

**SPECIAL EDUCATION ADVISORY COMMITTEE  
MEETING MINUTES**

WEDNESDAY, SEPTEMBER 22, 2021 – 1:00 P.M. TO 5:00 P.M.

*Public Meeting at:*

Zoom Meeting

<https://us06web.zoom.us/j/84071059741?pwd=NkRCWEt1QnA4YU1ZdGxqc25SWU5hQT09>

Meeting ID: 840 7105 9741

Passcode: 2021

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1. INTRODUCTION. The regular meeting of the Special Education Advisory Committee (SEAC) was called to order. Roll call was taken, and quorum was determined:

Present: Anna Marie Binder, Ivy Burns, Diana Cannon, Marva Cleven, MaryAnn Demchak, Jessica Dunn, Penni Echols, Leah Edge, Candace Emerson, Connor Fogal, Danielle Fredenburg, Shirley Gaw, Roy Harvey, Lisa Hunt, Sara Jorgensen, Kati Layosa, Ellen Marquez, Travis Mills, Mathew Montgomery, Melina Proffitt, Jodee Prudente, Lisa Rosas, Jackie Sheppard, Karen Taycher, Aliceandrea Untalan, and Jennifer Van Tress

Absent:

Staff: Julie Bowers, Jessica Boles, Cathleen Rexing, Austin Olsen, Katherine Fuselier

Presenters:

Public: Robin Kincaid

2. PUBLIC COMMENT #1

Written public comment submitted by Eric Wilcox, Parent of a deaf child and Chair of the Nevada Commission for Persons who are Deaf and Hard of Hearing. Read by committee secretary, Jessica Boles.

3. ELECTION OF OFFICERS

**Motion:** Jodee Prudente moved to appoint MaryAnn Demchak as the Chair of SEAC. Joseph Morgan seconded the motion. The vote was called, and the motion carried without objection.

**Motion:** Penni Echols moved to appoint Mathew Montgomery as the Vice-Chair of SEAC. Anna Marie Binder seconded the motion. The vote was called, and the motion carried without objection.

#### 4. APPROVAL OF FLEXIBLE AGENDA

**Motion:** Mathew Montgomery moved to approve the flexible agenda. Joseph Morgan seconded the motion. The vote was called, and the motion carried without objection.

#### 5. APPROVAL OF MINUTES

The minutes of the February 11, 2021, meeting were reviewed and discussed. There were no other changes or corrections offered at this time.

**Motion:** Mathew Montgomery moved to approve the minutes. Travis Mills seconded the motion. The vote was called, and the motion carried without objection. Joseph Morgan and Shirley Gaw abstained.

The minutes of the April 8, 2021, meeting were reviewed and discussed. There were no other changes or corrections offered at this time.

**Motion:** Ellen Marquez moved to approve the minutes. Jodee Prudente seconded the motion. The vote was called, and the motion carried without objection. Joseph Morgan and Jackie Sheppard abstained.

#### 6. APPROVAL OF SPECIAL EDUCATION ADVISORY COMMITTEE ANNUAL REPORT

Report of SEAC activities from 2020-2021. Possible action may be revisions to the report before submission to the State Board of Education.

**Motion:** Jodee Prudente moved to approve the report. Jennifer Van Tress seconded the motion. The vote was called, and the motion carried without objection. Joseph Morgan, Lisa Hunt, Jackie Sheppard, Leah Edge, Kati Layosa and Anna Marie Binder abstained.

#### 7. NEW COMMITTEE MEMBERS – OVERVIEW OF ROLE OF SPECIAL EDUCATION ADVISORY MEMBERS

The Interim Director of the Office of Inclusive Education from the Nevada Department of Education provided information about the roles and responsibilities of the SEAC members. Discussion ensued:

- SEAC consists of members appointed by the Governor or any other official authorized under State law to make appointments

