

CLARK COUNTY SCHOOL DISTRICT
COMPLAINT INVESTIGATION
(#CL050426)

Report Issued on June 29, 2026

INTRODUCTION

On May 4, 2026, the Nevada Department of Education (NDE) received a State Complaint from a Parent¹ alleging violations of the Individuals with Disabilities Education Act (IDEA) or a provision of the Nevada Revised Statutes (NRS) or the Nevada Administrative Code (NAC), Chapter 388, by Clark County School District (CCSD) in the student's special education program.

The nine allegations in the 44-page State Complaint, in summary form, included that CCSD repeatedly failed to implement the student's Individualized Education Program (IEP); convened an IEP meeting without the required special education staff; numerous disability access violations; placement concerns; equivalent instruction concerns; unannounced schedule changes; meaningful parental participation; health access that preserved dignity and participation; and lack of clear procedural guidance; and complete record access. Detailed proposed resolutions were identified for each of the nine allegations and overall.

Based on the allegations of noncompliance, the specific allegations within the jurisdiction of NDE through the State Complaint process, as clarified in the investigation, raised the following issues for investigation:

Issue One:

Whether CCSD complied with IDEA and Chapter 388 of NRS/NAC in the implementation of the student's IEP(s) in effect in the 2025/2026 school year, specifically:

- a. On May 5, 2025², requiring the student to provide a written statement during an interview while at school (during a removal from instruction) without the student's applicable IEP services for written output, processing, and stress tolerance.
- b. Upon the change in the student's math and history schedule on August 18, 2025, the notice requirements to the student's Parent and special education facilitator and required transition support for schedule changes.
- c. On October 16³, 2025, questioning the student during an interview while at school (during a removal from instruction) without the student's applicable IEP services for communication and wording context.
- d. If the student's specially designed instruction of English/ELA in the student's IEP was revised on October 21, 2025, whether CCSD implemented the specially designed

¹ This State Complaint was only filed by one of the student's parents; however, some of the cited facts in this State Complaint Report involve the student's non-filing parent. The term "Parent" will be used throughout, without distinction.

² This allegation took place at the end of the 2024/2025 school year; therefore, the applicable IEP is the IEP in effect on that date in the 2024/2025 school year.

³ The Parent revised the date of October 17, 2025 in the State Complaint to October 16, 2025. Given CCSD's response relative to the same referenced alleged incident, the State Complaint Investigation team determined it was unnecessary to obtain additional documentation regarding the incident or an additional opportunity to respond.

- instruction for the five weeks of instruction following the October 21, 2025 meeting.
- e. During the week of October 27, 2025, the supplementary aid/services of:
 - 1. The student's bathroom access;
 - 2. The use of speech-to-text instead of manual typing tasks for computer course assignments;
 - 3. The required technology and software for the student to complete coursework, specifically the CCSD-provided technology of a Chromebook and Office 365;
 - 4. The supports applicable to computer course assignments to address readability barriers; and
 - 5. Test preparation, specifically the exclusion of assignments with multiple pages of word scrambles.
 - f. Communications with the student's Parent in the 2025/2026 school year to May 4, 2026 regarding the student's math instruction.
 - g. The supplementary aid/service necessary to measure the academic achievement and functional performance of the student on the statewide assessment in April 2026, specifically regarding the student being required to dictate answers to a scribe for the Smarter Balanced Assessments (SBAC).

Issue Two:

If the October 21, 2025 with the student's Parent was a meeting to review/revise the student's specially designed instruction of English/ELA in the student's IEP or to change the anticipated location of those services in the IEP, whether CCSD complied with the requirements of IDEA and NAC, Chapter 388, specifically whether the student's special education teacher was an IEP Team participant in the October 21, 2025 meeting.

NDE's jurisdiction in the State Complaint process is limited to allegations of a violation of the requirements of IDEA and/or Chapter 388 of NRS or NAC for special education programs and must include specific content. 34 C.F.R. §300.153; NAC §388.318. The Parent was informed that the State Complaint included a number of allegations outside this jurisdiction that would not be investigated, specifically those allegations that did not include the facts on which the allegation was based; occurred more than one year prior to the date of receipt of the State Complaint; did not occur in the past; local personnel issues; and disability-related access barriers to ensure equal opportunities. The Parent was informed of alternative methods to pursue the latter two allegations if the Parent chose to do so.

In the May 11, 2026 issue letter to CCSD, CCSD was notified that if it disputed the allegations of noncompliance in the State Complaint, the submitted documents and information must include: a denial of the alleged noncompliance, a brief statement of the factual basis for the denial, reference to the documentation that factually supported the denial, and that failure to provide these by June 2, 2026, would be considered a concession of noncompliance for purposes of this State Complaint.

CCSD provided both the electronic and hard copy response prior to the June 2, 2026 timeline; denied all the allegations of noncompliance; and provided the factual basis for the denial, with reference to the provided documentation. CCSD also stated that while it denied the allegations in the State Complaint, if NDE determined an alleged violation occurred, CCSD proposed resolution was to convene a State-facilitated IEP Team meeting at the commencement of the 2026/2027 school year to address all elements of the IEP, including but not limited to parental concerns and supplemental aids and services.

The Parent's State Complaint and written response with attachments, and CCSD's denial of all claims and all documents submitted by CCSD in response to the issue in the State Complaint, were reviewed in their

entirety in this investigation. (Due to the numerous allegations and relevant voluminous documentation in this case, the State Complaint Investigation Team appreciated both CCSD's and the Parent's clear efforts to provide the documentation in a well-organized manner. Given the numerous communications between CCSD and the Parent⁴ regarding the issues in this case, the unrepresented Parent's clear indexed reference to the relevant email correspondence for each accepted allegation was particularly obliging.) The Findings of Fact cite the source(s) of the information determined necessary to resolve the issues in this Complaint.

