

IMPARTIAL DUE PROCESS HEARING
BEFORE THE HEARING OFFICER
APPOINTED BY THE STATE SUPERINTENDENT OF PUBLIC SCHOOLS
STATE OF NEVADA

In the Matter of
STUDENT¹, by and through his²
Parent,
v. Petitioner,
SCHOOL DISTRICT,
Respondent.

Date: December 1, 2017
Parties and Representatives
Petitioner/Mother: Unrepresented
Respondent/School District: Daniel
D. Ebihara, Esq. also present for
Respondent, Michael S. Harley,
Esq. (IL), Ruth E. Wisniewski,
Amanda Kappel, Andrea Taylor
and Lynann Materna

Hearing Officer:
Elizabeth S. Ashley

INTRODUCTION

A due process complaint was filed by the petitioner/mother on March 20, 2017, and on April 3, 2017 an impartial hearing officer was assigned to the matter by the Nevada Department of Education. An amended due process complaint was filed on April 17, 2017. On July 12, 2017, the hearing officer assigned to the matter resigned, and on July 17th a new hearing officer was assigned. The district responded to the due process complaint on July 20, 2017. Although the petitioner was represented by several attorneys during the pendency of the matter, at the hearing she was unrepresented, her most recent counsel having withdrawn on September 22, 2017.

¹ Personally identifiable information is attached as Appendix A to this decision and must be removed prior to public distribution. See *Letter to Chad* (FPCO 12/23/04)

² The pronouns “he” or “his” are used generally, and are not intended to denote the gender of the student.

Several status and pre-hearing conferences were held, and a final prehearing report and order was issued on October 11, 2017. To facilitate the parties' mediation of the matter, a continuance of the decision date was granted, and the decision is due by December 1, 2017. At the hearing of the matter on October 23rd, 24th and 25th, the petitioner had the assistance of a certified Amharic interpreter, Girma Zaid, who provided the petitioner with a translation of the entire proceedings.

ISSUES

The parties agreed that the issues to be determined by the due process hearing were limited to whether the district implemented the student's January 13, 2017 and March 13, 2017 individualized educational plans ("IEPs") by providing the student with a one-to-one aide throughout the school day, and with additional adult assistance on the bus; and whether the district provided the appropriate placement for the student, in the least restrictive environment, in a special school, as opposed to in a self-contained classroom, with resources, on a comprehensive campus.³

FINDINGS OF FACT

1. The 9-year-old student was initially enrolled at the subject elementary school for third grade in the 2016 to 2017 school year.⁴
2. The student was eligible for special education services under the category of emotional disturbance.⁵
3. In each of the student's two IEPs at issue in the hearing, the January 13, 2017 and March 13, 2017 IEPs, the services provided to the student were behavior related.⁶

³ See transcript of hearing, volume one, October 23, 2017, pgs. 26-27, lines 14-5, where the issues to be determined at the hearing were placed on the record, and were confirmed in volume three, October 25, 2017, pg. 400, lines 1-8.

⁴ See HO exhibits 5 and 6.

⁵ See HO exhibits 1, 7, 9 and 14, and testimony of sp. ed. instructional facilitator, pgs. 263-266, lines 19-13.

⁶ See HO exhibits 1 and 7.

4. The student's annual IEP developed on May 11, 2016, prior to the student's enrollment at the subject school, documents the student was performing at grade level academically, but that his disability of emotional disturbance prevented him from achieving academic performance commensurate with his intellectual capacity.⁷

5. Pursuant to the May 11, 2016 IEP, upon his enrollment at the school the student was placed in a self-contained classroom, with resources, in a program for students who are severely emotionally challenged, (the "SEC" program), based upon a determination by the IEP Team that the student "requires specially designed instruction for social/behavior skill deficits."⁸

6. The student was one of three students assigned to the SEC program on the campus, under the supervision of a teacher and two classroom aides.⁹

7. The May 11, 2016 IEP specified that "the modifications needed to address the intensity and frequency of [the student's] extreme behaviors require a higher teacher to student ratio. [The student] requires intensive program modifications and behavioral interventions in a program with a small student to teacher ratio where he receives close adult supervision to address his social and behaviors needs. [The student] has not demonstrated an ability to observe appropriate behaviors in the general education environment and then display them himself. He consistently demonstrates inappropriate behavior in all settings at this time. He disrupts the general educational environment."¹⁰

8. The district implemented all provisions of the student's May 11, 2016 annual IEP, with varying success in achieving the student's goals.¹¹

⁷ See HO exhibit 9, and testimony of SEC teacher, pgs. 84-85, lines 24-16, and learning strategist, pgs. 213-214, lines 11-17.

