

**COMMITTEE FOR THE STUDY OF A
NEW METHOD FOR FUNDING
PUBLIC SCHOOLS**

(SENATE BILL 11, 2011 LEGISLATURE)



Tuesday, January 24, 2012, 9:00 a.m.

**Grant Sawyer State Office Building
555 East Washington Avenue
Las Vegas, Nevada
Room 4401**

**Videoconference to:
Legislative Building
401 South Carson Street
Carson City, Nevada
Room 4100**

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE COMMISSION (775) 684-6800
STEVEN A. HORSFORD, *Senator, Chairman*
Lorne J. Malkiewich, *Director, Secretary*

INTERIM FINANCE COMMITTEE (775) 684-6821
DEBBIE SMITH, *Assemblywoman, Chair*
Rick Combs, *Fiscal Analyst*
Mark Krmptic, *Fiscal Analyst*



CARSON CITY OFFICE:
Legislative Building, 401 S. Carson Street
Carson City, Nevada 89701-4747
Fax No.: (775) 684-6600

LORNE J. MALKIEWICH, *Director* (775) 684-6800
BRENDA J. ERDOES, *Legislative Counsel* (775) 684-6830
PAUL V. TOWNSEND, *Legislative Auditor* (775) 684-6815
DONALD O. WILLIAMS, *Research Director* (775) 684-6825

LAS VEGAS OFFICE:
555 E. Washington Avenue, Room 4400
Las Vegas, Nevada 89101-1049
Fax No.: (702) 486-2810
BRIAN L. DAVIE, *Legislative Services Officer* (702) 486-2800

MEETING NOTICE AND AGENDA

Name of Organization: NEW METHOD FOR FUNDING PUBLIC SCHOOLS (S.B. 11)

Date and Time of Meeting: Tuesday, January 24, 2012, 9:00 a.m.

Place of Meeting: Grant Sawyer State Office Building
Room 4401
555 East Washington Avenue
Las Vegas, Nevada

Note: Some members of the committee may be attending the meeting and other persons may observe the meeting and provide testimony through a simultaneous videoconference conducted at the following locations:

Legislative Building
Room 4100
401 South Carson Street
Carson City, Nevada

If you cannot attend the meeting, you can listen to or view it live over the Internet. The address for the Nevada Legislature website is <http://www.leg.state.nv.us>. Click on the link "Live Meetings – Listen or View."

Note: Please provide the secretary with electronic or written copies of testimony and visual presentations if you wish to have complete versions included as exhibits with the minutes.

A G E N D A

Note: Items on this agenda may be taken in a different order than listed. Two or more agenda items may be combined for consideration. An item may be removed from this agenda or discussion relating to an item on this agenda may be delayed at any time.

A. ROLL CALL.

B. OPENING REMARKS.
ASSEMBLYMAN MARCUS CONKLIN, CHAIRMAN

C. PUBLIC COMMENT.
(Because of time considerations, the period for public comment by each speaker may be limited, and speakers are urged to avoid repetition of comments made by previous speakers.)

D. REVIEW OF SENATE BILL 11 (CHAPTER 424, STATUTES OF NEVADA 2011), WHICH DIRECTS THE LEGISLATIVE COMMISSION TO APPOINT A COMMITTEE TO CONDUCT AN INTERIM STUDY CONCERNING THE DEVELOPMENT OF A NEW METHOD OF FUNDING FOR PUBLIC SCHOOLS.
JULIE WALLER, SENIOR PROGRAM ANALYST, LEGISLATIVE COUNSEL BUREAU

For Possible Action

E. OVERVIEW OF NEVADA'S EXISTING PUBLIC SCHOOL FUNDING MODEL (THE NEVADA PLAN).
ROGER RAHMING, DIRECTOR, ADMINISTRATIVE & FISCAL SERVICES, NEVADA DEPARTMENT OF EDUCATION

For Possible Action

F. DISCUSSION OF THE NEVADA PLAN AND THE EXTENT TO WHICH IT ACCOUNTS FOR AND IS BASED ON DIFFERENCES IN THE NEEDS OF INDIVIDUAL STUDENTS.
CAROLINE MACINTOSH, SUPERINTENDENT OF LYON COUNTY SCHOOL DISTRICT; PRESIDENT OF NEVADA ASSOCIATION OF SCHOOL SUPERINTENDENTS
JOYCE HALDEMAN, ASSOCIATE SUPERINTENDENT, CLARK COUNTY SCHOOL DISTRICT
LINDSAY ANDERSON, DIRECTOR OF GOVERNMENT AFFAIRS, WASHOE COUNTY SCHOOL DISTRICT, AND MIKE SCHROEDER, INTERIM CHIEF FINANCIAL OFFICER, WASHOE COUNTY SCHOOL DISTRICT

For Possible Action

G. OVERVIEW OF PUBLIC SCHOOL FUNDING MODELS IN OTHER STATES AND HOW DIFFERENCES IN THE NEEDS OF INDIVIDUAL STUDENTS ARE ADDRESSED.
MIKE GRIFFITH, SENIOR POLICY ANALYST, EDUCATION COMMISSION OF THE STATES

For Possible Action

H. DISCUSSION REGARDING THE TOPICS THE COMMITTEE WISHES TO EXAMINE AS PART OF THE STUDY FOR INCLUSION ON FUTURE AGENDAS.
JULIE WALLER, SENIOR PROGRAM ANALYST, LEGISLATIVE COUNSEL BUREAU

For Possible Action

I. DISCUSSION REGARDING A CONSULTANT TO ASSIST THE COMMITTEE IN CONDUCTING THE STUDY:
1. REVIEW AND APPROVE DRAFT REQUEST FOR PROPOSAL FOR A CONSULTANT.
2. PROCEDURE FOR SELECTION PROCESS FOR A CONSULTANT.

J. DISCUSSION OF TIMELINE FOR CONDUCTING THE STUDY.

K. PUBLIC COMMENT.
(Because of time considerations, the period for public comment by each speaker may be limited, and speakers are urged to avoid repetition of comments made by previous speakers.)