General

1. The student is eligible as a student with a disability and was enrolled in CCSD in the 2024/2025 and 2025/2026 school years. The last day of school in the 2024/2025 school year was May 23, 2025. The first day of school for the 2025/2026 school year was August 11, 2025.⁵ (School Calendar, State Complaint, Student Period Attendance Detail)

IEPs

2. The student had a November 15, 2024 IEP, a revision to an October 14, 2024 IEP, and an annual October 7, 2025 IEP in effect during the relevant time period of this State Complaint. The student's Parent agreed with the components of both IEPs. (IEPs)

November 15, 2024 IEP

3. The student had four annual goals, one in written expression; two in mathematics; and one in social/emotional/behavioral. Relevant to the allegation in this State Complaint regarding the student's IEP services for written output, processing, and stress tolerance in effect on May 5, 2024, the student's November 15, 2024 IEP included an annual goal in written expression to increase the student's ability to write three to five paragraphs (using speech-to-text), maintaining the topic of the writing task with correct sentence structure, punctuation and spelling achieving a prescribed criterion; and a behavior/social/emotional annual goal for the student to increase the ability to self-advocate (with examples) and a prescribed criterion. The student was to be provided specially designed instruction in behavior/math and the following supplementary aids/services in the location of general education:
 - a. When the student is feeling frustrated, the student can have access to the special education teacher to work through the frustration or just take a needed break at the frequency of when the student requests it.
 - b. The student is permitted to wear noise cancelling headphones that the student brings to school at the frequency of when the student feels they are needed;
 - c. If there is a lot of group work happening teacher is to use FM system when giving instructions at the frequency of when instructions are required and the noise level is high;
 - d. On large assignments/assessments grade on work completed at the frequency of math/writing assignments;

⁴ The State Complaint Investigation Team noted that the numerous email correspondence reviewed in the course of this investigation between CCSD personnel and the Parent were courteous and that CCSD was responsive to the Parent's concerns and requests, including when contacted after hours, as late as 9:11 PM, and on the weekend. These after-hours email correspondences were often answered the same day.

⁵ The student received an early acceptance to a reportedly desirable out-of-state school for the 2026/2027 school year. The student's Parent thanked the principal for supporting the student as well as the special education facilitator and all of the student's teachers, saying it would not have happened if the student was at another school. (October 6, 2025 Email Correspondence)

- e. Provide the student with a copy of teacher's notes to supplement student's notes at the frequency of when note taking is required;
- f. Read aloud in class only when the student volunteers at the frequency of when student read alouds are required in class;
- g. Spelling errors will not impact grade at the frequency of when present in writing assignments;
- h. The student will have access to graphic organizers (bubble map, outline, Venn diagram etc.) at the frequency as needed for larger writing assignments/assessments;
- i. Give parents advance notice on upcoming lengthy and/or big at the frequency of prior to assigning lengthy projects/assignments;
- j. The student may choose to use speech to text during writing assignments/assessments at the frequency of completing writing assignments/assessments;
- k. The student may retake assessments after school, not during class, as to not miss new instructions at the frequency of when assessments need to be retaken;
- l. Alternative ways to show mastery, with an example on assessments, at the frequency of when larger assessments are given. (November 15, 2024 IEP)

October 7, 2025 IEP

- 4. The Parent's educational concerns for the student at the time of the development of the student's October 7, 2025 IEP were regarding the student's writing, group projects, and the student's anxiety within the classroom. The Parent expressed that writing is very difficult for the student and the student struggles a lot with timed writing assignments, organizing thoughts, and handwritten assignments. (IEP)
- 5. The student's October 7, 2025 IEP had four annual goals, one in written expression; two in mathematics, and one in social/emotional/behavioral. Relevant to this State Complaint are the written expression and social/emotional/behavioral goals:
 - a. Written Expression: By the annual review date, when given a grade-level writing prompt and access to speech-to-text technology, the student will produce a clear, organized written response that includes a central idea, supporting details, and a logical conclusion in four out of five opportunities, as measured by writing samples and a teacher-created rubric. The benchmarks/short-term objectives included reference to the student's use of speech-to-text and other accessibility tools.
 - b. Social/Emotional/Behavioral: By the annual review date, when faced with academic or environmental challenges, student will self-advocate by clarifying needs and requesting assistance or supplementary aid/services (e.g. asking for clarification, requesting use of tools or seeking a break) in four out of five opportunities as measured by teacher observation, self-monitoring checklists and behavior logs. One of the student's benchmarks/short-term objectives referenced accessing or requesting classroom supports with the example of calculator, multiplication chart, speech -to-text. (IEP)
- 6. Relevant to the allegations in this State Complaint in the 2025/2026 school year, the student's October 7, 2025 IEP provided specially designed instruction in behavior/math, no related service, and the following supplementary aids/services:
 - a. Due to the student's deficits in behavior, the student can have access to the special education teacher to work through frustration or take a break at the frequency of when the student requests it in the location of general education and resource room;
 - b. Due to health needs, teacher to be aware of student's medical alert and include the medical alert for all substitute teachers, emphasizing that the student is allowed to use the restroom

upon request at the frequency of services as needed in the location of general education and resource room;

- c. Due to student's deficits in the area of mathematics, the student can use a multiplication chart at the frequency of during math assignments/assessments in the location of the resource room;
- d. Due to student's deficits in the area of mathematics, the student can use a calculator at the frequency of during math assignments/assessments in the location of the resource room;
- e. Due to the student's deficits in the area of work completion, large assignments/ assessments are to be graded on work completed at the frequency of math/writing assignments in the location of general education and resource room;
- f. Due to the student's deficits in writing, the provision of a copy of teacher's notes to supplement the student's notes at the frequency of services when note taking is required in the location of general education;
- g. Due to the student's deficits in emotional skills, the student will be allowed to take short breaks during testing at the frequency of upon request in the location of general education and the resource room;
- h. Due to the student's deficits in emotional skills, only have the student read aloud in class when the student volunteers at the frequency of when student read alouds are required in class in the location of general education and the resource room;
- i. Due to the student's deficits in writing, spelling errors will not impact grade at the frequency of when present in writing assignments in the location of general education;
- j. Due to the student's deficits in writing, the student will have access to graphic organizers (bubble map, outline, Venn diagram etc.) at the frequency as needed for larger writing assignments/assessments in the location of general education;
- k. Due to student's deficits in emotional skills, give parents advance notice on upcoming lengthy and/or big at the frequency of prior to assigning lengthy projects/assignments in the location of general education;
- l. Due to the student's deficits in writing, the student may choose to use speech-to-text during writing assignments/assessments at the frequency of completing writing assignments/assessments in the location of general education;
- m. Due to the student's deficits in emotional skills, the student may retake assessments after school, not during class, as to not miss new instructions at the frequency of when assessments need to be retaken in the location of the general education and the resource room;
- n. Due to the student's deficits in emotional skills, allow alternative ways to show mastery, with an example on assessments, at the frequency of when larger assessments are given in the location of general education;
- o. Due to the student's deficits in writing, assignments may be copied and pasted from outlines and drafts into final writing assignments at the frequency of during writing and assessments in the location of services in general education. (October 7, 2025 IEP)

