

AssemblyEDUCATION COMMITTEE - MEETINGMARCH 14TH, 1973

Members present: Schofield, McNeel, Bergiels, Barengo, Broadbent
Lowman, Foote

Members absent: None

Guests present: Lou Hirschman - Churchill Co. Sch. Dist.
Bob Lernt - N.I.A.A.
John Gamble - State Dept. of Education
Gary Gray - CCCTA
George Graham - Douglas County Schools
Marvin Killfoil - Pershing Co. Sch. Dist.
Bob Zander - Elko County School District
Carl Shaff - Eureka Co. School Dist.
Kenny Guinn - C.C.S.D.
Arlo K. Funk - Min. Co. Sch. Dist.
Tod Corbin - Lyon County Schools
Marvin Picollo - Washoe County Schools
Craig Blackham - Lyon County Schools
John Hawkins - Carson City School
President, NIAA
Robert Betroni - Clark County Schools
Lonnie Shields - Pres - WCTA - Washoe Co.
Tim Hafen - Assemblyman

Chairman Schofield convened the meeting at 3:30 P.M. by asking John Gamble to speak further on this subject of middle schools, AB 467.

Mr. Gamble explained to the Committee and guests present as he did at the previous meeting on March 12th, the concept of a middle school. See previous minutes for March 12th.

Upon the completion of his explanation of the middle school bill Mr. McNeel said he still saw no reason why it was necessary to have this bill.

Kenny Guinn, Clark County School Superintendent, offered comments on this topic to the effect that it wouldn't add any more money to the budget or involve any more expense. It would only make it more efficient to them to go ahead with this concept.

Mr. Vergiels said the question he had was that it might have some effect on credentials of people going through the training programs now. He said if it was just an added credential he saw no problem but if it was replacing credentials that was a different problem to legislate.

Mr. Picollo, Washoe County School Superintendent, said he saw no absolute necessity for this bill and asked who had requested it. He was told that it was requested by the State Board of Education.

After much discussion by the Committee and the guests present to have Dr. Picollo and others to gather more information in answer to questions and he said they would have it within a week.

Chairman said they would now discuss AB 380 as Assemblyman Hafen was here and had asked to speak on this and he had to go on to another meeting.

Assemblyman Hafen said AB 380 had come to his attention because there was another bill, AB 530, which had been introduced which deals with the same subject. He said that he thought that these two bills should be discussed together. These bills concern amending provisions relating to leave of absence by school district employees. He said he wanted to point out some of the differences in the two bills. In AB 530, he said, if you will look under subsection four, they were talking about the per diem deduction from the salary of an employee for reasons other than those specified in this particular section; the old language reads "shall be made on the basis of monthly payment of such salary" and therein exists the problem he thought because it is not clear what is happening most contracts say that if you teach 180 days and you are absent one day you are deducted 180th part. Under AB 380, the per diem using the same subsection leaving in the old language, "says shall be made on the basis of the monthly payment of said salary" and adds new language "or such other basis as may be necessary to reimburse the school district for actual cost incurred by reason of employe's absence". He said in his own thinking the philosophy in 530 was much more correct because if you are paid for 180 days of teaching and you miss a day then you would be deducted that part, whereas under AB 380, it could very easily allow different computations and he would only take Subsection 4 and not to subsection 5 but as an example if a salary is \$12,000 for teaching 180 days then that is \$66.66 a day. Now, he said under AB 380, if there is some other basis to reimburse the district you assume it could be that a substitute was hired to replace the teacher for that day, or for a week or maybe for a month and a substitute would be \$25.00 a day then it is conceivable that the teacher would draw \$66.00 a day and pay the substitute \$25.00 a day and he didn't quite agree with that. He concluded by asking the Chairman that they consider both of these bills together.

Mr. Lowman said on the basis of this he would like to ask if it was conceivable for a teacher to get a job and then pay somebody else for doing the job?

He was told that technically it would be a violation of contract and they could be dismissed on that basis.

Mr. Petroni said that the schools were being penalized, you might say, because they pay on a twelve month basis and are being deducted 140th rather than 180th.

Mr. McNeel asked how the school district felt on this. He was told they had always gone on the basis of 1.180th

Mr. Guinn explained that when teachers wanted off for services rendered for the good of the community or the state such as draft boards, teachers who are municipal judges, recreational activities, legislators etc. the school board recognizes as legitimate and will pay the substitute, they try to pay the \$75.00

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as it is for a public service but where they want a new suit or a new dress and they want \$75.00 and pay the substitute \$25.00, they didn't do this.

Chairman said let me ask you this, suppose we go to the twelve month school and we give this teacher a new contract and it reads 220 days then it would be 1.220th of whatever the contract reads, is that correct?