L. ADJOURNMENT.

Note: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Fiscal Analysis Division of the Legislative Counsel Bureau, in writing, at the Legislative Building, 401 South Carson Street, Carson City, Nevada 89701-4747, or call the Fiscal Analysis Division at (775) 684-6821 as soon as possible.

Notice of this meeting was posted in the following Carson City, Nevada, locations: Blasdel Building, 209 East Musser Street; Capitol Press Corps, Basement, Capitol Building; City Hall, 201 North Carson Street; Legislative Building, 401 South Carson Street; and Nevada State Library, 100 Stewart Street. Notice of this meeting was faxed for posting to the following Las Vegas, Nevada, locations: Clark County Government Center, 500 South Grand Central Parkway; and Grant Sawyer State Office Building, 555 East Washington Avenue. Notice of this meeting was posted on the Internet through the Nevada Legislature's website at www.leg.state.nv.us.

Senate Bill No. 11–Committee on Finance

CHAPTER.....

AN ACT relating to public school finance; directing the Legislative Commission to appoint a committee to conduct an interim study concerning the development of a new method for funding public schools in this State; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing law, the Nevada Plan for School Finance provides for the financial support of the school districts, charter schools and university schools for profoundly gifted pupils. The formula in the Nevada Plan is expressed as: State financial aid to school districts equals the difference between school district basic support guarantee and local available funds produced by mandatory taxes minus all the local funds attributable to pupils who reside in the county but attend a charter school or a university school for profoundly gifted pupils. (NRS 387.121) **Section 22** of this bill directs the Legislative Commission to appoint a committee to conduct an interim study concerning the development of a new method for funding public schools in Nevada.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Sections 1-20. (Deleted by amendment.)

Sec. 21. The Legislature hereby finds and declares that:

1. In 1967, the Legislature, as a response to circumstances prevailing at the time and to allow the State to fulfill its responsibility to appropriately fund public schools, adopted a new method, known as the Nevada Plan, for funding public schools;
2. By considering and adopting the Nevada Plan, the Legislature recognized that changing circumstances in the State and changes in the student population in the State would necessitate changes to the Nevada Plan;
3. In 2011, the State and its public schools face remarkably different conditions than in 1967;
4. Nevada is home to both one of the largest school districts in the nation and one of the smallest school districts in the nation;
5. The educational needs and demographic characteristics of students in the public schools vary widely and have disparate impacts on the ability of each student to have a quality education;
6. The fundamental purpose of the State’s public education system is to ensure a reasonably equal opportunity for each student to have a quality education;



7. The needs and characteristics of each student have a direct influence on the ability of that student to take advantage of an opportunity for a quality education;

8. Recent education reforms, including the adoption of common core standards, the advancement of empowerment schools and charter schools, the creation of the Teachers and Leaders Council of Nevada and other important advancements in the public education system will enhance the ability of public schools to meet the needs of individual students;

9. Such reforms are specifically designed to improve and advance the purpose of the State's public education system and to help prepare students for higher education and for careers;

10. The success of these reforms depends on a funding method that effectively meets the variety of individual student needs and characteristics inherent in an ever-growing and increasingly diverse student body;

11. Recent economic problems in the State have illustrated the necessity of using every public dollar to its maximum benefit;

12. Many other states use funding systems based on individual student needs and characteristics to advance their goals regarding student achievement; and

13. A new method for funding public schools in this State is necessary to continue to improve and advance the purpose of the State's public education system.

Sec. 22. 1. The Legislative Commission shall appoint a committee to conduct an interim study concerning the development of a new method for funding public schools in this State.

2. The committee must be composed of six Legislators as follows:

(a) Three members appointed by the Majority Leader of the Senate, at least one of whom must be appointed from the membership of the Senate Standing Committee on Education during the 76th Session of the Nevada Legislature; and

(b) Three members appointed by the Speaker of the Assembly, at least one of whom must be appointed from the membership of the Assembly Standing Committee on Education during the 76th Session of the Nevada Legislature.

3. The committee shall consult with and solicit input from individuals and organizations with expertise in matters relevant to the purpose of developing a new method for funding public schools in this State.



4. Any such method proposed by the committee must:
- (a) Be consistent with the constitutional responsibility of the Legislature to provide for a uniform system of common schools; and
 - (b) Account for, and be based on, differences in the needs and characteristics of individual students.

5. The committee shall submit a report on its findings, including, without limitation, any proposed methods for funding public schools in this State and any recommendations for legislation, to the 77th Session of the Nevada Legislature.

6. The committee shall carry out the duties of this section only to the extent that money is available to do so from sources including, without limitation, gifts, grants and donations.

Sec. 23. This act becomes effective on July 1, 2011.



Pursuant to Senate Bill 11, topics the Committee may wish to consider for the study of a new method for funding public schools may include, but are not limited to:

- The original version of S.B. 11 included revisions to the Nevada Plan to account for the different needs and characteristics of individual students. The study could examine whether the state’s public school funding methodology should be modified to account for such differences, including, but not limited to:
 1. Pupils with disabilities;
 2. Gifted and talented pupils;
 3. Pupils enrolled in career and technical education;
 4. English Language Learners;
 5. Pupils who are eligible to receive free or reduced-priced meals;
 6. Pupils who are homeless;
 7. Pupils who are transient; and
 8. Pupils in foster care.
- Virtual charter schools receive the same per-pupil funding as traditional brick and mortar schools. The study could examine whether the state should differentiate funding based on the delivery model of instruction. This was also an issue that was addressed in the original version of S.B. 11.
- Another issue originally included in S.B. 11 is whether the needs and challenges of smaller school districts are addressed within the state’s funding formula. The study could examine the appropriate funding mechanism to address such needs.
- Enrollment is currently reported statewide based on a single count day (NRS 387.1233). The study could examine whether the count day method is the most appropriate method to calculate enrollment, and examine methods used by other states to calculate enrollment.
- As part of the Nevada Plan, the state uses a special education “unit” formula. Through this system, special education is funded at a legislatively approved amount per instructional unit to support licensed personnel who provide a program of instruction in accordance with minimum standards prescribed by the State Board of Education. Special Education unit funding is provided in addition to the Basic Per-Pupil Support amount. The study could examine whether the “unit” formula is the most appropriate method to provide additional state support for special education services.
- The Nevada Plan includes a “hold-harmless” provision (NRS 387.1233 Sections 2 and 3) that provides for a one-year hold-harmless, except for districts or charter schools with enrollments declining 5 percent or more, which are then allowed a two-year hold-harmless. The study could examine school district and charter schools’ use of the state’s hold-harmless provision to determine if any modifications to the provision should be made.

