

Nevada Department of
Education

2021 Legislative Session Update

2021 Nevada Legislative Session Highlights

- **Eligibility for Adult Education Programs**
- **Discipline-Related Statutes**

AB – 215 Age for Admission to Adult Education Programs

Purpose

- Intended to help students who have attended 4 years of high school, but who are 17 (not yet 18), are credit deficient, and want to earn adult diploma (vs GED)

What the law says

- Now, a student may be admitted to an adult education program if the student has not received a high school diploma and:
 1. Is at least 18 years old or eligible for participation in the statewide program for education of incarcerated persons; or
 2. **Is at least 17 years old and has attended at least 4 years of high school. (new law)**

Note

- The age for admission to adult education programs has been in regulation, not statute. Statute requires change to regulation.

AB – 67 Student Discipline

Purpose

- Intended to clarify some inconsistencies in AB-168 from 2019

What the law says

- Nearly every School Board responsibility may now be assigned to a “designee,” except when a school requests School Board approval to permanently expel a student under age 11
 - For suspension, expulsion, permanent expulsion, a designee may review the circumstances and approve the action in accordance with the procedural policy adopted by the School Board
 - For suspension, expulsion, and permanent expulsion of a special education student, a designee may review the circumstances and determine that the action is in compliance with the IDEA

AB – 67 Student Discipline Continued

What the law says (continued)

- Any student (special education or general education) at any age (including under age 11) is subject to mandatory discipline under state law for possession of firearm/dangerous weapon
 - The IDEA continues to protect students with disabilities from removal from school if the removal would result in a change of placement AND the student's conduct is a manifestation of disability
 - That is why all proposed removals must be reviewed to ensure that the district's proposed action is in compliance with the IDEA

SUMMARY OF STATE LAW DISCIPLINE RULES

General Education and Special Education Students

Age Limits

State law prohibits the suspension or expulsion of general education and special education students who are not at least 11 years old, except as follows:

Exception: Any student at any age may be suspended or expelled for possession of a firearm or dangerous weapon

School Board Exception: In extraordinary circumstances, a school official may request an exception from the School Board to permanently expel a student from school who is 10 years old or younger

Summary of Special Education Removal Limits

Special education students may be suspended for up to 5 days per occurrence of misconduct, expelled, or permanently expelled

Procedural Requirements

Before imposing any suspension, expulsion, or permanent expulsion of a special education student, the School Board or a designee must review the circumstances and ensure compliance with IDEA

The IDEA compliance review requires:

- Determining if the proposed removal will constitute a change of placement
- If so, ensuring that a manifestation determination is conducted prior to the removal

If the misconduct is NOT a manifestation of the student's disability, then a removal may be proceed, but services must be provided on the 11th and any subsequent day of disciplinary removal during the school year

AB – 194 Student Discipline

Purpose

- Intended to provide an appeal process for suspensions, expulsions and permanent expulsions

What the law says

- School districts must have a policy for appealing suspensions and expulsions
- The policy must be posted on the district website and each school website
- If an appeal is filed, a hearing must be scheduled (so far, what that “hearing” entails is up to school districts)
- NDE will develop regulations (which may affect district options)

Due Process Complaint and Mediation Report

Reporting Period 7/1/2019-6/30/2020

Reporting Period 7/1/2020 to 9/16/2021

DUE PROCESS/COMPLAINT/MEDIATION REPORT

Reporting Period FY20 (July 1, 2019 – June 30, 2020)

Summary of Due Process Activity

	Total # of Students Enrolled in Nevada Schools	October 1, 2019 Special Education Child Count	Requests for Due Process Received	Hearings Conducted	Reviews
Reporting Period FY20	496,938	63,828	97	3	2



Summary of Complaint/Mediation Activity

Complaint requests received:

Reporting Period FY20 8

Mediation requests received:

Reporting Period FY20 6

Facilitation requests received:

Reporting Period FY20 9

Trends to date for Reporting Period FY20:

State Complaints:

- IEP Implementation
- Manifestation Determination
- Placement

Due Process:

- Identification
- Eligibility
- Placement
- Manifestation Determination

Mediation:

- IEP Implementation
- Parent Participation

DUE PROCESS/COMPLAINT/MEDIATION REPORT

Reporting Period FY21 (July 1, 2020 – June 30, 2021)
Reporting Period FY22 (July 1, 2021- September 16, 2021)

Summary of Due Process Activity

	Total # of Students Enrolled in Nevada Schools	October 1, 2020 Special Education Child Count	Requests for Due Process Received	Hearings Conducted	Reviews
Reporting Period FY21	481,345	62,000	63	3	1
Reporting Period FY22			11	0	0

