

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

Members absent: None

Guests: Bob Maples - Washoe County School District  
Mel Kirchner " " " "  
Margery McKnight " " "  
Robert Taylor - Clark County Classified Employees  
Bob Best - Nevada School Board Assn.  
Ned Solomon - Clark County Juvenile Court  
K. D. Jessup - University of Nevada System  
Neil D. Humphrey " " " "  
Jim Richardson " " " "  
Elizabeth Lenz - Washoe County School District  
Marvin Picollo - Nevada School Boards Assn.  
Washoe County School District  
Jerry Whitehead - Washoe County School District  
Gary Gray - C.C.C.T.A.  
Erin Vergiels - Wife of John Vergiels  
Ruth Braswell - Carson City - teacher  
Georgian Solomon - Las Vegas - Guest

Chairman convened the meeting at 4:15 P.M. Ned Solomon of the Clark County Juvenile Court asked if he could speak first on AB 379, confidentiality of student's records as he had to catch a flight.

He said that they would like to suggest that an amendment be added as Section Six stating that pupils records shall be released to the law enforcement officers upon the request of agents of the juvenile court acting upon the purvue of Chapter 62 of Nevada Revised Statutes. He said that this sort of information was absolutely imperative in presenting these matters to the courts and that it had nothing to do with determining guilt or innocence and if a child is on probation it is necessary to work with the schools closely in determining a child's behavior patterns and what the best course would be with him. They found that this amendment would continue this good way of going with a child on probation.

Chairman said that they had Amendment 4777 which states what they were asking for. He then read the amendment. Mr. Solomon said that this would cover it.

Mr. Lowman said that they were getting along alright without this bill, is this what he was saying. Mr. Solomon said that is correct and we are only putting this in in order not to be cut out.

Mr. Mel Kirchner of the Washoe County School District said he favored this bill because it does allow each individual board to establish the rules for giving out information as far as pupils' records were concerned as they did get hung up in a bind where it says giving information to parents or legal guardians as they did have cases where parents lived outside of the State and did not have control over the youngster and wanting information.

They also questioned the age of majority of twenty-one.

Mr. Picollo said they were in favor of this and also Clark County was asking for this. They were talking about very confidential information such as a teenage girl being pregnant, he said. Now they stood on no legal ground and could only go to the District Attorney. They wanted to protect students' rights.

Mr. Lowman asked if this was essentially the Oregon law.

Conversation on AB 379 was discontinued and AB 639 was brought up for discussion. A bill which makes attendance officer classified employee of certain school districts.

Robert Taylor, executive director of the Clark County Classified School Employees, spoke on AB 639 and said that their intention in this bill was quite simply to remove the language that attendance officers may be hired at the pleasure of the Board which places in them in a category of their own with no kind of protection. They were simply asking that that language be stricken and they be considered with other classified employees within the school district, he said.

Mr. Lowman asked several pertinent questions relative to this.

Mr. Best said that the school trustees thought this was alright but they still wanted to have the opportunity to remove the employee and the School Board Association was in favor of that the attendance officer be appointed and removed at the pleasure of the board.

Mr. Lowman asked Mr. Taylor if it was his opinion that they shouldn't be removed at the pleasure of the Board and Mr. Taylor answered they should only be removed by the established practices of that Board of Education and they were not changing anything by removing that wording as where there were classified employees there was a system to remove them. He said that they were probably a group of less than the whole state who were not covered by due process.

Chairman then asked Neil Humphrey, Chancellor of the University to speak on AB 510 who introduced Mr. Don Jessup, Director of studies and budgets for the system.

\*See Addendum I for content of Chancellor Humphrey's remarks concerning AB 510 of the University of Nevada Educational Accountability bill.

Mr. Don Jessup spoke next and gave the Committee a list of several reports that addressed themselves to the accountability that was available already in University Accountability.

\*These reports are on file in the files of Chairman Jack Schofield.

