

**PROPOSED REGULATION OF THE
DIVISION OF CHILD AND FAMILY SERVICES OF THE DEPARTMENT
OF HEALTH AND HUMAN SERVICES**

LCB FILE NO. R055-22I

**The following document is the initial draft regulation proposed
by the agency submitted on 04/21/2022**

NAC 62B

NEW:

Cultural Responsiveness: An understanding of how people and institutions can respond respectfully and effectively to people of all cultures, economic statuses, language, backgrounds, races, ethnic backgrounds, disability, religions, genders, sexual and gender minorities (SGM) veteran status or other characteristics in a manner that recognizes, affirms, and values the worth and preserves the dignity of people, families, and communities.

Implicit Bias: Unconscious attitudes, prejudices, or stereotypes against one or more populations.

Sexual and gender minority (SGM): This includes, but not limited to, individuals who identify as lesbian, gay, bisexual, asexual, transgender, Two-Spirit, queer, and/or intersex. Individuals with same-sex or -gender attractions or behaviors and those with a difference in sex development are also included. These populations also encompass those who do not self-identify with one of these terms but whose sexual behavior and/or attraction, gender identity or expression, or reproductive development is outside of heterosexual and cisgender constructs of sexual identities.

Division: Division of Child and Family Services

Regulations:

1. Each department of juvenile services, the Youth Parole Bureau, local facilities for the detention of children, and regional facilities for the treatment and rehabilitation of children shall provide training in cultural responsiveness and implicit bias to all staff and agents, within 90 days of hire, and every other year thereafter.
 - (a) All existing staff and agents shall be trained by December of 2022.
 - (b) An agency that operates an institution shall include training records related to cultural responsiveness and implicit bias to the Office no later than February 15 of 2023 and annually thereafter pursuant to NAC 62B.110.

2. A course or program subject to these requirements must include, without limitation, the following course materials:
 - (a) Responsiveness to the needs of:
 - a. Children whose parents are SGM;
 - b. Children who are SGM;
 - c. Racial and ethnic minorities;
 - d. People living with a disability.
 - e. Religious minorities; and
 - f. Women
 - (b) Information regarding:
 - a. Socioeconomic conditions in various areas in the State;
 - b. Historical and current racial inequities, and overrepresentation of SGM in the juvenile justice and criminal justice systems; and

- c. The impact of trauma and adverse child experiences on the decision-making behaviors of children and their health and wellbeing
 - (c) Training on implicit bias to include, without limitation:
 - a. What implicit bias is
 - b. Where implicit bias comes from
 - c. The importance of understanding implicit bias
 - d. The negative impacts of implicit bias;
 - e. Types of actions that can be taken to reduce implicit bias; and
 - f. Direct discrimination versus indirect discrimination.
- 3. A department of juvenile services, the Youth Parole Bureau, local facilities for the detention of children, and regional facilities for the treatment and rehabilitation of children may create a training, which shall be subject to the approval of the Division prior to the providing the training, and upon any major revision or update.
 - (a) The Division shall request necessary information to review the course or program.
 - (b) The Division shall ensure the training is in full compliance with these regulations
 - (c) A course or program that has not been approved by the Division is not in compliance with these regulations.
- 4. A department of juvenile services, the Youth Parole Bureau, local facilities for the detention of children, and regional facilities for the treatment and rehabilitation of children may use a qualified internal trainer or training team or may contract with an external trainer or training team. The qualifications of all trainers shall be submitted to the Division for approval prior to providing the course or program.
 - (a) The Division shall request necessary information to review the qualifications, based on pre-existing standards set forth by the State, of trainers.
 - (b) The Division shall ensure the trainer is qualified to provide the course or program.
 - (c) A course or program completed by a trainer or trainers that have not been approved by the Division is not in compliance with these regulations.
- 5. Children who fit the definition of racial minorities, living with disabilities, and SGM, who have resided or are currently residing in juvenile justice or child welfare placements, shall participate in the development of training.
- 6. Any course or program approved pursuant to this section may be provided:
 - (a) Online;
 - (b) Through a training system; or
 - (c) In person.
- 7. The Division shall review the course or program information submitted pursuant to subsections 3 and 4 within 60 days after receipt. During this review process, the Division may have the course or program reviewed by a person who has a background and/or lived experience working the development of cultural responsiveness training or a committee of persons who are experts on cultural competency trainings within the Division or through a local university

8. If the information that is provided to the Division meets the requirements set forth in subsections 3 and 4 of this regulation, the Administrator or their designee shall approve the course or program. If the information that is provided to the Division does not meet the requirements set forth in subsections 3 and 4 of this regulation, the Administrator or their designee shall not approve the course or program.

(a) A determination shall be made by the Division within 45 days of receipt.

9. Within 5 business days after completing the review of the information pursuant to subsection 6, the Administrator or their designee shall

1. Notify the entity that submitted the information whether the course or program is approved or not approved.
2. If the Administrator or their designee does not approve the course or program, inform the entity of any additional information that the entity needs to submit for the course or program to be approved.

10. The facility shall submit the additional information that the facility needs to submit pursuant to paragraph (b) of subsection 7 within 45 days after being notified that the course or program is not approved pursuant to paragraph (a) of subsection 7. Upon receiving the additional information, the Administrator or their designee shall approve the course or program if it meets the requirements set forth in subsections 3 and 4. If the additional information is not received or fails to include all of the information that the Administrator or their designee informed the entity that it needed to submit, the Administrator or their designee shall not approve the course or program.