May 5, 2025 Event

- 7. The May 5, 2025 described event of an interview at school (during a removal from instruction) that took place over several class periods regarding an event that occurred in class. (Both CCSD and the Parent agree an interview did occur in that manner.) No documentation was provided in the course of the investigation regarding what transpired during the described interview, including to support that the student was required to complete or provide a written statement during an interview. The student's IEP does not have any supplementary aid/service or other provision regarding how an interview or conversation with the student must be conducted while at school. (May 5, 2025 Email Correspondence, Parent and CCSD Response, IEP, Review of the Record)

Schedule Change August 18, 2025

8. When school commenced in the first quarter of the 2025/20256 school year, the student's first-class period was history and geography in a specific classroom with a named teacher and the specially designed instruction of math was scheduled for the fourth period with a resource teacher and specific classroom. Commencing the following school week, on August 18, 2026, the student's schedule was changed with the student's specially designed instruction of math in the first period of the school day with the same teacher and same classroom and the student's history and geography class was changed to the fourth period with a different teacher and classroom. (Student Schedule, Email Correspondence)
9. The assessment results in the student's present levels of academic achievement and functional performance in the student's October 7, 2025 IEP in the area of social/emotional/behavioral, based on staff observations and Parent report, do not include any mention of the student's difficulties with transitions. The student does not have any service regarding transition support or notification to the student's Parent or the special education facilitator regarding a change in schedule or assigned classroom. (There is a service in the student's October 7, 2026 IEP requiring advance notice to the student's Parent on upcoming lengthy and/or big projects, prior to assigning the projects.) (IEP)
10. While the student's Parent alluded that the change of math classes directly involved the student's special education placement, the Parent did not allege that the change in the student's schedule on August 18, 2025 resulted in a change from the resource room to another type of educational program for the student's specially designed instruction of math. (State Complaint, Parent Response)

October 16, 2025 Event

11. The student's Parent raised concerns regarding the antisemitic conduct of other students with the school counselor and the special education instructional facilitator the evening of October 15, 2025 and the morning of October 16, 2025. The Parent's concerns were forwarded to administration by both the school counselor and the facilitator to prevent any conduct from continuing. In the morning of October 16, 2025, the Parent asked not to have the student pulled out of class or try to solve the antisemitism since it was not a fixable problem at the time. Later that same day, the assistant school principal did pull the student out of class to discuss the antisemitic peer conduct and school safety concerns. The student's IEP does not have any supplementary aid/service or other provision regarding how a discussion/conversation with the student must be conducted while at school. (October 15, 2025, October 16, 2025 Email Correspondence, CCSD and Parent Responses, IEP, Review of the Record)

October 21, 2025 Meeting

12. The meeting that took place on October 21, 2025 with the Parent and CCSD was a parent-teacher conference, not an IEP Team meeting and no changes to the student's IEP occurred. The meeting was scheduled after a number of email communications from the Parent to CCSD personnel in October 2025 regarding the Parent's concerns that included the student being pulled out of class; concerns about the student's English class and teacher; antisemitic remarks from other students; the student feeling unsafe; and a reading assignment/unit the Parent had objection to. (Parent Response, Invitation: Parent Conference October 21, 2025, Email Correspondence)

**School Week of October 27, 2025 – October 27, 2025 through October 30, 2025
(School Calendar)**

13. *Bathroom Access*: On October 31, 2025, the student's Parent contacted a teacher to inform the teacher of the student's medical condition and the supplementary aid/service that allows the student to use the bathroom whenever needed. The Parent initiated the contact because the student had used the bathroom twice during the teacher's class and the teacher said that since the student had used the bathroom twice this week the student would not be allowed to use the bathroom the next week. The student's teacher responded that same day and apologized and indicated the teacher had forgotten about that supplementary aid/service and thanked the Parent for the reminder. (October 31, 2025 Email Correspondence)
14. *Chromebook and Office 365*: The student's IEP Team determined that the student required assistive technology devices and services and the student does have assistive technology devices as supplementary aid/services such as speech-to-talk and a calculator. The student does not have a supplementary aid/service of an assistive technology device of a CCSD-provided computer or software. On November 8, 2025, the student's Parent notified CCSD of some issues the student was having using the old Chromebook provided by CCSD and requested a new Chromebook for the remainder of the class. CCSD responded with the hope that the student would be able to have a new one the next week and the Parent's accessibility concerns would be communicated to the computer science teachers and head of the department. (October 7, 2025 IEP, November 8, 2025 Email Correspondence)
15. *Computer Course Assignments*:
 - a. *Speech-to-text - Computer Course Assignments*: In response to this State Complaint, the student's Parent clarified that the computer course access issues arose at other points in the semester other than the week of October 27, 2025 and described how the typing assignments and manual-input demands in the computer course implicated the student's supplementary aid/services including speech-to-text, due to the student's dyslexia and disability-related reading/writing needs. Examples of a computer course typing lesson with manual input and a word-scramble assignment were provided in the Parent's response to this State Complaint. However, no documentation was provided during the course of the investigation that the speech-to-text supplementary aid/service, provided due to the student's deficits in writing, was denied if any typing assignment constituted a writing assignment in the student's computer course. (Parent Response, Review of the Record)
 - b. *The supports applicable to computer course assignments to address readability barriers*: On November 21, 2025, the student's Parent contacted the school principal and expressed concerns as to the basic accessibility of the student's computer class that included inaccessible technology and assignments and content incompatible with dyslexia and dyscalculia, and curriculum inflexibility. The email communication alluded to not following the student's IEP in assessment practices; the course curriculum; and a concern that typing-focused nature of many of the computer assignments "appears to contradict those supplementary aid/services." The student's IEP does not include an annual goal, specially designed instruction or a supplementary aid/service relating to the student's use of a computer or a computer course. (October 7, 2025 IEP, November 21, 2025 Email Correspondence, Review of the Record)

