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STATE OF NEVADA **NEVADA DEPARTMENT OF EDUCATION**

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Notice of Workshop to Solicit Comments on Proposed Regulation

The Nevada Department of Education is proposing new and/or amended regulatory language within the Nevada Administrative Code (NAC). A workshop has been scheduled for **Tuesday, January 27, 2026**, to stream online via [YouTube](https://www.youtube.com) or attend at the following locations: Nevada Department of Education Offices, 700 E. Fifth Street, Board Room, Carson City and 2080 E. Flamingo Road, Room 114, Las Vegas, Nevada. The purpose of the workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

1:33 PM Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 388.XXX
regarding children admitted to residential treatment facilities.

A copy of all materials relating to the proposal may be obtained at the workshop, on the [NDE website](http://nved.nv.gov), or by contacting the Nevada Department of Education via email at NVBoardEd@doe.nv.gov. Persons wishing to comment upon the proposed action of the Department may provide in-person testimony or submit written comment via email at NVBoardEd@doe.nv.gov. Comments may be submitted via email leading up to and for the duration of the workshop.

This notice has been sent to all persons on the agencies mailing list for administrative regulations and posted on the Nevada Department of Education's website at <https://doe.nv.gov>, Nevada's Public Notice site at <https://notice.nv.gov>, the Nevada State Legislature's webpage at <https://leg.state.nv.us>, and physically at the Nevada Department of Education Offices and with Nevada State Library and Archives. Copies of this notice will also be emailed to members of the public upon request.

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SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608

DATE: January 27, 2026

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 388.XXX

The proposed regulation regarding the children admitted to residential treatment facilities is not likely to impose a direct or significant economic burden upon a small business, or directly restrict the formation, operation or expansion of a small business. A concerted effort was made to determine any economic burden. All relevant materials were reviewed, and the Department considered its history of implementing similar regulations; the proposed changes are within the scope of the Department's activities and present no significant cost of enforcement. Comment has not been solicited from small businesses, and no summary of their response is provided, because small businesses are not impacted by this regulation and thus no burden or adverse economic impact can be assessed.

I, Victor Wakefield, certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement is accurate.

Dr. Victor Wakefield
Superintendent of Public Instruction
Nevada Department of Education

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

LCB File No. R131-22

October 30, 2025

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

AUTHORITY: §§ 1-8 and 11, NRS 385.080; § 9, NRS 385.080 and 387.1225, as amended by section 4.7 of Senate Bill No. 81, chapter 491, Statutes of Nevada 2025, at page 3208; § 10, NRS 385.080 and 388.419; § 12, NRS 385.080 and 432B.60847.

A REGULATION relating to education; prescribing requirements relating to planning for and monitoring the education of certain children who are admitted to and discharged from a facility which provides residential treatment for mental illness; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes: (1) certain licensed health care facilities to request reimbursement from the Department of Education for services provided to a child; and (2) the adoption of regulations to facilitate such requests. (NRS 387.1225, as amended by section 4.7 of Senate Bill No. 81, chapter 491, Statutes of Nevada 2025, at page 3208) If a child in the custody of an agency which provides child welfare services is admitted to a psychiatric hospital, existing law requires the psychiatric hospital, in consultation with the school district in which the child was enrolled or which was providing services to the child when he or she was admitted to the psychiatric hospital, the agency which provides child welfare services and any person responsible for the education of the child, to develop a plan for the continued education of the child while the child remains enrolled in the public or private school or the school district yet is admitted to the psychiatric hospital. (NRS 432B.60847) **Sections 2-8** of this regulation define certain terms relevant to the education of children who are admitted to mental health facilities. **Section 9** of this regulation requires a psychiatric hospital that has requested or intends to request reimbursement from the Department for educational services provided to a child who is in the custody of an agency which provides child welfare services to: (1) begin consulting to develop the plan not later than 3 school days after the admission of the child to the psychiatric hospital; and (2) include certain items in the plan.

Before a child who is in the custody of an agency which provides child welfare services is admitted by a court to a facility which provides residential treatment for mental illness, existing law requires the public or private school or school district in which the child was enrolled or which was providing services to the child when the child was admitted to perform certain duties, including convening a meeting to consider the appropriateness of the placement. (NRS 432B.60847) **Section 10** of this regulation requires the inclusion of certain persons at such

a meeting regarding a child who is a pupil with a disability and authorizes the inclusion of certain additional persons at such a meeting. **Section 10** requires the persons who attend such a meeting to provide guidance to the agency which provides child welfare services and the court concerning the placement of the child. When providing such guidance, **section 10** requires those persons to consider: (1) certain factors relating to the ability of the facility to provide an appropriate education for the child; and (2) any measures necessary to facilitate the return of the child to that school following discharge from the facility. **Section 11** of this regulation recommends the inclusion of similar persons, the provision of similar guidance and the consideration of similar factors and measures at such a meeting regarding a child who is not a pupil with a disability.

