

MINUTES

EDUCATION COMMITTEE  
MARCH 16, 1977  
3:16 p.m.

Members Present: Chairman Vergiels  
Mrs. Gomes  
Mr. Goodman  
Mr. Horn  
Mr. Kissam  
Mr. Schofield

Excused: Mr. Rhoads

Guests Present: See attached

AB 346 - Chairman Vergiels called the meeting to order and asked Wendell Newman, Assistant Executive Director of the Nevada State Education Association, to speak for the bill. Mr. Newman read a prepared statement, Exhibit A, supporting the bill for the following reasons: (1) eliminating of "certificated" because the bill already explains that; (2) substituting "admonition" for "admonishment" as being more correct; (3) relieving congestion of files by not retaining out-of-date information; (4) paying suspended employee because his misconduct is only alleged; (5) providing employee in question with hearing as part of due process; and (6) subjecting decision of hearing officer to judicial review.

Mr. Kissam asked how long a teacher usually has to wait for a hearing to which Mr. Newman replied four to six weeks.

Robert Cox, legal counsel for Washoe County School District, introduced Mike Horan, principal of Sparks High School, Chester Green, principal of Pine Middle School and David Hansen, principal of Anderson Elementary School, before speaking to the bill. He stated that (1) the letter of admonition should remain in the file because it serves to document the person's activity within the district, shows improvement if it has taken place, remains as part of the evaluation process which may be needed in the future if the teacher fails to improve; (2) Washoe County School District objects to paying teacher who is not performing. If this person is found innocent, back pay and compensation will be granted, but if found guilty, there is no way for the district to collect; and (3) the right of judicial review is one of the few distinctions between probationary and tenured teachers, one of the few areas of discretion afforded local school boards and should not be taken from them.

Mr. Cox admitted although he knew of several teachers suspended under the 2-day provision, he knew of none under the other procedure but stressed AB 346 would, in his opinion, make it virtually impossible for school boards to fire weak or inadequate teachers.

Ralph Cadwallader, principal of Western High School in Las Vegas, representing the Clark County School District, was concerned with the first portion of the bill, specifically lines 14 - 18, dealing with removal of admonition from certificated employee's folder. He described the process as being lengthy and complex, hopefully leading toward improvement, but showing cause for removal if that should become necessary. He said there is no way to dismiss a classified teacher with limited documentation.

When Mrs. Gomes asked whether admonishments would not be backed by evaluations, Mr. Cadwallader replied that evaluations of non-tenured teachers tend to be documentation in themselves but for non-probationary teachers he would want to have something in writing before writing anything adverse in the evaluation file.

Mr. Vergiels asked if he would agree with Kirk Adams, Las Vegas principal, in keeping admonitions for three years. Mr. Cadwallader replied that if the situation is serious enough for an admonition, it should be retained on a permanent basis.

Ray Morgan, principal of Gibson Junior High School in Las Vegas, spoke to the same point: removing documentation of admonition. He pointed out that in the one case in which he was involved, it was the accumulation of documented evidence over a period of time which made it possible to remove the teacher from the classroom.

Augie Orci, elementary school principal from North Las Vegas, also representing the Clark County School District, limited his remarks to lines 14 - 18, removal of admonitions from a teacher's file. He stressed it is important to establish a pattern of conduct, whether lack of planning, preparation of materials, personal habits, etc., to build a case while at the same time trying to help a teacher. Removing admonitions will increase the chances of a weak teacher remaining, concluded Mr. Orci.

Mr. Kissam questioned the differing time periods for differing deficiencies and wondered why a three-year time limit would not work. Mr. Orci again emphasized the importance of showing a pattern of unsatisfactory behavior over a period of time.

Bob Best, Executive Secretary of the Nevada State School Boards Association, reported the Association's unanimous opposition to AB 346. He reported all three changes as unacceptable because (1) records must be kept over a substantial period of time to allow for improvement or show proof of causes for dismissal; (2) Pay should not be continued because if the suspended employee is proved innocent, he is reinstated with back pay and seniority and, if not, the district is out a lot of money with no chance of recovery; and (3) the school board should retain the right to accept or reject the report of the hearing officer or commission. His prepared statement, Exhibit B, concluded that this bill would make it more difficult, to demote, dismiss or not re-employ teachers who are unsatisfactory and therefore the Association is opposed.

Bob Petroni, attorney for Clark County School District, also was concerned with changing the admonition provision because his experience has shown the need for continued documentation to obtain dismissal of a teacher. As for suspension with pay, Mr. Petroni gave dates, charges and amounts of money which would have been expended by the district under proposed changes in the law. He expressed additional concern about the last part which he feels gives the probationary teacher more protection than the tenured teacher because after final determination by the court, or 30 days, if no application is made for judicial review, the teacher can file in court and receive a salary while the school board can't take action until the court finally acts.

John Hawkins, superintendent of schools in Carson City, spoke for his school board in opposing the bill. He observed that in his case the greatest number of admonitions have been issued to administrators and this bill would apply to cover these administrators as well as teachers, he assumes.

During a brief recess Mr. Vergiels turned the gavel over to Mr. Horn, vice chairman, who then introduced Bob Craddock, Assemblyman of District #30, chief sponsor of AB 371, creating the Nevada Interscholastic activities association and prohibiting interscholastic events under certain circumstances.

AB 371 - Mr. Craddock's bill provides for two policy-making boards, the nine school trustees or their designees and the superintendents or their designees which would balance small areas against large area and represent all areas of the state in policy matters. In case of stalemate, the administrator or executive secretary, whose role would be enlarged, could act. His statement and appendices are included as Exhibit C.

Speaking in opposition to AB 371 was Robert W. Foard, principal of Earl Wooster High School in Reno, representing the AAA League, Division I, and the Washoe County School District. His main concern was removal of control from the principals, those most directly involved and the setting of mandatory reapportionment principles. His remarks are included as Exhibit D.

Robert Zander, superintendent of Elko County Schools, representing his Board of Trustees and the NIAA schools in Northeastern Nevada, opposed AB 371 for reasons as indicated by Mr. Foard. He pointed out that (1) presently 17 superintendents as a regulatory group were appointed by their trustees in 1973; and (2) NIAA is not an association based on numbers of students, but on number of high schools, a federation of schools to assist in the development of interscholastic activities and that participation in these activities is not a right but a privilege. He mentioned that each state in the national federation, regardless of size, has one vote.

Bert Cooper, Executive Secretary of NIAA, objected to AB 371 because he feels that under it there is no assurance that the schools would be directly represented. Further, with two boards making policy, it would be difficult to get anything done and pointed out the need for input from member schools. The national board, of which NIAA is a member, opposes this type of bill. The letter from the national secretary supporting this is attached as Exhibit E.

Mr. Craddock presented a letter from the national federation and one from the Superintendent of Public Instruction refuting Mr. Cooper's contention. They are attached as Exhibit F. Mr. Craddock said his bill does not remove principals, by law they have no position now. His bill would demand that they occupy subordinate positions and that there is nothing to keep superintendents or school trustees from doing just what they are doing now, appointing principals when and where needed.

Vice Chairman Horn appointed subcommittee with Mr. Kissam as chairman and including Mrs. Gomes, Mr. Craddock, Robert Foard, Robert Zander and Bert Cooper.

AB 389 - James P. Costa, deputy superintendent of the Department of Education, supported this bill which provides summer remedial program for those who need work in basic skills. The bill anticipates the need for remedial program and reinforces minimum competency in basic skills. His statement is attached as Exhibit G.

Marvin Moss, administrative assistant for curriculum for Washoe County School District, also supported the bill, saying that Washoe County has operated a summer school for 13 years, always supported by student funds. This bill, for the first time, will allow students who have been unable to get summer school instruction, to become part of it. His only recommendation would be to extend it to grades 1 - 6, rather than just 1 - 4.

Bob Best, favored AB 389 in his prepared statement, Exhibit H, as providing remedial classes for those who need extra help as proposed by the minimal competency-based bills.

Mr. Vergiels moved to adjourn the meeting and Mrs. Gomes seconded. The meeting was adjourned at 5:14 p.m.

