

SENATE COMMITTEE ON HUMAN  
RESOURCES AND FACILITIES

APRIL 12, 1977

The meeting was called to order at 8:08 a.m. on Tuesday, April 12, 1977 in Room 323, 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 Hernstadt

GUESTS: Jim Costa, Department of Education  
Ernest Newton, Nevada Taxpayer's Association  
Assemblyman Danny Demers, A.B. 435

A.C.R. 30

Mr. Jim Costa of the Department of Education said that the composition of the Advisory Council is established by the Education of All Handicapped Children Act, PL94-142. The members consist of handicapped individuals, teachers of handicapped children, parents of handicapped children, state and local education officials and special education program administrators. Mr. Costa said they are only required to have five members, but the Advisory Council currently has 12.

Mr. Costa said that he felt that the Nurses Association should have come to the State Board of Education with their request to be a member of the Council, rather than make an appeal to the Legislature. Mr. Costa submitted a section of the Federal Register and a list of the current members, (Exhibit "A" and "B").

(Senators Hernstadt and Blakemore entered the room)

A.B. 435

Mr. Ernest Newton of the Nevada Taxpayer's Association said that he felt this bill was an "exercise in futility". He stated that there was no enforcement procedure in this act.

Senator Blakemore commented that water in Tonopah costs \$4.00/1000 and people are more aware of use simply because of the cost. Senator Hernstadt said that the 2nd reprint was enforceable with new construction projects.

Chairman Schofield said that he would hold this bill until Assemblyman Demers could speak on it.

S.B. 376 (Exhibit "C")

Senator Neal : Motion to Indefinitely Post-pone  
S.B. 376

Senator Blakemore: 2nd the Motion

Discussion

Senator Hernstadt said that perhaps it could be amended to include notice requirements. Senator Blakemore commented that this is not required of any other elected Board.

The Motion did not pass. (Senators Raggio, Faiss, Hernstadt and Schofield voted "NO")

Senator Raggio: Motion for Do Pass of S.B. 376

Senator Hernstadt: 2nd the Motion

The Motion passed. (Senators Blakemore and Neal voted "NO")

A.B. 435

Assemblyman Demers said that this measure is to save both water and energy, by controlling the flow of hot water.

Senator Raggio commented that on April 7, 1977, the Committee had amended S.B. 322 to include shower heads.

Assemblyman Demers said that there over 300 manufacturers in the United States who produce the shower-head restrictors.

Senator Hernstadt said that he thought that Mr. Newton's testimony in regards to charging higher rates for the use of water would ensure that people would be more conservative users. Mr. Demers said that is not a sound argument as people did not stop driving their cars when the gas prices increased.

S.B. 352 ( Exhibit "D")

Senator Neal: Amend Line 6, Page One, to read  
"who were (are) newly hired to fill the position"  
and Do Pass.

Senator Faiss: 2nd the Motion

The Motion passed.

S.B. 354 (Exhibit "E")

Senator Raggio: Motion for Indefinite Postponement  
Senator Neal: 2nd the Motion.

Discussion:

Senator Raggio asked that the following be put into the record: "I disclosed the fact that Mr. Wooster of my firm represents the Washoe County Classroom Teacher's Association. I do not feel that that fact is disqualifying because the legislation passed does not affect that group anymore than it does the class as a whole."

The Motion passed. (Senator Blakemore voted "NO")

A.C.R. 30 (Exhibit "F")

Senator Hernstadt: Motion to Indefinitely Postpone  
Senator Raggio: 2nd the Motion

The Motion passed. (Senator Neal voted "NO")

A.B. 147

Chairman Schofield said that this bill is currently on the Senate Secretary's desk, and he asked if the Committee would support him in having the bill re-referred back to this Committee for further study.

Senator Raggio said that he understood that the Federal Act would go into effect on July 1, 1977, and if the State does not enact these provisions, then the Federal agency will do it. Senator Blakemore said that this act is more stringent in some areas than the Federal Act. And, Senator Blakemore felt that the Federal agency would not have the money to enforce this act in some of the areas of Nevada, so their Act could go into effect without much change in these problem areas, (Fallon, Beatty, etc.).

The Committee decided to agree to re-referral back to this Committee.

The meeting adjourned at 9:10 a.m.

  
SEN. JACK SCHOFIELD, CHAIRMAN

  
SHEBA LYNN WOOLLEY, SECRETARY

EXHIBIT "A"

(Excerpted from the Federal Register, Vol. 41, No. 252: Effective October 1, 1977)

SUBPART F STATE ADVISORY PANEL

121a.550 Establishment

- (a) Each State shall establish, in accordance with the provisions of this subpart, a State advisory panel on the education of handicapped children.
- (b) The advisory panel must be appointed by the Governor or any other official authorized under State law to make those appointments.
- (c) If a State has an existing advisory panel that can perform the functions in 121a.552, the State may modify the existing panel so that it fulfills all of the requirements of this subpart, instead of establishing a new advisory panel.

