

**CLARK COUNTY SCHOOL DISTRICT
COMPLAINT INVESTIGATION
(#CL070124)**

Report Issued on August 29, 2024

INTRODUCTION

On July 1, 2024, the Nevada Superintendent of Public Instruction received a Complaint from the Parents¹ of a named adult² student alleging a violation by Clark County School District (CCSD) of the Individuals with Disabilities Education Act (IDEA) law and regulations, 20 U.S.C. §1400 et seq., 34 C.F.R. Part 300, and Chapter 388 of the Nevada Revised Statutes (NRS) and the Nevada Administrative Code (NAC).

The allegations in the State Complaint were that CCSD violated NAC §§388.281 and 388.284 by failing to provide the student mandatory special education transition services and the required content of transition services and goals in the student's Individualized Education Program (IEP) since ninth grade. In addition, the State Complaint alleged that CCSD failed to provide the minimum one-year notice required by NAC §388.197 regarding the age of majority and filing an application.

The Parents' proposed resolution to address these allegations included a remedy for the student to be provided with an educational trust fund to continue postsecondary education at the college level in the desired major field of study and to pay for transition services and training; compensation for the Parents for missed work and time spent; and school-specific remedies including training and investigation of school personnel and discipline.

A State Complaint must include a violation that occurred no more than one year prior to the date of receipt. 34 C.F.R. §300.153; NAC §388.318(1)(b). The United States Department of Education explained the purpose of this provision in the IDEA regulations: "Limiting a complaint to a violation that occurred not more than one year prior to the date that the complaint is received will help ensure that problems are raised and addressed promptly so that children receive FAPE. We believe longer time limits are not generally effective and beneficial to the child because the issues in a State complaint become so stale that they are unlikely to be resolved." *Discussion of IDEA regulations*, 71 Fed. Reg., 46606. (August 14, 2006). Therefore, the student's Parents were notified that the allegations of violations that occurred prior to the time period of one year were not accepted for investigation.

In addition to the statement of believed violations in the State Complaint, the State Complaint included numerous statements of concerns in the description of the facts on which the statement of alleged violations was based. Given these concerns were not included as allegations of noncompliance, NDE notified the student's Parents that the statements of concerns would not be investigated as part of the State Complaint. However, the Parents were encouraged to attempt to resolve these concerns with CCSD and notified of alternative ways to address the stated concern regarding the bullying of the student.

¹ While both Parents filed this State Complaint, occasionally only one Parent participated in the events relevant to this State Complaint, the term "Parents" will be used throughout this Report.

² NDE was provided the approved application for the student's Parents to represent the educational interests of the special education student at the age of majority. (Notice of Application to Represent the Educational Interests of a Special Education Student at the Age of Majority)

The allegations in the State Complaint that are under the jurisdiction of NDE to investigate through the special education complaint process raise the following issues for investigation from July 1, 2023 through June 28, 2024, the date of the State Complaint:

Issue One:

Whether CCSD complied with IDEA and NAC to include postsecondary goals and transition services in the student’s IEP(s) and, if included, to implement the transition services.

Issue Two:

Whether CCSD complied with NAC §388.197 to, not less than one year before the date on which the student attained the age of 18 years, provide the student’s Parents notice of the procedure by which the Parents may submit an application to represent the educational interests of the student.

In the July 8, 2024 correspondence from NDE regarding the issues in this State Complaint, CCSD was notified that if CCSD 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 provided documentation that factually supported the denial; and that a failure to do so by July 25, 2024, or an extended timeline authorized by NDE, would be considered a concession of noncompliance for purposes of the State Complaint. CCSD did timely provide a response, prior to July 25, 2024; denied the alleged noncompliance in Issue One and ‘acknowledged’ the allegation in Issue Two; and provided the statement of the factual basis for the denial and referenced documents. While CCSD ultimately denied both allegations in the State Complaint, CCSD proposed a resolution in the event NDE determined an alleged violation occurred.

