

MINUTES

EDUCATION COMMITTEE

MARCH 21, 1977

3:05 p.m.

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

Guests Present Richard Wright, Washoe County School District
Harry W. Swainston, Attorney General's Office
Robert Best, NV State School Boards Assoc.
Merv Flander, Rehabilitation Div.
Betty Brinson, Wee-Express Pre-School
Bonnie Faehling, taxpayer
John F. Blaikie, Carson City School District
Dr. Marvin Sedway, NV State Board of Optometry
Rick Kuhlmeier
Ruby Ruedy, retired teacher
Verla Peavy, retired teacher
Debbie Shelton, parent, teacher
Robert Rose, NSEA
James P. Costa, Department of Education
Rita Hambleton
Merlin Anderson, Department of Education

Chairman called the meeting to order at 3:05 p.m. in Room 214 and started with AB 409.

AB 409 - John Jeffrey, chief sponsor of the bill, explained that he introduced this particular bill to meet the needs of a particular constituent who felt that his child, while not academically talented, had had pre-school training and was ready for school at an earlier age than that permitted under present statute. He pointed out his bill leaves to local districts the option of adopting this policy as well as the testing and details and provides that parents of such children should pay for the testing. He added he has asked that a fiscal impact statement be included on the bill since he submitted it.

Richard Wright, Washoe County School District, suggested that this option could be covered by NRS 388.490 and therefore, the bill is not needed. Furthermore, he charged the bill is discriminatory since it makes no provision for those who can't pay for testing and suggested there should be a fiscal impact because testing will cost money and, if the children are admitted, it will necessitate additional teachers. Mr. Wright will put his analysis in writing.

Assembly

Mrs. Gomes questioned the whole concept of admitting a child early, from physical, social as well as the academic and psychological points of view.

Robert Best, Executive Secretary of the Nevada State School Boards Association, stated his association has not taken action on the bill although Lyons, Douglas and Churchill counties informed him they are against it while Elko doesn't feel strongly. He gave a brief history of the cut-off date which gradually was moved back from December 30 in 1973 to its present September 30 date, so that now a child must be five to enter kindergarten and six to enter first grade. He pointed out Nevada has a program for the Academically Talented but that parents just feel their children are ready for school early. He suggested if something must be done, the date be moved to October 30. Mr. Vergiels asked for a written position from the Association.

John Blaikie, assistant superintendent of Carson City, took a poll among his kindergarten and first grade teachers, representing 97 years of experience in kindergarten and over 100 years of experience in first grade and obtained only one response in favor of the bill. Almost the entire staff felt the bill would cause problems for children and in transferring from district to district in the state. Mr. Blaikie also stated the bill is not specific about the academic and psychological testing and expressed his opinion there has seldom been a normal child registering for kindergarten who is not ready, even gifted. His teachers' comments are attached as Exhibit A.

Debbie Shelton, a former teacher and parent of a son born in August, argued for flexibility in setting a cut-off date to protect the young child admitted to a class of those almost a whole year older. She suggested testing for those born from October through December, letting the parents pay.

Ruby Reudy, retired teacher, agreed with Mr. Blaikie and his teacher survey. She feels it never hurt a child to start too late. She stated the academically talented can be taken care of within the present system and there must be a cut-off date because every parent thinks his child is above average.

Verta Peavy, another retired elementary teacher, commented that any cut-off date causes hardships on someone, and that many people had worked hard to get this bill the way it is and considers it best for the child and teacher.

Joyce Woodhouse, opposed AB 409 on behalf of the Nevada State Education Association. She said while the teachers would like to have every child in school who is ready, the teachers are solidly behind the present cut-off date as the best possible. She pointed out the organization worked hard to get this bill. She pointed out that the bill is discriminatory, does have a fiscal impact and personally opposed it because of the pressures it places on young children. Her statement is attached as Exhibit B.

