

LCB File No. R044-04

**PROPOSED REGULATION OF THE
STATE BOARD OF EDUCATION**

Matter *italicized* below is new language.

AUTHORITY: § NRS 388.573-388.583 (Senate Bill 317, enacted by the 2003 Nevada State Legislature)

Section 1. Chapter 388 of NAC is hereby amended by adding the provisions set forth as sections 2 to 5, inclusive, of this act as follows:

Section 2. *“Incarcerated persons” defined means persons who are incarcerated in a facility or institution operated by the Department of Corrections.*

Section 3. *Program of education for incarcerated persons: Courses of Study.*

1. An adult high school diploma program must be operated in accordance with the standards prescribed in NAC 387.190 and NAC 387.330, sections 1, 2, and 3.

2. All courses must meet the state-adopted standards and the requirements for an adult standard diploma as established in NAC 389.688 through NAC 389.699 and may include:

- (a) A high school diploma;*
- (b) Basic literacy;*
- (c) English as a Second Language (ESL);*
- (d) General Education Development (GED);*
- (e) Life Skills;*
- (f) Occupational education; and*
- (g) Postsecondary education.*

3. The statewide program does not include the programs of general education, vocational education and training established by the Board of State Prison Commissioners pursuant to NRS 209.389.

4. The Comprehensive Adult Standard Assessment System (CASAS) will be used in each of the correctional facilities in the evaluation and placement of each incarcerated person.

5. All credits earned by an incarcerated person at one correctional institution shall be transferable to another correctional institution within the State system as established in NRS 388.575 (4b).

(a) The inmate is responsible for notifying education personnel at the sending institution of his pending transfer. All textbooks and other school property shall remain with the sending institution. The inmate is also responsible for notifying the education department at the receiving institution, as soon as possible, that he was enrolled in an educational program prior to his transfer. This can be done by a personal visit to the correction's educational center or by Inmate Request Form, DOC-2049, commonly referred to as a kite.

(b) Educational personnel at the receiving institution are responsible for requesting records and class schedules from the sending program for the transferred inmate. To the extent practical, the inmate will be placed in comparable classes to continue his studies with as little disruption as possible.

(c) It is the responsibility of education personnel at the sending institution to make appropriate records such as, current course enrollment, competency completion in each course, grades, and previous credits awarded, available to the receiving institution, in a reasonable time to allow continuity of programming.

(d) Upon the successful completion of courses, the receiving institution will credit those courses to the inmate's transcript.

Section 4. *Funds for correctional education programs will be distributed in accordance with a formula established by the Department of Education.*

Section 5. *Interagency panel required to be convened if an employee of a school district conducting the program is excluded from the facility or institution operated by the Department of Corrections; final decision is by the panel.*

1. If the Superintendent of Public Instruction receives notification that a manager or warden has excluded an employee of a school district from the correctional facility, the

Superintendent shall convene an interagency panel as prescribed in NRS 388.583 to conduct a hearing regarding the incident.

2. The Superintendent shall provide certified written notice to the parties involved. The notice must:

(a) (a) Include the time and location of the hearing;

(b) Identify the reasons for exclusion and copies of the complaint.

3. Within (7) calendar days after the hearing is conducted pursuant to subsection 1, the Superintendent will provide a certified written notice to the parties involved of the decision of the interagency panel.

4. The decision of the interagency panel is a final decision in a contested case.

5. The hearing will be conducted in accordance with the provisions of NRS 233B.