Prior to the commencement of the 2025/2026 school year, the special education instructional facilitator informed the student's Parent that the facilitator would speak with the computer teacher regarding the student's IEP to ensure the teacher understood the supplementary aid/services and, in addition, after school tutoring would be available to the student and the facilitator could work with the student on any assignments the student might be confused about. On December 11, 2025, a study guide was created for computers and the student was provided a hard copy of the guide and an electronic copy was sent to the student's Parent. (Confidential Status Record, August 7, 2025, December 11, 2025 Email Correspondence)

- c. *Test preparation, specifically the exclusion of assignments with multiple pages of word scrambles:* The above-referenced November 21, 2025 email correspondence from the student's Parent to CCSD included described difficulties the student was having completing complex, context free-free vocabulary- random words and number strings. (The student's Parent clarified in the Parent's response that the word-scramble test preparation occurred later in the semester.) The student's IEP does include several supplementary aid/services regarding assessments/testing, but the student does not have a supplementary aid/service on testing preparation or one that excludes multiple pages of word scrambles or like materials. No documentation was provided during the course of the investigation that CCSD violated any of the other student's supplementary aid/services that might be applicable to test preparation and/or word scrambles. (October 7, 2025 IEP, November 21, 2025 Email Correspondence, Review of the Record)

Communications Regarding Math Instruction

16. The method for reporting the student's progress toward meeting annual goals in the student's October 7, 2025 IEP was the method of quarterly specialized progress reports. CCSD provided the Parent the student's IEP Progress Reports dated October 10, 2025, December 19, 2025 and March 13, 2025. (The end of the fourth grading period was after the filing of this State Complaint and outside the scope of this State Complaint.) (Progress Reports, Email Correspondence, Confidential Status Record, State Complaint)
17. The student's Parent wanted to have information on what math instruction the student was receiving, the standards being taught, how grade-level access was supported; and how the school was preparing the student for future math instruction. The only supplementary aid/service in the student's IEP regarding communication with the student's Parent was the requirement to provide advance notice to the student's Parent on upcoming lengthy and/or big projects, prior to assigning the projects. (IEP, Parent Response)

SBAC

18. SBAC is a statewide assessment, a criterion-referenced test, that measures student progress in specific grades towards success in college and career that is aligned with the Nevada Academic Content Standards in ELA and mathematics. The SBAC is a computer-adaptive format and is an online administration of the assessments. (NDE Website)
19. The student's IEP Team determined that the student would participate in State Criterion-Referenced Test and required the supplementary aids/services of a multiplication chart and speech-to-text. Consistently, the supplementary aid/services of a multiplication table and speech-to-text were listed on the testing supplementary aid/services form for 2025/2026 school year attached to

the student's IEP. There was no distinction on the speech-to-text supplementary aid/service for the student between the use of a personal assistive technology device or an embedded speech-to-text supplementary aid/service. (2025-2026 IEP/504 Testing Supplementary aid/service Form, October 7, 2025 IEP)

20. "Supplementary aid/services are changes in procedures or materials that increase equitable access during the Smarter Balanced assessments." Students receiving supplementary aid/services are required to have the need for those supplementary aid/services documented in an IEP or 504 supplementary aid/service plan. Supplementary aid/services may be either embedded or non-embedded and SBAC includes speech-to-text, in both forms. The use of a scribe, an adult who writes down what a student dictates in a variety of ways, is also permitted in the administration of the SBAC, but is a different supplementary aid/service. (SBAC June 26, 2025, <https://portal.smarterbalanced.org/hubfs/usability-accessibility-and-supplementary-aid/services-guidelines.pdf>)
21. On March 24, 2026, the special education instructional facilitator⁶ assigned to the student's school notified the student's Parent that the student's speech-to-text supplementary aid/service would be implemented in the upcoming SBAC testing in April 2026 by the use of a scribe. The student would complete the assessment in a separate setting with a trained proctor. During the test the student would read the questions and independently and verbally provide the response. The proctor would act as a scribe entering the student's dictated answers exactly as stated. (March 24, 2026 Email Correspondence)
22. In an email to both the principal of the school and the special education instructional facilitator, the student's Parent questioned why the implementation of the student's supplementary aid/service was different than in prior SBAC assessments and informed CCSD that the scribe format was causing the student significant distress and was not a format in which the student feels safe or is able to participate. (March 25, 2026 Email Correspondence)
23. In response to the Parent's concerns, the special education instructional facilitator clarified that the specific procedures for SBAC supplementary aid/services, particularly for speech-to-text are established by the SBAC testing system and State guidelines. As a result, the format in which this supplementary aid/service is implemented is not a decision made by the school but one that the school was required to follow in order to remain in compliance with testing protocols. "While prior testing experiences may have varied, current administration procedures are aligned with SBAC guidance." It was CCSD's position that the utilization of a scribe did not constitute a change to the student's IEP. (March 25, 2026, March 26, 2026 Email Correspondence)
24. The student's Parent informed CCSD that she was opting the student out of SBAC testing. (March 27, 2026, April 10, 2026 Email Correspondence)

⁶ "The special education instructional facilitator is a position designed to address the duties and responsibilities that a large special education population creates within a school or group of schools. The role of the special education facilitator is to be an educational leader and advocate for students with disabilities within the school setting. He/she will actively support the assigned school(s) to ensure that a strong commitment to improving academic and social achievement of students with disabilities is evident. The special education facilitator collaborates with appropriate individuals so that the educational needs of students with disabilities are appropriately addressed and in compliance with Clark County School District/division procedures as well as applicable federal and state laws." (CCSD Website)