Respectfully submitted

*David M. Cruff*  
Assembly Attache

GUEST LIST

	<u>NAME</u> (Please print)	<u>REPRESENTING</u>	<u>WISH TO SPEAK</u>	
			Yes	No
OK	Arlo K. Funk	Min. Co. Sch. Dist		-
OK	TOD CARLINI	Lyon Co. Sch. Dist		✓
OK	C Robert Cox LEGAL COUN	Washoe County S. V. Dist	✓ 346	
OK	Mike Horan	"	✓ 346	
OK	Chester Green	"	✓ 346	
OK	David Hansen	"	✓ 346	
	Marvin MOSS	Washoe County School	389	
OK	Bob Ford	Washoe County Schools AAA League	371	✓
OK	Bob Bost 3	Var State School Board Assoc.	346 359 271	
	<del>Pat Hamblin</del>	Nevada State Education Assoc. + Washoe County Sch. Dist	? 346	
OK	Ralph Reddick	Clark Co. School Dist	346	✓
OK	AUGIE ORCI } 2	CLARK COUNTY School Dist	346	-
OK	Ray Morrison } 2	" " " "	346	✓
OK	Wendell K. Neumann	Nevada State Ed. Assn.	346	✓
	<del>Robert Rose</del>	NSEA	346?	
OK	R. Zander	Elko County School Dist.	371	•
	R. Brazier	Parshing Co. Sch. Dist	371	•
OK	Bert J. Cooper	NIAA	371	•
OK	Robert Petroni 4	Clark County School	346	
OK	Laine Woodhouse	NSEA		✓
	E. B. Sealy	WCTA		✓
OK	Jim Costa	Dept. of Education	339	

NEVADA STATE EDUCATION ASSOCIATION  
TESTIMONY ON A.B. 346  
MARCH 14, 1977

The Nevada State Education Association supports A.B. 346 and encourages a "do pass" vote by the Assembly Committee on Education.

We believe this bill is worthy of passage for the following reasons:

A. In Section 1, the term certificated should be deleted as the bill provides because the description of the act identifies certificated personnel as those affected. In other words, its a matter of repetition and redundancy.

B. In Section 1 (B) the substitution of the word admonition for admonishment is proper and more grammatically correct.

C. Again in Section 1(B) if the employee has met the requirements of the admonition and satisfactory improvements has been made, it is unnecessary to congest the records and files of the employee with the admonition and all related notes or other supporting evidence.

The basis for the use of admonitions and evaluations is the improvement of instruction and learning environments. If satisfactory improvements take place obviously there is no need to pollute personnel records and files with outdated material.

D. Section 2(1). The suspended employee should receive his or her normal pay and other benefits because until a hearing is held or the employee is determined to be, in fact, guilty of the cause for suspension, the cause or charges are only alleged. There is no justification for action to withhold salary and benefits until the employment contract is terminated by dismissal or nonre-employment proceedings.

In fact unless the employee is causing an unsafe situation or jeopardizing students' health and welfare, we believe the employee should be allowed to remain in his or her position until final disposition of the problem.

Naturally loss of pay for any length of time can and usually does work a severe hardship on employees and their families. It can cause a loss of retirement contribution, requiring additional teaching time later during the teaching career. It can sever an insurance program for an entire family placing health and medical service in jeopardy.

Likewise withholding of compensation can cause embarrassment and possible loss of property and dignity. Family savings and assets can be depleted very rapidly forcing utilization of welfare programs that might normally not have been necessary. We further believe good teachers who wish to stay in the teaching profession are forced to leave education rather than expose themselves to lengthy and expensive litigation. This type of exposure often causes strained family relationships and social discomfort for the spouse and children.

Section 2 (3) states "if sufficient grounds for dismissal do not exist, the employee shall be reinstated without loss of compensation". This supports the contention that it is not the intent of the law to punish the employee by withholding pay and other normal benefits, unless Section 4 is the basis for suspension. Therefore, it seems the real purpose for suspension under Section 1, is not intended to be punitive, but one of protection of the instructional program and environment until the problem can be corrected.

E. Section 3 (3), employees should be entitled to a hearing rather than what appears to be discretionary authority of the employer. Unrestricted opportunity for due process is basic to the United States Constitution.

F. Section 3 (4). The decision of the hearing officer or commission should be subject to judicial review. We don't believe any citizen should be denied the right of appeal. Probationary or post-probationary status seems to be no justification at all for determining which citizen should have the right to appeal a decision to a higher authoritative body. Again, denial of this right runs counter to the <sup>e</sup>tenants of the United States Constitution.

It is only fair that the decision of a neutral third party, whether it be a hearing officer, hearing commission or court judge should stand as the final and prevailing determination of the dismissal or nonre-employment of an employee.



March 16, 1977  
Testimony Before The Assembly Committee on Education  
by  
The Nevada State School Boards Association on A.B. 346.

Nevada State School Boards Association in their conference in Carson City on March 10, 1977 took unanimous action to vigorously oppose A.B. 346.

There are three major changes to the present statute in the bill. None are acceptable.

1. Line 14 through 18 on page one calls for removing from the records of an employee who has been admonished, the record of the admonishment and all notations and indications of its having been issued at the end of the time allowed for improvement which shall not exceed three months, if the employee has met the standards of improvement set for him by the administrator who issued the admonition.

We submit that a record must be kept for a substantial period of time past the three months allowed for improvement in order to fulfill the purpose of the admonishment.

The present law provides for the admonition procedure to be used when an administrator charged with supervision of a certificated employee believes that the matter may lead to demotion, dismissal, or cause the certificated employee not to be reemployed.

If the certificated employee fails to maintain the standards required following the first three month period, the record of the first admonishment is needed in order to affect a demotion, dismissal or cause the certificated employee not to be reemployed. The proposed change in the law would make it even more difficult than now to demote, dismiss, or not reemploy an unsatisfactory teacher.

2. Line 9 through line 13 on page 2 changes the law to provide full pay and other benefits to a suspended certificated employee during the term of the suspension with the exception a disciplinary suspension imposed under subsection 4 of NRS 391.314, and continue until dismissal or conviction. At present pay and benefits cease upon suspension and if the charge is dismissed or if the employee is found not guilty, he shall be reinstated with back pay and normal seniority. Pay and benefits must continue to be stopped upon suspension. If a suspended employee's case drags out ever a long period of time before being found guilty, the district could be out a large sum of money with no chance of recovery.

3. Lines 42 through 46 on page 2 refer to probationary teachers. The change sought in the bill would make the decision of the hearing officer or hearing commission in cases of dismissal or nonrenewal of a probationary teacher subject to judicial review. The board would then have to act according to the decision of the court or of the hearing officer or hearing commission.

The proposed procedure would make it more difficult to dismiss or not to reemploy a probationary teacher than a tenure teacher.

At present the school board receives the report of the hearing officer or hearing commission and may accept or reject the recommendation. The board's decision is final and not subject to judicial review.

*All together*  
Althogether this bill would make it more difficult to demote, dismiss or not reemploy teachers who are unsatisfactory and the Nevada State School Boards Association finds it completely unacceptable.

ASSEMBLY EDUCATION COMMITTEE:

THANK YOU, MR. CHAIRMAN AND MEMBERS. FOR THE RECORD, I AM ASSEMBLYMAN CRADDOCK, DISTRICT 20.

TO BEGIN WITH, I WOULD LIKE TO DISPEL A STORY THAT WAS ADVANCED TWO YEARS AGO RELATING TO THE NEVADA INTERSCHOLASTIC ACTIVITIES (NIAA). I AM NOT HERE BECAUSE OF INVOLVEMENT BY MY OWN OR ANY DISSATISFACTION THAT I MAY HAVE FELT IN TIMES PAST. MY ONLY HIGH SCHOOL STUDENT HAS PARTICIPATED IN HIS LAST INTERSCHOLASTIC EVENT. HE IS A SENIOR AND I AM, IN NO WAY, DISGRUNTLED WITH HIS ACCOMPLISHMENTS.

