

NEVADA DEPARTMENT OF EDUCATION

Notice of Workshop to Solicit Comments on Proposed Regulation

The Nevada Department of Education is proposing regulation language pertaining to the Nevada Administrative Code. The Workshop has been scheduled for **July 31, 2017** via video conference at the following locations: **Nevada Department of Education Offices, Board Conference Room, 700 East Fifth Street, Board Room, Carson City and 9890 South Maryland Parkway, 2nd Floor Board Conference Room, Las Vegas, Nevada.** The purpose of the Workshop is to solicit comments from interested person on the following general topics to be addressed in a proposed regulation:

9:20 A.M. Workshop to Solicit Comments on Proposed new regulations for compliance of Senate Bill 213, AN Act relating to education; authorizing the Superintendent of Public Instruction to carry out an inspection of a provider of special education in certain circumstances; authorizing the Superintendent of Public Instruction to take certain measures to ensure compliance with the laws governing the education of pupils with disabilities in certain circumstances.

A copy of all materials relating to the proposal may be obtained at the workshop or by contacting by telephone Karen Johansen, State Board of Education Office, Nevada Department of Education, at 775-687-9225, or in writing to the Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096. A reasonable fee for copying may be charged.

This Notice of Workshop to Solicit Comments on Proposed Regulation has been sent to all persons on the agency's mailing list for administrative regulations and posted at the following locations: The offices of the Nevada Department of Education in Carson City and Las Vegas, the 17 Nevada School District Superintendents' Offices, the 17 Nevada County main public libraries, the Nevada State Library and Archives, and at the meeting locations.

BRIAN SANDOVAL
Governor
STEVE CANAVERO, Ph.D.
Superintendent of Public Instruction

STATE OF NEVADA



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SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608

Date: July 7, 2017

Re: Public Workshop to Solicit Public Comments Regarding New Regulations related to constituent concerns investigation (CCI) of providers of special education scheduled on July 31, 2017

I, Steve Canavero, Superintendent of Public Instruction hereby certify that, to the best of my knowledge or belief:

1. The proposed new regulations added to NAC related to constituent concerns investigation (CCI) providers of special education are not likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation or expansion of a small business.
2. The proposed new regulations add procedures for the Superintendent of Public Instruction to carry out an inspection of a provider of special education in certain circumstances.
3. All relevant materials were reviewed and the Department considered its history with implementing similar regulations; the proposed changes are within the historic scope of the Department's activities and present no significant cost of enforcement.
4. Comment has not been solicited from small businesses, and no summary of their response is provided because small businesses are not impacted by this regulation and thus no burden or economic impact can be assessed. Any impact is positive and was considered during legislative testimony.

I hereby further certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.

Respectfully submitted,

A handwritten signature in blue ink that reads "Steve Canavero".

STEVE CANAVERO, Ph.D.
Superintendent of Public Instruction

Constituent Concerns

Section 5: Inspection of concerns of the compliance of a provider of special education with the laws governing special education

1. The Superintendent of Public Instruction must:
 - Upon receipt of a Constituent Concern, determine whether there is good cause to conduct an inspection of the provider of special education.
 - Initiate an inspection to be conducted by the Department of Education within 30 days after making the determination.
 - i. Inspection can be conducted on-site, electronically or by telephone.
2. If, after an inspection conducted pursuant to subsection 5, the Superintendent of Public Instruction determines that a provider of Special Education is not in compliance with a law or regulation governing the education of pupils with disabilities, the Superintendent must:
 - Meet with the provider of special education to determine the most efficient and expeditious manner in which to bring the provider into compliance.
 - Request a plan of corrective action from the Board of Trustees of the school district or the governing body of the charter school, as applicable.

Section 6: If a Provider of special education fails or refuses to comply in a timely manner with a plan of corrective action

1. The Superintendent of Public Instruction must:
 - Take appropriate measures to ensure compliance with any law or regulation governing the education of pupils with disabilities.
 - In determining appropriate measures, consider:
 - Severity of the failure to comply, the length of and number of times the provider of special education has been out of compliance
 - Whether the provider of special education made a good faith effort to comply.
 - The impact on pupils served by the provider of special education
 - Whether the provider of special education has previously failed to comply.
 - The actions the Superintendent of Public Instruction, may take to ensure compliance include, without limitation.
 - Extending the time the provider of special education has to comply.
 - Revising the plan of corrective action
 - Requiring the school district or governing body of a charter school to provide technical assistance.
 - Requiring the school district or governing body of a charter school to provide professional development.
 - Ordering an investigation of compliance by the provider of special education or additional inspections of the provider of special education.

- Requiring the school district or charter school to assign one or more persons to monitor compliance with the plan of corrective action.
- Requiring the district or charter school to take appropriate disciplinary action against the principal or other administrator who knowingly and willfully fails to comply with a plan of corrective action.
- Requiring the provider of special education to attend a public meeting of the State Board to explain the failure of the provider to comply with a plan of corrective action.
- Take punitive action against the provider of special education, which may include, without limitation:
 1. Redirecting money provided by the Federal Government for administrative costs related to the Individuals with Disabilities Education Act, 20, 20 U.S.C. §§1400 et seq.
 2. Withholding, in whole or in part, any federal or state apportionment to the provider.