⁸ See HO exhibit 9.

⁹ See principal's testimony, pg. 34, lines 1-6, and pg. 58, lines 8-20.

¹⁰ See HO exhibit 9.

¹¹ See HO exhibit 9, and SEC teacher's testimony, pgs. 84-91, lines 24-18.

9. The student became more disruptive in the classroom, and aggressive towards the teachers, aides and other students, as the fall semester progressed.¹²

10. Pursuant to a January 13, 2017 revised IEP, the IEP Team increased the services provided to the student in an effort to continue his education on the comprehensive campus in the self-contained placement, and he was provided with the following supplementary aids and services: the provision of clear and consistent boundaries and expectations in a structured classroom setting, implementation of a behavior plan across all settings, use of a timer to provide the student with a warning prior to transitions, a revision IEP to review behavioral data, home notes and a daily point system to follow the implementation of the behavior plan, a safe, quiet place to de-escalate, as well as being allowed to use a mask to cover unnecessary reading material, reminder to wear his glasses, school health services, occupational therapy, extended school year, and curb to curb bus transportation.¹³

11. The January 13, 2017 revision IEP also provided for a one-to-one aide throughout the school day and for additional adult assistance for the student while he was on the school bus, in the hope that the provision of aides would allow the student to be successful in the classroom and on campus.¹⁴

12. Aide services were provided for the student even prior to the amendment of the student's IEP and, following the January 13, 2017, an individual aide was assigned to the student promptly, and on a daily basis, for the remainder of the school year.¹⁵

¹² See testimony of principal, pg. 34, lines 3-11, resource teacher, pgs. 233-237, lines 18-2.

¹³ See HO exhibit 1.

¹⁴ See HO exhibit 1, and testimony of SEC teacher, pg. 117, lines 1-15.

¹⁵ HO exhibit 8, and testimony of sp. ed. instructional facilitator, pgs. 284-286, lines 11-22, principal, pg. 39-40, lines 11-3, pg. 53, lines 15-17, p.e. teacher, pg. 190, lines 20-24, pg. 203, lines 15-25, pg. 210, lines 17-24, SEC teacher, pg. 117, lines 1-15, pg. 190, lines 20-24, bus coordinator, pgs. 150-151, lines 12-9, learning strategist, pgs. 222-223, lines 14-2, pgs. 224-225, lines 13-8, sp. ed. instructional coordinator, pgs. 312-315, lines 19-10, pg. 328, lines 2-13, and instructional facilitator, pgs. 287-286, lines 11-22.

13. The aide services were initially provided by various individuals employed by the district and, in April, a specific aide was permanently assigned to the student.¹⁶

14. The student's one-to-one aides attempted to keep the student in the classroom and prevent him from escalating and eloping by blocking the door¹⁷ and following the provisions of the IEP, including working with him one-on-one on activities he preferred, providing rewards for good choices and speaking to him in a calm voice.¹⁸

15. The district implemented each aspect of the student's January 13, 2017 and May 13, 2017 IEPs and behavior plans. However, the student was unable to achieve his goals for targeted behaviors, despite being provided with the services of the aides and replacement behaviors, social skills lessons, positive strategies, limiting the length of assignments, giving him a break, allowing him to choose preferred assignments, and/or eliminating distractions.¹⁹

16. If the student did not want to perform an assignment, he became aggressive, throwing or destroying materials and equipment, verbally and physically assaulting others and eloping from the classroom.²⁰

17. When the initial behavior interventions provided for in the student's IEPs were unsuccessful, the SEC teacher initiated additional strategies and supports designed to assist the student in controlling his negative behaviors, including positive praise for the student, and allowing him to interact with school staff he preferred, specifically by having people he liked come into the classroom to play a game with him. With the assistance of a district behavior interventionist, the

¹⁶ See HO exhibit 8 and testimony of principal, pgs. 59-60, lines 19-12, pgs. 65-66, lines 12-10, pgs. 67-69, lines 6-1, pgs. 76-77, lines 2-2, and SEC teacher, pgs. 138-139, lines 15-2 and pg. 140, lines 2-22.