PURSUANT TO AN ENABLING ACT OF THE '73 SESSION, N.R.S. 386.420, THE SEVENTEEN COUNTY SCHOOL SUPERINTENDENTS HAVE ASSUMED THE ROLE OF POLICY MAKERS FOR ALL INTERSCHOLASTIC ACTIVITIES IN THE PUBLIC SCHOOLS. AS REFLECTED ON CHART "A" BEFORE YOU, THE TWELVE MEMEBER SUBORDINATE BOARD OR NIAA BOARD OF CONTROL IS GENERALLY AN ADMINISTRATIVE BODY MADE UP OF ELEVEN MEMBERS FROM SEVEN GEOGRAPHICAL AREAS WITHIN THE STATE AND ONE AT-LARGE MEMBER SELECTED BY THE OTHER BOARD MEMBERS FROM A LIST SUBMITTED BY THE SEVENTEEN SUPERINTENDENTS. THREE MEMBERS ARE SCHOOL DISTRICT TRUSTEES, OR IN EFFECT A POLICY MAKER OVER A SUPERINTENDENT, ONE IS A SUPERINTENDENT SELCTED BY HIS PEERS, ONE IS QUALIFIED TO RUN FOR OFFICE BY THE SUPERINTENDENTS WHILE THE OTHER SEVEN ARE GENERALLY PRINCIPALS. THE BOARD OF CONTROL IS A HODGE-PODGE OF OVERLAP AND DUPLICATION THAT HAS RESULTED FROM LESS THAN FOUR YEARS OF GRAPPLING WITH THE PROBLEM OF REPRESENTATION IN THE INTEREST OF STUDENTS IN VARIOUS SIZE SCHOOLS WITHIN COUNTIES WITH SECONDARY STUDENT POPULATIONS RANGING FROM 58% (CLARK) TO NONE (ESMERALDA) AND IT DON'T WORK!

I AM PREPARED TO DOCUMENT THAT LAST STATEMENT IN DISCOURAGING DEPTH. A.B. 371 WAS DESIGNED TO INSURE THAT THE INTEREST OF ALL SCHOOLS WITHIN OUR STATE ARE REPRESENTED IN POLICY MATTERS. SEE CHART "B". THE FIRST LINES ARE A CHANGE OF WORDING AND MAKE NO SUBSTANTIAL CHANGE. LINES 6 THROUGH 16 ESTABLISH DUAL POLICY BOARDS, MUCH AS OUR UNITED STATES CONGRESS, ONE REPRESENTING THE SEVENTEEN POLITICAL SUBDIVISIONS WHILE THE OTHER REPRESENTS THE POPULATION.

LINE 17 THROUGH LINE 3 OF THE SECOND PAGE ESTABLISHES THE RESPONSIBILITIES OF THE POLICY BOARDS. IF A MATTER BROUGHT BEFORE THE BOARDS IS NOT IN THE INTEREST OF THE SMALL SCHOOLS, THE SEVENTEEN MEMBER BOARD WILL REJECT SUCH AN IDEA. IF A MATTER BROUGHT BEFORE THE BOARDS IS NOT IN THE INTEREST OF THE LARGE SCHOOLS, THE NINE MEMBER BOARD WOULD REJECT IT. ANY MATTER THAT IS NOT GOOD FOR THE SMALL AND THE LARGE SHOULD NEVER BE POLICY, AND IS AN ADMINISTRATIVE QUESTION OR PROBLEM.

SUBSECTION 3, BEGINNING ON LINE 21, REQUIRES THAT THE POLICY BOARD HIRE A CHIEF ADMINISTRATOR AND FIX THE DUTIES, POWERS AND CONDITIONS OF EMPLOYMENT FOR SAME.

SUBSECTION 4 IS DESIGNED TO CAUSE ANY SUBORDINATE BOARD MEMBERS TO BE SELECTED FROM AMONG THE PERSONNEL OF THE AFFECTED SCHOOLS, THEREBY SOLVING THE AGE-OLD QUIBBLE THAT HAS RESULTED FROM DIFFERENT SIZE SCHOOLS HAVING DIFFERING NEEDS.

IT IS FELT BY MANY OF THE EXPERTS IN THE AREA THAT SUCH ORGANIZATIONAL STRUCTURE WOULD CAUSE THE NIAA TO VEST MUCH MORE RESPONSIBILITY AND AUTHORITY WITH THE ADMINISTRATOR, WHERE IT WOULD BE READILY AVAILABLE TO ALL.

SECTION 2, SUBSECTION 1, IS A MATTER OF CHOICE OF WORDS. WHILE SUBSECTION 2 ENFORCES THE PROVISIONS ENTAILED BY PROHIBITION OF EVENTS

AFTER JULY 1, 1978.

I WOULD LIKE TO RESERVE TIME AT THE CONCLUSION OF YOUR HEARING TO RESPOND AS NEEDED TO OPPOSITION, IF ANY.

ANY QUESTIONS?

NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION

Chart "A"

ORGANIZATION CHART

172

Legislative Commission  
made up of  
County Superintendents

NIAA Board of Control

*PRESIDENT	**DISTRICT I two members	**DISTRICT II one member	**DISTRICT III one member	**DISTRICT IV three members	***AT-LARGE Statewide one member
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\*\*\*\*School Trustees

CLARK COUNTY  
one member

CARSON CITY,  
WASHOE COUNTY  
one member

OTHER COUNTIES  
one member

Voting Members

Executive Secretary

District One  
Member Schools  
12

District Two  
Member Schools  
9

District Three  
Member Schools  
12

District Four  
Member Schools  
21

\*Elected by Legislative Commission

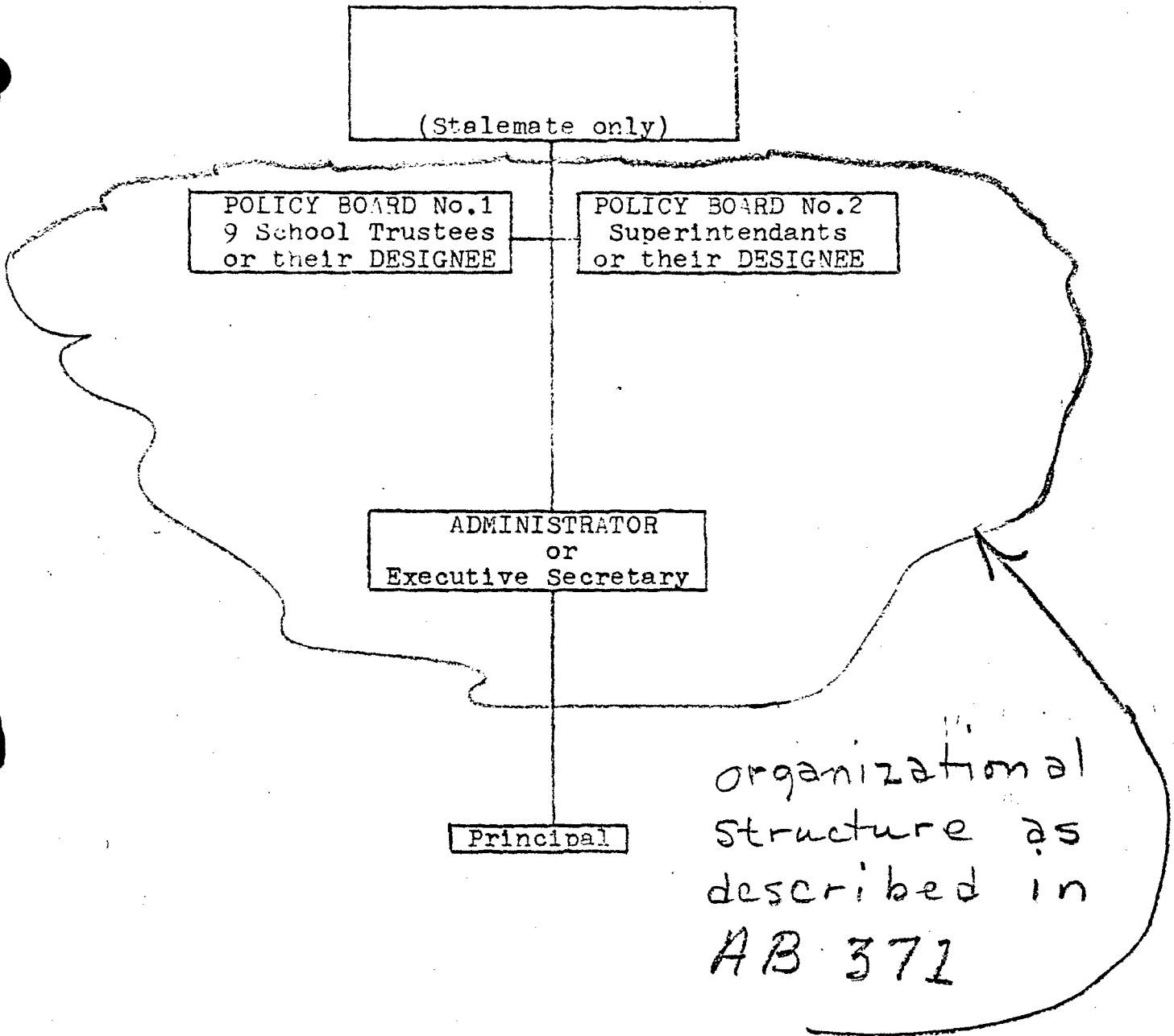
\*\*Administrative District Representatives  
elected by the member schools  
(each school has one vote)

\*\*\*Elected by the Board of Control

\*\*\*\*Elected by the Trustees of the district  
or districts

Proposed Organizational Structure  
(NIAA)

Chart B



Policy shall be established and an Administrator employed by a majority vote of each of the Policymaking Boards. In the event of a stalemate, the final proposal of each Board shall be submitted to \_\_\_\_\_ who shall accept one without change.

