

STRUCTURES AND FUNCTIONS OF THE
STATE BOARD OF EDUCATION AND
STATE DEPARTMENT OF EDUCATION



Bulletin No. 79-8

LEGISLATIVE COMMISSION
OF THE
LEGISLATIVE COUNSEL BUREAU
STATE OF NEVADA

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Assembly Concurrent Resolution No. 54—Committee on Education

FILE NUMBER.....

ASSEMBLY CONCURRENT RESOLUTION—Directing the legislative commission to study the structures and functions of the state board of education and the state department of education.

WHEREAS, The legislature wishes to determine whether the structures and functions of the state board of education and the state department of education should be changed or retained in their present forms; now, therefore, be it

Resolved by the Assembly of the State of Nevada, the Senate concurring, That the legislative commission is hereby directed to study the structures and functions of the state board of education and the state department of education, including:

1. The need for the board and, if needed, whether membership on the board should be elective or appointive; and
2. The department's staffing patterns, salary structure and services it performs, statewide as well as regionally, for Clark, Washoe and the smaller counties; and be it further

Resolved, That the legislative commission report the results of the study and any recommended legislation to the 60th session of the legislature.

REPORT OF THE LEGISLATIVE COMMISSION

To the Members of the 60th Session
of the Nevada Legislature

This report is submitted in compliance with Assembly Concurrent Resolution No. 54 of the 59th session of the Nevada legislature which directs the legislative commission to study the structures and functions of the state board of education and the state department of education.

The legislative commission appointed a subcommittee to make the study and recommend appropriate legislation to the next session of the legislature. Assemblyman John M. Vergiels was designated chairman of the subcommittee with Senator Margie Foote as vice chairman. The following legislators were named as members: Assemblymen Robert G. Craddock, Nancy A. Gomes, Dale Goodman, Nicholas J. Horn and James W. Schofield.

The subcommittee has attempted, in this report, to present its findings and recommendations briefly and concisely. A great deal of data was gathered in the course of the study. The data which bear directly upon recommendations in this report are included. The report is intended as a useful guide to busy legislators. All supporting documents and minutes are on file with the legislative counsel bureau and available to any member.

The report is transmitted to the members of the 1977 legislature for their consideration and appropriate action.

Respectfully submitted,

Legislative Commission
Legislative Counsel Bureau
State of Nevada

June, 1978

LEGISLATIVE COMMISSION

Assemblyman Donald R. Mello, Chairman
Assemblyman Paul W. May, Vice Chairman

Senator Keith Ashworth
Senator Richard H. Bryan
Senator Margie Foote
Senator James I. Gibson
Senator Norman Ty Hilbrecht
Senator William J. Raggio

Assemblyman Eileen B. Brookman
Assemblyman Joseph E. Dini, Jr.
Assemblyman Lawrence E. Jacobsen
Assemblyman Robert E. Robinson

SUMMARY OF RECOMMENDATIONS

This summary represents the major conclusions reached by the subcommittee. The conclusions are based upon suggestions which came from public hearings, written communications to the subcommittee, staff research and the experience of the subcommittee's members.

The subcommittee recommends that:

1. A nine-member state board of education, whose members are appointed by the governor for 4-year staggered terms, be created. 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 recommendation should be permitted to serve out the term for which he was elected. (BDR 34-35)
2. 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. 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)
4. All staff within the state department of education be given increased opportunities to express their views to the state board of education and the legislature.
5. The superintendent of public instruction be appointed by the state board of education for a term of 3 years. The subcommittee recommends further that the term of the superintendent of public instruction incumbent on the

effective date of this recommendation be deemed to have begun on April 1, 1978, and a new term shall begin on April 1, 1981. (BDR 34-38)

6. The minimum qualifications for the office of superintendent of public instruction include a masters degree and eligibility for certification as a teacher. (BDR 34-39)
7. The state board of education fix the annual salary of the superintendent of public instruction in an amount which is (1) no less than 15 percent below the average of the annual salaries of the superintendents of schools in the two school districts having the largest pupil enrollments, and (2) no more than 15 percent above such average. This recommendation should not authorize a salary for the superintendent of public instruction which is greater than the maximum salary permitted by NRS 281.123. (BDR 34-42 and BDR 34-85)
8. Statutory reference to the qualifications and duties of the deputy superintendent of public instruction be recast to indicate (1) the superintendent of public instruction may appoint a deputy superintendent of public instruction whose qualifications shall be the same as those required by law for the superintendent of public instruction, (2) the deputy superintendent of public instruction shall be in unclassified service, (3) the deputy superintendent of public instruction shall carry out such duties as may be assigned to him by the superintendent of public instruction, and (4) the deputy superintendent of public instruction shall have the powers to perform all duties required of the superintendent of public instruction. (BDR 34-40)
9. Statutory reference to the qualifications and duties of the associate superintendent of public instruction be recast to indicate (1) the superintendent of public instruction may appoint an associate superintendent of public instruction, (2) the associate superintendent of public instruction shall be in unclassified service, and (3) the associate superintendent of public instruction shall carry out such duties as may be assigned to him by the superintendent of public instruction. (BDR 34-40)
10. The powers and duties specified in NRS 385.310 and NRS 385.315 for the associate superintendent of public instruction be given to the superintendent of public instruction. (BDR 34-40)
11. The state board of education direct the superintendent of public instruction to develop a formalized needs assessment

mechanism, which includes substantial communications with and data received from local school districts, to develop goals, measurable objectives, and short term (less than 1 year) and long term (1 to 5 years) service plans, and priorities for such plans, for the department of education.

12. The state board of education direct the superintendent of public instruction to submit to the 1979 legislature, as part of the justification material for the state department of education's biennial budget, departmental goals, objectives and service plans which are quantifiable and conducive to reliable evaluation.
13. The state board of education direct the superintendent of public instruction to submit to the 1979 legislature, as part of the justification material for the state department of education's biennial budget, complete details on the department's organization structure. The subcommittee recommends further that the senate committee on finance and the assembly committee on ways and means review carefully the department's structure in relationship to its goals, objectives and service plans in making the committees' decisions on the appropriate level of funding for the state department of education.
14. The superintendent of public instruction cause the state department of education to place greater emphasis on the amount of services the department provides to the 14 school districts in the state with the smallest pupil enrollments.
15. The superintendent of public instruction expand the staffing and service capabilities of the state department of education's southern Nevada office.
16. The superintendent of public instruction cause the state department of education to place more emphasis on the community education services it provides to the school districts.
17. The superintendent of public instruction cause the state department of education to place increased emphasis on the assistance it provides to the school districts in developing and conducting inservice teacher education courses necessary for recertification credit.

18. The state board of education direct the superintendent of public instruction, through internal reorganization of the state department of education, to create separate divisions for both special education and vocational education.
19. The superintendent of public instruction cause a research and statistics section to be established within the state department of education. This section should accumulate and disseminate educational data relating to pupil achievement, enrollment, local educational programs, school discipline, pupil-teacher ratios and other basic educational data needed by local school districts, the state board of education, the state board for vocational education, the governor and the legislature.
20. The superintendent of public instruction submit a listing to the 1979 legislature of federally funded education programs in Nevada which are not cost effective (in terms of manpower to report or monitor) or are ineffective from an educational point of view, and recommend, from such listing the federally funded educational programs which should be state funded or discontinued.
21. The superintendent of public instruction inform the senate committee on finance and the assembly committee on ways and means of any federal funds for which the state department of education has applied, or has received, after the executive budget has been submitted to the legislature.
22. The superintendent of public instruction cause the state department of education to provide assistance in the federal grant application process to the 14 school districts in the state with the smallest pupil enrollments. The subcommittee recommends further that the department ensure that such school districts are made aware of federal funds for which they may be eligible.
23. The 1979 legislature, through the budget process, create the position of chief auditor by reclassification of an existing authorized audit position in the state department of education. The subcommittee recommends further that an additional auditor, to audit federal projects, be added to the state department of education's staff.
24. The 1979 legislature, through the budget process and appropriate statutory amendments, provide a full-time

deputy attorney general, designated by the attorney general with the approval of the superintendent of public instruction, along with necessary clerical assistance, for the state department of education. The salary and expenses of the deputy attorney general, and the cost of the clerical assistance, should be paid from the funds provided for the operation of the state department of education. Included in the deputy attorney general's responsibilities and duties should be (1) advising the state board of education and the superintendent of public instruction in all matters relating to the state department of education and the powers and duties of its officers, (2) drafting the state department of education's regulations, (3) developing guidelines and procedures for local school districts to comply with federal mandates, and (4) providing interpretations, upon request, relative to federal and state statutes and regulations. (BDR 34-44)

25. All personnel, except for clerical personnel, in the state department of education be in the unclassified service of the state. (BDR 34-43)
26. The statutes be amended to remove specific reference to the appointment of the special consultant on Indian education consultant and the appointment of the environmental education consultant. The subcommittee recommends further that the statutory duties assigned to these positions be given to the superintendent of public instruction. (BDR 34-84)
27. The 1979 legislature consider providing the state department of education with sufficient funding for the department to carry out the responsibilities and duties assigned to it by NRS 389.015.

I. INTRODUCTION AND BACKGROUND

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 directs the legislative commission to study (1) the need for the state board of education, (2) whether membership on the board should be elective or appointive, (3) the proper role and functions of the board, and (4) 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, the subcommittee decided to evaluate 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 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.

Subcommittee meetings were held in Carson City (on November 10, 1977, April 28, 1978, and June 17, 1978), Ely (on January 9, 1978), Elko (on January 10, 1978), Winnemucca (on January 10, 1978), and Las Vegas (on October 17, 1977, and March 17 and 18, 1978).

The subcommittee put several formal questions to the state department of education. These questions and the department's responses are attached to this report as Appendix A and B, respectively. The department also prepared, at the subcommittee's request (see Appendix A letter, dated July 22, 1977, from Assemblyman John M. Vergiels, chairman of the

subcommittee, to John R. Gamble, superintendent of public instruction), a lengthy report entitled "Structures and Functions of the State Board of Education and the State Department of Education." This report, which discusses the department's operation, organization structure, staffing patterns, salary structures and services performed for the school districts, is on file in the research library of the legislative counsel bureau.

The subcommittee notes that numerous publications have been written which pertain to the governance of education. Many of these publications are cited in the bibliography to this report. Most of the cited publications are available either through the legislative counsel bureau or the state department of education.

The Nevada state department of education consists of the state board of education, the state board for vocational education, the state textbook commission and the administrative organization and staff which are required for the performance of these entities' functions.

The department is headed by the state board of education (see NRS 385.010) which is responsible for the direction and control of the department. The state board of education also serves as the state board for vocational education.

The state superintendent of public instruction (provided for by section 1 of article 11 of the Nevada constitution) is the secretary to the state board of education and serves as the executive head of the department. All administrative functions in the state board of education and of the superintendent of public instruction are required, by law, to be exercised through the state department of education and the department is required to exercise all administrative functions of the state relating to the supervision, management and control of schools not conferred by law on some other agency.

The law provides for a deputy superintendent of public instruction and an associate superintendent of public instruction. Much of the law pertaining to the operation of the state department of education is found in NRS chapters 385 through 395.

The state department of education's main office is located in Carson City. It also maintains a small office in Las Vegas, staffed with four education consultants, a teacher certification analyst and clerical support staff.

At the time this report was written, the department's administrative structure consisted of the office of the superintendent, the office of educational accountability, the office of

technical assistance and the office of internal services. The office of educational accountability, headed by a director who is assisted by three assistant directors, is staffed by educational consultants who assist local school districts in general education subject areas. The staff of the office also coordinates the state's involvement in such matters as school accreditation, state textbook adoption, special education, vocational education, adult education, education for the disadvantaged and other federally funded programs. A new responsibility of the office is carrying out the provisions of NRS 389.015, which requires the state board of education to prescribe standard proficiency examinations for the public schools.

The office of technical assistance might be considered the "business" aspect of the department's operations. It administers the state distributive school fund, child nutrition in the schools, pupil transportation, teacher certification, the enforcement of professional standards for teachers, private school licensing and the approval of certain school construction projects. It also acts as the trustee for the federal funds administered by the department and performs the general accounting functions of the department.

The department's office of internal services performs the department's internal personnel, reproduction center and educational public information activities.

II. FINDINGS AND RECOMMENDATIONS

The subcommittee found that there are, indeed, many changes which should be made in the operation of the state department of education. The need for these changes was clearly identified to the subcommittee by presentations, through subcommittee visits to the state department of education, by information gathered by the subcommittee's staff and by the members' own experiences with the department's administration and operations.

The following sections of this report represent the subcommittee's recommendations and legislative proposals for changes needed to improve the operation of the state board of education and the state department of education.

A. THE STATE BOARD OF EDUCATION

As noted in the introduction, A.C.R. 54 of the 1977 legislative session directs the legislative commission to:

Study the structures and functions of the state board of education * * * including * * * the need for the board and, if needed, whether membership on the board should be elective or appointive,

This mandate was undoubtedly the most difficult and sensitive for the subcommittee to carry out. The proper method of selecting members to serve on the state board of education and the proper role of the board are matters of utmost importance for the effective governance of primary, elementary and secondary education in Nevada. In response to the mandates in A.C.R. 54 relating to the state board of education, the subcommittee reviewed several topics including methods of selecting board members, responsibilities of the board, compensation of board members for additional meetings, and increased access to board members and the legislature by the state department of education's staff. The next sections of this report discuss the subcommittee's findings and recommendations relating to these topics.

1. Appointment of Board Members

After reviewing testimony, other states' practices, comments made by the department of education's staff, and the practices of the existing state board of education, a majority of the subcommittee's members concluded that the time has come in Nevada to change the method by which persons are selected to serve on the state board of education. The board now consists of nine members elected for 4-year terms. A majority of the subcommittee believes board members should be appointed by the governor.

The state board of education was created by chapter 133, Statutes of Nevada 1911. Initial composition of the board was the governor, the superintendent of public instruction and the president of the university. Since 1911 the method of selecting members for the board has been modified several times. (See chapter 211, Statutes of Nevada 1931; chapter 32, Statutes of Nevada-Special Session 1956; chapter 625, Statutes of Nevada 1969; chapter 651, Statutes of Nevada 1971; and, chapter 93, Statutes of Nevada 1973.) Starting in 1931, board members have been required, by law, to be elected. Over the years, the law has also been amended to provide for certain appointed members on the board. Existing law provides that all nine board members be elected from three different election districts (five from Clark County, two from Washoe County, and two members from the remainder of the state).

According to the Education Commission of the States, in 32

states the governor appoints at least the majority of the members to the state board of education.* There appear to be sound reasons for such method of selection, which was recommended to the subcommittee by a majority of the state department of education's staff and by certain superintendents of schools.

Reasons for an appointed board of education include:

- a. The governor can constitute the board at a minimal cost to the state (4:156).**
- b. A board whose members are appointed by the governor is in a better position to press for needed educational improvements and support through the executive branch of government than is a board constituted by other means (4:156).
- c. Geographic representation, especially for rural areas of the state, can be ensured on an appointed board.
- d. Broader socioeconomic and ethnic representation can be ensured on an appointed board.
- e. Appointed boards experience less conflict in decision-making (1:347).
- f. The cohesive nature of an appointed board permits it to act in a unified manner in advancing educational policy proposals in the legislature (1:347).
- g. There is evidence, based on an investigation of school desegregation policymaking, that appointed boards are more likely than elected boards to act on volatile

* Alaska, Arizona, Arkansas, California, Connecticut, Delaware, Georgia, Idaho, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Missouri, Montana, New Hampshire, New Jersey, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Vermont, Virginia, West Virginia and Wyoming.

**These and other numbers in parentheses at the end of sentences refer to items in the bibliography and footnotes section at the end of the report. The number before the colon refers to the publication and the number after the colon refers to the page number of the publication.

issues and to adopt unpopular positions for the sake of long term educational improvement (1:362).

- h. The results of a survey conducted among persons attending selected meetings of national organizations concerned with educational governance and participants in a series of regional meetings organized by a national educational governance project (as reported in the publication State Policymaking in the Public Schools) showed that a majority of such persons favored boards whose members were appointed by the governor over boards whose members were elected.
- i. The presence of persons who have expertise in educational governance matters can be ensured on an appointed board.

The subcommittee is well aware that there is a strong tradition in Nevada for an elected state board of education to represent the people. It notes, however, the words of Russell B. Vlaanderen, director of research and information of the Education Commission in the States, who stated to the subcommittee, "No one educational governance model is good for any one state for all times." Changes in the effectiveness of a board may signal the need for a new selection process for the board's members.

Of concern is the notion that elected boards may be more sympathetic to constituent concerns than are appointed boards. The subcommittee pondered this matter and decided that a well constituted appointed board should be able to keep well abreast of the education needs and priorities of Nevada's children. Moreover, according to Roald Campbell, professor of educational administration, emeritus, at Ohio State University, "Our data on attitudes toward external constituencies, as well as our perception of actual interest representation, suggests that elected board members are not * * * more responsive than appointed board members" (1:344).

The subcommittee realizes that an appointed state board of education is not necessarily the panacea to solve all the educational governance problems in Nevada. A majority of the members believe, however, after considering the above mentioned reasons for an appointed state board of education and considering the apparent inability of the existing elected board of education to provide strong educational leadership, that an appointed board of education is called for in Nevada at this time. The subcommittee therefore recommends that:

A nine-member state board of education, whose members are appointed by the governor for 4-year staggered terms, be created. 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 recommendation 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 concensus among those who either wrote to the subcommittee and expressed their views on the subject, 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 responsibility pertain to the operation of the department of education.

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 superintendent of public instruction is responsible for administrative, technical and procedural activities, including the selection of the personnel for the state department of education. 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.

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)

4. Access to Board Members and the Legislature by Department Staff

As noted in the introduction to this report, subcommittee members held interviews with all the state department of education's professional level staff. One recurring observation made by the members of the staff was that they are unable to communicate their concerns and views to members of the state board of education and the legislature. Comments by staff members included, "Provide lower and middle level staff in the department with more access to the state board of education and legislative committees which deal with educational matters," "Let lower level staff talk to the board," and "Communications need to be improved within the department."*

The subcommittee notes that it has been the practice of management in the state department of education to identify certain persons in the department, usually the superintendent and the deputy superintendent, to act as spokesmen for the department when the department's representatives need to appear before the state board of education or legislative committees. On occasion, the superintendent and the deputy superintendent have called upon other staff members in the state department of education to give assistance during such appearances. The superintendent has placed restrictions, however, on staff members' appearances before the legislature.**

The subcommittee understands the desire of the management level persons within the state department of education to ensure that statements concerning the department positions on educational matters, the administration of the department and the

* A compilation of comments made to the subcommittee by state department of education staff members is on file in the research library of the legislative counsel bureau. To ensure the confidentiality of the persons who made specific comments, no reference is made to any individual state department of education staff member's identity in the compilation.

** See memorandum, dated January 18, 1977, from John R. Gamble, superintendent of public instruction, to all state department of education staff members contained in Appendix B of this report.

department's budget are coordinated through certain high-level persons in the department. It believes, however, that the department is doing the state board of education and the legislature a major disservice when it restricts the potential valuable information which can be provided to these entities by middle and lower-level state department of education staff members. It is unreasonable to expect the superintendent and deputy superintendent to be responsible for providing all information on departmental operations, other educational matters, or even funding topics, to the state board of education and the legislature.

The subcommittee therefore recommends that:

All staff within the state department of education be given increased opportunities to express their views to the state board of education and the legislature.

B. THE SUPERINTENDENT AND HIS DEPUTIES

A major concern of the subcommittee was that the statutes relating to the offices of superintendent of public instruction, deputy superintendent of public instruction and associate superintendent of public instruction, reflect the proper qualifications and duties of these offices. Another concern was that the statutes provide the necessary flexibility in the duties and qualifications of these offices to facilitate the efficient management of the state department of education and to permit the department to deal effectively with the changing aspects of public school education and its governance. The next sections of this report cover the subcommittee's findings and recommendations relating to the term of office for the superintendent, the qualifications of the superintendent, the superintendent's salary, the qualifications and duties of the deputy superintendent, and the qualifications and duties of the associate superintendent.

1. Three Year Term of Office for the Superintendent.

Section 1 of article 11 of the Nevada constitution requires the legislature to provide for a superintendent of public instruction and by law to prescribe the manner of appointment, term of office and duties thereof. Existing law meets these constitutional mandates with the exception of a statutory term of office for the superintendent. NRS 385.150 says, in part:

The superintendent of public instruction shall be appointed by the state board of education * * * (and he shall) * * * hold office subject to being removed at the pleasure of the state board of education.

The subcommittee feels that to conform with the constitution, NRS 385.150 should be amended to provide for a term of office with a definite number of years specified.

The state board of education has recommended that the term of office for the superintendent of public instruction be set in the law at 3 years. This length of time appears to be reasonable because it provides enough time for a superintendent to develop and carry out his programs before his performance is evaluated. Three years is also a short enough length of time to allow for periodic and systematic evaluation of the superintendent's performance. The subcommittee therefore recommends that:

The superintendent of public instruction be appointed by the state board of education for a term of 3 years. The subcommittee recommends further that the term of the superintendent of public instruction incumbent on the effective date of this recommendation be deemed to have begun on April 1, 1978, and a new term shall begin on April 1, 1981. (BDR 34-38)

2. Qualifications of the Superintendent

The subcommittee believes the state board of education should seek a person with demonstrated political, organizational and technical skills when filling a vacancy in the office of superintendent of public instruction. Political skills are essential for a superintendent to deal effectively with the governor, legislators and other state and local elected officials. Technical understanding of public education and its governance is necessary for the superintendent to make intelligent, well-informed decisions relative to the purposes and processes of education.

Moreover, recruitment to the office of superintendent of public instruction, to the reasonable extent possible, should be open. "Open" means not constrained by requirements of residence, experience or specific patterns of training. It does not mean, however, the absence of criteria. Actually, as mentioned above, persons with demonstrated political, organizational and technical skills should be considered.

Existing law requires the superintendent of public instruction to hold a masters degree in the field of education or school administration. The subcommittee thinks, for the reasons mentioned above, the statutes should be amended to allow a greater range of applicants, such as those from business, law or public administration backgrounds, to be considered for the position.

The state board of education suggests that the statute which specifies the qualifications for the superintendent of public instruction be modified to indicate that the superintendent should have a masters degree and be eligible for certification as a teacher.* The subcommittee believes the board's suggestion has merit. It therefore recommends that:

The minimum qualifications for the office of superintendent of public instruction include a masters degree and eligibility for certification as a teacher. (BDR 34-39)

3. Superintendent's Salary

One of the principal mandates in A.C.R. 54 of the 1977 legislative session is the study of the state department of education's salary structure. All but the top three positions in the department are in classified service. Salary ranges for state employees in classified service are determined, with assistance from the state personnel division, on a number of criteria including job content, degree of supervision required by the supervisor and salaries paid for comparable work elsewhere. The subcommittee did not feel modification of the salary ranges of the classified staff in the state department of education was warranted at this time. If the 1979 legislature adopts the subcommittee's recommendations relating to placing all the department's professional level staff in unclassified service (see table of content for heading entitled "Professional Staff in Unclassified Service"), study of the proper salary levels of all the department's professional staff may become necessary. The superintendent's salary, however, needs immediate attention. The superintendent of public instruction's salary is specified in the unclassified salary schedule of NRS 284.

The subcommittee believes both the method of setting the superintendent's salary and the level of the superintendent's salary should be changed. Under existing law, the board of regents is empowered to set the salary of the chancellor of the University of Nevada System. The subcommittee thinks similar authority, with certain restrictions, should be available to the state board of education.

*See answer number 5 of the board's responses to the subcommittee's questions contained in Appendix B of this report.

The subcommittee believes, furthermore, that the salary for the office of superintendent of public instruction should be increased in order for the state board of education to be able to attract and retain the type of qualified applicants needed for this important position. One only needs to review the salaries of the superintendents of schools in Nevada's counties to realize the difficulty the state board of education has in attracting local superintendents to serve as Nevada's superintendent of public instruction. During the search in the late fall of 1977 and early spring of 1978, for a person to fill the vacancy in the office of superintendent of public instruction, not one local superintendent of schools in Nevada applied for the position of superintendent of public instruction. At the time this report was written, the superintendents of schools in Clark, Washoe, Carson City, Elko and Humboldt county school districts all had higher salaries than the superintendent of public instruction. Also, when benefit packages were considered, the compensation for the superintendents of schools in Churchill, Douglas, Lyon, Mineral, Nye and Storey counties were comparable to the superintendent of public instruction's benefit package. Moreover, the \$31,783 salary paid to the superintendent of public instruction is significantly lower than the average salary of \$37,805 paid to superintendents of public instruction in other states.

As mentioned above, the subcommittee believes the state board of education should set the superintendent's salary. The subcommittee also believes that the salary set by the board should be based upon the salaries paid to the superintendents of schools in Clark and Washoe counties. The subcommittee therefore recommends that:

The state board of education fix the annual salary of the superintendent of public instruction in an amount which is (1) no less than 15 percent below the average of the annual salaries of the superintendents of schools in the two school districts having the largest pupil enrollments, and (2) no more than 15 percent above such average. This recommendation should not authorize a salary for the superintendent of public instruction which is greater than the maximum salary permitted by NRS 281.123. (BDR 34-42)

The subcommittee decided to make no recommendations to the 1979 legislature relative to the salaries of the deputy superintendent of public instruction and the associate superintendent of public instruction. It suggests, however, that if the above recommendation concerning the superintendent of public instruction's salary is approved by the legislature, the legislature also give consideration to removing the deputy superintendent of public instruction and the associate superintendent of public instruction from the unclassified salary bill (see

NRS 284.182, "Maximum annual salaries of state officers, employees in unclassified service") so that the provisions of NRS 284.147, "Unclassified service; Department heads authorized to employ deputies, employees necessary to fill unclassified positions; salaries," will apply to them. NRS 284.147 says:

Unless otherwise provided by law, elective officers and the heads of the several state departments, agencies and institutions in the executive department of the state government are authorized to employ deputies and employees necessary to fill the unclassified positions authorized by law for their departments, and to fix the salaries of such deputies and employees within the limits of appropriations made by law.

4. Qualifications and Duties of the Deputy Superintendent

As noted earlier, a concern of the subcommittee was that the statutes relating to the office of the deputy superintendent of public instruction reflect clearly the proper qualifications and duties of this office. Documents supplied to the subcommittee by the state department of education express the need for the statutes pertaining to the office of the deputy superintendent of public instruction to be recast to eliminate outmoded and unnecessary language. The documents also expressed a need for the statutory qualifications of the deputy to be upgraded to reflect the true responsibilities of the office.

Existing law gives the superintendent of public instruction the authority to appoint a deputy superintendent of public instruction and requires that the deputy superintendent of public instruction:

- a. Be a graduate of the University of Nevada or a college of equal standard.
- b. Have had at least 20 semester hours in educational subjects by attendance at a standard college or university.
- c. Have had at least 50 months of administrative experience, 30 months of which shall have been in Nevada. (See NRS 385.290.)

As with the office of the superintendent of public instruction, the subcommittee believes recruitment for the office of deputy superintendent of public instruction, to the reasonable extent possible, should be open and not constrained by statutory requirements for residence, experience or specific patterns of training. This does not, of course, mean the absence of

criteria. The subcommittee believes that the statutory qualifications for the deputy superintendent of public instruction, because this office is the second highest position in the state department of education and because the deputy should be empowered to perform all the duties assigned to the superintendent of public instruction, should be the same as those provided by law for the superintendent of public instruction. The subcommittee therefore recommends that:

Statutory reference to the qualifications and duties of the deputy superintendent of public instruction be recast to indicate (1) the superintendent of public instruction may appoint a deputy superintendent of public instruction whose qualifications shall be the same as those required by law for the superintendent of public instruction, (2) the deputy superintendent of public instruction shall be in unclassified service, (3) the deputy superintendent of public instruction shall carry out such duties as may be assigned to him by the superintendent of public instruction, and (4) the deputy superintendent of public instruction shall have the powers to perform all duties required of the superintendent of public instruction. (BDR 34-40)

5. Qualifications and Duties of the Associate Superintendent

The state department of education suggested to the subcommittee that the statutes relating to the associate superintendent of public instruction be recast to allow the superintendent of public instruction more flexibility in recruiting persons to fill this position. The state department also suggested that the superintendent of public instruction be given more latitude, by law, to assign duties and responsibilities to the associate superintendent.

The law now defines narrowly the qualifications of the associate superintendent of public instruction. For example, NRS 385.300 says, in part:

The associate superintendent of public instruction for administration shall:

- a. Be a graduate of a 4-year accredited college or university.
- b. Have familiarity with the field of education as evidenced by either:
 - (1) Sufficient college credits in education to qualify for a Nevada high school teacher's certificate; or

- (2) Participation in recognized educational research and study.
 - c. Have familiarity with the general field of public administration and budgeting, as evidenced by either:
 - (1) Sufficient college credits to qualify for a minor in public administration, government management or business management; or
 - (2) Experience in the preparation of government budgets, government accounting or government research.
- * * * No person shall be appointed to the position of associate superintendent of public instruction for administration unless he has the qualifications herein outlined in both fields of education and public administration.

The associate superintendent of public instruction's duties are also defined narrowly by law to budgeting, accounting and statistical duties.*

The subcommittee believes the superintendent of public instruction should have the freedom to select his top level administrative staff based on the needs of the state department of education. Assignment of duties to the department's top administrators should also be based on need and such assignment should not be restricted by outmoded statutory provisions. The subcommittee therefore recommends that:

Statutory reference to the qualifications and duties of the associate superintendent of public instruction be recast to indicate (1) the superintendent of public instruction may appoint an associate superintendent of public instruction, (2) the associate superintendent of public instruction shall be in unclassified service, and (3) the associate superintendent of public instruction shall carry out such duties as may be assigned to him by the superintendent of public instruction. (BDR 34-40)

*See NRS 385.310 "Powers, duties of associate superintendent of public instruction for administration," and NRS 385.315, "Additional powers, duties of associate superintendent of public instruction for administration" contained in Appendix C of this report.

The subcommittee is also of the opinion that the duties now shown in NRS 385.310 and 385.315 for the associate superintendent of public instruction should be assigned to the superintendent of public instruction. After this is done, the superintendent will have the authority to allocate such duties to persons in the state department of education in a manner consistent with sound administrative practice. The subcommittee therefore recommends that:

The powers and duties specified in NRS 385.310 and NRS 385.315 for the associate superintendent of public instruction be given to the superintendent of public instruction.
(BDR 34-40)

C. FUNCTIONS AND SERVICES OF THE STATE DEPARTMENT OF EDUCATION

Two of the areas of greatest concern to recent legislatures in Nevada have been the functions of the state department of education and the services the department provides to the local school districts. The subcommittee spent considerable time and effort exploring these matters. The state department of education was very cooperative in assisting the subcommittee in its review of these topics and provided the subcommittee with substantial material on the department's operations. As noted in the introduction, a comprehensive document describing the department's operations, "Structures and Functions of the State Board of Education and State Department of Education," which the department prepared at the subcommittee's request is available for review in the research library of the legislative counsel bureau.

