

MEMBERS PRESENT

Chairman Vergiels
Vice-Chairman Craddock
Mr. Banner
Mrs. Hayes
Mrs. Westall
Mrs. Wagner
Mr. Stewart
Mr. Malone
Mr. Webb

GUESTS PRESENT

See Guest List attached

Chairman Vergiels called the meeting to order at 3:00 p.m. He announced that all the bills to be heard on this day came from the Interim Study Committee.

Don Rhodes of the Legislative Counsel Bureau gave a rundown on the bills to be heard at this hearing and the reasons for their preparation in a prepared statement, a copy of which is attached hereto and marked Exhibit A.

ASSEMBLY BILL 118

Assemblyman Nick Horn testified that the basic problem is that if we are to have a State Department of Education it should be provided with meaningful responsibilities or there is a question of whether or not it should exist.

A.B. 118 talks about the State Board of Education. The sub-committee found several statutes that instructed the Superintendent of Public Instruction to do certain things and several that told the consultants to the Department and other members of the Department what they should do. The sub-committee endeavored to picture the proposals in an organizational chart with the State Board at the head, and have everyone ultimately responsible to the Board through the Superintendent. A copy of the chart is attached hereto and marked Exhibit B. The Board was given authority over the State Department of Education and the Superintendent was removed where the statute instructed the Superintendent to operate autonomous of the Board and tried to put him directly underneath the Board, so now the Superintendent is responsible to the Board.

A.B. 120 talks about the Deputy Superintendents and the Associate Superintendents being responsible to and serving at the pleasure of the Superintendent, and A.B. 123 talks about the special consultants who ended up being referred to in the statutes separately. They were put right directly under the Superintendent, who is then responsible to the Board. This is to try and provide some organizatio

and make it consistent all the way through. The Board would have the final say. The duties of the Superintendent are re-defined in A.B. 118 to make it consistent all the way through.

Mr. Vergiels explained that the Board sets policy and the administrator carries out the policy, to iron out the conflicts of responsibility that there were previously between the Board and the Superintendent.

Mr. Craddock said that there was some confusion as to the State Board of Education and the State Department of Education, and it wasn't clear who the statutes were addressed to. The new legislation attempts to clear up the confusion. It was hard to define who was responsible to whom.

Mrs. Wagner asked if the sub-committee based the premise of the Board setting the policy and everything flowing from that in terms of an appointive board.

Mr. Horn said that it was the committee responsibility as to whether the Board is appointed or elected. He felt that it should operate in the proposed way whether appointed or elected. Authority is being given to the Board and makes it responsible for everything that happens within the State Department of Education. This gave rise to A.B. 132, which says that if the Board is now responsible for everything, it could meet once a month, increasing the number of meetings from eight to twelve a year. A.B. 133 has to do with the credentials of the Superintendent. It came out of the sub-committee on a split vote that the Superintendent would hold a masters degree and be qualified to obtain a teaching certificate, which would force him to take certain educational courses. The masters could be in anything, but the candidate would have to qualify for a teaching certificate. A.B. 125 had to do with any outside income to the Superintendent, which in the past has been extremely restrictive and rigid. The whole basic concept is to make the State Department of Education under the Board, whether it be elected or appointed, give the authority to the Board to make policy, instruct it to have a Superintendent who would carry out policy and handle the procedural part with the deputies and assistants serving at the pleasure of the Superintendent so that he could pick his own staff. The consultants would be like assistants. They would not be under separate statute but all under the same one so there would be delegation of authority all the way through for uniformity.

Mr. Vergiels stated that Senator Dodge has a bill on the Senate side that takes all the education statutes into account and not just the part we have here. Assemblymen Craddock and Senator Dodge were responsible for codification of all the education laws and took out inconsistencies and made technical changes to see that it made sense. This is S.B. 25

Chairman Vergiels turned the gavel over to Assemblyman Craddock for further testimony on A.B. 118 since he was responsible for so much of the work done on it outside the sub-committee.

Don Rhodes asked that the committee refer to Page 7 of Bulletin No. 79-8 of the Legislative Commission of the Legislative Counsel Bureau regarding the "Structures and Functions of the State Board of Education and State Department of Education". This clarifies the feelings of the sub-committee as to the changes presented. He showed in the bill where the recommendations had been incorporated. The bill drafter, everywhere that it looked like there would be a policy matter, inserted the words "State Board of Education". Where it was administrative, technical or a procedural matter, he inserted "Superintendent of Public Instruction". Where it used State Department of Education, an interpretation was made as to whether it was policy or procedural or administrative. A copy of the clarification referred to above is attached hereto and marked Exhibit C.

Mrs. Wagner asked if, in the revision of the qualifications of the Superintendent as set forth in A.B. 120, there appear to be two different definitions of eligibility. Mr. Rhodes explained that each one of the bills is treated as a separate package. If it passes it won't affect other things such as the qualifications and duties of the Associate Superintendent. Each bill can be considered separately and stand by itself without affecting the other. It will be the statute reviser's nightmare to put them all together. Should one of the smaller bills fail, it would still leave A.B. 118 intact.

