

Special Education and Gifted and Talented education programs

This regulation revises various provisions relating to the determination of eligibility for and administration of programs for pupils with disabilities. **Section 9** of this regulation requires a public agency to ensure that a pupil with a disability is provided instructional materials in an accessible format in a timely manner. **Sections 10 and 55** of this regulation also establish standards for a parent of a pupil with a disability to give informed consent for assessments and special education and related services for the pupil. **Section 41** of this regulation requires the placement of such a pupil to be based on the pupil's individualized educational program and in the least restrictive environment to the maximum extent appropriate.

Existing regulations require a public agency to: (1) allow the parents of a pupil to review the pupil's education records and request an amendment of certain information in the records; and (2) protect the confidentiality of personally identifiable information in such records. (NAC 388.287-388.289) **Sections 2, 7 and 51-53** of this regulation revise these provisions to apply to agencies with personally identifiable information rather than public agencies. Existing regulations require a public agency to remove any personally identifiable information of a pupil from certain findings of fact and decisions before transmitting them to the Special Education Advisory Committee of the Department of Education and making them available for public inspection. (NAC 388.310) **Section 61** of this regulation revises these provisions to require the Department to remove any personally identifiable information rather than a public agency.

Sections 15, 16, 27, 33, 80, 82 and 83 of this regulation replace the term "mental retardation" with the term "intellectual disability" in accordance with the provisions of Senate Bill No. 338 of the 77th Legislative Session. (Section 121, chapter 186, Statutes of Nevada 2013, at page 700).

Section 23 of this regulation removes the reference to "scientifically based" research because the definition has been removed from the Every Student Succeeds Act (ESSA) enacted on December 10, 2015, and to conform to regulatory amendments made to IDEA regulations on June 30, 2017 (Federal Register, Vol. 82, No. 125, p. 29755-29761).

Section 24 of this regulation removes the definition of "scientifically based research" because the definition has been removed from the Every Student Succeeds Act (ESSA) enacted on December 10, 2015, and to conform to regulatory amendments made to IDEA regulations on June 30, 2017 (Federal Register, Vol. 82, No. 125, p. 29755-29761).

Section 34 of this regulation remove references to "highly" qualified special education teachers to conform to statutory amendments made to the IDEA by the Every Student Succeeds Act (ESSA) enacted on December 10, 2015, and to regulatory amendments made to IDEA regulations on June 30, 2017 (Federal Register, Vol. 82, No. 125, p. 29755-29761).