(a) A determination shall be made by the Division within 30 days of receipt of the additional information.

11. Courses or programs that meet the following requirements, provided by qualified trainers, and covers all of the requirements as described in Section 2, shall be approved without further review by the Division as described in 3 and 4:

1. The course or program is provided by:
 - a. A nationally recognized organization, as determined by the Administrator of the Division;
 - b. Peace Officers Standards of Training (POST) approved;
 - c. A federal, state, or local government agency; or
 - d. A university or college that is accredited in the District of Columbia or any state or territory of the United States; and
 - e. Provides proof of completion upon the participation of the course or program completing the course or program that the Administrator or their designee determines to be satisfactory.

Note: The approved courses may or may not satisfy the continuing education requirements of employees who hold a license or certification. Those employees shall refer to their respective State of Nevada Board for more information.

Revisions:

NAC 62B.100 Training of employees who have direct contact with children or have supervisory duties over other employees. (NRS 62B.250)

1. An agency that operates an institution shall ensure that each employee who comes into direct contact with children who are in custody receives training in accordance with NRS 62B.250. The training must consist of instruction concerning:

- (a) The topics listed in subsection 1 of NRS 62B.250;
- (b) Proper reporting of suspected abuse or neglect;
- (c) Proper reporting and investigation of sexual harassment or sexual misconduct consistent with the requirements set forth in the federal Prison Rape Elimination Act of 2003, 42 U.S.C. §§ 15601 et seq., and 28 C.F.R. §§ 115.5 et seq.;
- (d) The conditions and limitations of the use of corrective room restriction set forth in NRS 62B.215;
- (e) The plan for care of children in the institution during disasters developed pursuant to NRS 62B.220;
- (f) Trauma-informed care of children; and
- (g) Data collection.

2. In addition to the instruction required by subsection 1, an agency that operates an institution shall ensure that the training required by subsection 1 and NRS 62B.250 for an employee who has supervisory duties over other employees includes instruction concerning:

- (a) The provisions of the “Juvenile Detention Facility Standards” adopted by the Juvenile Justice Commission; and
- (b) The disproportionate contact of children belonging to a racial or ethnic minority group with the juvenile justice system.

3. In addition to the instruction required by subsection 1, subsection 2, and NRS 62B.250, a facility pursuant to NRS 63.030 shall ensure training for all employees in the following emergency procedures is conducted and included on the annual report to the Office pursuant to NAC 62B.110, on a template provided by the office beginning February 15, 2023, and annually thereafter.

- (a) Basic First Aid
- (b) CPR
- (c) Youth Mental Health First Aid
- (d) Quarterly Emergency Drills

As used in this section, “trauma-informed care” means an approach to the delivery of care to a child that takes into account the impact of trauma on the child and emphasizes physical, psychological and emotional safety for both providers and children.

(Added to NAC by Div. of Child & Fam. Services by R107-16, eff. 12-21-2016; A by R095-18, 10-25-2018)

NAC 62B.110 Maintenance of records relating to employee training; annual reports. (NRS 62B.250)

1. An agency that operates an institution shall keep records related to the training of new and existing employees required pursuant to NRS 62B.250, NAC 62B.100, and NAC 62B.XXX. Such records must include, without limitation, the date, topic and name of each employee who attended each training session.

2. Not later than February 15 of each year, an agency that operates an institution shall submit to the Office on a form developed and provided by the Office a report concerning the training required by NRS 62B.250, NAC 62B.100, and NAC 62B.XXX. The report must include, without

limitation, the date and topic of each training session and the total number of employees who attended each training session.

3. Not later than February 15, 2023, each department of juvenile services and the Youth Parole Bureau shall submit to the Office on a form developed and provided by the Office a report concerning the training required by NAC 62B.XXX.
4. In addition to the report pursuant to (2) and (3) of this section, a syllabus shall be provided for each training course or program.
 - a. The syllabus shall outline all the components of the course or program, the name and agency of trainer, and the time allotted for the course or program.
 - b. If training course or programs differs for new employees and existing employees for the same subject, a syllabus for each course or program, meeting the requirements of (a), shall be provided, clearly indicating the focus on new or existing employees.

Based on the information provided to the Office pursuant to this section, the Office will produce an annual report summarizing training provided pursuant to NRS 62B.250, NAC 62B.100, and NAC 62B.XXX, no later than June 30 of each year.

(Added to NAC by Div. of Child & Fam. Services by R107-16, eff. 12-21-2016)

NAC 62B.120 Effect of failure of agency to submit annual report. (NRS 62B.250) If an agency fails to comply with the requirement to submit an annual training report pursuant to NAC 62B.110, the Office shall notify the governing body of the agency and may take any other action deemed lawful, **including the withholding of state money**, until the agency complies with such reporting requirement.

(Added to NAC by Div. of Child & Fam. Services by R107-16, eff. 12-21-2016)

As used in this section, “state money” means money received from the State, except money received from the State Plan for Medicaid as a benefit for a child subject to the jurisdiction of a juvenile court.

Note: Verify if the withholding of state money is allowed for training data. (LCB question)