

SENATE BILL NO. 213—SENATORS GANSERT, ROBERSON,
KIECKHEFER; GOICOECHEA AND HARDY

FEBRUARY 27, 2017

JOINT SPONSORS: ASSEMBLYWOMEN
BENITEZ-THOMPSON; AND TOLLES

Referred to Committee on Education

SUMMARY—Revises provisions relating to education.
(BDR 34-583)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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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; authorizing the Superintendent of Public Instruction to carry out an on-site inspection of a provider of special education in certain circumstances; authorizing the Superintendent of Public Instruction to take certain measures to ensure compliance with the laws governing the education of pupils with disabilities in certain circumstances; requiring the Department of Education to prescribe certain policies and procedures for programs of special education; revising certain provisions concerning background checks conducted on certain educational personnel; authorizing a court that orders a child to be placed with someone other than a parent to appoint an educational surrogate parent for the child; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law requires the Department of Education to ensure compliance with
- 2 the Individuals with Disabilities Education Act, federal regulations adopted
- 3 pursuant to the Act and Nevada statutes and regulations governing the education of
- 4 pupils with disabilities. (20 U.S.C. §§ 1400 et seq.; 34 C.F.R. Part 300; NRS
- 5 388.417-388.5243) Existing regulations also require the Department to monitor
- 6 each school district, charter school or other governmental entity responsible for
- 7 providing education to pupils with disabilities and to administer a state complaint



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8 system for the investigation of potential noncompliance with certain federal or state
9 laws. (34 C.F.R. §§ 300.151 et seq.; NAC 388.092, 388.318) **Section 5** of this bill
10 authorizes the Superintendent of Public Instruction to order an on-site inspection of
11 a provider of special education after determining that good cause for an on-site
12 inspection exists. **Section 8** of this bill defines the term "provider of special
13 education" to mean a school within a school district or charter school that provides
14 education or services to pupils with disabilities or any other entity that is
15 responsible for providing education or services to pupils with disabilities for a
16 school district or charter school. If an inspection is ordered by the Superintendent
17 and the provider of special education is found to be out of compliance with the laws
18 governing special education, **section 5** requires the Superintendent to: (1) meet with
19 the provider to determine the most efficient and expeditious manner in which to
20 bring the provider into compliance; and (2) request a plan of corrective action from
21 the board of trustees of the school district or the governing body of the charter
22 school, as applicable.

23 Existing law provides that the Superintendent of Public Instruction is
24 responsible for the enforcement of the K-12 public education laws of this State, and
25 once it is determined that a school district or a charter school is not in compliance
26 with such laws, the Superintendent is required to request a plan of corrective action
27 from the board of trustees of the school district or the governing body of the charter
28 school. (NRS 385.175) Existing federal law also requires the State to conduct a
29 hearing when a parent alleges that his or her child has not received certain due
30 process safeguards that are required by the Individuals with Disabilities Education
31 Act and to provide for an opportunity to appeal the decision rendered by the
32 hearing officer. (20 U.S.C. § 1415) **Section 6** of this bill requires the
33 Superintendent to take certain measures in response to the failure or refusal of a
34 provider of special education to comply in a timely manner with a plan of
35 corrective action or the order of a hearing officer related to due process safeguards.
36 **Section 6** requires the Superintendent to take certain factors into consideration
37 before determining the corrective measures to take. After considering these factors,
38 **section 6** requires the Superintendent to take appropriate measures to ensure
39 compliance.

40 **Section 7** of this bill requires the Department of Education to prescribe policies
41 and procedures necessary to carry out: (1) a program of training for certain school
42 district and charter school personnel; and (2) requirements for notifying parents of
43 pupils with disabilities of certain information concerning special education
44 programs. **Section 7** also requires the board of trustees of each school district and
45 the governing body of each charter school to adopt a program for reporting certain
46 information about pupils in the special education programs in each school.

