

SENATE COMMITTEE ON HUMAN
RESOURCES AND FACILITIES

The meeting was called to order at 8:11 a.m. in Room 323 on Tuesday, April 5, 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 Hernstadt

GUESTS: Robert Best, Nevada School Boards Association
Wendell Newman, Nevada State Education Association
Robert I. Rose, Nevada State Education Association
Vernon Rowley, Carson City School District
Senator Norman Glaser, S.B. 389 and S.J.R. 16
Senator Gene Echols, S.B. 389 and S.J.R. 16
James Buchanan, Chairman of the Board of Regents
Fred Anderson, Member of the Board of Regents
Charles Donnelly, President of the Community College
Neil Humphrey, Chancellor of the University System
Marvin Sedway, Formally of the Clark County Advisory
Board for the Community College

S.B. 354

Mr. Robert Best testified in behalf of the Nevada State School Boards Association. Mr. Best said that Section 1 of the bill is a revision of NRS 386.320 to set a reasonable fee for a stenographer who is hired to take minutes of the meetings. The remainder of the bill deals with NRS 391.311 to 391.3197, and this part of the statutes is known as the Professional Practices Act, and deals with dismissals, demotions and non-re-employment of certificated personnel. The bill more clearly defines probationary and post-probationary actions. Mr. Best discussed the changes in the bill to the current statutes. Mr. Best said that the changes for suspension are the inclusion of "immorality" and "evident unfitness for service".

Senator Hernstadt asked if the teaching of Communism has ever been used as a reason for suspension? Mr. Best said, I do not think so.

Senator Hernstadt asked if the suggested changes will put teachers and administrators on equal footing for dismissal? Mr. Best said yes, but the bill really makes it easier for the Board to handle a probationary teacher.

Mr. Wendell Newman of the Nevada State Education Association, submitted a statement to the Committee, (Exhibit "A"). Senator Hernstadt asked how does one define a "sex offense"? Mr. Newman said that is the problem, there is a lack of a definition. Senator Blakemore felt that by trying to further define a "sex offense", this may do the teacher involved, more harm than good.

Senator Hernstadt asked if this rule would affect a teacher's actions outside of the classroom? Senator Raggio said that the teacher could be alleged for misconduct off campus, which had nothing to do with their teaching ability. The Senator said that we already have in the law conviction of a crime involving moral turpitude, and conviction should not be decided because of someone's individual standards. He said the teacher should have the right of admonition. Mr. Best said that their position is that 'moral turpitude' is a little difficult to define, but Senator Raggio said that the definition is very clear in the law. The Senator continued and said that it would be dangerous to consider "immorality" which has no clear definition as a standard for suspension.

Mr. Newman continued his opposing testimony in accord with the handout.

Senator Raggio asked what is the significance of the deletion on Page 5, Line 34? Mr. Best said that probationary teachers are heard on all the grounds by a hearing commission, and not an officer. The hearing officer is for post-probationary certificated employees in the more severe cases.

Senator Raggio asked if there is any probationary status for an administrator under the present law? Mr. Best said no. Senator Raggio said what is changed by Page Two, Line 16? Mr. Newman said that going from 'contract' to 'complete' means that the teacher would have to have taught for three complete years, with no exception. Mr. Best said a school year is when it begins in the Fall, and is completed in the Spring.

Senator Raggio asked if there was anyone who wanted to testify for the Administrator's viewpoint in being included in this law? Mr. Best said the State Boards Association had talked to some of them and found that as a rule they do not oppose this.

S.B. 352

Mr. Bob Best submitted an opposing written testimony to this bill, (Exhibit "B").

Senator Raggio asked what is this bill's purpose? Mr. Best said this is supposed to protect a teacher who has previously been employed, so that if the teacher is assigned to a grant program, and it expires, then that teacher still has not lost his/her job with the district. Mr. Best said that he opposes this because the present law offers a financial safeguard to school districts operating Federal or private grant programs so they will not have to continue paying the salaries of personnel when the grant program is terminated.

Senator Raggio said under the present law, if the Board decides not to re-employ that teacher, what is the situation? What protection does the teacher have who has tenure? Mr. Best said that teacher still has tenure.

Mr. Robert I. Rose of the Nevada State Education Association said that under the current statutes, the Districts have the right to transfer employees, so a teacher with tenure could be put under a grant program, and when that funding was lost, the teacher may not be re-employed. Senator Raggio said then there is a reason for this bill. Mr. Rose concurred.

Mr. Best said that this part of the law is to protect the districts, so that when the money runs out, they do not have the expense anymore.

Mr. Rose asked how would legal counsel define "newly hired"? Senator Raggio said that he read the bill that an individual was "newly hired" to fill the specific position funded by the grant.

Mr. Vernon Rowley of the Carson City School District said that in Carson City if they have ten federally funded positions, they have ten individuals with an addendum to their contract who are hired in lieu of the person filling the grant position. Then if the funding runs out, the teacher with tenure returns to his/her old position, and the new hire with the addendum is the one to go. Mr. Rowley said that his only question is the definition of "newly hired". If a teacher is initially hired to fill a grant project in year one (1), would that teacher who continues in that position for two or three additional years, and the funds terminate, would that teacher still be considered "newly hired"? Senator Raggio said that perhaps this could be clarified if it were worded to say, 'who were newly hired to fill the position'.

