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STATE OF NEVADA BOARD OF EDUCATION

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October 6, 2020

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Adoption of Regulations of
the Nevada State Board of Education as proposed in LCB File #R063-20

The Nevada State Board of Education will hold a public hearing **at 11:00 A.M. on Thursday, November 12, 2020 via videoconference**. In accordance with Governor Steve Sisolak's State of Emergency Directive 006, Section 1, there will be no physical location designated for this meeting. The meeting will be livestreamed on the Nevada Department of Education's [website](http://www.doe.nv.gov), and may be navigated to from [https://doe.nv.gov/State Board of Education/](https://doe.nv.gov/State_Board_of_Education/)

The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to Chapter 388 of the Nevada Administrative Code (NAC), pursuant to Senate Bill 80 of the 2019 Legislative Session to establish a Handle with Care Program within the Office for a Safe and Respectful Learning Environment of the Nevada Department of Education.

The following information is provided pursuant to the requirements of Nevada Revised Statute (NRS) 233B.0603:

- 1. The need and the purpose of the proposed regulations and/or amendments:** In accordance with Senate Bill 80 of the 2019 Legislative Session, the Nevada State Board of Education is instructed to adopt regulations necessary to carry out the following provisions:
 - *“establish the Handle with Care Program within the Office for a Safe and Respectful Learning Environment [which] must enable a law enforcement officer or agency to notify the Program when a child who may attend a public school is exposed to a traumatic event or other event that may effect his or her ability to succeed at school...”*
 - *“use the support center established for the SafeVoice Program and teams appointed pursuant to NRS...or a similar program...the support center shall establish a hotline and any other appropriate method to allow...notification”*
 - *“notification submitted...must include only identifying information about the child...and may include basic information about the traumatic event if [it is believed] that disclosing such information is in the best interest of the child...”*
 - *“upon receiving notification...the support center shall determine whether the*

child attends a public school in this State. If so, the team appointed...must be notified that the child has been exposed to a traumatic event”

- *“the Director shall provide training regarding the Handle with Care Program to [stakeholders] ... procedure for notifying the support center...properly responding to notification...the manner in which to respond to notification...collaboration with teachers [and community stakeholders] to reduce the negative impact of the traumatic event...”*

- 2. Description of the proposed regulation, or the subjects and issues involved:** The proposed regulation would require that any support center processing Handle with Care reports and notifications must have a detailed plan for the security of any data concerning pupils which is collected, maintained, or transferred to the appropriate team; and that there is a method for the support center for notifying the appropriate team when a child has been exposed to a traumatic event which maintains the confidentiality of data as prescribed by applicable state and federal law.

Further, this regulation requires that all training provided to law enforcement agencies, the board of trustees of a school district, the governing body of a charter school, and any other entity determined to need training must include information regarding events that may affect the ability of a pupil to succeed at school. Training for law enforcement agencies (LEAs) would include how LEAs would access the hotline or provide notification and how to provide the information required for the notification. Training to school administrators would include responding to notifications, nationally accepted best practices for supporting pupils, and methods for collaboration within the school community.

The revised text of the proposed regulation is attached to this notice.

- 3. Estimated economic effect of the regulation on the business which it is to regulate and on the public:** There is no economic effect of the regulation on the business that it regulates and no impact on the public.
- 4. Methods used by the agency in determining the impact on a small business:** Small business are not impacted by this regulation.
- 5. The estimated cost to the agency for enforcement of the proposed regulation:** no costs.
- 6. Description and citation of duplicative or overlapping regulations of other state or local governmental agencies:** there is no duplication or overlap of regulations of state or local government agencies.
- 7. Is the regulation required by federal law?** This regulation is not required pursuant to federal law.

8. **Does the regulation include provisions more stringent than a federal regulation regarding the same activity?** There is no federal law affecting or overlapping the proposed regulations.
9. **Does the proposed regulation establish a new fee or increase an existing fee?** the proposed regulations do not establish a new fee nor increase an existing fee of the regulating agency

Persons wishing to comment upon the proposed action of the State Board of Education may submit written comment to the Nevada Department of Education via email at NVBoardEd@doe.nv.gov or submit their comments, data, views, or arguments in written form to the Nevada Department of Education, 700 E. 5th Street, Carson City, Nevada. Comments may be submitted via email leading up to and for the duration of the hearing, and those submitted via email must be received by the Department on or before November 11. The Board of Education will proceed to act upon any written submissions. A record of all submitted comments will be retained.

The requirements set forth in NRS 241.020(4)(a) for the posting of agenda for public meetings was suspended in Governor Sisolak's State of Emergency Directive 006.

