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Nevada State Education Association

Amendment to SB 317

See attached memorandum from Jim Penrose.

Memorandum

To: Debbie Cahill

From: Jim Penrose

Re: Revision to BDR 34-594 (education for incarcerated persons) SB 317

Date: March 11, 2003

I would suggest revising section ⁷~~8~~ of the bill draft so that it reads as follows. The underlined language is new.

⁷
Sec. ~~8~~. 1. If a manager or warden excludes from the facility or institution an educational employee, an interagency panel must be convened to review the exclusion.

2. The interagency panel must:

(a) Consist of:

- (1) The Director of the Department of Corrections or his designee;
- (2) The Superintendent of Public Instruction or his designee;
- (3) The immediate supervisor of the educational employee; and
- (4) A person designated by the Nevada State Education

Association.

(b) Conduct a hearing to determine whether the exclusion will be upheld or overturned. The hearing must be conducted in compliance with all applicable provisions of chapter 233B of NRS.

3. The decision of the interagency panel is a final decision in a contested case. Any finding of fact or law, determination, decision, conclusion or final order or judgment made by a manager or warden, the interagency panel or a district court is not admissible or binding in any separate or subsequent action or proceeding, between the educational employee and the school district, brought before an arbitrator, hearing officer, court or judge of this state or the United States.

4. Nothing in this section shall be deemed to impair any right or remedy existing in favor of the educational employee pursuant to chapter 288 or 391 of NRS or any collective-bargaining agreement applicable to the employee.

5. As used in this section, "educational employee" means a person employed by a school district to operate a program of education for incarcerated persons in a facility or institution of the Department of Corrections.