

ASSEMBLY EDUCATION COMMITTEE MINUTES
APRIL 15, 1975

MEMBERS PRESENT: Chairman Wittenberg
Vice Chairman Polish
Mr. Coulter
Mr. Chaney
Mr. Lowman
Mr. Vergiels
Mr. Weise

MEMBERS ABSENT: None

GUESTS: Richard Morgan, NSEA
Mary Wardlaw, NSP
Dr. Vernon C. Rowley, Carson City School District
Ken Hougen, Nevada Classified School Employees Association
Robert Petroni, Clark County School District
Mr. Sylvestri, Clark County School District
Robert Maples, Washoe School District Employee Relations
Robert Cox, Washoe County School District

Chairman Wittenberg called the meeting to order at 3:15 p.m. on Tuesday, April 15, 1975 for the purpose of hearing testimony on AB 547, which makes changes in provisions relating to educational personnel.

Chairman Wittenberg begin the hearing by reading into the record a letter from Robert Best of the Nevada State School Boards Association which expresses the feelings of the Association in regards to AB 547. This letter is attached to these minutes as Exhibit I and herewith made a part of this record.

Richard Morgan, NSEA, then spoke on behalf of this bill. He gave a brief background of the bill stating that two years ago this committee has passed out a bill which later passed both houses and was signed by the Governor, which created the best system of accountability that exists in the United States. That system has as its philosophical foundation a mandatory evaluation of everyone at least once a year. The system is an orderly process by which we rid from the teaching profession those that just don't come up to the high standards we have set for the members of this profession. Bill corrects drafting mistakes of the previous session.

Mr. Lowman inquired how long it would take to get rid of the deadwood in the system. Mr. Morgan replied that he did feel that he was not the person that should answer this as this properly rests with school trustees and administrators who control the system.

Mr. Morgan then went through the bill and explained their position on each new or deleted part. He explained that he felt there was basically two different kinds of changes, procedural and substantive.

Mr. Morgan stated that on page 1, lines 8 & 9 they have attempted to cure a problem. The problem is that in the absence of the certificated teacher for a day there have been occasions when they have been replaced by a noncertificated personnel. This would require that a certificated teacher be used instead.

At the bottom of the page they have added that the tentative budget be also submitted to the Tax Commission. They have raised this at this point because it is the only place they have to treat this subject. Since 1971 it has been required of the local school districts to submit their projected staffing pattern for the next school year to the Department of Education. This has not been available to them and they find it necessary to find out what public entities say ought to be their staffing for the next year. If this report was also sent to the Tax Commission it would be a public report and would be available. They have had difficulty getting it from the Department of Education.

On page 2, lines 19-26, really says what is going on in 10 of the 17 school districts in the state today. Contracts are being negotiated and it is reasonable to expect that negotiations law will continue to exist. This would delete the requirement for two contracts. The present law requires school districts to submit to all employees a contract for the current year. This would say if there is no negotiations in the county this system would continue. If there is a negotiated agreement that agreement which is mutually signed by both parties would in effect become the contract for teachers. We are eliminating in this paragraph a duplication of effort.

Line 43, page 2 is merely some language change by the Legislative Counsel Bureau to clean up the language of the bill.

Line 50, page 2 and continuing onto page 3 deals with the problem caused by the money paid to substitutes when a 180-day teacher is absent and for some reason or another is not covered by the existing leave regulations. They are not attacking this deduction at the rate of 1-180. What does "stick in the throat of the teacher" is that they may lose anywhere from \$30-\$75 and yet the substitute gets only \$25 and the school district gets the rest of the money back in their fund. They feel that the school district should be make money. Instead this money should be placed in a scholarship fund.

Mr. Lowman asked if the substitute teacher was represented by NSEA. Mr. Morgan stated that they were not. They do not object to the substitute teacher getting the full amount that the teacher would get although they do not feel that the market demand would say that they should.

Mr. Morgan stated that school districts are able to anticipate how many of these unauthorized leave days they will and incorporate it into their budget. What NSEA objects to is that they feel that this money should go someplace other than back into the budget.

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To Mr. Weise's questions regarding why they feel this money should not go back into the budget, Mr. Morgan stated that he really could not elaborate on this but that it is just something that sticks in their throats.

Mr. Weise stated that the school district is not getting the benefit of that teacher and why should they pay that money to someplace else. Mr. Morgan stated that it was basically philosophical then anything else.

Mr. Weise stated that he felt if we accepted this we would be saying that it is our position that there is a whole block of money allocated and in the event that this is not consumed it should still be spent someplace else.

Mr. Weise then stated that couldn't this money be part of a reversion which could eventually be used for teacher's salaries in the next year. Mr. Morgan agreed that this could be.

Page 3, lines 6 and 7, this paragraph is consistent with page 2 lines 19-24. One contract for everyone that is a product of negotiations. It updates the law.

