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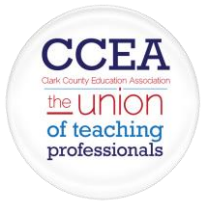
OFFICIAL BARGAINING PARTNER TO CLARK COUNTY SCHOOL DISTRICT, REPRESENTING MORE THAN 18,000 LICENSED PROFESSIONALS.



NEVADA'S 81ST LEGISLATIVE SESSION

2021 EDUCATION RECAP

OLP REPORT



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During the 81st legislative session, CCEA put an emphasis on our other licensed professionals (OLPs) to ensure that we have recommended ratios to work towards. CCEA understands that our other licensed professionals are committed to ensuring that our students receive the best education possible, with all the necessary wrap around services to grow into competent adults. Though not every OLP bill survived, below is a list of OLP oriented bills and restorative practice/justice bills for every OLP to become well acquainted with.

Restorative Justice and Practices Framework

NDE/ School District Restorative Practices

AB67: Revises provisions relating to education. (BDR 34-293)

Implementation Date: July 1, 2021

Summary: This bill defines “expel” and “suspend,” and “pupil with disability” for the purposes of school discipline and authorizes when a pupil with a disability may be suspended, expelled or permanently expelled. This bill requires the Department of Education to adopt regulations necessary to carry out pupil discipline and eliminates the requirement that a pupil be deemed suspended from school if: the pupil is prohibited from attending school for 3 or more consecutive days; and a conference or communication with the parent or guardian of the pupil is required before the pupil may return to school and instead requires that only significant suspensions be considered to determine whether a pupil is deemed a habitual disciplinary problem. Lastly, the provisions of the Open Meeting Law do not apply to certain hearings or proceedings, including, without limitation, a hearing or proceeding conducted relating to the suspension, expulsion or permanent expulsion of a pupil who commits a battery, distributes a controlled substance or possesses a firearm or dangerous weapon on school premises.

AB194: Revises provisions governing the suspension and expulsion of pupils. (BDR 34-176)

Implementation Date: July 1, 2021

Summary: This bill requires the board of trustees of each school district to adopt a policy that allows a pupil or, if the pupil is under 18 years of age, the parent or legal guardian of the pupil to appeal the suspension or expulsion of the pupil. The policy must provide, without limitation, that the board of trustees of the school district, or a designee, may authorize the suspension or expulsion of a pupil within the timeline established by the Department of Education; the board of trustees of the school district shall notify the pupil and the parent or legal guardian of the pupil, of the suspension or expulsion, the right to appeal the suspension or expulsion and information on the appeal policy; the pupil, parent or legal guardian of the pupil, as applicable, may appeal the suspension or expulsion within the timeline established by the Department; the board of trustees of the school district shall schedule a hearing on an appeal within the timeline established by the Department; and the board of trustees of the school district may not increase the initial suspension or expulsion of a pupil after conducting a hearing. The board of trustees of a school district are required to post the appeal policy on the Internet website of the school district and each school within the district. Appeal proceedings are not subject to open meeting law. A pupil who is suspended or expelled or who is being considered for suspension or expulsion is entitled to receive an education in the least restrictive environment possible. This bill requires the Department of Education to provide to the board of trustees of a school district guidance regarding the appeal policy adopted pursuant to in as many languages as possible for the benefit of pupils and their families. This bill requires the Department of Education to adopt any necessary regulations relating to the discipline of pupils in consultation to the Office relating to restorative justice. This bill requires that the report on accountability include information on the plan for restorative justice and the process for progressive discipline

used by the school; and the manner in which the school trains employees on restorative justice and progressive discipline.

