

**NEVADA DEPARTMENT OF EDUCATION**

**Tuesday, August 25, 2015**

**9:00 a.m.**

Department of Education  
700 East Fifth Street  
Board Conference Room  
Carson City, Nevada

And

Department of Education  
9890 South Maryland  
Board Conference Room  
Las Vegas, Nevada

**MINUTES OF REGULATION WORKSHOPS**

**DEPARTMENT STAFF PRESENT:**

**In Carson City**

Dale Erquiaga, Superintendent of Public Instruction  
Steve Canavero, Deputy Superintendent, Student Achievement  
Karen Johansen, Administrative Assistant

**In Las Vegas**

Dena Durish, Deputy Superintendent, Educator Effectiveness and Family Engagement

**LEGAL STAFF PRESENT:**

**In Carson City**

Greg Ott, Deputy Attorney General

**AUDIENCE IN ATTENDANCE:**

**In Carson City**

Elizabeth Hickman  
Joan Bohmann, Washoe County School District  
Will Jensen, Carson City School District  
Tami Sakelanis, Washoe County School District  
Dotty Merrill, Nevada Association of School Districts  
Angela Blair, State Public Charter School Association  
Mary Pierczynski, Nevada Association of School Superintendents  
Jessica Barlow Daniels, Carson City Montessori

**In Las Vegas**

Keri Altig, Clark County School District

Melody Thompson, Clark County School District  
Karen Taycher, Nevada PEP  
Heidi Arbuckle, Clark County School District  
Nicole Rourke, Clark County School District  
Bob Weires, Clark County School District  
Wendy Roselinsky, Clark County School District  
Carolee Frost, Parent  
Mike McLamore, Nevada State Education Association

The meeting was called to order at 9:02 A.M. Superintendent Erquiaga explained the workshop regulation process.

### **Public Comment**

There was no public comment.

Superintendent Erquiaga opened the hearing at 9: 07 a.m. There were eight individuals present in Carson City and nine individuals present in Las Vegas.

**9:00 a.m. Workshop to solicit comments on Proposed Amendments to NAC 388 related to “Business day” defined; “Communication mode” defined; “Consent” defined; “Dyslexia” defined; “Dyslexia intervention” defined; “Intellectual disability” defined; “Orientation and mobility services” defined; “Personally identifiable: defined; “School day” defined; “Training and professional development regarding dyslexia”; Development of an individualized education program for a pupil with a hearing impairment; Development of individualized educational program for a pupil with a specific learning disability and dyslexia; Individualized educational program committee; Parent participation in development and revision of individualized educational program; Implementation of individualized educational program; Qualifications, selection, appointment, and recusal of due process hearing officers; Early literacy screening for pupil with indicators for dyslexia; provision of targeted scientific, research-based intervention for pupil with confirmed dyslexia; Eligibility of pupil with deaf-blindness; Proposed Amendments to NAC 388.028 “Autism Spectrum Disorder” defined; NAC 388.077 “Positive Behavioral strategies, supports and intervention” defined; NAC 388.105 “Emotional disturbance” defined; NAC 388.215 Measures to identify, locate, evaluate and serve pupils with disabilities; NAC 388.261 Transmittal of education records of pupil with disability upon enrollment in different school or public agency; NAC 388.287 Inspection and review of education records of pupil; 388.288 Amendment of education records; hearing.; NAC 388.289 Confidentiality of personally identifiable information; NAC 388.387 Eligibility of pupil with autism spectrum disorder; NAC 388.410 Eligibility of pupil with intellectual disability; Deletion of the following: NAC 388.055 “Mental retardation” defined; 388.191 Biological or adoptive parent or person identified in judicial decree or order deemed to be parent of pupil under certain circumstances; 388.282 Placement of pupil with a disability in private school or facility; 388.283 Appointment of surrogate parent for pupil with disability.**

Marva Clevon, director, Office of Special Education, explained she has been working on the two phases of this regulation for the last 18 months. A workgroup group met several times about the first phase to make necessary changes to language and bring NAC up to date. The second phase was bringing in the legislative information relative to S.B. 13 which was put into effect because of the changes in NAC and A.B 341 regarding the dyslexia bill and A.B. 328 regarding due process hearings. Several education and special education groups met over the course of the last year regarding these changes.

