



**SNTHS**

**SOUTHERN NEVADA  
TRADES  
HIGH SCHOOL**

**Address: 1580 Bledsoe Ln., Las Vegas, NV 89110**

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**[www.snvtradeshighschool.org](http://www.snvtradeshighschool.org)**

**Student/Parent Handbook**

**2023-2024**

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## Introduction

Welcome to Southern Nevada Trades High School (SNTHS). SNTHS is the first Trades charter school in Las Vegas. The information, policies, and procedures contained in this handbook are the result of a concerted effort of the administration and staff to present information so that it will be of great value in helping students adjust to the school. The policies and procedures outlined here are designed to ensure student health, safety, and well-being and to ensure that students are provided with a learning environment which promotes an emphasis on education as their highest priority. The staff wants and expects students to perform to their maximum potential in all endeavors.

### **What is a public charter school?**

Charter schools are a promising way to raise academic standards, empower educators, and actively involve parents and communities in progressive, public education. Charter schools are free public schools and receive their funding directly from the State of Nevada. A charter school is a public school that is exempt from many traditional rules and regulations. These exemptions allow charter schools greater flexibility to use different instructional approaches. However, charter schools are still held accountable for the achievement of high academic standards.

Charter schools must comply with federal and state laws and regulations. Charter schools are freed from certain traditional regulations but must follow federal regulations involving civil rights, special education, IDEA (Individuals with Disabilities Act), and others.

## General Information

**Address:** 1580 Bledsoe Ln., Las Vegas, NV 89110

**Phone:**

**Executive Director:** Julie Carver, [julie.carver@snvtradeshighschool.org](mailto:julie.carver@snvtradeshighschool.org)

**Principal:** Candi Wadsworth, [candi.wadsworth@snvtradeshighschool.org](mailto:candi.wadsworth@snvtradeshighschool.org)

**Office Hours:** Monday- Thursday: 8:00 am – 3:30 pm

Friday: 8:00 am – 1:00 pm

## Daily Student Schedules

### Monday, Tuesday, Thursday

8:30 AM to 9:50 AM	First Period
10:05 AM to 11:25 AM	Second Period
11:40 AM to 1:00 PM	Third Period
1:00 PM to 1:30 PM	Lunch/release 11 <sup>th</sup> and 12 <sup>th</sup>
1:30 PM to 3:10 PM	9 <sup>th</sup> and 10 <sup>th</sup> Fourth Period

### Wednesday

8:00 AM to 8:30 AM	Student Advisory
8:30 AM to 9:50 AM	First Period
10:05 AM to 11:25 AM	Second Period
11:40 AM to 1:00 PM	Third Period
1:00 PM to 1:30 PM	Lunch/release 11 <sup>th</sup> and 12 <sup>th</sup>
1:30 PM to 3:10 PM	Fourth Period 9 <sup>th</sup> and 10 <sup>th</sup>

**Juniors and Seniors will be released prior to 4<sup>th</sup> period Monday-Thursday for work experience and/or post-secondary course work.**

### Friday

8:30 AM to 9:50 AM	First Period
10:05 AM to 11:25 AM	Second Period
11:40 AM to 1:00 PM	Third Period

**All students are released at 1:00 PM every Friday for teacher professional development/collaboration.**

**SNTHS's Mission** is to promote excellence in academic and career and technical education, preparing students for post-secondary education and careers in construction related professions.

**SNTHS Vision:** Through innovative career and technical training integrated with aligned academics, community partnerships, and individualized college and career-readiness planning, students' passions for learning are ignited and they are prepared for success in postsecondary education and the workplace.

Belief Statements:

- **Integrated Curriculum:** We believe that hands-on career technical education (CTE) – in the classroom, in the workshop, and on the job-site – prepares students with the knowledge and skills for successful futures in construction-related careers. We believe that pairing CTE with aligned academics provides students with the skills necessary to adapt and grow throughout their careers.
- **Passion for Life-long Learning:** We believe that the unique combination of CTE and aligned academics spark student passion for learning while encouraging other essential life skills such as critical thinking, communication, and teamwork.
- **Individualized Planning and Support:** We believe that engaging students 1:1 in planning and refining their course of study throughout their high school career prepares graduates for success in their chosen educational and career paths.

- Community Partnerships: We believe that close collaboration with local industry and postsecondary institutions provides students with access to work experiences, industry-

## Student Responsibilities

Students are expected to act in a positive manner. The appearance and atmosphere of the school reflects student habits and attitudes. Conduct and behavior toward any school personnel will be always appropriate. Behavior that disrupts the learning process will not be permitted.

I realize that my education is important. Therefore, I agree to carry out the following responsibilities to the best of my ability by:

- *Read and understand the contents of this handbook.*
- *Comply with all school policies and procedures.*
- *Make a reasonable effort to learn.*
- *Arriving at school each day on time and being prepared.*
- *Keep the school informed of changes in address, phone number, and any other circumstances that could affect awarding of the diploma.*
- *Attend all classes each day, on time, and complete all assignments in accordance with the expectations established by the instructor.*
- *Behave in a manner that contributes to a positive learning environment for all, both in the classroom and on the campus. Showing effort, respect, cooperation, and fairness to all.*
- *Promote a safe and respectful learning environment.*
- *Obey all federal, state, and local laws and ordinances.*
- *Using all school equipment and property appropriately and safely.*
- *Completing and submitting homework in a timely manner.*

## Parent Responsibilities

I understand that as my child's first teacher my participation in my child's education will help his/her achievement. Therefore, to the best of my ability, I will continue to be involved in his/her education by:

- *Reading to my child or encouraging my child to read.*
- *Being responsible for my child's on-time attendance.*
- *Reviewing and checking my child's homework.*
- *Monitoring the activities of my child, such as the amount of time spent watching television, using a computer, playing video games, etc.*
- *Contributing at least 5 hours of time each school year in the areas such as:*
- *Attending school-related activities; Attending organized parent meetings, such as PTA, PTO, or parent advisory committees; Attending parent-teacher conference(s); Volunteering at the school; Chaperoning school-sponsored activities; Communicating with my child's teacher(s) regarding his/her progress, as needed.*

## Teacher And School Staff Responsibilities

We understand the importance of providing a supportive, effective learning environment that enables the children at our school to meet the State's academic achievement standards through our role as educators and models. Therefore, staff agrees to carry out the following responsibilities to the best of our ability by:

- *Ensuring that each student is provided high-quality curriculum and instruction, supervision, and positive interaction.*
- *Maximizing the educational and social experience of each student.*

- *Carrying out the professional responsibility of educators to seek the best interest of each student.*
- *Providing frequent reports to parents on their children's progress and providing reasonable access of staff to the parents and legal guardians of students to discuss their concerns*

### **Non-discrimination Statement:**

SNTHS does not discriminate based on sex, age, race, color, religion, handicap, or national origin in the programs or activities that it operates. All operating policies of the school pertaining to but not limited to the instructional programs, and the employment of all professional and classified employees and students direct such nondiscrimination.