The following sections of this report reflect the subcommittee's findings and recommendations concerning the department's functions and the services it provides to the school districts. These sections discuss the need for: (1) refined departmental goals, objectives and service priorities, (2) the department to emphasize the services it provides to the small school districts, (3) the department to expand its community education services, (4) the department to place increased emphasis on the assistance it provides to the school districts in developing and conducting inservice teacher education courses necessary for recertification credit, (5) separate divisions for special and vocational education in the department, and (6) a research and statistics section in the department.

1. Refined Organization Structure, Goals, Objectives and Service Priorities

During the 1977 legislative session much concern was expressed about the general fund budget level and the staffing pattern

of the state department of education. It was felt by many legislators that the state department of education was unable to relate its budget and staffing pattern requests for the 1977-79 fiscal year biennium to any definite or measurable performance levels. The subcommittee's findings tend to substantiate these concerns.

a. Formalized Needs Assessment Mechanism

One of the initial questions put to the state department of education by the subcommittee was, "What basis do you use to determine the type of consultant services you should provide to school districts and what type of expertise you should maintain on your staff?"*

The department's response was, in part:

The type of consultant service the department provides to school districts is determined by mandates of the state board of education, by federal mandates, by statutory requirements and by the assessment of requests for service from the districts themselves. These mandates, requirements and requests for service cover a wide range of programs.**

Further questioning of the state department of education and school district representatives indicated, however, that the department has no coordinated or formal means, other than the broadly stated methods noted above, for determining the short or long-term service needs of the local school districts. Admittedly, the department's consultants do get a "feel" for the service needs of the school districts in those subject areas where the consultants work. Also, state and federal laws and regulations do provide guidance in setting the department's service priorities. State and federal statutes and regulations, however, are broadly stated mandates. They do not necessarily speak to the changing service needs of school districts.

When questioned about his opinion concerning the development

* See subcommittee questions to state board of education and state department of education contained in Appendix A of this report.

** See state department of education's responses to subcommittee's questions contained in Appendix B of this report.

of a formalized needs assessment mechanism, by the state department of education, to determine the service needs of school districts, one superintendent of schools stated that he felt such a system had definite merit. Another superintendent of schools added, "It is possible and desirable to develop such a mechanism." The same superintendent also noted that, "There would be a change in the emphasis within the state department of education if such a mechanism were developed."*

The subcommittee is of the strong opinion that the services the state department of education provides to the county school districts should be based on the well thought-out and identified needs of the school districts. Moreover, the department must have a formal basis for determining the service needs of school districts to develop its goals and objectives. The subcommittee therefore recommends that:

The state board of education direct the superintendent of public instruction to develop a formalized needs assessment mechanism, which includes substantial communications with and data received from local school districts, to develop goals, measurable objectives, and short-term (less than 1 year) and long-term (1 to 5 years) service plans, and priorities for such plans, for the department of education.

b. Quantifiable Goals and Objectives

The subcommittee felt there was a definite need for the department to refine its goals and objectives. This refinement is of critical importance in this era of fiscal accountability when such questions as, "Are we getting our money's worth from current investments in education and do we have the necessary assessment arrangements to ensure that future investments will be productive of the highest quality education possible?" are being asked by legislators, the governor and private citizens.

When the subcommittee asked the state board of education to expand on "the educational objectives, and the priorities for such objectives, for that area of education in Nevada under your control," the department made reference to the statutes, the "Common Goals of Nevada Education" and the department's operational goals and objectives. The statutes relating to education and the "Common Goals of Nevada Education" are widely available and need not be summarized here. The department's

*See subcommittee minutes dated January 10, 1978.

operational goals are less known and should be stated. They are:

The Department of Education, in accordance with policies adopted by the State Board of Education, shall:

- I. Develop in concert with local school districts and other interested parties
 - A. Courses of study and standards of instruction for the school districts of Nevada as may be mandated by the statutes of Nevada;
 - B. Information and needs assessment plans and models for local use in determining and verifying specific needs of pupils so that all school districts may improve the quality and quantity of educational services to pupils.
- II. Administer, in accordance with federal and state laws and regulations, those federal grant and contract educational and service programs that are determined to be necessary and that will support and supplement educational programs carried on in the schools.
- III. Carry on a continuing study of finance and the state support program for local school districts, in accordance with statutes.
- IV. Provide service to school districts in the development and implementation of improved practices and programs, and in such other areas as may be needed and requested.
- V. Initiate and develop studies of current issues and problems and make recommendations for improved programs with such resources that are available without diminishing efforts toward other long-term goals.
- VI. Such other administrative and supervisory activities as prescribed or permitted by statute.*

*See state board of education's response to subcommittee's questions contained in Appendix B of this report.

Other than some raw work load data, the department did not provide the subcommittee with any quantifiable information relating to the success of the department in achieving these broadly stated goals and objectives. The subcommittee was concerned about the need for performance criteria and questioned the department as follows:

The department's programs are difficult to evaluate because its objectives are stated in broad terms and no apparent standards exist for measuring performance or effectiveness. Please explain your plans for developing departmental objectives and program structures which are specific, quantifiable and conducive to reliable evaluation.*

The state board of education's response to this question was, "The board's objectives and operational goals are clear and concise and can be reliably evaluated."**

The subcommittee does not agree with this assessment. It believes that the state department of education should be able to:

1. Make available to the legislature and the governor specific data relative to its goals and objectives.
2. Analyze systematically and present for legislative consideration alternative programs to meet its objectives.
3. Evaluate thoroughly and compare the benefits and costs of its programs.
4. Provide total rather than partial cost estimates for its programs.

* See subcommittee questions put to state board of education and state department of education contained in Appendix A of this report.

**See state board of education's response to subcommittee's questions contained in Appendix B of this report.

5. Determine, through analyses and assessment, those educational objectives which should receive high priority for given time periods.

The subcommittee therefore recommends that:

The state board of education direct the superintendent of public instruction to submit to the 1979 legislature, as part of the justification material for the state department of education's biennial budget, departmental goals, objectives and service plans which are quantifiable and conducive to reliable evaluation.

c. Department to Notify 1979 Legislature of New Organization Structure

As an initial part of its study, the subcommittee made inquiries about the state department of education's existing and planned organization structures.* Shortly after the subcommittee began its study in August of 1977, however, the superintendent of public instruction announced his retirement and the state board of education decided to make no modification to the department's organization structure until a new superintendent of public instruction took office and had time to study the department and make recommendations concerning modifications to it.

As of this writing, a new superintendent of public instruction has only been in office approximately 6 weeks and has not had sufficient time to develop complete plans for changes to the department's organization structure. The subcommittee believes, therefore, any further study of the department's organization structure by it at this time would be premature.

The subcommittee also believes, however, that both the superintendent of public instruction and the state board of education should apprise the legislature of any changes made in the department's structure. The subcommittee therefore recommends that:

*See department's response to subcommittee's inquiries in the document entitled "Structures and Functions of the State Board of Education and State Department of Education" available in the research library of the legislative counsel bureau.

The state board of education direct the superintendent of public instruction to submit to the 1979 legislature, as part of the justification material for the state department of education's biennial budget, complete details on the department's organization structure. The subcommittee recommends further that the senate committee on finance and the assembly committee on ways and means review carefully the department's structure in relationship to its goals, objectives and service plans in making the committees' decisions on the appropriate level of funding for the state department of education.

2. Emphasis on Service to Small School Districts

As noted in the introduction, the subcommittee held hearings in the rural areas of Nevada to afford representatives from the school districts with small numbers of pupils enrolled the opportunity to appear before it and express their views relative to the services the state department of education should offer to such districts. Representatives of the rural school districts were also encouraged to write to the subcommittee.

One fact that became apparent during the subcommittee's meetings in the rural areas of Nevada, and from the letters sent to the subcommittee from representatives of these school districts, is that the state department of education needs to expand the level of services it provides to rural school districts. Before the subcommittee began its hearings it asked the state department of education about the level of service the department provides to the small school districts. The department advised the subcommittee that:

The department does not provide greater emphasis on the amount of service it provides to rural school districts. Travel data for F.Y. 1976-77 supports this position, in that on-site department services were distributed fairly equitably among the two urban counties, Carson City and the rural counties.

However, it might be fair to say that there is a different emphasis on the types of services the department provides to rural school districts. Because of the limited number of central staff personnel in the rural districts, department staff are frequently called on to provide assistance in curriculum and program development, teacher training and program evaluation in a different way than in the urban centers. For example, in Carson City and the 14 rural counties, the department provided training to

teachers in metric education. In Washoe and Clark counties, the department trained teacher trainers.*

Regardless of the emphasis on services the state department of education believes it provides to the school districts, representatives of the small school districts appear to perceive an insufficient level of service being provided to them by the department. One superintendent of schools told the subcommittee that he, "Does not see staff in the state department of education frequently enough." Another superintendent of schools advised the subcommittee, by letter, that:

I have observed department consultants spending less time out in the districts. I believe our mutual interests could be advanced in a much better fashion by having department personnel on-site communicating with our school boards and district representatives regarding our problems and solutions thereto.**

The subcommittee is of the opinion that the state department of education should place increased emphasis on the services it provides to the rural school districts in Nevada. Obviously, the small school districts may also need different kinds of services than the department provides the urban school districts. The greatest need for the state department of education's consultant services undoubtedly exists in the small county school districts. Clark and Washoe Counties and Carson City, to a certain extent, have the capability to employ their own subject area specialists and, therefore, have a lesser need for the state department of education's subject area consultant services. The subcommittee therefore recommends that:

The superintendent of public instruction cause the state department of education to place greater emphasis on the

* See state department of education response to subcommittee's questions contained in Appendix B of this report.

**See letter dated November 3, 1977, from Humboldt County school district to Donald A. Rhodes, chief deputy research director, on file in the research library of the legislative counsel bureau.

amount of services the department provides to the 14 school districts in the state with the smallest pupil enrollments.

3. Expansion of Service Capabilities of Southern Nevada Office

As noted in the introduction, the state department of education maintains a satellite office in Clark County. As of this writing, the office was staffed by four education consultants, a teacher certification analyst and two clerical staff. One of the education consultants was a civil rights specialist, one dealt with vocational education matters and the other two were classified as "generalists." The two generalist consultants did have certain specialties. For example, one tended to focus on drug, alcohol and health related topics and the other placed much of his attention on monitoring various federally funded educational programs.

The subcommittee found it difficult to understand why, when approximately 50 percent of the state's population is contained in southern Nevada, the state department of education maintains only 8 percent of its staff in Clark County (seven persons out of an 89 position departmental staffing total). Certain other state agencies have found it good management practice to maintain a sizeable work force in southern Nevada. For example, the gaming control board keeps 46 percent of its employees in Clark County and the Nevada industrial commission maintains 50 percent of its work force in the south.

An analysis of the department's "report of instate travel"* indicates that the department's existing southern Nevada office staff is not of sufficient size to meet the service needs for the counties in the southern and southwest geographic areas of Nevada. Numerous trips are made by consultants from the Carson City headquarters of the department to school districts in the southern portion of the state each year.

The subcommittee questioned the department as to why it had not expanded the service potential of its southern Nevada office and was told that one consideration against such expansion is the difficulty the department has in properly administering the Las Vegas office staff from the Carson City headquarters of the department. The subcommittee believes that effective

*See volume 2 of "Structures and Functions of the State Board of Education and State Department of Education" on file in the research library of the legislative counsel bureau.

administration of the state department of education's southern Nevada office could be handled through proper reorganization of the department. It also believes the superintendent of public instruction's current (as of this writing in May, 1978) review of the administration of the state department of education will show clearly the need for the department to expand the service capabilities of its southern Nevada office. This need was, in fact, identified in Planning Education For Nevada's Growth - A Master Plan For Education which stated:

Formerly, the office in southern Nevada operated merely as a certification and licensure branch, and it was very evident that this was insufficient to fulfill the mandates of a totally integrated department of education. This office, therefore, * * * (will, under the proposed administrative change) * * * participate in and become a directing force for all educational activity in * * * (southern Nevada) * * * including Lincoln, Clark, Esmeralda and Nye counties (16:8).

The subcommittee therefore recommends that:

The superintendent of public instruction expand the staffing and service capabilities of the state department of education's southern Nevada office.

4. Emphasis on Community Education Services

During the subcommittee's hearings in eastern Nevada, certain persons making presentations expressed a desire for the department to expand its community education program efforts. It was noted that in certain areas of the state there are very few continuing education services available for the citizens and that the department could assist in filling this void.

According to the state department of education, its community education program (which involves a portion of the time of two educational consultants and a secretary):

Provides assistance to local school districts and other community agencies in identifying and developing community resources to meet the academic, recreational and cultural needs of the community.

Certain of the department's community education activities over the last year have included:

- (a) Establishing a community education advisory council.
- (b) Assessing the community education needs in Nevada.

- (c) Providing technical assistance for the implementation of community education programs.*

The subcommittee notes that the community college division of the University of Nevada System is charged primarily with the continuing education function in Nevada. It realizes, however, that serving the continuing education needs of people in the rural areas of the state can be a problem for the community college division. The community education program of the state department of education can help in dealing with this problem. The community education process can:

- (a) Provide an opportunity for citizens to be involved in helping coordinate their community education efforts.
- (b) Assist in expanding the use of public facilities and equipment.
- (c) Provide a variety of educational, recreational, cultural and social learning experiences for children, youth and adults.
- (d) Assist in dealing with the continuing education needs of citizens in rural areas of the state.

The subcommittee therefore recommends that:

The superintendent of public instruction cause the state department of education to place more emphasis on the community education services it provides to the school districts.

5. Inservice Teacher Training

Certain of the important duties and activities of the state department of education are those relating to teacher inservice education and training courses, especially such courses which provide teachers with recertification credit.

The Nevada state board of education recognized formally the need for teacher inservice training and the granting of credit for recertification in 1964. Five years later in 1969 the master plan for education emphasized further the need for viable-integrated inservice training programs (16:65-74).

*See the document entitled "Structures and Functions of State Board of Education and State Department of Education" on file in the research library of the legislative counsel bureau.

Since the state board of education recognized the need for teacher inservice training in 1964, teachers from all the school districts in Nevada have received recertification credits through courses approved, developed and conducted by the state department of education's consultants.

The subcommittee realizes that the University of Nevada System has the primary responsibility for the continuing education of teachers. It believes, however, that the recertification credit inservice teacher education courses developed and conducted by the department of education are of great value in assisting teachers to improve their classroom abilities and performance. This is especially true for teachers in the rural counties who find it difficult to travel to the urban areas of the state to obtain continuing education.

Inservice training courses developed and conducted by the state department of education are:

1. Designed to meet teachers' specific needs.
2. Provided for teachers in the teachers' own communities.
3. Provided to teachers at little or no cost.

During the subcommittee's meetings it heard testimony on the need for the department to place increased emphasis on the inservice teacher training course activities it performs, especially for the small county school districts. The subcommittee therefore recommends that:

The superintendent of public instruction cause the state department of education to place increased emphasis on the assistance it provides to the school districts in developing and conducting inservice teacher education courses necessary for recertification credit.

6. Separate Divisions for Special Education and Vocational Education

As mentioned earlier in this report under the heading "Department to Notify 1979 Legislature of New Organization Structure," the subcommittee recommends that the department advise the legislature about any changes in its organization structure. The subcommittee believes that inherent in any departmental organization change should be the creation of separate divisions for both special education and vocational education.

Under existing administrative practice, the state department of education maintains, among other programs, programs for

exceptional pupil education (special education) and vocational education within its office of accountability. As of this writing, there were eight professional staff and four clerical staff working on vocational education program activities and four professional and two secretarial staff working on the department's exceptional pupil education program activities. Besides working on their respective vocational education activities, certain of the staff in the vocational education program were also involved in the department's other program areas including school accreditation and implementation of proficiency examinations.

The subcommittee was sent a copious amount of material relating to special education and vocational education. It also devoted an entire hearing to these matters in November, 1977. One point which became clear from the material and presentations at the hearing was the great degree of citizen support for the state department of education's special education and vocational education efforts.

The subcommittee believes that by including the special education and vocational education programs within its office of accountability, the state department of education is diminishing the effectiveness of these programs because, as noted above, staff assigned to them are required to also perform other departmental activities. The subcommittee also believes sound administrative practice calls for the creation of separate divisions for special education and vocational education within the department. It therefore recommends that:

The state board of education direct the superintendent of public instruction, through internal reorganization of the state department of education, to create separate divisions for both special education and vocational education.

7. New Research and Statistics Section

Writers in the field of educational governance have identified the need for research units within state departments of education to gather basic educational data about elementary and secondary education. According to Ewald B. Nyquist, former deputy commissioner of education in New York State, "Information is necessary for decisionmaking and long-range planning, not to mention interpretation of the status and progress of education to the public, state legislature representatives and the educational community" (4:180).

The legislative commission's subcommittee for the study of pupil achievement in Nevada (created pursuant to the mandates of S.C.R. 14 of the 1977 legislative session) found the need for the state department of education to accumulate data relative to pupil achievement. According to the subcommittee's report:

The subcommittee decided that in the future educators, legislators and others making decisions and analyses regarding pupil achievement should have the benefit of statewide comparative data in addition to college entrance exams. This information and other data pertinent to public achievement should be centrally located with the state department of education. It was the subcommittee's collective opinion that better records should be kept to track achievement test scores over longer periods of time. Therefore, the subcommittee recommends that:

Nevada Revised Statutes shall be amended to strengthen and clarify the state department of education's role in statewide data gathering responsibilities relating to pupil achievement.

Materials supplied to this subcommittee by the state department of education* indicate that the department's consultants, on an individual basis, collect and disseminate educational research and statistical data relating to their particular areas of expertise or job assignment. The subcommittee believes a more formal approach is needed. Such a formal approach was reflected in the Nevada state master plan for education (16:9). The subcommittee therefore recommends that:

The superintendent of public instruction cause a research and statistics section to be established within the state department of education. This section should accumulate and disseminate educational data relating to pupil achievement, enrollment, local educational programs, school discipline, pupil-teacher ratios and other basic educational data needed by local school districts, the state board of education, the state board for vocational education, the governor and the legislature.

*See state department of education's response to subcommittee's questions contained in Appendix B of this report.

D. TREATMENT OF FEDERAL FUNDS

An issue which became apparent to the subcommittee during the course of its hearing schedule was the role of the state department of education in dealing with education programs which are funded with federal money. Federal education funds have a major impact on elementary and secondary education in Nevada. As of this writing, Nevada has received approximately \$15,305,519 in federal education funds for the 1977-78 fiscal year through the state department of education. This amount is 14.3 percent of the \$107,335,250 available for educational expenditures. Furthermore, \$1,907,974 or 68.7 percent of the state department of education's total administrative and service budget of \$2,775,809 for fiscal year 1977-78 is made up of federal funds. Twenty-seven of the department's 44 professional staff and 24 of the department's 45 support staff are funded, at least in part, by federal funds.

The subcommittee reviewed several matters relating to the state department of education's involvement with federal funds including the department's role in: Assisting local school districts to become aware of federal funds and to apply for such funds, monitoring the school district's use of federal funds, notifying the legislature of the department's application for or receipt of federal funds, and apprising the legislature of ineffective federal education programs. The following sections of this report discuss the subcommittee's findings and recommendations relating to these matters.

1. Department to Provide a Listing of Ineffective Federally Funded Education Programs to the 1979 Legislature

A concern among many state and local educators and certain private citizens in Nevada is that the state's use of federal funding for educational programs has created a de facto education priority system in Nevada where the federal government's education programs have set the pattern for the state's educational efforts. As stated by the past superintendent of public instruction:

As the federal participation in education came to pass, including federal categorical aid for special categorized programs, the state effort began to diminish, and programs that would emphasize Nevada's educational goals gave way

to that of the national goals that were subsidized with federal funds.*

One local superintendent of schools also commented to the subcommittee on the state's use of federal funds by saying:

Unfortunately, the department's major responsibility has evolved to become another arm of the federal government, assigned to monitor federal programs and disburse federal funds. This means that the priorities of the department in most cases are determined by federal priorities and not by those programs that are deemed as top priority by the school districts and the people throughout the state. The beautiful dream I have had is that some day we might return to the concept that services of the state department exist for the educational programs of the school districts and not for the use of the federal bureaucracy.**

Another concern expressed to the subcommittee is that a disproportionate percentage of the time of state department of education and local school district personnel is devoted to organizing, developing, carrying out and reporting on federally subsidized education programs. The past superintendent of public instruction, in a memorandum to the subcommittee, stated:

It is my firm belief that many * * *(federal) * * * programs have been very beneficial and successful to a large number of people in Nevada. The fact is, however, that a similar dollar allocation provided by our own efforts and directed to Nevada educational objectives and goals, would be much more cost effective, and more of the dollars

* See February 13, 1978, memorandum from John R. Gamble, superintendent of public instruction, to members of the legislative commission subcommittee to study the structures and functions of the state board of education and the state department of education, on file in the research library of the legislative counsel bureau.

**See November 7, 1977, letter, from Clifford J. Lawrence, superintendent of the Carson City school district to Donald A. Rhodes, chief deputy research director, on file in the research library of the legislative counsel bureau.

would reach the classroom where the learning and change takes place.*

It is the subcommittee's opinion that federal education funds spent in Nevada should be spent in accordance with Nevada's educational goals and objectives. It is also the subcommittee's belief that ineffective federal education programs should be discontinued. The subcommittee therefore recommends that:

The superintendent of public instruction submit a listing to the 1979 legislature of federally funded education programs in Nevada which are not cost effective (in terms of manpower to report or monitor) or are ineffective from an educational point of view and recommend, from such listing, the federally funded educational programs which should be state funded or discontinued.

2. Department to Inform Legislative Money Committees of the Application For or Receipt of Federal Funds

As noted in the introduction, the 1977 legislature conducted an extensive and thorough review of the 19 budget accounts administered by the state department of education. As a result of this review, several budgets were reduced significantly below the levels recommended by the governor, particularly in the personnel services categories. These reductions resulted in 23 positions being abolished within the state department of education. Because of resignations and retirements only 13 people were actually laid off.

While the 1977 legislature was reviewing the state department of education's budget, the department was in the process of applying and receiving two federal grants (right to read and career based education). The legislature was not apprised of such application or receipt of funds. According to the state department of education:

These projects were only partially activated during the

*See February 13, 1978, memorandum from John R. Gamble, superintendent of public instruction, to members of the legislative commission subcommittee to study the structures and functions of the state board of education and the state department of education, on file in the research library of the legislative counsel bureau.

first six months of 1977 utilizing existing staff. After July 1, 1977, they were fully implemented and three of the professional staff laid-off were reemployed on a nonpermanent basis to work in the projects. One new clerical was employed.*

The subcommittee was concerned that the department's reemployment of staff laid-off because of the legislature's modification to the department's budget may have circumvented legislative intent and asked the state department of education why the reemployment of the three professional staff and employment of one clerical position was not discussed with the senate committee on finance and the assembly committee on ways and means during the 1977 legislative session.** The department responded to this inquiry by saying:

It's hard to say why the right to read and experience based career education grants were not discussed with the money committees. There was no intention at secrecy, as the budget office was aware of them and both committees had access to persons from that office.

There are a couple of factors which may have given the department the impression that there didn't need to be discussion on them. One * * * the grants were received after the executive budget had been presented to the legislature and therefore were not part of any detail before the committees. Two, only grants of a recurring nature have ever been included in the executive budget. * * * Third, the department has applied for many but received only a few. * * * Fourth, any discretionary grant received

* See department of education response to modification of its 1978-79 biennial budget presented to the legislative committee to study the structures and functions of the state board of education and the state department of education on file in the research library of the legislative counsel bureau.

**See subcommittee's questions to state board of education and state department of education contained in Appendix A of this report.

must have a budget and work program approved by the state budget director and established by the state controller.*

The subcommittee is of the opinion that the legislature should be made directly aware of any federal funds used by the state department of education to augment its staffing or programs. As any experienced legislator knows, federal "seed money" has a way of establishing costly state funded programs. According to the National Conference of State Legislatures, many state legislatures are creating formal federal fund appropriation and review mechanisms. Such mechanisms include subprogram appropriations and creation of legislative bodies to oversee and control federal funds during legislative interims. South Carolina and Maine, for example, are carrying out recent legislation which mandates legislative appropriation of federal funds. Moreover, since 1976, the Pennsylvania legislature has appropriated federal funds. These efforts have been upheld by a court decision, Shapp v. Sloan, which affirms the constitutional right of the Pennsylvania legislature to appropriate all money deposited in that state's treasury.** Based on the aforementioned, the subcommittee recommends that:

The superintendent of public instruction inform the senate committee on finance and the assembly committee on ways and means of any federal funds for which the state department of education has applied, or has received, after the executive budget has been submitted to the legislature.

3. Assistance for Small School Districts in Obtaining Federal Funds

Of concern to the subcommittee was the difficulty rural school districts have in keeping informed of and applying for federal funds for which they may be eligible. The subcommittee was told that most of the rural school districts do not have the necessary administrative staff to keep the district informed

* See state board of education and state department of education responses to subcommittee questions contained in Appendix B of this report.

**See the National Conference of State Legislatures State Legislative Report entitled "State Legislative Control of Federal Funds" on file in the research library of the legislative counsel bureau.

about the existence of the various federal educational grant funds or to complete the voluminous amount of paperwork necessary to apply for such funds.

The subcommittee therefore recommends that:

The superintendent of public instruction cause the state department of education to provide assistance in the federal grant application process to the 14 school districts in the state with the smallest pupil enrollments. The subcommittee recommends further that the department ensure that such school districts are made aware of federal funds for which they may be eligible.

4. New Auditor Position

As noted earlier in the introduction of this report, the subcommittee interviewed all the state department of education's professional staff. During these interviews, it came to the subcommittee's attention that there are certain deficiencies in the department's auditing activities.

The state department of education employs an audit staff of three auditors to audit federal and state education funds distributed to the local school districts. The auditors are responsible for determining if the expenditures of such funds are in compliance with state and federal laws, regulations and guidelines. Two of the department's audit positions are state funded and the third position is funded with federal money.

According to information received by the subcommittee during the staff interviews, the department's audit staff is falling behind in its audit program, especially in auditing federally funded projects. In fact, certain federally funded projects in the vocational education, food service and right to read programs have never been audited.

Furthermore, there are deficiencies in the audit staff's procedures which speak to the need for improved supervision and management of the staff. For example, the Department of Education Audit Report Fiscal Year Ended June 30, 1975 prepared by the legislative auditor mentions a lack of documentation by the state department of education's audit staff. The report states in part:

Our review of the work papers and reports of the audits performed by the department's auditors of the projects at the local school districts indicated a lack of documentation for evaluation of internal control. In many cases

there were no indications of the audit steps performed and the accounts analyzed did not indicate if they reconciled to any state or county records. The reports did not indicate whether federal grants are accounted for and spent in accordance with federal regulations (15:42.22).

The subcommittee notes that certain of the deficiencies in the performance of the department's audit staff result from auditors being assigned to other areas of responsibility in the department. One auditor has been assigned, on a temporary basis, certain of the fiscal responsibilities and duties of the associate superintendent for administration's position which was vacant at the time this report was written in May 1978.

Steps need to be taken to improve the state department of education's audit staff's capabilities and performance. A chief auditor to develop sound audit procedures is needed. Also needed is an additional auditor to audit federally funded educational projects. Both of these actions can be accomplished by the addition of one new auditor to the department and the reclassification of an existing audit position. The subcommittee therefore recommends that:

The 1979 legislature, through the budget process, create the position of chief auditor, by reclassification of an existing authorized audit position in the state department of education. The subcommittee recommends further that an additional auditor, to audit federal projects, be added to the state department of education's staff.

E. FULL TIME DEPUTY ATTORNEY GENERAL FOR DEPARTMENT OF EDUCATION

Many different issues were identified to the subcommittee which demonstrate the need for a full-time deputy attorney general to be assigned to the state department of education. As of this writing the state department of education receives the part-time services of a deputy attorney general who estimates that he is restricted to spending only 15 percent of his time on state department of education matters because of the work load demands placed on him from the other agencies he must service.

A major concern of the subcommittee was that local school districts did not appear to comply uniformly and properly with federal and state laws and regulations. This situation exists because, in part, many local school districts lack sufficient administrative staff to keep informed about state and federal mandates. A full-time deputy attorney general in the state department of education could ensure that the school districts

are kept aware of such mandates. As stated in one of the letters to the subcommittee:

It would be helpful if the department had a legal section which could be closely allied with the attorney general's office. This section could serve the school districts in issuing guidelines and legal opinions to school districts and school boards. Specifically, this section could develop procedures on how to comply with federal mandates, provide interpretations of state statutes and provide written guidelines for all districts of suggested procedures by which compliance with statutes might be met.*

The operations of the state board of education and state department of education have also shown the department's need for more legal assistance. For example, the department has experienced problems in the proper drafting and filing of educational regulations. Under existing practice, several different persons in the department draft regulations. These persons, although knowledgeable about certain educational matters, are not familiar with the technical aspects of drafting regulations. A deputy attorney general assigned on a full-time basis to the department could ensure that the technical aspects of the department's regulation drafting activities are met.

Several state agencies, including the public service commission, the state department of conservation and natural resources, the welfare division, the department of highways and the gaming control board, faced with duties and responsibilities of similar magnitude and importance to those of the state department of education, have the services of full-time deputy attorneys general. Moreover, state departments of education in many other states have the services of attorneys to work on both the agency's legal matters and to assist the local school districts. The subcommittee believes the need for a full-time deputy attorney general within the state department of education is clear. It therefore recommends that:

The 1979 legislature, through the budget process and appropriate statutory amendments, provide a full-time deputy

*See November 7, 1977, letter from Clifford J. Lawrence, superintendent of the Carson City school district to Donald A. Rhodes, chief deputy research director, on file in the research library of the legislative counsel bureau.

attorney general, assigned by the attorney general with the approval of the superintendent of public instruction, along with necessary clerical assistance, for the state department of education. The salary and expenses of the deputy attorney general, and the cost of the clerical assistance, should be paid from the funds provided for the operation of the state department of education. Included in the deputy attorney general's responsibilities and duties should be (1) advising the state board of education and the superintendent of public instruction in all matters relating to the state department of education and the powers and duties of its officers, (2) drafting the state department of education's regulations, (3) developing guidelines and procedures for local school districts to comply with federal mandates, and (4) providing interpretations, upon request, relative to federal and state statutes and regulations. (BDR 34-44)

F. PROFESSIONAL STAFF IN UNCLASSIFIED SERVICE

The master plan for education (16), certain local superintendents of schools* and the leadership in the state department of education all have expressed the need to either remove all the personnel in the state department of education from the provisions of the state personnel system (see NRS 284) or to place the professional staff of the department in unclassified service. The master plan for education says, "All professional positions in the state department of education should be removed from the classified lists of the Nevada state personnel division" (16:11). The subcommittee concurs with this recommendation.

NRS 284.140 provides for many state employee positions to be in unclassified service including the governor's staff, the professional staff of the attorney general's office, the professional staff in the public defender's office, officers and members of the teaching staff of the University of Nevada System and specified management staff in each department, agency, or institution of state government. Moreover, the professional staff of the gaming control board (see NRS 463.080) are exempt from the personnel system as are all the employees in the judicial and legislative branches of the state government.

*See committee minutes and correspondence to committee on file in the research library of the legislative counsel bureau.