Page 3, lines 39-44, in 1973 the law was rewritten to require that everyone be evaluated once a year and probationary twice a year. A meeting was held with those that were involved to come up with a evaluation form. In the course of the last 2 years Mr. Morgan stated that he has received no critical comments regarding this evaluation. The mistake that they need to correct is that not everybody can be evaluated on a teacher form. There are many people who work in the school that are not actively engaged in teaching. These people should have a separate form developed for their evaluation.

Page 4, lines 15, is a result of an omission. Every teacher has to be evaluated but there was no mention of evaluating the administrator. This would require that all administrators be evaluated.

One of the substantive changes can be found on line 27, page 4. Under current law if an individual is suspended, pending hearing, the individual loses both salary and fringe benefits. This is especially difficult especially from the point of view of the hospitalization plan. 50% of all suspension hearings result in reinstatement and many take from 3-4 months before they are completed. Curring off the individual a long time before the disposition of the charges brought against him. Since many of the people are reinstated and since the consequences of not having fringe benefit is devastating they bring this change for consideration. The employee has no control over when the hearing is going to be held, therefore this is an effort to speed up the hearing date and to be more equitable with people who may be reinstated. Also feel that because of the judicial precedence being set this is unconstitutional as it presently exists.

The other substantive change is in the last paragraph of the bill. Under current law as developed by the 1973 Legislature there are two kinds of status for employees. That is probationary with 3 and under years of service and post probationary with at least 4 years of service. The hearing process for each is different. The post probationary teacher's hearing to terminate must be heard before an impartial hearing officer. The probationary teacher's hearing is left to the discretion of the local school board to either have it heard before the school board or before an impartial hearing officer if the school board did not want to hear it. This bill would require that all dismissal hearings be before an impartial hearing officer. Feel that on the cost basis this would benefit the school district, considering the time it would cost the school board members to go through a hearing. Also the question whether the school board is an impartial hearing body. Having it before the hearing officer is also a much cleaner way to handle the situation.

To date no school board has opted to have a probationary teacher dismissal heard before an hearing officer. The role of NSEA is to never assume whether the teacher is right or wrong but to see that he has due process of law. This requires that they know what they have been charged with, have the opportunity to prepare, have counsel and have a hearing before an impartial hearing body.

Mr. Weise asked if there had been problems with impartiality of school boards. Mr. Morgan stated in answer to that he would have to say that there is a natural inclination of the corporate body to support the employed executives' decisions.

Mr. Weise then stated with our present judicial system if you are arrested for a felony you can be held in jail pending trial. You feel that this person should continue to receive pay for this. Mr. Morgan replied that he would be happy to make clear exceptions for felony arrest. This has not been his problem.

Mr. Polish asked if actually shouldn't this be put into the public court system with legal counsel, etc. Mr. Morgan stated that they would prefer to keep it out of there unless as a final solution because they would prefer to avoid any adverse publicity. Feel that this type of publicity can only hurt both the school district and the individual teacher.

Dr. Vernon C. Rowley, Carson City School District then spoke on the bill. A copy of his comments is attached to these minutes as Exhibit II and herewith made a part of this record. Also attached as Exhibit III is a copy of NRS387.205 which is herewith made a part of this record.

Mr. Polish asked if they had any objections to lines 46 & 47 on page 4 where the brackets are to which Mr. Rowley stated that they did in that this would cause instant tenure and do away with the purpose of probationary periods

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Mr. Weise asked Dr. Rowley about their feelings of the very last paragraph regarding the hearing board. Dr. Rowley stated that this would both kinds of teachers into the same hearing situation and again do away with the purpose of probationary periods. It would cause instant tenure.

Bob Petroni and Charles Sylvestri of the Clark County School District then spoke of their opposition to this bill. Mr. Petroni stated that he felt many of the things in this bill should have gone to other committees such as Ways and Means and Governmental Affairs. That this bill had a little of everything in it. He referred to the bill as a "now you see it, now you don't" type of bill.

Mr. Petroni began with line 8 regarding the teacher aids. Previous legislature authorized school boards to employ teachers aides. After that bill was passed Attorney General issued an opinion on what a teacher aid could or could not do. Many of their teachers aids have degrees but are not certificated. They do minimal task which free the teacher to work with the students in their instructional capacity. Mr. Petroni then called upon Mr. Sylvestri to cite figures on how many aids would have to be replaced by certificated personnel and the cost to the school district should this bill be enacted.

Mr. Sylvestri stated that he would first like to say that in Clark County, teacher aids are not replacing certificated teachers at any time such as substituting. Clark County employs 244 teacher aids. If this provision would become a reality they would have to lay them off and would be forced to employ certificated teachers. 55 hours of teacher aids is equivalent to one teaching unit. They would have to increase their system by 81 certificated units. This would cost the school district \$3/4 million. If you remove these teacher aids and the assistance they give the teacher, you would actually be cutting back on the services to students and teachers. The teachers would then have to spend time doing the things the aids do at the present time such as grading papers, hall duty, bus duty, attendance records, etc.

