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Instruction



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**STATE OF NEVADA**  
**DEPARTMENT OF EDUCATION**  
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**MEMORANDUM**

**TO:** Interested Parties

**FROM:** Julie A. Bowers, Director, Office of Inclusive Education *JAB*

**DATE:** March 15, 2023

**SUBJECT:** Eligibility Documents for Part B of the Individuals with Disabilities Education Act Federal Fiscal Year 2023 (State Fiscal Year 2024)

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Attached for your information and review is a copy of the Annual State Application Under Part B of the Individuals with Disabilities Education Act as Amended in 2004 for Federal Fiscal Year 2023 (State Fiscal Year 2024). Additional copies of this document are available by contacting: Nevada Department of Education, Office of Special Education, 700 E. Fifth Street, Suite 106, Carson City, NV 89701, (775)687-9171.

Federal law requires that the document be circulated throughout the state for a sixty-day period of time prior to final submission to the U.S. Department of Education. Within the sixty-day circulation period, federal law also requires that the state establish a thirty-day period within which it will accept written comments from the public concerning the document. In accordance with this requirement, written comments from the public will be accepted from April 1 through April 30, 2023. Written comments should be directed to:

Ms. Julie A. Bowers, Director, Office of Inclusive Education  
Nevada Department of Education  
Office of Special Education  
700 E. Fifth Street, Suite 106  
Carson City, NV 89701

Comments may also be submitted electronically at [Public Comment for Part B \(smartsheet.com\)](https://publiccommentforpartb.smartsheet.com).

JAB/jb  
Encl.

OMB NO. 1820-0030

Expires: 01/31/2026

**ANNUAL STATE APPLICATION UNDER PART B OF THE  
INDIVIDUALS WITH DISABILITIES EDUCATION ACT AS AMENDED IN 2004  
FOR FEDERAL FISCAL YEAR 2023**

CFDA No. 84.027A and 84.173A

ED FORM No. 9055

**UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION PROGRAMS**

Washington, DC 20202-2600

## NEVADA

### Public Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a currently valid OMB control number. The valid OMB control number for this collection is 1820-0030. Public reporting burden for this collection of information is estimated to average 14 hours per responses, and an average of 25 additional hours for responses reporting data related to significant disproportionality in a given year, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The obligation to respond to this collection is required to obtain or retain a benefit under 20 U.S.C. 1411 and 1419. If you have comments or concerns regarding the status of your individual submission of this form, please contact Jennifer Simpson at [Jennifer.Simpson@ed.gov](mailto:Jennifer.Simpson@ed.gov) or at the Office of Special Education and Rehabilitative Services US Department of Education, 400 Maryland Avenue SW, Washington, DC 20202.

Respondents are required to submit information for Sections I-IV of the Annual State Application in order to receive a grant under Section(s) 611 and/or 619 of the Individuals with Disabilities Education Act. Respondents are required to provide the data in Section V pursuant to IDEA section 618(a)(3), which provides the Secretary authority to collect annual data on any information that may be required by the Secretary and 34 CFR §300.647(b)(7), which requires States to report all risk ratio thresholds, minimum cell sizes, minimum n-sizes, standards for measuring reasonable progress if the State uses the “reasonable progress” flexibility in 34 CFR §300.647(d)(2), and the rationales for each, to the Department.

## Section I

### A. Submission Statement for Part B of IDEA

Please select 1 or 2 below. Check 3 if appropriate.

1. The State provides assurances that it has in effect policies and procedures to meet all eligibility requirements of Part B of the Act as found in PL 108-446, the Individuals with Disabilities Education Act and applicable regulations (IDEA). The State is able to meet all assurances found in Section II.A. of this Application.
2. The State cannot provide assurances for all eligibility requirements of Part B of the Act as found in PL 108-446. The State has determined that it is unable to make the assurances that are checked as 'No' in Section II.A. However, the State assures that throughout the period of this grant award the State will operate consistent with all requirements of IDEA in PL 108-446 and applicable regulations. The State will make such changes to existing policies and procedures as are necessary to bring those policies and procedures into compliance with the requirements of the IDEA, as amended, as soon as possible, and not later than June 30, 2024. The State has included the date by which it expects to complete necessary changes associated with assurances marked 'No'. (Refer to Assurances found in Section II.A.)

Optional:

3. The State is submitting modifications to State policies and procedures previously submitted to the Department. These modifications are: (1) deemed necessary by the State, for example when the State revises applicable State law or regulations; (2) required by the Secretary because there is a new interpretation of the Act or regulations by a Federal court or the State's highest court; and/or (3) because of an official finding of noncompliance with Federal law or regulations.

### B. Conditional Approval for Current Grant Year

If the State received conditional approval for the current grant year, check the appropriate statement(s) below:

#### 1. Conditional Approval Related to Assurances in Section II.A.:

- a. Section II.A. provides documentation of completion of all issues identified in the FFY 2022 conditional approval letter.
- b. As noted in Section II.A., the State has not completed all issues identified in the FFY 2022 conditional approval letter.

