

**Special Education Advisory Committee (SEAC)
Annual Report for Fiscal Year 2019
July 1, 2018 – June 30, 2019**

*Prepared by the Nevada Department of Education
for Submission to the Nevada State Board of Education*

INTRODUCTION

The Nevada Special Education Advisory Committee (SEAC) has played an active role in the state's continuous improvement and focused monitoring efforts. In order to help the state with these ongoing efforts to increase results for children and youth with disabilities, carryout the activities in the State Performance Plan (SPP), and the State Systemic Improvement Plan (SSIP) this important stakeholder Committee serves as:

1. An advisory group to the Nevada Department of Education (NDE) and the State Board of Education (SBE) relative to decisions that may affect special education.
2. A vehicle for disseminating information about federal and State regulations to the constituencies represented by the Committee.
3. An entity to provide support for polices and procedures that are initiated and/or implemented by the NDE and the SBE.

In order to serve these functions, the SEAC operates within the duties that are delineated at 34 CFR §300.169 of the Individuals with Disabilities Education Act (IDEA):

The advisory panel must--

- (i) Advise the State educational agency of unmet needs within the State in the education of children with disabilities;*
- (ii) Comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities;*
- (iii) Advise the State educational agency in developing evaluations and reporting on data to the Secretary under section 618;*
- (iv) Advise the State educational agency in developing corrective action plans to address findings identified in Federal monitoring reports under Part B of the act; and;*
- (v) Advise the State educational agency in developing and implementing policies relating to the coordination of services for children with disabilities.*

The SEAC is comprised of a broad representation of individuals with knowledge and expertise in meeting the needs of children and youth with disabilities. The SBE makes appointments to the Committee, with each member serving a three-year term. At their first meeting of the 2018-2019 fiscal year, the SEAC elected MaryAnn Demchak to serve as Chair for this term, and Joseph Holguin to serve as Vice-chair. Additional members for this fiscal year and the roles they represent are listed on the next page.

REGULAR MEMBERS

<i>Jan Albertson</i>	<i>Special Education Administrators – North</i>
<i>Josh Baker</i>	<i>Universities - South</i>
<i>Nya Berry</i>	<i>Charter Schools</i>
<i>Brian Brill</i>	<i>Parents of Children with Disabilities</i>
<i>Laura Bruni</i>	<i>Parents of Children with Disabilities</i>
<i>Mary Bryant</i>	<i>Parents of Children with Disabilities</i>
<i>Ivy Burns</i>	<i>Special Education Administrators - South</i>
<i>Diana Cannon</i>	<i>Parents of Children with Disabilities</i>
<i>Marva Clevon</i>	<i>Special Education Administrators - Rural</i>
<i>MaryAnn Demchak</i>	<i>Universities - North</i>
<i>David Frydman</i>	<i>Parents of Children with Disabilities</i>
<i>Shari Fyfe</i>	<i>Department of Health & Human Services</i>
<i>Shirley Gaw</i>	<i>Parents of Children with Disabilities</i>
<i>Joseph Holguin</i>	<i>Special Education Teachers – South</i>
<i>Meskerem Kassa</i>	<i>Parents of Children with Disabilities</i>
<i>Daniel O’Gara</i>	<i>Parents of Children with Disabilities</i>
<i>Diana Padua</i>	<i>State Juvenile/Adult Corrections</i>
<i>Jodee Prudente</i>	<i>Special Education Teachers - North</i>
<i>Ellen Richardson Adams</i>	<i>Parents of Children with Disabilities</i>
<i>Jesse Rojas-Espinoza</i>	<i>Individuals with Disabilities</i>
<i>Lisa Rosas</i>	<i>Parents of Children with Disabilities</i>
<i>Karen Taycher</i>	<i>OSEP Funded State Parent Training Center</i>
<i>Rosalie Woods</i>	<i>Parents of Children with Disabilities</i>

SPECIAL EDUCATION STAFF TO THE SEAC

<i>Will Jensen</i>	<i>Director, Office of Special Education</i>
<i>Kim Boles</i>	<i>Secretary to the Advisory Committee</i>
<i>Jessica Boles</i>	<i>Assistant Secretary to the Advisory Committee</i>

2018-2019 MEETINGS

During the 2018-2019 fiscal year, the SEAC met on October 30, 2018, January 15, 2019, March 19, 2019, and May 21, 2019.