CONCLUSIONS OF LAW

Issue One:

Whether CCSD complied with IDEA and Chapter 388 of NRS/NAC in the implementation of the student's IEP(s) in effect in the 2025/2026 school year, specifically:

- a. On May 5, 2025, requiring the student to provide a written statement during an interview while at school (during a removal from instruction) without the student's applicable IEP services for written output, processing, and stress tolerance.
- b. Upon the change in the student's math and history schedule on August 18, 2025, the notice requirements to the student's Parent and special education facilitator and required transition support for schedule changes.
- c. On October 16, 2025, questioning the student during an interview while at school (during a removal from instruction) without the student's applicable IEP services for communication and wording context.
- d. If the student's specially designed instruction of English/ELA in the student's IEP was revised on October 21, 2025, whether CCSD implemented the specially designed instruction for the five weeks of instruction following the October 21, 2025 meeting.
- e. During the week of October 27, 2025, the supplementary aid/services of:
 1. The student's bathroom access;
 2. The use of speech-to-text instead of manual typing tasks for computer course assignments;
 3. The required technology and software for the student to complete coursework, specifically the CCSD-provided technology of a Chromebook and Office 365;
 4. The supports applicable to computer course assignments to address readability barriers; and
 5. Test preparation, specifically the exclusion of assignments with multiple pages of word scrambles.
- f. Communications with the student's Parent in the 2025/2026 school year to May 4, 2026 regarding the student's math instruction.
- g. The supplementary aid/service necessary to measure the academic achievement and functional performance of the student on the statewide assessment in April 2026, specifically regarding the student being required to dictate answers to a scribe for SBAC.

Pursuant to IDEA, 34 C.F.R. §§300.101, 300.201, a Free Appropriate Public Education must be available to a student with a disability residing in the State. The provision of a Free Appropriate Public Education to students with disabilities under IDEA and NAC, Chapter 388, necessitates that special education and related services and supplemental aids and services are provided in conformity with the IEP. 34 C.F.R. §§300.17(d), 300.101; NAC §388.281(6)(e); *Capistrano Unified Sch. Dist. v. Wartenberg*, 59 F.3d 884 (9th Cir. 1995)⁷; *Van Duyn v. Baker School Dist.*, 502 F. 3d 811 (9th Cir. 2007).

However, the converse is also true, if a student's IEP Team does not determine a student requires a specific specially designed instruction, related service or supplementary aid/service in order to provide a Free Appropriate Public Education and does not include it in the student's IEP, a local educational agency does

⁷The State of Nevada is in the United States Court of Appeals, Ninth Circuit.

not have an obligation under IDEA and NAC, Chapter 388, to provide it. If parents have an educational concern, the concern must be raised at an IEP Team meeting and a determination made by the student's IEP Team whether or not a particular special education service is necessary in order to provide the student a Free Appropriate Public education. 34 C.F.R. §300.320 et seq.; NAC §388.281 et seq.

Also relevant to this case, the Ninth Circuit Court of Appeals in *M.C. v. Antelope Valley Union High School District*, 858 F.3d 1189, 117 LRP 21748, (9th Cir. 2017) addressed the need for an accurate offer of services in a student's IEP as it impacted a parent's ability to enforce their child's IEP: "The IEP is a "formal, written offer [that] creates a clear record that will do much to eliminate troublesome factual disputes . . . about when placements were offered, what placements were offered, and what additional education assistance was offered to supplement a placement, if any." *Union Sch. Dist.*, 15 F.3d at 1526. "...Under the IDEA, parental participation doesn't end when the parent signs the IEP. Parents must be able to use the IEP to monitor and enforce the services that their child is to receive...."

Overview

The student had a November 15, 2024 IEP and an annual October 7, 2025 IEP in effect during the relevant time period of this State Complaint. The student's Parent agreed with the components of both IEPs. (Finding of Fact FOF) #1)

Both IEPs provided the student specially designed instruction in the area of behavior/math and four annual goals in the areas of written expression; mathematics; and social/emotional/behavioral. (FOFs #3, #4) At the time of the development of the October 7, 2025 IEP, the Parent's educational concerns for the student were regarding the student's writing, group projects, and the student's anxiety within the classroom. (FOF #4) The supplementary aids/services in the student's October 7, 2025 IEP, that applies to all but one of the allegations in Issue One, is particular descriptive of the student's deficits and the supplementary aid/service required to address those deficits in the areas of behavior; emotional skills; health; mathematics; work completion; writing; and emotional skills.

In this case, while the Parent is a strong advocate for her child's general and educational well-being, as discussed below, all but one of the allegations of CCSD's failure to implement the student's IEP are unfounded in that the student did not have a service that required what was desired. In accord with that, the basis of a number of the Parent's concerns are not reflected in the student's IEP as a concern, deficit or an area of need. (FOFs #3, #4, #5)

Issue One

Issue One(a): On May 5, 2025, requiring the student to provide a written statement during an interview while at school (during a removal from instruction) without the student's applicable IEP services for written output, processing, and stress tolerance.

The student's IEP in effect on May 5, 2025 did have supplementary aids/services regarding writing assignments, specifically related to when note taking is required; spelling errors; access to graphic organizers as needed for larger writing assignments/assessments; at the student's choice, the use of speech-to-text when completing writing assignments/assessments; and the ability to copy and paste into final writing assignments. The student's IEP also had supplementary aids/services regarding frustration, noise and reading aloud. (FOF #3) The student did not have any supplementary aid/service regarding how an interview or conversation with the student must be conducted while at school. (FOF #7)

No documentation was provided in the course of the investigation regarding what transpired during the described interview, including to support that the student was required to complete or provide a written statement during an interview. (FOF #7) Even if the student did write a statement during an interview, upon consideration of the student's writing and behavior/social/emotional annual goals and that the student's supplementary aid/services were to enable, in part, the student to advance appropriately toward attaining the annual goals, 34 C.F.R. §300.321(a)(4), the State Complaint Investigation Team determined that these supplementary aid/services would not have applied to the situation. Therefore, in the absence of special education, related services, or supplemental aids/services in the student's IEP regarding the conduct of an interview/conversation with the student, CCSD complied with IDEA and NAC, Chapter 388 during the interview on May 5, 2025.