### **Enrollment & Lottery Guidelines**

Like all public schools, public charter schools must be open to any such child, regardless of that child's race, gender, citizenship, or need for accommodations or special education services. Southern Nevada Trades High School will serve students primarily in the 89110 zip code and any age eligible student in Nevada is eligible to enroll, beginning with 9th and 10th in our first year. Priority will be given to families living within 2 miles of the charter school (pursuant to NRS 388A.456).

SNTHS will accept students on a rolling admission basis at the beginning of each quarter. Applications received after the lottery closing date will be accepted on a first come, first served basis. Our application will open the first working day of January and close the first Friday of March which satisfies the 45-day requirement of NRS 388A.454(7).

Any false statement or purposeful omission of information on enrollment documents (application or enrollment forms), may result in revocation of enrollment offers.

### **Policy for Requesting Teacher/Class**

It is the policy of SNTHS to strictly prohibit parents/guardians from requesting to have their student be placed in a class with a particular teacher or other students. Student placement will be at the discretion of SNTHS administrators and teachers.

### **Parent Request to Change Teacher/Class**

SNTHS does not move a student out of a class based on parent/guardian request. Parent/guardians with concerns may contact the school principal to request a conference. The principal will serve as mediator between the parent and teacher to determine interventions, solutions, modifications, accommodations, or other recommendations in an effort to address the parent/guardian concerns. In special circumstances, the principal may make the recommendation to move a student to a different classroom after other options have been exhausted.

### **Transfer of Credits**

SNTHS will accept credits from all accredited high schools with an official transcript. Credits earned at non-accredited schools will be evaluated on a case-by-case basis and all credits may not transfer.

## Withdrawal from SNTHS

Any student who withdraws from SNTHS is required to have a parent or guardian present to sign the necessary withdrawal form. Telephone calls for withdrawing a student are not acceptable.

## Arrival and Dismissal Map



**\*\*\*No parking will be permitted on Bledsoe Ln or Christy Ln during arrival or dismissal, violators may be subject to ticketing by Nevada Metro Police\*\*\***

Students that wish to drive to school will need to acquire a SNTHS parking pass. Passes will be issued on a first come first serve basis. Proof of insurance, and valid driver's license will be required. If a student is found to be parking without a school issued parking pass they will be subject to discipline as per our discipline policy.

## Tardy Check in

Students that arrive to school past 8:30am should report directly to the front office to check in and receive a tardy pass.

## Weather Days

Students and parents should check the SNTHS website, or listen to the news stations, social media, or their phone for school closures. In the event that SNTHS determines that school should be closed due to inclement weather, the school will notify students/parents of school closure via the website, news, social media, and a text, email, or voicemail.

## Attendance

This policy is subject to revisions if the State of Nevada changes attendance requirements.

### Quarterly Attendance Rules, Procedures, and Forfeiture of Credits

Students should review the attendance policy and plan their school year accordingly. NRS 392.122 is the basis for the SNTHS Attendance Policy. SNTHS mirrors the federal guidance that says students must not be absent 10% or more of school days or they will be considered chronically absent, and they may potentially fail the course(s) no matter what the student's academic mark(s) in the course may be. A student that has more than 4 absences in 1<sup>st</sup> through 3<sup>rd</sup> period and more than 3 absences in 4<sup>th</sup> period is considered absent more than 10% of a class. The emphasis is on the importance of keeping students in school and providing access to curriculum.

### **Chronic Absenteeism – Federal Definition**

A student is absent if he or she is not physically on school grounds and is not participating in instruction or instruction-related activities at an approved off-grounds location for the school day. Chronically absent students include students who are absent for any reason (e.g., illness, appointments, suspension, the need to care for a family member), regardless of whether absences are excused or unexcused. Students who are absent 10% or more of their enrolled school days are considered chronically absent. A student is deemed chronically absent when they miss more than 10% of the school year.

**Students missing more than 10% of a course in a quarter will fail the course.**

### **Parent/Student Responsibilities**

Parents must send a note or call the school regarding any absences. This must be done **within two days** after the student returns to school. Calls or notes in advance are always appreciated. SNTHS uses an automated computer phone system, to notify parents of daily absences.

If a student becomes ill or leaves school for an appointment during the school day, the attendance office must be notified, and the legal guardian must come to the office to sign the student out before they are released. A student will not be released to anyone not identified as a legal guardian in Infinite Campus. A



stepparent is not considered a legal guardian. The legal guardian must provide written permission to the office for a stepparent to be able to pick up a student.

A tardy is considered missed instruction. If a student misses a large portion of instruction, the tardy may be considered an absence and will be coded as an absence which will count towards the 10% absences and chronic absenteeism.

Pre-arranged absences will be coded as DOM. These absences will count towards the 10% absences and chronic absenteeism.

A student may be withdrawn from SNTHS after missing 10 days (the maximum allowed for meeting the 90% attendance requirement) of consecutive absences due to their whereabouts unknown.

Make-up work will be provided for any absence, but it is the student's responsibility to request the make-up work in advance or on the first day the student returns to class. Since it is impossible to make-up some in-class assignments, coursework of a similar nature may be given. It is the student's responsibility to turn in all make-up class work by the designated deadline. Failure to complete the make-up work by the designated deadline will result in no credit received for the make-up work. If your child has exceeded the 90% attendance requirement or chronic absenteeism, you may ask for a review of the absences. Please note that for any absence to be considered for review, all make-up work must have been completed per class policy. The principal or his/her designee will review the absences and notify the parent of the decision.

## **Truancy**

Nevada state law mandates that all children 7 to 18 years of age attend school. Parents are legally required to ensure regular daily attendance of their child. An unapproved absence or tardy may be deemed a truancy. If a student has three or more truanies, they will be deemed a habitual truant and reported to the local law enforcement agency.

## **SNTHS Appeal Process Policy on Attendance Affecting Grades**

To appeal an attendance decision that has affected award of credit, a student must appeal the attendance with the teacher. A student must complete the required forms and make-up time or school work at the teacher's discretion. Appeals (APP) will not count against the student's possible retention/failure or Chronic Absenteeism.