Mr. Petroni then went on with the submission of tentative budget to the Tax Commission. He stated that they would have no problems with this but they could see no necessity for this as this budget is already a public record and can be obtained.

He then went on to the contract part of the bill, stating that this would cause them some problems. He presented the committee with a copy of their contract, which is attached to these minutes as Exhibit IV and herewith made a part of this record. He cited the 11 points which the contract covers all of which are required by law. He further stated that they have approximately 1500 teachers who don't belong to NSEA and this contract is a very important personal thing to them. He stated that he felt this was a power grab by the association to get all the teachers to join.

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Mr. Petroni went on with page 2, regarding the scholarship fund. He stated that there is a state law that requires that teachers not be paid for reasons other than they have itemized. They do not feel that the teacher who plays hooky should have any say in what is done with the money that is left after the substitute is paid.

Mr. Sylvestri stated that last year they had 1500 school days absence by teachers from the system for other than authorized leave. The average salary of the teacher was \$64.43 and this amounted to \$96,795. The average paid to substitute is \$27, and thus they paid out \$40,500. Therefore you would have \$56,295 you would have to put into a student scholarship fund. However this says nothing about the fund itself. Nothing about what type of student would get it, etc. There is too much left up in the air regarding the administration of this fund.

Mr. Petroni went on to page 3, paragraph 5, regarding negotiation of leave. The EMR Board has stated that leaves are not negotiable because they are in the law. He stated that there are several other bills in the session which are in other committees which make negotiation of leaves mandatory and a part of negotiation. Should wait to see what comes out of these. Mr. Petroni then presented a copy of the Agreement between the Clark County School District and the Clark County Classroom Teachers' Association, a copy of which is attached to the Secretary's minutes as Exhibit V and herewith made a part of this record. A copy can be seen by contacting the Secretary to the Committee.

Mr. Petroni then referred to the bottom of page 3 regarding special forms for special people. He presented the committee with copy of the forms they use for evaluation, which are attached to these minutes as Exhibit VI. He stated that can use this form for all their people in Clark County and therefore they could see no necessity for additional paperwork handling extra forms that this would require. He went on to say that they agree the administrators should be evaluated and they have included this as part of their policy. He then presented a copy of the evaluation form they use for their principals, a copy of which is attached as Exhibit VII and made a part of this record.

Mr. Petroni then went on to what he considered the "meat of the bill" which is found on page 4 dealing with continual pay after suspension until hearing is held. He cited the situation in Clark County where they have 2 felons on suspension. One has admitted the charges against him and has had 12 continuances. Mr. Sylvestri stated that they would have to pay this man \$19,100.45 to date as it has been 14 months since this all started. The other case was drug possession and his salary to date, while waiting for due process of law, would be \$73,056.15.

Mr. Petroni stated that Mr. Morgan said that he would make exception with felons. Mr. Petroni said that he would like to see a change on line 23 of page 4, where the word "shall" should be changed to "may". This would give them more leeway in their suspension.

Mr. Petroni cited the situation wherein the charge would be upheld they would have been paying for nothing and would have to attempt to get the money back. If the charge is not upheld the teacher gets reinstated with all his back pay and seniority. Mr. Petroni stated that in the case of suspension, before they actually take away the salary, the teachers does have a hearing before the superintendent.

Another provision of the probationary teacher disturbs them greatly. This gives tenure to probationary teachers. If you strike out the parts of line as requested by NSEA you would put these probationary teachers into the tenure act and they could not be dismissed for any cause other than those listed in that act. The Supreme Court has held that there is not requirement for a third to hear these cases. Where is is unconstitutional is when the school board brings the charges and hears the case. In our situation, the administration brings the charges. Let's not burden the school board anymore by having the expense of the hearing officer for all cases. Let them hear and decide what kind of teacher they have in their school district. Supreme Court has stated that as far as probationary teachers go you can dismiss them at any time for any reason unless it is an unconstitutional reason.

Mr. Petroni stated that he believes that this bill would be a real burden on school board to provide for changes in the act and he feels there is no real good reason for it.

Mr. Petroni then cited one more situation that he had neglected to point out and that was on page 2, line 25. He stated that right now instead of contract they send out a notice of re-employment. They do not know what the contract is going to be, until they actually negotiate the agreement.

Mr. Weise asked if the way this was structured in the large district would it preclude the individual person from entering into a contract with the school district. Mr. Petroni stated that it would as long as there were negotiations going on. They are precluded by law from sending out this contract until they have finalized the agreement.

Mr. Vergiels pointed out that the association negotiates for all teachers even through some do not belong. Mr. Weise then asked if those teachers not belonging have any input. Mr. Petroni explained that they are bound by the negotiations of the association. What they are saying is that there will be no individual contract until they have negotiated both the individual contract and agreement.