ACCOMPLISHMENTS

In keeping with their prescribed duties, the SEAC discussed many issues and generated a number of actions during the 2018-2019 fiscal year. Following is a summary of the activities of the Committee relative to each of these federally conferred duties:

1. *Advise the State educational agency of unmet needs within the State in the education of children with disabilities.*

Activity

Special Education Advisory Committee (SEAC)

The Special Education Director at the Nevada Department of Education discussed the possibility of broadening accessibility for public to attend the SEAC meetings. Discussion ensued regarding the following:

- Tele-Conference
- 2 Locations (North and South)
- Zoom Meetings
- One Location – expansion in our current format
- Survey to constituents

Due Process, Complaint, and Mediation

The Committee reviewed a report of data including state complaints, due process and mediations. Discussion ensued regarding the following:

- IEP Facilitation not required under IDEA through NDE – initiated by a parent of school district
- Mediation – can be initiated by a parent and/or school district and must be agreed upon by both parties
- State Complaint
- Due Process
- Constituent Concern Inspection (CCI)
- Common Issues investigated – State complaints – IEP Implementation; Due Process - Placement, Identification, Evaluation, Eligibility; Mediation – Placement, IEP Implementation
- Outcome and Corrective Action Plans – Outcome: A written decision that includes findings and conclusions, and lists reasons for the final decision, includes actions required by the district to address the needs of the child or children related to the complaint
- Activities for corrective action: Training, compensatory services, reimbursement
- Tracking and Monitoring – To ensure compliance of correction action, the NDE tracks all deadlines within State complaints and maintains continual communication with District on progress
- Due process decisions, complaint reports and review decisions can be found on website

Special Education Funding

The Special Education Director at the Nevada Department of Education provided SEAC with various sources available for special education funding in Nevada. Discussion ensued regarding the following:

- Federal, State and Local

- Maintenance of Effort (MOE) – two basic rules - must expend same amount of money as the previous year on an aggregate or per pupil basis; or the total dollar amount spent the previous year
- Nevada has met the obligation for Maintenance of Effort as a State
- Exceptions to MOE
- MOE can be increased not lowered
- Historical view of “State” SpEd funding - 2007 - \$103,715,266; 2011 -\$121,252,632 – 16.91% growth; 2017 - \$168,125,519 – 62.1% growth
- Governor’s proposed budget includes an additional \$30 million for the biennium - 2019 \$198,125,519 (pending legislative approval) – 91.03% growth
- Contingency Account for Extraordinary Expenses (CASE) - \$2,000,000

AB56 – Annual Report of the Use of Physical Restraints, Mechanical Restraints, and Aversive Interventions on Students with Disabilities

The Committee reviewed the 2017-18 report of violations by School Districts and current procedures for reporting AB56. Discussion ensued regarding the following:

- Aversive Intervention- specified actions used to: 1. Punish the pupil; or 2 Eliminate, reduce, or discourage maladaptive behavior
- AB280 was passed by the Legislature in 1999
- Aversive Interventions Include: seclusion, forced exercise, verbal and mental abuse, corporal punishment, noxious odors and tastes, water mists/sprays/blasts of air, electric shock and chemical restraint
- The use of Aversive Interventions are prohibited
- Physical restraint- the use of physical contact to limit a person’s movement or hold a person immobile.
- Permissible use for physical restraint: assist the student in completing a task, escort or carry a student to safety if the pupil is in danger, conduct medical examination or treatments
- Physical restraint emergency use:
- Mechanical restraint-the use of devices, including, without limitation, mittens, straps and restraint chairs to limit a person’s movement or hold a person immobile
- Permissible use for mechanical restraint: treat the medical needs of the student, protect a student who is known to be at risk of injury, provide proper body alignment to a student, and position a student who has physical disabilities in a manner prescribed in the student’s IEP
- Mechanical restraint emergency use:
- The intentional use of an aversive intervention, physical or mechanical restraint is subject to disciplinary action
- Reporting requirements emergency/permissible: report placed in students file within one working day of emergency use, copy provided to IEP committee, parent/guardian, Board, Superintendent or designee, determine if permissible or a violation of rights
- After 3 reports of emergency use, district notifies school to review circumstance and provide report; after 5 reports, IEP must be reviewed; if restraints continue after IEP review, IEP must add appropriate methods
- Reporting requirements non permissible/aversive: investigative report may be generated and placed in student’s file, copy provided to IEP committee, parent/guardian, violation be reported to the Board of Trustees, a corrective plan is developed to ensure action is taken within 30 calendar days. Corrective plan is also sent to NDE. NDE reviews and advise if revision is necessary. Corrective plan should be implemented and documentation should be maintained
- All districts and private schools report to NDE: teacher level incidents reported, student level incidents reported, total number of non-permissible physical restraints, total number of non-permissible mechanical restraints, and total number of aversive restraints
- NDE reports to LCB for each district and all private schools: total number of student level

incidents reported, total number of non-permissible physical restraints, total number of non-permissible mechanical restraints, and total number of aversive restraints

State Personnel Development Grant (SPDG) and the State Systemic Improvement Plan (SSIP)

An Education Programs Professional from the Nevada Department of Education provided SEAC with an overview of Nevada's State Systemic Improvement Plan and State Personnel Development Grant and included updates on the evaluation plan and progress toward project goals. Discussion ensued:

- Nevada awarded the SPDG grant through 2020
- SSIP required by OSEP
- SPDG Grant – two goals
- Instructional Consultation As (ICAT) – 8 districts participating, Infrastructure includes: ICAT coordinator, district contact team and team of in-state trainers and coaches
- Assessing where we are: ICAT Data; Access, Plan, Teach (APT)
- Thinking ahead: SSIP anticipated to continue; SPDG will end, new application in 2020

2. *Comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities.*

Activity

Alternative Diploma – Policy and Practice. The Alternative Diploma is Nevada's newest diploma option for students with significant cognitive disabilities.

The Committee reviewed initial guidance related to the regulations governing the new diploma option and recommendations for implementation. Discussion ensued regarding the following:

- Effective July 1, 2017, approved by legislature
- Requirements passed regulatory process October 11, 2018
- Designed for students with more significant cognitive disabilities. Students have the ability to learn standards aligned academic curriculum at all age levels
- To earn the Alternative Diploma students must: have a disability, participate in the Nevada Alternate Assessment, and earn the prescribed credit minimum for the student's graduating cohort
- Academic content must be based on grade-level content standards that are aligned with the alternate assessment
- High schools will need to create and schedule credited courses that align with the Nevada Academic Content Standards and fulfill credit requirements
- LEAs will distinguish courses required
- Adjusted Diploma does not terminate FAPE
- Curriculum will need to meet students learning differences and support needs
- Professional Development Framework; Functional Skills, Academic Content, Universal Design for Learning Framework, Evidence-Based Instructional Methods
- Credits may be issued by either a special educator or a general educator
- Future Guidance and Professional Development- comprehensive needs assessment survey, guidance documents for LEAs, and professional development trainings for schools and teachers

Alternative Diploma and Transition Leadership Update

The Committee reviewed standards and course guidance issued by the Office of Special Education for the new Alternative Diploma option available to students with significant cognitive disabilities, as well as recent efforts in postsecondary transition. Discussion ensued regarding the following:

- Credit Requirements & Guidance
- ELA, Math and Science (Nevada Academic Content Standards) NVACS Connector Standards guidance, these guidance documents are designed to assist Nevada's schools and teachers in the implementation of the NVACS Connectors
- The target for this diploma are students with more cognitive disabilities, these students also participate in the Nevada Alternate Assessment
- Connector Standards encompass the instructional standards to inform programming for grades 9 thru 12 students pursuing the Alternative Diploma
- Nevada Transition Leadership Teams
- Flyers for July Training (insert info here)
- Info about parent meeting in July (insert here)
- EnvisionIT training in the North and South in May of 2019
- Nevada Student Leadership Transition Summit changes
- Young adult facilitators