#### 2. Conditional Approval Related to Other Issues:

- a. The State previously submitted documentation of completion of all issues identified in the FFY 2022 conditional approval letter.
- b. The State is attaching documentation of completion of all issues identified in the FFY 2022 conditional approval letter. *(Attach documentation showing completion of all issues.)*
- c. The State has not completed all issues identified in the FFY 2022 conditional approval letter. *(Attach documentation showing completion of any issues and a list of items not yet completed.)*

## Section II

### A. Assurances Related to Policies and Procedures

The State makes the following assurances that it has policies and procedures in place as required by Part B of the Individuals with Disabilities Education Act. (20 U.S.C. 1411-1419; 34 CFR §§300.100-300.174)

<b>Yes</b> <i>(Assurance is given Place a check as applicable.)</i>	<b>No</b> <i>(Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)</i>  <i>Enter date(s) as applicable</i>	<b>Assurances Related to Policies and Procedures</b>
<b>X</b>		1. A free appropriate public education is available to all children with disabilities residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled, in accordance with 20 U.S.C. 1412(a)(1); 34 CFR §§300.101-300.108.
<b>X</b>		2. The State has established a goal of providing a full educational opportunity to all children with disabilities and a detailed timetable for accomplishing that goal. (20 U.S.C. 1412(a)(2); 34 CFR §§300.109-300.110)
<b>X</b>		3. All children with disabilities residing in the State, including children with disabilities who are homeless or are wards of the State and children with disabilities attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services in accordance with 20 U.S.C. 1412(a)(3); 34 CFR §300.111.
<b>X</b>		4. An individualized education program, or an individualized family service plan that meets the requirements of section 636(d), is developed, reviewed, and revised for each child with a disability in accordance with 34 CFR §§300.320 through 300.324, except as provided in §§300.300(b)(3) and 300.300(b)(4). (20 U.S.C. 1412(a)(4); 34 CFR §300.112)
<b>X</b>		5. To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and 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 in accordance with 20 U.S.C. 1412(a)(5)(A)-(B); 34 CFR §§300.114-300.120.
<b>X</b>		6. Children with disabilities and their parents are afforded the procedural safeguards required by 34 CFR §§300.500 through 300.536 and in accordance with 20 U.S.C. 1412(a)(6); 34 CFR §300.121.
<b>X</b>		7. Children with disabilities are evaluated in accordance with 34 CFR §§300.300 through 300.311. (20 U.S.C. 1412(a)(7); 34 CFR §300.122)
<b>X</b>		8. Agencies in the State comply with 34 CFR §§300.610 through 300.626 (relating to the confidentiality of records and information). (20 U.S.C. 1412(a)(8); 34 CFR §300.123)
<b>X</b>		9. Children participating in early intervention programs assisted under Part C, and who will participate in preschool programs assisted under this part, experience a smooth and effective transition to those preschool programs in a manner consistent with section 637(a)(9). By the third birthday of such a child, an individualized education program or, if consistent with 34 CFR §300.323(b) and section 636(d), an individualized family service plan, has been developed and is being implemented for the child. The local educational agency will participate in transition planning conferences arranged by the designated lead agency under section 635(a)(10). (20 U.S.C. 1412(a)(9); 34 CFR §300.124)
<b>X</b>		10. Agencies in the State, and the SEA if applicable, comply with the requirements of 34 CFR §§300.130 through 300.148 (relating to responsibilities for children in private schools), including that to the extent consistent with the number and location of children with disabilities in the State who are enrolled by their parents in private elementary schools and secondary schools in the school district served by a local educational agency, provision is made for the participation of those children in the program assisted or carried out under this part by providing for such children special education and related services in accordance with the requirements found in 34 CFR §§300.130 through 300.148 unless the Secretary has arranged for services to those children under subsection (f) [By pass]. (20 U.S.C. 1412(a)(10); 34 CFR §§300.129-300.148)
<b>X</b>		11. The State educational agency is responsible for ensuring that the requirements of Part B are met including the requirements of 34 CFR §§300.113, 300.149, 300.150 through 300.153, and 300.175 and 300.176 and that the State monitors and enforces the requirements of Part B in accordance with 34 CFR §§300.600-300.602 and 300.606-300.608. (20 U.S.C. 1412(a)(11); 34 CFR §300.149)
<b>X</b>		12. The Chief Executive Officer of a State or designee of the officer shall ensure that an interagency agreement or other mechanism for interagency coordination is in effect between each public agency described in subparagraph (b) of 34 CFR §300.154 and the State educational agency, in order to ensure that all services described in paragraph (b)(1)(i) that are needed to ensure a free appropriate public education are provided, including the provision of such services during

		the pendency of any dispute under §300.154(a)(3). Such agreement or mechanism shall meet the requirements found in 20 U.S.C. 1412(a)(12)(A)-(C); 34 CFR §300.154.
<b>X</b>		13. The State educational agency will not make a final determination that a local educational agency is not eligible for assistance under this part without first affording that agency reasonable notice and an opportunity for a hearing. (20 U.S.C. 1412(a)(13); 34 CFR §300.155)
<b>X</b>		14. The State educational agency has established and maintains qualifications to ensure that personnel necessary to carry out this part are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities as noted in 20 U.S.C. 1412(a)(14)(A)-(E), as amended by the Every Student Succeeds Act; 34 CFR §300.156.
<b>X</b>		15. The State has established goals for the performance of children with disabilities in the State that meet the requirements found in 20 U.S.C. 1412(a)(15)(A)-(C), as amended by the Every Student Succeeds Act; 34 CFR §300.157.
<b>X</b>		16. All children with disabilities are included in all general State and districtwide assessment programs, including assessments described under section 1111 of the Elementary and Secondary Education Act of 1965, with appropriate accommodations and alternate assessments where necessary and as indicated in their respective individualized education programs as noted in 20 U.S.C. 1412(a)(16)(A)-(E); as amended by the Every Student Succeeds Act; 34 CFR §300.160.
<b>X</b>		17. Funds paid to a State under this part will be expended in accordance with all the provisions of Part B including 20 U.S.C. 1412(a)(17)(A)-(C); 34 CFR §300.162.
<b>X</b>		18. The State will not reduce the amount of State financial support for special education and related services for children with disabilities, or otherwise made available because of the excess costs of educating those children, below the amount of that support for the preceding fiscal year, unless a waiver is granted, in accordance with 20 U.S.C. 1412(a)(18)(A)-(D); 34 CFR §§300.163 through 300.164.
<b>X</b>		19. Prior to the adoption of any policies and procedures needed to comply with this section (including any amendments to such policies and procedures), the State ensures that there are public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of children with disabilities. (20 U.S.C. 1412(a)(19); 34 CFR §300.165)
<b>X</b>		20. In complying with 34 CFR §§300.162 and 300.163, a State may not use funds paid to it under this part to satisfy State-law mandated funding obligations to local educational agencies, including funding based on student attendance or enrollment, or inflation. (20 U.S.C. 1412(a)(20); 34 CFR §300.166)
<b>X</b>		21. The State has established and maintains an advisory panel for the purpose of providing policy guidance with respect to special education