- Class-Size Reduction, Full-Day Kindergarten and Early Childhood Education programs are currently funded separately from the state's formula funding methodology. The study could examine whether funding for these programs should continue to be separate categorical items or whether the funding should be included in the state's formula funding model.
- Currently, the allocation of Adult High School Diploma program (AHSD) funding is not based on enrollment, but rather is based upon a plan developed by the department to ensure that money is distributed equitably and in a manner that allows accounting for the expenditures by the school districts. The 2011 Legislature directed the department to report its progress in developing a plan or formula to incorporate enrollment growth in the allocation methodology for the AHSD program. The study could examine the current funding methodology for the AHSD program to determine how the funding model could be improved.
- Currently, the biennial budget for K-12 education is based upon the combined statewide operating expenditures for the state's school districts and charter schools. If districts and charter schools do not expend funding provided for operating expenditures in a base year, because of efficiencies or other reasons, the statewide operating expenditure budget for the following biennial budget is based upon the lower expenditures. As a result, the current structure does not incentivize efficiencies in spending, but instead penalizes future budget allocations. The study could examine how to reward spending efficiencies in the school funding model.

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555 E. Washington Avenue, Room 4400
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Fax No.: (702) 486-2810
BRIAN L. DAVIE, *Legislative Services Officer* (702) 486-2800

MEMORANDUM

DATE: February 1, 2012

TO: Prospective Consultants

FROM: Julie Waller, Senior Program Analyst
Fiscal Analysis Division

SUBJECT: **Request for Proposals for a Consultant(s) to Assist in the Study of a New Method of Funding for Public Schools in Nevada**

Senate Bill 11, as enacted by the 2011 Legislature, created the Committee to Study a New Method of Funding for Public Schools in Nevada to examine the development of a new method for funding public schools in the state. In conducting the study, the Committee will:

1. Consider a new funding method that considers individual student needs and characteristics inherent in an increasingly diverse student population in the state;
2. Examine other states' methods of funding public schools and the extent to which individual student needs and characteristics are addressed;
3. Consult with and solicit input from individuals and organizations with expertise relevant to the purpose of developing a new method for funding public schools in the state; and
4. Submit to the Legislative Commission a report of its findings and any proposed methods for funding public schools in the state and any recommendations for legislation before the commencement of the 77th Session of the Nevada Legislature in February 2013.
5. Carry out its duties to the extent money is available from sources including, without limitation, gifts, grants and donations.

Pursuant to subsection 3, of Section 22 of Senate Bill 11 (Attachment A), the Committee is requesting proposals from consultants to assist the Committee in conducting the

February 1, 2012

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study. The resultant contract(s) will be effective from approximately **March 16, 2012, through June 30, 2012, with the deliverables contained within the Scope of Work primarily completed by June 1, 2012.**

The Request for Proposals is attached. Proposals may be submitted on paper or electronically. All proposals must be received by the Fiscal Analysis Division on or before **5:00 p.m. PST, on Thursday, March 1, 2012. If a proposal is submitted on paper, one (1) original and six (6) copies must be submitted by the deadline date. No allowance will be made for late submission.**

All questions pertaining to the Request for Proposals must be made in writing to Julie Waller at jwaller@lcb.state.nv.us. Questions will be accepted until 5:00 p.m. PST, on **February 16, 2012**. To the extent possible, responses to all vendor questions will be posted publicly by 5:00 p.m., PST, on or by **February 23, 2012**, on the legislative website at <http://www.leg.state.nv.us/App/rfp/A/Default.aspx>.

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Fax No.: (702) 486-2810
BRIAN L. DAVIE, *Legislative Services Officer* (702) 486-2800

**REQUEST FOR PROPOSALS FOR A CONSULTANT(S) TO ASSIST IN THE STUDY
OF A NEW METHOD FOR FUNDING OF PUBLIC SCHOOLS IN NEVADA**

Release Date: February 1, 2012

Closing Date: March 1, 2012 Time: 5:00 p.m. PST

For additional information, please contact:

Julie Waller, Senior Program Analyst, Fiscal Analysis Division
Legislative Counsel Bureau, 401 South Carson Street, Carson City, NV 89701-4747
Telephone: (775) 684-6821 Email: jwaller@lcb.state.nv.us

Firm Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: (____) _____ Federal Tax ID #: _____

Signed: _____ Date: _____

Print Name and Title: _____

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I. GENERAL INFORMATION

The Legislative Counsel Bureau (LCB) is the nonpartisan, centralized agency serving both houses and all members of the Nevada Legislature. The Fiscal Analysis Division of the LCB provides the Legislature with independent reviews and analyses of budgetary and fiscal matters.

The Nevada Plan for School Finance is the existing model that provides for the financial support of the school districts, charter schools and university schools for profoundly gifted pupils in the state. In order to ensure an adequate educational opportunity for all Nevada students, regardless of individual school district wealth, the 1967 Legislature adopted the Nevada Plan as the primary mechanism to finance elementary and secondary public education.

