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Richard Whitley, MS
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DEPARTMENT OF HEALTH AND HUMAN SERVICES

DIVISION OF CHILD AND FAMILY SERVICES
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Marla McDade
Williams, MPA
Administrator

Nevada Children's Commission Full Commission Draft Meeting Minutes

DATE: Friday, December 15, 2023

TIME: 10:30 A.M. - Adjournment

VIDEO CONFERENCE:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_NTIjYTcwM2EtNGVINi00N2Y0LWFmYmMtMmIxN2NjNWM3YTE1%40thread.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%22be58909a-421c-4f56-857e-c5f7d4ef6f7f%22%7d

TELECONFERENCE LINE: 775-321-6111

CONFERENCE ID: 551 275 301#

- 1. Call to Order** – Justice Nancy Saitta, Justice Elissa Cadish, Marla McDade Williams
The meeting was called to order at 10:31 a.m. by Justice Elissa Cadish.
- 2. Welcome and Introductions (Roll Call)** – DCFS Staff
Members Present by Video: Justice Elissa Cadish, Marla McDade Williams, Judge Paige Dollinger, Brigid Duffy, Jill Marano, Megan Miller, Shelia Parks, Senator Keith Pickard, Janice Wolf
Members Not Present: Judge Bailey, Nancy Brune, Judge David Gibson, Ryan Gustafson, Dr. Jesus Jara, Zaide Martinez, Assemblywoman Daniele Monroe-Moreno, Judge Michael Montero, Assemblywoman Erica Mosca, Kimberly Palma-Ortega, Dr. Tiffany Tyler-Garner, Judge Egan Walker
DCFS Staff: Elvira Saldana
Public: Gwynneth Smith, Jane Saint, Amy Honodel, Sabrina Schnur, Elyse Monroy- Marsala, Dr. Leslie Strasser Congrove, Gillian Barjon
- 3. Public Comment and Discussion:**
There was no public comment.
- 4. For Information:** Children's Commission Membership- Justice Nancy Saitta
 - Introduction of the Division of Child and Family Services Administrator, Marla McDade Williams

Justice Elissa Cadish stated herself and Justice Nancy Saitta are two of the three Co-Chairs of the Children's Commission. The new Co-Chair is Marla McDade Williams, the Administrator of the Division of Child and Family Services.

Marla McDade Williams stated she has been around state service for around 30 years. Marla McDade Williams started with the Legislative Counsel Bureau in the research division, worked as a Deputy Administrator for the Division of Public and Behavioral Health for about 10 years, then did some private sector lobbying, and most recently was with the Director's Office as a Deputy Director. Marla McDade Williams is happy to be participating in this forum.

5. For Possible Action: Meeting Minutes – Justice Nancy Saitta

- Review and vote to approve September 22, 2023 meeting minutes
Justice Elissa Cadish stated due to there not being a quorum, a vote will not be taken.

The agenda item will be tabled to the next meeting agenda.

6. For Information: School Discipline Legislative Changes – Dr. Leslie Strasser Congrove, Clark County Department of Family Services and Gillian Barjon, Legal Aid of Southern Nevada

- Provide an overview on the legislative changes to school disciplinary policies and the impact on children in foster care and children with disabilities.
Justice Elissa Cadish stated since this is an issue of interest to the commission members Dr. Leslie Strasser Congrove and Gillian Barjon have been asked to speak about school discipline legislative changes.

Dr. Leslie Strasser Congrove stated she is the Education Liaison for the Clark County Department of Family Services. They closely monitor the educational recommendations, especially in discipline, over the last legislative session. A lot of the changes are not beneficial to children in care. It is much easier to remove children from schools. There is a lot of discretion given to the principals. There is also less notice given. There were some protections for the younger kids that went through. For kids in care, there was previously a protection if at any time when the child was suspended there would be a determination made whether or not the behavior was related to the conduct that was related to the discipline. It was assumed that it was. That protection was lost. A change was made this year that no protection kicks in until after 5 days of suspension. The presumption was lost. Now it is presumed it is not related to being in care. It is a big issue for them. From their end, their caseworkers are being invited to those meetings. Dr. Leslie Strasser Congrove believes the Nevada Department of Education is trying to take some of the laws and make them more applicable across the board. Guidance has been put together on discipline which is going to go out to education decision makers, caregivers, and staff to ensure participation and information is provided to continue to protect the children. They are trying to push no exclusionary discipline.

