

**COMPLAINT INVESTIGATION  
CARSON CITY SCHOOL DISTRICT  
AND  
NEVADA DEPARTMENT OF EDUCATION  
(#CA100710)**

*Report Issued on December 6, 2010*

**INTRODUCTION**

On 10/07/10, the Nevada Superintendent of Public Instruction received a complaint dated 10/2/10 from an attorney, on behalf of the Spring Mountain Treatment Center (SMTC), a private psychiatric facility located in Las Vegas. The complaint alleged violations of the obligations of the Carson City School District (CCSD) to provide special education services to students who were residents of the CCSD and were patients at the SMTC. An investigation team was appointed to examine the allegations that the CCSD had failed to comply with federal and state requirements with respect to its obligations to: 1) fulfill its Child Find responsibilities; 2) provide a free appropriate public education (FAPE) to students who were residents of the CCSD and patients at the SMTC and 3) provide a free appropriate public education (FAPE) to parentally-placed students with disabilities who were residents of CCSD and patients at the SMTC.

The complaint also alleged violations of the obligations of the Nevada Department of Education (NDE) to comply with federal and state requirements with respect to its supervisory role. Therefore, the investigation team was appointed to also examine the allegations that the NDE failed to: 1) ensure that Child Find policies and procedures were in effect and that the CCSD complied with those requirements with respect to students who were residents of the CCSD and patients at the SMTC; 2) ensure that FAPE was provided to students who were residents of the CCSD and patients at the SMTC; and 3) ensure that the CCSD provided educational services to parentally-placed students with disabilities who were residents of the CCSD and patients at the SMTC.

Two public educational agencies were named in this complaint (the NDE and the CCSD). In accordance with standard practices, two complaint investigation reports would typically be issued. In this case, the facts and the law are inextricably intertwined with regard to both agencies; therefore, this report addresses all allegations in the complaint as made against both entities and is directed to both agencies accordingly.

In its letter of 10/2/10, the SMTC had also requested that the NDE investigate allegations about the CCSD's failure to provide necessary services to a specific student. The NDE notified the SMTC, in a letter dated 10/12/10, that the information provided about the specific student did not include the student's address or current school as required by 34 C.F.R. §300.153. The SMTC, in a 11/3/10 letter, stated it felt that providing a copy of the student's 12/15/08 individualized educational program (IEP) had met this requirement. The complaint investigation team determined that relying on information from the student's 12/1/08 IEP for the student's current school was inadequate and in any event, the 12/15/08 IEP did not include the student's residence, but a P.O. Box number which doesn't meet the requirement of 34 C.F.R. §300.153. Therefore there was no investigation of allegations made about the CCSD's failure to provide services to that specific student.

In a 10/12/10 letter to the SMTC, the complaint investigation team requested certain documentation be provided by 11/2/10 with respect to students who were CCSD residents who had been patients at the SMTC between 10/7/09-10/7/10. Specifically, the SMTC was asked to provide information about patients who were referred for evaluation to determine whether they were students with disabilities or who had Individualized Educational Programs (IEPs) in place at the time of admission. The SMTC did not submit documentation regarding any CCSD residents who had been patients at the SMTC between 10/7/09–10/7/10 other than an email indicating that one student had attended the SMTC between 10/7/09–10/7/10 and the name of the agency who placed the student.

## **COMPLAINT ISSUES**

The allegations articulated in the complaint, and further clarified by interviews and a review of documents, raised the following issues under the jurisdiction of the NDE for the time period 10/7/09–10/7/10:

### **CCSD Issues**

- Issue One:** Whether the CCSD complied with federal and state Child Find requirements with regard to identifying, locating, and evaluating students with disabilities who were residents of the CCSD.
- Issue Two:** Whether the CCSD complied with federal and state requirements to provide a FAPE to students who were residents of the CCSD and who were also patients at the SMTC.
- Issue Three:** Whether the CCSD complied with federal and state requirements to provide special education and related services to students with disabilities who resided in the CCSD and were parentally-placed patients at the SMTC.