Chairman asked if what they were saying that the Advisory Committee was not necessary.

Mr. Humphrey said that what he was saying was that the Advisory Committee was not necessary and superfluous and that if they were trying to have a better accounting to the Legislature and the moneys necessary to accomplish this might be better used and that they should look very carefully at the language in this bill and they would have wasted a lot of money and effort, and they would wish to hone in on the language.

Mr. Humphrey asked what had happened to SB 48. He was told that it was on Mr. Lowman's desk.

Chairman asked Mr. Lowman and Neil Humphrey to get together on this and satisfy themselves on the various points together.

Chairman went on to AB 815 which increases durational residence requirements of university and college tuition purposes.

Proctor Hug was asked to speak on this as the University of Nevada legal counsel. He said that their concern was over the amount of time and qualifications necessary to have residency requirements for instate tuition. He had available several letters from other states to show what was the norm for residency requirements. He went on and digressed on the problems.

AB 637 which makes tenure a school board function was heard next on the agenda.

Mr. Marvin Picollo, Superintendent of the Washoe County Schools spoke on this subject. He said, first of all, they would like to make one point clear that the superintendents of the State of Nevada and the school trustees of the State of Nevada of all seventeen counties had endorsed the position of AB 637 doing away with the professional act as it now exists.

Bob Maples, Director of Personnel of the Washoe County School District said he was there to address himself to AB 637. He said that it did three things; first, it clarifies what constitutes the probationary period for teachers by spelling out that teachers must complete three successive contract years and that in the existing professional practices act what constitutes the probationary period is not clear. He gave an example and said if a Washoe County teacher were to teach two years and subsequently reemployed there is a question whether that teacher when he is reemployed has completed two-thirds of the probationary period or is then embarking on it; the second thing on page two, lines nineteen to twenty-two it repeals the existing professional practices act; the third thing provides that the Board of Trustees must establish rules and regulations, concerning demotion, suspension, dismissal or reemployment of teachers and that such rules shall incorporate procedural safeguards.

Mr. Maples said that there may be some misunderstanding by those who are opposed to AB 637 and who view it simply as doing away with the Professional Practices Act and view it abrogating the rights of the teachers but this is not the case; teachers will be protected, administrators will be protected and they will not be at the mercy of school boards by specifically requiring that rules adopted by school boards shall incorporate procedural safeguards and what these safeguards are have been determined by courts such as there shall be notification to the employee whose performance is not efficient and such notification shall be in writing and it should specifically indicate where the teacher's performance is unsatisfactory. Number two, assistance must be made to the employee and honest attempt to help him improve in these areas and number three a reasonable time must transpire and he mentioned some others. Among these the employee may have council if dismissed and there is a requirement under due process procedures that the employee be given a hearing (fair and impartial) and with stenographic record if requested. He said the existing act was overly technical and unclear. He said that they had had one dismissal under the Professional Practices Act and that he would suggest the purpose of the Professional practices act fails to provide a workable procedure to remove teachers or administrators from the school district for just cause while at the same time providing safeguards for the employee.

Mr. Wm. O'Brien, member of the Washoe County School Trustees spoke next and said that the most important decision the school boards had to make was the choice of personnel and if those choices were good it necessarily followed that the school district was good. The antithesis of this, however, he said that if for whatever reason the performance did not turn out to be such that the days involved in dismissal proceeding would take 140 days from the time the first proceeding was instituted to the time was arrived at to dismiss. The ordinary school year runs 180 days and the dismissal procedure would take 140 so an unsatisfactory teacher for whatever reason would occupy a greater part of the school year. The school begins to get torn apart during this period by people choosing sides.

Bob McQueen another member of the Washoe County School Board and Jerry Whitehead spoke in behalf of this bill.