Issue One(b): Upon the change in the student's math and history schedule on August 18, 2025, the notice requirements to the student's Parent and special education facilitator and required transition support for schedule changes.

The students' class schedule did change a week after the commencement of the 2025/2026 school year. The student's specially designed instruction of math in the location of the resource room was changed to a different period, but with the same teacher and in the same classroom. The student's general education class of history and geography class was changed to the fourth period with a different teacher and classroom. (FOF #8) However, the student's IEP in effect at the time did not include any mention of the student's difficulties regarding transitions and the student did not have any services regarding transition support or advance notification of a change in schedule or an assigned classroom or a similar situation. (FOF #9)

Importantly, the student's Parent also did not allege that the change in the student's schedule on August 18, 2025 resulted in a change from the resource room to another type of educational program for the student's specially designed instruction of math (FOF # 10), and it did not. As such, this schedule change did not constitute a change in the educational placement of the student from a resource program to another educational program that required the Parent's participation. *N.D. et al. v. State of Hawaii Department of Education*, 600 F.3d 1104; 54 IDELR 111 (9th Cir. 2010).

Therefore, in the absence of special education, related services, or supplemental aids/ services in the student's IEP regarding transition support or advance notification of a change in schedule or an assigned classroom, CCSD complied with IDEA and NAC, Chapter 388 in the administrative schedule change that occurred on August 18, 2025.

Issue One (c): On October 16, 2025, questioning the student during an interview while at school (during a removal from instruction) without the student's applicable IEP services for communication and wording context.

The student's Parent raised concerns with CCSD regarding antisemitic conduct of other students and, as a result, on October 16, 2025, two days after the Parent's first reported concern, the assistant school principal did pull the student out of class to discuss the reported antisemitic peer conduct and school safety concerns. As discussed regarding the conduct of an interview with the student in the prior school year, the student's IEP in effect on October 16, 2025 also did not have any supplementary aid/service regarding how a discussion/ conversation with the student must be conducted while at school. (FOF #10) Therefore, in the absence of special education, related services or supplemental aids/services in the student's IEP regarding a discussion/conversation with the student on concerns, CCSD complied with IDEA and NAC, Chapter 388 during the discussion of the conduct of other students and school safety concerns on October 16, 2025.

Issue One(d): If the student's specially designed instruction of English/ELA in the student's IEP was revised on October 21, 2025, whether CCSD implemented the specially designed instruction for the five weeks of instruction following the October 21, 2025 meeting.

The meeting that took place on October 21, 2025 with the Parent and CCSD was a parent-teacher conference, not an IEP Team meeting and no changes to the student's IEP occurred. (FOF #12) The State Complaint Investigation Team also noted that while the student has an annual goal in written expression and applicable supplementary aids/services, the student does not have specially designed instruction in the area of English and/or writing, only behavior/math. (FOFs #5, #6) Therefore, in the absence of the condition in this Issue that the student's IEP was revised on October 21, 2025, it is not necessary to investigate the implementation of the student's specially designed instruction of English/ELA following the October 21, 2025 parent-teacher conference.

Issue One (e): During the week of October 27, 2025, the supplementary aid/services of:

1. The student's bathroom access.

The student had a supplementary aid/service in the IEP in effect during the week of October 27, 2025 regarding the student's health needs and that, as a result, the student was allowed to use the restroom upon request. (FOF #6) Based on a statement of a teacher on October 31, 2025 regarding the student's restricted use of the restroom the following school week, the student's Parent contacted the teacher of the student and reminded the teacher of the student's medical condition and the student's supplementary aid/service that allowed the student to use the bathroom whenever needed. The student's teacher apologized and indicated the teacher that forgotten about that supplementary aid/service and thanked the Parent for the reminder. (FOF #12)

The State Complaint process is limited to alleged violations that have occurred in the past. 34 C.F.R. §300.153(b)(1); NAC §388.318. On the face of the State Complaint, the allegation of the failure to implement the student's IEP with regard to bathroom access was of a violation that had occurred. However, in the course of the investigation, it became clear that the allegation was based on an anticipatory violation that was resolved and did not occur. Therefore, in the absence of the occurrence of a violation, CCSD complied with IDEA and NAC, Chapter 388 CCSD's implementation of the supplementary aid/service in the student's IEP of bathroom access.⁸

2. The use of speech-to-text instead of manual typing tasks for computer course assignments.

The Parent's educational concerns for the student at the time of the development of the student's October 7, 2025 IEP were that writing was very difficult for the student and the student struggled a lot with timed writing assignments, organizing thoughts and handwritten assignments. (FOF #4) In the IEP in effect during the week of October 27, 2025, the student had an annual goal in written expression that when given a grade-level writing prompt and access to speech-to-text technology, the student would produce a clear, organized written response that included a central idea, supporting details, and a logical conclusion, as measured by writing samples and a teacher-created rubric. (FOF #5) To enable the student to advance appropriately toward attaining the annual goals of written expression, the student had a supplementary aid/service that

⁸Despite having forgotten, the involved teacher was aware of student's medical alert and there was no allegation in this State Complaint that the student's IEP was not accessible to the involved teacher or that the teacher was not informed of the teacher's responsibilities related to implementing the student's IEP. 34 C.F.R. § 300.323(d).

permitted the student to choose to use speech-to-text during writing assignments/assessments at the frequency of completing writing assignments/assessments. (FOF #6)

As described by the student's Parent, the computer course, by its very nature involved manual typing assignments and manual-input. Even if, contrarily, any typing assignment in the student's computer course also constituted a writing assignment involving written expression that required the student to produce a clear, organized written response, no documentation was provided during the course of the investigation that the speech-to-text supplementary aid/service was denied, if the student chose to use it. (FOF #15(a)) Therefore, in the absence of special education, related services or supplemental aid/service in the student's IEP regarding the use of speech-to-text on manual typing assignments/computer input, CCSD complied with IDEA and NAC, Chapter 388 in that the student was not denied the supplementary aid/service of speech-to-text in the student's computer course.