Date: October 21, 1976

16--pages

*Comments*

Mr. Zander, President: "At this time I would call on Mr. Craddock to come up here, or wherever you want."

Bob Craddock: "Thank you Mr. President. Before I begin, if I may I would pass out what I have put together in the form of a presentation. I don't have enough copies so I'll ask you to share as we go around. I thought it was rather enlightening to find that the very thing that got me involved in the Interscholastic Activities Association in the first place some three years ago is still upermost in our minds, and that is All-Star competition.

Three years ago the Eldorado High School Junion-Varsity football team had an All-Star game with the Nellis All-Stars. At that time I appeared and had some discussion with the Superintendent of Schools on that subject and was of the opinion that it was probably illegal. He concurred, but it was still conducted.

That bothered me and has ever since and I'm glad to see that you are still in the middle of that area.

If any of you live in a remote area, I have three more copies that I can pass out to you.

I feel that probably, at best, as far as state law is concerned, you're heading for some possible re-phrasing of the law.

We have an attorney available, Mr. Robert Petroni, so I'm going to ask him to read the law from AB 259, as it exists today.



it out."

Petroni: "Is this the bill that was introduced?"

Craddock: "It was introduced but it is a revision of NRS 386. I have underlined what I think is the law, Bob."

Petroni: "The county school districts' trustees may form a non-profit association composed of all of the school districts of the state for the purpose of controlling, supervising and regulating all interscholastic athletic events and other interscholastic events in the public schools."

Craddock: "From that I gather that you, the board, are operating under an enabling act, NRS 386. And that enabling act authorizes you to control, supervise and regulate all, ALL interscholastic events in the public schools. I feel that when we take on the responsibility of establishing the organization we also take on the responsibility of complying with it to the letter. Although some of us may disagree, I feel that when it says all, it means precisely that. When we fail to do so I believe that it probably is in violation, although there may be people who would disagree.

The Organizational structure I have shown on the front cover of my presentation is solely for the purpose of trying to establish a way whereby we can have a meaningful input from the small counties (population-wise) as well as the population pockets.

I know of no better way to accomplish this. If one does, I would appreciate the help. I feel that it is important for us to have a meaningful voice from the small

counties as well as from the population pockets. I fell also strongly that the Administrator should be placed in a position of having the authority to "move" on things, he has some limited authority now, granted he has a lot of responsibilities and of course he is a busy man. If he had the authority to make administrative decisions such as interpretation of rules and so on, it may work better as far as providing immediate input to the principals and the people in charge of the program. I feel strongly that the principal should have a direct access to the Administrator himself. I feel that if the principal has to go through half a dozen additional organizations, even one or two before he gets to the Administrator he is in extreme difficulties as far as getting an immediate or, ever, quick answer to his problems.

I have put together several things in my presentation, which you can read at your leisure, and some of them are somewhat, you might say, critical of the organization. Of course it is hard to disagree with someone and present a smooth presentation that is completely un-abrasive.

We will pass over the first three pages and resume on page four (4), with this thought in mind, any of you who disagree with the things I have written here or my premis under which I have made these comments, I have a brief case full of documentation. I would spend all day, all night and all of tomorrow trying to inform you as to the accuracy of my drawn conclusions to put those particular comments together, which may be abrasive to you.

The Dual-Legislative policy, as I said, I simply don't know of any better way to do it. In state law as Mr.

Petroni knows, and of course most of you as well, if not all. <sup>know</sup> At some times we get involved in making a law that applies only to certain population areas as far as counties are concerned and so on. We have a similar problem in the inter-scholastic activities, and of course the total school system, in that the rule that is good for the densely populated area or population pocket, of course is absolutely not palatable ~~at all~~ when it comes to the small area. If we can define policy, and I think it could be done, simply by saying follow the National Federation guide lines and anytime that you depart from those guide lines, Mr. Administrator, you will have to account for your departure.

Policy seems that simple. Maybe I'm over-simplifying the matter, but that is the way I feel about it. Policy could be a rather broad, sweeping thing, and set up in a way that the Administrator or Executive Secretary as we currently address him, could have guide lines to go by without being so implicit that he could not, in fact, perform. If we make the Administrative Officer responsible for all aspects of administration and executive decisions, he can then perform the functions that an executive or administrator should perform. Which currently, under the NIAA HANDBOOK, I really don't believe he can. Probably he would concur.

Establishing a method of annual evaluation of the Administrator is, I think, quite important and it could be done probably by a small committee coming from the two

policy boards which make up the dual majority.

The rules committee that I stuck in here from among the principals, vice-principals, and so on, is not reflected on the chart that I presented to you, because this is a suggestion. And I don't know exactly how to go about it and would certainly defer to your expertise and knowledge in that area. As far as establishing a review board for the purpose of resolving any charges or violations of rules and to do so in keeping with due process. I have a relatively strong feeling that it should fall back in the hands of Trustees of the School District, where the problem occurred in the first place, because they are probably, invariably responsible for the end result of any litigation or what have you. Should someone decide to go to court, I think that probably the Trustees in that particular district, could be somewhat cautioned to see to it that what they decide is correct, by way of letting them pay the cost of the litigation in the event that they are not correct. That would serve as a guide line, or, at the least, a slap on the wrist for them to say, 'Let's make sure we're correct.'

The Administrator should be authorized to establish additional committees as needed to take care of functions such as you perform on routine and sometimes even on a recurring basis. Probably the Administrator should handle routine and recurring problems.

The end result in an organization such as we have

here, with the proper boards and committees filled in, the policy makers make the policy and the Administrator administers the program.

I, for instance, don't know exactly where the Board of Control should fall; I don't think it should fall in direct line between the policy making authority and the Administrator himself. Maybe we could go to the side of the policy making authority and above the Administrator. A "review committee" could be set up probably below, and accountable to the Administrator for the purpose of reviewing rules and recommended rule changes, and so on, that are in fact originated with the principal, the person charged with the responsibility of operating the NIAA as it pertains to his particular school. But he doesn't have the authority to do what he feels should be done.

In the event of stalemate, tie, or dissatisfaction between the two policy making boards, someone should be placed in a position of deciding. I have thought in terms of, possibly, the Superintendent of Public Instructions, maybe we could give the Lieutenant Governor something to do, or perhaps the State Board of Education. I'm not hung up on who should do that because, frankly I don't think there would ever be a real stalemate when it comes to policy matters. We are all interested in, and our goals are all the same. Why should we not be able to discern a policy that is good for the total student population of the state of Nevada?

I would like to have your feedback concerning what could and should be done. For instance, as far as the state

law, as it stands. Do you agree that you are controlling, supervising, and regulating all Inter-scholastic activities? I don't think you can surely say that you are. I am not of the opinion that any time it takes three (3) continuous years, and I'm sure that you have been diligently pursuing the course, to try to establish some kind of a policy or guide line on All-Star competition you are getting your act together very well.

I don't want anyone to feel that I'm being unduly harsh about this. In times past I have been correctly accused of having a vested interest in this matter. I would be less than candid if I didn't admit it. I have two boys who are both rather good athletes and I am concerned with their welfare. But the thing that really gets to me is when I see the frustrations of my own and then attempt to multiply that by 66,000 high school students scattered throughout the state of NEvada. This is the point that it gets unbearable.

My own have adequately demonstrated an ability to stand on their own and get their act together. I'm really not here in the behalf of my own; any more than they are part of the 66,000. I'm more concerned about others, frankly, than I am my own.

I appreciate you time and would like to hear any comment that you have as relates to my proposal at this time. If you see fit not to give it at this point in time, I have a ton of confidential information to prove my veracity. If it is something that you feel could better be said in private. I pride myself in being trustworthy."

Mr. Zander: "Are there any comments?"

Petroni: "Yes. I think I'm involved in the background of this about as much as anybody, and I would like to bring you up on a little history of this Board as it stands today. As you recall, several years ago, before the Legislature enacted 386.420 we had a loosely knit organization, an informal association called the Nevada Interscholastic Activities Association (NIAA).

