

LYON COUNTY SCHOOL DISTRICT
Special Services Division

SPECIAL EDUCATION HANDBOOK

Administrative Procedures for Special Education Programs and Services

Revised April 2023

Links Updated August 2024

**Lyon County School District
Special Education Handbook**

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Special thanks to the members of the 1994 Special Education Policies and Procedures Committee, and to those who updated the Handbook in July 1999, October 2001, August 2003, August 2009 and April 2023. The philosophy and principles established in earlier work established a foundation which strengthens necessary and ongoing revisions of this Handbook.

Lyon County School District Special Education Handbook

April 2023

Mission of the Lyon County School District

Our vision... Graduate all students to be successful in college and career.

Our Mission... Provide relevant learning opportunities that develop adaptable, persistent, and self-directed learners capable of creativity, collaboration, communication, and critical thinking necessary to overcome complex challenges.

The district motto of “Every Student...Every Classroom...Every Day” comes to life when you step into the classroom and see students engaged in rigorous learning opportunities.

Purpose of Special Education Handbook

The purpose of this Handbook is to provide district staff, other professionals, parents, and community members with information relevant to the operation of Special Education Programs and Services in the Lyon County School District. It is intended to provide:

1. A consistent standard to guide special education practices in the state;
2. A sensible and easily understood set of special education procedures for administrators, teachers, and other school personnel;
3. A comprehensive and accessible document that pertains to day-to-day operations of special education programs;
4. Procedures with cross-references to state and federal regulations and other sources of authority; and
5. Clear guidelines pertaining to the roles and responsibilities of school personnel in special education procedures and services.

Purpose of Special Education

The purpose of special education, as an integral part of the instructional program of the school district, is to ensure that all students succeed in developing the skills and abilities necessary to:

1. Master the basic concepts in language, communication, mathematics, and technology;
2. Develop problem-solving and higher level thinking skills;
3. Understand and respect others;
4. Develop skills necessary to be self-directed learners;
5. Develop skills that are practical in daily living; and
6. Enhance and sustain self-esteem through emotional, intellectual, and physical well-being.

All students can learn and all students have a right to an appropriate education that makes it possible for them to benefit from their school experiences. An appropriate education for students with disabilities is best achieved through a team effort that includes parents, students, school personnel, and, when appropriate, representatives from other agencies and organizations with interests in the success of students with disabilities.

Special Education Program Goals

Every student who is eligible for special education will have goals and objectives that are developed in response to his or her individual needs. These goals are developed as part of each eligible student's Individualized Educational Program (IEP). In general, however, special education programs in the school districts have three goals that apply to all eligible students:

1. Every student with disabilities will be educated in the regular program of instruction to the maximum extent appropriate as defined by his or her IEP.
2. Through an individualized program of instruction, students with disabilities will acquire the skills necessary to become independent learners and will increase their capacity to be self-directed in all aspects of their lives.
3. Students with disabilities will make a successful transition from school to productive and satisfying lives as adults as a result of their school experiences.

Special Education Principles

Every teacher in the school district is a teacher of students with disabilities. Every teacher makes adaptations and modifications in the classroom to accommodate students with disabilities. Special education provides the additional support and individualization necessary for students to minimize the effects of a disability on learning and socialization in school.

All students with disabilities will be educated in the school and classroom where they would be educated if not disabled, unless otherwise specified in their IEPs. To this end, the schools in the district will provide supplementary aids, services, and accommodations in the classroom as needed. This may include services by the special education teacher in the classroom. Only when the student clearly cannot benefit by being in the regular school environment (i.e., the regular classroom, lunchroom, playground, and so forth) will he or she be removed and placed in some other setting.

When justified by the unique educational needs of the student, services may also be provided in a resource room, a self-contained classroom, or other settings that assist the student to achieve the goals and objectives in his or her IEP.

The purpose of every special education program in the school district is to increase students' independence for learning and to provide opportunities to participate with their peers in the school's educational program to the maximum extent appropriate. Schools in the district will design their special education programs to serve this purpose.

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Resources

[Adult Education Guidance Document](#)

- Guidance regarding students with IEPs and 504s that are considering the Adult Education program

[Alternative Diploma Guidance Document](#)

- Guidance regarding the Nevada Alternative Diploma

[Annotated IEP](#)

- Explanation of the sections and items in the Nevada IEP document

[Distance Education IEP Guidance](#)

- Guidance regarding students with IEPs that are enrolled in LyOnline

[Early Childhood Guidance Documents](#)

- NDE Guidance regarding ECE, includes Early Childhood Outcomes, Decision Tree, Educational Environment Reporting and Crosswalk

[Easy IEP Guidance Documents](#)

- Guidance regarding Progress Reports and Related Services Logging

[Easy IEP Training Videos](#)

- EasyIEP Training videos specific to Special Education Teachers, Speech Therapists and School Psychologists

[Andrew F. Supreme Court Decision](#)

- Supreme Court decision that found that *de minimus* is not acceptable

Medicaid Billing Brochure

- Nevada Medicaid brochure regarding billing for medically necessary services in schools
 - Medicaid Brochure – [English Version](#)
 - Folleto de Medicaid – [Spanish Version](#)

Nevada Administrative Code, [Chapter 388](#) NDE IEP Guidelines:

[Nevada Alternate Assessment Student Participation Guidance Document](#)

- Guidance for NAA participation and the updated questions to determine eligibility for taking the NAA

[Paraprofessional Guidance](#)

- Guidance regarding the roles and expectations of paraprofessionals in Lyon County School District

[Perez v. Sturgis Supreme Court Decision](#)

- Supreme Court decision that found that parents do not have to exhaust IDEA resolutions to seek monetary damages.

Restraint [AB56 Documents and Training](#)

- AB56 mandatory annual training and documents (training sign off, staff and substitute acknowledgements, checklist and report document) regarding the use of aversive intervention, physical restraint, and mechanical restraint

Special Education Rights of Parents and Children:

- Rights documents on the Nevada Department of Education website
 - Special Educations Rights of Parents and Children – [English Version](#)
 - Derechos de Educación Especial de Padres e Hijos – [Spanish Version](#)
 - Mga Karapatan sa Espesyal na Edukasyon ng mga Magulang at Mga Anak – [Tagalog Version](#)
 - 家长和儿童的特殊教育权利 – [Chinese Version](#)
 - Quyền Giáo dục Đặc biệt của Phụ huynh và Trẻ em – [Vietnamese Version](#)
 - የወላጆች እና የልጆች ልዩ ትምህርት መብቶች – [Amharic Version](#)

Special Education Forms:

- Forms are available on:
 - EasyIEP on the Main Menu Page under Resources
 - Google Drive under [Special Education Forms](#)

Speech and Language Specific Special Education Forms: [District Forms](#)

Department of Education re: [Supporting Child and Student Social, Emotional, Behavioral and Mental Health Needs](#)

CONFIDENTIALITY

The confidentiality of personally identifiable information about students with disabilities is protected through the Family Educational Rights and Privacy Act (FERPA), the Individuals with Disabilities Education Act (IDEA), and the Nevada Administrative Code (NAC). Except under limited circumstances, confidential information contained in education records cannot be accessed or disclosed without the consent of the parent or the eligible student, if not a minor. Confidentiality is critical to the special education process and must be strictly observed. This policy is not intended to inhibit professional communication, but rather to ensure that confidential information about students and their families is treated appropriately.

Definitions

Directory information: Information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. Directory information may be released to agencies, institutions, the military or businesses for the purpose of providing students with yearbooks, class rings, graduation announcements, athletic apparel, school pictures, scholarship opportunities, or other purposes that benefit the student and/or school. Directory information will not be released when the purpose is primarily for commercial or sectarian use. The Lyon County School District has designated the following information as directory information: student's name; address; telephone listing; electronic mail address; photograph; date and place of birth; major field of study; grade level; dates of attendance; participation in officially recognized activities and sports; weight and height of members of athletic teams; degrees, honors and awards received; and the most recent educational agency or institution attended.

Disclosure: To permit access to or the release, transfer, or other communication of personally identifiable information contained in education records by any means, including oral, written, or electronic means, to any party except the party identified as the party that provided or created the record.

Education records: Records that are directly related to a student and maintained by an educational agency or institution or by a party acting for the agency or institution. The term does not include records that are kept in the sole possession of the maker of the record, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record; certain law enforcement unit records; certain employment records; certain records on a student 18 years of age or older; certain records created or received by an educational agency after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student; and grades on peer-graded papers before they are collected and recorded by a teacher.

The following types of documents represent common information of this nature:

- a. Written assessment and diagnostic findings and other documentation (medical, sociological, psychological, or academic) that is used for determining eligibility for special education or for determining an appropriate program. This includes test protocols utilized during the assessment process.
- b. Official correspondence that includes information about the student or the student's family.
- c. Confidential documents provided by other agencies or programs that were provided through a written release of information by the parents or specifically identified as confidential information.
- d. Written information provided by the parents that is included in the student's confidential special education records at the request of the parents.

This is not an exclusive list, and there are other types of information that qualify as confidential information.

1. Eligible student: A student who has reached 18 years of age or is attending an institution of post-secondary education.
2. Personally identifiable information: Includes but is not limited to the student's name; the name of the student's parent or other family members; the address of the student or student's family; a personal identifier such as the student's social security number, student number, or biometric record; other indirect identifiers, such as the

student's date of birth, place of birth, and mother's maiden name; other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or information requested by a person who the educational agency reasonably believes knows the identity of the student to whom the education record relates.

3. **Record:** Any information recorded in any way, including but not limited to, hand writing, print, computer media, video or audio tape, film, microfilm, and microfiche.

Maintenance of Records

The records custodian must ensure that all educational records are maintained in a secure location. File cabinets and other storage containers that are used to store such records and documents must be locked and remain locked except for access by authorized personnel. The school principal is responsible for security of special education records and management of confidential information at each school site; however, he/she may designate a staff person to assist with this responsibility. Files may be kept in a central location or in more than one location in the school as long as security is maintained. Confidential special education files must not be mixed with other types of records on the student (e.g., cumulative school records, files maintained by teachers of students' school work).

All confidential special education records will follow the student from grade to grade and school to school. This is to occur regardless of the student's continued eligibility for special education services. The school registrar or secretary is to place a [NOTICE OF CONFIDENTIAL SPECIAL EDUCATION RECORDS](#) in the student's permanent cumulative file to indicate that confidential special education records exist for the student.

Directory Information

The school may disclose directory information without written consent if a notice has been given to parents or eligible students regarding the types of information that will be disclosed, as well as notification of their right to refuse disclosure of any or all information that the school considers directory information.

Although directory information may be disclosed without consent, great care should be taken as to the method of disclosure. For example, identifying special education students as such in a list posted in school hallways, the faculty lounge, or in school bulletins would violate FERPA.

Parents may prohibit the disclosure of directory information by providing a written request to this effect.

Inspection and Review of Educational Records

1. **Timelines for access.** Parents have the opportunity to inspect and review any educational records relating to their child which are collected, maintained or used by the district. The district must comply with a request to inspect and review without unnecessary delay and in any event before any meeting regarding an IEP or a due process hearing relating to identification, evaluation, educational placement, or the provision of a free appropriate public education, and not later than 45 days after the request has been made. Generally, the policy in Lyon County School District is to respond to a request to inspect and review records within ten (10) working days after the request has been made.
2. **Interpretations and explanations.** Parents have the right to obtain reasonable interpretations and explanations of the information contained in the educational records. The parents may make reasonable requests for the district to explain and interpret the records, and to have their representative inspect and review the records.
3. **Copies of records.** The parents may request that the district provide them with copies of the records, if, without the copies, any meaningful review of the records is impractical. The district may charge a reasonable fee for photocopying records.
4. **Authority of parent.** The district may presume that the parent has the authority to inspect and review records relating to the student unless the district has been advised that the parent does not have the authority under applicable state law governing such matters as guardianship, separation or divorce. In Lyon County School District, it will be necessary for the district to have a copy of any such legal document prior to denying a parent access to the records.
5. **Record of access.** The district shall keep a record of the persons other than parents and authorized employees given access to educational records. The record must include the person's name, date of access, and purpose for which the person is authorized to use the records.

6. Records on more than one student. If any educational record contains information on more than one student, the parents may inspect and review only the information relating to their child or be informed of that specific information.
7. List of types and locations of records. Upon request the district shall maintain and provide to parents a list of the types and locations of educational records it collects, maintains or uses relating to students.
8. Fees. If the district charges a fee for copies of records made for parents, the amount of the fee cannot effectively prevent the parents from exercising the right to inspect and review those records. No fee may be charged for the search or retrieval of the information.

Generally, the school district provides copies of special education records on request. In most instances, the school district does not charge a fee for duplication of special education records provided to the parent or guardian; exceptions may be made in appropriate circumstances.

Amendment of Educational Records

1. A parent who believes that information in educational records is inaccurate, misleading or violates the privacy or other rights of the student may request an amendment of that information. The district shall determine whether to amend the information within a reasonable period of time after receipt of the request. If the decision is to refuse to amend the information, the district shall inform the parent of the refusal in writing, including the reason for the refusal and the right to a hearing.
 - a. When the parents of a student request an amendment of the student's special education records, the school district [Executive Director of Special Services](#) must be notified.
2. Upon request, the district shall provide an opportunity for a hearing to challenge information in educational records.
3. If, as a result of the hearing, it is decided that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, the district shall amend the information accordingly and inform the parents in writing.
4. If it is decided that the information is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, the parent may place in the records a statement commenting on the information or setting forth any reasons for disagreeing with the decision.
 - a. The district shall notify the parent that the parent has a right to include such a statement in the record.
 - b. The district shall retain any such explanation placed in the records as part of the records as long as the record or contested portion is maintained. If the records are disclosed to any person, the explanation must also be disclosed.
5. Any hearing held regarding the amendment of records must be conducted in accordance with FERPA and other applicable procedures.

Safeguards

The district shall not disclose personally identifiable information except as authorized by law.

Each principal/designee must ensure that all school staff that collect or use personally identifiable information receive training to ensure the confidentiality of such information. The district shall:

1. Protect the confidentiality of personally identifiable information at its collection, storage, disclosure and destruction;
2. Appoint one official to assume responsibility for ensuring the confidentiality of any personally identifiable information;
3. Train or instruct all persons collecting or using personally identifiable information regarding confidentiality procedures; and
4. Maintain a current listing for public inspection of the names and positions of those employees within the district who may have access to personally identifiable information. A [REVIEW OF STUDENT RECORDS](#) form must be posted at every location where confidential special education records are kept.

Storage of Inactive Confidential Records

Inactive special education records and all confidential information maintained on students must be maintained in a secure location. Files of students who have left your school site should be sent to the Special Services office for storage at that office until requested by another school.

Destruction of information

The district shall also:

1. Inform parents when the personally identifiable information is no longer needed to provide educational services to the student;
2. Maintain a permanent record of the student's name, address, telephone number, grades, attendance, classes attended, grades completed and the year completed; and
3. Upon the request of the parent, destroy any personally identifiable information except the information listed in (2), which is no longer necessary to provide educational services.

Destruction of personally identifiable information will be coordinated through the SPECIAL SERVICES OFFICE. The SPECIAL SERVICES OFFICE will manage the notice and destruction process in accordance with the record retention schedules established in state law.

Consent Required for Access to Records

Parental consent will be obtained before personally identifiable information is disclosed to anyone other than authorized individuals or agencies; or used for any purpose other than meeting a requirement under IDEA. The district will not release information from education records to participating agencies without parental consent unless authorized to do so under FERPA (see [PARENT CONSENT TO RELEASE OR EXCHANGE CONFIDENTIAL INFORMATION](#)).