## **DMV Certification of Attendance (NRS 392)**

SNTHS students under the age of 18 wanting to obtain an instruction permit or driver's license must pick up a DMV 301 form in the front office. The student completes the "Student Information" section in blue or

black ink and turns the form in at the office. The principal or designee will complete the form within 5 business days and return it to the student.

### **Staff and Volunteer Background Check Policy**

Southern Nevada Trades High School is committed to the protection of all persons who are associated with SNTHS including members, staff, volunteers, and guests. As required by the Operating Standards for SNTHS , SNTHS shall conduct criminal background checks of all employees and board members as well as volunteers who have direct repetitive contact with children participating in our programs. SNTHS will carry out this requirement in a fair, consistent, and non-discriminatory manner, complying with applicable state and federal laws and guidelines (NRS 388A.515; NRS 388A.516)

## **Health Office**

### **Accidents And Sickness**

Students that become sick or injured in class or elsewhere on the campus will be brought or sent to the Health Office. If a child is seriously injured, emergency services and guardians will be contacted immediately. In non-emergency situations, injured or sick students who are not accompanied by a staff member must have an office referral with the time and date in order to come to the Health Office for medical attention or first aid. Guardians will be contacted as necessary.

### **Administering Student Medication**

Medication will not always be given to a student by the health office. Other staff members designated by the Principal will assist students in the absence of the health office staff, such as trained by the parent, following a physician's order. If your child has daily medication that must be taken or kept at school please complete a medical consent form that is located in the front office.

### **Covid-19 Health and Safety Policy**

Please note that SNTHS will follow state, county, and local directives/declarations and **may** reinstitute the following measures **if** so directed. *Please note that these measures may not be fully inclusive of directives that may arise throughout the school year.*

#### **Assumptions;**

1. SNTHS will follow all directives and declarations from the Governor of Nevada in the event that an epidemic/pandemic is declared in the state or county.
2. The school will follow all directives and declarations from Nevada Superintendent of Public Instruction pertaining specifically to public schools.
3. SNTHS will coordinate with county and local government health officials during a declaration of an epidemic/pandemic.

# Academic Information

## High School Graduation Requirements

All students **MUST** meet the credit requirements for graduation **AND** the testing requirements established by the state for his or her graduation year to earn a standard diploma.

### Credit Requirements:

<b>REQUIRED SUBJECT AREAS:</b>	<b>17</b>	<b>credits</b>
American Government	1	credit
American (US) History	1	credit
World History/Geography	1	credit
Arts/Humanities	1	credit
English	4	credits
Health	½	credit
Mathematics	3	credits
Physical Education/HSROTC	2	credits
Science	2	credits
Computer Science/Literacy	½	credit
College and Career Readiness	1	credit

\*Flex Credit

<b>CTE CREDITS:</b>	<b>6</b>	<b>credits</b>
<b>TOTAL CREDITS:</b>	<b>23</b>	<b>credits</b>

## Academic Load

All students are required to have a full academic load unless a senior qualifies for an approved NDE exemption.

## Ninth Grade Four-Year Academic Plan

SNTHS complies with AB212 that requires our Board of Directors to develop a 4-year academic plan with ninth grade students enrolled. SNTHS develops an academic plan with every student, regardless of grade level

## Alternate Methods of Earning Credits

- Work Experience
- Credit by Examination
- Online Courses
- CTE College Credit
- Independent Study
- Dual enrollment
- Community Service and Travel Study

## Student Fees

A SkillsUSA membership is encouraged, but not required, for student promotion or graduation at SNTHS. Students choosing to participate should expect a \$20 fee. The school will encourage fundraising as a manner to subsidize the student fees. If a student is, however, unable to pay the fee and chooses to participate, the school will waive the fee. Students choosing not to participate in the program will not be penalized and may continue to be enrolled at the school.

## Grading Policy

SNTHS complies with NRS 389.0195 that requires all Nevada public high schools to follow the prescribed uniform grading scale, including a uniform grading scale for advanced placement courses and honors courses.

### Uniform Grading scale:

<b>Grade</b>	<b>Course Point Range</b>	<b>Value</b>
A =	90% - 100%	4.0
B =	80% - 89%	3.0
C =	70% - 79%	2.0
D =	60% - 69%	1.0
F =	<60%	0.0

## CTE Skills Attainment Certificate (NAC 389.800)

Students who complete Level III coursework will be eligible to receive a CTE Certificate of Skill Attainment and an Endorsement on his or her diploma. Eligible students must complete the following:

- Achieve a 3.0 GPA in program CTE area (not cumulative GPA)
- Pass the Workplace Readiness Assessment
- Pass the End of Program Technical Assessment

## College and Career Ready Diploma

1. To earn the Career Ready Diploma from SNTHS students must complete the 24 credit requirements for the Advanced Diploma and have earned not less than 2.0 credits in one or more of the following:

- Dual-credit/dual-enrollment courses
- Career and technical education courses
- Work-based learning courses (to earn the seal of Biliteracy a student must also
- show proficiency in two languages):

AND;

2. Must obtain one or both of the following endorsements:

College-Ready Endorsement

- Successfully complete a college readiness assessment prescribed by the Board of Regents of the University of Nevada; and
- Receive not less than the minimum scores for initial (non-remedial) placement into college-level English and mathematics courses prescribed by the Board of Regents of the University of Nevada (section 1, chapter 16 of title 4 of the Board of Regents Handbook).

#### Career-Ready Endorsement

- Successfully complete the ACT National Career Readiness Certificate (NCRC), level Silver or above; or
- Successfully complete the Armed Services Vocational Aptitude Battery (ASVAB), score 50 or above; or
- Obtain a Career and Technical Education Skills Attainment Certificate (NAC 389.800); or
- Obtain an industry-recognized credential (Nevada's Industry-Recognized Credentials List as published on the OWINN web site)

#### Progress Reports

Students and parents will be able to access academic progress with the use of the Infinite Campus website at any time during the quarter. However, at any time during the quarter, the teacher may contact a parent/guardian to report on a student's progress. Parents are welcome to contact the teacher at any time to request information on the progress of their student. All parent communication will be documented by the teacher and periodically reviewed by the principal.

#### Employability Grade

Each grading period, the student will receive an employability grade based on attendance, punctuality, time management, respect, and other work traits. SNTHS's mission statement stresses real-life learning experiences so that the students may become valued members of the work force. These employability grades may be included on resumes or may be a source of referral when teachers or staff members are asked by employers to recommend students as new employees.

