

**NEVADA DEPARTMENT OF EDUCATION
COMMISSION ON SCHOOL FUNDING
AUGUST 14, 2020
9:00 A.M.**

Meeting Location

Due to the circumstances created by the COVID-19 pandemic, the Commission on School Funding met via videoconference. In accordance with Governor Sisolak's State of Emergency Directive 006, Section 1, no physical location was designated for this meeting. The meeting was livestreamed on the Nevada Department of Education's (NDE) website.

SUMMARY MINUTES OF THE COMMISSION MEETING

COMMISSION MEMBERS PRESENT

Via Videoconference

Dusty Casey
Andrew J. Feuling
Jason A. Goudie
Guy Hobbs
Dr. David Jensen
Paul Johnson
Mark Mathers
Punam Mathur
Dr. R. Karlene McCormick-Lee
Jim McIntosh
Dr. Lisa Morris-Hibbler

DEPARTMENT STAFF PRESENT

In Las Vegas

Jessica Todtman, Chief Strategy Officer

In Carson City

Heidi Haartz, Deputy Superintendent of Business and Support Services
James Kirkpatrick, Administrative Services Officer III
Beau Bennett, Management Analyst IV
Megan Peterson, Management Analyst III

LEGAL STAFF PRESENT

David Gardner, Deputy Attorney General

SUBJECT MATTER EXPERTS PRESENT

Jeremy Aguero, Applied Analysis
Felicia Brown, WestEd
Jason Willis, WestEd

PRESENTERS IN ATTENDANCE

Via Videoconference

Charlie Kratsch, Chief Executive Officer and Founder, Infinite Campus
Eric Creighton, Chief Product Officer, Infinite Campus
Daniel Jarratt, Head of Learning Science Technologies, Infinite Campus
Ryan Pankratz, Senior Application Specialist, Infinite Campus
Denise Salyers, Infinite Campus

AUDIENCE IN ATTENDANCE

Via Videoconference

1: CALL TO ORDER; ROLL CALL

Meeting called to order at 9:01 A.M. by Commission Chair R. Karlene McCormick-Lee. Quorum was established.

2: PUBLIC COMMENT #1

Educate Nevada Now submitted public comment regarding implementation of the Pupil-Centered Funding Formula and optimal funding. *(A complete copy of the statement is available in Appendix A)*

The Nevada Immigrant Coalition submitted public comment regarding the implementation of the Pupil-Centered Funding Formula and Zoom and Victory funding. *(A complete copy of the statement is available in Appendix A)*

The Nevada State Education Association submitted public comment regarding the implementation of the Pupil-Centered Funding Plan and budget cuts. *(A complete copy of the statement is available in Appendix A)*

Allison Mackenzie, Attorneys & Counselors at Law, submitted public comment regarding the implementation of the Pupil-Centered Funding Plan. *(A complete copy of the statement is available in Appendix A)*

3: APPROVAL OF JULY 13, 2020 COMMISSION MEETING MINUTES

No action was taken, and the minutes were held for possible approval during the September meeting.

4: NEVADA DEPARTMENT OF EDUCATION UPDATE

Heidi Haartz, Deputy Superintendent for Business and Support Services provided an update to the Commission regarding the progress made by the Nevada Department of Education (NDE) on various tasks since the July 13, 2020 Commission meeting.

Following the July Commission meeting, the Department worked in collaboration with the Chair to finalize the recommendations of the Commission to submit to the Governor and Legislature on July 15, 2020. The Department has continued to work toward finalizing the Hold Harmless amounts for school districts in collaboration with school district chief financial officers (CFOs). Similar action has also begun for charter schools, although it will be a lengthier process as there are 49 charters, and their budgets will be reviewed individually.

The Department met with the Governor's Finance Office (GFO) to discuss how the Pupil-Centered Funding Plan (PCFP) should be included in the Department's biennial budget request, and how various revenues in those budget accounts should be tracked through the PCFP. The Department has been working to compile information regarding appropriate revenue and enrollment projections for fiscal year (FY) 22 and FY23 for incorporation into the PCFP model and the FY22-23 biennial budget request.