Who May Access Records Without Consent

There are several situations where the school district may disclose education records of a student without written consent of the parent or eligible student. The most common situations affecting special education students are explained below:

1. To school officials with a legitimate educational interest, including any administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); student teachers and related service interns; a person serving on the School Board; a person or company with whom the school has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.
 - a. The Executive Director of Special Services is the school official in charge of educational records and shall determine whether a school official is seeking information to carry out his/her official duties and whether the specific information sought is necessary in carrying out those duties.
2. To comply with a judicial order or lawfully issued subpoena. If the education records of a student are subpoenaed, the school district needs to make a reasonable effort to notify the parent or student (if 18 years of age or older) before complying with the subpoena. This is intended to allow the parent/student the opportunity to quash or challenge the subpoena.
3. To authorized representatives of federal or state agencies who are engaged in audit or compliance activities. In such a case, the representatives must sign a record of access stating the purpose of their need to access the education record.
4. The school may disclose personally identifiable information about a student from confidential records in an emergency if the information is necessary for the health or safety of the student or other individuals.
5. To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer.
6. To other entities specified in FERPA, 34 CFR Part 99, §99.31.

PROCEDURAL SAFEGUARDS

Procedural safeguards are specific rights and guarantees given to parents and students through state and federal laws to protect them in matters related to identification, evaluation, educational placement, and the provision of a free appropriate public education. Collectively, these rights and guarantees are referred to as procedural safeguards, and are described for parents in a document disseminated by the Nevada Department of Education entitled "Special Education Rights of Parents and Children."

The IDEA requires that parents be given an opportunity to participate in meetings with respect to the identification, evaluation, educational placement, and provision of a free appropriate public education for students with disabilities. A meeting does not include informal or unscheduled conversations involving district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that district personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

Definitions

Consent: Parents must give informed written consent, which means that they have been fully informed of all information relevant to the activity for which consent is sought, in their native language or other mode of communication. Parents must understand and agree in writing to the carrying out of the activity for which their consent is sought. The request for consent must describe the activity and list the records (if any) which will be released and to whom. Parents must also be informed and understand that the granting of consent is voluntary on their part and may be revoked at any time. If a parent revokes consent, that revocation is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked). If the parent revokes consent in writing for their child's receipt of special education services after the child is initially provided special education and related services, the public agency is not required to amend the child's education records to remove any references to the child's receipt of special education and related services because of the revocation of consent.

Evaluation: Evaluation procedures are used to determine if a student has a disability and the nature and extent of special education and related services that are needed by that student. The term refers to procedures that are individually administered and used selectively with a student and does not include basic tests or procedures used with all students in school (e.g., group achievement tests, general screenings of all students).

Notice: The district must provide the parents with prior written notice (see [*PARENTAL PRIOR WRITTEN NOTICE*](#)) a reasonable time before proposals or refusals to initiate or change the identification, evaluation, educational placement, or provision of a free appropriate public education to a student. The notice must be written in language understandable to the general public and provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the district must translate the notice orally so that the parent understands the content of the notice and maintain written evidence that these steps were taken.

The notice must contain the following information:

- a. A description of the action proposed or refused by the school district;
- b. An explanation of why the school district proposes or refuses to take the action;
- c. A description of other options the school district considered and the reasons why those options were rejected;
- d. A description of each evaluation procedure, assessment, record, or report used by the school district as the basis for the proposed or refused action;
- e. A description of the factors that are relevant to the school district's proposal or refusal;
- f. A statement that the parents of a child with a disability have protection under the procedural safeguards of IDEA and, if the notice is not an initial referral for an evaluation, the means by which a copy of the description of the procedural safeguards can be obtained; and
- g. Contact sources for parents to obtain assistance in understanding the provisions of special education law.

PROCEDURAL SAFEGUARDS. A copy of procedural safeguards (the "rights" document) must be provided to parents **AT LEAST ONCE PER YEAR** and at the following junctures:

- a. Initial referral for evaluation or upon parent request for an evaluation
- b. Upon the first request for a due process hearing in a school year
- c. Upon the first request for a complaint investigation in a school year (the Nevada Department of Education provides this copy to the parent)
- d. Upon request by the parent
- e. On the date a decision is made to make a removal that constitutes a disciplinary change of placement

Parent: As used in this section, the term **parent** refers to biological or adoptive parents, a foster parent, a guardian generally authorized to act as the child's parent (but not the state if the child is a ward of the state), an individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare, a surrogate parent, or a person identified through judicial decree or order to act as the "parent" of a child or to make educational decisions on behalf of a child, or the student, if he or she has reached the age of 18. A non-custodial divorced parent also has the right to participate in special education proceedings regarding his or her children. All of the rights that are afforded to parents transfer to the student when he or she is age 18, unless the student has been adjudged incompetent by a court of competent jurisdiction and a guardian has been appointed.

Unless a judicial decree or order has identified a person to act as the parent, the biological or adoptive parent, when attempting to act as the parent under this part and when more than one party is qualified to act as a parent, is presumed to be the parent unless the biological or adoptive parent does not have legal authority to make educational decisions for the child.

Surrogate parent: A surrogate parent is a person appointed by the school district to represent the interests of a student when neither of the student's parents can be identified or located, or the student is a ward of the State of Nevada, or the student is an unaccompanied homeless youth. A surrogate parent has all the special education rights and authority ordinarily afforded to other parents. In the case of a child who is a ward of the State, the surrogate parent alternatively may be appointed by the judge overseeing the child's case, provided that the surrogate meets the requirements described below. If the student is an unaccompanied homeless youth, appropriate staff of emergency shelters, transitional shelters, independent living programs, and street outreach programs may be appointed as temporary surrogate parents.

Informed Written Consent

1. **Reasonable steps to obtain consent:** The district **must take and document** reasonable steps to obtain parent consent when consent must be obtained before the district can proceed with its evaluation and service provision responsibilities. Reasonable steps which must be taken and carefully documented include:
 - Detailed records of telephone calls made or attempted and the results of those calls
 - Copies of correspondence sent and responses received
 - Detailed records of visits to home or place of employment and results
2. **Consent requirements:** Informed written consent from a student's parents is required in the following instances:
 - When the school district initially proposes to evaluate a student to determine his or her eligibility for special education and related services (see *CONSENT FOR EVALUATION*)
 - If the parent refuses to consent to an initial evaluation, or fails to respond to a request to obtain consent, the district may but is not required to pursue the evaluation through mediation and/or due process. If the district does not initiate mediation or due process proceedings, the district will not be found to have violated its obligations for child find/identification or evaluation, and the district will not be deemed to have knowledge the student was a student with a disability for discipline purposes.
 - When the school district proposes the initial provision of special education and related services for the first time (see **CONSENT FOR INITIAL PROVISION OF SPECIAL EDUCATION AND RELATED SERVICES**)
 - If the parent refuses to consent, or fails to respond to a request to obtain consent for the initial provision of special education and related services, the district MAY NOT use mediation and/or due process in order to obtain agreement or a ruling that the services may be provided to the student. The district will not be considered to be in violation of the requirement to make FAPE available to the student because of the failure to provide the student with the special education and related services for which the parent refuses to or

fails to provide consent, and the district will not be deemed to have knowledge the student was a student with a disability for discipline purposes. The district is also not required to convene an IEP committee meeting or develop an IEP, although the Lyon County School District may do so for the purpose of making clear its offer of FAPE to the parent.

- If at any time subsequent to the initial provision of special education and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the district may not continue to provide special education and related services to the child, but must provide prior written notice before ceasing the provision of special education and related services (see [PARENTAL PRIOR WRITTEN NOTICE](#)); MAY NOT use mediation and/or due process procedures to obtain agreement or a ruling that the services may be provided to the child; will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further special education and related services; and is not required to convene an IEP committee meeting or develop an IEP for the child for further provision of special education and related services.
 - When the school district conducts a reevaluation that requires assessment(s) in addition to information already available to the team (see [CONSENT FOR EVALUATION](#))
 - If the parent [refuses to consent](#), the district may but is not required to pursue the reevaluation through mediation and/or due process. If the district does not initiate mediation or use process proceedings, the district will not be found to have violated its obligations for child find/identification or evaluation, and the district will not be deemed to have knowledge the student was a student with a disability for discipline purposes. If the parent [has not responded](#) to a request for consent for reevaluation, the district may proceed with the reevaluation if the district can document it has taken reasonable measures to obtain consent and the student's parent has failed to respond.
 - CONTACT THE [SPECIAL SERVICES DATA MANAGER](#) IN ALL INSTANCES WHERE PARENTS REFUSE TO CONSENT OR FAIL TO RESPOND TO REQUESTS TO OBTAIN CONSENT.
3. Additional information: Consent for initial provision of special education services: Informed written consent for initial provision of special education services must be obtained from parents before a student may receive services. Consent is obtained using the [CONSENT FOR INITIAL PROVISION OF SPECIAL EDUCATION AND RELATED SERVICES](#) form.

In most circumstances, parents sign this form when they attend the student's initial IEP meeting. However, in instances where the parents refuse or do not attend after reasonable attempts are made to involve them in the initial IEP meeting, the school must take reasonable steps to attempt to obtain written consent for initial provision of services through other means. This might include telephone calls, correspondence, and sending the proposed IEP and consent form to the parents through the mail with a pre-addressed and postage paid envelope enclosed. When possible, school staff could also take the form to the parent's home or place of employment. Each of these attempts must be carefully documented. If the parent withholds consent for the initial provision of special education and related services, IEP services CANNOT be provided.

Although federal law does not require that the district prepare an IEP prior to obtaining consent for the initial provision of special education and related services, the district will draft a proposed IEP if parents will not participate in the IEP development, and send the proposed IEP to the parent along with the consent form and a [PARENTAL PRIOR WRITTEN NOTICE](#) proposing development and implementation of IEP services as described in the attached IEP.

The school is only required to obtain [CONSENT FOR THE INITIAL PROVISION OF SPECIAL EDUCATION AND RELATED SERVICES](#) once, before the student is initially placed in a program of special education. Thereafter, the procedures regarding notice and IEP development, review, and revision apply.

4. Reevaluations requiring additional data: Parent consent is not required before reviewing existing data as part of an evaluation or reevaluation, or before administering a test that is administered to all children unless consent is required of all parents. If the IEP Committee and eligibility team need additional data before completing a reevaluation, consent must be obtained.
5. Withdrawing consent: Consent for evaluation, reevaluation, or the initial provision of special education services may be revoked at any time. However, revocations are not retroactive. A revocation will not negate an action that has occurred after the consent was given and before the consent was revoked. For example, if

a parent wishes to revoke consent for an initial evaluation, and the evaluation has already been completed, the revocation is ineffective.

If at any time subsequent to the initial provision of special education and related services, the parent of a student [revokes consent in writing](#) for the continued provision of special education and related services, the district may not continue to provide special education and related services to the student, but must provide [prior written notice](#) before ceasing the provision of special education and related services. The district may not use mediation or due process procedures in order to obtain agreement or a ruling that the services may be provided to the student. The district will not be considered to be in violation of the requirement to make FAPE available to the student because of the failure to provide the student with further special education and related services. Finally, the district is not required to convene an IEP meeting or develop an IEP for the student for further provision of special education of the student.

If a parent who revoked consent for special education and related services later requests that his or her child be re-enrolled in special education, the school district must treat this request as a request for an initial evaluation, rather than as a reevaluation. IF A PARENT WHO REVOKED CONSENT REQUESTS RE-ENROLLMENT IN SPECIAL EDUCATION, CONTACT THE [SPECIAL SERVICES DATA MANAGER](#) FOR ASSISTANCE.

6. Subsequent to the initial evaluation and the initial provision of special education and related services, the school must use written notice to ensure that parents understand any action the school proposes or refuses. This might include the need for assessments determined necessary by the student's IEP Committee in order to provide appropriate services, or completion of a functional behavioral assessment at a time not consistent with the three-year reevaluation juncture.
7. Consent is also required in certain circumstances before the school district discloses personally identifiable information. See [Confidentiality](#) section for further information.

Prior Written Notice and Notification Regarding ET/IEP Meetings

1. **Prior Written Notice:** In general, prior written notice is required whenever the school proposes or refuses to take an action related to the identification, evaluation, educational placement, or provision of a free appropriate public education for a student (see [PARENTAL PRIOR WRITTEN NOTICE](#)).

The following list identifies common situations where the district is required to provide parents with prior written notice:

- The school proposes to evaluate or reevaluate the student
 - The school proposes to develop the student's initial or annual IEP and has specific proposals for content
 - The school proposes to implement an IEP developed without the consensus of the parent
 - The school proposes to conduct an initial evaluation or reevaluation without obtaining additional data
 - The school proposes to change the student's special education placement or IEP services
 - The school proposes to terminate special education services (including termination of eligibility through a reevaluation process, or graduation from high school)
 - The school proposes to cease special education and related services after receiving a written request by the parent revoking consent for continued provision of special education and related services
 - The school proposes to change or terminate a student's related services (e.g., speech therapy, occupational or physical therapy, counseling)
 - The school proposes a suspension or expulsion of a special education student which will constitute a change in placement
2. **Notification regarding the student's IEP meeting:** Since the IEP meeting is the most important mechanism for involving parents in educational decision-making, parents must receive written notification of this meeting. The importance of parental involvement at the IEP meeting is so significant, in fact, that the case manager must take specific action to notify the parents and make reasonable attempts to assure their participation, even when they cannot be present for the meeting in person. It should be noted that the school must proceed with the IEP development without the parents if they refuse or do not attend after reasonable attempts to involve the parents have been made. See [NOTIFICATION OF MEETING](#).

3. Notice regarding evaluation and reevaluation: The school district is required to send [PARENTAL PRIOR WRITTEN NOTICE](#) when it proposes an initial evaluation of the student's eligibility for special education and related services. Also, the school district is required to reevaluate each eligible student at least every three years unless the district and parent agree otherwise. Parent notice of reevaluation is provided by sending the [PARENTAL PRIOR WRITTEN NOTICE](#). Parents are also requested (by letter, telephone, or in person) to provide input as to the need for, and scope of, any additional assessments that may be needed. IDEA regulations permit the IEP Committee members and eligibility team members to review the existing evaluation data to determine whether additional assessments are needed, without a team meeting required. If additional assessments are needed, the district must ask the parent to provide written consent for any additional assessments that have been determined to be necessary in order to complete the reevaluation. If no additional assessments are needed, [PARENTAL PRIOR WRITTEN NOTICE](#) of the proposal to conduct a reevaluation without obtaining additional data is sent to the parents, notifying them of their right to request further assessments.

4. Notice regarding proposed changes to IEP or placement: Since the IEP Committee must make all decisions affecting a student's special education services or placement, the [PARENTAL PRIOR WRITTEN NOTICE](#) sent to the parents must explain the proposed changes. Again, the school must make reasonable efforts to involve the parents in the IEP process. When parents do not respond to requests to attend IEP meetings, the school must seek to include them through other means (e.g., via telephone). Parents must receive a copy of the amended IEP developed by the IEP Committee. When parents are not in attendance, parents must be provided with [PARENTAL PRIOR WRITTEN NOTICE](#) of the district's proposal to implement the IEP.

Graduation from high school or a change in placement to a more or less restrictive setting is considered a "change in placement." Such changes in a special education student's program or placement require prior written notice and must only occur through the IEP process ([PARENTAL PRIOR WRITTEN NOTICE and NOTIFICATION OF MEETING](#)). A student's graduation from high school is handled through careful planning of his or her transition and by determining the graduation option (standard diploma, alternative diploma or adjusted diploma) through the IEP process on at least an annual basis.

For students graduating with a standard high school diploma, the [PARENTAL PRIOR WRITTEN NOTICE](#) form must include a statement that the student "is receiving a standard high school diploma and will no longer be eligible for special education services upon graduation." For students graduating with an adjusted diploma, the written notice form must include a statement that the student "is eligible to receive special education services until he/she receives a standard diploma or reaches 22 years of age."

5. Notice regarding termination of eligibility/services: If the student's services are being terminated because the student is no longer eligible for services, the following procedure must be followed:
- The eligibility team must conduct a reevaluation and determine whether the student is no longer eligible for special education services. See [Reevaluation](#) section for all reevaluation procedures, which must be strictly followed.
 - If the eligibility team finds the student no longer eligible, [PARENTAL PRIOR WRITTEN NOTICE](#) of the proposal to discontinue services based upon ineligibility must be provided to parents.