The State Complaint, CCSD’s response, including all documents submitted, were reviewed in their entirety in this investigation. The Findings of Fact cite the source(s) of the information determined necessary to resolve the issue in this Complaint.

FINDINGS OF FACT

General

1. The student is a student with a disability who was enrolled in CCSD in the 2022/2023 and 2023/2024 school years. The student graduated from CCSD on May 20, 2024 with a standard diploma after completing the course of study. (State Complaint, CCSD Response, Student Period Attendance Detail, Student High School Transcript, Student Enrollment History)
2. The 2022/2023 school year ended on May 22, 2023 and the first day for students in the 2023/2024 school year was August 7, 2023. Student Enrollment History, CCSD School Calendar for Students)

IEPs

3. During the relevant time period of this State Complaint, the student had a May 8, 2023 IEP in effect that revised the student’s annual March 10, 2023 IEP.³ The student did not require extended school

³ The student’s March 10, 2023 annual IEP and May 8, 2023 revision IEP had an anticipated duration of March 9, 2024 and the student’s special education services had an ending date of March 9, 2024. This State Complaint did not include an allegation that CCSD failed to comply with the requirement to review the student’s IEP periodically, but not less than annually, to determine whether the annual goals for the student were being achieved. 34 C.F.R.

year services for the 2022/2023 school year. The student also had a May 17, 2024 exit/graduation IEP. The student's Parents agreed with the components of both IEPs. (May 8, 2023 and May 17, 2024 IEPs)

Transition Services

4. At the time of the development of the student's May 8, 2023 IEP, when given choices of what the student wanted for the future after finishing high school (student's vision), the student did not express any school or job possibilities. (March 10, 2023 and May 8, 2023 IEPs)
5. The student's May 8, 2023 IEP provided the following transition postsecondary goals:
 - a. Training/education: After high school, the student will receive training in the areas of interest.
 - b. Employment: After high school the student will seek competitive employment in a paid position.
 - c. Independent living skills: After high school, the student will develop self-advocacy skills when out in the community with support. (May 8, 2023 IEPs)
6. The student's May 8, 2023 IEP provided the following statement of the coordinated activities of transition services to be provided the student:
 - a. In the area of instruction: CCSD will provide the student specially designed instruction in the areas of reading, written expression, math, prevocational skills, behavior skills and social skills development.
 - b. Related services: The student will receive occupational therapy and transportation services, curb-to-curb.
 - c. In the area of community experiences⁴: CCSD will provide the student the opportunity for the student to attend college and career fairs virtually and/or on school campus.

§300.324(b)(1)(i); NAC §388.281(6)(a). While outside of the scope of this investigation, given the identification of this incidence of noncompliance in the course of this State Complaint investigation, the State Complaint Investigation Team considered whether this information should be considered as part of NDE's general supervision system to determine if a pattern of noncompliance is determined. 20 U.S.C. §§1412(a)(11), 1435(a)(10); 34 C.F.R. §§ 300.149. In this case, it was determined that CCSD commenced scheduling the student's annual IEP in January 2024 and the student's IEP Team, including the student's Parents both attended the IEP Team meeting on January 11, 2024 and January 19, 2024 to develop the student's IEP. At that time, the Parents requested additional time to continue reviewing the IEP and informed CCSD the Parents would contact CCSD when they were ready to schedule the next IEP Team meeting. Hearing nothing, CCSD contacted the Parents on January 29, 2024; February 14, 2024; and March 1 and 20, 2024 asking whether the Parents were ready to reconvene the annual IEP meeting. On March 20, 2024 the student's Parents indicated they would email some dates of availability. CCSD contacted the student's Parents again on April 2, 2024 regarding the reconvening of the annual IEP Team meeting and to separately schedule the exit IEP Team meeting. (Confidential Status Record, Email Communications, State Complaint #CL041724)