Summary of Complaint/Mediation Activity

Complaint requests received:

Reporting Period FY21	10
Reporting Period FY22	0

Mediation requests received:

Reporting Period FY21	13
Reporting Period FY22	3

Facilitation requests received:

Reporting Period FY21	8
Reporting Period FY22	1

Trends to Date for Reporting Period FY21:

State Complaints:

- IEP Implementation
- Placement
- Eligibility

Due Process:

- IEP Implementation
- Placement
- Evaluation

Mediation:

- IEP Implementation
- Parent Participation

HISTORICAL DATA	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19	FY20	FY21
Due Process Requests Received:	77	81	98	83	102	109	99	139	97	63
Due Process Requests Settled/Withdrawn:	74	76	93	80	95	107	96	134	94	60
Hearings Conducted:	2	5	2	2	3	2	3	4	3	3
Reviews Conducted:	1	4	1	0	2	2	2	3	2	1
Complaints Investigated:	16	22	3	12	9	21	8	9	7	9
Mediation Requests Received:	5	2	4	1	7	10	8	7	6	13

[Dispute Resolution \(nv.gov\)](http://nv.gov)

Office of Inclusive Education

Staff Updates

Office Of Inclusive Education Staff

Special Education

Julie Bowers-Interim Director

Jennifer Kane-Education Programs
Professional: Secondary Transition

Andrew Morgan- Education Programs
Professional: Monitoring, Parent
Engagement, GATE

Katherine Fusilier -Education Programs
Professional: Part B Data Manager

Austin Olson Education Programs
Professional: Behavior, AB56

Cathleen (Cat) - Education Programs
Professional: Early Childhood, 619 Data
Coordinator

Fredina Romero - Education Programs
Professional: Indian Education

New Education Programs Professional: Low
Incidence Disabilities, Project Achieve

Jessica Boles-Administrative Support:
Professional Development

Connie Torres-Administrative Support: Dispute
Resolution

New Administrative Support: Fiscal



2021 NATIONAL TEACHER OF THE YEAR

Juliana Urtubey

STATE: NEVADA

SCHOOL: KERMIT R. BOOKER, SR.
INNOVATIVE ELEMENTARY SCHOOL

SUBJECT: ELEMENTARY
EDUCATION, SPECIAL EDUCATION

GRADE LEVEL: PK-5



District Monitoring Updates

School Year 2020-2021 - Virtual

- Clark County School District
- Lyon County School District
- Pershing County School District
- State Public Charter School Authority
- Storey County School District

School Year 2021-2022 - In Person

- Churchill County School District
- Lander County School District
- Lincoln County School District

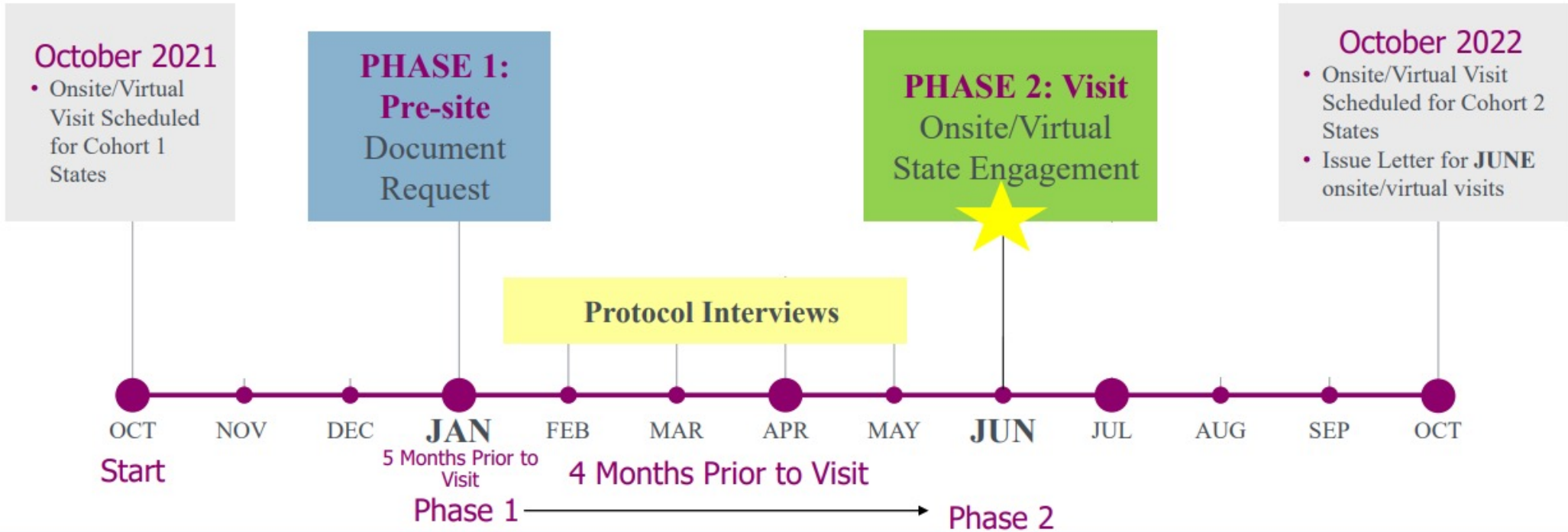
Office Special Education Programs (OSEP)