47 Existing law governs the employment of persons in school districts in this
48 State. Under existing law, an applicant seeking employment with a school district
49 in this State, except a teacher or other person licensed by the Superintendent of
50 Public Instruction, must submit a complete set of his or her fingerprints and written
51 permission authorizing the school district to forward the fingerprints to the Central
52 Repository for Nevada Records of Criminal History for its report on the criminal
53 history of the applicant and for submission to the Federal Bureau of Investigation
54 for its report on the criminal history of the applicant. (NRS 391.104) **Section 9** of
55 this bill requires paraprofessionals to undergo subsequent background
56 investigations, every 5 years, as a condition to continue employment with the
57 school district.

58 Existing law gives a juvenile court exclusive jurisdiction over proceedings
59 concerning a child in need of protection in this State, except if the child is subject to
60 the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act of 1978,
61 25 U.S.C. §§ 1901 et seq. (NRS 432B.410) The juvenile court may take actions to
62 protect a child from abuse and neglect, including ordering a child to be placed into



63 the custody of a person other than a parent. (NRS 432B.550) **Section 10** of this bill
64 authorizes a court to appoint an educational surrogate parent for a child who is a
65 pupil with a disability.

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

1 **Section 1.** NRS 385.040 is hereby amended to read as follows:
2 385.040 1. The State Board shall hold at least 9 but not more
3 than 12 regular meetings annually at the State Capital. The Secretary
4 shall call all regular meetings.

5 2. At least one of the meetings of the State Board must include
6 a discussion with the superintendents of the school districts,
7 presidents of the boards of trustees of the school districts,
8 representatives of the governing bodies of charter schools,
9 representatives of the governing bodies of university schools for
10 profoundly gifted pupils and the chairs of all boards, commissions
11 and councils in the public education system in this State to discuss:

12 (a) The goals and benchmarks of the State for improving the
13 academic achievement of pupils enrolled in public schools;

14 (b) The effects of those goals and benchmarks on the school
15 districts and public schools;

16 (c) The status of the school districts and public schools in
17 achieving the goals and benchmarks; and

18 (d) The status of any ~~corrective actions imposed on a school~~
19 ~~district or public school.~~ *plan of corrective action requested by the*
20 *Superintendent of Public Instruction and of any measures taken*
21 *to ensure compliance with a plan of corrective action or an order*
22 *of a hearing officer pursuant to section 6 of this act.*

23 3. The State Board may hold special meetings at such other
24 times and places as the State Board may direct. The Secretary shall
25 call special meetings upon the written request of the President or
26 any three voting members of the State Board.

27 4. A majority of the voting members of the State Board
28 constitutes a quorum for the transaction of business, and no action
29 of the State Board is valid unless that action receives, at a legally
30 called meeting, the approval of a majority of all voting members.

31 **Sec. 2.** NRS 385.175 is hereby amended to read as follows:

32 385.175 The Superintendent of Public Instruction is the
33 educational leader for the system of K-12 public education in this
34 State. The Superintendent of Public Instruction shall:

35 1. Execute, direct or supervise all administrative, technical and
36 procedural activities of the Department in accordance with policies
37 prescribed by the State Board.



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. Enforce the observance of this title and all other statutes and regulations governing K-12 public education.

6. Request a plan of corrective action from the board of trustees of a school district or the governing body of a charter school if the Superintendent of Public Instruction determines that the school district or charter school, *or any other entity which provides education to a pupil with a disability for a school district or charter school*, has not complied with a requirement of this title or any other statute or regulation governing K-12 public education. The plan of corrective action must provide a timeline approved by the Superintendent of Public Instruction for compliance with the statute or regulation.

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

Sec. 3. NRS 385.230 is hereby amended to read as follows:

385.230 1. The Department shall, in conjunction with the State Board, prepare an annual report of the state of public education in this State. The report must include, without limitation:

(a) An analysis of each annual report of accountability prepared by the State Board pursuant to NRS 385A.400;

(b) An update on the status of K-12 public education in this State;

(c) A description of the most recent vision and mission statements of the State Board and the Department, including, without limitation, the progress made by the State Board and Department in achieving those visions and missions;

(d) A description of the goals and benchmarks for improving the academic achievement of pupils which are included in the plan to improve the achievement of pupils required by NRS 385.111;

