

**Nevada Department of Education
Nevada State Board of Education
December 10, 2025
9:00 AM**

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Room 114
Department of Education	700 E. Fifth St.	Carson City	Board Room
Department of Education	Virtual	Virtual	YouTube Link

Draft Summary Minutes of the Board Meeting

Board Members Present

Dr. Katherine Dockweiler, President
Tim Hughes, Vice President
Tamara Hudson, Board Clerk
Tricia Braxton
Amy Carvalho
Annette Dawson Owens
Tate Else
Danielle Ford
Evana Lan
Susan Neal
Angela Orr

Department Staff Present

Dr. Victor Wakefield, Superintendent of Public Instruction
Christy McGill, Deputy Superintendent of Educator Effectiveness and Family Engagement
Lisa Ford, Interim Deputy Superintendent for the Student Achievement Division
LaNesha Battle, Director
Candance Bortolin, Education Programs Professional
Angie Castellanos, Administrative Assistant
Zach Khan, Administrative Assistant
Lexi Kovalovich, Education Programs Professional
Andrew Morgan, Education Programs Professional

Legal Staff Present

Christina Georges Burns, Deputy Attorney General

Audience in Attendance

Jorge Alvarado, Instruction Partners
Jerrad Barczynsyn, Regional Professional Development Program
Anna Binder, Nevada Governor's Council on Developmental Disabilities
Dr. Steve Canavero, Nevada Education Service Center (ESC)
Betsey Crumrine, Division of Child and Family Services
AJ Feuling, Carson City School District
Felicia Gonzales, Clark County School District
Ashley Greenwald, University Nevada-Reno
Melissa Mackedon, State Public Charter School Authority
Brandi March, Clark County School District

Audience in Attendance (cont.)

Nicole Jawhari, Regional Professional Development Program

Jeff Kayf, Red Rock Strategies

Susan Keema, Nevada Association of School Superintendents

Mary Pircynski, Nevada Association of School Superintendents

Lupe Ramirez, Carson City School District

Nathaniel Waugh, Clark County School District

Jesse Welch, Clark County School District

1. Call to Order, Roll Call, Pledge of Allegiance, and Land Acknowledgement

Meeting called to order at 9:01 A.M. by President Dockweiler. Quorum was established. President Dockweiler led the Pledge of Allegiance and provided a land acknowledgement.

2. Public Comment #1

- a. Jorge Alvarado, provided public comment regarding item 7
- b. Anna Binder, provided public comment regarding item 8 and 10

3. Approval of Flexible Agenda (*For Possible Action*)

Motion was made by Member Braxton and seconded by Member Hughes to approve the flexible agenda. The motion carried unanimously.

4. President's Report

President Dockweiler celebrated the end of the first semester for students and educators.

Member Braxton shared that several board members attended the Nevada Association of School Boards (NASB) conference, noting the collaboration and shared values among the 17 school districts in attendance. She also spoke about her ongoing listening sessions, which often become "education sessions" to inform the community about the State Board's distinct role.

Member Hudson echoed the positive experience at the NASB conference, specifically highlighting the productive conversations on AI and ensuring students are equipped with necessary skills.

5. Superintendent's Report

Superintendent Wakefield reported that his entry priorities are focused on leading through partnerships, building agency capacity at NDE, and setting a shared direction. He introduced the Listening and Bright Spots Tour, which will include intentionally spending time across the diversity of Nevada's districts and schools. He stated that each stop will include time with young people/students and educators, the district Superintendent, and trustees. The tour is guided by six questions focused on academic foundation, college/career/life success, supported educators, families, coherent systems, and NDE support. He made the tour accessible via a QR code for public input and offered to structure an upcoming agenda discussion around these questions. He noted that he changed the title from "Listening Tour" to "Listening and Bright Spots Tour" to reflect the many promising things that need to be highlighted and nurtured.

6. Consent Agenda (*For Possible Action*)

Information concerning the following consent agenda items has been provided to Board members for study prior to the meeting. Unless a Board member has a question concerning a particular item and asks that it be withdrawn from the consent list, all items are approved in one action.