		and related services for children with disabilities in the State as found in 20 U.S.C. 1412(a)(21)(A)-(D); 34 CFR §§300.167-300.169.
<b>X</b>		22. The State educational agency examines data, including data disaggregated by race and ethnicity, to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities in accordance with 20 U.S.C. 1412(a)(22)(A)-(B); 34 CFR §300.170.
<b>X</b>		23a. The State adopts the National Instructional Materials Accessibility Standard for the purposes of providing instructional materials to blind persons or other persons with print disabilities, in a timely manner after the publication of the National Instructional Materials Accessibility Standard in the Federal Register in accordance with 20 U.S.C. 1412(a)(23)(A) and (D); 34 CFR §300.172.
		23b. <i>(Note: Check either "23b.1" or "23b.2" whichever applies.</i>
<b>X</b>		23b.1 The State educational agency coordinates with the National Instructional Materials Access Center and not later than 12/03/06 the SEA as part of any print instructional materials adoption process, procurement contract, or other practice or instrument used for purchase of print instructional materials enters into a written contract with the publisher of the print instructional materials to: <ul style="list-style-type: none"> <li>• require the publisher to prepare and, on or before delivery of the print instructional materials, provide to the National Instructional Materials Access Center, electronic files containing the contents of the print instructional materials using the National Instructional Materials Accessibility Standard; or</li> <li>• purchase instructional materials from the publisher that are produced in, or may be rendered in, specialized formats. (20 U.S.C. 1412(a)(23)(C); 34 CFR §300.172)</li> </ul>
		23b.2 The State educational agency has chosen not to coordinate with the National Instructional Materials Access Center but assures that it will provide instructional materials to blind persons or other persons with print disabilities in a timely manner. (20 U.S.C. 1412(a)(23)(B); 34 CFR §300.172)
<b>X</b>		24. The State has in effect, consistent with the purposes of the IDEA and with section 618(d) of the Act, policies and procedures designed to prevent the inappropriate overidentification or disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment described in 34 CFR §300.8. (20 U.S.C 1412(a)(24); 34 CFR §300.173)
<b>X</b>		25. The State educational agency shall prohibit State and local educational agency personnel from requiring a child to obtain a prescription for a substance covered by the Controlled Substances Act (21 U.S.C. 812(c)) as a condition of attending school, receiving an evaluation under 34 CFR §§300.300 through 300.311, or receiving services under the IDEA as described in 20 U.S.C. 1412(a)(25)(A)-(B); 34 CFR §300.174.

## B. Other Assurances

The State also makes the following assurances:

Yes	Other Assurances
X	1. The State shall distribute any funds the State does not reserve under 20 U.S.C. 1411(e) to local educational agencies (including public charter schools that operate as local educational agencies) in the State that have established their eligibility under section 613 for use in accordance with this part as provided for in 20 U.S.C. 1411(f)(1)-(3); 34 CFR §300.705.
X	2. The State shall provide data to the Secretary on any information that may be required by the Secretary. (20 U.S.C. 1418(a)(3); 34 CFR §§300.640-300.645.)
X	3. The State, local educational agencies, and educational service agencies shall use fiscal control and fund accounting procedures that insure proper disbursement of and accounting for Federal funds. (34 CFR §76.702)
X	4. As applicable, the assurance in OMB Standard Form 424B (Assurances for Non-Construction Programs), relating to legal authority to apply for assistance; access to records; conflict of interest; merit systems; nondiscrimination; Hatch Act provisions; labor standards; flood insurance; environmental standards; wild and scenic river systems; historic preservation; protection of human subjects; animal welfare; lead-based paint; Single Audit Act; and general agreement to comply with all Federal laws, executive orders and regulations.

## C. Certifications

The State is providing the following certifications:

Yes	Certifications
X	<p>1. The State certifies that ED Form 80-0013, <i>Certification Regarding Lobbying</i>, is on file with the Secretary of Education.</p> <p>With respect to the <i>Certification Regarding Lobbying</i>, the State recertifies that no Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making or renewal of Federal grants under this program; that the State shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," when required (34 CFR Part 82, Appendix B); and that the State Agency shall require the full certification, as set forth in 34 CFR Part 82, Appendix A, in the award documents for all sub awards at all tiers.</p>
X	2. The State certifies that the arrangements to establish responsibility for services pursuant to 20 U.S.C. 1412(a)(12)(A)-(C); 34 CFR §300.154 (or 20 U.S.C. 1412(a)(12)(A)); 34 CFR §300.154(a) are current. This certification must be received prior to the expenditure of any funds reserved by the State under 20 U.S.C. 1411(e)(1); 34 CFR §300.171.



