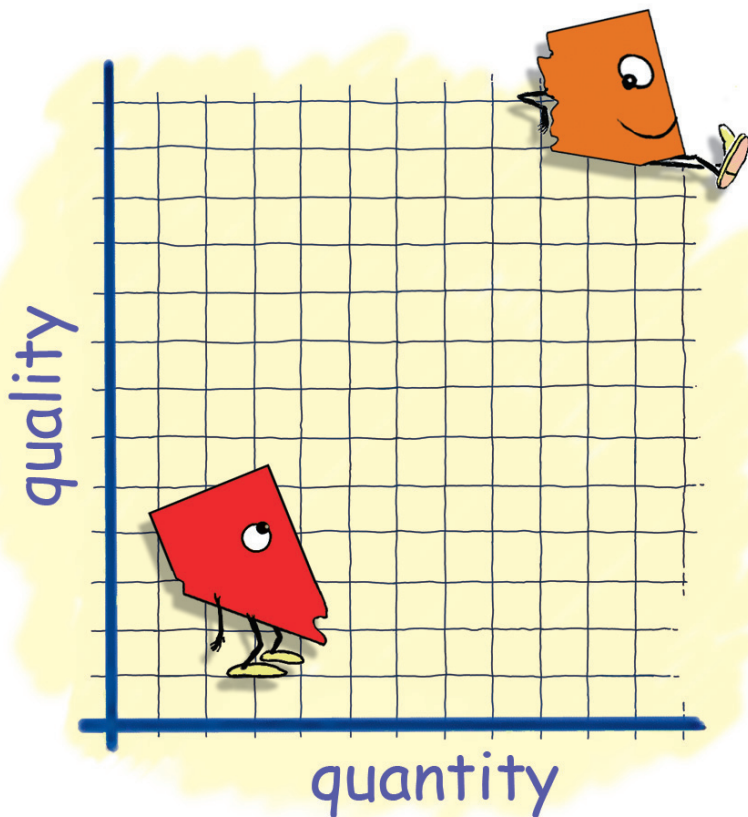


Quality & Quantity



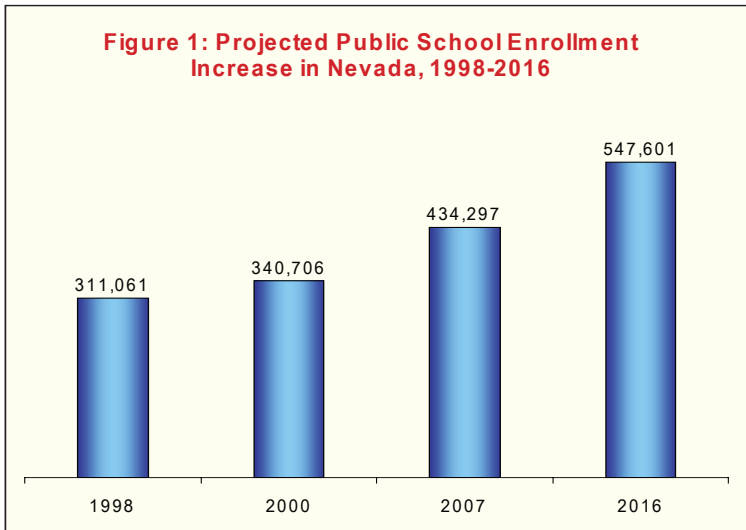
Nevada's Educational Challenges

by Matthew Ladner

Introduction

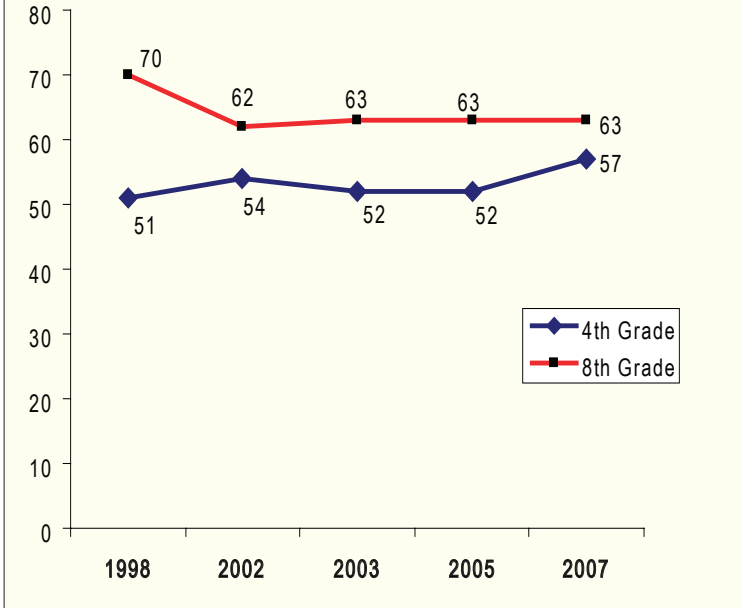
School enrollment nationwide has exceeded the all-time high of 49 million, a figure the baby boomers set in 1970. In 2005, over 49 million students enrolled in public elementary, middle and high schools.¹ Fast-growing Nevada has set the pace, experiencing rapid growth in its student population.

Looking further into the future, the US Census Bureau estimates that the number of Nevada children under the age of 18 will almost double between the years 2000 and 2030.² To accommodate this dramatic growth in the school-age population, Nevada will have to build new schools and renovate existing ones, while attempting to avoid increasing its taxes and public debt. Figure 1, below, presents data from the National Center for Education Statistics projecting a 26 percent increase in the Nevada public school population by 2016.³ The U.S. Department of Education reported that population at 412,395 in 2005-06.