SB354: Revises provisions relating to education. (BDR 34-842)

Implementation Date: Upon passage and approval for the purpose of adopting regulations and performing any preparatory administrative tasks necessary to carry out the provisions of this act; an on July 1,2022, for all other purposes

Summary: This bill requires the Department of Education to develop a statewide framework for restorative justice. Restorative justice plans developed by school districts must align with the statewide framework and must include input from pupils. The policy developed by Department of Education to provide a safe and respectful learning environment must include restorative disciplinary practices aligned with the statewide framework. The bill requires: a plan of action based on restorative justice to be provided before the suspension or removal of a student may occur; a school to offer certain services to a pupil who is temporarily removed from school; and a school to recognize students who are homeless, in foster care, or unaccompanied when considering disciplinary action. Further, a pupil may not be expelled or suspended from school unless it has been determined that the behavior of the pupil was not caused by homelessness or being in foster care. The Department of Education must include data in the statewide system of accountability recognizing public schools that reduce the frequency of suspension, expulsion, or removal of students from school. This bill requires discipline data collected by public schools must be disaggregated by certain subgroups of pupils and types of offense and, to the extent possible under federal law, posted on the school’s website.

SB69: Revises provisions relating to behavioral health. (BDR 39-431)

Implementation Date: This section becomes effective May 31, 2021 for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act and on January 1, 2022, for all other purposes.

Summary: This bill defines the term “peer recovery support services” to mean nonclinical supportive services that use lived experience in recovery from a substance use disorder or other behavioral health disorder to promote recovery in another person with a substance use disorder or other behavioral health disorder by advocating, mentoring, educating, offering hope and providing assistance in navigating systems. This bill also requires that peer support specialists and peer recovery support specialist supervisors must be certified. This bill requires the Department of Education to develop maintain, and publish a list of evidence-based curricula and programs concerning substance misuse and substance use disorder. This bill also requires instruction, curriculum, or programs concerning substance misuse and substance abuse disorders to be evidence-based and school districts and charter schools to report any such curriculum or programs they use to the Legislative Committee on Education and every school district that operates a middle, junior high or high school to ensure the district or charter school participates in the Youth Risk Behavior Surveillance System, or its successor organization, and authorizes a minor or the parent or guardian of an unemancipated minor to refuse to participate in the survey.

Custodial Interrogation and School Police

AB132: Establishes provisions relating to custodial interrogations of children. (BDR 5-783)

Implementation Date: July 1, 2021

Summary: This bill requires a peace officer or probation officer who takes a child into custody to make certain disclosures to the child concerning his or her constitutional rights relating to custodial interrogations before initiating a custodial interrogation. Disclosures include: You have a right to remain silent, which means you

do not have to say anything to me unless you want to. It is your choice; If you choose to talk to me, whatever you tell me I can tell a judge in court; you have a right to have your parent or guardian with you while you talk to me; you have the right to have a lawyer with you while you talk to me. If your family cannot or will not pay for a lawyer, you will get a free lawyer. That lawyer is your lawyer and can help you if you decide you want to talk to me; these are your rights. Do you understand what I have told you; Do you want to talk to me?

Notes: In the event a student is interviewed by a peace officer or probation officer, mandatory disclosures on constitutional rights (known as Miranda rights) must be given. This arguably counts for any interrogation by a school resource officer, if the reason for interrogation is compliant with NRS 62C.010.

AB304: Revises provisions governing peace officers. (BDR 23-918)

Implementation Date: May 29, 2021, for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and January 1, 2022, for all other purposes.

Summary: The regulations adopted by the Peace Officers' Standards and Training Commission must establish, among other things, standards for programs of continuing education for peace officers, including minimum courses of study, and must require all peace officers to complete not less than 12 hours of continuing education courses annually that address: racial profiling; mental health, including crisis intervention; officer well-being; implicit bias recognition; de-escalation; human trafficking; and firearms. Due school police officers having the powers of peace officers, it is arguable that they will need to participate in this minimum course of study.

Continuing Education

AB327: Requires certain mental health professionals to complete continuing education relating to cultural competency. (BDR 54-175)

Implementation Date: May 28, 2021, for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and January 1, 2022, for all other purposes

Summary: This bill requires a psychiatrist, physician assistant practicing under the supervision of a psychiatrist, nurse, marriage and family therapist, clinical professional counselor, social worker, clinical alcohol and drug counselor, alcohol and drug counselor, problem gambling counselor or behavior analyst to complete a certain number of hours of instruction concerning cultural competency and diversity, equity and inclusion as part of that continuing education. Nurses, psychologists, and social workers will be required to take cultural competency training.