If the student's services are being terminated because the student is no longer eligible due to graduation with a standard diploma or because the student has reached 22 years of age, the evaluation described in section (a) is not required. However, a summary of the student's academic achievement and functional performance must be developed and provided to the student and parent (see [SUMMARY OF PERFORMANCE](#)).

If the student's services are being terminated because the parent has revoked consent in writing for the continued provision of special education and related services, the district must provide prior written notice of its proposal to discontinue special education and related services based on receipt of the written revocation of consent. Within a reasonable time after providing prior written notice, the district must discontinue all special education and related services to the student.

6. Notice regarding proposals to change or terminate a student's related services: Prior written notice must be provided of the district's proposals or refusals to initiate, change, or terminate a student's related services. Related services (e.g., speech therapy, occupational and physical therapy, counseling) are an important part of a student's IEP. Without these services, many students would not benefit from the special education program provided. For this reason, any decision to initiate, change, or terminate related services must be made by the IEP Committee. If at all possible, it is advisable to have the related service provider participate as a member of the IEP Committee. However, when this is not possible, he or she must supply the rationale for initiating, changing, or discontinuing the services. The IEP Committee determines a student's need for related services.

7. Notice requirements for parental requests: Parents are encouraged to present any requests for changes in eligibility, IEP services or placement in writing. For example, parents may request that the school district pay for an independent educational evaluation. They may also request that the school district provide additional services for their child. Parents may ask the school district to place their child in a specialized program outside of his or her zoned school. Whether the parents' requests are made in writing or not, parents must be given [PARENTAL PRIOR WRITTEN NOTICE](#) of the school district's decisions in response to such requests by parents. CONTACT THE [EXECUTIVE DIRECTOR OF SPECIAL SERVICES](#) FOR ASSISTANCE IN RESPONDING TO PARENTAL REQUESTS.
8. Notice regarding suspension/expulsion: There are specific procedures that must be followed when a special education student is suspended or expelled for more than ten (10) days from school. The basic procedures that must be followed regarding notice are outlined below:
 - a. On the date a decision is made to implement a disciplinary removal that will result in a change of placement, the district must provide [PARENTAL PRIOR WRITTEN NOTICE](#) of this decision and of the intent to conduct a manifestation determination prior to implementing the removal.
 - b. If the IEP Committee determines that the behavior is not a manifestation of the student's disability, the district must provide [PARENTAL PRIOR WRITTEN NOTICE](#) to the parents of the IEP Committee's decision and the school's intent regarding further disciplinary action.
 - c. If the IEP Committee determines that the behavior is a manifestation of the student's disability, the student generally remains in the placement identified in the student's IEP (unless the student is placed in a 45-school-day interim alternative educational setting for conduct involving weapons, drugs/controlled substances, or infliction of serious bodily injury). The district provides [PARENTAL PRIOR WRITTEN NOTICE](#) of the district's intention to conduct a functional behavioral assessment (unless one has already been done) and to develop a behavior intervention plan (or review/revise an already existing plan).

Appointment of Surrogate Parents

1. Requirement to appoint surrogate parent: A surrogate parent must be appointed by the school district when neither of the student's parents can be identified or located, or the student is a ward of the State of Nevada, or the student is an unaccompanied homeless youth. In the case of a child who is a ward of the State, the surrogate parent alternatively may be appointed by the judge overseeing the child's case, provided that the surrogate meets the requirements described below.

A student who is eligible for special education in Lyon County School District and meets any of these conditions will be appointed a surrogate parent to represent him or her in all matters related to special education. CONTACT THE [EXECUTIVE DIRECTOR OF SPECIAL SERVICES](#) FOR ASSISTANCE REGARDING THE APPOINTMENT OF A SURROGATE PARENT.

2. Qualifications for serving as a student's surrogate parent: A surrogate parent cannot be an employee of the Nevada Department of Education, the school district, or of any other agency involved in the education or care of the student. The surrogate must have no personal or professional interest that conflicts with the interest of the student, and the surrogate must have knowledge and skills that ensure adequate representation of the student. If the student is an unaccompanied homeless youth, appropriate staff of emergency shelters, transitional shelters, independent living programs, and street outreach programs may be appointed as temporary surrogate parents without regard to whether those staff are employees of agencies involved in the care of the student, until a surrogate parent can be appointed that meets all of the requirements outlined above.
3. Rights and privileges of surrogate parents: Surrogate parents have all the same rights and privileges of biological parents pertaining to the identification, evaluation, educational placement, and the provision of a free appropriate public education for the student he or she represents. As such, surrogate parents must give consent before initial evaluation, initial provision of special education and related services, and reevaluation of the student if the reevaluation requires additional assessments. They must also be given prior written notice for any proposed or refused action by the school as described in this section. Surrogate parents have all the due process rights of natural parents in a dispute with the school district regarding the student's special education program.

Independent Educational Evaluation

A parent has the right to request an independent educational evaluation (IEE) at public expense if the parent disagrees with an evaluation obtained by the Lyon County School District. However, the district may initiate a hearing to show

that its evaluation is appropriate. If the final decision is that the district's evaluation is appropriate, the parent still has the right to an IEE, but not at the public expense. Information regarding where an IEE may be obtained will be provided to the parent upon request for an IEE, along with the district's criteria for conducting such an evaluation. Whenever an IEE is conducted at the district's expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, will be the same as the criteria the district uses when it initiates an evaluation. Whether or not the school district pays for an IEE, the IEE must be considered in decisions regarding the student's special education program.

An IEE is an evaluation conducted by an examiner who is not employed by the school district but possesses qualifications similar to those of examiners employed by the school district. Parents should be encouraged but are not required to notify the school district before they obtain an IEE. All parent requests for an IEE should be forwarded to the Executive Director of Special Services for review. The Executive Director will tell the parents where an IEE may be obtained and will provide notice of the school district's decision regarding their request for an IEE.

When an IEE has been requested, the district must without unnecessary delay either provide (pay for) the IEE, or request a due process hearing to establish that its evaluation is appropriate. If the hearing officer determines that the district's evaluation is appropriate, the parent may still obtain an IEE, but at the parent's personal expense. A parent is entitled to only one IEE at public expense each time the public agency conducts an evaluation with which the parent disagrees. CONTACT THE [EXECUTIVE DIRECTOR OF SPECIAL SERVICES](#) FOR ASSISTANCE WITH REQUESTS FOR AN IEE.

Mediation

Mediation is a process where an impartial person participates in a meeting between parents and representatives of the school district in an attempt to resolve issues of disagreement about the student's special education program. Most often mediation is used as an informal method of conflict resolution when parents have filed a request for an impartial due process hearing. Mediation may not be used in place of a hearing nor can it delay the parent's right to a hearing. When disagreements between parents and school personnel over special education issues rise to the level of an impasse, the [Executive Director of Special Services](#) should be involved. At the Executive Director's discretion, mediation may be requested, although other methods of resolution will probably be used prior to taking this step. Mediation usually produces at least some agreement between the parties. Even when parents proceed to a hearing, mediation often reduces or clarifies the issues to be heard.

The Nevada Department of Education has established a mediation system, maintains a pool of trained mediators, and will pay for the costs incurred by the mediation. Either party (the school district or the parents) can request mediation although both parties must agree to participate. Each session of mediation must be scheduled in a timely manner and must be held at a location that is convenient for the parties to the dispute. If the parties reach an agreement, the agreement must be set forth in writing and the agreement is enforceable in court.

Impartial Due Process Hearings

Although a due process hearing may be necessary to resolve a disagreement between parents and the school district, there are often other effective methods of resolution (e.g., informal negotiation or mediation). Parents and school districts should pursue alternatives to due process whenever possible as a way of reaching an agreement about the student's special education program. CONTACT THE [EXECUTIVE DIRECTOR OF SPECIAL SERVICES](#) IMMEDIATELY IF A PARENT REQUESTS A DUE PROCESS HEARING.

1. **Impartial due process hearing:** Due process is a formal means provided in the law for resolving disputes between the school district and parents. Either the school district or parents may initiate a request for a hearing on issues related to identification, evaluation, educational placement or the provision of a free appropriate public education (FAPE) for a student with disabilities (although the district may not request a hearing to dispute a parent's refusal to consent to the initial provision of special education and related services). When a due process hearing is requested, an impartial hearing officer is appointed by the State Superintendent of Public Instruction to hear the case and render a decision. In Nevada, either party may appeal the hearing officer's decision to a state-level review officer. If the matter is not resolved at either of these levels, either party may appeal the case to a state court of competent jurisdiction or a U.S. district court.
2. **Requesting an impartial due process hearing:** Parents may request an impartial due process hearing by writing a letter to the school district Superintendent or Director of Special Education. A model form is available to assist parents in requesting a due process hearing (see [MODEL DUE PROCESS HEARING REQUEST](#)). Within five days of receiving the request, the school district must transmit the letter to the State Superintendent of Public Instruction with a request that the Superintendent appoint a hearing officer.

3. Response to request:

- Within 10 days of receipt of the request for the hearing, if the district DID NOT already send a PARENTAL PRIOR WRITTEN NOTICE to the parent regarding the subject matter of the hearing request, the district shall send notice that includes:
 - explanation of why the district proposed/refused action
 - description of other options the IEP team considered and why rejected
 - description of each evaluation procedure, assessment, record or report used as a basis for proposed/refused action
 - description of the factors relevant to district's proposal or refusal
- Within 10 days of receipt, if the district DID already send PARENTAL PRIOR WRITTEN NOTICE, the district shall send the parent a response that specifically addresses the issues raised in the request for a hearing. A response by the district does not preclude district from asserting that the parent's due process complaint was insufficient.

If the district files the hearing request, the parent must send the district a response that specifically addresses the issues raised in the request for a hearing within 10 days of receipt of request for hearing.

Sufficiency challenge:

- Within 15 days of receipt, the nonfiling party may notify the Hearing Officer and the filing party that the receiving party believes the notice has not met content requirements
- Within 5 days of receipt of notification of insufficiency, the Hearing Officer makes determination based on the face of the request for hearing and immediately notifies parties in writing
- If insufficient, the filing party must refile and the request is treated like a new request

Resolution meetings:

- Within 15 days of receiving notice of the parents' request for a hearing, the district must convene a resolution session UNLESS the district and the parents agree in writing to waive the session, or agree to use mediation process
- Resolution session participants:
 - Parents and relevant member(s) of IEP Committee (parent and district determine relevant members to attend meeting) who have specific knowledge of the facts identified in the hearing request
 - Includes representative of district with decision-making authority
 - May not include attorney of district unless parent is accompanied by attorney
- Parents discuss request for hearing and the facts that form the basis of the complaint, and the district is provided the opportunity to resolve

If a resolution agreement is reached, the parties execute a legally binding agreement that is signed by the parent and a representative of the district who has authority to bind the district. The resolution agreement is enforceable in any state court of competent jurisdiction or in a U.S. district court. A party may void the executed agreement within 3 business days of the agreement's execution.

Resolution period:

- If the district has not resolved the complaint to the satisfaction of the parents within 30 days of the receipt of the complaint, the due process hearing may occur
- The timeline for issuing a final decision begins at the expiration of this 30-day period
- Except where the parties have jointly agreed to waive the resolution process or to use mediation, the failure of the parent filing a due process complaint to participate in the resolution meeting will delay the timelines for the resolution process and due process hearing until the meeting is held
- If the district is unable to obtain the participation of the parent in the resolution session after reasonable efforts have been made and documented, the district may, at the conclusion of the 30-day period, request that a hearing officer dismiss the parent's due process complaint
- If the district fails to hold the resolution session within 15 days of receiving notice of a parent's due process complaint or fails to participate in the resolution meeting, the parent may seek the intervention of a hearing officer to begin the due process hearing timeline

Adjustments to 30-day resolution period: The 45-day timeline for the due process hearing starts the day after one of the following events:

- Both parties agree in writing to waive the resolution meeting
- After either the mediation or resolution meeting starts but before the end of the 30- day period, the parties agree in writing that no agreement is possible
- If both parties agree in writing to continue the mediation at the end of the 30-day resolution period, but later, the parent or district withdraws from the mediation process

4. Stay put:

As required by state and federal law, under most circumstances when a due process hearing has been requested the student “stays put” in the last agreed-upon placement until the issue is resolved, unless the parents and the school district agree on an alternative placement. In limited circumstances (e.g., students who exhibit behavior that is harmful or dangerous to self or others), the school district may seek a court injunction to bar the student’s attendance at school and maintain an alternative placement until the dispute is resolved through the hearing process. An Interim Alternative Educational Setting (IAES) may become the "stay put" placement for a student who has engaged in behavior involving weapons, drugs, controlled substances, or infliction of serious bodily injury. Also, in cases where a review officer agrees with the parents of the pupil that a particular change in the current placement is appropriate, the change in placement must be treated as an agreement between the district and the parents, for purposes of "stay put" through any continuing litigation.

5. Procedures for a due process hearing:

- a. The parent shall submit in writing to the district superintendent any request for fair and impartial due process hearing in accordance with IDEA, stating the name of the student, the residence address of the student, in the case of a homeless child or youth, available contact information for the child the name of the school the student is attending, a description of the nature of the problem including relevant facts, and a proposed resolution of the problem to the extent known and available to the parents at the time. A copy of the request for a hearing must also be submitted by the parent to the Nevada Department of Education.
- b. The district superintendent, within five working days of the receipt of a hearing request from the parent, shall ask the State Superintendent of Public Instruction to appoint an impartial hearing officer.
- c. The State Superintendent of Public Instruction will officially appoint the impartial hearing officer and notify the parties in writing of the appointment. The hearing officer must not have a conflict of interest or be an employee of any public agency involved in the education or care of the student. A person is not an employee of a public agency solely because the public agency compensates the person for the person's services as a hearing officer.
- d. The Lyon County School District must also take the following additional actions upon receipt of a request for a hearing:
 - i. The parent shall be notified by certified mail of the time and place of the hearing.
 - ii. The parent shall be informed of any free or inexpensive legal services and other relevant services in the area.
 - iii. The parent shall be informed of the right to request a resolution of the dispute through a mediation process.
 - iv. The parent shall be informed of all procedural safeguards, including the rights listed below:
 1. At the hearing, a party to the hearing may:
 - a. Be represented by counsel;
 - b. Be accompanied by and advised by persons who have special knowledge of or training regarding the problems of students with disabilities;
 - c. Present evidence;
 - d. Call, examine and compel the attendance of witnesses; and
 - e. Cross-examine witnesses.
 2. At the hearing, the parent has the right to:
 - a. Have the pupil present;
 - b. Have the hearing open to the general public; and
 - c. Have the record of the hearing and findings of fact provided at no cost to the parent.
 3. The parent may examine all pertinent school records before the hearing.
 4. A party to the hearing may object to the introduction of evidence or evaluations, including recommendations based upon evaluations that have not been disclosed to

- the opposing party at least five business days before the hearing. The hearing officer may bar the introduction of such evidence without the consent of the other party.
5. The district shall make a verbatim record of the hearing either in writing or, at the option of the parent, by electronic means. The record must be made available to any party to the hearing.
 6. The district shall take whatever action is necessary to ensure that the parent understands the written notice and the proceedings at the hearing, including arranging for an interpreter for a parent who is deaf or whose native language is not English.
 7. The hearing must be held at a time and place reasonably convenient to the parent and student involved.
 8. The hearing officer shall base the decision solely on the evidence presented at the hearing. In addition:
 - A hearing officer's determination of whether a child received FAPE must be based on substantive grounds
 - In matters alleging a procedural violation, a hearing officer may find that a child did not receive a FAPE only if the procedural inadequacies:
 - Impeded the child's right to a FAPE;
 - Significantly impeded the parent's opportunity to participate in the decision-making process regarding the provision of a FAPE to the child; or
 - Caused a deprivation of educational benefit
 - A hearing officer may order a district to comply with procedural requirements
 - A parent may file a separate due process complaint on an issue separate from a due process complaint already filed
 9. The hearing officer shall render the findings of fact and decision in writing and mail a copy of the decision to the parties within 45 days after commencement of the hearing timeline. A hearing officer may extend the time for rendering a decision for a specific number of days upon the request of either party, except for expedited hearings. The written findings of fact and decision must be made available to any party to the hearing. At the option of a parent, findings of fact and decision must be made available to the parent by electronic means.
 10. The district shall pay the expenses of the hearing officer and any other expenses of the hearing.
 11. At a minimum, the Hearing Officer:
 - must not be an employee of the NDE or the district that is involved in the education or care of the child; or a person having a personal or professional interest that conflicts with the person's objectivity in the hearing
 - must possess knowledge of, and the ability to understand, the provisions of the IDEA, federal and state regulations pertaining to the IDEA, and legal interpretations of the IDEA by federal and state courts;
 - must possess the knowledge and ability to conduct hearings in accordance with appropriate, standard legal practice; and
 - must possess the knowledge and ability to render and write decisions in accordance with appropriate, standard legal practice

A person who otherwise qualifies is not an employee of the agency solely because he or she is paid by the agency to serve as a hearing officer.
 12. The decision of a hearing officer is final unless the decision is appealed.
 13. In regard to due process hearings, "business day" means Monday through Friday, excluding federal and state holidays.