¹⁷ See STEM teacher's testimony, pg. 173, lines 9-20.

¹⁸ See principal's testimony, pgs. 73-74, lines 18-15

¹⁹ See HO exhibits 1, 7 and 10, and testimony of principal, pgs. 38-40, lines 24-13, SEC teacher, pgs. 93-102, lines 21-8, pgs. 123-124, lines 20-15, resource teacher, pgs. 255-256, lines 25-20, STEM teacher, pgs. 173-174, lines 21-7, pgs. 180-181, lines 23-18, sp. ed. instructional coordinator, pgs. 326-327, lines 9-22, and p.e. teacher, pgs. 189-190, lines 18-19, pgs. 205-206, lines 11-23.

²⁰ See testimony of STEM teacher, pg. 173, lines 9-20, SEC teacher, pg. 111, lines 6-24.

teacher also implemented a token economy to reward the student for good behaviors and choices, and then a stop-and-think strategy to attempt to get the student to think about the consequences of his behavior.²¹

18. Despite these additional interventions and supports, the student's negative behavior escalated over the school year, and he avoided academic work to the degree that as time passed it could no longer be confirm that the student's academic performance was at grade level.²²

19. The student was not receiving any educational benefit in the self-contained classroom placement, as if he was asked to perform academic assignments, he became aggressive, and chased and attempted to scare others, verbally and physically attacked adults and students, threw materials and equipment, knocked over tables, and frequently eloped from the classroom²³and, overall, the student did not improve during the school year.²⁴

20. Despite the district's implementation of the services provided for in the IEPs, the student's behavioral issues increased in frequency and severity, resulting in almost daily disruption of the classroom, and often the entire school campus.²⁵

21. In response to the student's conduct, the school first changed the location of the student's classroom from a room located inside the main school building, to a portable classroom where, if he eloped from the classroom, he would be outside and would not endanger anyone.²⁶

²¹ See SEC teacher's testimony, pg. 123-124, lines 22-13.

²² See testimony of SEC teacher, pgs. 98-99, lines 22-25, and learning strategist, pg. 216, lines 13-2, pgs. 220-222, lines 15-6.

²³ See SEC teacher's testimony, pg. 98, lines 3-25, and pg. 111, lines 13-24.

²⁴ See testimony of SEC teacher, pg. 109, lines 18-20, pgs. 115-116, lines 17-24, and resource teacher, pgs. 237-248, lines 24-14.

²⁵ See testimony of principal, pgs. 43-45, lines 8-3, and resource teacher, pgs. 232-233, lines 19-17, pgs. 252-254, lines 18-16.

²⁶ See HO exhibit 2, testimony of principal, pgs. 43-45, lines 13-3.

22. Additional safeguards were employed by district staff to protect others from the student's aggressive conduct when he ran from his classroom, including locking the doors to the atrium in the center of campus, which prevented the area from being used for lunch, and prevented students from visiting the atrium garden without a teacher unlocking the doors.²⁷

23. When the student's negative behavior continued, school administration designed and employed a soft lockdown procedure called "code blue" to address the "almost daily" disruption caused by the student's frequent elopement from class, and to maintain safety inside the main school building.²⁸

24. In the code blue procedure, office support staff, administrators, and available licensed staff would be notified that the student was running towards or through the main campus building in an agitated state, and they would be instructed to leave their duties and report to the main building and lock all external doors, and doors to the restrooms, library and atrium, to prevent the student from banging on doors and entering classrooms and throwing things, screaming and cursing. School staff would remain at these posts to allow other students necessary access to restrooms and in and out of the classroom areas until the code blue was terminated by the student either leaving the main campus building, returning to class, or deescalating.²⁹

25. During a code blue, the student's one-on-one aide would chase or stay near the student,³⁰ and the aide and others would attempt to persuade the student to return to class.³¹

²⁷ See testimony of principal, pgs. 46-47, lines 1-7, and assistant vice principal, pgs. 344-345, lines 17-7.

²⁸ See HO exhibit 3 and testimony of principal, pgs. 45-47, lines 5-7, and assistant vice principal, pgs. 341-352, lines 5-25.

²⁹ See HO exhibits 2, 3 and testimony of principal, pgs. 45-46, lines 5-25, pgs. 47-48, lines 10-1, SEC teacher, pgs. 120-121, lines 18-15, STEM teacher, pgs. 174-175, lines 8-1, and assistant vice principal pgs. 341-352, lines 5-25.