<b>A</b>	<b>Outstanding=Employers prize you!</b> ✓ Always Career focused ✓ Always Confident & prepared ✓ Always Collaborative ✓ Always Capable	0-2 tardies 0-2 absences No office referrals
<b>B</b>	<b>Above Average: Employers will keep you.</b> ✓ Regularly Career focused ✓ Regularly Confident & prepared ✓ Regularly Collaborative ✓ Regularly Capable	3-4 tardies 3-4 absences No office referrals
<b>C</b>	<b>Average: Employers will tolerate you.</b> ✓ Usually Career focused ✓ Usually Confident & prepared ✓ Usually Collaborative ✓ Usually Capable	5-6 tardies 5-6 absences OR 1 office referral
<b>D</b>	<b>Below Average: Employers will find reasons to fire you.</b> ✓ Occasionally Career focused ✓ Occasionally Confident & prepared ✓ Occasionally Collaborative ✓ Occasionally Capable	7-8 tardies 6 absences OR 2 office referrals
<b>F</b>	<b>Inadequate: Employers will fire you in a heartbeat!</b> ✓ Seldom Career focused ✓ Seldom Confident & prepared ✓ Seldom Collaborative ✓ Seldom Capable	9 or more tardies 7 or more absences OR 3 or more office referrals

Information is available for students planning to attend college who wish to take the PreACT, ACT, SAT, ACT WorkKeys, and the Armed Services Vocational Aptitude Battery (ASVAB).

### Grade Reports

Grade reporting will be given to parents/guardians via the U.S. Postal Service or the student portal via Infinite Campus. Grades are recorded on the grade report that will be distributed or mailed one week after the end of each grading period.

### Testing Requirements:

The state guidelines for testing will be followed.

#### 10<sup>th</sup> Grade PreACT Exam

All 10<sup>th</sup> grade students will take the PreACT exam. This exam prepares students for the ACT+Writing exam. The PreACT is also a great tool to measure students for college and career readiness.

#### 10<sup>th</sup> Grade Nevada Science Exam- (Federally Mandated)

All students enrolled in Biology I & II must participate in the Nevada Science exam. Most SNTHS students will take this exam during their 10<sup>th</sup> grade year.

#### 11<sup>th</sup> Grade College & Career Readiness Assessment (CCR)

CCR - Students will participate in this exam during their junior year.

- The ACT Writing & Math Exams will be the exams used to complete the CCR.
- Completion of this exam is required to earn a diploma in Nevada.

## **12<sup>th</sup> Grade ACT WorkKeys Exam**

All 12<sup>th</sup> grade students will take the ACT WorkKeys exam. WorkKeys measures foundational skills required for success in the individuals who successfully complete the three WorkKeys assessments—[Applied Math](#), [Graphic Literacy](#), and [Workplace Documents](#)—earn the WorkKeys National Career Readiness Certificate (NCRC).

## **Grade Promotion**

Students are promoted to the next grade based on years enrolled in high school.

First year of high school = 9<sup>th</sup> Grader (Freshman)

Second year of high school = 10<sup>th</sup> Grader (Sophomore)

Third year of high school = 11<sup>th</sup> Grader (Junior)

Fourth year of high school = 12<sup>th</sup> Grader (Senior)

A student can receive an Advanced Diploma by completing a minimum of 24 credits including all requirements for a Standard Diploma plus one additional credit of science and math. The minimum 3.25 GPA, weighted or unweighted, includes all credits applicable toward graduation. The student must also pass all the required state testing.

## **Counseling and Guidance Services**

Counseling and guidance services are available to all students at SNTHS through school counselor, teachers and administrators.

Teachers and administrators will aid in student personal growth, by:

- assisting in selecting high school courses;
- providing information and assistance on scholarships, grants and other sources of financial aid for post-secondary education;
- assisting in selection of and application for colleges;
- providing information and direction for continuing education and/or training;
- offering direction and information on career choices;
- providing individual counseling for students, especially regarding academic problems;
- arranging and/or conducting conferences with parents/guardians or other parties involved;
- suggesting referral for additional or specialized counseling when needed

## **Computer/Technology Policy**

Computers may not be used without staff approval. Programs or files of any sort may not be copied or installed without permission. Nothing is to be copied to or from school computers until the files have been scanned for viruses. The SNTHS file server is off limits to students.

Students who have permission to access the Internet may not access sites inappropriate to an academic environment. Screen savers are not to be changed without prior approval. Nothing may be printed without staff approval. Violations of this policy will result in discipline that may include removal from the school. In addition, students and/or their parents are responsible for any damage, repair, or replacement of computers.

## Confidentiality

While the counselor/teachers/administrators respect the confidentiality that students place in them, there are certain behaviors and ideas that the counselor/teachers/administrators cannot keep confidential.

In accordance with Nevada State Law, school personnel must immediately report to the appropriate law enforcement or social service agency when they become aware of the physical bullying, emotional or sexual abuse of minors or the elderly or that a student may do harm to self or others.

## English Language Learners (ELL)

SNTHS is committed to supporting English learners (EL) by providing a positive path toward English language acquisition with an inclusive model of instruction, using the guiding principles of language development through the WIDA (World-Class Instructional Design and Assessment). For more detailed information on our ELL program, please request a copy of our ELL Handbook.

## Special Education Students

SNTHS will have teachers and administrators that will oversee the programing for students with disabilities and maintains compliance with the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973. SNTHS will provide a free and appropriate public education (FAPE) to students with disabilities in accordance with state and federal statutes and regulations. For more detailed information please request a copy of our Special Education Handbook.

## DRESS CODE

The dress code for all students is long pants, close-toed shoes, and white polo shirt. Students may not wear shorts or open-toed shoes at school at any time. Students not complying with dress code will be sent to the office to call home or borrow a school issued polo if available. Students will have to make up any missed time/work, and a parent/guardian may be notified.

SNTHS High School has a uniform policy to enhance the tone, climate, and culture of our school. Uniforms bring about a sense of purpose and seriousness for SNTHS students regarding their education and future.

### Shirt/Sweatshirt

- A white polo shirt should be worn every day.
- A solid white or black sweatshirt or jacket may be worn.

### Pants

- All students must wear long pants that fit properly.
- Pants must be of a solid color in a denim or khaki material.
- Sagging or excessively oversized pants are not permitted and present a safety hazard.
- Pants cannot be excessively soiled, torn, or ragged.



- Shorts, leggings, capris, cutoffs, sweats, or pajama bottoms or pants with excessive accessories are never allowed.

### **Shoes**

- All students must wear close-toed shoes.
- Individual programs may require work boots. Students will be notified by the program instructor of any work boot requirement.
- Sandals, slippers, flip-flops, crocs, thin soled, 'house' shoes, etc. are not to be worn on campus at any time. The administration reserves the right to determine appropriate footwear for student safety.

