

**ADOPTED REGULATION OF THE
STATE BOARD OF EDUCATION**

LCB File No. R044-04

Effective July 16, 2004

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §§1-7, NRS 388.575.

A REGULATION relating to education; prescribing the requirements for the statewide program of education for incarcerated persons and for programs of education for incarcerated persons operated by school districts; providing for the transfer of credits earned by an incarcerated person in a program of education who is transferred to another facility or institution operated by the Department of Corrections; and providing other matters properly relating thereto.

Section 1. Chapter 388 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 7, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Incarcerated persons” has the meaning ascribed to it in NRS 388.573.*

Sec. 4. *“Program of education” means a program of education for incarcerated persons operated by the board of trustees of a school district pursuant to NRS 388.573 to 388.583, inclusive, and sections 2 to 7, inclusive, of this regulation, in a facility or institution operated by the Department of Corrections.*

Sec. 5. 1. *The statewide program of education for incarcerated persons is hereby established pursuant to NRS 388.575.*

2. The statewide program and each program of education must:

- (a) Be operated in accordance with the standards prescribed in NAC 387.190 and subsections 1, 2 and 3 of NAC 387.330 for an adult high school diploma program;*
- (b) Comply with the applicable standards adopted by the State Board of Education; and*
- (c) Comply with the requirements for an adult standard diploma set forth in NAC 389.688 to 389.699, inclusive.*

3. An incarcerated person is eligible for participation in a program of education if he:

- (a) Is 17 years of age or older;*
- (b) Has not graduated from a high school; and*
- (c) Is not currently enrolled in a high school.*

4. A facility or institution operated by the Department of Corrections that offers a program of education must use the Comprehensive Adult Student Assessment System to evaluate and determine the placement of incarcerated persons in a program of education.

Sec. 6. 1. *If an incarcerated person who has earned credits in a program of education is transferred to another facility or institution within this State, all credits earned by that incarcerated person must be transferred to another program of education operated within the facility or institution to which the incarcerated person is transferred if the requirements of this section are satisfied.*

2. An incarcerated person who is participating in a program of education and who is transferred from a facility or institution to another facility or institution shall:

- (a) Notify the educational personnel who operate the program of education at the facility or institution in which the person is currently incarcerated of his pending transfer; and*
- (b) Return all textbooks and other school property to that facility or institution.*

3. *An incarcerated person who is participating in a program of education and who is transferred from a facility or institution to another facility or institution in this State shall, if he desires to participate in a program of education at the facility or institution to which he is transferred, notify the educational department at that facility or institution as soon as possible of his previous participation in a program of education. An incarcerated person may satisfy the notice required by this subsection by appearing in person or by submitting an inmate request form DOC-2049. Upon receipt of such notice, the educational personnel at the facility or institution to which the incarcerated person was transferred shall request the class records and schedules for the incarcerated person from the facility or institution in which the person was previously incarcerated. To the extent practicable, the incarcerated person must be placed in classes that are comparable to the classes which he was previously attending so that he may continue his course of study with minimal disruption.*

4. *If a facility or institution receives a request for records for an incarcerated person pursuant to subsection 3, the educational personnel of the program of education at the facility or institution in which that person was previously incarcerated shall make available to the facility or institution to which the incarcerated person was transferred the appropriate educational records of the incarcerated person, including, without limitation, enrollment in courses, status of completion of competency for each course, grades received and credit awarded. Such information must be made available within a reasonable time to allow continuity of the educational program for the incarcerated person.*

5. *Upon successful completion of a course by an incarcerated person in a program of education, the facility or institution in which the person is incarcerated shall credit those courses to his transcript.*

Sec. 7. *If an interagency panel is required to be convened pursuant to NRS 388.583 because a person employed by a school district to operate a program of education is excluded from a facility or institution, the Superintendent of Public Instruction shall:*

- 1. Ensure that the interagency panel is convened as required by NRS 388.583;***
- 2. Provide written notice to each party involved, including:***
 - (a) The time and location of the hearing;***
 - (b) An identification of the reasons for the exclusion of the employee; and***
 - (c) A copy of the complaint; and***
- 3. Not later than 7 days after the hearing is conducted by the interagency panel, provide written notice by certified mail to each party involved of the decision of the interagency panel.***

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R044-04**

The State Board of Education adopted regulations assigned LCB File No. R044-04 which pertain to chapter 388 of the Nevada Administrative Code on May 8, 2004.