- a. Possible Approval of Dual Credit Request: Washoe County School District (WCSD), in

partnership with Great Basin College (GBC), Truckee Meadows Community College (TMCC), the University of Nevada Las Vegas (UNLV), the University of Nevada Reno (UNR) and Western Nevada College (WNC)

- b. Possible Approval of Private School Licensing: New Application and Renewal Licenses
- c. Possible Approval of State Board of Education Meeting Minutes, November 12, 2025

The Consent Agenda included items (a–c) related to transportation documents, private school licensing renewals, dual credit requests, and prior meeting minutes. President Dockweiler asked if any member wished to remove an item for separate discussion. No items were removed.

Member Hudson moved to approve the Consent Agenda as presented. Member Else seconded the motion. Motion carried unanimously.

7. Information and Discussion Pursuant to NRS 385.040 Focusing on the State Goals and Benchmarks for Improving Student Achievement (*Information and Discussion*)

President Dockweiler opened the annual discussion with key stakeholders pursuant to NRS 385.040(2).

A. Clark County School District (CCSD) Presentation

Deputy Superintendents Felicia Gonzalez and Dr. Jesse Welsh presented highlights of CCSD's accomplishments and next steps. They reported positive traction in proficiency rates across all academic areas and most student groups. They noted that CCSD showed tremendous growth on the Nevada School Performance Framework (NSPF), with 136 schools showing overall improvements, and 3 schools increasing by 3 stars. They reported a significant gain of 5.1% in the overall graduation rate, including strong gains for students in special education and English language learners. Celebrations included adding 500 pre-K seats, having 16,000 classrooms with licensed teachers, and settling contracts with bargaining units before the start of the school year.

Their Core 4 Bridge Plan concentrates on pre-K early literacy, middle school math, and workforce/college readiness. They are co-designing a long-term strategic plan with the community, starting with a survey and followed by community "dream sessions". Challenges and opportunities include managing transportation funding for a potential district-wide update of school start times, engaging with I-Ready as the new interim assessment tool, and dealing with declining enrollment.

B. Commission on Recruitment and Retention Presentation

Kellylynn Charles, Education Programs Professional, presented on the newly formed Commission on Recruitment and Retention, which was established by SB 460. The purpose is to evaluate the challenges in attracting and retaining educators. NDE launched the Teacher Exit/Transfer Survey in the 2023-2024 school year and is expanding it to include all school staff. The top reason teachers cite for leaving is student discipline issues. NDE also administers the School Staff Working Conditions Survey and the Climate Survey. SB 81 requires LEAs to use these results to assess and improve staff retention and school climate. NDE also launched the Be the Champion public branding campaign and the Education Pathways Ambassador program, which uses 40 volunteers to provide individualized support to aspiring educators navigating the licensure process. The Commission's first meeting is scheduled for January.

C. Nevada Association of School Superintendents (NASS) Presentation

Superintendents Fueling and Alice presented on NASS, which consists of all 17 school districts and the SPCSA. The organization is focusing on how to prepare young people to thrive, aligned with the Portrait of a Learner. Superintendent Fueling discussed the rapidly changing future, noting that AI

and big data are now the 11th most desired skill, up from 15th in 2023, while "the basics" are ranked 21st. He emphasized the changing needs of the labor market and the increase in tech-heavy jobs. NASS is committed to building learning systems grounded in trust, collaboration, and high expectations, and invited the Board to a convening in January and the Superintendent's Academy in June.

D. State Public Charter School Authority (SPCSA) Presentation

Executive Director Melissa Mackedon highlighted work across Nevada's charter school landscape. The SPCSA's official enrollment for 2025–2026 is 70,534 students. Newer SPCSA schools are serving populations more representative of the state. For the 2024–2025 school year, the most frequent rating for SPCSA schools was five stars (49%), and almost 85% were at or above three stars. Almost 40% of SPCSA schools increased their star rating by at least one star. Schools are attributing success to strategies like strong Tier 1 instruction, growing their own programs, the four-day student contact week, and PBIS cohorts. AI use among schools varies, from providing real-time feedback and using it as a starting point for grading essays to simply not being applicable.