Betty Brinson of Wee Express Pre-School read a list of questions concerning the whole concept of AB 409. It is attached as Exhibit C.

ASSEMBLY EDUCATION COMMITTEE

MARCH 21, 1977

Page Three

AB 446 - Darrel Dreyer, sponsor of AB 446, which licenses extended optometric clinical facilities, basically a low vision clinic, favored this bill along with the Services for the Blind, the Nevada Optometric Association and the State Board of Optometry. He stated this is based on a bill in effect in California which has been helpful in providing patient care and that it is needed for students working under the direction of a faculty supervisor, a prescribing doctor.

Merv Flander told how the clinic started over two years ago when federal funds were received and used to buy specialized equipment and negotiations began with the Board of Optometry, Southern California College of Optometry and local optometrists and ophthalmologists throughout the Las Vegas area to establish this low vision aid clinic in Las Vegas. The school operates under contract with SCCO who manage the clinic and provide professional low vision care. Mr. Flander compared the service offered to 128 patients at the clinic for the same cost which serviced only 23 clients under the previous system. He stated that under the proposed law, members of the SCCO faculty who provide services must be licensed to practice in the State of Nevada and that seventh and eighth year students, in the satellite training clinic, would have the opportunity to gain practical experience, could "lay hands on" and recommend corrections under the direct supervision of licensed optometrists and that the school itself would be licensed by the Board of Optometry to operate this clinic.

Dr. Marvin Sedway, secretary-treasurer of the Nevada State Board of Optometry, proposed the following amendments:

Sec. 2, line 3 should not read "A person MAY PRACTICE OPTOMETRY WITHIN THE STATE OF NEVADA PROVIDED THEY ARE ENGAGED IN A CLINICAL TEACHING PROGRAM of a school or college of optometry accredited by the board OF OPTOMETRY, etc.

Sec. 2, #2, line 10, delete "or foreign country"

Sec. 3, #1, line 12, insert "annually," thus, "the board may ANNUALLY grant," etc.

Sec. 3, #2, (d), line 3 and 4, delete "and the fees to be charged for services."

Sec. 3, #2, (e), delete section (e)

Sec. 3, #2, (g), delete (g)

Sec. 3, #3, line 12, delete "applicant and every" and add "of optometry", deleting portion after board so that the section now reads "Every school or college OF OPTOMETRY which operates a licensed facility in this state shall notify the board OF ANY SUBSTANTIVE CHANGE OCCURRING IN THE INFORMATION SUBMITTED TO THE BOARD."

Add Sec. 4 ANY OPTOMETRIST PRACTICING UNDER THE PROVISIONS OF THIS SUBSECTION IS DEEMED TO HAVE SUBMITTED TO A JURISDICTION OF THE NEVADA STATE BOARD OF OPTOMETRY AND IS BOUND BY THE PROVISIONS OF THIS CHAPTER.

(NEW MATERIAL IS IN CAPS)

Dr. Sedway added that since the college will be licensed by the Board of Optometry, one fee should be charged the college to take care of the administrative costs. This is set by law annually, between \$25 - \$100.

Rick Kuhlmeier wanted to go on record as favoring the bill.

Dr. Robert Robinson, assemblyman, favored the clinic as making available to all expensive, specialized equipment and becoming a tremendous asset to the state.

Merlin Anderson, in charge of postsecondary certification and licensing for the State Department of Education, not stating any opinion, asked the following questions.

1. Is SCCO private or state institution?

Ans. Private

2. Are they under contract from a state agency?

Ans. Correct, operating two, going on three years.

Anderson: That aspect would create an exemption, at least under our law.

3. Is the special children's clinic private or public?

Ans. State clinic

4. Is the board of optometry charged by law to license or accredit schools?

Ans. Yes

5. What other clinic provides optometric service and/or training for individual who provides optometric services? Just optometric service or is it training.

Ans. Training

6. Does accreditation or licensing relate only to those schools under contract with the Department of Human Resources or to any school or college of optometry that might come up in the state?