(20 U.S.C. 1413(a)(12))

121a.551 Membership

The membership of the State advisory panel must be composed of persons involved in or concerned with the education of handicapped children. The membership must include at least one person representative of each of the following groups:

- (a) Handicapped individuals.
- (b) Teachers of handicapped children.
- (c) Parents of handicapped children.
- (d) State and local educational officials.
- (e) Special education program administrators.

(20 U.S.C. 1413(a)(12))

121a.552 Advisory functions and procedures

- (a) The State advisory panel shall:
  - (1) Advise the State educational agency of unmet needs within the State in the education of handicapped children;
  - (2) Comment publicly on the rules or regulations proposed for issuance by the State regarding the education of handicapped children and the procedures for distribution of funds under this part; and
  - (3) Assist the State in developing and reporting such information and evaluations as may assist the Commissioner in the performance of his responsibilities under section 618.

(b) The advisory panel shall meet as often as necessary to conduct its business.

(c) By July 1 of each year, the advisory panel shall submit an annual report of panel activities and suggestions to the State educational agency. This report must be made available to the public in a manner consistent with other public reporting requirements under this part.

(d) Official minutes must be kept on all panel meetings and shall be made available to the public on request.

(e) All advisory panel meetings and agenda items must be publicly announced prior to the meeting, and meetings must be open to the public.

(f) When reviewing the findings and decisions from the hearings, submitted in accordance with 121a.409(d) of Subpart E, the advisory panel must be considered to be a participating agency under 121a.450 - 121a.465 of Subpart E.

(g) The advisory panel shall serve without compensation but may be reimbursed from funds under 121a.500 for reasonable and necessary expenses for attending meetings and performing duties.

(20 U.S.C. 1413(a)(12))

## EXCEPTIONAL PUPIL EDUCATION ADVISORY COMMITTEE

1 Mrs. Jimmy King (1 year)  
2800 McClure  
Las Vegas, Nevada 89101

2 Dr. Bill Wagonseller (2 years)  
Special Education Department  
University of Nevada  
4505 Maryland Parkway  
Las Vegas, Nevada 89109

3 Miss Cindy Gargan (2 years)  
Special Education Department  
University of Nevada  
Reno, Nevada 89507

4 Mrs. Marjorie Becker (2 years)  
1918 Pinto Lane  
Las Vegas, Nevada 89106

5 Senator Floyd Lamb, Chairman (2 years)  
Senate Finance Committee  
Nevada National Bank  
4th and Bridger Streets  
Las Vegas, Nevada 89101

6 Mrs. Eleanor Holden, Teacher (1 year)  
Special Education  
Fernley Elementary School  
Fernley, Nevada 89408

7 Dr. Jim Williams (1 year)  
Director, Special Student Services  
Clark County School District  
2832 East Flamingo Road  
Las Vegas, Nevada 89121

8 Mrs. Laura Kerin (1 year)  
1490 Shewmaker Court  
Reno, Nevada 89509

9 Mr. Joaquin Johnson, Superintendent (1 year)  
Nye County School District  
P. O. Box 113  
Tonopah, Nevada 89049

10 Mrs. Betty Bell (2 years)  
670 Rosewood Drive  
Reno, Nevada 89509

11 Dr. Jack Campbell, Director (1 year)  
Division of Curriculum & Instruction  
College of Education  
University of Nevada  
Reno, Nevada 89507

12 Mr. Denis D. Graham (2 years)  
Assistant Director  
Office of Educational Accountability  
Nevada Department of Education  
Carson City, Nevada 89710

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

S. B. 376

SENATE BILL NO. 376—SENATORS WILSON  
AND HILBRECHT

MARCH 22, 1977

Referred to Committee on Government Affairs

SUMMARY—Establishes administrative procedures to govern certain  
actions of school boards. (BDR 34-1178)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 boards of trustees of school districts; providing procedures for  
the adoption, repeal or amendment of board policies and regulations concerning  
certain subjects; 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. Chapter 386 of NRS is hereby amended by adding  
2 thereto a new section which shall read as follows:  
3 1. *Except as provided in subsection 3, each board of trustees in any*  
4 *county having a population of 100,000 or more as determined by the last*  
5 *preceding national census of the Bureau of the Census of the United States*  
6 *Department of Commerce shall give 30 days' written public notice of its*  
7 *intention to adopt, repeal or amend a policy or regulation of the board*  
8 *concerning any of the subjects set forth in subsection 4. The notice shall:*  
9 (a) *Include a description of the subject or subjects involved and shall*  
10 *state the time and place of the meeting at which the matter will be consid-*  
11 *ered by the board;*  
12 (b) *Be published in a newspaper having general circulation in the school*  
13 *district, at least once a week for 3 weeks within the 30-day period;*  
14 (c) *Be mailed to the following persons from each of the schools affected:*  
15 (1) *The principal;*  
16 (2) *The president of the parent-teacher association or similar body;*  
17 *and*  
18 (3) *The president of the classroom teachers' organization or other*  
19 *collective bargaining agent.*  
20 *A copy of the notice and of the terms of each proposed policy or regula-*  
21 *tion, or change in a policy or regulation, shall be made available for*