Appeal from decision of hearing officer:

The parent and the district have the right to appeal the decision of the hearing officer to the State Superintendent of Public Instruction. The appeal must be made within 30 days after receiving the hearing officer's decision; a party to the hearing may file a cross appeal within ten (10) days after receiving notice of the initial appeal. If there is an appeal,

a state review officer appointed by the State Superintendent of Public Instruction shall conduct an impartial review of the hearing.

The review officer shall:

1. Examine the entire record of the hearing;
2. Ensure that the procedures of the hearing were consistent with the requirements of due process;
3. Seek any additional evidence necessary and, if a hearing is held to receive additional evidence, afford the parties the rights set forth in NAC [§388.310](#);
4. Afford the parties an opportunity for oral or written argument, or both, at the discretion of the reviewing officer;
5. Schedule any oral arguments at a time and place which is reasonably convenient to the parent and student involved;
6. Make an independent decision on the completion of the review; and
7. Mail copies of the written findings and decision to the parties within 30 days after receipt of a written request for review. The review officer may extend the time for rendering a decision for a specific number of days upon the request of either party. At the option of the parent, the findings of fact and decision must be made available to the parent by electronic means.

The decision of a review officer is final unless a party brings a civil action.

Civil action: A party may appeal from the decision of the review officer by initiating a civil action in a court of competent jurisdiction within 90 days after receipt of the decision of the review officer.

Expedited hearings: A parent's request for a hearing is expedited under the following disciplinary situations:

- a. Disagreement with the manifestation determination (the decision regarding the relationship of misconduct to the student's disability); and
- b. Disagreement with the decision regarding the placement of a student with a disability who violates a code of student conduct.

The school district may request an expedited hearing to change the placement of a student to an appropriate interim alternative educational setting based upon substantial evidence that maintaining the current placement is substantially likely to result in injury to the student or to others. This process may be repeated as necessary.

An expedited hearing must be conducted within 20 school days of the date the hearing is requested and the determination must be made within 10 school days after the hearing. The resolution session must be held within 7 days and the resolution period is 15 days.

Private School Placement

1. **Students with disabilities placed in private or religious schools by their parents, when FAPE is not at issue:**

The school district has an obligation to identify and evaluate all eligible students within its jurisdiction, and to offer to provide special education and related services in the public schools. The district must provide for the participation of private school students with disabilities in special education programs, and a proportionate share of federal funding must be expended for this purpose. No private school student with a disability has an individual right to receive some or all of the special education and related services the student would receive if enrolled in a public school.

After eligible students are identified and evaluated, the school district must consult with private school representatives and representatives of parents of private school students concerning child find, determinations of proportionate shares of federal funds to be expended, the consultation process, and the provision of special education and related services. When timely and meaningful consultation has occurred, the district must obtain a written affirmation signed by the representatives of participating private schools. If the representatives do not provide the affirmation within a reasonable period of time, the district must forward the documentation of the consultation process to the NDE.

A services plan must be developed for each private school student receiving services in accordance with this provision of federal law.

2. **Obligations to home-schooled students who have disabilities:**

Under Nevada State Law, the school district has the same obligation to students who are exempted from public school attendance for home schooling as it has to students in private schools.

3. Parental placement in a private or residential school at school district expense:

With the exception of some very unique circumstances, parents cannot make a unilateral placement of their child in a private or residential placement at the expense of the school district. There are some specific procedures related to “notice” that parents must follow if they intend to place their child in a residential program at the expense of the school district.

If reimbursement is awarded to a parent, the cost of reimbursement may be reduced or denied—

- a. If (i) At the most recent IEP Team meeting that the parents attended prior to removal of the child from the public school, the parents did not inform the IEP Team that they were rejecting the placement proposed by the district to provide FAPE to their child, including stating their concerns and their intent to enroll their child in a private school at public expense; or (ii) At least ten (10) business days (including any holidays that occur on a business day) prior to the removal of the child from the public school, the parents did not give written notice to the district of the information described in this section;
- b. If, prior to the parents' removal of the child from the public school, the district informed the parents, through prior written notice of its intent to evaluate the child (including a statement of the purpose of the evaluation that was appropriate and reasonable), but the parents did not make the child available for the evaluation; or
- c. Upon a judicial finding of unreasonableness with respect to actions taken by the parents.

Notwithstanding the notice requirement, the cost of reimbursement:

- a. Must not be reduced or denied for failure to provide the notice if (i) The school prevented the parents from providing the notice; (ii) The parents had not received notice of the notice requirement; or (iii) Compliance with the requirements would likely result in physical harm to the child; and
- b. May, in the discretion of the court or a hearing officer, not be reduced or denied for failure to provide this notice if (i) The parents are not literate or cannot write in English; or (ii) Compliance with the requirements would likely result in serious emotional harm to the child.

Transfer of Rights at Age 18

In general, the district shall assure that all rights of the parent shall transfer to the student upon reaching majority, at age 18. The exceptions are in the cases where such children are legally determined to be incompetent to make related decisions. In these instances, the legally established guardian will continue to maintain the rights outlined in this document.

On or before the date when the student turns 17 (during the annual IEP meeting when the student is 16), the student's IEP must include a statement that the student has been informed of the rights that will transfer at age 18 ([AGE OF MAJORITY PARENT LETTER](#) and [AGE OF MAJORITY STUDENT LETTER](#)).

Application for Parents to Represent Educational Interests of NAA Students

The 2007 Nevada State Legislature passed a state statute to allow parents of students with significant cognitive impairments who participate in NAA (the state’s alternative assessment) to submit an application to the school district seeking authority to represent the student’s special education interests after the student turns 18 (see [NOTICE OF APPLICATION, APPLICATION, NOTICE OF DETERMINATION](#)). This is the ONLY APPLICATION which may be used for this purpose in Lyon County School District. This process applies ONLY to the parents of students with significant cognitive impairments who participate in NAA. **This process is not available for students that do not participate in the NAA.**

Process

State and federal law require that at least one year prior to the student’s 18th birthday, parents and students must be notified that the parent’s special education rights will transfer to the student at age 18. This step is accomplished in Lyon County School District by explaining that rights will transfer during the annual IEP meeting held when the student is age 16.

For NAA students ONLY:

1. Explain that state law allows parents of NAA students to apply to represent the student’s special education interests after the student turns 18.
2. Provide the parent with the [NOTICE OF APPLICATION](#) form.
3. Retain a copy of the [NOTICE OF APPLICATION](#) and note the “Date [NOTICE OF APPLICATION](#) was provided to parent and student (prior to 18th birthday)” – see second line from bottom.

4. Explain that if the parent wishes to represent the student's special education interests, the application **MUST BE SUBMITTED no later than 90 days before the student's 18th birthday.**
5. The parent must complete the middle APPLICATION section of the document AND provide a copy of the student's IEP reflecting participation in NAA.
6. Within 30 days after receiving the APPLICATION, the district must review the application and determine whether to approve or deny the application. A decision to approve or deny must be made in consultation with the Executive Director of Special Services. If the application is complete and the student fits within the specific criteria (**students with significant cognitive impairments who participate in NAA**) the application should be approved.
7. Immediately after the decision to approve or deny, return a copy of the APPLICATION which was submitted by the parent to the parent and the student with the bottom box completed. **RETAIN A COMPLETED COPY IN THE STUDENT'S SPECIAL EDUCATION FILE.**

Unless the parents have been appointed by the district to represent the educational interests of the pupil, or a court has adjudicated the student incompetent to make decisions, the district must notify the student and parent that a transfer of rights has occurred when the student reaches ages 18. Whether the student's educational rights have transferred to the student or remain with the parents, the district shall provide any required notice thereafter to the student and the student's parents.

IDENTIFICATION

Identifying students with disabilities is the first step in providing appropriate educational services to students who are eligible for special education and related services.

Child Find

The Lyon County School District's "Child Find" program is responsible for locating, identifying and evaluating all individuals suspected of having a disability from the ages of birth through 21 who are not receiving early intervention or special education services.

The district works in cooperation with other agencies in Lyon County to:

1. Locate all children and youth with disabilities from the ages of birth through 21 in Lyon County.
2. Identify and refer individuals suspected of having a disability for evaluations.
3. Provide information to the community about the Child Find project and increase awareness about the educational rights of individuals with disabilities and their parents, through the following methods:
 - a. Newspaper advertisements and/or other media
 - b. Correspondence with community members
 - c. Annual screenings in schools and in the community
 - d. Teacher training on identifying potential disabilities
4. Maintain a child identification log indicating which children 3-21 years of age are receiving special education and related services and which children were found to be not eligible for service. The log contains the following information, if applicable, on all children referred for evaluation:
 - a. Student Name
 - b. Age
 - c. Date Referred
 - d. Date Evaluated
 - e. Date Service Initiated
 - f. Disability Category
 - g. Reason for Not Serving
 - h. Developmental History
 - i. Health Screening
 - j. Interventions
 - k. Date Scope Completed
 - l. Date Consent
 - m. Date MDT Meeting

5. Coordinate with other agencies providing services to children. The Executive Director of Special Education will make at least two contacts per school year with local agencies to find out if they may have knowledge of children with disabilities who are not being served, explain the referral process, and request that they refer students under the age of 22 to the school district.

Before Making a Referral

When a child is having difficulty learning in a regular education classroom, it is often assumed that the child should be referred for a special education evaluation to determine any learning problems. But before a referral is made, the teacher should attempt a variety of strategies and interventions designed to facilitate the child's learning and social emotional development within that classroom (SEE [INTERVENTION SUPPORT STRATEGIES](#) and [BEHAVIORAL SUPPORT FLOW CHART](#)).

The Individuals with Disabilities Education Act (IDEA) requires that children with disabilities be educated as much as possible with their nondisabled peers. By modifying what takes place in the classroom to meet a child's needs, we are addressing the spirit of the law. Frequently, such modifications are effective and may eliminate or diminish the need for special education services.

General Education Interventions

If a student is experiencing an educational or behavioral difficulty but is not suspected of having a disability by the Lyon County School District (LCS D), the district may attempt to remediate such difficulty through providing scientific, research-based interventions in general education environments.

The Nevada Administrative Code (NAC) NAC [§388.325](#) defines the use of scientific, research-based intervention for students who are not yet suspected of having a disability. The following procedures shall be used by the school whenever targeted scientific, research-based interventions are provided to a particular student who is experiencing academic or behavioral difficulty:

1. Develop an intervention plan for the student, to include:
 - a. A description of the academic or behavior concerns, and the degree to which the student's academic or behavior performance fails to meet the demands of the educational setting;
 - b. The interventions to be provided, which are targeted toward improving performance and increasing the rate of learning;
 - c. The data to be collected to measure the student's level of performance and rate of learning;
 - d. The frequency of data collection; a description of how the data will be summarized; a description of how intervention effectiveness will be evaluated; a schedule for evaluating intervention effectiveness.
 - e. [Intervention Support Strategies](#)
2. Provide a copy of the intervention plan to the student's parents.
3. If the eligibility team intends to determine eligibility for SPECIFIC LEARNING DISABILITIES based upon the child's RESPONSE TO INTERVENTION, provide the "NEVADA DEPARTMENT OF EDUCATION POLICY STATEMENT – RESPONSE TO SCIENTIFIC, RESEARCH-BASED INTERVENTION" document to the student's parents. This Policy Statement is not required if the student's eligibility for SPECIFIC LEARNING DISABILITIES will be determined based upon the discrepancy analysis model. LCS D currently uses the discrepancy analysis model.
4. Based in part on the results of the targeted, scientific, research-based intervention, determine whether the student is suspected of having a disability and should be evaluated for special education eligibility.
5. If the parent requests an initial evaluation for special education eligibility while interventions are being attempted, the district must:
 - a. Conduct the initial evaluation if the district agrees that the student is suspected of having a disability;
or
 - b. Provide [PARENTAL PRIOR WRITTEN NOTICE](#) of its refusal to conduct the initial evaluation (if the district does not agree that the student is suspected of having a disability). Any proposed refusal to evaluate a student must be discussed with the [Executive Director of Special Services](#) **prior** to refusing to evaluate the student.

If the district determines that the educational difficulty or behavior of the pupil is resistant to general education intervention, or if the district determines that the intervention requires continued and substantial effort and may require the provision of special education and related services to be effective, the district may refer the student for an initial evaluation.

REFERRAL

A student qualifies for all the rights and benefits of IDEA once he or she is determined to be a child with a disability as defined in the Nevada Administrative Code (NAC). Generally, students are evaluated when either the parents of the child request an evaluation, or when, as a result of the school district's "child find" or general education intervention activities, district personnel recommend an evaluation (SEE [REFERRAL FLOW CHART](#) and [BEHAVIORAL SUPPORT FLOW CHART](#)).

The general procedures for referring students in various situations are as follows:

| | |
|--------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Lyon County Students | 1) Students enrolled in the district are processed through interschool channels according to the referral procedures outlined in this section. |
| Students From Other Nevada School Districts or States | 2) Students having received special education services in another school district in Nevada or outside of the state of Nevada are processed according to procedures outlined under Use of Interim IEPs following this Referral section. |
| Private School Students; Homeschooled Students | 3) Students enrolled in non-public (private) schools or who are homeschooled are referred to the Special Services Office, Child Find Coordinator, and are processed according to routine procedures outlined under Child Find. |

Referral of Lyon County Students

After a student has participated in the school's intervention process, when appropriate, and the team has decided to refer the student for a special education evaluation, the following steps must be taken to prepare the Referral Packet for submission to the Special Services Office:

1. Complete the appropriate referral form:
 - [REFERRAL FOR INITIAL SPECIAL EDUCATION EVALUATION](#)
2. Complete the [DEVELOPMENTAL HISTORY SURVEY](#) form.
3. Attach any documentation for development and implementation of Intervention Plans.
4. Complete [PARENTAL PRIOR WRITTEN NOTICE/NOTIFICATION OF MEETING](#) with top portion completed regarding proposal to conduct an initial evaluation, BUT the meeting arrangements are NOT filled out.
5. Attach any other student information that the school believes is relevant to the initial evaluation process.

Once the Referral Packet is complete, send it to the area Psych Tech. The Psych Tech will verify the referral packet is complete and then send it on to the Medicaid Billing Analyst at the District Office with the [REFERRAL CHECKLIST](#) completed. The Analyst will review the Referral Packet for completeness and assign referral to evaluator/evaluation team. Once assigned, the referral will be entered into EasyIEP (at the District Office) and the staff member will become the "teacher of record" for that student. Referral Packets will be reviewed at the District Office within one week. The 45-school-day timeline for completing the initial evaluation does not begin until the [PARENT CONSENT FOR EVALUATION](#) is signed by the parent. Consent is only sent by the staff member conducting the majority of the evaluation. Within the 45 school-day timeline, the evaluation must be completed and an eligibility team meeting must be held to determine whether the student is eligible for special education and related services. No exceptions to this timeline are permitted without first consulting with the Director of Special Services and, second, obtaining parent agreement in writing (see [REQUEST TO EXTEND EVALUATION TIMELINE](#) and [PARENTAL PRIOR WRITTEN NOTICE](#)). CONTACT THE [SPECIAL SERVICES ADMINISTRATIVE SECRETARY](#) FOR ASSISTANCE.

