

**MINUTES OF THE
MEETING OF THE SENATE COMMITTEE
ON HUMAN RESOURCES AND FACILITIES**

**SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
January 28, 1981**

The Senate Committee on Human Resources and Facilities was called to order by Chairman Joe Neal, at 9:03 a.m., Wednesday, January 28, 1981, in Room 323 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda. Exhibit B is the Attendance Roster. Exhibit C is the Clark County School District Synopsis of Legislative Packet 1981 Nevada Legislature.

COMMITTEE MEMBERS PRESENT:

Senator Joe Neal, Chairman
Senator James N. Kosinski, Vice Chairman
Senator Richard E. Blakemore
Senator Wilbur Faiss
Senator James H. Bilbray

COMMITTEE MEMBERS ABSENT:

Senator Virgil M. Getto

STAFF MEMBERS PRESENT:

Connie Richards, Committee Secretary

The Chairman asked representatives from the Nevada State School Boards Association to acquaint the committee with some of their functions and to report any pertinent information pertaining to the school board that might affect upcoming legislation.

Mr. John Hawkins introduced himself as a representative for the Nevada State School Boards Association. He said that the Nevada State School Boards members represent all the voters in Nevada as well as approximately 145,000 students who attend public schools in the state.

Mr. Hawkins expressed a concern for greater local autonomy within the school board. He cited special education requirements, integration, Title IX, vocational programs, O.S.S.A., non-English speaking students requirements, and hiring requirements. He said that these items are too restricting

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to local school board autonomy.

Mr. Hawkins voiced a need for the governor of the state to be exposed on a more regular basis to the public educational needs of the state. He said that this need is based on the fact that much of the funding to public schools comes from state level, and cited the governor's budget recommendations as an example of this lack of understanding.

Mr. Hawkins said that he feels that the state school board has been restricted greatly by the legislature in the area of employer-employee relations and professional practices.

Public image of education in Nevada, as well as in the nation is another concern expressed by Mr. Hawkins. He said that 56 percent of freshmen who took the entrance examination at University of Nevada, Reno scored so poorly, that they were referred to remedial English programs. He cited many possible causes for the low scores by the students, including television's effect on children and their education, changes in family lifestyles, teacher-pupil ratio, teacher salary not keeping pace with inflation (causing loss of good teachers), federal constraint placed on local school boards, and employer-employee relations. These items and their effect on students' education, stated Mr. Hawkins, have a lowering effect on the public image of education.

Senator Kosinski asked whether the students who scored low on the university entrance exam had come from Nevada School Districts or from out of the area.

Mr. Hawkins responded that many of the students had come from other areas, adding that students within the Nevada public schools generally score higher than average, nationwide, on standardized achievement tests as well as competency tests.

The Chairman asked Mr. Hawkins what the school board is trying to achieve.

Mr. Hawkins said that the first priority is to better inform the public concerning the needs of the public schools, to exchange information among the 17 school districts in the state, and to provide mutual support and assistance to the districts.

There being no additional questions for Mr. Hawkins, the Chairman asked representatives from Washoe County to

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introduce themselves to the committee. They were introduced as Leonard Dalton, Superintendent of Washoe County School District, Mr. Martin Moss, Assistant Judge of Curriculum, and Dick Wright, specialist in directing curriculum.

Mr. Moss spoke briefly on proficiency testing, commenting that he feels that they are a good tool to gaining credibility to the high school diploma by helping to determinate high school graduation requirements. He said that although teacher-pupil ratios for the state of Nevada are high, students who attend public schools in Nevada consistently score above the average for the nation on the proficiency exams.

Mr. Moss expressed a need for greater local autonomy within the school district.

Mr. Claude Perkins representative of Clark County School District introduced himself, Dr. James Wyman, President of the Board of Trustees, Clark County School District, Dr. Chuck Neely, representative, Clark County School District, and Dr. James H. Lyman, representative, Clark County School District.

Mr. Perkins distributed to the members of the committee the Clark County School District Synopsis of Legislative Packet 1981 Nevada Legislature, which explains all major concerns with the Clark County School District. (See Exhibit C). The Clark County School District representatives gave a brief overview of the packet for the benefit of the committee members.