Source: National Center for Education Statistics

Figure 2: Percent of Nevada Students Scoring Basic or Higher on Reading, 1998-2007



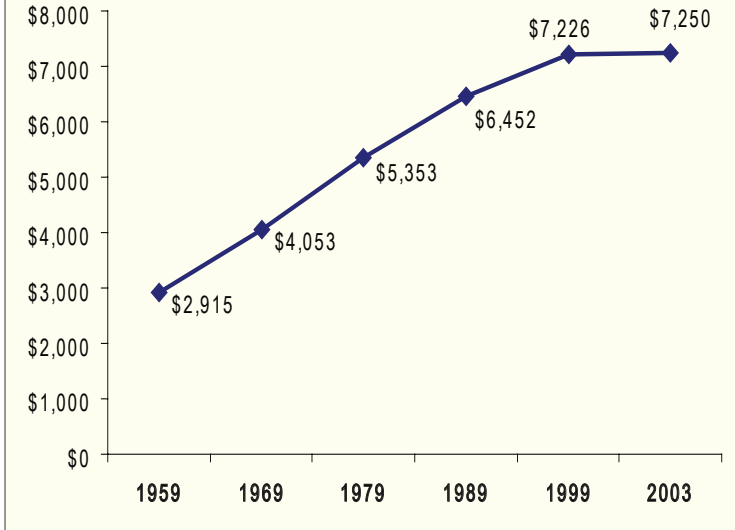
Source: National Assessment of Educational Progress Exams

Significantly, Nevada faces not just a growth problem but also a severe problem with education quality. Consider the National Assessment of Educational Progress (NAEP), which tests representative samples of students in all 50 states. Also known as “the Nation’s Report Card,” NAEP provides the most highly respected source of cross-state academic comparison data.

The NAEP data shows that Nevada’s public schools face serious problems in terms of academic achievement. Nevada’s fourth graders rank 46th in the nation in reading skills, and its eighth graders rank 47th. Figure 2 above shows the percentage of Nevada students scoring at the basic level or higher in both fourth and eighth grade reading since 1998.

The NAEP results tell a mixed, but mostly negative story.