## Behavioral Information

SNTHS students are representatives of the school. Community members judge SNTHS by student actions. It is very important that students conduct themselves in a courteous manner at all times. Students who fail to obey the rules and regulations and/or fail to obey school or community officials are subject to disciplinary action.

There is a clear expectation that all students will perform academic tasks with honor and integrity, with the support of parents, staff, faculty, administration, and the community. The learning process requires students to think, process, organize and create their own ideas. Throughout this process, students gain knowledge, self-respect, and ownership in the work that they do. These qualities provide a solid foundation for life skills, impacting people positively throughout their lives. Cheating and plagiarism violate the fundamental learning process and compromise personal integrity and one's honor. Students demonstrate academic honesty and integrity by not cheating, plagiarizing, or using information unethically in any way.

### **What is cheating?**

Cheating or academic dishonesty can take many forms, but always involves the improper taking of information from and/or giving of information to another student, individual, or other source. Examples of cheating can include, but are not limited to:

- Taking or copying answers on an examination or any other assignment from another student or other source
- Giving answers on an examination or any other assignment to another student
- Copying assignments that are turned in as original work
- Collaborating on exams, assignments, papers, and/or projects without specific teacher permission
- Allowing others to do the research or writing for an assigned paper
- Using unauthorized electronic devices
- Falsifying data or lab results, including changing grades electronically

### **What is plagiarism?**

Plagiarism is a common form of cheating or academic dishonesty in the school setting. It is representing another person's work or ideas as your own without giving credit to the proper source and submitting it for any purpose. Examples of plagiarism can include, but are not limited to:

- Submitting someone else's work, such as published sources in part or whole, as your own without giving credit to the source
- Turning in purchased papers or papers from the Internet written by someone else
- Representing another person's artistic or scholarly works such as musical compositions, computer programs, photographs, drawings, or paintings as your own
- Helping others plagiarize by giving them your work

All stakeholders have a responsibility in maintaining academic honesty. Educators must provide the tools and teach the concepts that afford students the knowledge to understand the characteristics of cheating and plagiarism. Parents must support their students in making good decisions relative to completing coursework assignments and taking exams. Students must produce work that is theirs alone, recognizing

the importance of thinking for themselves and learning independently, when that is the nature of the assignment. Adhering to the Code of Honor for the purposes of academic honesty promotes an essential skill that goes beyond the school environment. Honesty and integrity are useful and valuable traits impacting one's life.

## **School-Wide Restorative Discipline Plan**

### **Restorative Discipline Plan**

The school-wide restorative discipline plan creates an environment for effective instruction and learning. SNTHS students have chosen to attend, and SNTHS staff members have chosen to teach at SNTHS. Zoning requirements do not apply to SNTHS. Therefore, SNTHS functions under the agreement by staff and students to honor and respect the student-teacher relationship. By honoring and respecting this relationship, staff and students are able to focus more completely on learning. SNTHS believes that through restorative discipline (teaching positive behaviors, repairing relationships, communicating with families, and increasing accountability through reversing harm) we build and strengthen our school community.

Our school-wide discipline plan will help to create an environment for effective instruction, student safety, and learning. Our discipline policies and procedures are designed to comply with Nevada law, protect the safety of our community, and promote our mission of career and college readiness. In the case of behavioral infractions, SNTHS operates under a restorative progressive discipline plan. There are 5 levels that are detailed below. Parents are involved in all levels of the process and are encouraged to be active participants in encouraging and assisting the school in improving student behavior.

#### **Level 1: Teacher Intervention**

When students behave in ways counter to the classroom behavior expectations that disrupt learning but does not threaten the safety of others, teachers will use the following steps to address the misbehavior.

- 1st Incident: Students receives a formal verbal warning. Teacher documents intervention. Parent contact optional.
- 2nd Incident: Teacher conducts classroom intervention to include but not limited to: parent contacts, reteach skill, student/teacher conference, reflection sheet, time-out/away, loss of privilege, owed time. Teacher documents intervention. Parent contact optional.
- 3rd Incident: Teacher implements similar interventions. Parent contact mandatory at this stage. Teacher requests and convenes a parent conference by phone or in person to review behaviors and determine solutions. A school Administrator may be present.
- 4th Incident: Teacher completes Impact Statement and Teacher Intervention Tracking Form to Administration. Teacher refers both documents to administration. Administration initiates a Level 2: Administrative Intervention.

#### **Level 2: Administrative Restorative Justice Intervention: Resolution Agreement**

When a student is referred to school administration after teacher interventions have proven unsuccessful, a member of the administration will initiate this level of intervention. If the misbehavior

happens outside of the classroom or if the activity impacts school operations/safety the administration may choose to move immediately to Level 2.

- Teacher provides input and documentation of prior interventions, parent contacts, accommodations, and Restorative Practices that have not yet proven successful.
- Administration will lead a Restorative Conference that will include: the student, parent/guardian, teacher, administrator, and any other staff, students, and/or community members affected by the behavior.
- Administration in collaboration with the student, family, teacher, etc., will develop a Restorative Behavior Plan. This plan may include multiple activities, sanctions, and consequences which will help the student reflect on their behavior, make amends for mistakes, and build trust through following the agreement. This resolution will be given a start and an end-date. Student is responsible for securing signatures from the listed people on the agreement who were impacted by the behavior, confirming that the student completed the activity.
- Behavior Incident and Resolution Agreement will be documented in Infinite Campus. Resolution Agreements will be kept on file.

### **Level 3: Administrative Restorative Justice Intervention for Safety/Behavior Issues: Restoration Plan**

When a student's behavior endangers the safety/well-being of the student themselves, other students, staff, community members, and/or the behavior error makes the student ineligible to be placed in a CTE environment per OSHA and SNTHS safety protocols the following steps will be followed.

- If the behavior impacts safety, the student may be placed on In-School Suspension pending the development of a Restorative Conference and Restorative Behavior Plan.
- Administration will lead a Restorative Conference that will include student, teacher, administrator, and any other staff, students, and/or community members affected by the behavior.
- Administration in collaboration with student, family, teacher, etc., will develop a Restorative Behavior Plan. This Restoration Plan will include multiple activities, sanctions, and consequences which will help the student reflect on their behavior, make amends for mistakes through service, and/or build trust through following the agreement. The Restoration Plan, unlike the Resolution Agreement, will last for the remainder of the school year. The Restorative Behavior Plan will include a *reasonable plan of action based on restorative justice in accordance with the provision of NRS 392.477 and 392.467 (NRS 388A.495)*
- At the end of the conference, all members of the meeting will sign the Restorative Behavior Plan signaling that they understand the conditions of the plan, the length of the plan, and the consequence if the plan is violated. Parents/students will be provided with a signed copy of the Plan.
- Behavior Incident and Restorative Behavior Plan will be documented in Infinite Campus. Restorative Behavior Plans will be kept on file.