For many years, many states had these same type of associations throughout the country. The purposes they were formed for were similar to the NCAA, nation-wide, and that is to enact some sort of standards, regulations, policy at a state level, such as the NCAA does at a national level so local school districts can somehow or another be competitive with each other in athletic events.

Other interscholastic events, such as music, drama, etcetera, were not included at that time under the NIAA. The NCAA also forms policy and regulations establishing certain divisions within it, as far as athletic events are concerned. It has nothing to do with, that I know of, of any other interscholastic events nation wide. Several court suits were filed years ago challenging some of the rule making authority of these associations nation wide. So in order to protect themselves, associations started to form themselves into non-profit corporations, to protect the individual liability of the membership and the liability

of the association itself. One of the first states to do this was, I believe, Virginia or North Carolina. From them we obtained copies of their law. Mr. Lunt, myself, and several other members were appointed as a committee to look into this for our State.

As a result of this we tried to come up with a law which would be as general as possible, that is not a law whereby the state or the State Board of Education, or any state level authority would, in fact, be governing the school districts, to allow them to form into a non-profit association according to Nevada State Law and manage their own affairs.

Now, therefore, the law was pretty general as then passed. I'll admit that all laws when passed, Mr. Craddock will tell you that, are not perfect and that's why the Legislature needs to correct laws which they passed previous years. However, we felt that it was the best that we could get at the time. The general language was used, control, supervise, and regulate all the interscholastic events, and then somebody decided, 'well what about all athletic and interscholastic events'; so that was included also.

The Association itself took over a year to form, as I recall, we had several non-profit corporation papers drawn up. The administrators, the superintendents met several times to go over it. The Board of Control, at that time, went over it. And from that we had the final adoption of the incorporation by the school trustees, through their designated representatives which were the Superintendents



of Schools. I believe it was indicated in the minutes of our Clark County School Board meeting that Dr. Guinn was appointed to represent the Board for the purpose of forming this Corporation. This was requested to be done by every school district in the State so that we could follow the non-profit association laws of the State of Nevada, to show that we had a legal existence. From that time the Administrative Association, the Superintendents, went over the rules and regulations of the Association, as I recall, part of the rules and regulations were adopted by the Superintendents and the other part was left to the Board of Control to actually amend or change in a way so that we could govern ourselves.

There was a system set up for appeals of students to be heard within the Association when declared ineligible, or other problems, because the law provided for some sort of a reviewing authority. It didn't specify what type of reviewing authority it should be. In addition, the Association itself set general standards and guide lines and specific guide lines in areas of eligibility and athletic contests, especially in Zone Tournaments and State Tournaments. And the money has now been turned over to the Association in programs as I recall for use by Mr. Cooper in his office. The local administration of the athletic events as well, such as in the NCAA is left to the local school district. The only real requirement is that they do not set any policy rules or regulation that are in direct conflict with the NIAA policy rules and regulations in interscholastic athletic

events. From time to time, yes, there will be arguments as to whether or not a certain school is following the rules and regulations of both the School District and the NIAA. If it is not, a school principal within a school district has a right to bring a charge or an accusation which will be then reviewed first by the local school board and if they do not correct it, according to the NIAA regulations, then it comes to this body. (As I recall; it has been a while since I reviewed it.)

If there would be any change in the law, I do agree Mr. Craddock, here, has some good ideas.

However, most of these ideas can be carried out under the present law merely by maybe making some changes in your own by-laws and rules and regulations.

For instance, if establishing a dual legislature, limited to policy making only, you do have a policy making body which are the superintendents of the schools right now designated by the school boards. So you do have a policy making body. They should be defining policy. If you want to shift that burden to the school trustees, I believe the school trustees could, under the present law, redesignate themselves as the policy making board and take this function away from the Superintendents, since the law provides that the School Trustees shall form the non-profit association.

Number three (3), where he (Craddock) has make the administrative officer responsible for all aspects of administra-

tion and executive decisions, I believe Mr. Cooper should, and does have that responsibility now. If he doesn't, or is not carrying out that responsibility then this board and the Administrative Association of Superintendents could see that he does do so or clarify what he is to do.

Number four (4): Establish a method of evaluating the Administrator annually. That should be done by the Superintendents Association. There is nothing to prevent them from not doing that now.

Number five (5): Establish a "rules committee" from among the secondary principals, vice-principals, etcetera. I believe that could be done by designation by the policy making body which are the Superintendents.

A non-profit association is general as far as how you set yourself up. You can set yourself up along all these guide lines if you so desire by changing the articles of incorporation.

Number six (6): Establish a review board for the purpose of resolving charges of violations. Myself, I have always contended that we do need to speed up the due process in eligibility situations involving students, and possibly in situations where two schools are contesting each other in the eligibility of students. This of course can be done too. It's just a matter of logistics and how fast you want to get people and who is available to take their time to do it. But it could be done under your present organizational structure.

Number seven (7): Authorize the Administrator to establish a committee or boards as needed. I believe this could also be done. The non-profit laws of the State of Nevada, by merely amending your articles of incorporation to delegate this authority to the Superintendents Association, or the School Trustees directly could take this authority and set up these boards as needed.

I understand Mr. Craddock, you had the bill in the last Legislature. It was more of a bill almost to reapportion the board than actually to change the lot of the policy making authority, as I recall, because you wanted to have a Legislative Board controlled of four members of the Board of Trustees of the Clark County School District, two members chosen by the Board of Trustees of Washoe County and one by the Boards of the other school districts. As I recall they didn't have to be Trustees themselves to be chosen. In other words, the boards could designate four, two, one. Right? "

Craddock: "Right."

Petroni: "Who would then be a policy making board, actually like the Superintendents are now."

Craddock: "No, no...that's incorrect I believe. At least it is incorrect as far as intent is concerned. I believe that if you read carefully, you will find that it is incorrect to the letter of the law or Bill as well."

Petroni: "Excuse me, I just want to read this. Maybe this will clarify it. You had the Legislative Board to be composed of those trustee members or their designees and then you had the Legislative Board and the Control Board by majority vote responsible for establishing and implementing policy respecting the purposes of the Association. That's actually what is occurring now. The Superintendents and the Control Board actually set policy."

Craddock: "Again, pardon my interruption, Bob. The boards that I had in the bill before were misunderstood because of familiarity in nomenclature of the boards. There was no seniority as far as those two boards were concerned. It was exactly as the structure that I have on the front cover, except for one thing. Namely the nine member board was, in fact, a seven (7) member board. It was exactly like you have before you today. Exactly! It didn't have the stalemate breaker at the top. It didn't have the principal directly at the bottom, but the middle portion is exactly what AB 359 said."

Petroni: "As I recall, this board, by its own motion, enlarged the association to include trustee members and a woman member-at-large on the board in the last couple of years. So that was done also under our non-profit association.

I am going to say, Assemblyman Craddock, there are a lot of things you can do under the present law which you may not need as, as many changes as you feel you need under the present law, to get established what you feel would be a proper direction for the NIAA."

Craddock: "What I feel, really, I don't want to have a big

emphasis on any of what the experts in the area think. All I want to do is present my side of the coin and if I'm wrong I'll back off and go home and feel happy that I got defeated. There is no question about that. I don't want to impose my thinking on anyone, but I want someone to be able to explain to me how the small school, as versus the large school, is going to resolve their individual problem. And I want someone to show me in that book you have before you, Mr. Petroni, where Mr. Cooper, let's call him by name, the Executive Secretary has any meaningful authority or responsibility today. Responsibilities, he has quite a few, but he has no authority. He can't interpret a rule and you know that. And he can't do many other things that you have to do, that any Administrator has to do in order to make anything perform or function. He can't do it!

Inside the front cover of that book, there is listed every page that has a responsibility for the Administrator or Executive Secretary. It's noted on the inside the cover of that book. Here is a list of the pages where the responsibilities are listed and here is a list of the pages where the authorities are listed. They are shaded in yellow. Look at them! And if I have missed any, I'm sorry. He has no authority and very little responsibility." Petroni: "I understand that, but under the present structure they could give him such authority if they so desired. What you are asking for is that they have to give him the

authority."

Craddock: "One more point and I'll hush. I feel strongly that reorganization from within, when you have this small school versus large school bickering, in a meaningful fashion is between remote and non-existent. And if I'm wrong in that area, tell me, I'll be happy not to devote any more of my time to this subject. Thank you."

