

**COMPLAINT INVESTIGATION  
CLARK COUNTY SCHOOL DISTRICT  
(#CL062419)  
Report Issued on September 18, 2019**

**INTRODUCTION**

On June 24, 2019, the Nevada Superintendent of Public Instruction received a Complaint from a Parent alleging violations by the Clark County School District (CCSD) in a student's special education program. The allegations in the Complaint were that CCSD deprived the student of a Free Appropriate Public Education (FAPE) by failing to implement some of the modifications in the student's Individualized Education Program (IEP) in the classroom.

Both the Individuals with Disabilities Education Act (IDEA) and the Nevada Administrative Code (NAC) permit an extension of the 60-day timeline to conduct the investigation and issue the written decision if exceptional circumstances exist with respect to a particular complaint. (34 C.F.R. §300.152(b); NAC, §388.318(5)(a)) In this case, the CCSD requested an extension until the teachers of the named classes returned for the 2019/2020 school year due to its unsuccessful attempts to obtain the request documentation necessary for the NDE to complete this investigation. Given the CCSD's attempts to obtain the requested information and the absence of sufficient information for the NDE to commence its investigation, both parties were provided an extension of time to submit documentation and the timeline for the issuance of the Report was extended to September 20, 2019.

In the July 1, 2019 issue letter to the CCSD, the NDE requested additional documents and information in order to timely investigate the State Complaint. The CCSD was notified in that same communication that if the CCSD disputed the allegations of noncompliance in the Complaint, the submitted documents and information must include specifically referenced content relevant to that denial and that a failure to timely do so would be considered a concession of noncompliance for purposes of the investigation of the State Complaint. The CCSD did timely dispute the allegations of noncompliance in the Complaint and specifically referenced the documents relevant to that denial.

The State Complaint, including all attachments, and all documents and information submitted by the CCSD and the Parent in response to the Complaint were reviewed and considered in their entirety in the investigation of this Complaint. The Findings of Fact cite the source of the information determined necessary to resolve the issues in this Complaint and the original source document, where available, was relied upon.

**COMPLAINT ISSUE**

The allegations in the Complaint that are under the jurisdiction of the NDE to investigate through the special education complaint process raised the following issue for investigation:

**Issue:**

Whether the CCSD complied with the IDEA and NAC with regard to the implementation of the student's October 24, 2018 IEP in three identified classes in the 2018/2019 school year:

- a. In English class, providing the student extra time on a multiple-choice exam referenced in a December 21, 2018 email to the teacher; and with regard to assignments, such as the Shakespeare packet, providing the student extra time to complete the assignments; breaking down the assignments into smaller parts and providing a timeline; and checking for understanding/progress during the course of the student completing the assignments;
- b. In History class, with regard to additional work due on or prior to March 4, 2019 that was assigned to the class when the class exhibited poor behavior: providing the student extra time to complete the assignment; breaking down the assignment into smaller parts and providing a timeline; and checking for understanding/progress during the course of the student completing the assignment; and
- c. In Science, English and History classes, redirecting the student to stay on task when distracted.

## **FINDINGS OF FACT**

1. The student was enrolled in the CCSD for the 2018/2019 school year. (Student Period Attendance Detail)
2. The student was determined eligible for special education and related services on October 24, 2018 and the October 24, 2018 IEP was the student's initial IEP. At the time of the implementation of the student's October 24, 2018 IEP, the first semester was more than half over. (October 24, 2018 IEP, 2018/2019 School Calendar)
3. The student's October 24, 2018 IEP included only one goal and it was in social/organizational skills: By annual review date, in a classroom setting, the student will engage in independent study/organization skills by achieving a criteria of 80% accuracy as measured by observation, documentation, and student performance as implemented by the special education teacher. The benchmark/short-term objectives were:
  - a. Student will turn in all completed work for a grade when due or ask for teacher assistance when needed;
  - b. Student will ask for missed assignments/makeup work and turn it in according to the teacher designated timeline; and
  - c. Student will monitor the student's grades and ask for help when the student needs it. (October 24, 2018 IEP)
4. The student's Progress Reports dated January 10, 2019, March 18, 2019, and May 17, 2019 indicated satisfactory progress toward the annual goal on all three objectives. (2019/2019 Student Progress Reports)
5. The student's grades in the three courses at issue in this Complaint at the end of the First Semester were a C grade in Science, a D grade in English, and a F grade in History. By the end of the 2018/2019 school year, the student attained a C grade in Science, a D

grade in English, and a D grade in History. (Student High School Transcript, 2018/2019 Report Card)

