

SENATE FINANCE COMMITTEE
MINUTES OF MEETINGS
APRIL 3, 1973

The meeting was called to order at 7:30 a.m. Senator Lamb was in the chair.

PRESENT: Floyd R. Lamb, Chairman
Warren L. Monroe
B. Mahlon Brown
James I. Gibson
William J. Raggio
Clifton Young
Archie Pozzi

Joe Braswell, Intertribal Council of Nevada
Lawrence Astor, Reno/Sparks Tribal Council
Sylvia McCloud, Reno/Sparks Education Committee
Gaylene Evans, "
Marlene Coffey, "
Warren Emen, ITC & Walker River Education Committee
Ray D. Yowell, ITC of Nevada, Reno
Ross Morres, Indian Affairs Commission
M. L. Stevens, Chairman Yerington Reservation &
Colony, Education Committee
Del Frost, Rehabilitation Division
Jim Lambert, Nevada Highway Patrol
Ed Schorr, Budget Division
Roger Trounday, Department of HWR
Freddy Little, DMV
Peter Echeveria, Planning Board
John Gamble, Department of Education
Ernest Newton, Taxpayers Association
Shirlee Weedow, PTA
Dick Morgan, NSEA

S.B. 520:

SUMMARY: Abolishes Nevada Heritage Association.

Senator Brown said, "The only thing I am worried about is that they have enough money to maintain it, and are you going to buy the two engines at Promitory Point. Would this be enough to do that?"

Senator Lamb said, "There isn't a lot of maintenance on it, if they just fix it up and clean it up. (The engines they currently have.) There are some people who said we could rent the mound house for a song, and we could set this up and get people to look at it."

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Senator Pozzi said, "They think they need a little more than that. (The \$100,000.) They think they need \$140,000 to do this." Senator Monroe said he wouldn't go for \$140,000. Senator Lamb said there would be a lot of private donations. Senator Pozzi said that since the heritage association fell on their nose there are a lot of people who are interested in the V & T. Mr. Oliver said that the last time the legislative council bureau looked at the museum budget they had \$51,000 in this account, not \$40,000. The committee plans to put \$60,000 additional into this account. Each engine at Promitory Point would cost \$40,000.

S.B. 140:

SUMMARY: Recognizes prudent man investment rule and removes certain public employees' retirement system investment restrictions.

Senator Raggio left the room at 7:45 a.m. Senator Pozzi moved they recommend do pass on this bill as amended. Senator Young seconded the motion, and it passed.

yes - 6
absent - Senator Raggio

Senator Lamb said, "I heard that they are saying I am pushing Mr. Hurtado for a job here, but I am not going to have anything to do with that--that's up to the retirement board."

S.B. 503 & S.B. 509:

SUMMARY: (503) Provides assistant superintendent of education in charge of education for Indians.

(509) Creates Nevada Indian advisory committee for Indian education.

Senator Raggio returned to the meeting at 7:48 a.m., and Cy Ryan entered the meeting at 8:05 a.m.

Mr. Braswell gave the attached presentation. After this he stated that Dr. Hansen of the Department of Education felt that if this were done other minority groups would request the same thing, but Mr. Braswell felt that Indians had a unique status in relationship to government that other minority groups do not. He said the Department of Education was not opposed to the objectives and would not try to scuttle the proposed program, and that they agreed with the presentation but felt it was setting a precedent.

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Mr. Warren Emen said that they had difficulty getting action from the Department of Education, and that in Schurz they had certified teachers who were not qualified to teach. "For instance, we got a position for an art and physical education teacher, but we were given a teacher who was certified but had never had training or experience in either of these two fields. Also, the state department has a program started for a study of minority groups and they could have studied Schurz, but they have never studied an Indian group in Nevada and instead took Colorado's study, even though they received federal funds for this purpose. We also had a teacher who had a five year certificate to teach, but after the first year of teaching she has tenure and we are stuck with her. At Schurz my children are not getting an education, and they will drop out of high school if they don't get it."

Mr. Braswell said at Owyhee they had in the past a school administrator who didn't give consideration for their Indian culture and who himself called this their idiosyncricies. Senator Monroe asked, "How much of the system would be developed to teach Indian culture?" Mr. Braswell said, "How much of the education system should be developed to teaching what the American culture is all about?" He later said you don't have to make them good little white red kids.

A young Indian representative said, "The Johnson-O'Malley program is administered from Albuquerque, and they have made the comment that Nevada doesn't ask for enough funds and they wish they would ask for more." The funds for these two bills would come from Johnson-O'Malley federal funding.