While the delay in this case was to ensure parental participation, given the same violation occurred recently in State Complaint #CL041724, this information will be considered as part of NDE's general supervision system in the review of the data collected during NDE's last monitoring of CCSD and will be addressed by NDE outside this State Complaint process if a pattern of noncompliance is determined. 20 U.S.C. §§ 1412(a)(11) and 1435(a)(10); 34 C.F.R. §§ 300.149. See also "Questions and Answers on Monitoring, Technical Assistance, and Enforcement, 123 LRP 22123 (OSEP QA 23-01, July 24, 2023. This memorandum is publicly available at: <https://sites.ed.gov/idea/idea-files/guidance-on-state-general-supervision-responsibilities-under-parts-b-and-c-of-the-idea-july-24-2023/> .

⁴ In the areas of community experiences and employment and other post-school adult living objectives, the student's May 8, 2023 IEP did not include any specific dates by which the designated transition services needed to occur. (May 8, 2023 IEP)

- d. In the area of employment and other post-school adult living objectives: CCSD will provide the student with access to the College and Career Center and opportunities to discuss postsecondary goals with the transition specialist as the student advances throughout high school. (The student's high school had a College and Career Center in the counseling department. The main areas of focus in the College and Career Center are career exploration, work experience, college preparation, college visits and scholarship assistance.)
 - e. No services were designated in the area of acquisition of daily living skills and functional vocational evaluation, if appropriate. (May 8, 2023 IEP, High School Website)
7. The student's May 8, 2023 IEP provided annual goals in the areas of reading; written language; math; social/communication skills; study/organizational skills; and behavioral skills. All of the student's annual goals supported the student's postsecondary goals in all three areas of training/education; employment; and independent living skills. (May 8, 2023 IEP)
8. The student's May 8, 2023 IEP provided specially designed instruction in reading; written language; math; reading in the content area of social studies; reading in the content area of science; behavioral/social communication (social living); and study skills. The IEP also included the related service of occupational therapy, consult for 30 minutes a year in the location of the school campus and direct transportation, curb to curb. (May 8, 2023 IEP)
9. Commencing September 4, 2023, and periodically thereafter, CCSD notified parents of students involved in transition services, including the student's Parents, of the school's transition program/services and opportunities. (September 4, 2023 Email Communication, Review of Record)
10. On September 5, 2023, the student's case manager requested a meeting with the transition specialist regarding next steps for the student and, on September 22, 2023, submitted a transition services request for the student. (Confidential Status Record)
11. CCSD scheduled a meeting with the student's Parents on October 10, 2023 to discuss transition with the participation of the CCSD transition specialist. The student's Parents cancelled the day of the meeting and CCSD attempted to reschedule that same day and again on October 19, 2023 and the student's Parents requested a call back. CCSD called the Parents on October 23, 2023 and the Parents voiced transition concerns. CCSD encouraged the Parents to meet with the transition specialist and case manager, but the Parents responded that they were in the process of getting more information elsewhere and that they would let CCSD know once they had received all of the information they were seeking elsewhere. On October 26, 2023, the student's Parents indicated they remained unsure what to do about transition planning and were trying to gather their thoughts on what needed to happen or what they wanted from CCSD. The Parents asked for more time before trying to set up any conference or meeting regarding transition planning. (Confidential Status Record, Email Communications)
12. In the area of employment, on October 10, 2023 CCSD provided the student's Parents access to applications for regional center and vocational rehabilitation services for the student to receive optional resources to assist with transition from high school. There is also documentation of the involvement of the school counselor in the discussion of the student's transition services. (Transition Status Log, Confidential Status Record, Email Communications)
13. On October 30, 2023 the CCSD transition specialist spoke with the student's Parents regarding transition services. That same day, the transition specialist emailed the student's Parents and

provided a link to the CCSD transition department to obtain additional information and a link to a request for transition services and asked the Parents to reach out when they had time to discuss options. The transition specialist followed up three days later with resources of the transition website, a vocational rehabilitation video and, again a link to the vocational rehabilitation application. (Confidential Status Record, Email Communications)