Elizabeth Lenz introduced herself and said she was Second Vice President for the Nevada State School Trustees Association and also a member of the Washoe County School Board. She said she would like to reiterate that they had the endorsement of all the other counties. She said that the present act was designed to protect the teachers and she felt that education was for the children and this kind of divisive activity affected the children. She said the teachers feared that the school trustees might mistreat them but she said they represented all sectors as one was a doctor, on a dentist, a lawyer and two housewives and thought they did not always see eye to eye they should be able to make just decisions.

She said they were responsible to the public, they were elected officials and they were designated by the Legislature to manage the School Districts. Their business was to get the best kind of teachers for the children they could.

It was brought out that this bill was not anti teacher as they had fought long and hard for fair teachers' salaries, benefits and so on.

Chairman said they would like to hear from those who had opposite views and thanked them all for testifying.

Mr. Morgan said he would suggest that they take the copy of the Professional Practices Act and study it to correctly evaluate what was said and it was his hope that they come up with a compromise solution.

Marjory McKnight an elementary school principle spoke against AB 637 and said from first hand experience it was practically impossible to get rid of a teacher now and that is the reason they want the bill.

Chairman adjourned the meeting at 6:15 P.M.

ASSEMBLYAGENDA FOR COMMITTEE ON EDUCATIONDate March 28 Time 4:00 P.M. Room Room 336

<u>Bills or Resolutions to be considered</u>	<u>Subject</u>	<u>Counsel requested*</u>
AB 510	(This bill supersedes Mon. 3/26 agenda.) Establishes university educational accountability program for University of Nevada System. <u>Neil Humphrey to speak.</u>	
AB 637	Makes tenure of public school teachers a school board function.	
SB 214	Repeals provision authorizing school boards to exclude all children under 6 years of age.	
SB 416	Changes name of Elko Community College to Northern Nevada Community College.	
SB 473	Technical amendment updating language of provision for duty to repair defective school vehicles.	
SB 474	Deletes obsolete reference to "educational supervison district."	

\*Please do not ask for counsel unless necessary.

STATEMENT CONCERNING A. B. 510  
ASSEMBLY EDUCATION COMMITTEE

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ACCOUNTABILITY IN HIGHER EDUCATION ONCE MEANT MAINLY A FIDUCIARY OBLIGATION TO CONFORM EXPENDITURES TO LEGISLATIVE APPROPRIATIONS, DONOR RESTRICTIONS, AND BUDGETS AS APPROVED BY THE BOARD OF REGENTS. THE MEANING OF THE WORD ACCOUNTABILITY HAS BEEN STRETCHED IN RECENT YEARS. IT NOW INCLUDES NOT ONLY THE OBLIGATION TO USE MONEY AS AUTHORIZED AND TO EXERCISE SOUND PROFESSIONAL JUDGEMENT BUT ALSO THE RESPONSIBILITY TO DEMONSTRATE THAT THE SPECIFIC AND CAREFULLY DEFINED OUTCOMES FLOWING FROM HIGHER EDUCATION ARE WORTH WHAT THEY COST.

THE IDEA IS EXPRESSED BY TERMS SUCH AS EFFICIENCY, PRODUCTIVITY, VALUE ADDED, COST-EFFECTIVENESS, COST-BENEFIT ANALYSIS, PROGRAM BUDGETING, AND SYSTEMS ANALYSIS, AS WELL AS ACCOUNTABILITY.

THE BASIC IDEA UNDERLYING ALL OF THESE CONCEPTS IS A COMPARISON -- PREFERABLY IN QUANTITATIVE TERMS -- OF OUTCOMES AND COST. THE IMPLICATION IS THAT OBJECTIVES IN HIGHER EDUCATION HAVE BEEN UNCLEAR AND MANAGEMENT FLABBY AND THAT IF COLLEGES AND UNIVERSITIES WERE PERSUADED TO CLARIFY THEIR GOALS AND TO RATIONALIZE THEIR OPERATIONS WITH RESPECT TO THESE GOALS, A GIVEN LEVEL OF PERFORMANCE COULD BE ACHIEVED AT LESS COST, OR EXISTING APPROPRIATIONS WOULD SUPPORT BETTER PERFORMANCE.