Mrs. Westall asked if we would still have the Department of Education. Mr. Rhodes said that we would, but the bills just clarify the responsibilities for policy and administration. It changes the specific provisions relating to the deputy and the associate. It gives the Superintendent more broad guidelines for hiring his own deputy and associate. But the positions and requirements are still established within the law.

Ted Sanders, Superintendent of Public Instruction, presented statements for A.B. 118, A.B. 120, A.B. 123, A.B. 125 and A.B. 132, copies of which are attached hereto and marked Exhibit D. He was extremely supportive of A.B. 118 for its clarification of the policy making responsibilities and authority of the State Board of Education and delegating to the Superintendent the responsibility for administering the educational policy for the Board.

Mr. Craddock asked that Mr. Sanders propose the amendments which he feels are necessary and have them submitted for consideration.

Shirley Wedow, Board of Education, commended the sub-committee and the drafters for their efforts and expressed support for A.B. 118.

Larry Struve, Chief Deputy Attorney General, addressed specifically Section 15, Page 5 of A.B. 118, which would expand the responsibility of the Attorney General's office to require that the Attorney General's office give it's opinion without fee to the State Board of Education and the Superintendent of Public Instruction on matters relating to the powers and duties of the State Department of Education. He said that they are performing that function now. However, next Wednesday there is a hearing on A.B. 126 which would require the Attorney General to designate a full time deputy legal counsel to the Department of Education and its related divisions. There is provision for compensation to be paid by the Department of Education. A.B. 118, as it currently reads, would need to be amended. They would have to hire an additional attorney in the central office to be charged to the Department of Education. If a fee is to be paid by the department, the Ways and Means Committee will have to be notified as the Attorney General's office will have to amend their budget for an additional attorney or the Department's budget should be amended, depending on which way it is handled.

ASSEMBLY BILL 120

The position of the Department of Education is set forth in Page 2 of Exhibit D. Don Rhodes explained that the sub-committee is suggesting that the Superintendent of Public Instruction be given the ability to hire associates within the qualifications listed in the new bill.

Mrs. Wagner asked if there were no qualifications for the Associate Superintendent. Mr. Rhodes said that the thinking of the sub-committee was that since that was the third person down, he might get multiple functions and they didn't want to tie it down to specific educational backgrounds, which would give the Superintendent the latitude to assign the position as he saw fit.

ASSEMBLY BILLS 125, 132, 133 and 123

These bills were previously described by Mr. Rhodes in Exhibit A.

See Pages 3,4,5,6 of Exhibit D for the position of the State Department of Education.

Doug Webb asked that an amendment be drafted having to do with the attorney general's connection with the Department. Chairman Vergiels said that he would have that amendment drafted.

Mrs. Wagner asked what it takes to qualify for a teaching certificate. Mr. Sanders said that the certification requirements will be brought in and a copy given to each of the committee.

Mr. Stewart asked about the qualifications of the Deputy Superintendent, including that of being qualified to obtain a teaching certificate, and asked why he should not be required to have one.

Mr. Rhodes replied that the Deputy Superintendent needs a lot of skills other than that of being a teacher, such as political, budget, administration. He should have a master's degree and the ability to be certified as a teacher, but this certification itself would not be necessary. They wanted to open it up to people of varied backgrounds and not just necessarily teachers.

Mr. Vergiels stated that the sub-committee felt that this should be left flexible so that the Board could have more flexibility in hiring a person with a variety of backgrounds that could be certified or eligible for certification

Mrs. Wagner asked about A.B. 125 regarding the outside employment, and what kind of testimony was heard by the sub-committee that suggested this kind of flexibility. Mr. Vergiels said that there was not a lot of testimony, but it was the judgment of the sub-committee itself that the person could not be involved in any kind of business such as rentals, sharing in a business with his wife and many other fields under the present law. That he could not make any income from any other source. Mr. Craddock stated that there was some thought that the job was full time and the Superintendent should not have any outside jobs, but it was felt that this should be left to the judgment of the State Board of Education.

John Hawkins, representing the Nevada State School Boards Association, stated that in A.B. 120, the managerial team is being developed in regard to higher levels of the State Department of Education, which is a fine concept, but putting A.B. 120 and 122 together, if all the employees of the State Department of Education were put in the unclassified classification, it would appear that there could be a complete change of personnel in the department in a rapid period of time. He wanted to know the effect the change would have regarding the liaison between the State Department of Education and the respective school districts.

Mr. Vergiels said that when we have a hearing on A.B. 122, Mr. Hawkin would testify near the beginning of the hearing.

Mr. Sanders said that with regard to A.B. 123, it is requiring the department to develop and distribute instructional materials for use in environmental education. He would prefer that this read "develop or adopt instructional materials". The restrictive nature of the language places the Department in the position of only developing materials for environmental education, but they should look around for the best available materials and see that they get into the schools. Lines 9 and 11 should be changed. There are copies of NRS 385.465 and 388.595 attached hereto and marked Exhibit E. These refer to the Consultant on Indian education and the Environmental Consultant. These have been recast into A.B. 123.