8. 10:00 A.M. Public Hearing and Possible Adoption of LCB File No. R131-22 – Residential Treatment Centers Regulation (Information, Discussion, and for Possible Action)

Deputy Superintendent Christy McGill and Candace Bortolin presented LCB File No. R131-22, which aligns NAC Chapter 388 with SB 210 (2021) and SB 81 (2025). The regulation focuses on the education of children who are admitted to psychiatric hospitals or residential treatment facilities while in the custody of child welfare services. Key elements include requirements for early consultation between the hospital and school to create a continued education plan, strengthening requirements for a holistic team in placement appropriateness, and discharge planning. Deputy Superintendent McGill confirmed the team would develop a one-page guidance document for families.

Public Comment on Item #8

- **Carson City:** No public comments.
- **Las Vegas:** In person public comment were given by Sam Bogoff and Anna Binder. See appendix for full comments read into the record.
- **Online Submission:** Public comment was received via email from Washoe County School District (WCSD). See appendix for full comment read into the record.

Board Discussion

Deputy Superintendent McGill stated that the comments from WCSD were received at 9:00 AM that day and the team had not had a chance to go through them. Member Orr and Member Hudson expressed concern over the accountability and compliance aspects, particularly how a district could ensure special education minutes and goals are met within an external facility. Superintendent Wakefield highlighted that the conflicting language had been submitted to leg com previously and given back to NDE based on their judgment of the law.

President Dockweiler moved to revisit this item. President Dockweiler offered to personally assist with revisions or be a resource to the NDE team, and requested that when the item returns, each member be flagged for an opportunity for a briefing. The motion was seconded by Member Else. The motion passed unanimously.

9. Information, Discussion, and Possible Action Regarding an Appointment to the Board of the Education Service Center (Information, Discussion, and Possible Action)

Dr. Steve Canavero, Executive Director of the Nevada Education Service Center (ESC), provided an update

on the ESC and requested the Board appoint an elected member to serve on its Board. The ESC is an independent entity whose charge is to provide support for school and district improvement. The elected members eligible to serve were Member Braxton, Member Ford, Member Orr, and Vice President Hughes.

Member Ford nominated Member Braxton. Member Braxton respectfully declined the nomination, citing capacity issues. Member Ford retracted her motion.

Vice President Hughes motioned was made to nominate Member Orr for the position. The motion was seconded by Member Else. The motion passed with one abstention from Member Orr. The Board appointed Member Orr to serve on the Board of the Education Service Center.

10. Information and Discussion Regarding Multi-Tiered Systems of Support and Collaboration with Districts to improve Discipline Data (*Information and Discussion*)

Deputy Superintendent Christy McGill and team presented on the application of Multi-Tiered Systems of Support (MTSS) to improve statewide student discipline data. Data showed that exclusionary discipline practices had not changed significantly over the last four years, showing disproportionality in almost every student population. Dr. Ashley Greenwald explained that MTSS is a prevention framework, and that for the first time, Nevada has transitioned to state dollars for this work. Data showed that schools implementing MTSS with high fidelity reported statistically significant better outcomes in disciplinary behavior incidents, including bullying and racial discrimination, compared to low-fidelity schools. Dr. Brandy March highlighted that 41 schools in CCSD had received State MTSS Recognition for 2024–2025, which has been linked to improved student outcomes and NSPF index points.

11. Public Comment #2

No Public Comments

12. Future Agenda Items (*Information and Discussion*)

The following topics were suggested for future agendas:

1. President Dockweiler requested reviewing how the board could begin incorporating Artificial Intelligence (AI) into content standards.
2. Member Braxton requested revisiting the timing of briefings to allow for more review and constituent engagement.
3. Member Hudson requested receiving dates and information about upcoming workshops.
4. Member Orr requested receiving information about the future state assessments.

13. Adjournment

Meeting was adjourned at 2:07 P.M.