- Majority of the members must be individuals with disabilities or parents of children with disabilities
- Members must serve 3 years
- Members are Representatives:
  - Parents of Children with disabilities ages birth through 26
  - Individuals with Disabilities
  - Teachers
  - Representatives of institutions of higher education
  - Administrators of programs from children with disabilities
  - State Representatives from Child Welfare responsible for foster care
  - Parent Training Information Center
  - Office of Protection & Advocacy
  - Representatives of other State agencies
  - Representatives of private schools and public charter schools
  - At least one representative of a vocational, community, or business organization concerned with the provisions of transition services to children with disabilities
  - Representatives from the State juvenile and adult corrections agencies
  - State and local officials that represent homeless children
- Purpose of SEAC- an advisory committee that provides guidance on policies, procedures, regulations. For Special education and related services for children and youth with disabilities. Ages 3-21.
- Advocacy is to: take sides, support a position, plead a case or a cause, sometimes argue
- To advise is to: give advice, inform, recommend, suggest, guide
- SEAC Function:
  - 1. Advise the SEA of unmet needs within the State in the education of children with disabilities
  - 2. Comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities. Nevada Administrative Code (NAC) Special Education & Teacher Licensure
  - 3. Advise the State in developing evaluations and reporting on data to the Secretary under Section 618 of the Act.
    - State Performance Plan (SPP)
    - Annual Performance Report (APR)
    - SEAC members need to:
      - Understand the relationship between APR & SPP
      - Provide guidance to the State in developing measurable and rigorous targets for indicators
      - Participate in discussions on SPP, SSIP, and APR at least annually
      - Use the SPP/APR data to help understand needs and work with the partners to improve outcomes
      - Know what Levels of Determination are about
        - Made for each State by OSEP. Made for each district by the State

- 4. Advise the State in developing corrective action plans to address findings identified in federal monitoring reports under Part B of the Act.
- 5. Advise the State in developing and implementing policies relating to the coordination of services for children with disabilities.
- 6. The SEA, after deleting personally identifiable information must provide the SEAC with the Due Process Hearing decisions and make decisions available to the public.
- Meeting Process:
  - One chair and one vice chair-
    - Elected annually from the membership
    - Chair runs meeting in collaboration with NDE.
  - Agenda developed by NDE and Chair.
  - Follow Robert's Rule of Order
    - Conduct of meetings (motions, turn-taking, etc.)
  - Adhere to Open Meeting Law
    - Agenda posted; visitors welcome
    - Standing agenda items for committee and visitor input

## 8. SPECIAL EDUCATION INITIATIVES

### I. Legislative Update

The committee received an update on information of Special Education bills that were brought forward with the Legislative Session. Discussion ensued:

- 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:
    - Is at least 18 years old or eligible for participation in the statewide program for education or incarcerated persons; or
    - 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
  - 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
  - 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 students 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 proceeded, but services must

be provided on the 11<sup>th</sup> 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)

## 9. INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA) SPOTLIGHT

### I. Due Process, Complaint and Mediation Report

Report of data regarding state complaints filed in the 2020-2021 school year including information of due process, complains, and mediations. Possible action may include advisement to the NDE. Discussion ensued:

- Due Process/ Complaint/Mediation Report- reporting period of July 1, 2019- June 30, 2020.
- Summary of Due Process Activity:
  - Total numbers of Students enrolled in Nevada Schools- 496,938
  - October 1, 2019, Special Education Child Count- 63,828
  - Requests for Due Process Received- 97
  - Hearings Conducted- 3
  - Reviews- 2
- Summary of Complaint/Mediation Activity:
  - Complaint requests received- 8
  - Mediation requests received - 6
  - Facilitation requests received - 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 of July 1, 2020- June 30, 2021 (Reporting Period FY22- July 1, 2021-September 16, 2021)
- Summary of Due Process Activity:
- Total numbers of Students enrolled in Nevada Schools- 481,345
- October 1, 2020, Special Education Child Count- 62,000
- Requests for Due Process Received- 63
- Hearings Conducted- 3
- Reviews- 1
- Reporting Period FY22- 11 requests for due process received
- Summary of Complaint/Mediation Activity FY21:
- Complaint requests received- 10
- Mediation requests received - 13
- Facilitation requests received – 8
- Summary of Complaint/Mediation Activity FY22:
- Complaint requests received- 0
- Mediation requests received - 3
- Facilitation requests received - 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 for the last 10 years to see the variation of the numbers for each resolution process.
- Link takes you to the state webpage that has the findings from the last 5 years.

## 10. NEVADA DEPARTMENT OF EDUCATION UPDATES

### I. Office of Inclusive Education Staff Changes

- Julie Bowers- Interim Director

- Jennifer Kane- EPP: Secondary Transition
  - Andrew Morgan- EPP: Monitoring, Parent Engagement, GATE
  - Katherine Fusilier- EPP: Part B Data Manager
  - Austin Olson- EPP: Behavior, AB56
  - Cathleen (Cat) Rexing- EPP: Early Childhood, 619 Data Coordinator
  - Fredina Romero- EPP: Indian Education
  - Jessica Boles- Administrative Support: Professional Development
  - Connie Torres- Administrative Support: Dispute Resolution
  - New EPP selected- Low Incidence Disabilities, Project Achieve
  - Vacant- Fiscal Support
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- 2021 National Teacher of the year Juliana Urtubey- Representing Nevada, Clark County School District, and Special Education.