Mrs. Westall asked who is responsible for the courses of study and the books used in the courses. Mr. Sanders said that is

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taken care of by Jim Bean. He brings the recommendations to the State Board and office of the Superintendent.

Mrs. Hayes inquired with regard to A.B. 133 having to do with the teaching certificate qualification, would the deputy have to take the courses when required to keep up a certificate. Mr. Sanders answered that some people, such as those with master's degrees, take less than those without, and the requirements are quite varied. Those in administration are excluded.

Mr. Rhodes referred the committee to pages 18 through 23 of the report which did not have to do with changes in the law, but were related to changes in the department planning, determining what needed to be done and how to organize itself. The sub-committee went throughout the state and it became apparent that some sort of a more formalized needs assessment mechanism and development of refined organization structures and objectives needed to be done.

The meeting was adourned by Chairman Vergiels at 4:20 p.m.

Respectfully submitted,



Ruth Olguin
Secretary

EXHIBIT A
Page 1

OVERVIEW OF THE ACTIVITIES AND REPORT OF THE SUBCOMMITTEE TO STUDY
THE STRUCTURES AND FUNCTIONS OF THE STATE BOARD OF EDUCATION AND
THE STATE DEPARTMENT OF EDUCATION

BY DONALD A. RHODES

February 1, 1979

AS YOU KNOW, LEGISLATIVE CONCERN ABOUT THE PROPER STRUCTURES AND
ROLES OF THE STATE BOARD OF EDUCATION AND THE STATE DEPARTMENT
OF EDUCATION CAN BE TRACED BACK OVER SEVERAL LEGISLATIVE SESSIONS.
THIS CONCERN MANIFESTED ITSELF DURING THE 1977 LEGISLATIVE SESSION
IN A LEGISLATIVE REVIEW OF THE STATE DEPARTMENT OF EDUCATION'S
STAFFING PATTERNS WHICH RESULTED IN A SUBSTANTIAL REDUCTION IN
THE DEPARTMENT'S GENERAL FUND SUPPORT LEVEL.

THE LEGISLATIVE CONCERN ALSO RESULTED IN THE PASSAGE OF A.C.R.
54, WHICH DIRECTED THE LEGISLATIVE COMMISSION TO STUDY: THE NEED
FOR THE STATE BOARD OF EDUCATION; WHETHER MEMBERSHIP ON THE BOARD
SHOULD BE ELECTIVE OR APPOINTIVE; THE PROPER ROLE AND FUNCTIONS
OF THE BOARD; AND THE STATE DEPARTMENT OF EDUCATION'S FUNCTIONS,
STAFFING PATTERNS, SALARY STRUCTURES AND SERVICES PERFORMED FOR
THE LOCAL SCHOOL DISTRICTS.

IN LINE WITH THE MANDATE IN A.C.R. 54, A SUBCOMMITTEE OF THE
LEGISLATIVE COMMISSION, CHAIRED BY ASSEMBLYMAN VERGIELS, EVALUATED
THE ENTIRE OPERATION OF THE STATE BOARD OF EDUCATION AND THE STATE
DEPARTMENT OF EDUCATION. THE SUBCOMMITTEE'S STUDY INCLUDED (1)
A REVIEW OF A SUBSTANTIAL NUMBER OF PUBLICATIONS AND ARTICLES
RELATING TO THE GOVERNANCE OF EDUCATION, (2) COMMUNICATION WITH
SEVERAL NATIONAL ORGANIZATIONS FAMILIAR WITH THE OPERATION AND

EXHIBIT A

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STRUCTURE OF BOTH STATE BOARDS OF EDUCATION AND STATE DEPARTMENTS OF EDUCATION, (3) A REVIEW OF THE STRUCTURES AND FUNCTIONS OF OTHER STATES' BOARDS OF EDUCATION AND DEPARTMENTS OF EDUCATION, (4) A REVIEW OF THE METHOD OF SELECTION OF THE MEMBERSHIP ON ALL THE OTHER STATES' BOARDS OF EDUCATION, (5) PRIVATE INTERVIEWS BETWEEN SUBCOMMITTEE MEMBERS AND ALL OF THE STATE DEPARTMENT OF EDUCATION'S PROFESSIONAL STAFF, (6) CORRESPONDENCE WITH ADMINISTRATORS AND BOARD MEMBERS IN ALL THE COUNTY SCHOOL DISTRICTS IN THE STATE, (7) CORRESPONDENCE WITH OVER 300 REPRESENTATIVES OF PARENT-TEACHER ASSOCIATIONS, OTHER INTEREST GROUPS AND THE GENERAL PUBLIC, AND (8) A REVIEW OF MATERIALS SUPPLIED BY THE STATE DEPARTMENT OF EDUCATION.