14. On November 18, 2023, the student's Parents informed CCSD that their transition plan for the student was to actively seek colleges that provided lots of support for students with disabilities and had a specific sports team. CCSD responded that the student's counselor was copied on the information to ensure the student was taking the required health class to support that plan. Additional communication took place in CCSD to ensure the student would have the required health class and participate in the required testing.⁵ (Email Communications)
15. In December 2023, CCSD offered to conduct additional transition assessments and on December 7, 2023, the student's Parents requested that the student not have any additional transition testing done and that the Parents were considering a focus on the State University. CCSD recommended vocational rehabilitation again and explained how the agency could assist them. (Transition Status Log, Email Communications)
16. On January 9, 2024, the student's Parents contacted the transition specialist and stated that they were declining all transition support and did not want any further communication regarding any of the programs or services. (Confidential Status Record)
17. At the January 11, 2024 IEP Team meeting, the Parents were asked if they wished to pursue transition services for the student or not. The student's Parent stated that efforts to begin transition services were regrettably far too late at this stage of the student's education and they would be moving forward with the standard/advanced diploma route and their own transition planning. At the January 19, 2024 IEP Team meeting, the Parents also expressed concerns about future costs of their transition planning since they felt the student did not receive them on the appropriate timeline. (Confidential Status Record)
18. Before the end of the 2023/2024 school year, the student's Parents, along with other families were informed of an open house for a regional college with activities that included meeting with faculty and advisors; learning about financial aid and scholarship opportunities; and touring the facility. Similarly, the student's Parents were also informed of a number of other post-secondary opportunities that included:
 - a. A summer camp for pre-employment transition services.
 - b. A four-week program at TESLA in advanced manufacturing and career at TESLA.
 - c. An opportunity to explore careers in hospitality and tourism.
 - d. A university residential summer camp.
 - e. Earning summer credit through work-based learning.

⁵ Consistently, at the time of the January 2024 IEP Team meetings to develop the student's annual IEP, the student's vision for the future was to pursue a career as a teacher and within the United States Army. However, this IEP was never completed. (See footnote number 3.)

- f. A community-based instruction field trip that included work-related skills. (Email Communications)
19. After the student had an unsatisfactory interview at the university the student intended to attend prior to graduation, the student's Parents contacted CCSD regarding the interview and indicated that the student had to go into the meeting without the "training that was supposed to be a part of the transition services that were not provided" and without the "resume development and other benefits that transition was supposed to provide." The student's Parents indicated in that same communication that they may want additional assistance from CCSD, including for other college applications. CCSD responded that same day asking how the school could help to support the student as the Parents planned the next steps for postsecondary education. (May 6, 2024 E-mail Communications)
20. Thereafter, CCSD sent the student's Parents and other Parents information on dental assistance school and other opportunities. (May 14, 2023 Email Communications)

Transfer of rights

21. The student turned 18 years of age during the 2023/2024 school year. It is uncontested that the student was a student with a significant cognitive impairment who participated in the alternate assessment a year prior to the student's 18th birthday. The student's May 8, 2023 IEP indicated that the provision requiring the student to be informed of their rights under IDEA and advised the rights would transfer to the student at age 18 was not applicable. (State Complaint, Response, May 8, 2023 IEP)
22. One month prior to the student turning 18 years of age, the Parents came to the student's school in person and requested access to the student's confidential folder and transfer of rights. (Confidential Status Record)
23. Upon receiving the Parents' request, the student's school confirmed that there was neither documentation that a transfer of rights letter had been provided to the Parents nor that the student was informed of the transfer of rights at the annual IEP meeting. After consulting with CCSD administration, the school provided a written transfer of rights notice to the Parents (also addressed to the student); notified the Parents orally of the application process to represent the student's educational interests at the age of majority; and provided the Parents a copy of the application. (Confidential Status Record, CCSD Notice of Transfer of Rights)
24. While at the school, or immediately thereafter, the student's Parents completed the provided application to represent the student's educational interests upon reaching the age of majority and it was approved by CCSD. (Notice of Application to Represent the Educational Interests of a Special Education Student at the Age of Majority, Confidential Status Record)

CONCLUSIONS OF LAW

Issue One:

Whether CCSD complied with IDEA and NAC to include postsecondary goals and transition services in the student's IEP(s) and, if included, to implement the transition services.