Appendix A: Statements given during public comments

1. Jorge Alvarado, Public school teacher in East Las Vegas, curriculum and instruction leader, currently West Coast role at Instruction Partners - a non-profit organization, provided public comment regarding item 7 during public comment period #1.
2. Anna Binder, Chair for the Nevada Governor's Council on Developmental Disabilities, provided public comment regarding item 10 during public comment period #1.
3. Sam Bogoff, Executive Director of Sunarch Academy, provided public comments during the public comment period for the public hearing on Agenda Item 8 (LCB file no. R131-22).
4. Anna Binder, Chair for the Nevada Governor's Council on Developmental Disabilities, provided public comments during the public comment period for the public hearing on Agenda Item 8 (LCB file no. R131-22).
5. Washoe County School District, provided written public comments during the public comment period for the public hearing on Agenda Item 8 (LCB file no. R131-22).

Appendix A, Item 1: JORGE ALVARADO

Good morning to President Dockweiler and Superintendent Wakefield and thank you also to doctor Braxton for inviting me yesterday to this event and also the rest of the members of the state board. Thank you for having this public comment today. My name is Jorge Alvarado, and I live here in Nevada. I've served Nevada's education community for over a decade now. As a public-school teacher in east Las Vegas as a curriculum and instruction leader. Supporting districts across Las Vegas and now the West Coast, right now my role is in instruction partners which is a nonprofit organization focused on supporting strong teaching and strong learning systems. So, I just wanted to offer a brief comment aligned to 2 of today's agenda themes which are just improving student achievement and also strengthening implementation systems across district and schools so over the past year I've had the opportunity to work alongside. Nevada school leaders who are or navigating a lot of major instructional shifts right now, especially in literacy and math and multilingual learner supports and the MTSS structures that that are being implemented a consistent pattern that I'm seeing across the districts up there. They're obviously super committed to the work. But that work definitely as you know it feels very heavy and it can feel very isolated very quickly especially for our smaller rural school systems without full curriculum and instructional leadership. Teams like Clark County you know up in in Winnemucca and Elko they have much smaller systems to work with one of the ways that my organization has tried to be responsive is by making several state agnostic completely free resources available to districts. Around curriculum implementation observation systems high quality instructional materials multilingual learner supports and strategies for strengthening tier one instruction before relying on any other intervention. So many Nevada educators are already using these tools that I've shared with them they offer step-by-step guidance for adoption for implementation on curriculum for continuous improvement. I just want to say I'm not. I'm not trying to sell anything to the board Michael's just to like I'm Nevada resident I just want to extend support to the state that has honestly shaped me as an educator. I just want to say it's helped me shape my work and I would love to help shape it back so as the board discusses MTSS on dual credit any of those regulatory updates in the state's overall student achievement goals. I really just want to focus on prioritizing the implementation, not just like the goals that we're getting to because Nevada educators are incredibly talented. Again, I know they're deeply committed, and I think they just need more clear more coherent support structures so that that guidance coming from the state can land in classrooms in ways that feels. Doable sustainable and right for our kids. Happy to share any of those free tools or may I think you already have my information but thank you for your time and for your ongoing commitment to serving our kids. So, thank you.

Appendix A, Item 2: ANNA BINDER

Thank you. Good morning. Is that on OK president Dockweiler Superintendent Wakefield members of the board. Anna binder for the record. So, I'm going to begin with agenda item number 8 because this is a family issue family are experiencing in real time when a child enters residential treatment program whether short term stabilization or long-term placement their education often becomes fragmented and consistent or stops

altogether parents frequently receive. No road map, no rights information. And no assurance that instruction or IEP supports will continue as many of you know I am the mother of a child who has spent many years of his education in and out of institutions I didn't know he had rights when he was being denied his education. Those are things that I have come to learn over time but because nobody told us he missed out. He's now a junior in high school but he's still feeling the repercussions of that lost instruction time. I requested the development of a one-page rights notice for parents upon admission to a facility in the required districts to coordinate promptly so that curriculum communication and IEP services follow the student and the state has already communicated that they are in agreement to create that so thank you for that. Turning to agenda item number 10 the Nevada governor's council on developmental disabilities, we submitted written comment with 8 research exhibits where the evidence consistently shows that MTSS improved school climate and reduces behavioral incidents. Overall, however, students with disabilities and children of color continue to experience disproportionate discipline outcomes unless MTSS implementation includes intentional equity safeguards. I gave you guys California's model and it demonstrated improvement only where systems were paired with public discipline reporting equity benchmarks and restorative practice expectations Nevada can lead by doing the same to support equitable implementation we made several recommendations that were outlined in our letter Nevada is not behind Nevada is at a decision point with transparency accountability and disability affirming practices built in MTSS can be a mechanism for belonging not another structure That unintentionally leaves vulnerable children behind. Thank you for your time commitment to Nevada's children thank you.