The public left the meeting and later Senator Lamb said, "I have a little sympathy for these people." Senator Young said, "I don't see where a person in there (representing the Indians) is going to change policy." Senator Raggio said, "I think they do have a cultural tie to our history. I don't think they will have to do the same thing for other minorities (and put them on the board also)." Senator Gibson said, "We would be starting kind of a precedent and other minorities would request this. They are requesting a man to represent only 2,500 children out of the state's 130,000 children."

The committee discussed the fact that under this bill the tribes would have veto power over the selection of this representative, and that there are 22 tribal councils in the state and for instance the Las Vegas tribe of 50 people would have veto power.

Senator Lamb said, "The best point in the presentation was that they have a teacher who lacks what they desire and then once they have tenure there's nothing you can do about it."

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Senator Raggio discussed amending it to give them some kind of input but not veto power and make it clear that funds are coming out of Johnson O'Malley funding. He suggested that section 6 of S.B. 509 be included in S.B. 503. Senator Young said, "I think you are just asking for trouble by allowing them (the Indian groups) to appoint. You would get school districts saying they wanted this too. Senator Raggio said, "When you talk to these people they make a pretty compelling presentation. I think its little enough to do when they are asking for peer representation and are going to pay for it themselves."

Later in the meeting the committee called Mr. John Gamble of the Department of Education to speak about this bill and he said, "We have no appetite for this the way it is written. If we started doing that for each group we would have 16 different such positions. We have agreed to hire an Indian to work with these programs but were never able to get an Indian on the list, so we filled it with another man and the position is not now open."

Senator Pozzi said, "That doesn't satisfy their complaint because you sit and listen to them but you just turn them down. They need a top level input at a high level." Senator Lamb said, "You better take a second look at these people." Mr. Gamble said, "We have cooperated with them any time they have had a uniform stand." Senator Lamb said, "They say not."

REHABILITATION DIVISION - Page 319:

Del Frost of that division said they do not have primary obligation for rehabilitation of the industrially insured rehabilitants because NIC has employer contributions to take care of them. However, NIC contracts with his division to perform this, and they serve 750 industrial rehabilitants annually. He said if NIC did this themselves this would cause the rehabilitation division to loose \$25,000 each year from contract services on page 319 of the budget. He said if they did this themselves they would lose the funding for two rehabilitation counsellor positions who currently perform this service. He felt it would be more economical to have rehabilitation continue this on a contract basis rather than have NIC duplicate their efforts and set up their own system.

Later in the meeting Senator Pozzi moved they approve the governor's recommendation. Senator Brown seconded the motion, and it passed unanimously.

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EMPLOYEES MANAGEMENT RELATIONS BOARD - Page 95:

Senator Gibson said that the three man board was having difficulty getting qualified people on it as they had no salary. They were also being asked to hand down opinions on the meaning of laws and had no legal services provided them. He said attendance was poor and they had difficulty getting a quorum. The committee that studied this recommends providing a hearing officer, keeping the board but paying them \$60 a day when they meet, and expanding this \$50,000 a year. He said they had a backlog of 121 cases right now, two or three of which were over 18 months old.

Senator Brown moved they substitute the budget in the governor's executive budget with the legislative committee's budget, and this would allow the board \$50,000 each year. Senator Raggio seconded the motion, and it passed unanimously.

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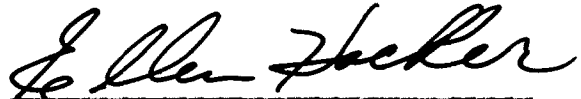
HIGHWAY PATROL DIVISION - Page 508:

Jim Lambert said that some installations with regard to their radio microwave system are 15 years old and manufacturers no longer manufacture replacement parts. He said they were also asking to extend the microwave control links to the Tonopah area.

They are asking that the \$92,090 under other equipment on page 508 of the budget be deleted and instead they add the \$58,000 the first year and \$72,000 the second year into this budget which is presently listed on page 64 of the budget. See the attached explanation of proposed expenditures.

The meeting adjourned at 10:00 a.m.

