

Amendment No. 261

Assembly Amendment to Assembly Bill No. 17 (BDR 34-319)

Proposed by: Assembly Committee on Education

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	☐	Lost	☐ _____	Adopted	☐	Lost	☐ _____
Concurred In	☐	Not	☐ _____	Concurred In	☐	Not	☐ _____
Receded	☐	Not	☐ _____	Receded	☐	Not	☐ _____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

KCR/BJE



Date: 4/21/2013

A.B. No. 17—Revises provisions governing interagency panels convened when a school district employee operating a program of education for incarcerated persons is excluded from a facility or institution operated by the Department of Corrections. (BDR 34-319)



ASSEMBLY BILL NO. 17—COMMITTEE ON EDUCATION

(ON BEHALF OF THE DEPARTMENT OF CORRECTIONS)

PREFILED DECEMBER 19, 2012

Referred to Committee on Education

SUMMARY—Revises provisions governing ~~interagency panels convened when~~ the conditions under which the access of a school district employee operating a program of education for incarcerated persons ~~is excluded from~~ at a facility or institution operated by the Department of Corrections ~~it~~ may be restricted. (BDR 34-319)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

AN ACT relating to ~~education~~ governmental administration; revising provisions governing ~~interagency panels convened when~~ the conditions under which the access of a school district employee operating a program of education for incarcerated persons ~~is excluded from~~ at a facility or institution operated by the Department of Corrections ~~it~~ may be restricted; revising provisions governing the interagency panel convened to conduct a hearing on the matter; requiring the Director of the Department to take proper measures to protect the health and safety of school district employees operating such a program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Education to establish a statewide program of education for incarcerated persons. (NRS 388.575) Existing law also requires that if a manager or warden excludes from a facility or institution operated by the Department of Corrections a person employed by a school district to operate a program of education for incarcerated persons in the facility or institution, an interagency panel must be convened to conduct a hearing to determine whether to uphold the exclusion. (NRS 388.583) ~~Instead of having the panel render a final decision, this bill requires the Director of the Department of Corrections to render a written decision affirming or disaffirming, in whole or in part, the determination of the interagency panel within 10 business days after such a hearing is conducted and provides that the decision of the Director is not subject to appeal.~~ Section 1 of this bill removes the reference to a manager or warden excluding a school district employee from a facility or institution and instead authorizes the Director of the Department of Corrections, upon good cause shown, to restrict the access of such an employee to a facility or institution for not more than 30 days. During the 30-day period,

the interagency panel must be convened to conduct a hearing and render a final decision on the matter. Section 1 also defines "good cause shown" to include the failure of a school district employee to adhere to rules or regulations of the Director pertaining to health and safety and to exclude disagreements over the courses of study for the program of education.

Under existing law, the Director of the Department is required to take proper measures to protect the health and safety of the staff and offenders in the institutions. (NRS 209.131) Section 2 of this bill requires the Director to take proper measures to protect the health and safety of school district employees who operate a program of education for incarcerated persons in an institution or facility.

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

Section 1. NRS 388.583 is hereby amended to read as follows:

388.583 1. ~~If a manager or warden excludes from the facility or institution~~
The Director of the Department of Corrections may, upon good cause shown,
restrict the access of a person employed by a school district to operate a program of
education for incarcerated persons ~~in the~~ to a facility or institution ~~in which~~
the program is operated for not more than 30 days. Within the 30-day period, an
interagency panel must be convened ~~to~~ to conduct a hearing and render a final
decision pursuant to subsection 2.

2. The interagency panel must:

(a) Consist of:

- (1) The Director of the Department of Corrections or the Director's designee;
- (2) The Superintendent of Public Instruction or the Superintendent's designee; and
- (3) The immediate supervisor of the person employed by the school district.

(b) Conduct a hearing in compliance with all applicable provisions of chapter 233B of NRS.

3. ~~Upon conclusion of the hearing conducted pursuant to subsection 2, the Director shall render a written decision affirming or disaffirming, in whole or in part, the determination made by the interagency panel within 10 business days after the hearing.~~ The decision of the interagency panel ~~(Director)~~ is a final decision in a contested case, and is not subject to appeal.

4. For purposes of subsection 1, "good cause shown":

(a) May include the failure of a person employed by a school district to adhere to rules or regulations established by the Director of the Department of Corrections to protect the health and safety of staff of the facility or institution, offenders in the facility or institution and employees of the school district who operate a program of education for incarcerated persons in a facility or institution.

(b) May not include disagreements over the content of the courses of study for such a program of education.

Sec. 2. NRS 209.131 is hereby amended to read as follows:

209.131 The Director shall:

1. Administer the Department under the direction of the Board.
2. Supervise the administration of all institutions and facilities of the Department.

1 3. Receive, retain and release, in accordance with law, offenders sentenced to
2 imprisonment in the state prison.

3 4. Be responsible for the supervision, custody, treatment, care, security and
4 discipline of all offenders under his or her jurisdiction.

5 5. Ensure that any person employed by the Department whose primary
6 responsibilities are:

7 (a) The supervision, custody, security, discipline, safety and transportation of
8 an offender;

9 (b) The security and safety of the staff; and

10 (c) The security and safety of an institution or facility of the Department,
11 is a correctional officer who has the powers of a peace officer pursuant to
12 subsection 1 of NRS 289.220.

13 6. Establish regulations with the approval of the Board and enforce all laws
14 governing the administration of the Department and the custody, care and training
15 of offenders.

16 7. Take proper measures to protect the health and safety of the staff and
17 offenders in the institutions and facilities of the Department.

18 8. Take proper measures to protect the health and safety of persons
19 employed by a school district to operate a program of education for incarcerated
20 persons in an institution or facility pursuant to NRS 388.573 to 388.583,
21 inclusive.

22 9. Cause to be placed from time to time in conspicuous places about each
23 institution and facility copies of laws and regulations relating to visits and
24 correspondence between offenders and others.

25 ~~9.~~ 10. Provide for the holding of religious services in the institutions and
26 facilities and make available to the offenders copies of appropriate religious
27 materials.

28 ~~Sec. 2.~~ Sec. 3. This act becomes effective upon passage and approval.