Under the Nevada Plan, the state develops a guaranteed amount of funding (statewide average basic support per pupil) for each of the local school districts and charter schools. The revenue, which provides the guaranteed funding, is derived both from state and local sources. The formula in the Nevada Plan is expressed as: state financial aid to school districts equals the difference between school district basic support guarantee and local available funds produced by mandatory taxes minus all the local funds attributable to pupils who reside in the county but attend a charter school or a university school for profoundly gifted pupils (NRS 387.121).

From the statewide average basic support per pupil, the Nevada Department of Education calculates a separate basic support per pupil figure for each school district, using a formula that considers the economic and geographic characteristics of each district. The dollar amount of basic support differs across school districts due to variations in the cost of living, differences in the costs of providing education based on school size, and the cost per pupil of administration and support services. A wealth adjustment, based on each district's ability to generate revenue in addition to the guaranteed level of funding, is also included in the formula.

The state's public school finance funding model was last reviewed as a result of the 2005 Legislature's adoption of Assembly Concurrent Resolution No. 10, which directed the Legislative Commission to conduct an interim study on the adequacy of the system of school finance in Nevada. The study was conducted during the 2005-2006 interim period by an independent, nationally-recognized consultant, though recommendations from the study were not ultimately implemented by the 2007 Legislature. An electronic copy of the Committee's report can be obtained at:

<http://www.leg.state.nv.us/Division/Research/Publications/InterimReports/2007/Bulletin07-07.pdf>

Actions of the 2011 Legislature

The state's K-12 education budgets include the Distributive School Account (DSA), the School Remediation Trust Fund, the Grant Fund for Incentives for Licensed

Educational Personnel, the State Supplemental School Support Fund, and the Other State Education Programs account.

The total required state support of school district and charter school expenditures within the DSA totals \$2.505 billion and \$2.564 billion for FY 2012 and FY 2013. The state's share of funding in the approved budget is largely provided by General Fund appropriations of \$1.088 billion in FY 2012 and \$1.111 billion in FY 2013, totaling \$2.199 billion for the 2011-13 biennium. The 2011 Legislature approved guaranteed basic support of \$5,263 per pupil in FY 2012 and \$5,374 per pupil in FY 2013, an increase of \$386 and \$496 per pupil in FY 2012 and FY 2013. Total approved General Fund for K-12 education (excluding the Department of Education budgets) represents approximately 37.3 percent of the State's General Fund for the 2011-13 biennium.

An electronic summary of the state's legislatively approved K-12 education budgets for the 2011-13 biennium can be obtained at:

http://www.leg.state.nv.us/Division/fiscal/FISBU210/BASN210_2011-13/020_EDUCATION_SUMMARY.pdf (pages 1 through 11).

Senate Bill 11 of the 2011 Legislative Session

Pursuant to Senate Bill 11 of the 2011 Legislative Session, a committee comprised of six (6) Legislators of which three (3) members are appointed by the Majority Leader of the Senate and three (3) are appointed by the Speaker of the Assembly, will:

1. Consider a new method for funding public schools that effectively addresses the variety of individual student needs and characteristics inherent in an increasingly diverse student population in the state;
2. Examine other states' methods of funding public schools and the extent to which individual student needs and characteristics are addressed;
3. Consult with and solicit input from individuals and organizations with expertise relevant to the purpose of developing a new method for funding public schools in the state; and
4. Submit to the Legislative Commission a report of its findings and any proposed methods for funding public schools in the state and any recommendations for legislation before the commencement of the 77th Session of the Nevada Legislature in February 2013.
5. Carry out its duties to the extent money is available from sources including, without limitation, gifts, grants and donations.

II. SCOPE OF WORK

1. Analysis of Nevada's Existing Public School Funding Model

The consultant shall perform an analysis of the state's existing public school funding model including, without limitation, the extent to which individual student needs and characteristics are addressed. The analysis should include, without limitation, identification of any inadequacies or inequities in the distribution of existing public school funding within the state and the extent to which the Nevada Plan may contribute to those inadequacies or inequities.

2. Inventories of States that Address Individual Student Needs and Characteristics and the Needs and Challenges of Smaller School Districts

A. The consultant shall provide the Committee with a list of the states that presently incorporate individual student needs and characteristics in their methods for financing public schools. The consultant must note which states factor the individual student needs and characteristics as part of the funding formula for public education or through other funding mechanisms such as, but not limited to, categorical grants. For purposes of this list, individual student needs and characteristics must include:

1. Pupils with disabilities;
2. Gifted and talented pupils;
3. Pupils enrolled in career and technical education;
4. English Language Learners;
5. Pupils who are eligible to receive free or reduced-priced meals;
6. Pupils who are homeless;
7. Pupils who are transient;
8. Pupils in foster care;
9. Any other individual student needs and characteristics addressed in the funding models of other states that are deemed notable by the consultant.

The list provided by the consultant must identify the individual student needs and characteristics addressed and a brief description of the manner in which each identified student need or characteristic is incorporated into the state's funding model for public education.

B. The consultant shall provide the Committee with a list of states that incorporate the needs and challenges of smaller school districts in their methods for financing public schools. The consultant will provide specific, detailed information on how each state considers the needs and challenges of smaller school districts within the state's funding formula for public education or other funding mechanisms such as, but not limited to, categorical grants.

3. Analysis of Methods Used in Selected Comparable States for Addressing the Individual Student Needs and Characteristics and Needs of Smaller School Districts

A. The consultant shall select the five states most comparable to Nevada in terms of demographics and the existence of urban and rural regions and provide an analysis of the methods of public school finance in those states. The analysis must focus on, but not be limited to:

1. The manner in which the methods for financing the public schools in those states address the individual needs and characteristics of students including, but not limited to;
 - a. Pupils with disabilities;
 - b. Gifted and talented pupils;
 - c. Pupils enrolled in career and technical education;
 - d. English Language Learners;
 - e. Pupils who are eligible to receive free or reduced-priced meals;
 - f. Pupils who are homeless;
 - g. Pupils who are transient;
 - h. Pupils in foster care;
 - i. Any other individual student needs and characteristics addressed in the funding models of other states that are deemed notable by the consultant.

