

**STATE COMPLAINT INVESTIGATION  
CLARK COUNTY SCHOOL DISTRICT  
(#CL071125)  
Report Issued on September 9, 2025**

## **INTRODUCTION**

On July 11, 2025, the Nevada Superintendent of Public Instruction received a State Complaint from a Parent<sup>1</sup> alleging violations of the Individuals with Disabilities Education Act, Part B (IDEA), 20 U.S.C. §1400 et seq.; 34 C.F.R. Part 300, and provisions of the Nevada Revised Statutes (NRS) or the Nevada Administrative Code (NAC), Chapter 388, for special education programs by the Clark County School District (CCSD).

The allegations in the State Complaint were that CCSD failed to timely evaluate the student under IDEA and Section 504 of the Rehabilitation Act of 1973; failed to evaluate in all areas of suspected disability by neglecting to assess the student's sensory processing difficulties and fine motor skills; delayed processing the Parent's requested Independent Educational Evaluation (IEE) by not providing approval or initiating a due process hearing in a timely manner; failed to provide a Free Appropriate Public Education and behavioral supports; and relied on the Parent to help manage the student's behavior and implement behavior strategies, instead of staff.

The Parent's proposed resolutions to address these allegations were immediate autism eligibility determination; compensatory occupational therapy and sensory services; full implementation of Independent Educational Evaluation findings; staff training on IDEA and Section 504 compliance.

The allegations within the jurisdiction of NDE through the State Complaint process raise the following issues for investigation:

### **Issue One:**

Whether CCSD complied with IDEA and NAC, Chapter 388 in the initial evaluation of the student to determine if the student is a student with a disability following the Parent's request in October 2024, regarding:

- a. The conduct of the initial evaluation within 45 school days after the Parent provided written consent;
- b. The evaluation of the student in all areas of suspected disability, specifically the student's fine motor delay and sensory needs.

### **Issue Two:**

Whether CCSD timely complied with IDEA and NAC, Chapter 388, in response to the Parent's request in February 2025 for an IEE at public expense when the Parent disagreed with CCSD's initial evaluation of the student.

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<sup>1</sup> During the relevant time period of this State Complaint, the student's parents had joint legal custody regarding educational decisions. This State Complaint was filed by one Parent only. (CCSD September 10, 2024 Email Correspondence)

NDE's jurisdiction through the special education complaint process is to investigate State Complaints alleging a violation of the requirements of Part B of the IDEA or Nevada law/regulations for special education programs. This State Complaint cited violations of both IDEA and Section 504 of the Rehabilitation Act of 1973 (Section 504). NDE does not have jurisdiction to investigate complaints of discrimination under Section 504 through the State Complaint process. Therefore, the Parent was notified that allegations in the State Complaint that were either stated as violations of Section 504 or CCSD's alleged violation of the implementation of services/accommodations in the absence of an IEP would not be investigated as part of the State Complaint. The Parent was informed of the availability of Section 504 grievance procedures at both the CCSD and federal level if the Parent wanted to pursue the matter.

In accordance with IDEA, 34 C.F.R. §300.153, the Parent was also informed that a State Complaint must include not only the statement that there has been a specific violation, but the facts on which the statement is based as it relates to the problem. Other than the stated date of October 2024, the State Complaint did not include sufficient facts in support of the related allegations regarding repeated requests for evaluation, including requesting occupational therapy assessment and sensory processing evaluation throughout the year.

In the issue correspondence 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 August 11, 2025 or an extended timeline authorized by NDE would be considered a concession of noncompliance for purposes of this State Complaint. CCSD did respond timely with the required information/documentation. CCSD denied the alleged noncompliance and the factual basis for the denial included that CCSD had no record of the Parent's request for a special education evaluation in October 2024 or a request for an IEE in February 2025.

The student's Parent was also provided the opportunity to provide any further information or clarification about the issues to NDE either in writing or orally and did not do so. (No inference was taken in this investigation due to the absence of a response. This statement is merely to establish the documentation available to the State Investigation Team in the conduct of this investigation.)