THE SUBCOMMITTEE FOUND THAT THERE ARE CHANGES WHICH SHOULD BE MADE IN THE OPERATION OF THE STATE DEPARTMENT OF EDUCATION. THE NEED FOR THESE CHANGES WAS IDENTIFIED TO THE SUBCOMMITTEE BY PRESENTATIONS, THROUGH SUBCOMMITTEE VISITS TO THE STATE DEPARTMENT OF EDUCATION, BY INFORMATION GATHERED BY STAFF AND BY THE MEMBERS' OWN EXPERIENCES WITH THE DEPARTMENT'S ADMINISTRATION AND OPERATIONS.

THE REPORT REFLECTS THE SUBCOMMITTEE'S RECOMMENDATIONS AND LEGISLATIVE PROPOSALS FOR CHANGES WHICH AT LEAST A MAJORITY OF THE MEMBERS FELT ARE NEEDED TO IMPROVE THE OPERATIONS OF THE STATE BOARD OF EDUCATION AND STATE DEPARTMENT OF EDUCATION.

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THE REPORT IS DIVIDED INTO THREE MAIN PARTS: THE NARRATIVE, BILL DRAFTS AND INFORMATION PROVIDED BY THE DEPARTMENT OF EDUCATION ON ITS OPERATIONS. THE SUBCOMMITTEE FELT THE REPORT WILL BE A USEFUL RESOURCE IN HELPING LEGISLATORS, SUCH AS THOSE ON THIS COMMITTEE, TO MAKE DECISIONS ABOUT LEGISLATION PERTAINING TO THE STATE BOARD OF EDUCATION AND THE STATE DEPARTMENT OF EDUCATION.

THE REPORT CONTAINS TWENTY-SEVEN RECOMMENDATIONS, TWELVE OF WHICH WILL REQUIRE CHANGES IN LAW. YOU ARE REVIEWING SIX OF THESE 12 LEGISLATIVE PROPOSALS THIS AFTERNOON.

DISCUSSION ABOUT THE RESPONSIBILITIES OF THE STATE BOARD OF EDUCATION, THE SUBJECT MATTER OF A.B. 118, BEGINS ON PAGE SEVEN OF THE REPORT. REFERENCE TO IT IN THE BILL DRAFT SECTION OF THE REPORT IS BDR 34-35.

THE SUBJECT MATTER OF A.B. 120, WHICH REVISES THE QUALIFICATIONS AND DUTIES OF THE DEPUTY SUPERINTENDENT AND ASSOCIATE SUPERINTENDENT, IS DISCUSSED ON PAGES 15, 16, 17 AND 18 OF THE REPORT. THE BILL DRAFT REQUEST REFERENCE IS BDR 34-40.

THE SUBCOMMITTEE'S RECOMMENDATION ABOUT BOARD MEMBERS BEING COMPENSATED FOR ADDITIONAL MEETINGS, THE TOPIC OF A.B. 132, IS COVERED ON PAGE NINE OF THE REPORT AND THE BILL DRAFT IS IDENTIFIED AS 34-37.

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THE SUBCOMMITTEE'S SIXTH RECOMMENDATION, NOW EMBODIED IN A.B. 133, DEALT WITH THE QUALIFICATIONS OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION. THE REPORT REVIEWS THE SUBCOMMITTEE'S OBSERVATIONS ABOUT THIS MATTER ON PAGES 12 AND 13. THE BDR NOTATION IS 34-39.

THE SUBCOMMITTEE FELT THAT THE STATUTES SHOULD BE AMENDED TO REMOVE SPECIFIC REFERENCE TO THE DUTIES OF CERTAIN CONSULTANTS IN THE DEPARTMENT OF EDUCATION TO ALLOW THE SUPERINTENDENT OF PUBLIC INSTRUCTION THE ABILITY TO ASSIGN TASKS TO THE MEMBERS OF HIS STAFF IN A MANNER CONSISTENT WITH THE WORK LOAD DEMANDS PLACED ON THE DEPARTMENT. A.B. 123, SHOWN AS BDR 34-39 IN THE REPORT, DEALS WITH THIS RECOMMENDATION.

FINALLY, A.E. 125, SHOWN AS BDR 34-85 IN THE REPORT, ADDRESSES THE SUBCOMMITTEE'S VIEW THAT THE SUPERINDENT OF PUBLIC INSTRUCTION SHOULD BE PERMITTED TO HAVE EMPLOYMENT OUTSIDE OF HIS REGULAR DUTIES IF PERMITTED TO DO SO BY THE STATE BOARD OF EDUCATION.

NEVADA DEPARTMENT OF EDUCATION

Rosemary Clarke, Pres.

Dr. George Earnhart, Vice Pres.

