

SENATE COMMITTEE ON EDUCATION

Minutes of Meeting -- March 24, 1975

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The tenth meeting of the Committee on Education was held on March 24, 1975 at 3:00 p.m., Room 323

COMMITTEE MEMBERS PRESENT: Chairman Richard H. Bryan
Senator Schofield
Senator Blakemore
Senator Foote
Senator Neal
Senator Sheerin
Senator Young

OTHERS PRESENT: See Exhibit A

BDR 34-1321 was approved for committee introduction; committee members present were Senators Bryan, Foote, Neal and Sheerin.

S.B. 212 - Adds to enumeration of causes and clarifies procedures for suspension or revocation of teachers' or school administrators' certificates.

Mr. Dick Morgan, NSEA, and Mr. Robert Petroni, Clark County Schools, spoke in support of S.B. 212. Mr. Morgan furnished the committee a copy of proposed amendments (see Exhibit B) and stated that the purpose of the bill is to strengthen the powers of the State Board in revoking certificates.

Mr. Petroni advised that the wording "may suspend" (page 1, line 2) enables the Board to exercise their duties; also, the wording "or administrator" (page 1, line 4) has been added because teachers and administrators have different certificates.

Mr. Bob Best, NSSBA, furnished the committee a copy of proposed amendments which have been agreed upon by Bob Petroni and John Gamble (see Exhibit C for amendment).

Senator Bryan referred to page 1, line 8 and feels additional language should be added, i.e. "Physical or mental incapacity which renders such person unfit for service".

Senator Neal feels there is a problem with page 1, lines 11 & 12, which refers to advocating to overthrow the Federal Government. Mr. Petroni stated that the Professional Practice Act, as it is now written, does not seem to him to be constitutional anymore unless it uses the wording "knowingly" advocate. Senator Neal asked if they weren't placing a burden upon a teacher who teaches school and deals with ideas that are passed on to the students. Mr. Petroni replied that that was not advocating by use of force violence or unlawful means as long as the Communist Party is lawful

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within the curriculum. Senator Schofield feels that we need something like this in order to protect ourselves. Mr. Morgan stated that he would consent to this because the process is protected through a hearing process; a person is not going to be deprived of life and liberty issue without a proper hearing. Senator Neal stated that there are a lot of teachers who feel that schools should be used for propaganda purposes. Mr. Petroni stated that the protecting words in this bill are "force, violence and unlawful means", and the judicial review protects even further. Senator Neal feels that "knowingly advocate" are the force words. Senator Blakemore asked Senator Neal if he felt it was alright to teach communism in the schools; Senator Neal replied that he was not adverse to any ideas and feels that students should be exposed to ideas, but just because a person says it, he should not be subject to a job loss.

Mr. Petroni went on to advise that on page 1, line 16, the wording "and administrators" would be added to the language. Mr. Morgan stated that lines 18, 19 & 20 on page 1 would be deleted. The new language to be inserted is shown in Exhibit B. Line 21, page 1 shall read "The rules of procedures shall provide for local boards of trustees or the superintendent...". A period will be placed after the word "exist" on line 22, and the remaining lines 23 & 24 will be deleted. The new language for Section 4, page 2, is shown in Exhibit B. Mr. Morgan further stated that they do disagree on who should hold the hearings, and as indicated in Exhibit B, Mr. Morgan feels a hearing officer should conduct such hearings. Mr. Morgan does not feel that the statutes set up the State Board of Education to sit through two days of hearing. Mr. Morgan feels that the legal process is going to be aided if a trained legal officer holds the hearing. The State Board of Education would take the findings of fact and make conclusions.

Mr. Petroni advised that the present hearing officer comes from the Professional Practice Act. There is a list of attorneys throughout the State from which the hearing officer is chosen and they receive \$150 a day to sit in on these cases. The problem with the list of attorneys is that there are attorneys that are on this list that no longer want to serve. Mr. Petroni does not feel that we get educational expertise out of this. Mr. Petroni would rather that the Legislature look towards developing a full-time concept hearing officer, whose duties could include local problems. Mr. Morgan stated that he has no objection to this, although it requires an expenditure that he did not feel they would get. Mr. Petroni advised that they could put the money for the State hearing officer into that budget.