### **NDE Issues**

- Issue Four:** Whether the NDE complied with federal and state requirements with regard to having Child Find policies and procedures in effect and, with respect to its general supervision responsibilities, ensured that the CCSD took measures to comply with Child Find requirements for students who were residents of the CCSD and were also patients at the SMTC.
- Issue Five:** Whether the NDE complied with federal and state requirements with respect to its general supervision responsibilities to ensure that the CCSD complied with its obligation to make FAPE available to the students who resided in the CCSD and who were also patients at the SMTC.
- Issue Six:** Whether the NDE complied with federal and state requirements and met its general supervision responsibilities to ensure that the CCSD took measures, with respect to parentally-placed school age children at the SMTC, to comply with Child Find requirements and the provision of services, specifically providing consultation with private school representatives and representatives of parents of parentally-placed private school children to determine equitable services.

## **PERSONS PROVIDING INFORMATION**

The investigation team reviewed information from the following people:

- The SMTC Attorney\*
- The SMTC Chief Executive Officer\*
- Spring Mountain School Principal\*
- CCSD Director of Support Services

\*These individuals provided information to the complaint investigation team in the investigation of two prior complaints (#CL032110 and #NY080610) for which the same information was necessary as part of the investigation plan.

## **DOCUMENTS REVIEWED**

The documents reviewed by the investigation team included the following:

- Email from the SMTC dated 11/3/10
- SMTC Private School License\*\*
- SMTC request for student records and confirmation of one student withdrawal from the CCSD
- 12/15/08 IEP for one resident of CCSD who attended the SMTC
- CCSD Child Find Policies and Procedures
- CCSD Child Find flyer for community screening
- CCSD Child Find advertisement
- CCSD Child Find letter to private school dated 9/29/09
- CCSD Child Find letter to parents of home-schooled students dated 5/3/10
- CCSD Child Find intervention procedures
- CCSD Sample Child Tracking Form
- CCSD Sample Letter to Parent with notification of assessment date
- CCSD Child Find Screening Logs
- CCSD Child Find Flyers in English and Spanish
- Ten CCSD Service Plans developed between 10/7/09–10/7/10
- State Performance Plan – monitoring plan
- State Educational Agency IDEA Assurances
- The NDE's technical assistance document on identifying service needs and providing services for students with disabilities in private schools
- Template of required Assurances for local education agencies (LEAs) to receive allocated federal flow-through funding from U.S. Department of Education.

\*\*This document was previously provided by the SMTC to the NDE for the investigation of a prior complaint (#CL032110).

The investigation team also reviewed the following authorities:

- Nevada Administrative Code (NAC), Chapter 388
- Individuals with Disabilities Education Act (IDEA) Regulations, 34 C.F.R. Part 300
- U.S. Department of Education, Office of Special Education Programs (OSEP) Policy Letters: 53 IDELR 97 (OSEP 2009), 49 IDELR 163 (OSEP 2007), 48 IDELR 106 (OSEP 2006), 47 IDELR 197 (OSEP 2007), 24 IDELR 177 (OSEP, 1996)

## **FINDINGS OF FACT**

This investigation involved school-age children who were patients at the SMTC between 10/7/09 and 10/7/10 and who were residents of the CCSD. A review of documents, as well as information collected from the CCSD, the SMTC and the NDE revealed the following facts.

The SMTC is a for-profit treatment center located in Las Vegas, NV within the Clark County School District. The SMTC holds a Nevada private school license (document) and operates its own school (SM School) that also holds a for-profit status. The SMTC operated three programs, relevant to this complaint, for school-age patients: 1) acute; 2) partial hospitalization; and 3) residential.

Acute patients resided at the SMTC for an average of 7–10 days, though some stayed as long as a month. Acute patients attended the SM School during their stay at the SMTC but also remained enrolled in their home schools.

Partial hospitalization patients attended the SMTC anywhere from 5 to 30 school days. These patients received treatment at the SMTC on weekdays from 9 am – 4 pm. They attended the SM School during their stay at the SMTC but also remained enrolled in their home schools.