James Campbell

David Hansen

Warren Holmes

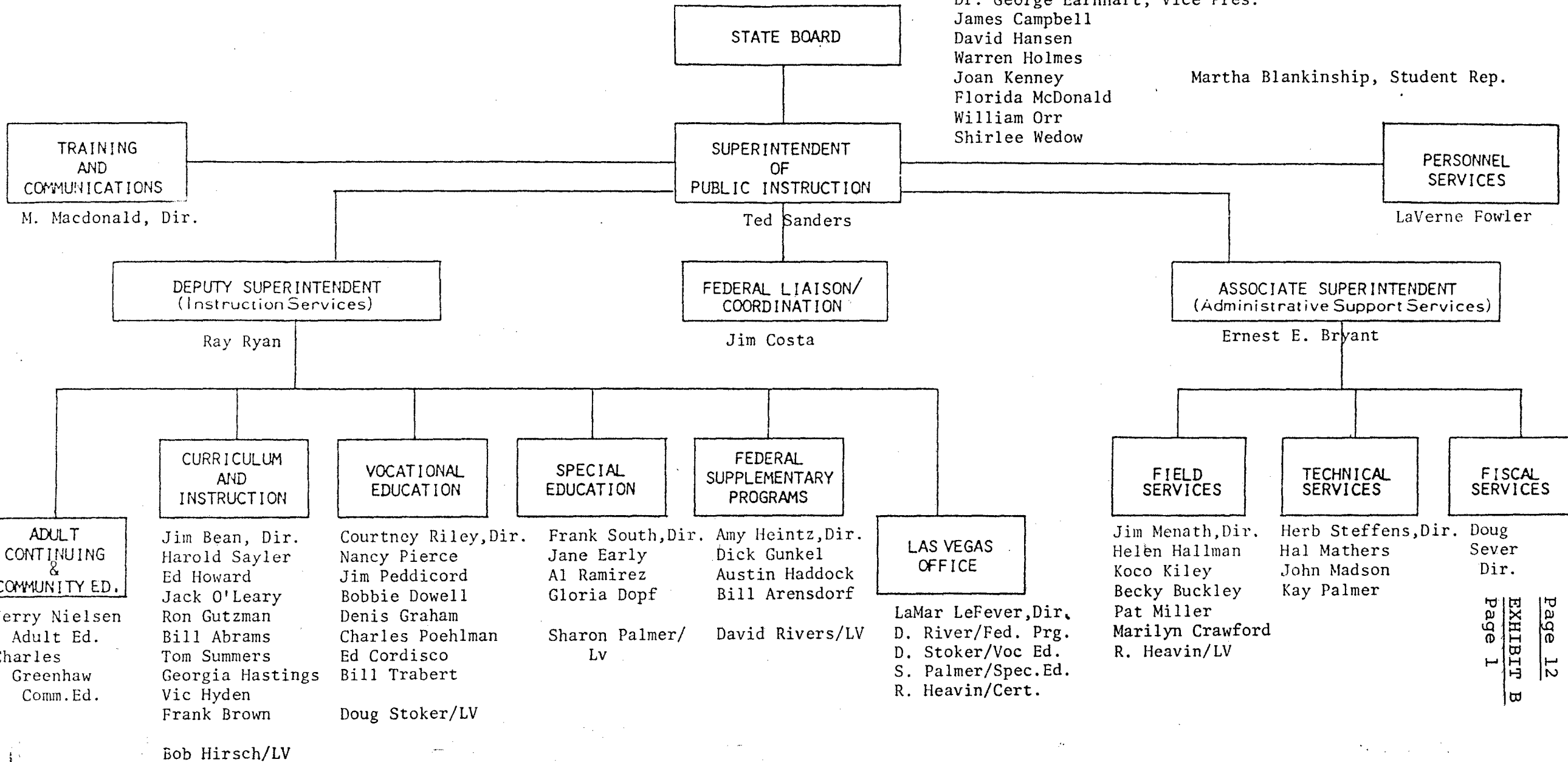
Joan Kenney

Florida McDonald

William Orr

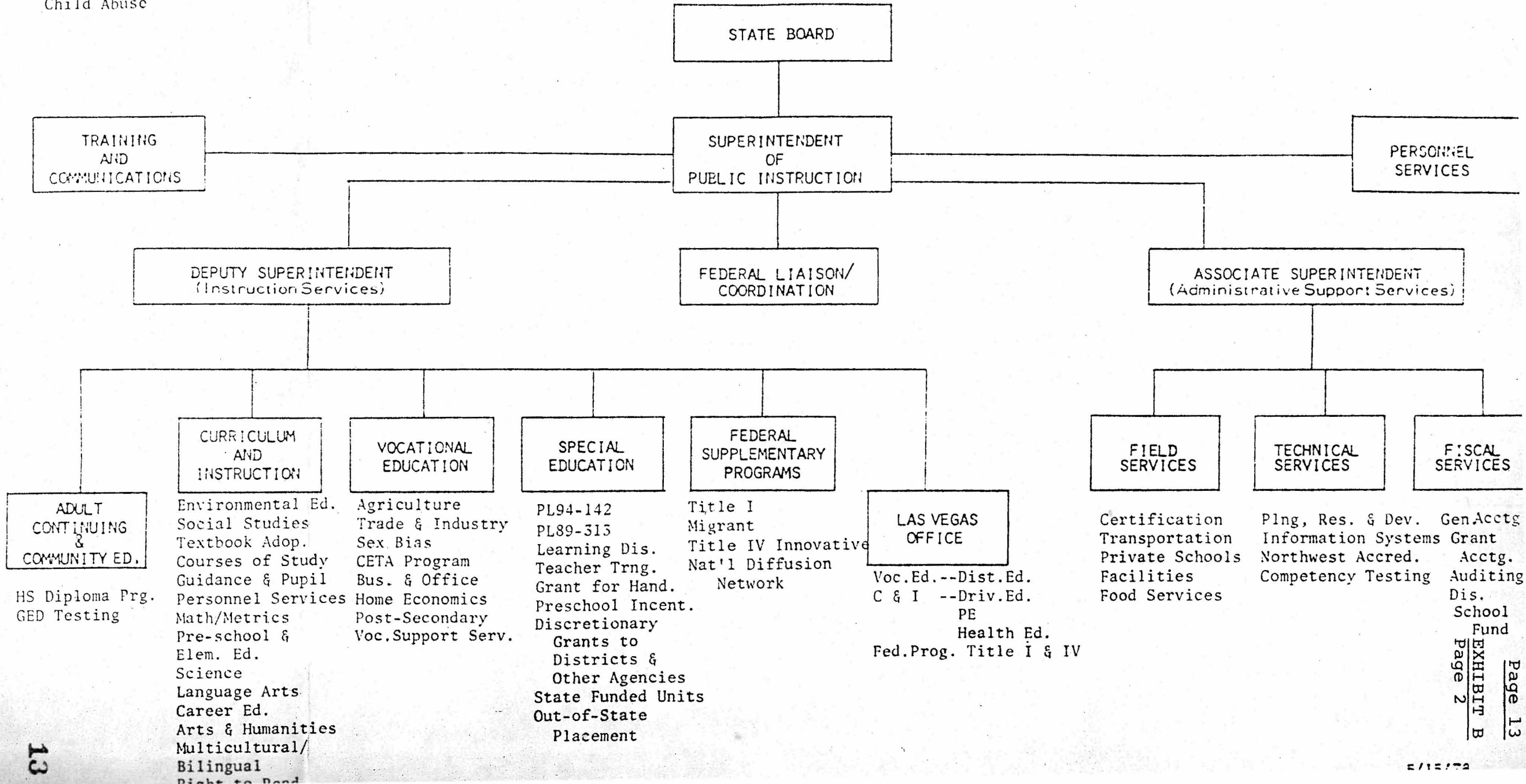
Shirlee Wedow

Martha Blankinship, Student Rep.



NEVADA DEPARTMENT OF EDUCATION

Audio/Visual Equip.
 Secondary Ed.
 Business & Industry Linkage
 Child Abuse



~~A seven-member state board of education, whose members are
 appointed by the governor for 4-year staggered terms, be
 appointed. Geographic representation on the board should
 consist of four members from Clark County, three members
 from Washoe County and two members from the remainder of
 the state. Four members of the board should qualify for
 their positions by demonstrated interest in, and expert
 knowledge of, public school education and its governance.
 Five members of the board should be representatives of the
 general public. No member of the board should be an
 elected state or local official or be an employee of the
 state in any capacity, and no more than five members of
 the board should be of the same political party. Board
 members should be permitted to be reappointed. Each board
 member incumbent on the effective date of this recommenda-
 tion should be permitted to serve out the term for which
 he was elected. (BDR 34-35)~~

2. Responsibilities of the Board

There appears to be a general consensus among those who either
 wrote to the subcommittee and expressed their views on the sub-
 ject, or appeared before the subcommittee, that the statutes
 should be amended to clarify the authority and responsibility
 of the state board of education as such authority and respon-
 sibility pertain to the operation of the department of educa-
 tion.

In regard to this matter, the subcommittee considered three
 different alternatives: (1) Giving the board advisory status
 only, (2) Giving the board the responsibility and authority
 for policymaking and giving the responsibility and authority
 for all administrative, technical and procedural activities
 to the superintendent of public instruction, and (3) Giving
 the board all statutory responsibility for policymaking and
 administration of the state department of education.

In the end, the subcommittee decided that the best approach
 would be to amend the statutes to clarify that the state board
 of education is responsible for policymaking and the superin-
 tendent of public instruction is responsible for administra-
 tive, technical and procedural activities, including the
 selection of the personnel for the state department of educa-
 tion. Such statutory clarification, the subcommittee believes,
 is necessary to bring existing practice into conformity with
 the intent of the framers of the statutory language relating
 to the powers and duties of the state board of education.