S.B. 389 & S.J.R. 16

Senator Glaser who sponsored these bills said that he was concerned that the Board of Regents did not understand the Community College concept. He said when the Executive Department originally changed the administrative structure of the Community College, and put them under the Chancellor, there was not one member of the Board of Regents who stood up in defense of the Community College and said that this was weakening the system. The Senator said the S.J.R. 16 legislation would make the Community College Board a part of the Constitution in the like manner of the Board of Regents, and it would require six years and then it would go on the ballot. Senator Glaser said that in regards to the S.B. 389, the Community College Board members would not have to be elected, they could be appointed by the Governor.

Senator Gene Echols, co-sponsor of the bills, said that his concern is that a high percentage of the voters are involved in economic activities that indicate they would like education

in the Voc-Ed areas, and he felt that one board cannot act fairly with two types of education.

Senator Neal asked how would this proposed Board function better than the present Board of Regents? Senator Glaser said that a new board would be composed of lay people that had a primary interest in the vocational-technical field, and the current board is oriented towards the four-year higher education.

Senator Neal asked what could be done that is not being done now? Senator Glaser said that as the Community College system grows, that the present board will not give the adequate funding.

Senator Hernstadt asked if Senator Glaser felt that the Community Colleges may be left out, because the University System would be concentrating all its funding on the medical school? Senator Glaser answered yes. Senator Echols said that he visualized this independent board to be conservative, working people. He also said to Senator Hernstadt that the amount on the Fiscal Note for computer services will be spent, whether here or under the University budget.

Senator Glaser submitted (Exhibits "C", "D", "E", "F" and "G") letters from individuals who expressed support of this type of legislation.

Senator Raggio said that he is impressed with the comment that currently there isn't a problem with the Board of Regents, he asked is there a problem in the future with funding and programs? Senator Glaser said that there is competition for funding now. Senator Raggio asked if it is the general rule in other states that there be separate boards with these two type of education? Senator Glaser said this is the case in about a dozen states.

Mr. James Buchanan, Chairman of the Board of Regents, stated that the introduction of this bill came because of a Board meeting in January, 1977. He said that the Community College Advisory Boards were concerned with the autonomy of the Colleges when the administrative staff was placed under the University System Chancellor. He said that it was his feeling at the time of the meeting that the Advisory Boards would be too vocal, and he did not allow them to express their opinions.

Mr. Buchanan said that there have been problems about transferring courses from the Colleges to the University, however if there wasn't one Board, there would be problem with the Full-Time Equivalent (FTE) credit system that the University follows. Mr. Buchanan stated that there has not been any testimony or evidence of any repressive actions by the Board of Regents.

Senator Hernstadt asked wasn't competition healthy? Mr. Buchanan said, "It is healthy, unless you are trying to rob students." Mr. Buchanan said if the Community Colleges said that they were going to give their classes for \$10.00/credit hour, and the University is \$22.00/ credit hour, then the General Fund has to make up the \$12.00 difference.

Senator Schofield said that he has recently had complaints about credits not transferring to the University. Mr. Buchanan said there are some courses, like 'Money and Banking' that cannot be transferred because it should be taught at a University level, but this has been mainly solved by the Board of Regents who has had the policy that there is not going to be any distinction.

Senator Neal asked if the funding for the System is earmarked? Mr. Buchanan said no, they are allocated by F.T.E. attendance.

Dr. Fred Anderson, member of the Board of Regents, said that he has been a member for over 20 years. Dr. Anderson gave a background of the birth of the Community Colleges, and he said that the Board of Regents has never treated the Colleges as 'country cousins'.

Charles Donnelly, President of the Community College Division, said that there are several things that the Colleges receive from the University System, which do not add any additional cost to the budgets of the Community Colleges. Mr. Donnelly said this includes computer services, internal audit services, legal services and architectural services. Mr. Donnelly said also that insurance would have to be paid by the Board, and this might cost as much as \$500,000/year.

Senator Neal asked Mr. Donnelly to comment on the problem of credit transfer. Mr. Donnelly said that the problems aren't any different here with credit transfer than any other state. He stated that there is a master list of courses which will transfer, and an articulation committee. He stated that the only problem he knows of now are the Law Enforcement courses, and the Nursing courses.

Senator Hernstadt asked what is the total cost of delivering a credit hour at the University and the Community Colleges? Mr. Buchanan said that Mr. Neil Humphrey may comment to that.

Mr. Neil Humphrey, Chancellor of the University System said that the success of the Community Colleges is a testimony to the fact that they have been handled equitably. Mr. Humphrey said that the University has been proceeding under an Attorney General's opinion, #479 (Jan. 10, 1968) which concluded that the control of all tax supported education on a college level has been entrusted to the Board of Regents at the University of Nevada, by the constitution of this State. Senator Raggio asked to have a copy of this opinion as this

is a matter that has concerned him, and he referred to Article 11, Section 5 of the Constitution.

Mr. Humphrey said that S.B. 389 is not constitutional, and there has been a 'good faith' effort at advancing education at all post-secondary levels in the State.