Residential patients attended the SMTC for an average of 6 months. The SM principal routinely requested and received students' records from their home schools when the students were placed at the SMTC and enrolled in the SM School. These students were withdrawn from their home schools upon their enrollment in the SM School. The home schools did not receive notification from the SM principal as to how long the patients would be at the SMTC or at the SM School.

There were no referrals to the CCSD for evaluation/reevaluation for any patients at the SMTC or any referrals to the CCSD to develop, review and/or revise any IEPs for any students who resided in CCSD during the applicable time period in this complaint.

The SMTC provided the investigation team with an 11/3/10 email stating that one residential student who resided in CCSD had been a patient at the SMTC. No other documentation was provided to the investigation team with regard to any other student. The documented residential student had been placed at the SMTC by the Carson City County Juvenile Probation Department (Probation Department). The dates of this student's attendance, (as identified in the 11/3/10 email), were 7/9/09–11/20/09.

The CCSD first became aware that the residential student was a patient at the SMTC when it received a request from the SMTC for the student's records. The student was withdrawn from the CCSD upon enrollment in the SM School. The student did not return to the CCSD subsequent to his discharge from the SMTC.

The CCSD had Child Find policies and procedures in place for students residing in its jurisdiction between 10/7/09-10/7/10. These Child Find procedures specify that the CCSD conduct annual Child Find activities to identify, locate and assess children ages 3 through 21. Child Find activities conducted by the CCSD between 10/7/09 and 10/7/10 included the following:

1. Distributing and posting flyers, in both Spanish and English throughout the CCSD. The flyers described the CCSD's responsibility to locate, assess and identify children 0-21 who may have some kind of developmental delay(s) and invited people to contact the CCSD for additional information. The flyers were posted in preschools, the city library, and local pediatricians' offices. In addition, the flyers were distributed to kindergarten teachers and sent home in students' folders. The flyers were also distributed in cooperation with Nevada Early Intervention Services (NEIS). NEIS is the agency that serves children ages 0-3 in the CCSD.
2. Placing advertisements, in both English and Spanish, in the local newspaper during the fall and spring semesters to locate students ages 0-5 who may need screening.
3. Sending notices to parents of home-school children and to private schools regarding the availability of special education services to school-age children with a disability in private schools, including children who were home-schooled or parentally-placed in private schools. The notices stated that the private schools and the parents of home-schooled children may request an evaluation to determine if a child has a disability.
4. Conducting Child Find screenings when needed, usually on a monthly basis. Students in private schools, including students who were parentally placed and residing in the jurisdiction, had access to the screenings.
5. Maintaining a Child Find Screening Log (Log) indicating which children were referred for screening. The Log included the date each child was referred and subsequently evaluated. It also included the date that services were initiated and the disability category of each child. If a child was not provided services, the log identified the reason(s) for not providing services.
6. Developing Service Plans for parentally-placed students and Home-School students.
7. Implementing established policies and procedures to identify and work with "At Risk" Students in the schools through the establishment and operation of Student Instructional Intervention Teams (SIITs) to implement "Response to Intervention (RTI)" strategies and techniques for the success of at-risk students.

The NDE issued a technical assistance document in October 2005 to all local educational agency special education directors regarding Child Find and the provision of services for students with disabilities enrolled by their parents in private schools.

In order to receive their proportionate share of funding, the CCSD had to annually assure the NDE that it would meet the obligations established by the IDEA law and regulations, including the provision of FAPE to all students with disabilities residing in the CCSD and the identification, location, and evaluation of all children with disabilities residing in the CCSD, including children in private school and children unilaterally placed in private schools located in the CCSD. In addition, these assurances included the provision of equitable participation of parentally-placed private school children with disabilities. The NDE received these assurances as required from the CCSD for the applicable time period.

During the applicable time period of this complaint, the NDE, in its Annual State Application under IDEA Part B to OSEP, provided assurances that FAPE was available to all children with disabilities residing in the State. Additionally the identification, location and evaluation of all children with disabilities residing in the State, including children in private schools and children unilaterally placed in private schools, were in accordance with the requirements of IDEA, Part B. The assurances also included the provision of equitable participation of parentally-placed private

school children with disabilities. Until the receipt of this complaint, there is no documentation that the NDE was notified of, or identified any concerns with regard to the CCSD's efforts to locate children through Child Find.