Senator Keith Pickard asked if the presumption change was a statutory change as a result of AB 178 or if it was something outside of that.

Dr. Leslie Strasser Congrove stated it was under AB 330 and AB 285.

Gillian Barjon stated the citations are accurate. Both of those address the foster care former presumption and they were changed in different ways, which have not yet been married. The foster students are in a unique position because they have more protections through 432B, which are the dependency laws. In terms of foster care, they noted this session there was an attempt to really downplay the effect or importance of foster care being a source of disciplinary incidents. Unfortunately, there is not a lot of training. In an effort to increase safety and discretion for principals, the law made a lot of “may” language which extends the discretion for principals to deem students ongoing threats with very little discussion about what an ongoing threat means. The top five incidents of behavior have been categorically seen as issues that warrant expulsion or extended suspension. The definition of suspension changed over the session. Suspension was typically looked at as something that went from a few days, 3 days to a full semester. Now suspension is any removal from school for any amount of time. It triggers a lot of the discretionary decisions the principals/administrators have to make immediately upon that removal. The notice to the parent can be delayed since it gives the principals/administrators discretion to remove the student and notify the parent later. In addition, there is also the ongoing decision of the principal/administrator to decide whether the student is an ongoing threat even though there are further notice requirements and meetings. There were provisions that allowed for students who are in foster care to come to the attention of the principal and be reviewed for whether the incident and behavior was related to them being a foster student. That process was also changed by the law. Dr. Leslie Strasser Congrove noted AB 285 and AB 330. AB 285 pertains to the top five incidents and talks about whether the student has committed one of the top five incidents, and what the steps are to consider foster care as a mitigating factor. The question of behavior and safety is what comes to the table, rather than the question of who the child is as a whole. What the child has experienced and how their experiences have impacted them is not looked at. AB 330 now has a reversed presumption. It now says there will not be an assumption at all that foster care had an impact on the child's behavior. Also, the language for suspension and expulsion changed to may expel or suspend. In general, the idea is that the principal will handle the lower-level behavioral incidents without removal from instruction. They are seeing students being removed for incidents which should be handled through positive behavioral intervention and support. Progressive discipline based on restorative justice was added to the law. It puts accountability on the school, the principal, and the district to interact with the student in a way that does not necessarily mean they have to keep the student in school. However, it does mean they must address the needs of the student rather than just remove them and wait for the due process to happen, and then figure out if they will recommend, they come back. It essential means a plan for what the school is going to do to address the discipline or incident. Progressive discipline includes a lot of different things. With the 2 bills, what is being implemented is the discretion to remove, and not the plan. One of the requirements of the principals is to review how many suspensions and expulsions have happened, the categories for each, how many social workers and therapists they have, and what plan was used for the progressive discipline plans. Each quarter the items must be analyzed and submitted to the Board of Trustees or governing board if it is a charter school. Gillian Barjon encourages the committee to request the reports to see what is happening at the schools and request what is required of the Superintendent of each district. They cannot have laws which give wholesale discretion to remove students with impunity regardless of the level of incident, if they think it is a threat, with no accountability for notices, due process, or progressive discipline planning for positive

behavioral interventions. There are some schools who are trying to get their personnel trained and are working to come up with ways to implement plans for certain students. There are approximately 8 to 20 schools in Clark County who have bought into training on the restorative justice piece, which is a step in the direction of not removing students from instruction. Gillian Barjon is hopeful the Commission will use their ability to collect data, push for accountability, and speak with the Department of Education to ensure that they are monitoring this closely and monitoring the school principals' reports.

Senator Keith Pickard commented regarding the school's implementation, they are confused as to what has been put out and they do not have good guidance from the district. There are a lot of reasons why they are having a difficult time implementing this, particularly given the push they are getting from the legal side, which is a response to the safety issues. Senator Keith Pickard asked how the different disciplinary standards are managed if the push is to go back to a different standard for the foster care students.

Gillian Barjon stated there is not a different standard of discipline for foster students. Foster students still have the same consequences as any other student. The question is whether the disciplinary decision to suspend or remove from instruction gets reviewed with the lens for how it will affect that student based on their status in foster care and what will be done about it. The heart of the progressive discipline portion of AB 285 is that it needs to be unique to the student. Each student who comes into care, a placement letter is sent to the school which informs them the student is in care under the jurisdiction of the court.

Dr. Leslie Strasser Congrove stated she agreed with what Gillian said. There is a balance between the no tolerance and then looking at the unique circumstances of what is happening.