Notice date: 4/5/2004
Hearing date: 5/8/2004

Date of adoption by agency: 5/8/2004
Filing date: 7/16/2004

INFORMATIONAL STATEMENT

1. A description of how public comment was solicited, a summary of public response, and explanation how other interested persons may obtain a copy of the summary.

Notice of Workshop to Solicit Comments on Proposed Regulations was sent to approximately 200 individuals and educational organizations. One workshop was held on March 20, 2004. There were no comments from the public.

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of the proposed revisions for a new regulation for Adult High School Education Programs were sent to approximately 200 individuals and educational organizations. The public hearing was conducted on May 8, 2004 to provide the opportunity for comments by affected parties and the public. There were two presenters and no comments from the public. The State Board of Education adopted the proposed new regulation.

2. The number of persons who:

- (a) Attended Each Hearing:** Workshop: 8 First Hearing: 11 Second Hearing: N/A
- (b) Testified at Each Hearing:** Workshop: 0 First Hearing: 2 Second Hearing: N/A
- (c) Submitted Written Statements:** Workshop: 0 First Hearing: 0 Second Hearing: N/A

A copy of any written comments may be obtained by calling LaDonna Byrd-Hicks, Secretary to the State Board of Education, Nevada Department of Education, 775-687-9225, or in writing to the Nevada Department of Education, 700 East Fifth Street, Carson City, NV 89701-5096.

3. A description of how comment was solicited from affected businesses, a summary of their response and an explanation how other interested persons may obtain a copy of the summary.

Comments were solicited through the workshop notice of March 4, 2004 and public hearing notice of April 5, 2004. At the March 20, 2004 Workshop to Solicit Comments, there was no public comments to the proposed language revisions. At the May 8, 2004 public hearing there were no public comments to the proposed language.

Summary of Comments:

Workshop Comments:

a) None

Public Hearing Comments:

- a) Phyllis Dryden, Director of Career, Technical and Adult Education, provided a history of the bill draft request that is to enhance the programs and provide consistency of curriculum for inmates from one correction institution to another.
- b) Marta Hall, Department of Corrections, gave credit to the Curriculum Committee for developing this regulation and hopes for a June publication of this regulation. Ms. Hall stated that they are attempting to track inmates after receiving a GED or diploma and where they are employed after they get out of prison. Ms. Hall stated that there is an advantage to educate and provide job skills to inmates.

A copy of the summary and/or minutes of the public hearing may be obtained by calling LaDonna Byrd-Hicks, Secretary to the State Board of Education, Nevada Department of Education, 775-687-9225, or in writing to the Nevada Department of Education, 700 East Fifth Street, Carson City, NV 89701-5096.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The Nevada State Board of Education/Nevada State Board for Occupational Education adopted the amended regulation language at the public hearing held May 8, 2004. The reason for adopting the new regulation is to enhance the existing, educational delivery system to assist inmates in becoming more employable upon release. The new regulation language establishes a formula for distribution of funds for correctional education programs and requires that an interagency panel be convened if an employee of the school district conducting the program is excluded from the facility or institution operated by the Department of Corrections.

5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:

There is no economic effect on the business, which is regulated. There is no estimated economic effect on the public, either adversely or beneficially, nor immediate or long term.

6. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for enforcement of this regulation.

7. **A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

No other state or government agency regulations will be overlapped or duplicated by the above noted regulation. There is no duplication or overlap of federal regulations.

8. **Does the regulation include provisions which are more stringent than a federal regulation which regulates the same activity?**

There are none.

9. **Does the regulation provide a new fee or increase an existing fee?**

This regulation does not provide for a new fee or increase an existing fee.