6. The student's October 24, 2018 IEP had the following modifications, accommodation's, or supports for the student or personnel (Modifications) in the location of the student's general education classroom from October 24, 2018 to October 23, 2019:
  - d. Preferential seating near source of instruction. The frequency of services is during lecture/note taking;
  - e. Redirect student to stay on task. The frequency of services is during lecture/note taking/independent work;
  - f. Provide a copy of notes. The frequency of services is during lecture/note taking;
  - g. Allow extra time to complete assignments (up to two days). The frequency of services is when assignments are given;
  - h. Allow extra time to complete assessments (up to two times regular amount). The frequency of services is during tests/quizzes;
  - i. Break large<sup>1</sup> assignments into smaller parts and assist in creating a timeline to complete. Check for completion/progress on each section of assignment. The frequency of services is when large assignments are given;
  - j. Student may retake tests/assessments if a score of less than 60% is earned. The higher grade will stand. The frequency of services is when a test/assessment score of 60% or lower is earned;
  - k. Assignments and tests will be shortened by 50% to show mastery. The frequency of services is when a test or assignment is given;
  - l. The student may use pressure pass when feeling anxious. The frequency of services is when feeling anxious. (October 24, 2018 IEP)
7. The student's course grade detail for the three courses at issue in this Complaint show a number of late assignments turned in beyond the allowable two days in the student's Modifications; incomplete assignments and/or missing assignments, including for in-class assignments. All three teachers in the classes at issue in this Complaint provided documentation that the student was provided significant latitude by their acceptance of overdue assignments beyond the two-day Modification. (Science, English and History Grade Detail, History Checklist)
8. The CCSD submitted Accommodations and Modifications Checklists prepared by the student's English, Science, and History teachers. The Checklists were compiled in response to the filing of the Complaint and reportedly were based on the teachers' anecdotal notes, contact logs and progress reports collected throughout the year (Accommodations and Modifications Checklist (Checklist))

## **English**

9. With regard to the implementation of Modifications relevant to this Complaint in the student's English class:

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<sup>1</sup> "Large" is not further described or defined.

#### Extra Time

- a. Providing the student extra time on a multiple-choice exam referenced in a December 21, 2018 email to the teacher:
  - i. The referenced December 21, 2018 exam was a first semester final exam. (English Checklist, School Calendar)
  - ii. The December 21, 2018 email from the Parent to the English teacher was primarily with regard to the grading Modification for the portion of the exam completed. However, the Parent also indicated the student's IEP provided additional time to complete assignments/assessments. Relevant to the issue in this Complaint, approximately 45 minutes after receiving the email the teacher responded to the Parent that the student stayed after that day to complete the essay portion of the exam. Given the contemporaneous nature of this documentation and the immediacy of the response on an action that had already occurred, it was determined to be credible. The teacher reported the student did not attempt to complete the multiple-choice questions. (December 21, 2018 email; English Checklist, Complaint)
- b. Assignments such as the Shakespeare packet: providing extra time to complete assignments; breaking large assignments into smaller parts; and assisting in creating a timeline to complete. Check for completion/progress:

#### Extra Time

- i. From January 2019 through May 2019, there were 24 missing assignments and one late assignment in English class. The assignment submitted by the student that was graded as late and not accepted by the English teacher was over a month and a half late, significantly beyond the two-day period allowed in this Modification at issue. The student submitted the assignment with other work without a reason or an extended time request. The student received no credit for this assignment. (English Third Quarter Grade Detail, Student Summary Report, English Checklist)
- ii. The teacher reported that the student did not attempt to submit any work within the allotted two-day time frame. (English Checklist, English Third Quarter Grade Detail)
- iii. The teacher performed a "binder check" on November 27, 2018, December 13, 2018, February 4, 2019, March 13, 2019, April 9, 2019 and May 14, 2019. The teacher accepted classwork and homework assignments that had not been submitted within the extended time of two days, but were included in the student's class notebook, due to the student's lack of organization. (English Checklist)

#### Break into Parts and Check for Completion

- c. The English teacher identified eight "larger" assignments that were broken into smaller parts with given timelines. The teacher did not identify the Shakespeare

assignment as one of the larger assignments. However, the assignment was broken into four parts with progress due dates from January 9, 2019 to the final draft due on January 15, 2019. (English Checklist, Grade Detail)

- i. The English teacher described the process used to collect and review large or long-term assignments for completion/progress to determine whether assignments were being completed within the assigned timeline. The process included daily due dates and the teacher checking for completion/progress of assigned sections by collecting work and reading and marking work with comments such as "incomplete". The described process did not distinguish between given assignment timelines for large or long-term assignments for the class as a whole and the student and did not address assisting the student to create a timeline to complete large assignments. There was no documentation otherwise submitted in the course of the investigation. (English Checklist, Review of Record)
- ii. Grade detail was provided in the course of the investigation that supported the English teacher's report of breaking up "larger" assignments. For example: Assignments on Julius Caesar were due from February 1, 2019 to April 5, 2019 and the classwork was broken into at least 32 daily parts with corresponding due dates on a daily basis. During that time period, there were at least 16 checks documented that included two quizzes and notebook checks and assignments that were turned in to the teacher were documented. (English Checklist, English Third Quarter Grade Detail)

### **History – Behavior Caused Assignment on or prior to March 4, 2019**

10. The History teacher informed each parent by email regarding behavior concerns for the entire class on April 8, 2019 and assigned the students an alternate assignment on April 9, 2019. The alternate assignment was designed to cover the same content that was to be covered the previous day, and was not due to behavior concerns. The alternate assignment was a three-day assignment to complete an outline and write a 5-paragraph essay using the outline. The student turned in the assignment within the Modification of two additional days. (Written Response History Teacher, Teacher Contact Logs, Parent Contact Summary, Grade Detail)
11. The History teacher denied that there was additional work assigned when the class exhibited poor behavior on or prior to March 4, 2019. There was no evidence contrary submitted in the course of the investigation to support the allegation of the Parent with regard to additional work being assigned to the class prior to March 4, 2019 when the class exhibited poor behavior. (CCSD Response, Review of Record)

### **Redirection**

12. The Parent's allegations with regard to the three named teachers failing to redirect the student were based on reported statements from the teachers during a meeting on May 10, 2019. (Complaint)