While a child who is in the custody of an agency which provides child welfare services is admitted to a facility which provides residential treatment for mental illness, existing law requires the public or private school or school district in which the child was enrolled or which was providing services to the child when he or she was admitted to monitor the child's progress. (NRS 432B.60847) To facilitate such monitoring, **section 10** requires such a school or school district to: (1) revise the individualized education program of the child; and (2) be invited to participate in any meetings to review the individualized education program or services plan established for a child who is a pupil with a disability.

If a child who is in the custody of an agency which provides child welfare services is admitted to a facility which provides residential treatment for mental illness, existing law requires the public or private school or school district in which the child was enrolled or which was providing services to the child when the child was admitted to the facility to participate in discharge planning for transitioning the child into a school or any other educational setting. (NRS 432B.60847) **Section 12** of this regulation requires such a school or school district to prepare a discharge plan for the child and provide the discharge plan to certain persons.

Section 1. Chapter 388 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 12, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 to 8, inclusive, of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Agency which provides child welfare services” has the meaning ascribed to it in NRS 432B.030.*

Sec. 4. *“Fictive kin” has the meaning ascribed to it in NRS 432B.0657.*

Sec. 5. *“Foster home” has the meaning ascribed to it in NRS 424.014.*

Sec. 6. *“Integrated student support” has the meaning ascribed to it in NRS 388.885.*

Sec. 7. *“Parent” has the meaning ascribed to it in NRS 432B.080.*

Sec. 8. *“Relative” has the meaning ascribed to it in NRS 432B.6213.*

Sec. 9. *A psychiatric hospital that has requested or intends to request reimbursement from the Department pursuant to NRS 387.1225, as amended by section 4.7 of Senate Bill No. 81, chapter 491, Statutes of Nevada 2025, at page 3208, for the cost of providing educational services to a child described in subsection 1 of NRS 432B.60847 must:*

1. Begin the consultation required by subsection 1 of NRS 432B.60847 not later than 3 school days after the child is admitted to the psychiatric hospital; and

2. Include in the plan for the continued education of the child developed pursuant to subsection 1 of NRS 432B.60847:

(a) An assessment of the credits that the child is anticipated to earn during the current semester; and

(b) Steps to ensure that the child receives credit for work that the child completes while admitted to the psychiatric hospital.

Sec. 10. *1. An individualized education program meeting convened pursuant to paragraph (a) of subsection 3 of NRS 432B.60847:*

(a) Must include each member of the individual education program team, as defined in 20 U.S.C. § 1414(d)(1)(B), established for the child, to include school and district representatives; and

(b) May additionally include, to the extent allowed under federal law:

(1) The child;

(2) A parent of the child;

(3) A person who conducts a foster home in which the child was residing immediately before the child was admitted to a facility which provides residential treatment for mental illness;

(4) The caseworker of the agency which provides child welfare services who has been assigned to the child;

(5) The attorney appointed pursuant to NRS 432B.420, as amended by section 30 of Assembly Bill No. 344, chapter 328, Statutes of Nevada 2025, at page 2182, to represent the child;

(6) The single point of contact designated by the relevant local education agency pursuant to NRS 388E.135;

(7) A fictive kin of the child;

(8) A relative of the child; or

(9) Any additional persons invited by the educational decision maker appointed for the child pursuant to NRS 432B.462.

2. The persons described in subsection 1 shall provide guidance to the agency which provides child welfare services and the court concerning the appropriateness of a residential placement under federal law as it relates to the educational needs of the child.

3. When providing guidance pursuant to subsection 2, the persons described in subsection 1 shall consider the ability of the facility which provides residential treatment for mental illness to:

(a) Comply with the individualized education program or services plan established for the child;

(b) Comply with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and any regulations adopted pursuant thereto;

(c) Comply with NRS 388.417 to 388.5243, inclusive, and any regulations adopted pursuant thereto; and

(d) Provide or ensure access to any integrated student supports that the child needs.

4. At an individualized education program meeting convened pursuant to paragraph (a) of subsection 3 of NRS 432B.60847, the public or private school or school district described in that subsection shall ~~revise the individualized education program to:~~

(a) ~~Facilitate the Monitoring~~ the child's progress while the child is admitted to the facility, as required by paragraph (c) of subsection 3 of NRS 432B.60847 and sections 34 CFR 300.101 and 34 CFR 300.320-324; and discuss the child's educational progress and the facility's compliance with all applicable federal and state laws prescribing the educational rights of the child, to include revising the individualized education program as applicable.