Original bill is 2 pages long.  
Contact the Research Library for  
a copy of the complete bill.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

S. B. 352

SENATE BILL NO. 352—COMMITTEE ON EDUCATION,  
HEALTH AND WELFARE AND STATE INSTITUTIONS

MARCH 16, 1977

Referred to Committee on Education, Health and Welfare  
and State InstitutionsSUMMARY—Revises probationary status provisions for certain educational  
personnel in categorical grant positions. (BDR 34-1145)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 educational personnel; revising probationary status provisions  
for certain certificated employees in categorical grant positions; 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 391.3115 is hereby amended to read as follows:  
2 391.3115 The demotion, dismissal and nonreemployment provisions  
3 of NRS 391.311 to 391.3197, inclusive, do not apply to:  
4 1. Substitute teachers;  
5 2. Adult education teachers;  
6 3. Certificated employees who [are employed in] *were newly hired to*  
7 *fill* positions fully funded by a federal or private categorical grant. Any  
8 such employee shall be employed only for the duration of the grant, but  
9 during such period of employment, the employee shall receive credit  
10 toward his postprobationary status and shall not be dismissed, suspended  
11 or demoted except as otherwise provided in NRS 391.311 to 391.3197,  
12 inclusive.  
13 4. Certificated employees who are employed on temporary contracts  
14 in place of certificated employees on authorized leaves of absence; but  
15 during such period of employment, the temporary employee shall receive  
16 credit toward his postprobationary status and shall not be dismissed, sus-  
17 pended or demoted except as otherwise provided in NRS 391.311 to  
18 391.3197, inclusive.

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Original bill is on file at  
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S. B. 354

SENATE BILL NO. 354—COMMITTEE ON EDUCATION,  
HEALTH AND WELFARE AND STATE INSTITUTIONS

MARCH 16, 1977

Referred to Committee on Education, Health and Welfare  
and State Institutions

SUMMARY—Makes changes to procedures and grounds for disciplining or dismissing school administrators and teachers, and requires probation before administrators are granted tenure. (BDR 34-1146)

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 school trustees, administrators and teachers; making various changes in the procedures and grounds for disciplining or dismissing administrators and teachers; providing for a probationary period before administrators are granted tenure; changing the fee for a board's stenographer; 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 386.320 is hereby amended to read as follows:
- 2 386.320 1. If the average daily attendance of pupils between the
- 3 ages of 6 years and 17 years attending school in the school district for
- 4 the immediately preceding school year is less than 1,000:
- 5 (a) The clerk and president of the board of trustees may each receive
- 6 a salary of \$20 for each board of trustees meeting they attend, not to
- 7 exceed \$40 a month.
- 8 (b) The other trustees may each receive a salary of \$15 for each board
- 9 of trustees meeting they attend, not to exceed \$30 a month.
- 10 (c) The board of trustees may hire a stenographer to take the minutes
- 11 of the meetings of the board of trustees, and such stenographer may be
- 12 paid **[\$10]** a reasonable fee for each meeting attended.
- 13 2. If the average daily attendance of pupils between the ages of 6
- 14 years and 17 years attending school in the school district for the imme-
- 15 diately preceding school year is 1,000 or more:
- 16 (a) The clerk and president of the board of trustees may each receive
- 17 a salary of \$40 for each board of trustees meeting they attend, not to
- 18 exceed \$80 a month.
- 19 (b) The other trustees may each receive a salary of \$35 for each board
- 20 of trustees meeting they attend, not to exceed \$70 a month.

**A. C. R. 30**

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ASSEMBLY CONCURRENT RESOLUTION NO. 30—  
COMMITTEE ON EDUCATION

MARCH 31, 1977

Referred to Committee on Education

SUMMARY—Urges state department of education to include school nurse on advisory council for exceptional children. (BDR 1454)

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

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ASSEMBLY CONCURRENT RESOLUTION—Urging the state department of education to include a school nurse on the advisory council for exceptional children.

- 1 WHEREAS, The role of the school nurse is essential in identifying and  
2 planning for the care of children with special needs; and  
3 WHEREAS, The role of the school nurse is essential in coordinating  
4 services for and continually assessing children with special needs; now,  
5 therefore, be it  
6 *Resolved by the Assembly of the State of Nevada, the Senate concur-*  
7 *ring,* That the state department of education is urged to include a school  
8 nurse on the advisory council for exceptional children.

Original bill is on file at  
the Research Library.