The Department has continued working with WestEd, who agreed to subcontract on behalf of the Commission on School Funding to facilitate conversations regarding optimal funding. This work will span over three to four months, and allow the Commission to identify what optimal means, the components that feed into optimal, and facilitate prioritizing different projects, activities, or components that will be included in the definition of optimal and ways to potentially fund these projects or activities. The contractor will work to facilitate conversations only, and the decision and recommendation process is in the hands of the Commission, with the goal of completing preliminary work regarding optimal prior to the 2021 Legislative Session, although discussion regarding optimal funding will be an ongoing responsibility for the Commission.

5: PRESENTATION ON UPDATES TO THE PUPIL-CENTERED FUNDING PLAN MODEL

Jeremy Aguero, Applied Analysis, provided an update to the Commission regarding changes made to the Pupil-Centered Funding Plan Model.

Mr. Aguero highlighted that the most recent version of the model had updated initial funding, estimated enrollment, and weighted categories; most importantly, removing Special Education as a weighted category per the recommendation of the Commission during the July meeting. The structure of the Hold Harmless calculation saw minor edits, and the funding sources saw a significant jump under State Match Funding, as \$213 million were allocated for Special Education funds. Other updates were made regarding updates in funding, revenues, and estimated enrollment. Calculations were added for the small school and small district equity adjustment factor. The statewide base per pupil amount is currently set at \$7,246 in the present model.

Chair McCormick-Lee clarified for the public that having Special Education weights set to zero did not mean no dollars would be allocated to Special Education. Special Education funding is federally required and will be matched by the State to district and federal dollars in a separate formula outside of the weight calculations, to better serve Special Education needs and maintenance of effort. Vice Chair Guy Hobbs asked how new funding would waterfall into Special Education if it was calculated in a separate model. Deputy Superintendent Haartz responded that Special Education would be funded through a separate budget account, and maintenance of effort could be adjusted as needed to increase federal funds or upon the recommendation of the Governor or Legislature to manage maintenance of effort. Special Education would have separate appropriations set aside by the State. Special Education was moved to provide better transparency and flexibility.

Member Paul Johnson expressed concern with how this would affect discussion regarding optimal funding for Special Education, and how Special Education services are often limited by funding. Member Andrew Feuling asked if it was possible to estimate how long a district would be held under the Hold Harmless provision. Mr. Aguero responded that it would take a significant amount of research to estimate. Member Mark Mathers asked why it appeared that many districts had significantly more funds under the current version of the model than the previous. Mr. Aguero responded that the equity adjustments and Hold Harmless had significant impacts. The Hold Harmless freeze was lower than the current allocation of funds, and the movement of Special Education shifted the waterfall. Member Jason Goudie asked if Special Education would be discussed during optimal conversations, as it was separated out much like transportation. Chair McCormick-Lee and Deputy Superintendent Haartz confirmed that the Commission could discuss both if they desired. Member Feuling noted that he shared expressed concerns with Special Education and optimal funding discussions. Member Dusty Casey inquired about the Hold Harmless under changes to enrollment over time; Mr. Aguero noted that it would take significant research.

6: PRESENTATION ON USING INDICATORS IN INFINITE CAMPUS TO IDENTIFY AT-RISK STUDENTS

Charlie Kratsch, Chief Executive Officer and Founder of Infinite Campus; Eric Creighton, Chief Product Officer, Infinite Campus; Daniel Jarrett, Head of Learning Science Technologies, Infinite Campus; and Ryan Pankratz, Senior Application Specialist, Infinite Campus, conducted a [PowerPoint](#) regarding an alternative approach to identifying students who are At-Risk, including contributing factors and the adaptability of those factors to a Nevada context.

Chair McCormick-Lee expressed that the Commission would like to see details regarding the variables used to determine At-Risk. Mr. Kratsch noted that their model looks at the interaction of various elements and how they affect individual students, which is why the model uses artificial intelligence to calculate risk factors. It is not a matter of At-Risk or not, but *how* At-Risk students are based on the interaction of many factors. Member Goudie emphasized the importance of transparency in determining which students would be designated as At-Risk. Chair McCormick-Lee suggested that within the At-Risk model, there would be a set score that elevated a student to At-Risk status. There would then be a count day for all students in weighted categories, which would be used to determine funding allocations. Once a student is determined At-Risk, there is a minimum period of time that they are considered At-Risk, such as for one additional year, regardless of shifts in their indicators.