**D. Statement**

I certify that the State of NEVADA can make the assurances checked as 'yes' in Section II.A. and II.B. and the certifications required in Section II.C. of this application. These provisions meet the requirements of Part B of the Individuals with Disabilities Education Act (IDEA) as found in PL 108-446 and the implementing regulations. The State will operate its IDEA Part B program in accordance with all of the required assurances and certifications.

If any assurances have been checked 'no', I certify that the State will operate throughout the period of this grant award consistent with the requirements of the IDEA, as found in PL 108-446 and any applicable regulations, and will make such changes to existing policies and procedures as are necessary to bring those policies and procedures into compliance with the requirements of the IDEA, as amended, as soon as possible, and not later than June 30, 2024. (34 CFR § 76.104)

I, the undersigned authorized official of the

**NEVADA DEPARTMENT OF EDUCATION,**  
*(Name of State and official name of State agency)*

am designated by the Governor of this State to submit this application for FFY 2023 funds under Part B of the IDEA.

Printed/Typed Name of Authorized Representative of the State: Jhone Ebert
Title of Authorized Representative of the State: Superintendent of Public Instruction
Signature:
Date:

## Section III

### Description of Use of Funds Under Part B of the Individuals with Disabilities Education Act—20 U.S.C. 1411(e)(5); 34 CFR § 300.171

States must provide the Description of Use of Funds by completing and submitting the Excel Interactive Spreadsheet with the FFY 2023 Application.

Describe how the amount retained by the State educational agency under 20 U.S.C. 1411(e)(1) will be used to meet the following activities under Part B. (20 U.S.C. 1411(e)(1)-(3), (6) and (7).) The Department annually identifies for States the maximum amounts that a State may retain under Section 1411(e)(1) and (2).<sup>1</sup> The dollar amounts **listed in the Excel Interactive Spreadsheet** by the State for administration and for other State activities should add up to less or equal to the dollar amount provided to the State by the Department for each of these activities.

**Enter whole dollar amounts (do not enter cents) in appropriate cells on the State's Excel Interactive Worksheet. The Excel Interactive Spreadsheet must be submitted as part of the State's application.**

Describe the process used to get input from LEAs regarding the distribution of amounts among activities described in the Excel Interactive Spreadsheet to meet State priorities. (20 U.S.C. 1411(e)(5)(B); 34 CFR § 300.704)

A review was conducted of the expenditures for activities listed above that were established for use of funds in the previous federal fiscal year. New activities established for use of funds were considered and discussed among LEAs. Discussions focused on needs identified through development of the state's Annual Performance Report, the state's State Systemic Improvement Plan, and through implementation of the Special Education Focused Monitoring and Program Improvement System—Nevada's initiative to ensure procedural compliance and improved results for students with disabilities. Priorities were also identified by LEAs through individual consultation and through group discussions during bi-monthly meetings of the LEA special education administrators. Recommendations from constituents were considered and are reflected as appropriate in the state's allocations.

<sup>1</sup>Each State may reserve for each fiscal year not more than the maximum amount the State was eligible to reserve for State administration under this section for fiscal year 2004 or \$800,000 (adjusted in accordance with 20 U.S.C. 1411(e)(1)(B)), whichever is greater; and each outlying area may reserve for each fiscal year not more than 5 percent of the amount the outlying area receives under 20 U.S.C. 1411(b)(1) for the fiscal year or \$35,000, whichever is greater.

For each fiscal year beginning with fiscal year 2005, the Secretary shall cumulatively adjust: 1) the maximum amount the State was eligible to reserve for State administration under this part for fiscal year 2004; and 2) \$800,000, by the rate of inflation as measured by the percentage increase, if any, from the preceding fiscal year in the Consumer Price Index For All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.

## Section IV

### State Administration

Section 608(a) of the IDEA requires each State that receives funds under this title to:

- (1) ensure that any State rules, regulations, and policies relating to this title conform to the purposes of this title;
- (2) identify in writing to local educational agencies located in the State and the Secretary any such rule, regulation, or policy as a State-imposed requirement that is not required by this title and Federal regulations; and
- (3) minimize the number of rules, regulations, and policies to which the local educational agencies and schools located in the State are subject under this title.

States must attach to this application a list identifying any rule, regulation, or policy that is State-imposed (not required by IDEA or Federal regulations). If there are no such State-imposed rules, regulations, or policies, please so indicate. In addition, the State is required to inform local educational agencies in writing of such State-imposed rules, regulations or policies. (20 U.S.C. 1407(a); 34 CFR § 300.199)

#### **NEVADA'S State-Imposed Special Education Statutes and Regulations**

<b>Statutory/Regulatory Reference</b>	<b>Substance of Requirement</b>
NAC 388.150	Caseload and class size limitations for special education programs.
NAC 388.261	Requirement to transmit special education records to another school district in Nevada within two weeks.
NAC 388.263	Imposes time limits on provision of comparable services; requires that public agency maintain documentation of consultation, comparable services to be provided, and period of time services to be provided; requires copy of documentation to parent.
NAC 388.281.2	Requirement that LEA representative, special education teacher, and regular education teachers in IEP committees be separate individuals (where federal regulations permit dual role).
NAC 388.281.7	Requires that agreement to revise IEP without meeting must be in writing.
NAC 388.281.8	Requirement that notice of an IEP meeting be in writing.
NAC 388.284.1	Requirement that benchmarks or short-term objectives be included in each student's IEP.
NAC 388.284.1	Requirement that for students 14 years of age or older, transition services with regard to the student's courses of study be included in the student's IEP.
NAC 388.284.3	Requirement that IEPs provide positive behavioral interventions, strategies and supports to address behavior that impedes learning, and that these interventions, strategies and supports are included as special education, supplementary aids and services, or related services in the IEP as determined appropriate by IEP committee.
NAC 388.325	Requirements for intervention plan under certain circumstances.
NAC 388.387-430	Requirements for specific eligibility criteria, specific eligibility team members, and specific evaluation assessments, per disability category.
NAC 388.440	Requirement for giving the parents of an early childhood student with a disability an opportunity to participate in a review of the student's progress at least every six months.

