Nevada Department of Education
2021 Legislative Session Update
2021 Nevada Legislative Session Highlights

• Eligibility for Adult Education Programs
• Discipline-Related Statutes
Purpose
• Intended to help students who have attended 4 years of high school, but who are 17 (not yet 18), are credit deficient, and want to earn adult diploma (vs GED)
What the law says
• Now, a student may be admitted to an adult education program if the student has not received a high school diploma and:
  1. Is at least 18 years old or eligible for participation in the statewide program for education of incarcerated persons; or
  2. Is at least 17 years old and has attended at least 4 years of high school. (new law)
Note
• The age for admission to adult education programs has been in regulation, not statute. Statute requires change to regulation.
Purpose
• Intended to clarify some inconsistencies in AB-168 from 2019

What the law says
• Nearly every School Board responsibility may now be assigned to a “designee,” except when a school requests School Board approval to permanently expel a student under age 11
  – For suspension, expulsion, permanent expulsion, a designee may review the circumstances and approve the action in accordance with the procedural policy adopted by the School Board
  – For suspension, expulsion, and permanent expulsion of a special education student, a designee may review the circumstances and determine that the action is in compliance with the IDEA
What the law says (continued)

• Any student (special education or general education) at any age (including under age 11) is subject to mandatory discipline under state law for possession of firearm/dangerous weapon
  – The IDEA continues to protect students with disabilities from removal from school if the removal would result in a change of placement AND the student’s conduct is a manifestation of disability
  – That is why all proposed removals must be reviewed to ensure that the district’s proposed action is in compliance with the IDEA
Age Limits

State law prohibits the suspension or expulsion of general education and special education students who are not at least 11 years old, except as follows:

Exception: Any student at any age may be suspended or expelled for possession of a firearm or dangerous weapon.

School Board Exception: In extraordinary circumstances, a school official may request an exception from the School Board to permanently expel a student from school who is 10 years old or younger.
Summary of Special Education Removal Limits

Special education students may be suspended for up to 5 days per occurrence of misconduct, expelled, or permanently expelled.

Procedural Requirements

Before imposing any suspension, expulsion, or permanent expulsion of a special education student, the School Board or a designee must review the circumstances and ensure compliance with IDEA.

The IDEA compliance review requires:

• Determining if the proposed removal will constitute a change of placement.
• If so, ensuring that a manifestation determination is conducted prior to the removal.

If the misconduct is NOT a manifestation of the student’s disability, then a removal may be proceed, but services must be provided on the 11th and any subsequent day of disciplinary removal during the school year.
Purpose
• Intended to provide an appeal process for suspensions, expulsions and permanent expulsions

What the law says
• School districts must have a policy for appealing suspensions and expulsions
• The policy must be posted on the district website and each school website
• If an appeal is filed, a hearing must be scheduled (so far, what that “hearing” entails is up to school districts)
• NDE will develop regulations (which may affect district options)
Due Process Complaint and Mediation Report

Reporting Period 7/1/2019-6/30/2020
Reporting Period 7/1/2020 to 9/16/2021
# DUE PROCESS/COMPLAINT/MEDIATION REPORT

Reporting Period FY20 (July 1, 2019 – June 30, 2020)

## Summary of Due Process Activity

<table>
<thead>
<tr>
<th>Total # of Students Enrolled in Nevada Schools</th>
<th>October 1, 2019 Special Education Child Count</th>
<th>Requests for Due Process Received</th>
<th>Hearings Conducted</th>
<th>Reviews</th>
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<tbody>
<tr>
<td>Reporting Period FY20</td>
<td>496,938</td>
<td>63,828</td>
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Summary of Complaint/Mediation Activity

Complaint requests received:
  Reporting Period FY20  8

Mediation requests received:
  Reporting Period FY20  6

Facilitation requests received:
  Reporting Period FY20  9

Trends to date for Reporting Period FY20:

State Complaints:
  • IEP Implementation
  • Manifestation Determination
  • Placement

Due Process:
  • Identification
  • Eligibility
  • Placement
  • Manifestation Determination

Mediation:
  • IEP Implementation
  • Parent Participation
### DUE PROCESS/COMPLAINT/MEDIATION REPORT

Reporting Period FY21 (July 1, 2020 – June 30, 2021)
Reporting Period FY22 (July 1, 2021- September 16, 2021)

