

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

**LCB FILE NO. R132-22I**

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

## REQUESTED AMENDMENT TO NAC 387.XXX

### SB 485 (2109) and SB 210 (2021)

#### Enrollment of Pupils Who are Admitted for Residential Treatment

##### Rationale:

Section 1, subsection 9 of SB 485 (2019) requires the Department to adopt regulations necessary to carry out the requirements associated with reimbursement of costs for the provision of educational services by a hospital or other facility that provides residential treatment.

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 to adopt regulations necessary to carry out the provisions of the requirements placed on a public or private school and the school district in that subsection.

NDE staff engaged in comprehensive stakeholder engagement to identify barriers to the continued education of a child who is admitted to a facility which provides residential treatment. A key barrier identified by a number of stakeholders were challenges associated with students being unenrolled from the school or district within which they were enrolled when they were admitted to a facility which provides residential treatment for mental illness. Such unenrollment significantly impacts students with disabilities, as continuation of the accommodations included in an IEP or services plan is not maintained once the student has been unenrolled.

With the changes brought about by the Pupil-Centered Funding Plan, educational dollars from the State Education Fund are meant to follow the student, including when the student is receiving educational services at a hospital or facility which provides residential services. NRS 387.1225 requires that educational dollars for students who are admitted to a hospital or facility be withheld from the school or district in which the student was enrolled at the time of the admission; therefore, enrollment of the student must remain with that school or district for the duration of the child's admission to the hospital or facility, such that the calculation of those funds may be maintained.

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*1. If a pupil is admitted to a hospital or facility which provides residential treatment, the school or district in which the pupil was enrolled when he or she was admitted to the hospital or facility shall not unenroll the pupil while he or she is admitted to the hospital or facility. The school or district must use the appropriate codes for enrollment within the student information system as prescribed by the State Board of Education.*

*2. Pursuant to NRS 432B.60847, a public or private school or any school district in which a*

*child who is in the custody of an agency which provides child welfare services was enrolled or which was providing services to the child when he or she was admitted to the facility pursuant to NRS 432B.6076 shall not unenroll the child while he or she is admitted to a psychiatric hospital or facility, and must use the appropriate codes for enrollment within the student information system as prescribed by the State Board of Education.*

*2. For a pupil with a disability who is admitted to a hospital or facility that provides residential treatment, the school district or charter school in which the child is enrolled shall be deemed to be the local educational agency for the child for the purposes of the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., NRS 388.417 to 388.5243, inclusive, and any regulations adopted pursuant thereto.*

*3. If a pupil who is a child who is in the custody of an agency which provides child welfare services was not enrolled in a public or private school or any school district when he or she was admitted to a psychiatric hospital or facility pursuant to NRS 432B.6076, the pupil must be enrolled:*

*(a) In a county whose population is 100,000 or more, in the school district of the county in which the agency which provides child welfare services is located, pursuant to NRS 432B.030;  
or*

*(b) In a county whose population is less than 100,000, any school district of the state in which the Division of Child and Family Services, in consultation with the educational decision maker appointed for the child pursuant to NRS 432B.462 and in accordance with the personal rights of the child pursuant to NRS 432B.6082, determines is in the best interests of the child.*

*4. The enrollment of any child pursuant to this subsection must be counted for apportionment*

*purposes.*