The subcommittee believes that the unique nature of the state department of education's responsibilities dictate that the department's professional staff should be in unclassified service. The department must have the flexibility to meet the rapidly changing service needs of primary, elementary and secondary education in Nevada. According to the state superintendent of public instruction, under existing practice any change in the state department of education's organization structure or in the job assignments of the department's professional staff must be approved by the personnel division. Furthermore, any reduction in staff must be done on a seniority basis. This creates the untenable situation where unqualified or unmotivated persons are performing jobs of great importance to Nevada's educational system. One local superintendent of schools wrote to the subcommittee about this problem. He stated:

The state department of education personnel should be removed from the state personnel system. A recent cutback in positions mandated by the legislature might have been more acceptable to the school districts if personnel cuts could have been made other than on the basis of seniority. Because of the seniority system some excellent staff members were lost or assigned out of their areas of expertise and some members of marginal ability were retained.*

The subcommittee believes the state department of education should not be in the position of retaining "marginal" employees just because of the employee's seniority. The services of the department are too important for seniority alone to be a criterion to retain employees.

The professional staff in the state department of education must be of the highest calibre possible. Moreover, because the state board of education holds the state superintendent of public instruction responsible for the effective operation of the department, the superintendent should be allowed to determine who shall be employed as a staff member in the department. According to the master plan for education, "Personnel policies under which the state department of education operates and through which recruitment and selection of personnel is mandated cause considerable problems in the operation of an

*See November 7, 1977, letter from Clifford J. Lawrence, superintendent of the Carson City school district to Donald A. Rhodes, chief deputy research director, on file in the research library of the legislative counsel bureau.

educational agency" (16:10). The subcommittee believes the superintendent of public instruction should be given the freedom necessary to staff the state department of education with high quality professional-level staff. He should not be encumbered in the selection of persons to fill openings in the department's professional-level staff positions by the provisions in the NRS, or in the personnel division regulations, which relate to classified employment. For these and the reasons noted above, the subcommittee recommends that:

All personnel, except for clerical personnel, in the state department of education be in the unclassified service of the state. (BDR 34-43)

G. REMOVAL OF STATUTORY REFERENCES TO THE APPOINTMENT OF THE SPECIAL CONSULTANT ON INDIAN EDUCATION AND THE APPOINTMENT OF THE ENVIRONMENTAL EDUCATION CONSULTANT

Earlier this report emphasized the subcommittee's view that the services the state department of education performs for the county school districts should be based on the well thought out and identified needs of the county school districts. The report also notes the subcommittee's opinion that assignment of duties within the department should be based on such service needs and that job assignments should not be restricted by outmoded statutory provisions. Based on this opinion, the subcommittee has recommended, under the heading "Qualifications and Duties of the Associate Superintendent," that the statutes be amended to give the existing statutory duties of the associate superintendent to the superintendent of public instruction. As noted, after this is done, the superintendent will have the discretion to allocate such duties to persons in the state department of education in a manner consistent with sound administrative practice.

The subcommittee believes the statutes should also be amended to remove specific reference to the special consultant on Indian education and the environmental education consultant. This does not mean that the subcommittee believes that abolishment of the duties assigned to these positions is in order. It does mean, however, that the subcommittee feels the superintendent of public instruction should have the authority to assign tasks to the members of his staff in a manner consistent with the work load demands placed on the department. Thus, perhaps on occasion more than 1 consultant might be assigned to each of the environmental education and Indian affairs functions. Conversely, if the situation warrants, a single consultant might only spend a portion of his time on both these activities. The statutes now mandate that the state department of education perform certain functions relating to special

education and vocational education without identifying specific persons within the department to perform such functions. The subcommittee believes the same should hold true for the department's environmental education and Indian education functions.

The subcommittee therefore recommends that:

The statutes be amended to remove specific reference to the appointment of the special consultant on Indian education and the appointment of the environmental education consultant. The subcommittee recommends further that the statutory duties assigned to these positions be given to the superintendent of public instruction.
(BDR 34-84)

H. FUNDING FOR STATE DEPARTMENT OF EDUCATION TO PERFORM DUTIES ASSOCIATED WITH PROFICIENCY EXAMINATIONS

During the 1977 session, the legislature passed Assembly Bill 400 (chapter 273, Statutes of Nevada 1977) which requires examinations of pupils in the 3rd, 6th, 9th and 12th grades to determine their proficiency in reading, writing and mathematics. Under the law, pupils who fail to pass the high school proficiency examination administered before the completion of the 12th grade are not permitted to be graduated until they are able, through remedial study, to pass that examination.

The language of A. B. 400, contained in NRS 389.015, also requires the state board of education to prescribe the standard proficiency examinations. No funding was provided to the state department of education to develop and provide statewide guidance and administration for the proficiency examinations. The department advises that it is using a portion of the services of six professional-level staff and one clerical position to carry out the mandates of A. B. 400.* Time spent in administering the program results in reduced attention to the department's other program areas.

The proficiency examination program will have a profound effect on the education of Nevada's children. The subcommittee believes that sufficient funding should be provided to the department to ensure that the program is carried out properly.

*See the document prepared by the department entitled "Structures and Functions of the State Board of Education and State Department of Education" on file in the research library of the legislative counsel bureau.

The subcommittee therefore recommends that:

The 1979 legislature consider providing the state department of education with sufficient funding for the department to carry out the responsibilities and duties assigned to it by NRS 389.015.

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APPENDICES

- A. Subcommittee Questions to State Board of Education and State Department of Education
 - 1. December 19, 1977, letter to John R. Gamble, superintendent of public instruction.
 - 2. December 27, 1977, letter to John R. Gamble, superintendent of public instruction.
 - 3. December 27, 1977, letter to George E. Harris, president Nevada state board of education.
- B. State Board of Education and State Department of Education Responses to Subcommittee Questions
 - 1. State board of education response.
 - 2. State department of education response.
- C. NRS 385.310, "Powers, duties of associate superintendent of public instruction for administration," and NRS 385.315, "Additional powers, duties of associate superintendent of public instruction for administration."
- D. Suggested Legislation.

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING
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APPENDIX A



LEGISLATIVE COMMISSION (702) 885-5627

DONALD R. MELLO, *Assemblyman, Chairman*
Arthur J. Palmer, *Director, Secretary*

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1. December 19, 1977, letter to John R. Gamble, supt. of public
instruction
December 19, 1977

John R. Gamble
Supt. of Public Instruction
400 W. King Street
Carson City, NV 89701

Dear Mr. Gamble:

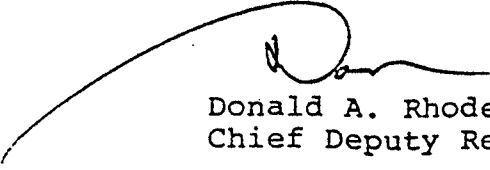
I met recently with Assemblyman John M. Vergiels and he asked me to reiterate the subcommittee's request that you answer, in writing, certain questions listed in the document "Possible Questions For The State Board Of Education And The State Department Of Education." He asked that you respond to these questions prior to the subcommittee's planned meeting in Las Vegas on March 17, 1978.

As you may recall, the questions noted during the subcommittee's October meeting were "Department of Education related questions" 1, 2, 3, 4, 12, 13 and 14. Assemblyman Vergiels also requests that you respond to questions 5, 7, 8, 9 and 10. A copy of the questions is enclosed.

Assemblyman Vergiels also asked me to remind you that the subcommittee wishes to interview your Las Vegas office professional staff prior to the subcommittee's hearing in March. Perhaps a similar arrangement to the November 10, 1977, interviews can be arranged.

Thank you very much for your assistance.

Sincerely,


Donald A. Rhodes
Chief Deputy Research Director

DAR/llp
Enc.

POSSIBLE QUESTIONS FOR THE STATE BOARD OF EDUCATION
AND THE STATE DEPARTMENT OF EDUCATION

STATE BOARD OF EDUCATION RELATED QUESTIONS

1. Please expand on the educational objectives, and the priorities for such objectives, for that area of education in Nevada under your control. What are your short term (one year or less) and long term (more than one year) plans to structure the State Department of Education and its functions to meet these priorities?
2. Has your reliance on federal funding created a de facto educational priority system? Please explain.
3. The Department's programs are difficult to evaluate because its objectives are stated in broad terms and no apparent standards exist for measuring performance or effectiveness. Please explain your plans for developing departmental objectives and program structures which are specific, quantifiable and conducive to reliable evaluation. Please include a description of the Department's internal system of management by objectives.
4. Do you believe that the statutes should be amended to make expressed provision for a distinct separation of duties between the board and the department? For example, specify more clearly that the state board is responsible for policy making and the Department, headed by the superintendent of public instruction, is responsible for day to day administration. Also, in this regard, are there specific sections of the N.R.S. that should be changed to refer to the department, or superintendent, instead of the board?
5. It has been argued by some that the prescribed pattern of experience specified in the law for the superintendent of public instruction unnecessarily limits the potential pool of candidates for this office. Do you believe that the statutes should be changed to allow a greater range of applicants such as those from business, law or public administration backgrounds, to be considered for the position?
6. It has been said that higher and lower education are uncoordinated and that there is no forum for sustained and productive interaction between representatives of higher and lower education and representatives of

the governor's office and the legislature. In view of this, do you believe a council for education (comprised of the chairman of the board of regents, the president of the state board of education, the chairmen of the education committees of the legislature, the chancellor of the university, the superintendent of public instruction, the chairmen of the legislative money committees, and the governor) should be created?

7. Do you believe that the community college system should be under the state board of education?
8. Among certain persons informed about state governance of education, there is a consensus that, because the governor and the legislature have ultimate responsibility for education, they should be allowed control over key positions in the structure of educational governance. In a study done in the mid-70's most educators picked a model with the state board of education members being appointed by the governor, subject to approval by the legislature, as preferable to an elected state board. The same study showed that appointed boards may be more likely than elected boards to act on volatile issues and to adopt unpopular positions, even though such positions might be the best for education in the long run. In view of this, do you believe the state board of education's members should be elected or appointed? What are your reasons?
9. It has been observed by students of educational administration that the smaller the state board of education the more likely it tends to be unified and efficient. Conversely the larger the board the more likely that it will have conflicts in its decision making. What do you believe are the pros and cons for reducing the size of the state board of education from its existing nine members to seven members?
10. What recommendation do you have for this subcommittee for changes that should be made in the law to improve the state level governance and administration of primary and secondary education in Nevada?

DEPARTMENT OF EDUCATION RELATED QUESTIONS

1. It is generally accepted that state departments of education should offer services of relevance to the needs of local school systems. Though a state physical education consultant, for example, may be of

little use to a large school district, specialists in other areas might be needed by such district. What basis do you use to determine what type of consultant services you should provide to school districts and what type of expertise you should maintain on your staff?

2. In the book Strengthening State Departments of Education, published in June, 1967, Professor Roald Campbell of Ohio State University states, "It makes little sense for professional personnel such as consultants to define their roles primarily in terms of visitation to schools... He says, "How effective can a 2-hour visit once a year by a subject matter consultant be?" He goes on, "State departments of education could have more impact on the schools through programs developed around carefully selected and nurtured demonstration centers. Visits of teachers to an elementary science demonstration center, for example, could... do more to foster improved science teaching than a bevy of science consultants each driving around the state making brief and infrequent visits to many science teachers." (For example of problems see pages A-67 and A-106 of the In State Travel Report.)

My question is this: What has the department done to foster the use of regional demonstration projects and thereby reduce the need for expensive jaunts around the state by consultants?

3. Please describe the department's use of:
 - a. Faculty and administrative officers of the University of Nevada system to assist in offering technical assistance to school systems.
 - b. Regional conferences such as those for "Right to Read" and elementary education to which teachers or administrators in given disciplines or administrative specialties have been invited for orientation, consultation or training.
 - c. Cooperative review services in which school district staff have been organized into task forces to evaluate or assist other school systems.

Please focus on state funded activities. :

4. Would expansion of the activities listed in the previous question affect the size of your consultant staff? Please explain your answer.
5. Many believe that sound, comprehensive planning is vital to the leadership role of the State Department of Education. Please describe your efforts in assisting local school districts in long-range planning and in developing appropriate policies and programs to meet the needs of their constituents.
6. A consequence of the growing commitment of the American people to quality education has been that state departments of education have become increasingly important instrumentalities for coordination of the achievement of national and state goals in education. Please describe your efforts in coordinating the educational efforts of various state agencies (i.e. the university system, school districts, the commission on post secondary education).
7. As you know, state departments of education have been criticized for their isolation from the front lines of educational research, development and evaluation activities, and, generally, from the contemporary characteristics of education as practiced and administered in local communities. Please describe your efforts to provide guidance and assistance to local school districts in identifying and assisting in the kinds of research and development work they need.
8. Also, regarding research, some believe that the role of the State Department of Education should be to identify educational problems that can be treated through research, to determine what agency, public or private, can best handle the problem and to see to it that the project is carried out and the results suitably disseminated. Please describe the department's research liaison efforts.
9. The subject of low department morale has been raised and budget modifications have been blamed. It appears that the cause goes deeper than that for the low morale. Several other state departments of education have explored the usefulness of staff development techniques, such as team training, to reduce poor communication, polarization and jealousy of staff members, and generally low departmental morale. Please describe your efforts, on going or planned, to improve staff morale.

10. What recommendations do you have for this subcommittee for changes that should be made in the law to improve the structure and operation of your department? We are particularly interested in changes to improve your services to the school districts.

11. On Page II-5 of your report, you state that:

one special activity that would be entertained at an early date is a task force or team to review all course of study information that we...(the department)...have issued over the years, with the purpose of developing a single K-12 course of study outline to be followed by a more comprehensive course of study guide. It is anticipated that this would be closely coordinated with both department and district activities currently underway or anticipated in curriculum development.

Would you please give us some details on your progress in this activity, the members of your staff and school district involved, and the tie-in of this project with your mandates under A. B. 400 (Chapter 273, Statutes of 1977) which deal with educational proficiency at certain grade levels.

12. I notice that on Page III-B-53 of your report you have a proposed percentage distribution of funds and accompanying activities for fiscal year 1978 Parts B and C project funds of Title IV of the Elementary and Secondary Education Act. Do you have similar operating guidelines for the allocation of your other services, especially those that are state funded, to the school districts in the state?

13. Is greater emphasis placed on the relative amount of service you provide to the small school districts?

14. Please describe the rationale for not expanding the staffing and service potential of your Las Vegas office.

15. Assemblyman Vergiells' letter of July 22, 1977, requested the services you will perform over the past, current and next fiscal year. Although your program descriptions are comprehensive, most describe past activities. Please describe your planned activities for (note: select those of interest to you or the subcommittee): (1) the guaranteed student loan program, (2) arts and humanities, (3) driver education, (4) language, (5) physical education, (6) pre-school and elementary education, (7) school accreditation program, (10) the adult education program, (11) the

community education program, (12) federal grants management, and (13) professional standards.

16. Please describe the current and planned activities of the environmental education consultant.
17. Why is the F.T.E. increased for comprehensive health education (see Page III-B-7 of the department's report) in the 1977-78 fiscal year?

What other activity will be reduced to accommodate the increase in staffing for this activity?

18. Your resource descriptions do not, in many cases, give both current and past year staffing data. Please describe the staffing changes for the following (note: select those of interest to you or the subcommittee) (1) environmental education, (2) guidance, (3) language, (4) mathematics, (5) preschool and elementary education, (6) right to read, (7) science education, (8) textbook adoption, (9) education for the disadvantaged, (10) desegregation of public education, (11) education of the handicapped, (12) the exceptional pupil education programs, (13) career education - state plan development, (14) the vocational education program, (15) the adult education program, (16) management of the state distributive school fund, (17) federal grants management, (18) auditing and financial consulting, (19) child nutrition, (20) pupil transportation, (21) school facilities, (22) private school licensing, (23) teacher certification, (24) the elementary and secondary education act program, (25) general accounting, and (26) professional standards.
19. Please explain what is meant by 1/2 professional staff and 1/2 clerical staff for the industrial arts activities in the vocational education program. (See Page III-B-113.) The F.T.E. shows .25 professional and .50 clerical for this activity.
20. I notice that on Page III-B-22 of your report you indicate that one professional at grade 38 is assigned to the mathematics activity in the general education program. The report further reflects, however, that there is 1.70 FTE professional staff assigned to this activity. Would you explain this apparent conflict and expand upon your Mathematics activity, in particular the updating of the state course of study.
21. Please describe what guidance means and what the guidance consultant should do. I read that the activities of this consultant range from vocational education to Indian education to elementary counseling.

22. Please break down the funding sources and changes in funding levels between the past, current and next fiscal year for the following programs (note: pick any of interest of interest to you, no fiscal data is given in the report).
23. On Page III-B-64 of your report you list where aurally and visually handicapped children are from in this state but fail to list where they are placed. Please tell me the locations where these children are placed. Also, is it possible to increase the number of children placed in-state?
24. It appears as though you have listed out-of-state travel on Pages A-70, A-135, A-185, and A-202 of your In State Travel Report. I assume in the rush of putting together your report that this was an understandable oversight. I am puzzled, however, about the cost of two out-of-state trips. On Page A-135 of your In State Travel Report you show a trip to San Antonio, Texas at a cost of \$147.80 and a trip to Portland, Oregon for \$125.90. In your out-of-state travel report you show the cost of these trips as \$400.80 for the San Antonio trip (see Page B-9) and \$226.70 for the Portland trip (see Page B-10). Would you please explain these apparent discrepancies.
25. On Page A-74 of your In State Travel Report you indicate a cost of approximately \$226 ($\$135.46 + \$53.64 + \$3.50 + \$22.41 + \10) for Carson City travel on April 29, 1977, and April 30, 1977, associated with something called kindergarten revision. Please explain the apparent high costs of this in-town travel activity. Also, what is meant by kindergarten revision?
26. On Page A-65 and A-162 of your In-State Travel Report you have travel items for picking up and delivering staff to the airport. Please explain why professional staff were used for this type of activity.
27. Your In-State Travel Report (for example see Page A-67) shows many instances where repeat trips were made to the same location within a short period of time. Please describe your efforts to consolidate travel for the maximum benefit and least cost to the state.
28. Why do you conduct so many workshops and in-service programs when teachers are capable of taking refresher and other courses at the university during regular and summer semesters?
29. Please describe the changes you have made and will make in your organization structure and staffing in response to the adjustments made to your budget for the current biennium.

APPENDIX A

2. December 27, 1977, letter to John R. Gamble, superintendent
of public instruction

December 27, 1977

John R. Gamble, Superintendent
of Public Instruction
400 West King Street
Carson City, NV 89701

Dear Mr. Gamble:

Assemblyman John M. Vergiels has asked me to request some additional information from you. As with the requests listed in my letter dated December 19, 1977, Assemblyman Vergiels asks that you provide this information, in writing, prior to the subcommittee's March 17, 1978, meeting. Please provide:

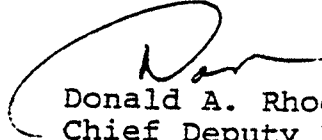
1. An analysis of the results of the staff reduction information given to the subcommittee in the department's report entitled "Structures and Functions of the State Board of Education and the State Department of Education" with the data, concerning the actual layoff of persons, given to Assemblyman Vergiels during the subcommittee's interviews with Department of Education staff. The data given Assemblyman Vergiels is contained in the minutes of the subcommittee's November 10, 1977, meeting.
2. An explanation of why the right to read and experience-base career education grants used to reemploy three of the department's professional staff and employ one clerical position were not discussed with the Senate Finance or Assembly Ways and Means Committees during the 1977 Legislative Session.
3. A full description of the department's report, concerning the staffing and use of its Clark County office, given to the State Board of Education. In this regard, Assemblyman Vergiels is interested in the changes needed in the Clark County office to improve educational services to southern Nevada children. Assemblyman Vergiels would like this information in addition to that requested in question number 14 of the document entitled "Possible Questions for the State Board of Education and the State Department of Education."
4. A description of the report pertaining to the department's management information system study including:

- (a) The effect the system will have on the dissemination of educational services to local school districts (especially those in rural counties).
 - (b) Projected use by type and cost of hardware and software.
 - (c) The type of data input systems to be used (batch, online terminals or a combination of both).
 - (d) The effect the system will have on data reporting to the Legislature.
 - (e) The department's planning and coordination efforts, in its management information system study, with central data processing or other information system experts.
 - (f) A cost benefit analysis of using existing data processing facilities and staff versus implementing the proposed information system.
 - (g) The effect the proposed system will have on any previously planned departmental information system(s).
5. A listing of all departmental expenditures, other than general fund, for the past biennium. Please indicate the funding sources, by amount for each source, for each expenditure. Also, please list the nongeneral fund projects you have funded over the last biennium and indicate the amount of funds you have allocated for each project. Show the administrative and other funds allocated to each project and describe the basis on which projects have been chosen for funding.
6. A plan for the statewide disbursement of departmental services from January 1, 1978, through July 1, 1980. Please take into account your general fund resources and existing and projected federal funds.
7. A listing of your staff assignments, by project or service activity, for the following time periods: July 1, 1977, October 1, 1977, January 1, 1978, and March 1, 1978. Please include a listing of the number, grade and job title of the staff involved in each project and also show the total staff time, including percentage of departmental manhours available, involved in each project.
8. A "time-line" description of the department's planned changes in staffing assignments and departmental functions over the next three months to effectuate the proposed new organization structure identified to the subcommittee in your written report entitled "The Organization Structure of the State Department of Education."
9. The department's plan to assure that advisory panels to the department and the board are representative of all geographic areas in the state.

John R. Gamble
December 27, 1977
Page 3

Thank you very much for your assistance.

Yours truly,



Donald A. Rhodes
Chief Deputy Research Director

DAR/llp

cc: Chairman & Members of the Subcommittee
Members of the Board of Education

APPENDIX A

3. December 27, 1977, letter to George E. Harris, president Nevada state board of education.

December 27, 1977

George E. Harris, President
Nevada State Board of Education
717 Clark Avenue
Las Vegas, Nevada 89101

Dear Mr. Harris:

I met recently with Assemblyman John M. Vergiels, Chairman of the Legislative Commission's Subcommittee to Study the Structures and Functions of the State Board of Education and the State Department of Education (A.C.R. 54). During this meeting Assemblyman Vergiels asked me to write to you and relay several requests the subcommittee has of the board. Assemblyman Vergiels would like responses to these requests prior to the subcommittee's planned Las Vegas meeting on March 17, 1978.

First, Assemblyman Vergiels would like responses to certain questions the subcommittee asked the board. During the subcommittee's October meeting the chairman asked that the board respond, in writing, to certain questions listed on a document entitled "Possible Questions for the State Board of Education and the State Department of Education." The questions selected for the board's response were:

1. Please expand on the educational objectives, and the priorities for such objectives, for that area of education in Nevada under your control. What are your short term (one year or less) and long term (more than one year) plans to structure the State Department of Education and its functions to meet these priorities?
2. Has your reliance on federal funding created a de facto educational priority system? Please explain.
3. The Department's programs are difficult to evaluate because its objectives are stated in broad terms and no apparent standards exist for measuring performance or effectiveness. Please explain your plans for developing departmental objectives and program structures which are specific, quantifiable and conducive to reliable evaluation. Please include a description of the Department's internal system of management by objectives.

4. Do you believe that the statutes should be amended to make expressed provision for a distinct separation of duties between the board and the department? For example, specify more clearly that the state board is responsible for policy making and the Department, headed by the superintendent of public instruction, is responsible for day to day administration. Also, in this regard, are there specific sections of the N.R.S. that should be changed to refer to the department, or superintendent, instead of the board?
5. It has been argued by some that the prescribed pattern of experience specified in the law for the superintendent of public instruction unnecessarily limits the potential pool of candidates for this office. Do you believe that the statutes should be changed to allow a greater range of applicants such as those from business, law or public administration backgrounds, to be considered for the position?
6. Among certain persons informed about state governance of education, there is a consensus that, because the governor and the legislature have ultimate responsibility for education, they should be allowed control over key positions in the structure of educational governance. In a study done in the mid-70's most educators picked a model with the state board of education members being appointed by the governor, subject to approval by the legislature, as preferable to an elected state board. The same study showed that appointed boards may be more likely than elected boards to act on volatile issues and to adopt unpopular positions, even though such positions might be the best for education in the long run. In view of this, do you believe the state board of education's members should be elected or appointed? What are your reasons?
7. It has been observed by students of educational administration that the smaller the state board of education the more likely it tends to be unified and efficient. Conversely the larger the board the more likely that it will have conflicts in its decision making. What do you believe are the pros and cons for reducing the size of the state board of education from its existing nine members to seven members?
8. What recommendation do you have for this subcommittee for changes that should be made in the law to improve the state level governance and administration of primary and secondary education in Nevada?

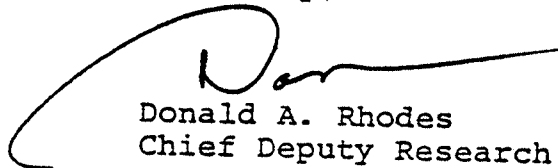
Second, Assemblyman Vergiels would like, in writing:

1. The board's plan, if any, for assuring that the department's professional staff is accountable for its activities. Please supply any existing personnel policies in this regard.
2. The board's plan for making the superintendent directly accountable (i.e. similar to the procedures followed by local school boards to trustees) to the board.
3. The board's views on the feasibility of creating the position of an executive secretary or administrative officer to the board. Certain eastern states (such as Michigan) have such positions and the benefits of them were discussed at the NASBE Convention in October.
4. The board's plan, if any, to increase the number of authorized reimbursable meetings it can hold.
5. The board's policy regarding the selection and employment of professional staff including your specific policies for selecting a new superintendent of public instruction.
6. The board's policies for the department of education concerning (a) travel, (b) annual leave, (c) salary increases, (d) disbursement of general fund monies, (e) the reporting of budget information to the appropriate Assembly and Senate committees, (f) personnel in the department authorized to appear before the State Board of Education or Legislative Committees.
7. A job description for the deputy superintendent of public instruction including a description of his increased responsibilities incurred because of the planned retirement of the current superintendent of public instruction.
8. The board's views concerning how state funds can be most equitably and wisely spent, in all counties, for the education of children in Nevada. Assemblyman Vergiels notes that the salaries paid to the superintendents of certain local school districts, such as Esmeralda County School District, appear to be disproportionately high for the responsibilities of the superintendent and the size of the school district. Such salaries also appear high when compared with the salaries paid to the superintendents in school districts of similar size.

George Harris
December 20, 1977
Page 4

Assemblyman Vergiels appreciates greatly your assistance in answering these requests.

Sincerely,

A handwritten signature in black ink, appearing to be 'D. Rhodes', with a large, sweeping loop at the beginning and a horizontal line extending to the right.

Donald A. Rhodes
Chief Deputy Research Director

DAR/llp

cc: Chairman & Members of the Subcommittee
Members of the State Board of Education



OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Capitol Complex
Carson City, Nevada 89710

JOHN R. GAMBLE
Superintendent

March 3, 1978

Assemblyman John H. Vergiels
Attention: Donald Rhodes
Legislative Counsel Bureau
401 South Carson Street
Carson City, Nevada 89710

Dear Assemblyman Vergiels:

The attached materials have been prepared in response to questions submitted at the subcommittee hearings on October 17, 1977, and by letter from you by way of Mr. Donald Rhodes on December 27, 1977.

I realize that in many cases the response to these questions are somewhat general in nature, but I think it needs to be understood that many of the questions relate to the considered judgment of either the superintendent or state board during the period that the action took place. In many cases the department and the board were following policies that had been adopted and serving well the needs of the state at the time. It is important that the Subcommittee be equally aware of the various documents that formed the basis for these policies. Among these were the Governor's School Survey Committee of 1954, the Tucker-Davis Study of the Department of Education in 1967, the Master Plan for Education of 1970 (a legislatively directed activity), and later local school district studies ordered by Governor O'Callaghan. I feel the board's policies and the department's activities closely correlate with the recommendations and expectations in all these studies, a great number of which incidentally, are still valid.

In other cases, the questions were of a leading nature, expressing a philosophy or practice not in use or perhaps even desirable in Nevada. It was our obligation to disagree where this happened, and to state our own position, which we feel has been based on valid studies and intimate knowledge of this state.

Sincerely,

John R. Gamble

JRG:maj

1. State board of education
response



NEVADA DEPARTMENT OF EDUCATION

Capitol Complex
 Carson City, Nevada 89710

March 3, 1978

JOHN R. GAMBLE
 Superintendent

MEMORANDUM

STATE BOARD OF EDUCATION
 AND
 STATE BOARD FOR
 VOCATIONAL EDUCATION
 GEORGE E. HARRIS, *President*
 Las Vegas
 DAVID W. HANSEN, *Vice President*
 Reno
 ROSEMARY K. CLARKE
 Las Vegas
 CYNTHIA W. CUNNINGHAM
 Las Vegas
 GEORGE EARNHART
 Carson City
 WARREN F. HOLMES
 North Las Vegas
 JOAN KENNEY
 Las Vegas
 WILLIAM R. ORR
 Pioche
 SHIRLEE A. WEDOW
 Sparks

TO: John M. Vergiels, Chairman, and Members of Subcommittee
 to Study the Structures and Functions of the State Board
 of Education and the State Department of Education

FROM: George E. Harris, President, Nevada State Board of Education

SUBJ: Responses of the Board to Questions Posed by Committee

The enclosed material provides the responses to the questions posed by the committee in one of the early hearings, plus the questions contained in the letter addressed to the Board early this year.

The State Board of Education spent a considerable time in reviewing the questions and preparing responses and the enclosed, as such, represents the current position of the Board. We hope these materials will be helpful in your study.

S
 Enc.

Responses to Questions Posed to the Nevada State Board of Education
by the Legislative Subcommittee at the Hearing of October 17, 1977

The Nevada State Board of Education believes its primary role is to represent the entire State as the lay body responsible for the State's system of public elementary and secondary education. As such, the Board believes that its role can only be carried out effectively when it acts as the policy body designed to regulate, evaluate, and provide positive leadership to the statewide educational system. The Board will not carry out administrative functions, which are the province of the State Superintendent and the State Department of Education, operating under Board policies. The Board also recognizes the importance of the accepted principle of local control of public education, but believes that effective local control means full responsibility and accountability to the electorate. The Board's efforts will therefore be channeled through the Superintendent and, in turn, through local boards of education.

1. Please expand on the educational objectives, and the priorities for such objectives, for that area of education in Nevada under your control. What are your short term (one year or less) and long term (more than one year) plans to structure the State Department of Education and its functions to meet these priorities?

NRS 385.005 reads as follows: The legislature reaffirms its intent that public education in the State of Nevada is essentially a matter for local control by local school districts. The provisions of this Title are intended to reserve to the boards of trustees of local school districts within the state such rights and powers as are necessary to maintain control of the education of the children within their respective districts. These rights and powers shall only be limited by other specific provisions of law.

The Board has followed the intent of this statute as evidenced by the material in the "Structure and Function of the State Board of Education and the State Department of Education"--specifically refer to the section on "Operational Goals". It should be emphasized that the State Board of Education is enjoined to operate within the above statute. Later statutes clearly state the authority and responsibility of the local boards of education. The State Board has has every effort to direct its activities to these defined responsibilities.