#### Summary of Due Process Activity

<table>
<thead>
<tr>
<th></th>
<th>Total # of Students Enrolled in Nevada Schools</th>
<th>October 1, 2020 Special Education Child Count</th>
<th>Requests for Due Process Received</th>
<th>Hearings Conducted</th>
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Summary of Complaint/Mediation Activity

Complaint requests received:
  Reporting Period FY21 | 10
  Reporting Period FY22 | 0

Mediation requests received:
  Reporting Period FY21 | 13
  Reporting Period FY22 | 3

Facilitation requests received:
  Reporting Period FY21 | 8
  Reporting Period FY22 | 1

Trends to Date for Reporting Period FY21:

State Complaints:
  • IEP Implementation
  • Placement
  • Eligibility

Due Process:
  • IEP Implementation
  • Placement
  • Evaluation

Mediation:
  • IEP Implementation
  • Parent Participation
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<th>Historical Data</th>
<th>FY12</th>
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<td>Mediation Requests Received:</td>
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<td>4</td>
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<td>7</td>
<td>10</td>
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Office of Inclusive Education
Staff Updates
Office Of Inclusive Education Staff

**Special Education**

Julie Bowers-Interim Director

Jennifer Kane-Education Programs  
Professional: Secondary Transition

Andrew Morgan- Education Programs  
Professional: Monitoring, Parent Engagement, GATE

Katherine Fusilier -Education Programs  
Professional: Part B Data Manager

Austin Olson Education Programs  
Professional: Behavior, AB56

Cathleen (Cat) - Education Programs  
Professional: Early Childhood, 619 Data Coordinator

Fredina Romero - Education Programs  
Professional: Indian Education

New Education Programs Professional: Low Incidence Disabilities, Project Achieve

Jessica Boles-Administrative Support:  
Professional Development

Connie Torres-Administrative Support: Dispute Resolution

New Administrative Support: Fiscal
2021 NATIONAL TEACHER OF THE YEAR
Juliana Urtubey

STATE: NEVADA
SCHOOL: KERMIT R. BOOKER, SR. INNOVATIVE ELEMENTARY SCHOOL
SUBJECT: ELEMENTARY EDUCATION, SPECIAL EDUCATION
GRADE LEVEL: PK-5
District Monitoring Updates

School Year 2020-2021 - Virtual
• Clark County School District
• Lyon County School District
• Pershing County School District
• State Public Charter School Authority
• Storey County School District

School Year 2021-2022 - In Person
• Churchill County School District
• Lander County School District
• Lincoln County School District
Office Special Education Programs (OSEP)

DMS 2.0 Roadmap

Cohort 1 Example

October 2021
- Onsite/Virtual Visit Scheduled for Cohort 1 States

PHASE 1: Pre-site
Document Request

PHASE 2: Visit
Onsite/Virtual State Engagement

Protocol Interviews

Start

OCT NOV DEC JAN FEB MAR APR MAY JUN JUL AUG SEP OCT

Phase 1 will occur during the 5 months prior to the visit (one month for document request, 4 months for protocol interviews)

Phase 2 will occur from the onsite/virtual visit through the issuance of the monitoring report (120 days after visit)

Phase 3 will occur up to one year after the issuance of the monitoring report.
Areas of Review

- Subrecipient Monitoring - *DONE*
- Integrated Monitoring
- Sustaining Compliance and Improvement
- Data and SPP/APR
- Dispute Resolution
- Technical Assistance and Professional Development
SPP/APR Target Setting
Each indicator will be reviewed to determine whether new baseline data should be set and establish six-year targets.

OSEP will set some of the targets (Indicators 4B, 9, 10, 11, 12, 13).

The method for measuring some indicators WILL NOT change (Indicators 7, 9, 10, 11, 12, 15, 16, 17). Any changes to baseline data will have to be justified.

The method for measuring some indicators WILL change (Indicators 1, 2, 3, 4, 5, 6, 8, 13, 14). It is expected that baseline data will be updated when the new targets are set.
What is Required.....

Stakeholder Involvement:

Parent Involvement

The number of parent members and a description of how the parent members of the State Advisory Panel, parent center staff, parents from local and statewide advocacy and advisory committees, and individual parents were engaged in setting targets, analyzing data, developing improvement strategies, and evaluating progress;

Description of the activities conducted to increase the capacity of diverse groups of parents to support the development of implementation of activities designed to improve outcomes for children with disabilities;
What is Required.....