Legislative Update

The Special Education Director at the Nevada Department of Education provided information to SEAC about bills involving special education being brought forward at the Legislative Session. Discussion ensued regarding the following:

- SB109 – cameras in classrooms (audio/video) where at least 50% of the students are non-communicative

The Special Education Director from the Nevada Department of Education provided an update of information on special education bills being brought forward at the Legislative Session. Discussion ensued:

- New Funding Formula – SB543
- Cameras in classrooms – SB109
- First responders receiving training to interact with persons with disabilities – AB129
- Nevada ABLE Savings programs – AB130
- Enforcement of the decision of a hearing officer resulting from a due process hearing – AB258
- Supported Decision Making – AB480

3. *Advise the State educational agency in developing evaluations and reporting on data to the Secretary under section 618.*

Activity

State Performance Plan and Annual Performance Report (SPP/APR)

The Committee reviewed updated information on SPP/APR. Discussion ensued regarding the following:

- Data in this report is from the 2015/2016 school year
- Report is an overview of the NDE's general Supervision System, Technical Assistance System, Professional Development System, Stakeholder Involvement, and Public Reporting
- Indicators 1-16: Baseline date, Annual Targets and Results

- Indicator 17: State’s Systemic Improvement Plan (SSIP)
- Information included in State Determinations

Special Education Data Update

An Education Programs Professional from the Nevada Department of Education presented a Data Deep Dive, including Disaggregated Education Environments and Senior Exit Survey data. Discussion ensued:

- Educational Environments age 3-5
- Educational Environments age 6-21
- Indicator 14: Post-School Outcomes
- Data observations, interpretations, implications
- Moving forward

4. *Advise the State educational agency in developing corrective action plans to address findings identified in Federal monitoring reports under Part B of the act.*

Activity

There were no activities in this area.

5. *Advise the State educational agency in developing and implementing policies relating to the coordination of services for children with disabilities.*

Activity

Nevada – National Technical Assistance Center on Transition Intensive Technical Assistance

The Committee reviewed information regarding collaboration between national, state, and local Career and Technical Education, Special Education, and Vocational Rehabilitation partners to improve post-school outcomes for students with disabilities in Nevada. Discussion ensued regarding the following:

- National Technical Assistance Center on Transition- the technical assistance and dissemination center for secondary transition by the U.S. Department of Education: Office of Special Education Programs (OSEP) and Rehabilitation Services Administration (RSA)
- NTACT purpose: to assist state education agencies, local education agencies, state vocational rehabilitation agencies. To assist VR local offices to implement evidence-based and promising practices ensuring students with disabilities, including those with significant disabilities, graduate prepared for success in postsecondary education and employment
- Effective Practices and Predictors: Evidence-Based Practices, Research-Based Practices, and Promising Practices
- NV-NTACT Intensive Technical Assistance Partnership 2015-2019
- Intensive Technical Assistance Process Long term goal: increased enrollment in postsecondary education and employment for youth with disabilities
- Local TA Sites: Rural- Dayton High School, Urban- Sunrise Mountain High School
- Intensive Technical Assistance Next Steps

Nevada Dual Sensory Impairment Project (NDSIP)

The Chair provided information about the purpose of NDSIP. Discussion ensued regarding the following:

- Established in 1990
- To enhance the educational services provided to all children and youth with vision and hearing impairments
- Can also have other disabilities – Cognitive impairments, physical impairments, complex health care needs, speech/language/communication delays
- 120 children enrolled in the project
- TA Visits: Communication; enhance receptive understanding (touch cues, object cues) Enhance expressive communication; Understanding and responding to problem behavior; curriculum strategies, teaching strategies – how to use systematic instruction
- 500 children birth to 22 that have been served in 28 years, all over the state in every district except 4 – Esmeralda, Mineral, Eureka, Storey Counties. The largest districts served are Clark and Washoe
- Funded primarily by U.S. Department of Education and the Nevada Department of Education