3. The required technology and software for the student to complete coursework, specifically the CCSD-provided technology of a Chromebook and Office 365.

Pursuant to IDEA, 34 C.F.R. §300.105, each public agency must ensure that assistive technology devices or assistive technology services are made available to a student with a disability if required as a part of the student's special education; related services; or supplementary aid/service. Accordingly, NAC §388.284(1)(d) requires a student's IEP to have a statement of the assistive technology devices and services necessary for the student to be able to receive a Free Appropriate Public Education.

In this case, the student did require assistive technology devices and the student's October 7, 2025 IEP had assistive technology devices as supplementary aid/services, such as speech-to-talk and a calculator. However, the student did not have a supplementary aid/service of an assistive technology device of a CCSD-provided computer or software. (FOFs #6, #14) Therefore, in the absence of special education, related services or supplemental aid/service in the student's IEP regarding the use of CCSD-provided technology of a Chromebook and Office 365, CCSD complied with IDEA and NAC, Chapter 388, in that the student was not denied the provision of the technology of a computer or software.

4. The supports applicable to computer course assignments to address readability barriers.

The student's IEP in effect during the week of October 27, 2025 provided the student specially designed instruction in the area of behavior/math and annual goals. (FOF #6) On November 21, 2025, the student's Parent contacted the school principal and expressed concerns as to the basic accessibility of the student's computer class that included inaccessible assignments and content incompatible with dyslexia and dyscalculia, and curriculum inflexibility. As previously discussed, the computer course, by its very nature involved manual typing assignments and manual-input. (FOF # 15(a)) While the Parent was concerned regarding the typing-focused nature of the computer class, the student's IEP does not include an annual goal, specially designed instruction or a supplementary aid/service regarding the student's use of a computer or a computer course. (FOFs #6, #15(b)) Therefore, in the absence of special education, related services or supplemental aid/service in the student's IEP to address supports in the use of a computer or in a computer course, CCSD complied with IDEA and NAC, Chapter 388, in that the student was not denied any such support.

5. Test preparation, specifically the exclusion of assignments with multiple pages of word scrambles.

The above-referenced November 21, 2025 email correspondence from the student's Parent to CCSD included difficulties the student was having completing complex, context free-free vocabulary-random words and number strings. The student's IEP in effect during the week of October 27, 2025 did include

several supplementary aids/services regarding assessments/testing, but the student does not have a supplementary aid/service on preparation for tests. Similarly, the student's supplementary aids/services did include several services regarding large assignments as to work completion, graphic organizers and assessments, but no service that excluded the student from assignments of multiple pages or word scrambles or like assignments. (FOF #15(d)) Therefore, in the absence of special education, related services or supplemental aid/service in the student's IEP to address test preparation or the exclusion of the student from assignments, CCSD complied with IDEA and NAC, Chapter 388, in that the student was not denied any such support.

Issue One(f): Communications with the student's Parent in the 2025/2026 school year to May 4, 2026 regarding the student's math instruction.

The student's Parent wanted to have information on what math instruction the student was receiving in the 2025/2026 school year, the standards being taught, how grade-level access was supported; and how the school was preparing the student for future math instruction. (FOF #17) The student did receive the specially designed instruction of math in the 2025/2026 school year and the student's October 7, 2025 IEP included two annual goals in mathematics. The method for reporting the student's progress toward meeting annual goals in the student's IEP, including the mathematics goals, was by quarterly specialized progress reports. (FOF #5) Up to the date of this State Complaint, CCSD provided the Parent the student's required IEP Progress Reports dated October 10, 2025, December 19, 2025 and March 13, 2025. (FOF #16)

While the Parent would have liked to have had more information regarding the student's participation in mathematics, the only service in the student's IEP regarding communication with the student's Parent was the requirement in the student's supplementary aids/services to provide advance notice to the student's Parent on upcoming lengthy and/or big projects, prior to assigning the projects. (FOF #17) Therefore, in the absence of special education, related services or supplemental aid/service in the student's IEP to address communications on mathematics outside the quarterly progress reports, CCSD complied with IDEA and NAC, Chapter 388 in that the student was not denied any such support.

Issue One(g): The supplementary aid/service necessary to measure the academic achievement and functional performance of the student on the statewide assessment in April 2026, specifically regarding the student being required to dictate answers to a scribe for SBAC.

Pursuant to IDEA, 34 C.F.R. §300.320(a)(6)(i); and NAC §388.284(1)(i), a student's IEP must include a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the student on State and districtwide assessments. The assessment at issue in this case is the SBAC, a criterion-referenced statewide assessment, that measures student progress in specific grades towards success in college and career and are aligned with the Nevada Academic Content Standards in ELA and mathematics. (FOF #18) The student's IEP Team determined that the student would participate in the State Criterion-Referenced Test and required the supplementary aids/services of a multiplication chart and speech-to-text. Consistently, the supplementary aids/services of a multiplication table and speech-to-text were listed on the supplementary aid/services testing form for the 2025/2026 school year attached to the student's IEP. (FOF #19)

Notwithstanding the permissibility of the use of speech-to-text to take the SBAC, so long as the need for the supplementary aid/service was documented in an IEP student's IEP, CCSD denied the student the use of speech-to-text and opted to offer the student only the service of a scribe in the administration of the SBAC. A scribe is recognized by SBAC as a different accommodation from speech-to-text. (FOFs #20, #21) The rationale for the denial was that, regardless of the provision of speech-to-text on prior administration of the SBAC, the use of a scribe rather than the student's speech-to-text supplementary

aid/service was not a decision made by the school but one that the school was required to follow in order to remain in compliance with testing protocols. (FOFs #22, #23) Upon the denial of the student's supplementary aid/service of speech-to-text to participate in the SBAC, the student's Parent opted the student out of SBAC testing. (FOF #24)

Therefore, CCSD failed to comply with IDEA and Chapter 388 of NRS/NAC in the implementation of the student's IEP in effect in the 2025/2026 school year, specifically denying the student the supplementary aid/service in the student's IEP of speech-to-text to take the SBAC and offering an alternative service that required the student to dictate answers to a scribe⁹.