SB108: Establishes provisions relating to juveniles. (BDR 5-549)

Implementation Date: May 31, 2021, for the purpose of adopting any regulations and performing any preparatory administrative tasks that are necessary to carry out the provisions of this act and nine months after the date on which the regulations adopted by the Division of Child and Family Services of the Department of Health and Human Services and for all other purposes January 1, 2022

Summary: This bill requires that implicit bias and cultural competency instruction must be provided to any person who is employed in the juvenile justice system and who has routine contact with juveniles in their work, including employees of regional facilities for treatment and rehabilitation. The impact of trauma and adverse childhood experiences on decision-making and behavior must be included in the training.

SB151: Revises provisions relating to education. (BDR 34-77)

Implementation Date: Effective May 21, 2021 for the development of the plan and for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act and July 1, 2022 for all other purposes

Summary: This requires the boards of trustees in Nevada's two largest school districts to develop plans to improve the ratio between pupils and specialized instructional support personnel, including recruitment and retention strategies for such personnel and annual targets to meet the recommended ratios. The bill requires then the two districts to submit an annual report to Nevada's Department of Education concerning its plan and the plan's effectiveness. This bill also requires school counselors, psychologists, and social workers to complete continuing education requirements as established by the Commission on Professional Standards in Education and the Board of Examiners for Social Workers, respectively.

Juvenile Justice System

SB385: Requires the Division of Child and Family Services of the Department of Health and Human Services to conduct a study during the 2021-2022 legislative interim concerning investments in juvenile justice prevention activities in this State. (BDR S-506)]

Implementation Date: July 1, 2021

Summary: This bill requires the Division of Child and Family Services of the Department of Health and Human Services to conduct a study during the 2021-2022 legislative interim concerning investments in juvenile justice prevention activities in this State, which are activities or programs to reduce the number of children committed to state facilities. This also links directly with SB398.

AB230: Revises provisions relating to juvenile justice. (BDR 5-791)

Implementation Date: For offenses committed on or after October 1, 2021

Summary: The juvenile court has exclusive jurisdiction over a child who is alleged to have committed an act designated as a delinquent act, unless the child is alleged to have committed an offense for which the juvenile court may certify the child for criminal proceedings as an adult and the juvenile court certifies the child for criminal proceedings as an adult upon a motion by the district attorney and after a full investigation (such as: murder and attempted murder; sexual assault and attempted sexual assault involving the use or threatened use of force or violence against the victim; (an offense or attempted offense involving the use or threatened use of a firearm; certain felonies resulting in death or substantial bodily harm on the property of a school, at an activity sponsored by a school or on a school bus; other category A and B felonies; and any other offense if, before the offense was committed, the person previously had been convicted of a criminal offense. This bill eliminates the exclusions of: sexual assault and attempted sexual assault involving the use or threatened use of force or violence; and an offense or attempted offense involving the use or threatened use of a firearm from the jurisdiction of the juvenile court, thereby retaining such offenses under the jurisdiction of the juvenile court. This bill eliminates the mandatory certification of a child as an adult for the specified offenses now under juvenile court.

Protection of Children

AB228: Establishes provisions relating to children's advocacy centers. (BDR 38-358)

Implementation Date: May 27, 2021, for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and on July 1, 2021, for all other purposes.

Summary: A “children's advocacy center” is a public or private entity that provides an environment friendly to children where multidisciplinary teams made up of law enforcement officers, representatives of agencies which provide child welfare services, providers of health care, district attorneys or their deputies and victims' advocates work to: investigate and help children recover from abuse and neglect; and hold perpetrators of abuse and neglect of children accountable. This bill creates an account to support the establishment and operation of children's advocacy centers and authorizes the Division of Child and Family Services of the Department of Health and Human Services to accept gifts, grants, bequests and other contributions for this account.