Stakeholder Involvement:

Public Input and Documentation

The mechanisms and timelines for soliciting public input for target setting, analyzing data, developing improvement strategies, and evaluating progress; and

The mechanisms and timelines for making the results of the target setting, data analysis, development of the improvement strategies, and evaluation available to the public.
Indicator Groups

Equity
- #4: Suspension/Expulsion Rates
- #9: Disproportionate Race/Ethnic Representation
- #10: Disproportionate Representation in Specific Disability Categories

Dispute Resolution
- #15: Resolution Sessions
- #16: Mediation

College and Career Ready
- #1: Graduation Rate
- #2: Drop Out Rate
- #13: Secondary Transition
- #14: Post School Outcomes

Strong Start
- #5: School Age Education Environments
- #6: Preschool Environments
- #7: Preschool Outcomes
- #11: Child Find
- #12: Early Childhood Transition

Continuous Growth
- #3: Assessment
- #8: Parent Involvement
- #17: SSIP
COVID-19
COVID-19 and Students with Disabilities

Introduction

The following information and resources are provided to outline the general responsibilities of a local educational agency (LEA) during the emergency closure of school buildings caused by the Coronavirus Disease of 2019 (COVID-19) to students with disabilities under the Individuals with Disabilities Education Act (IDEA) and Chapter 386 of the Nevada Revised Statues (NRS) and Nevada Administrative Code (NAC). Neither the IDEA nor the NRS and NAC specifically address closure of school buildings due to this type of emergency; therefore, in order to provide the most reliable information on each LEA’s responsibility for, and accountability to, students with disabilities enrolled in the LEA, this guidance from the Nevada Department of Education’s Office of Inclusionary Education (OIE) is based primarily on the guidance provided by the United States Department of Education, Office of Special Education Programs (OSEP). This guidance can be found at: https://www2.ed.gov/policy/school/prev/live/colloquium/closedown.html. A follow-up webinar conducted by NASDE/CASE/CCISSO on the COVID-19 entitled, “Guidance for Students with Disabilities” provides additional guidance and is available at: https://www.nccpcs.org/. As more information becomes available, the Office of Inclusionary Education (OIE) will provide further technical assistance and clarification to assist LEAs in fulfilling their unique responsibilities to students with disabilities during this emergency school closure.

Question 1: Is the requirement to provide a free appropriate public education (FAPE) to students with disabilities waived as a result of this emergency school closure of school buildings?

Answer: No.

"If an LEA closes its schools to slow or stop the spread of COVID-19, and does not provide any educational services to the general student population, then an LEA would not be required to provide services to students with disabilities during that same period of time. Once school buildings reopen, the LEA must make every effort to provide special education and related services to the child in accordance with the child’s individualized education program (IEP) or, for students entitled to FAPE under Section 504, consistent with a plan developed to meet the requirements of Section 504. The U.S. Department of Education understands there may be exceptional circumstances that could affect how a particular service is provided. In addition, an IEP Team and, as appropriate to an individual student with a disability, the personnel responsible for providing FAPE, in a student for the purposes of Section 504, would be required to make an individualized determination as to whether compensatory services are needed under applicable standards and requirements.” (OIE Guidance, 2020)

2 Nevada Outdoors Mentoring. 20-02. Path Forward Program: Distance Education Guidance. Editors' Note: This directive is currently under review and will be revised as necessary.
3 The school district, school district sponsored charter schools, and State Public Charter School Authority plans can be found at: http://www.ccsd.k12.nv.us/ distance/distancelearning
4 While the statement is in use throughout this guidance, it applies to all public agencies as that term is defined in NAC 391.092 and used in NAC/NRS Chapter 386.
New Guidance Reaffirms Importance of Full Implementation of IDEA Amidst COVID-19 Pandemic

- Return to School Roadmap under IDEA: Letter to State and Local Partners
- Return to School Roadmap: Q&A on Child Find Under Part B of the Individuals with Disabilities Education Act
ARP/ESSER Funds

ARP ESSER Funds

On Thursday, March 11, 2021, President Biden signed into law the American Rescue Plan (ARP) Act, which will deliver critical aid to States, as the country continues to recover from the COVID-19 pandemic. Nevada Received 18 million dollars in Special Education Part B IDEA funds that were allocated to the districts.

All ARP ESSER Funds are IDEA Funds
All requirements for the use of IDEA Funds apply

Considerations for Spending:
Consider sustainability
Consider focus on challenges from the pandemic
School re-entry
Disruption in the education of children with disabilities
Mental health services
Consider focus on issue of equity in Special Education and Early Intervention Services