Mr. Lowman asked if they were saying that there has been no exploitation of the teacher aids and substitutes. Mr. Sylvestri stated that there may be some exceptions but as a general rule there is none.

Mr. Lowman then asked if a person could get a copy of the budget and the number of personnel being hired from the Clark County School District. Mr. Sylvestri stated that it is available and can be

obtained as soon as it is available.

Mr. Lowman then went on to explain from his own experience the difficulty of given a good evaluation on this type of general form. He stated that this form is nothing more then is required by the law. He stated that he felt they should be able to develop forms for other positions rather than just the one general form.

Mr. Petroni stated that this evaluation was an ongoing process. The teacher is continually being evaluated both by actual attendance in her class to written comments from her superiors. Mr. Sylvestri stated that to have a form especially for the position would require 10 additional forms.

Mr. Lowman stated that if they are really concerned with good performance evaluation they would have to develop a better form.

Mr. Sylvestri ended their testimony by stating that in Clark County the teacher who has been suspended is eligible and can continued to maintain their hospitalization and medical insurance.

Robert Cox and Robert Maples from the Washoe County School District then spoke on their difficulties with this bill.

Section 1, line 8 and 9, Mr. Cox stated that in Washoe County certificated teachers are never replaced with teachers aids in the case of absence from school. This does raise another problem, employer has a basic right to assign employee to various tasks. This would tie the administrations' hands and take away their basic function, which is to assign personnel where they can best serve.

Lines 21 and 22, page 1, submitting copy to Tax Commission, they have no objections to but can see no necessity for it. This is a public record already.

Page 2, section 2, under present law there is requirement to provide contract. Would probably have to also amend NRS 391.3916 as well. Real purpose of having individual contract is that it is signed by the teacher and likewise signed by the district, expresses the duties and responsibilities on the part of both parties.

Individual teachers are very concerned about getting their individual contracts. Notice of reemployment must be sent out. This serves a dual function. It not only tells the employee that he is going to be hired for the next year, he is required to tell the school district that he will except that employment for the next year. This particular section deals with an area that is best left in the other bills that deal with negotiations. This also changes the language of what trustees can do. Takes away power of the school trustees.

They also do not feel that the teacher who is absent should have any say in what is done with the money they loose because of their absence. District should have the ability to take funds and allocate them where they should be used.

This power to allocate funds should be left with the trustees and not be given to the teacher.

Mr. Maples explained that in Washoe County the substitute teacher who teaches longer than 20 days in any one time is then paid at their regular rate of what they would be paid if they were full time employees. He explained that the teacher is never terminated on the 19 day just to save the school district some money.

On page 3, lines 6 and 7, they do not feel this is the appropriate place to put this. There are various other bills in the session which deal with this subject and they should wait to see what comes out of them.

Page 3, lines 41-43, they have no objections to developing speciality forms. These people are presently being evaluated under their teacher forms.

Page 4, lines 15 & 16, no objections to having administrator evaluated. This is part of their present policy.

Mr. Cox stated that section 6, page 4 they feel is a very important area. They agree with what was presented by Mr. Petroni. Washoe County School District does not suspend the health insurance aspect upon suspension of the teacher. There are very tight grounds on which a superintendent can act upon suspension. There is also the protection for employees in that the proceedings on suspension must begin within 10 days. If dismissal is not upheld employee is reinstated without any loss of compensation.

The final provision of the act dealing with status, would suggest that if this were enacted it would effectively eliminate probationary status of employees. They again agree with Mr. Petroni in his explanation of the difference between probationary and post-probationary employees.

Mr. Weise asked if under the Professional Act hearing must be granted within certain period in time. Mr. Cox stated that this was true and they normally hold a threshold hearing where the employee is given opportunity to tell his side of the story.

Mr. Hougen, Nevada Classified School Employees Association, stated that they were concerned with what this would do to their members and what effect it would have on their membership.

Chairman Wittenberg then gave Mr. Morgan a chance to give a short rebuttal. Mr. Morgan stated that they feel they may have made a drafting mistake on page 1, line 9 when they used the term certificated when they really meant teaching personnel. Concern is that qualified people be involved directly in instructional process.

Dodge Law setup process where the majority group speaks for all employees. Only issue concerned about is the duplication that

exists. There is no need for both, there is need for parts of each. The letter of intent is important.

Can concede on the scholarship^{fund} but have difficulty accepting the school district's testimony.

Regarding the negotiations, Mr. Morgan referred the negotiation bill from the last session which never got through. They would like to clear this mess up.

In regard to evaluation form, would like to see forms with sufficient ability to take into account what that specialist does. If you want quality evaluation it is going to take a bit of work.