DMS 2.0 Roadmap

2021-2022

Cohort 1 Example



- Phase 1** will occur during the 5 months prior to the visit (one month for document request, 4 months for protocol interviews)
- Phase 2** will occur from the onsite/virtual visit through the issuance of the monitoring report (120 days after visit)
- Phase 3** will occur up to one year after the issuance of the monitoring report.

Areas of Review

- Subrecipient Monitoring - *DONE*
- Integrated Monitoring
- Sustaining Compliance and Improvement
- Data and SPP/APR
- Dispute Resolution
- Technical Assistance and Professional Development

SPP/APR Target Setting

What is Required.....

Indicator Target-Setting

- Each indicator will be reviewed to determine whether new baseline data should be set and establish six-year targets.
- OSEP will set some of the targets (Indicators 4B, 9, 10, 11, 12, 13).
- The method for measuring some indicators WILL NOT change (Indicators 7, 9, 10, 11, 12, 15, 16, 17). Any changes to baseline data will have to be justified.
- The method for measuring some indicators WILL change (Indicators 1,2,3,4,5,6,8,13,14). It is expected that baseline data will be updated when the new targets are set.

What is
Required.....

Stakeholder
Involvement:

Parent
Involvement

The number of parent members and a description of how the parent members of the State Advisory Panel, parent center staff, parents from local and statewide advocacy and advisory committees, and individual parents were engaged in setting targets, analyzing data, developing improvement strategies, and evaluating progress;

Description of the activities conducted to increase the capacity of diverse groups of parents to support the development of implementation of activities designed to improve outcomes for children with disabilities;

What is
Required.....

Stakeholder
Involvement:

Public Input and
Documentation

The mechanisms and timelines for soliciting public input for target setting, analyzing data, developing improvement strategies, and evaluating progress; and

The mechanisms and timelines for making the results of the target setting, data analysis, development of the improvement strategies, and evaluation available to the public.

Indicator Groups

Equity

- #4: Suspension/Expulsion Rates
- #9: Disproportionate Race/Ethnic Representation
- #10: Disproportionate Representation in Specific Disability Categories

Dispute Resolution

- #15: Resolution Sessions
- #16: Mediation

College and Career Ready

- #1: Graduation Rate
- #2: Drop Out Rate
- #13: Secondary Transition
- #14: Post School Outcomes

Strong Start

- #5: School Age Education Environments
- #6: Preschool Environments
- #7: Preschool Outcomes
- #11: Child Find
- #12: Early Childhood Transition

Continuous Growth

- #3: Assessment
- #8: Parent Involvement
- #17: SSIP

COVID-19

Steve Sisolak
Governor

Jhone M. Ebert
Superintendent of
Public Instruction



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COVID-19 and Students with Disabilities

Introduction

The following information and resources are provided to outline the general responsibilities of a local educational agency (LEA) during the emergency closure of school buildings caused by the Coronavirus Disease of 2019 (COVID-19) to students with disabilities under the Individuals with Disabilities Education Act (IDEA) and Chapter 388 of the Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC). Neither the IDEA nor the NRS and NAC specifically address closure of school buildings due to this type of emergency situation. In order to provide the most reliable information on each LEA's responsibility for, and accountability to, students with disabilities enrolled in the LEA, this guidance from the Nevada Department of Education's Office of Inclusive Education (OIE) is based primarily on the guidance provided by the United States Department of Education, Office of Special Education Programs (OSEP). This guidance can be found at: <https://sites.ed.gov/idea/files/qa-covid-19-03-12-2020.pdf>.¹ A follow-up webinar conducted by NASDE/CASE/CCSSO on the COVID-19 entitled, "Guidance for Students with Disabilities" provides additional guidance and is available at: <https://www.casecec.org/>.² As more information becomes available, the Office of Inclusive Education (OIE) will provide further technical assistance and clarification to assist LEAs in fulfilling their unique responsibilities to students with disabilities during this emergency school closure.

Question 1: Is the requirement to provide a free appropriate public education (FAPE) to students with disabilities waived as a result of this emergency school closure of school buildings?

