

**COMPLAINT INVESTIGATION**  
**DOUGLAS COUNTY SCHOOL DISTRICT**  
**(#DO020917)**  
**Report Issued on May 9, 2017**

**INTRODUCTION**

On February 9, 2017, the Nevada Superintendent of Public Instruction received a Complaint from Parents<sup>1</sup> alleging violations of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §1400 et seq.; 34 C.F.R. Part 300, and Chapter 388 of the Nevada Revised Statutes (NRS) or the Nevada Administrative Code (NAC) in the special education program of a student with a disability enrolled in the Douglas County School District (DCSD). The Parents alleged the DCSD failed to inform a substitute teacher and/or other responsible teachers or providers of their responsibilities related to implementing the supplementary aids and services in the student's IEP; and failed to implement the supplementary aids and services in the student's IEP, specifically the student's use of a stool to access the school bus and adult supervision to monitor for safety while the student entered and exited the school bus; adult supervision when the student was unaccompanied outside the school building after missing the school bus; and supervision of the student and safety procedures during a fire drill on February 12, 2016.

The Complaint also included allegations regarding the development of the student's September 23, 2015 IEP and the absence of an Individualized Health and Safety Plan (IHP) for the student under the NRS, Chapter 392 (provisions of law applying to all students in Nevada schools). The NDE notified the Complainant that, pursuant to the IDEA, 34 C.F.R. §300.153 and NAC §388.318, it did not have jurisdiction through the special education complaint process to investigate the alleged violations that occurred on or before September 23, 2015 IEP or the allegation regarding the failure to develop, implement and monitor an IHP under NRS, Chapter 392. The Complainant was referred to the DCSD to obtain information on how to pursue the allegation regarding an IHP, if desired, under NRS, Chapter 392.

On March 10, 2017, the Parents filed an amendment to this Complaint to include another issue regarding the student's IHP from March 10, 2016 through October 7, 2016 under the IDEA and the NAC, Chapter 388, and a new proposed resolution. Upon consideration that the issue in the original Complaint being amended was determined as being outside the NDE's jurisdiction and was not accepted for investigation and the inclusion of the another school year in the requested amendment, the NDE decided not to exercise its discretion to amend the existing Complaint, but rather to accept the amendment as a new Complaint. (Discussion of the IDEA regulations: Federal Register, Vol. 71, No. 156, August 14, 2006, p. 46603) The proposed resolutions in the amendment and this Complaint were accepted for purposes of both this Complaint and the associated Complaint #DO031017.

Given the relatedness of the issues regarding the student's health and safety, the NDE conducted the investigation of the two Complaints at the same time to ensure a comprehensive

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<sup>1</sup> While some of the documentation and action cited in this Report was from one Parent, the term Parents will be used throughout the Report.

investigation. Both the IDEA and the 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)) The subsequent filing of an amendment was determined to be exceptional circumstances and the timeline for the issuance of the Report in this Complaint was extended to May 9, 2017 in order to align with the timeline for the associated Complaint.

All documents submitted by the Parents and the DCSD and information provided in an interview with the Parents relevant to the issues in the Complaint were reviewed/considered in their entirety in this investigation. The Complaint Investigator also received, collected and reviewed additional information as needed during the investigation. The Findings of Fact cite the source of the information determined necessary to resolve the issues in this Complaint.

## **COMPLAINT ISSUES**

The allegations in the Complaint that are under the jurisdiction of the NDE to investigate through the special education complaint process raise the following issues for investigation for the 2015/2016 school year:

### **Issue One:**

Whether the DCSD complied with the IDEA and the NAC, Chapter 388, with regard to the DCSD middle school implementing the supplementary aids and services in the student's IEP on February 12, 2016, specifically with regard to adult supervision to monitor for safety when the student was outside the school building after missing the school bus at the middle school.