Member Johnson noted that there may be difficulties in funding multiple groups of students with a given factor, such as limited language proficiency, which is also an indicator for English learners. Mr. Kratsch responded that the definition of At-Risk is key, and whether that means needing free-or-reduced-price lunch (FRL), or things such as graduation rate, proceeding to the next grade level, etc. Chair McCormick-Lee asked the Commission if they felt there should be a rule of exclusion for At-Risk factors that are already weighted categories. Member Johnson expressed further concern with some of the factors included and their specificity or applicability. Member Feuling noted that including measures that already weighted categories would not matter, as funding is allocated to the heaviest measure in the case of multiple categories of eligibility. Member Goudie agreed, and asked for additional information on how various factors are weighted within the model. Member Lisa Morris-Hibbler indicated agreement these ideas and emphasized shifting to a student-centered model.

Mr. Kratsch noted that if you are identifying students by the FRL factor, you are not using an At-Risk model, but expanding the Title I model. Member Casey asked to what extent the Commission would determine the model, to which Mr. Kratsch noted there was great flexibility. Chair McCormick-Lee asked that Infinite Campus and NDE

develop a cut score from those 75 variables including a definition of At-Risk, which variables should be included and how, and what the cut score should be, perhaps shaping concepts around the funding available.

Members Morris-Hibbler and Johnson raised concerns with the issue of identifying weights and cost of services. Member Punam Mathur emphasized the importance of finding basic, universal factors that are known to impact student success.

[Convenience Break]

7: DISTRIBUTION OF PUBLIC SCHOOL FUNDING UNDER THE PUPIL-CENTERED FUNDING PLAN

Heidi Haartz, Deputy Superintendent of Business and Support Services, and James Kirkpatrick, Administrative Services Officer, provided an update to the Commission regarding school funding under the Pupil-Centered Funding Plan based on fiscal year 2021 (FY21) financial and enrollment data.

Deputy Superintendent Haartz noted that NDE used the legislatively approved budget and the budgets provided by each school district. She said that the model shared today includes revenues and expenditures in the legislatively approved budget at the end of the 2019 legislative session; it does not include the budget reductions approved during the 31st Special Session of the Nevada Legislature. This update uses FY21 information for the benefit of seeing the model using another year of data for the sake of comparison.

[Technical Difficulties]

Mr. Kirkpatrick did a walk-through of the Pupil-Centered Funding Model populated with FY20 and FY21 financial data from school districts.

Member Dave Jensen noted that there may be significant enrollment changes in school districts due to COVID-19; he asked what the timeframes were to make adjustments, especially as districts moved into implementing reopening plans. Deputy Superintendent Haartz noted that the model currently used FY21 data as estimated during the 2019 session. However, the Department was attempting to estimate enrollment for FY22 and FY23 for their agency request budget due in September. The Department will work with the GFO and the Legislative Council Bureau (LCB) to validate enrollment projections in the spring based on the latest information possible. There will be several opportunities to reflect on the impact of COVID-19 on enrollment across the State and within districts.

8: PRESENTATION AND DISCUSSION OF RECOMMENDATIONS ON THE REPORTING REQUIREMENTS INCLUDED IN SENATE BILL 543

Jason Willis, WestEd, and Felicia Brown, WestEd, conducted a [PowerPoint](#) presentation regarding the reporting requirements of SB 543, and recommendations on Reporting Requirements based on the anticipated level of effort and fiscal impact of those requirements on districts.