AB426: Makes various changes relating to the protection of children. (BDR 38-516)

Implementation Date: October 1, 2021

Summary: This bill authorizes an agency which provides child welfare services or its designee to request that the court issue a warrant to place a child in protective custody if there is reasonable cause to believe that the child is in need of protection from injury, abuse or neglect but the threat is not imminent in the time it would take to obtain a warrant and provides requirements for service and notice.

SB7: Makes various changes relating to certain orders for protection where the adverse party is a child under 18 years of age. (BDR 1-391)

Implementation Date: October 1, 2021

Summary: This bill provides that the district court has exclusive jurisdiction over orders for protection against domestic violence, harassment in the workplace, high-risk behavior, sexual assault, or stalking, aggravated stalking or harassment is sought against a child who is under 18 years of age, while the juvenile court has exclusive jurisdiction over any action in which it is alleged that a child who is the adverse party to any such order has committed a delinquent act by violating a condition of the order. This bill provides provisions for the petition to stop the transmission of information to the central repository after the basis for the transmittal (in cases where an order for protection is issued) no longer exists.

Substance Abuse

AB205: Makes various changes concerning the acquisition, possession, provision or administration of auto-injectable epinephrine and opioid antagonists by schools. (BDR 40-98)

Implementation Date: May 26, 2021, for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and (b) On July 1, 2021, for all other purposes

Summary: This bill authorizes authorized health care professionals to issue such an order for opioid antagonists to a public school for the treatment of an opioid-related drug overdose that may be experienced by any person at the school. If a public or private school obtains an order for opioid antagonist, a school nurse or other designated employee of the public school, who has received training in the storage and administration of opioid antagonists to administer an opioid antagonist to any person on the premises of the school who is reasonably believed to be experiencing an opioid-related drug overdose. This bill exempts a school, school district, employee of a school and certain other persons affiliated with a school from liability for certain damages relating to the acquisition, possession, provision or administration of auto-injectable epinephrine or an opioid antagonist not amounting to gross negligence or reckless, willful or wanton conduct, if the auto-injectable epinephrine or opioid antagonist is provided or administered during the rendering of emergency care or assistance during an emergency.

AB374: Establishes the Statewide Substance Use Response Working Group. (BDR 40-991)

Implementation Date: Upon passage and approval

Summary: This bill creates the Statewide Substance Use Response Working Group within the Office of the Attorney General and requires the Working Group to comprehensively review various aspects of substance misuse and substance use disorders and programs and activities to combat substance misuse and substance use disorders in this State. This bill requires the Department of Health and Human Services to annually report to the Working Group concerning the use of state and local money to address substance misuse and substance use disorders, for evaluation and to make recommendations concerning the use of that money.

Records and Opportunities

AB251: Makes various changes relating to records concerning children. (BDR 5-986)

Implementation Date: December 31, 2021

Summary: This bill establishes the expungement of certain records belonging to a child 18 years of age or older to petition the juvenile court for an order expunging all records relating to: an unlawful act that, if committed by an adult, would have been a misdemeanor; and an act of a child in need of supervision.

SB188: Establishes programs for certain persons of low-income and certain children. (BDR 38-711)

Signed into law on: June 2, 2021

Implementation Date: May 24, 2021 for the purposes of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act January 1, 2022, for all other purposes

Summary: This bill establishes the Individual Development Account Program for children who are a resident of this State; twelve years of age or older; and a tenant of a housing project for persons of low income in this State, a recipient of Medicaid, a provider of foster care or a relative or a fictive kin with whom a child is placed by an agency which provides child welfare services who is creating such an account for a child placed in his or her care. This creates a matching account with the State, a fiduciary organization, and the child, and ensures that financial literacy is provided to the child.