Consultation with Parents

After receiving confirmation from the Special Services Department that the Referral Packet has been assigned, the principal/designee meets with parents to discuss the district's proposal for evaluation, as described below.

| | |
|----------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| Meet With Parents | Hold a meeting with the parent/guardian and evaluation team to discuss in detail the student's educational difficulties. |
| Provide Notice of Proposed Evaluation | Provide PARENTAL PRIOR WRITTEN NOTICE to advise parents of the proposed evaluation of the student. |
| Advise Parents of Rights | Advise the parent of special education rights and provide a copy of PARENT RIGHTS document. |
| Explain Evaluation Procedures | Explains evaluation procedures. Complete SCOPE . |
| Obtain Signatures on Consent for Evaluation | Obtain parent/guardian signature on PARENT CONSENT FOR EVALUATION form. |
| If Parent Refuses to Authorize | If the parent/guardian refuses to authorize an evaluation, contact Special Services for assistance |
| Obtain Signatures for Exchange | Obtain signature on the EXCHANGE OF CONFIDENTIAL INFORMATION , if appropriate. |

USE OF INTERIM INDIVIDUALIZED EDUCATIONAL PROGRAMS (IEPs) IN REFERRAL AND/OR INITIAL SERVICE PROVISION PROCESS

Out-of-State Students

Under federal and state law, LCSD must provide “comparable services” while we conduct initial evaluations for students who enroll in our school district who were eligible for special education in another state. One way to satisfy these requirements is to make use of the Interim IEP process outlined in [NAC 388.275](#), and that is generally the process which is used in LCSD.

When developing an interim IEP, the case manager is responsible for the following steps dealing with prior special education eligibility:

1. The case manager should work with Student Registration at the school site to gain accessibility to all pertinent records; (SEE [TRANSFER STUDENTS WITH AN IEP](#)).
2. Verify prior eligibility for special education services;
3. Verify enrollment in a program of special education;
4. Confirm out-of-district placement from two sources, if the student was placed in a residential or hospital setting (phone call to previous district, parent report, or special education records hand-carried by the parent from the previous district); and
5. Secure the parent/guardian signatures for the necessary IDEA paperwork, including the exchange of information.
6. If records are not available after a week, the case manager will need to reach out to the previous school. When requesting records, please request all special education records (including the Psych Report). If records are not available after two weeks, contact the [Medicaid Billing Secretary](#) at the District Office for assistance. The following process and documentation must be completed for all Interim IEPs.
7. Share the records received with the School Psychologist assigned to the school site.
8. Scan and email the first page of the previous district’s IEP to the Special Services Data Manager, so the student can be added into the digital IEP system.
9. Schedule the Interim IEP to occur within 10 business days of receiving the special education records.
10. Send [PARENTAL PRIOR WRITTEN NOTICE/NOTIFICATION OF MEETNG](#) proposing to develop an Interim IEP and to evaluate the student for eligibility in Nevada. Include the [PARENT RIGHTS](#) document
11. In an IEP meeting, develop an abbreviated IEP that at a minimum includes:
 - Page one of the IEP, demographic and eligibility.
 - Page two of the IEP, present levels; this can be obtained from an interview with the previous school, documentation that the parents bring at time of enrollment, or documentation that the previous school either faxes or has already sent
 - At least one IEP goal--remember we must provide “comparable” service that is reasonable to implement

- Sections for Special Education Services, Supplementary Aids and Services, and Related Services as necessary to provide “comparable” services
 - “Placement” section (“comparable” to student’s previous services)
 - Justification for placement
12. The primary evaluator will obtain [PARENT CONSENT FOR EVALUATION](#) and conduct evaluation
 13. After the evaluation has been conducted, use [PARENTAL PRIOR WRITTEN NOTICE/NOTIFICATION OF MEETING](#) to propose making an eligibility decision and developing an IEP if the student is eligible, and to schedule the date for the eligibility team/IEP committee meeting.
 14. The date of the Interim IEP begins a 30 calendar day timeline for conducting the student’s evaluation, convening the eligibility team to determine eligibility, **and** developing the initial IEP if the student is eligible in Nevada. Interim IEPs cannot be extended for any reason, and the student cannot receive special education services without a current, valid IEP.

In-State Students

For students who enroll at a school who were previously found eligible within the last three years and provided special education in a Nevada school district, provide [PARENTAL PRIOR WRITTEN NOTICE/NOTIFICATION OF MEETING](#) to schedule an IEP meeting to (1) review and “adopt” an existing, current IEP from the other Nevada school district (transcribe the information into the digital IEP system) and (2) develop an annual IEP that is different from the previous district’s IEP.

Data Management in the Digital IEP System

Please scan and email page one of the IEP from the previous district for any [transfer](#) or returning student to the Special Education Data Manager so the student can be entered into the digital IEP system. Please indicate the “teacher of record” if the document is sent through a RICO machine.

EVALUATION

Definitions

Eligibility team (ET): A team of professional staff including the parent who plan the assessment for a student, collect the appropriate information through formal and informal assessment methods, and make a determination of eligibility based on the criteria set forth in state regulations ([Nevada Administrative Code \[NAC\] §388.330-440](#)).

Academic achievement: The possession of basic reading skills and skills relating to oral expression, listening comprehension, written expression, reading fluency, reading comprehension, mathematics calculation, and mathematics reasoning. For students ages three to five years, this term includes academic readiness and mastery of language concepts ([NAC §388.005](#)).

Adaptive skills: Communication, self-care, home living, social skills, community use, self-direction, health and safety, functional academics, leisure and work ([NAC §388.015](#)).

Assistive technology device: Any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a student with a disability ([NAC §388.023](#)). Cochlear implants are not considered assistive technology devices.

Assistive technology service: Any service that directly assists a student with a disability in the selection, acquisition, or use of an assistive technology device (i.e., piece of equipment or product system that is used to increase, maintain, or improve the functional capabilities of a student). This includes the evaluation of the need for such devices and services; providing for the acquisition of devices; selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing devices; coordinating and using other therapies, interventions, or services; and training or technical assistance for students, families, professionals, employers, or others ([NAC §388.024](#)).

Scientific, research-based intervention: The modification of the classroom environment, curriculum or delivery of instruction in general education settings, which is based upon an examination of characteristics of the student as a learner, the instruction being provided and the curricular tasks to be accomplished, and targeted toward improving the student's level of performance and rate of learning. The modification of the classroom environment, curriculum or delivery of instruction is demonstrated through scientifically based research and practice to have a positive impact on a pupil's academic achievement or behavior.

Intervention: A strategy, developed on the basis of individual need, designed to have a remediate effect upon any academic or behavioral difficulties of a pupil. The term does not include disciplinary procedures applied to a group of pupils unless, giving consideration to the individual needs of a pupil, such procedures are demonstrably more appropriate than other strategies. (NAC [§388.052](#)).

Social and emotional condition: The present thoughts, feelings, and interactive behavior of the student (NAC [§388.111](#)).

Eligibility determination: A determination by an eligibility team that the student qualifies for special education, related services, and/or supplementary aids and services in the school environment in accordance with the eligibility criteria established in NAC [§388.330-440](#).

1. **Evaluation procedures:**

Assessments/evaluation materials must be:

- selected and administered so as not to be discriminatory on a racial or cultural basis;
- provided and administered in the child's native language or other mode of communication, and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so;
- used for the purposes for which the assessments are valid and reliable;
- administered by trained and knowledgeable personnel; and
- administered in accordance with any instructions provided by the producer of the assessments

Assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.

Assessments are selected and administered so as best to ensure that if an assessment is administered to a child with limited sensory, manual, or speaking skills, the assessment results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).

The child must be assessed 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.

Assessments of children who transfer from one district to another in the same school year must be coordinated with those children's prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of full evaluations.

The evaluation must be sufficiently comprehensive to identify all of the child's special education and related service needs, whether or not commonly linked to the disability category in which the child has been classified.

2. **Evaluation coordinator:** A professional who is assigned to lead the eligibility team (ET) in planning and conducting the evaluation and interpreting the results. Most often this will be the member of the ET who is most responsible for the evaluation (e.g., school psychologist, speech/language therapist).

Purpose

The purpose of gathering evaluation data pertaining to the student is to accomplish the following:

1. Determine whether the student has a particular category of disability, or in the case of a reevaluation whether the student continues to have such a disability;
2. Identify the present levels of academic achievement and related developmental needs of the student;
3. Determine whether the student needs special education and related services, or in the case of a reevaluation whether the student continues to need special education and related services;
4. Determine whether any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals set out in the IEP and to participate as appropriate in the general education curriculum; and
5. Formulate possible courses of action.

Principles

Throughout the evaluation process, the following principles should be emphasized:

1. Eligibility team approach;
2. Confidentiality;
3. Nondiscriminatory testing; and
4. Adherence to all procedural safeguards.

Evaluation Data Management

During the evaluation process, the school psychologist or other staff member coordinating the evaluation will enter the following information into digital IEP system:

- Initial [PARENT CONSENT FOR EVALUATION](#) for Evaluation – date
 - This information is not entered for a reevaluation.

Eligibility Team Members – Roles in Evaluation

An eligibility team (ET) must be based upon the [required membership](#) for the suspected disability. The ET reviews all available referral information and gathers additional data ([SCOPE](#)), as necessary, to determine which assessment instruments and methods will be utilized. Following this determination, the ET will assign specific responsibilities to team members for each part of the evaluation. Academic Testing is conducted by the case manager. Assessment planning is conducted so as to avoid duplication, to ensure that the evaluation is complete and comprehensive, and to get multiple perspectives relative to the needs of the student.

The appropriate ET members conduct assessments and gather other information according to the established plan. If it appears to any member of the team that additional assessments are necessary, (e.g. to determine the student’s need for related services or to explore other student characteristics) he/she should share these observations with other team members and obtain consensus on the need for additional assessments. The [REQUEST FOR ADDITIONAL ASSESSMENT](#), section 8 of the IEP identifying additional assessment(s) the IEP team has identified. Many additional assessments require additional paperwork [OT](#), [AT](#), [PT](#), and [Adaptive PE \(APE\)](#). The paperwork for the additional assessment will need to be sent to the Psychologist Secretary in the student’s attendance area.

Evaluation Steps

In conducting the evaluation, the district must use a variety of assessment tools and strategies to gather relevant functional and developmental information on the child, including information supplied by the child’s parents. Further, the information gathered should relate to enabling the child to be involved in and progress in the general curriculum. On the basis of this review, the district must identify and gather the additional data needed to determine:

1. Whether the child has a disability;
2. The child’s present levels of performance and educational needs; and
3. Whether the child needs special education and related services.

A timetable for completing the evaluation is established that includes the anticipated date of the ET meeting where assessment information regarding the student will be reviewed and eligibility will be determined. The assessment must be completed and eligibility determined within forty-five (45) school days from the date that the parent signs the [PARENT CONSENT FOR EVALUATION](#). This date may be extended only upon written permission from the parent (see [REQUEST TO EXTEND EVALUATION TIME LINE](#)).

Gathering the evaluation data is an integral part of the process leading to provision of special education services. The purpose of this data is to define current student performance levels, identify strengths and weaknesses, establish cause-related factors that affect an individual’s performance, and to make recommendations for courses of action. [Confidentiality](#) And adherence to [procedural safeguards](#) are imperative throughout the process.

1. [Designate school psychologist or other evaluation coordinator \(e.g., speech/language therapist\)](#)
 - a. When appropriate, the student is assigned to a school psychologist to complete a psycho-social educational evaluation.
 - b. Whenever an individual intelligence test is administered, the psychologist must be the evaluation coordinator.

2. Gather evaluation data
 - a. Gather initial data
 1. Review all available information.
 - a. Confidential folder;
 - b. Cumulative file;
 - c. Personal interviews with appropriate staff relating to referred individuals;
 - d. Additional information from parent (see [DEVELOPMENTAL HISTORY SURVEY](#)); and
 - e. Data gathered during the student intervention team process.
 2. If appropriate, because there are existing evaluation data (e.g., the student participated in a general education intervention process; the student moved to LCSD from out of state and evaluation information from the other state was available in a timely manner, or the student made the transition from infant/toddler early intervention services at age three), the district must review existing evaluation data and determine what, if any, additional assessments are necessary ([SCOPE](#)). [Note that the [SCOPE](#) is required for all LD referrals, and any exception must be discussed with the Executive Director of Special Services.] [TABLE 1](#) lists the combined members of the IEP Committee and Eligibility team members, per disability category, who must be consulted as part of the [SCOPE](#).
 - b. Collect new information
 1. Obtain [PARENT CONSENT FOR EVALUATION](#).
 2. If needed, conduct a classroom observation (or utilize observation data previously collected as part of the intervention process) to include:
 - a. A description of the relevant behavior noted during the observation of the student;
 - b. A statement of the relationship of that behavior to the academic functioning of the student; and
 - c. Record observation on the [STUDENT/CLASSROOM OBSERVATION Form](#).
 - c. Administer assessments as appropriate to disability category
 1. Appropriate standardized assessments;
 2. Curriculum-based assessments;
 2. Behavior rating scales; and/or
 3. Other assessments as needed (see [TABLE 2](#) for required Assessments per Disability Category).

The assessments provided by the school psychologist or other professional(s) will be combined with all other relevant assessment to constitute the educational evaluation. A [REPORT OF THE RESULTS OF THE EVALUATION](#) must be prepared. Eligibility for special education services will be determined in accordance with the NAC [§388.387-430](#) criteria using all data gathered regarding a particular student (see [STATEMENT OF ELIGIBILITY](#) for each disability category for specific criteria).

ELIGIBILITY

The purpose of convening the Eligibility team meeting is to determine whether the student is eligible for special education and related services, and to ensure that all sources of information are considered when determining a student's eligibility.

As the final step in the evaluation process, the case manager schedules a meeting to examine the results of assessments and other information regarding the student in relation to eligibility criteria. This meeting is chaired by the case manager, unless it is agreed that another member will chair. Minimum membership must include the persons specified in the NAC [§388.387-430](#) for each disability category (See [TABLE 2](#)).

Eligibility team (ET) meetings are to be held separate from IEP Committee meeting(s), although one meeting may immediately follow the other if parents have been properly noticed and participants that are required by NAC [§388.387-430](#) for both ET and IEP meetings are present (See [TABLE 2](#)).

At the ET meeting, the group may:

- 1) Determine if the student is eligible for special education services under the disability criteria for which he/she was evaluated based upon the suspicion of disability;
- 2) Determine if the student is eligible for special education under disability criteria other than that for which

- he/she was assessed (this may require additional assessments);
- 3) Determine if the student is not eligible according to established criteria for special education (NAC [§388.387-430](#)). If the student is not eligible, the team may still wish to develop recommendations for the student’s teachers to promote the student’s success. The parents must be informed of their [PARENT RIGHTS](#) should they desire to contest this decision or to have a due process hearing to determine eligibility for services. [PARENTAL PRIOR WRITTEN NOTICE](#) is provided to the parent if the ET determines that the student is not eligible for special education.

The [STATEMENT OF ELIGIBILITY](#) will be completed by ET members. This [STATEMENT OF ELIGIBILITY](#) will serve to document the eligibility for service for each student and will be completed at the ET meeting.

It is important that all team members understand that eligibility decisions are a team responsibility and not the duty of any one member. As such, all members must sign the Statement of Eligibility and indicate their agreement or disagreement with the decision reached by the majority of the team.