Member Jim McIntosh asked about the intention to create a uniform system for districts to report information, and how reporting to the Nevada Report Card and InSite would function. Deputy Superintendent Haartz noted that LCB contracts for InSite, and the determination for InSite would fall to them. Member McIntosh asked if there would be two reporting systems, which was a transparency concern; Deputy Superintendent Haartz responded that the Department would need to gather additional information. Member Johnson agreed with Member McIntosh, and emphasized that consistency within and across school districts was key for comparability of data. Deputy Superintendent Haartz noted that the Department had asked for funds during the 2019 session to create an integrated financial management system, but due to the financial crisis, those funds were reverted back to the State, and would need to be requested again at a future legislative session.

Member Goudie supported providing electronic copies of documents to parents, with the option for hard copy. The Commission emphasized the importance of clarifying the requirements and providing further detail and clarifying the expectation for InSite reporting to ensure that there is not unnecessary duplication of effort. Regarding reporting dates, Commission members requested that districts have the opportunity to provide feedback prior to final decisions being made.

9: RECOMMENDATIONS FOR MONITORING IMPLEMENTATION OF PUPIL-CENTERED FUNDING MODELS

Jason Willis, WestEd, and Felicia Brown, WestEd, conducted a [PowerPoint](#) presentation regarding recommendations for Monitoring Implementation of the Pupil-Centered Funding Plan.

The Commission confirmed their guiding principles for monitoring implementation, prioritizing equity, transparency, accountability, and autonomy. They discussed whether the model and its various aspects, including monitoring implementation, aligned with the intent of SB 543.

Regarding implementation, Member Feuling expressed preference for support the first three-to-five years of implementation, rather than sanctions. Member Johnson seconded this idea. Recapping Committee support, Chair McCormick-Lee emphasized guidance and support, and noted that sanctions should be reserved for malpractice. Chair McCormick-Lee and Member Morris-Hibbler supported a workgroup of practitioner advisors for implementation guidance, and the Commission chose to reflect further on implementation strategies.

Member Goudie asked how money would flow through the waterfall and if funds could be directed to specific areas; Deputy Superintendent Haartz noted that additional monies would flow through the waterfall, and until the weights reached their targets.

10: PRESENTATION ON THE NEXT STEPS REGARDING OPTIMAL FUNDING

Heidi Haartz, Deputy Superintendent of Business and Support Services, provided an update to the Commission regarding the process and timeline for discussions around optimal funding.

The Department has worked with WestEd to facilitate further conversations regarding optimal funding. SB 543 permits the Commission to make recommendations regarding optimal funding, but requires that if it requests more funding than previously appropriated, the Commission must identify a method to fully fund that recommendation within ten years from the point in which the recommendation is made. They may also provide the opportunity for the Governor to determine amounts from general fund revenue to be transferred to the State Education Fund when preparing the executive budget.

There are many opportunities to discuss optimal funding, but the first step is defining what optimal means to the Commission, whether it's based on student attainment and achievement, funding, or a mixture of both. Member Goudie reflected that many studies on optimal funding had been done, but the studies never ascertained an answer, but referenced \$9,300 as a base per-pupil amount. Vice Chair Hobbs agreed that funding adequacy was the goal of many of the prior studies, but funding adequacy may not be the same as optimal. However, thinking about funding adequacy provide a good start. Member Johnson agreed that adequacy and optimal could not be separated out, but you cannot provide adequate funding and expect optimal performance. Member Johnson suggested looking at the 2006 APA Consulting study done for LCB. Member Morris-Hibbler supported these statements.

Member Mathers asked if WestEd would provide a facilitator with expertise. Deputy Superintendent Haartz noted that WestEd had not yet secured a contract.

11: FUTURE AGENDA ITEMS

Future agenda items included administrative caps, optimal funding, and further discussion regarding the WestEd presentations of item 8 and item 9. The Commission would also review the PCFP Model with FY22-23 data in the future.

12: PUBLIC COMMENT #2

No public comment.

13: ADJOURNMENT

Meeting adjourned at 2:33 P.M.

Appendix A: Statements Given During Public Comment

1. Educate Nevada Now submitted public comment regarding implementation of the Pupil-Centered Funding Formula and optimal funding
2. The Nevada Immigrant Coalition submitted public comment regarding the implementation of the Pupil-Centered Funding Formula and Zoom and Victory funding.
3. The Nevada State Education Association submitted public comment regarding the implementation of the Pupil-Centered Funding Plan and budget cuts.
4. Allison Mackenzie, Attorneys & Counselors at Law, submitted public comment regarding the implementation of the Pupil-Centered Funding Plan.