In accordance with IDEA, 34 C.F.R. §300.320(b), and NAC §388.284(1)(f), pertinent to this student, beginning not later than the first IEP to be in effect when the student turns 16, or younger if determined appropriate by the IEP Team, and updated annually, the student's IEP was required to include appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and the transition services (including courses of study) needed to assist the child in reaching those goals.

Transition services may be special education, if provided as specially designed instruction, or a related service, if required to assist a student with a disability to benefit from special education. NAC §388.133; 34 C.F.R. §300.43(b). During the relevant time period of this State Complaint, the student had a May 8, 2023 IEP in effect that revised the student's annual March 10, 2023 IEP. (The student's Parents agreed with the May 8, 2023 IEP. (Finding of Fact (FOF) #3)

Postsecondary Goals and Transition Services

As discussed above, the student's May 8, 2023 IEP was required to include postsecondary goals related to training, education, employment, and, where appropriate, independent living skills and the transition services to assist the student to reach those goals. 34 C.F.R. §300.320(b); NAC §388.284(1)(f). Contrary to the allegation in this State Complaint, the student's May 8, 2023 provided transition postsecondary goals in each of the required areas and the transition services the student's IEP Team, including the Parents, determined were needed to reach those goals. (FOFs #5, #6, #8) All of the annual goals in the student's May 8, 2023 IEP supported the student's postsecondary goals in the three areas of training education; employment; and independent living skills. (FOF #7)

Implementation of Transition Services

The requirements of the provision of a Free Appropriate Public Education to students with disabilities under IDEA and NAC, Chapter 388, necessitate that special education and related services and supplemental aids and services be made available, and be provided, to a student with a disability in conformity with an IEP. 34 C.F.R. §§300.17(d), 300.101, 300.323(c); NAC §388.281(6)(e); *Capistrano Unified Sch. Dist. v. Wartenberg*, 59 F.3d 884 (9th Cir. 1995); *Van Duyn v. Baker School Dist.*, 502 F. 3d 811 (9th Cir. 2007).⁶ Pertinent to this State Complaint, transition services needed to assist the student in meeting the student's postsecondary goals must also have been carried out in accordance with the provisions of the student's IEP. NAC §388.133; 34 C.F.R. §§300.43, 300.320(b).

In this case, the student's IEP Team determined the student required the specially designed instruction of transition services in the areas of reading, written expressions, math, prevocational skills, and behavior skills development and the related services of occupational therapy and transportation services. In the area of community experiences, the student was to be provided the opportunity to attend college and career fairs virtually and/or on school campus; and, in the area of employment and other post-school adult living objectives, the student was to be provided access to the College and Career Center and opportunities to discuss postsecondary goals with the transition specialist as the student advanced throughout high school. (FOF #6)

The allegation in the State Complaint regarding the implementation of the transition services was stated generally as CCSD's failure to provide transition services to the student and, in the absence of facts in the State Complaint supporting CCSD's failure to provide a specifically included transition service, the investigation commenced to determine whether CCSD provided the student the transition services in the

⁶ The State of Nevada is in the United States Court of Appeals, Ninth Circuit.

designated areas of coordinated transition services in the student's IEP. In the course of the investigation, including emergent and hindsight concerns of the Parents, it became apparent to the State Investigation Team that the provision of the transition services of specially designed instruction and related services to the student was not at issue in this State Complaint and, consistently, the student graduated from CCSD with a standard diploma after completing the course of study. (FOF #1)