Asking that there be a due process hearing before this individual loses these rights. Happy to exclude felony arrests, for more than minor causes. This is often used as a manner in which the districts punish people they would really like to get rid of. Law says when proceedings shall begin but not when they shall end. That is the problem.

Probationary and postprobationary would not be treated the same under this bill. It would not give instant tenure. Probationary employee can not take and appeal a decision. The Supreme Court has not ruled on this.

Mr. Petroni stated that the State of Nevada has gone far beyond what the Supreme Court of the Nation has prescribed for probationary employees. Leave as it is as it is workable as it is. Probationary employee usually gets hearing sooner than other employee. School board should have this responsibility. There has to be method whereby an employee can be removed. Years ago this protection was needed but do not feel this is necessary at the present time.

As there was no further testimony to be taken, Chairman Wittenberg opened the floor for discussion and motions.

Chairman Wittenberg called for a motion to amend the bill. There was no motion for this. Mr. Weise moved the committee "indefinitely postpone" any action on AB 547 and Mr. Lowman seconded the motion. The motion failed on a 2-4 vote. See attached legislative action form.

Mr. Vergiels moved "do pass" and Mr. Wittenberg seconded the motion. This motion failed on a 2-4 vote. See attached legislative action form.

Chairman Wittenberg announced that the bill having failed to receive a majority for do pass would now require 5 votes for reconsideration. As there was no further business to discuss this day, Chairman Wittenberg adjourned the meeting.

Respectfully submitted,

Sandra Gagnier,
Assembly Attache

ASSEMBLY
HEARING

2-434

COMMITTEE ON EDUCATION
Tuesday,
Date April 15, 1975 Time 3:00 p.m. Room 336

Bill or Resolution
to be considered

Subject

AB 547

Makes changes in provisions relating to educational
personnel.

EDUCATION
LEGISLATION ACTION

DATE April 15, 1975

SUBJECT AB 547, makes changes in provisions relating to educational personnel.

MOTION:

Do Pass _____ Amend _____ Indefinitely Postpone XXX Reconsider _____

Moved By Mr. Weise Seconded By Mr. Lowman

AMENDMENT:

Moved By _____ Seconded By _____

AMENDMENT:

Moved BY _____ Seconded By _____

VOTE:	<u>MOTION</u>		<u>AMEND</u>		<u>AMEND</u>	
	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>
CHANEY	<u>ABSENT</u>					
COULTER		<u>X</u>				
LOWMAN	<u>X</u>					
POLISH		<u>X</u>				
VERGIELS		<u>X</u>				
WEISE	<u>X</u>					
WITTENBERG		<u>X</u>				
TALLY:	<u>2</u>	<u>4</u>				

ORIGINAL MOTION: Passed _____ Defeated XX Withdrawn _____

AMENDED & PASSED _____ AMENDED & DEFEATED _____

AMENDED & PASSED _____ AMENDED & DEFEATED _____

Attached to Minutes April 15, 1975

58TH NEVADA LEGISLATURE

EDUCATION
LEGISLATION ACTION

5- 446

DATE April 15, 1975

SUBJECT AB 547, makes changes in provisions relating to educational personnel.

MOTION:

Do Pass XX Amend _____ Indefinitely Postpone _____ Reconsider _____

Moved By Mr. Vergiels Seconded By Mr. Wittenberg

AMENDMENT:

Moved By _____ Seconded By _____

AMENDMENT:

Moved BY _____ Seconded By _____

VOTE:	<u>MOTION</u>		<u>AMEND</u>		<u>AMEND</u>	
	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>
CHANEY	ABSENT					
COULTER	_____	<u>X</u>	_____	_____	_____	_____
LOWMAN	_____	<u>X</u>	_____	_____	_____	_____
POLISH	_____	<u>X</u>	_____	_____	_____	_____
VERGIELS	<u>X</u>	_____	_____	_____	_____	_____
WEISE	_____	<u>X</u>	_____	_____	_____	_____
WITTENBERG	<u>X</u>	_____	_____	_____	_____	_____
TALLY:	2	4				

ORIGINAL MOTION: Passed _____ Defeated XX Withdrawn _____

AMENDED & PASSED _____ AMENDED & DEFEATED _____

AMENDED & PASSED _____ AMENDED & DEFEATED _____

Attached to Minutes April 15, 1975

NEVADA STATE SCHOOL BOARDS ASSOCIATION

4751-E HIGHWAY 50 EAST - CARSON CITY, NEVADA 89701

PHONE: 883-0443

April 11, 1975

2-447

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- ELIZABETH LENZ
First Vice President
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- STATE DEPARTMENT
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Ben Payne, Director
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Elizabeth Lenz, Director
- WHITE PINE
Art Anderson, Director

PAST PRESIDENTS

- Fred Barkow
- Orvis E. Reil
- Richard Toothman
- Dell Robison
- Louis Bergevin
- Edward L. Pine
- Bernard F. Carter
- Helen C. Cannon
- Grant T. Anderson
- Gilbert L. Craft
- Henry L. Clayton

Mr. Albert M. Wittenberg, Chairman
 Assembly Education Committee
 Nevada Legislature
 Carson City, Nevada 89701

Dear Mr. Wittenberg:

On Tuesday, April 15 I have to be out of town so won't have an opportunity to testify in person on AB 547. This letter expresses the feelings of the Nevada State School Boards Association and I would appreciate you sharing it with the other members of the committee.