**Figure 3: Inflation-Adjusted Spending per Pupil
in Nevada Public Schools, 1959-2003**



Source: National Center for Education Statistics

To begin with the positive, Nevada's fourth graders showed some progress on the 2007 exam. On the negative side, however, an alarming 43 percent of Nevada fourth graders scored below the basic level on reading even on the 2007 exam. Only 25 percent of Nevada fourth graders scored at the Proficient and Advanced levels.

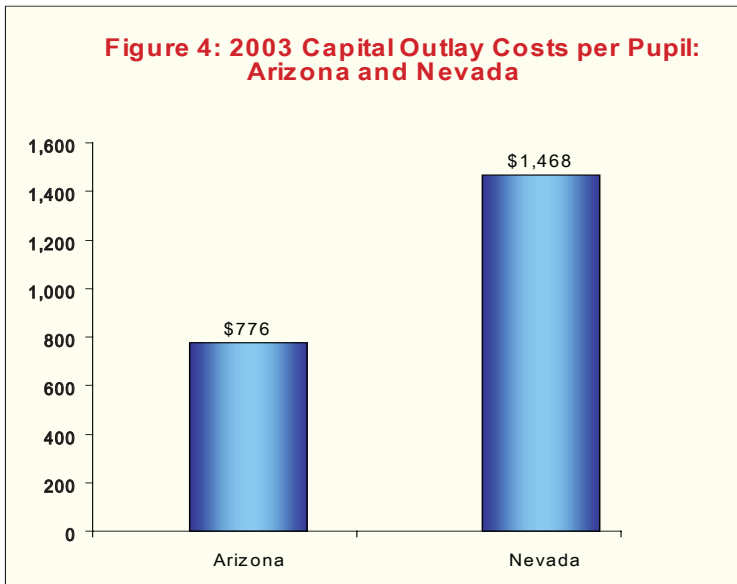
Children who fail to obtain basic literacy skills in the early grades face a grim academic future. Such students commonly fall further and further behind grade level with each passing year. Lacking an ability to read at grade level, they struggle with course work and begin dropping out in large numbers in the late middle-school years.

Furthermore, the improvement seen among Nevada fourth graders has been matched by a decline in achievement among eighth graders. Thirty-seven percent scored below basic in reading, while only 22 percent scored at the Proficient and

Advanced levels. Rather than moving in the right direction, eighth grade reading scores in Nevada have declined since the late 1990s.

Those inclined to make apologies for the shortcomings of the public education system often call for increased funding for public schools. However, as Figure 3 on page 4 shows, Nevada taxpayers have been pursuing such a policy for decades. Using inflation-adjusted, per-pupil figures from the National Center for Education Statistics, Figure 3 demonstrates that Nevada lawmakers have more than doubled real Nevada public school spending per pupil since the early 1960s.

Nevada's quality and quantity problems are interrelated. The need to construct new public school facilities ultimately draws educational funds out of the classroom. Nevada's public school spending going for capital outlay in 2003 was over 40 percent higher than the national average on a per-pupil basis. Likewise, the percent of per-pupil funding going to service school debt was over 60 percent higher in the Silver State than the national average.⁴



Source: National Center for Education Statistics

Given Nevada's rapid growth, increased facility costs are largely unavoidable. However, a comparison between Nevada and its neighbor, Arizona, is instructive. Like Nevada, Arizona faces a surging population that has required a large increase in its number of schools. Nevada and Arizona have taken turns ranking first and second in measures of state population growth. Between 1995 and 2005, Arizona's K-12 student population expanded by approximately 351,000 students. During the same period, Nevada's K-12 population increased by just over 147,000 students. As a percentage of original student population, these increases were comparable – a 47 percent increase in Arizona and a 55 percent increase in Nevada.