Disagreement Among the Team

Eligibility is determined by working toward consensus among eligibility team members. If a member of the team disagrees with the decision that has been made, a written minority report must be prepared by the dissenting team member(s) that provides the following information (a statement of the conclusions of that member must be prepared in a SLD eligibility decision and may be prepared for other disability categories):

| | |
|--------------|-----------------------------------------------------------------------------------------------------------------|
| Basis | 1) The basis of disagreement with the eligibility decision; |
| Evidence | 2) Evidence from assessment information, observations, or other sources that support the dissenting opinion; an |
| Alternatives | 3) Alternative recommendations, if any, pertaining to the student’s eligibility or educational program. |

The statement of conclusions of the disagreeing member(s) must be attached to each copy of the ET [STATEMENT OF ELIGIBILITY](#) and a copy included in the student’s confidential special education file. The statement of the conclusions of the disagreeing member(s) and [STATEMENT OF ELIGIBILITY](#) must be sent to the Executive Director of Special Services.

Eligibility Decision-Making Steps

1. Eligibility decision-making
 - a. Prepare evaluation report:
 1. Psychologist or other evaluation coordinator gathers all pertinent data and summarizes it in a written report. Included in the report should be statements regarding developmental history and social/emotional development. For students evaluated for Learning Disabilities, specific content is required in the evaluation report (including the scores from the computerized LDDA formula when discrepancy analysis has been used in the determination of eligibility). For students in other disability categories, the report must summarize the assessments conducted and their results, the instructional implications of the assessment results, and any other relevant information. The evaluation report must describe the findings of each of the assessments required for evaluation under the specific disability category in the NAC [§388.387-430](#). See [REPORT OF THE RESULTS OF THE EVALUATION](#).
 2. A copy of the evaluation report must be given to the parent either during or shortly after the eligibility meeting.
 - b. Determine eligibility for special education:

A determination of eligibility must be made within 45 school days from the date the parent signed the [PARENT CONSENT FOR EVALUATION](#).

 1. Parent is notified of the eligibility team meeting (may be combined with an IEP meeting) ([PARENTAL PRIOR WRITTEN NOTICE and NOTIFICATION OF MEETING](#)).
 2. During the meeting, team members share and discuss all information.

3. Parent presents any additional information.
 4. Eligibility or non-eligibility is determined during the eligibility team meeting.
 5. Appropriate [STATEMENT OF ELIGIBILITY](#) is completed based on the eligibility team's decision. A copy of the [STATEMENT OF ELIGIBILITY](#) must be given to the parent.
 6. If student is eligible for special student services, the case manager shall convene a meeting of the IEP Committee including the parent of the student to determine the appropriate educational program for that student based on identified educational needs. This meeting may be held immediately following the meeting of the eligibility team, if all required IEP Committee members are present and the parent was given [PARENTAL PRIOR WRITTEN NOTICE/NOTICE OF MEETING](#) of the IEP meeting.
 7. The following original, signed documents need to be given to the case manager for the student's special education file:
 - [PARENTAL CONSENT FOR EVALUATION](#) with [PARENTAL PRIOR WRITTEN NOTICE](#)
 - [REPORT OF THE RESULTS OF THE EVALUATION](#)
 - [STATEMENT OF ELIGIBILITY](#)
 - [PARENT CONSENT FOR INITIAL PLACEMENT](#)
 8. Once a student for the first time has been determined initially eligible for special education in Nevada, an IEP meeting must be held within thirty (30) calendar days from the date of eligibility determination. The 30 calendar days cannot be extended.
- c. **Eligibility criteria:**
- Eligibility criteria for each disability category are defined in applicable provisions of the Nevada Administrative Code, NAC [§388.387-430](#). NOTE: In making a determination of eligibility, a student may not be determined to be a student with a disability if the controlling factor for such a determination is the student's lack of appropriate instruction in reading or math or limited proficiency in English.

Eligibility Data Management

Following the eligibility team meeting, scan and email copies of the completed, signed, and dated [STATEMENT OF ELIGIBILITY](#) to the [Special Education Data Manager](#) and create an eligibility event in the digital IEP system.

REEVALUATION

In accordance with state and federal regulations, each student receiving special education services will be reevaluated if conditions warrant, or if the student's parent or teacher requests a reevaluation, but at least once every three years unless the district and the parent agree that a reevaluation is unnecessary. The [Executive Director of Special Services](#) must be consulted before any such agreement is made.

Purposes

Reevaluations of previously identified students with disabilities will be conducted for one or more of the following purposes:

1. Determine whether the student continues to have a disability;
2. Identify the present levels of academic achievement and related developmental needs of the student;
3. Determine whether the student continues to need special education and related services; and
4. Determine whether any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals set out in the IEP and to participate as appropriate in the general education curriculum.

Reevaluation Process

1. [PARENTAL PRIOR WRITTEN NOTICE](#) must be given of the district's proposal to reevaluate the student's eligibility for special education services. This notice is sent by the school psychologist or other evaluation coordinator to the parents at least 45 calendar days before the reevaluation is due. The reevaluation is due by the reevaluation due date in the brown file.
2. Reevaluations must be addressed by the triennial anniversary date. For example, a child found eligible on

- June 6, 2021, must be reevaluated and the student's eligibility must be reconfirmed on or before June 6, 2024.
3. The combined members of the Eligibility team and IEP Committee **must** be contacted by letter, email, telephone, or in person to ascertain whether they believe additional data or assessments are needed to determine continued eligibility. Use the [SCOPE](#) form to document the review of existing data against the NAC assessment requirements and the determination of whether additional data are needed to address those requirements. If no additional data are needed, the parent must be given [PARENTAL PRIOR WRITTEN NOTICE](#) of this decision and the reasons for it, including the parent's right to request additional assessments. See [TABLE 1](#) for the Combined Members of the Eligibility team and IEP Committee, per disability category, and [TABLE 2](#) for the NAC [§388.387-430](#) assessments required in an evaluation, per disability category.

A new referral must be completed and [CONSENT FOR EVALUATION](#) must be obtained before any new assessments can be conducted. If the parent does not respond to a request for consent, the district may proceed with the reevaluation if the district can document it has taken reasonable measures to obtain consent and the student's parent has failed to respond.

 - a. Detailed records of telephone calls made or attempted and the results of those calls.
 - b. Copies of correspondence sent to the parents and any responses received.
 - c. Detailed records of visits made to parent's home or place of employment and the results of those visits.
 4. Follow [EVALUATION](#) and [ELIGIBILITY](#) procedures previously outlined.

Documentation

Upon the completion of the reevaluation and based on the reevaluation results, the eligibility team shall record in writing whether the student continues to meet the eligibility requirements for his/her present disability category. In making such determinations, the eligibility team must document in a written [EVALUATION REPORT](#) the basis for such determination, including any relevant data or assessment process used for the determination of continuing eligibility. A [STATEMENT OF ELIGIBILITY](#) must also be completed.

REQUIRED MEMBERSHIP FOR COMBINED IEP & ELIGIBILITY TEAMS

TABLE 1

| DISABILITY CATEGORY | PERSONS RESPONSIBLE FOR SCOPE OF EVALUATION |
|--------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| AUTISM | LEA Representative; Special Education Teacher; Regular Education Teacher; Parent; School Psychologist; Speech/Language Specialist; One or more persons who have sufficient knowledge of the student to interpret information related to the student's social, emotional, developmental and familial condition. |
| DEAF AND BLIND | LEA Representative; Special Education Teacher or Regular Education Teacher; Parent; Speech/Language Specialist; A person qualified to interpret an assessment of the health of the pupil; If not otherwise a member of the team, one or more persons qualified to interpret the comprehensive audiological and vision examinations; |
| DEVELOPMENTAL DELAY | LEA Representative; Special Education Teacher; Regular Education Teacher; Parent; School Psychologist; One or more persons qualified because of personal knowledge of the student to interpret information relating to the student's health, family, and social and emotional condition; one or more persons qualified to interpret an assessment of the social or emotional condition of the pupil or of the cognitive abilities of the pupil. |
| EMOTIONAL DISTURBANCE | LEA Representative; Special Education Teacher; Regular Education Teacher; Parent; School Psychologist; One or more persons qualified because of personal knowledge of the student to interpret information relating to the health, development, family, and social and emotional condition of the student. |
| HEARING IMPAIRMENT | LEA Representative; Special Education Teacher; Regular Education Teacher; Parent; Teacher or specialist in field of hearing impairment; not fewer than three persons with expertise in one or more of the following areas: (1) audiology or the interpretation of an audiological report, (2) hearing impairment, (3) the interpretation of an assessment of health, communication skills and disorders, and/or academic achievement. |
| HEALTH IMPAIRMENT | LEA Representative; Special Education Teacher; Regular Education Teacher; Parent; School Psychologist; School Nurse or other person qualified to interpret an assessment of health; One or more persons with sufficient knowledge of the student to interpret information relating to the student's social, emotional, developmental and familial condition. |
| INTELLECTUAL DISABILITY | LEA Representative; Special Education Teacher; Regular Education Teacher; Parent; School Psychologist; Speech and Language Specialist; One or more persons qualified because of personal knowledge of the student to interpret assessments of health and adaptive skills of the student and information relating to the family of the student. |
| MULTIPLE IMPAIRMENTS | See requirements for INTELLECTUAL DISABILITY plus any other condition OTHER THAN specific learning disabilities, developmental delay, or speech and language impairment. |
| ORTHOPEDIC IMPAIRMENT | LEA Representative; Special Education Teacher; Regular Education Teacher; Parent; School Nurse or other person qualified to interpret an assessment of health; One of the following: (1) physical therapist; (2) occupational therapist; (3) Any other specialist whose presence is deemed appropriate; One or more persons having personal knowledge of the student. |
| SPECIFIC LEARNING DISABILITIES | LEA Representative; Special Education Teacher; Regular Education Teacher; Parent; School Psychologist; One or more persons qualified because of personal knowledge of the student to interpret information relating to the student's health, family, and social and emotional condition. |
| SPEECH AND LANGUAGE IMPAIRMENT | LEA Representative; Special Education Teacher; Regular Education Teacher; Parent; Speech and Language Specialist; Person having personal knowledge of the student. |
| TRAUMATIC BRAIN INJURY | LEA Representative; Special Education Teacher; Regular Education Teacher; Parent; School Psychologist; Speech and Language Specialist; School Nurse or other person qualified to assess the health of the student; One or more persons with sufficient knowledge of the student to interpret information relating to the social, emotional, developmental and familial condition of the pupil. |
| VISUAL IMPAIRMENT | LEA Representative; Special Education Teacher; Regular Education Teacher; Parent; Teacher or specialist in field of vision impairment; not fewer than three persons with expertise in one or more of the following areas: (1) vision, (2) vision impairment, (3) the interpretation of an assessment of health or academic achievement. |

REQUIRED ASSESSMENTS PER DISABILITY CATEGORY

TABLE 2

| DISABILITY CATEGORY | MINIMUM ASSESSMENT COMPONENTS |
|--------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| AUTISM | Health and medical status; developmental history, including rate and sequence of development and a clear statement of strengths and weaknesses; cognitive abilities; social and emotional condition in multiple settings; academic achievement; adaptive skills; and speech, language and other communication skills. Team must also consider: sensory regulation; self-help and independent living skills; behavior problems; symbolic and imaginative play; activities and special interests; and motor skills. |
| DEAF AND BLIND | A comprehensive audiological examination, including pure tone and speech discrimination tests, performed by an audiologist; An assessment of health; academic achievement; speech and language of the pupil. |
| DEVELOPMENTAL DELAY | Health; developmental functioning; social and emotional condition. "Developmental functioning" defined in NAC as: cognitive abilities, gross and fine motor skills, self-help, social and emotional condition, and skill in the use of receptive and expressive language; and a comprehensive examination of vision of the pupil, performed by an eye specialist. |
| EMOTIONAL DISTURBANCE | Social and emotional condition, based in part upon information from the student; health and cognitive abilities; performance of student in current educational setting; any previous intervention on behalf of student. |
| HEALTH IMPAIRMENT | Health assessment; analysis of the ability of the pupil to perform in a regular classroom. |
| HEARING IMPAIRMENT | Comprehensive audiological examination, including pure tone and speech discrimination tests, performed by an audiologist; assessment of health, which must include a comprehensive examination of vision, academic achievement, and speech and language. |
| INTELLECTUAL DISABILITY | Cognitive abilities; adaptive skills, including prevocational and vocational assessments if appropriate; health, including a developmental history; academic achievement; speech and language. |
| MULTIPLE IMPAIRMENTS | See components for INTELLECTUAL DISABILITY plus any other condition OTHER THAN specific learning disabilities, developmental delay, or speech and language impairment. |
| VISUAL IMPAIRMENT | Comprehensive examination of vision, performed by an eye specialist; assessment of health and academic achievement. |
| ORTHOPEDIC IMPAIRMENT | Health assessment, including physical examination; student's functional limitations in relation to the demands of a regular classroom. |
| SPECIFIC LEARNING DISABILITIES | Cognitive abilities (if using discrepancy analysis); social and emotional condition; academic achievement; performance of student in current educational setting; any scientific, research-based intervention provided to the student; health and developmental history; observation of academic performance; data that demonstrate that prior to or as part of the referral process the pupil was provided appropriate instruction in regular education settings, delivered by qualified personnel; and data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of pupil progress during instruction, which was provided to the pupil's parents. |
| SPEECH AND LANGUAGE IMPAIRMENT | Performance relating to language, articulation, fluency or voice, as relevant to the impairment; health assessment; if relevant, cognitive abilities, academic achievement, and social and emotional condition. |
| TRAUMATIC BRAIN INJURY | Required considerations: medical documentation of injury; student's educational performance relative to a normative population; student's strengths and weaknesses; if possible, student's educational performance before and after injury. Required assessments: health; developmental history; cognitive abilities; social and emotional condition; academic achievement; language and motor skills; sensory and perceptual abilities; and attention, comprehension, judgment and problem-solving skills. |

INDIVIDUALIZED EDUCATIONAL PROGRAM (IEP)

Placement of a student in any program of special education occurs only after the development of an Individualized Educational Program (IEP). The purposes for developing an IEP are as follows:

| | |
|---------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Plan the Program | 1. To develop an individual program for the student which <i>must</i> include specially designed instruction to meet the unique needs of a student with a disability; |
| Facilitate Communication | 2. To facilitate communication between parents and school personnel for proper and effective implementation of IEPs for students with disabilities; |
| Manage Services | 3. To serve as a management tool to ensure students receive services as determined by the IEP Committee; |
| Commit Resources | 4. To set forth a written commitment of resources to guarantee a free appropriate public education for the student; and |
| Evaluate Progress | 5. To serve as an evaluation device to determine if the student has reached the goals and objectives developed by the IEP Committee. |

The IEP is a written statement for each eligible student describing, as appropriate ([Annotated IEP](#)):

1. Student information data, including eligibility category as determined by the eligibility team.
2. Present levels of academic achievement and functional performance, and other relevant developmental areas.
3. Student strengths; parental concerns; and student's interests and preferences.
4. Special factors applicable to students who have needs in the following areas: behavior; limited English proficiency; services for the blind or visually impaired; communication needs for the deaf or hard of hearing; and assistive technology.
5. Transition services.
6. Annual goals and short-term objectives, to include a behavior plan, if necessary.
7. Method for reporting progress.
8. Special education services, supplementary aids and services, and related services required to meet the student's unique needs, including the beginning and ending dates, frequency, and location of the services.
9. Participation in statewide or district-wide assessments.
10. Extended school year services.
11. Placement.

***All students who are eligible for special education and receiving services must have a current IEP.*

IEP Meetings

1. Meeting to develop the initial IEP must be held within thirty (30) calendar days from the date of initial eligibility determination.
 - This does not apply to initial out of state transfers. For an out of state transfer, the student's Nevada eligibility must be determined and the initial IEP held, if found to be eligible, within 30 calendar days of the Interim IEP being held.
2. Review and revision conducted periodically, but not less than annually. State regulations require that the parents of a child with a disability ages 3, 4, or 5 be given an opportunity to participate in a review of the child's progress every six months. An IEP meeting may be convened for conducting this review, but is not strictly required. Other methods may include a parent/teacher conference in person or via the telephone. The review must be documented.
3. Annual review must occur on or prior to the anniversary date of the IEP.