In addition, the State Board of Education has adopted the "Common Goals for Education" and also "Operational Goals and Activities" (March 25, 1977). The State Board of Education reviews, revises and updates the above documents on a continuous basis.

At the present time, the policies and position papers of the State Board of Education are in a board study committee for review, revision or revocation. As these processes are finished, a complete reorganization of the Department will be recommended by the Superintendent for the approval of the Board. This reorganization will be based in part upon the directives in the above adopted Board documents.

2. Has your reliance on federal funding created a de facto educational priority system? Please explain.

Lack of state funds has required a priority to federal funding. Insofar as federal funding comprises a large proportion of the budget of the Department of Education, funds, of necessity, must be applied to specific areas--Vocational Education, Special Education, Career Education, etc. In a Board study (copy available) this is clearly shown. More general operating funds from the state would permit greater flexibility in addressing the needs of the state and the perceived educational goals and priorities.

3. The Department's programs are difficult to evaluate because its objectives are stated in broad terms and no apparent standards exist for measuring performance or effectiveness. Please explain your plans for developing departmental objectives and program structures which are specific, quantifiable and conducive to reliable evaluation. Please include a description of the Department's internal system of management by objectives.

The Board's objectives and operational goals are clear and concise and can be reliably evaluated (paper of March, 1977)

The description of the Department's system of management by objectives is detailed in the "Structure and Function of the State Board and State Department of Education".

4. Do you believe that the statutes should be amended to make expressed provision for a distinct separation of duties between the Board and the Department? For example, specify more clearly that the State Board is responsible for policy making and the Department, headed by the Superintendent of Public Instruction, is responsible for day to day administration. Also, in this regard, are there specific sections of the N.R.S. that should be changed to refer to the Department, or Superintendent, instead of the Board?

The statutes should definitely be amended to clearly define the authority and responsibility of the State Board of Education. There is presently a legislative codification committee working to recommend changes in the statutes to clarify the responsibility and rectify inconsistencies in the statutes.



STATE BOARD OF EDUCATION
AND
STATE BOARD FOR
VOCATIONAL EDUCATION
GEORGE E. HARRIS, *President*
Las Vegas
DAVID W. HANSEN, *Vice President*
Reno
ROSEMARY K. CLARKE
Las Vegas
CYNTHIA W. CUNNINGHAM
Las Vegas
GEORGE EARNHART
Carson City
WARREN F. HOLMES
North Las Vegas
JOAN KENNEY
Las Vegas
WILLIAM R. ORR
Pioche
SHIRLEE A. WEDOW
Sparks

NEVADA DEPARTMENT OF EDUCATION

Capitol Complex
Carson City, Nevada 89710

JOHN R. GAMBLE
Superintendent

March 6, 1978

TO: John M. Vergiels, Chairman, and Members of Subcommittee
to Study the Structures and Functions of the State Board
of Education and the State Department of Education

FROM: George E. Harris, President, Nevada State Board of Education

SUBJ: Responses of the Board to Questions Posed by Committee

In transmitting the State Board's responses to the questions
posed by the Committee, the following was inadvertently omitted,
and we will appreciate your considering this recommendation in
the overall review of the responses:

Addendum to Question 4., of paper entitled "Questions Posed
to the Nevada State Board of Education by the Legislative
Subcommittee at the Hearing of October 17, 1977:

The Board recommends that all references in the
statutes to the responsibilities of Superintendent,
Deputy Superintendent, Associate Superintendent,
State Department of Education and others determined
to be confusing be deleted from the statutes.

The statutes could then define the authority of and
responsibility of the State Board of Education,
giving the State Board policy-making authority and
the power to delegate other responsibilities.

5. It has been argued by some that the prescribed pattern of experience specified in the law for the Superintendent of Public Instruction unnecessarily limits the potential pool of candidates for this office. Do you believe that the statutes should be changed to allow a greater range of applicants such as those from business, law or public administration backgrounds, to be considered for the position?

In the Board's experience, the statute prescribing the requirements for a Superintendent of Public Instruction has not unduly limited the potential pool of candidates for this office. A suggested change in the statutes would be ". . . a master's degree and eligibility for certification as a teacher."

6. Among certain persons informed about state governance of education, there is a consensus that, because the Governor and the legislature have ultimate responsibility for education, they should be allowed control over key positions in the structure of educational governance. In a study done in the mid-70's most educators picked a model with the State Board of Education members being appointed by the Governor, subject to approval by the legislature, as preferable to an elected State Board. The same study showed that appointed boards may be more likely than elected boards to act on volatile issues and to adopt unpopular positions, even though such positions might be the best for education in the long run. In view of this, do you believe the State Board of Education's members should be elected or appointed? What are your reasons?

There is little definitive empirical research which can help answer this question. Only two studies have attempted to examine whether governance structure impacts the policy influence of a state board -- Gerald Sroufe, in his 1967 study titled "State Board Members and Educational Policy", and the 1973-74 study of Roald Campbell and Tim Mazzone, Jr., "State Policy Making For The Public Schools: A Comparative Analysis."

The Sroufe study found some evidence, although not statistically significant, that state boards which had the power to hire and fire a chief state school officer appeared to be more influential. The Campbell and Mazzone ten-state study provided statistically significant findings on a range of factors which demonstrated that those boards which had the power to hire and fire the chief were more influential. Their study was not able to demonstrate any statistically significant findings as to the greater influence of a state board, regardless of how they were selected. Political science theory does argue that more influence accrues to popularly elected decision bodies.

The Nevada State Board of Education is of the opinion that an elected board of education is in the best interest of education in this state for the following reasons:

1. It is in accord with American traditions that education should be in the province of lay control.
2. Elected boards are responsible to an electorate and will respond quickly to volatile issues and adopt positions best for education.

3. As an advocate for children, which, in the end, is what education is all about, will take unpopular positions in regard to budgets and financial matters which, at times, will differ from that of the executive branch or the legislature.
4. With an appointed board, there is a lack of opportunity for public support of the candidate.
5. With an appointed board, certain other appointments will follow. Where there is no elected state board, members of the Vocational Advisory Committee would be appointed by the executive office, as would the Advisory Committee for Exceptional Children, and others. The same disadvantage as stated in No. 4 above would hold.
6. The Nevada State Board of Education is also of the opinion that the board members should be elected on a non-partisan ballot.
7. It has been observed by students of educational administration that the smaller the State Board of Education the more likely it tends to be unified and efficient. Conversely the larger the Board the more likely that it will have conflicts in its decision making. What do you believe are the pros and cons for reducing the size of the State Board of Education from its existing nine members to seven members?

The difference in size between a nine-member Board and a seven-member Board does not necessarily lead to conflicts in decision making--nor would a seven-member Board be more efficient or unified.

Regardless of the size of the Board, there is an obvious need for cohesiveness and a sense of corporate unity. Most studies of state school administration agree that the state board of education should be large enough to represent the people adequately, yet small enough to enable all members to take an active part in the deliberations essential to sound policymaking.

The greatest objection to reducing the size of the Nevada State Board of Education is that fifteen small counties are now barely represented. To reduce the size of the Board would necessarily reduce representation.

8. What recommendation do you have for this subcommittee for changes that should be made in the law to improve the state level governance and administration of primary and secondary education in Nevada?

The statutes should be amended to clearly define the authority and responsibility of the State Board of Education to insure that state goals, standards and objectives will be achieved

without infringing upon the authority and responsibility of local boards of trustees.

The State Board of Education, through its legislative committee, will have specific recommendations for changes in the statutes, which will be for the betterment of state level governance of education.



OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Carson City, Nevada 89701

May 20, 1976

OPERATIONAL GOALS
NEVADA DEPARTMENT OF EDUCATION

The Department of Education, in accordance with policies adopted by the State Board of Education, shall:

- I. Develop in concert with local school districts and other interested parties
 - A. Courses of study and standards of instruction for the school districts of Nevada as may be mandated by the statutes of Nevada;
 - B. Information and needs assessment plans and models for local use in determining and verifying specific needs of pupils so that all school districts may improve the quality and quantity of educational services to pupils.
- II. Administer, in accordance with federal and state laws and regulations, those federal grant and contract educational and service programs that are determined to be necessary and that will support and supplement educational programs carried on in the schools.
- III. Carry on a continuing study of finance and the state support program for local school districts, in accordance with statutes.
- IV. Provide service to school districts in the development and implementation of improved practices and programs, and in such other areas as may be needed and requested.
- V. Initiate and develop studies of current issues and problems and make recommendations for improved programs with such resources that are available without diminishing efforts toward other long-term goals.
- VI. Such other administrative and supervisory activities as prescribed or permitted by statute.

This is not necessarily an exclusive list of goals, and changes may take place over an extended period of time.

Nevada Department of Education Emphases
as developed from Operational Goals approved May 20, 1976

Activities and/or Programs

1. Competency Testing Program
(Goal I & V) -Instructional Services Division
2. Continuing ESEA Programs
Title I - IV - VI, Civil Rights IV
94-142, and other Federal Allocation Programs
(Goal II) -Instructional Services Division
3. Continue and/or initiate grant programs
 - A. Nevada Metric Project
 - B. Career Education
 - C. Right to Read
 - D. Arts for the Handicapped
 - E. Demonstration Centers - Learning Disabilities
 - F. Community Education Program
(Goal II & V) -Instructional Services Division
4. Vocational Courses of Study and Curriculum Guides
 - A. Health Occupations, Business Education,
Home Economics - Disseminate and Review
 - B. Trade and Industry, Vocational Agriculture,
Distributive Education - Prepare
(Goal I) -Instructional Services Division
5. School Lunch Activities
 - A. Federal-State-Local
Cooperative program reviews
 - B. On-going program activities
(Goal II) -Technical Assistance Division
6. Departmental Accounting Program
 - A. Controller-Counsel Bureau
Department Accounting Program Development
(Goal III & V) -Technical Assistance Division
7. State Board - Statutory Policy Development
 - A. Regulations as mandated by statute
 - B. State Board Policy as indicated by statute
 - C. Early Childhood Education Policy Statement
 - D. Title 34 Recodification support
(Goal VI) -Office of the Superintendent

Responses to Additional Questions Posed to the Nevada State Board of Education in letter to George E. Harris, as President of the Board

1. The Board's plan, if any, for assuring that the Department's professional staff is accountable for its activities. Please supply any existing personnel policies in this regard.

At present, the staff of the Department of Education functions under the guidelines and control of the State Personnel Division and the State Administrative Manual. All staff, except the Superintendent, Deputy Superintendent, and Associate Superintendent are presently in the classified system.

The State Board of Education has recommended for several sessions of the legislature that the Department staff be removed from the state personnel merit system. This would allow the State Board the same autonomy provided the local school trustees. It is the Board's contention that this would allow more direct accountability of staff to the superintendent and the State Board. The Tucker-Davis report (1967) recommended the above, as did the Designing Education for the Future committee (1968-Rx for Education in Nevada).

2. The Board's plan for making the Superintendent directly accountable (i.e., similar to the procedures followed by local school boards of trustees) to the Board.

The State Board of Education adopted a position description (1976) for the Superintendent of Public Instruction based on NRS 385.150-270. (Copy attached)

3. The Board's views on the feasibility of creating the position of an Executive Secretary or Administrative Officer to the Board. Certain eastern states (such as Michigan) have such positions and the benefits of them were discussed as the NASBE Convention in October.

This is a relatively new procedure being used in several states. The Board feels a more thorough examination of the pros and cons should be provided before such a decision is made.

4. The Board's plan, if any, to increase the number of authorized reimbursable meetings it can hold.

This past year, the State Board of Education had eleven meetings plus numerous committee meetings. According to the statutes at present, the State Board members are paid a salary of \$40.00 per meeting for eight meetings, plus state per diem. At the meetings beyond eight, per diem only was awarded. At the December meeting of 1977, the State Board adopted a calendar of ten meetings for the year 1978. The Board recommends that Board members be paid the approved salary for a maximum of twelve meetings per year.

5. The Board's policy regarding the selection and employment of professional staff including your specific policies for selecting a new Superintendent of Public Instruction.

At present the State Board of Education is governed by NRS 284. Referral is made to the recruitment procedures used by the State Board in the selection of a new superintendent.

6. The Board's policies for the Department of Education concerning (a) travel, (b) annual leave, (c) salary increases, (d) disbursement of general fund monies, (e) the reporting of budget information to the appropriate Assembly and Senate committees, (f) personnel in the Department authorized to appear before the State Board of Education or Legislative Committees.

Items (a) through (e) - all governed by budget approved by the executive department. In addition:

- (a) Travel - Assignment and amount of travel is governed by the activities required of the position--approved by the superintendent or his designee and limited by budget.
- (b) Annual Leave - Staff is entitled to amount earned by law, but this is granted at the discretion of the superintendent or his designee.
- (c) Salary Increases - Set by classification and merit increases. Recommended changes in classification are governed by Personnel Advisory Commission rules and regulations.
- (d) Disbursement of General Fund Monies - Governed by state accounting procedures and budget.
- (e) Reporting of budget information to appropriate Assembly and Senate committees - At present, this is the responsibility of the superintendent or his designee, through the executive budget.

Item (f) Personnel in the Department authorized to appear before the State Board of Education or Legislative Committees
The present policy directs the superintendent to make the decision as to staff representation for appearance at Legislative Committee hearings. A copy of the directive to staff, dated January 18, 1977, is attached.

The superintendent assigns staff to appear at the State Board meetings, usually based on agenda items. The Board may request a staff member to make a report to the Board (NRS 385.370).

7. A job description for the Deputy Superintendent of Public Instruction including a description of his increased responsibilities incurred because of the planned retirement of the current Superintendent of Public Instruction

The Deputy Superintendent is under the direction of the Superintendent and has all the authority and responsibility of the Superintendent (NRS 385.290). The Board recommends the deletion of Section 2 of the Statute (NRS 385.290).

8. The Board's views concerning how state funds can be most equitably and wisely spent, in all counties, for the education of children in Nevada. Assemblyman Vergiels notes that the salaries paid to the Superintendents of certain local school districts, such as Esmeralda County School District, appear to be disproportionately high for the responsibilities of the Superintendent and the size of the school district. Such salaries also appear high when compared with the salaries paid to the Superintendents in school districts of similar size.

The Nevada State Board of Education supports the concept of local autonomy which would insure that this authority and responsibility, and others similar to it, must remain with the local school trustees. It is not within the purview of the State Board to comment on this situation.

DUTIES AND RESPONSIBILITIES

NEVADA SUPERINTENDENT OF PUBLIC INSTRUCTION

- I. Constitutional authorization: Article II, Sec. 1: "The legislature shall. . . provide for a superintendent of public instruction and by law prescribe the manner of appointment, term of office, and duties thereof."
- II. Basic Statutory Responsibilities and Duties:
 - NRS 385.010.5:
 - (a) Execute, direct and supervise all administrative and technical activities of the department in accord with the policies prescribed by the State Board of Education.
 - (b) Employ such personnel as are approved by the State Board of Education and as are necessary for efficient operation of the department.
 - (c) Be responsible for organizing the department in a manner which will assure efficient operation and service.
 - (d) Be responsible for maintaining liaison and coordinating activities with other state agencies exercising educational functions.
 - NRS 385.180.1 (a) and (b):
 - (a) Visit each county in the state at least once each school year, and shall conduct institutes, visit schools, consult with school officers, or address public assemblies on subjects pertaining to the schools.
 - (b) Consult and study with school officers and educators of this and other states on topics of school administration, school methods and school law.
 - NRS 385.260
The Superintendent of Public Instruction shall perform such other duties relative to public schools as may be prescribed by law.
 - NRS 388.340
The Superintendent of Public Instruction shall serve as executive officer of the State Board for Vocational Education. The executive officer shall:
 - (a) With the advice and consent of the State Board for Vocational Education, designate such assistants as may be necessary to carry out properly the provisions of this Title of NRS.

- (b) Carry into effect such rules and regulations as the State Board for Vocational Education may require.
- (c) Maintain an office for the Board at the State Capitol.
- (d) Keep all records of the Board in the office of the Board.

III. In order to fulfill statutory duties and responsibilities as prescribed above, the superintendent shall:

In concert with the Board, develop policy and operating procedures necessary to provide educational leadership to the entities served by the State Board of Education and the State Board for Vocational Education.

Advise the Board as to implementation and monitoring of the progress of officially adopted Board policies. Written progress reports may be requested by action of the Board.

Following adopted goals and educational objectives, submit a budget for the Board's approval and joint submittal to the executive branch and legislature, reviewing periodically with the Board progress toward achieving the stated objectives..

Insure capable management through development of policies of recruitment, training, periodic staff conferences, evaluation, and assignment of responsibility which give maximum opportunity for professional growth and development in the department.

Annually assist the Board in the development of a board agenda calendar which anticipates policy considerations, necessary program adoptions for state and federal programs, budget preparation, legislative consideration, and regular progress reports to the Board.

Counsel collectively and individually with members of the State Board, other boards, agencies and commissions in order to secure to the fullest extent educational benefits to citizens of the state.

Through conferences, visitations, personal and written communication, maintain cooperative and harmonious working relationships with local school districts, teachers' and other educational organizations, advisory councils and those expressing an interest in educational progress in the state.

Maintain an effective working relationship with the executive and legislative branches of government.

In concert with the Board, develop such legislation that will

promote the best interests of education and coordinate effective support of Board positions to the legislature.

Perform such duties as may be assigned by action of the Board, consistent with established policy and law.



OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Capital Complex
Carson City, Nevada 89710

JOHN R. GAMBLE
Superintendent

January 18, 1977

MEMORANDUM

TO: All Staff Members
FROM: John R. Gamble
SUBJECT: Procedures for 1977 Legislative Session

It shall be the intent of the Department of Education, as an agency of state government and as an advocate of equal educational opportunities for the citizens of the State of Nevada, to give the Legislature full access to any assistance that may be requested. Additionally, the State Board of Education and the Department have developed a legislative program toward which considerable effort will be directed to secure favorable action by the Legislature.

Some of you may have questions or particular interest in our legislative activities, and I would encourage you to discuss them with either Jim or me. It is extremely important, however, that the Department's activities be coordinated to achieve maximum effect. Therefore, the following procedures have been established to guide the actions of all Department personnel:

- 1) The prepared legislative program of the Department will be used as a basis for any comment or position on pending legislation.
- 2) The Superintendent and Deputy Superintendent will act as general spokespersons for the Department at all times. When specific, clearly identified presentations or responses need to be made, appropriate personnel may be called upon for assistance.
- 3) Normally, requests for information will be channeled through the Superintendent or the

MEMORANDUM

TO:

All Staff Members

January 17, 1977

Page 2

Deputy Superintendent. In some instances, telephone or other informal requests will be made directly to staff members. In either case the request will be given immediate attention by appropriate persons and a full and prompt reply made. In the latter case, both the request and the reply will be reported promptly to the Deputy Superintendent.

- 4) The interests of the legislative program can be served best if staff members present themselves in the Legislative Building only if:
 - a) The staff person is there on official business at the request of the superintendent or the deputy superintendent, or
 - b) The staff person is there as a private citizen, in which case the person must be on approved leave from work.

JRG:maj

APPENDIX B

2. State department of education response.

RESPONSES BY STAFF TO QUESTIONS
POSED AT SUBCOMMITTEE HEARING
October 17, 1977

1. What basis do you use to determine the type of consultant service you should provide to school districts and what type of expertise should you maintain on your staff?

The type of consultant service the department provides to school districts is determined by mandates of the State Board of Education, by federal mandates, by statutory requirements, and by the assessment of requests for service from the districts themselves. These mandates, requirements, and requests for service cover a wide range of programs.

In several areas, staff cutbacks and reassignments have left gaps in important program areas. We can offer no expertise in the arts and humanities, English, foreign languages, driver education and traffic safety, and physical education and we can provide only minimal consultative services in social studies. This affects and largely determines the type and breadth of consultant services we can provide to school districts, even though it is apparent that districts need help in varying degrees in all of these areas. Such services as in-service classes, workshops, demonstrations, program evaluation, and needs assessment require specific skills and knowledge in particular areas, and the department's response capability has been curtailed seriously.

2. What has the department done to foster the use of regional demonstration projects and thereby reduce the need for expensive jaunts around the state by consultants?

The notion of regional centers is not new in Nevada. Under funding of the Elementary and Secondary Education Act such centers were attempted and survived for three years, the length of the project. They were not continued because it was determined that they were not economical, or feasible, nor were they being utilized to any advantage by the school districts.

However, the Department of Education has sponsored regional workshops, regional in-service education programs, and "Institute Days" that utilize the idea of a center where distances are not too great for a group of teachers, administrators or others to come together for purposes of training and demonstrations.

The implication that consultants indulge in "expensive jaunts" around the state merely visiting schools briefly is a misconception. In almost all cases, our consultants operate on a specific project basis and their travel to specific districts and specific schools relates to either a specific request from that district for assistance in the subject area or the travel relates to a project that is being sponsored by the Department of Education. Such travel is also related to mandated state and federal programs for which the department is responsible.

3. Describe the department's use of:

a) The faculty and administration offices of the University of Nevada System to assist in offering technical assistance to school systems

The department works with faculty and administration of the University of Nevada System to provide services to school districts, including "technical assistance." In the areas of Special Education, Experience-Based Career Education, and Metric Education, university staff members work under contract to assist the department in providing assistance to school districts.

The department staff has arranged for in-service courses to be taught by university teachers where the need for such courses is demonstrated. Several department staff members are certified to teach classes for university credit, and have done so without additional compensation. Vocational Education has established a Research Coordinating Unit within the University of Nevada System. Through this unit, technical assistance is provided to school districts in the area of research, teacher recruitment and in-service training. University and administrative staff have cooperated by providing consultative services, facilities, and, in some cases, clerical and other type of technical assistance to further enhance Vocational Education.

b) Regional Conferences

Regional conferences in language arts, reading, and mathematics are organized on a regular basis. These are often arranged in cooperation with local affiliates of national organizations such as the National Council of Teachers of English. Major speakers, local educators, university staff people, and department staff members participate actively in these programs. These conferences are held at both regional and statewide levels.

c) Cooperative Review Services

The cooperative review services in which school district staff have been utilized on task forces to evaluate or assist other school districts very nearly describes the accreditation of secondary schools. In cooperation with the Northwest Association of Schools and Colleges, teams drawn from a "bank" of local teachers and administrators join the department staff to visit schools which are seeking accreditation, and validate the schools' evaluation of its' own programs. Five to eight such "visiting teams" are activated each year.

Additionally, in almost every instance where we have been asked to provide for a study of transportation, curriculum, or other matters to a particular school district, we have utilized the services of those experienced administrators in other districts who have demonstrated a willingness to serve. If teachers are used, the district must provide substitutes for the time the teacher is gone. This and related expenses must be borne by the district involved or by the department.

4. Would expansion of the activities listed in the previous question affect the size of your consultant staff? Please explain your answer.

The answer to this question is quite obvious. If we utilize the services of outside people, no matter where they came from, school district, university or otherwise, the need for the number of consultants might be lessened in the Department of Education. This would not mean particularly that this would lessen the expense of the service to the district. In order to provide this service, we must pay the expenses, the consultant, the substitute fee, or whatever is involved in providing those services. The services are provided either through our own consultant staff or through the hiring of others. It is very seldom that we receive service free.

5. Many believe that sound, comprehensive planning is vital to the leadership role of the State Department of Education. Please describe your efforts in assisting local school districts in long-range planning and in developing appropriate policies and programs to meet the needs of their constituents.

Over the past decade, the Department of Education has continued to demonstrate a commitment to comprehensive planning and to assist local school districts in developing the attitudes and skills necessary for them to implement sound planning practices. This commitment has taken many forms as illustrated by the following examples:

. In 1969, following a year of study and planning under the auspices of the Nevada Department of Education, a "Master Plan For Education" was published and disseminated throughout the educational community. This plan covered all phases of public school education from the point of view of planning education for Nevada's growth.

. In 1969, Superintendent Burnell Larson prepared two papers entitled "Toward A Concept of Comprehensive Planning In A State Department of Education." These papers established the basis upon which a comprehensive planning capability was to be implemented within the Nevada Department of Education.

. In 1970, a Division of Planning and Evaluation was established within the Department of Education. Under the leadership of this division, all Department of Education staff members were provided skills in the various elements of comprehensive planning. Such elements included the development of Department emphases, goal and objective development, needs assessment and evaluation.

. In 1972, the Department of Education implemented an internal management-by-objectives system for use as a planning tool.

. In 1974, Superintendent Kenneth Hansen reorganized the Department of Education with planning as an integral function of each internal unit.

Over this same decade, the Department of Education has maintained a continuous effort to assist local school districts in the development and improvement of their comprehensive planning capabilities. Following are examples of the form such assistance has taken:

. Publication and dissemination of various planning-related documents. These documents are as follows:

Comprehensive Planning Model For Educational Programs, August, 1973

Evaluation Guidelines, July, 1973

Common Goals Of Nevada Education, 1971

Needs Assessment Guidelines, July, 1973

. Offering of various workshops and conferences to assist local school district staff members in gaining proficiency in the various elements of comprehensive planning including goal and objective development, needs assessment and evaluation.

. The inclusion of planning segments within applications for Federally funded projects.

. The assignment, upon request, of special task forces to assist local school districts in long-range planning and policy development in various problem areas.

. Monitoring of Federally funded projects with emphasis on recommendations which encourage local school districts to engage in long-range planning to meet educational needs.

. The requirement for local school districts to develop five-year plans, updated annually, for vocational education programs. These plans speak to such issues as manpower needs at community, state and national levels.

. The Department of Education developed and operated a statewide needs assessment program involving statewide testing. This program was discontinued in 1973 due to lack of funds for its continued support.

7. As you know, state departments of education have been criticized for their isolation from the front lines of educational research, development and evaluation activities, and, generally, from the contemporary characteristics of education as practiced and administered in local communities. Please describe your efforts to provide guidance and assistance to local school districts in identifying and assisting in the kinds of research and development work they need.

Your statement makes an assumption that state departments of education, in general, have been operating in the "Dark Ages" with respect to research, development and evaluation activities. To the contrary, most contemporary characteristics of education, as practiced and administered by the local school districts of Nevada, have evolved in varying degrees from the influence of products and/or processes fostered by state education staff. Administrative and consultative staff, by their direct association with both specialist staff from other states and education generalists from a number of national organizations; and through their continued professional renewal in review of the vast array of publications coming into the State Department offices, have been kept more than adequately apprised of current educational research and development. Subsequently, the work activities of these State Department staff with local school districts' staff have been structured so as to serve as a catalyst for the number of new educational developments that appear year after year in local educational plans. Certainly, there must be some joint awareness and sharing of a local educational practice that is proposed for review, financial support, and evaluation under the authority and/or resources of the State Department of Education.

When a professional staff member of the Department becomes aware of and supportive of a promising educational practice that may have influence on ameliorating an identified educational need within the area of assignment, he (she) is perhaps in the best position to serve as a facilitator for that idea and channel resources directly available to him (her) toward diffusion of the merits of such developmental activity on a statewide basis. Therefore, consultants who have been able to develop a greater network of contacts within and outside the state of Nevada do, in fact, provide guidance and assistance to local school districts in identifying and assisting in the kinds of research and development work that local districts need.

In summary, while the State Department of Education was never established as a research agency and while it does not, in itself, primarily engage in operational research and development, it is unwarranted for the critics to make a blanket indictment which infers that State Education staff are not currently aware of or involved with contemporary educational practice.

8. Also, regarding research, some believe that the role of the State Department of Education should be to identify educational problems that can be treated through research, to determine what agency, public or private, can best handle the problem and to see to it that the project is carried out and the results suitably disseminated. Please describe the department's research liaison efforts.

A policy was adopted early in the late '60's in regard to a research effort by the Department of Education. It was described in a position paper released at that time, where it was stated that the clear research efforts should be left to the research agencies then staffed and in existence rather than try to develop a research capability within the Department at great expense when such agencies already existed. It was felt that the role of the State Department of Education should be to interpret that research for the local school districts and to establish programs that would demonstrate the feasibility of the research that was carried out.

There are several means toward this end which are employed by Department of Education personnel; and one only needs to review the schedule of work activities prepared by each staff member and presented collectively as a composite of the Department's role and function (refer to documentary binder previously provided) in order to comprehend the scope of technical and/or consultative assistance provided local school districts. Specifically, though, the products and/or processes which serve the Department's research and development liaison function include but are not limited to:

- Participation in national and regional organizations, associations, conferences and training institutes
- Participation in and exchange with other state departments of education the products of operations research as developed by exemplary school districts
- Frequent contact with officials of the Office of Education and National Institute of Education with regard to validated practices under

the many and varied federal support programs
 Participation in (often as officers of) statewide organizations and associations for the diffusion of exemplary efforts in a specialty area
 Individual and group consultation and/or communications with teachers and administrative officials in each of the 17 school districts
 Conduct of statewide conferences, institutes, workshops, seminars toward the development of local expertise in specific and/or general areas of educational practices
 Review and approval of innovative and/or exemplary projects developed under State and Federal guidelines; and continuing application for financial support of those local efforts which may have statewide impact
 Coordination, development and presentation of position papers relative to an educational practice or emerging issue in need of consideration for approval under State Board of Education policy or legislative statute.

Therefore, the Department can and does serve in a liaison effort towards awareness, replication, and subsequently adoption of the research and development results; however, it is at this point that it must be the determination of the local school district officers and board of trustees whether to institute a program or to continue an existing program.

9. The subject of low department morale has been raised and budget modifications have been blamed. It appears that the cause goes deeper than that for the low morale. Several other state departments of education have explored the usefulness of staff development techniques, such as team training, to reduce poor communication, polarization and jealousy of staff members, and generally low department morale. Please describe your efforts, on going or planned, to improve staff morale.

Certainly one of the reasons for whatever low Department morale may currently exist is legislative budget modifications. In addition, the staff's dissatisfaction with the current Department structure, the need to postpone reorganization, and the uncertainty about the form a new organization structure may take under new leadership, as well as the effects of poor publicity resulting from legislative budget action in the 1977 legislative session are all conducive to the

perpetuation of poor staff morale. Another cause of low morale among Department staff relates to the comparatively low salaries that some staff have in comparison to positions of similar description at the local school district level.

Since 1976, in an effort to improve morale and job performance, the Department training committee has conducted or caused to be conducted various employee training programs, as follows:

New Employee Orientation	Preparation of Visual Aids
Time Management	Motivation and Job
How to Conduct a Meeting	Satisfaction
How to Take Minutes	Metric Awareness
Job Interview Techniques	Filing and Filing Systems
	Effective Filing Retention

Further, the following training programs are in the process of being implemented this fiscal year:

Report Writing	Effective Working Relation-
Employee Evaluation	ships
Procedures	Publication Lay-Out Workshop

Also, Department employees attend training programs which are sponsored by the Resource Development and Training Section, State Division of Personnel.

However, it is generally felt that poor staff morale is the result of conditions which cannot be alleviated through training, but rather, through appropriate action of the State Board of Education, the State Personnel Division and the State Legislature. The Department is working with these groups to alleviate the problems mentioned above and it is anticipated that decisions made in the months ahead will improve the condition of the Department, and thus contribute to the improvement of staff morale.

10. What recommendations do you have for this subcommittee for changes that should be made in the law to improve the structure and operation of your department? We are particularly interested in changes to improve your services to the school districts.

