

**HUMBOLDT COUNTY SCHOOL DISTRICT
COMPLAINT INVESTIGATION
(#HU82825)**

Report Issued on October 23, 2025

INTRODUCTION

On August 28, 2025, the Nevada Department of Education (NDE) received a State Complaint from the Parent of a named student alleging a violation by Humboldt County School District (HCSD) 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 allegation in the State Complaint was that HCSD failed to assign a qualified standard licensee to provide speech therapy to the student in July and August 2025, because the named practitioner assigned to provide speech therapy to the student had only a provisional license as a speech/language pathologist.

The Parent's proposed resolution to address this allegation was to have a fully licensed HCSD speech/language pathologist take over the student's speech therapy.

The allegation within the jurisdiction of NDE through the State Complaint process raised the following issue for investigation through August 27, 2025, the date of the State Complaint:

Issue:

Whether HCSD complied with the requirements of IDEA and NAC, Chapter 388, to provide qualified personnel to serve a student with a disability, specifically, the speech/language pathologist who provided speech therapy to the student in July and August 2025.

In the September 3, 2025 issue letter to HCSD, NDE requested additional documents and information to investigate the State Complaint. HCSD was notified in that same correspondence that if HCSD disputed the allegations of noncompliance in the Complaint, the submitted documents and information must include denial of the alleged noncompliance; a brief statement of the factual basis for the denial; and specifically reference the documentation provided to NDE that factually supported the denial, and that failure to do so by September 23, 2025, would be considered a concession of noncompliance for purposes of this State Complaint. HCSD provided a timely and well-organized response; denied the alleged noncompliance; and provided the requisite statement of the factual basis for the denial, as well as legal authority and documentation.

On September 15, 2025, and again on September 21, 2025, the Parent submitted additional electronic information to NDE. NDE responded with a letter to the Parent on September 22, 2025, noting receipt of the additional submissions, and reiterating that "the opportunity to submit additional written and oral input is with regard to the issues in the State Complaint as stated in the September 3, 2025, issue letter from NDE. As such, this supplemental clarification/information will only be considered if relevant to the issue within the scope of this investigation." The Parent was provided an opportunity to amend the State Complaint if the supplemental information was intended to raise additional allegations of noncompliance. The Parent declined to do so, responding that the additional information was directly relevant to the issues outlined in the September 3, 2025 issue letter and fell within the scope of the original State Complaint filed on August 28, 2025.

The State Complaint, including all attachments, HCSD's denial of all claims, and all documents submitted by HCSD in response to the issue in the State Complaint, along with the supplemental information provided by the Parent,¹ were reviewed and considered in their entirety in the investigation of this State Complaint. The Findings of Fact cite the source of the information determined necessary to resolve the issues in this Complaint and the original source document, where available, was relied upon

FINDINGS OF FACT

1. The student is a student with a disability and was enrolled in the HCSD during the 2024/2025 school year. (State Complaint, HCSD Response, IEPs)
2. The student's June 3, 2025 IEP (the "IEP") was a revision to the student's May 19, 2025 annual IEP and was in place during July and August 2025, the period relevant to the issue in this case (the 'Relevant Period'). (6/3/2025 IEP)
3. The student's IEP had two annual goals in the area of speech and language and the student was to be provided the related service of direct speech/language therapy for 240 minutes a month. The student received related services of speech/language therapy during the Relevant Period up to August 26, 2025. (IEP, Service Log)
4. The named practitioner in this State Complaint was employed by HCSD as a speech/language pathologist during the Relevant Period. (9/4/25 Verification of Employment Letter).
5. HCSD assigned the named practitioner to provide speech/language therapy to the student during the Relevant Period. (Speech/Language Service Log, PCG Speech/Language Service Logs)
6. On October 14, 2024, the named practitioner was certified as having complied with the rules and regulations of the Commission on Professional Standards in Education and the NDE Superintendent of Public Instruction granted the named practitioner a provisional license to teach special education in the schools in the State of Nevada, with an expiration date of October 14, 2027. The provisions to be satisfied were the completion of an educator's examination in reading, writing, and mathematics, no later than October 14, 2027. (State of Nevada License for Educational Personnel)
7. The October 14, 2024 license granted by the State of Nevada also awarded the named practitioner an endorsement in "Speech and Language Impairments" that would expire on October 14, 2027. This endorsement authorized the named practitioner to provide services in the schools of the State of Nevada in the area of "Speech and Language Impairments." (State of Nevada License for Educational Personnel, NDE Educator Verification Website)

CONCLUSIONS OF LAW

The fundamental question raised by the State Complaint is whether the named practitioner, who held a provisional license from the State of Nevada to teach special education, and an endorsement to provide Speech and Language Impairments services, during the Relevant Period, was qualified under the IDEA and Nevada State Law to provide speech/language therapy to student. (Finding of Fact (FOF) #3, #5)

¹ After review of the supplemental information, the State Complaint Investigative Team determined that the documentation was not relevant to the issue in the State Complaint.