### **Issue Two:**

Whether the DCSD complied with the IDEA and the NAC, Chapter 388, on February 12, 2016 when a fire drill was conducted at DCSD middle school with regard to:

- a. Implementing the supplementary aids and services in the student's IEP of adult supervision to monitor for safety during the fire drill, access to a wheelchair, and safety procedures; and
- b. Informing the substitute teacher for the band class and/or other responsible teachers or providers of his/her specific responsibility related to implementing the supplementary aids and services in the student's IEP set forth in subsection (a) that were required to be provided to the student during a fire drill.

### **Issue Three:**

Whether the DCSD complied with the IDEA and the NAC, Chapter 388, with respect to implementing the supplementary aids and services in the student's IEP from October 2016 to May 26, 2016, specifically with regard to providing a stool with a handle for the student to access the school bus transporting the student from the middle school to the elementary school and adult supervision to monitor for safety while the student entered

and exited the school bus, including when the student required more assistance in cold weather.

## **FINDINGS OF FACT**

1. The student had three IEPs in effect in the 2015/2016 school year: a September 23, 2015 annual IEP that was revised on February 18, 2016 with regard to changing adaptive physical education to consult services and on again on May 25, 2016 with regard to extended school year services. The percentage of time the student was in the regular education environment was 99% of the school day. (IEPs)
2. The September 23, 2015 IEP included the assessment results from:
  - a. A gross motor development assessment that included that the effect of the student's gross motor development on the student's involvement and progress in the general education curriculum was that assistance can be provided on field trips if needed.
  - b. Assessment results on class field trips included that the student needs modifications and adaptations for most of the class field trips and, after describing a previous field trip, indicated that the student will continue to need assistance on field trips in the future.
  - c. A physical therapy assessment that included that:
    - i. The effect of the student's gross motor development on the student's involvement and progress in the general education curriculum was that due to muscle weakness, the student may struggle with force production, control of eccentric movements (such as descending stairs), balance and endurance during gross motor activities.
    - ii. The student's functional skills that most limit the student's participation include: difficulty with floor to stand transfers, endurance with walking the full distance of the school multiple times a day, balance issues that impair the student's safety with taking shortcuts to reduce walking distance, and strength to carry/manage carrying the student's own backpack.
    - iii. The physical therapist indicated that any reasonable accommodations should be considered to reduce the student's ambulation distance when possible, or to avoid having to negotiate uneven terrain with all of the student's belongings.
  - d. A safety procedures/health assessment from the nurse and Parent information that indicated that:
    - i. There is a wheelchair available for safety procedures and field trips.
    - ii. In an emergency situation, get the student out of the building as quickly as possible.
    - iii. Cold affects the student's muscles and the student may move slower than usual and require more assistance.

- iv. The effect on the student's involvement and progress in the general education curriculum provided that the student may require classroom accommodations to help support the student's physical limitations within the classroom environment and that the student may require a "late start" on some days depending on the weather and effects on the student's muscles. (IEP)
3. The student's September 23, 2015 IEP included a physical therapy goal that the student will maintain safety and functional independence in the school setting by maintaining balance and endurance with school related activities 100 percent of the time within the IEP year. The student's benchmark/short-term objective for this goal included that the student would manage the student's own belongings independently while walking from the bus to the classroom in the morning (250-300 feet), four out of four days of the week during the IEP year. (IEP)
4. The student's September 23, 2015 IEP designated the following as specially designed instruction for the student: adaptive physical education, occupational therapy, physical therapy and speech. In addition, the student's IEP included consult speech/language, direct and consult physical therapy as needed, consult occupational therapy and direct and consult recreation, including therapeutic recreation. (IEP)
5. The student's September 23, 2015 IEP required the following supplementary aids and services relevant to this Complaint to be provided from September 24, 2015 to September 23, 2016:
  - a. Adult supervision to monitor for safety during recess, lunchroom, emergency situation (fire drills, etc.), and field trips. The frequency of the service was per activity in regular education for 40 minutes a month and the location of the services was in regular education; and
  - b. Access to a wheelchair to use on field trips and other situations that require extensive walking and a stool with a handle to access school bus. The frequency of the service was per lengthy walking activity and the location of the services was in regular education. (The stool with a handle was provided in the IEP in handwriting and the frequency and location of the service was unchanged.) (IEP)
6. The student's May 25, 2016 IEP was for the provision of extended school year services and the provision of those services was not at issue in this Complaint. However, the assessment results for physical therapy were updated on May 25, 2016 and included in the IEP. The physical therapist reported that the student does an excellent job of accessing the total school environment independently and is able to safely and independently negotiate steps and curbs. The student continues to struggle with large power movements (such as climbing up the stairs or getting up from the floor). The student is able to complete them, but often requires upper extremity assistance and/or increased time compared to peers. Due to the nature of the student's disability, some days are better than others and some days the student is more fatigued. The physical therapist reported that the student has access to a wheelchair in the school (close proximity to the classroom) to be used in case of emergency that requires the student to move a long distance very quickly. (IEP)