³⁰ See principal's testimony, pg. 59, lines 6-18.

³¹ See testimony of SEC teacher, pgs. 111-112, lines 25-7

26. The student's March 13, 2017 revision IEP called for a change in placement for the student from the self-contained classroom, on the comprehensive campus, to a special school.³²

27. The parent/petitioner was present at the March 13, 2017 IEP Team meeting, and confirmed her opposition to the change in the student's placement by way of her signature on the IEP form documenting that she "disagrees with all or a part" of the IEP.³³

28. The services provided by the aides were not successful in changing the student's behavior, or allowing him to focus on academics.³⁴

29. The student continued to elope from class regularly, and the only time he was in class 100% of the time was when there was a four-to-one ratio, when four adults in the classroom and he was the only student present.³⁵

30. The student's negative behavior was not merely disruptive to the educational process, but also presented a significant risk of emotional and physical harm to himself and others.³⁶

31. The other students, teachers, staff and administrators on campus suffered severe negative impact and detriment, both educationally and socially, due to the student's presence on the comprehensive campus, and the student received no educational or social benefit from his placement on the comprehensive campus as his relationships with other students degraded over the year.³⁷

³² See HO exhibit 7, principal's testimony, pgs. 52-53, lines 9-3, and SEC teacher's testimony, pg. 117-118, lines 16-16.

³³ See HO exhibit 7.

³⁴ See testimony of STEM teacher, pgs. 172-173, lines 22-20, and SEC teacher, pgs. 137-139, lines 25-2.

³⁵ See SEC teacher's testimony, pg. 119, lines 10-21.

³⁶ See testimony of principal, pg. 41, lines 1-11, and assist. vice principal, pg. 341-343, lines 5-7.

³⁷ See testimony of p.e. teacher, pgs. 190-191, lines 25-20, pgs. 196-197, lines 14-10, pgs. 196-199, lines 14-9, and resource teacher, pgs. 237-248, lines 24-13.

32. The IEP Team’s decision to change the student’s placement from the self-contained classroom to a special school was not influenced by consideration of the cost of maintaining the student on the comprehensive campus.³⁸

33. The IEP Team’s decision to change the student’s placement was based upon the increasing severity of his negative behaviors and a determination that his needs cannot be met, and he cannot obtain an educational or social benefit, from placement on a comprehensive campus, as he requires a smaller educational setting where there is uniform training and implementation of behavioral interventions and supports by teachers and others.³⁹

CONCLUSIONS OF LAW

The Individuals With Disabilities Education Act (“IDEA”) mandates that children with disabilities be educated in the least restrictive environment or, whenever possible, that disabled and nondisabled children be educated together. Specifically, the IDEA provides that “[t]o the maximum extent appropriate, children with disabilities...are educated with children who are not disabled, and that special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.” See 20 U.S.C. 1412(5)(B) and 34 C.F.R. 300.114(a)(2).

Nevada Administrative Code Section 388.245 provides that “[a] pupil with a disability may not be placed in a special class or in a school different than the one the pupil would normally attend, or otherwise removed from the regular educational environment, unless: (a) [t]he pupil’s

³⁸ See testimony of sp. ed. instructional coordinator, pgs. 311-12, lines 8-1, pg. 314, lines 15-25, and pgs. 330-331, lines 17-9, and assistant vice principal, pgs. 350-351, lines 25-3.

³⁹ See testimony of SEC teacher, pg. 118, lines 2-16, sp. ed. instructional coordinator, pgs. 315-318, lines 11-16, pg. 324, lines 9-11, pgs. 326-327, lines 9-22, and pgs. 333-334, lines 19-1, learning strategist, pgs. 225-227, lines 15-20, resource teacher, pgs. 248-249, lines 14-5, sp. ed. instructional facilitator, pgs. 269-270, lines 24-8, and principal pgs. 52-53, lines 9-7.

individualized educational program otherwise provides; and (b) [t]he nature or severity of the disability of the pupil is such that, even with the use of supplementary aids and services, the pupil cannot be educated satisfactorily in the regular educational environment.”