This notice and the text of the proposed regulation are available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653 and online at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be emailed and/or mailed to members of the public upon request. A reasonable fee may be charged for copies, if it is deemed necessary.

A copy of this notice and the regulation to be adopted has been posted on the Nevada Department of Education's website at <https://www.doe.nv.gov>, as well as Nevada's Public Notice site at <https://www.notice.nv.gov>.

Notice required by NRS 233B.064: Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

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

LCB File No. R063-20

September 8, 2020

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

AUTHORITY: §1, NRS 388.14538.

A REGULATION relating to education; establishing certain requirements for the Handle with Care Program; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Director of the Office for a Safe and Respectful Learning Environment to establish the Handle with Care Program, which enables a law enforcement officer or agency to notify the Program when a child is exposed to a traumatic event or other event that may hinder the ability of the child to succeed at school. Existing law requires the Handle with Care Program to utilize the support center established for the SafeVoice Program, or a similar program designated by a school district. (NRS 388.14538) Existing law requires the board of trustees of a school district or the governing body of a charter school to appoint a team which is authorized to take certain actions upon receiving information through the Handle with Care Program regarding a pupil who was exposed to a traumatic event. (NRS 388.14553) This regulation requires that a support center used by the Handle with Care Program include, without limitation: (1) a detailed plan for the security of any data concerning pupils which is collected, maintained or transferred to the appropriate team; and (2) a method for notifying the appropriate team when a child has been exposed to a traumatic event. This regulation requires the Program to maintain the confidentiality of any data provided to the Program as prescribed by applicable state and federal law.

Existing law also requires the Director to provide certain training regarding the Handle with Care Program to law enforcement agencies, the board of trustees of a school district, the governing body of a charter school and any other entity the Director determines should receive training. (NRS 388.14538) This regulation requires that all such training include, without limitation, information regarding events that may affect the ability of a pupil to succeed at school. This regulation also requires any such training provided to a law enforcement agency or employee thereof to include: (1) the method by which a law enforcement agency or employee thereof may access the hotline or other means for providing notification of the traumatic event to the appropriate team; and (2) procedures by which a law enforcement agency or employees thereof may provide the information which is required to be included in the notification to the appropriate team. Finally, this regulation requires any such training provided to the board of

trustees of a school district, the governing body of a charter school, a member of a team appointed pursuant to existing law or any other entity the Director determines should receive training regarding the Handle with Care Program include certain information relating to responding to notifications, nationally accepted best practices for supporting pupils and methods for collaboration between school staff, pupils and the families of pupils.

Section 1. Chapter 388 of NAC is hereby amended by adding thereto a new section to read as follows:

1. Each support center used by the Handle with Care Program must:

(a) Maintain a detailed plan to provide for the security of any data concerning pupils that is collected, maintained or transferred to a team appointed pursuant to NRS 388.14553; and

(b) Adopt a method for notifying a team appointed pursuant to NRS 388.14553 if a pupil has been exposed to a traumatic event.

↪ The Program must maintain the confidentiality of any data concerning pupils that is collected, maintained or transferred pursuant to this subsection as prescribed by applicable state and federal law.

2. Any training which is provided pursuant to NRS 388.14538 must include, without limitation, information regarding events that may affect the ability of a pupil attending a public school to succeed at school and the types of traumatic events that are most prevalent in the county in which the public school is located.

3. Training which is provided pursuant to NRS 388.14538 to a law enforcement agency or the employees of a law enforcement agency must include, without limitation:

(a) The method by which a law enforcement agency or an employee of a law enforcement agency may access the hotline or other appropriate means for providing the notification required pursuant to NRS 289.840 and 388.14538; and

(b) Procedures by which a law enforcement agency or an employee of a law enforcement agency may provide the information required in the notification pursuant to NRS 289.840 and 388.14538.

4. Training which is provided pursuant to NRS 388.14538 to the board of trustees of a school district, the governing body of a charter school, a member of a team appointed pursuant to NRS 388.14553 or any other entity whose employees or volunteers require training, as determined by the Director of the Office for a Safe and Respectful Learning Environment, must include, without limitation:

(a) Information regarding the Handle with Care Program, including, without limitation, the notification and information required to be reported by a law enforcement agency or employees of a law enforcement agency;

(b) Information for responding to a notification that is received through the hotline or other appropriate means identified pursuant to NRS 388.14538;

(c) Information regarding nationally accepted best practices for supporting pupils identified as having been exposed to a traumatic or other event through the Handle with Care Program; and

(d) Methods for collaboration with teachers and other members of the staff of a school, pupils, family members of pupils and other persons, as appropriate, including, without limitation, utilization of the statewide framework for integrated student supports established pursuant to NRS 388.885.