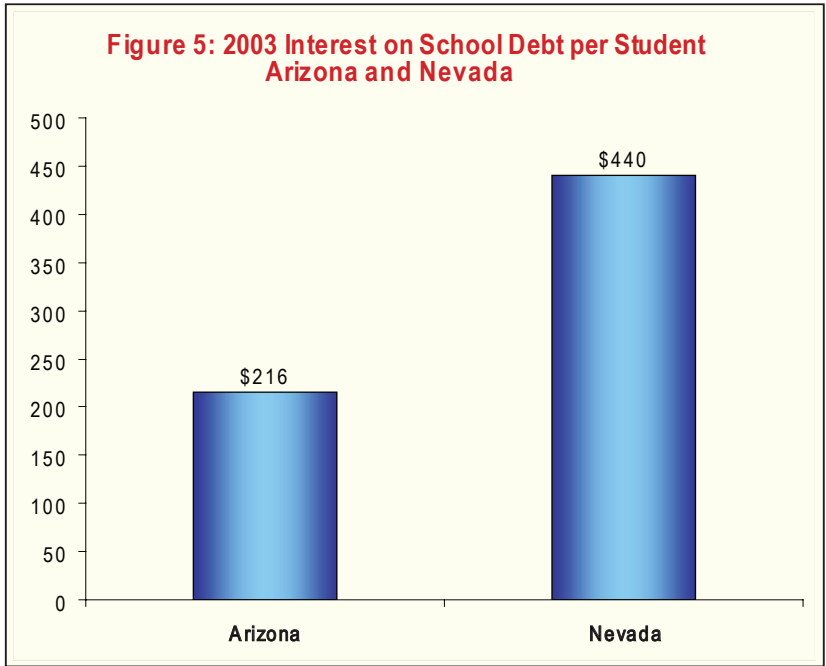
Figure 4, previous page, shows that Nevada spent almost twice as much per student on capital costs as did Arizona in 2003. Like any debt, borrowing for new school facilities must ultimately be repaid in the form of lower classroom spending or higher taxes.

Nevada taxpayers paid almost twice as much per student in debt service as did Arizona residents (see Figure 5). The need for new school facilities did not end in 2003. Each year, Nevada public school districts continue to take on millions in new debt in an attempt to keep up with rising enrollment.

School choice not only can improve public school performance and reduce the need for new public school debt, but it also can reduce the operational spending burden on state taxpayers. School choice programs place students in private schools for less than the cost to educate the student in the public system and thus result in savings to the taxpayer.

A clear example of this comes from Florida's corporate scholarship tax credit program, Step Up for Students. It gives a dollar-for-dollar tax credit to corporations that assist non-profits to provide private school scholarships. The non-partisan but left-of-center Collins Center for Public Policy concluded in 2002 the credit would save the state \$3,844 for each student using a scholarship credit voucher.

The Center estimated the credit would save Florida



Source: National Center for Education Statistics

taxpayers more than \$55 million per year, and more than \$600 million over 10 years.⁵ In 2007, the Center updated its reporting on the program and found its 2002 estimates of taxpayer savings had been confirmed.⁶

Providing low-income students a better education of their own choosing at a substantially lower cost to the taxpayer is a win-win scenario for children and taxpayers.

Charter Schools, Parental Choice = Savings

Arizona has been able to cope with enrollment growth more successfully than Nevada, keeping more funds available for classroom instruction. How has it done this? The most obvious difference in the education policies these fast-growing neighboring states have pursued has been in the area of parental choice.

Since the mid-1990s, the Arizona legislature has embraced the expansion of educational options for parents.

In 1994, Arizona lawmakers passed legislation permitting choice between public schools within and between school districts, and also what was at the time the nation's most liberal charter school law. Charter schools are publicly financed schools with independent boards of directors and no attendance boundaries. Although all charter schools must administer the required state examinations, they operate independently of school districts. In contrast to Arizona, noted the Heritage Foundation, "Nevada offers little public school choice and few charter schools."⁷

Arizona charter schools receive less public money than traditional public schools. Most notably, Arizona charter schools do not receive facility funding from the state, nor do they have no guaranteed local funding. All public funds provided come on a per-student basis, meaning charter schools must gain the confidence of parents in order to receive funding.