If a selected state does not specifically address one of the above categories of students, the consultant shall make notation to that effect.

2. The manner in which the methods for financing public schools address the financial needs of smaller school districts and districts with small schools.

The analysis must provide the similarities and the differences between the method of public schools finance in the states selected for analysis and the Nevada Plan. The consultant will, in addition to the written analysis, provide the Committee with a matrix, table or other summary level format that identifies the primary components of the funding methods used in Nevada and the primary components of the funding methods used in the five other selected states.

B. In the delineation of the components or characteristics of each selected state's method of funding public schools, the written analysis prepared by the consultant must identify those formula components or characteristics, that the consultant considers to be a "best practice" for ensuring:

1. The individual needs and characteristics of students are addressed and;
2. The needs and challenges of smaller school districts and districts with small schools are addressed.

The consultant shall define the criteria, such as an accepted national standard, used to determine whether a component or characteristic is a “best practice.”

4. Based upon the results of the study, the consultant will provide written recommendations to improve Nevada’s existing school funding model to incorporate those formula components or characteristics that the consultant considers to be a “best practice” for ensuring that the individual needs and characteristics of students and challenges of smaller school districts and districts with small schools are addressed, including without limitation, recommending a the manner in which to implement such changes in the future.
5. Deliverables and Attendance at Meetings of the Committee

The consultant will be required to submit a preliminary written report that includes the results of the consultant’s study for the deliverables (1) to (4) inclusive, set forth in this Scope of Work, which must include any recommended changes to Nevada’s school funding model or any recommendations for improvement to that model. The preliminary written report will be required to be submitted on or before May 24, 2012, with a final written report due on or before June 7, 2012.

As part of the Scope of Work, the consultant must be prepared to attend at least two (2) meetings of the Committee to Study a New Method of Funding for Public Schools in Nevada. At the first meeting, the consultant will provide the Committee with a preliminary written report based upon the results of the study that includes the findings of the consultant’s study for the deliverables (1) to (4) inclusive, and will be available to answer questions from the Committee. At the second meeting, the consultant will present a final report with any recommendations for changes or improvement to Nevada’s school funding model and will assist the Committee with any final questions pertaining to the study. The cost of attending Committee meetings must be included as part of the proposal’s budget as no additional funding will be made available for consultant travel costs.

Staff from the LCB and Nevada Department of Education (NDE) will be available to assist the consultant in the gathering of Nevada-specific information and data needed to complete the Scope of Work. However, the amount of time and resources necessary to assist the consultant should not interfere with the daily workload or require overtime by the staff of the LCB or the NDE. Proposals should include an anticipated schedule for LCB and NDE staff and resources necessary to assist the consultant in completing the project.

III. PROPOSAL PREPARATION AND SUBMISSION

Proposals shall be prepared in accordance with this Request for Proposals and must incorporate this document. Proposals may be submitted on paper or electronically.

All proposals must be received by the Fiscal Analysis Division on or before **5:00 p.m. PST, on Thursday, March 1, 2012. If a proposal is submitted on paper, one original and six (6) copies must be submitted by the deadline date. No allowance will be made for late submission.** If submitted in paper form, consultants who do not submit the required number of copies may be disqualified.

Proposals on paper must be submitted to:

Julie Waller, Senior Program Analyst
Fiscal Analysis Division
Legislative Counsel Bureau
401 South Carson Street
Carson City, Nevada 89701-4747

Proposals in electronic format must be submitted to:

jwaller@lcb.state.nv.us

The consultant's company name shall appear on each page of the proposal. The person signing the proposal must initial any erasures, cross-outs, alterations, or other changes.

The person signing the proposal must be authorized to legally commit the consultant and conduct negotiations or discussions if requested and/or required.

Proposals that are incomplete, appear unrealistic in terms of technical commitments, demonstrate a lack of technical competence, or are indicative of a failure to comprehend the complexity and risk of a contract may be rejected.

The LCB reserves the right to alter, amend, or modify any provision of this Request for Proposals, or to withdraw this Request for Proposals at any time before awarding the contract. Any revision will be sent to all known interested parties and posted in the same places as the original Request for Proposals.

The LCB reserves the right to reject any or all proposals, to waive any informalities and/or minor irregularities, and to make the award in the best interest of the Nevada Legislature, with or without further discussion or negotiations.

The LCB assumes no liability for any cost incurred by consultants in the preparation, delivery, or any subsequent meetings relative to responses to the Request for Proposals, or any costs incurred by consultants for travel and other expenses if an oral presentation is requested in the evaluation of proposals.

Proposals may be modified by the consultant at any time, in written or electronic form, prior to the closing date at 5:00 p.m. PST, on March 1, 2012. If modified in written paper form, one original and six copies are required for each modification submitted.

Proposals may be withdrawn at any time, by written notice to the LCB. Proposals or modifications received after the closing date of 5:00 p.m. PST, on March 1, 2012, will not be considered.

Responses to this Request for Proposals will be the primary source of information used in the evaluation process. Therefore, consultants are requested and advised to be as complete as possible in the initial response. However, the LCB may 1) contact any consultant to clarify any response, 2) contact any current users of a consultant's services, 3) solicit information from any available source concerning any aspect of the proposal, and 4) seek and review any other information it deems pertinent to the evaluation process.

IV. USE OF SUBCONTRACTORS

If necessary due to the specific skills or tasks required to complete the Scope of Work in this Request for Proposals, the consultant may subcontract with one or more individuals or groups to perform those specific tasks or duties. If a consultant intends to subcontract for services to perform any portion of the Scope of Work, the proposal submitted to the LCB must include the name of the individual or group with which the consultant intends to subcontract, the portion of the Scope of Work for which the subcontractor is to be utilized, the qualifications and prior experience of the subcontractor relative to the specified tasks or duties, and the costs required for the subcontractor to perform these duties.