Theoretically the statutes as now structured reflect the philosophy and purpose of education as stated by the state legislature. Any consideration of recommendations made as a result of this question will be irrelevant and useless if not preceded by legislative review of its own stated philosophy and purpose.

In fact, this entire study of the structures and functions of the State Board of Education and the Department of Education should have started from an examination of the Legislature's goals as they have been addressed by the Board and Department.

The first recommendation, therefore, is that the Legislature review the stated purpose of education and the extent of state involvement the Legislature would expect to have in this purpose. The functions of the Board and the Department, as policy and administrative agencies of the Legislature, can then be reasonably described by statute. The structures of these agencies will become that which is best to achieve the purpose and function described.

Whether or not the Legislature chooses to engage in the first recommendation, there are some recommendations which apply either way:

- a) Express clearly the respective areas of responsibility of the state board and the department.
- b) Vest the necessary authority for the respective responsibilities.
- c) Provide for enforcement mechanisms, or authority to describe enforcements through regulations by the board or the department.
- d) Express clearly the action and positions expected of the board and department in the treatment of Federal assistance to education. Recognition must be given to the need to staff to the grantor's needs, utilizing the funds provided.
- e) Upgrade the qualifications for the Deputy Superintendent and Associate Superintendent to insure functional and pedagogical expertise.
- f) Remove specific description of duties for Associate Superintendent. Make these duties part of duties described for Superintendent, but permit the flexibility and quality that can come from delegation and organization.
- g) Give authority to the State Board of Education to determine qualifications and salaries of all staff positions requiring knowledge and experience in the field of education. This should include the Superintendent, Deputy and Associate for salary purposes.
- h) Give credibility to the statute now providing for the state superintendent to staff and

organize as necessary, by specifically removing the department from the state personnel system.

- i) Authorize a term of office for the State Superintendent.
- j) Within any framework of legislative direction which may exist, the continued legislative support through appropriation of resources to faithfully and earnestly pursue the adopted goals and objectives.

12. I notice that on Page III-B-53 of your report you have a proposed distribution of funds and accompanying activities for fiscal year 1978 Parts B and C project funds of Title IV of the Elementary and Secondary Education Act. Do you have similar operating guidelines for the allocation of your other services, especially those that are state funded, to the school districts in the state.

Services from the department are allocated on the basis of need and location of the user of the service rather than on a strict allocation by school district. No services are restricted by an arbitrary allocation, only by lack of staff or funds. The information on page III-B-53 is based upon the fact that certain districts have been given grant awards for innovative and material acquisition projects during FY1978, partly on an allocation basis and partly on a competitive basis. Therefore, the project support activities can be quite accurately predicted. A similar situation exists in other federal projects and services are allotted accordingly, more on the basis of number of projects in a district than on the dollar amount. There are no programs of this type funded by the state. Rather, the allocation of state-funded services is based upon statutory requirements, and the services are provided statewide as required or requested by the districts.

13. Is greater emphasis placed on the relative amount of service you provide to the small school districts?

The Department does not provide greater emphasis on the amount of service it provides to rural school districts. Travel data for FY1976-77 supports this position, in that on-site Department services were distributed fairly equitably among the two urban counties, Carson City and rural counties.

However, it might be fair to say that there is a different emphasis on the types of services the Department provides to rural school districts. Because of the limited number of central staff personnel in the rural districts, Department staff are frequently called on to provide assistance in curriculum and program development, teacher training and program evaluation in a different way than in the urban centers. For example, in Carson City and the fourteen rural counties, the Department provided training to teachers in metric education. In Washoe and Clark Counties, the Department trained teacher trainers.

14. Please describe the rational for not expanding the staffing and service potential of your Las Vegas office.

Over the years, the Department has attempted several different organizational patterns for the Las Vegas office. When the county-unit plan for school districts was instituted in 1956, the Las Vegas office consisted basically of a teacher certification function. This was expanded later by adding a person to provide some educational services, but communication/coordination problems forced return of this function to the central office.

When the drug abuse program was added, the consultant employed was a resident of Las Vegas. It was determined that this program would not have the communication/coordination problem and could effectively be run out of the Las Vegas assignment. A similar judgment was made when the equal education opportunity consultant was added. This decision, however, was further predicated on the fact that the purpose of the program was to aid school districts undertaking desegregation plans and Clark County was the only district in Nevada so affected.

Other consultants in the office, as a principal of good management, should only be added after a careful study of the purpose they would fulfill and the amount of on-site work required to fulfill this purpose. A prime consideration must be whether the purpose and work would near totally consume the person's time in the Las Vegas area. Any statewide effort conducted from Las Vegas cannot be as efficient or economic as it is from a central location such as Carson City.

Administrative oversight was provided in the Las Vegas office as the number of people to be supervised grew, and as administrative functions such as handling hearings for the Professional Practices Act became more numerous.

During the recently completed reduction in force administrative requirements throughout the Department came under review, and the Las Vegas office was reorganized so that administrative oversight is now exercised from Carson City. Further reorganization of the Department will be necessary as a result of the reduction in force and any subsequent organization may alter the administrative relationship in the Las Vegas office.

Responses to Questions Posed By The
Legislative Subcommittee in the Letter of
December 27, 1977

1. An analysis of the results of the staff reduction information given to the subcommittee in the department's report entitled "Structures and Functions of the State Board of Education and the State Department of Education" with the data concerning the actual layoff of persons, given to Assemblyman Vergiels during the subcommittee's interviews with Department of Education staff. The data given Assemblyman Vergiels is contained in the minutes of the subcommittee's November 10, 1977 meeting.

The material provided to Chairman Vergiels during the staff interviews on November 10, 1977 consists of a list of 10 persons who were disemployed as a result of budget reductions imposed by the 1977 Legislature. This list is consistent, in most part, with the "Response to Modification of 1978-79 Biennial Budget" presented to the Committee on October 17, 1977.

There are two major differences. First, the "Response" refers always to "positions". These positions may or may not have been filled by people at time of the reduction in force. The list referred to by Chairman Vergiels includes 10 actual people in 10 of the positions reduced. Overall, as the "Response" states on page 2, 23 positions were affected. "Not all of these positions represented real people. Seven were vacant, two were retirements, and one was a resignation." The latter group includes three persons who were not replaced and whose personal services will be missed. Adding the 10 persons on the list submitted by Chairman Vergiels to these three persons gives a sum of 13 actual persons whose services are no longer available in the Department.

In addition there were three other persons who were laid-off the jobs they held prior to July 1, 1977. While they were reemployed by the Department under temporary funding, they are not available to perform the services they performed prior to July 1, 1977. This results in a reduction of service from 16 actual persons and 7 potential persons if the vacant positions were to have been filled.

The three employed under temporary funding must also be counted as a loss due to the lay-off because they are not performing in the capacity they performed while

1. (continued)

previously employed. These three, the resignation, the two retirements and the 10 persons on the list supplied by Chairman Vergiels add up then, to a loss of 16 actual persons from the work force to do the tasks existing prior to July 1, 1977.

2. An explanation of why the right to read and experience-base career education grants used to reemploy three of the department's professional staff and employ one clerical position were not discussed with the Senate Finance or Assembly Ways and Means Committee during the 1977 Legislative Session.

It's hard to say why the Right to Read and Experience-Based Career Education grants were not discussed with the money committees. There was no intention at secrecy, as the Budget Office was aware of them and both committees had access to persons from that office.

There are a couple of factors which may have given the Department the impression that there didn't need to be discussion on them. One, as already stated in the "Response to Modification of the 1978-79 Biennial Budget," the grants were received after the Executive Budget had been presented to the Legislature and therefore were not part of any detail before the committees. Two, only grants of a recurring nature have ever been included in the Executive Budget. Grants based on applications and totally subject to the discretion of the U. S. Commissioner of Education, have not, as a rule, been included. There are several good reasons for this, the first being that it is not always possible to tell two years ahead which programs will be available and which application will be made. Second, they are small in amount. Third, the Department has applied for many but received only a few. The success rate and the monetary value do not warrant taking up the time of the money committees. Fourth, any discretionary grant received must have a budget and work program approved by the State Budget Director and established by the State Controller. Full justification and authority for spending permission from the Federal Government must be provided to these offices. It is impossible for the Department to engage in any activity without the responsible agencies of state government knowing about it.

Furthermore, the Department had planned to operate these projects with current staff on board. When reductions were precipitated, it was determined that the Department would not be able to properly administer the grants without seeking personnel for them.

3. A full description of the department's report concerning the staffing and use of its Clark County office, given to the State Board of Education. In this regard, Assemblyman Vergiels is interested in the changes needed in the Clark County office to improve educational services to southern Nevada children. Assemblyman Vergiels would like this information in addition to that requested in question number 14 of the document entitled "Possible Questions for the State Board of Education and the State Department of Education."

The question does not clearly identify which department report was given to the State Board of Education on the staffing and use of its Clark County office. A management study was made of the Las Vegas office during April and May of 1976 and a report made to the State Board of Education on May 20, 1976. This report is appended as Attachment "LETTER QUESTION #3". *

The report has little to do with affecting instructional services for Southern Nevada children directly. The Clark County School District has the responsibility, conferred by law, to provide instruction directly to children within the county borders. Every other county school district has the same responsibility.

The State Board and the Department have an effect on what is carried on in the school districts by means of authority conferred on them by law. But that same law reserves for the school district trustees the authority to determine how, how much, when, who and where instruction will take place. The Department's role is one of facilitating, through district administrative procedures, the responsibilities of the districts. It is the present judgment of the Superintendent that current staffing policies for Department services in Clark County are adequate and will be retained.

4. A description of the report pertaining to the department's management information system study including:
 - (a) The effect the system will have on the dissemination of educational services to local school districts (especially those in rural counties).
 - (b) Projected use by type and cost of hardware and software.

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- (c) The type of data input systems to be used (batch, online terminals or a combination of both).
- (d) The effect the system will have on data reporting to the Legislature.
- (e) The department's planning and coordination efforts, in its management information system study, with central data processing or other information system experts.
- (f) A cost benefit analysis of using existing data processing facilities and staff versus implementing the proposed information system.
- (g) The effect the proposed system will have on any previously planned departmental information system(s).

It is not clear as to what information is requested in this item. It refers to "the report pertaining to the Department's management information system study" without providing insight into what report of what system is referenced. The Department has no comprehensive management information system on the drawing board and very little has been done toward planning for subsystem development and implementation. In the absence of definition in the request, the approach taken here has been to describe the system development activities that have been undertaken over the past few years and the resulting products and current status.

In 1972 the Department contracted with a private firm to conduct an information needs assessment and to develop the conceptual design of an automated educational management information system based upon the identified information needs of the Department. This contract produced a somewhat subjective list of information requirements of each staff member in the Department at the time and the conceptual design of a total information system that would utilize existing subsystems and require new system development.

To date there have been no State or Federal funds available to implement this system, and the passing of time has brought changes that have caused the proposed system to no longer be appropriate to today's conditions. The Verify system which generated vocational education information and was planned as an integral part of the proposed system, is no longer in existence. This would leave a critical gap as vocational education is a major program area.

Several new programs have been established since this system was proposed over five years ago. New emphasis on

such programs as Special Education, Career Education, Right to Read and Community Education would make the proposed system totally inadequate to meet today's information needs.

These and other conditions so outdate the system conceptual design that it would be of very limited value in designing a comprehensive educational management information system for the Department of Education.

The Department is currently working with Central Data Processing in the development and implementation of an Exceptional Pupil Education Management Information System (EPEMIS); the costs for which will be borne by Federal funds. EPEMIS will provide the State with a data collection and report generation capability required under State and Federal statutes and meet the plan and information requirements of the Department of Education in fulfilling its responsibility for the administration and management of exceptional pupil education programs in Nevada. It is intended that this system will be in place and operating by January 1, 1979.

Utilizing a small grant from the National Center for Education Statistics, the Department has completed the preliminary design for a certificated employee information subsystem. The system will collect certification and assignment data on all certificated school district employees in the State, combine the two types of data, and generate various reports as needed for planning and management purposes throughout the educational community of the State. This subsystem will be completed and implemented as soon as the necessary funds can be secured from either a State or Federal source.

In view of the fact that a lack of funds has precluded the development of a total, automated educational information system, the Department has been forced to seek other means through which essential management information could be secured. This has resulted in the creation of numerous manual reports and surveys to which local school districts are required to respond and from which the Department manually extracts the data required for reporting and management purposes.

5. A listing of all departmental expenditures, other than general fund, for the past biennium. Please indicate the funding sources, by amount for each source, for each expenditure. Also, please list the nongeneral fund projects you have funded over the last biennium and indicate the amount of funds you have

allocated for each project. Show the administrative and other funds allocated to each project and describe the basis on which projects have been chosen for funding.

Material to respond to Question #5 is included as "LETTER QUESTION #5".

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6. A plan for the statewide disbursement of departmental services from January 1, 1978, through July 1, 1979.* Please take into account your general fund resources and existing and projected federal funds.

Previous documents and testimony presented to the subcommittee by the department have established that departmental services are largely determined by responsibilities assigned to the department by the legislature and by responsibilities related to the acceptance of federal funds. The level of services is limited in each case by the amount of funds available. Services are allocated on the basis of location and need of those receiving the services. Since no additional state responsibilities or new federal programs are anticipated at this time, the plan for the delivery of departmental services for the remainder of this biennium is generally to provide the same services at the same level as were provided during the first two quarters of this fiscal year.

The nature of these services is described in Chapter III of the notebook, previously submitted, entitled "Structures and Functions of the State Board of Education and the State Department of Education 1977". The level of these services for the first two quarters of this fiscal year is described in the response to item number seven which follows:

*The letter had the date "1980", but Mr. Rhodes indicated later that it was intended the information be requested for the current biennium which ends July 1, 1979.

7. A listing of your staff assignments, by project or service activity, for the following time periods: July 1, 1977, October 1, 1977, January 1, 1978 and March 1, 1978. Please include a listing of the number, grade and job title of the staff involved in each project and also show the total staff time, including percentage of departmental manhours available involved in each project.

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Two attachments are submitted in response to the request. The first is a summary listing the programs currently operated by the department, organized according to office, and showing the number of full-time equivalent staff and the percentage of total staff available for each program during the first two quarters of this year. The second is a packet of pages, one for each program, containing all the information requested. These pages are numbered for insertion in the appropriate place in the notebook entitled "Structures and Functions of the State Board of Education and the State Department of Education" which was previously submitted to the subcommittee. Chapter III of that notebook described all of the programs operated by the department during FY1977. With a few exceptions, those are the programs conducted by the department during the first two quarters of the current fiscal year and those planned for the remainder of the biennium.

One federal project, Regional Interstate Planning Project, was not refunded and is thus not operating this year nor anticipated for the next. Two programs, Competency-Based High School Diploma Program, and Implementation of Proficiency Examinations, originally listed separately have been combined into one. "Policy and Administration" and "Legislative Study Response" have been added as program listings in order to report the time of personnel whose work is primarily administrative and to report time required for staff to respond to requests for information for the legislative commission subcommittee.

8. A "time-line" description of the department's planned changes in staffing assignments and departmental functions over the next three months to effectuate the proposed new organization structure identified to the subcommittee in your written report entitled "The Organization Structure of the State Department of Education."

A time-line description of the Department's planned changes in staff assignments and departmental functions over the next three months to effectuate a proposed new organization structure is probably not an issue at this time, inasmuch as the proposed organization was delayed at the request of the State Personnel Division, pending the selection of the new superintendent of public instruction. The organization at this time now continues as it was in existence on July 1 with some specific assignment changes to accommodate required activities in the absence of personnel who have left the Department.

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9. The department's plan to assure that advisory panels to the department and the board are representative of all geographic areas in the state.

In almost all instances the advisory panels that are appointed by either the Department or the Board are mandated by category of occupation or some other areas of expertise or involvement by the U. S. Office of Education. Geographic area is usually one of the categories. As a result of Federal guidelines it might be impossible to always secure totally even distribution geographically on a given advisory council. The State Board has expressed a policy that geographic distribution be actively pursued and that proposed membership be made known to the Board before appointment.

APPENDIX C

385.310 Powers, duties of associate superintendent of public instruction for administration. The powers and duties of the associate superintendent of public instruction for administration shall be:

1. To perform all duties pursuant to the contract of integration of the public school teachers' retirement system with the public employees' retirement system.
 2. To apportion all state school funds to schools of the state as prescribed by law.
 3. To develop for schools of the state a uniform system of budgeting and accounting, which system, when approved by the superintendent of public instruction and the state board of education, shall be made mandatory for all public schools in the state, and shall be enforced as provided for in subsection 2 of NRS 385.315.
 4. To carry on a continuing study of school finance in the state, and particularly of the method by which schools are financed on the state level, and to make such recommendations to the superintendent of public instruction and the state board of education as he may, from time to time, deem advisable.
 5. To recommend to the superintendent of public instruction and the state board of education such changes in budget and financial procedures as his studies may show to be advisable.
 6. To perform any other statistical and financial duties pertaining to the administration and finance of the schools of the state as may, from time to time, be required by the superintendent of public instruction.
 7. To prepare the budgets of the state department of education for biennial submission to the governor.
- [31:32:1956]—(NRS A 1959, 800; 1965, 1149; 1969, 168)

385.315 Additional powers, duties of associate superintendent of public instruction for administration. In addition to the powers and duties prescribed in NRS 385.310, the associate superintendent of public instruction for administration shall:

1. Investigate any claim against any school fund or separate account established under NRS 354.603 whenever a written protest against the drawing of a warrant, check or order in payment of the claim against any school fund or separate account established under NRS 354.603 shall be filed with the county auditor. If, upon investigation, the associate superintendent of public instruction for administration finds that any claim against any school fund or separate account established under NRS 354.603 is unearned, illegal or unreasonably excessive, he shall notify the county auditor and the clerk of the board of trustees who drew the order for such claim, stating the reasons in writing why such order is unearned, illegal or excessive. If so notified, the county auditor shall not draw his warrant in payment of such claim nor shall the board of trustees draw a check or order in payment of such claim from a separate account established under NRS 354.603. If the associate superintendent of public instruction for administration finds that any protested claim is legal and actually due the claimant, he shall authorize the county auditor or the board of trustees to draw his warrant or its check or order drawn on an account established under NRS 354.603 for such claim, and the county auditor or the board of trustees shall immediately draw his warrant or its check or order drawn on an account established under NRS 354.603 in payment of the claim.

2. Inspect the record books and accounts of boards of trustees, and he shall authorize and enforce an efficient method of keeping the financial records and accounts of the school district.

3. Inspect the school fund accounts of the county auditors of the several counties, and he shall report the condition of the funds of any school district to the board of trustees thereof.

4. Inspect the separate accounts established by boards of trustees under NRS 354.603, and he shall report the condition of such accounts to the respective boards of county commissioners and county treasurers.

(Added to NRS by 1959, 811; A 1965, 1150; 1969, 169; 1971, 1346; 1975, 1808)

APPENDIX D

SUGGESTED LEGISLATION

SUMMARY--Revises composition and manner of selection of state board of education. (BDR 34-35)

Fiscal Note: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

AN ACT relating to the state board of education; providing for appointment of the members of the board; changing the requirements for composition of the board; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND
ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 385 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 4, inclusive, of this act.

Sec. 2. The provisions of chapter 232A of NRS apply to appointments to the state board of education except that after the governor's initial appointments each member appointed shall hold office for a term of 4 years or until his successor has been appointed and has qualified.

Sec. 3. The governor shall not appoint to membership on the state board of education:

1. Any elected public officer of the state or of any political subdivision of the state; or
2. Any person employed by the state in any capacity.

Sec. 4. Of the nine members appointed to the state board of education:

1. Four must be persons who have demonstrated an interest in and have expert knowledge of public school education and its governance, and five must be representatives of the general public; and

2. No more than five may belong to the same political party.

Sec. 5. NRS 385.021 is hereby amended to read as follows:

385.021 [1. On July 1, 1971, the state board of education shall be composed of the seven members elected at the general election in 1970 and the two members, representative of labor and agriculture, appointed by the elected members of the board pursuant to law. The terms of the appointive members shall expire on January 1, 1973. If a vacancy occurs in the office of an appointive member between July 1, 1971, and January 1, 1973, the elected members shall fill the vacancy by the appointment of a new member without regard to representation of labor or agriculture for the remainder of the unexpired term but not beyond January 1, 1973.

2. On and after the 1st Monday in January 1973, the state board of education shall consist of nine lay members to be elected by the registered voters within the following districts:

(a) Washoe County shall be known as district No. 1.

(b) Clark County shall be known as district No. 2.

(c) The remainder of the state shall be known as district No.

3.

3. The board in existence on January 1, 1972, shall determine, by lot or otherwise, two members of such board whose terms will expire on January 1, 1973, making such determination in a manner best designed to effectuate the geographical districts established by NRS 385.022 and the staggered terms established by this section. The board shall also determine the particular subdistrict to be represented by each member.

4. For the general election in 1974 and thereafter each board member must be a resident of the subdistrict from which that member is elected as prescribed in NRS 385.022.

5. At the general election in 1972, and every 4 years thereafter:

(a) From district No. 1, one member of the board shall be elected for a term of 4 years.

(b) From district No. 2, two members of the board shall be elected for a term of 4 years.

(c) From district No. 3, one member of the board shall be elected for a term of 4 years.

6. At the general election in 1974, and every 4 years thereafter:

(a) From district No. 1, one member of the board shall be elected for a term of 4 years.

(b) From district No. 2, three members of the board shall be elected for a term of 4 years.

(c) From district No. 3, one member of the board shall be elected for a term of 4 years.

7. If a vacancy occurs on the state board of education from among the elected members, the governor shall appoint a member to fill the vacancy until the next general election, at which election a member shall be chosen for the balance of the unexpired term. The appointee must be a resident of the subdistrict where the vacancy occurs.

8. No member of the state board of education may be elected to such office more than three times.

9. No person who has been a member of the state board of education at any time prior to July 1, 1971, may be elected to the office again more than twice.] A state board of education is hereby created. The state board consists of nine members, five of whom are elected and four of whom are appointed by the governor, as follows:

1. Five members from Clark County, three elected and two appointed;

2. Two members from Washoe County, one elected and one appointed;

and

3. Two members from the remainder of the state, one elected and one appointed.

Sec. 6. NRS 385.021 is hereby amended to read as follows:

385.021 A state board of education is hereby created. The state board consists of nine members [, five of whom are elected and four of whom are] appointed by the governor [,] as follows:

1. [Five] Four members from Clark County i [, three elected and two appointed;]

2. [Two] Three members from Washoe County i [, one elected and one appointed;] and

3. Two members from the remainder of the state . [, one elected and one appointed.]

Sec. 7. NRS 385.030 is hereby amended to read as follows:

385.030 1. At its first meeting after [each election and] the selection and qualification of [the lay] new members, the state board of education shall organize by electing one of its members as president, to serve at the pleasure of the board.

2. The superintendent of public instruction [shall be] is the secretary of the board and shall serve without additional salary.

Sec. 8. NRS 293.103 is hereby amended to read as follows:

293.103 "School officers" means the regents of the University of Nevada [, members of the state board of education] and school district trustees.

Sec. 9. NRS 385.022 is hereby repealed.

Sec. 10. 1. The terms of office of the four members of the state board of education elected at the general election in 1976 shall expire on January 1, 1981. After the expiration of the terms of such members, the governor shall appoint:

- (a) Two members from Clark County;
- (b) One member from Washoe County; and
- (c) One member from the remaining counties,

all to terms expiring on January 1, 1985.

2. The terms of office of the five members of the state board of education elected at the general election in 1978 shall expire on January 1, 1983. After the expiration of the terms of such members, the governor shall appoint:

- (a) Two members from Clark County;
- (b) Two members from Washoe County; and
- (c) One member from the remaining counties,

all to terms expiring on January 1, 1987.

Sec. 11. 1. Sections 2, 3, 5, 7, 8 and 9 of this act shall become effective on January 1, 1981.

2. Sections 4 and 6 of this act shall become effective on January 1, 1983.

SUMMARY--Clarifies functions of state board of education and superintendent of public instruction. (BDR 34-36)

Fiscal Note: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

AN ACT relating to the state department of education; revising provisions relating to powers and duties of the state board of education, the superintendent of public instruction and the state department of education; clarifying that the function of the state board is to establish policies and the function of the superintendent is to carry out administrative, technical and procedural activities in accordance with such policies; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND
ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 385 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. The state board of education shall establish policies to govern the administration of all functions of the state relating to supervision, management and control of public schools which is not conferred by law on some other agency.

Sec. 3. The superintendent of public instruction shall:

1. Execute, direct or supervise all administrative, technical and procedural activities of the state department of education in accordance with policies prescribed by the state board of education.

2. Employ personnel for the positions approved by the state board and necessary for the efficient operation of the department.

3. Organize the department in a manner which will assure efficient operation and service.

4. Maintain liaison and coordinate activities with other state agencies performing educational functions.

5. Perform such other duties as are prescribed by law.

Sec. 4. NRS 385.010 is hereby amended to read as follows:

385.010 1. A state department of education is hereby created.
[The state department of education shall function under the direction and control of the state board of education, and the superintendent of public instruction shall be the executive head.]

2. The state department of education [shall consist] consists of the state board of education, the state board for vocational education, the state textbook [commission, and such other agencies and officers as are added by law to the state department of education and the administrative organizations and staffs required for the performance of their functions.

3. All administrative functions of the state board of education and of the superintendent of public instruction shall be exercised through the state department of education, and the department shall exercise all administrative functions of the state relating to supervision, management and control of schools not conferred by law on some other agency.

4. Establishment of the state department of education shall not affect the exercise of any educational function now conferred by law upon any other state agency or officer.

5. As executive head of the state department of education, the superintendent of public instruction shall perform duties prescribed by law and also:

(a) Execute, direct and supervise all administrative and technical activities of the department in accord with the policies prescribed by the state board of education.

(b) Employ such personnel as are approved by the state board of education and as are necessary for efficient operation of the department.

(c) Be responsible for organizing the department in a manner which will assure efficient operation and service.

(d) Be responsible for maintaining liaison and coordinating activities with other state agencies exercising educational functions.] commission and the superintendent of public instruction.

3. The superintendent of public instruction is the executive head of the state department of education.

Sec. 5. NRS 385.011 is hereby amended to read as follows:

385.011 The state [department] board of education shall [grade the schools in the state,] establish regulations for designating which schools in the state are secondary schools and which are

elementary schools [.] , and the superintendent of public instruction shall grade the schools accordingly.

Sec. 6. NRS 385.012 is hereby amended to read as follows:

385.012 The [state department of education] superintendent of public instruction shall file with the clerk of the board of trustees of each county school district a directory of all teachers who [shall be] are entitled to draw salaries from the county school district fund, and shall advise the clerk of the board of trustees from time to time of any changes or additions to the directory.

Sec. 7. NRS 385.100 is hereby amended to read as follows:

385.100 1. The state board of education shall prescribe regulations under which contracts, agreements or arrangements may be made with agencies of the Federal Government for [funds,] money, services, commodities or equipment to be made available to the public schools and school systems [under] , subject to the supervision [or] and control of the [state department of education.] superintendent of public instruction.

2. All contracts, agreements or arrangements made by public schools and school systems in the State of Nevada involving [funds,] money, services, commodities or equipment which may be provided by agencies of the Federal Government, [shall] must be entered into in accordance with the regulations prescribed by the state board of education and in no other manner.

3. [Nothing contained in this section shall be construed to] This section does not apply to any [funds] money received by any school district in the State of Nevada pursuant to the provisions of:

(a) "An Act to provide financial assistance for local educational agencies in areas affected by federal activities, and for other purposes," being Public Law 874--81st Congress; and

(b) "An Act relating to the construction of school facilities in areas affected by federal activities, and for other purposes," being Public Law 815--81st Congress, as [the same have been amended or] these statutes were enacted and may be [hereafter] amended.

Sec. 8. NRS 385.102 is hereby amended to read as follows:

385.102 As used in NRS 385.104 , [to 385.108, inclusive,] "institution of higher education" means an educational institution which:

1. Admits as regular students only persons having received a certificate of graduation from high school, or the recognized equivalent of such a certificate, or those approved by the [state department of education] superintendent of public instruction for training at a vocational-technical level.

2. Is authorized to provide a program of education beyond high school;

3. Awards a bachelor's degree or a 2-year degree or certificate of graduation or a certificate of completion of a program beyond high school;

4. Is an institution with full approval of the State of Nevada or the Office of Education of the United States Department of Health, Education, and Welfare; and

5. Has recognized accreditation.

Sec. 9. NRS 385.104 is hereby amended to read as follows:

385.104 1. The higher education student loan program is hereby established.

2. [The] Money available for the higher education student loan program [shall] must be used to provide loans to further the educational goals of Nevada residents who are admitted to and attending institutions of higher [learning.] education.

3. The state board of education shall establish policies and may adopt regulations for the administration of the higher education student loan program.

Sec. 10. NRS 385.106 is hereby amended to read as follows:

385.106 1. The [state board of education is responsible for the administration of] superintendent of public instruction shall administer the higher education student loan program and may consult with any public official or private person in the state who may have an interest in higher education or in the program.

2. The state board of education may:

(a) Negotiate and accept federal and other [funds] money appropriated and available to insure loans for student educational purposes [and to negotiate] under the program.

(b) Negotiate and enter into such agreements with other agencies as it deems proper for the administration and conduct of the program.

[(b)] (c) Accept gifts, grants and contributions from any source that will facilitate and assist the higher education of Nevada residents.

Sec. 11. NRS 385.108 is hereby amended to read as follows:

385.108 1. The [state board of education] superintendent of public instruction shall certify to the state controller all withdrawals [in] for purposes of the higher education student loan program . [for any of the purposes of NRS 385.102 to 385.108, inclusive.] The state controller shall then issue a warrant to the state treasurer in the amount of the certification. The state treasurer shall disburse such amount in accordance with the warrant.

2. All money received [by the state board of education pursuant to the program established under the provisions of NRS 385.102 to 385.108, inclusive, shall be used in] for the higher education student loan program must be used for that program.

3. The [board is responsible for the establishment and maintenance of] superintendent shall establish and maintain such records for the program as are required by good accounting practices. [The board may adopt regulations for the administration of NRS 385.102 to 385.108, inclusive.]

Sec. 12. NRS 385.130 is hereby amended to read as follows:

385.130 The [board] superintendent of public instruction shall cause the superintendent of the state printing and records division of the department of general services to do any printing [required by the board, such as Title 34 of NRS, state courses of study, the proceedings of teachers' institutes, blank forms, and such other matter as the board may require.] the state board of education requires. Textbooks [shall] must not be printed by the superintendent of the state printing and records division of the department of general services.

Sec. 13. NRS 385.140 is hereby amended to read as follows:

385.140 The [board may] state board of education may direct the superintendent of public instruction to publish a bulletin as the official organ of the state department of education. The bulletin may be mimeographed, printed, or reproduced by any other method in the state printing and records division of the department of general services, within the [funds] money available for such purpose.

Sec. 14. NRS 385.200 is hereby amended to read as follows:

385.200 The superintendent of public instruction shall:

1. Prescribe and modify proper and necessary [rules and] regulations for making all reports and conducting all necessary proceedings under the provisions of NRS 385.150 to 385.270, inclusive [.] , and section 3 of this act.