The NDE's State Performance Plan (SPP) which outlines the NDE's monitoring plan for all local educational agencies as part of the Department's general supervision responsibilities was submitted to, and accepted by the OSEP for the applicable time period of this complaint, and was implemented in accordance with the plan.

## **CONCLUSIONS OF LAW AND REASONS**

### **PART I – CARSON CITY SCHOOL DISTRICT**

**Issue One:** Whether the CCSD complied with federal and state Child Find requirements with regard to identifying, locating and evaluating students with disabilities who were residents of the CCSD.

This complaint concerned allegations that the CCSD failed to fulfill its obligations with respect to Child Find Activities for students who were patients at the SMTC.

State regulations at NAC §388.215 require that "each public agency shall take measures...to ensure that every pupil with a disability who resides within the school district is identified, evaluated ... in the manner appropriate to the unique needs of the pupil."

Federal regulations at 34 C.F.R. §300.111(a)(1)(i) state "Child Find. (a) *General.* (1) The State must have in effect policies and procedures to ensure that— (i) All children with disabilities **residing in the State** (emphasis added), including children with disabilities who are homeless children or are wards of the State, and children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated; and (ii) A practical method is developed and implemented to determine which children are currently receiving needed special education and related services."

There is a Child Find obligation for children residing in the CCSD who attend private schools which is independent from the requirement to conduct Child Find and provide equitable services to parentally-placed private school children with disabilities under the IDEA that is discussed in Issue Three. This obligation includes the identification, location, and evaluation of children with disabilities who reside in CCSD, including children attending for-profit private schools who are in need of special education and related services (34 C.F.R. §300.111; NAC §388.215; 49 IDELR 163 (OSEP 2007)).

As set forth in the Child Find sections referenced above, it is residence that creates the duty under the IDEA. (34 C.F.R. §300.111) "Residence is not the location of the school or facility in the State where the child has been placed. As traditionally interpreted by the Department, a child is a resident of the State in which (1) the parent or guardian legally resides, or (2) the child is a ward of the State" (Emphasis added. 48 IDELR 106 (OSEP 2006)).

Nevada law and regulation regarding residence is consistent with the interpretation of OSEP. In order to effectuate the local educational agencies' reciprocal responsibility to the residents within their local jurisdiction, the NAC §388.215 allocates the responsibility for Child Find to the public agency for the jurisdiction in which the child resides and requires specific measures to identify, evaluate, and serve children with disabilities.

In this case, the CCSD had policies and procedures in place to ensure the identification, location and evaluation of children with disabilities, ages 0 through 21 who resided in the CCSD. There were no referrals to the CCSD for evaluation/reevaluation or to develop, review and/or revise any IEPs for patients at the SMTC who were residents of the CCSD during the applicable time period in this complaint.

The CCSD implemented its Child Find policies and procedures through: 1) its distribution of fliers in both Spanish and English throughout the community; 2) advertising in its local newspaper 3) sending notices to parents of home-school children and to private schools regarding what special education services were available to school-age children with a disability in private schools, including children who were home-schooled or parentally-placed in private schools; 4) conducting Child Find screenings at least twice a year; 5) maintaining a Child Find Screening Log; 6) developing Service Plans for Home-School Students and Private School students, including those who were parentally-placed, and 7) implementing policies and procedures to identify and work with "At Risk" Students in the schools with its establishment and operation of SIITs.

By establishing its Child Find policies and implementing them, the CCSD met its obligations under Child Find to identify, locate and evaluate school-aged students with disabilities who were residents of the CCSD.

*Therefore, the investigation team concluded that the CCSD complied with federal and state Child Find requirements with regard to identifying, locating and evaluating students with disabilities who were residents of the CCSD.*

**Issue Two:** Whether the CCSD complied with federal and state requirements to provide a FAPE to students who were residents of the CCSD and who were patients at the SMTC.

This complaint concerned an allegation that the CCSD failed to provide FAPE to students who resided in the CCSD and who were also patients at the SMTC.