Mr. Humphrey said that if the Community Colleges are put into a separate unit, then there will soon be a request for three separate boards, as the argument has been for greater control at the community level. He said there has never been any challenge in the Board of Regents about the autonomy of the Community Colleges Division. Mr. Humphrey said the budgeting within the System is based upon a differentiated staffing ratio calculated upon the F.T.E. at the school's own level. He said that in regards to the computer service, there would be a reduction at the University, but it would not be "dollar for dollar". He said that the level of interest in the Community College by the Regents is high, and the Board is composed of a rancher, a state employee, a businessman, two attorneys, two M.D.'s, a graduate student and a housewife. The Chancellor said to Senator Blakemore that there are four divisions under the University umbrella: U.N.R., U.N.L.V., Community Colleges and D.R.I.

Senator Hernstadt asked couldn't the C.C. system sub-lease from the University System the identical computer services they are receiving today? Mr. Humphrey said if the systems were separated, the University would do everything possible to make it work and continue to provide education as economically as possible. Senator Hernstadt asked if he had detected what could be termed a "threat" that the University would not accept many transfer credits if the separation occurred? Mr. Humphrey said no, if the Committee is being told that S.B. 389 does not involve post-secondary education, then the logic is to wonder how the University might accommodate to its accreditation problems by accepting credits from an institution that is by law not post-secondary. Senator Hernstadt asked what impact will the medical school have on the Community College system? Mr. Humphrey said that the impact of the medical school is not specifically on the Community Colleges. Senator Hernstadt asked which would Mr. Humphrey prefer, S.J.R. 16 or S.B. 389? Mr. Humphrey said that S.J.R. 16 is the superior way of making the change.

Mr. Humphrey also stated that the work program for 1976-1977 at the University level is \$2606/F.T.E. student for delivery unit cost; and at the Community College it is \$1460/F.T.E. student (this is exclusive of the medical school).

Senator Blakemore commented on the accreditation problem that confronts the Mackay School of Mines at U.N.R. Mr. Humphrey agreed there is a problem, which reflects on the lack of funding.

Mr. Buchanan summarized the opposition viewpoint by saying that it is not justifiable to make the change on a conjecture that a different board might do better.

Mr. Marvin Sedway, formally Chairman of the Clark County Community College Advisory Board, spoke in behalf of the measures. In 1968 the Arthur Little report made a final recommendation that the Community Colleges be organized and administered by an independent state board of community colleges. The report projected that in the year 1977 and 1978, that there would be a maximum of 15,580 students, and at this time the Community College System has over 15,000 students. The largest number of boards responsible for community colleges alone take place in sixteen states, and this includes California, Arizona, Washington and Wyoming.

Mr. Sedway commented in response to the remarks made by Mr. Buchanan and said that he is giving the opinion of the present Board. Mr. Sedway said that last week a young lady handed him a letter which outlined an articulation problem she is having. She is taking a course at the Community College, which was taught in the previous year at the University by the same instructor, using the same textbook and course outline and this year it is not being accepted at the University. Mr. Sedway said that at the last Board of Regent's meeting, Mr. Buchanan 'practically threatened' Dr. Donnelly in testimony.

Mr. Sedway said that the entire concept of the Community Colleges is different. He further commented that the concept of Community College education and vocational-technical education is not necessarily to provide a stepping-stone for education at the Universities (He made this remark in reference to his statement that two years ago, Mr. Buchanan, had said to Community College graduates that, 'he wished the students well and told them that he hoped they would be able to take their education and pursue it further at the University of Nevada in Las Vegas or Reno.')

Senator Hernstadt asked about the fact that the Advisory Boards did not get to speak at the meeting of the Board of Regents? Mr. Sedway said that at the meeting held several months ago at the Clark County Community College campus, the members of the Advisory Boards felt they had to defend Dr. Donnelly's office. At that time, Mr. Buchanan felt that the comments made by Mr. Sedway might be intemperate, however each advisory board had passed a resolution which they wished to read. Senator Hernstadt asked if there were any sanctions made against Mr. Sedway? Mr. Sedway said that he does not know what goes on in the meetings of the Board of Regents.

Mr. Sedway remarked in reference to the legal opinion brought by Mr. Humphrey, that it was written by Daniel Walsh, who

H.R. & F.
APRIL 5, 1977

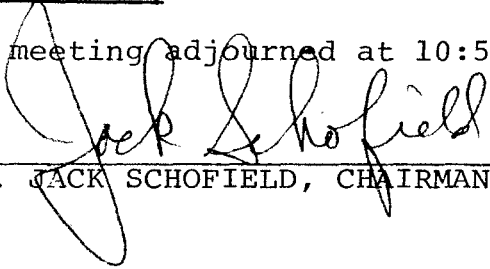
PAGE EIGHT

was the assistant Attorney General at that time, and who was also the legal counsel to the Board of Regents. The question was raised by Assemblyman John Homer if there might be some conflict of interest.

Senator Hernstadt requested the minutes of the January 11, 1977, Board of Regents meeting be sent to him.

Mr. Sedway requested that proponent remarks by Mr. William Wunderlich of Elko be made a part of the written minutes, (Exhibit "H").