### **Level 4: Alternative Placement: Violation of Restoration Plan/Severe Behavior Impacting School**

Safety The following applies when a student's behavior violates the previously established Restorative Behavior Plan, or the behavior is severe enough that the student must be removed from campus due to school-safety concerns and placed on out-of-school suspension. Levels 1-3 of the intervention process may be circumvented due to the nature and severity of the student's actions when those actions endanger themselves or others or criminal misconduct has occurred. A conference will be held with principal/designee, students, teacher, and student's parents within three school days of the incident. The

notice of the conference may be written or oral for each participant. The conference may be held in person or over the phone if all participants agree.

- Administration will document any postponements, conference, and its findings.
- Conference must be held before student can return to the classroom. During this conference another Restoration Plan may be developed if deemed suitable by administration.
- All attendance will be noted and missed work will be provided through MIA forms. Student is responsible for makeup of all missed work.
- At the conference, an explanation will be provided to student and parents as to the reason and behaviors which led to the suspension. Parents and student will have the opportunity to respond to explain pupil's behavior.
- Parents who do not attend or fail to respond to conference invite will be notified by mail, phone, or email of their waiver of the right to conference authorizing the principal to recommend placement of the pupil.
- Upon conclusion of conference or no later than 3 school days after the incident the principal/designee shall recommend whether to return the student to the classroom, continue the suspension, or pursue removal of the student from school.

### **Level 5: Possible Removal from School**

This level of intervention applies if the behavior is a direct violation of Nevada state law regarding mandated removal from a Charter School, failure/refusal to follow administrative directive and/or a Restorative Discipline Plan, or the behavior is criminal misconduct.

- SNTHS High School students must participate in a CTE program as part of their enrollment requirement at SNTHS. If a student's behavior results in serious safety concerns for themselves or others in a CTE classroom/jobsite, the student may need to be removed from the CTE 100 classroom/jobsite for the safety of themselves and others. Once a student is deemed unable to participate in a CTE program, they are ineligible to be enrolled at SNTHS and may be removed.

### ***\*\*\*Special Considerations for Students Who Receive Special Education Services***

The SNTHS governing board designates the Principal/designee as their agent to consider suspension for a student who receives Special Education services if needed. An IEP team will meet to consult with the principal/designee and case-manager to ensure that the suspension does not constitute a change of placement or a violation of IDEA.

- Case manager and principal/designee will be consulted and informed of the discipline incident and IEP reviewed.
- Case manager will be involved in the parent conference with administration.
- Alternative discipline and consequences will be considered in lieu of suspension when appropriate.
- Teachers will work with case manager and administration on completion of missed work due to suspension or temporary placement.
- Any student who ultimately is expelled regardless of disability will be counseled of other educational options which best fits their educational needs by the administration

## Security Cameras

Security cameras are in use inside and outside the school. All activities are being recorded and archived. Any student who tampers or damages a camera is subject to immediate suspension and/or removal from SNTHS.

## Cell Phones

Cell phones may not be used during scheduled class time. Cell phones **MUST** be powered **OFF** during class time. Parents are to call the office at: 702- to get a message to their student during class time. Cell phones may be used outside during breaks or lunch. Students that are found to have their cell phones out during instructional time may be subject to discipline.

## Food/Drinks

Food and drinks are not allowed in classes.

## Alcohol and Drug Policy

Student use, possession, distribution, sale, or being under the influence of alcohol, illegal drugs, controlled substances, “look-alike” drugs, steroids, inhalants or possessing drug paraphernalia on any school premise or at any school function (home or away) is strictly prohibited. Please note that sales and distribution of controlled substances may result in the suspension from school. A habitual problem may result in expulsion from SNTHS.

## Automobiles & Student Parking

Students who use cars for transportation to and from school are expected to comply with all Nevada laws and regulations, as well as the regulations. Students and parents **must register** license plate numbers of cars and proof of insurance which students will park on campus

## Behaviors Resulting in Removal from SNTHS

Possession or use of alcohol and drugs, weapons, furnishing or sale of a controlled substance or an imitation of drugs may result in immediate suspension and subsequent removal from the school. Violence towards a teacher or administrator will result in immediate suspension and subsequent removal from the school.

**SNTHS is a closed campus during class breaks and lunch.** Passing breaks are to be used to visit the restroom, use phones, get a drink of water or snack, and get to and from the campus and the off-site classes. Students must remain in designated areas and may not go between cars or sit in cars. Students (including all 18-year-old students) may NOT leave the campus without a note or phone call from a legal guardian authorizing their release from school. Legal guardians must sign out students to be released. Violation of these policies can result in discipline, including suspension or removal from CTE program.

## **Smoking and Tobacco Policy**

There will be NO tobacco products, including chewing tobacco, of any kind on campus including electronic cigarettes or vapes (e-cigarettes) or other devices that simulate smoking. SNTHS students are not permitted to use, distribute, or exhibit any tobacco related products while at any of the SNTHS campus sites or parking areas. Students are not to congregate or smoke on neighboring businesses' property or in the line of sight of SNTHS High School.

## **Tools/School Equipment**

Students are responsible for the proper use, care, and storage of all tools and safety equipment issued to them while in their career programs. Any lost, stolen, or damaged tools as a result of improper or unauthorized usage will result in administrative action, which may include tool replacement/repair, suspension, and/or removal from SNTHS.

## **Bullying, Harassment, and Intimidation is Prohibited in Public Schools**

Any behavior that impedes the learning environment and the ability of SNTHS students to learn in a safe and respectful environment is prohibited by law. Any of these offenses may warrant suspension and/or removal from school.

## Safe and Respectful Learning Environment (NRS 388.134)

### SNTHS– Anti Bullying Policy

SNTHS follows all laws and regulations that pertain to a Safe and Respectful Learning Environment supported by Nevada statute NRS 388.134.

An administrator who receives a report of bullying, cyber-bullying, harassment, or intimidation will address the following issues with the student/employee who was the target of the reported behaviors in a private meeting before assisting the student to complete the Complaint process.

### Your Right to File a Complaint

The policy of the SNTHS is that all students and employees shall be free from bullying, cyber-bullying, harassment, and intimidation. All charges of bullying, cyber-bullying, harassment, or intimidation are to be taken very seriously by students, staff, administration, and parents. The school will make every reasonable effort to handle and respond to every charge and complaint filed by students and employees in a fair, thorough, and just manner. Every reasonable effort will be made to protect the due process rights of all victims and all alleged offenders.