State regulations at NAC §388.215 require that "each public agency shall take measures...to ensure that every pupil with a disability who resides within the school district is ... served in the manner appropriate to the unique needs of the pupil...."

Nevada law and regulation allocates the responsibility for making FAPE available to the local educational agency where the student resides (NAC §388.215). The residential student was the only patient at the SMTC with an IEP who was a resident of CCSD. The residential student was not placed in or referred to the SMTC by CCSD as a means of providing special education and related services. Therefore, the provisions in the IDEA regarding private school placements by public agencies do not apply (34 C.F.R. §§300.145 - 300.147).

There was no request that the CCSD develop, review and/or revise, any student's IEP, including the residential student's IEP, during the applicable time period in this complaint and, in fact, the student was withdrawn from the CCSD when he became a patient at the SMTC. The CCSD was not responsible for the provision of FAPE to the residential student during the period at issue in this complaint, 10/7/09–10/7/10 (47 IDELR 197 (OSEP 2007)). However, it is important to note that as long as the student resided in the CCSD and re-enrolled in the CCSD, the CCSD would have been responsible for making FAPE available to him (53 IDELR 97 (OSEP 2009)). In this case, the residential student did not re-enroll in the CCSD following his discharge from the SMTC.

*Therefore, the investigation team concluded that the CCSD complied with state and federal requirements to provide FAPE to the CCSD students with disabilities who were patients at the SMTC.*

**Issue Three:** Whether the CCSD complied with federal and state requirements to provide special education and related services to students with disabilities who resided in the CCSD and were parentally-placed patients at the SMTC.

This complaint concerned an allegation that the CCSD failed to provide FAPE to students who resided in the CCSD and who were also parentally-placed patients at the SMTC.

It is well-established that the local educational agency in which a private elementary or secondary school, as defined by the IDEA, is **located** has the obligation to locate, identify, and evaluate all children with disabilities who are enrolled by their parents in private elementary schools and secondary schools located in the school district (34 C.F.R. §300.131). Further, it is clear that students with disabilities who are placed by their parents in private schools must be provided with an opportunity, consistent with their number and location in the state, to participate in the programs of special education and related services funded under IDEA, Part B (34 C.F.R. §§300.130-300.144). However, this opportunity does not afford any parentally-placed private school student who has a disability, with an individual right to receive some or all of the special education and related services that the child would receive if enrolled in a public school (34 C.F.R. §§300.137 and 300.138). Therefore, pursuant to Title 34 C.F.R. §§300.130-300.144, there is no obligation to provide FAPE to a parentally-placed student.

In this case, the school was located in the Clark County School District, not in the CCSD. In accordance with Title 34 C.F.R. §§300.130-300.144, it was the Clark County School District, not the CCSD, that was responsible to provide the opportunity for students with disabilities placed by their parents in private non-profit schools located in the Clark County School District to participate in its programs of special education and related services. It should be noted that the responsibility of the Clark County School District to parentally-placed students at the SMTC was the subject of a previous complaint and resulted in a finding of compliance (Decision: #CL032110)).

As a point of clarification, it is also important to note that the one patient identified as a resident of the CCSD who was a student with a disability was not parentally-placed, but placed by the Probation Department (34 C.F.R. §300.130) Further, SM School is a for-profit school. Even if a child with disabilities is parentally-placed, if the school is a for-profit private school, the child is not included in the definition of "parentally-placed private school children with disabilities" and would not be eligible for equitable services under 34 C.F.R. §§300.130-300.144. (49 IDELR

163 (OSEP 2007)) Consequently, the service and the Child Find requirements applicable to parentally-placed children with disabilities in the SMTC do not apply.

*Therefore, the investigation team concluded that the CCSD complied with state and federal requirements to provide FAPE to the CCSD students with disabilities who were parentally-placed patients at the SMTC.*

## **PART II - NEVADA DEPARTMENT OF EDUCATION**

### General Provisions of Law Applicable to the State Education Agencies (SEA)

Federal regulations at Title 34 C.F.R. §300.149 state “Responsibility for general supervision. (a) The SEA is responsible for ensuring— (1) That the requirements of this part are carried out; and (2) That each educational program for children with disabilities administered within the State, including each program administered by any other State or local agency (but not including elementary schools and secondary schools for Indian children operated or funded by the Secretary of the Interior)— (i) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the SEA; and (ii) Meets the educational standards of the SEA (including the requirements of this part)...”.