Issue Two:

If the October 21, 2025 with the student's Parent was a meeting to review/revise the student's specially designed instruction of English/ELA in the student's IEP or to change the anticipated location of those services in the IEP, whether CCSD complied with the requirements of IDEA and NAC, Chapter 388, specifically whether the student's special education teacher was an IEP Team participant in the October 21, 2025 meeting.

Relevant to this State Complaint, pursuant to IDEA, 34 C.F.R. §300.321(a)(3), and NAC §388.381(2)(c) not less than one special education teacher of the student, or where appropriate, not less than one special education provider of the student must be a participant in an IEP Team meeting for a student. However, as previously discussed, the meeting that took place on October 21, 2025 with the Parent and CCSD was a parent-teacher conference, not an IEP Team meeting to review/revise the student's specially designed instruction in the student's IEP or to change the anticipated location of English/ELA services in the IEP, and no changes to the student's IEP occurred. (FOF #12) Therefore, in the absence of the condition in this Issue that the meeting on October 21, 2025 was an IEP Team meeting, CCSD complied with IDEA and NAC, Chapter 388 in that the student's special education teacher was not a required participant in the October 21, 2025 parent-teacher conference.

ORDER OF CORRECTIVE ACTION

CCSD is required to take corrective action to address the violation found in this State Complaint investigation. In accordance with IDEA, 34 C.F.R. §300.151(b), in resolving a State Complaint in which the State Education Agency has found a failure to provide appropriate services, the agency, pursuant to its general supervisory authority under IDEA Part B must address: (1) the failure to provide appropriate services, including corrective action appropriate to address the needs of the child (such as compensatory services or monetary reimbursement); and (2) appropriate future provision of services for all children with disabilities. In this case, both a student-specific and a systemic remedy is required.

In this case, the State Complaint Investigation Team determined that a student-specific remedy was not required to provide the educational benefits that likely would have accrued to the student from special education services if they had been supplied in the first place, given the SBAC has already been

⁹ The fact that the student did not take the SBAC without the required supplementary aid/service of speech-to-text does not impact this conclusion. CCSD denied the required service in advance of the test.

administered, the 2025/2026 school year is over, and the student is not returning to CCSD in the 2026/2027 school year. (Footnote Five) *Parents of Student W. ex rel. Student W. v. Puyallup School Dist.* No. 3, 31 F.3d 1489, 21 IDELR 723 (9th Cir. 1994). However, a systemic remedy is required to ensure appropriate future provision of services for all students with disabilities.

The Order of Corrective Action describes the specific actions that must be taken by CCSD to remedy the determined noncompliance regarding the denial of the supplementary aid/service of speech-to-text in the administration of SBAC, including the timeline pre-approved by NDE for compliance with IDEA and Chapter 388 of NRS/NAC. NRS §385.175(6). All ordered actions must be completed on or before the specified timeline. Both the Parent's and CCSD's proposed resolution for determined noncompliance were considered in the determination of the appropriate Order. (Relative to the administration of the SBAC, the Parent's proposed resolution included requiring CCSD to provide a timely, individualized review of statewide testing accommodations for students with IEPs before testing begins and training or technical assistance to staff regarding individualized testing accommodations, communication related-disabilities, speech-to-text, scribe use, and parent participation for students with IEPs.)

In accordance with NRS §385.175(6), NDE also requests a plan of corrective action (CAP) from CCSD on CCSD's plan to implement the ordered actions below, including the timeline. In order to expedite the effective implementation of a final State Complaint decision pursuant to IDEA, 34 C.F.R. §300.152(b)(2), and NAC §388.318(7), NDE has discontinued the former CAP approval process. However, NDE's monitoring of CCSD's implementation of the Order of Corrective Action will include consideration of the agency's CAP, if submitted, since, notwithstanding the specificity of the enforceable Order, the manner by which a public agency elects to implement the Order may vary from one agency to the other.

Systemic Remedy

It is of particular concern in this case, that the misinformation that caused CCSD to violate both IDEA and NRS/NAC, Chapter 388, in the administration of the SBAC was provided by an individual whose professional role included the responsibility to ensure that the educational needs of students with disabilities are appropriately addressed in compliance with CCSD procedures as well as applicable federal and state laws. (Footnote 5)

1. Therefore, no later than January 15, 2027¹⁰, CCSD must conduct a training(s) to include the following participants employed by CCSD in the 2026/2027: the special education instructional facilitators (SEIF); principals; and individuals responsible for the administration of the SBAC and other statewide assessments at the district level. The training must be conducted by an individual(s) knowledgeable about the SBAC usability, accessibility and accommodation guidelines and the requirements of IDEA, 34 C.F.R. §300.320(a)(6)(i), and NAC §388.284(1)(i), on the statement in students' IEPs of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the student on State and districtwide assessments.

The training may be provided in the manner determined appropriate by CCSD.

2. The training must include:
 - A summary of the finding of noncompliance in this State Complaint;
 - The requirements of IDEA, 34 C.F.R. §300.320(a)(6)(i), and NAC §388.284(1)(i), on the statement in students' IEPs of any individual appropriate accommodations that are necessary

¹⁰ This timeline was determined based on Nevada state assessments that follow a standardized timeline based on grade level and program. (NDE Website)

to measure the academic achievement and functional performance of the student on State and districtwide assessments.

- The implementation of these requirements consistent with the law, that may include the CCSD procedures as set forth in the CCSD's Special Education Procedures Manual. The training must include a requirement that each school conduct a review of students' IEPs sufficiently in advance of the administration of each statewide assessment to ensure individual testing accommodations necessary to measure the academic achievement and functional performance of the student on statewide assessments will be available before testing begin.
- Permissible accommodations to take the SBAC as set forth in the SBAC usability, accessibility and accommodation guidelines, including the distinction between speech-to-talk and the use of a scribe.

The documentation of the conduct of the training must be provided to NDE no later than 10 business days after the conduct of the training and include the agenda for the training; the names and qualifications of the trainer(s), verification of the attendance of the required attendees; and CCSD's determination of the attendees' satisfactory completion of the training.