13. With regard to redirecting the student to stay on task when distracted in English, the English teacher reported that redirecting the student to stay on task when off-task behavior was observed ranged from a high of three to five times a day when the student's focus was poor to weekly. Redirection was usually verbal: asking the student to pick up the student's head when possibly sleeping; asking the student how the student was doing to bring the student's focus back; redirecting the student's group during off-task talking; getting involved in the student's group discussions to direct focus; asking the student to put away off-task work or items; and, on one occasion, moving the student's seat temporarily during independent work to a place where the student could focus better. (English Checklist)
14. Based on the Grade Detail, there was only one occasion in one class, that documented off-task conduct: in the student's English class on March 4, 2019, the student was not paying attention and had disruptive talking during an in-class reading assignment. There was no comment regarding attempts at redirection during the off-task conduct. (Complaint, English Third Quarter Grade Detail)
15. With regard to redirecting the student to stay on task when distracted in History, the History teacher reported:
  - a. The student was seated in the front of the classroom near the teacher's desk. The location of the student's desk directly in front of the teacher's desk was done to enable the teacher to redirect the student as frequently as needed to stay on task.
  - b. The student required frequent redirection during instruction to stay on task (three to five times a day). The student was redirected at the beginning of the class to prepare for instruction and approximately 10 minutes after instruction commenced and when visibly distracted.
  - c. Despite redirection, the student was consistently off task, not paying attention, and not following instructions. (Checklist)
16. The History Teacher maintained a Modification Chart for the student for the 2018/2019 school year to keep track of modifications. The form was kept with the class seating chart and roster for quick access during instruction. The Modification Chart did not include the modification of redirecting the student. (Modification Chart)
17. With regard to redirecting the student to stay on task when distracted in Science, the Science teacher reported:
  - a. The student was redirected every day to begin warm-ups, class activities/labs and conclusions.
  - b. The student was given frequent reminders to start a task and was praised when the student began a given task or assignment.
  - c. Reminders, redirection and praise were given by both the general education and special education teacher when they floated in the room and were reported to be ongoing throughout the class period. The student was usually redirected up to five or more times per class period.
  - d. When not reminded, redirected or prompted, the student would not begin assignments and would just sit, socialize or stare into space.

- e. Evidence of redirection and reminders is supported through work completion. (Checklist)

18. In the course of the investigation, the CCSD was provided the opportunity to provide additional documentation that was contemporaneous or near in time to the implementation of the student's IEP to support the responses with regard to the implementation of the Modifications at issue in this Complaint. The CCSD did submit documentation that included contact logs, email communications, and gradebooks/progress reports and, as relevant to the issues in this Complaint, the documentation is referenced above. While the CCSD provided additional detail from each of the teachers on the implementation of the Modification of redirection, including anecdotal details, the CCSD did not provide documentation recorded at or near in time to the occurrence of the redirection to support the reports of the teachers on their respective Checklist. (Checklists, CCSD Supplemental Response, August 27, 2019, August 29, 2019 and August 30, 2019 Emails)

## **CONCLUSIONS OF LAW**

### **Issue:**

Whether the CCSD complied with the IDEA and NAC with regard to the implementation of the student's October 24, 2018 IEP in three identified classes in the 2018/2019 school year:

1. In English class, providing the student extra time on a multiple-choice exam referenced in a December 21, 2018 email to the teacher; and with regard to assignments, such as the Shakespeare packet, providing the student extra time to complete the assignments; breaking down the assignments into smaller parts and providing a timeline; and checking for understanding/progress during the course of the student completing the assignments;
2. In History class, with regard to additional work due on or prior to March 4, 2019 that was assigned to the class when the class exhibited poor behavior: providing the student extra time to complete the assignment; breaking down the assignment into smaller parts and providing a timeline; and checking for understanding/progress during the course of the student completing the assignment; and
3. In Science, English and History classes, redirecting the student to stay on task when distracted.

The requirements of the provision of a FAPE to students with disabilities under the IDEA and the NAC, Chapter 388, necessitate that special education and related services and supplemental aids and services are provided in conformity with an IEP. (NAC §388.281(6)(g), 34 C.F.R. §§300.17(d) and 300.101)

"States and public agencies must maintain documentation sufficient to ensure that a public agency provides FAPE to a child with a disability in accordance with the child's IEP. A State determines the form of documentation deemed sufficient to demonstrate whether its public

agencies are in compliance with this requirement....." (*Letter to Broussides*, OSEP June 9, 2010)<sup>2</sup> <https://sites.ed.gov/idea/policy-guidance/>

Pursuant to NAC §388.215, the State of Nevada has established measures each public agency must take to ensure that every student with a disability in the school district is identified, evaluated and served in the manner appropriate to the unique needs of the student. These measures include the establishment of a system of records that verifies these measures were implemented, including that each student identified as a student with a disability is receiving services appropriate to the student's disability. This requirement for a verifiable system of records is particularly important in the State Complaint system because, unlike due process hearings where testimony is under oath and the Hearing Officer can judge the credibility of the testimony, there is no impartial method other than verifiable documentation to reach a determination that the assertions of the public agency should be believed over the assertions of the complainant or vice versa.