(e) A description of any significant changes made to the collection, maintenance or transfer of data concerning pupils by the Department, a school district, a sponsor of a charter school or a university school for profoundly gifted pupils;

(f) Any new data elements, including, without limitation, data about individual pupils and aggregated data about pupils within a defined group, proposed for inclusion in the automated system of accountability information for Nevada established pursuant to NRS 385A.800;



(g) An analysis of the progress the public schools have made in the previous year toward achieving the goals and benchmarks for improving the academic achievement of pupils;

(h) An analysis of whether the standards and examinations adopted by the State Board adequately prepare pupils for success in postsecondary educational institutions and in career and workforce readiness;

(i) An analysis of the extent to which school districts and charter schools recruit and retain effective teachers and principals;

(j) An analysis of the ability of the automated system of accountability information for Nevada established pursuant to NRS 385A.800 to link the achievement of pupils to the performance of the individual teachers assigned to those pupils and to the principals of the schools in which the pupils are enrolled;

(k) An analysis of the extent to which the lowest performing public schools have improved the academic achievement of pupils enrolled in those schools;

(l) A summary of the innovative educational programs implemented by public schools which have demonstrated the ability to improve the academic achievement of pupils, including, without limitation:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

(5) Pupils who are migratory children, as defined by the State Board; ~~and~~

(m) A description of any plan of corrective action requested by the Superintendent of Public Instruction from the board of trustees of a school district or the governing body of a charter school and the status of that plan ~~H~~ ; and

(n) A summary of any measures taken by the Superintendent of Public Instruction pursuant to section 6 of this act to ensure compliance with a plan of corrective action or the order of a hearing officer.

2. In odd-numbered years, the Superintendent of Public Instruction shall present the report prepared pursuant to subsection 1 in person to the Governor and each standing committee of the Legislature with primary jurisdiction over matters relating to K-12 public education at the beginning of each regular session of the Legislature.

3. In even-numbered years, the Superintendent of Public Instruction shall, on or before January 31, submit a written copy of



1 the report prepared pursuant to subsection 1 to the Governor and to
2 the Legislative Committee on Education.

3 **Sec. 4.** Chapter 388 of NRS is hereby amended by adding
4 thereto the provisions set forth as sections 5, 6 and 7 of this act.

5 **Sec. 5. 1.** *Any person or governmental entity may request*
6 *the Superintendent of Public Instruction to determine whether a*
7 *provider of special education is in compliance with the Individuals*
8 *with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., NRS*
9 *388.417 to 388.525, inclusive, and sections 5, 6 and 7 of this act,*
10 *any regulations adopted pursuant thereto, or any other law or*
11 *regulation governing the education of pupils with disabilities in*
12 *this State.*

13 **2.** *Upon receipt of a request pursuant to subsection 1 or upon*
14 *his or her own initiative, the Superintendent of Public Instruction*
15 *must determine whether there is good cause to conduct an on-site*
16 *inspection of the provider of special education. If the*
17 *Superintendent of Public Instruction determines there is good*
18 *cause to conduct an on-site inspection, the Superintendent of*
19 *Public Instruction shall cause such an inspection to be conducted*
20 *by the Department within 30 days after making the determination.*

21 **3.** *If, after an inspection conducted pursuant to subsection 2,*
22 *the Superintendent of Public Instruction determines that a*
23 *provider of special education is not in compliance with a law or*
24 *regulation governing the education of pupils with disabilities, the*
25 *Superintendent of Public Instruction must, not more than 30 days*
26 *after completion of the inspection:*

27 **(a)** *Meet with the provider of special education to determine*
28 *the most efficient and expeditious manner in which to bring the*
29 *provider of special education into compliance with the law or*
30 *regulation; and*

31 **(b)** *Request the board of trustees of the school district or the*
32 *governing body of the charter school, as applicable, to establish a*
33 *plan of corrective action pursuant to NRS 385.175 to ensure*
34 *compliance with the law or regulation.*

