

# BOARD OF REGENTS BRIEFING PAPER

## 1. Agenda Item Title: Reappointment to the Nevada State Board of Education (SB 197)

Meeting Date: December 5-6, 2013

## 2. BACKGROUND & POLICY CONTEXT OF ISSUE:

Senate Bill No. 197 (Chapter 385, *Statutes of Nevada 2011*) removed the provisions for the establishment of a 10-member elected State Board of Education (NRS 385.010) and instead provided for the election and appointment of members whose initial one year terms commenced on January 8, 2013 (NRS 385.021).

At its November 29-30, 2012, meeting, the Board of Regents nominated Regent Kevin C. Melcher to serve as the representative of the Nevada System of Higher Education on the State Board of Education as a non-voting member for a term of one year, commencing January 8, 2013.

The Board will need to annually consider nomination or the re-nomination of one representative of the Nevada System of Higher Education Board of Regents to serve on the State Board of Education in a non-voting capacity for a term of one year. Nominations will be submitted to the Governor for consideration and appointment. Non-voting members may be reappointed for additional terms of 1 year in the same manner as the original appointment.

**NRS 385.021** *Composition; election and appointment of members; qualifications of members; terms of members; vacancies. [Effective January 1, 2012, for the purpose of filing for office and for nominating and electing members of the State Board of Education and January 8, 2013, for all other purposes.]*

1. *The State Board of Education is hereby created. The State Board consists of the following voting members:*
  - (a) *One member elected by the registered voters of each congressional district described in NRS 304.060 to 304.120, inclusive;*
  - (b) *One member appointed by the Governor;*
  - (c) *One member appointed by the Governor, nominated by the Majority Leader of the Senate; and*
  - (d) *One member appointed by the Governor, nominated by the Speaker of the Assembly.*
  
2. *In addition to the voting members described in subsection 1, the State Board consists of the following four nonvoting members:*
  - (a) *One member appointed by the Governor who is a member of a board of trustees of a school district, nominated by the Nevada Association of School Boards;*
  - (b) *One member appointed by the Governor who is the superintendent of schools of a school district, nominated by the Nevada Association of School Superintendents;*
  - (c) ***One member appointed by the Governor who represents the Nevada System of Higher Education, nominated by the Board of Regents of the University of Nevada; and***
  - (d) *One member appointed by the Governor who is a pupil enrolled in a public school in this State, nominated by the Nevada Association of Student Councils or its successor organization and in consultation with the Nevada Youth Legislature. After the initial term, the term of the member appointed pursuant to this paragraph commences on June 1 and expires on May 31 of the following year.*
  
6. *After the initial terms, each member:*
  - (a) *Elected pursuant to paragraph (a) of subsection 1 serves a term of 4 years. A member may be elected to serve not more than three terms but may be appointed to serve pursuant to paragraph*

*(b), (c) or (d) of subsection 1 or subsection 2 after service as an elected member, notwithstanding the number of terms the member served as an elected member.*

*(b) Appointed pursuant to paragraphs (b), (c) and (d) of subsection 1 serves a term of 2 years. A member may be reappointed for additional terms of 2 years in the same manner as the original appointment.*

*(c) Appointed pursuant to subsection 2 serves a term of 1 year. A member may be reappointed for additional terms of 1 year in the same manner as the original appointment.*

### **3. SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:**

The Board of Regents is asked to nominate Regent Kevin C. Melcher to continue to serve as the representative of the Nevada System of Higher Education on the State Board of Education as a non-voting member for a term of one year, commencing January 8, 2014.

### **4. IMPETUS (WHY NOW?):**

Pursuant to NRS 385.021 the next term of appointed members will commence on January 8, 2013. The December 5-6, 2013, Board of Regents meeting is the last scheduled opportunity for the Board to vote on a nominee prior to the date the next term will commence.

### **5. BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:**

Nomination of a representative will support the NSHE's compliance with Nevada Revised Statute.

### **6. POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:**

Noncompliance is not recommended as participation is specified pursuant to Nevada Revised Statutes. NSHE needs to have input on critical education issues addressed by the State Board of Education.

### **7. ALTERNATIVE(S) TO WHAT IS BEING REQUESTED/RECOMMENDED:**

Noncompliance is not recommended as participation is specified pursuant to Nevada Revised Statute.

### **8. COMPLIANCE WITH BOARD POLICY:**

- Consistent With Current Board Policy: Title # \_\_\_\_\_ Chapter # \_\_\_\_\_ Section # \_\_\_\_\_
- Amends Current Board Policy: Title # \_\_\_\_\_ Chapter # \_\_\_\_\_ Section # \_\_\_\_\_
- Amends Current Procedures & Guidelines Manual: Chapter # \_\_\_\_\_ Section # \_\_\_\_\_
- Other: Consistent with Nevada Revised Statutes 385.021**
- Fiscal Impact: Yes \_\_\_\_\_ No X  
Explain: \_\_\_\_\_