Several state department of education staff members stated,
 during the interviews with the members of the subcommittee,

that the state board of education is too enmeshed in the administrative matters of the department. This view was shared by others who appeared before the subcommittee.*

Ewald B. Nyquist, former deputy commissioner of education for the state of New York, has observed:

The overarching responsibilities of a board are not unlike some of the responsibilities of a board of trustees of a higher * * * (educational) * * * institution. Within legal and constitutional mandates a board should have in its portfolio of responsibilities the following:

- . Directing the accomplishment of the distinctive purposes for which the board and its education department were established.
- . Carefully selecting, counseling with, and supporting the chief state school officer, relying on him for leadership in educational policy and planning, and assisting him in the exercise of that leadership.
- . The interpretation and establishment of educational policy within the broad policy mandates of the legislature, the oversight of the quality of the educational system, and assistance in the planning for educational growth.
- . Acquisition, conservation, and development of resources for the department's support and implementation of the educational program of the state.
- . Promoting understanding and cooperation between the people of the state, the political community, the educational community, and the state education department by interpreting the opinions and judgments of each of these to the other.

Governing boards legislate; chief state school officers execute. In this dictum lies much wisdom. Incompetent boards tend to meddle with administration; arrogant executive officers sometimes are too aggressive in arrogating unto themselves policy determinations which should be cleared with their boards (5:160-161).

*See Subcommittee's minutes dated January 10, 1978.

EXHIBIT C

Page 3

Campbell, noted earlier, believes the administrative powers of the superintendent should include the ability to select department of education personnel. He says, "Each CSSO * * * (chief state school officer) * * * should have the freedom to establish his own administrative team * * *. Only when the CSSO can choose his own team can he be held responsible for his administration" (1:271).

Based on presentations to it, interviews with state department of education staff, and a review of the pertinent literature, the subcommittee recommends that:

Title 34 of NRS be amended to clarify that the state board of education has the responsibility and authority for policymaking for the state department of education. All administrative, technical and procedural activities, including the employment of personnel within the state department of education, should be the responsibility of the superintendent of public instruction. (BDR 34-36)

3. Compensation for Additional Board Meetings

Under existing law the members of the state board of education receive a salary of \$40 per day plus traveling and subsistence expenses for attending board meetings. However, the law restricts salary payments for board members to a maximum of eight meetings in a calendar year. During the past year, the state board of education found it necessary to hold 11 meetings. In addition, numerous committee meetings were held by various members of the board to study important educational matters. Therefore, board members served without benefit of salary for performing their statutory duties.

The subcommittee believes the members of the state board of education should be compensated for at least 12 meetings a year. Other state boards, similar in importance to the state board of education, are not restricted in the number of meetings for which their members may be compensated. For examples, one should review the statutory provisions relating to the state fish and game commissioners, the Nevada gaming commission, the public employees' retirement board and the state welfare board.

Considering the importance of an active, well informed policy board for Nevada's public schools, the subcommittee recommends that:

The number of meetings for which each member of the state board of education shall be compensated for attending be increased from 8 to 12 meetings in any calendar year. (BDR 34-37)

STATEMENT OF
State Department of Education
to the
Assembly Committee on Education
February 1, 1979

Assembly Bill 118: Clarifies functions of State Board of Education and Superintendent of Public Instruction.

Chairman Vergiels, members of the Committee on Education, I am Ted Sanders, Superintendent of Public Instruction.

I would like to make the following recommendations, Mr. Chairman.

A. Permit the State Board of Education to continue to be responsible for granting and revoking of licenses. This provides for a check and balance for licensed schools. The superintendent of public instruction is responsible to investigate, collect and provide information to the Board.

B. A bill relating to recodification is going to be prepared and introduced with the above considerations.

The Department of Education and the State Board of Education endorse Assembly Bill 118.

We feel that the clarification provided through this bill is exceptional, and feel that the work done has been thoroughly completed and timely.

Therefore, I give my firm endorsement of support to Assembly Bill 118.

STATEMENT OF
State Department of Education
to the
Assembly Committee on Education
February 1, 1979

Assembly Bill 120: Adds to duties of Superintendent of Public Instruction and revises qualifications and duties of Deputy and Associate Superintendents.

Chairman Vergiels and Committee members:

The editing of NRS 385.290 clearly delineates the qualifications of the deputy superintendent and associate superintendent of public instruction, as well as their responsibilities in working with the superintendent of public instruction.

The State Board of Education and the Superintendent of Public Instruction feel that the changes in the aforementioned editing of NRS 385.390 will strengthen the Department of Education by providing the Superintendent of Public Instruction with the authority to delegate more effectively and to utilize totally the strengths of the deputy superintendent and the associate superintendent.

I suggest that the committee amend this bill by deleting lines 1, 2, 3, 4 and 5 on page 4. I would then refer the committee to NRS 385.270 which requires the Attorney General to give his opinion, in writing and without fee, to the superintendent on matters relating to the duties of his office. This section provides sufficient access to legal opinions by the Attorney General for the administration of the Department of Education. Allowing access by any and all Department staff could have an adverse effect upon the administration of both the Department of Education and the Office of the Attorney General.*

In conclusion, Mr. Chairman, the State Board and the State Department of Education endorse Assembly Bill 120.