2. Furnish suitable blanks upon which the required reports [shall] must be made.

3. Cause the blanks, with such instructions as [shall be deemed] he deems necessary and proper for the organization and government of schools, to be transmitted to the local school officers, who [shall be] are governed [in accordance with] by the instructions.

Sec. 15. NRS 385.270 is hereby amended to read as follows:

385.270 When required, the attorney general shall give his opinion in writing and without fee to the state board of education and the superintendent of public instruction on matters relating to the powers and duties of the [office of the superintendent.] state department of education.

Sec. 16. NRS 385.290 is hereby amended to read as follows:

385.290 1. The superintendent of public instruction [shall have power to] may appoint a deputy superintendent of public instruction, who : [shall:

(a) Be] (a) Is a graduate of the University of Nevada or a college of equal standard.

(b) [Have] Has had at least 20 semester hours in educational subjects by attendance at a standard college or university.

(c) [Have] Has had at least 50 months of administrative experience, 30 months of which shall have been in Nevada.

2. The deputy superintendent of public instruction : [shall:

(a) Assist] (a) Shall assist in the work of the office of the superintendent of public instruction, and do such work as the [state board of education or the] superintendent [of public instruction] may direct under the laws of the state.

(b) [Have] Has the power to perform all duties required of the superintendent of public instruction.

Sec. 17. NRS 385.310 is hereby amended to read as follows:

385.310 The [powers and duties of the] associate superintendent of public instruction for administration , [shall be:

1. To perform all duties pursuant to the contract of integration of the public school teachers' retirement system with the public employees' retirement system.

2. To apportion] under the direction of the superintendent of public instruction, shall:

1. Determine the apportionment of all state school [funds] money to schools of the state as prescribed by law.

[3. To develop for] 2. Develop for public schools of the state a uniform system of budgeting and accounting, which system,

when approved by [the superintendent of public instruction and] the state board of education, shall be made mandatory for all public schools in the state, and shall be enforced as provided for in subsection 2 of NRS 385.315.

[4. To carry] 3. Carry on a continuing study of school finance in the state, and particularly of the method by which schools are financed on the state level, and [to] make such recommendations to the superintendent of public instruction [and] for submission to the state board of education as he may, from time to time, deem advisable.

[5. To recommend] 4. Recommend to the superintendent of public instruction [and] for submission to the state board of education such changes in budget and financial procedures as his studies may show to be advisable.

[6. To perform any] 5. Perform such other statistical and financial duties pertaining to the administration and finance of the schools of the state as may, from time to time, be required by the superintendent of public instruction.

[7. To prepare the] 6. Prepare for the superintendent the biennial budgets of the state department of education for [biennial] consideration by the state board of education and submission to the governor.

Sec. 18. NRS 385.315 is hereby amended to read as follows:

385.315 In addition to [the powers and] his other duties , [prescribed in NRS 385.310,] the associate superintendent of public instruction for administration , under the direction of the superintendent of public instruction, shall:

1. Investigate any claim against any school fund or separate account established under NRS 354.603 whenever a written protest against the drawing of a warrant, check or order in payment of the claim [against any school fund or separate account established under NRS 354.603 shall be] is filed with the county auditor. If, upon investigation, the associate superintendent [of public instruction for administration] finds that any such claim [against any school fund or separate account established under NRS 354.603] is unearned, illegal or unreasonably excessive, he shall notify the county auditor and the clerk of the board of trustees who drew the order for such claim, stating the reasons in writing why such order is unearned, illegal or excessive. If so notified, the county auditor shall not draw his warrant in payment of [such] the claim nor shall the board of trustees draw a check or order in payment of [such] the claim from a separate account established under NRS 354.603. If the associate superintendent [of public instruction for administration] finds that any protested claim is legal and actually due the claimant, he shall authorize the county

auditor or the board of trustees to draw his warrant or its check or order [drawn] on an account established under NRS 354.603 for such claim, and the county auditor or the board of trustees shall immediately draw his warrant or its check or order [drawn on an account established under NRS 354.603] in payment of the claim.

2. Inspect the record books and accounts of boards of trustees, [and he shall authorize] and enforce [an efficient] the uniform method of keeping the financial records and accounts of [the school district.] school districts.

3. Inspect the school fund accounts of the county auditors of the several counties, and [he shall] report the condition of the funds of any school district to the board of trustees thereof.

4. Inspect the separate accounts established by boards of trustees under NRS 354.603, and [he shall] report the condition of such accounts to the respective boards of county commissioners and county treasurers.

Sec. 19. NRS 385.330 is hereby amended to read as follows:

385.330 1. [The superintendent of public instruction, with the approval of the state board of education, may appoint such number of professional staff and other supervisory personnel as is necessary to carry out the duties of his office.] Professional staff and other personnel appointed by the superintendent of public instruction shall perform such duties as are assigned by the superintendent.

2. The [office of such personnel shall be located where, in the judgment of the] superintendent of public instruction [and] , under the policies of the state board of education, shall locate the offices of professional staff and other personnel where the needs of the education program can best be served.

[3. Such personnel shall perform such duties as are assigned by the superintendent of public instruction and the state board of education.]

Sec. 20. NRS 385.340 is hereby amended to read as follows:

385.340 The qualifications for the professional staff and [for] other [supervisory] personnel appointed by the superintendent of public instruction shall be fixed by the personnel division of the department of administration.

Sec. 21. NRS 385.370 is hereby amended to read as follows:

385.370 When the superintendent of public instruction or the state board of education [shall order] orders his attendance, a member of the professional staff shall attend the meetings of the state board of education to furnish such information as [may be required by] the state board [of education.] requires.

Sec. 22. NRS 385.390 is hereby amended to read as follows:

385.390 The superintendent of public instruction may appoint members of the professional staff to act as examiners at teachers' examinations, and to assist [the state board of education] him in

preparing proposed courses of study [.] for review and approval
by the state board of education.

Sec. 23. NRS 385.465 is hereby amended to read as follows:

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

2. The special consultant on American Indian education [shall]
must be an American 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 American Indian education shall
work within the state department of education and with the American
Indian tribes in establishing programs and curricula designed to
meet the special educational needs of American 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.]

Sec. 24. NRS 387.033 is hereby amended to read as follows:

387.033 1. The automobile driver education program is hereby established for the purpose of assisting school districts in this state which establish and maintain automobile driver education classes pursuant to NRS 389.090. Money for the automobile driver education program shall be provided by direct legislative appropriation.

2. The state board of education [is authorized] may direct the superintendent of public instruction to make semiannual apportionments, payable on or before February 1 and July 1 of each year, to the several school districts. The semiannual apportionment made on or before February 1 shall be made on the basis of \$15 times the number of estimated pupil completions in the district during the current school year, which shall be estimated by the [state department of education.] superintendent of public instruction. The semiannual apportionment made on or before July 1 shall be made on the basis of \$35 times the actual number of pupil completions in the district during the current year, less any amount previously apportioned to the district for estimated pupil completions during the current school year.

3. If the money available for the automobile driver education program [does not provide sufficient money] is not sufficient to make full current school year apportionments, so determined under

subsection 2, apportionment payments to the various school districts shall be prorated so that each school district is apportioned the same amount per pupil completion, such amount to be derived by dividing the total money available by the total number of completions during the current school year.

4. Money received by school districts for the automobile driver education program shall not be expended for the purchase or repair of motor vehicles or the purchase or repair of automobile driver education training equipment.

Sec. 25. NRS 387.040 is hereby amended to read as follows:

387.040 The state treasurer shall pay over all public school [moneys] money received by him only on warrants of the state controller issued:

1. Upon the orders of the superintendent of public instruction [under the seal of the state board of education,] in favor of county treasurers; or

2. Upon orders of the state board of [education,] finance, for purposes of investment as provided in NRS 387.010, which orders, duly endorsed, shall be valid vouchers in the hands of the state controller for the disbursement of public school [moneys.] money.

Sec. 26. NRS 387.050 is hereby amended to read as follows:

387.050 1. The State of Nevada accepts the provisions of, and [each] all of the [funds] money provided by, the Act of Congress

entitled "An act to provide the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide cooperation with the States in the preparation of teachers in vocational subjects; and to appropriate money and regulate its expenditure," known as the Smith-Hughes Vocational Education Act, and approved February 23, 1917, and any amendments thereof or supplements thereto.

2. The State of Nevada accepts the provisions of, and [each] all of the [funds] money provided by, the Act of Congress entitled "An act to provide for the further development of vocational education in the several states and territories," known as the Vocational Education Act of 1946, approved June 8, 1936, and amended August 1, 1946, and any amendments thereof or supplements thereto.

3. In addition to the provisions of subsections 1 and 2, the state board for vocational education [is authorized to] may accept and [direct] adopt regulations or establish policies for the disbursement of [funds] money appropriated by any Act of Congress and apportioned to the State of Nevada for use in connection with the vocational education program.

4. In accepting the benefits of the Acts of Congress referred to in subsections 1, 2 and 3, the State of Nevada agrees to comply with all of their provisions and to observe all of their requirements.

5. The state treasurer is designated [and appointed] custodian of all [moneys] money received by the State of Nevada from the appropriations made by the Acts of Congress referred to in subsections 1, 2 and 3, and he [is authorized to] may receive and provide for the proper custody [of the same] thereof and [to] make disbursements therefrom in the manner provided in the acts and for the purposes therein specified [.] on warrants of the state controller issued upon the order of the executive officer of the state board for vocational education.

6. [Upon] On warrants of the state controller issued upon the order of the executive officer of the state board for vocational education [.] pursuant to regulations or policies of the board, the state treasurer shall also pay out any [moneys] money appropriated by the State of Nevada for the purpose of carrying out the provisions of this section.

Sec. 27. NRS 387.067 is hereby amended to read as follows:

387.067 1. The state board of education [is hereby authorized to] may accept and [direct] adopt regulations or establish policies for the disbursement of [funds] money appropriated and apportioned to the State of Nevada or the school districts of the State of Nevada under the Elementary and Secondary Education Act of 1965.

2. The [state board of education] superintendent of public instruction shall deposit such [funds] money with the state treasurer, who shall make disbursements therefrom [upon the direction

of the state board of education in the same manner as other claims against the state are paid.] on warrants of the state controller issued upon the order of the superintendent of public instruction.

3. The state board of education and any school district within the state may, within the limits provided in this section, make such applications and agreements and give such assurances to the Federal Government and conduct such programs as may be required as a condition precedent to receipt of [funds] money under the Elementary and Secondary Education Act of 1965. Neither the state board of education nor a school district may enter into an agreement or give an assurance which requires the state or a school district to provide [funds] money above the amount appropriated or otherwise lawfully available for such purpose.

Sec. 28. NRS 387.075 is hereby amended to read as follows:

387.075 1. The state board of education may accept and [direct] adopt regulations or establish policies for the disbursements of [funds] money appropriated by any Act of Congress and apportioned to the State of Nevada for use in connection with school lunch programs.

2. The [state board of education] superintendent of public instruction shall deposit with the state treasurer all money received from the Federal Government or from other sources for school lunch programs. The state treasurer shall make disbursements for such programs [upon the direction of the state board of

education in the same manner as other claims against the state are paid.] on warrants of the state controller issued upon the order of the superintendent of public instruction.

Sec. 29. NRS 387.080 is hereby amended to read as follows:

387.080 1. The state board of education may [:

1. Enter] enter into agreements with any agency of the Federal Government, with any board of trustees of a school district, or with any other agency or person, and establish policies and pre-scribe [such] regulations, [employ] authorize the employment of such personnel, and take such other action as it may deem necessary to provide for the establishment, maintenance, operation and expansion of any school lunch program.

2. [Direct the disbursement of] The state treasurer shall disburse federal and state [funds in accordance with any applicable provisions of federal-state law.] money designated for a school lunch program on warrants of the state controller issued upon the order of the superintendent of public instruction pursuant to regulations or policies of the board.

3. The superintendent of public instruction may:

(a) Give technical advice and assistance to any board of trustees of a school district in connection with the establishment and operation of any school lunch program.

[4.] (b) Assist in training personnel engaged in the operation of any school lunch program.

Sec. 30. NRS 387.095 is hereby amended to read as follows:

387.095 The state board of education shall [:

1. Prescribe regulations for the] prescribe regulations for:

1. The keeping of accounts and records with respect to school lunch programs and the making of reports on such programs by or under the supervision of boards of trustees of school districts. Such accounts and records [shall,] must, at all times, be available for inspection and audit by authorized officials, and [shall] must be preserved for such period of time, not in excess of 5 years, as the state board of education [shall prescribe.

2. Conduct or cause to be conducted] prescribes.

2. The conduct of such audits, inspections and administrative reviews of accounts, records and operations with respect to school lunch programs as may be necessary to determine whether its agreements with boards of trustees of school districts and regulations [made pursuant to NRS 387.070 to 387.111, inclusive,] on such programs are being complied with, and to insure that school lunch programs are administered effectively.

Sec. 31. NRS 387.122 is hereby amended to read as follows:

387.122 1. For making the apportionments of the state distributive school fund required [to be made pursuant to] by the provisions of [Title 34 of NRS,] this Title, the basic support guarantee per pupil for each school district and the basic support guarantee

for each special education program unit maintained and operated during at least 9 months of a school year are established by law for each school year, contingent upon the following limitations:

(a) As used in this section, "special education program unit" means an organized instructional unit which includes full-time services of certificated personnel providing a program of instruction in accordance with minimum standards prescribed by the state board of education.

(b) Support guarantee for any special education program unit maintained and operated during a period of less than 9 school months [shall be] is in the same proportion to the amount established by law for that school year as the period during which such program unit actually was maintained and operated is to 9 school months.

2. Any unused allocations for special education program units may be reallocated to other county school districts by the [state department of education.] superintendent of public instruction. In such reallocation, first priority shall be given to special education programs with statewide implications, and second priority shall be given to special education programs maintained and operated by school districts whose allocation is less than or equal to the amount provided by law. If there are more unused allocations than necessary to cover programs of first and second priority but

not enough to cover all remaining special education programs eligible for payment from reallocations, then payment for such remaining programs shall be prorated. If there are more unused allocations than necessary to cover programs of first priority, but not enough to cover all programs of second priority, then payment for programs of second priority shall be prorated. If unused allocations are not enough to cover all programs of first priority, then payment for programs of first priority shall be prorated.

3. A school district may, after receiving the approval of the [state department of education,] superintendent of public instruction, contract with any person, state agency or legal entity to provide a special education program unit for handicapped pupils of the district.

Sec. 32. NRS 387.123 is hereby amended to read as follows:

387.123 1. "Enrollment" means the count of pupils enrolled in and scheduled to attend programs of instruction in the public schools for:

- (a) Pupils in the kindergarten department.
- (b) Pupils in grades 1 to 12, inclusive.
- (c) Handicapped minors receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive.
- (d) Children detained in detention homes and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550 to 388.580, inclusive.

(e) Part-time pupils enrolled in classes and taking courses necessary to receive a high school diploma.

2. "Average daily attendance--full term" means the average daily attendance of pupils enrolled in the public schools during the school year.

3. "Average daily attendance--highest 3 months" means the average daily attendance of pupils enrolled in the public schools during the 3 months of highest average daily attendance of the school year.

4. The state board of education shall establish uniform [rules to be used] regulations for counting enrollment and [in] calculating the average daily attendance of pupils. In [calculating average daily attendance of pupils, no pupil specified in paragraphs (a), (b), (c) and (d) of subsection 1 shall be counted more than once. In] establishing such [rules] regulations for the public schools, the state board of education:

(a) Shall divide the school year into 10 school months, each containing 20 or fewer school days.

(b) May divide the pupils in grades 1 to 12, inclusive, into categories composed respectively of those enrolled in elementary schools and those enrolled in secondary schools.

(c) Shall select the three highest monthly attendance quotients for each category of pupils, as established by subsection 1 or pursuant to paragraph (b) of this subsection, in each school.

(d) Shall prohibit counting of any pupil specified in paragraph (a), (b), (c) or (d) of subsection 1 more than once.

5. The state board of education shall establish by regulation the maximum pupil-teacher ratio in each grade, and for each subject matter wherever different subjects are taught in separate classes, for each school district of the state which is consistent with:

(a) The maintenance of an acceptable standard of instruction;
(b) The conditions prevailing in such school district with respect to the number and distribution of pupils in each grade;
and

(c) Methods of instruction used, which may include educational television, team teaching or new teaching systems or techniques. If the superintendent of public instruction finds that any school district is maintaining one or more classes whose pupil-teacher ratio exceeds the applicable maximum, and unless he finds that the board of trustees of the school district has made every reasonable effort in good faith to comply with the applicable standard, he shall, with the approval of the state board of education , [shall] reduce the average daily attendance for apportionment purposes by the percentage which the number of pupils attending such classes is of the total number of pupils in the district, and [may] the state board may direct him to withhold the quarterly apportionment entirely.

Sec. 33. NRS 387.1235 is hereby amended to read as follows:

387.1235 Local funds available are the sum of:

1. The amount computed by multiplying .007 times the assessed valuation of the school district as certified by the department of taxation for the concurrent school year; and

2. The proceeds of the local school support tax imposed by chapter 374 of NRS. The department of taxation shall furnish an estimate of such proceeds to the [state board of education] superintendent of public instruction on or before July 15 for the fiscal year then begun, and the [state board of education] superintendent shall adjust the final apportionment of the concurrent school year to reflect any difference between such estimate and actual receipts.

Sec. 34. NRS 387.124 is hereby amended to read as follows:

387.124 1. On or before August 1, November 1, February 1 and May 1 of each year, the state controller shall render to the superintendent of public instruction a statement of the [moneys] money in the state treasury subject to distribution to the several school districts of the state as provided in this section.

2. Immediately after the state controller has made his quarterly report, the [state board of education] superintendent shall apportion the state distributive school fund among the several county school districts in amounts approximating one-fourth of their

respective yearly apportionments. Apportionment computed on a yearly basis equals the difference between the basic support and the local funds available or 10 percent of basic support, whichever is greater.

Sec. 35. NRS 387.155 is hereby amended to read as follows:

387.155 In any school district in the State of Nevada where state employment of a parent or parents, or where the attendance of pupils in the school district as wards of the State of Nevada, has a direct effect on the school population within the school district so that there is a need of new or improved school facilities, that school district [shall be] is eligible for additional state financial aid in the following manner:

1. The total of the proportion of pupils in average daily attendance whose parent or parents are state employees and the proportion of pupils who attend school as wards of the State of Nevada, must exceed 15 percent of the total average daily attendance of the particular school district for the school year next preceding the date of application.

2. The particular school district, to qualify for state school construction relief, must have a bonded indebtedness exceeding 60 percent of its bonding capacity.

3. [Each] Except as provided in subsection 5 of this section, each such school district [shall be] is entitled to receive an

amount equal to the total number of pupils in average daily attendance whose parent or parents are state employees and who attend school in the school district as wards of the State of Nevada, multiplied by the sum of \$1,220, which sum is determined to be, and is declared to be, the average per pupil cost of construction in this state, as found by the superintendent of public instruction, and which amount shall be paid as state school construction relief to those school districts qualifying under the provisions of NRS 387.145 to 387.165, inclusive.

4. The application for payment of the amount determined to be payable for construction of school facilities in any school district shall be submitted by the school district to the [state board of education] superintendent of public instruction and filed in accordance with [the rules and] regulations of the state board of education. The application shall state the qualifications of the school district, the reasons for the construction of the school facilities, and shall give assurance that the school district will submit such reports as the [state board of education] superintendent may reasonably require to determine the school district's needs and that the existing school facilities will be open to inspection by the superintendent and the state board of education [,] or any member thereof . [, or its duly authorized representatives.]

5. The [state board of education] superintendent of public instruction shall determine the maximum [amounts which are available] amount available to each eligible school district under the provisions of NRS 387.145 to 387.165, inclusive. The state board of education thereafter shall review this amount in the light of the particular needs of the school district, and [is authorized to] may reduce the maximum amount which such school district is entitled to receive if it finds that such a reduced amount will adequately serve the needs of the school district and is in proportion to the additional demands which the pupils who are children of state employees and wards of the State of Nevada place on the particular school district.

6. Upon [finally determining and approving] final determination and approval of the total amount payable to a school district, the claim shall be certified to be paid out of the state school construction relief fund, which fund is hereby created in the state treasury, as other claims against the state are paid.

Sec. 36. NRS 387.185 is hereby amended to read as follows:

387.185 1. All school [moneys] money due each county school district [shall] must be paid over by the state treasurer to the county treasurer on August 1, November 1, February 1 and May 1 of each year or as soon thereafter as the county treasurer may apply for [the same,] it, upon the warrant of the state controller drawn

in conformity with the apportionment of the [state board of education] superintendent of public instruction as provided in NRS 387.124.

2. No county school district [shall] may receive any portion of the public school [moneys] money unless that school district [shall have] has complied with the provisions of this Title [of NRS and the rules and regulations of the state board of education.] and regulations adopted pursuant thereto.

Sec. 37. NRS 387.315 is hereby amended to read as follows:

387.315 1. Every order drawn by the clerk of the board of trustees of a school district [shall] must be accompanied by an itemized statement of the purpose or purposes for which the order is issued, and a true copy of an itemized invoice drawn by the person, association, firm or corporation in whose favor the order is drawn. The statement and a true copy of the invoice [shall] must be filed in the office of the county auditor and [shall be] is subject to inspection by the superintendent of public instruction. Statements and invoices shall be kept on file until ordered destroyed by the [state board of education.] superintendent of public instruction.

2. No order for the payment of money of any school district [shall] may be issued by the clerk of the board of trustees unless there [shall be] is in the county treasury, to the credit of the

school district, a sum of money equal to the full amount for which the order is issued, and [which sum is] available for the purpose of the order.

3. If the clerk of any board of trustees [shall draw] draws any order for the payment of school [moneys] money in violation of law, the members of the board of trustees [shall be] are jointly and severally liable for the amount of the order.

Sec. 38. NRS 387.320 is hereby amended to read as follows:

387.320 1. During [the quarter of the school year beginning January 1, 1956, and in] each quarter of each school year , [thereafter,] the clerk of the board of trustees of a county school district shall cause to be published a list of expenditures of the county school district made during the previous quarter school year. The published list of expenditures shall be in the form prescribed by the [state board of education.] superintendent of public instruction.

2. The publication required by subsection 1 shall be printed in some newspaper published and of general circulation in the county the boundaries of which are conterminous with the boundaries of the county school district.

3. The newspaper described in subsection 2 must possess the qualifications prescribed in chapter 238 of NRS.

4. If no qualified newspaper is published within a county, then the required publication shall be printed in some qualified

newspaper printed in the State of Nevada and having a general circulation within the county.

Sec. 39. NRS 388.030 is hereby amended to read as follows:

388.030 [Whenever the] The board of trustees of a school district [shall deem it necessary, the board shall] may divide the public schools within the school district into kindergarten, elementary, high school and other permissible departments, and shall employ competent and legally qualified teachers for the instruction of the different departments [; provided:

1. That such] , if:

1. The division into departments [shall be] is in accordance with the state courses of study and [all rules and] regulations of the state [department] board of education; and

2. [That there shall be] There is money for all such departments; if not, then the division [shall] must be in the order in which the departments are named in this section, excepting the kindergarten department, which [shall] must not be considered as taking precedence over the elementary or high school departments.

Sec. 40. NRS 388.080 is hereby amended to read as follows:

388.080 1. Except as otherwise provided in subsection 2, the public school year [shall commence] commences on the 1st day of July and [shall end] ends on the last day of June.

2. After notification to the [state department of education] superintendent of public instruction that an extended school year program will be operative, any county school district may request extension of the school year beyond the last day of June for each year of such program.

Sec. 41. NRS 388.340 is hereby amended to read as follows:

388.340 1. The superintendent of public instruction shall serve as executive officer of the state board for vocational education.

2. The executive officer shall:

(a) [With the advice and consent of] Employ personnel for such positions as are approved by the state board for vocational education [, designate such assistants as may be] and necessary to carry out properly the provisions of this Title [of NRS.] relating to vocational education.

(b) Carry into effect such [rules and] regulations as the state board for vocational education may require.

(c) Maintain an office for the board at the state capital.

(d) Keep all records of the board in the office of the board.

Sec. 42. NRS 388.360 is hereby amended to read as follows:

388.360 The state board for vocational education [shall have authority:] may:

1. [To cooperate] Cooperate with any federal agency, board or department designated to administer the Acts of Congress apportioning federal vocational education [funds] money to the State of Nevada.

2. [To administer] Establish policies and adopt regulations for the administration of any legislation enacted pursuant thereto by the State of Nevada.

3. [To administer the funds] Establish policies and adopt regulations for the administration of money provided by the Federal Government and the State of Nevada for the promotion, extension and improvement of vocational education in agricultural subjects, trade and industrial subjects, home economics subjects, distributive occupation subjects, practical nursing subjects, vocational guidance services and other subjects which may be included in the vocational education program in the State of Nevada.

4. [To] Establish policies or regulations and formulate plans for the promotion of vocational education in such subjects as are an essential and integral part of the public school system of education in the State of Nevada.

5. [To] Establish policies to provide for the preparation of teachers of such subjects.

6. [Within the limits of the provisions of chapter 284 of NRS, to fix the compensation of] Approve positions for such officials

and assistants as may be necessary to administer the federal act and provisions of this Title [of NRS] enacted pursuant thereto for the State of Nevada.

7. [To pay such compensation and other necessary expenses of administration and travel from appropriated funds.

8. To] Direct its executive officer to make studies and investigations relating to vocational education . [in such subjects.

9. To] 8. Establish policies to promote and aid in the establishment by local communities of schools, departments or classes giving training in [such] vocational subjects.

[10. To cooperate] 9. Cooperate with local communities in the maintenance of such schools, departments or classes.

[11. To prescribe] 10. Prescribe qualifications for the teachers, directors and supervisors of [such] vocational subjects.

[12. To provide] 11. Provide for the certification of such teachers, directors and supervisors.

[13. To] 12. Establish policies or regulations to cooperate in the maintenance of classes supported and controlled by the public for the preparation of the teachers, directors and supervisors of [such] vocational subjects, or [to] maintain such classes under its own direction and control.

[14. To establish and determine by general regulations] 13. Establish by regulation the qualifications [to be possessed by] required for persons engaged in the training of vocational teachers.

Sec. 43. NRS 388.365 is hereby amended to read as follows:

388.365 1. The state board for vocational education may accept gifts of [moneys] money from public and private sources, if the purpose of the gift specified by the donor is approved by the board and is within the scope of the board's powers and duties, and such [funds shall] money must be deposited in a permanent fund in the state treasury designated as the vocational education gift fund.

2. [The board may expend money from the vocational education gift fund in accordance with the terms of any gift or bequest.

3.] The [moneys] money available in the vocational education gift fund [shall] must be used only for the purpose specified by the donor, within the limits of subsection 1 . [, and any] The board may adopt regulations or establish policies for the disbursement of money from the fund in accordance with the terms of the gift or bequest on warrants of the state controller issued upon the orders of the executive officer of the state board for vocational education. Any expenditures pursuant to this section may include matching state and federal [funds] money available for vocational education.

[4.] 3. If all or part of the [funds] money accepted by the board from a donor [are] is not expended prior to the end of the fiscal year in which the gift was accepted, such remaining balance

of the amount donated [shall] must remain in the vocational education gift fund until needed for the purpose specified by the donor, within the limits of subsection 1.

Sec. 44. NRS 388.370 is hereby amended to read as follows:

388.370 The executive officer of the state board for vocational education shall make a report biennially to the legislature setting forth:

1. The condition of vocational education in the State of Nevada.
2. A list of the schools to which federal and state aid has been given.
3. A detailed statement of the expenditures of [the] federal [funds] and state [funds] money provided in NRS 388.390.

Sec. 45. NRS 388.390 is hereby amended to read as follows:

388.390 Whenever any board of trustees of a school district has organized a vocational school or classes in accordance with [rules and] regulations adopted by the state board for vocational education, which vocational school or classes have been approved by the executive officer of the state board for vocational education, the school district [shall be] is entitled to share in federal and state [funds] money available for the promotion of vocational education in [such amounts as shall be] the amount determined [and approved] by the executive officer of the state board for vocational education [.] , in accordance with the regulations and policies of the board.

Sec. 46. NRS 388.400 is hereby amended to read as follows:

388.400 1. The [moneys] money for vocational education, which consists of agricultural education, trade and industrial education, home economics education, distributive education, practical nursing education, and such other phases of vocational education as the state board for vocational education may approve for adoption in Nevada schools, shall be provided for and raised in the manner specified in NRS 387.050 and 388.330 to 388.400, inclusive.

2. The state treasurer [shall be] is custodian of such [moneys, which shall be used and administered under the authority] money and he shall make disbursements therefrom on warrants of the state controller issued upon the order of the executive officer of the state board for vocational education.

Sec. 47. NRS 388.450 is hereby amended to read as follows:

388.450 1. The legislature declares that the basic support guarantee [as expressed in NRS 387.122] for each special education program unit established by law for each school year establishes financial resources sufficient to insure a reasonably equal educational opportunity to handicapped minors residing in Nevada.

2. Subject to the provisions of NRS 388.440 to 388.520, inclusive, the board of trustees of a school district shall make such special provisions as may be necessary for the education of handicapped minors.

3. The board of trustees of a school district shall establish uniform rules of eligibility for instruction under the special education programs provided for by NRS 388.440 to 388.520, inclusive. The rules [and regulations shall be] are subject to such standards as may be prescribed by the state [department] board of education.

Sec. 48. NRS 388.470 is hereby amended to read as follows:

388.470 1. Before any child is placed in a special program for handicapped children:

(a) A consultation [shall] must be held with his parents or guardian.

(b) An examination [shall] must be conducted for the purpose of finding the extent to which the child deviates from normal growth and development patterns . [, such] The examination [to] must be conducted in accordance with standards prescribed by the state [department] board of education.

2. A psychiatrist may be consulted in any specific case when the board of trustees of a school district deems it necessary.

Sec. 49. NRS 388.520 is hereby amended to read as follows:

388.520 1. The state [department] board of education shall prescribe minimum standards for the special education of handicapped minors.

2. Prescribed minimum standards [shall] must include standards for programs of instruction or special services maintained for the purpose of serving minors [with the following handicapping conditions:] who:

(a) [Aurally] Are aurally handicapped.

(b) [Visually] Are visually handicapped.

(c) [Physically] Are physically handicapped.

(d) [Speech handicapped.] Have speech handicaps.

(e) [Mentally] Are mentally handicapped.

(f) [Educationally handicapped, including appropriate subemphasis when related to emotional disturbance.

(g) Multiple handicapped, including appropriate subemphasis for] Are educationally handicapped, and such standards must also give appropriate consideration to emotional disturbances related to the educational handicaps.

(g) Have multiple handicaps, and such standards must give appropriate consideration to each of the handicapping conditions.

(h) [Academically] Are academically talented.

(i) [Learning] Have learning disabilities.

3. No apportionment of state funds [shall] may be made [by the superintendent of public instruction] to any school district for the instruction of handicapped minors until the program of instruction maintained therein for such handicapped minors is approved by the [state department of education] superintendent of public instruction as meeting the prescribed minimum standards.