Federal regulations at Title 34 C.F.R. §300.600 state “State monitoring and enforcement. (a) The State must monitor the implementation of this part, enforce this part ...and annually report on performance under this part....(d) The State must monitor the LEAs located in the State, using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:...(2) State exercise of general supervision, including Child Find...”.

**Issue Four:** Whether the NDE complied with federal and state requirements with regard to having Child Find policies and procedures in effect and, with respect to its general supervision responsibilities, ensured that the CCSD took measures to comply with Child Find requirements for students who were residents of the CCSD and were also patients at the SMTC.

This complaint concerned an allegation that the NDE did not provide the required supervision to ensure that the CCSD complied with Child Find requirements to students who were residents of the CCSD and patients at the SMTC.

Nevada law and regulation regarding residence is consistent with the interpretation of OSEP. In order to effectuate the local educational agencies’ reciprocal responsibility to the residents within their local jurisdiction, the NAC §388.215 allocates the responsibility for Child Find to the public agency for the jurisdiction in which the child resides and requires specific measures to identify, evaluate and serve children with disabilities. (As indicated in the introduction of this report, this complaint addresses only the named local educational agency, which is CCSD.)

In accordance with Title 34 C.F.R. §300.111(a), the NDE must have policies and procedures in effect to ensure that all children with disabilities residing in the State, including children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated. The NDE established mandatory measures for public educational agencies to identify, evaluate, and serve

children with disabilities in accordance with Title 34 C.F.R. §300.111 through the adoption of NAC §388.215.

As a condition of assistance under the IDEA, the CCSD annually assured the NDE that it would meet the obligations established by the IDEA law and regulations, including the identification, location and evaluation of all children with disabilities residing in CCSD, including children in private schools. The NDE, in its Annual State Application under IDEA Part B to OSEP, similarly provided this same assurance for the State as a whole.

As determined above, the SM School was located in Clark County, not in the CCSD and the CCSD was not the responsible agency for any parentally-placed student at the SMTC. Therefore, the NDE did not have any further obligation to monitor, enforce, or otherwise ensure the CCSD's compliance with the requirements under the IDEA or the NAC with regard to Child Find for students who were parentally-placed patients at the SMTC.

Pursuant to Title 34 C.F.R. §300.600, the NDE was required to monitor and enforce compliance with IDEA, Part B, including compliance with identifying, locating, and evaluating resident children with disabilities in private schools. Based on documentation submitted by the NDE with regard to monitoring and enforcement processes, the NDE did monitor the CCSD's Child Find activities so that all children with disabilities residing in the CCSD, including residents in private schools, who were in need of special education and related services, were identified, located, and evaluated.

*Therefore, the investigation team concluded that the NDE complied with federal and state requirements with regard to having Child Find policies and procedures in effect to ensure that the CCSD complied with federal and state Child Find requirements for students who were residents of the CCSD and otherwise met its general education supervision responsibilities in that regard.*

**Issue Five:** Whether the NDE complied with federal and state requirements with respect to its general supervision responsibilities to ensure that the CCSD complied with its obligation to make FAPE available to students who resided in the CCSD and who were also patients at the SMTC.

This complaint concerned an allegation that the NDE did not provide the required supervision to ensure that the CCSD complied with its obligation to make FAPE available to residents of the CCSD who were patients at the SMTC.

In accordance with Title 34 C.F.R. §300.101(b), the NDE must ensure that FAPE is made available to all eligible children with disabilities in mandated age ranges residing in the State of Nevada. In addition, the NDE's responsibility for general supervision under Title 34 C.F.R. §§300.149 and 300.600 requires the State to have policies and procedures, and to monitor and enforce these requirements in the IDEA Part B.

As a condition of assistance under the IDEA, the CCSD annually assured the NDE that it would meet the obligations established by the IDEA law and regulations, including the provision of FAPE to all students with disabilities residing in the CCSD. The NDE, in its Annual State Application under IDEA Part B to OSEP, similarly provided the same assurance for the State as a whole.