NSSBA opposes AB 547. Starting on page 2, line 50 we are opposed to paying the excess between a substitute teacher's pay and the amount docked from the regular teacher's wage. It doesn't matter that it is designated to a scholarship fund. If the teacher isn't performing her duty, the school is losing service in proportion to her salary. A substitute is not as valuable and is not paid as much. The difference belongs to the school district's fund.

Page 3, line 6 calls for sick leave regulations to be negotiable. This is not appropriate. There are bills calling for amendments to Chapter 288 of NRS and they will make it clear whether sick leave regulations are made negotiable or not. NSSBA's position is that sick leave regulations are not negotiable.

On Page 3, line 12 the wording, "Rules and regulations regarding accumulation of sick leave may be promulgated by boards of trustees," should not be deleted. This is, and should remain a school board prerogative.

Refer to page 4, lines 25 through 29. The present wording of the law should remain and the new suggested wording not added. When a teacher is suspended it is for something the teacher has done that may require punitive action. The school and the children are getting no value from the teacher, therefore his salary should be held.

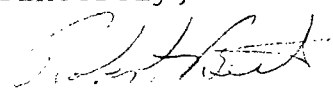
Albert M. Wittenberg
April 11, 1975

Refer to page 4, line 46. The present wording should not be deleted. It is necessary that due process be followed when a probationary teacher is dismissed, but the wording of the law should stay as it is now. The law should give school boards authority to dismiss a probationary teacher if services are not satisfactory.

On page 5, line 6 the present wording in the law should not be deleted. Due process does not require a hearing procedure such as spelled out in the law for a postprobationary teacher. Dismissal of a probationary teacher should not be required to involve the whole long dismissal procedure provided for postprobationary teachers. The school board should have the authority to decided whether they wish to hold the hearing or refer it to the hearing commission procedure.

We hope you will see fit to hold this bill in committee.

Sincerely,



Robert Best
Executive Secretary

AB 547
3:00 p.m., room 336

Dr. Vernon C. Rowley
Carson City School District

In reviewing the amendments to NRS 391 as proposed by AB 547, we find a number of provisions that are in keeping with our current operating procedure. However, there are certain features which are a matter of concern to the administration and Board of Trustees of the Carson City School District.

Page 1, line 8

We feel that there are a number of positions which may, at one time or another, have been filled by certificated persons, but which can be filled equally well by non-certificated individuals. For example, this bill appears to remove the option which the Carson City School District Trustees have exercised to place non-certificated persons as librarians in small elementary schools; under the supervision, of course, of a certificated librarian who would have the overall responsibility for several schools.

We feel that this kind of flexibility is strongly needed in areas which do not deal directly with classroom instruction. We strongly oppose this amendment to NRS 391-100.

Page 1, line 21.

We have no problem with the provision for submitting a report of the estimated number of persons to be employed to the State Tax Commission.

Page 2, line 19.

The contract of employment or reemployment appears to be made somewhat one-sided, with the deletion of the provision for teachers to accept and sign the contract in order for it to be valid.

Page 2, line 24.

In many cases, the notice of reemployment serves an important function until contracts can be finalized. The provision for notice of reemployment should not be deleted.

Page 2, line 50.

The contribution to a student scholarship fund of the amount of per diem deduction in excess of substitute teacher costs is a very interesting proposal. This amendment appears to take tax monies, which have been appropriated for the public schools, to provide post-secondary scholarship monies. It is our contention that this is an inappropriate use of public school funds. Further, we contend that it is in violation of the provisions of NRS 387.205 which specifies the authorized uses of county school district funds. (read NRS 387.205) - See Exhibit III

It should also be noted that the use of these funds for scholarship purposes would mean that they could not be returned to the general fund and thus be used for services and supplies which benefit all school

Dr. Vernon C. Rowley
Carson City School District (cont.)

children. Needless to say, we strongly oppose this amendment.

Page 3, line 41.

We have no opposition to this proposed addition.

Page 4, line 15.

The administrators in the Carson City School District are presently being evaluated at least once each year.

Page 4, line 25.

As we read this amendment, it appears to provide for the continuation of salary and related benefits until a due process hearing is held, irrespective of the ultimate merits of the case. Thus, if a certificated employee is found guilty of a felony or crime of moral turpitude, he would be paid full salary for the period of time between the committing of the offense and the due process hearing;-- and due process hearings can be delayed for extensive periods of time.