NRS 388.471-515	Prohibition on use of aversive interventions; limitations on use of physical and mechanical restraints on students with disabilities.
NRS 388.419	Requirement that school districts use an IEP form developed by the Nevada Department of Education to reflect requirements of IDEA.
NRS 392.072	Requirement for equitable participation in federal programs extended to homeschooled students in addition to the private school students provided for under federal law.
NRS 388.457, 459 NAC 388.197	Requirements for notice and application process for parents of students with certain disabilities to represent the educational interests of the student.
NRS 388.467	Places burden of proof and burden of production on the school district in due process hearings regarding the identification, evaluation, reevaluation, classification, educational placement or provision of a free appropriate public education to a pupil with a disability.
NRS 388.437	Requirements for IEP teams to consider certain specified items when developing an IEP for a student with a hearing impairment; additional requirements for items that may be considered.
NRS 388.443	Requirements for IEP teams to consider certain instructional methods when developing an IEP for a student with a learning disability and dyslexia.

NAC—Nevada Administrative Code  
 NRS—Nevada Revised Statutes

## Section V

### A. Maintenance of State Financial Support

Pursuant to the authority established in IDEA section 618(a)(3), each applicant for funds under section 611 must provide the following State fiscal data with a certification of its accuracy by the State budget office or an authorized representative thereof. Amounts should be shown in whole dollars and are for the State fiscal year (SFY). States may meet the maintenance of State financial support (MFS) requirement in IDEA section 612(a)(18) and 34 CFR § 300.163 on either a total or per capita basis. In order to complete Section V.A. of the Application, States must provide in whole dollars the total amount of State financial support made available for special education and related services for children with disabilities during SFYs 2021 and 2022. However, if a State met the MFS requirement on a per capita basis, it **must** complete the first chart and then may also complete the second chart by providing, in whole dollars, the amount of State financial support made available for special education and related services per child with a disability during SFYs 2021 and 2022.

#### Total Amount of State Financial Support Made Available for Special Education and Related Services for Children with Disabilities

<b>SFY 2021</b>	\$221,541,746
<b>SFY 2022</b>	\$226,703,922

#### Per capita amount of State Financial Support Made Available for Special Education and Related Services for Children with Disabilities

<b>SFY 2021</b>	NA—MOE satisfied on basis of total amount of state financial support made available
<b>SFY 2022</b>	NA—MOE satisfied on basis of total amount of state financial support made available

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 State Budget Officer or Authorized Representative (Printed Name)

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 Signature of State Budget Officer or Authorized Representative

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 Date

## B. Significant Disproportionality

In accordance with 34 CFR § 300.647(b)(7), each State must report all risk ratio thresholds, minimum cell sizes, minimum n-sizes, standards for measuring reasonable progress if the State uses the “reasonable progress” flexibility in 34 CFR § 300.647(d)(2), and the rationales for each, to the Department. Under § 300.647(b)(7), rationales for minimum cell sizes that exceed 10 and minimum n-sizes that exceed 30 must include a detailed explanation of why the numbers chosen are reasonable and how they ensure that the State is appropriately analyzing and identifying LEAs with significant disproportionality based on race and ethnicity, in the identification, placement, or discipline of children with disabilities. Additionally, pursuant to the authority established in IDEA section 618(a)(3), each applicant must also provide the number of years of data it uses in making annual determinations of significant disproportionality. Each applicant must provide this information by completing and submitting the Significant Disproportionality Reporting Form.

All States completed and submitted the **Significant Disproportionality Reporting** Form with their FFY 2020 IDEA Part B application. After the initial submission of the Form, a State will only be required to submit the Form with any future annual IDEA Part B State applications if the State modifies its risk ratio thresholds, minimum cell sizes, minimum n-sizes, standards for measuring reasonable progress, and rationales for each, or the number of years of data used in making annual determinations of significant disproportionality.

If your State has revised its Significant Disproportionality procedures or has any questions regarding Section V.B. of the grant application, please contact your OSEP State Lead before the Application due date.

NOTICE TO ALL APPLICANTS:  
EQUITY FOR STUDENTS, EDUCATORS, AND OTHER PROGRAM BENEFICIARIES

Section 427 of the General Education Provisions Act (GEPA) ([20 U.S.C. 1228a](#)) applies to applicants for grant awards under this program.

**ALL APPLICANTS FOR NEW GRANT AWARDS MUST INCLUDE THE FOLLOWING INFORMATION IN THEIR APPLICATIONS TO ADDRESS THIS PROVISION IN ORDER TO RECEIVE FUNDING UNDER THIS PROGRAM.**

Please respond to the following requests for information:

- 1. Describe how your entity’s existing mission, policies, or commitments ensure equitable access to, and equitable participation in, the proposed project or activity.**

Nevada’s commitment to ensuring equitable access to, and equitable participation in, public education (including special education) is reflected in its vision, mission, and specifically in its Statewide Plan for the Improvement of Pupils.