7. During the time period of this Complaint, the student attended an elementary school in the DCSD. Starting October 2015, the DCSD offered a band class at the middle school during an extended day for students who wished to take advantage of the opportunity, including students in this student's elementary school class. (DCSD Response, Complaint)
8. The student participated in the band class conducted every Monday through Thursday from October 2015 through May 26, 2016 and it was the only class the student attended at the middle school. The student's Parents provided transportation to and from school: to the middle school in the morning for the band class that took place during first period and from the elementary school at the end of the school day. The DCSD provided the student transportation from the middle school to the elementary school after the band class ended. None of the student's IEPs in the 2015/2016 school year included transportation as a related service. (Complaint, Parents' Interview, IEP)
9. On February 12, 2016, the band teacher was absent at the middle school and there was a substitute teacher. (Complaint, DCSD Response)
10. The Parents report that generally when the band class was dismissed at the middle school the band teacher watched the students enter the school bus and when the students exited the bus at the elementary school, it was also under the direction of an adult. The presence of these adults provided adult supervision the student could call upon if needed. (Complaint)
11. On February 12, 2016, the student missed the school bus from the middle school to the elementary school and notified the Parents. The student then waited unaccompanied outside the school for the student's Parents to drive the student to the elementary school. The DCSD does not contest the fact that the student was left unsupervised on the school property after missing the school bus and awaiting transportation from the student's Parents. (February 15, 2017 Statement of Principal, February 16, 2017 Statement of Assistant Principal, DCSD February 16, 2016 Email)
12. While waiting for the Parents to pick the student up after missing the school bus on February 12, 2016, the Parents report the unaccompanied student sat on the curb in the bus lane and was visible from the main road. (Parents' Interview, Complaint)
13. The assistant principal of the school provided a written statement dated February 16, 2017 based on his recollection of the incident of the student missing the school bus on February 12, 2016. The assistant principal reported that the teacher left accurate plans for the substitute regarding the dismissal of the students after band class and when they were to be picked up. The assistant principal did not indicate the plans included information with regard to this student's supplemental aids/services. At the appointed time, the students were in different parts of the band room and the substitute teacher asked students to tell other students that it was time to meet the bus. The student did not receive the message and when the student went to the pick-up location outside the band classroom, the bus was gone. (February 16, 2017 Statement of Assistant Principal)
14. The administrators at the middle school and the elementary school were not aware that the student missed the bus on February 12, 2016, even after the arrival of the school

bus at the elementary school without the student, until the Parents notified them of that fact. (February 15, 2017 Statement of Principal, Complaint, Parents' Interview)