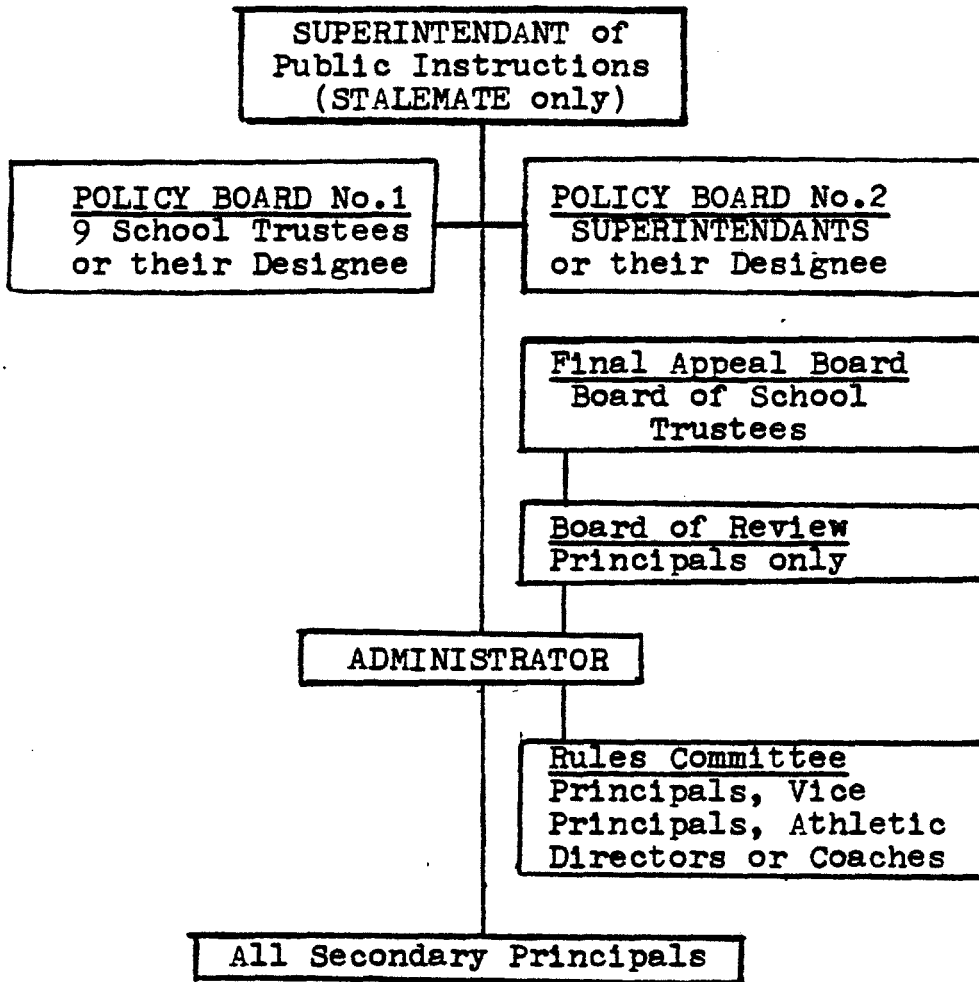
A motion was made and seconded that we recess for a ten minute coffee break.

Zander: "I think that's an excellent idea."

There was no further communication on this subject at this time.

RC/PKH

NIAA Proposed Organizational Structure  
or Suggested



Policy Boards No. 1 & 2 will establish matters of policy, employ the Administrator and set the terms and conditions of employment. In the event of stalemate, the final proposal of each Board shall be submitted to the Superintendent of Public Instructions who shall accept one without change.

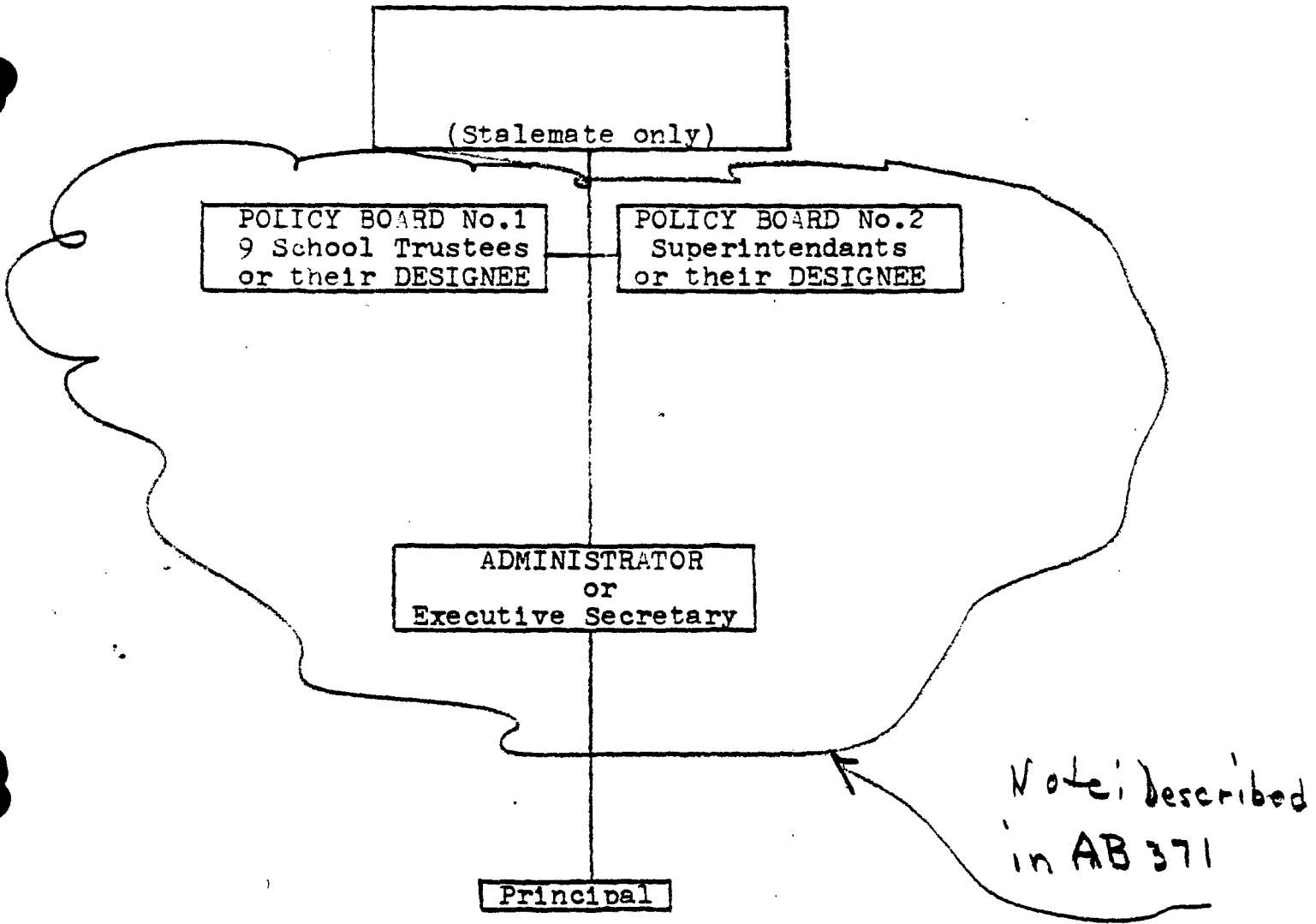
The Administrator shall establish a Rules Committee to review rules and regulations submitted for adoption by Principals.

A Board of Review Shall be established for the purpose of reviewing appeals from Administrator decisions.

The Board of School Trustees of the District wherein the question arose will accept and be responsible for appeals taken from decisions of Board of Review.



Proposed Organizational Structure  
(NIAA)



Policy shall be established and an Administrator employed by a majority vote of each of the Policymaking Boards. In the event of a stalemate, the final proposal of each Board shall be submitted to \_\_\_\_\_ who shall accept one without change.

The Nevada Interscholastic Activities Association

(NIAA)

Things that tend to justify change in the organizational structure.

1. Individuals that are not a part of the NIAA involved in controlling, supervising, or regulating interscholastic events are in violation of NRS 386.420.
2. It is generally reflected in the Board of Control minutes that the NIAA is not getting a maximum benefit from effort and expense.
3. Violation of rules and regulations often result from school level personnel predicating their practices on the fact that their counterpart got by with similar infractions, and that they must do so in order to win.
4. No clear chain of authority exists between the participants and policy makers, or administration.
5. No clear separation of authority or responsibility exists between the NIAA and the school.