The existing provision for re-instatement with back pay and seniority is much more reasonable. We strongly oppose this amendment.

Page 4, line 42.

The amendments in Section 7 seem to effectively remove the probationary status of beginning teachers. The Carson City School District has recently obtained a ruling from the EMRB, subsequently upheld by the Nevada Supreme Court, which validates the rights of school trustees under the existing law. These proposed amendments abrogate these long-standing rights, and have the effect of creating "instant tenure" for any new employee. A probationary period should be maintained. The Carson City School District strongly opposes this amendment.

387.205 Authorized uses of county school district funds.

1. Moneys on deposit in the county school district fund or in a separate bank account, if the board of trustees of a county school district has elected to establish such an account under the provisions of NRS 354.603, shall be used for:

- (a) Maintenance and operation of public schools.
- (b) Payment of premiums for Nevada industrial insurance.
- (c) Rent of schoolhouses.
- (d) Construction, furnishing or rental of teacherages, when approved by the superintendent of public instruction.
- (e) Transportation of pupils, including the purchase of new buses.
- (f) School lunch programs, if such expenditures do not curtail the established school program or make it necessary to shorten the school term, and each pupil furnished lunch whose parent or guardian is financially able so to do pays at least the actual cost of such lunch.
- (g) Membership fees, dues and contributions to the Nevada interscholastic activities association.

2. Money on deposit in the county school district fund, or in a separate bank account, if the board of trustees of a county school district has elected to establish such an account under the provisions of NRS 354.603, when available, may be used for:

- (a) Purchase of sites for school facilities.
 - (b) Purchase of buildings for school use.
 - (c) Repair and construction of buildings for school use.
- [129:32:1956]—(NRS A 1971, 1347; 1973, 317)

387.210 Duties of county treasurer. Except when the board of trustees of a county school district elects to establish a separate bank account under the provisions of NRS 354.603, each county treasurer shall:

- 1. Receive and hold as a special deposit all public school moneys, whether received by him from the state treasurer or raised by the county for the benefit of the public schools, or from any other source, and keep separate accounts thereof and of their disbursements.
 - 2. Pay over all public school moneys received by him only on warrants of the county auditor, issued upon orders of the board of trustees of the county school district. All orders issued in accordance with law by the board of trustees shall be valid vouchers in the hands of the county auditors for warrants drawn upon such orders.
- [131:32:1956]—(NRS A 1971, 1348)

387.215 Duties of county auditor. Annually, on or before July 10, the county auditor, or the board of trustees of a county school district which has elected to establish and administer a separate bank account for the county school district fund under the provisions of NRS 354.603, shall make to the superintendent of public instruction a full report of the public school moneys received into the county school district fund during the year ending June 30 next previous thereto, together with a particular statement of the disbursements of the school moneys and any balances

(1973)

CLARK COUNTY SCHOOL DISTRICT
CONTRACT BETWEEN EMPLOYEE AND TRUSTEES 2. 452
STATE OF NEVADA COUNTY OF CLARK

This CONTRACT, made and entered into this _____ day of _____, by and between the Board of School Trustees of the Clark County School District, the party of the first part, and _____

Name _____ at a salary of _____ beginning _____
and through _____ which includes _____ day(s) of service, payable in _____ equal monthly installments.

WITNESSETH: That the party of the first part does hereby covenant and contract with the employee a position in the aforementioned District in accordance with the School Laws of Nevada and the rules and regulations prescribed by the State Board of Education and State Superintendent of Public instruction. This contract may be abrogated only for legal cause as provided in Title 34 of the Nevada Revised Statutes or by mutual consent, or by the provisions indicated below, which are hereby made a part of this contract.

1. A certificated employee cannot be legally employed in the public schools of Nevada unless he or she holds a Nevada Certificate of appropriate classification. The Nevada School Code places responsibility for proper certification, at all times, upon the employee.
2. Salary to be subject to monthly deductions for the Public Employees Retirement System of the State of Nevada, withholding taxes required by the United States Treasury Department, group insurance and credit union payments, and any other deduction approved by the Clark County Board of School Trustees when requested in writing by the employee.
3. In case this contract is not performed in its entirety, the salary the employee receives shall be figured in the same proportion as the number of school days taught is to the number of actual days of teaching covered in the contract. Deductions for unauthorized absences shall be according to the provisions of the Nevada Revised Statutes.
4. The payment of compensation or any installment thereof under the terms of this contract shall cease upon the discharge, death, or resignation of any employee prior to the close of the scholastic year. Such payments shall also cease from the date of suspension of any employee under the provision of his contract, unless otherwise ordered by the Board.
5. Assignments involving additional pay for extra duty or special services may be made at any time during the life of this contract. These assignments also may be terminated at any time during the life of the contract. Compensation for these services may be adjusted in proportion to the length of the assignment completed.
6. Certificated Personnel will be placed on the salary schedule only once at beginning of the contract year. Where an error has been made in placement an adjustment may be made at any time during the life of the contract.
7. A certificated employee may be dismissed or not reemployed as provided by NRS CHAPTER 391 of Title 34 of the Nevada Revised Statutes.
8. The services of the employee are to commence at such time, and are performed in such school or schools and such position or positions and at such place or places as may be designated by the Superintendent or his designated representative.
9. The employee reaffirms the oath to support the Constitution of the United States and the Constitution of the State of Nevada.
10. Policies and Regulations of the Board of Trustees are a part of this contract by reference as though set forth in full or adopted and amended from time to time during the term of this contract.
11. The Professional Negotiation Agreement adopted and approved effective July 1, 1973, between the Clark County Classroom Teachers' Association and the Board of Trustees of the Clark County School District, and any amendments thereto, is a part of this contract by reference during the term of this contract as though set forth in full.