Mr. Anderson observed that the requirements in this statute are less stringent than those required by the Department of Education, yet it appears to be in an area, medical area, where more stringency ought to be required.

SB 118 Robert Rose, president-elect of the NSEA, said the State Board of Education asked a task force of educators to come up with certification changes, and this is it and is favored by the NSEA,

He spoke to three of the changes: Page 2, lines 8,9,10,11 and 12 which redefines junior high school or middle school, making it consistent with changes going on around the state; lines 21 and 22, which redefines certificates into two kinds :elementary and secondary; and line 37 which says that a secondary certificate authorizes a teacher to teach only in his major or minor or both fields, unless there is an exception approved by the state board; and lines 41 and 42, which redefine special certificates.

Mr. Wright proposed an amendment on page 2, line 39, adding IN GRADES 9 - 12 so that it now reads IN GRADES 9 - 12 he may teach only in these fields unless an exception is approved in a manner provided by regulations of the state board of education.

There was some discussion as to which certificated teacher would and/or could teach where and the implications of the act and the proposed amendment.

James P. Costa, deputy superintendent of the Department of Public Instruction, submitted a prepared statement, Exhibit D, making three recommendations in favor of SB 118:

1. Removing "diploma" since the term and practice are out-of-date;
2. Re-classifying schools to include "middle school" and special school and defining them for purposes of certification;
3. Awarding only three classes of certificates: elementary, secondary and special.

SB 165 Mr. Costa read a prepared statement on this bill, which establishes a term of office for the superintendent of public instruction, setting the term at three years. His statement is Exhibit E

Harry Swainson, from the attorney general's office, requested that the present incumbent be treated fairly in setting a term.

Mr. Horn asked for a committee introduction of BDR 34-1299 which permits schoolboards to negotiate with personnel with respect to sick leave. Mr. Rhoads moved for the introduction and Mrs. Gomes seconded. The committee approved unanimously.

Mr. Horn moved to Indefinitely Postpone SB 165. Mrs. Gomes seconded. The committee voted unanimously to do so.

Mr. Goodman moved a Do Pass vote on SB 118. Mr. Horn seconded. The committee unanimously approved. Mrs. Gomes will handle the bill on the Floor of the Assembly.

The meeting was adjourned at 5:24 p.m.

Respectfully submitted

Harmit M. Krauff

Assembly Attache

59TH NEVADA LEGISLATURE

EDUCATION
LEGISLATION ACTION

DATE 3/21/77

SUBJECT SB 118

MOTION:

Do Pass X Amend _____ Indefinitely Postpone _____ Reconsider _____

Moved By _____ Seconded By _____

AMENDMENT:

Moved By Mr. Goodman Seconded By Mr. Horn

AMENDMENT:

Moved BY _____ Seconded By _____

VOTE:	MOTION		AMEND		AMEND	
	Yes	No	Yes	No	Yes	No
GOMES	X	_____	_____	_____	_____	_____
GOODMAN	X	_____	_____	_____	_____	_____
HORN	X	_____	_____	_____	_____	_____
KISSAM	X	_____	_____	_____	_____	_____
RHOADS	X	_____	_____	_____	_____	_____
SCHOFIELD	_____	_____	_____	_____	_____	_____
VERGIELS	X	_____	_____	_____	_____	_____
TALLY:	6	0				

ORIGINAL MOTION: Passed X Defeated _____ Withdrawn _____

AMENDED & PASSED _____ AMENDED & DEFEATED _____

AMENDED & PASSED _____ AMENDED & DEFEATED _____

Attached to Minutes 3/21/77

59TH NEVADA LEGISLATURE

EDUCATION
LEGISLATION ACTION

DATE 3/21/77

SUBJECT SB 165

MOTION:

Do Pass _____ Amend _____ Indefinitely Postpone X Reconsider _____

Moved By _____ Seconded By _____

AMENDMENT:

Moved By Mr. Horn Seconded By Mrs. Gomes

AMENDMENT:

Moved BY _____ Seconded By _____

MOTION

AMEND

AMEND

VOTE:

	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>
GOMES	X	_____	_____	_____	_____	_____
GOODMAN	X	_____	_____	_____	_____	_____
HORN	X	_____	_____	_____	_____	_____
KISSAM	X	_____	_____	_____	_____	_____
RHOADS	X	_____	_____	_____	_____	_____
SCHOFIELD	_____	_____	_____	_____	_____	_____
VERGIELS	X	_____	_____	_____	_____	_____

TALLY:

6 0

ORIGINAL MOTION: Passed _____ Defeated X Withdrawn _____

AMENDED & PASSED _____ AMENDED & DEFEATED _____

AMENDED & PASSED _____ AMENDED & DEFEATED _____

COMMENTS BY TEACHERS NOT SUPPORTING AB 409

If the age requirements is waived for a few individuals, before a week has passed, eager parents will be swarming on the schools, demanding that their "exceptional" child be admitted. I consider the September age requirement that we have now to be excellent. If a child is gifted, he is still seldom mature enough to leave his peers behind and attempt what those a year older than he are capable of. The whole structure and curriculum of the first grade and kindergarten would have to be revised down and I cannot see that this would benefit anyone. There are other, very beneficial things to do with four year olds besides put them in school.

There are not tests available, nor could tests be developed that would satisfy everyone's definition of "academically and psychologically prepared". I taught kindergarten for many years and cannot recall any child who suffered by being a little older or a little more mature than his/her classmates.

Emotional (psychological) readiness would be impossible to determine without at least six weeks of work with a four year old. Who can guess what problems such a child might have when he/she reaches the pre-puberty stage and is with older children. How can you test a child's ability to get along with others without extensive observation (and cost). I've had several four year olds in July and August (in the year round school program) almost all with adjustment problems. (If scheduling allows, I would like to attend any hearings.)

I prefer allocating funds that would be expended for this program to providing day-care centers for children of working parents. This waiver would seem to me to open a Pandora's box for schools. Who develops the test? Will each district have a different set of regulations? Will there be a uniform fee for administering the test? Many children are Sesame Street graduates when they now enter kindergarten. Is this academic superiority retained as the child progresses through school?

I will not support this bill unless some guidelines are established. While such guidelines usually are at the discretion of individual districts, in this area there should be uniform specifications written into the bill. Such specifications might be: Who shall determine eligibility, WHAT shall determine eligibility (type of test, psychological and emotional guidelines, etc.) and how much influence parents will have in the determination. If parents' desires will be the overriding factor, then there is no need for this bill.

A child may be academically and psychologically prepared for kindergarten at the age of four, but physically he is not - this creates problems because parents tend to shelter them.

I feel most children are not emotionally, psychologically, or academically prepared for kindergarten at an earlier age than now required by State Law. I feel most school boards would not prepare specific tests to indicate a child's ability to adjust to a controlled learning situation in which as many as 30 children participate.

I feel that the financial responsibility for the education of children below the current age limit belongs to the parents and not the local school districts. Further, I feel there are more factors to be considered in determining readiness for school than those mentioned in the proposed law. Are the problems that these younger students may encounter in middle and junior high school levels being considered? Is there legislation being considered for a testing program to determine which children under age seven are not ready for school and thus delay their entrance?

If a child has superior ability at age four, then they should attend one of the many fine pre-schools available. Academically prepared children can be well tested. But I feel they are seldom socially prepared. How can this be tested? Why are the parents in such a hurry? What will keep the legislature from considering gifted three year olds next time?

I have seen children develop rapidly, then by the fourth grade they have "burned out" leaving parents wondering what happened and blaming the schools. We must define the role of the school. We are NOT babysitters and passing this law would place us more in this type of role. Teachers will become babysitters. Children at this lower age might be bright but maturity level is low. Who will determine all these factors? What happens to the child in later years? High school, etc.? I cannot understand parents wanting to get rid of their children earlier. I feel these people want the schools to babysit and I am sorry that they don't want their children home where they belong at this early age!

