

From: [Nicole Flangas](#)
To: [Legislative Commission](#)
Subject: Submission of Letter for the Public Record [Nevada Association of School Boards]
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Attachments: [image.png](#)
[Reg 131-22 - NASB Opp Letter.docx](#)

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Good Morning,

I would like to submit the following letter regarding Reg 131-22 for the public record for Leg Com this Thursday.

Thank you!

Nicole Flangas
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September 21, 2026

Members of the Legislative Commission
Nevada Legislative Counsel Bureau
401 South Carson Street
Carson City, Nevada 89701

Re: LCB File No. R131-22—Educational Services for Students in Psychiatric Residential Treatment

Dear Chair Jauregui and Members of the Legislative Commission:

On behalf of the Nevada Association of School Boards (NASB), we respectfully submit concerns regarding LCB File No. R131-22.

NASB supports the efforts of educational continuity for students placed in psychiatric hospitals or residential treatment facilities. Our concern is whether the regulation appropriately aligns legal responsibility with the authority, information, and resources available to each participating entity.

School districts do not make admission decisions, operate treatment facilities, supervise facility personnel, determine the length of a student's stay, or control the educational services delivered within these facilities. Nevertheless, the regulation could require districts to monitor those services, ensure compliance with state and federal law, track academic progress and credits, and prepare discharge plans.

Consultation and Notice

Section 9 requires a psychiatric hospital seeking reimbursement to begin consultation within three school days after a student's admission. However, the regulation does not clearly address situations in which a district receives delayed notice, lacks necessary information, or is not consulted before services begin.

This concern is especially significant for out-of-district and out-of-state placements. The regulation should clarify which entity is responsible for initiating and coordinating consultation and confirm that districts will not be held liable for delays or failures outside their control. Any timeline for district action should begin upon documented notice to the district.

Responsibility and Liability

The regulation should more clearly distinguish the responsibilities of the facility, child-welfare agency, educational decision-maker, and school district. The entity delivering educational services and receiving reimbursement should remain responsible for employing qualified

personnel, providing appropriate instruction, implementing applicable individualized education programs or service plans, documenting services, and reporting student progress and credits.

Districts should participate in coordination, provide educational records when authorized, assist with credit evaluation, and support a student's transition. That role should not make a district legally responsible for services delivered—or not delivered—by an outside facility over which it has no supervisory authority.

The regulation should also clarify how its monitoring requirements interact with districts' existing obligations under the Individuals with Disabilities Education Act and other special-education laws, including the intended application of 34 C.F.R. §§ 300.111 and 300.131.

Staffing, Funding, and Accountability

Compliance could require districts to dedicate additional staff to track placements, attend meetings, review programming, monitor progress, evaluate credits, and prepare discharge plans. These requirements would be particularly difficult for smaller and rural districts and could create an unfunded mandate.

NASB is also concerned about accountability for Pupil-Centered Funding Plan dollars and other public funds. A facility receiving reimbursement should be responsible for documenting how funds are used and demonstrating that required educational services were provided. Districts should not be required to certify or assume accountability for expenditures and services they do not control.

Length of Stay and Discharge Planning

The regulation should recognize that educational needs and responsibilities may differ between short-term stabilization and long-term residential treatment. It should also account for situations in which a district does not know the student's discharge date, future placement, or clinical recommendations.

Discharge planning should be collaborative and led by the entity controlling the student's treatment and discharge. A district's responsibility should be limited to educational matters within its authority and should begin after it receives timely and complete information.

Requested Action

NASB respectfully requests that the Legislative Commission return R131-22 to the State Board of Education for further revision and stakeholder engagement. At a minimum, the regulation should:

- clearly assign responsibility for notice, consultation, instruction, monitoring, and reporting;
- begin district-dependent timelines upon documented notice;
- hold the entity delivering educational services accountable for those services;
- protect districts from liability for matters outside their authority or control;
- establish fiscal-accountability requirements for facilities receiving public funds;
- clarify responsibilities for different placement types and lengths of stay; and
- identify funding for any new district staffing or compliance obligations.

NASB remains committed to protecting educational continuity for students receiving psychiatric or residential treatment. Further revision can preserve that important objective while ensuring that responsibility and accountability rest with the entities that possess the authority and resources to fulfill them.

Thank you for your consideration.

Respectfully submitted,

Rick Harris

Executive Director

Nevada Association of School Boards