15. The middle school band teacher and assistant principal attended the student's September 23, 2015 IEP meeting. There was no documentation provided that the student's final IEP was made available to the student's band teacher at the middle school, the substitute teacher on February 12, 2016, or other school personnel who would be responsible for providing the adult supervision and access to a wheelchair in the student's IEP during emergency situations, including fire drills, and/or the responsible school personnel were informed of their responsibilities in this regard. (IEP, Parents' Interview, Review of Record)
16. There was a fire drill that took place on February 12, 2016 at the middle school while the student was in attendance. The evacuation location was to a local park. The DCSD did not dispute that the evacuation location was at a distance that required the student to have access to a wheelchair. (February 15, 2017 Statement of Principal, Complaint)
17. The principal of the school provided a written statement dated February 15, 2017 based on his recollection of the fire drill incident on February 12, 2016. There is some factual discrepancy regarding the time of the fire drill on February 12, 2016 and the events that transpired prior to the evacuation of the student to the evacuation location. However, the DCSD does not dispute the allegation that the student did not have ready access to a wheelchair to use during the fire drill. In February 2016, the one wheelchair on the middle school campus was in the nurse's office, a half a building away. The nurse had students under her care at the time of the fire drill and, per the school protocol; the chair would have been with the nurse. The DCSD did not provide documentation that the student had adult supervision to monitor the student's safety during the entire fire drill. (February 15, 2017 Statement of Principal, Complaint)
18. After the February 12, 2016 incidents and a discussion with the Parents, the DCSD informed the Parents that the safety of students was the top priority and the incidents had been addressed. By February 16, 2016, the DCSD addressed the student's access to a wheelchair if needed in an emergency and the absence of supervision in the following manner:
  - a. A wheelchair was placed in the middle school band classroom and additional wheelchairs were ordered. Beginning March 2016, three wheelchairs were made available to the middle school and, in addition to the band classroom, were placed in the office, and adjacent to and across the hall from the student's assigned class.
  - b. The middle school implemented an improved teacher to student check system and added a classroom aide to wait with the students in that grade prior to their bus pick-up after band. (DCSD February 16, 2016 Email, February 16, 2017 Statement of Assistant Principal, February 15, 2017 Statement of Principal, March 9, 2017 DCSD Email)
19. The DCSD has an emergency response plan, including an emergency response checklist, and a Board policy on emergency evacuation of schools. None of the policies provided to the Complaint Investigator address or reference procedures for students who have a

disability who may need assistance to evacuate in an emergency. (Emergency Response Plan, Emergency Response Checklist, Board Policy No. 805)

20. The DCSD did not provide any documentation or refute the allegation regarding failure to provide the student a stool with a handle for the student to access the school bus transporting the student from the middle school to the elementary school. The DCSD did respond that the band class was an additional educational opportunity, not a field trip. (DCSD Response, Review of the Record)

## **CONCLUSIONS OF LAW**

### **Introduction**

The requirements of the provision of a free appropriate public education 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) The DCSD was required to establish a system of records for the purpose of verifying that each student identified as a student with a disability received services appropriate to the disability pursuant to the NAC §388.215(5)(b).

It is the implementation of the student's September 23, 2015 IEP that is at issue in this Complaint. The student is placed in the regular education environment 99 percent of the school day and, during the time period of this Complaint, the student attended an elementary school in the DCSD. (Findings of Facts #1, #7)

The DCSD offered a band class at the middle school during an extended day for students who wished to take advantage of the opportunity, including students in this student's elementary school class. (Finding of Fact (FOF) #7) The student participated in the band class from October 2015 through May 26, 2016 and it was the only class the student attended at the middle school. (FOF #8) All three of the issues in this Complaint involve the implementation of the student's IEP while in attendance at the middle school.

The present levels of academic achievement and functional performance in the student's IEP included multiple assessments relevant to the issues in this Complaint and the evaluator's recommendations for services. (FOF #2) The Parents' allegations in this Complaint, in some regards, were based on the premise that the DCSD's obligation to implement the student's IEP included the implementation of services in the evaluator's recommendations in the present levels of academic achievement and functional performance in the student's IEP.