Tens of thousands of parents make use of the open enrollment and charter school statutes today. As of 2007, Arizona had 482 charter schools educating over 112,000 children. Arizona charter schools have proven to be extremely diverse, focusing on everything from the arts to back-to-basics academics to the veterinary sciences. The Washington, D.C.-based Center for Education Reform ranked Arizona's charter school law as the nation's strongest in 2004, and fourth overall in 2006.⁸

In 1997, Arizona lawmakers created the nation's first scholarship tax credit to assist families wishing to send their children to private school. The law allowed individual taxpayers to receive a dollar-for-dollar credit against their state income taxes when they donate up to \$500 to a nonprofit that provides scholarships for K-12 students to attend private schools. In 2006, over 76,000 Arizonans donated more than \$51 million to such nonprofit organizations, known as Scholarship Tuition Organizations (STOs). That year, the STOs provided almost 25,000 scholarships.

In 2006, Arizona lawmakers created three new parental choice programs: a corporate scholarship tax credit, a voucher program for foster care children, and a voucher program for students with disabilities. When fully implemented, these new programs will provide over 6,000 additional students with the opportunity to attend a private school of their parents' choice.

Arizona's ability to keep capital costs below the national average came about largely because the state embraced parental choice in education. The charter school law alone, since enactment, has absorbed approximately a third of the increase in the public school population. Because Arizona's charter schools do not receive facility funding, they have relieved the need for Arizona's school district to incur debt in the process of absorbing the student population increase. Charter schools make use of a variety of existing facilities. None, however, are burdening Arizona taxpayers with debt.

Additionally, Arizona's intra- and inter-district transfer policies encourage public schools to make rational use of empty space existing in the public system. Public schools with empty classroom seats have an incentive to make those seats available to students seeking to transfer in. In demographically older areas with high-quality public schools, large percentages of the student bodies attend through Arizona's open-enrollment laws. Absent those statutes, these schools might sit partially utilized or might even close, notwithstanding the burgeoning statewide enrollment.

Finally, Arizona lawmakers have taken steps to make private schools more accessible to families. In 2001, Manhattan Institute Senior Fellow Jay Greene ranked all 50 states according to the amount of educational freedom permitted for parents. States were ranked by the number of charter school options, public school transfer options, private school choice, and the ease with which parents can home-school their children. Arizona ranked first out of the 50 states.

What Does Arizona Have to Show for a Strong Charter School Law?

Arizona's taxpayers and students have enjoyed a number of benefits from parental choice. A study of academic achievement growth in Arizona charter schools found that Arizona charter school students begin academically behind their peers in regular public schools, but make faster gains on test scores and overtake those peers.⁹ Economist Caroline Hoxby, studying public school achievement growth, found significantly stronger academic gains in Arizona public schools that faced higher levels of charter competition.¹⁰

Any reform that reduces over-crowding, achieves better academic results and promotes greater effectiveness in the traditional public schools, at a lower cost to taxpayers, is a stellar reform. Most important of all, however, Arizona's charter school law has provided students with a large number of new high-quality schools.

When *U.S. News & World Report* published its 2007 ranking of the top 100 public high schools in America, Arizona punched above its weight. Arizona has less than two percent of the nation's K-12 students but has three schools on the list: University High School in Tucson, BASIS Tucson, and Northland Preparatory Academy in Flagstaff. Notably, both BASIS and Northland are charter schools, while University High is a magnet school.

Public schools embracing parental choice – whether charter or district magnet schools – set the pace in Arizona. Data on this is available at GreatSchools.net. This wonderfully simple national source of data contains a wealth of information on Arizona public schools.

The top elementary, middle and high schools in Maricopa County are all charter schools (see Table 1). Of the top 10 elementary schools, five are either charter or magnet schools.¹¹ Of middle schools, charter schools make up seven of the top 10, while two more of the top 10 are magnet schools.