## **II. Nevada Department of Education Monitoring**

- State of Nevada Monitoring our School Districts
- During the pandemic, monitoring process wasn't halted, wanted to keep it moving forward.
- School districts provided digital records
- Information is reported in the district annual reports
- 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

## **III. Office of Inclusive Education Monitoring**

- Office Special Education Programs (OSEP) Monitoring
- Started the process pre-pandemic, put on hold, and now starting to pick it back up.
- DMS 2.0 Roadmap 2021-2022
  - October 2021- onsite/virtual visit scheduled for Cohort 1 States
  - Phase 1: Pre-Site: Document Request
  - Phase 2: Visit: Onsite/Virtual State Engagement
  - October 2022- onsite/virtual visit scheduled for Cohort 2 States. Issue letter for June onsite/virtual visits.
- Areas of Review:
  - Subrecipient Monitoring- Done



- Integrated Monitoring
- Sustaining Compliance and Improvement
- Data and SPP/APR
- Dispute Resolution
- Technical Assistance and Professional Development
- Don't have protocols yet for the onsite monitoring
- No specific trigger for monitoring. It is OSEPs on monitoring cycle
- There is a report provided of the findings after the monitoring

#### **IV. SPP/APR Target Setting**

- OSEP Requirements. What is required:
  - 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.
- Indicator Target Setting
- 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.
- 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 Rates
  - #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

#### **V. COVID Guidance**

- No interruptions or changes.
- Guidance from OSEP regarding the fact that nothing under IDEA has changed during this time.
- Still continue to meet FAPE and
- Communicated any guidance out to districts
- No interruptions of services
- New Guidance Reaffirms Importance of Full Implementation of IDEA Amidst COVID-19 Pandemic
- 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

#### **11. UPDATE OF ACTION ITEMS FROM APRIL MEETING**

No Updates at this time

## 12. FUTURE SEAC MEETINGS

SEAC will discuss possible meeting options given limitations of the global pandemic

- Future dates have been provided
- Given the status of everything, we will continue with the virtual format until further notice
- Discuss in person meetings later in the meeting year

## 13. FUTURE AGENDA ITEMS

- Behavior and Discipline (departments intention to support school district) – Karen Taycher
- Guidance for students to “Walk” with adjusted diploma – Karen Taycher
- Break down indicator data by disability category
- Legislative Outcomes – Fall
- Use of cameras in classrooms
- Alternative learning plans during the pandemic- Will
- Hybrid/Virtual education for kids in special education- Karen Taycher/Mathew Montgomery/NDE support
- Compensatory education, different ways to support parents, address/compensate services- Mariana Del Giudice
- Accessibility for documents, watermarks aren’t read on screen readers- Ellen Marquez
- Technology for students/kids- Brian Brill
- Local enrollment trajectories over the past 5 years- Joseph Morgan
- Progress on SB203 implementation- Penni Echols
- Update regarding definition of visually impaired- Lisa Hunt review updated changes in August. See what was changed and now what is it statute.
- Explore alternate meeting times-child care stipends, participate more fully, morning meetings- Penni
- SB203 Manual for new members- Anna Marie
- Cameras in the classroom- Anna Marie
- Letter between Penni ESY update- Anna Marie
- Update and policy changes in CCSD regarding discipline and behavior legislation/data- Anna Marie
- APT overview what schools participate/projection and expansion- Anna Marie
- Data under APT intervention, guidance for 1% being tested for National average- Anna Marie
- NV Alt Assessment- guidance of the 6 questions update- Anna Marie
- ENDREW- what is it- Anna Marie

### **Program Spotlight**

- Rural Regional Resource Centers –being part of transition, equity from rural to urban, consistency statewide

- NDALC
- Focus Program – UNLV
- Self-Advocacy Program – Jesse
- Supported Decision Making- Homa Woodrum
- Circle of Friends/Support- Cheryl Catsmark

**Special Education Initiatives**

- Data on inclusion of young students with disabilities

**IDEA Spotlight – Legal Requirements/Evidence Based Practice**

- Linkage to IEP
- Case Law
- MOE
- Transition
- Behavioral entitlements of students with disabilities, risk assessment
- Suspension/Expulsion
- Implications of ENDREW

14. PUBLIC COMMENT #2

None at this time

15. ADJOURNMENT

The next regular SEAC meeting is November 29, 2021. NEW LOCATION: Zoom Meeting Platform