I feel that the academic and psychological aspects of the child should by no means be the only consideration taken for entering school at an early age. Many other factors are necessary to the child's long range well being and his/her coping with a school situation. By the same token, then there should be testing of students entering kindergarten or first grade who are not academically and psychologically prepared for school, and should be kept out for a year to mature. There are many now, with the present age requirements, who were not ready for school when they entered. It should not be the function of a teacher to assume the rearing of pre-school age children. I believe that, by lowering the age, a problem will arise in the upper grades when the age differential becomes evident with the maturing process. I feel that with the passage of this bill, it will create problem after problem.

If we try to lower the age requirements for kindergarten, I feel we are forgetting the most important factor. Letting our child be a child. Once a child starts in to school he is entering another stage of development. Will he be ready at four? We as parents shouldn't try to push our children ahead. Are we being fair? It's a small percentage of children would be able to enter at this age, yet they may not be socially ready. No, I think it's a big mistake.

In my opinion, four year olds are not mature enough for kindergarten. I also feel it would be nearly impossible to find a valid test. Too many parents will claim their children to be ready for school at age four making the program of testing extremely time consuming and costly.

Children who have just turned four or in some cases are still three may be academically ready, but there is more to school life than academics. This child could suffer socially because of the age difference. All children need experiences and a time to grow in all ways before being put in the structural situation of school life. I feel it robs the child of a very important time to be free in his life.

Youngsters develop social difficulties when placed in a group of older peers. Parents are all too often inclined to place a bright child where he doesn't belong for reasons other than beneficial ones for the child. The parents have an obligation for the development of a child's education as well as the schools yet will foster this obligation off on the schools to the detriment of the child.

What instrument would be used? Who's to say how effective this instrument would be to determine if a child is academically or psychologically able to enter kindergarten at four years old, or first grade at five years old. We are going backwards! It took us several years to establish entrance ages as they are now.

I am totally against this bill. This situation requires the individual school district to set up an evaluation system. If the evaluation varies from one district to another and a child is eligible in one district and not in another, we are only confusing the public.

We've worked so hard to make the law of eligibility to start school fair to every child, why even consider this bill?

Any test used would be inexact. What happens to the child who is misjudged and misplaced? Social aspects are not being considered; and are too nebulous to be tested. This is a valid question not only in early years, but also in high school. Physical maturity is not mentioned; but is very important. It is even conceivable that an academically bright child would not be totally toilet trained by three years eleven months. Should he be in a classroom? Academically gifted children need not be harmed by waiting until the present age requirement. They would need individualization either way.

We are fighting immaturity with some children new who enter at the proper age. A child may not be mentally capable but physically unable to compete with 6-7 year olds and socially unable to compete. Time home with mother is very important to the child and he should be allowed to "be a child" not pushed into being put in such a pressured situation.

Testing to decide who would be eligible would be an impossible job and cause many disagreements between parents opinion and school opinion.

COMMENTS IN SUPPORT OF AB 409

There are children who are too advanced to wait a full eleven months. One of my capable students this year is under age, but transferred from another state. He is doing well. In remote school areas it might help families determine when to move to town and enroll their children. When a child is ready and anxious to start is the time to start him.

Telephone call from concerned parent - March 24, 1977 10:25 A.M.

This is the parent of a child who was born October 1, 1969, one day too late for entrance into kindergarten for the 1974-75 school year. After being told by the registrar of this school district that her child did not meet the age requirement for kindergarten she took her son to St. Teresa's where he was given a series of tests indicating that he was academically ready for kindergarten. (She referred to this kindergarten as an "advanced pre-school").