IEP Committee—Required Membership

1. LEA Representative: principal or administrative designee who has the authority to commit the resources of the district (must hold administration or special education license in Nevada)
 - a. Must be qualified to provide or supervise the provision of specially designed education for children with disabilities.

- b. Must be knowledgeable about the general curriculum; and
- c. Must be knowledgeable about the availability of resources of the district.
2. Regular classroom teacher of the student or person qualified to teach the student.
 - a. Cannot serve as both special education teacher and LEA representative.
3. Special education teacher of the student.
 - a. Cannot serve as both special education teacher and LEA representative.
4. Parent of student, or student if 18 or older.
5. The student, beginning at age 14, when transition services will be discussed.
6. A person who is familiar with the tests and other assessments performed on or by the student and their results who can interpret the instructional implications of the results of the evaluation.
7. A person who has personal knowledge about school personnel and options for placement available to provide special education and related services to the student.
8. If transition services are being discussed, if appropriate, representatives of other agencies who are likely to be responsible for paying for or providing transition services. Consent must be obtained from the parent before inviting such persons to participate in an IEP meeting (see [CONSENT FOR OUTSIDE AGENCY INVOLVEMENT IN TRANSITION SERVICES](#)).
9. If appropriate, a representative of any private school facility. If the representative is unable to attend, records are kept of other methods to ensure participation, including individual or conference telephone calls.

*** The LEA, at least one regular classroom teacher and the special education teacher must attend the entire IEP meeting.

IEP Committee Optional Membership

1. Student at any age - when appropriate
2. Parent advocate/attorney
3. Program specialists
4. Related Service Providers (speech/language therapist, OT, PT, APE teacher, hearing specialist, counselor, etc.)
5. Interpreter(s) for parent, student or employee, if required
 - For interpreters, please contact the [Administrative Secretary for Special Services](#) at least two weeks prior to the meeting.
6. Others at discretion of the parent or school district

Parent Participation

1. The case manager will ensure that the parent of an eligible student is present at the IEP meeting or is afforded the opportunity to participate by scheduling the meeting at a mutually agreed upon time and place. Generally, this is accomplished by contacting the parent via telephone to select a meeting date and time.
 - a. Written notice of the purpose, date, time and location of the committee meeting must be given sufficiently far in advance of the meeting to enable the parent to make arrangements to attend (see [PARENTAL PRIOR WRITTEN NOTICE and NOTIFICATION OF MEETING](#)). In the LCSD, the first written notice is sent to the parents at least 15 calendar days before the meeting date. In order to satisfy the requirement to provide a copy of [PARENTS RIGHTS](#) at least once per year, a copy of parent rights will be sent to parents with notification of each annual IEP meeting.
 - b. If parent does not acknowledge receipt of the first notice, one additional notice shall be sent. The second notice is sent 7 calendar days before the meeting date. If there is still no response, the school shall attempt to notify parent by telephone and document the results of these efforts on the [CASE NOTES AND DOCUMENTATION OF PARENT/GUARDIAN CONTACTS](#).
 - c. If the parent is unable to attend the committee meeting in person, the school district shall use reasonable efforts to secure participation in the meeting through alternative means, such as individual or conference telephone calls, or video conferences.
 - d. Copies of all [PARENTAL PRIOR WRITTEN NOTICE and NOTIFICATION OF MEETING](#) forms sent for any reason will be maintained in the student's IEP file.
2. Case manager shall document all reasonable efforts to contact parent on the [CASE NOTES AND DOCUMENTATION OF PARENT/GUARDIAN CONTACTS](#).
 - a. Indicate all letters, phone calls, emails and/or personal contacts.
 - b. Keep record of all attempts within the student's special education file.

Preparation for IEP Meeting—Case Manager

1. Notify committee members of date and time.
2. Ensure all necessary confidential information is available to committee members prior to meeting.
3. If a draft of the goals/objectives is to be utilized, ensure that the parent has a copy clearly marked as "DRAFT" at least five business days prior to the meeting.

IEP Development Procedure

1. The case manager shall chair the IEP meetings and ensure the following procedures are implemented:
 - a. Complete student information data section on IEP.
 - b. Review Evaluation Report and [STATEMENT OF ELIGIBILITY](#).
 - c. Ensure that committee members present sign IEP.
 - d. **Review procedural safeguards** with parent. A copy of the [PARENT RIGHTS](#) was sent with notice of the IEP meeting—if the parent has this copy another copy need not be given unless the parent requests a copy.
 - e. Make arrangements to obtain additional information if the IEP Committee determines that available information is inadequate for some reason.
 - f. As useful or necessary, the [CASE NOTES AND DOCUMENTATION OF PARENT/GUARDIAN CONTACTS](#) may be completed to record details of any meeting which does not result in a revision to an IEP, or other document. Note that actual IEP decisions **MUST** be recorded as revisions to the IEP.
 - g. For each of the major areas of need indicated by the present level of academic achievement and functional performance, the special educator **must** write an annual goal statement. The number of goal statements needed is dependent upon the student's needs and may range from one to many.
2. **IEP Development:**
The IEP chairperson, with the input of all committee members, develops the goals and objectives of the IEP during the IEP meeting. The first task of the committee in the planning function is to review the information gathered during the student evaluation process.
3. **Additional Information:**
 - a. **Length of School Day**
If the school day is to be modified, indicate the parameters of the modified day on the section for Supplementary Aids and Services. List the reasons why the day has been modified. Length of school day should only be modified if all committee members agree that it is necessary to provide the student with a free appropriate public education.

Any changes made to the length of the child's school day must be accompanied by a plan to reconsider those changes at regular intervals. It is the position of the district that any such modifications are not permanent and efforts will be made to bring the child's school day back into line with others of the child's age or grade level as soon as it is feasible. Please contact the [Executive Director of Special Services](#) if the IEP team is considering adjusting the length of a student's school day.
 - b. **Assistive Technology**
Assistive technology includes devices and services as part of specially designed instruction, related service, or supplementary aids and services. If a related service, the student must require the device to assist him or her to benefit from special education services.

Assistive technology devices are used to increase, maintain, or improve the functional capabilities of the student. Routinely, items such as wheelchairs, walkers, hearing aids, glasses, and medical devices, do not fall into the district responsibility area. There are exceptions. Please contact the [Executive Director of Special Services](#) if there is such a request. District personnel can act as facilitators to assist students in securing devices outside of the district's responsibility. If the district purchases the device it is, and will remain, district property. The device's use, including home use, must be determined during the IEP meeting. If home use has been determined in the IEP, the [AT HOME USE AGREEMENT](#) must be completed and kept in the student's file.

4. Extended School Year

Provision of ESY services is an IEP Committee decision that involves appropriate school personnel and the parents. ESY services are special education and related services provided in addition to the normal 180-day school year for the purpose of minimizing significant regression of identified skills and for enhancing recoupment of those skills when the regular school year resumes. These identified skills may involve areas of learning related to self-sufficiency, academic, social and/or emotional skills.

There are no specific standards set forth in IDEA for determining when ESY services are needed. Regression and the speed of recoupment are factors for the IEP committee to consider while making the decision. Regression is defined as the loss of previously mastered skills when an extended break in instruction occurs. The recoupment of those skills is defined as the ability to regain a skill within a reasonable period of time to previously achieved levels prior to an extended break in instruction. Regression could be considered significant if the student takes more than four to six weeks to relearn skills mastered the previous year. The IEP committee might base its decision regarding ESY services upon a history of regression during summer months.

Regression and recoupment are not the only standards upon which to base a decision of the need for ESY services. Other factors that need to be considered by the IEP Committee include the severity of the student's disability; a review of the student's progress over time; a determination that the student is at a critical learning stage; any information available to the IEP Committee relating to the student's behavior or physical needs; or curricular areas that are of significant concern for the individual student. It is important to remember that ESY services are based upon the individual needs of the student.

Steps for making and documenting ESY decisions are as follows:

- a. Provision for ESY is determined annually and is an IEP Committee decision.
- b. ESY services are designed to maintain acquired skills. New goals and objectives are not added to a student's IEP for implementation in the ESY program unless those goals and objectives are determined by the IEP Committee to be necessary to maintain the skills, behaviors, or other student performance for which ESY services are designed.
- c. If related services, such as occupational therapy, physical therapy, and/or speech and language therapy, are being considered, the appropriate professional must be involved in the IEP decision-making. The need for specific related services must be documented and must be required for the student to benefit from his or her special education program. The fact that a student currently receives related services does not, in itself, guarantee that the services will be required during ESY.
 1. IF SPECIALIZED EXPERTISE IS REQUIRED DURING THE PROVISION OF ESY, CONTACT THE SPECIAL SERVICES DATA MANAGER IMMEDIATELY SO THAT NECESSARY ARRANGEMENTS CAN BE MADE.
- d. The IEP Committee should identify the specific goals to be addressed during ESY instruction, if the student requires more than four to six weeks at the beginning of the school year to regain previously mastered skills, an ESY program should be considered.
- e. The IEP Committee decisions concerning ESY are documented on the *EXTENDED SCHOOL YEAR SERVICES* form included in the IEP in EasyIEP, which assists the district in planning for or providing the ESY services.
- f. ESY is not the same as summer school, which refers to educational programming made available to students for enrichment or remedial purposes. A student with a disability who meets the criteria for a summer school program may attend that program without regard to a specific need for ESY. However, unless the student needs the regular summer school program to implement the IEP or for compensatory education purposes, the parent must pay any fees that apply to all students enrolled in the program. ESY, on the other hand, must be provided at no cost to the student's parent.
- g. Related services shall be provided to the child during ESY when necessary to support the goals and objectives being implemented during the program.
- h. If the IEP team determines that the student requires ESY, the Case Manager must provide work based on the goals that the student will be working on during ESY.

5. Related Services

Related Services are those services that are required to assist the student to benefit from the special education services needed by the student. Related services are to be provided as a part of a student's special education program as determined by the student's IEP committee.

- a. **Audiology:** Audiology is a related service that includes identification of children with hearing loss and determination of the range, nature, and degree of the hearing loss. Audiology services also include referrals for medical or other professional attention relative to the habilitation of hearing. The Audiologist will provide information and guidance regarding hearing loss, determination of the student's need for group and individualized amplification, assistance in selecting and fitting of an appropriate aid, and evaluation of the effectiveness of amplification. Complete the [REQUEST FOR ADDITIONAL ASSESSMENT](#) and submit it to the area Psychologist Secretary. The area Psychologist Secretary will submit the referral to the Medicaid Billing Secretary.
- b. **Speech/Language Therapy:** Speech therapy includes the identification of children with speech or language impairments; diagnosis and appraisal of specific speech and language impairments; referrals for medical or other professional attention necessary for the habilitation or prevention of communicative impairments, and counseling and guidance of parents, children and teachers regarding speech and language impairments. Complete the [INITIAL REFERRAL FOR SPECIAL EDUCATION FOR EVALUATION](#) and submit it to the area Psychologist Secretary. The area Psychologist Secretary will submit the referral to the Medicaid Billing Secretary.
- c. **Adaptive Physical Education:** Adaptive physical education is specially designed instruction provided to students who are unable to participate in a regular physical education class, even with modifications, accommodations or supplementary aids and services. [APE Referral Process](#).
- d. **Physical Therapy:** Physical Therapy is a related service that develops programs for the care of students whose ability to function is impaired. It focuses primarily on children with neurodevelopment problems in the school district. The physical therapist's function in the educational setting is to prepare the student for meeting educational demands of educators. [REFERRAL FOR PHYSICAL THERAPY EVALUATION](#) and submit it to the area Psychologist Secretary. The area Psychologist Secretary will submit the referral to the Medicaid Billing Secretary.
- e. **Occupational Therapy:** Occupational Therapy is a related service designed to improve, develop, or restore functions that have been either impaired or lost through illness, injury, or deprivation. Occupational Therapy improves the student's ability to perform tasks for independent functioning if certain functions are impaired or lost; and helps prevent, through early intervention, initial or further impairment or loss of function. [REFERRAL FOR OCCUPATIONAL THERAPY EVALUATION](#) form and submit it to the area Psychologist Secretary. The area Psychologist Secretary will submit the referral to the Medicaid Billing Secretary.
- f. **Counseling:** Counseling Services are services that are provided by qualified psychologists, guidance counselors, or other qualified personnel. The IEP Committee will address the needed service or activities that apply therapeutic process to personal, family, or situational problems in order to bring about positive resolution for the student.

The IEP Committee will address the needed counseling on a case-by-case basis for these related services.

- g. **Transportation:** Students with disabilities are entitled to transportation to school if they would not be able to get to school without it. This can be in the form of actual transportation or the reimbursement to the parent of transportation costs. The parent is not obligated to provide transportation when it is needed as a related service.

The district offers a variety of transportation solutions for students with disabilities. Specialized transportation is a related service determined by the student's need.

Transportation for students with disabilities includes "travel to and from school and between schools, travel in and around school buildings," and "specialized equipment (such as special or adapted buses, lifts, or ramps) if required to provide special education for a child with a disability."

If the district is to provide transportation as a related service, the purpose for providing the transportation will dictate as to whether goals and objectives are required in the student's IEP for transportation services. If transportation is being provided solely to enable the student to travel to and from school, no goals or objectives are needed. However, if transportation is provided for some other purpose that is related to the student's education, such as enabling the student to increase independence or to improve

his/her behavior or socialization skills, then goals and objectives must be provided in the IEP.

The district provides two primary means of transportation for students with disabilities. The two means of transportation are:

1. **Transportation Curb-to-Curb** – This is an IEP decision based on the student utilizing school transportation with the general population at the designated transportation pick-up and drop-off spots.
2. **Specialized Transportation** – This is an IEP decision based upon traveling to and from school; traveling between schools; traveling in and around school buildings; and traveling when “specialized equipment” (such as adapted buses, lifts, and ramps) is required relative to providing special transportation for a child with a disability.
 - If the student is receiving Specialized Transportation, it is imperative that the **exact spot** for both pick-up to school and drop-off when returning home from school be designated. Also, if Specialized Transportation is required for a disabled student, please remember to invite the area Transportation Supervisor to the IEP meeting.

6. Additional Adult Support

If the IEP team is considering a paraprofessional as a support for a student, the team must determine:

- Natural supports and/or existing staff supports are not adequate for the student to participate and progress in the general education program;
- Additional support is necessary to assist classroom staff in facilitating the student in:
 - Advancing appropriately toward the annual goals and/or;
 - Involvement in and progress in the general curriculum and/or;
 - Participation in extracurricular and other nonacademic activities and/or;
 - Participation with other disabled and nondisabled students.
- How quickly it anticipates the support can be faded and develop a method for systematic evaluation toward independence and more natural supports.
- **Prior to adding paraprofessional support to the IEP**, the team must submit the request for data and documentation in this packet.
 - Once this packet is submitted by the site Principal, the following steps will occur:
 - Acknowledgement of receipt of packet by Special Services Office.
 - Request for any necessary documentation.
 - Observation scheduled and conducted by Special Services Office.
 - Special Services Office will contact the site Principal regarding results of data review and observation.

If the IEP Team recommends a paraprofessional, the team is also responsible for monitoring so that additional supports may be faded as soon as possible. If not carefully monitored and evaluated on a regular basis, additional paraprofessional support can unintentionally foster dependence. **If the IEP Team adds the paraprofessional to the IEP before the completion of the request process, the site budget will be billed for the paraprofessional expense.**

Interim IEP

Thirty-day interim IEP placement status is reserved for special education students who transfer to LCSD from out-of-state. See "[Use of Interim IEP](#)" section.

The 30 **calendar** day interim IEP allows for immediate services in the special education services program while records from the previous district are requested and while any necessary additional assessments are conducted if eligibility must be determined for an out-of-state student. For an out-of-state student, it is the responsibility of the school psychologist or other evaluation coordinator to monitor progress so that determination of the student’s eligibility in Nevada can be made by the Eligibility team within the 30 **calendar** day period.