Racial Discrimination

AB371: Enacts provisions governing discrimination based on race. (BDR 34-697)

Implementation Date: July 1, 2021

Summary: This bill extends cyber-bullying provisions in NRS 388.135-388.137 to prohibit and address incidents of discrimination based on race. This bill prohibits discrimination based on race in addition to bullying or cyber-bullying on the premises of any school, at an activity sponsored by a school or on a school bus and authorizes a pupil or parent or legal guardian of a pupil who witnesses an incident of discrimination based on race to report the incident to an administrator. This bill requires a board of trustees of a school district to categorize an incident of discrimination based on race as a racially motivated or hate incident. This bill requires the board of trustees of a school district or the governing body of a charter school to develop restorative practices for both victims and perpetrators of discrimination based on race.

SB166: Revises provisions relating to crimes motivated by certain characteristics of the victim. (BDR 15-246)

Implementation Date: October 1, 2021

Summary: This bill removes the requirement for penalty enhancements to felonies committed because of specified characteristics of the victim and instead provides that there can be an additional penalty for these specified characteristics to both felonies and misdemeanors. This bill adds to the list of crimes ordinarily punishable as misdemeanors that are punishable as gross misdemeanors if committed because of certain characteristics of the victim the crime of threatening to cause bodily harm or death to a pupil or employee of a school district or charter school, pursuant to NRS 392.915.

Sex Crimes

SB274: Revises provisions relating to commercially sexually exploited children. (BDR 38-705)

Implementation Date: Effective May 31, 2021 for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and on January 1, 2022, for all other purposes. Section 2 effective July 1, 2023

Summary: This bill provides that a child alleged to be a commercially sexually exploited child who is in imminent danger may be detained under an emergency admission to a receiving center or a secured childcare facility. A child admitted under emergency admission must be released within 24 hours of being detained unless a petition for court-ordered admission is filed within that time. This bill outlines the process, requirements, and limitations for court-ordered admission and authorizes a court to order the admission of a child to a receiving center or secured childcare facility only if it determines that the child is a commercially sexually exploited child and it is contrary to the child's welfare to remain in the community. In addition, in judicial districts where a family court has been established, the family court has exclusive jurisdiction over such proceedings. This bill postpones implementation of the Nevada Revised Statutes that prohibit the adjudication of a child who is alleged to have violated certain provisions of law relating to prostitution as delinquent or in need of supervision or the detention of such a child if there is reasonable cause to believe that the child is a commercially sexually exploited child from July 1, 2022, to July 1, 2023.

AB214: Revises provisions governing sexual assault. (BDR 15-103)

Implementation Date: October 1, 2021

Summary: This bill revises the definition of sexual assault by replacing the gendered language in the statute with gender-neutral language. Teachers are mandatory reporters; this bill ensures that the language in the sexual assault statute is now gender neutral. In the event one of our educators receives a sexual assault disclosure, it is important to remember the gender-neutral language of the statute to ensure the student's health and safety get put first.

SB203: Revises provisions relating to civil actions involving certain sexual offenses. (BDR 2-577)

Implementation Date: May 25, 2021

Summary: This bill eliminates the statute of limitations for a civil action to recover damages for sexual abuse or sexual exploitation if the sexual abuse or sexual exploitation occurred when the plaintiff was less than 18 years of age. This bill sets forth that a civil action to recover damages for injuries suffered by a victim of pornography involving minors must be commenced within 20 years after the victim reaches 18 years of age. This bill provides that the changes in this bill apply retroactively to any act constituting sexual abuse or sexual exploitation, any act relating to pornography and a minor for which a person would be liable even if the statute of limitations that was in effect at the time of the act has expired, which means that a civil action that would otherwise be time-barred by the former statute of limitations is revived by this bill.