In the development of a student's IEP, the student's IEP Team must consider the strengths of the student, the concerns of the parents for enhancing the education of the student, the results of the initial evaluation or most recent evaluation of the student, and the academic, developmental and functional needs of the student. (34 C.F.R. §300.324(a); NAC §388.284(2)(a)) While the results and recommendations in the most recent evaluations were required to be considered by the IEP Team, it was the IEP Team, including the Parents, not individual IEP Team members who determined the specific special education, related services and supplementary aids and services required to be provided to this student. (FOFs #4, #5) Therefore, it was DCSD's obligation to provide the student the services and instruction deemed

necessary for the student by the IEP Team. (NAC §388.281(6)(g), 34 C.F.R. §§300.17(d) and 300.101)

Two of the student's supplementary aids and services in the September 23, 2015 IEP are relevant to this Complaint. From September 24, 2015 to September 23, 2016, the student was required to be provided the following:

- a. Adult supervision to monitor for safety during recess, lunchroom, emergency situation (fire drills, etc.), and field trips. The frequency of the service was per activity in regular education of 40 minutes a month and the location of the services was in regular education; and
- b. Access to a wheelchair to use on field trips and other situations that require extensive walking and a stool with a handle to access school bus. The frequency of the service was per lengthy walking activity and the location of the services was in regular education. (The stool with a handle was provided in the IEP in handwriting and the frequency and location of the service was unchanged.) (FOF #5)

### **Issue One:**

Whether the DCSD complied with the IDEA and the NAC, Chapter 388, with regard to the DCSD middle school implementing the supplementary aids and services in the student's IEP on February 12, 2016, specifically with regard to adult supervision to monitor for safety when the student was outside the school building after missing the school bus at the middle school.

As described above, the student's September 23, 2015 IEP required the supplementary aid/service of adult supervision to monitor for safety during recess, lunchroom, emergency situation (fire drills, etc.), and field trips. The Parents report that generally when the band class was dismissed at the middle school the band teacher watched the students enter the school bus and when the student exited the bus at the elementary school, it was also under the direction of an adult. The presence of these adults provided adult supervision the student could call upon if needed. (FOF #10)

The Parents' allegation regarding the absence of supervision was at the middle school upon accessing the school bus on February 12, 2016 when the band teacher was absent and there was a substitute teacher. (FOFs #9, #11) The DCSD concedes that the student did miss the school bus to transport the student to the elementary school and the Parents' and the DCSD's explanations of how the student missed the school transportation are consistent. The DCSD also does not contest the fact that the student was left unsupervised on the school property after missing the school bus and awaiting transportation from the student's Parents. (FOF#11)

This incident of the absence of supervision of the student was exacerbated in that the unaccompanied student was in a potentially vulnerable situation since the student was visible from the main road while awaiting transportation. (FOF #12) Further, neither the administrators at the middle school nor the elementary school were aware that the student missed the bus and was left unsupervised on the middle school property, even after the arrival of the school bus at the elementary school without the student. (FOF #14)



However, as concerning as this undisputed incident of an absence of supervision is, transportation was not a related service in the student's IEP (FOF #8) and the student's attendance at band class was not one of the designated activities in the student's IEP of recess, lunchroom, emergency situation (fire drills, etc.), or field trips requiring adult supervision to monitor for safety. (FOFs #5, #7) Rather, it was a band class offered to the student and others at the middle school during an extended day and, as such, the student's IEP did not require the DCSD to provide supervision beyond that required for all students attending the band class (FOF #10). (See, for example NRS 392.4575(2)(c)(1), and related discussion in the Order of Corrective Action.)

*Therefore, the DCSD complied with the IDEA and the NAC, Chapter 388, with regard to the DCSD middle school implementing the supplementary aids and services in the student's IEP on February 12, 2016, specifically with regard to adult supervision to monitor for safety when the student was outside the school building after missing the school bus at the middle school.*

## **Issue Two:**

Whether the DCSD complied with the IDEA and the NAC, Chapter 388, on February 12, 2016 when a fire drill was conducted at DCSD middle school with regard to:

- a. Implementing the supplementary aids and services in the student's IEP of adult supervision to monitor for safety during the fire drill, access to a wheelchair, and safety procedures; and
- b. Informing the substitute teacher for the band class and/or other responsible teachers or providers of his/her specific responsibility related to implementing the supplementary aids and services in the student's IEP set forth in subsection (a) that were required to be provided to the student during a fire drill.