### **English Class – Multiple-Choice Exam and Assignments**

The modifications in the student's October 24, 2018 IEP relevant to this issue are:

1. Allow extra time to complete assessments (up to two times regular amount). The frequency of services is during tests/quizzes;
2. Allow extra time to complete assignments (up to two days). The frequency of services is when assignments are given; and
3. Break large assignments into smaller parts and assist in creating a timeline to complete. Check for completion/progress on each section of assignment. The frequency of services is when large assignments are given. (FOF #6)

### **Assessment**

The only assessment at issue in this Complaint is a December 21, 2018 assessment in English class, and only with regard to being provided extra time to complete the assessment. This assessment was the final exam for the first semester of the 2018/2019 school year and included both a multiple-choice and an essay portion. The student was provided additional time to complete the December 21, 2018 assessment and did stay after the assessment to complete the essay portion of the assessment and earned an 80% score. The student did not attempt to complete the multiple-choice questions during the extra time allowed. (FOF #9(a))

This Modification only requires the allowance of additional time, and the English teacher allowed the student extra time to complete the assessment as required by the student's October 24, 2018 IEP. The fact that the student did not utilize the allowable extra time to complete both the essay and the multiple-choice portion of the assessment does not change this determination. (FOF #9(b))

### **Assignment**

The student's October 24, 2018 IEP included only one goal and it was in social/organizational skills and, relevant to this issue, this goal included two benchmarks/short-term objectives

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<sup>2</sup> This policy letter is publicly available at: <https://sites.ed.gov/idea/policy-guidance/>



related to assignment due dates: Student will turn in all completed work for a grade when due or ask for teacher assistance when needed; and Student will ask for missed assignments/makeup work and turn it in according to the teacher designated timeline. (FOF #3)

#### Extra Time

The student's course grade detail for the three courses at issue in this Complaint show a number of late assignments turned in beyond the two days in the student's Modifications; incomplete assignments and/or missing assignments, including for in-class assignments. All three teachers in the classes at issue in this Complaint provided documentation that the student was provided significant latitude by their acceptance of overdue assignments beyond the two-day Modification. (FOFs #7, #9)

In English class, from January 2019 through May 2019, there were 24 missing assignments and one late assignment. The student did not attempt to submit any work within the allotted two-day timeframe in English class. The only assignment submitted by the student that was graded as late and not accepted by the English teacher was over a month and a half late, significantly beyond the two-day period allowed in this Modification at issue. (FOF #9(b))

Based on the documentation of the grading detail with regard to the student's assignments (FOF #9(b)), it is determined that the English teacher did implement the Modification of extra time. As with the assessment Modification discussed above, this Modification also only requires the allowance of additional time and the English teacher did allow the student the extra time to complete assignments as required by the student's October 24, 2018 IEP. The fact that the student did not utilize the allowable extra time to complete and turn in assignments does not change this determination.

#### Break into Parts and Check for Completion

The Modification in the student's IEP with regard to breaking assignments into smaller parts; assisting in creating a timeline to complete; and checking for completion/progress on each section of assignment is only applicable to "large" assignments, which is undefined. While the Parent raised an allegation of noncompliance with regard to the Modification to "check for understanding", it is not included in the student's IEP as a Modification and, therefore, was not required to be implemented. (FOF #6)

The Shakespeare assignment cited by the Parent in the Complaint was used as the example of the alleged failure of the CCSD to implement this Modification. While the English teacher did not characterize this assignment as a large assignment, the assignment was still broken into four parts with progress due dates. (FOF #9(c))

The English teacher described the process used to assign, collect and review large or long-term assignments. This process included the determination of each student's progress throughout the assignment and the completion of assignments within assigned timelines. The process also included daily due dates and the teacher checking for completion/progress of assigned sections by collecting work and reading and marking work with comments such as "incomplete". However, the described process did not distinguish between giving interim assignment timelines

for large or long-term assignments for the class as a whole and the student's timeline reached as a result of assisting the student. (FOF #9(c))