There being no further business, the meeting was adjourned at 10:35 a.m.

Respectfully submitted by:


Connie S. Richards, secretary

APPROVED BY:


Senator Joe Neal, Chairman

DATE: February 2, '81

SENATE AGENDA

COMMITTEE MEETINGS

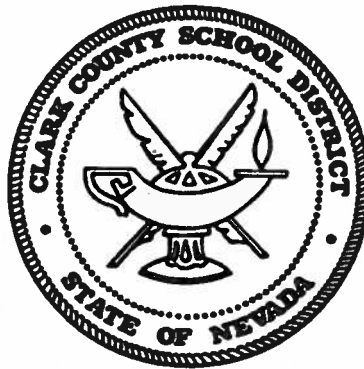
Committee on Human Resources and Facilities , Room 323 .

Day Wednesday , Date January 28 , Time 9:00 a.m.

Representatives of the Nevada State School Boards Association.

Representatives of Clark and Washoe County School Districts.

**Synopsis of
LEGISLATIVE PACKET
1981 NEVADA LEGISLATURE**



**Clark County School District
Approved by the Board of School Trustees
August 14, 1980**

BOARD OF SCHOOL TRUSTEES

**Dr. James Lyman, President
Mr. Robert Forbuss, Vice President
Mrs. Shirley Holst, Clerk
Mrs. Virginia Brooks Brewster, Member
Mr. Donald R. Faiss, Member
Mr. Thomas Semmens, Member
Mrs. Lucille Lusk, Member
Dr. Claude G. Perkins, Superintendent**

**Prepared by
Office of Information Services**

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General
August 28, 1980

I. LOCAL AUTONOMY

The Clark County School District supports the concept of local autonomy and opposes any attempt by any agency to preempt or usurp this vested authority by any means. Certain Nevada statutory provisions are in conflict with this position, therefore, the CCSD will maintain the legislative posture that these statutes be repealed or amended. They are:

- 1-1. A CCSD will recommend this statute be amended from the requirement that lists of books for use in public school libraries must be approved by the State Board of Education, to require only the approval of such lists by local superintendents and school boards.

- 1-1. B The CCSD will recommend the repeal of this statute which requires the Board of Trustees in a county with a population over 100,000 to give notice before adopting, repealing or amending policies and regulations.

- 1-2. A CCSD will recommend the repeal of subsection 3 of this statute which requires that Arbor Day be observed by public schools by Proclamation of the Governor.

- 1-2. B CCSD will recommend that the real and actual expenses incurred for the administration of state mandated proficiency examinations be borne by the State Department of Education.

- 1-2. C CCSD will recommend the repeal of NRS 389.080 which provides that all teachers shall teach lessons on the subject of thrift.

- 1-2. D CCSD will recommend that all three statutes be deleted as they require Legislature mandated instruction in certain categories of environmental education which violates local control.

- 1-3 CCSD will recommend that this statute be amended to include another subsection which restricts other governmental agencies from imposing standards or programs which have a fiscal effect on the District without first insuring funding from the state Legislature or the Interim Finance Committee.

II. BUSINESS AND FINANCE

In the area of Business and Finance, the CCSD will aggressively pursue the development of a sound financial base for the long-range continuity of program planning necessary to the provision of quality education. Legislative action is sought on the following statutes:

- 11-1 CCSD recommends that existing legislation on Unemployment Benefits be maintained.

- 11-2 CCSD recommends that existing legislation on Nevada Industrial Insurance (NIC) be maintained.

- 11-3 CCSD recommends that any significant increase in the Public Employees Retirement System payment of benefits be supported by a corresponding increase in contributions.

- 11-4 CCSD recommends that existing legislation on Budget Preparation be maintained.

- 11-5 CCSD recommends that legislation which impacts the District by added regulation, increased paperwork, or added cost must be carefully assessed as to any adverse impacts.

- 11-6 The CCSD position will be to encourage and assist legislators in developing tax legislation to provide sufficient local and state revenue for the 1981-83 biennium and for subsequent year; and return at least 60 percent of the funds to local sources.

- 11-7 CCSD position calls for Nevada school districts to be authorized to collect an additional one cent sales tax to be designated as Local School Support to the Distributive School Fund, and the removal of the revenue cap established under SB 204.