The State Complaint with the attachments, and 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**

1. The student was enrolled in CCSD for the 2024/2025 school year. (Student Period Attendance Detail, State Complaint, CCSD Response)

### **Evaluation**

2. Prior to the relevant time period of this State Complaint, the student was referred by the student's parents for an initial evaluation to determine if the student was a student with a disability in need of special education and related services. The student's educational history included prior diagnoses for attention-deficit hyperactivity disorder and unspecified anxiety disorder and the student's multidisciplinary team suspected the student may be eligible as a student with developmental delay. CCSD completed an evaluation of the student on May 13, 2024. The student's performance across all developmental performance domains, including the student's social or

emotional condition, indicated average to above average performance. On May 14, 2024 the student's multidisciplinary team, including the student's Parent determined the student was not eligible for special education services under the category of developmentally delayed. (May 13, 2024 Multidisciplinary Evaluation Team Report, Statement of Eligibility - Eligibility Team Report Developmentally Delayed, October 22, 2024 CCSD Letter)

3. On September 4, 2024, the student's Parent contacted CCSD and informed CCSD that the student had been struggling emotionally and, given the student has ADHD and was not currently medicated, the student may need specific accommodations to thrive in the classroom. The student's Parent indicated that despite performing well during the student's Child Find evaluation, the student's experience in the classroom had been challenging. The Parent expressed exploring potential supports and solutions and asked to discuss the possibility of a Section 504 plan with accommodations or modifications to better support the student's needs. (Electronic Correspondence)
4. CCSD responded on September 5, 2024 that an inquiry would be made about a Section 504 plan. On September 9, 2024, the student's teacher also made a referral for a 504 plan and the student's Parent was contacted to begin the referral process. The student's Parent returned the referral and consent for evaluation paperwork on September 10, 2024. (Electronic Correspondence, Section 504 Referral, Section 504 Parental Consent for Initial Evaluation, Teacher and Student 504 Contact Logs)
5. CCSD conducted a Section 504 Team eligibility meeting on October 24, 2024. Both of the student's parents participated in the meeting. The student's Section 504 Eligibility Team reviewed the evaluation data; determined the student qualified for a Section 504 accommodations under the physical or mental impairment of ADHD; and developed an accommodation plan. (Section 504 Summary and Accommodation Plan)
6. On January 31, 2025, and again on February 1, 2025, the student's Parent formally requested a Section 504 meeting to discuss the student's accommodations and decision-making process regarding the student's support plan. The student's parents were contacted on February 3, 2025 to schedule a meeting to discuss the student's Section 504 plan and the student's Parent was available on February 12, 2025. (Email Correspondence, Teacher Contact Log, Section 504 Parent Notification Letter)
7. At the February 12, 2025 student's Section 504 Team meeting, an occupational therapy referral was made and, thereafter, the student's Parent contacted CCSD regarding the occupational therapy screening report that was finalized April 14, 2025 requesting a Section 504 Team meeting to ensure the student's support plan was updated and information concerning the occupational therapy screening methodology. (Student 504 Contact Log, Email Correspondence, February 12, 2025 Section 504 Evaluation Summary and Accommodation Plan)
8. No documentation was provided in the course of the investigation that the student's Parent requested an evaluation of the student to determine if the student was a student with a disability in October 2024. On the contrary, all of the documented contacts between CCSD and the student's Parent during the relevant time period supported the absence of such request and contacts regarding Section 504. (Review of the Record)

## **IEE**

9. On October 15, 2024, the student's Parent requested an IEE following a determination by the IEP Team that the student was not eligible for special education services under the IDEA. (October 15, 2024 Electronic Correspondence)
10. Commencing October 15, 2024, CCSD took action to retrieve the student's education record for the purpose of review and on October 22, 2024 CCSD's student services division, psychological services, notified the student's Parent that the request for an IEE was denied. (October 22, 2024 CCSD Letter)
11. On October 24 2024, after reviewing the student's education records and discussing with the Parent the Parent's concern, CCSD reversed the previous denial of the IEE and approved the request for a psychoeducational evaluation. (October 24, 2024 Email Correspondence and CCSD Letter)
12. The IEE was conducted between November 7, 2024 and May 15, 2025 and provided to CCSD. (IEE - Confidential Psychoeducational Evaluation Report, CCSD Response)
13. No documentation was provided in the course of the investigation that the student's Parent requested a second IEE in February 2025. On the contrary, all of the documented contacts between CCSD and the student's Parent during the relevant time period supported the absence of such request and ongoing contacts regarding the student's Section 504 plan and additional screening under Section 504. (Review of the Record)

## **CONCLUSIONS OF LAW**

### **System of Records**

The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 76 and 80 are applicable to IDEA. Title 34 C.F.R. §76.731 requires that a State and a subgrantee must keep records to show its compliance with program requirements. “Consistent with the EDGAR provisions cited above, States and public agencies must maintain documentation sufficient to ensure that a public agency provides FAPE to a child with a disability in accordance with the child's IEP. A State determines the form of documentation deemed sufficient to demonstrate whether its public agencies are in compliance with this requirement....” *Letter to Brousaides*, (OSEP, June 9, 2010).<sup>2</sup>