Table 1: Top 10 public high schools in the Greater Phoenix Area ranked by 2007 Terra Nova Reading Scores

	School Type	Average Terra Nova Reading National Percentile Ranking	Average Terra Nova Math National Percentile Ranking
Arizona School for the Arts	Charter	90	84
Tempe Preparatory Academy	Charter	90	88
Chandler Preparatory Academy	Charter	88	86
Veritas Preparatory Academy	Charter	85	94
Foothills Academy	Charter	84	81
Copper Ridge Math and Science Academy	Public Magnet	84	88
Heritage Academy	Charter	80	79
Horizon Community Learning Center	Charter	79	74
AAEC Paradise Valley	Charter	79	69
Arizona Agribusiness & Equine Center	Charter	77	68

Source: GreatSchools.net

Among high schools, an amazing *nine of the top 10* are charter schools. The lone non-charter school on the list, Scottsdale’s Copper Ridge Math and Science Academy, is a magnet school.

“Well,” the skeptics will say, “It is fine that there are some high-flying charter schools. However, surely charter schools are also over-represented at the bottom of those lists.” Except, as it turns out, they are not. Charter schools make up about a quarter of all public schools in Arizona. Among the bottom 10 schools in each of the elementary, middle and high school categories, however, charter schools are generally under-represented, representing only 20, 20, and 30 percent, respectively.

That charters make up nine of the top 10 high schools in the greater Phoenix area speaks for itself. Because Arizona

Using GreatSchools.net

GreatSchools.net lets users academically rank schools in a very user-friendly fashion.

To get a ranking of public schools in the greater Phoenix area, for example, I pushed the “Research and Compare” button and then asked for a list of the public elementary, middle and high schools within 30 miles of a zip code (85028) in North Central Phoenix. A list of 200 schools appeared, including schools not only from Phoenix but also from the nearby cities of Chandler, Mesa, Scottsdale, Tempe, and other Phoenix suburbs.

The Greatschools.net site also allows users to rank Arizona schools by their Terra Nova reading scores simply by clicking “Academics” and then clicking “Rank by Terra Nova Reading.” The exercise provides scores and gives a quick top 10 academic list.

boldly embraced a strong charter school law in 1994, it has been greatly rewarded with high-quality schools.

The Arizona School for the Arts (ASA), the school at the top of the list, demonstrates the exciting capacity of charter schools. Located in downtown Phoenix, ASA teaches 370 students not only a rigorous academic program, but also an impressive array of fine arts programs – including ballet, band, drama, guitar, piano and strings. The program covers sixth through 12th grade, and there are plans to add fifth grade.

Recently, ASA staff performed an analysis of the 200 schools its students formerly attended. Of those, 136 schools failed to make “adequate yearly progress” under the federal No Child Left Behind mandate. Parents flock to quality. With little more than word of mouth working for the school, ASA

has approximately two applicants for every available seat.

ASA performs a great service for students and taxpayers both. It came about as the result of hard work and risk-taking. Policymakers should clear the way for other, similar visionaries to create as many such schools as possible in Nevada.

Nevada: Tortoise in Choice-Based Education

Compared to most states, Nevada has been much slower to embrace parental choice. The Manhattan Institute ranked the state 45th out of 50 states in terms of educational options. With its overly modest charter school law enacted in 1997, few public school transfer options and nothing in the way of a private choice program, Nevada has clung stubbornly to the traditional model of address-based assignment in public schooling. While states like Arizona, Florida, Ohio, Pennsylvania, Minnesota and Wisconsin moved ahead with an array of choice programs, Nevada has thus far failed to seriously embrace reforms harnessing the power of parental choice.¹²

In 2007, Nevada had 24 charter schools in operation, educating a mere 6,503 students. But that same year, three states – California, Florida and Wisconsin – opened more than 24 *new* charter schools, while citizen-operators opened 80 new charters in California, 40 in Florida and 30 in Wisconsin. The number of *new* charter schools in Arizona alone in 2007, 22, almost equals Nevada’s total achieved in 10 years.