Emailed statement:

Dear President Dockweiler and Members of the Nevada State Board of Education,
The Nevada Governor's Council on Developmental Disabilities submits this letter in support of strengthening Nevada's Multi-Tiered Systems of Support (MTSS) framework through the addition of equity safeguards, disability-inclusive accountability measures, and transparent public reporting. Across eight exhibits attached (A–H), research finds that MTSS improves overall school climate and reduces behavioral incidents; however, students receiving special education services—particularly autistic students and Black students with disabilities—remain disproportionately disciplined without intentional equity mechanisms built into MTSS. Federal civil rights findings (Exhibit G) demonstrate that exclusionary discipline contributes to academic regression, loss of instructional time, dropout risk, and juvenile justice involvement. Research focused on autistic and neurodivergent students (Exhibit D) shows that without disability-affirming implementation, students may not benefit equitably from tiered interventions. Equity-centered PBIS frameworks (Exhibits B–F) show improvement only when districts use data transparency, restorative practice integration, and continuous monitoring.

California's MTSS model (Exhibit H) offers relevant comparison. While disparities persist, progress has occurred in districts where MTSS implementation was paired with reporting requirements, restorative practice expectations, and equity benchmarks. Nevada is well positioned to adopt similar accountability structures. Our demographics—particularly within Clark County School District—mirror conditions found in large urban regions studied, and improvements made in California demonstrate what becomes possible when accountability and transparency operate alongside MTSS, rather than after it.

The Council respectfully requests the Board consider the following actions to support disability equity within MTSS:

- Require discipline data to be publicly reported disaggregated by disability category and race
- Establish MTSS implementation fidelity benchmarks related to equity outcomes
- Integrate restorative and behavior intervention approaches into MTSS guidance
- Create measurable progress indicators for reducing exclusionary discipline for students with disabilities
- Provide a one-page rights notice for families when a student enters a residential treatment or institutional placement

Nevada is at a critical decision point. With clear research, growing community awareness, and state-level focus on MTSS expansion, Nevada has an opportunity to become a leader in equitable MTSS implementation. These recommendations strengthen—not replace or undermine—existing MTSS work and offer a path to measurable improvement for students receiving special education services.

Thank you for your leadership and for your commitment to improving outcomes for Nevada's students.

Respectfully,

Catherine Nielsen
Executive Director
Nevada Governor's Council on Developmental Disabilities

Anna Marie Binder
Chair
Nevada Governor's Council on Developmental Disabilities

Appendix A, Item 3: SAM BOGHOFF, AGENDA ITEM 8: PUBLIC HEARING (R 131-22, RESIDENTIAL TREATMENT CENTERS)

Thank you for the sorry thank you for taking the time to let me speak Madam President, Dr. Wakefield, members of the board. My name is Sam Boghoff. I'm the executive director at Sunarch Academy. I do have one issue as we all know these kids are coming to us with multiple with a multitude of problems and our job is to sit there and help them therapeutically keep them in school, make sure they don't have any setbacks when they leave and so on and so forth. But the one thing I can't wrap my head around is the accountability factor for the schools. So we have to work with the school to get you know lesson plans or whatever it may be transcripts this that whatever and there's zero accountability to the school and we have a very hard time obtaining what we need in order to do our job and in return the only people that are going to be held accountable is the various RTC 's across the state. Where obviously from a reimbursement standpoint and without that reimbursement we can't grow our schools? So, what is the accountability piece for the schools to supply the information that we need.