Pursuant to NAC §388.215, the State of Nevada has established measures each public agency must take to ensure that every student with a disability in the school district is identified, evaluated and served in the manner appropriate to the unique needs of the student. These measures include the establishment of a system of records that verifies these measures were implemented, including that each student identified as a student with a disability is receiving services appropriate to the student's disability. This requirement for a verifiable system of records is particularly important in the State Complaint process because, unlike due process hearings where testimony is under oath; cross examination of witnesses is available; and there is an opportunity for the Hearing Officer to judge credibility on matters with conflicting evidence, this process is an investigation process. Accordingly, verifiable documentation is required to reach a determination

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<sup>2</sup>This policy letter is publicly available at: <https://sites.ed.gov/idea/files/idea/policy/speced/guid/idea/letters/2010-2/brousaides060910sea2q2010.pdf>

whether the assertions of the public agency should be believed over the assertions of the complainant or vice versa.

In this case, CCSD did maintain a system of records as required, including electronic communication between CCSD and the Parent and Contact Logs.

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- a. The conduct of the initial evaluation within 45 school days after the Parent provided written consent;
- b. The evaluation of the student in all areas of suspected disability, specifically the student's fine motor delay and sensory needs.

With some exceptions that are not relevant in this case, when a public agency determines that good cause exists to evaluate a student pursuant to NAC §388.330 to §388.440, inclusive, the agency must conduct the initial evaluation within 45 school days after the parent provides informed written consent. NAC §388.337; 34 C.F.R. §300.301(c)(1). In conducting the evaluation, the public agency must comply with the evaluation procedures in IDEA and NAC, Chapter 388, including the assessment of the student in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities. 34 C.F.R. §300.304(c)(4); NAC §388.340(4)(b).

As discussed previously, this issue arose due to the Parent's allegation that in October 2024, CCSD failed to timely evaluate the student under IDEA and to evaluate the student in all areas of suspected disability. The investigation did reveal that the student's Parent did request an evaluation of the student in the 2023/2024 school year to determine if the student was a student with a disability in need of special education and related services. However, that request was outside the time period of this State Complaint. (Finding of Fact (FOF) #2)

CCSD's system of records, including documentation of contacts between CCSD and the student's Parent during the relevant time period, supported the absence of the Parent's request for an evaluation of the student to determine if the student was a student with a disability in need of special education and related services in October 2024. (FOF #8) On the contrary, the Parent's requests to CCSD during the relevant time period of this State Complaint were regarding the evaluation, determination of eligibility, and provision of services as a student eligible under Section 504. (FOFs #3 - #8)

*Therefore, in the absence of a Parental request for an initial evaluation of the student to determine if the student is a student with a disability in October 2024, CCSD complied with IDEA and NAC, Chapter 388, in that the cited requirements were not applicable.*

**Issue Two:**

Whether CCSD timely complied with IDEA and NAC, Chapter 388, in response to the Parent's request in February 2025 for an IEE at public expense when the Parent disagreed with CCSD's initial evaluation of the student.

If a parent requests an IEE at public expense, the public agency must, without unnecessary delay, either file a due process complaint to request a hearing to show that its evaluation is appropriate; or ensure that an

IEE is provided at public expense, unless the agency demonstrates in a hearing that the evaluation obtained by the parent did not meet agency criteria. While a public agency must either ensure an IEE is provided at public expense or request a hearing to show that its evaluation is appropriate without unnecessary delay, the IDEA and the NAC do not provide a timeline for a public agency to consider an IEE after it is completed other than the requirement that it be considered in any decision with respect to the provision of a free appropriate public education to the student. 34 C.F.R. §300.502; NAC §388.450.

In this case, the student's Parent did request an IEE in October 2024 and, after an initial denial, CCSD provided the Parent an IEE at public expense. Unquestionably, these events pre-date February 2025, the date cited in this State Complaint. (FOFs #8 - #11) No documentation was provided in the course of the investigation that supported that Parent's allegation that an IEE was again requested in February 2025. On the contrary, CCSD's system of records, including documentation of contacts between CCSD and the student's Parent during the relevant time period, supported the absence of such request. (FOF #12)

*Therefore, in the absence of the Parent's request in February 2025 for an IEE, CCSD complied with IDEA and NAC, Chapter 388, in that the cited requirements were not applicable.*