Mr. Gamble said he knew there had been problems with this and he thought it was about time it was clarified. He said it seemed to him to clarify the language of the bill that absence from service other than reasons specified which is unexcused absence and when you are going to take the full deduction whatever that deduction might be the deduction should be for whatever the days service might be 180 the same as a school year, fine, and if it happens to be 200 then it should be 1.200 and that was the only thing to correct it that the number of school days should be the number defined by the contract of that teacher.

Mr. Morgan said he would like to speak on this that he must have misunderstood Mr. Hafen that there was no such thing as a teacher taking off and getting \$66.00 and paying a \$25.00 substitute. He said this primarily manifests itself with retirement. He used the illustration of a teacher wanting to buy a house and the seller is not going to meet with you on the weekend because these are not his business hours and in order to consummate this sale you have to take a day off from the job this is not an authorized leave unless personal leave is part of the contract of the individual so if you count that unauthorized leave date as 1 1/8 and you divide it in to 10,000 you deduct \$55.00 from that persons pay and if you count it on a 2.40 basis you deduct \$41.00 from that persons pay. He said they thought this was unfair because the district is but paying \$25.00 for the substitute to take that persons place. He said they were not talking about the person that went hunting they were talking about a legitimate reason. He said, in addition, for this one day consumed in buying a house he loses two days of retirement allowance because it is computed on a monthly payroll basis. He said he thought this hurt worse on the retirement loss more than any place else and that with one change he could support Mr. Hafen's bill. Or rather he could support AB 380 with one insertion in it that whatever these deductions are going to be, be a subject for negotiation and work them out at the local level. He said that all they asked for was a fair law to resolve a complicated problem.

Chairman asked Mr. Hafen what he had to say.

Mr. Hafen said he just wanted to make one more comment that he objected to AB 380 because you could take off beyond what you are authorized and pay "reimburse the actual cost incurred, pay the substitute and draw your other salary" and this is my objection and I object to the whole concept of that.

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Mr. Morgan asked if he was saying that a person who had sick leave should lose the cost of a substitute from that sick leave.

Mr. Hafen said this didn't deal with sick leave this only dealt with unauthorized absences.

Mr. Morgan said he didn't get paid for an unauthorized leave.

Chairman asked Mr. Petroni to clarify this.

Mr. Petroni said he didn't get unless it was an excused absence within the statute. Also he said it depended on the district. This also applies to other employees, he said.

Dr. Broadbent said that AB 530 was far more favorable a bill to him and AB 380 would have to have some hard selling as 530 made sense to him.

Mr. Morgan said that if something wasn't put in to make these things negotiable he could assure them that the decisions that were made by the local trustees will be very adverse to the employees in the system.

Chairman asked if there were any other questions or comments on this.

Chairman then asked Mr. Don Thompson to speak on AB 469 which would strengthen licensing requirements for business and trade schools.

Mr. Thompson said he had a business school in Reno and he had come before them to suggest a couple of items for this bill. He said, first of all, it was a very good bill. He suggested changes such as on page 2, line 13 that you insert an item which would say complaints by the students should be addressed to the State Board of Education and the reason for this is the many types of correspondence courses that is here today to sign up and then in some other town tomorrow, the person has signed up paid \$500.00 and can't complete the course on time because it isn't structured properly. He said there were hotel and motel schools, heavy equipment schools and others that were not licensed in the State of Nevada. The only way for redress now is to call the Better Business Bureau. This was suggestion one.

Now, he said on page 2, line 21 it says "it has facilities" and he had a question where these facilities were located. Example: someone advertises "become a computer operator in your spare time" and "take two weeks instructions on our facilities" and these may be located in Kansas City or New York. He said they should define better the word "facilities" and where the facility is located and that it ^{be} readily accessible to the student. This was suggestion two.

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Page 2, line 40, it said a surety bond of sum of not less than \$5,000 he said he wanted to be sure that this was also for these correspondence schools. He said a school that has good facilities and is legitimate is not going to worry about \$5,000. This is suggestion three. Be sure correspondence school is inserted in there.

Now, page three, line 12. This should be made clear who is going to catch these people and in what period of time. He said you had to have some sort of immediate cease and desist order something like the internal revenue. Also line 13 says that the school fails to meet any of the standards, he said that in reverse, this is a little tough; he said he would like to see the words "any of" taken out and the word "the" inserted.

In line 23, page 3, he said, the word "inspection" should be designated how often, once a year, once a month or some sort of designation.

Chairman thanked Mr. Thompson for coming and asked if there were any questions.

Dr. Broadbent asked him if he liked the intent of the bill and he answered very much so.