- 11-8 CCSD position will support the 1981-83 State Distributive School Budget recommendations of the State Department of Education, and will maintain the position that support of basic state aid is of primary concern and that any other program or service be considered in relationship to this basic requirement.

- 11-9 **CCSD will encourage and assist legislators to establish Capital Reserve Funds to meet short range building needs, through the enactment of appropriate legislation.**
- 11-10 **CCSD will recommend that federal revenue be provided to pay for the operational and capital costs of education in the event that the proposed MX project is initiated, and that state revenue be provided where federal money does not meet these costs.**
- 11-11 **The CCSD will support the resolution adopted by the Nevada State School Boards Association by proposing a draft of legislation relating to School Finances, and by presenting it to the 1981 legislature for action.**
- 11-12 **CCSD will recommend that responsibility for pedestrian and traffic control on public streets adjacent to schools and at school crossing intersections remain with those public agencies now responsible.**
- 11-13 **CCSD will recommend that existing statutes assigning responsibility for traffic control remain under the jurisdiction of those agencies now responsible.**
- 11-14 **CCSD will oppose any effort to require the District to be responsible for pedestrian school crossing guards.**
- 11-15 **CCSD will oppose School Construction Offsite Improvements mandated by city or county governing bodies as a requisite for approval of building permits or use permits without prior consultation with appropriate school personnel.**
- 11-16 **CCSD will recommend that control of student, pedestrian and motor vehicle traffic on dedicated public streets adjacent to schools or school crossing intersections remain the responsibility of those public agencies now responsible.**

11-17

CCSD will recommend the Legislature appropriate funds to the State Dept. of Energy to permit the state to participate in the federal matching grant program.

11-18

CCSD will recommend the removal of the SB 204 cap on either school district expenditures or revenue.

III. INSTRUCTION

The Clark County School District will oppose all state mandated curriculum and forced inclusion of noninstructional programs in order to allow the District to fulfill its basic responsibility of providing a quality education for all students.

The District recognizes its shared responsibility with the home and with other institutions and will seek to clarify those areas where there appears to be overlapping and duplication of effort.

- 111-1 CCSD will recommend the deletion of all or part of these statutes which prohibit the District from providing a quality driver education program on a self-sufficient basis.

- 111-2 In 1973, the Legislature established many statutes recognizing the Nevada Interscholastic Athletics Assoc. as a political subdivision of the state but CCSD, while enrolling more than 50 percent of the students who are affected, is allowed only 25 percent representation of the Association's Board of Control. Therefore, the CCSD will recommend NRS 386.420 be revised to mandate a guarantee of equitable representation on the governing Board using a proportional membership based on student population or on a proportion similar to that which allocates members of the assembly to the state Legislature.

- 111-3 Federal and state legislation in the form of PL 94-142 and NRS 389.015 have had a considerable impact on the financial standing of CCSD, causing it to expand its programming and service to students at a rate inconsistent with available funds. Hence, the intent of the legislative packet in regards to Special Education and Health is to contain the expansion of unfunded and/or underfunded special programs and services and to seek funding for such previously approved programs and services.

- 111-3. A CCSD will recommend that the Nevada State Department of Education be responsible for assuming the coordination and costs of providing medically related services for Special Education Students from funds separate and apart from educational appropriations for instructional activities.

111-3. B

CCSD will recommend that the State Board of Education make provisions for additional funds to meet the full costs of providing programs for certain handicapped students who require special education and related services in excess of the regular school year of 180 days. Also, CCSD will recommend the State Board of Education prescribe standards to identify the eligible handicapped school-age persons.

111-3. C

CCSD will recommend a revision of section 4 to change the age of admittance into programs for academically talented minors, from 4 years to 5 years.

111-3. D1

CCSD will recommend that Severely Profound Physically/Mentally Handicapped students now enrolled at Variety and Stewart Schools be housed in state operated facilities conducive to their specific needs for multiple related services, and that their educational training be provided by CCSD personnel at the housing location. And, the real and actual expenses associated to be totally reimbursed to CCSD by the state.