The meeting adjourned at 10:59 A.M.


SEN. JACK SCHOFIELD, CHAIRMAN


SHEBA L. WOOLLEY, SECRETARY

NEVADA STATE EDUCATION ASSOCIATION

TESTIMONY ON S.B. 354
APRIL 4, 1977

The Nevada State Education Association is opposed to S.B. 354 for the following reasons:

- (1) Reference: Page 2, lines 18 through 21, the term "complete" as used in conjunction with school years is not well defined. Does this mean a teacher employed within the first 30 days of the academic year would not be eligible for post-probationary status?
- (2) Reference: Page 3, line 3, subjection to immediate dismissal or non-reemployment without admonition on grounds (B) immorality and (J) evident unfitness for service in section 1 of NRS 391.312 fails to recognize that an employee can easily be "trapped" by a student who wrongfully charges a teacher with personal advances when in fact the teacher is not guilty of any wrongdoing. Likewise, evident unfitness for service is not a cause which can be easily and quickly determined by a supervisor. If there is reason to believe such cause exists, certainly the employee should have the benefit of an admonition and related procedures as outlined in subsection 1 of NRS 391.313.
- (3) Reference: Page 3, line 14, we believe the term "sex offense" can easily be a trap for male employees. Too frequently a friendly or corrective gesture on the part of a male teacher is misconstrued by female students who seize upon the opportunity to get back at a teacher for possibly a low grade or score or other dissatisfaction with the teacher. Obviously the teacher is placed in a very difficult situation since the suspicion of guilt is almost always supported by the parents of the student and possibly by other friends of the student.

- (4) Reference: Page 3, line 21, we oppose the exception and believe the language should stand as in the existing law. We see no reason for not commencing proceedings within ten days for any such suspension. How long can the suspension last for such charges as a felony, a crime involving moral turpitude or a sex offense?
- (5) Reference: Page 3, line 29, extending a two day disciplinary suspension to 30 days is more than punitive. This would be much more disruptive to the students learning environment, requiring a substitute teacher for a longer period of time. The suspended teacher would loose control of a planned program of instruction during this period and beyond to say nothing of the financial hardship and sacrifice of the employee. This could easily amount to a loss of over \$1,000 for such a suspension. A two day suspension could easily cost an employee \$100 to \$150, not including loss of other benefits such as retirement contributions. It seems clearly that this amendment is repressive and irrational.
- (6) Reference: Page 4, line 31, the NSEA opposes the addition of 60 days to the time period. This drags out the time to the point of inefficiency and harrassment. Again in line 41, an unnecessary extention of time is called for, to the extent ~~this~~ ^{there} is no time limit set at all for the filing of the written report and recommendations. This certainly is an improper amendment. Once again on Page 5, line 11, more time is suggested. Allowing the board to refer the report back for further evidence and recommendations reflects inequity of the law, but to extend the time period an additional 15 days or, if requested, an undetermined length of time is inconceivable. Totally, the minimum amount of time suggested by these amendments to section 9, NRS 391.3193 amounts to 75 days or 2 1/2 months. There appears to be no maximum time limit suggested.

- (7) Reference: Page 5, line 20, again the term "complete" school years is ambiguous.
- (8) Reference: Page 5, line 30, under this proposal, certificated employees do not have opportunity for a due process hearing in the event of non-renewal of contract. We feel this is wrong. Further, we do not believe probationary employees should be limited to a hearing before a hearing commission only. We find no reasons to support changes in this subsection (3) of NRS 391.3197.

April 4, 1977
Testimony Before The Senate Committee on Human
Resources and Facilities By The Nevada State
School Boards Association on Senate Bill 352

The Nevada State School Boards Association is Opposed To S.B. 352 and urges its defeat. This amounts to leaving the wording in line six as it now is.

NRS 391.3115 gives the classifications of teachers who do not come under the provisions of the professional practices act for purposes of dismissals, non reemployment and demotions. Among these classifications are certificated employees who are employed in positions fully funded by a federal or private categorical grant. The statute says that these employees shall be employed only for the duration of the grant.

This provides a financial safe guard to school districts operating federal and private grant programs, so they will not have to continue paying the salaries of personnel when a grant program is terminated. The decision for terminating teachers' positions when the grant is terminated is left to the decision of the board.

If the wording is changed as proposed in line 6 to "newly hired to fill positions". it partially destroys the safe guard. When a previously employed teacher is employed in a position fully funded by a grant it is just as necessary to leave the decision for terminating the position to the board when the project terminates as if the teacher were a newly hired one.

For these reasons the Nevada State School Boards Association is opposed to S.B. 352.