Item A1, Educate Nevada Now

August 13, 2020

Chairwoman, Dr. Karlene McCormick-Lee
Commission on School Funding

Dear Chairwoman McCormick-Lee and members of the Commission,

Thank you for the opportunity to submit testimony on behalf of Educate Nevada Now. We appreciate the hard work of the Commission and its willingness to consider our input.

As has been stated multiple times by this commission's members, public education funding is grossly inadequate. This unfortunate reality has hung over nearly every discussion of the funding formula over the past year, such as in debates around hold harmless, inflation and weighted funding. These discussions have laid bare the fact that the Pupil-Centered Funding Plan will fail students without a commitment to additional funding.

For this reason, today's discussion around optimal funding levels and the path to reach those targets is arguably the most important and consequential of the Commission. To ensure a constitutionally adequate public education system, we urge the Commission to consider the following as they discuss and make recommendations for this agenda item:

- 1) **Recommendations and the process around determining optimal funding levels should be centered on what resources are necessary for students to have the opportunity to meet or exceed state academic content standards.** This includes students with unique needs and general education students. The PCFP will not be a "cost-based" funding formula if optimal (or adequate) funding levels bear little to no relationship to the actual cost of necessary resources and services.
- 2) **Recommendations should include an honest assessment of the resources necessary for schools and districts to meet state, regulatory, and federal mandates.** Again, the formula would otherwise not be cost-based without considering these often time and resource intensive requirements.
- 3) **Recommendations should be guided by the expertise of Commission members and the previous, extensive studies detailing equitable and adequate funding levels.** This cannot be an exercise in determining what is expedient, easy or feasible under the current political or economic climate. These targets and plan set a North Star for what is needed for Nevada's public education system to be successful and an incremental path for getting there. Best practices and education policy must guide the discussion, not politics. These recommendations will have an impact for many years and well beyond political and economic cycles. Government agencies and lawmakers will ultimately decide whether to follow or meet the recommendations, but they should not influence the development of these targets.

Nevada has never adopted adequacy targets or set a concrete plan for reaching adequate funding. Other states have – and have subsequently improved their states' public education systems. This is the charge of this Commission. Our state is ready to take this important step, and we have confidence that this Commission will lay the foundation we need to finally transform our education system.

Sincerely,

Amanda Morgan, Executive Director
Educate Nevada Now

Item A2, Nevada Immigrant Coalition

August 14, 2020

SB543 School Finance Commission

Jhone Ebert, Nevada Superintendent of Instruction Las Vegas, Nevada

Dear Commission Members:

Thank you for your hard work serving on this commission. We are in the final phase.

During Special Session 2020, Governor Sisolak and the Legislature administered budget cuts to all education categoricals, except Zoom and Victory. We are grateful for that decision and we believe that this outcome has protected our most vulnerable children. As we have stated previously, this is NOT the time to disinvest in historically poor communities of color. SB 543, without a planned transition for Zoom and Victory, would wipe almost a decade of hard work in recreating failing schools in our racially isolated and poorest zip codes, and eliminate supports for Nevada's poorest communities to address equity gaps during COVID19. Principals tell us, "we don't know where we would be if the Legislature had not preserved Zoom and Victory."

The collapse of the Nevada economy due to COVID19 means that the path to adequate funding will take longer than originally proposed. We suggest that the Commission's final report sketch out how the state might address funding for weights, without robbing Pedro and Tamika to pay Paul and Jane.

Respectfully submitted,

Sylvia R Lazos

Education subcommittee

Item A3, Nevada State Education Association

COMMENTS TO THE COMMISSION ON SCHOOL FUNDING

August 14, 2020

The Nevada State Education Association has been the voice of Nevada educators for over 100 years.

The recommendations adopted by this Commission at your July meeting are profoundly disappointing. The Commission on School Funding should value the voices of educators, school equity advocates, and other education stakeholders, who over the past year have shown up, and since March, written in.

