

Assembly

COMMITTEE ON EDUCATION  
February 21, 1973

HEARING

57TH SESSION

MEMBERS PRESENT: Schofield, Lowman, Foote, McNeel, Vergiels,  
Broadbent, Barengo

MEMBERS ABSENT: None

GUESTS: Sue Morrow - Carson Appeal  
Richard Morgan - Nevada Education Assoc.  
Gary Gray - Clark County Educator  
Robert Petroni - Clark County Schools  
Stephen Kent - Intern  
Robert Heaney - Deputy District Attorney  
Julian Smith - Attorney in Robert List's  
Office  
Tom Hood

Chairman Schofield called the meeting to order promptly at 4:00 P.M. He opened the meeting by announcing that he had received a letter from the Attorney General's office confirming the legality of the bill being discussed AB 192.

Chairman said that Mr. Julian Smith, Attorney from Robert List's office, was present to discuss with the Committee this matter.

Mr. Smith said that they saw no legal problem with the bill. He said that he did have some comments on the bill that he hoped they would consider. He said that in some places the bill seems to consider the age of twenty-one years the age of legal majority and in other places it refers to just legal majority. The age of legal majority is in a state of flux, he said, and that regarding this bill the age of eighteen would be more applicable. He said that it appeared to him in the way the bill was drafted it would take the written consent of parents for the high school senior to have his transcript forwarded to the University and if this is what they intended in this that it was fine but that they might prefer to say something like "the school or college he is attending or made application to may obtain this information". He said there was nothing existing in the statutes now other than that these were public records. If they enacted this bill, he said, it could create cause of action for liability against the school district, if the students records were disclosed without following provision of the statutes, if later on it didn't turn out right.

Mr. Barengo then said that Mr. Smith had said he thought there might be a problem about transferring the records from the high school to the University without the consent of the parents or the student being twenty-one.

Mr. Smith answered this by saying that his reading of the bill was that it would take written consent.

Mr. Barengo said that under Section 14 wasn't it sufficient for a University to say may I have John Doe's records who is enrolled or about to enroll?

Mr. Smith answered you might interpret it that way, but that he thought it could be more clear than that. He said that it seemed to him that if you said that that it sort of took the heart out of the bill that this way anyone could say a student was about to enroll. In his view, he said, that in order for it to be adequately clear it should authorize the student to transfer records to the school. It might be conceivable, he said, for a university to want to see the records of a considered basketball player, for instance, and the student might not want this.

Chairman asked committee if there were any other questions they would like to ask Mr. Smith.

Mr. Lowman said they were putting in a bill that would make a lot more work for parents, wasn't that right? Some one answered they didn't know.

Richard Morgan next addressed the chairman and committee by saying this is a State Board of Education bill which was developed through the Legislative Committee for Education and that all education was behind this bill. He said he thought that this was a good bill. Students are acquiring rights under several orders of the Supreme Court. He thought the intent was to establish certain rights for students. One was their own record such as behavior records. There was a lot of indication across the country, he said, that these records had been badly abused, and that is what is behind this bill.

Mr. Petroni said that he agreed that the legal age should be specified as eighteen or just state legal age. Mr. Petroni offered an amendment to be Section 15. "All pupil records shall be released upon request of the proper authority for use in any procedure pursuant to chapter 62 of NRS, or to any authorized law enforcement agency.

Dr. Broadbent said that he had been asked to introduce a similar bill by the Washoe County School District and because it was so close to AB 192 he would like Mr. Petroni to comment on it. It seemed to him it made more sense and was more to the point.

Bob Heaney, Attorney for the Washoe County School District was asked by the Chairman for his comments. He said that the Washoe County proposal was word for word the Oregon Statute. It appears that this bill extends the scope of AB 192 in that it includes the University age student as well.

After some more discussion Dr. Broadbent made the motion to introduce BDR 19-104.

Mr. McNeel seconded the motion.

Motion carried unanimously.

Mr. Petroni said he would like a copy of this BDR.

Chairman asked if any one else would like to speak on AB 192.

Mr. Vergiels asked if they were going to have an amendment to AB 192.

It was decided to hold AB 192 and the suggested amendment until they received BDR 19-104 in bill draft order and to hear simultaneously.

Chairman Schofield brought up AB 286 for discussion a bill which removes percentage limitation in foreign language instructors at the University.

It was decided to invite related personnel to hear discussion on this bill from the University. It was decided to write to both Presidents of the University, Neil Humphrey and the Board of Regents asking them to send relevant personnel to hear AB 286.

Mr. Vergiels said that something for them to think about before the foreign language people come in. First, he said you can hire foreign speaking teachers more cheaply than natives of the United States, when you have qualified people available. He said that with all of the talk about providing jobs and the lack of jobs to go around it appeared to him that there might be a problem in taking a position. That they could hire people from Cuba and other places when they might better off make sure that native Nevadans get the choice of these positions.

Chairman said that they had a bill here, AB 351, which provides for research to be conducted into source of sun for energy and passed them around.

Chairman said he would like to interrupt at this point to say that they had been admonished by the leadership that if they didn't have these bills on schedule not to discuss them. So, he said, let's not discuss this and everyone do their homework for when the bill comes out. Secondly, he said, the speaker had pointed out that you had a problem in meeting the joint committee meetings in the Senate, on Tuesday and Thursday. One meeting was called by Senator Foley and he was not aware of it and was not notified until yesterday morning. He said he had spoken to Senator Foley to notify him on any joint committee meetings. He said he would. He said he would try to hold any future meetings on Monday, Wednesday or Friday to meet our schedule. He then announced the hearings to be held on the law school at the Universities in Reno and Las Vegas.

Mr. Lowman explained why he had made the complaint. It is very difficult to make your constituency and the press understand why you are not present at meetings. He said that it was important to be present at Judiciary meetings.

Mr. Vergiels said that it might be a good ideas for the committee secretary announce why they weren't there.

Chairman said that they all had the same problems and that for the record they had two joint committee meetings that have been on a day other than Monday, Wednesday and Friday. Yesterday was the second one. The first one, you did know about and you couldn't make it, I realize that he said, and the one yesterday. I am trying to correct it.

Chairman said that the only time he would stand on the floor and announce anything was when they were not going to hold a regular meeting. He said that as it was important for some of them to head home on adjournment usually at noon on Friday would any of them have any objections to staying an hour longer on other days to taking care of important business.

There was general agreement on this.

Dr. Broadbent said that as long as Mr. Heaney was here they had two bills he would like to speak on. BDR 1077\* which authorized additional use of school district funds and BDR 1078<sup>A</sup> which relates to leave of absence for school district employees.

After brief discussion Mr. McNeel moved that Committee introduce these two bills.

Mr. Barenco seconded.

Motion passed unanimously.

Meeting adjourned at 5:10 P.M.

Respectfully submitted,

*Geraldine Smith*

Geraldine Smith,  
Secretary

\* A.B. 378

Δ A.B. 380