* [385.460 When required, the attorney general shall give his opinion in writing and without fee to the deputy superintendent of public instruction, the associate superintendent of public instruction for administration and the professional staff on matters relating to the duties of their offices.]

STATEMENT OF
State Department of Education
to the
Assembly Committee on Education
February 1, 1979

Assembly Bill 123: Deletes statutory references to certain special consultants in State Department of Education and assign responsibilities to Superintendent of Public Instruction.

Chairman Vergiels, members of the Committee on Education:

The State Department of Education endorses this bill with suggested revisions.

On line 9 and line 11, I would suggest that the statements be revised to read "develop or adopt". This would permit the Department of Education to provide existing materials and programs to the teachers, thus potentially saving time and funds.

It is our belief that it is in the best interest of the state's educational system to assign administrative responsibility to one person rather than to leave a multitude of persons responsible. These duties could then be delegated appropriately.

In closing, Mr. Chairman, the State Board of Education and the State Superintendent endorse Assembly Bill 123 with the recommended revisions and ask your committee to look favorably on this.

STATEMENT OF
State Department of Education
to the
Assembly Committee on Education
February 1, 1979

Assembly Bill 125: Permits Superintendent of Public Instruction to have outside occupation only if approved by State Board of Education.

Chairman Vergiels, members of the Committee on Education:

The State Department of Education endorses this bill.

STATEMENT OF
State Department of Education
to the
Assembly Committee on Education
February 1, 1979

Assembly Bill 132: Revises limitation on number of meetings
for which members of State Board of Education may be compensated.

Chairman Vergiels, members of the Committee on Education:

The State Board of Education endorses this bill.

STATEMENT OF
State Department of Education
to the
Assembly Committee on Education
February 1, 1979

Assembly Bill 133: Changes requirements for eligibility
to office of Superintendent of Public Instruction.

Chairman Vergiels, members of the Education Committee:

The State Board of Education endorses this bill.

The State Board of Education feels that the existing qualifications
may be too restrictive, thus limiting the field of qualified applicants.

STATE ORGANIZATION

385.465

there is no appeal to the state board of education. The decision of the superintendent of public instruction on such appeals shall be final.

[45:32:1956]—(NRS A 1965, 1151; 1969, 171)

385.460 Attorney general to advise deputy, associate superintendents of public instruction, professional staff. When required, the attorney general shall give his opinion in writing and without fee to the deputy superintendent of public instruction, the associate superintendent of public instruction for administration and the professional staff on matters relating to the duties of their offices.

[46:32:1956]—(NRS A 1965, 1152; 1969, 171)

385.465 Special consultant on Indian education: Appointment; qualifications; powers and duties.

1. The superintendent of public instruction shall appoint a special consultant on Indian education within the state department of education. The appointment shall be approved by the state board of education.

2. The special consultant on Indian education shall be an Indian who holds a degree in education from an accredited institution of higher learning and has at least 3 years of experience as a teacher or school administrator. An advanced degree in education may be substituted for 1 year of the required experience.

3. The special consultant on Indian education shall work within the state department of education and with the Indian tribes in establishing programs and curricula designed to meet the special educational needs of Indians in this state.

4. The special consultant on Indian education has primary responsibility within the state department of education for the approval of the granting of federal funds authorized under the state Johnson-O'Malley contract to local school districts for meeting the special educational needs of Indians.

(Added to NRS by 1973, 1508; A 1977, 1214)

The next page is 13123

SYSTEM OF PUBLIC INSTRUCTION

388.595

training schools or juvenile forestry camps. Necessary textbooks, equipment and supplies shall be furnished by the school district.

(Added to NRS by 1961, 120; A 1967, 1583)

388.570 Computation of average daily attendance. As required by subsection 4 of NRS 387.123, the state board of education shall establish rules and regulations for the computation of average daily attendance of children detained in detention homes and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550 to 388.580, inclusive.

(Added to NRS by 1961, 120; A 1967, 893, 1583; 1973, 1430)

388.580 Reports to superintendent of public instruction by school districts. Reports shall be made by school districts to the superintendent of public instruction at such time and in such manner as he shall prescribe.

(Added to NRS by 1961, 120)

ENVIRONMENTAL EDUCATION CONSULTANT

388.595 Environmental education consultant: Employment; duties. The state department of education shall provide leadership for the environmental education program by appointing an environmental education consultant, who shall be in the classified service of the state and an employee of the state department of education, whose responsibilities shall include but not be limited to the following:

1. Coordinating the efforts of the various disciplines within the educational system that are concerned with environmental education.
2. Developing and distributing instructional materials for use in environmental education.
3. Developing programs of in-service teacher training in environmental education.
4. Coordinating the efforts of private organizations, local school districts and governmental agencies that are concerned with environmental education.

(Added to NRS by 1971, 1186)

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