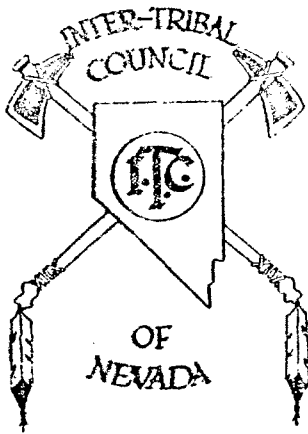
Respectfully submitted,



Ellen Hocker, Secretary

APPROVED:


Floyd R. Lamb, Chairman



INTER-TRIBAL COUNCIL OF NEVADA

SOCIAL SERVICES PROGRAM

2049 CALIFORNIA STREET • CARSON CITY, NEVADA 89701

TELEPHONE (702) 882-6663

March 30, 1973

TO: Honorable Floyd Lamb, Chairman, and
Member of the Senate Committee on Finance

RE: S.B. 503 and S.B. 509

This testimony is presented in support of these two bills relating to the new position in the State Department of Education concerning Indian education, and the creation of the statewide Indian education advisory committee.

First, I wish to recommend some technical amendments to S.B. 503. The term "assistant" preceding superintendent should be deleted and the word "associate" inserted. This applies to the summary of the bill, the title of the bill and to line 3, section 1 part 1; line 8, section 1 part 2; and line 11, section 1 part 3. The title associate superintendent is the one currently used in the organizational structure of the State Department of Education. On line 7 after 25 USC and the section mark, delete 41 et seq and insert 476 et seq.

Regarding the need for this legislation I wish to cite some facts and figures. This testimony will not be exhaustive, the limited time available for this committee to hear testimony will not allow for a full and complete treatment of the subject matter. However, I do feel that the information I have to present will help the committee members to recognize the need for such legislative action and the validity of the concerns of Indian people in Nevada which prompted the introduction of the bills.

It is a generally recognized fact, from all reports and statistics I have ever seen, American Indians have the highest drop out rate, at all levels of the educational system, of any or all of the ethnic or minority groups identified by the various governmental agencies.

This fact is supported by evidence relative to Nevada Indians. In FY-72, our Social Services Program served 443 cases (including single person cases) with a total of 1167 persons. A survey was made covering a sample of approximately 20% of the cases opened during 1972. In 42.6% of these cases the head of the household was under 35 years of age. Among these heads of household, 68.5% had not completed high school, 33.3% had no high school at all. Many of those over 35 had not completed the 8th grade. Other statistical data was also tabulated and the overall analysis shows we are serving a relatively young Indian population, with limited educational achievement, and few marketable skills.

They represent a group whose educational needs were not adequately met by the existing school system.

Another bit of evidence of the failure of the present system of education to adequately meet the needs of American Indian young people. In the Fall of 1971 there were 75 Indians enrolled in the University of Nevada at Reno, by the end of the school year 20 had dropped out for various reasons, a drop out rate of 26.6%. In the Fall of 1972 they had 65 Indian students. As of this date 14 have dropped out, a drop out rate of 21.5%.

It is my professional opinion that a lack of education or poor education contributes to a lack of marketable job skills and a high unemployment rate, which leads to an increase in dependence on some form of public assistance for subsistence and survival for many families and individuals. I believe this fact to be especially pertinent to the situation of Indians in Nevada. A report by the Nevada Indian Agency for the Fall of 1972 shows an unemployment rate of 32% for all Indians residing on reservations or colonies in Nevada. Out of 22 reservations and colonies, 11 or 50% of them had unemployment rates of 40% or above. During the Winter season, unemployment reaches 85 to 95 percent on some of our reservations.

Thus far I have dealt with the problems of Indians at the non-professional level of employment. There is a need all across the nation for professionally trained Indians to serve their own people. To my knowledge, there is only one American Indian dentist, and he works for the federal government at the national level. There are fewer than 100 professionally trained American Indian Social Workers. The number of American Indian M.D.'s and attorneys are also relatively small. The reason I cite these facts is, without adequate education for our Indian children at the elementary and secondary school levels, we will never be able to develop these professional skills among our Indian people.

For Nevada, I believe there needs to be an American Indian in the State Department of Education who is a qualified educator. He could provide leadership and direction to the efforts to enable our school system in this State to meet the educational needs of our Indian children and youth. Other divisions within the State Department of Education and the Boards of Trustees of local school districts need this Indian input to provide relevant education for Indian students. S.B. 503 will provide for the Indian expertise within the department, and S.B. 509 will provide for the Indian input from the grass roots level. He would also have general administrative responsibility for funds made available for Indian education under Johnson-O'Malley contracting authority.