Rather, based on the apparent precipitating event of an unsuccessful interview at a university, it was the expectation of the Parents that the student's transition services were supposed to prepare the student for the interview through training and provide resume development and other benefits. (FOF #19) As such, the State Complaint Investigation Team determined that the Parents' allegations regarding implementation of the student's transition services in the 2023/2024 school year were directed to the provision of the designated coordinated opportunities for the student in the areas of community experiences and employment and other post-school adult living objectives), and that was the focus of this investigation. (FOFs #1, #6, #8, #14, #16, #17 #19, #20

At the outset, it is noted that the transition services in the student's May 8, 2023 IEP in the areas of community experiences and employment and other post-school adult living objectives do not include the Parents' referenced transition services of preparation of the student for interviews and resume development. (FOF #19) However, CCSD was required to provide the student the opportunity to attend college and career fairs virtually and/or on school campus; and, in the area of employment and other post-school adult living objectives, the student was to be provided access to the College and Career Center and opportunities to discuss postsecondary goals with the transition specialist as the student advanced throughout high school. The focus of the school's College and Career Center does include career exploration and college preparation. (FOF #6) In both of these areas of transition services, the student's May 8, 2023 IEP did not include any specific dates by which the designated transition services needed to occur. (See footnote #4.)

Community Experiences

Commencing September 4, 2023, CCSD notified parents of students involved in transition services, including the student's Parents, of the school's transition program/services and opportunities and these general opportunities notices were provided at different intervals throughout the 2023/2024 school year. (FOF #9) On September 5, 2023, the student's case manager requested a meeting with the transition specialist regarding next steps on transition for the student. (FOF #10) In addition, with regard to the community experiences of career fairs and college fairs: CCSD provided the student the following opportunities during the relevant time period of this State Complaint:

- a. Notice of an open house for a regional college with activities that included meeting with faculty and advisors; learning about financial aid and scholarship opportunities; and touring the facility.
- b. A summer camp for pre-employment transition services.
- c. A four-week program at TESLA in advanced manufacturing and career at TESLA.
- d. An opportunity to explore careers in hospitality and tourism.
- e. A university residential summer camp.
- f. A community-based instruction field trip that included work-related skills.
- g. Providing other information on dental assisting school and other opportunities. (FOFs #18, #20)

Therefore, the State Complaint Investigation Team determined that CCSD did implement the transition services of experiences to provide the student the opportunity to attend college and career fairs virtually and/or on school campus.

Employment and Other Post-School Adult-living Objectives

With regard to the providing the student access to the College and Career Center and opportunities to discuss postsecondary goals with the transition specialist, it is a bit more complicated due to the reluctance, and then unwillingness, of the Parents to access the opportunities CCSD made available to the student. The documentation provided in the course of the State Complaint Investigation evidenced CCSD made the following attempts to implement the student's employment and post-school adult living objectives in the student's May 8, 2023 IEP:

- CCSD made repeated efforts throughout the month of October 2023 to schedule a meeting with the student's Parents to discuss transition services with the CCSD transition specialist and the Parents declined to do so, responding at one point that they were in the process of getting more information elsewhere and that they would let CCSD know once they had received all of the information they were seeking elsewhere. (FOF #11)
- Notwithstanding the unwillingness of the student's Parents to meet with the transition specialist, on October 10, 2023 CCSD provided the student's Parents information on regional center and vocational rehabilitation services including access to applications. There is also documentation of the involvement of the school counselor in the discussion of the student's transition services. (FOFs #12, #14)
- On October 30, 2023 the CCSD transition specialist spoke with the student's Parents regarding transition services. That same day, the transition specialist emailed the student's Parents and provided a link to the CCSD transition department to obtain additional information and a link to a transition service request and asked the Parents to reach out when they had time to discuss options. The transition specialist followed up three days later with resources of the transition website, a vocational rehabilitation video and, again a link to the vocational rehabilitation application. (FOF #13)
- While the student's vision at the time of the development of the student's annual May 8, 2023 IEP was unclear with no stated school or job possibilities, in November 2023, the student's Parents informed CCSD that their transition plan for the student was to actively seek colleges that provide lots of support for students with disabilities and had a specific sports team. CCSD responded that the student's counselor was copied on this information to ensure the student was taking the required health class to support that plan. Additional communication took place among CCSD personnel to ensure the student would have the required health class and participate in the required testing to attend college. (FOFs #4, #14)
- In December 2023, CCSD offered to conduct additional transition assessments and on December 7, 2023, the student's Parents requested that the student not have any additional transition testing done and that the Parents were considering a focus on the State University. CCSD recommended vocational rehabilitation again and explained how the agency could assist them. (FOF #15)
- On January 9, 2024, the student's Parents contacted the transition specialist and stated that they will be declining all transition support and did not want any further communication regarding any of the programs or services. (FOF #16)
- At the student's January 11, 2024 IEP Team meeting, the Parents were again asked if they wished to pursue transition services for the student. The student's Parent stated they would be moving forward with their own transition planning. (FOF #17)
- As previously mentioned, after the student had an unsatisfactory interview at the university the student intended to attend, the student's Parents contacted CCSD regarding the interview and, in addition to indicating that the student had to go into the meeting without the "training that was supposed to be a part of the transition services that were not provided" and without the "resume development and other benefits that transition was supposed to provide," the student's Parents informed CCSD that they may want additional assistance, including for other college applications. CCSD responded that same day asking how the school could help to support the student as the Parents planned the next steps for post-secondary education. (FOF #19)

Based on the above documented efforts to implement the transition services in the student's employment and post-school adult living objectives in the student's May 8, 2023 IEP, the State Complaint Investigation Team determined that CCSD did provide the student opportunities to discuss postsecondary goals with the transition specialist.

While the student's Parents were notified of the school's transition program/services and resources (FOFs #9, #13), no documentation was provided in the course of the investigation that CCSD explicitly provided the student access to the school's College and Career Center, the other aspect of the student's employment and post-school adult living transition services. However, upon consideration of the aforementioned notices; documentation of the involvement of the school counselor in the discussion of the student's transition services (FOFs #12, #14); and CCSD's persistent efforts to make transition services available to the student, the State Complaint Investigation Team determined that CCSD did, as required, make the services available to the student in conformity with the student's IEP. 34 C.F.R. §§300.17(d), 300.101, 300.323(c); NAC §388.281(6)(e); *Capistrano Unified Sch. Dist. v. Wartenberg*, 59 F.3d 884 (9th Cir. 1995); *Van Duyn v. Baker School Dist.*, 502 F. 3d 811 (9th Cir. 2007).

It is indeed unfortunate that the Parents repeatedly declined the available transition services of the only IEP in effect, the student's May 8, 2023 IEP; refused CCSD's proposal to conduct additional transition assessments after the student's vision for the future changed; and, thereafter, deferred participation in the completion of the student's annual IEP, including the consideration of appropriate transition services in light of the change in the student's vision. Nonetheless, the outcome does not negate the finding in this case that CCSD did comply with the IDEA and NAC in the provision of transition services to the student.

Therefore, CCSD complied with IDEA and NAC to include postsecondary goals and transition services in the student's IEP(s) and to implement the transition services at issue.

Issue Two:

Whether CCSD complied with NAC §388.197 to, not less than one year before the date on which the student attained the age of 18 years, provide the student's Parents notice of the procedure by which the Parents may submit an application to represent the educational interests of the student.

In accordance with IDEA, 34 C.F.R. § 300.520(a), a State may provide that, when a child with a disability reaches the age of majority under State law that applies to all children (except for a child with a disability who has been determined to be incompetent under State law), all rights accorded to parents under IDEA Part B transfer to the child. (See also NAC §388.195.) Under a special rule, 34 C.F.R. §300.520(b), a State must establish procedures for appointing the parent of a child with a disability, or, if the parent is not available, another appropriate individual, to represent the educational interests of the child throughout the period of the child's eligibility under Part B of the Act if, under State law, a child who has reached the age of majority, but has not been determined to be incompetent, can be determined not to have the ability to provide informed consent with respect to the child's educational program.