111-3. D2

CCSD will recommend that a contract between the State of Nevada and the CCSD be established to allow for the total reimbursement of all salaried positions, instructional supplies, furniture and equipment, and expenses of special programs for the Spring Mountain Youth Camp. CCSD will provide the services of the educational program on a non-profit basis in the same manner as to other schools in the District.

111-3. E

CCSD will recommend that Chapter 396 be amended so that the University of Nevada system transfer to the Community College Division the responsibility for the education services to handicapped persons who complete programs at the School District level. Further, CCSD will recommend that administrative agencies of the state be encouraged to provide appropriate services for the post secondary handicapped population.

111-4

CCSD will recommend no change be made in these statutes which set the compulsory school attendance ages.

111-5

CCSD will seek legislation which would provide for full coverage of all expenses associated with the operation of educational programs at Juvenile Court Services - Child Haven/Detention Center.

IV. PERSONNEL

The CCSD Board and Administration, in order to insure valid personnel policies and practices, will seek legislative changes in area of duplication of employee benefits or eroded management authority. The overlapping of statutes in areas of professional practices, administrative procedures and collective bargaining has created multiple avenues for the employee to pursue and has caused a multitude of problems for the District.

- IV-1** CCSD will recommend the repeal of NRS 281.123 which limits the salary of all persons (except dentists and physicians) in public employment to 95% of the Governor's salary.
- IV-2. A** CCSD will recommend this statute be amended to exclude administrative employees as defined in NRS 288.025 which defines bargaining unit.
- IV-2. B1** CCSD will recommend this statute, subsection 2(o) be amended to specifically exclude the application of grievance and arbitration procedures to Board policies and administrative regulations.
- IV-2. B2** Due to conflicts in certain subsections of NRS 288.150 having to do with the content of the workday and the quality and quantity of services to be offered to the public CCSD would recommend that teacher preparation time be removed from the list of negotiable items in the statute.
- IV-2. B3** CCSD will recommend that subsection 5 be amended to restrict the number of school days certificated employees may be authorized to serve on state appointed boards and committees during any school year.
- IV-2. C** CCSD will fight any and every effort to retain last best offer for public employee groups by an arbitrator.
- IV-3. A** CCSD will recommend this statute be amended to prohibit paying an employee twice for a given period of time during the teachers work day (covering a class for an absent teacher.)
- IV-3. A2** CCSD will recommend the repeal of subsection 5 regarding the payment for unused sick leave.

- IV-3. A3** CCSD will recommend the repeal of subsection 6 which limits number of sick leave days which may be credited in any one school year.
- IV-3. B*** CCSD will recommend the repeal of NRS 391.311 which defines certain terms as "administrator, board, demotion, postprobationary period," etc. since these definitions fall within the scope of mandatory bargaining as mandated in NRS 288.
- IV-3. C** In the event that NRS 391.311 is not repealed, CCSD will recommend that NRS 391.312 be amended to provide for automatic dismissal of employees by the Board of School Trustees when the certificated employee is absent without approved leave for five days.
- IV-3. D1*** Due to the fact that discipline is a mandatory subject of bargaining according to NRS 288, CCSD will recommend the repeal of NRS 391.313 which allows for reasonable time for improvement which shall not exceed three months for the first admonition.
- IV-3. D2** In the event that NRS 391.313 is not repealed, as an alternative, CCSD would recommend that subsection 1(b) be amended to allow an admonishment to remain for an indefinite period for employees who continue to require improvement.
- IV-3. D3** As an alternative to the repeal of NRS 391.313, CCSD would recommend the revision of subsection 2 to read... (p) and (d). An admonition should be required for insubordination.
- IV-3. E1*** Due to the fact that employee discipline is a mandatory subject of bargaining according the NRS 288, CCSD would recommend the repeal of NRS 391.314 which allows for the Superintendent to suspend an employee without notice and without hearing. Since this statute is already covered in NRS 288 it is unnecessary duplication to have it included in NRS 391.314.
- IV-3. E2** In the event that NRS 391.314 is not repealed, CCSD would recommend the amendment of subsection 4 to allow for suspension of 30 working days (rather than 2) with loss of pay during any contract year at the discretion of the Superintendent.