35 **Sec. 6. 1.** *If a provider of special education fails or refuses*
36 *to comply in a timely manner with a plan of corrective action*
37 *established pursuant to NRS 385.175 or with an order of a hearing*
38 *officer issued pursuant to a due process hearing conducted*
39 *pursuant to the Individuals with Disabilities Education Act, 20*
40 *U.S.C. §§ 1400 et seq., or pursuant to an appeal therefrom, the*
41 *Superintendent of Public Instruction must take appropriate*
42 *measures to ensure compliance with the Individuals with*
43 *Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., NRS 388.417*
44 *to 388.525, inclusive, and sections 5, 6 and 7 of this act, any*
45 *regulations adopted pursuant thereto, or any other law or*



1 *regulation governing the education of pupils with disabilities in*
2 *this State.*

3 2. *In determining the appropriate measures to take to ensure*
4 *compliance with the laws and regulations governing the education*
5 *of pupils with disabilities, the Superintendent of Public Instruction*
6 *must consider:*

7 (a) *The severity of the failure to comply with the plan of*
8 *corrective action or the order of the hearing officer and the length*
9 *and number of times that the provider of special education has*
10 *been out of compliance with the laws and regulations governing*
11 *the education of pupils with disabilities;*

12 (b) *Whether the provider of special education made a good*
13 *faith effort to comply with the plan of corrective action or the*
14 *order of the hearing officer;*

15 (c) *The impact on pupils served by the provider of special*
16 *education of the failure to comply with the plan of corrective*
17 *action or the order of the hearing officer; and*

18 (d) *Whether the provider of special education has previously*
19 *failed to comply with such a plan of corrective action or order of a*
20 *hearing officer.*

21 3. *The actions which the Superintendent of Public*
22 *Instruction may take to ensure compliance pursuant to subsection*
23 *1 after considering the factors set forth in subsection 2 include,*
24 *without limitation:*

25 (a) *Extending the time by which the provider of special*
26 *education must comply with the plan of corrective action;*

27 (b) *Revising the plan of corrective action;*

28 (c) *Requiring the school district or the governing body of the*
29 *charter school, as applicable, to provide technical assistance to*
30 *the provider of special education to assist with compliance with the*
31 *laws and regulations governing the education of pupils with*
32 *disabilities;*

33 (d) *Requiring the school district or the governing body of the*
34 *charter school, as applicable, to provide appropriate professional*
35 *development for the provider of special education to assist with*
36 *compliance with the laws and regulations governing the education*
37 *of pupils with disabilities;*

38 (e) *Ordering a special investigation of the provider of special*
39 *education or additional on-site inspections of the provider of*
40 *special education to ensure compliance with the laws and*
41 *regulations governing the education of pupils with disabilities, or*
42 *both;*

43 (f) *Requiring the school district or charter school, as*
44 *appropriate, to assign one or more persons to monitor compliance*
45 *with the plan of corrective action or order of the hearing officer*



1 *and the laws and regulations governing the education of pupils*
2 *with disabilities by the provider of special education;*

3 *(g) Requiring the school district or charter school, as*
4 *applicable, to take appropriate disciplinary action against a*
5 *principal or other administrator who knowingly and willfully fails*
6 *to comply with a plan of corrective action or order of a hearing*
7 *officer;*

8 *(h) Requiring the provider of special education to attend a*
9 *public meeting of the State Board to explain the failure of the*
10 *provider of special education to comply with a plan of corrective*
11 *action or order of a hearing officer, address public concerns and*
12 *outline the actions that the provider of special education intends to*
13 *take to ensure compliance with the laws and regulations*
14 *governing the education of pupils with disabilities;*

15 *(i) Taking punitive action against the provider of special*
16 *education, which may include, without limitation:*

17 *(1) To the extent possible, redirecting money provided by*
18 *the Federal Government for administrative costs related to the*
19 *Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et*
20 *seq.; or*

21 *(2) To the extent possible, withholding, in whole or in part,*
22 *any federal or state apportionment to the provider; or*

23 *(j) Seeking enforcement of a plan of corrective action or the*
24 *order of a hearing officer in a court of competent jurisdiction.*

25 *4. The Superintendent of Public Instruction may work with*
26 *any other appropriate governmental entity to carry out the*
27 *provisions of subsection 3.*