The CCSD provided documentation in the course of the investigation that verified the English teacher did break up "larger" assignments for the class in the manner described. While the English teacher's practice was implemented class wide, implementation was also documented in detail with the student individually. For example: Assignments on Julius Caesar were due from February 1, 2019 to April 5, 2019 and the classwork was broken into at least 32 daily parts with corresponding due dates on a daily basis. During that time period, there were at least 16 checks documented in the grade detail that included two quizzes and notebook checks. Assignments that were turned in to the teacher were also documented. (FOF #9(c)) Based on this documentation, it was determined that while the English teacher's documented practice was not designed to only implement the Modification in the student's IEP regarding breaking up large assignments, providing timelines and checking for progress, the teacher did so through the teacher's general practice class wide. (FOF #9(c))

However, the English teacher did not report assisting the student in creating a timeline to complete large assignments and the CCSD did not provide documentation otherwise. (FOF #9(c)) Given the student's annual goal and benchmarks/short-term objectives included the timely submission of assignments and independent organizational skills, the class wide interim due dates did not substitute for this Modification. Therefore, it is determined that the CCSD did not implement this aspect of the Modification in the student's IEP for large assignments.

*Therefore, the CCSD complied with the IDEA and NAC with regard to the implementation of the student's October 24, 2018 IEP in English class in the 2018/2019 school year with regard to providing the student extra time on a referenced December 21, 2018 multiple-choice exam; and, with regard to large assignments: providing the student extra time to complete the assignments; breaking down the assignments into smaller parts and providing a timeline; and checking for progress during the course of the student completing the assignments; and the student's IEP did not require checking for understanding on large assignments. The CCSD failed to comply with the IDEA and NAC with regard to implementing the Modification to assist in creating a timeline to complete large assignments.*

### **History – Behavior Caused Assignment On or Prior to March 4, 2019**

"Unlike due process hearings, State complaints are investigative in nature, rather than adversarial, and do not include the same procedural rights accorded to parties in an impartial due process hearing. Therefore, the Department believes that it is not consistent with the IDEA regulation for an SEA to treat a State complaint like a due process complaint and assign the burden of proof to either party. Under 34 CFR §300.152, once a State complaint is properly filed, it is solely the SEA's duty to investigate the complaint, gather evidence, and make a determination as to whether a public agency violated the IDEA. It is not the burden of the complainant – or any other party – to produce sufficient evidence to persuade the SEA to make a determination one way or another. Rather, the SEA must independently review and weigh the evidence, generally by reviewing student and school records, data and other relevant

information, and come to a determination supported by relevant facts...." (*Letter to Reilly*, 64 IDELR 219 (OSEP November 3, 2014)<sup>3</sup>)

In this case, the CCSD acknowledged that there was a behavior incident in the student's class on April 9, 2019 and an alternate assignment was assigned to the student and the rest of the student's class to cover the content that was not covered due to behavior concerns. The student turned in this assignment within the allowable two additional days. (FOF #10)

However, the CCSD denied that there was additional work assigned to the student and the student's class on or prior to March 4, 2019 due to class behavior concerns. In the course of this investigation, the Complaint, including the attachment, and all documentation submitted and requested/received in the course of this investigation were independently reviewed and weighed to ascertain the probable truth of the matter. (FOF #11) The Complaint Investigation Team determined that there was no evidence to either affirm or deny the allegation of the Parent that the History teacher assigned additional work to the student and the rest of the student's class on or prior to March 4, 2019 due to a behavioral incident and, as such, the Complaint Investigation Team was unable to come to a determination as to the probable truth of the matter.