Sec. 50. NRS 388.595 is hereby amended to read as follows:

388.595 The state [department] board of education shall provide leadership for the environmental education program by [appointing an] establishing the position of environmental education consultant . [, who shall be in the classified service of the state and an employee of the state department of education, whose] His 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.

Sec. 51. NRS 389.090 is hereby amended to read as follows:

389.090 1. The state board of education shall adopt [rules and] regulations governing the establishment, conduct and scope of automobile driver education in the public schools of this state.

2. The aims and purposes of automobile driver education [shall be] are to develop the knowledge, attitudes, habits and skills necessary for the safe operation of motor vehicles.

3. The board of trustees of a school district may establish and maintain automobile driver education classes during regular semesters and summer sessions and during the regular school day and at times other than during the regular school day for:

(a) Pupils enrolled in the regular full-time day high schools in the school district.

(b) Pupils enrolled in summer classes conducted in high schools in the school district.

4. A board of trustees maintaining courses in automobile driver education shall insure against any liability arising out of the use of motor vehicles in connection with such courses. The cost of such insurance shall be paid from available school district funds.

5. Automobile driver education shall be [conducted by] provided by boards of trustees of school districts in accordance with regulations of the state board of education [and boards of trustees]

and shall not be duplicated by any other agency, department, commission or officer of the State of Nevada.

Sec. 52. NRS 389.130 is hereby amended to read as follows:

389.130 1. Each school district shall investigate the feasibility of programs of outdoor environmental education and camping for its students.

2. Such investigations [shall] must be coordinated with the [Nevada advisory committee for environmental education and with the state department of education.] superintendent of public instruction.

Sec. 53. NRS 390.020 is hereby amended to read as follows:

390.020 The members of the commission appointed by the governor [shall] must be persons certified by the [state department of education] superintendent of public instruction as having been actively engaged in school teaching or administration in a school district of this state for at least 4 years prior to their appointment.

Sec. 54. NRS 390.060 is hereby amended to read as follows:

390.060 1. The commission shall elect one of its members as president of the commission, to serve a 2-year term.

2. The [state board of education may employ a textbook consultant, who may] superintendent of public instruction shall designate a member of the staff of the state department of education to

serve as secretary of the commission. [The state board of education shall define his other duties.]

Sec. 55. NRS 391.020 is hereby amended to read as follows:

391.020 1. All teachers' certificates are granted by the [state board of education. The state board of education] superintendent of public instruction. He may issue certificates to all qualified persons under the regulations of the state board of education.

2. Every applicant for a certificate shall submit with his application a complete set of his fingerprints and written permission authorizing the [state board of education] superintendent to forward such fingerprints to the Federal Bureau of Investigation for its report.

3. Upon receipt of the report referred to in subsection 2 and a determination by the [state board of education] superintendent of public instruction that the applicant is qualified, a certificate [shall] must be issued to the applicant.

Sec. 56. NRS 391.030 is hereby amended to read as follows:

391.030 The state board of education [is authorized to provide for and] may direct the superintendent of public instruction to establish a certification office in the state department of education . [and to provide for the employment of a competent assistant. The superintendent of public instruction, without extra

compensation, shall be the administrator of the certification office.] The superintendent may employ personnel for such positions as are approved by the state board for the operation of the office.

Sec. 57. NRS 391.090 is hereby amended to read as follows:

391.090 1. Any person who is:

(a) Granted a certificate to teach in the public schools of Nevada; [or]

(b) Granted a renewal of his certificate; or

(c) Charged with the duty at the Nevada youth training center or the Nevada girls training center of giving instruction in the Constitution of the United States and the constitution of the State of Nevada,

[shall be required to] must show, by examination or credentials showing college, university or normal school study, satisfactory evidence of adequate knowledge of the origin, history, provisions and principles of the Constitution of the United States and the constitution of the State of Nevada.

2. The [state board of education] superintendent of public instruction may grant a reasonable time for compliance with the terms of this section.

Sec. 58. NRS 391.100 is hereby amended to read as follows:

391.100 1. The board of trustees of a school district may

employ a superintendent of schools, teachers and all other necessary employees.

2. The board of trustees of a school district:

(a) May employ teacher aides and other auxiliary, nonprofessional personnel to assist certificated personnel in the instruction or supervision of children, either in the classroom or at any other place in the school or on the grounds thereof. Such noncertificated personnel shall be given direct supervision by certificated personnel in all duties which are instructional in nature but may perform duties which are not primarily instructional in nature without a certificated person in attendance.

(b) Shall establish policies governing the duties and performance of teacher aides.

3. Notwithstanding the provisions of NRS 252.110, the board of trustees of a school district may employ independent legal counsel when such employment is deemed necessary by the board.

4. [Notwithstanding the provisions] In addition to the requirements of NRS 354.596, not later than 30 days prior to the time of filing its tentative budget, each board of school trustees of a school district shall submit, [or cause to be submitted] simultaneously, to the [state department of education and the Nevada tax commission] superintendent of public instruction and the department of taxation, a report showing the estimated number of persons to

be employed whose salaries will be paid from amounts to be included in its tentative and final budgets for the ensuing fiscal year. The report [shall] must be made on forms prescribed by the [state department of education and shall include, but shall not be limited to:] superintendent of public instruction and must include, without limitation:

(a) A schedule showing the estimated number of persons to be employed by account and fund classification and fully funded thereby; and

(b) A schedule showing the estimated number of persons to be employed by classification who are funded by more than one account or fund.

(c) The projected salary schedule for the next fiscal year.

Sec. 59. NRS 391.120 is hereby amended to read as follows:

391.120 1. Boards of trustees of the school districts in this state [shall have the power to] may employ legally qualified teachers [, to determine the salary to be paid each teacher,] and may determine their salaries and the length of the term of school for which [teachers shall be] they are employed. These conditions and any other conditions agreed upon by the parties [shall] must be embodied in a written contract, or notice of reemployment, to be approved by the board of trustees and accepted and signed by the teacher. A copy of the contract or notice of

reemployment, properly written, [shall] must be delivered to each teacher not later than the opening of the term of school.

2. A board of trustees [shall not have the right to] may not employ teachers for any school year commencing after the expiration of the time for which any member of the board of trustees was elected or appointed.

3. It [shall be] is unlawful for the board of trustees of any school district to employ any teacher who is not legally qualified to teach all the grades which [such] the teacher is engaged to teach.

4. Notice of the employment of a person [shall] must be given to the state department of education [upon a form supplied by such department] in the form prescribed by the superintendent of public instruction before a teacher may start to perform under the terms of the contract.

Sec. 60. NRS 391.170 is hereby amended to read as follows:

391.170 A teacher is not entitled to receive any portion of [the] public school [moneys] money as compensation for services rendered unless:

1. The teacher is legally employed by the board of trustees of the school district in which he is teaching.

2. The teacher has a teacher's certificate issued in accordance with law and in full force at the time the services are rendered.

3. The teacher has made to the board of trustees and the superintendent of public instruction a full, true and correct report, in the form and manner prescribed by [the state board of education, to] the superintendent of public instruction . [and to the board of trustees.]

Sec. 61. NRS 391.290 is hereby amended to read as follows:

391.290 1. Whenever an educational conference is called by the [state department of education for a school district or for the state,] superintendent of public instruction, the board of trustees of a school district whose school administrators and teachers are required to attend the educational conference shall, unless such school administrators or teachers are excused for cause by legally authorized authority from attendance:

(a) Pay the actual necessary transportation expenses of school administrators and teachers of the school district to and from the educational conference.

(b) Pay the actual necessary living expenses of school administrators and teachers of the school district while attending the educational conference.

2. Expenses shall be paid out of the school district fund and claims therefor shall not exceed the statutory rate fixed for state officers.

Sec. 62. NRS 391.3125 is hereby amended to read as follows:

391.3125 1. It is the intent of the legislature that a uniform system be developed for objective evaluation of teacher personnel in each school district.

2. Each board of school trustees, following consultation and involvement of elected representatives of teacher personnel or their designees, shall develop an objective evaluation policy which may include self, student, administrative or peer evaluation or any combination thereof. In like manner, counselors, librarians and other certificated school support personnel shall be evaluated on forms developed specifically for their respective specialities. A copy of the evaluation policy adopted by the board of trustees shall be filed with the state [board] department of education.

3. Each probationary teacher shall be evaluated in writing at least twice each year. The first evaluation shall take place no later than 60 school days after the teacher enters service under the contract and the second shall take place no later than March 1.

4. Each postprobationary teacher shall be evaluated at least once each year.

5. The evaluation of a probationary teacher or a postprobationary teacher shall, if necessary, include recommendations for

improvements in teaching performance. A reasonable effort shall be made to assist the teacher to correct deficiencies noted in the evaluation. The teacher shall receive a copy of each evaluation not later than 15 days after the evaluation. A copy of the evaluation and the teacher's response shall become a permanent attachment to the teacher's personnel file.

Sec. 63. NRS 391.3127 is hereby amended to read as follows:

391.3127 1. Each board of school trustees, following consultation and involvement of elected representatives of administrative personnel or their designated representatives, shall develop an objective evaluation policy which may include self, student, administrative or peer evaluation or any combination thereof. A copy of the evaluation policy adopted by the board of trustees shall be filed with the state [board] department of education.

2. Each administrator shall be evaluated in writing at least once a year.

Sec. 64. NRS 391.31915 is hereby amended to read as follows:

391.31915 1. After appointment of the list, the certificated employee and superintendent are entitled:

(a) To challenge peremptorily one of the list at a time, alternately, until only one remains, who shall serve as hearing officer for the hearing. The superintendent and certificated employee shall draw lots to determine first choice to challenge a member of the list.

(b) To challenge peremptorily the hearing officer appointed to a hearing commission when such commission is required, in which case:

(1) The superintendent and certificated employee [shall] each have two peremptory challenges.

(2) The superintendent and certificated employee may exercise their two challenges until they have exhausted their right to challenge or waive their right to such challenge.

2. The state [department] board of education shall [prepare a procedure] prescribe procedures for exercising challenges to the hearing officer and hearing commission chairman and set time limits in which the challenges may be exercised by the certificated employee and superintendent.

Sec. 65. NRS 391.3192 is hereby amended to read as follows:

391.3192 1. As soon as possible after the time of his or its designation, the hearing officer or hearing commission shall hold a hearing to determine whether the grounds for the recommendation are substantiated.

2. The [state department of education] superintendent of public instruction shall furnish the hearing officer or hearing commission with any assistance which is reasonably required to conduct the hearing, and the hearing officer or hearing commission may

require witnesses to give testimony under oath and produce evidence relevant to [its] the investigation.

3. The certificated employee and superintendent are entitled to be heard, to be represented by counsel and to call witnesses in their behalf.

4. The hearing officer shall be reimbursed reasonable actual expenses and not more than \$150 per day for actual time served. If requested by the hearing officer, an official transcript shall be made.

5. The board and the certificated employee [shall be] are equally responsible for the expense and salary of the hearing officer and the official transcript when requested by the hearing officer.

6. The appointed commission members [shall] do not forfeit any salary or employment benefits for performing their duties as commission members.

7. The state board of education shall develop a set of uniform standards and procedures to be used in such a hearing. The technical rules of evidence [shall] do not apply.

Sec. 66. NRS 391.355 is hereby amended to read as follows:

391.355 1. The state board of education, with the assistance of the attorney general , shall develop and the board shall adopt rules of procedure for the conduct of hearings involving

suspension or revocation of teachers' or administrators' certificates _ [, which shall be adopted and promulgated by the state board of education.]

2. The rules of procedure [shall] must provide for boards of trustees of school districts or the superintendent of public instruction or his designee to bring charges, when cause exists.

3. The state board of education may issue subpoenas to compel the attendance of witnesses and the production of books, records, documents or other pertinent information to be used as evidence in hearings for suspension or revocation of teachers' or administrators' certificates.

4. A hearing officer, qualified under NRS 391.3161 and selected according to the provisions of NRS 391.3191 and 391.31915 shall conduct the hearing and report findings of fact and conclusions of law, along with recommendations, to the state board of education. The state board may accept or reject the recommendations or refer the report [back] to the hearing officer for further evidence and recommendation, and shall notify the teacher or administrator in writing of its decision.

Sec. 67. NRS 392.010 is hereby amended to read as follows:

392.010 1. The board of trustees of any school district may, with the approval of the [state department of education:] superintendent of public instruction:

(a) Admit to the school or schools of the school district any pupil or pupils living in an adjoining school district within this state or in an adjoining state when the school district of residence in the adjoining state adjoins the receiving Nevada school district; or

(b) Pay tuition for pupils residing in the school district but who attend school in an adjoining school district within this state or in an adjoining state when the receiving district in the adjoining state adjoins the school district of Nevada residence.

2. With the approval of the [state department of education] superintendent of public instruction an agreement shall be entered into between the board of trustees of the school district in which the pupil or pupils reside and the board of trustees of the school district in which the pupil or pupils attend school, providing for the payment of such tuition as may be agreed upon, but transportation costs [shall] must be paid by the board of trustees of the school district in which the pupil or pupils reside:

(a) If any are incurred in transporting a pupil or pupils to an adjoining school district within the state; and

(b) If any are incurred in transporting a pupil or pupils to an adjoining state, subject to the provisions of NRS 392.350.

3. In addition to the provisions for the payment of tuition and transportation costs for pupils admitted to an adjoining school

district as provided in subsection 2, the agreement may contain provisions for the payment of reasonable amounts of money to defray the cost of operation, maintenance and depreciation of capital improvements which can be allocated to such pupils.

Sec. 68. NRS 392.080 is hereby amended to read as follows:

392.080 Attendance required by the provisions of NRS 392.040 shall be excused when the [state department of education] superintendent of public instruction has determined that the child's residence is located at such distance from the nearest public school as to render attendance unsafe or impractical, and the child's parent or guardian has notified the board of trustees to that effect in writing.

Sec. 69. NRS 392.320 is hereby amended to read as follows:

392.320 1. As used in this section, "vehicles" means the school buses, station wagons, automobiles and other motor or mechanically propelled vehicles [or either or any of them,] required by the school district for the transportation of pupils.

2. The board of trustees of a school district shall use transportation funds of the school district for:

(a) The purchase, rent, hire and use of vehicles, and for necessary equipment, supplies and articles therefor.

(b) Necessary repairs of vehicles to keep them in safe and workable condition.

(c) The employment and compensation of capable and reliable drivers of vehicles and other employees necessary for the transportation of pupils and other authorized persons.

(d) Insuring vehicles owned, rented, hired, used or operated by or under the direction or supervision of the board of trustees. Such insurance shall:

(1) Be of such an amount as the board of trustees may be able to obtain and [which] the regulations of the state board of education [may deem] require as sufficient to protect the board of trustees, the pupils being transported, and their parents, guardians or legal representatives from loss or damage resulting from acts covered by the insurance.

(2) Especially insure against loss and damage resulting from or on account of injury or death of any pupil being transported, caused by collision or any accident during the operation of any such vehicle.

Sec. 70. NRS 392.350 is hereby amended to read as follows:

392.350 1. When the daily transportation of a pupil is not practical or economical, the board of trustees, in lieu of furnishing transportation, may pay to the parents or guardian of the pupil an amount of money not to exceed \$6 per school attendance day to assist the parents or guardian in defraying the cost of board, lodging and subsistence of the pupil in a city or town,

having a public school, in this state or in an adjoining state. If such public school is in an adjoining county, or in an adjoining state, costs for tuition and transportation or for tuition and subsistence may be fixed by agreement between the boards of trustees of the school district in which the pupil resides and the school district in which the pupil attends school.

2. Payment of money in lieu of furnishing transportation may be made only if:

(a) The guardian or parents have been residents in the area for a period of time set by the board of trustees; and

(b) The [state department of education approves.] superintendent of public instruction determines that the arrangements comply with regulations of the state board of education.

Sec. 71. NRS 393.100 is hereby amended to read as follows:

393.100 1. The board of trustees of a school district shall keep the public school buildings, teacherages, dormitories, dining halls, gymnasiums, stadiums and all other buildings in its charge in such repair as is necessary for the comfort and health of pupils and teachers.

2. If the board of trustees neglects to make necessary repairs, the state [department] board of education [shall] may direct that the superintendent of public instruction cause necessary repairs, not to exceed \$500, to be made, and shall pay for the same by

drawing its order upon the county auditor on the funds of the school district. The county auditor shall draw his warrant upon the county treasurer in payment of the order.

Sec. 72. NRS 393.200 is hereby amended to read as follows:

393.200 1. The board of trustees of a school district shall provide a suitable flag of the United States for each schoolhouse in the school district. The flag shall be hoisted on the schoolhouse or flagpole on all days when school is in session.

2. The board of trustees [is authorized and directed to] shall cause the flags to be paid for out of any school money in the school district fund.

3. If the board of trustees of a school district [shall fail or neglect] fails or neglects to provide a flag, the state [department] board of education [shall] may direct that the superintendent of public instruction provide the school with a flag and [shall] cause the same to be installed upon the schoolhouse or flagpole provided therefor, and shall pay the expenses therefor by drawing its order upon the county auditor. The county auditor shall draw his warrant upon the county treasurer in payment of the order.

Sec. 73. NRS 393.240 is hereby amended to read as follows:

393.240 1. Except as provided in subsection 5 and NRS 393.3251 to 393.3255, inclusive, when the board of trustees proposes to sell or lease any real property, the board shall appoint one

appraiser. A second appraiser shall be appointed by the [state department of education.] superintendent of public instruction.

2. The appraisers shall make a report to the board of trustees of their findings and determinations of the cash market value of the property proposed to be sold, or the rental value of the property proposed to be leased.

3. No sale or lease of real property shall be made for less than the value fixed by the appraisers.

4. The compensation of the appraisers shall be fixed by the board of trustees, and shall be a legal charge against the school district fund.

5. The board of trustees may sell real property without independent appraisal where the property is reasonably determined by the board to have a fair market value of \$5,000 or less.

Sec. 74. NRS 393.328 is hereby amended to read as follows:

393.328 1. When the board of trustees proposes to exchange real property, the board shall appoint one appraiser. The owner of the other real property proposed to be exchanged shall appoint one appraiser. A third appraiser shall be appointed by the [state department of education.] superintendent of public instruction.

2. The appraisers shall make a report to the board of trustees of their findings and determinations of the cash market value of the real properties proposed to be exchanged.

3. The exchange of real property shall be made only at the values fixed by the appraisers. If the real properties sought to be exchanged are not of equal value, the owner of the parcel of real property of lesser value shall pay in money to the owner of the parcel of real property of greater value the difference.

4. The compensation of the appraisers shall be fixed by the board of trustees, and shall be a legal charge against the school district.

Sec. 75. Chapter 394 of NRS is hereby amended by adding thereto a new section which shall read as follows:

"Superintendent" means the superintendent of public instruction.

Sec. 76. NRS 394.005 is hereby amended to read as follows:

394.005 As used in this chapter, the words and terms in NRS 394.005 to 394.103, inclusive, and section 75 of this act, have the meanings ascribed to them in such sections.

Sec. 77. NRS 394.160 is hereby amended to read as follows:

394.160 1. Any person who is charged with the duty, in a private school, college or university in this state, of giving instruction in the Constitution of the United States and the constitution of the State of Nevada [shall be required to] must show, by examination or credentials showing college, university or normal school study, satisfactory evidence of adequate knowledge of the origin, history, provisions and principles of the Constitu-

tion of the United States and the constitution of the State of Nevada.

2. The [state board of education] superintendent may grant a reasonable time for compliance with the terms of this section.

Sec. 78. NRS 394.221 is hereby amended to read as follows:

394.221 1. The [department, under the direction and control of the board, shall administer the provisions] board shall:

(a) Adopt regulations governing the administration of the Private Elementary and Secondary Education Authorization Act . [in addition to any other duties prescribed by law.

2. The department, with the approval of the board, shall:

(a)] (b) Establish minimum criteria, in conformity with NRS 394.241, which applicants for a license or agent's permit [shall] must meet before a license or permit is issued. The criteria [shall] must be sufficient to effectuate the purposes of the Private Elementary and Secondary Education Authorization Act but not unreasonably hinder legitimate educational innovation.

[(b)] 2. The superintendent shall administer the provisions of the Private Elementary and Secondary Education Authorization Act in accordance with the regulations of the board. He shall:

(a) Receive, investigate as necessary and act upon applications for licenses and agents' permits.

[(c)] (b) Maintain a list of agents and private elementary and secondary education institutions authorized to operate in this

state. The list shall be available for the information of the public.

[(d)] (c) Receive, and maintain as a permanent file, copies of academic records in conformity with NRS 394.341.

Sec. 79. NRS 394.231 is hereby amended to read as follows:

394.231 The [department, with the approval of the board,] superintendent may:

1. Request from any other department, division, board, bureau, commission or other agency of the state, and the latter agency shall provide, any information which it possesses that will enable the [department] superintendent to exercise properly [its] his powers and perform [its] his duties under the Private Elementary and Secondary Education Authorization Act.

2. [Negotiate] With the approval of the board, negotiate and enter into interstate reciprocity agreements with similar agencies in other states, if in [the] his judgment [of the department] such agreements are or will be helpful in effectuating the purposes of the Private Elementary and Secondary Education Authorization Act, but nothing contained in any such reciprocity agreement may limit the [department's] powers, duties and responsibilities of the superintendent independently to investigate or act upon any application for a license to operate or any application for renewal of a license to operate an elementary or secondary educational institution, or an application for issuance or renewal of any

agent's permit, or to enforce any provision of the Private Elementary and Secondary Education Authorization Act, or any regulations promulgated under it.

3. Investigate, on [its] his own initiative or in response to any complaint lodged with [it,] him, any person subject to, or reasonably believed by the [department] superintendent to be subject to, [its] his jurisdiction, and in connection with an investigation:

(a) Subpena any persons, books, records or documents pertaining to the investigation;

(b) Require answers in writing under oath to questions propounded by the [department;] superintendent; and

(c) Administer an oath or affirmation to any person.

A subpena issued by the [department] superintendent may be enforced by any district court of this state.

4. Exercise other powers implied but not enumerated in this section but in conformity with the provisions of the Private Elementary and Secondary Education Authorization Act which are necessary in order to carry out its provisions.

Sec. 80. NRS 394.241 is hereby amended to read as follows:

394.241 1. An elementary or secondary educational institution must be maintained and operated, or a new institution must demonstrate that it can be maintained and operated, in compliance with the following minimum standards:

(a) The quality and content of each course of instruction, training or study reasonably and adequately achieve the stated objective for which the course or program is offered.

(b) The institution has adequate space, equipment, instructional materials and personnel to provide education of good quality.

(c) The education and experience qualifications of directors, administrators, supervisors and instructors reasonably insure that the students will receive education consistent with the objectives of the course or program of study.

(d) The institution provides students and other interested persons with a catalog or brochure containing information describing the grades or programs offered, program objectives, length of school year or program, schedule of tuition, fees and all other charges and expenses necessary for completion of the course of study, cancellation and refund policies, and such other material facts concerning the institution as are reasonably likely to affect the decision of the parents or student to enroll in the institution, together with any other disclosures specified by the [department] superintendent or defined in [its] the regulations of the board, and [that] the information is provided to parents or prospective students prior to enrollment.

(e) Upon satisfactory completion of training or instruction, the student is given appropriate educational credentials by the

institution indicating that the course of instruction or study has been satisfactorily completed by the student.

(f) Adequate records are maintained by the institution to show attendance, progress and performance.

(g) The institution is maintained and operated in compliance with all pertinent ordinances and laws, including regulations adopted relative to the safety and health of all persons upon the premises.

(h) The institution is financially sound and capable of fulfilling its commitments.

(i) Neither the institution nor its agents engage in advertising, sales, collection, credit or other practices of any type which are false, deceptive, misleading or unfair.

(j) The chief executive officer, trustees, directors, owners, administrators, supervisors, staff, instructors and agents are of good reputation and character.

(k) The student housing owned, maintained or approved by the institution, if any, is appropriate, safe and adequate.

(l) The institution has a fair and equitable cancellation and refund policy.

2. Accreditation by national or regional accrediting agencies recognized by the United States Office of Education may be accepted [by the board] as evidence of compliance with the minimum stan-

dards established under this section. Accreditation by a recognized, specialized accrediting agency may be accepted as evidence of such compliance only as to the portion or program of an institution accredited by such agency if the institution as a whole is not accredited.

Sec. 81. NRS 394.251 is hereby amended to read as follows:

394.251 1. Each elementary or secondary educational institution desiring to operate in this state [shall] must apply to the [department] superintendent upon forms [to be] provided by the department. The application [shall] must be accompanied by [a] the catalog or brochure published or proposed to be published by the institution . [, containing the information specified in paragraph (d) of subsection 1 of NRS 394.241, including information required by regulations of the board.] The application [shall] must also be accompanied by evidence of the required surety bond and payment of the fees [as specified in NRS 394.331.] required by law.

2. After [receipt] review of the application and any further information required by the [board,] superintendent, and an investigation of the applicant if [the board considers it] necessary, the [board] superintendent shall either grant or deny a license to operate to the applicant.

3. The license shall state in clear and conspicuous manner at least the following information:

(a) The date of issuance, effective date and term of the license.

(b) The correct name and address of the institution licensed to operate.

(c) The authority for approval and conditions of operation.

(d) Any limitation of the authorization, as considered necessary by the [board.] superintendent.

4. The term for which authorization is given shall not exceed 2 years. A provisional license may be issued for a shorter period of time if the [board] superintendent finds that the applicant has not fully complied with the standards established under NRS 394.241.

5. The license shall be issued to the owner or governing body of the applicant institution and is nontransferable. If a change in ownership of the institution occurs, the new owner or governing body must, within 10 days after the change in ownership, apply for a new license, and if it fails to do so, the institution's license shall terminate. Application for a new license by reason of change in ownership of the institution is, for purposes of NRS 394.281, an application for renewal of the institution's license.

6. At least 60 days prior to the expiration of a license, the institution [shall] must complete and file with the [department] superintendent an application form for renewal of its license. The renewal application shall be reviewed and acted upon as provided in this section.

7. An institution not yet in operation when its application for a license is filed may not begin operation until the license is issued. An institution in operation when its application for a license is filed may continue operation until its application is acted upon , [by the board,] and thereafter its authority to operate is governed by the action of the [department.] superintendent.

Sec. 82. NRS 394.261 is hereby amended to read as follows:

394.261 1. Each person desiring to solicit or perform the services of an agent in this state [shall] must apply to the [department] superintendent upon forms provided by the department. The application [shall] must be accompanied by evidence of the good reputation and character of the applicant, in a form prescribed by the [department,] superintendent, and [shall] state the institution which the applicant intends to represent. An agent representing more than one institution must obtain a separate agent's permit for each institution represented, except that when an agent represents institutions having a common ownership only one agent's permit is required with respect to the institutions. If any institution which the applicant intends to represent does not have a license to operate in this state, the application [shall] must be accompanied by the information required of institutions making application for a license. The application for an

agent's permit [shall] must also be accompanied by evidence of a surety bond and payment of fees required by NRS 394.331.

2. After review of the application and any further information submitted by the applicant as required by regulations of the board, and any investigation of the applicant which the [board] superintendent considers appropriate, the [board] superintendent shall grant or deny an agent's permit to the applicant.

3. The agent's permit shall state in a clear and conspicuous manner at least the following information:

- (a) The date of issuance, effective date and term of the permit.
- (b) The correct name and address of the agent.
- (c) The institutions which the agent is authorized to represent.

4. An agent's permit shall not be issued for a term of more than 1 year.

5. At least 30 days prior to the expiration of an agent's permit, the agent [shall] must complete and file with the [department] superintendent an application for renewal of the permit. The renewal application shall be reviewed and acted upon as provided in this section.

Sec. 83. NRS 394.271 is hereby amended to read as follows:

394.271 1. At the time application is made for an agent's permit, a license to operate or a license renewal, the [department] superintendent shall require the elementary or secondary educational institution making the application to file [with the

department] a good and sufficient surety bond in the sum of not less than \$5,000. The bond shall be executed by the applicant as principal and by a surety company qualified and authorized to do business in this state. The bond shall be made payable to the State of Nevada and be conditioned to provide indemnification to any student, enrollee or his parent or guardian determined to have suffered damage as a result of any act by any elementary or secondary educational institution or [their] its agent which is a violation of the Private Elementary and Secondary Education Authorization Act, and the bonding company shall pay any final, nonappealable judgment of any court of this state that has jurisdiction, upon receipt of written notice of final judgment. The bond may be continuous but, regardless of the duration of the bond, the aggregate liability of the surety shall not exceed the penal sum of the bond.

2. The surety bond [to be filed in accordance with this section] shall cover the period of the license or the agent's permit, as appropriate, except when a surety is released.

3. A surety on any bond filed under this section may be released after the surety gives 30 days' written notice to the [department,] superintendent, but the release shall not discharge or otherwise affect any claim filed by a student, enrollee or his parent or guardian for damage resulting from any act of the elementary or

secondary educational institution or agent which is alleged to have occurred while the bond was in effect, nor for an institution's closing operations during the term for which tuition had been paid while the bond was in force.

4. A license or an agent's permit [shall be] is suspended by operation of law when the institution or agent is no longer covered by a surety bond as required by this section; but the [department] superintendent shall give the institution or agent, or both, at least 30 days' written notice prior to the release of the surety that the license or permit will be suspended by operation of law until another surety bond is filed in the same manner and amount as the bond being terminated.

Sec. 84. NRS 394.281 is hereby amended to read as follows:

394.281 1. If the [board,] superintendent, upon review and consideration of an application for a license or for an agent's permit, or a renewal of a license or agent's permit, determines that the applicant fails to meet the criteria for granting the application, [the board] he shall notify the applicant by certified mail setting forth the reasons for the denial of the application.

2. The [department] superintendent may grant to an applicant for renewal an extension of time to eliminate the reasons recited in the denial letter if:

(a) The applicant has demonstrated [to the department its or] his desire to meet the criteria; and

(b) The [department] superintendent reasonably believes that the applicant can correct the deficiencies within the extension period.

3. If the [board] superintendent denies an application for an agent's permit, or an application for renewal, [it] he shall notify the institution which the agent represented or sought to represent, setting forth the reasons for the denial . [in accordance with the department's records.]

Sec. 85. NRS 394.291 is hereby amended to read as follows:

394.291 Any person aggrieved by [a decision of the board denying] the denial or revocation of a license to operate or an agent's permit, or the placement of conditions on the license to operate or agent's permit, is entitled to a hearing before the board if the aggrieved person submits a written request for a hearing within 10 days from receipt of the [board's] letter of denial [.] , revocation or placement of conditions. If no request is submitted within the prescribed period the decision of the superintendent is final.

Sec. 86. NRS 394.301 is hereby amended to read as follows:

394.301 1. [A] The superintendent may revoke or make conditional a license to operate or an agent's permit [may be revoked

or made conditional] after its issuance if [the department] he reasonably believes that the holder of the license or permit has violated the Private Elementary and Secondary Education Authorization Act or any regulations adopted under it. Prior to the revocation or imposition of conditions, the [department] superintendent shall notify the holder by certified mail of facts or conduct which warrant the impending action and advise the holder that if a hearing is desired it must be requested within 10 days of receipt of the [department's] notice letter.

2. If an agent's permit is revoked or conditions imposed, the [department] superintendent shall, by certified mail, notify the institutions which the agent represented in addition to the agent and any other parties to any hearing.

