

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

LCB File No. R055-22

July 20, 2023

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§ 1-4, NRS 62B.607.

A REGULATION relating to juveniles; prescribing requirements for training relating to implicit bias and cultural competency for certain persons who have regular and routine contact with juveniles who are involved in the juvenile justice system in this State; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires any person who, during the scope of his or her employment, has regular and routine contact with juveniles who are involved in the juvenile justice system in this State to complete training relating to implicit bias and cultural competency provided by his or her employer. Existing law also: (1) requires that such training include certain specific instruction relating to implicit bias and cultural competency; and (2) requires the Division of Child and Family Services of the Department of Health and Human Services to adopt regulations concerning such training. (NRS 62B.607) **Section 2** of this regulation: (1) prescribes the requirements for the training relating to implicit bias and cultural competency; and (2) establishes the procedure for approval or disapproval of such training by the Division. **Section 3** of this regulation prescribes the dates by which certain employees who were initially hired after the effective date of this regulation are required to complete their initial and subsequent training concerning implicit bias and cultural competency. **Section 4** of this regulation prescribes the date by which certain employees who were initially hired on or before the effective date of this regulation are required to complete their initial training concerning implicit bias and cultural competency.

Section 1. Chapter 62B of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. 1. *The training relating to implicit bias and cultural competency that is required to be provided by an employer pursuant to NRS 62B.607:*

(a) Must, to the extent practicable, be developed with the participation of children who are members of sexual and gender minority populations or racial or ethnic minorities, children with disabilities and children who are or were placed with an agency which provides child welfare services.

(b) Must include instruction concerning:

(1) The elements identified in subsection 2 of NRS 62B.607;

(2) Cultural responsiveness to sexual and gender minority populations;

(3) The impact of trauma and adverse child experiences on the health and well-being of children; and

(4) The difference between direct discrimination and indirect discrimination, including, without limitation, the difference between direct discrimination and implicit bias.

(c) May be provided:

(1) In person or online.

(2) Pursuant to a contract with or through an entity that provides such training, including, without limitation, a governmental agency or an accredited college or university.

2. Before providing the training described in subsection 1 initially to any employee, an employer that is required to provide the training shall obtain approval of the training from the Division. To apply for such approval, the employer shall submit to the Division:

(a) The curriculum for the training;

(b) A statement describing the manner in which the employer has complied with paragraph

(a) of subsection 1; and

(c) Any additional information or documentation that the Division requests.

3. *The Division will review the application submitted pursuant to subsection 2 and, if necessary, will consult with any person or entity determined by the Division to possess experience or expertise in developing training relating to implicit bias and cultural competency.*

4. *The Division will approve the training if the Division determines that the training satisfies the requirements of subsection 1.*

5. *Within 60 days after the date on which the Division receives the application submitted pursuant to subsection 2, the Division will provide written notice of its approval or disapproval of the training to the employer. If the Division disapproves the training, the notice will state the reasons for the disapproval.*

6. *If an employer makes any substantial change to the training after its approval by the Division, the employer shall submit the information required pursuant to subsection 2 relating to the revised training for approval by the Division.*

7. *As used in this section:*

(a) *“Cultural responsiveness” means the ability of a person to adapt his or her behavior to the cultural needs of other persons in a manner that recognizes, affirms and values the worth and preserves the dignity of people, families and communities.*

(b) *“Implicit bias” means bias that results from an unconscious attitude, prejudice or stereotype regarding a population.*

(c) *“Sexual and gender minority population” includes, without limitation, persons who:*

(1) *Self-identify as lesbian, gay, bisexual, asexual, transgender, two-spirit, queer or intersex; or*

(2) Do not self-identify as lesbian, gay, bisexual, asexual, transgender, two-spirit, queer or intersex, but whose sexual orientation, gender identity or expression or reproductive development is outside of the heterosexual or cisgender constructs of sexual identities.

Sec. 3. 1. *Except as otherwise provided in subsection 2, each person who is subject to the requirements of subsection 1 of NRS 62B.607 shall complete training in implicit bias and cultural competency as soon as practicable after commencing his or her employment and once every 2 years thereafter.*

2. Each employee of the Youth Parole Bureau, a department of juvenile services, a local facility for the detention of children or a regional facility for the treatment and rehabilitation of children who is subject to the requirements of subsection 1 of NRS 62B.607 shall complete training in implicit bias and cultural competency within 90 days after commencing his or her employment and once every 2 years thereafter.

Sec. 4. This regulation is hereby amended by adding thereto the following transitory language which has the force and effect of law but which will not be codified in the Nevada Administrative Code:

Notwithstanding the provisions of section 3 of this regulation, a person who is subject to the requirements of subsection 1 of NRS 62B.607 and who was initially hired on or before the effective date of this regulation, shall complete the training in implicit bias and cultural competency that is required by NRS 62B.607 within 90 days after the approval of his or her employer's training by the Division of Child and Family Services of the Department of Health and Human Services pursuant to section 2 of this regulation.