V. CONFIDENTIALITY OF PROPOSALS

Proposals submitted in response to this Request for Proposals will be kept confidential by LCB staff until the day following the deadline for submission of proposals at which time the proposals will be made available to the public upon request.

VI. EVALUATION OF PROPOSALS

The Committee to Study a New Method of Funding Public Education in Nevada will evaluate the proposals, but reserves the right to delegate the review of proposals to a subcommittee or to staff of the LCB. Proposals will be evaluated on all factors, including, but not limited to:

1. Responsiveness of proposal to the Request for Proposals.
2. Functional and technical merits of proposal.
 - A. Qualifications of consultant.
 - B. Qualifications of assigned staff.
 - C. Prior experience.
 - D. Project work plan and timeline to complete the specific components of the Scope of Work.
 - E. Understanding of technical requirements.
 - F. Understanding of Nevada's K-12 education funding methodology.

3. Use of subcontractor (if applicable).
 - A. Scope of Work to be completed by subcontractor.
 - B. Qualifications of subcontractor to complete the specified Scope of Work.
 - C. Prior experience of the subcontractor related to the specified Scope of Work.
 - D. Project work plan and timeline for the subcontractor to complete the specified Scope of Work.
 - E. Understanding of the technical requirements of the specified Scope of Work to be completed by the subcontractor.
 - F. Itemized cost associated with the services provided by the subcontractor.
4. Proposed method to accomplish the scope of work.
5. Itemized cost associated with the specific components of the Scope of Work.
6. An oral presentation to the Committee by the consultant may be requested.

(The order listed above is not necessarily an indication of the relative importance of these factors.)

VII. PUBLICITY

No announcement concerning the awarding of the contract as a result of the Request for Proposals can be made by the successful consultant without the prior written approval of the LCB. Additionally, the successful consultant shall not use in its external advertising, marketing programs or other promotional efforts, any data, pictures, or other representations of the state of Nevada, the Nevada Legislature or the LCB, except on the specific advance written authorization by the LCB.

VIII. LIABILITY INSURANCE

1. During the term of the agreement, the successful consultant shall maintain comprehensive public liability and property damage insurance coverage of not less than \$1,000,000 in a form and with an insurer or insurers acceptable to the LCB. The policy shall be a combined single limit, bodily injury and property damage, against liability arising out of the services of the successful consultant, its officers, employees, subcontractors and agents, on the project. The successful contractor agrees to name the state of Nevada, the Nevada Legislature, its officers, employees and agents as additional insureds on the policy. The successful consultant may comply with the requirements of this section by endorsement to any blanket policy of insurance carried by the successful consultant provided that the blanket policy meets the requirements of this section. The cost to provide the liability insurance required by this section must be stated separately in the response to this Request for Proposals.
2. Evidence of the policy or policies required by paragraph 1 must be furnished to the LCB at the time of the signing of the agreement and thereafter from time to

time as reasonably requested by the LCB. Such evidence must show that the policy or policies shall not be modified or terminated without at least 30 days prior, written notice to the LCB.

IX. INDEMNIFICATION

1. The successful consultant agrees to hold harmless, indemnify and defend the state of Nevada, the Nevada Legislature and their officers, employees and authorized agents against any claim, action, loss, damage, injury, liability, cost and expense of any kind or nature arising from the consultant's breach of the representations, warranties or obligations under the agreement or from the consultant's negligent acts or omissions in performing the agreement.
2. In any claim against the state of Nevada or the Nevada Legislature, their officers, employees and authorized agents by any employee, any subcontractor of the successful consultant, or any person directly or indirectly employed by any of them, or any person for whose acts any of them may be liable, this indemnification shall not be limited in any way by any limitation on the amount or type of damages, compensation, or benefits payable by or for the successful consultant or any subcontractor under workers' compensation acts, disability benefits acts, or other employee benefit acts.
3. The remedy provided by the indemnification set forth in this section is in addition to, and not in lieu of, any other remedy. This indemnification must not be diminished or limited in any way to the total limit of insurance required by the agreement or otherwise available to the successful consultant.

X. TERMINATION

1. The LCB may at any time, for its convenience and without cause, terminate all or part of the agreement. To terminate the agreement pursuant to this paragraph, the LCB must deliver a notice of termination without cause. Termination of the agreement pursuant to this paragraph shall be within the sole discretion of the LCB and shall become effective upon receipt by the contractor of the notice of termination without cause. The LCB's liability to the contractor with respect to termination without cause is limited to the reasonable costs incurred by the contractor before the effective date of the termination, but not to exceed the maximum fixed fee for the agreement. If requested, the contractor shall substantiate any cost submitted for payment with proof satisfactory to the LCB. This paragraph does not apply to termination for cause.
2. The contractor is in default of the agreement and the LCB may terminate the agreement for cause if the LCB determines any one of the following:
 - A. The quality of the work performed by the contractor is unacceptable;
 - B. The contractor fails to comply with the terms of the agreement to the satisfaction of the LCB;

- C. The project is more than 30 days behind schedule;
 - D. The contractor has breached the agreement in any other respect; or
 - E. The contractor has sought, or been forced to seek, protection under the Federal Bankruptcy Act.
3. The LCB is in default of the agreement if, at any time, the LCB materially breaches any term of the agreement.
 4. To terminate the agreement for cause, the non-defaulting party shall send to the defaulting party a notice of default. Termination shall become effective ten (10) days after the defaulting party receives the notice of default unless during those ten (10) days the defaulting party cures the default.
 5. If the LCB terminates the agreement for cause, the LCB is not liable for any costs incurred by the contractor and the LCB may procure the services from other sources and hold the contractor liable for any excess cost occasioned thereby.

XI. PAYMENT

The consultant will be required to submit monthly progress reports and will be allowed to submit itemized bills to the LCB with those reports. The LCB will pay each bill within 30 days after approval of the bill and any associated progress report by the LCB. The LCB will not approve a bill which includes the final payment on any deliverable until the LCB accepts the deliverable as meeting the specifications of the contract. Ten percent (10%) will be withheld from each payment and will be paid within 30 days after the consultant has completed all of the deliverables and services set forth in the contract between the parties.