We've consistently expressed our concern about the well-being of Zoom and Victory Schools, the lack of new resources to address chronic education underfunding, the specter of years-long budget freezes in most school districts, a multi-million dollar giveaway to charter schools, anti-worker end fund balance provisions, and the broken process that has left us at this point.

Instead of valuing our voices and incorporating our concerns into your recommendations, we have been ignored.

Since March the COVID-19 global pandemic has ravaged Nevada and changed everything. Everything, that is, with the possible exception being the limited scope and imagination of this Commission. A month ago, as legislators were convened in Carson City at the 31st Special Session, making \$156 million in painful cuts to K-12 education funding, this Commission continued as if literally nothing had changed. Today's agenda presents us with more tinkering with the minutiae of the new funding plan.

Instead, this Commission should be engaged in the tough questions.

- How does the \$70 million in cuts to SB178 funding for English learners and at-risk students impact the transition to student weights contemplated in the new funding plan?
- What would be the impact on the transition to the new funding plan with further state budget cuts to K-12 education?
- Why are most major education stakeholder groups opposed to making this shift in funding plans in the first place?
- How completely irresponsible would it be to implement the radical shift of the school funding plan in the middle of a global pandemic?

While the new funding plan was unworkable before with no new revenue, implementation with decreased revenue and painful budget cuts, including wiping out student weights, would be completely irresponsible. SB543 will not help safely reopen schools. SB543 will not bring greater transparency. SB543 will not deliver greater education equity. SB543 is not truly centered on the student, 90% of whom attend our neighborhood public schools. And SB543 is not inclusive of the voices of education stakeholders.

Item A4, Allison Mackenzie, Attorneys & Counselors at Law

August 13, 2020

Nevada Commission on School Funding
700 E. Fifth Street
Carson City, Nevada 89701

Via Email: jtodtman@doe.nv.gov

Madame Chair and Members of the Commission on School Funding:

We have been retained to represent the following county school districts and their respective superintendents: Elko, Eureka, Storey, Douglas, Pershing, Lander, Mineral, Lyon, Esmeralda, Lincoln and Carson City. We are, once again, renewing our request for this Commission to make a recommendation to delay implementation of Senate Bill ("SB") 543 until at least the 2023-2025 Legislative Session. We are also submitting this correspondence on behalf of the aforementioned school districts in an effort to invoke a meaningful conversation amongst the Commission with regards to the implementation of SB 543 and its disparate and harmful impact on rural school districts and their students.

We are confident that the language of SB 543 imbues this Commission with the ability to suggest a delay in implementation to the Legislature. At the last Commission meeting on July 13, 2020, members of this Commission voiced concerns that the language of SB 543 prohibited the Commission from making such a recommendation. We believe this interpretation is inaccurate. SB 543, Section 11(b) provides that the Commission is required to "[m]onitor the implementation of the Pupil-Centered Funding Plan and *make any recommendations to the Legislative Committee on Education that the Commission determines would, within the limits of appropriated funding, improve the implementation of the Pupil-Centered funding plan* or correct any deficiencies of the Department or any school district or public school in carrying out the Pupil-Centered Funding Plan." (Emphasis Added).

The language of Section 11(b) of SB 543 distinctly provides this Commission with the power to make any recommendations to the Legislative Committees on Education that it deems appropriate to improve the Pupil-Centered Funding Plan. As such, it is well within the purview of the Commission to make a recommendation of delayed implementation in the same way that it is within the purview of the Commission to recommend that that Special Education be removed from the categorical weighted funding or make any other recommendation regarding the Pupil-Centered Funding Plan.

The impact of the Covid-19 pandemic has forced many school districts across the state to make difficult decisions regarding how best to move forward in their statutory and constitutional duties to adequately educate students. Implementation of the Pupil-Centered Funding Plan with its currently enacted statutory deadlines would be catastrophic for the aforementioned school districts given the extreme budget shortfalls that are already a reality as a result of the Covid-19 pandemic.