Cannabis Crimes

AB158: Revises the penalties for certain offenses involving alcohol of cannabis. (BDR 15-360)

Implementation Date: October 1, 2021

Summary: A “child,” for the purposes of juvenile justice, as a person who is: less than 18 years of age; less than 21 years of age and is subject to the jurisdiction of the juvenile court for an unlawful act committed before the person reached 18 years of age; or subject to the jurisdiction of the juvenile court as a juvenile sex offender. This bill: establishes penalties for unlawful acts relating to the possession or consumption of alcohol or the possession of less than 1 ounce of marijuana committed by children; and requires a child who commits such acts to be punished in accordance with the penalties for children. A child who commits such unlawful acts is, for a first or second offense, a child in need of supervision and is not a delinquent child and jurisdiction for these unlawful acts are in the juvenile court. This bill authorizes a peace officer to issue a child a citation for certain offenses relating to the possession or consumption of alcohol or the possession of 1 ounce or less of marijuana.

9-8-8 Hotline

SB390: Revises provisions relating to behavioral health. (BDR 39-635)

Implementation Date: May 31, 2021, for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act and on January 1, 2022, for all other purposes

Summary: This bill establishes a hotline that may be accessed by dialing 9-8-8 for people considering suicide or otherwise in a behavioral health crisis and to create at least one support center to answer calls and coordinate the response to those calls and requires that the support center must coordinate and deploy services necessary for those who use the hotline, including providing follow-up services. This bill requires the Public Utilities Commission of Nevada to impose a surcharge on mobile communication services, IP-enabled voice services, and landline telephone services, which must be deposited into the Crisis Response Account in the State General Fund and administered by the Division for specific purposes. This bill creates the Nevada Fund for Healthy Communities to hold the proceeds of litigation by the state concerning the manufacture, distribution, sale, and marketing of opioids, and to provide for the distribution of that money as grants to state, regional, local, and tribal governments and nonprofit organizations for projects that address the impacts of opioid use disorder and other substance use disorders. It requires DHHS to conduct a needs assessment to determine priorities for allocating money from the Fund and to distribute the grants

Mental and Behavioral Health

SB249: Revises provisions relating to education. (BDR 34-81)

Implementation Date: July 1, 2021

Summary: This bill adds behavioral health to the list of conditions that would excuse a child from attending school and allows a qualified mental health or behavioral health professional to certify that a child is not able to attend school or that the child’s attendance is inadvisable. The bill prohibits an excused absence due to a child’s physical or mental condition or behavioral health from having a negative effect on a school’s accountability rating. This bill requires all Nevada education institutions K- 20 to ensure that the back of any identification card for a pupil includes the telephone number and a text messaging option for the National Suicide Prevention Lifeline, or its successor organization.

SB70: Revises provisions governing mental health. (BDR 39-418)

Implementation Date: October 1, 2021

Summary: This bill revises provisions related to parental/guardian notification and release of an unemancipated person who is under 18 years of age and placed on a mental health crisis hold by giving exclusive jurisdiction to family court. This bill no longer labels an unemancipated minor in need of a mental health crisis a defendant.

SB146: Revises provisions relating to mental health services for children. (BDR 39-870)

Implementation Date: May 17, 2021

Summary: This bill revises current requirements to provide that when a child with emotional disturbance is admitted to a public or private inpatient psychiatric treatment facility, the administrative officer, or staff of the facility to ask the person or entity with legal custody of the child whether he or she has a health care provider who regularly provides mental or behavioral health care. If the child has such a provider, staff of the facility must make a reasonable effort to consult with the provider concerning the child's admittance and care and to coordinate on a plan to discharge the child from the facility.

SB210: Revises provisions relating to the education of a child with an emotional disturbance. (BDR 38-561)

Implementation Date: May 30, 2021 for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act and on July 1, 2021, for all other purposes

Summary: The bill requires a psychiatric hospital or residential mental health treatment facility to which such a child is admitted, to develop a plan for continuing the child's education prior to admission of a student to a residential treatment center. Additionally, depending on the whether the student is identified as special education needs, all consultation should occur with the school in which the child was most recently enrolled, the school district, the agency providing child welfare services, and any person responsible for the child's education. The enrolled school and school district must also participate in the development of the plan and comply with it, including by providing any existing individualized education programs to the facility. Further this bill clarifies that the Department of Education is authorized to develop regulations related to the discharge of students from such facilities and their re-entry to school.