After two months of attending this school the child demonstrated excellent academic ability but emotionally it was the most destructive decision she made for her son. Although she did not understand this "emotional set-back" she immediately withdrew her son from school - registered him the following year in the public school system - and now (in the first grade) he is still, academically, doing well, and emotionally happy in school.

"Every child is different, 11 months or 1 day makes a difference. I do hope the school district is not in favor of this proposed legislation on kindergarten entrance for the sake of other children with dumb parents."

I am Joyce Woodhouse, representing Nevada's teachers through the Nevada State Education Association.

The NSEA reluctantly goes on record in opposition to AB 409. In essence we would like to see every child receiving an education as soon as they are ready.

Previous legislative action has set the entrance age for kindergarten and first grade at 5 and 6 years of age if the child has reached that age by September 30th.

We worked for this action. As a first grade teacher, since this action I have had less retentions or sending a child back to kindergarten due to immaturity. First grade teachers stand solidly behind the Sept. 30 dateline.

However AB 409 presents more problems and it solves:

1. Discrimination:

Parents who can't afford to pay for the test

Parents who both work and can't get to the school to have the child tested through work or transportation problems.

2. Fiscal impact

School district has to devise a test

School district has to administer the test - a new position or at least reshuffle present positions.

Most importantly, the impact on the Distributive School Fund (more children coming in will inevitably affect the funding levels)

3. Testing pressure

As an 11 year veteran of teaching first grade I know how 5-6 year olds react to tests.

Within my grade level:

Teacher made tests - even presented as a game brings tension and pressure (child in tears)

What happens to child who from the first mention of the parent: "you must pass" "we want you to go to kindergarten/first grade"

I am sincerely concerned about the effect upon the child. I acknowledge the desire by parents who believes their child is ready, but the procedure set forth here is just not fair to all children.

Thank you for your kind attention.

March 21, 1977

WEE-CARSON PRE-SCHOOL

950 NORTH MINNESOTA ST.

CARSON CITY,

NEVADA 89701

TELEPHONE

882-4482

QUESTIONS FROM:
REGARDING BILL AB409

1. Headstart is a Government Program for disadvantaged pre-schoolers. What will happen to that program?
What will happen to all the money appropriated for this specific program?
2. How would this new pre-school program be financed?
3. What is the cost of the program for taxpayers?
4. What facilities would be used, and what hours would they (the four year olds) attend school.
5. Headstart is for the disadvantaged pre-schooler, to prepare him for Kindergarten. This Bill, AB409, if passed, would discriminate against the disadvantaged pre-schooler and be a program advantageous only to the more intelligent 4 year old capable of passing the testing.
6. Testing doesn't always show the full potential of an intelligent but shy child. How would this be compensated for in the testing?
7. Why not psychological testing for five year olds?
This is where testing surely could do the most good. Children who prove not ready for a kindergarten program could have another year for social and emotional growth. The over-all picture of the total child could only benefit from this. Maturity is so important, today's student needs and deserves more than a rudimentary education to meet the problems of modern society.
8. Schools are often expected to supply certain kinds of training once implemented by the home and family environment. Is this fair to the school or the emotional and psychological growth of the child?
9. Would Pre-school be compulsory for all four year olds who pass the test? Some pre-schoolers still require P.M. naps. Very often it is easy to trace difficulties encountered by high school students, even college students, back to specific shortcomings experienced in the elementary grades.
10. What program would they enter as five year olds if not proven to be ready for first grade but had spent a year in kindergarten.
11. Since each school board would set up their own test - what continuity would be provided state wide?
12. Would all five year old students be required to take a test to enter first grade and what would the cost be? If they only tested those who had attended as four year olds - this would be discriminatory.
13. In 1976 a similar bill to this was introduced by legislator Wagner. A point was made that some pre-schools change staff monthly, which isn't good for pre-schoolers at their most crucial time in learning. I don't (over).

know where this information was obtained, but I would like to state that the same accredited teachers who started at our pre-school ten years ago are still with us.

