

SENATE BILL NO. 210—SENATOR DONDERO LOOP

MARCH 11, 2021

Referred to Committee on Education

SUMMARY—Revises provisions relating to the education of a child with an emotional disturbance. (BDR 38-561)

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 child welfare; requiring the development of a plan for the education of certain children admitted by a court to a psychiatric hospital or facility which provides residential treatment for mental illness; requiring a school district providing services to such a child to submit certain programs and plans to the psychiatric hospital or other facility; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the court-ordered admission of a child with an emotional disturbance who is in the custody of an agency which provides child welfare services to a psychiatric hospital or facility which provides residential treatment for mental illness. (NRS 432B.6076) Existing law provides that a child who is admitted to a psychiatric hospital or other facility under those conditions has the right to an education. (NRS 432B.6082) **Section 1** of this bill requires a facility to which such a child is admitted to develop a plan for the continued education of the child in consultation with the public or private school in which the child was enrolled at the time of admission, any school district that was providing services to the child at the time of admission, the agency which provides child welfare services and any person responsible for the education of the child. **Sections 2-4** of this bill make conforming changes to: (1) indicate the placement of **section 1** in the Nevada Revised Statutes; and (2) clarify that a child who is admitted to a facility has the right to an education in accordance with the plan. **Sections 5 and 6** of this bill require the public or private school in which the child was enrolled at the time of admission to the facility and the school district that was providing services to the child at the time of admission to the facility to participate in the development of and comply with the plan.

Existing federal law requires a school district to develop an individualized education program for the education of a pupil with a disability who attends a



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public school in the district. (20 U.S.C. § 1414) Existing federal regulations also require a school district to develop a services plan to provide services to a pupil with a disability who attends a private school located within the geographic boundaries of the district. (34 C.F.R. §§ 300.132, 300.137-300.139) If a child for whom an individualized education program or services plan has been developed is in the custody of an agency which provides child welfare services and admitted by a court to a psychiatric hospital or other facility which provides residential treatment for mental illness, **sections 5 and 6** require the school district to provide the individualized education program or services plan, as applicable, to the psychiatric hospital or other facility.

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

Section 1. Chapter 432B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A facility to which a child who is in the custody of an agency which provides child welfare services is admitted pursuant to NRS 432B.6076 shall, in consultation with the public or private school in which the child was enrolled when he or she was admitted to the facility, any school district in which the child was enrolled or which was providing services to the child when he or she was admitted to the facility, the agency which provides child welfare services and any person responsible for the education of the child, develop a plan for the continued education of the child while the child is admitted to the facility. The plan must be:

(a) Provided to the child, the agency which provides child welfare services, any person responsible for the education of the child, the school and, if applicable, the school district; and

(b) Submitted to the court after each period of admission ordered by the court pursuant to NRS 432B.6076 in the manner set forth in NRS 432B.608.

2. A plan for the continued education of a child developed pursuant to subsection 1 must include, without limitation:

(a) The number of hours of instruction each week that must be provided to the child while the child is admitted to the facility;

(b) Provisions for the transfer of instructional materials to the facility from the school in which the child was enrolled when he or she was admitted to the facility;

(c) Procedures for monitoring the implementation of the plan and the appropriateness of the instruction being provided to the child;

(d) If an individualized education program or services plan has been developed for the child and provided to the facility pursuant to section 5 or 6 of this act, provisions to ensure



1 *compliance with the individualized education program or services*
2 *plan, as applicable; and*

3 (e) *A plan for continuing the education of the child after he or*
4 *she is discharged from the facility, including, without limitation, a*
5 *plan for transitioning the child into a school or any other*
6 *educational setting in which the child will receive instruction after*
7 *discharge.*

8 3. *As used in this section:*

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

11 (b) *"Person responsible for the education of the child"*
12 *includes, without limitation, the parent or guardian of the child*
13 *and any educational decision maker appointed for the child*
14 *pursuant to NRS 432B.462.*

15 (c) *"Private school" has the meaning ascribed to it in*
16 *NRS 394.103.*

17 (d) *"Public school" includes, without limitation, a university*
18 *school for profoundly gifted pupils.*

19 (e) *"Services plan" has the meaning ascribed to it in 34 C.F.R.*
20 *§ 300.37.*

21 **Sec. 2.** NRS 432B.607 is hereby amended to read as follows:

22 432B.607 As used in NRS 432B.607 to 432B.6085, inclusive,
23 *and section 1 of this act*, unless the context otherwise requires, the
24 words and terms defined in NRS 432B.6071 to 432B.6074,
25 inclusive, have the meanings ascribed to them in those sections.

26 **Sec. 3.** NRS 432B.6082 is hereby amended to read as follows:

27 432B.6082 In addition to the personal rights set forth in NRS
28 432B.607 to 432B.6085, inclusive, *and section 1 of this act*,
29 433.456 to 433.543, inclusive, and 433.545 to 433.551, inclusive,
30 and chapters 433A and 433B of NRS, and NRS 435.530 to 435.635,
31 inclusive, a child who is in the custody of an agency which provides
32 child welfare services and who is admitted to a facility has the
33 following personal rights, a list of which must be prominently
34 posted in all facilities providing evaluation, treatment or training
35 services to such children and must be otherwise brought to the
36 attention of the child by such additional means as prescribed by
37 regulation:

38 1. To receive an education *in accordance with a plan*
39 *developed pursuant to section 1 of this act* as required by law; and

40 2. To receive an allowance from the agency which provides
41 child welfare services in an amount equivalent to any allowance
42 required to be provided to children who reside in foster homes.

43 **Sec. 4.** NRS 432B.6085 is hereby amended to read as follows:

44 432B.6085 1. Nothing in this chapter purports to deprive any
45 person of any legal rights without due process of law.



2. Unless the context clearly indicates otherwise, the provisions of NRS 432B.607 to 432B.6085, inclusive, *and section 1 of this act*, 433.456 to 433.543, inclusive, and 433.545 to 433.551, inclusive, and chapters 433A and 433B of NRS and NRS 435.530 to 435.635, inclusive, apply to all children who are in the custody of an agency which provides child welfare services.

Sec. 5. Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a pupil who is enrolled in a public school, including, without limitation, a university school for profoundly gifted pupils, is admitted by a court to a psychiatric hospital or facility which provides residential treatment for mental illness pursuant to NRS 432B.6076, the public school and, if applicable, the school district in which the child is enrolled, must:

(a) Participate in the development of a plan for the continued education of the pupil pursuant to section 1 of this act and comply with the provisions of the plan; and

(b) If an individualized education program has been developed for the pupil, provide the individualized education program to the psychiatric hospital or facility.

2. As used in this section, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

Sec. 6. Chapter 394 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a pupil who is enrolled in a private school is admitted by a court to a psychiatric hospital or facility which provides residential treatment for mental illness pursuant to NRS 432B.6076, the private school must participate in the development of a plan for the continued education of the pupil pursuant to section 1 of this act and comply with the provisions of the plan.

2. If a pupil who is enrolled in a private school is admitted by a court to a psychiatric hospital or facility which provides residential treatment for mental illness pursuant to NRS 432B.6076 and the school district within whose geographic boundaries the private school is located has developed a services plan for the child, the school district must:

(a) Participate in the development of a plan for the continued education of the pupil pursuant to section 1 of this act and comply with the provisions of the plan; and

(b) Provide the services plan to the psychiatric hospital or facility.

3. As used in this section, "services plan" has the meaning ascribed to it in 34 C.F.R. § 300.37.



1 **Sec. 7.** This act becomes effective on July 1, 2021.