Senate Bill 13 removed the provision that stated the parent's right to represent the pupil's interest ended upon receipt of an adjusted diploma. The statutory change was needed because a pupil's right to receive a free appropriate public education does not end with receipt of an adjusted diploma. The regulations now need to mirror the statute.

The second change is on page 27, also relative to S.B. 13. Certain provisions were removed that related to minimum standards for pupils with hearing impairments and instead reinforced compliance with the Individuals with Disabilities Education Act (IDEA), Title II of the Americans with Disabilities Act (ADA), and Section 504 of the Rehabilitation Act. In particular, testimony at the Legislature focused on reinforcing "effective communications" provisions in Title II of the ADA. Paragraph 3 has been added to reinforce the federal regulations regarding the public agency's obligations to ensure effective communications with parent, pupils and others. Ms. Cleven requested the proposed language state the development of individualized education programs (IEPs) for pupils with a hearing impairment provision of auxiliary aids and services to ensure effective communications. There is language that should be included within that. The additional change would be adding *the public agency shall give primary consideration to the request of the pupil or parent for the type of auxiliary aids and services needed to ensure that communications with pupils and parents are as effective as communication with others as required under the Title II of the ADA.* This was included in S.B. 13.

The last change is on page 33 relative to S.B. 341, the dyslexia bill added additional "considerations" required of IEP committees when developing IEPs for students who have learning disabilities and dyslexia. These considerations are set forth in another section of the NAC, but reference to them here creates a comprehensive list of IEP committee considerations. These will also be changed within the state form of the IEP process as districts move forward with implementing changes. These are specific changes that were not included in the copy of the language today. Another change includes the definition of dyslexia per A.B. 341 that incorporate the early literacy screening, qualifications, selection of appointment, and recusal of due process.

Superintendent Erquiaga inquired about the Administrative Hearings Officer bill, A.B. 328, asking on which page it can be found. Ms. Cleven responded it is in several sections, page 49 states *the responsibility of the public agency for the payment of the expenses of the hearing officer* as well as the appointment of the hearing officer is discussed on page 49. It is interspersed through the included language. At the top of page 50 is new language relative to the appointment to those hearing officers. The appointment of those hearing officers and their training requirements as well as the number of students enrolled in the areas with hearings are filed.

Superintendent Erquiaga noted many of the initial changes are definitions, which Ms. Cleven worked on with the districts and the advisory committee. He asked her to summarize the intent of the dyslexia bill, A.B. 341 and how that changes practice. Ms. Cleven responded that A.B. 341 brings into play a screening process for students if there is an indication the student is having reading difficulties, at which point a screening would then be conducted. Students are assessed in six areas to meet the qualifications. Once that takes place then regular and general education staff within the special education departments will work with the students.

This does not mean the student will qualify for special education related services. It is a team effort with regular and general education in conjunction with S.B. 391. The regulation brings into play the considerations that need to be discussed if a student is determined to have a disability with dyslexia as a component. The focus is narrowed on the specific disability within the category for students with disabilities.

Deputy Canavero inquired about page 11, where the first revision is defining the school day and why that was necessary. Ms. Cleven explained within IDEA there are calendar and school days. School days become relevant when a student is referred for testing and the district has 45 school days to complete the assessment. Some schools have 60 calendar days, however Nevada statute specifies 45 school days. School days needed to be defined. Deputy Canavero clarified that she is proposing it is a school day regardless of whether a student has an IEP.

Deputy Canavero asked to clarify 2a, regarding the notice requirement, on page 37 and the confidentiality of personal identifiable information (PII). Ms. Cleven responded the type of (PII) under this section is related to educational records that contain PII for educational services. Parents are informed when the PII *collected, maintained or used* is no longer needed to provide educational services to the pupil.

### **Workshop Public Comment**

Karen Taycher, executive director, Nevada PEP, shared that for many years she has participated in the NAC writing committees. She expressed appreciation for the inclusion of the parent and advocacy perspective while drafting the NAC changes. Nevada PEP is in support of the changes including those provided today.

Will Jensen, director of special services, Churchill County School District and president of the special education directors association (SEDA) representing both entities stated SEDA feels strongly they had ample opportunity for input into the revisions and strongly supports all of the changes.

### **Public Comment #2**

There was none.

The meeting was adjourned at 9:25 a.m.