XII. NO ASSIGNMENT, TRANSFER OR DELEGATION

The successful consultant shall not subcontract, assign, transfer or delegate, or otherwise dispose of any rights, obligations or duties under the contract without the prior written consent of the LCB.

XIII. INDEPENDENT CONTRACTOR

The parties agree that the successful consultant is an independent contractor and is not a state employee and there will be no:

1. Withholding of personal income taxes by the state of Nevada;
2. Industrial insurance coverage funded by the state of Nevada;
3. Participation in group insurance plans which may be available to employees of the state of Nevada;
4. Participation or contribution by either the independent contractor or the state of Nevada to the Public Employees' Retirement System;

5. Accumulation of vacation leave or sick leave; or
6. Unemployment compensation coverage provided by the state of Nevada.

XIV. CONFIDENTIALITY OF INFORMATION

The successful consultant must agree to maintain the confidentiality of any information, records, and data obtained for the purpose of performing its duties under the contract. The successful consultant must further agree not to use such information for any purpose other than its performance under the contract and that it will require its employees and subcontractors to comply with the confidentiality requirements of this section.

XV. STATE OWNERSHIP

All work performed and all reports, materials, work products and deliverables prepared for the LCB and the Committee to Study a New Method of Funding Public Schools in Nevada pursuant to the contract are the property of the state of Nevada and all title and interest therein shall vest in the LCB and shall be deemed to be a work made for hire and made in the course of the services rendered hereunder. To the extent that title to any such reports, materials, work products and deliverables may not, by operation of law, vest in the LCB or such reports, materials, work products and deliverables may not be considered works made for hire, all rights, title, and interest therein must be irrevocably assigned to the LCB. All such reports, materials, work products and deliverables shall belong exclusively to the LCB, with the LCB having the right to obtain and to hold in its own name copyrights, registrations or such other protection as may be appropriate to the subject matter, and any extensions and renewals thereof.

The successful consultant shall agree not to use, willingly allow, or cause to have such reports, materials and work products used for any purpose other than the performance of its obligations under the contract without the prior written consent of the LCB.

Further, the successful consultant shall agree to give to the LCB and any person designated by the LCB, reasonable assistance, at the expense of the state of Nevada, required to protect the rights defined in this section. Unless otherwise requested by the LCB, upon the completion of the services to be performed, the successful consultant shall immediately turn over to the LCB all reports, materials, work products and deliverables developed pursuant to the contract.

XVI. PROJECT RECORDS

The consultant must agree that the books, records, documents and accounting procedures and practices of the consultant relevant to the agreement are subject to inspection, examination, audit and copying by a person designated by the LCB, at reasonable times and with reasonable notice. The LCB may request at any time, and

the consultant shall provide, any such documentation in a form acceptable to the LCB at a location determined by the LCB.

The successful consultant must further agree to preserve and make available any books, records and documents relevant to the performance of the contract for a period of three (3) years after the date of final payment under the contract. If the contract is completely or partially terminated, the books, records and documents relating to the work terminated shall be preserved and made available for a period of three (3) years after the date of any resulting final settlement.

XVII. COMPLIANCE WITH LAWS

The successful vendor shall comply with all applicable federal, state, county, and local laws, ordinances, regulations, and codes in the performance of its duties under the contract.

XVIII. REQUEST FOR PROPOSALS APPLICATION

INSTRUCTIONS: Thoroughly complete all information requested starting as follows (1 through 6). Provide any additional information regarding your company that would be helpful in evaluating your proposal. Proposals may be submitted on paper or electronically. **If the proposal is submitted in paper form, please submit ONE (1) ORIGINAL AND SIX (6) COPIES with your proposal.**

All proposals must be received by the Fiscal Analysis Division of the LCB on or before **5:00 p.m. PST, on March 1, 2012.** **No allowance will be made for late submission.**

QUESTIONS: All questions pertaining to this Request for Proposals must be made in writing to Julie Waller at jwaller@lcb.state.nv.us. Questions will be accepted until **5:00 p.m. PST, on February 16, 2012.** **To the extent possible, responses to all vendor questions will be posted publicly on the legislative website at <http://www.leg.state.nv.us/App/rfp/A/Default.aspx> by 5:00 p.m. PST, on or before February 23, 2012.**

1. CONSULTANT SUMMARY INFORMATION

- A. FIRM NAME
- B. ADDRESS
- C. TELEPHONE
- D. CONTACT PERSON
- E. FEDERAL TAX ID #

2. DESCRIPTION OF COMPANY

Describe your company, including organizational structure, age, location of offices, experience, financial stability, and qualifications of key personnel assigned to the project.

3. COMPANY OWNERS

If not a publicly held company, provide a complete list of owners and officers of company.

4. PROJECT WORK PLAN AND TIMELINE

The proposed work plan must include a detailed plan and time schedule identifying the work activities that must occur, responsibilities of the consultant and the final products that will be produced.

5. COST – INCLUDING ITEMIZATION OF SCOPE OF WORK COMPONENTS

The cost proposal must include an itemization of the cost associated with Sections 1 through 5 of the Scope of Work and the itemized cost of each component specified in subsections (A) through (B) of Sections 2 and 3.

6. CURRENT REFERENCES FOR THE LEGISLATIVE COUNSEL BUREAU

List a minimum of four (4) references, including the name of a contact person, name of company, address, and telephone number who the LCB may contact. References which can speak to prior work engagements with similar scopes of work and higher education are preferable.

ATTACHMENT A

Senate Bill No. 11–Committee on Finance

CHAPTER.....