Answer: No.

"If an LEA closes its schools to slow or stop the spread of COVID-19, and does not provide any educational services to the general student population, then an LEA would not be required to provide services to students with disabilities during that same period of time. [Once school buildings reopen], the LEA must make every effort to provide special education and related services to the child in accordance with the child's individualized education program (IEP) or, for students entitled to FAPE under Section 504, consistent with a plan developed to meet the requirements of Section 504. The [U.S. Department of Education] understands there may be exceptional circumstances that could affect how a particular service is provided. In addition, an IEP Team and, as appropriate to an individual student with a disability, the personnel responsible for ensuring FAPE to a student for the purposes of Section 504, would be required to make an individualized determination as to whether compensatory services are needed under applicable standards and requirements." (OSEP Guidance, 2020)

¹ On March 17, 2020, the United States Department of Education released a factsheet entitled, "Addressing the Risk of COVID-19 in Schools While Protecting the Civil Rights of Students".

² https://zoom.us/j/9147141414?pwd=MDZlTGxkOStDQmB1W446Rl_6z03VUk_PlEYhuuUXMlMFekZ7NDNOZ0k0lY1rw19W5AsPdOedZ5c?startTime=1584110179000

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COVID-19 and Students with Disabilities November 10, 2020

On June 9, 2020, Governor Sisolak issued Declaration of Emergency Directive 022 requiring school districts and charter schools to develop plans for reopening school buildings, providing instruction, and related activities for the 2020/2021 school year based on the June 9, 2020 framework issued by the Nevada Department of Education (NDE), Nevada's Path Forward: A Framework for a Safe, Efficient, and Equitable Return to School Buildings¹, and subsequent NDE guidance issued June 24, 2020². Recognizing that the circumstances regarding COVID-19 were fluid and social distancing protocols and other health and safety requirements were subject to change, the reopening plans were required to contemplate instruction offered through: in-person instruction following social distancing protocols; distance education; or a combination of distance education and in-person instruction (hybrid learning).

Prior to the commencement of the 2020/2021 school year, all Nevada school districts and the State Public Charter School and school district sponsored charter schools submitted their reopening plans that had been approved by their governing body.³ Given the diversity among the reopening plans throughout the State and the continued impact of the COVID-19 national emergency on in-person instruction at school for students with disabilities, the NDE determined that additional guidance was necessary to assist each local educational agency (LEA)⁴ in fulfilling their responsibilities to students with disabilities under the Individuals with Disabilities Education Act (IDEA) and Chapter 388 of the Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC).

¹ Nevada's Path Forward: A Framework for a Safe, Efficient, and Equitable Return to School Buildings is publicly available at: https://gov.nv.gov/uploadedFiles/govnewnv.gov/Content/News/Emergency_Orders/2020_attachments/022_2020-06-09_Nevada_Path_Forward_FRAMEWORK.pdf

² NDE Guidance Memorandum 20-05: Guidance for Path Forward Programs of Distance Education is publicly available at:

[www.doe.nv.gov/uploadedFiles/nvedoemv.gov/content/News_Media/Guidance_Memos/2020/PathForwardDistanceEducationGuidanceMemo20-05\(1\).pdf](http://www.doe.nv.gov/uploadedFiles/nvedoemv.gov/content/News_Media/Guidance_Memos/2020/PathForwardDistanceEducationGuidanceMemo20-05(1).pdf)

³ The school district, school district sponsored charter schools, and State Public Charter School Authority plans can be found at: <http://www.doe.nv.gov/DistrictReopeningPlans/>

⁴ While the terminology LEA is used throughout this guidance, it applies to all public agencies as that term is defined in NAC §388.092 and used in NAC/NRS, Chapter 388.

- **New Guidance Reaffirms Importance of Full Implementation of IDEA Amidst COVID-19 Pandemic**

- Return to School Roadmap under IDEA: Letter to State and Local Partners
- Return to School Roadmap: Q&A on Child Find Under Part B of the Individuals with Disabilities Education Act

ARP/ESSER Funds

ARP ESSER Funds

On Thursday, March 11, 2021, President Biden signed into law the American Rescue Plan (ARP) Act, which will deliver critical aid to States, as the country continues to recover from the COVID-19 pandemic. Nevada Received 18 million dollars in Special Education Part B IDEA funds that were allocated to the districts.

All ARP ESSER Funds are IDEA Funds

All requirements for the use of IDEA Funds apply

Considerations for Spending:

Consider sustainability

Consider focus on challenges from the pandemic

School re-entry

Disruption in the education of children with disabilities

Mental health services

Consider focus on issue of equity in Special Education and Early Intervention Services