*Therefore, in the absence of documentation that the cited incident occurred, there was insufficient evidence to make a determination that the CCSD was required to comply with the IDEA and NAC in the implementation of the student's October 24, 2018 IEP with regard to the additional work assigned on or prior to March 4, 2019 when the class exhibited poor behavior.*

## **Redirection**

The Modification in the student's IEP on redirection in the student's general education classroom required the Science, History and English teachers to redirect student to stay on task during lecture/note taking/independent work. (FOF #6) The Parent's allegations with regard to the three teachers failing to redirect the student were based on reported statements from the teachers during a meeting on May 10, 2019. (FOF #12)

In the course of this investigation, all three teachers provided detailed information on their implementation of the Modification to redirect the student to stay on task when the student was distracted, including the frequency of redirection. (FOFs #13 to #15) The amount of detail provided on the implementation of this Modification in all three classes lent credibility to the reports of the teachers that this Modification was implemented, at least to some degree, in accordance with the student's IEP. However, pursuant to NAC §388.215, the CCSD was required to have a system of records for the purpose of verifying the provision of a FAPE to the student. The reports of the teachers prepared after the Complaint was filed do not constitute sufficient verification that this Modification was implemented consistent with the student's IEP.

To ensure the conduct of a comprehensive investigation, the CCSD was provided the opportunity in the course of the investigation to provide additional documentation to support

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<sup>3</sup> This policy letter is publicly available at: <https://sites.ed.gov/idea/idea-files/policy-letter-november-3-2014-to-atlee-reilly/>

the responses in the Checklists with regard to the implementation of this and other the Modifications at issue in the Complaint. While the CCSD did submit documentation that included contact logs, email communications, and gradebooks/progress reports, no documentation was provided at or near in time to the occurrence of the redirection to support the reports of the teachers on their respective Checklists. (FOF #18)

In the absence of the required verifiable system of records as required by NAC §388.215 to document the provision of this service to the student, it is determined that the CCSD did not provide the student the Modification of redirection in conformity with the student's IEP. (NAC §388.281(6)(g), 34 C.F.R. §§300.17(d) and 300.101)

*Therefore, the CCSD failed to comply the IDEA and NAC with regard to the implementation of the Modification in the student's October 24, 2018 IEP to redirect the student to stay on task in Science, English and History classes task during lecture/note taking/independent work in the 2018/2019 school year.*

### **Order of Corrective Action**

The CCSD is required to take corrective action to address the violations found in this Complaint Investigation with regard to the implementation of the student's IEP with regard to redirecting the student to stay on task and assisting in creating a timeline to complete assignments.

Upon consideration of the facts of this case, including the student's annual goal in social/organizational skills with student's self-initiated benchmarks/short-term objectives; the student's satisfactory progress toward the annual goal on all three objectives; the likelihood that the Modification of redirection may have been implemented, some or most of the time as required; the student's passing grades in the three courses at issue; the interim due dates for assignments; and the significant latitude accorded the student in the acceptance of overdue assignments (FOFs #3, #4, #5, #7), it is determined that no student specific remedy is required in this case for any uncorrected distractions or the absence of assisted timelines.

### **Corrective Action Plan**

In accordance with NRS §385.175(6), the NDE requests a systemic plan of corrective action (CAP) from CCSD within 20 school days to address the identified noncompliance requiring corrective action. The CAP must include the following:

- Review of the mandatory system of records developed and implemented at the school the student attended in the 2018/2019 school year to verify that each student with a disability is receiving services appropriate to the student's disability as set forth in the student's IEP.
- The school's correction of any deficiencies identified in the review in the design or implementation of such system of records, including the adherence of personnel to the mandatory system of records.
- Documentation of the mandatory system of records at the school and multiple samples of implementation to include documentation over at least two months from several

general education teachers in the school the student attended in the 2018/2019 school year on the implementation of Modifications in several students' IEPs.

The CAP must be approved by the NDE prior to implementation and result in the completion of the plan no later than 90 school days after the approval of the CAP. Following the CCSD's implementation of the approved CAP, the CCSD must submit a report to the NDE documenting the implementation of the approved CAP no later than 30 calendar days after implementation.