There was a fire drill that took place on February 12, 2016 at the middle school while the student was in attendance and the band class had a substitute teacher. The evacuation location was to a local park. (FOFs #9, #16)

The student's supplementary aids and services required adult supervision to monitor for safety during emergency situations, including fire drills and access to a wheelchair to use on field trips and other situations that require extensive walking. (FOF #5) With regard to fire drills, the only recommendations in the safety procedures/health assessment included in the supplementary aids and services in the student's IEP were these two aids and services. (FOFs #2, #5)

The DCSD did not dispute that the evacuation location warranted the student's access to a wheelchair or that the student did not have ready access to a wheelchair to use during the fire drill. (FOFs #16, #17) Therefore, the DCSD failed to provide the student access to a wheelchair during the situation of the fire drill on February 12, 2016 as required by the student's IEP.

The primary documentation provided by the DCSD regarding the event of the fire drill and this student was the statement of the middle school principal a year after the incident based on the principal's recollection. (FOFs #16, #17) The DCSD did not provide documentation in the course of the investigation that the student's supplementary aid/service of adult supervision to monitor the student's safety during the fire drill was implemented during the entire fire drill on February

12, 2016. (FOF #17) The Complaint Investigator recognizes that the primary individual named in the February 12, 2016 incidents in this Complaint was a substitute teacher and that hampered the ability of the DCSD to respond to this Complaint. However, that does not obviate the requirement to have a system of records in place in accordance with NAC §388.215(5)(b). In the absence of documentation otherwise as required pursuant to NAC §388.215(5)(b), it is determined that the DCSD also failed to implement the adult supervision to monitor the student's safety during the fire drill as required by the student's IEP.

Pursuant to the IDEA, 34 C.F.R. §300.323(d), and NAC §388.281(6)(c), each public agency must ensure that: (1) the student's IEP is accessible to each regular education teacher, special education teacher, related services provider, and any other service provider who is responsible for its implementation; and (2) each such teacher and provider is informed of his or her specific responsibilities related to implementing the student's IEP; and the specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP.

In this case, the middle school band teacher and assistant principal attended the student's September 23, 2015 IEP meeting; therefore, the band teacher was informed of the services in the student's IEP for which the band teacher had responsibility during fire drills. (FOF #15) However, there was no documentation provided that the student's final IEP was made available to the student's band teacher at the middle school and other school personnel responsible for its implementation, including the substitute teacher on February 12, 2016, or that the school personnel responsible for the implementation of the student's IEP, other than the band teacher, were informed of their responsibilities during emergency situations, including fire drills.

*Therefore, DCSD failed to comply with the IDEA and the NAC, Chapter 388, on February 12, 2016 when a fire drill was conducted at DCSD middle school with regard to implementing the safety procedures in the student's IEP of adult supervision to monitor for safety during the fire drill and access to a wheelchair and the requirement to inform the substitute teacher for the band class and/or other responsible teachers or providers of his/her specific responsibility related to implementing the supplementary aids and services in the student's IEP required to be provided to the student during a fire drill.*

### **Issue Three:**

Whether the DCSD complied with the IDEA and the NAC, Chapter 388, with respect to implementing the supplementary aids and services in the student's IEP from October 2015 to May 26, 2016, specifically with regard to providing a stool with a handle for the student to access the school bus transporting the student from the middle school to the elementary school and adult supervision to monitor for safety while the student entered and exited the school bus, including when the student required more assistance in cold weather.

The student's September 23, 2015 IEP required the provision of a stool with a handle to access the school bus. (FOF #5) The issue in this Complaint is with regard to DCSD's provision of the stool with a handle for the student to access the school bus transporting the student from the middle school to the elementary school. The DCSD did not provide any documentation in response to this issue or refute the allegation regarding the failure to provide the student a

stool with a handle for the student to access the school bus transporting the student from the middle school to the elementary school. (FOF #20) Therefore, in the absence of any documentation pursuant to NAC §388.215(5)(b) to verify the implementation of this supplementary aid/service in the student's IEP, it was determined that the DCSD failed to provide the student the required stool with a handle to access the school bus.