Mr. Gamble said he appreciated his comments but that a lot of this could be done under 394.260 where is said the Board is hereby authorized to adopt rules and regulations for the administration which would cover correspondence schools and so this could be done by regulation rather than written into the law.

Chairman asked Mr. Thompson if he and Mr. Gamble would be willing to get together and work out these changes. They agreed to do this.

Chairman asked the Committee to take a look at AB 381 which establishes an accountability program for the public schools of the state. He asked Mr. Lowman if he would like to give his ideas on this.

Mr. Lowman said that for too many years they had been gaging the effectiveness of Education by the amount of money they had put into it, rather than the product which comes out of it. He said that the State of Colorado had attempted some work in this field and he had obtained a copy of their law and he didn't like the centralized controls and so he redid it to some extent and he hoped the Committee could see this. He went on to say that he thought it was high time that Nevada and the states throughout the nation acquire an accountability system, and he said this was the first attempt at it as far as he was concerned.

Chairman said that there were a number of accountability bills that would be coming out and he would like to include these with the others and study them at the same time.

Mr. Lowman answered that he kept hearing this but he hadn't seen any evidence introduced.

Mr. Morgan said that The Governor was recommending a bill on accountability.

Chairman said that he and Senator Foley had met with the Governor yesterday morning and the bills were being drafted on accountability based on the Governor's recommendation and that he would like to hear them simultaneously.

Mr. Lowman said "you mean that we are already to sixtieth day and we still do not have all the administration bills in." He added that he did not know that the Governor was going to come out with a bill and certainly they should try to make one bill out of the whole group and that he made no claims that this was a perfect bill and he wanted to start it.

Chairman said that he and Senator Foley had met with Dr. Jack Davis who made the Governor's study two weeks after the Session started and they did introduce it to the bill drafter at that date and he didn't want them to think the Governor was dragging his feet.

It was brought out at this time that there was going to be a Senate Education Committee Meeting, Thursday March 15 which will convene upon adjournment of the afternoon session of the Senate on that date.

Chairman asked that they go to AB 385 which would amend provisions and organizations of school boards and it was asked for by the Washoe county delegation and asked Marvin Picollo if he would like to speak on this.

Mr. Picollo said this was only a bill to clarify meeting dates.

Miss Foote asked what would the additional officers be. She was told this would authorize them to have a vice president.

Chairman said he would like to introduce from Clark County Administrative staff, Mr. Robert Lundt on this most important bill AB 495 which would authorize the county school districts to participate in the Nevada interscholastic activities association for the control and regulation of high school interscholastic activities.

Mr. Lundt said he represented the NIAA and proceeded to give some background and this bill was merely to make something legal that they had been doing for quite some time and that they had been alerted by other states that the "in" thing to take questions on issues. He said he would like for Mr. Petroni to give the legal statements on this.

Chairman interjected at this point and said he would like Mr. Lowman, Mr. McNeel and Mr. Barengo to hear this in case there was a problem. He said it was a needed bill.

Mr. Petroni said what these law suits were across the country were attacking the associations on the basis that they had no legal basis for making the positions they were taking. What this bill would do ---- the bill drafter had changed it and he didn't know why.

Chairman said the bill drafter had talked with him and told him that he had changed it to what he thought it should say as he had not been able to get together with anyone on it.

Mr. Petroni said that after reviewing it themselves they felt (and he had given them a copy) that there should be a generalized short act passed which would allow the school districts to ban together with school trustees to form a nonprofit association and they would adopt their rules and procedures according to the Nevada Procedures Act so that State of Nevada would have notice who was involved in the rules and regulations, athletes, school administration and everybody and the bill would provide that private and parochial schools would join the league if they were willing to accept their rules and regulations. It would also provide that any liability or action against the N.I.A.A. would governed the same way with any other government agency the \$25,000 limitation or notice of suit.

Mr. Lundt said this is what they wanted the Committee to consider and they hadn't had any real problems yet but there were several of these suits recently in California.

Mr. Lowman suggested that they introduce this as a Committee in lieu of the other bill if it was complete enough.

Mr. Lowman said that if they committee was satisfied with the new bill why didn't they just kill the other one as a Committee now.

It was decided by common consent that Chairman Schofield and Mr. Petroni would get a drafter and draw this up right as a Committee.

Chairman said that they would now look at AB 518 which would increase regular age requirement for driver's licenses and it was decided to hold until Mr. Smalley's return.

Chairman asked that they all take a look at SB 134 which creates Nevada National Guard educational encouragement fund to help defray students costs. Chairman suggested that they all take a look at it and then adjourn for a five minute recess. He said that the Committee had a lot of bills to look at and unless they wanted to meet on Fridays.

