

MINUTES MEETING OF ASSEMBLY COMMITTEE ON EDUCATION, 55TH LEGISLATIVE SESSION, MARCH 11, 1969:

Present: Lingenfelter, Webb, Foote, Prince, Swallow and Wilson.
Absent: Tyson

Chairman Lingenfelter convened the meeting and announced that the agenda called for consideration of three bills all having to do with the two year probationary period of teachers in relation to the Professional Practices Act. These bills are AB 364, 356, and 436.

Mr. Burnell Larson, Superintendent of Public Instruction, was introduced to comment on AB 364 which had been introduced at the request of the Education Department.

Mr. Larson said that AB 364 provides a two-year probationary period for teachers prior to becoming subject to the Professional Practices Act and that within that period the causes for dismissal are set forth with the provision that a teacher is given an opportunity to hear the reasons given for his dismissal and to reply. He said that the main difference between AB 364 and AB 356 is this latter provision. Under AB 356 a teacher could be dismissed without cause whereas in AB 364 is given the opportunity to hear the cause given and to reply to the decision.

Mr. Larson said they felt that the teacher should have recourse to the Board of Trustees on termination and that the two-year probationary period was put in at the request of the Boards of Trustees. The original bill did not provide a two-year period.

Assemblyman Webb was asked if he wished to comment on AB 436 and he said he preferred to hear the other bills. He said he liked AB 364 and thought it provided a better review process.

Mr. Al Seliger, representing the Nevada School Trustees Association read the following statement in favor of AB 364:

The Nevada School Trustees Association supports a probationary period being established under the terms of the Professional Practices Act. Any business, industry or occupation in general has a probationary hiring period. (If we have teachers who feel that they are so inadequate that they could not survive a probationary period, they should not be teaching.) The Professional Practices Act is supposed to upgrade the teaching occupation and a great responsibility has been placed upon school principals and teachers to see that this is accomplished. A probationary period will add strength to this act.

It is interesting to note that the original measure proposed by the Teachers Association did contain this provision, but along the way during five revisions of the original act, it became lost in the shuffle. At present this act gives any teacher hired today or tomorrow "instant tenure". Even though "tenure" has been an established part of University staffing for years--and I do not say that is good--it is still possible to not issue "tenure" until a staff member has served seven years, if the department head so desires.

At present, under the Professional Practices Act, coverage is immediate. It should also be remembered that even with a two-year probationary period the first year teacher can always appeal a dismissal to the courts. In closing, may I again state that the Nevada School Trustees Association fully supports the establishment of a two-year probationary provision provided in pending legislation.

Mr. Robert L. Petroni, legal counsel for the Clark County Schools, was asked to comment. He stated that AB 364 if favored by the committee should clarify that portion of the bill which allows the teacher recourse and an opportunity to answer the dismissal. He referred to page 2, lines 3 and 4: "If the teacher so appears, the reasons for such determination shall be given to him and such teacher may reply". He said this needs clarification for support by the courts in the light of recent decisions on due process. This due process must be spelled out.

Mr. James Butler representing the Nevada State Educators Association suggested that inasmuch as the present law was enacted in 1967 and was just in effect that it might be wise to allow it to operate for a reasonable time before any amendments are made. He suggested that at this time it is too early to start amending. He said that no dismissal cases have yet come to fruition under the present act and there is no precedent established. However, Mr. Butler said that none of the three bills being considered allows a teacher a hearing before his local board prior to dismissal. This provision, he said, should be an essential.

Mr. Marvin Piccolo, Superintendent of Washoe County Schools, said that one of the primary objectives of teacher supervision was in helping through evaluation and counsel to assist the teacher to find his proper level for full effectiveness. Any bill which would place the emphasis upon dismissal processes would be contrary to this objective. It was developed that the process of documenting a dismissal is necessarily detailed and time-consuming.

Assemblyman Swallow asked Mr. Larson how he felt about that portion of AB 436 which would alter the composition of the professional review committee to include 21 lay persons.

Mr. Larson said that he was against it. He said the original intent of the bill was to allow the profession to "clean its own house". If you allow persons outside the profession to sit in judgment you prevent this. Mr. Piccolo supported Mr. Larson and stated that lawyers and other professional groups maintain their own standards and policing of them. He said that he felt teachers also should have this opportunity. It would be impractical to ask parents to exercise judgment in matters of a professional nature with which they are not familiar.

The committee discussed the problem of "immorality" among the causes of dismissal. It was developed that when this situation develops it is the responsibility of the knowing parties to report it to administrators for action. Mr. Piccolo told the committee that this area is difficult to supervise by its very nature and does require a documentation process that is in some instances almost impossible to attain.

Mabel Mitchell, of the National Teachers Association, stated that

she fully supported the committee's consideration of these bills and that there was a definite necessity in Nevada of establishing sound policy. On the immorality question, she too explained the difficulties but emphasized the urgency of action by any knowing persons. In this regard, Mr. Petroni advised the committee of the legal importance of immediate reporting and acting in such matters. He said that too often a just premise fails for the reason that action is not taken promptly enough.

Assemblyman Webb then took an opportunity to comment on AB 436 which he said had been drawn at the request of frustrated parents who had indicated that their requests for action from school administrators had not been heeded. He indicated, however, that he agreed that the profession should have an opportunity to set its own house in order, so to speak, and that if it is found after two years that this has not been done then remedial steps can be taken.

Chairman Lingenfelter took the opportunity of Mr. Petroni's presence to ask his legal advice or counsel with regard to AB 373 which enables school districts to purchase liability insurance for junior traffic patrols.

Mr. Petroni said that it had come to the attention of Clark County School Districts who had established School Safety Patrols that the children were not covered by the existing insurance policies which were assumed to provide this coverage. For that reason they had to suspend the patrol system. AB 373 was requested to allow the districts to provide the insurance coverage to reinstate this program.

Chairman Lingenfelter thanked all who had appeared before the committee and excused them from the meeting.

Prince moved AB 356 be postponed indefinitely.
Swallow seconded.
Motion unanimously passed.

Webb moved to postpone indefinitely AB 436.
Motion seconded.
Motion unanimously passed.

The committee agreed that AB 364 should be amended to provide the due process provision suggested by Mr. Petroni.

Swallow moved to amend and Do Pass as amended AB 364.
Wilson seconded.
Motion unanimously passed.

Chairman Lingenfelter referred the committee's attention to the hearing which was held on AB 261 that permits the Superintendent of Public Instruction to make final determination of need in placing deaf, dumb and blind students. The bill updates the language regarding the afflictions.

Swallow moved Do Pass AB 261.
Webb seconded.
Motion unanimously passed.

Meeting adjourned.