* Priority

- IV-3. F*** CCSD will recommend the repeal of NRS 391.315 which allows for Superintendent to dismiss certificated/administrative employees and for the Board to dismiss the Superintendent. The rationale for repeal is because this statute is already covered under NRS 288, which relates to mandatory subjects of bargaining, and therefore constitutes an unnecessary duplication.
- IV-3. G*** CCSD will recommend the repeal of NRS 391.317 which relates to the notice of intent to recommend demotion, dismissal or refusal to reemploy, as it is a mandatory subject of bargaining under NRS 288, and therefore constitutes unnecessary duplication.
- IV-3. H*** Due to the fact that NRS 391.318 is already covered under NRS 288 and is part of the negotiations process, CCSD would recommend that it be repealed. This statute relates to actions required by Superintendent regarding requests for hearing.
- IV-3. I** NRS 391.320, subsections 1 and 2, pertaining to suspension, revocation of teacher certificates, currently reads "The State Board of Education may suspend or revoke the certificate of any teacher for any cause specified by law." CCSD recommends that the word "may" be changed to "must."
- IV-3. J1*** CCSD will recommend the repeal of NRS 391.3125, which relates to development of objective evaluation of teacher personnel in each school district, because it conflicts with NRS 288.150, subsection 3(c-1) which states... "and work performance standards, ... is subject reserved to the local government employer without negotiation."
- IV-3. J2** As an alternative to the repeal of NRS 391.3125, CCSD would recommend the deletion of subsection 2, because it conflicts with NRS 288.150, subsection 3(c) (the quality and quantity of services to be offered to the public is not within the scope of mandatory bargaining and is reserved to the local government employer without negotiation).

* Priority

- IV-3. K1*** Because work performance standards, according to NRS 288.150, subsection 3(c-1) are reserved to the local employer without negotiation, CCSD would recommend the repeal of NRS 391.3127 which relates to the evaluation of administrators.
- IV-3. K2** In the event that NRS 391.3127 is not repealed, CCSD would recommend the deletion of subsection 1 which conflicts with NRS 288.150 subsection 3(c) (the quality and quantity of services to be offered to the public is not within the scope of mandatory bargaining and is reserved to the local government employer without negotiation).
- IV-3. L*** CCSD will recommend the repeal of NRS 391.3161, relating to the appointment and duties of hearing officers, because it is in conflict with NRS 288 relating to mandatory subject of bargaining.
- IV-3. M*** CCSD will recommend the repeal of NRS 391.3191, which allows Superintendent and employee to strike five names each from the list of hearing officers, because this statute conflicts with NRS 288 relating to mandatory subject of bargaining.
- IV-3. N*** CCSD will recommend the repeal of NRS 391.3192, which relates to set of uniform standards or procedures to be used in a hearing. The recommendation to repeal is based on the fact that this statute relates to mandatory bargaining which is already covered in NRS 288.
- IV-3. O*** CCSD will recommend the repeal of NRS 391.3193, pertaining to the contents and time limitations of written report of hearing, due to the fact that this statute is already covered in NRS 288 and is a mandatory subject of bargaining.
- IV-3. P*** CCSD will recommend the repeal of NRS 391.3194, relating to Superintendent's recommendations to Board and appeal of a decision, because it relates to mandatory subject of bargaining already covered under NRS 288.

- IV-3. Q* CCSD will recommend the repeal of NRS 391.31915, which relates to procedure for exercising challenges to the hearing officer and hearing commission chairman because it relates to mandatory subject of bargaining under NRS 288.
- IV-3. R CCSD will recommend the amendment of NRS 391.3196, subsections 1 and 3, changing the dates from April 1 and April 10, to May 1 and May 10 respectively, as the dates that the Board must notify certificated employees about reemployment, and the date that the employee must notify the Board of acceptance of employment.
- IV-3. S CCSD will recommend subsection 1 be amended to provide that teachers employed be on a probationary contract for the first three consecutive years of employment and that they may be dismissed at any time at the discretion of the Board.
- IV-4 CCSD will recommend and increase to \$55 per meeting (not to exceed \$220 per month) for the clerk and president of the Board, and an increase to \$50 per meeting (not to exceed \$200 per month) for the other trustees of the Board.

* Priority