In addition, pursuant to Title 34 C.F.R. §300.600, the NDE was required to monitor and enforce compliance with IDEA, Part B, including the provision of FAPE to all eligible children with disabilities. Based on documentation submitted by the NDE with regard to monitoring and enforcement processes discussed in Issue Four, the NDE did monitor and ensure compliance to ensure the CCSD made FAPE available to all eligible children with disabilities in mandated age ranges residing in the CCSD, including school-aged patients in private schools.

There was no documentation of any noncompliance identified through monitoring of the CCSD with respect to the provision of FAPE for school-aged children with disabilities who were residents of the CCSD and placed in a private school. In accordance with the above discussion and findings of compliance of CCSD in this regard, the NDE did not have any further obligation to monitor, enforce, or otherwise ensure the CCSD's compliance with the requirements under the IDEA or the NAC with regard to providing FAPE to children with disabilities who were patients at the SMTC, and were residents of the CCSD, and who were withdrawn from the CCSD during the period of the complaint.

*Therefore, the investigation team concluded that the NDE complied with federal and state requirements with respect to its general supervision responsibilities to ensure that the CCSD complied with its obligation to make FAPE available to school-age patients at the SMTC who resided in the CCSD.*

**Issue Six:** Whether the NDE complied with federal and state requirements and met its general supervision responsibilities to ensure that the CCSD took measures, with respect to parentally-placed school age children at the SMTC, to comply with Child Find requirements and the provision of services, specifically providing consultation with private school representatives and representatives of parents of parentally-placed private school children to determine equitable services.

This complaint concerned an allegation that the NDE did not provide the required supervision to ensure that the CCSD provided educational services to students who were residents of the CCSD and who were also parentally-placed patients at the SMTC.

The NDE's responsibility for general supervision under Title 34 C.F.R. §300.149 requires the State to have policies and procedures in effect to ensure local educational agencies meet the requirements in the IDEA, Part B, including provisions regarding parentally-placed private school children with disabilities.

As a condition of assistance under the IDEA, the CCSD annually assured the NDE that it would meet the obligations established by the IDEA law and regulations, including the identification, location and evaluation of all parentally-placed school-age children with disabilities placed in schools located in the CCSD. The NDE, in its Annual State Application under IDEA Part B to OSEP, similarly provided this same assurance for the State as a whole.

The NDE established mandatory measures to ensure all local educational agencies, including the CCSD, met the requirements regarding parentally-placed private school children with disabilities through the adoption of NAC §388.219. In addition, the NDE provided a technical assistance document to all local educational agency special education directors regarding their responsibilities to parentally-placed private school children with disabilities under the IDEA and the NAC.

Pursuant to Title 34 C.F.R. §300.600, the NDE was also required to monitor all local educational agencies, and enforce compliance with these same requirements in the IDEA. The NDE monitored local educational agencies' compliance with the IDEA, Part B, during this time period in accordance with the monitoring plan that was submitted to and accepted by the OSEP.

In accordance with its general supervision responsibilities, the NDE also provided technical assistance to the CCSD special education leadership in meetings in October 2009 and in February 2010, including the provision of services to parentally-placed private school children with disabilities.

In this case, the NDE had policies and procedures and implemented them to ensure the CCSD met the requirements regarding parentally-placed private school children with disabilities placed in schools located in the CCSD. Applying the discussion above, the SM School is not located in the the CCSD and, even if the named student at the for-profit school was eligible for services under NAC §388.219, the CCSD was not the responsible local educational agency for parentally-placed students at the SM School. As such, the NDE did not have any further obligation to monitor, enforce or otherwise ensure the CCSD's compliance with the requirements under the IDEA or the NAC with regard to parentally-placed school-age school children at the SMTC.

*Therefore, the investigation team concluded that the NDE complied with federal and state requirements with respect to having Child Find procedures in place and met its general supervision responsibilities to ensure that the CCSD took measures, with respect to parentally-placed children at the SMTC, to comply with Child Find requirements and the provision of services.*