Nevada’s sluggishness stands out in its own neighborhood also. Not only do Arizona and California far exceed the Silver State in charter school numbers (482 and 710, respectively), but so do Idaho and Utah, states that passed their charter school laws in 1998, a year after Nevada, with 30 and 60, respectively. Oregon currently has 81. Despite Nevada’s much more glaring need for new schools, it still brings up the rear.

Over the past decade, in both Arizona and California, charter school enrollment has tripled. In 1998, Arizona had

32,209 students enrolled in charter schools, but by the fall of 2007 it had over 113,000. California had 73,905 students enrolled in 1998, but over 238,000 students in 2007.¹³ If California's current rate of charter school expansion continues for a decade (by no means a given), that state will have more children attending charter schools than the entire projected K-12 population for Nevada that year.

The Center for Education Reform ranked the nation's charter school laws in 2006 on 11 different factors,¹⁴ such as inclusion of multiple authorizers, automatic appeal of denied charters and financial independence from school districts. The Center rates Nevada's law as "weak," grading it "C."

The 2006 ranking gives low marks to Nevada's charter law because of the restricted number of schools allowed (a feature wisely eliminated during the 2007 session). The Nevada law, however, also ranks poorly due to the lack of an automatic waiver from state and district regulations, plus low legal and fiscal autonomy.

The most glaring problem involves the authorization process. Nevada's original law limited the number of charters granted in each district based on district size, effectively creating a statewide cap of about 17 schools, with an exception for schools focusing on at-risk students. Legislators removed this cap during the 2007 session, but recently other problems emerged.¹⁵

Current Challenges Facing Nevada Charter Schools

Under the original legislation, local school boards – despite their apparent conflict of interest – served as the primary authorizers of charter schools. Prospective charter operators could seek an initial review of their application by the state Board of Education's committee on charter schools. Applicants may also apply directly to the state board. Should the local school board take no action, or

should it reject an application that has first been reviewed by the state committee on charter schools, the application may then be appealed back to the state. If the state approves the charter, it becomes the sponsor.

Relying on school districts and state education bureaucracies to authorize charter schools represents at best an incomplete and at worst a suspect strategy. Although school districts have been included as authorizers in most charter school laws, strong laws create multiple alternate authorizers. Making school boards primary authorizers seems broadly similar to making McDonald's the authorizer of other fast food restaurants.

In 2006, Washoe County School District, the state's second-largest, issued a moratorium on approving new charter schools. In the wake of the legislature's removal of the cap on charter schools, the Clark County School District, the largest in Nevada, decided in October 2007 to *end* sponsorship of new charter schools. It cited "time and expense" as reasons. "We can't stop everything we're doing and just do charter schools, which is where we were heading, without additional resources," stated Edward Goldman, associate superintendent of education services for that school district.

When school districts fail to act on charter applications, applicants can appeal to the state. Here, however, the news gets worse. On November 30, 2007, the Nevada Board of Education voted 8-0 to impose its own moratorium on the approval of new charter schools. Board members told the press that the freeze was necessary because the state Education Department was being "overwhelmed" by applications. Member Cindy Reid – wife of the chairman of the Clark County Commission and daughter-in-law of U.S. Senate Majority Leader Harry Reid – said her intent was to allow time to consider how to provide adequate staff and support to both review and monitor charter schools. Officials "cannot handle the workload" from as many as 11 new charter school applications submitted, Reid said.

What should one make of such claims that the expense of oversight is overwhelming for both the school district and even the state's Department of Education? Such claims can be described only as, in a word, laughable.

It is true that the need for proper oversight is a genuine issue. Presumably that is why Nevada lawmakers added a provision into law in 2007 providing oversight authorities with 2 percent of charters' per-pupil funding to underwrite the state's oversight function. Thus, as it stands, a charter school of 200 students would generate over \$20,000 in oversight funds annually.