### Sexual Harassment Policy

The sexual harassment of any employee or student of SNTHS is absolutely forbidden. Any employee who is made aware of an alleged incident of sexual harassment will take immediate action to bring the matter to the attention of the principal. A written description of the event will be requested from both parties.

### Sexual Harassment Defined

Sexual harassment is unwanted and unwelcomed behavior of a sexual nature which interferes with a student's right to learn, study, work, achieve or participate in school activities in a comfortable and supportive atmosphere. In school, sexual harassment may result from words or conduct of a sexual nature that offend, stigmatize, demean, frighten or threaten you because of your sex. Sexual harassment may involve a male harassing a female, a male harassing a male, or a female harassing a female, or a female harassing a male.

Examples of behaviors that may be considered sexual harassment include, but are not limited to:

- Comments, gestures or jokes of a sexual nature
- Spreading sexual rumors, commenting about a sexual behavior, or making sexual propositions
- Touching, grabbing, or pinching
- Sexual propositions, extortion or threats
- Sexting or harassment via social media

### Student Diverse Gender Identities and Expression Policy

Southern Nevada Trades High School (SNTHS) is committed to creating an inclusive and safe learning environment for all students, regardless of their gender identity or expression. We recognize that gender identity is a fundamental aspect of a person's identity and that students who identify as transgender, gender non-conforming, or non-binary face unique challenges. We aim to ensure that every student feels respected, supported, and valued, and that their rights and needs are protected.



**Training:**

To achieve our goal of creating an inclusive and safe learning environment, SNTHS will provide regular training to all staff members on diverse gender identity and expression. The training will cover topics such as understanding different gender identities, creating an inclusive classroom, responding to gender-based bullying, and supporting students who are exploring their gender identity.

Training will take place at least once a year and will be mandatory for all staff members. The school will also ensure that new staff members receive this training as part of their induction process.

**Engagement of Parents:**

SNTHS recognizes the importance of engaging parents and guardians in supporting their children's gender identity and expression. We will hold information sessions for parents and guardians on diverse gender identity and expression, which will provide them with resources and support to help their children feel safe and supported at school.

In addition, we will work closely with parents and guardians to develop individualized plans for supporting their children's gender identity and expression, based on the student's needs and preferences.

**Addressing the Rights and Needs of Students:**

SNTHS will work to address the rights and needs of all students, including those who identify as transgender, gender non-conforming, or non-binary. We will provide gender-neutral facilities such as restrooms and changing rooms, and allow students to use the facilities that correspond to their gender identity.

We will also work to ensure that school policies and practices do not discriminate against students on the basis of their gender identity or expression. This includes policies related to dress codes, school activities, and other aspects of school life.

To support students who are exploring their gender identity or expression, we will provide access to counseling services and resources, as well as a safe and supportive environment in which to express themselves.

SNTHS is committed to creating an inclusive and safe learning environment for all students, regardless of their gender identity or expression. By providing regular training to staff members, engaging parents and guardians, and addressing the rights and needs of students, we aim to ensure that every student feels respected, supported, and valued.

## Process for Filing a Parent Complaint

Southern Nevada Trades High School (SNTHS) is committed to providing a positive and supportive learning environment for all students. We recognize that parents play an important role in their child's education, and we value their feedback and concerns. This complaint process outlines the steps that parents can take to address complaints or concerns they may have about our school.

### 1. Step 1: Informal Complaint Resolution

Parents are encouraged to first attempt to resolve their concern informally with the teacher or staff member involved. If the concern cannot be resolved at this level, the parent may request a meeting with the school principal to discuss the issue further.

### 2. Step 2: Formal Complaint Filing

If the parent is not satisfied with the outcome of the meeting or if the concern cannot be resolved informally, the parent should submit a written complaint to the principal. The written complaint should include the following information:

- A description of the problem or concern
- The name(s) of the individual(s) involved
- The dates and times of the incidents
- Any steps that have been taken to resolve the issue

The written complaint should be submitted to the school principal within 10 school days of the incident.

### 3. Step 3: Investigation

The principal or designee will investigate the complaint and may interview relevant parties and review documentation. The investigation should be completed within 10 business days of receipt of the complaint.

### 4. Step 4: Response

The principal or designee will provide a written response to the parent within 15 school days. The response will include the following information:

- A summary of the investigation findings
- A determination of whether the complaint is founded or unfounded
- If the complaint is founded, a description of the corrective action(s) to be taken
- Information on the parent's right to appeal the decision

### 5. Step 5: Appeal Process

If the parent is not satisfied with the response to their complaint, they may appeal the decision to the school's governing board within 10 school days of receiving the response. The appeal should be in writing and should include the following information:

- A statement of the grounds for the appeal
- A copy of the original complaint and response
- Any additional information the parent wishes to provide

The governing board will review the appeal and provide a written response to the parent within 30 school days. The response will include the following information:

- A summary of the appeal findings
- A determination of whether the complaint is founded or unfounded
- If the complaint is founded, a description of the corrective action(s) to be taken

## **6. Step 6: External Complaint**

If the parent is not satisfied with the final decision of the governing board, they may file a complaint with the state charter school authority or other relevant agency.

SNTHS is committed to addressing parent complaints and concerns in a timely and effective manner. This complaint process provides a clear and transparent framework for parents to follow when addressing complaints related to our school.

# Student Conduct Code

## Introduction

State law charges every teacher and administrator with maintaining order and discipline among students; therefore, SNTHS High School has developed rules, regulations and procedures which will maintain an orderly learning environment in this school.

The following rules, regulations, sanctions, and due process procedures are designed to protect all members of the educational community in the exercise of their rights and duties, in all aspects of their school experience. Students, parents, teachers, and administrators share the responsibility of ensuring appropriate student behavior.

## Prohibited Conduct

The commission of or participation in or unlawful attempt of any of the following activities or acts in the school building or on school property is prohibited and may constitute cause for disciplinary action. In addition, students at school-sponsored, off-campus events and those using school-sponsored transportation shall be governed by school rules and regulations and are subject to the authority of school officials. An incident that constitutes the commission of a criminal act may be reported to the Police Department. The student's parent or guardian shall also be notified, if possible. Disciplinary action will be taken by the school, whether criminal charges result.