6. No penalty is prescribed for many rule violations.
7. The Executive Secretary or Chief Administrative officer has no meaningful authority.
8. The two supervisory boards, Policy and Administrative, are a hodge podge of overlap and duplication, with a built-in prejudice to independent thought or personal conviction:
  - a. The president of the Board of Control is a member of, and elected by the Legislative Commission.
  - b. One member of the Board of Control is qualified to seek that office by the Legislative Commission.
  - c. An additional seven members of the Board of Control are under the direct supervision of a member of the Legislative Commission.
  - d. The other three members of the Board of Control are school trustees, or in fact, a member of a policy making Board in charge of a Superintendent.

e. Any significant action taken by the Board of Control is appealable to the Legislative Commission.

f. Appeals from Legislative Commission decisions logically fall on the Board of School Trustees; or in part, back where it started.

9. Since athletic accomplishments influence the school's academic climate, student population should be considered.

a. Three of the twelve members of the Board of Control are required to be from Clark County. And four are required to be from Administrative District four, 58% of the student population. Five is possible from Zone IV.

b. Nine of the seventeen Superintendents (the policy making authority or Legislative Commission) represent 6.6% of the student population. Extremes in representation are, one Superintendent represents a majority of the student population while one has no secondary school.

10. Timely change rarely comes from within. As far back as March 7, 1973 at the joint meeting of the County Superintendants and the NIAA Board of Control, the need for reorganization at the state and local level was emphasized.

Changes Under Consideration

1. Establish a dual Legislature limited to policy matters only.

- (Added)
2. Define policy, as matters that are supported by a majority vote of both Boards
  3. Make the Administrative Officer responsible for all

aspects of administration and executive decisions.

(Excluding the forgiveness of any violation or penalty

thereof). (Added) It determined to be Policy

4. Establish a method of evaluating Administrator annually.
5. Establish a Rules Committee from among the secondary principals, vice-principals, A.D., and coaches, (appointed by the Administrative Officer) for the purpose

promulgating rules and regulations pursuant to established policy and establishing penalties commensurate to each violation of such rules and regulations.

6. Establish a Review Board for the purpose of resolving charges of violations in keeping with the requirements of due process.
7. Authorize Administrator to establish committees or boards as needed.

Results Sought

1. Establish a state-wide organization isolated from local pressure that may seek quick change to satisfy the desires of the few, with the ability to follow the law. (See NRS 386.420)
2. Provide the Superintendents with a method of operating the NIAA that would require a minimum of their time.
3. Provide a ready access to binding administrative answers.
4. Ensure that all matters of policy are good for all schools, regardless of size.

5. Provide a voice based on population, since the educational climate for all students is in part determined by athletic accomplishments.
6. Provide a voice for all small counties that is meaningful.

### Conclusion

It is felt that the suggested dual majority would provide a check and balance between population pockets and sparsely populated regions. What other method of apportionment would protect the interest of both?

It has been suggested that the matter of policy determination could be made in one meeting by each body of the Dual Majority (not necessarily at the same place or time) for the purpose of hiring an Administrator and putting her or him in charge of the program, with instructions to follow the National Federation of State High Schools Association rules when practicable and that he or she would be held accountable for any and all variance therefrom. The Administrator should have the authority to appoint

a Rules Committee for the purpose of receiving and making recommendations on rules and regulations. Furthermore, a review board to meet the requirements of due process should be established as a matter of policy or as determined by the Administrator. Any stalemate between the Boards could be resolved readily by submitting the question to the Governor, Lt. Governor, State Board of Education, or Superintendent of Public Instructions. Policy should be established to allow for solutions of problems which manifest only due to the uniqueness of a given school or population pocket.

It is felt that any appeal from the decision of a board of review should go to the Board of School Trustees or their representatives wherein the question arose, and that respective Board of Trustees would be responsible for any and all litigation wherein their decision is not upheld in total, by any court in final determination. And that the NIAA would be responsible for any and all costs incurred when final judgment was in their complete support.



It is felt that the policy making Legislature would only be required to meet in the event that question pertaining to the performance of the Administrative Officer should arise, or major population changes.

A review board should be established to evaluate the performance of the Administrator annually.

Personnel now involved in student activities, outside of the NIAA, would have little to do other than scheduling events and policing for rule violations.

March 16, 1977

TO: Committee on Education, John M. Vergiel, Chairman  
Nevada State Assembly

FROM: *RWB* Robert W. Foard, Principal, Earl Wooster High School  
Representing: AAA League, Division I; Washoe County School District

RE: Assembly Bill No. 371

On behalf of the schools - Carson City, Hug, Reed, Reno, Sparks, and Wooster - of the AAA League, Division I and the Washoe County School District, I am pleased to be given the opportunity to appear before the Assembly's Committee on Education and speak in opposition to Assembly Bill No. 371.

After a careful study of the present structure of the Nevada Interscholastic Activities Association (N.I.A.A.) and comparing the present Association with the provisions set forth in A.B. 371 for structuring an interscholastic activities association for Nevada, certain deep concerns emerge.

A.B. 371 removes those individuals most directly responsible for activities programs, the principal, from any guarantee of a direct and influential voice in the make-up of the policy making boards (see A.B. 371, Sec. 1, a,b) and relegates the principal to a position of serving on subordinate boards or administrative positions (Sec. 1, paragraph 4). Under the present structure of the N.I.A.A. each member school has the right to nominate and then vote for his representative on the Board of Control, one of the two policy/regulatory boards now functioning. These representatives are elected from within assigned administrative district as established by the Association.

The two policy boards provided for in A.B. 371 are provided in a similar manner to the currently structured Nevada Interscholastic Activities Association (N.I.A.A.). The present Legislative Commission is composed of superintendents of schools from each of the county school districts. This Commission compliments the Board of Control in its functions while representing each of the seventeen counties. The Board of Control reflects approximate representation by student

population on the secondary level. A.B. 371 establishes by statute a fixed apportionment for one of its policy board which is designated as the board to represent students according to student population. Under the present governing structure for interscholastic activities this representation can be and is adjusted to maintain proper apportionment of representation rather than requiring further legislative action for adjustment as student population changes.

reorganization and restructuring of the interscholastic activities association procedure took place after the Legislative action in 1973 (NRS 386.420-470) with the new association structure being fully implemented on July 1, 1974. Important and significantly positive advancements have been made by the Association since that time. Schools and their students are directly represented on a regulatory board of the Association. The county school district trustees through their superintendents sitting on the Legislative Commission and with membership allotted on the Board of Control do retain their proper position of policy making, veto, and appeals.

It would be the sincere hope of the AAA Schools, Division I and of the Washoe County School District that the schools and school districts throughout the State of Nevada would be able to continue with their interscholastic activities programs based upon the present structure. In our discussions throughout this section of the state we do not find any support for A.B. 371. The Boards of Trustees and the superintendents do not desire to become directly involved in the "nitty-gritty" management of interscholastic programs, but would rather remain involved as they now are and have the details handled, within the policies established or approved by them, at the school and principal's level.

# National Federation



## Executive Offices

FEDERATION PLACE, POST OFFICE BOX 98 ELGIN, ILLINOIS 60120 Phone: 312-697-4100

CLIFFORD B. FAGAN, Executive Secretary

January 18, 1977

**RECEIVED**

JAN 20 1977

Nevada Interscholastic  
Activities Association


Mr. Bert L. Cooper, Executive Secretary  
Nevada Interscholastic Activities Association  
Carson City, NV 89710

Dear Mr. Cooper:

The enclosed copy of a letter is, I trust, self-explanatory without any additional comment.

Based on my experience and with extremely strong feelings in the matter, I believe the state association should be the responsibility of the membership that is the representatives of the member schools. For whatever it is worth, I do not favor the state associations being responsible to the general legislature nor to a state board of education or state school board. It is, of course, in the interest of good administration to cooperate with all educational groups when there is a philosophical agreement on the purpose and goals. The basis for my position of state association independence and autonomy is, of course, that frequently politically oriented boards and committees do not understand the needs of state high school activity organizations.

Very truly yours,

  
Clifford B. Fagan  
Executive Secretary

CBF/bb  
Encl.