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Mr. John Gamble feels that the hearing officer list is ineffective in that they have no way of updating the list unless they are notified by the attorneys on the list that they no longer wish to serve. Senator Bryan advised that each year they send out a notice to all people on the list to ascertain if they still desire to serve.

Senator Young moved "Do Pass" as amended by Mr. Morgan and refer back to committee; seconded by Senator Schofield, unanimously carried. (This shall include amendment to pg. 1, line 8).

Being no further business at this time, the meeting was adjourned at 4:30 p.m.

Respectfully submitted,


Sharon W. Maher, Secretary

ROOM # 323DAY MondayDATE 3-24-75

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ORGANIZATIONADDRESS

Richard Morgan	NSEA
Wendell K. Deussen	NSEA
Angie Woodhouse	Clark Co Teachers
Evelyn Clarke	Mineral Co Teachers
Bob Best	N.S.S.B.A.
Robert J. Petronij	Clark County Schools
John R. Samuels	Dept of Educ

p 1, Line 9 Delete all.

Insert new language--

"Conviction of a felony or sex offense as defined by the criminal laws of Nevada which involves a student."

p 1, line 10 Delete all, renumber.

p 1, Line 16 Delete "period", insert "and administrators".

Insert lines 9 through 24 in S.B. 22
following line 16 in S.B. 212

p 1, Delete lines 18, 19, 20.

Insert new language--

1. "The Attorney General shall promulgate rules of procedure for the conduct of hearings involving suspension or revocation of teachers' or administrators' certificates which shall be adopted by the State Board of Education.

p 1, line 21, following word "for", insert "Local boards of trustees or"

p 1, line 22, Insert (.) period after work "exists". Delete word "and" on line 22 and all of lines 23 and 24.

p 2, Insert new Section 4.

4. A hearing officer, qualified under NRS 391.3161, and selected according to provisions of NRS 391.3165 and NRS 391.3191 shall conduct the hearing and report findings of fact and conclusions of law to the state board of education. The state board shall have power to order suspension or revocation of the certificate.

NEVADA STATE SCHOOL BOARDS ASSOCIATION

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

PHONE: 883-0443

March 5, 1975

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Senator Richard Bryan, Chairman
Senate Education Committee
Nevada State Legislature
Carson City, Nevada 89701

Dear Dick:

Bob Petroni, John Gamble and I agreed on the wording below for S.B. 212.

Dick Morgan told Bob Petroni he agreed with this wording also but wanted another change. He would like to have a hearing officer. We think the present wording is better with the state board of education responsible for the hearings.

S.B. 212

Page 1, line 9 to read as follows:

Conviction of a felony or crime involving a sex offense as defined by the criminal laws of Nevada.

line 10

Delete

line 24, add to sentence the following:

and local boards of trustees.

At end of bill add Sec 4 from S.B. 22, copy attached.

Sincerely,



Robert Best
Executive Secretary

1 subject it to revocation, and the same shall not be restored or a new one
 2 granted within 1 year after such forfeiture or revocation.] Any teacher,
 3 principal or superintendent who knowingly reports, causes to be reported,
 4 or permits to be reported the presence of any pupil at school when the
 5 pupil was absent, or when school was not in session, shall subject his
 6 certificate or life diploma to suspension or revocation; and if revoked or
 7 suspended, it shall not be restored or a new one granted within 1 year
 8 from the date of the revocation or suspension order.

9 SEC. 4. NRS 391.350 is hereby amended to read as follows:
 10 391.350 1. If any teacher employed by any board of trustees of a
 11 school district for a specified time [shall fail] fails to comply with the
 12 provisions of his contract without the written consent of the board of trust-
 13 tees, the teacher [shall be deemed] is guilty of unprofessional conduct. If
 14 such teacher's failure to comply with the provisions of his contract is the
 15 result of his having subsequently executed an employment contract with
 16 another board of trustees of a school district in this state without the
 17 written consent of the board of trustees first employing him, the second
 18 such contract is void.
 19 2. Upon receiving formal complaint from the board of trustees, sub-
 20 stantiated by conclusive evidence of such failure, the state board of educa-
 21 tion may suspend or revoke the certificate of the teacher [.] after notice
 22 and opportunity for a hearing.
 23 3. State education agencies in other states shall be notified of any
 24 revocation for the reasons set forth in this section.

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