28 *Sec. 7. 1. The Department, in accordance with the*
29 *Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et*
30 *seq., and the regulations adopted pursuant thereto, shall adopt*
31 *regulations prescribing:*

32 *(a) Standards for a program of training for persons who are*
33 *employed by school districts and charter schools and who assist in*
34 *carrying out the education of pupils who are receiving special*
35 *education services pursuant to NRS 388.417 to 388.469, inclusive,*
36 *and sections 5, 6 and 7 of this act, including, without limitation,*
37 *teachers, administrators, other licensed educational personnel,*
38 *substitute teachers, personnel who provide related services and*
39 *paraprofessionals.*

40 *(b) The required content and manner of notifying the parents*
41 *of pupils with disabilities of certain information, which must*
42 *include, without limitation:*

43 *(1) A description of the procedure whereby an*
44 *individualized education program is developed and implemented*
45 *for a pupil with a disability.*



(2) *That the parent of a pupil with a disability has the right to invite persons who have knowledge or special expertise regarding the pupil, including, without limitation, related service personnel, to participate as a member of the individualized education program team for the pupil.*

(3) *A description of the effect of receiving an adjusted diploma, if a pupil with a disability desires to receive an adjusted diploma pursuant to NRS 390.600, including, without limitation, that an adjusted diploma may not be used to apply to a college or university.*

2. *The board of trustees of each school district and the governing body of each charter school shall adopt a program for reporting information concerning the special education programs in each school. The report must include, without limitation, the total number of pupils with disabilities:*

(a) *Placed in special education programs.*

(b) *With an individualized education program.*

(c) *Who received an adjusted diploma.*

(d) *Who dropped out of school.*

(e) *Who did not satisfy the requirements set forth in his or her individualized education program.*

Sec. 8. NRS 388.417 is hereby amended to read as follows:

388.417 As used in NRS 388.417 to 388.515, inclusive **H** , and sections 5, 6 and 7 of this act:

1. "Communication mode" means any system or method of communication used by a person who is deaf or whose hearing is impaired to facilitate communication which may include, without limitation:

(a) American Sign Language;

(b) English-based manual or sign systems;

(c) Oral and aural communication;

(d) Spoken and written English, including speech reading or lip reading; and

(e) Communication with assistive technology devices.

2. "Dyslexia" means a neurological learning disability characterized by difficulties with accurate and fluent word recognition and poor spelling and decoding abilities that typically result from a deficit in the phonological component of language.

3. "Dyslexia intervention" means systematic, multisensory intervention offered in an appropriate setting that is derived from evidence-based research.

4. "Individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

5. "Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).



6. *“Provider of special education” means a school within a school district or charter school that provides education or services to pupils with disabilities or any other entity that is responsible for providing education or services to a pupil with a disability for a school district or charter school.*

7. “Pupil who receives early intervening services” means a person enrolled in kindergarten or grades 1 to 12, inclusive, who is not a pupil with a disability but who needs additional academic and behavioral support to succeed in a regular school program.

~~17-1~~ 8. “Pupil with a disability” means a “child with a disability,” as that term is defined in 20 U.S.C. § 1401(3)(A), who is under 22 years of age.

~~18-1~~ 9. “Response to scientific, research-based intervention” means a collaborative process which assesses a pupil’s response to scientific, research-based intervention that is matched to the needs of a pupil and that systematically monitors the level of performance and rate of learning of the pupil over time for the purpose of making data-based decisions concerning the need of the pupil for increasingly intensified services.

~~19-1~~ 10. “Specific learning disability” means a disorder in one or more of the basic psychological processes involved in understanding or using spoken or written language which is not primarily the result of a visual, hearing or motor impairment, intellectual disability, serious emotional disturbance, or an environmental, cultural or economic disadvantage. Such a disorder may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or perform mathematical calculations. The term includes, without limitation, perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia.

Sec. 9. NRS 391.104 is hereby amended to read as follows:

391.104 1. Each applicant for employment pursuant to NRS 391.100, except a teacher or other person licensed by the Superintendent of Public Instruction, must, as a condition to employment, submit to the school district a full set of the applicant’s fingerprints and written permission authorizing the school district to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant.