Nevada’s Statewide Plan for the Improvement of Pupils

The vision for the Nevada Department of Education (NDE) is: “All students are equipped and feel empowered to attain their vision of success.” The mission of the NDE is: “to improve student achievement and educator effectiveness by ensuring opportunities, facilitating learning, and promoting excellence.” Nevada law requires the State Board of Education to develop a 5-year strategic plan to improve the achievement of students enrolled in public schools across Nevada, officially referred to as a “Statewide Plan for the Improvement of Pupils” (or “STIP”). The current STIP was developed in 2020 and contains goals and strategies to support the NDE in accomplishing its mission. The complete 2020 STIP may be accessed at: [https://doe.nv.gov/uploadedFiles/ndedoenvgov/content/Boards\\_Commissions\\_Councils/State\\_Board\\_of\\_Education/2020/July/NVSTIP.pdf](https://doe.nv.gov/uploadedFiles/ndedoenvgov/content/Boards_Commissions_Councils/State_Board_of_Education/2020/July/NVSTIP.pdf)

Six NDE Values are the foundation of the 2020 STIP. They include equity, success, access to quality, inclusivity, transparency, and community. Equity is the first because of its importance. There is no excellence without equality. Another core value is “inclusivity,” which expresses the NDE commitment to creating school environments where students feel safe and secure and have their identities acknowledged, valued, and celebrated.

Values

The 2020 STIP articulates a set of Values that power NDE’s mission. These Values are non-negotiable aspects of our work that are essential to the work of the NDE:

- **Equity:** The learning needs of every student are supported in an environment where all students are valued, respected, and see themselves in their curriculum and instructional materials while experiencing academic success without regard to differences in age, gender, socio-economic status, religion, race, ethnicity, sexual orientation, ability, native language, national origin, or citizenship status.

- **Access to Quality:** Students, educators, and families have opportunities to take full advantage of Nevada's education system, regardless of their zip code, district, or setting.
- **Success:** Lead the nation in the excellence and rigor of our standards, assessments, and outcomes for students and educators.
- **Inclusivity:** Learners are served in their least restrictive environment in culturally responsive and sustaining schools.
- **Community:** NDE collaborates with educators, districts, families, stakeholders, and partner agencies to lead a high-performing and responsive system of education for all Nevadans.
- **Transparency:** Districts, schools, and communities are served through efficient and effective use of public funds and fulfillment of statutory responsibilities.

### Goals

NDE's Goals for 2020-2025 focus on Nevada's children and students. The word "all" is in every Goal. "All" means regardless of age, gender, socio-economic status, religion, race, ethnicity, sexual orientation, ability, native language, national origin, or citizenship status. The Goals express NDE's commitment to the well-being of every student. No matter who you are or where you go to school, NDE supports your success.

- **Goal 1:** All children, birth through third grade, have access to quality early care and education.
- **Goal 2:** All students have access to effective educators.
- **Goal 3:** All students experience continued academic growth.
- **Goal 4:** All students graduate future-ready and globally prepared for postsecondary success and civic life.
- **Goal 5:** All students have access to new and continued educational opportunities supported by funding that is administered transparently, consistently, and in accordance with legislative or grant guidelines.
- **Goal 6:** All students and adults learn and work together in safe environments where identities and relationships are valued and celebrated.

### Strategies

Strategies are organized within a matrix aligning NDE's goals and values. The strategies establish an action plan to reach each goal by 2025 with targeted supports that strengthen NDE's Values.

### Inputs, Outputs, and Outcomes

Each strategy sets forth inputs, outputs, and outcomes (IOOs) that provide measurable criteria for the progress and implementation of NDE's goals and strategies. Each strategy has specific IOOs which provide an action (input); an intended result (output); and measurable criteria to assess the success and progress of this action (outcomes).

### Office of Inclusive Education

Within the NDE, the Office of Inclusive Education (OIE) is committed to ensuring that ALL students in Nevada are college- and career-ready upon exit from the public school system. To accomplish this, the OIE strives to build and improve on collaborative efforts with state partners and education stakeholders state-wide. It is the goal to promote educational success for Nevada's students through increased academic rigor; use of evidenced-based practices; providing sustained professional development for administrators, teachers, and staff; providing technical assistance in



data-based decision making; and building meaningful partnerships with districts, schools, and parents.

The primary means to accomplishing the commitments of the OIE is through its general supervision and administration of Part B of the Individuals with Disabilities Education Act. Its work is guided by accomplishment of the state's targets for 17 Indicators contained within the six-year State Performance Plan (SPP) for students with disabilities:

[https://doe.nv.gov/uploadedFiles/ndedoenvgov/content/Inclusive\\_Education/Documents/NV-B-SPPAPR-FFY20.pdf](https://doe.nv.gov/uploadedFiles/ndedoenvgov/content/Inclusive_Education/Documents/NV-B-SPPAPR-FFY20.pdf)

**2. Based on your proposed project or activity, what barriers may impede equitable access and participation of students, educators, or other beneficiaries?**

Based on broad stakeholder input, the 2020 STIP includes strategies for “equity” and “inclusivity” for each of the six goals. The NDE has identified barriers that may impede equitable access and participation in the state's programs and initiatives to accomplish these “equity” and “inclusivity” strategies.

Goal 1: All children, birth through third grade, have access to quality early care and education.

