

EDUCATION, HEALTH, WELFARE
AND STATE INSTITUTIONS

FEBRUARY 15, 1977

The meeting was called to order at 8:11 a.m. in Room 323 on Tuesday, February 15, 1977, with Senator Jack Schofield in the Chair.

PRESENT: Chairman Jack Schofield
Vice-Chairman Joe Neal
Senator William Raggio
Senator Richard Blakemore
Senator Wilbur Faiss
Senator William H. Hernstadt

GUESTS: Jim Costa, Department of Education
Mrs. Donna Andreas, Welfare Board, Chairman
Mrs. Barbara H. Henry, Welfare Board
Mrs. Alice Smith, Welfare Board
Mr. Joe Riordan, Welfare Board
Dr. Colin S.Y. Soong, Welfare Board
Mr. Leon D. Cowan, Welfare Board
Mrs. JoAnn Kelley, Welfare Board
George E. Miller, Administrator, Division of Welfare
Frank Daykin, Legislative Counsel Bureau

A.B. 106 (Exhibit "A")

Mr. Jim Costa of the Department of Education read his submitted statement on this bill, (Exhibit "B") to the Committee.

Mr. Costa also stated that this request initiated from the Clark County School District and the Children's Behavioral Services in Clark County. The C.B.S. center is a 24-hour residential facility, and the Center wished the teaching staff to be in the Center at varying times other than required in the master contract between C.B.S. and the Clark County School District. This legislation would allow the C.B.S. agency to conduct its own classrooms and hire its own teachers on a contract through the school district for the special education units financed through the special education program.

Senator Schofield asked if this measure held any fiscal impact. Mr. Costa said there are 550 special education units available to school districts (400 of which go to Clark County) which are currently funded at the rate of \$16,000 each.

Chairman Schofield said that he would like for Mr. Costa to explain to the Committee the reasoning for eliminating the requirement of fingerprints for teaching certificate applications (S.B. 118). The Chairman explained that there had been some dissention among the Senators the day before, when S.B. 118 was before the floor of the Senate. Mr. Costa answered that the F.B.I. had notified the Department of Education in 1971 that they would no longer be able to conduct fingerprint checks for non-law enforcement agencies. Senator Hernstadt asked if this could still be done if the F.B.I. were paid a fee? Mr. Costa said no, as his Department dealt with non-criminals. Senator Raggio said that Senator Bryan had remarked on the Floor that if a state statute requires the fingerprinting, the F.B.I. will honor this statute. Mr. Costa said that he was not aware of that provision, but he would site in a memo to the Senators a Federal court case in which the F.B.I. based their contention that they cannot provide this service.

A.B. 106 (Cont.)

Senator Raggio: Motion to Do Pass
Senator Faiss: 2nd the Motion

The Motion passed.

A.B. 87

Mrs. Donna Andreas, Chairman of the Welfare Board introduced the other members of the Board who were present (See 'Guests', Page One).

Senator Raggio said that he was still concerned about the thrust of this bill shifting the policy-making authority from the Board to the Administrator of Welfare.

Mr. Frank Daykin, Legislative Counsel Bureau, confirmed that the bill does have the legal effect of shifting the initiative of policy-making from the Board to the Administrator. Mr. Daykin said that as a practical matter, the standards and policies as distinct from regulations, the initiative is probably with the Administrator as these are matters of detail. The Administrator in these areas "recommends" or takes initiative, and the Board, as the part-time policy-making group, approves, modifies or rejects these recommendations. Mr. Daykin said that the present language of the bill probably recognizes the Administrative reality.

Senator Hernstadt said that in previous testimony, Mr. George Miller, of the Division of Welfare had made the point that a legal effect of this bill would be a system of check and balance between the Board and the Administrator. Mr. Daykin responded that this effect would be very limited, because the Board has the power to adopt regulations, regardless of the Administrator's ability to recommend policy.

Senator Raggio said that the Board under the current law has the authority to initiate regulations and has the power to formulate standards and policies, and A.B. 87 deletes this and gives this authority to the Administrator. Senator Raggio questioned if this was compatible to the Board members?

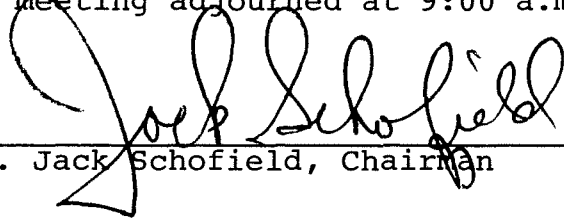
There was some discussion as to possible amendments, which would also give the Board power to initiate policy, and then the Chairman asked the Board members to give their opinion. Mrs. Andreas said she has been a member of the Board for nine years, and that Mr. Miller had discussed this bill with them and as they understood the legal impact, their power would not be impaired and they would remain a policy-making Board. Mrs. Andreas said that personally she felt that under Sub-Section 3, Page One, Para. B, the wording could be changed to read "Formulate standards and policies and establish rules and regulations....", rather than "Formulate all standards and policies and establish all rules and regulations....". Mr. Leon D. Cowan said that in the case of a lawsuit, where documentation is required this would be more possible to verify if facts were initiated by the Administrator. Mr. Joe Riordan said that he was in accord with Senator Raggio and felt that the Board was losing their authority.