Appendix A, Item 4: ANNA BINDER, AGENDA ITEM 8: PUBLIC HEARING (R 131-22, RESIDENTIAL TREATMENT CENTERS)

Thank you Madam President Superintendent Wakefield members of the board and so some of you may or may not know the state of Nevada has a settlement with the Department of Justice over the unnecessary institutionalization of our children with severe behavioral mental health and or special needs and so as I just looked back through the letter that we provided there is a list of some questions for clarification. I won't regurgitate those because they were submitted but I just want for the public listening that hasn't seen that I am very curious if we are going to have like a reporting system for families that are navigating that system outside of the child 's attorney. They potentially have an attorney as well but there should be if we're creating a portal like a report your issue here that is guidance that we've received from federal OSAP is to create systems. For reporting no matter where you're at in a system even though that guidance was directed at special education. And then I just am unsure if the state is going to be relaying any of that data to our compliance monitor for that settlement as well because it could be an extra data point to catch because sometimes not all institutionalizations are reported in that way and so that could be another avenue for the compliance monitor to actually see real time data of the children and the number of children that are institutionalized within the state and or removed from the state thank you.

Emailed statement:

Dear President Dockweiler and Members of the State Board of Education,
On behalf of the Nevada Governor's Council on Developmental Disabilities (NGCDD), thank you for the opportunity to provide comment regarding LCB File No. R131-22, scheduled for public hearing and possible adoption on December 10, 2025. The Council supports the adoption of R131-22 and recognizes its importance in aligning NAC 388 with SB210 (2021) and SB81 (2025) to protect the educational rights of children placed in psychiatric hospitals or residential treatment centers. Students receiving mental health treatment — particularly those with disabilities — often experience educational disruption, loss of academic credit, and fractured reintegration planning upon discharge. This regulation is a critical step toward ensuring continuity of education,

compliance with IDEA and NRS 388 requirements, and strong transition planning to prevent academic regression or dropout risk. We respectfully request that implementation include clear accountability expectations, transparent reporting, and measurable requirements for timely education delivery, ensuring the regulation functions not only as policy guidance but as a lived protection for students in care. Recommended Implementation Consideration — Educational Rights Handout To support families, treatment providers, and school districts in understanding responsibilities under R131-22, the Council requests that the Department develop a one-page rights and obligations document that is provided:

1. Upon admission/intake at psychiatric or residential facilities, and
2. By school districts when notified by a parent or guardian that a student has entered treatment, including students with and without disabilities.

This document should clearly summarize:

- The student's educational rights under IDEA/NRS 388/NRS 432B.60847
- Timeframe requirements (including the 3-day planning window)
- Expectations for credit transfer and IEP/504 continuity
- Parent and LEA points of contact
- How discharge planning and reintegration must occur
- Where families can report noncompliance or delayed services

A simple handout will reduce confusion, improve compliance, and empower families to advocate for timely services — especially during moments of crisis when they are least able to navigate complex systems.

Questions for Clarification

Implementation & Accountability

1. What mechanisms will be used to monitor compliance with the 3-day planning requirement?
2. Will NDE establish reporting intervals or review procedures to ensure continued adherence?
3. Will compliance data — including service delivery and credit acceptance — be reported publicly?

Credit Transfer & Reintegration

4. How will NDE ensure automatic acceptance of credits earned during treatment?
5. Will timelines be defined for post-discharge evaluation or IEP review?

Reimbursement Compliance

6. Will reimbursement require documented proof of instruction and credit monitoring, beyond attestation?
7. How will the state enforce corrective action if facilities fail to comply while ensuring student access is uninterrupted?

Equity & Outcomes

8. Will outcome tracking include students with disabilities, disaggregated to monitor disparities?

Nevada's children receiving psychiatric or residential treatment deserve uninterrupted learning, thoughtful transition planning, and the dignity of academic progress. R131-22 lays the framework for that protection, and with robust monitoring, transparency, and the addition of an educational rights handout at intake, this regulation can meaningfully improve outcomes for some of our state's most vulnerable youth.

Thank you for your thoughtful consideration and your commitment to Nevada's students. The Council is ready to collaborate in implementation, monitoring, and supportive material development.

