ASSEMBLYWOMAN ANGLE:

Making it easy for the voters to participate in government is more important than clerical expediency.

SENATOR WIENER:

I like the idea of printing the first name and middle initial followed by the last name because it does not make sense the other way. My concern is with signing first and then printing the name. You may have as many cross outs as before because people are used to printing the name first and then signing.

ASSEMBLYWOMAN ANGLE:

I agree with you and accept any amendment making the process easier. In doing it this way, the signature is most important, but I understand your concern that on most forms, we print first and then sign.

CHAIR CEGAVSKE:

Matt Griffin from the Secretary of State's Office has an amendment.

MATT GRIFFIN (Deputy for Elections, Office of the Secretary of State):

The Secretary of State's Office has proposed an amendment ([Exhibit F](#)) which I provided for Committee members. The reason for [Exhibit F](#) is it becomes difficult to determine what questions qualify for the ballot. Since the 13-county rule has been found unconstitutional, there has been an increase of petitions put on the ballot. [Exhibit F](#) will allow the Secretary of State's Office more time to get the ballots printed.

ASSEMBLYWOMAN ANGLE:

I learned of [Exhibit F](#) 15 minutes ago. The deadlines for initiative petitions are finite right now. When you begin the process on September 1, you have a 30-day period for challenges to that language. This restricts anyone from circulating petitions until the 30-day period is over. Court challenges are a way to intervene in the process.

SENATOR BEERS:

Do we have a September 1 start date?

MR. GRIFFIN:

That is correct.

SENATOR BEERS:

Why is there a start date?

KRISTI GEISER (Office of the Secretary of State):

Three different start dates are in the *Constitution of the State of Nevada*: September 1 of the year prior to the election, August 1 and January 1, depending on what the initiative does.

SENATOR BEERS:

Can we back up the start date as easily as the end date?

MS. GEISER:

We cannot.

SENATOR BEERS:

We could take 30 days off the amount of time for challenges. Last election we experienced opponents waiting until the last day to challenge.

MR. GRIFFIN:

We would not oppose that. Our focus is not to reduce time in which you can circulate a petition. Our concern is making sure we have enough time to prepare the ballots.

ASSEMBLYWOMAN ANGLE:

I would not have a problem with that. I want to make sure we have enough time to circulate petitions.

MS. HANSEN:

As soon as I explain the petition to a voter, I instruct them to print their last name first. People often do this the wrong way even after instruction. I agree with Senator Wiener that it is better to print the name first and then sign it. I oppose the amendment in [Exhibit F](#) proposed by the Secretary of State's Office. [Exhibit F](#) changes the character of S.B. 230. It is difficult to have sufficient time to complete the signatures. I favor reducing the challenge times. I support the original concept of S.B. 230 and any reduction of the challenging time.

CHAIR CEGAUSKE:

You agree with Senator Beers' comments regarding an amendment for challenging time?

MS. HANSEN:

I favor shortening the time for challenges.

DAVID K. SCHUMANN (Nevada Committee for Full Statehood):

I support S.B. 230 as originally endorsed. People will be happy that the Legislature agrees with the way people naturally sign their names. I disagree with the Secretary of State's Office. They do not need any more time.

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CHAIR CEGAVSKE:

I adjourn the Senate Committee on Legislative Operations and Elections at
2:46 p.m.

RESPECTFULLY SUBMITTED:

Brian Campolieti,
Committee Secretary

APPROVED BY:

Senator Barbara K. Cegavske, Chair

DATE: _____