Yet, even without this fee, it is difficult to imagine that the state of Nevada lacks the manpower to perform oversight. Arizona's State Board for Charter Schools oversees 482 Arizona charter schools with a staff of eight, and they manage to do this with *no* per-student oversight fee. If Arizona's statute provided for a 2 percent oversight fee, the Arizona State Board could have a budget of over \$13 million – easily exceeding the point of diminishing marginal returns.

Protecting Children from Good Schools and Taxpayers from Debt Relief?

The actions of the Clark and Washoe County school boards and the Nevada Board of Education regarding approval of new charter schools are not only unwise but also apparently illegal. Regarding the school districts, Nevada Revised Statutes 386.525 reads, "If the board of trustees of a school district receives an application to form a charter school, it shall consider the application at a regularly scheduled meeting that must be held not later than 30 days after the receipt of the application, and ensure that notice of the meeting has been provided pursuant to chapter 241 of NRS."¹⁶ The Nevada Board of Education is likewise required by statute to consider a charter school application when an applicant appeals the denial of a school district. Upon appeal, a subcommittee of the Nevada Board of Education "shall

hold a meeting to consider the request and the application. The meeting must be held not later than 30 days after receipt of the application. Notice of the meeting must be posted in accordance with chapter 241 of NRS.” Regarding appeals, a small but important amendment to the duties of the State Board passed Nevada’s legislature in 2005. Both the old language (in strikethrough) and the new language are presented below:

The State Board shall review the application in accordance with the factors set forth in paragraphs (a) and (b) of subsection 1. The State Board ~~shall~~ may approve an application if it satisfies the requirements of paragraphs (a) and (b) of subsection 1. Not more than 30 days after the meeting, the State Board shall provide written notice of its determination to the applicant.

Ultimately, the statute requires the Board to consider, but not necessarily to approve, a charter application fully complying with Nevada law.

More than any other Nevada reform, this law needs to again read “shall.” An applicant complying with all the laws to start a charter school in Nevada ought to be allowed to open its doors. Nevada has a dire need for new schools, especially high-quality schools.

Statutory language requires both school districts and the Nevada Board of Education to consider new charter school applications. Any refusal to consider an application clearly violates the law. True, the current law requires school districts and the Board of Education to *consider* but not necessarily *approve* a charter application complying fully with legal requirements. Lawmakers, however, should change this language. Arizona’s experience clearly demonstrates that charter schools do not constitute a public menace from which Nevada children require protection. Quite the contrary.

Statements such as Board President Cliff Ferry’s – “We are not against charter schools. What we do want is good charter

schools,” – ring hollow when one considers the fact that all new applications face summary dismissal.¹⁷ Even ultra-high-quality operators, such as the Knowledge Is Power Program (KIPP) and Green Dot Schools, are being effectively excluded, despite their phenomenal record of producing strong results for disadvantaged kids.

If the operators of nine of the top 10 high schools in Phoenix, mentioned earlier, tried to open schools in Las Vegas, they could not do so. Thousands of children could benefit from a Nevada School for the Arts modeled after the Arizona School for the Arts. Right now, however, it cannot happen.

Nevada can enjoy the same benefits from charter schools as do Arizona and other states. In order to do so, Nevada policymakers must fix the authorization process and improve the legal and fiscal autonomy of charter schools.

Charter schools deliver a stronger return on investment for taxpayers than do regular public schools. Given Nevada’s growing tax revenue problems, this is naturally an important consideration. However, if state education policy is to ever focus primarily on the interests of Nevada’s children – rather than those of an indifferent education establishment – the state must truly open the door to charters.

Endnotes

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 - 9 Lewis C. Solmon and Pete Goldschmidt. 2004. Comparison of Traditional Public Schools and Charter Schools on Retention, School Switching, and Achievement Growth. Goldwater Institute Policy Report #192.
 - 10 Caroline Hoxby, "The Rising Tide" in the Winter 2001 edition of *Education Next*, available on the Internet at <http://www.hoover.org/publications/ed-next/3381471.html>.
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