Mr. George Miller said he did not want an amendment to this bill, if there were going to be any changes, he would rather have the bill defeated. Mr. Miller said he was concerned about the Board over-spending the budget available to the Division. Senator Hernstadt suggested that there should be some language in the bill that established that policies, rules and regulations not exceed budgetary limitations. Mr. Daykin said he would bring an amendment back to the Committee, and following Senator Hernstadt's suggestion, could include that any policy which may be executed will be within the limits of legislative appropriation. Mr. Daykin said that in the State statutes there is a positive prohibition against deficit spending by any administrative agency and this gives Mr. Miller a degree of protection, but also places him "between a rock and a hard spot" if the Board adopts policy that positively calls for a fiscally impossible program.

Senator Blakemore was concerned that perhaps if this was passed with the suggested amendments, it might alienate Mr. Miller from his Welfare Board. Mrs. Andreas said that the Board was supportive of Mr. Miller and the legislation will not alienate them at all.

It was decided that a vote would be held until possible amendments could be reviewed.

The meeting adjourned at 9:00 a.m.


Sen. Jack Schofield, Chairman

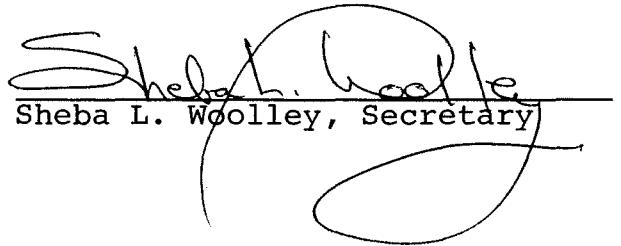

Sheba L. Woolley, Secretary

Exhibit "A"

A. B. 106

ASSEMBLY BILL NO. 106—COMMITTEE ON EDUCATION

JANUARY 20, 1977

Referred to Committee on Education

SUMMARY—Permits school districts to contract for special education programs for handicapped pupils. (BDR 34-109)

FISCAL NOTE: Local Government Impact: No.
State or Industrial Insurance Impact: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to special education programs; permitting a school district to contract with any person, state agency or legal entity to operate special education programs for its handicapped pupils; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

1 SECTION 1. NRS 387.122 is hereby amended to read as follows:
2 387.122 For making the apportionments of the state distributive
3 school fund authorized and directed to be made under the provisions of
4 Title 34 of NRS, the basic support guarantee for the school year com-
5 mencing July 1, 1975, and ending June 30, 1976, and for the school
6 year commencing July 1, 1976, and ending June 30, 1977, is established
7 for each of the several school districts in the state as follows:
8 1. Basic support guarantee per pupil:

	1975-76	1976-77
10 Carson City School District.....	\$869	\$907
11 Churchill County School District.....	850	891
12 Clark County School District.....	857	896
13 Douglas County School District.....	849	889
14 Elko County School District.....	903	946
15 Esmeralda County School District.....	1,678	1,770
16 Eureka County School District.....	1,405	1,479
17 Humboldt County School District.....	940	984
18 Lander County School District.....	912	955
19 Lincoln County School District.....	1,293	1,350
20 Lyon County School District.....	884	926
21 Mineral County School District.....	862	903
22 Nye County School District.....	1,121	1,174
23 Pershing County School District.....	889	932
24 Storey County School District.....	1,361	1,426
25 Washoe County School District.....	836	874
26 White Pine County School District.....	916	958

STATEMENT OF
THE DEPARTMENT OF EDUCATION
TO THE
SENATE COMMITTEE ON EDUCATION, HEALTH, WELFARE AND STATE INSTITUTIONS

Tuesday, February 15, 1977

Room 323, 8:00 A.M.

A. B. 106 -- Amends NRS 387.122

Permits school districts to contract for special education programs for handicapped persons.

The effect of NRS 387.122 as presently written is to make school districts responsible for the education of handicapped persons. It requires that all instruction to handicapped persons be delivered by employees of the school districts.

A. B. 106 retains the responsibility for the education of handicapped persons in the school districts, but provides some flexibility for the delivery of the instruction. Ordinarily, this would occur where the pupils are under the care of another agency, and the instructional program must be carried on away from a regular school facility. Under regulations to be developed by the Department of Education, school districts will be able to enter into a contract with other agencies to provide appropriate instruction utilizing qualified people employed by and responsible to those agencies. Such a contract will be approved by the Department of Education only when all the minimum standards prescribed by the State Board of Education are met.

It is not anticipated that there will be any great number of such contracts statewide, but the flexibility provided by A. B. 106 will be a great help in serving handicapped persons wherever they may be.

JPC:mb
1-28-77