2. Except as otherwise provided in subsection 3, the board of trustees of a school district shall not require a licensed teacher or other person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district, including, without limitation:



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1 (a) Sick leave;
2 (b) Sabbatical leave;
3 (c) Personal leave;
4 (d) Leave for attendance at a regular or special session of the
5 Legislature of this State if the employee is a member thereof;
6 (e) Maternity leave; and
7 (f) Leave permitted by the Family and Medical Leave Act of
8 1993, 29 U.S.C. §§ 2601 et seq.,
9 ➔ to submit a set of his or her fingerprints as a condition of return
10 to or continued employment with the school district if the employee
11 is in good standing when the employee began the leave.

12 3. A board of trustees of a school district may ask the
13 Superintendent of Public Instruction to require a person licensed by
14 the Superintendent of Public Instruction pursuant to NRS 391.033
15 who has taken a leave of absence from employment authorized by
16 the school district to submit a set of his or her fingerprints as a
17 condition of return to or continued employment with the school
18 district if the board of trustees has probable cause to believe that the
19 person has committed a felony or an offense involving moral
20 turpitude during the period of his or her leave of absence.

21 *4. The board of trustees of a school district shall require a*
22 *paraprofessional who desires to continue employment with the*
23 *school district to submit to the school district a full set of his or her*
24 *fingerprints at least once every 5 years after the initial*
25 *investigation.*

26 **Sec. 10.** Chapter 432B of NRS is hereby amended by adding
27 thereto a new section to read as follows:

28 *1. A court that enters an order pursuant to NRS 432B.550*
29 *may appoint an educational surrogate parent for a child who is a*
30 *pupil with a disability. The court may appoint:*

31 *(a) A parent or other person responsible for the child's welfare*
32 *if:*

33 *(1) The parent or other person responsible for the child's*
34 *welfare requests the appointment; and*

35 *(2) The court determines the appointment is in the best*
36 *interests of the child.*

37 *(b) A person other than a parent or other person responsible*
38 *for the child's welfare if:*

39 *(1) The person has not caused the abuse or neglect of the*
40 *child;*

41 *(2) The person has a personal interest in the well-being of*
42 *the child;*

43 *(3) A parent or other person responsible for the child's*
44 *welfare has not requested the appointment or is unavailable or if*



1 *the court has denied the request for appointment by a parent or*
2 *other person responsible for the child's welfare; and*

3 *(4) The court determines the appointment is in the best*
4 *interests of the child.*

5 *2. An educational surrogate parent shall represent the child*
6 *who is a pupil with a disability in all matters relating to the*
7 *identification of the child, the assessment of any special*
8 *educational needs of the child, the educational placement of the*
9 *child and the provision of a free appropriate program of public*
10 *education to the pupil.*

11 *3. A court may revoke the appointment of an educational*
12 *surrogate parent if the court determines the revocation of the*
13 *appointment is in the best interests of the child.*

14 *4. If the court does not appoint an educational surrogate*
15 *parent or if the court revokes such an appointment, the selection*
16 *of an educational surrogate parent must be made pursuant to*
17 *applicable state and federal law.*

18 *5. As used in this section, "pupil with a disability" has the*
19 *meaning ascribed to it in NRS 388.417.*

20 **Sec. 11.** NRS 432B.190 is hereby amended to read as follows:
21 432B.190 The Division of Child and Family Services shall, in
22 consultation with each agency which provides child welfare
23 services, adopt:

24 1. Regulations establishing reasonable and uniform standards
25 for:

- 26 (a) Child welfare services provided in this State;
27 (b) Programs for the prevention of abuse or neglect of a child
28 and the achievement of the permanent placement of a child;
29 (c) The development of local councils involving public and
30 private organizations;
31 (d) Reports of abuse or neglect, records of these reports and the
32 response to these reports;
33 (e) Carrying out the provisions of NRS 432B.260, including,
34 without limitation, the qualifications of persons with whom agencies
35 which provide child welfare services enter into agreements to
36 provide services to children and families;
37 (f) The management and assessment of reported cases of abuse
38 or neglect;
39 (g) The protection of the legal rights of parents and children;
40 (h) Emergency shelter for a child;
41 (i) The prevention, identification and correction of abuse or
42 neglect of a child in residential institutions;
43 (j) Developing and distributing to persons who are responsible
44 for a child's welfare a pamphlet that is written in language which is
45 easy to understand, is available in English and in any other language



1 the Division determines is appropriate based on the demographic
2 characteristics of this State and sets forth:

3 (1) Contact information regarding persons and governmental
4 entities which provide assistance to persons who are responsible for
5 the welfare of children, including, without limitation, persons and
6 entities which provide assistance to persons who are being
7 investigated for allegedly abusing or neglecting a child;

8 (2) The procedures for taking a child for placement in
9 protective custody; and

10 (3) The state and federal legal rights of:

11 (I) A person who is responsible for a child's welfare and
12 who is the subject of an investigation of alleged abuse or neglect of
13 a child, including, without limitation, the legal rights of such a
14 person at the time an agency which provides child welfare services
15 makes initial contact with the person in the course of the
16 investigation and at the time the agency takes the child for
17 placement in protective custody, and the legal right of such a person
18 to be informed of any allegation of abuse or neglect of a child which
19 is made against the person at the initial time of contact with the
20 person by the agency; and

21 (II) Persons who are parties to a proceeding held pursuant
22 to NRS 432B.410 to 432B.590, inclusive, *and section 10 of this act*,
23 during all stages of the proceeding; and

24 (k) Making the necessary inquiries required pursuant to NRS
25 432B.397 to determine whether a child is an Indian child.

26 2. Regulations, which are applicable to any person who is
27 authorized to place a child in protective custody without the consent
28 of the person responsible for the child's welfare, setting forth
29 reasonable and uniform standards for establishing whether
30 immediate action is necessary to protect the child from injury, abuse
31 or neglect for the purposes of determining whether to place the child
32 into protective custody pursuant to NRS 432B.390. Such standards
33 must consider the potential harm to the child in remaining in his or
34 her home, including, without limitation:

35 (a) Circumstances in which a threat of harm suggests that a child
36 is in imminent danger of serious harm.

37 (b) The conditions or behaviors of the child's family which
38 threaten the safety of the child who is unable to protect himself or
39 herself and who is dependent on others for protection, including,
40 without limitation, conditions or behaviors that are beyond the
41 control of the caregiver of the child and create an imminent threat of
42 serious harm to the child.

43 ➤ The Division of Child and Family Services shall ensure that the
44 appropriate persons or entities to whom the regulations adopted
45 pursuant to this subsection apply are provided with a copy of such



1 regulations. As used in this subsection, "serious harm" includes the
2 threat or evidence of serious physical injury, sexual abuse,
3 significant pain or mental suffering, extreme fear or terror, extreme
4 impairment or disability, death, substantial impairment or risk of
5 substantial impairment to the child's mental or physical health or
6 development.

7 3. Regulations establishing procedures for:

8 (a) Expeditiously locating any missing child who has been
9 placed in the custody of an agency which provides child welfare
10 services;

11 (b) Determining the primary factors that contributed to a child
12 who has been placed in the custody of an agency which provides
13 child welfare services running away or otherwise being absent from
14 foster care, and to the extent possible and appropriate, responding to
15 those factors in current and subsequent placements; and

16 (c) Determining the experiences of a child who has been placed
17 in the custody of an agency which provides child welfare services
18 during any period the child was missing, including, without
19 limitation, determining whether the child may be a victim of sexual
20 abuse or sexual exploitation.

21 4. Such other regulations as are necessary for the
22 administration of NRS 432B.010 to 432B.606, inclusive.

23 **Sec. 12.** The provisions of subsection 1 of NRS 218D.380 do
24 not apply to any provision of this act which adds or revises a
25 requirement to submit a report to the Legislature.

26 **Sec. 13.** This act becomes effective on July 1, 2017.