# National Federation



## Executive Offices

400 LESLIE ST., POST OFFICE BOX 98 ELGIN, ILLINOIS 60120 Phone: 312 697-4100

CLIFFORD B. FAGAN, Executive Secretary

October 30, 1975

Mr. R. G. Craddock, Assemblyman  
6090 E. Lake Mead Blvd.  
Las Vegas, Nevada 89110

Dear Assemblyman Craddock:

We're sending to you with our compliments a copy of the most recent edition of the National Federation HANDBOOK. Our HANDBOOK is published only biennially. Therefore the next edition will not be available until January or February.

While the purposes of virtually all state high school athletic and activity organizations are very similar there are many differences in their organization and internal structures. These differences are due to tradition, to authority delegated by the membership, to the size of the state, to the distribution of the population and as a result the location of the schools. To make my point regarding the last reason for differences, one needs but to compare the needs of the associations of Alaska with those of Massachusetts.

Almost without exception, schools are members of state associations as units and as a result each school is allocated one vote. The great majority of membership representatives are either principals or superintendents. In my experience as the Executive Officer of a mid-west state for a rather extended tenure, I found it made no difference practically whether the representative was the superintendent or a principal. Both are administrators and I believe look at problems from the standpoint of the school as a whole, not from an athletic point of view. It is only fair that I report that membership in the administrative branch, that is in the Board of Control or the Executive Committee has been broadening down through the years. Not too many years ago Boards of Education, Coaches Organizations, Athletic Directors Organizations, Principals Associations and Superintendents Associations were not directly represented on Boards of Control. A great number of state associations provide for such representation at this time. It is my personal belief that this is appropriate.

However, on the basis of both experience and philosophy I maintain the majority of the representatives must come from school administrators because they have a direct responsibility, and by both experience and training are the most capable to deal with association matters. I acknowledge that because of the sophistication of interscholastic programs today, it is desirable to have ready and immediately available at Board of Control Meetings articulate and competent athletic directors. I'm of the opinion that School Boards should be directly represented on Boards of Control and that one or two can appropriately represent the interests of School Boards, because for the most part they will be concerned with policy and procedure rather than the application of it to a particular situation.

October 30, 1975

With absolutely no intention of being evasive I cannot comment specifically on the makeup of the administrative and legislative aspects of all the various associations. As I indicated in my first paragraph this varies and depends upon several factors. I would not attempt to judge which is an ideal arrangement although I do have some preferences based upon personal experience at the state level.

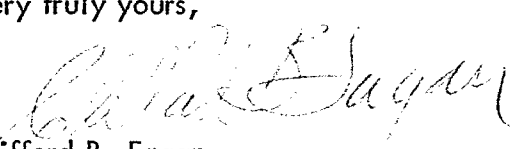
I would share your concern with having the chief Executive Officer, in most cases the Executive Director or Executive Secretary, being able to render interpretations and respond to requests for them, always acknowledging and providing for an appeal by a member school to the Board of Control. Not authorize the secretary to give this kind of information limits the possibility of immediate response and to that extent slows up the decision making process. We would emphasize the decision of the chief executive officer in interpreting the regulations and rules must always be subject to appeal. This assures a democratic process and of course is only fair to the membership.

To my knowledge no state association officers find fault with such an arrangement and in no situation I know of has it failed to serve the best interest of the membership.

The majority of state legislatures have not interfered with the schools in organizing and administering activity or athletic associations. State legislatures have recognized the school interscholastic program as an adjunct of the educational program and that the responsibility for administering it must be in the hands of the professional educators. I trust you will agree with me that the track record in the management of interscholastic athletics has been very good. Seven or eight state legislatures have adopted statutes regarding interscholastic associations. Generally these adoptions are in the form of enabling legislation which legalizes the athletic activity association.

We are grateful for the opportunity to express our opinions which are based on nearly three decades of athletic administration. Our interest is in protecting the interscholastic program so that it truly is an aspect of education and that both boys and girls may have in the future as well as today an opportunity for well administered and planned interscholastic competition.

Very truly yours,



Clifford B. Fagan  
Executive Secretary

CBF/bb



OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Capitol Complex

Carson City, Nevada 89710

JOHN R. GAMBLE  
Superintendent

September 22, 1976

MEMORANDUM

TO: Robert G. Craddock, Assemblyman, Clark County  
Nevada State Legislature

FROM: John R. Gamble, Superintendent

SUBJ: Comments on proposal re N.I.A.A. - R. Craddock,  
Assemblyman

First, I feel you should be commended for the volume of work and research in the preparation of your proposal. As I see it from your drafts, I can offer the following comments, both pro and con:

Possible benefits:

1. It appears to provide a better balance of representation on a statewide basis.
2. It would strengthen authority and responsibility of the executive director.
3. A single body of policy (National Federation) might make administration more uniform.
4. It appears to provide a simpler and more direct appeal process.

Possible disadvantages:

1. The ruling bodies are still on a employer-employee relationship which (as now) may cause some conflict.
2. I feel a stalemate situation should not be permitted to exist in a policy decision. Policy boards should resolve conflict within their own groups. In a discipline or decision appeal, an arbitrator might be necessary.

I would also suggest that many of the problems cited in the present situation seem to revolve around rules violations and inconsistency in interpretation and/or application of rules and/or policy. If this is the case, then there needs to be a procedure for a tighter operation which may or may not be possible under the present structure. I do feel quite strongly that it is impossible to legislate quality as such, or likewise morals. I believe we have to have a structure

Memo to: Robert G. Craddock  
Assemblyman

September 22, 1976  
Page 2.

that can provide for (as nearly as possible) development of policy on a truly objective basis, without personalities becoming involved, and keeping the basic purpose in the forefront; that is, that the whole purpose of the association is to provide the best climate in which our high school youth can compete. In so doing, we must depend upon the integrity of those we have chosen to administer our schools and school districts.

One other factor that I feel must be kept in mind, and that is that we must be careful not to impose too much on our local schools from too high a level. The autonomy of the local school district has been one of our greatest strengths in the education process in Nevada, and I would hope we could maintain that strength and concept. An organization that is structured by (or in close cooperation with) those directly involved--that is, principals, superintendents, and trustees--to meet needs as they see them, has the best chance of being successful.

These notes are my thoughts only as one person who has had an interest and involvement for a long period of time, and with the sole purpose of being of assistance in bringing about an equitable solution for the operation of an association of interscholastic activities in Nevada.

Good luck in your endeavors.

JRG:ms



STATEMENT OF  
THE DEPARTMENT OF EDUCATION  
TO THE  
ASSEMBLY COMMITTEE ON EDUCATION

Wednesday, March 16, 1977  
Room 214, 3:00 P.M.

A. B. 389 -- Includes summer school remedial programs in apportionments of State Distributive School Fund.

The opportunity for all pupils to develop skills in reading, language arts and mathematics is one of the Ten Common Goals for Education of the Department of Education, and I am sure all of the school districts have similar goals.

All pupils may not have the ability to develop these skills within the time and process used in a regular classroom. Additional instruction should be provided for these pupils. The summer months appear to be a good time because classes may be scheduled specifically and singularly for the subject of remediation. Summer instruction may also serve to reduce the rate of learning attrition that takes place with slow-learners between school years.

Certainly many schools have been operating remedial programs in these subjects for many years and will continue to do so. But when they do so, because of limited financial resources, other subjects in need of remedial attention must go unattended. A. B. 389 will provide some relief to this problem.

The State Department of Education is currently engaged in a program to assure minimum competency in the basic skills (reading, writing and arithmetic) for a student to receive a high school diploma. Many bills dealing with the subjects of competency have been introduced in this session of the Legislature. The provision common to the Department proposal and the bills is that there shall be opportunities for remedial instruction for the pupils who fail to demonstrate competency.

A. B. 389 is also a forward-looking measure. It anticipates the need for remediation that will result from the Department's Competency-Based Diploma Program, or any competency measure that the Legislature may adopt.

The provisions for management of the summer remedial program are similar to other programs being operated through the Department of Education. This has been a satisfactory procedure.

The Department of Education supports A. B. 389 and only regrets that the amount provided is not greater.

March 16, 1977

Testimony Before The Assembly Committee on  
Education By The Nevada State School  
Boards Association on A.B. 389

The Nevada State School Boards Association at their conference on March 10 in Carson City went on record as favoring A.B. 389.

With the special attention being given to the matter of pupils reaching certain levels of competency in basic subject areas it is appropriate to provide remedial classes for those who need extra help and that these summer remedial programs be entitled to state financial assistance.

It is our understanding that the funds allowed in the bill for these programs will be appropriated over and above the amount presently being considered for the distributive school fund.