ACCOUNTABILITY IS THE CHOSEN INSTRUMENT OF PERSUASION.

THE INGREDIENTS OF A SYSTEM OF ACCOUNTABILITY ARE:

1. A CLEAR STATEMENT OF GOALS WITH AN ORDERING OF PRIORITIES.
2. ALLOCATION OF RESOURCES TOWARD MAXIMUM RETURNS IN RELATIONS TO THE GOALS.
3. COST-BENEFIT ANALYSIS, INCLUDING ALLOCATION OF COSTS AND BENEFITS TO PARTICULAR INSTITUTIONS AND TO PROGRAMS WITHIN INSTITUTIONS.
4. EVALUATION OF ACTUAL RESULTS.
5. REPORTING ON THE EVALUATION.

THE PURPOSES OF ACCOUNTABILITY ARE:

1. TO PROVIDE JUSTIFICATION FOR APPROPRIATIONS.
2. TO REQUIRE CLARIFICATION OF OBJECTIVES.
3. TO IMPROVE OPERATING EFFICIENCY.
4. TO PROVIDE INCENTIVES FOR IMPROVED PERFORMANCE
5. TO PROVIDE A BASE FOR RELATING COMPENSATION OF STAFF TO PERFORMANCE.
6. TO PROVIDE EXAMPLES OF EXCELLENT OPERATION IN ORDER THAT THESE MAY BE EMULATED.

ANOTHER WAY OF SAYING IT, IS THAT ACCOUNTABILITY IS HOPED, BY ITS SUPPORTERS, TO BE A DEVICE TO ASSURE THAT THE STATE AND THE PEOPLE GET THEIR MONEY'S WORTH IN HIGHER EDUCATION.



WILL ACCOUNTABILITY SUCCEED? I HONESTLY DO NOT KNOW AND I ASSUME THAT THE AUTHORS OF THIS LEGISLATION DO NOT KNOW EITHER. THE CONCEPT RAISES MANY PROBLEMS. THE GOALS OF HIGHER EDUCATION ARE MULTIPLE, COMPLEX, VALUE LADEN, ABSTRACT, TENUOUS, AND CONTROVERSIAL. THE GOALS MAY NOT BE THE SAME FOR ALL STUDENTS OR ALL CLASSES OF STUDENTS. THE QUESTION OF WHO IS QUALIFIED TO SET THE GOALS IS ALSO A STICKY MATTER. IF AGREEMENT IS REACHED ON GOALS -- WHICH IS BY NO MEANS ASSURED -- PRIORITIES MUST BE SET AND THIS IS AS DIFFICULT AS SELECTING THE GOALS IN THE FIRST PLACE.

THE ALLOCATION OF RESOURCES TO THE GOALS CHOSEN RAISES MORE PROBLEMS. THE RELATIONSHIP OF EDUCATIONAL METHODS AND RESOURCE INPUTS TO OUTCOMES IS NOT KNOWN PRECISELY AND IS PROBABLY RELATIVE TO A VARIETY OF SPECIAL FACTORS SUCH AS THE BACKGROUNDS OF THE STUDENTS, SUBJECT MATTER, PERSONALITIES AND ABILITIES OF THE TEACHERS, THE INTERESTS AND MOOD OF THE TIME, AND OTHER FACTORS.

TEACHING AND LEARNING ARE AN ART -- NOT AN EXACT SCIENCE.

MANY PRODUCTS OF HIGHER EDUCATION -- LEARNING IN SOME SUBJECTS, CHANGES IN VALUES AND PERSONALITIES OF STUDENTS, RESEARCH DONE, PUBLIC SERVICE ACCOMPLISHED, ARTISTIC CREATIVITY -- THESE ARE ALL JOINTLY PRODUCED AND IT IS TREMENDOUSLY DIFFICULT TO ASSIGN COST-BENEFIT RATIOS TO THE SEPARATE PRODUCTS.