IN WITNESS HEREOF, the said parties have hereunto subscribed their names in execution hereof the day and year first above written.

Signed _____
President

Signed _____
Clerk Board of School Trustees

Signed _____

Exhibit V

AGREEMENT

Between

The

**CLARK COUNTY
SCHOOL DISTRICT**

and

The

**CLARK COUNTY
CLASSROOM TEACHERS'
ASSOCIATION**

1973-1975

Revised 1974

Certificated Employee Competency Appraisal Report

Name of Certificated Employee: _____ Date of Report: 2-454

School: _____

I. During the past year this certificated employee's assignment and areas of responsibility were:

II. Comments: (Indicate areas of performance where there has been observed improvement and/or special competence and/or areas needing improvement.)

III. Administrator's specific recommendations: (Additional training, priorities, special planning and preparation, etc.)

This is to certify that I have supervised and evaluated the professional performance of the above employee and certify that the overall performance is/is not satisfactory for continued employment.

*Signature of Certificated Employee

Signature of Supervising Administrator

*A signature on this summary does not necessarily mean the certificated employee agrees with the opinions expressed, but merely indicates the employee has read the analysis, had an opportunity for discussion with his immediate supervisor, and understands that he has the privilege of discussing it with the Director, Certificated Personnel.

- Distribution:
- White: Appropriate Assistant Superintendent
 - Then: Certificated Personnel
 - Yellow: Supervising Administrator
 - Blue: Certificated Employee

PERFORMANCE EVALUATION REPORT
 Central Office Administrators
 Clark County School District

2-155

Employee Name	Due Date	Not Satisfactory	Requires Improvement	Effectively Meets Standards	Exceeds Standards
Title	Date of Conference				

JOB DESCRIPTION TYPED IN THIS AREA

SUMMARY EVALUATION

Comment _____

ACTION RECOMMENDED

Advance on Salary Schedule
 Remain on same Step on Sal. Sched.
 Non Renewal of Contract
 Other _____
Inadequate Ratings should be explained on reverse side

Supervisor's Signature _____ Title _____ Date _____

Employee: I certify that this report has been discussed with me. I understand my signature does not necessarily indicate agreement.

Employee's Signature _____ Title _____ Date _____

PERFORMANCE EVALUATION REPORT
School Principal—Clark County School District

Exhibit VII
cc-46
Rev. 7-72
2. 456

Employee Name

School

Relative effectiveness of the principal in leading the school toward the achievement of the following Elements of Quality:

1. Students are provided opportunities to achieve the objectives specified in the C.C.S.D curriculum guides.
2. Measured student achievement of objectives specified in C.C.S.D. curriculum guides is commensurate with their measured ability.
3. Each student's instructional program is commensurate with his cognitive and psychomotor growth and ability (individualized instruction).
4. The program provides activities for the social development of students.
5. The instructional program provides for the emotional well-being and intellectual development of students through the application of proven psychological principles.
6. The principal (and teachers) effectively use systematic procedures for cycles of assessment, establishing priority objectives, planning, monitoring and evaluation of results.
7. Through effective organization and leadership, the principal facilitates and promotes maximum staff effectiveness (including documentation of supervision).
8. The principal facilitates and promotes maximum job satisfaction.
9. The principal establishes and maintains the confidence and support of the school community.
10. The principal establishes, communicates, implements, and maintains clearcut procedural guidelines to facilitate the management functions of the school.

EFFECTIVENESS

Above Normal	Normal	Below Normal	Unsatisfactory

Comments: _____

ACTION RECOMMENDED:

- Renewal of Contract
- Non-Renewal of Contract
- Salary Step Advancement (if applicable)
- No Salary Step Advancement
- Equal or Higher Range Assignment
- Lower Range Assignment

Supervisor's Signature _____ Title _____ Date _____

Employee: I certify that this report has been discussed with me. I understand my signature does not necessarily indicate agreement.

Employee's Signature _____ Title _____ Date _____

White — Personnel
Blue—File
Yellow—Principal