14. What facilities would be used, and what hours would they (the four year olds) attend school?

15. Dayton, Nevada, still doesn't have a Kindergarten, leaving parents the option of driving five days a week to Carson or keeping their child home until first grade. Perhaps some of the money which would be required for this new program could go toward the building of a Kindergarten for Dayton.

16. The "Wee Express" Pre-School in Carson City, offers all the advantages which can be given pre-schoolers in a new building at \$1.00 per hour. This would appear to be far less than it would cost the tax-payer.

What would happen to all pre-schools privately owned statewide, if this bill should pass?

We welcome you to visit our pre-school for an insight.....

(Director) Mrs. Betty L. Brinson



STATEMENT OF
THE DEPARTMENT OF EDUCATION

Assembly Committee on Education
Monday, March 21, 1977
Room 214, 3:00 P. M.

S. B. 118 -- Revises the classification of schools and teachers' certifications and makes other revisions; deleting the requirement that applicants for a teacher's certificate submit fingerprints; and providing other matters relating thereto.

In May of 1976 the State Board of Education appointed an ad hoc committee to review teacher certification practices in the state. As a result of the review, the committee is recommending changes in certification regulations and proposing needed changes in the statutes. S. B. 118 incorporates the changes proposed by the committee and approved by the State Board of Education.

The first recommendation is to remove any reference to a "diploma". The State Board has not issued a "diploma" since 1956. The term and the practice are out-of-date and out-of-use for certificating teachers.

The second recommendation, appearing in Section 3, is to re-classify the schools to include the now much-used middle school and the special school and define them for purposes of certification.

The third recommendation is to award only three classes of certificates: elementary, secondary and special, and to designate their conditions of use. The major provision of this recommendation as seen in Section 4, subsection 3, lines 37-40, is that a secondary certificate used in a secondary school permits the holder to teach only in the subjects of major and minor preparation. Recognizing from current assignments that there may be situations and conditions which may not readily comply with these provisions, there is an opportunity for the school district to secure an exception. Such exceptions would most likely be needed in small rural high schools or in some of the middle schools. No great problem is anticipated with this provision or the application of the exception.

Other changes in the statutes are clarifying in nature and have been performed by the bill drafters.

STATEMENT OF
THE DEPARTMENT OF EDUCATION

ASSEMBLY COMMITTEE ON EDUCATION

Monday, March 21, 1977

Room 214, 3:00 P.M.

S. B. 165 -- Establishes a three year term of office for the superintendent of public instruction.

Prior to 1957 the office of the superintendent of public instruction was elective for a term of four years. By constitutional amendment approved and ratified by the people in the 1956 general election, the office became appointive. The authority to appoint was given by the 1957 Legislature to the state board of education, but the term of office was not specified. Article 15, Section 11 of the Nevada State Constitution states in part:

"The tenure of any office not herein provided for may be declared by law, or, when not so declared, such office shall be held during the pleasure of the authority making the appointment, . . ."

Since no term of office was specified, NRS 385.150 presently permits the superintendent to "hold office. . .at the pleasure of the state board of education."

During the past year, the state board of education has studied the matter of a term of office for the superintendent of public instruction. After reviewing it with the office of the Attorney General, the board, by action in regular meeting, declared that it would seek a term of office for the superintendent in accordance with Article 11, Section 1 of the Nevada Constitution which states in pertinent part:

"The legislature shall. . .provide for a superintendent of public instruction and by law prescribe the manner of appointment, the term of office and the duties thereof."

The state board of education petitions the legislature through S. B. 165 to carry out the duty placed on it by the Constitution to "provide for. . .by law. . .a term of office. . .", and recommends that the term be three years. The state board further asks that this act not work to the detriment of the incumbent, and that the term provided herein be applicable to him from the initial date of his appointment.

S. B. 165 deletes language which is obsolete and which will no longer be pertinent upon passage and approval.

JPC:maj
3-18-77