Respectfully,

Catherine Nielsen
Executive Director
Nevada Governor's Council on Developmental Disabilities

Anna Marie Binder
Chair
Nevada Governor's Council on Developmental Disabilities

Appendix A, Item 5: WASHOE COUNTY SCHOOL DISTRICT, AGENDA ITEM 8: PUBLIC HEARING (R 131-22, RESIDENTIAL TREATMENT CENTERS)

Dear Members of the Nevada State Board of Education:

Please allow this letter to serve as Washoe County School District's (WCSD) written public comment to alert the Nevada State Board of Education (SBE) of a few issues with the proposed amendments to the regulations for NRS 4328.60847 (LCB File No. R131-22) which is listed as agenda item #8.

In October of 2022, when LCB File No. R131-22 was first noticed for hearing for the adoption of regulations, WCSD reached out to the NDE to express concerns about the proposed revisions. WCSD and the NDE had a collaborative meeting and WCSD provided the NDE with suggested redline edits. WCSD wants to thank the NDE for incorporating a number of those suggested edits into this amendment. However, in reviewing the proposed language in the most recent version of LCB File No. R131-22 which is before you today, WCSD still has a number of concerns that the proposed regulation goes beyond the authority set forth in NRS 4328.60847(3) and that the proposed regulation would create unnecessary and unreasonable liability for school districts who do not control or oversee the operation or services provided by treatment facilities.

First, WCSD is concerned with additions made to Section 10, subsection 4 (on page 5), which states:

At an individualized education program meeting convened pursuant to paragraph (a) of subsection 3 of NRS 4328.60847, the public or private school or school district described in that subsection shall revise the individualized education program to: (a) Facilitate the monitoring required by paragraph (c) of subsection 3 of NRS 4328.60847; and (b) Ensure compliance with all applicable federal and state laws prescribing the educational rights of the child.

This language requiring that the school or school district "shall revise the individualized education program" to "facilitate the monitoring" and "ensure compliance with all applicable federal and state laws prescribing the educational rights of the child" goes beyond what is contemplated and required in 432B.60847(3)(a). The NRS merely requires an IEP meeting be "[convened] to consider the appropriateness of a residential placement under federal law as it relates to the child's education needs" (NRS 432B.60847(3)(a)) and "[m]onitor the child's progress while the child is admitted to the facility" (NRS 432B.60847(3)(c)). Beyond a requirement that schools and school districts "monitor a child's progress," the proposed regulation would require that schools and school districts "facilitate the monitoring." Since the legislature drafted NRS 432B.60847(3)(c) to require school districts to "Monitor the child's progress while the child is admitted to the facility," it appears the NOE is trying to figure out a way to create a regulation to implement the NRS, but the phrase "facilitate the monitoring" is not clear and could create confusion about the role of school districts (who according to the Legislative Counsel's Digest are required to be invited to these meetings; however, this language is not included in the proposed revisions). This new language is problematic because it isn't clear what facilitation looks like, especially when school districts have no control over such residential facilities. WCSD is concerned that progress reporting and the lack of control that school districts have over the operations of facilities particularly when the school district has not made the placement determination (these determinations are made by the agency and the courts).

Even more concerning, the proposed regulation would place a new obligation on schools and school districts to "ensure compliance with all applicable federal and state laws prescribing the educational rights of the child," which improperly places responsibility and liability on schools and school districts when they neither control or oversee the operation or provision of services by treatment facilities. As such, WCSD respectfully requests that the SBE not approve these proposed revisions which exceed NRS 432B.60847(3) {a)-(c). WCSD instead proposes that this section should read:

At an individualized education program meeting convened pursuant to paragraph (a) of subsection 3 of NRS 432B.60847, the public or private school or school district described in that subsection shall consider: (a) monitor the child's progress while the child is admitted to the facility, as required by paragraph (c) of subsection 3 of NRS 432B.60847 and discuss the child's educational progress and the facility's compliance with all applicable federal and state laws prescribing the educational rights of the child.

Second, WCSD is concerned with the additions contained in Section 10, subsection 5 (on page 5) which states:

When performing the duties required by subsection 3 of NRS 4328.60847, a public or private school and any other persons involved in the performance of those duties shall consider any measures necessary to facilitate the return of the child to the school upon discharge from the facility which provides residential treatment for mental illness.