The Indian people of Nevada are concerned about the education of their children. They have tried to get involved but generally have been unable to cope with the bureaucratic system. One reason for the problem is that no one in the bureaucracy seems to be able to understand the needs they express, or else take the traditional great white father attitude that they know what is best for the Indians. There are also complaints about the inability to get an accurate accounting of exactly how JOM funds are expended. You probably have heard, or will hear, that there are now local JOM Indian committees involved at the local level. What I have heard from the Indian people is that they are expected to rubber-stamp programs developed by local school officials and personnel of the State Department of Education.

These circumstances are not unique to Nevada. In 1969 a special sub-committee on education of a U.S. Senate Committee published a report. Two problem areas they cite are poor accountability and lack of Indian participation. I would like to quote one statement, "The proposals are usually drawn up by school administrators of white, middle-class backgrounds who direct the money toward general school operations or problem-solving techniques which might work for the middle-class student, but not for Indians." I submit that this is descriptive of the situation as it has been for some time in Nevada. The State Department of Education also formulates the guidelines for the local Indian education committees, and have refused to make changes desired by Indian people. I believe the passage of these two bills would be a step in the right direction to correct some of the problem areas.

Regarding the financial aspects of the matter, I direct your attention to page 138 of the Executive Budget for fiscal years 1973-74 and 1974-75. For FY-72 there is a balance shown of \$40,685.00, coupled with the negative \$12,970.00 shown on line 2 as transfer to education administration, this means there was \$53,655.00 that was not programmed into grants to schools. I submit that this amount would have funded such a position as is requested within the department, as well as have provided a sizeable amount toward the expenses of the proposed Indian education advisory committee.

The U.S. Senate sub-committee report previously referred to also contained information regarding per student expenditures of JOM funds for FY-1968. The statistics were reportedly taken from BIA records of reports submitted by the various states. The report shows Nevada's estimated expenditure per pupil of JOM funds to be \$60.00 for a JOM enrollment of 1,535. Among 19 states shown, Nevada ranked 15th in the expenditure per pupil column, while Nevada ranked 9th in the number of JOM enrollments. Using the figures from our State Department of Education, which shows JOM enrollment for 1971 to be 2,762, and the \$151,624 total agency expenditures for 71-72 on page 138 of the Executive Budget, we find that the per pupil expenditure dropped to approximately \$54.90 for that fiscal year. Using their figures showing a JOM enrollment of 2735 for the Fall of 1972, and the \$136,400 total agency

expenditures for the current fiscal year, we find that the average expenditure per pupil has dropped to approximately \$49.87. The important fact to the Indian people is not that the average expenditure per pupil has dropped, but that the expenditures have been ineffective in carrying out the purposes for which they were intended, and the use has not been in keeping with the needs, interests, and wishes of the Indian people.

You will hear, or have already heard, that the JOM authorized contract funds should not be used to finance the new position requested nor the statewide committee. The basis of the objection purports to be that the amount of the funds going to local school districts would be reduced. I submit that the enactment of these two bills will make for more effective programs at the local level, programs that address themselves to the unique educational problems and needs of the Indian students. The programs would be developed with real meaningful Indian input, and be administered by an Indian who would be able to understand the Indian needs and their viewpoint and to relate to them in a more effective manner. I believe it is more fiscally responsible to spend less money for more effective programs, than to spend more money on programs which have demonstrably fallen far short of the purposes for which the funds were appropriated. I also believe the total program would be more acceptable to the Indian people under the proposed statutes.

I would now like to briefly look at some present budgeting practices in relation to budgeting for the proposed position. Specifically, I wish to look at administrative costs in relation to total costs. I call your attention to page 140 of the Executive Budget. While this page is concerned with funds secured under various titles of the Elementary and Secondary Education Act, they are total federal funds, just as JOM contract funds are 100% federal. There is a figure of \$2,614,523.00 shown as total funds for the program under both agency request and Governor recommends for 1973-74. The next to the last line shows as aid to schools the amount of \$1,852,145.00. This indicates a cost of \$762,368.00 to get the funds to the local school districts, an administrative cost factor of more than 29%. Referring to page 119 of the Executive Budget, using the salary shown for the associate superintendents of operations and educational services as the base for the salary of the new position, I can see an administrative cost of approximately \$48,426. This includes two additional positions, a senior-clerk steno and an account clerk at entrance level salaries in the State service, although I am not certain that both positions would be necessary. I also consider the 11% fringe employee benefits which will probably be applicable to next years budgets, as well as the amounts included in the agency's budget on page 138 for travel and other operating expenses. This total represents an administrative cost rate of approximately 24%. I personally consider this rate a little high, even though it is lower than the rate for the ESEA funds referred to above. I base this opinion on my experience in working up the budget for our Social Services Program. We also contract under Johnson-O'Malley authority, although we do not use education money. Our total budget for the present fiscal year is \$674,644.00, our total administrative budget is \$133,944.00, just under