Senator Keith Pickard stated he thinks the theory is fantastic, however they are asking an already overburdened system to do so many more intervention type things they do not have the capacity to do. Senator Keith Pickard asked what happens if the parents do not engage in the plan meeting and the meeting does not take place.

Gillian Barjon stated the way the bill is written is the principal must give notice.

Jill Marano stated from the child welfare perspective, they have struggled to get reports and data from the school district to understand what is going on. Anecdotally they have also seen more kids getting suspended or expelled and spending more time in Child Haven, and the suspensions being longer this year. If there is no real negative consequence for youth, they will not see the benefit or what they wanted to see from this bill.

Judge Paige Dollinger stated she agrees with everything Jill Marano said. Anecdotally, Judge Paige Dollinger stated the cases she sees are much more voluminous and amplified. Kids in foster care are more prone to having behaviors based on their history of trauma and the chaos of the environment that they came out of. One thing that gives Judge Paige Dollinger hope is the organization, Boosted Diplomas/Achievements Unlocked. The organization assigns an educational advocate to each child to keep track of what is going on with the education piece.

Dr. Leslie Strasser Congrove stated they hold an educational stakeholder meeting once a month with folks from the school district and charter schools to talk about ways in which they can all work together. They have great support from the social work department, counseling department, and foster care department. They tried a pilot program at Desert Pines High School. A leadership class was added as an optional elective, and they put together the curriculum. The purpose of the class is to work with the students and have them have someone who they can go to and who can advocate for them. It also works on trauma related supports and strategies to work with the students. At the agency, they have put together a list of trauma related recommendations and all the advocates, counseling department, and social work have agreed to send it out to their folks. There has been some great success, however getting to the principal is difficult.

Justice Elissa Cadish thanked Dr. Leslie Strasser Congrove and Gillian Barjon.

7. For Information: Division of Child and Family Services Updates- Marla McDade Williams, Division of Child and Family Services

- Provide an update on the Request for Proposal for the UNITY replacement.
Marla McDade Williams stated there are 2 Requests for Proposal out. Both are currently under review and scoring. One is for project management and the other is for a needs assessment. Soon the Division will be able to move forward with a contractor to carry out the provisions. The needs assessment is the first part, to determine how the system looks moving forward and the other is just contract management.
- Provide an update on the foster care listening session.
Marla McDade Williams stated the listening sessions were held under former Administrator Pitlock. There was a lot of participation, and they went through the regulations in Chapter 424 and identified what was adding value and what was not adding value to the system. Those are in the process of being moved forward to a public workshop and then eventually the adoption hearing. They will require to go through rewriting through the Legislative Counsel Bureau. The counties have agreed on the changes that have been proposed in the new regulations. They will relate to specialized foster care, foster care homes, and looking at lessening the burden and financial expenses for families trying to come in and provide foster care.

8. For Information: Updates from Committees

- Behavioral Health Committee- Gwynneth Smith
Gwynneth Smith stated the committee has met twice since the last full Commission meeting. In September the committee presented their plan for 2024 which identified 3 areas of focus. The first is to look at the continuum of care for youth behavioral health and identify the gaps for children in child welfare, juvenile delinquency, and children and families at risk of becoming involved in those systems. The second area is data gathering. To be able to advocate for the Commission or the community, the data is needed to back up requests. The third area is highlighting promising programs to bring the information and share it statewide. The committee determined to place the focus first on data gathering. It underlies the other 2 priorities. The committee has started to do a series of working sessions to refine a well thought through specific list of data requests the committee thinks are important. The committee is also focusing on questions regarding specific subpopulations they know present in all the systems with an elevated level of need. The goal of the work is to establish and bring a refined list to the Commission with the idea of submitting a formal data request on behalf of the Commission. The committee intends to have a meeting with

the Office of Analytics before the final proposal is presented to the Commission. Gwynneth Smith asked Commission members and members of the public to please let her know if there are things the committee needs to understand better, that can be answered from a data request.