PAUL LAXALT
NEVADA

John
sup
COMMITTEE ON JUDICIARY
COMMITTEE ON FINANCE
COMMITTEE ON ENERGY AND
NATURAL RESOURCES

EXHIBIT "C"

United States Senate

WASHINGTON, D.C. 20510

WASHINGTON OFFICE:
326 RUSSELL OFFICE BUILDING
(202) 224-3542

CARSON CITY OFFICE:
705 NORTH PLAZA STREET
(702) 883-1930

LAS VEGAS OFFICE:
300 LAS VEGAS BLVD., SOUTH
(702) 385-6547

RENO OFFICE:
300 BOOTH STREET
(702) 784-5568

April 1, 1977

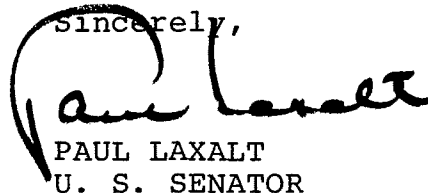
Dear Norm and Dr. Sedway:

As a matter of history background, let me say that when the community college concept was originally formulated the matter of its relationship to the university system was thoroughly considered.

It was decided that in the initial, formative years that the community colleges would be under the "umbrella" of the university. But at such time as it matured, it should be granted it's "independence." This was a rather obvious scenario because it was apparent from the outset that the two systems would eventually end up being competitive.

I have no way to know from this distance whether the "time has come" but felt the foregoing might be helpful as a matter of background for those who will make this decision.

sincerely,



PAUL LAXALT
U. S. SENATOR

Honorable Norman Glaser
Nevada State Senate
Legislative Building
Carson City, Nevada 89701

Dr. Marvin Sedway, O. D.
3201 South Maryland Parkway, Suite 115
Las Vegas, Nevada 89109

EXHIBIT "D"

John R. Gamble,
Superintendent of Public Instruction

Testimony before Committee on
Human Resources and Facilities

S.J.R. 16 - Proposes constitutional amendments to
create community college system under
independent board

My purpose in appearing before this committee is as an interested educator and one who has been closely involved with the development of the Community College System in Nevada since before 1968.

The initiation of the Community College System in Nevada came through the efforts of many people, not the least of which was Burnell Larson, Superintendent of Public Instruction at that time. Much of the groundwork organization was adopted from recommendations in a study conducted with Hughes funds and contracted by the superintendent with Arthur D. Little, Inc. One of the basic recommendations from that study is now embodied in this Resolution, S.J.R. 16. You have before you excerpts from that study. I would like to quote brief sections:

If the people of Nevada decide to make a commitment to provide its citizens with a comprehensive and coordinated program of post-secondary, sub-baccalaureate educational opportunities, we recommend that an independent State Board of Public Community Colleges be established. The educational mission of this board of control would directly reflect this mandate. It would formalize with proper authority the responsibility for allocating resources for the programs that this commitment requires. It would be the function of this board of control to give primary support and policy direction for its programs. It is necessary that this board of control understand and accept responsibility for leadership and policy direction in the development of a new level of universal public education in Nevada, the public community college.

Although the Board of Regents and the State Board of Education are attempting at this time to meet the needs that the community college typically takes as its responsibility, the commitment and coordination required to most effectively implement these programs are at best difficult under split responsibilities. Lay boards of control devote many hours of effort to their responsibilities, in addition to their full time occupations. For these boards to accept additional responsibilities and wear multiple 'hats' places an increasing burden on them.

The educational issues and problems involved in community college education are sufficiently complex to justify a separate board of control.

I believe their concerns of a single board with dual responsibilities has been borne out in practice in Nevada. I feel that the movement to a separate board is overdue and should be implemented as soon as can be accomplished. S.J.R. 16 is a necessary first step in that process.

PREFACE

This study of the need for community college education in Nevada, including an investigation of alternative forms of organization and problems of implementation, was initiated by Mr. Burnell Larson, Superintendent of Public Instruction. It has been the purpose of the study to relate community college education as it has developed in the United States to the needs and potential for a similar program of educational opportunity in Nevada; to make projections of potential; recommend forms of organization; estimate financial requirements; and suggest a course of action for implementation.

The study would not have been possible without the cooperation and interest of innumerable citizens, educators, persons within state government, interested groups and legislators. It is impossible to completely acknowledge the various contributions of time and willing assistance given by these persons.

During the conduct of the study, the Arthur D. Little, Inc. staff had the advise and assistance of distinguished community college educators from outside the State of Nevada. While the recommendations contained in the report are the sole responsibility of the Arthur D. Little, Inc. staff, we wish to express our appreciation for the wise counsel and assistance given to the study by:

Dr. George L. Hall, President of Arizona Western College,
Yuma, Arizona

Dr. Raymond Young, Senior staff of Arthur D. Little, Inc.
previously with the University of Michigan

Dr. Norman Harris, University of Michigan

We also wish to acknowledge the contributions of previous study results and data from The Higher Education Advisory Committee, in particular Mr. Gene Empey and Mr. James Sharp; the administration of the University of Nevada, in particular Mr. Niel Humphrey, Mr. K. D. Jessup, and Dr. R. C. Weems, Jr.; and the Director of Elko Community College, Mr. Richard Lynch.

Finally, we wish to express our appreciation to Dr. Thomas Tucker, Jr. who acted as liaison and resource person during the course of the study, and to Mr. Burnell Larson, Superintendent of Public Instruction, who we looked to for basic policy guidance in the conduct of the study. Both Mr. Larson and Dr. Tucker provided invaluable assistance in the conduct of the study, while maintaining a framework of complete objectivity -- their disinterested devotion to the educational needs of the people of Nevada is commendable and noteworthy. We also wish to express our thanks to the staff of Mr. Larson's office, in particular Mr. John Gamble and John Bunten, for the data and assistance they have provided for our staff during the study.