Initially, this language appears repetitive and redundant of Section 12. Additionally, upon closer review, it appears that Section 10, subsection 5 which states that it is "to facilitate the return of the child to the school" is more narrow than NRS 432B.60847(3)(d), which requires participation in transition planning for the child "into a school or any other educational setting in which the child will receive instruction after discharge." (Emphasis added). Other than this section containing redundant and more restrictive language than the NRS permits, WCSD only other concern is with the phrase "any measures necessary." It is unclear what is meant by this and what measures would be contemplated and required, which in turn may create more obligations on schools and districts beyond those contemplated in NRS 432B.80647(3). Therefore, WCSD respectfully requests that the SBE not approve these proposed revisions which exceed NRS 432B.60847(3)(d). WCSD instead proposes either that Section 10, subsection 5 be deleted in its entirety as it is addressed in Section 12 or in the alternative, that this section should read:

When performing the duties required by subsection 3 of NRS 4328.60847, a public or private school and any other persons involved in the performance of those duties shall consider measures necessary to facilitate the return of the child to the school upon discharge from the facility which provides residential treatment for mental illness.

Third, WCSD is concerned with some of the additions contained in Section 12, subsection 1 (on pages 7- 8), which states in pertinent part that:

Before a child is discharged from a facility which provides residential treatment for mental illness, the public or private school or school district described in subsection 3 of NRS 4328.60847 shall: Prepare a written discharge plan for the continued education of the child after the child is discharged. The written discharge plan must include, without limitation: (a) A safety plan, if recommended by the facility or otherwise deemed appropriate by the school or school district; (b) The academic schedule of the child, which must be appropriate for the child based on the clinical needs of the child; (c) If the child is a pupil with a disability, a statement of whether, upon discharge: (1) The child will be reevaluated to determine whether the child remains a pupil with a disability; or (2) The individual education program of the child will be revised; (d) If the child is not a pupil with a disability: (1) A statement of whether the child will be reevaluated to determine whether the child is a pupil with a disability; and (2) A plan to evaluate the child for any services for which the child may be eligible; ...

WCSD is concerned that the proposed regulation requires that "[t]he academic schedule of the child" must be appropriate for the child based on the clinical needs of the child" because clinical is very different than educational needs and as such, WCSD would recommend that the word "clinical" be removed. Another concern WCSD has with this section is that subsection (l)(c) assumes that if a child is a pupil with a disability, that the child would have an individualized education program. It is possible, that such students would have a Section 504 Plan and that is not contemplated in the proposed revisions of the NAC. Additionally, WCSD is concerned that subsection (l)(d) assumes that if a child is not a pupil with a disability, that a determination will be made whether the child will be "reevaluated" to determine whether the child is a pupil with a disability. However, the student may or may not have been evaluated to determine if the child has a disability prior to this juncture. Moreover, just because a child has a disability does not mean that the child would qualify as a pupil with a disability under the IDEA and require an individualized education program, as the student's needs may be better served through a Section 504 Plan. As such, WCSD respectfully requests the SBE to consider revising Section 12, subsection 1, in pertinent part as follows:

Before a child is discharged from a facility which provides residential treatment for mental illness, the public or private school or school district described in subsection 3 of NRS 432B.60847 shall: Prepare a written discharge plan for the continued education of the child after the child is discharged. The written discharge plan must include, without limitation: (a) A safety plan, if recommended by the facility or otherwise deemed appropriate by the school or school district; (b) The academic schedule of the child, which must be appropriate for the child based on the needs of the child; (c) If the child is a pupil with a disability, a statement of whether, upon

discharge: (1) The child will be reevaluated to determine whether the child remains a pupil with a disability; or (2) The individual education program or Section 504 Plan of the child will need to be created or revised; (d) If the child is not a pupil with a disability: (1) A statement of whether the child will be evaluated to determine whether the child is a pupil with a disability; and (2) A plan to evaluate the child for any services for which the child may be eligible; ...

Thank you for your consideration.

Kind Regards,

Jennifer Van Tress

Chief Academic Officer - Student Development & Success

DRAFT