The Supreme Court has not yet ruled on the issue of least restrictive environment, (“LRE”) but a number of Circuit Courts of appeal have issued rulings. Nevada is located in the Ninth Circuit, which has determined that four factors must be balanced to determine if a student’s educational placement is the least restrictive environment: (1) the educational benefits available to the student in a regular classroom, supplemented with appropriate aides and services, as compared with the educational benefits of a special education classroom; (2) the non-academic benefits of interaction with children who are not disabled; (3) the effect of the student's presence on the teacher and other children in the classroom; and (4) the cost of mainstreaming the student in a regular education classroom. See *Sacramento City School District v. Rachel H.*, 14 F.3d 1398, (9th Cir. 1994).

In the subject case, the evidence was undisputed that the student was not receiving any educational or social benefit from placement on the comprehensive campus in the self-contained classroom, despite the district’s provision of numerous resources and supplemental services, including the provision of a one-to-one aide throughout the school day and additional adult assistance on the bus. It was also undisputed that the student is bright and capable of academic learning. Therefore, it must be concluded that the lack of educational or social benefit is due to the severity of his behavioral and emotional challenges, and that further behavioral supports must be provided for the student beyond what can be achieved on a comprehensive campus.

The annual IEP developed on May 11, 2016, prior to the student’s enrollment at the subject school, indicated that previously the student had some degree of interaction with both disabled and

nondisabled students. However, the evidence presented at the hearing indicated that the student's only interaction with either nondisabled or disabled classmates was negative, and detrimental to all. There was testimony that during the school year the student's outburst became more hostile and demeaning to others, and that his conduct was threatening and even dangerous, causing other students to be afraid of him.

The testimony of teachers and school administrators documented an impressive effort to maintain the student in the comprehensive campus setting, including moving his classroom to an outside portable so that when he eloped he would be less likely to encounter others or cause a disruption while in an agitated state, employing the "code blue" policy, and utilizing the services of a district behavioral interventionist to develop a great number of strategies and services specially designed to meet the student's individual need for increasing behavioral supports. However, despite these efforts, there was no improvement in the student's behavior. The student's unpredictable and severe behaviors created a health and safety risk to the student and others which not only caused a daily disruption, but essentially held the campus hostage, and negatively impacted the ability of other students to learn, and teachers to educate.

The special education coordinator testified that, in her opinion, school staff had gone to extreme lengths to attempt to develop supports and strategies which would allow the student to gain control over his behavior to the extent that he could obtain a benefit from being educated on a comprehensive campus. However, she concluded that as the student was receiving no educational benefit from the placement, he must be placed in a more restrictive environment, specifically a special school designed to provide a higher, uniform, level of intervention and support to address his behavioral challenges. The coordinator specifically testified that until the student can better handle his behavioral and emotional challenges, no academic learning can take place.

Undoubtedly, the district incurred significant costs in the effort to maintain the student on the comprehensive campus, including the implementation of the “code blue” policy which involved employment of all available administrators, teachers and staff on campus to stand guard at all points of entry into the main campus building to prevent the student from entering classes and endangering himself and others. Additionally, the student was provided with the benefit of a district behavioral interventionist, a change of teacher, and services of an additional bus aide and a one-to-one school day aide in the effort to educate the student on the comprehensive campus. The district, and the school itself, appear to have utilized all resources available in a comprehensive campus setting to address the student’s need for behavioral support and intervention, and there is no indication that that cost was ever a consideration in the services provided, or the decision to change the student’s placement. The evidence is clear that, despite the efforts of the teachers and administration, the student cannot receive an educational benefit from placement on a comprehensive campus in a self-contained classroom, with resource support.

The four-part test adopted in the *Rachel H.* case was applied in another Ninth Circuit case, *Clyde K. v. Puyallup School District*, 35 F. 3d 1396, (9th Cir. 1994), where placement in an off campus, self-contained program was found to be the least restrictive environment for a 15-year-old student with tourette syndrome and attention deficit hyperactivity disorder. The facts in the *Clyde K.* case are like the subject case in that the student was not benefiting academically in a less restrictive placement, despite the district’s provision of supplementary services and accommodations. The student’s non-academic benefits were minimal, since he did not model his behavior on that of his non-disabled peers, and he was socially isolated. As in the subject case, evidence of the student’s negative effect on others included violent attacks on students and staff, and disruption of the class by profanity and sexually-explicit remarks. Cost considerations in hiring

an aide for the student were irrelevant in the case, as there had been a determination that the provision of an aide would not benefit the student in *Clyde K.* See *Clyde K. v. Puyallup School District*, 35 F. 3d 1396, (9th Cir. 1994).