The student's safety procedures/health assessment cited in the student's September 23, 2015 IEP indicated that cold affects the student's muscles and the student may move slower than usual and require more assistance. In addition, the student's physical therapy assessment and goal noted the student's balance issues. (FOFs #2, #3, #6) However, as discussed previously, the supplementary aid/service of adult supervision to monitor for safety included in the student's IEP did not include the activity of the student accessing the school bus at the middle school or the inclusion of these assessment results or related goals. (FOFs #2, #3)

*Therefore, the DCSD complied with the IDEA and the NAC, Chapter 388, with respect to implementing the supplementary aids and services of adult supervision to monitor for safety in the absence of such requirement in the student's IEP from October 2015 to May 26, 2016 for the activity of entering and exiting the school bus; but failed to comply with regard to providing a stool with a handle for the student to access the school bus transporting the student from the middle school to the elementary school.*

## **ORDER OF CORRECTIVE ACTION**

The DCSD is required to take corrective action to address the violations at the middle school found in this Complaint, specifically the failure to monitor the student for safety during the fire drill and provide access to a wheelchair; to inform the substitute teacher for the band class and/or other responsible school personnel of his/her specific responsibility related to implementing the supplementary aids and services in the student's IEP during a fire drill; and to provide the student a stool with a handle to access the school bus transporting the student from the middle school to the elementary school. Due to the nature of the supplementary aids and services that the DCSD failed to provide to the student and the DCSD's rectification of the safety issues of the student's access to a wheelchair and supervision (FOF #18), the remedies in this Complaint are systemic in nature rather than student specific.

### **Directed Action Policies/Procedures**

Within 60 days of the receipt of this Report, the DCSD must develop:

- Written procedures that address the situation when a student with a disability is served by two or more schools in the DCSD that will be responsible for implementing a student's IEP to ensure each student's IEP is accessible to each service provider who is responsible for its implementation; and each such provider is informed of his or her specific responsibilities related to implementing the student's IEP; and the specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP. These procedures must include how substitutes will be informed of the necessary information to ensure the implementation of students' IEPs, including safety procedures.

- Written procedures that ensure that school emergency response plans (or other analogous plans) for schools in the DCSD (FOF #19) address the evacuation of students with disabilities with emergency safety procedures included in their IEPs or who are otherwise identified as requiring assistance beyond that routinely provided for students without disabilities to evacuate in an emergency.
- A written policy that describes with specificity the mandatory system of records the DCSD requires to document the implementation of each student's IEP. The system of records, which can be a form, must provide a way to document the implementation of the required kind/type, amount, location and frequency of the special education, related services, supplementary aids and services, and the modifications or supports for school personnel for each student.

Within 15 days after development, the written policy on the mandatory system of records must be provided to the middle school personnel in the school that was the subject of this Complaint who are responsible for the implementation of students' IEPs and, if not already done, made available to all personnel in the DCSD responsible for the implementation of students' IEPs. Within 15 days after development of the above policies/procedures, copies of the policies/procedures and verification of the provision/availability of the policy of the system of records to the required personnel must be provided to the NDE to document the implementation of this Order.

While the matter of supervision of all students pursuant to NRS §392.4575(2)(c)(1) and the DCSD educational involvement accord is outside the scope of the special education complaint process, the NDE concurs with the DCSD (FOF #18) that the safety and protection of students while in attendance at school is paramount. Therefore, even though the DCSD prospectively resolved the specific absence of supervision cited in this Complaint (FOF #18), as an aspect of the systemic remedy in this Order of Corrective Action, the DCSD is ordered to provide a copy of this Report to the DCSD Board of Trustees within 15 calendar days of the receipt of this Report to enable their consideration of the systemic factors that may have caused the incident of the absence of supervision of this student while in attendance at the middle school on February 12, 2016, including the delayed notification that the student did not return to the elementary school as scheduled.