

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

**LCB FILE NO. R131-22I**

**The following document is the initial draft regulation proposed  
by the agency submitted on 06/28/2022**

## REQUESTED AMENDMENT TO NAC 388E.XXX

(SB 210, 2021)

### Convening of Meetings to Review Appropriateness of Placement

Rationale:

Section 1, subsection 3 of SB 210 (2021) places a number of requirements on a public or private school and the school district in which a child was enrolled when the child was admitted to a facility which provides residential treatment for mental illness. Paragraph (d) requires the Department of Education to adopt regulations necessary to carry out the provisions of the requirements placed on a public or private school and the school district in this subsection.

These requirements include:

- Convening of a meeting to review the appropriateness of a residential placement as it relates to an IEP or services plan, if the child is a student with a disability.
- Convening of a meeting to review the appropriateness of a residential placement pursuant to the statewide framework for integrated student supports (NRS 388.885), if the child is a student without a disability.
- Monitoring of the child's progress while they are admitted to the facility.
- Participating in discharge planning transitioning the child from residential placement back to a school or other educational setting.

NDE staff engaged in comprehensive stakeholder engagement to identify the individuals who should attend those meetings, what material should be considered during the meeting in reviewing the appropriateness of the residential placement, and responsibility for maintenance of the IEP or services plan.

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*1. For a child who is a pupil with a disability, the individualized education program meeting which is convened by a public or private school and the school district must be attended by the representatives included in paragraph (b) of subsection 3 of NRS 432B.60847, and may be attended by, without limitation and in accordance with the policies of the agency which provides child welfare services:*

*(a) The child who is a pupil with a disability, as developmentally appropriate, to ensure that the personal rights and wishes of the child are considered;*

*(b) The parent or parents of the child who is a pupil with a disability, as defined by NRS*

*432B.080 and in accordance with the provisions of NRS 432B.392;*

*(c) The person or persons who maintain a foster home, as defined by NRS 424.014, in which the child who is a pupil with a disability has been placed;*

*(d) The fictive kin of the child who is a pupil with a disability, as defined by NRS 432B.6205;*  
*or*

*(e) The relative of the child who is a pupil with a disability, as defined by NRS 432B.6213.*

*2. In considering the appropriateness of a residential placement of a child who is a pupil with a disability and who is being admitted to a psychiatric hospital or facility, the representatives shall consider the ability of the psychiatric hospital or facility to comply with provisions of the individualized education program or services plan, including, but not limited to:*

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

*(b) The requirements of NRS 388.417 to 388.5243, inclusive; and*

*(c) Other measures for integrated student supports, pursuant to subsection 4 of NRS 388.885.*

*3. If it is determined during the meeting which is convened by a public or private school and the school district, as applicable, that the psychiatric hospital or facility cannot comply with the provisions of the individualized education program or services plan, the child who is a pupil with a disability must not be admitted to the psychiatric hospital or facility.*

*4. If a child who is a pupil with a disability is admitted to a psychiatric hospital or facility, the psychiatric hospital or facility must ensure that the individualized education program or services plan is reviewed and maintained according to the timelines and processes required by the*

*Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the regulations adopted pursuant thereto, and is not allowed to expire while the child is admitted.*

*5. The public or private school and the school district must participate in meetings to review and maintain the individualized education program or services plan while the child who is a pupil with a disability is admitted to a psychiatric hospital or facility, to ensure compliance and consistency with the educational rights of the pupil as defined in all applicable state and federal laws.*

*6. If a child who is a pupil with a disability is enrolled in a school with special enrollment processes, including but not limited to a charter school whose enrollment is determined by lottery, pursuant to NRS 388A.453, or a magnet school program or private school with selective or competitive enrollment, the representatives shall consider provisions which will facilitate the ability of the child to return to the school following discharge from the psychiatric hospital or facility.*

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*1. For a child who is a pupil without a disability, the meeting which is convened by a public or private school and any school district, as applicable, must be attended by the representatives identified in paragraph (b) of subsection 3 of NRS 432B.60847, and may be attended by, without limitation and in accordance with the policies of the agency which provides child welfare services:*

*(a) The child, as developmentally appropriate, to ensure that the personal rights and wishes of the child are considered;*

*(b) The parent or parents of the child, as defined by NRS 432B.080 and in accordance with*

*the provisions of NRS 432B.392;*

*(c) The person or persons who maintain a foster home, as defined by NRS 424.014, in which the child has been placed;*

*(d) The fictive kin of the child, as defined by NRS 432B.6205; or*

*(e) The relative of the child, as defined by NRS 432B.6213.*

*2. In considering the appropriateness of a residential placement of a child who is a pupil without a disability and who is being admitted to a psychiatric hospital or facility, the representatives shall consider the ability of the psychiatric hospital or facility to provide for the educational needs and rights of the pupil as defined in all applicable state and federal laws, including but not limited to measures for integrated student supports pursuant to NRS 388.885.*

*3. If a child who is a pupil without a disability is enrolled in a school with special enrollment processes, including but not limited to a charter school whose enrollment is determined by lottery, pursuant to NRS 388A.453, or a magnet school program or private school with selective or competitive enrollment, the representatives shall consider provisions which will facilitate the ability of the child to return to the school following discharge from the psychiatric hospital or facility.*