Note: If a student who was enrolled in a special education program in LCSD leaves the district, then re-enrolls within three years of the student’s previous evaluation, a reevaluation is generally not necessary prior to providing services because the student remains eligible for special education. A new IEP is developed with the student’s recent transfer and educational history taken into consideration.

When developing an interim IEP, the case manager is responsible for the following steps dealing with prior special education eligibility:

1. The case manager should check with site Student Registration to gain accessibility to all pertinent records;
2. Verify prior eligibility for special education services;
3. Verify enrollment in a program of special education;
4. Confirm out-of-district placement from two sources (phone call to previous district, parent report, or special education records hand-carried by the parent from the previous district); and
5. Secure the parent/guardian signatures for the necessary IDEA paperwork, including the exchange of information.
6. If records are not available after a week, the case manager will need to reach out to the previous school. When requesting records, please request all special education records (including the Psych Report). If records are not available after two weeks, contact the [Medicaid Billing Secretary](#) at the District Office for assistance. The following process and documentation must be completed for all Interim IEPs.

The interim IEP is valid for only thirty (30) calendar days, during which time eligibility for services must be determined for an out-of-state student, **and** a complete LCSD IEP must be written (for out-of-state students). Interim IEPs cannot be extended for any reason, and the student cannot receive special education services without a current, valid IEP.

ANNUAL REVIEW MEETING

Purpose

A student's IEP must be reviewed at least annually.

1. Assess progress using a variety of measures of achievement.
2. Evaluate progress on annual goals and short-term objectives.
3. Develop the student's education plan for the upcoming year.

Schedule Annual Review

1. Notify parent of annual review meeting using [PARENTAL PRIOR WRITTEN NOTICE and NOTIFICATION OF MEETING](#) of specific proposals are planned for FAPE or placement. Include [PARENT RIGHTS](#) document with [PARENTAL PRIOR WRITTEN NOTICE and NOTIFICATION OF MEETING](#).
2. If a draft IEP is to be used, ensure that the parent receives a copy at least five days before the scheduled annual review meeting.
3. **IEP annual review meeting must be on or before the anniversary date.** For example, a child whose IEP was written on September 2, 2022, will have to have a new IEP in place **on or before** September 2, 2023. Eligibility team members need to be present if student's disability category is being changed or reviewed—follow [Evaluation/Reevaluation](#) and [Eligibility](#) and [IEP](#) procedures.
4. All other procedures for IEP development must be followed as outlined in this document.
5. Provide a copy of IEP to parent and mark in the IEP that a copy of the IEP was given to the parent.

IEP Revision

If circumstances change relative to the program specifically designed for the student, the IEP must be revised through the IEP process. The following circumstances would necessitate a revision:

1. A change in the amount of time that the student is spending in special education.
2. A change in the type of program.
3. Achievement of the current goals and objectives that would necessitate writing new goals and objectives for the student.
4. Addition, change to, or deletion of a related service.
5. A change from one level to another, as from elementary school to middle school and middle school to high school that requires changes in the IEP.

Revision of a student's IEP does not change the current date of review of the IEP. Only completion of a full IEP changes that date.

Exit IEP

When a student is ready to exit the special education program for any reason (e.g., no longer eligible, student reaches maximum age, graduation) an IEP meeting is scheduled with the parents and the student's current level of performance will be reviewed. Note that only an Eligibility team reevaluation process can determine that a student is no longer eligible for special education—this is not an IEP Committee decision. Except for turning 22 or graduating with a standard diploma, other determinations that the student is no longer eligible require a reevaluation (see below).

Parents must be given notice of the purpose for this IEP meeting and provided with an explanation of their rights on the [PARENTAL PRIOR WRITTEN NOTICE and NOTIFICATION OF MEETING](#). Careful attention should be paid to the following:

1. It is absolutely essential that parents are involved in decisions relative to cessation of special education services.
2. Discuss all information about the student including parent and staff member observations, classroom work, assessments, etc.
3. [PARENTAL RIGHTS](#).
4. Student progress toward annual goals and short-term objectives.
5. The effect upon the student if exited from the special education program.
6. For students who are exiting because they have reached the age of 22 or have graduated with a standard diploma, the [SUMMARY OF PERFORMANCE](#) must be completed.

Discontinuation of Special Education Services Through Termination of Eligibility

1. See [reevaluation procedures](#) outlined previously, paying particular attention to the requirements for prior written notice and review of existing data to determine whether additional data are needed. ALL PROCEDURES FOR CONDUCTING A REEVALUATION MUST BE FOLLOWED.
2. Parent must be provided notice of eligibility team meeting ([PARENTAL PRIOR WRITTEN NOTICE and NOTIFICATION OF MEETING](#)—note that this [PARENTAL PRIOR WRITTEN NOTICE](#) should provide notice of the proposal to determine the student's eligibility).
3. Eligibility team meeting **must** be held and include:
 - a. Evaluation of progress toward annual goals;
 - b. Review of reevaluation data and progress in general curriculum; and
 - c. Statements concerning levels of functioning and rationale for why student is either no longer has a disability and/or is no longer in need of special education (student must **both** have a disability and require special education in order to be eligible for services).
4. [A REPORT OF THE RESULTS OF THE EVALUATION](#) must be prepared, and a [STATEMENT OF ELIGIBILITY](#) must be completed stating that the student is not eligible for special education. Copies must be given to parent.
5. Parent must be provided notice of proposed change in eligibility after the student has been determined not to be eligible ([PARENTAL PRIOR WRITTEN NOTICE](#)). This notice is required even if parents participated in and agreed with the decision that the student is no longer eligible. Check the box “proposing” and “other.” Add a statement “termination of special education services because student is no longer eligible.” If the parent disagrees, review the statement of parent rights with the parent.

PLACEMENT

Placement decisions in LCS D are made at the IEP meeting with parental involvement. Placement should be at the student's neighborhood school site unless special circumstances exist.

Removal from Regular Education Environments

The student may not be placed in a special class, in a school different than the one they would normally attend, or otherwise removed from the regular educational environment unless the IEP otherwise provides. Justification for any removal from regular education environments must be explained in detail in the student's IEP.

Procedure to Implement Placement Outside of Zoned School

1. Ensure school withdrawal procedures are followed.
2. Initiate necessary transportation.
3. Arrange enrollment.
4. Ensure all necessary information is provided to parent regarding:
 - a. Transportation
 - b. Enrollment
 - c. Schedules

IEP IMPLEMENTATION

1. Implementation of the IEP must take place immediately after completion of the entire IEP process. In accordance with recent 2008 guidance from the U.S. Office of Special Education Programs, even when parents agree with the IEP provisions, [*PARENTAL PRIOR WRITTEN NOTICE*](#) will be provided to parents as notice that the IEP and its specified provisions will be implemented.
2. [*CONSENT FOR INITIAL PROVISION OF SPECIAL EDUCATION AND RELATED SERVICES*](#) must be signed before services are provided for the first time. Thereafter, consent is not necessary unless the student experiences a lapse in eligibility.
3. No student may be placed in special education or have changes made to his/her educational program or placement without going through the IEP process.

DISCIPLINE PROCEDURES**THE "10 FREE DAYS" RULE**

Under federal law, during the first 10 school days that a student is suspended in a school year, there are no requirements to provide services, conduct a manifestation determination, develop a plan for or conduct a functional behavioral assessment (FBA), or develop or review a behavior intervention plan (BIP). This 10-day period, whether consecutive or cumulative, is sometimes referred to as the "10 free days. However, during the "10 free days" districts must adhere to the discipline requirements that apply to all students.

Days that "count" toward the accumulation of 10 school days

Any disciplinary removal of a student from school grounds "counts" toward the accumulation of 10 school days. Only in-school suspensions, under certain circumstances, can be configured so as to avoid "counting" as disciplinary removals. See below:

Under the federal regulations, "school day" means any day, including a partial day, which children are in attendance at school for instructional purposes. The term "school day" has the same meaning for all children in school, including children with and without disabilities.

"Business day" means Monday through Friday, except for federal and state holidays (unless holidays are specifically included in the designation of "business day," as in federal regulations at §300.403(d)(1)(ii).

Ordinary in-school disciplinary procedures do not "count" toward the accumulation of 10 school days

The U.S. Supreme Court in *Honig v. Doe* (1988) stated that ordinary in-school disciplinary measures are not considered disciplinary removals. These measures may include "the use of study carrels, time-out, detention, or the restriction of privileges." School officials should avoid the excessive use of any of these measures, without considering the need to reconvene the student's IEP committee to review behavior needs.

In-school suspensions (if services are not provided to the student), bus suspensions, or portions of a school day "counted" toward the accumulation of 10 school days

Comments in the federal regulations have provided the following guidance on whether in-school suspensions, bus suspensions, and portions of school days "count" toward the accumulation of 10 school days.

In-School Suspensions

In-school suspensions do not "count" toward the accumulation of 10 school days as long as the child is afforded the opportunity to continue to appropriately progress in the general curriculum, continue to receive the services specified on his or her IEP and continue to participate with nondisabled children to the extent they would have in their current placement.

Portions of a School Day

Portions of a school day do "count" toward the accumulation of 10 school days:

Bus Suspensions

Bus suspensions "count" when transportation is a related service in the student's IEP. Note that the U.S. Office for Civil Rights which administers Section 504 and other civil rights laws has taken the position that suspensions from the school bus are governed by the same disciplinary procedures as other suspensions.

PROCEDURES FOR MAKING DISCIPLINARY CHANGE OF PLACEMENT

A disciplinary change of placement occurs when a student is suspended for more than 10 consecutive days, OR when a student is subjected to a series of suspensions of 10 days or less, but a "pattern" of removals has occurred. Before making a disciplinary change of placement under either of these two scenarios, the district must determine whether the student's behavior is a manifestation of the student's disability. Generally, the Lyon County School District treats removals beyond 10 cumulative school days as a disciplinary change of placement.

General Rules

1. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a removal is appropriate for a child with a disability.
2. Services must be provided to a student who has been removed from his/her placement on the 11th and any subsequent day of removal in a school year.
3. LCSD policy is to consider any removal beyond the first ten days as constituting a disciplinary change of placement, which triggers procedural requirements for notice and a manifestation determination.
4. Special rules apply for behavior involving illegal drugs/controlled substances, weapons, infliction of serious bodily injury.
5. IDEA requires that in the case of a student whose behavior impedes the student's learning or the learning of others, the IEP committee must consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior.
6. If a parent requests a due process hearing to challenge disciplinary decisions (including the outcome of the manifestation determination, the placement, and the services provided in the removal setting), the student remains in the disciplinary setting until the hearing officer reaches a decision, or until the disciplinary removal expires, whichever occurs first. Parents and the district may agree otherwise. A hearing under this circumstance is "expedited"—which means that no extensions beyond the 45-day timeline are permitted.
7. Services must be provided to the student on the 11th and each day of suspension thereafter in any school year. So even if the district is permitted to make a disciplinary change of placement (because the behavior is NOT a manifestation of the student's disability or because federal permits removal regardless of manifestation for students who have conduct involving weapons/drugs/controlled substances/infliction of serious bodily injury, the resulting suspension and/or expulsion cannot occur without providing services

BEFORE IMPLEMENTING A REMOVAL THAT WILL TAKE THE STUDENT BEYOND THE FIRST TEN DAYS IN A SCHOOL YEAR:

1. School personnel make a decision to seek removal of a student that will take the student beyond the first ten days in a school year.
2. On the day a decision is made to make a removal that constitutes a change of placement (generally in LCSD, a removal that will take the student beyond the first ten days in a school year), the district must provide "parental prior notice" of the proposed disciplinary removal (and proposed manifestation determination **and** proposed IEP meeting if there is a need to determine the removal setting and services to be provided) and provide parents a copy of the Rights document.
3. School personnel give the student notice of the charges against him/her, an explanation of the evidence, and an opportunity for a "hearing" (in this context, an opportunity for the student to present his/her side of the story).

4. Before implementing a removal that will take the student beyond the first ten days in a school year, a manifestation determination must be conducted.
5. If the conduct **IS** a manifestation of the student's disability:
 - the student must be returned to the placement from which the student was removed, unless the parent and the district agree to a change of placement via IEP process (EXCEPT when student is removed to IAES for illegal drugs/controlled substances, weapons, or infliction of serious bodily injury)
 - an FBA must be conducted, unless one had been conducted before the behavior that resulted in the proposed change of placement
 - a BIP must be implemented (if one already exists, it must be reviewed and modified as necessary)
6. If the conduct **IS NOT** a manifestation of the student's disability:
 - the district may take the disciplinary action that was planned and impose disciplinary sanctions that it would otherwise apply to a student without disabilities, in the same manner, for the same duration
 - **services must be provided on the 11th and any subsequent day of removal during the school year:** the district conducts an IEP meeting, and the IEP committee determines the removal setting and the extent of the services that must be provided:
 - to enable the student to continue to participate in the general education curriculum
 - to progress toward meeting the goals in the student's IEP
 - If appropriate, the student must receive an FBA and BIP services designed to address the behavior so it does not recur
7. Present information to Board of Trustees (or authorized entity) for final determination and review for compliance with IDEA for any removal beyond 10 school days (state law requirement).
8. Once a student has been removed for more than 10 days in a school year, these steps are repeated for proposed removal. Manifestation determinations must be conducted as soon as possible and prior to implementing the proposed removal, and in-school suspension may be used pending completion of the manifestation determination.

MANIFESTATION DETERMINATION

1. Before implementing a removal that will constitute a disciplinary change of placement (in LCSD, before implementing a removal beyond the first 10 days of removal in a school year), a manifestation determination must be conducted.
2. The manifestation determination is conducted by a representative of the district, the parent, and relevant members of the student's IEP committee.
3. **Relevant members are determined by the parent and the district, so there must be contact with the parent to discuss "relevant" members of the IEP committee.**
4. The group must:
 - review all relevant information in the student's file
 - review the student's IEP
 - review any teacher observations
 - review any relevant information provided by the parents
5. The group must determine:
 - if the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability **OR**
 - if the conduct in question was the direct result of the district's failure to implement the IEP (if so, the district must take immediate steps to remedy failure to implement the IEP)

REMOVALS TO AN INTERIM ALTERNATIVE EDUCATIONAL SETTING (IAES) FOR ILLEGAL DRUGS, CONTROLLED SUBSTANCES, WEAPONS, OR INFLICTION OF SERIOUS BODILY INJURY

1. Nothing precludes the district from contacting law enforcement officials; if those officials remove the student from school, it is not a disciplinary removal by the district.
2. School personnel may remove a student to an interim alternative educational setting (IAES) for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:
 - carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of the district

- knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of the district
 - has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the district
3. The district may request a due process hearing to ask the hearing officer to order a change of placement to an IAES for not more than 45 school days if the hearing officer determines that maintaining the current placement is substantially likely to result in injury to the student or others.
 4. On the day a decision is made to make a removal that constitutes a change of placement (generally in LCSD, a removal that will take the student beyond the first ten days in a school year), the district must provide "parental prior notice" of the proposed disciplinary removal (and proposed manifestation determination **and** proposed IEP meeting to determine removal setting and services) and provide parents a copy of the Rights document.
 5. School personnel must give the student notice of the charges against him/her, an explanation of the evidence, and an opportunity for a "hearing" (in this context, an opportunity for the student to present his/her side of the story).
 6. The district must conduct a manifestation determination no later than 10 school days after the decision to change the student's placement, but under these circumstances, the student may be immediately removed to an IAES without regard to the outcome of the manifestation determination.
 7. The district must conduct an IEP meeting and the IEP committee determines the removal setting and the extent of the services that must be provided:
 - to enable the student to continue to participate in the general education curriculum
 - to progress toward meeting the goals in the student's IEP
 8. If appropriate, the student must receive an FBA and BIP services designed to address the behavior so it does not recur.
 9. Present information to the Board of Trustees (or authorized entity) for final determination and review for compliance with IDEA for any removal beyond 10 school days (state law requirement).

OSEP in Comments to 2006 regulations: There is nothing in the Act or these regulations that precludes the public agency from requiring the child to fulfill the remainder of the 45-school-day IAES placement when a new school year begins.