Recommendation for the Organization of Community
College Education in Nevada

A number of organizational forms were considered for a community college system in Nevada, including a community college system under the Board of Regents of the University of Nevada, a separate State Board for Community College education, a separate State Board for Community College education with two local District Boards, and a Community College Board under the State Board of Education.

In all of the alternatives we have emphasized that there be separate administrative control, independent faculty and counseling services and separate funding for a community college program.

If the people of Nevada decide to make a commitment to provide its citizens with a comprehensive and coordinated program of post-secondary, sub-baccalaureate educational opportunities, we recommend that an independent State Board of Public Community Colleges be established. The educational mission of this board of control would directly reflect this mandate. It would formalize with proper authority the responsibility for allocating resources for the programs that this commitment requires. It would be the function of this board of control to give primary support and policy direction for its programs. It is necessary that this board of control understand and accept responsibility for leadership and policy direction in the development of a new level of universal public education in Nevada, the public community college.

Although the Board of Regents and the State Board of Education are attempting at this time to meet the needs that the community college typically takes as its responsibility, the commitment and coordination required to most effectively implement these programs are at best difficult under split responsibilities. Lay boards of control devote many hours of effort to their responsibilities, in addition to their full time occupations. For these boards to accept additional responsibilities and wear multiple 'hats' places an increasing burden on them. The educational issues and problems involved in community college education are sufficiently complex to justify a separate board of control.

We further recommend that for purposes of simplicity and because of the unique geographic and demographic characteristics of the state of Nevada, the state be considered as a single community college district under the state board, with a single college president administering multiple campuses throughout the state, and that each campus have a local advisory board which would be concerned with curriculum and site location.

EXHIBIT "E"

VAUGHAN, HULL, MARFISI & MILLER, LTD.

ATTORNEYS AND COUNSELORS

ROBERT O. VAUGHAN
JACK E. HULL
P. MICHAEL MARFISI
JOHN C. MILLER
JAMES M. COPENHAVER

530 IDAHO STREET
P. O. BOX 831
ELKO, NEVADA 89801

TELEPHONES
AREA CODE 702
738-3191 · 738-6810
PARALEGAL
WALTER I. LEBERSKI

April 4, 1977

The Honorable Norman Glaser
Nevada State Senate
Legislative Building
Carson City, Nevada 89701

Dear Norman:

Re: S.B. 389 and S.J.R. 16 (Proposals to separate Nevada
Community College System as independent entity)

As you know I have been personally involved with the community college concept in Nevada since the outset. I am very proud to be one of the original members of the Elko group which fostered and promoted the first community college in Nevada and I have served as chairman of that original committee as well as chairman of the Elko Community College now Northern Nevada Community College Advisory Board. Ironically, it was the lay people of this State which finally encouraged and later convinced our Nevada educators and the legislature of the benefits of a community college system. You of course are well aware of these beginnings because you were a very important member and advisor to our committees and unselfishly devoted of your valuable time to encourage and champion the cause for community colleges. You will recall that Nevada was the last state to bring this educational concept into reality.

I only remind us of the background which gave birth to the community college system in Nevada in order to give credence to the following statement. Contrary to popular newspaper opinion, the above legislation to create independent status for the community college system has in no way been brought about by the recent budget cuts at community college administrative levels. It is a well known fact that the Arthur Little Company study on Community Colleges prepared several years ago concluded that the community college systems must have independent autonomy in order to function properly in the development of its concepts. From the very beginning, at least in Nevada, most of us originally involved with the college were convinced from our

The Honorable Norman Glaser
page 2
April 4, 1977

investigation that community colleges in Nevada should neither be tied to the State Department of Education nor to the Board of Regents. Because the community college concepts were then only promoted by lay people and had not been encouraged by the "educators" of our State, it became immediately obvious that in order for the concept to even survive that we had to tie ourselves to either the State Department of Education or the Board of Regents. The Nevada Legislature in those early years would in no way have funded or created an independent community college system because it was then unknown and without the political backing of the educators. For practical reasons, mainly survival, the community college became the foster child of the Board of Regents, but most of us still appeal for independent status.

The history and events leading to the present time, together with the statistics on students obviously prove that the community college system is a success and is now accepted by everyone. The State Department of Education and the Board of Regents have been true friends and needless to say without their help none of this would have been possible. Nevertheless the time has come to recognize that the community college system and its educational concepts deserve and need independence, primarily for the following reasons:

1. That the State Department of Education and Board of Regents are both traditional concepts in education. They are geared to policies, programs and educational systems which are highly inflexible and are not geared to the personal needs of the student as well as the needs of the community and area which are so served by the community colleges.
2. In order for the community colleges to comply with the University policies, staffing, graduate teaching personnel requirements, etc., it has become necessary to consistently increase the budget. Thus there are few noticeable differences in the cost of education at a state university level as opposed to the community college. I believe that community college students can be well trained and educated at much less expense than it takes to maintain a student in the university system. The reasons for less costs in a community college system (independent system) are faculty salaries, programing, flexibility of the staff to handle more duties and students. The same instructor may be able to instruct one, two or

The Honorable Norman Glaser
page 3
April 4, 1977

three students in a given curricula simultaneously with instructing students in the same class at the same time in the same place. Therefore, the concept of multiple use of faculty, time and facilities is most directly related to the lesser cost of community college education than at the other traditional levels.