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Mr. Vergiels asked if there was money in the Governor's budget for this.

Dr. Broadbent moved for indefinite postponement of SB 134.

Mr. Vergiels asked if there was money in the budget or in that of the National Guard to take care of this.

Chairman said he would check his fiscal notes in Ways & Means. Chairman said if this was passed out it would have to be discussed in Ways and Means and there would have to be money allotted out of the General Fund for it.

Chairman asked if they wanted to vote on the concept and that they were not concerned with the money part.

Mr. Lowman said that in the beginning they had decided to give due consideration to all bills and to pass this out to Ways and Means was in direct opposition to what they had originally agreed on.

Chairman said this was his position also.

Mr. McNeel seconded Dr. Broadbent's motion for indefinite postponement.

Mr. McNeel said he was opposed to the bill as it enabled people to stay at home instead of going into active duty.

Chairman said he would like to testify on this that General Edsel and several others and what McNeel said was true but this is changing and they are not getting a good class and that it was his own personal feeling that they should have someone come in like General Edsel and testify, and let him know their problems.

Miss Foote commented that they had heard a National Guard Bill the other day and they gave the same complaint and so she asked what their strength was and they said 103% and now you can't get much better than that.

Chairman said that what was happening was they were getting a lot of blacks and the quality was not as great as it once was and they want to keep their standards high and he would like to have some kids in there that were really sharp and not trigger happy.

Mr. McNeel said that it always seemed that all the people with all the connections were the ones who had sons in the National Guard.

Meeting adjourned for five minutes.

Chairman said that on the NIAA bill they would get together with the bill drafter. (AB 495)

On the Lowman bill AB 381 they would hear more on this.

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Chairman reconvened the meeting after five minute recess by saying that there was a motion on the floor which had been seconded to indefinitely postpone SB 134.

Motion passed to postpone SB 134 with Mr. Barengo, Vergiels and Schofield dissenting.

Chairman said let's look at AB 380, 518 and 381.

Miss Foote made the motion to do pass AB 385.

Dr. Vergiels seconded.

Motion passed unanimously.

Mr. Lowman made the motion to do pass AB 495 as changed. (NIAA)

Dr. Vergiels seconded.

Motion passed unanimously.

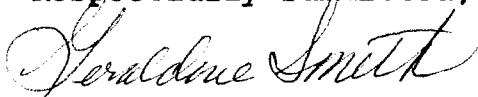
It was decided to hear AB 530 and AB 380 on March 19th meeting also.

Middle school still holding AB 467.

Notes

*Please refer to Addendum I for the suggested version to supercede AB 495 the N.I.A.A. bill.

Respectfully submitted,



Geraldine Smith,
Secretary

ASSEMBLYAGENDA FOR COMMITTEE ON EDUCATIONDate 3/14/73 Time 4:00 Room 336

<u>Bills or Resolutions to be considered</u>	<u>Subject</u>	<u>Counsel requested*</u>
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AB 380	Amends provisions relating to leave of absence by school district employees.	
AB 381	Establishes an educational accountability program for the public schools of the state.	
AB 385	Amends provisions relating to organization and meetings of school boards.	
AB 495 ✓	Authorizes county school districts to participate in the Nevada interscholastic activities association for the control and regulation of high school interscholastic activities	
AB 518 ✓	Increases regular minimum age requirement for driver's license.	

5B134

*Creates Natl Guard Educational
encouragement fund.*

* ADDENDUM I 85

The County School districts are hereby authorized to form a non-profit association composed of all of the school districts of the State for the purposes of controlling, supervising, and regulating all interscholastic athletic events and other interscholastic events in the public schools.

The Association shall adopt rules and regulations in the manner provided for State agencies by Chapter 233 B of NRS, as may be necessary to carry out the provisions of this Act.

The rules and regulations shall provide for adequate review procedures to determine and review disputes arising in regard to the Association's decisions and activities.

The rules and regulations adopted by the Association shall provide for the membership of private and parochial schools which may elect to join the Association.

Any private or parochial school which elects to become a member of the Association shall be subject to the same regulations and requirements and shall be liable for the same fees and charges as public schools within the Association.

Any liability or action against the Association shall be determined in the same manner as provided in NRS 41.031 to and including NRS 41.039.

f Sec 9 of AB 495

ASSEMBLY & SENATE

H E A R I N G (JOINT)

COMMITTEE ON EDUCATION

Date 3/16/73 Time 2:30 Room University of Nevada
Las Vegas
Union Building

Bill or Resolution
to be considered

Subject

A.C.R. 3 & 4

LAW SCHOOL HEARING