- Child Welfare Committee- Megan Miller

Megan Miller stated the two areas of focus the committee agreed on are priorities regarding the population of children entering independent living (extended foster care) and looking at placement and placement resources. One of the many categories under the placement umbrella are the issues in congregate care. Ryan Gustafson provided some statistics relating to congregate care in the North. Pre COVID, the North was at 15% capacity and were close to eliminating congregate care as an option. They are now at 90-95% capacity and looking for ways to extend the congregate care capacity. They have lost over 50% of their foster homes since COVID, as well as losing their hospital system. In discussing the reasons why there has been a drop in foster homes, foster parents have expressed they are reluctant to take children due to the lack of resources in the community to assist them with the children when they are destabilizing, going into crisis, or becoming acute. The committee has also discussed children who are also involved in the juvenile justice system. One of the concerns raised is these children, most of the time, have overlapping issues and they are being sent to correctional facilities where their mental health issues are not being treated. Then they are being sent to Residential Treatment Centers (RTCs) and their behavior is so significant that they are being kicked out of the RTCs and sent back to the correctional facilities where they are not receiving treatment. Instead of treating specific issues, placements designed to treat the child as a whole is what is needed in both the North and the South. Regarding extended foster care, the committee discussed they are interested in looking at the placement issues for the population and know how the extended foster care system works, regarding the style of hearing whether it is a traditional hearing or by committee. The committee learned that Judge Charter was holding review panels for independent living children. Judge Charter was doing specialized panels where she would bring experts to help this population understand educational issues, financial issues, or would have a therapist present. The committee will continue to look at placement and extended foster care.

Senator Keith Pickard commented Judge Charter is going to be moved at the first of the year to a domestic calendar. Anything she is doing well will need to be communicated to Judge Bailey.

Jane Saint asked if the correct number is 50 for the drop in foster homes in the North.

Megan Miller stated it is correct. Ryan Gustafson provided it to the subcommittee.

Jane Saint asked how the state is faring with other states in the area and if it is a trend across the country.

Judge Paige Dollinger commented resources for kids in the delinquency and dependency systems have been lost since COVID in the North. One of the things discussed in the subcommittee meeting with Ryan Gustafson was the fact that the providers who take Medicaid clients can be misleading because they may only take a few on their patient load due to not being able to afford to take more. The committee also discussed the notion Jane Saint brought up, looking at the trends across the country to see where the state fits in and it is one of the points the committee will be following up on. Ryan Gustafson also mentioned part of the decrease of 50% in foster homes is related to COVID. People are reevaluating their situations, prioritizing other things, and acknowledging it is something they cannot do anymore. The lack of resources Megan Miller talked about also plays a

significant part in the decision-making process. The North has been meeting with community stakeholders and others to try to get creative on how they can recruit homes. They are working with the University of Nevada Athletics Department to pull in community members. They have also lost a lot of Court Appointed Special Advocates (CASAs) after COVID.

Jane Saint commented she is very familiar with the struggles for CASA. Last fall they submitted 3 different grant proposals to help fund their behavioral health clinic and all have come back saying they are not going to fund it.

Jill Marano stated she would like to answer a question someone asked around what they are seeing nationally. It is really the same they are seeing here. It is a combination of issues. One is the lack of services which happened during COVID. The mental health issues have compounded because mental health professionals and child welfare professionals were not intervening with families. Clark County also saw a decrease in the number of foster homes. The population at their Child Haven campus has doubled. Kids are staying longer, and they are having more large sibling groups coming in.

- Education Committee- Janice Wolf
Janice Wolf stated Gillian Barjon and Dr. Leslie Strasser Congrove were added to the committee. Janie Wolf is looking at them to be able to help the committee help the Commission get what is needed regarding the major change in discipline and how it is affecting the children. A focal point for the committee is data gathering. The next committee meeting is scheduled to take place January 5th.

9. For Information: Court Improvement Program Update – Zaide Martinez, Nevada Supreme Court-Administrative Office of the Courts

- Provide updates on the Court Improvement Program.
Justice Elissa Cadish stated Zaide Martinez was unable to attend, however a written report was provided. If anyone is interested in the Court Improvement Program (CIP) Legislative Subcommittee which focuses on 432B issues, Kelly Brandon from the Carson City District Attorney’s Office has volunteered to be the Chair of the committee going forward for the 2025 legislative session. If any Commission members are interested in participating, please reach out to her. Justice Elissa Cadish asked if there were any questions regarding the CIP report.

There were no questions.

10. For Possible Action: Discuss and Decide Upon Next Steps – Justice Nancy Saitta

- Assign Tasks to Committee Members (if needed)
Tasks were not assigned.
- Specify Agenda Items for the Next Meeting
No recommendations were made.
- Confirm Next Meeting Date/Time
 - i. March 15, 2024 at 10:30 a.m.

11. Public Comment and Discussion

There was no public comment.

12. Adjourn

The meeting adjourned at 12:07 p.m.