Sec. 87. NRS 394.311 is hereby amended to read as follows:

394.311 1. Any person claiming damage either individually or as a representative of a class of complainants as a result of any act by an elementary or secondary educational institution or its agent, or both, which is a violation of the Private Elementary and Secondary Education Authorization Act or regulations promulgated under it, may file with the [department] superintendent a verified complaint against the institution, its agent or both. The complaint shall set forth the alleged violation and contain other information as required by regulations of the board. A complaint

may also be filed [with the board] by the superintendent of public instruction [or] on his own motion or by the attorney general.

2. The [department] superintendent shall investigate any verified complaint and may, at [its] his discretion, attempt to effectuate a settlement by persuasion and conciliation. The [department] superintendent may consider a complaint after 10 days' written notice by certified mail to the institution or to the agent, or both, as appropriate, giving notice of a time and place for a hearing.

3. If, after consideration of all evidence presented at a hearing, the [board] superintendent finds that an elementary or secondary educational institution or its agent, or both, has engaged in any act which violates the Private Elementary and Secondary Education Authorization Act or regulations promulgated under it, the [board] superintendent shall issue and serve upon the institution or agent or both, an order to cease and desist from such act. The [board] superintendent may also, as appropriate, based on [its] his own investigation or the evidence adduced at the hearing, or both, institute an action to revoke an institution's license or an agent's permit.

Sec. 88. NRS 394.321 is hereby amended to read as follows:

394.321 If the [board] superintendent determines that irreparable injury would result from [the implementation of its deci-

sion, it] putting into immediate effect any final action or penalty imposed under the Private Elementary and Secondary Education Authorization Act, he shall postpone the effective date of [its] the action pending [judicial] review.

Sec. 89. NRS 394.331 is hereby amended to read as follows:

394.331 All fees collected pursuant to the provisions of the Private Elementary and Secondary Education Authorization Act shall be deposited in the state treasury to the credit of the general fund, and no fees so collected are subject to refund. The fees , to be collected by the [department] superintendent, shall accompany an application for a license to operate or an agent's permit, in accordance with the following schedule:

1. The initial application fee for an elementary or secondary educational institution is \$50.

2. The renewal fee for an elementary or secondary educational institution is \$50.

3. The initial fee for an agent's permit is \$5.

4. The renewal fee for an agent's permit is \$5.

Sec. 90. NRS 394.341 is hereby amended to read as follows:

394.341 1. If any elementary or secondary educational institution operating in this state proposes to discontinue its operation, the chief administrative officer of the institution, by whatever title designated, shall file with the department original

or true copies of all academic records of the institution as specified by the [department.] superintendent. The records shall include, as a minimum, academic information customarily required by schools when considering students for transfer or advanced study; and, as a separate document the academic record of each former student.

2. If it appears to the [department] superintendent that academic records of an institution discontinuing its operations are in danger of being destroyed, secreted, mislaid or otherwise made unavailable to the department, the [department] superintendent may seek a court order permitting the seizure of such records.

3. The [department] superintendent shall maintain a permanent file of such records coming into [its] his possession.

Sec. 91. NRS 394.351 is hereby amended to read as follows:

394.351 It is unlawful for any person, alone or in concert with others, to:

1. Operate in this state an elementary or secondary educational institution not exempted from the provisions of the Private Elementary and Secondary Education Authorization Act, unless the institution has a currently valid license to operate.

2. Offer, as or through an agent, enrollment or instruction in, or educational credentials from, an elementary or secondary educational institution not exempted from the provisions of the Private Elementary and Secondary Education Authorization Act, whether the

institution is within or outside this state, unless the agent is a natural person and has a currently valid agent's permit, except that the [department may, with the approval of the board,] board may adopt regulations to permit a person to disseminate legitimate public information without a permit.

3. Instruct or educate, or offer to instruct or educate (including advertising or soliciting for such purpose), enroll or offer to enroll, or contract with any person for such purpose, or award any educational credential, or contract with any institution or party to perform any such act in this state, whether the person is located within or outside this state, unless such person complies with the minimum standards set forth in NRS 394.241 and the regulations adopted by the board.

4. Use the terms "kindergarten," "elementary," "middle school," "junior high school," "high school" or "secondary" without authorization to do so from the superintendent in accordance with regulations of the board.

5. Grant, or offer to grant, educational credentials, without a currently valid license to operate . [from the board.]

Sec. 92. NRS 394.401 is hereby amended to read as follows:

394.401 The commission shall operate as an independent commission directly responsible to the governor, but it may contract

with the [department] superintendent to obtain fiscal accounting services and office space [.] from the department.

Sec. 93. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

- (a) The governor.
- (b) The department of prisons.
- (c) The University of Nevada System.
- (d) The department of the military.
- (e) The state gaming control board.
- (f) The Nevada gaming commission.
- (g) The state board of parole commissioners.
- (h) The welfare division of the department of human resources.
- (i) The state board of examiners acting pursuant to chapter 217 of NRS.

2. The state [board] department of education is subject to the provisions of this chapter for the purpose of regulation-making but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the distribution of regulations by and the judicial review of decisions of the employment security department;

(b) Chapters 616 and 617 of NRS for the determination of contested claims; and

(c) Chapters 704 and 706 of NRS for the judicial review of decisions of the public service commission of Nevada, prevail over the general provisions of this chapter.

4. The provisions of this chapter do not apply to any order for immediate action, including but not limited to quarantine and the treatment or cleansing of infected or infested animals, object or premises, made under the authority of the state board of agriculture, the state board of health, the state board of sheep commissioners or any other agency of this state in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control.

Sec. 94. NRS 251.040 is hereby amended to read as follows:

251.040 1. In addition to the requirements of NRS 251.030, the county auditor shall notify the clerk of the board of trustees of the county school district and send at the same time a duplicate of the report to the superintendent of public instruction, at the beginning of each month, showing the amount of [funds] money left to the credit of the district at the beginning of the previous month, new [funds] money credited during the previous month and the source thereof, the total of disbursements allowed by warrants during the previous month, and the balance to the credit

of the district at the beginning of the month in which the report is rendered.

2. The report [shall] must be in such form as the [state board of education] superintendent of public instruction may prescribe.

Sec. 95. NRS 385.260, 385.430, 385.450 and 385.460 are hereby repealed.

SUMMARY--Revises limitation on number of meetings for which members of state board of education may be compensated.

(BDR 34-37)

Fiscal Note: Effect on Local Government: No.
Effect on the State or on Industrial
Insurance: Effect less than \$2,000.

AN ACT relating to the state board of education; revising the limitation on the number of meetings for which members may be compensated; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND
ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 385.050 is hereby amended to read as follows:

385.050 1. Each member of the state board of education [shall]
is entitled to receive:

(a) Compensation of not more than \$40 per day for attending each meeting of the board, not to exceed [eight] 12 meetings in any calendar year; and

(b) His traveling and subsistence expenses as provided by law while attending meetings of the board.

2. Claims for compensation and expenses shall be approved by the superintendent of public instruction and the state board of examiners, and shall be paid from funds provided by direct legislative appropriation from the state general fund as other claims against the state are paid.

SUMMARY--Establishes term of office for superintendent of public instruction. (BDR 34-38]

Fiscal Note: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

AN ACT relating to the superintendent of public instruction; establishing a term of 3 years for his office; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND
ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 385.150 is hereby amended to read as follows:

385.150 1. [The superintendent of public instruction shall be appointed by the state board of education; but any person elected to the office of superintendent of public instruction prior to March 6, 1957, shall continue to hold such office until the expiration of the term for which he may have been elected.] On April 1, 1981, and every 3 years thereafter, the state board of education shall appoint a superintendent of public instruction who shall hold office for a term of 3 years. The state board shall fill any vacancy for the unexpired term.

2. The superintendent of public instruction [shall:

(a) Hold office subject to being removed at the pleasure of the state board of education.

(b) Be] is in the unclassified service [as provided by the provisions of chapter 284 of NRS.] of the state.

Sec. 2. The term of the superintendent of public instruction incumbent on the effective date of this act shall be deemed to have begun on April 1, 1978, and a new term shall begin on April 1, 1981.

SUMMARY--Changes requirements for eligibility to office of superintendent of public instruction. (BDR 34-39)

Fiscal Note: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

AN ACT relating to the superintendent of public instruction; changing the requirements for eligibility to his office; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND
ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 385.160 is hereby amended to read as follows:

385.160 To be eligible to the office of superintendent of public instruction, a person [shall:

1. Have attained the age of 21 years at the time of his appointment; and

2.] must:

1. Hold a master's degree ; [in the field of education or school administration.] and

2. Be qualified to obtain a teacher's certificate in this state.

SUMMARY--Adds to duties of superintendent of public instruction and revises qualifications and duties of deputy and associate superintendents. (BDR 34-40)

Fiscal Note: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

AN ACT relating to the state department of education; adding to the duties of the superintendent of public instruction; revising the qualifications and duties of the deputy superintendent of public instruction and the associate superintendent of public instruction for administration; permitting outside occupations only if approved by the state board of education; shortening the title of the associate superintendent; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND

ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 385.290 is hereby amended to read as follows:

385.290 1. The superintendent of public instruction [shall have power to] may appoint a deputy superintendent of public instruction . [, who shall:

(a) Be a graduate of the University of Nevada or a college of equal standard.

(b) Have had at least 20 semester hours in educational subjects by attendance at a standard college or university.

(c) Have had at least 50 months of administrative experience, 30 months of which shall have been in Nevada.] To be eligible for the office of deputy superintendent, a person must possess the

same minimum qualifications required by law for the office of superintendent of public instruction.

2. The deputy superintendent of public instruction shall [:

(a) Assist in the work of the office of the superintendent of public instruction, and do such work as the state board of education or] carry out such duties as may be assigned to him by the superintendent of public instruction . [may direct under the laws of the state.

(b) Have] He has the power to perform all duties required of the superintendent of public instruction.

3. The deputy superintendent of public instruction is in the unclassified service of the state. He is entitled to receive an annual salary and subsistence and travel expenses as provided by law.

4. The deputy superintendent of public instruction shall not pursue any other business or occupation for profit without the approval of the state board of education.

Sec. 2. NRS 385.300 is hereby amended to read as follows:

385.300 1. The superintendent of public instruction [shall have power to] may appoint an associate superintendent of public instruction . [for administration.]

2. The associate superintendent of public instruction [for administration shall:

(a) Be a graduate of a 4-year accredited college or university.
(b) Have familiarity with the field of education, as evidenced by either:

(1) Sufficient college credits in education to qualify for a Nevada high school teacher's certificate; or

(2) Participation in recognized educational research and study.

(c) Have familiarity with the general field of public administration and budgeting, as evidenced by either:

(1) Sufficient college credits to qualify for a minor in public administration, government management or business management; or

(2) Experience in the preparation of government budgets, government accounting or government research.

3. No person shall be appointed to the position of associate superintendent of public instruction for administration unless he has the qualifications herein outlined in both the fields of education and public administration.] shall carry out such duties as may be assigned to him by the superintendent of public instruction.

3. The associate superintendent of public instruction is in the unclassified service of the state. He is entitled to receive an annual salary and subsistence and travel expenses as provided by law.

4. The associate superintendent of public instruction shall not pursue any other business or occupation for profit without the approval of the state board of education.

Sec. 3. NRS 385.310 is hereby amended to read as follows:

385.310 The [powers and duties of the associate] superintendent of public instruction [for administration] shall : [be:

1. To perform all duties pursuant to the contract of integration of the public school teachers' retirement system with the public employees' retirement system.

2. To apportion] 1. Apportion all state school funds to schools of the state as prescribed by law.

[3. To develop] 2. Develop for schools of the state a uniform system of budgeting and accounting, which system, when approved by [the superintendent of public instruction and] the state board of education, shall be made mandatory for all public schools in the state, and shall be enforced as provided for in subsection 2 of NRS 385.315.

[4. To carry] 3. Carry on a continuing study of school finance in the state, and particularly of the method by which schools are financed on the state level, and [to] make such recommendations to [the superintendent of public instruction and] the state board of education as he may, from time to time, deem advisable.

[5. To recommend to the superintendent of public instruction and] 4. Recommend to the state board of education such changes in budget and financial procedures as his studies may show to be advisable.

[6. To perform any] 5. Perform such other statistical and financial duties pertaining to the administration and finance of the schools of the state as may, from time to time, be required .
[by the superintendent of public instruction.

7. To prepare] 6. Prepare the budgets of the state department of education for biennial submission to the governor.

Sec. 4. NRS 385.315 is hereby amended to read as follows:

385.315 In addition to [the powers and] his other duties ,
[prescribed in NRS 385.310, the associate] the superintendent of public instruction [for administration] shall:

1. Investigate any claim against any school fund or separate account established under NRS 354.603 whenever a written protest against the drawing of a warrant, check or order in payment of the claim [against any school fund or separate account established under NRS 354.603 shall be] is filed with the county auditor. If, upon investigation, the [associate] superintendent of public instruction [for administration] finds that any such claim [against any school fund or separate account established under NRS 354.603] is unearned, illegal or unreasonably excessive, he shall notify

the county auditor and the clerk of the board of trustees who drew the order for such claim, stating the reasons in writing why such order is unearned, illegal or excessive. If so notified, the county auditor shall not draw his warrant in payment of [such] the claim nor shall the board of trustees draw a check or order in payment of [such] the claim from a separate account established under NRS 354.603. If the [associate] superintendent of public instruction [for administration] finds that any protested claim is legal and actually due the claimant, he shall authorize the county auditor or the board of trustees to draw his warrant or its check or order [drawn] on an account established under NRS 354.603 for such claim, and the county auditor or the board of trustees shall immediately draw his warrant or its check or order [drawn on an account established under NRS 354.603] in payment of the claim.

2. Inspect the record books and accounts of boards of trustees, [and he shall authorize] and enforce [an efficient] the uniform method of keeping the financial records and accounts of [the school district.] school districts.

3. Inspect the school fund accounts of the county auditors of the several counties, and [he shall] report the condition of the funds of any school district to the board of trustees thereof.

4. Inspect the separate accounts established by boards of trustees under NRS 354.603, and [he shall] report the condition of

such accounts to the respective boards of county commissioners and county treasurers.

Sec. 5. NRS 385.460 is hereby amended to read as follows:

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.

Sec. 6. NRS 385.320 is hereby repealed.

SUMMARY--Revises method for fixing salary of superintendent of public instruction. (BDR 34-42)

Fiscal Note: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Yes.

AN ACT relating to the superintendent of public instruction; authorizing the state board of education to fix his salary; establishing limits; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 385.170 is hereby amended to read as follows:

385.170 1. The superintendent of public instruction [shall] is entitled to receive an annual salary in an amount [determined pursuant to the provisions of NRS 284.182.] fixed by the state board of education to take effect on January 1 of each year. This amount shall be no less than 85 percent and no more than 115 percent of the average of the annual salaries of the superintendents of schools in the two school districts having the largest pupil enrollments in the state, and shall not exceed the limit fixed by NRS 281.123.

2. The superintendent shall devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit.

Sec. 2. NRS 284.182 is hereby amended to read as follows:

284.182 The following state officers and employees in the unclassified service of the State of Nevada shall receive annual salaries not to exceed the approximate maximum amounts set forth following their unclassified grade and specified titles:

Unclassified Grade and Title	Approximate Annual Salary
1. U-53	
Administrator, mental hygiene division.....	\$36,600
2. U-50	
State highway engineer.....	\$35,364
3. U-49	
Director, department of human resources.....	\$31,325
Director, department of conservation and natural resources.....	30,020
Director, department of administration.....	32,239
Commissioner, employee-management relations board.....	24,138
Hearing officer, Nevada industrial commission.....	30,000
Executive assistant, governor's office.....	28,900
Executive assistant, governor's office.....	28,362
4. U-48	
Administrator, division of Colorado River resources.....	\$27,128

Unclassified Grade and Title	Approximate Annual Salary
Chairman, gaming control board.....	\$30,396
Director, department of commerce.....	29,021
[Superintendent of public instruction.....	30,415]
5. U-47	
Director, department of general services.....	\$28,257
Executive director, department of agriculture.....	28,390
Business manager, highway department.....	28,992
Deputy highway engineer (two positions) each.....	31,484
Director, department of prisons.....	28,527
State public works board manager.....	28,943
Chairman, public service commission.....	29,759
Executive director, department of taxation.....	27,759
State engineer (division of water resources).....	26,371
Institute director, Nevada mental health institute.....	29,120
6. U-46	
Director, department of motor vehicles.....	\$26,371
Chairman, Nevada industrial commission.....	27,517
Executive director, employment security depart- ment.....	28,966
Director, department of energy.....	30,000

Unclassified Grade and Title	Approximate Annual Salary
7. U-45	
Assistant director, department of conservation and natural resources (two positions).....	\$24,605
Deputy manager, state public works board.....	26,313
Member, gaming control board (other than chair- man) each.....	27,128
Public service commissioners (other than chair- man) each.....	26,333
Executive secretary, gaming commission.....	24,996
Deputy superintendent of public instruction.....	27,759
Administrator, division of environmental protec- tion.....	27,796
Nevada state planning coordinator.....	25,564
Public defender.....	26,497
Hearing officer I, Nevada industrial commission...	26,500
8. U-44	
Nevada industrial commissioners (other than chairman) each.....	\$23,974
Executive director, public service commission.....	25,983
Public mine inspector.....	22,712
9. U-43	
Deputy executive director, department of taxa- tion.....	\$25,911

Unclassified Grade and Title	Approximate Annual Salary
Director, state department of fish and game.....	\$23,860
Commissioner of insurance.....	26,333
Adjutant general.....	23,974
Associate superintendent of public instruction....	25,236
Real estate administrator.....	22,712
Deputy budget administrator.....	25,236
Executive assistant, governor's office (one position).....	22,106

10. U-42

Administrative officer, dairy commission.....	\$23,513
Administrator, division of state lands.....	21,127
Labor commissioner.....	22,289
State forester firewarden.....	23,345
Administrator, state park system.....	23,343
Manager, computer facility.....	24,478
Commissioner, savings and loan associations.....	24,138
Superintendent of banks.....	25,236
Chief assistant budget administrator.....	19,105
Chief assistant, department of human resources....	24,517
Chief, consumer affairs division.....	20,409
Director, state communications board.....	21,944

Unclassified Grade and Title	Approximate Annual Salary
Executive director, advisory council for career education.....	\$19,833
11. U-41	
Chief deputy state treasurer.....	\$19,691
Deputy, real estate division.....	19,523
Deputy director, department of motor vehicles.....	21,324
Superintendent, youth training center.....	22,964
Superintendent, girls training center.....	22,964
Superintendent, children's home (two positions)...	22,964
Director, commission on crime, delinquency and corrections.....	21,767
Chief parole and probation officer.....	24,053
Taxicab administrator.....	21,767
Director, manpower services.....	22,964
12. U-40	
Treasury cashier.....	\$20,441
Deputy administrator, division of Colorado River resources.....	21,318
General manager, office of state controller.....	25,110
Supervising public defender--office.....	25,857
Supervising public defender--trial.....	23,559

Unclassified Grade and Title	Approximate Annual Salary
Administrator, division of historic preserva- tion and archeology.....	\$20,000
13. U-39	
Deputy executive director, department of taxa- tion.....	\$23,500
Staff counsel, public service commission.....	22,777
Director, consumer affairs, public service commission.....	20,847
Director, state museum.....	19,750
Special assistant, Las Vegas (governor).....	19,552
Press secretary (governor).....	21,792
Deputy public defender (two positions) each.....	22,493
Deputy public defender--prison.....	22,493
Parole board chairman.....	20,000
Parole board member (two positions).....	18,000
Assistant to superintendent of banks.....	21,500
Chief special deputy, insurance division.....	23,000
Deputy, real estate division (Las Vegas).....	17,432
14. U-38	
Director, department of economic development.....	\$20,441
Executive director, equal rights commission.....	18,800

Unclassified Grade and Title	Approximate Annual Salary
Executive director, Nevada Indian commission.....	\$18,800
Highway safety director.....	20,441
Chief assistant, department of fish and game.....	17,732
Chief deputy commissioner, insurance division.....	18,533
Deputy, consumer affairs division.....	18,422
Chief assistant, department of commerce.....	17,119
Administrator, housing division.....	20,636
Deputy mine inspector (two positions) each.....	16,907
Assistant staff counsel, public service com- mission.....	21,590
15. U-37	
Assistant controller.....	\$20,397
Director, civil defense and disaster assistance...	19,271
District supervisor, water commissioners, division of water resources.....	20,331
Deputy secretary of state, securities.....	18,800
Deputy secretary of state.....	18,800
Chairman, committee to hire the handicapped.....	19,138
16. U-36	
Administrator, division of soil conservation.....	\$16,831
Administrative assistant, adjutant general.....	15,460
Executive director, council of arts.....	16,099

Unclassified Grade and Title	Approximate Annual Salary
Chief assistant, insurance division (Las Vegas)...	\$17,742
Child care services officer, welfare.....	16,000
17. U-35	
Administrative assistant, public service commis-	
sion (two positions) each.....	\$18,072
Administrative assistant, public service commis-	
sion (one position).....	17,286
Deputy labor commissioner (Las Vegas).....	14,763
Executive secretary, Nevada athletic commission...	13,993
Executive secretary, historical society.....	16,066
Deputy, industry, economic development.....	18,524
Deputy, tourism, economic development.....	19,201
Director, department of economic opportunity.....	18,296
Secretary, parole board.....	16,066
18. U-34	
Commissioner for veteran affairs.....	\$16,744
Director, brand inspection division.....	17,251
19. U-33	
Deputy director, department of economic	
opportunity.....	\$15,448
Assistant executive secretary, historical	
society.....	11,925

	Unclassified Grade and Title	Approximate Annual Salary
	Secretary to governor.....	\$13,753
20.	U-32	
	Curator, Lost City museum.....	\$13,501
	Deputy commissioner, veteran affairs (Las Vegas) ..	13,728
	Director, Clear Creek.....	13,984
21.	U-31	
	Chief assistant, state public works board.....	\$14,643
22.	U-29	
	Chief assistant, secretary of state.....	\$12,481
	Chief assistant, labor commissioner.....	12,870
	Chief assistant, Nevada industrial commission.....	12,202
	Deputy, Nevada industrial commission.....	12,202
23.	U-27	
	Chief assistant, employment security department... \$11,661	
	Secretary, employee-management relations board....	11,661
	Administrative secretary, governor (five posi- tions) each.....	11,661
	Administrative secretary, comprehensive state- wide planning.....	10,573
	Administrative secretary, governor (one posi- tion).....	11,661
24.	U-20	
	Attendant, Lost City museum.....	\$8,734

Position Title	Approximate Annual Salary
25. State gaming control board	
(a) Office services division:	
Business manager.....	\$21,330
Chief, ER and securities.....	25,016
Financial analyst.....	21,330
Financial analyst.....	21,330
(b) License and tax division:	
Chief, tax and licensing.....	\$25,016
Deputy, chief tax and license.....	19,305
Senior agent, tax and license.....	17,161
(c) Investigations division:	
Chief, investigations.....	\$25,016
Deputy chief, investigations.....	20,441
Coordinator, applicant services.....	21,330
Senior agent, investigations.....	19,350
Agent II, investigations.....	18,524
Agent I, investigations.....	17,683
Intelligence specialist.....	20,192
(d) Enforcement division:	
Chief, enforcement.....	\$25,016
Deputy chief, enforcement (two positions) each....	20,441
Senior agent, enforcement.....	19,350

Position Title	Approximate Annual Salary
Agent II, enforcement.....	\$18,524
Agent I, enforcement.....	17,683
Electronic specialist.....	23,041
Electronic technician.....	16,490
(e) Audit division:	
Chief, audit.....	\$25,016
Deputy chief, audit (two positions) each.....	20,441
Supervisor, audit.....	19,895
Senior agent, audit.....	19,350
Agent II, audit.....	18,524
Agent I, audit.....	17,683
26. Attorney general	
(a) Central office:	
Chief deputy attorney general.....	\$31,270
Chief deputy, Las Vegas.....	31,270
Supervisor--Criminal.....	28,283
Deputy (three positions) each.....	25,121
Deputy.....	23,700
Deputy--Criminal.....	23,700
Deputy--Civil.....	22,602
Chief investigator.....	18,238

Position Title	Approximate Annual Salary
Investigator (two positions) each.....	\$18,238
Administrative assistant.....	18,104
Deputy--Criminal (1/2 position).....	11,301
(b) Deputy attorneys general:	
Supervising deputy--Nevada gaming commission.....	\$29,624
Deputy--Nevada gaming commission.....	26,003
Deputy--public service commission (two posi- tions).....	26,003
Deputy--mental hygiene and mental retardation.....	22,602
Deputy--real estate division.....	22,602
Deputy--department of human resources.....	25,579
Deputy--welfare division.....	26,003
Supervising deputy--welfare division.....	27,320
Deputy--welfare division.....	23,700
Deputy--welfare division.....	20,408
Deputy--department of commerce.....	25,579
Deputy--division of consumer affairs.....	23,700
Deputy--department of conservation and natural resources.....	26,761
Deputy--division of water resources.....	23,700
Deputy--division of Colorado River resources.....	13,660
Deputy--Taxicab authority--office.....	25,579

Position Title	Approximate Annual Salary
Deputy--Bureau of environmental health.....	\$24,797
Deputy--department of motor vehicles.....	25,579
Deputy--Nevada tax commission.....	25,579
Deputy--Nevada state prison.....	23,700
Deputy--Parole and probation (1/2 position).....	11,301
Deputy--Departments of administration and general services.....	24,797
Deputy--Equal rights commission (1/2 position)....	13,660
Deputy--Insurance division.....	25,121
Deputy--welfare division.....	22,602
• Deputy--department of taxation.....	22,602
Deputy--gaming commission.....	25,121
Deputy--department of motor vehicles.....	23,700
(c) Department of highways:	
Chief deputy.....	\$28,637
Assistant chief deputy.....	26,887
Deputy.....	25,121
Deputy.....	24,797
Deputy.....	20,408
Deputy (two positions) each.....	20,408
Deputy.....	18,214
Legal research assistants (three positions) each..	14,264

Position Title	Approximate Annual Salary
27. Supreme court	
Chief legal advisor.....	\$29,920
Court administrator.....	25,885
Management-budget director.....	24,691
Program coordinator.....	19,517
Senior legal assistant (two positions).....	20,122
Legal assistant (two positions*).....	16,013
Clerk.....	25,951
Chief deputy clerk.....	15,601
Deputy clerk.....	12,014
Court reporter.....	15,601
Senior law clerk.....	20,122
Law clerk (five positions).....	16,013
Legal secretary.....	13,911
Legal secretary (five positions).....	13,841

*Three positions after July 1, 1978.

SUMMARY--Places all employees of state department of education, other than clerical employees, in unclassified service of state. (BDR 34-43)

Fiscal Note: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

AN ACT relating to the state department of education; providing that all employees of the department, other than clerical employees, are in the unclassified service of the state; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 284.140 is hereby amended to read as follows:

284.140 The unclassified service of the state consists of positions held by state officers or employees in the executive department of the state government as follows:

1. Persons chosen by election or appointment to fill an elective office.
2. Members of boards and commissions, and heads of departments, agencies and institutions required by law to be appointed.
3. At the discretion of the elective officer or head of each department, agency or institution, one deputy and one chief assistant in each department, agency or institution.
4. All employees in the office of the governor and all persons required by law to be appointed by the governor or heads of departments or agencies appointed by the governor or by boards.

(BDR 34-43)

5. All employees other than clerical in the office of the attorney general and the state public defender required by law to be appointed by the attorney general or the state public defender.

6. All employees, other than clerical employees, of the state department of education.

7. Officers and members of the teaching staff and the agricultural extension department and experiment station staffs of the University of Nevada System, or any other state institution of learning, and student employees of these institutions; but custodial, clerical or maintenance employees of these institutions are in the classified service. The board of regents shall assist the chief in carrying out the provisions of this chapter applicable to the University of Nevada System.

[7.] 8. Officers and members of the Nevada National Guard.

[8.] 9. Persons engaged in public work for the state but employed by contractors when the performance of the contract is authorized by the legislature or other competent authority.

[9.] 10. Patient and inmate help in state charitable, penal, mental and correctional institutions.

[10.] 11. Part-time professional personnel who are paid for any form of medical, nursing or other professional service, and who are not engaged in the performance of administrative or substantially recurring duties.

[11.] 12. All other officers and employees authorized by law to be employed in the unclassified service.

Sec. 2. NRS 385.340 is hereby repealed.

SUMMARY--Provides deputy attorney general for state department of education. (BDR 34-44)

Fiscal Note: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Yes.

AN ACT relating to the state department of education; providing for the designation of a deputy attorney general as counsel to the department; prescribing duties; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 385.270 is hereby amended to read as follows:

385.270 [When required, the attorney general shall give his opinion in writing and without fee to the superintendent of public instruction on matters relating to the duties of the office of the superintendent.]

1. The attorney general is the legal adviser for the state department of education. The attorney general, with the advice and consent of the superintendent of public instruction, shall designate one of his deputies to serve full time as counsel to the department. The duties of the deputy include:

(a) Advising the state board of education and the superintendent of public instruction in all matters relating to the state department of education and its powers and duties;

(BDR 34-44)

(b) Drafting all regulations of the state board of education and the superintendent of public instruction, including amendments to and revisions of the regulations;

(c) Developing guidelines and procedures for local school districts' compliance with federally imposed requirements and conditions; and

(d) Providing interpretations, upon request, of federal and state statutes and regulations relating to the public schools, the state department of education and local school districts.

2. Compensation, expenses, office space and the cost of necessary clerical assistance for the deputy shall be paid from money provided for the support of the state department of education.

Sec. 2. NRS 385.460 is hereby repealed.

SUMMARY--Deletes statutory references to certain special consultants in state department of education and assigns responsibilities to superintendent of public instruction.
(BDR 34-84)

Fiscal Note: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

AN ACT relating to public education; assigning to the superintendent of public instruction the responsibility for establishing programs and curricula to meet the special educational needs of American Indians and for coordinating efforts and developing materials and programs for environmental education; deleting statutory references to special consultants on Indian education and environmental education; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND
ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 389 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. The superintendent of public instruction, working with the American Indian tribes, shall establish programs and curricula designed to meet the special educational needs of American Indians in this state.

Sec. 3. The superintendent of public instruction shall:

1. Coordinate the efforts of the various disciplines within the educational system that are concerned with environmental education.

2. Develop and distribute instructional materials for use in environmental education.

3. Develop programs of in-service teacher training in environmental education.

4. Coordinate the efforts of private organizations, local school districts and governmental agencies that are concerned with environmental education.

Sec. 4. NRS 385.465 and 388.595 are hereby repealed.

SUMMARY--Permits superintendent of public instruction to have outside occupation only if approved by state board of education. (BDR 34-85)

Fiscal Note: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

AN ACT relating to the superintendent of public instruction; permitting an outside occupation only if approved by the state board of education; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 385.170 is hereby amended to read as follows:

385.170 The superintendent of public instruction [shall] is entitled to receive an annual salary in an amount determined pursuant to the provisions of NRS 284.182. The superintendent [shall devote his entire time and attention to the business of his office and] shall not pursue any other business or occupation or hold any other office of profit [.] without the approval of the state board of education.