Pursuant to IDEA, 34 C.F.R. §300.156(a), a State Education Agency must establish and maintain qualifications to ensure that personnel necessary to carry out the purposes of IDEA Part B are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities. 34 C.F.R. §300.156(a). In Nevada, the licensure requirements set forth in Chapter 391 of NRS and NAC establish the qualifications for educational personnel.

NAC §391.3392 establishes the qualifications for a license to teach special education instruction requirements: To receive a license to teach special education, a person must hold a bachelor's degree or a higher degree from an accredited college or university and *must satisfy the requirements for any endorsement that the applicant seeks for the license*. NAC §391.3392 (emphasis added). Relevant to this case, NAC §391.370 provides that to teach students with speech and language impairments the person also must hold an endorsement in speech and language impairments that meets the requirements set forth in the section. NAC §391.370.

In addition, for special education teachers, NAC §388.171 incorporates by reference the requirements in IDEA, 34 C.F.R. § 300.156(c), and provides the minimum requirements for school districts in Nevada to provide qualified personnel to provide services, including the related services of speech and language therapy found in the student's IEP: "A public agency shall appropriately and adequately prepare and train all personnel employed by the public agency who assist in carrying out the provisions of this chapter.... including, without limitation, special education teachers, personnel who provide related services and paraprofessionals, to ensure that the personnel have the content knowledge and skills necessary to serve pupils with disabilities." 34 C.F.R. § 300.156(c); NAC §388.171.

A May 20, 2024 policy letter from the State of Nevada Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board provides helpful guidance as to the qualifications required for an individual to provide speech/language therapy services in the public-school setting.² Relying on NRS/ NAC Chapters 637B, that define the authorized scope of practice for audiologists and speech-language pathologists, the policy letter clarifies that speech/language therapists who meet the requirements of NAC Chapter 391 can practice within a public-school setting. "Current statutes in NRS 391 and regulations in NAC 391 allow Speech Language Pathologists, Speech Language Therapists and Audiologists to practice within a public-school setting when holding a license issued by the Nevada Department of Education."

In this case, the named practitioner possessed a license issued by NDE during the Relevant Period to serve as a provisional special education teacher, with an endorsement in Speech and Language Impairments. The provisions of Chapter 391 of NRS and NAC require a license to teach special education and an endorsement that the applicant seeks for the license, but do not distinguish between a provisional license or a non-provisional license. The State Complaint Investigative Team therefore finds that the named practitioner was qualified under Nevada State Law to provide speech/language therapy to the student during the Relevant Period. (FOFs #4 - #7)

Having determined that the named practitioner was qualified to provide speech/language services to the student during the Relevant Period, the single issue in the State Complaint falls neatly under well-established precedent. Caselaw from the Ninth Circuit Court of Appeals³ provides several examples where the parent sought a different speech therapist, but the court held that the school district met its responsibility under the IDEA by providing a qualified speech therapist. *Zasslow v. Menlo Park City School District*, 38 IDELR 187 (9th Cir. 2003). "[t]he record shows that the school employed a speech and language therapist

² This policy letter is publicly available at: https://webapp-strapi-paas-prod-nde-001.azurewebsites.net/uploads/2024_5_20_unlicensed_practice_ndc_clarification_letter_2042a4b5bb.pdf

³ The State of Nevada is in the United States Court of Appeals, Ninth Circuit

throughout this ongoing dispute who was qualified to provide therapy to Sarah and thus complied with the IDEA by providing a "free appropriate public education" (FAPE). *See 20 U.S.C. § 1412(a)(1).* A school need not provide instruction that is the "absolutely best or potential maximizing" to comply with the IDEA. *Amanda J. v. Clark County Sch. Dist.*, 267 F.3d 877, 890 (9th Cir.2001) (citation omitted)."

Moreover, in *Pangerl v. Peoria Unified School District*, 780 F. App'x 505, 74 IDELR 246 (9th Cir. 2019), the Ninth Circuit Court of Appeal found that "[T]he district court properly concluded that the District's provision of speech and language services did not deny T.P. a FAPE . . . The ALJ found, and the district court concurred, that the therapists provided were professional and adequate, a finding is supported by facts in the record . . . Accordingly, the District did not deny T.P. a FAPE by failing to give additional choices for providers when adequate providers were available." *Pangerl*. 74 IDELR 246 (9th Cir. 2019).

This matter began with the request of a parent to have a different professional provide speech/language services to student, but at its heart, it is solely about whether the professional who provided services during the relevant period was qualified to do so pursuant to the requirements of IDEA and NAC, Chapter 388. As discussed previously, the named practitioner satisfied the requirements of IDEA and Nevada State law and regulation to provide the related service of speech/language therapy to the student. Even though the student's Parent preferred a provider who had a non-provisional, rather than a provisional license, HCSD met its responsibility under the IDEA and NRS/NAC by providing a qualified provider under State law. *Zaslow*, 38 IDELR 187 (9th Cir. 2003).

Therefore, HCSD complied with the requirements of IDEA and NAC, Chapter 388, to provide qualified personnel to serve a student with a disability, specifically, the speech/language pathologist who provided speech therapy to the student in July and August 2025.