(b) ~~Ensure compliance with all applicable federal and state laws prescribing the educational rights of the child.~~

5. When performing the duties required by subsection 3 of NRS 432B.60847, a public or private school and any other persons involved in the performance of those duties shall make all due effort to consider ~~any~~ the measures necessary to facilitate the return and transition of the child to ~~the~~ their school of origin or any other appropriate educational setting upon discharge from the facility which provides residential treatment for mental illness.

6. In monitoring the progress of a child pursuant to paragraph (c) of subsection 3 of NRS 432B.60847, a public or private school or school district described in subsection 3 of NRS 432B.60847 shall monitor:

- (a) *The progress of the child on the individualized education program or services plan established for the child; and*
- (b) *The credits earned by the child and the number of those credits accepted by the relevant local education agency.*

Sec. 11. 1. In addition to the persons described in paragraph (b) of subsection 3 of NRS 432B.60847, a meeting to consider the appropriateness of the residential placement of a child who is not a pupil with a disability must include the educational decision maker appointed for the child pursuant to NRS 432B.462, as required by that section. The meeting may additionally include, without limitation:

- (a) *The child;*
- (b) *A parent of the child;*
- (c) *A person who conducts a foster home in which the child was residing immediately before the child was admitted to a facility which provides residential treatment for mental illness;*
- (d) *The caseworker of the agency which provides child welfare services who has been assigned to the child;*
- (e) *The attorney appointed pursuant to NRS 432B.420, as amended by section 30 of Assembly Bill No. 344, chapter 328, Statutes of Nevada 2025, at page 2182, to represent the child;*
- (f) *The single point of contact designated by the relevant local education agency pursuant to NRS 388E.135;*
- (g) *A fictive kin of the child;*
- (h) *A relative of the child; and*
- (i) *Any additional persons invited by the educational decision maker appointed for the*

child pursuant to NRS 432B.462.

2. The persons described in subsection 1 may provide guidance to the agency which provides child welfare services and the court concerning the appropriateness of a residential placement. In doing so, such persons may consider the ability of the facility which provides residential treatment for mental illness to:

(a) Provide for the educational needs of the child, including, without limitation, access to any integrated student supports that the child needs; and

(b) Prevent any violation of the educational rights of the child under federal and state law.

3. When performing the duties required by subsection 3 of NRS 432B.60847 with respect to a child who is not a pupil with a disability, a public or private school and any other persons involved in the performance of those duties may consider any measures necessary to facilitate the return of the child to that school following discharge from the facility which provides residential treatment for mental illness. Such measures may include, without limitation, monitoring:

(a) The progress of the child; and

(b) The credits earned by the child and the number of those credits accepted by the relevant local education agency.

Sec. 12. Before a child is discharged from a facility which provides residential treatment for mental illness, the public or private school or school district described in subsection 3 of NRS 432B.60847 shall:

1. Prepare a written discharge plan for the continued education of the child after the child is discharged. The written discharge plan must include, without limitation:

(a) A safety plan, if recommended by the facility or otherwise deemed appropriate by the school or school district;

(b) *The academic schedule of the child, which must be appropriate for the child based on the clinical educational goals and needs of the child;*

(c) *If the child is a pupil with a disability, a statement of whether, upon discharge:*

(1) *The child will may need to be evaluated or reevaluated to determine whether the child is or remains a pupil with a disability; or and*

(2) *Recommendations regarding the creation of or revision of an individual education program or other accommodation under Section 504; and*

(3) *A plan to support continuity of child find services for the student. The individual education program of the child will be revised;*

(d) *If the child is not a pupil with a disability:*

(1) *A statement of whether the child will may need to be reevaluated to determine whether the child is a pupil with a disability; and*

(2) *A plan to evaluate the child for any services for which the child may be eligible;*

(e) *Recommendations from the facility regarding academic supports for the child;*

(f) *If applicable, plans for follow-up meetings with any clinicians who are providing or have provided services to the child;*

(g) *If applicable, plans for communicating with the school nurse concerning the needs of the child for medication;*

(h) *Procedures for transferring credit for work completed while the child was admitted to the facility; and*

(i) *If necessary, a plan for the child to earn credits necessary for graduation that the child was unable to earn while he or she was admitted to the facility.*

2. *Provide a copy of the written discharge plan prepared pursuant to subsection 1 to:*

(a) *The educational decision maker appointed for the child pursuant to NRS 432B.462;*

(b) *The caseworker of the agency which provides child welfare services who has been*

assigned to the child;

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(c) The attorney appointed pursuant to NRS 432B.420, as amended by section 30 of Assembly Bill No. 344, chapter 328, Statutes of Nevada 2025, at page 2182, to represent the child; and

(d) The single point of contact designated by the relevant local education agency pursuant to NRS 388E.135.

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