AN ACT relating to public school finance; directing the Legislative Commission to appoint a committee to conduct an interim study concerning the development of a new method for funding public schools in this State; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing law, the Nevada Plan for School Finance provides for the financial support of the school districts, charter schools and university schools for profoundly gifted pupils. The formula in the Nevada Plan is expressed as: State financial aid to school districts equals the difference between school district basic support guarantee and local available funds produced by mandatory taxes minus all the local funds attributable to pupils who reside in the county but attend a charter school or a university school for profoundly gifted pupils. (NRS 387.121) **Section 22** of this bill directs the Legislative Commission to appoint a committee to conduct an interim study concerning the development of a new method for funding public schools in Nevada.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Sections 1-20. (Deleted by amendment.)

Sec. 21. The Legislature hereby finds and declares that:

1. In 1967, the Legislature, as a response to circumstances prevailing at the time and to allow the State to fulfill its responsibility to appropriately fund public schools, adopted a new method, known as the Nevada Plan, for funding public schools;
2. By considering and adopting the Nevada Plan, the Legislature recognized that changing circumstances in the State and changes in the student population in the State would necessitate changes to the Nevada Plan;
3. In 2011, the State and its public schools face remarkably different conditions than in 1967;
4. Nevada is home to both one of the largest school districts in the nation and one of the smallest school districts in the nation;
5. The educational needs and demographic characteristics of students in the public schools vary widely and have disparate impacts on the ability of each student to have a quality education;
6. The fundamental purpose of the State’s public education system is to ensure a reasonably equal opportunity for each student to have a quality education;



7. The needs and characteristics of each student have a direct influence on the ability of that student to take advantage of an opportunity for a quality education;

8. Recent education reforms, including the adoption of common core standards, the advancement of empowerment schools and charter schools, the creation of the Teachers and Leaders Council of Nevada and other important advancements in the public education system will enhance the ability of public schools to meet the needs of individual students;

9. Such reforms are specifically designed to improve and advance the purpose of the State's public education system and to help prepare students for higher education and for careers;

10. The success of these reforms depends on a funding method that effectively meets the variety of individual student needs and characteristics inherent in an ever-growing and increasingly diverse student body;

11. Recent economic problems in the State have illustrated the necessity of using every public dollar to its maximum benefit;

12. Many other states use funding systems based on individual student needs and characteristics to advance their goals regarding student achievement; and

13. A new method for funding public schools in this State is necessary to continue to improve and advance the purpose of the State's public education system.

Sec. 22. 1. The Legislative Commission shall appoint a committee to conduct an interim study concerning the development of a new method for funding public schools in this State.

2. The committee must be composed of six Legislators as follows:

(a) Three members appointed by the Majority Leader of the Senate, at least one of whom must be appointed from the membership of the Senate Standing Committee on Education during the 76th Session of the Nevada Legislature; and

(b) Three members appointed by the Speaker of the Assembly, at least one of whom must be appointed from the membership of the Assembly Standing Committee on Education during the 76th Session of the Nevada Legislature.

3. The committee shall consult with and solicit input from individuals and organizations with expertise in matters relevant to the purpose of developing a new method for funding public schools in this State.



4. Any such method proposed by the committee must:
 - (a) Be consistent with the constitutional responsibility of the Legislature to provide for a uniform system of common schools; and
 - (b) Account for, and be based on, differences in the needs and characteristics of individual students.

5. The committee shall submit a report on its findings, including, without limitation, any proposed methods for funding public schools in this State and any recommendations for legislation, to the 77th Session of the Nevada Legislature.

6. The committee shall carry out the duties of this section only to the extent that money is available to do so from sources including, without limitation, gifts, grants and donations.

Sec. 23. This act becomes effective on July 1, 2011.



**Committee to Study a New Method for Funding Public Schools in Nevada
(Pursuant to Senate Bill 11 of the 2011 Legislature)**

Possible Committee Work Timeline
(Agenda Item J)

	DATE	ACTION / ACTIVITY
1.	Tuesday, January 24, 2012	First meeting of the Committee to Study a New Method for Funding Public Schools in Nevada.
2.	February 1, 2012	Request for proposals released.
3.	March 1, 2012	Vendor responses to the request for proposals due to the Fiscal Analysis Division.
4.	March 9, 2012	Vendor response evaluation completed.
5.	Friday, March 16, 2012	Second Committee Meeting: Presentation from vendors. Select consultant and authorize staff to negotiate contract for Director of the Legislative Counsel Bureau to sign. Provide direction to staff.
6.	March 23, 2012	Contract negotiated and signed on or before this date.
7.	May 24, 2012	Preliminary written report due that includes the results of the consultant's study for the deliverables (1) to (4) inclusive, set forth in this Scope of the Work, which must include any recommended changes to Nevada's school funding model or any recommendations for improvement to that model.
8.	Thursday, June 7, 2012	Third Committee Meeting: Receive and review consultant's report. Formulate possible funding formula recommendations and possible bill draft requests (BDRs) for 2013 Session. Provide direction to staff and the consultant.
9.	Tuesday, June 26, 2012	Fourth and Final Committee Meeting: Review and approve funding formula recommendations and possible and possible bill draft requests (BDRs) for 2013 Session.

2011-2012 CALENDAR

AUGUST '11						
S	M	T	W	Th	F	S
	1	2	3	4	5	6
4	5	6	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

SEPTEMBER '11						
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5 **Labor Day**

OCTOBER '11						
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30	31					

28 **Nevada Day**

NOVEMBER '11						
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27	28	29	30			

11 **Veterans Day**
 24-25 **Thanksgiving and Family Day**

DECEMBER '11						
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26 **Christmas Holiday (Observed)**

JANUARY '12						
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29	30	31				

2 **New Year's Day (Observed)**
 16 **M.L. King Jr. Day**

FEBRUARY '12						
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26	27	28	29			

20 **Presidents Day**

MARCH '12						
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APRIL '12						
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29	30					

MAY '12						
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13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

28 **Memorial Day**

JUNE '12						
S	M	T	W	Th	F	S
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24	25	26	27	28	29	30

JULY '12						
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22	23	24	25	26	27	28
29	30	31				

4 **Independence Day**