Further, the 2020 Special Legislative Session has left school districts with conflicting information regarding the future of the net proceeds of minerals and how those funds will be distributed. The passage of SB 4 in the 2020 Special Legislative Session has also ensured that school districts are not provided the same immunity for the transmission of Covid-19 and any injury, illness or death resulting therefrom that is afforded other governmental entities. As such, school districts have significant concerns moving forward with the ever-shifting policy changes even without the implementation of SB 543.

Moreover, the Pupil-Centered Funding Plan has not been properly vetted and is not fully formulated to render it successful upon implementation. There are several issues that, at this late date, have not been determined or explored by the Commission such as: 1) the funding of the hold harmless provision and how it will operate; 2) whether school finance regional cost adjustments will adequately address equity; 3) whether the assignment of values, based upon attendance areas, to the Necessarily Small School District and Small Schools allocations are equitable and reflect the actual costs to deliver educational services in *all* Nevada school districts; 4) the funding

of the Education Stabilization Account; and 5) the functionality and possible impact of the net proceeds of minerals provision of SB 543.

To that end, we would request the Commission make a recommendation of delayed implementation of the Pupil-Centered Funding Plan until the 2023-2025 Legislative Session as it is well within the statutory duties of the Commission to do so and it is in the best interests of the students of Nevada.

Our next concern derives from certain comments that have been made by Commission members during meetings. There have been indications from the Commission that there are "already winners and losers" in the newly created Pupil-Centered Funding Plan. Moreover, there have been deliberations with regard to seventy percent (70%) of the Nevada student population being more important or more valuable than the other thirty percent (30%). We would like to publicly address these comments.

Article XI, § 2 of the Nevada Constitution provides, in pertinent part, as follows:

The legislature shall provide for a uniform system of common schools, by which a school shall be established and maintained in each school district at least six months in every year [...] and the legislature may pass such laws as will tend to secure a general attendance of the of the children in each school district upon said public schools.

The Nevada Supreme Court has interpreted Article XI, § 2 to mean that the Nevada Legislature is required to maintain "a uniform public school system, open and available to all students" in order to fulfill its constitutional mandate proscribed in Article XI, §2. See *Schwartz v. Lopez*, 132 Nev. 732,750,382 P.3d 886, 898 (2016).

We would like to take this opportunity to remind the Commission that it has been tasked to assist the Legislature with upholding its constitutional duties to provide a uniform system of public schools for *all* students in Nevada. As such, discussions surrounding the "winners and losers" of the Pupil-Centered Funding Plan and the concept that a portion of the student population in Nevada is more valuable than a smaller portion thereof should have no place in the discussions and deliberations held by the Commission. Such comments show a disregard for the constitutional requirements of educational uniformity and equity across the State of Nevada.

Finally, we would like to address certain realities faced by rural school districts in Nevada. As the Commission is likely aware, it is more expensive to educate a student in rural Nevada than it is to educate a student in a metropolitan area of the State. Scope-related factors increase the costs to deliver both regular and supplemental services to smaller student populations. The resulting diseconomies result in higher delivery costs for the same programming as compared to more densely populated districts. For instance, many rural school districts must specifically pay for specialists to travel to and from their locations to service children in need. Whereas, those same specialists are available weekly in larger school districts at a much lower cost. As such, the delivery cost for the same programming is much higher in a rural school district as it costs more to service smaller populations in lower density locations. This is only one such example of the additional costs required to run a rural school district.

It is worth noting that the Commission's discussions have been disproportionately centered around the Clark County School District being chronically underfunded throughout the years. However, the same is true of most rural school districts in Nevada that have also been chronically underfunded and operate at either a similar or much higher expense as Clark County. We believe that discussions regarding the Clark County School District's "chronic underfunding" are not helpful and do not further the statutory objectives of the Commission in attempting to implement an adequate funding model.

We provide this correspondence in the hope that the Commission will take rural school districts into consideration when deliberating further on the implementation of the Pupil-Centered Funding Plan and understand that, in order to be successful, the Pupil-Centered Funding Plan should be delayed until at least the 2023-2025 biennium. As always, we appreciate the time and attention of this Commission.

Sincerely,
ROBERT M. SALYER, ESQ. RYAN D. RUSSELL, ESQ.