Equity Strategy: Increase enrollment of children from families experiencing poverty in State pre-K

Inclusivity Strategy: Increase pre-K inclusion for differently abled students

Potential Barriers:

- Subgrantees may not prioritize increasing the number of pre-K seats filled by children who are disproportionately underserved
- Policymakers may not have access to disaggregated data to assess the effectiveness of the current pre-K funding allocation model
- Policymakers may not have access to Racial Equity Impact Analyses (REIA) of early childhood program policies and provisions
- Families experiencing poverty may not know about and be able to access early childhood education programs
- Districts may not have adequate support for including and providing tiered instructions to meet the needs of diverse students
- Educators may not have sufficient knowledge and capacity to implement high-quality inclusive practices

Goal 2: All students have access to effective educators

Equity Strategy: Ensure effective educators in low-performing schools

Inclusivity Strategy: Serve students in the Least Restrictive Environment

Potential Barriers

- There are educator shortages throughout the state, including not only teachers, but also school counselors, school psychologists, school social workers, school nurses, speech-language pathologists, library-media specialists, and other professionals

- Policymakers may not have sufficient access to data to identify and recognize schools that implement equity practices proven to have a positive impact on students
- Students may not have adequate access to high-skill, high-wage, in-demand CTE programs of study in low-performing schools
- Educators may not have adequate training in IEP development that highlights the benefits of inclusive education to students, schools, and communities
- Educators may not have adequate knowledge, skills, and abilities in inclusive instructional practices that would support them in becoming more effective in teaching in the least restrictive environment

Goal 3: All students experience continued academic growth

Equity Strategy: Increase access to STEM learning

Inclusivity Strategy: Increase percentage of students attending 3-, 4-, or 5-star schools

Potential Barriers

- Educators may not have necessary technical assistance and resources for implementing standards-aligned computer science (CS) education, progressing across all grade levels and for all students
- District Performance Plans and School Performance Plans may not sufficiently emphasize STEM, including computer science
- Educators may not have necessary technical assistance and other support to promote high-quality instruction in STEM and CTE programs
- Districts may not have necessary technical assistance and support to ensure effective implementation of programs and services in alignment with federal and State compliance requirements
- Sufficient collaboration may not exist to ensure that all public schools and districts meet the goals of the State Perkins Plan

Goal 4: All students graduate future-ready and globally prepared for postsecondary success

Equity Strategy: Increase participation in college-level and CTE coursework

Inclusivity Strategy: Enhance support for English Learners

Potential Barriers

- Policymakers may not have sufficient disaggregated data to identify best practices and create guidance to support an increase in underrepresented student enrollment in dual credit, concurrent employment, AP, and IB courses as well as CTE programs of study
- Sufficient collaboration may not exist with the Nevada System of Higher Education to increase opportunities for dual credit and concurrent employment in high-skill, high-demand CTE programs of study
- Districts may not have sufficient technical assistance to implement inclusion frameworks
- Educator preparation programs may not embed required English Language Acquisition and Development (ELAD) coursework

- English Learners may not receive adequate guidance and support to participate in advanced coursework (e.g., CTE, AP, IB, dual credit)

Goal 5: All students have access to new and continued educational opportunities supported by funding that is administered transparently, consistently, and in accordance with legislative or grant guidelines.

Equity Strategy: Implement pupil-centered funding.  
Inclusivity Strategy: Manage funds proactively.

Potential Barriers

- State funding for education may not adequately address equity or data-driven decision making.

Goal 6: All students and adults learn and work together in safe environments where identities and relationships are valued and celebrated.

Equity Strategy: Address disproportionate discipline  
Inclusivity Strategy: Improve school climate.

Potential Barriers

- Policymakers may not have adequate disaggregated data for analyzing student discipline and attendance data, and for supporting efforts to decrease disproportionate discipline practices and identify best practices for potential replication
- Districts may not have adequate guidance and resources for the implementation of Restorative Practices in schools
- Public schools and districts may not be efficiently and confidentially notified of traumatic incidents involving their students so that they may be better able to provide academic and emotional support to students
- Policymakers may not have comprehensive school climate data that reflects multiple perspectives and supports responses with evidence-based practices selected based on actual needs
- Educators may not have access to a continuum of resources that build cultural competencies for working with Native American Indian students
- Non-instructional personnel may not have sufficient awareness of Multi-Tiered System of Supports (MTSS) and social, emotional, and academic development (SEAD)

**3. Based on the barriers identified, what steps will you take to address such barriers to equitable access and participation in the proposed project or activity?**

Each of these potential barriers has been addressed with Inputs, Outputs and Outcomes in the 2020 STIP. See,

[https://doe.nv.gov/uploadedFiles/ndedoenvgov/content/Boards\\_Commissions\\_Councils/State\\_Board\\_of\\_Education/2020/July/NVSTIP.pdf](https://doe.nv.gov/uploadedFiles/ndedoenvgov/content/Boards_Commissions_Councils/State_Board_of_Education/2020/July/NVSTIP.pdf)

In addition, Nevada is or will be taking the following steps to address potential barriers to accomplishing the NDE's 2020 STIP goals (which apply to all students) and the targets in the 17 Indicators contained in the SPP:

1. In 2021, the Nevada Legislature enacted statutes specifically prohibiting "discrimination based on race" as a component of state law prohibiting bullying and cyberbullying.
2. In 2019 and 2021, the Nevada Legislature enacted statutes incorporating principles of restorative justice into state laws concerning the suspension and expulsion of students. The statutes also imposed age limitations (no student under the age of 11) for suspensions and expulsions in most instances, and limited suspensions of students with disabilities to 5 days per occurrence of misconduct.
3. Nevada state law affords students who are homeschooled the same access to equitable participation in federal IDEA funds as is afforded to students who are parentally placed in private schools.
4. Nevada state regulations afford parents of students with disabilities a two-tiered due process hearing system, so that parents with limited resources may request, free of charge, a state-level review of an adverse local due process hearing decision.
5. The NDE assures that all of its communications, including print and electronic media, are compliant with ADA requirements.
6. The NDE considers cultural relevance and the ability of the intended audience to understand its public-facing documents, including an initiative just underway to provide documents on its website in English, Spanish, and Tagalog.
7. The NDE Leadership Team has begun work on a statewide project to create standards for practice around personalized, competency-based learning which will focus on equity through its embrace of student diversity.
8. The NDE provides reasonable accommodations for students on statewide assessments based on disability and requires that IEP teams make these determinations.
9. The NDE supports enhanced collaboration among professionals with special education and English Learner expertise, to provide appropriate learning and assessment opportunities for students with disabilities who are also English Learners.
10. The NDE provides professional learning opportunities that emphasize culturally responsive practices, including personalized learning environments, positive approaches to discipline, welcoming school environments, and collaboration among stakeholders to support all students.
11. The NDE adheres to the requirement that schools provide a free appropriate public education (FAPE) to students who are individuals with disabilities as defined by the IDEA, and the NDE enforces these requirements through training and technical assistance, as well as monitoring and complaint resolution.
12. The Office of Inclusive Education (OIE) provides parents of students with disabilities an opportunity to obtain, free of charge, the services of an IEP facilitator (with the agreement of the LEA) to assist with IEP development.
13. Nevada maintains a broad and diverse membership on its Special Education Advisory Committee, a key stakeholder group for the work of the OIE.
14. The OIE offers training and ongoing coaching through its Project ACHIEVE to provide students with significant disabilities access to general curriculum.

15. The OIE implements federal requirements for determining significant disproportionality in identification, placement, and disciplinary removals among LEAs, and provides support and technical assistance to LEAs to reduce and eliminate disproportionality.

**4. What is your timeline, including targeted milestones, for addressing these identified barriers?**

The barriers are addressed with specific strategies, including inputs, outputs, and outcomes, in Nevada's 5-year 2020 STIP. The 2020 STIP is in effect through 2025, and there is a progress monitoring report issued annually. See, for example, the 2021 progress report:

<https://doe.nv.gov/uploadedFiles/ndedoenvgov/content/STIP/2021STIPAddendum.pdf>

The State Performance Plan establishes six-year targets from FFY2020 through FFY 2025, and progress is reported annually. See, for example, the FFY2020 SPP/APR:

[https://doe.nv.gov/uploadedFiles/ndedoenvgov/content/Inclusive\\_Education/Documents/NV-B-SPPAPR-FFY20.pdf](https://doe.nv.gov/uploadedFiles/ndedoenvgov/content/Inclusive_Education/Documents/NV-B-SPPAPR-FFY20.pdf)

## DESCRIPTION OF USE OF FUNDS FOR POSTING WITH FEDERAL FISCAL YEAR 2023 APPLICATION

TOTAL GRANT AWARD (Nevada Federal Fiscal Year 2022 Amounts)

\$90,057,084 is the TOTAL AWARD AMOUNT.

### ADMINISTRATION

\$1,380,028 is the Maximum Available for Administration.

\$1,380,028 is the amount Nevada will set aside for Administration in dollars.

\$1,380,028 will be set aside for the purpose of administering IDEA Part B including Preschool Grants under 20 U.S.C. 1419, and the coordination of activities under Part B with, and providing technical assistance to, other programs that provide services to children with disabilities.

\$1,380,028 is the total of Nevada's Administration set-aside.

### OTHER STATE-LEVEL ACTIVITIES

Nevada does not wish to use funds for a High Cost Fund.

\$7,585,411 is the maximum that Nevada may use for Other State-Level Activities.

\$7,585,411 is the amount Nevada will set aside for Other State-Level Activities.

\$200,000 is the amount Nevada will distribute for monitoring, enforcement, and complaint investigation.

\$5,000 is the amount Nevada will distribute to establish and implement the mediation process required by 20 U.S.C. 1415(e), including providing for the cost of mediators and support personnel.

\$2,180,411 is the amount Nevada will distribute for support and direct services, including technical assistance, personnel preparation, and professional development and training.

\$200,000 is the amount Nevada will distribute to assist local educational agencies in providing positive behavioral interventions and supports and appropriate mental health services for children with disabilities.

\$250,000 is the amount Nevada will distribute to assist local educational agencies in meeting personnel shortages.

\$4,000,000 is the amount Nevada will distribute to support capacity building activities and improve the delivery of services by local educational agencies to improve results for children with disabilities.

\$25,000 is the amount Nevada will distribute to improve the use of technology in the classroom by children with disabilities to enhance learning.

\$175,000 is the amount Nevada will distribute to support the use of technology, including technology with universal design principles and assistive technology devices, to maximize accessibility to the general education curriculum for children with disabilities.

\$100,000 is the amount Nevada will distribute to support development and implementation of transition programs, including coordination of services with agencies involved in supporting the transition of children with disabilities to postsecondary activities.

\$50,000 is the amount Nevada will distribute to support alternative programming for children with disabilities who have been expelled from school, and services for children with disabilities in correctional facilities, children enrolled in State-operated or State-sponsored schools, and children with disabilities in charter schools.

\$400,000 is the amount Nevada will distribute to support the development and provision of appropriate accommodations for children with disabilities, or the development and provision of alternate assessments that are valid and reliable for assessing the performance of children with disabilities, in accordance with Sections 1111(b) and 1201 of the Elementary and Secondary Education Act of 1965.

\$7,585,411 is the total of Nevada's set-aside for Other State-Level Activities.