The State of Nevada has established such procedures as set forth in NAC §388.197. The procedures in NAC §388.197(1) require that, not less than 1 year before the date on which a student with a disability who has a significant cognitive impairment and who participates in the alternate assessment developed by the State attains the age of 18 years, the school district or charter school in which the student is enrolled must provide notice to the parent and the student of the procedure by which the parent may submit an application to represent the educational interests of the student. The notice must include: (a) a description of the purpose

for the submission of an application to represent the educational interests of the student; (b) an identification of the category of parents who are authorized to submit an application; (c) the process and deadline for submission of an application; (d) the procedure for appealing a decision made on an application by a school district or charter school; and (e) a copy of the application.

In this case, CCSD failed to timely provide the required notice to the student's Parents of the procedure by which the Parents could submit an application to represent the educational interests of the student pursuant to NAC §388.197(1). (FOFs #21 - #23) This determined noncompliance was exacerbated by the absence of a notice in the student's IEP of the required statement beginning not later than one year before the student would reach the age of majority that the student had been informed of the rights under IDEA Part B, if any, that would transfer to the child upon reaching the age of majority. 34 C.F.R. §300.520(c); NAC §388.284(1)(m). (FOF #21)

Therefore, CCSD failed to comply with NAC §388.197 to, not less than one year before the date on which the student attained the age of 18 years, provide the student's Parents notice of the procedure by which the Parents may submit an application to represent the educational interests of the student.

ORDER OF CORRECTIVE ACTION

CCSD is required to take corrective action to address the violations found in this State Complaint investigation, specifically CCSD's failure to timely provide the student's Parents notice of the procedure by which the Parents could submit an application to represent the educational interests of the student.

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.

Due solely to the Parents' intervention a month prior to the student turning 18 years of age (FOF #22), the student's Parents were able to submit the required application prior to the student's 18th birthday and forestall any adverse consequence on the student and family upon the student reaching the age of majority. It is recognized that CCSD did expeditiously review and approve the application upon the discovery of the failure to comply with IDEA and NAC with regard to the timely notices of the transfer of rights beginning a year before the student was to turn 18 years of age and the procedures to represent the educational interests of the student upon the student reaching the age of majority. (FOF #23) However, while the expeditious action of both CCSD and the Parents does not necessitate a remedy to address the needs of the student in this case, a systemic remedy is required to address appropriate future provision of services for all children with disabilities. In determining the appropriate remedy, the State Complaint Investigation Team considered both the Parents' and CCSD's proposed resolutions.

Systemic Remedy

It is troubling that, but for the intervention of the Parents, a high school in CCSD, that should be well-versed in the requirements of IDEA and NAC of the transfer of rights, failed to do so in this case. The State Complaint investigation did not reveal the cause of the noncompliance, notwithstanding the protections set forth in IDEA and NAC, Chapter 388, to avoid this very occurrence.

Therefore, prior to submitting a corrective action plan (CAP) pursuant to NRS §385.175(6), CCSD is ordered to undertake an investigation of the practices of the high school the student attended to ascertain

what lapse in procedures in this case caused the noncompliance with the requirements of IDEA, 34 C.F.R. §§300.320, 300.520, and NAC §§388.197, 388.284(1)(m). The investigation must be completed no later than October 31, 2024 and no later than November 15, 2024, CCSD must provide a copy of the results of the investigation and CCSD's CAP to ensure the high school will correct the identified cause(s) of this noncompliance and the additional safeguards, with timelines, the high school will be required to implement to ensure the appropriate future provision of services for all children with disabilities in this regard. The CAP must be approved by NDE prior to implementation. Documentation of the completion of the approved CAP must be provided to NDE within 14 days of its completion.