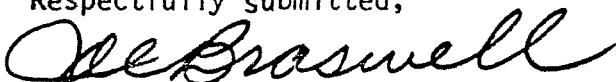
20% of the total. Our rate is high, but not as high as some percentages computed from the State budget mentioned above. I recognize of course, that the smaller the total budget you are working with the higher the percentage for administration will tend to be. I believe it to be quite possible that more funds will be made available for Indian education by Congress in the future. The operations under the proposed legislation, especially S.B. 503, before this body would do much to insure that Nevada would be able to get a more reasonable share of these federal funds for her Indian children and youth.

I do not have any idea about the cost of the advisory committee proposed in S.B. 509, since I have no previous program upon which to base an estimate. However, I would expect it to be less than for the position within the department of education. Some funds from some source are now being used in administering JOM money within the department. Transfer of the responsibility to the new associate superintendent should release funds elsewhere within the organization which would tend to reduce the total financial impact.

One last thought regarding the value of the proposals, the educational benefits realized would not accrue to Indian students only. I firmly believe that the education of non-Indian children is incomplete when it neglects the facts of the richness of Indian cultures and heritage, and the contributions Indian people have made to the development of this great country. An educational program designed to meet the needs of Indian children and youth would undoubtedly enrich the educational experience of the non-Indian children in the same schools.

In closing, the Indian people of Nevada are trying to function within the existing governmental system at the local level, to improve the education of their children. They are making their voice heard to the legislative branch of their State government seeking to have short comings in the system ^{corrected} as it relates to their needs. I trust that voice will be heard and heeded. If they are again ignored in their request for help in achieving equality in education for their children, the only alternative that I see would be for them to deal directly with the federal government. Under existing statutes the Indian people can negotiate directly with the federal government to contract to administer all JOM authorized funds for Indian education within the State. This would remove these funds completely outside the jurisdiction of the Department of Education, and place them entirely under the control of the Indian people. I personally feel it would be better at this time to remain within the existing system, providing S.B. 503 and 509 are enacted. I speak only for myself on this point, I do not know what direction other Indians in Nevada would choose to go. I strongly urge your favorable consideration of these measures as being in the best interest of the Indian people of Nevada as well as in the best interest of our State as a whole.