MEASURING OUTCOMES ALSO PRESENTS THE POSSIBILITY THAT THE EASIEST OUTCOMES TO MEASURE IN QUANTITATIVE TERMS WILL BE EMPHASIZED AND THE QUALITATIVE OUTCOMES, WHICH MAY IN THE LONG RUN BE THE MOST IMPORTANT, WILL BE IGNORED.

EVALUATION OF A UNIVERSITY ASSUMES AN EVALUATION OF THE STUDENTS AND OF THEIR BACKGROUNDS AND ABILITIES. THIS MUST BE RELATED THEN IN TERMS OF GAINS OVER A PERIOD OF TIME RATHER THAN ABSOLUTE ACHIEVEMENT. ADEQUATE EVALUATION MUST TAKE INTO ACCOUNT LONG-TERM RESULTS AND NOT MERELY IMMEDIATE RESULTS. LONGITUDINAL STUDIES ARE CLEARLY JUSTIFIED IF SUCH PROJECTS ARE TO BE UNDERTAKEN.

REPORTING THE EVALUATIONS PRESENTS RISKS UNLESS SUCH EVALUATIONS ARE TRULY COMPREHENSIVE AND ACCURATE. AND, IT MUST BE REALIZED THAT IF COMPARISONS ARE MADE, HALF THOSE COMPARED WILL BE BELOW THE MEDIAN IN WHATEVER MEASURES ARE USED.

NOW, SINCE I HAVE ATTEMPTED TO ENUMERATE SOME OF THE PROBLEMS, DOES THAT MEAN THAT I OPPOSE ACCOUNTABILITY? CERTAINLY NOT. PROFESSIONAL JUDGEMENTS ARE MORE CREDIBLE WITH SYSTEMATIC FACT-FINDING AND ANALYSIS. THERE ARE NO VALID REASONS FOR AT LEAST ATTEMPTING TO STATE AN INSTITUTION'S GOALS, TO GATHER FACTS ABOUT COSTS AND TO RATIONALIZE PROCEDURES AND RESOURCE ALLOCATIONS AND TO REPORT THE RESULTS. THAT IS PRECISELY WHAT WE HAVE BEEN ATTEMPTING TO DO IN PRESENTING A VERY DETAILED PERFORMANCE BUDGET

STATEMENT CONCERNING A. B. 510  
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TO THE GOVERNOR, IN DOING QUITE SOPHISTICATED COST OF INSTRUCTION STUDIES, <sup>faculty teaching load studies,</sup> AND SPACE UTILIZATION REPORTS. THE UNIVERSITY OF NEVADA SYSTEM MAY NOT BE A LEADER IN THIS FIELD BUT WE ARE RIGHT OUT THERE ON THE CUTTING EDGE AND WE KNOW A GREAT DEAL ABOUT OUR INSTITUTIONS.

MOST AUTHORITIES IN THIS FIELD KNOW THAT TO DEVELOP SYSTEMS OF ACCOUNTABILITY COSTS MONEY. TO CONDUCT THE STUDIES, GATHER THE FACTS, AND ANALYZE THESE FACTS REQUIRES A GREAT DEAL OF STAFF AND COMPUTER TIME.