3. Emphasis of vocational-technical education is critical to the community college concept. At least fifty percent or more of education at the community college should be devoted to the vocational-technical areas. This demands the practical approach of hiring staff personnel, not necessarily with the customary teaching credentials, but people who have the actual business experience in the vocational-technical areas which are being offered. Most often you will find retired people, experts in their particular field, who do not have the graduate school educational background, but have something better to offer, "their practical experience in knowing exactly what is necessary and practical for the students to learn." There is no teaching magic to be offered by what we term "graduate teaching credentials," for most of us could probably count on the fingers of one hand those teachers and professors that we remembered as "a good teacher" or someone we really learned anything from. I do not intend to be cynical in this regard, but only realistic. The high-priced salaries paid at university levels need not be paid at the community college in most areas. We have retired people and others who are capable and willing of rendering their services for nominal amounts and who are much better qualified to "teach" the community college student than those who have come up through the ranks in our traditional educational systems as perennial students themselves, who have never experienced the practical problems of earning a living in the professions and vocations about which they attempt to teach others.

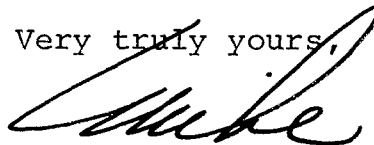
Our traditional educational systems jealously guard their "professionalism" against unqualified invaders. The community college concept is a practical concept to education by teaching and training young and old alike by giving them the practical tools with which to work. The traditional concepts in education certainly are needed, particularly at the graduate levels. But the great void and gap in education is better served by the more flexible and less costly community college concepts and goals. I

The Honorable Norman Glaser
page 4
April 4, 1977

believe that the largest number of students throughout our nation are now being educated and trained under the community college-type systems. In order to meet this challenge and to serve this vast number of people, it is most necessary to permit the community college system to function independently.

I appreciate your concern and hope that you will be able to convince our Nevada State Legislature of the merits of this legislation in spite of the obvious objections by the traditional educators. Again as a reminder and means of argument, I draw your attention to the fact that the community college concept was fostered, supported and promoted by the lay people of this State who pay the taxes and support education in general. In turn these people should have a great deal to say how the community college system should function in order to obtain the greatest benefit at the least expense for the taxpayer.

Very truly yours,



P. Michael Marfisi

PMM/jw

EXHIBIT "F"

April 4, 1977

From the desk of ROBERT MALCOLM MORLAN

Mel:

Pursuant to our telephone conversation today attached is an idea I felt you could use. Please forgive the roughness of the copy. I feel that time is of the essence on this one. In the future I will be more deliberate and the copy should be cleaner.

As you can see I am not trained in journalism. Therefore, if you decide that this material is usable don't hesitate to re-write as necessary. Nor is a by-line necessary. Mainly, I hope to write something weekly which may be publishable as a prelude to becoming a full time freelance writer. In this regard, I would be pleased to accept specific assignments for this area if such an arrangement is workable.

My wife Eileen and I will attend the hearings on Norman's Bill tomorrow and if anything occurs which seems newsworthy I will write a follow-up.

We look forward to the time when we may be more closely associated.

Respectfully,

Bob

Robert M. Morlan

Robert M. Morlan
5048 Lakeridge Terr. East
Reno, NV 89509

FORWARD AND BACK

by
Robert Malcolm Morlan

When Humphrey and Barrett oppose one another we're suspicious.

Neil D. Humphrey is the Chancellor of the University of Nevada..

Howard E "Gene" Barrett is Director of Administration for the State.

Some say that together they run the State. And they could.

Among other chores Humphrey manages the budget for the University System, and Barrett manages the rest of the State's money.

Before Humphrey went to work for the University, he held the position Barrett now holds. In those days Barrett worked for Humphrey. Many think that they now have too much power. Humphrey runs the University System of the State and Barrett runs the rest. Under the simple title ~~of Director~~ of Director of Administration "Gene" Barrett controls: The Board of Examiners; The Personnel Division; The Pre-Audit Division; and the Budget Division. The Governor's Special Assistant, Bob Stewart, told us today that "Gene Barrett speaks for the Governor". Sub-Divisions under Barrett's control include the State's Computer and the Purchasing Office, among others. So, if one wanted to work for the State of Nevada one's application for employment would be screened by Barrett. And, if Barrett doesn't want you hired, for any reason, he can require an oral examination, by a Board of Examiners of which he himself may be one, and which counts 100% in the selection process. No record is kept of the oral examination or of how and why the successful candidate was selected. All tests are conducted by the Personnel Testing Division, also headed by Barrett. Oftentimes, if the job is an important one, Gene's friend Neil Humphrey is a member of the oral testing panel. Needless to state they are two of the most powerful men in State Government. As a team they are virtually unbeatable. They have worked as a team for fifteen or more years, under five different Governors, Republican and Democrat. They typify Bureaucracy. When we read and hear that they are opposing one another we wonder. What's the gimmick?