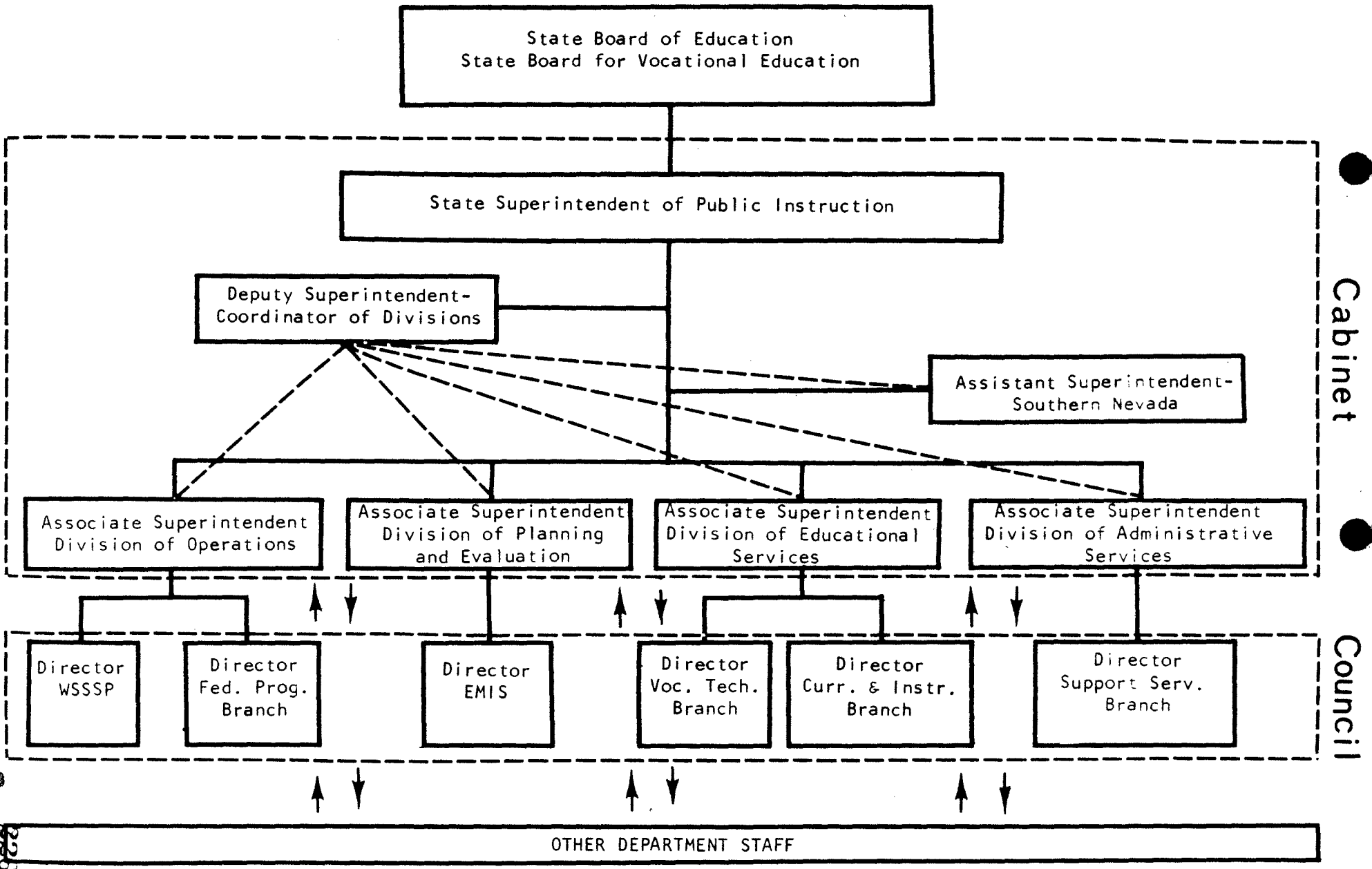
Respectfully submitted,



Joe Braswell, M.S.W.
Director, ITCN Social Services Program

ORGANIZATIONAL CHART

NEVADA STATE DEPARTMENT OF EDUCATION



Cabinet

Council

3-225

CHART DESCRIPTIONS

Chart I depicts the Line and Staff organization of the Division, Branch and Section leadership of the State Department of Education.

The Superintendent of Public Instruction is responsible for overall administration of the Department of Education.

The Deputy Superintendent and Coordinator of Divisions is responsible for the functional operation of the Department. He coordinates the activities of all divisions and their branches and sections. He reports directly to the Superintendent and has direct responsibility for implementation of procedures and policies adopted by the State Board of Education for operation of the Department of Education and local school districts.

The Assistant Superintendent--Southern Nevada is the direct representative of the Department of Education and Superintendent of Public Instruction in the Southern Nevada area. His activities are coordinated by the Deputy Superintendent.

Chart I-A depicts the decision levels operating within the department. Process and function within each level of the department are explained.

THE CABINET

The Superintendent serves as chairman of the Cabinet which is composed of:

1. Superintendent of Public Instruction
2. Deputy Superintendent and Coordinator of Divisions
3. Assistant Superintendent--Southern Nevada
4. Associate Superintendent, Administrative Services
5. Associate Superintendent, Educational Services
6. Associate Superintendent, Operations
7. Associate Superintendent, Planning and Evaluation

The Cabinet meets at least every two weeks and serves as a policy and procedure development group. The Cabinet provides a forum for the discussion and development of position statements for the Department of Education on educational issues. It also provides a procedure for total communication in the internal operation of the Department. The Cabinet receives recommendations from the Council in regard to new educational programs, revisions of regulations and general policies and procedures relative to both the Department of Education and school districts of Nevada.

THE COUNCIL Role and Function

Membership. Membership of the Council consists of the following:

DMV: Hwy. Patrol

RADIO EQUIPMENT - MICROWAVE - NEEDED

1973-1975

1973-1974

Microwave Replacement (incl. Multiplex)

Las Vegas Link	
Angel Peak	\$26,000
Las Vegas	20,000
Sober Peak	12,000
	<u>\$58,000</u>

1974-1975

6 Microwave stations @ \$8,000; Carson City, Reno, McClellan Peak (2), Elko, Elko Mountain	\$48,000
Multiplex for microwave, Elko	<u>\$24,000</u>
	\$72,000

Mr. Barnett

*Here is the info from DMV on what should be moved to the Hwy. Patrol
Budget if the micros. construct. budget is not recommended.*

BB