In two recent cases factually similar to the subject case, Florida administrative law judges (hereinafter “judge”) issued orders consistent with the ruling in the *Clyde K.* case, and approved district placements of students with severe behavioral challenges in more restrictive settings. In the first case the student was placed in a special school like the placement recommended by the district in the subject case. In that case, the student needed, and was provided with, constant monitoring, and yet continued to engage in eloping, work refusal and verbal and physical aggression. The judge noted the student was largely unable to benefit from the presence of nondisabled students and, based on the conclusion of the members of the student’s IEP Team, ruled that the student could not receive a free, appropriate, public education (“FAPE”) in the student’s current placement and, therefore, the separate facility was the student’s LRE. See *In re: Student with a Disability*, 117 LRP 35721, (Florida State Educational Agency, August 10, 2016).

In the second case, there was evidence that numerous behavioral interventions and progressively more restrictive placements did not stop the violent and inappropriate behavior displayed by a Florida student with an undisclosed disability, leading the judge to approve a more restrictive setting. Reasoning that the student could not receive FAPE in a special class in public school, the judge ruled that the district’s proposed placement of the student in a separate special school was the student’s LRE. In the Florida case, as in the subject case, the student’s behaviors included attacking students and staff by hitting, kicking, throwing furniture, and eloping. The judge noted that the student had been moved to progressively more restrictive placements, but had not been able to receive educational benefit in any of them, and that the student’s behaviors posed a

significant safety risk to himself and others justifying the placement in a more restrictive environment. See *Lee County*, 117 LRP 35709 (Florida State Educational Agency, July 27, 2016).

In the subject case, the evidence established that the provisions of the student's January 13, 2017 and March 13, 2017 IEPs were implemented by the district. However, the student was not available to benefit educationally from the services provided to him due to his overriding severe emotional and behavioral challenges. The student is unlikely to make academic progress until his behavior problems, including verbal outbursts, work refusal, physical aggression and eloping, can be addressed by uniformly trained educators implementing intensive, focused behavioral interventions in a smaller setting. Even with close supervision, and extensive and increasing supports and modifications, due to the student's unpredictable and violent behavior, he cannot receive FAPE on a comprehensive campus, even in a self-contained class with resource support, such as the SEC program. Therefore, a special school designed to address the student's unique needs is appropriate, and the LRE for the student.

In an interesting juxtaposition of the facts, in another case, *Midd-West School District*, 113 LRP 48545 (SEA Pennsylvania October 2, 2013), a hearing officer ruled that a school district denied a student FAPE by placing the student in a general education classroom because the parent requested it, even though the student received no educational benefit due to severe emotional and behavioral disabilities. If the petitioner/parent were to prevail in her desire for the student to continue to be educated on a comprehensive campus in a self-contained classroom, as opposed to at a special school, the student would be deprived of the opportunity to receive the supports and interventions he requires to gain control over his behavior. Or, to put it another way, without the benefit of the change in placement to a special school designed to assist the student in overcoming

his severe behavioral challenges, he has no chance to obtain the education he has the intellectual ability to achieve.

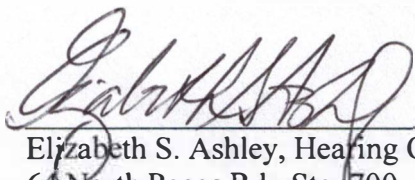
ORDER

Based upon the above findings of fact and conclusions of law, the hearing officer rules that the district fully implemented the student’s January 13, 2017 and March 13, 2017 IEPs, and that the student’s placement in a district special school is the least restrictive environment.

NOTICE OF APPEAL RIGHTS

Any party aggrieved by this decision has the right to appeal within thirty (30) days of the receipt of this decision pursuant to Nevada Administrative Code Section 388.315. A party to the hearing may file a cross-appeal within ten (10) days after receiving notice of the initial appeal. If there is an appeal, a state review officer appointed by the superintendent from a list of officers maintained by the Nevada Department of Education shall conduct an impartial review of the hearing pursuant to Nevada Administrative Code Section 388.315. Since this decision is being delivered in both electronic and hard copy, receipt of a copy of this decision and order will be determined by either the date of actual delivery, or the date of the first attempt to deliver by the U.S. Postal Service.

Dated: December 1, 2017



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