On Monday morning, April 4th, The Nevada State Journal reported that
" The University of Nevada and Gov. Mike O'Callaghan's budget office are locked in a battle over the school's budget. The authorized spending program for the present two years is \$ 99.7 million and the university asked it jump to \$ 138 million but O'Callaghan trimmed the request to \$ 120 million."

The Journal article continued, pointing out the University's problems with lack of necessary funding for the Mackay School Of Mines and the proposed cut-back in funding for the Community College Division. Herein, we believe, lies the real tale.

Our Senator Glaser has introduced SB 389 and Senate Joint Resolution 16, which would separate the Community College System from the University,

thus reducing Neil Humphrey's power base. Humphrey has convinced the Board Of Regents that they should oppose the separation. We favor the separation! We also favor a complete revision of the State's controls over higher education!

In California, where Community Colleges had their beginnings over thirty years ago, the University System is directed by a Board of Regents which is appointed. As we recall each member serves a fifteen year term. Shorter term members are the Governor, the President of the University, incidentally the largest University System in the World, and several other State Officers. They do not have a Chancellor, and the University's funds are provided by the Legislature but are not under the control of the State's Budget Officer. Instead, each Campus of the University has control over its own funds. The State Colleges and the Community Colleges are separated from the University System, having their own governing Boards and their own funding systems. The Board Of Regents of the University of California have no control or influence over the other higher education systems. Nor, in our opinion, should they!

In Nevada, the Community College System is "the tail-of-the-dog" in the system of education above the secondary level. We believe this to be a wrong approach. In fact, we are among those who believe that in many ways the Community College System in Nevada better serves the overall needs of the population than does the University System. We'd like to see the Community Colleges "out from under" Humphrey and Barrett. We'd also like to see them operated under an appointed Board whose members are appointed for lengthy terms and who are selected on the basis of devotion to community development and are from disparate geographical locations within the State. We urge support of Senator Glaser's efforts!

Let's get education separated from politics to the fullest extent possible, and let's remove it from bureaucratic control. Educational needs are different in each community of our great State. We do not believe that the education of our children should be controlled, at any level, by the Humphreys or the Barretts either together or separately.

THE ELKO CHAMBER OF COMMERCE

1601 Idaho St. - P.O. Box 470 - Elko, Nevada 89801 - Tel. 702/738-7135

4 April 1977

Senator Norman Glaser
Senate Chambers
Legislative Building
401 S. Carson St.
Carson City, NV 89701

Dear Norman,

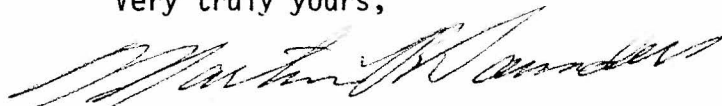
Received the correspondence in regards to several bills which you recently introduced. All of these bills were discussed, particularly S.B. 389, which removed the community college from the University of Nevada Reno system, and S.J.R. 16 which is a companion resolution.

It was unanimously voted by the committee to support the concept of these two bills, and while it was recognized that some of the language and provisions might need to be changed, we are definitely in favor of removing the community college system out into its own entity.

Further, Mr. Bill Wunderlich was authorized by the committee to act in our behalf in support of these bills. Mr. Wunderlich is in close contact with the community college system and the needs thereof, and as he will be in Carson City during the hearings on these bills, he has been authorized by the committee to make suggestions on amendments which may be necessary in order to get these bills through the legislature.

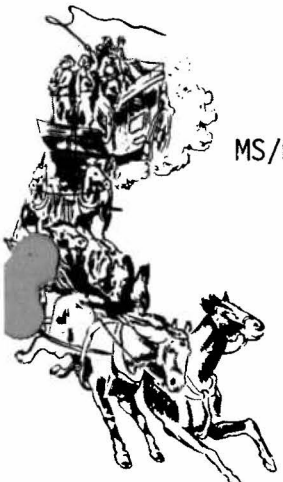
You have our wholehearted support in what you are trying to do.

Very truly yours,



Martin Saunders, Chairman
GOVERNMENTAL AFFAIRS COMMITTEE

MS/mak



catch a stage to **ELKO...FUN**tier town, nevada

EXHIBIT "H"

WRITTEN REMARKS AS OUTLINED: BY, MR. WILLIAM WUNDERLICH

- 1- William Wunderlich: One of the originators of the Community College in Elko, and now on the Advisory Board of Northern Nevada Community College.
- 2- Nine years ago, Elko citizens donated their time, effort and money to start the Community College System in the State.
- 3- PURPOSE: Fill the void in the Education System; train people to fill job needs; provide minimum of cost to the students and the taxpayers; provide a second chance to those who "missed the boat"; provide counseling and community service.
- 4- The Community College is no longer compatible with universities under the Board of Regents. "We do not want the Community Colleges to be a political football any longer." The purpose is to train people to earn a living and fill job needs.
- 5- They do not want to absorb the costly University overhead and tradition, they want to keep the Colleges flexible.
- 6- We need to stay close to the needs of the people.