SHOULD THE LEGISLATURE WISH THE UNIVERSITY TO EXPAND AND DEVELOP A MORE COMPLETE EDUCATIONAL ACCOUNTABILITY SYSTEM YOU NEED DO BUT TWO THINGS. FIRST, REQUEST OR INSTRUCT US, IN AS CLEAR AND PRECISE LANGUAGE AS YOU POSSIBLY CAN AS TO WHAT YOUR GOALS ARE IN SUCH AN ACCOUNTABILITY SYSTEM. AND, SECONDLY, MAKE A REASONABLE APPROPRIATION TO COVER THE OUT-OF-POCKET COSTS, ESPECIALLY OF STAFF. OUR PRESENT BUDGET REQUEST JUST SIMPLY DOES NOT INCLUDE THE DETAILED WORK WHICH A. B. 510 APPEARS TO REQUIRE AND IT CANNOT BE DONE ON WEEKENDS OR WITH OUR LEFT HANDS. WE ARE ALREADY ATTEMPTING TOO MANY SUCH PROJECTS.

NOW, ONE MORE THING ABOUT A. B. 510. IF IT IS YOUR DESIRE TO HAVE AN EDUCATIONAL ACCOUNTABILITY SYSTEM AT THE UNIVERSITY, PLEASE DO NOT BURDEN US WITH THE ADVISORY COMMITTEE CREATED BY SECTION 5 OF THE BILL. LEGISLATIVE OVERSIGHT OF THE UNIVERSITY IS HIGHLY





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January 27, 1973

\$ 28,000  
 Part I

Mr. Neil D. Humphrey, Chancellor  
 University of Nevada System  
 100 North Arlington Avenue  
 Reno, Nevada

Dear Neil:

In discussing residence and tuition requirements at the time of the adoption of the regulations for the University of Nevada, a recommendation was considered to change the required period of residence prior to matriculation from six months to twelve months to correspond with the provisions of the majority of the other states.

I would recommend that we request the Legislature to amend NRS § 396.540, Section 2(b) to provide for a twelve-month waiting period prior to matriculation before qualifying for resident in-state status.

A report of the Education Commission of the States in 1970 catalogued the statutes of all of the states concerning residence and tuition provisions at that time. That report revealed that the following thirty-two states have statutory waiting periods of twelve months prior to enrollment to qualify for in-state status:

Alaska	Idaho	Oklahoma	Utah
Arizona	Illinois	New Mexico	Vermont
Arkansas	Iowa	North Dakota	Virgin Islands
California	Louisiana	Pennsylvania	Virginia
Colorado	Massachusetts	Rhode Island	Washington
Delaware	Mississippi	South Dakota	West Virginia
Florida	Missouri	Tennessee	Wisconsin
Georgia	Montana	Texas	Wyoming

Mr. Neil D. Humphrey, Chancellor  
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The following eight states have a six-month waiting period:

Connecticut	Michigan
Indiana	New Hampshire
Kansas	Nevada
Maryland	North Carolina

The remaining states have the following waiting periods:

Nebraska	Four months
Alabama	Some institutions 6 months, some 12 months
Maine	Some institutions 6 months, some 12 months
Minnesota	Some institutions 6 months, some 12 months
New Jersey	Some institutions 6 months, some 12 months
South Carolina	One year for adults, and two years for minors
Oregon	Six months before enrollment, 12 months after enrollment
Hawaii	To be defined by University
New York	No definite waiting period
Kentucky	No definite waiting period.

I think it is relevant to note that nearly all of the surrounding Western states have a twelve-month requirement. These include:

California	North Dakota
Colorado	South Dakota
Arizona	Oklahoma
New Mexico	Texas
Montana	Alaska.
Washington	
Utah	
Idaho	

Yours sincerely.

PROCTER HUG, JR.

PH/jw

\*Supersedes previous  
agenda for 3/28/73

ASSEMBLY

AGENDA FOR COMMITTEE ON EDUCATION

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Date March 28 Time 4:00 P.M. Room Room 336

Bills or Resolutions  
to be considered

Subject

Counsel  
requested\*

AB 510	Establishes university educational accountability program for University of Nevada System. Neil Humphrey to speak	
AB 379 & 192	Confidentiality of students records	
AB 637	Makes Tenure of public school teachers a school board function	
SB 214	Repeals provision authorizing school boards to exclude all children under 6 years of age.	
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