## Criminal Offenses (As defined in applicable statutes or ordinances)

Violation of local, state or federal laws are enforced on properties of SNTHS or at activities sponsored by the school. Examples of such laws are indicated below:

1. **Alcohol:** The possession of, sales and furnishing alcoholic beverages.
2. **Arson:** The intentional setting of fire.
3. **Assault:** Physical or verbal threats with the intent or the ability to carry it through.
4. **Battery:** An unconsented-to touching or application of force to another person.
5. **Bomb Threat/False:** Willfully conveying by mail, written notes, telephone, radio, or any other means of communication, any threat knowing it to be false.
6. **Burglary:** Illegal entry with the intent to commit a crime.
7. **Destruction of Property:** Willfully and maliciously destroying or injuring real or personal property.
8. **Disturbing the Peace:** Maliciously and willfully disturbing the peace of any person; maliciously and willfully interfering with or disturbing persons in the school.
9. **Explosive Devices:** The possession of explosive or incendiary devices.
10. **False Fire Alarms:** False reporting of or transmission of signal knowing same to be false.
11. **Fireworks:** The possession of, sales, furnishing, use or discharge of same.
12. **Indecent Exposure:** An open indecent or obscene exposure of his/her person or the person of another.
13. **Larceny:** Stealing, taking, carrying away property of another.
14. **Libel:** A malicious defamation expressed to impeach a person's honesty, integrity, virtue or reputation.
15. **Marijuana:** The possession of, sales or furnishing marijuana.
16. **Narcotics:** The possession of, sales or furnishing a controlled substance.

17. **Narcotics Paraphernalia:** The possession of, sales, furnishing or use of controlled substance paraphernalia.
18. **Profanity:** Use of vile or indecent language.
19. **Robbery:** The unlawful taking of personal property from the person of another or in his presence, against his will, by means of force or violence or fear of injury.
20. **Stolen Property:** Receiving or possessing property of another, knowing or under such circumstances as would cause a reasonable person to know they were so obtained.
21. **Tampering With Motor Vehicles:** Willfully break, injure, tamper, remove parts,
22. deface a vehicle; without consent of owner, climb into or upon a vehicle with intent to injure; to manipulate any levers while vehicle is at rest or unattended or to set vehicle in motion.
23. **Trespass:** To be upon the property of another without permission of the owner and to stay upon same after warning. To be on school property or at a school function while under suspension from school.
24. **Weapons:**
  - a) Brandishing any knife, blackjack, slingshot, billy, sand club, sandbag, metal knuckles, explosive substance, dirk, dagger, pistol, revolver, or other firearm or other deadly weapon in a rude, angry, or threatening manner or to use same in any fight or quarrel.
  - b) Concealed - It is unlawful for any person to carry any concealed weapon commonly known as a knife, blackjack, slingshot, billy, sand club, sandbag, metal knuckles, explosive substance, dirk, dagger, pistol, revolver or other firearm, or other dangerous weapon.
  - c) Possession - It is unlawful for any person to possess any weapon commonly known as a knife, nunchaku, blackjack, slingshot, billy, sand club, sandbag, metal knuckles, explosive substance, dirk, dagger, pistol, revolver or other firearms, or other dangerous weapon, or to possess any other object which is used, or threatened to be used, in such a manner and under such circumstances as to pose a threat of, or cause bodily injury to a person.
  - d) For the purpose of this regulation, and consistent with both NRS 202.265 and 202.253 - "Firearm" means: Any device from which a metallic projective, including any ball baring or pellet, may be expelled by means of spring, gas, air, or other force, or any device designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of any explosion or other form of combustion.
25. **In addition,** violation of other federal or state criminal laws of local ordinances at school, at school-sponsored activities or on school-sponsored transportation, is prohibited.

All of these offenses may warrant removal from SNTHS.

## SNTHS Offenses

The following non-criminal activities may also lead to disciplinary action. Generally, these are acts that disrupt and interfere with the educational process or with the rights of other members of the educational community. This is not an exhaustive list. There may be other activities, which in the opinion of the school administration, may lead to disciplinary action.

1. **Alcoholic Beverages:** Being on campus, on school sponsored transportation or at a school-sponsored activity after having consumed an alcoholic beverage.
2. **Disobedience, Insolence, and Insubordination:** Students must obey the instructions of school personnel.
3. **Disruptive Conduct:** Conduct which interferes with the educational process. **NOTE:** Serious situations may be handled under criminal sanctions.
4. **Fighting:** SNTHS has no tolerance for violence.

5. **Hazing:** Any act which forces another student to undergo a humiliating or abusive ordeal, as in initiations.
6. **Inappropriate Dress and Appearance:** Dress and appearance must not present potential health or safety problems or cause disruptions.
7. **Misconduct on School Vehicles:** Any action which creates a safety hazard or distracts the attention of the driver.
8. **Plagiarism and Cheating:** Passing off another's answers, ideas, words or work as one's own or using unauthorized notes during a quiz or test.
9. **Possession and Use of Tobacco, Cigarettes, E-Cigarettes, Chew, etc.,** on school property or at a school-sponsored activity.
10. **Sexual Harassment:** A student should not be sexually harassed, discriminated against, denied a benefit, or excluded from participation in any SNTHS educational program or activity as guaranteed by Title IX of the Educational Amendments of 1972. Sexual harassment is defined as the verbal or physical conduct of a sexual nature, imposed on the basis of sex, by an employee or agent of the school or by a student. No student shall be denied or limited to the provision of aid, benefits, services, or treatment protected under Title IX.
11. **Spreading False or Unsubstantiated Information** in writing or verbally about
12. a person and harming his/her reputation.
13. **Traffic violations on school grounds.**
14. **Truancy:** Being absent from school without a valid excuse acceptable to SNTHS.
15. **Gang Activity**

All of these offenses may warrant suspension and/or removal from SNTHS.

## Sanctions

Each teacher has the authority to remove students temporarily from class or to discipline students for cause. Discipline decisions are based upon the school Progressive Discipline Plan.

When it has been determined that a law, a regulation, or a school rule has been violated, appropriate disciplinary action will be taken. Disciplinary action may include but is not limited to:

1. Notification of the Police Department when it appears that a law may have been violated.
2. Expulsion: The removal of a student from further attendance in the school as required by the state for certain offenses.
3. Suspension: The temporary removal of a student from school or from school-sponsored activities.
4. Removal from SNTHS: Two or more violations of school rules will result in the continuation of progressive discipline which may include, but is not limited to, the removal of the student from SNTHS and a referral to the student's zoned high school.

## State Mandated Expulsion for a Firearm and or Deadly Weapon (NRS 392.466.3)

There is certain conduct for which the state mandates expulsion:

1. **One Year Expulsion.** The school must expel any student for a period of not less than one year from school if at any time the student is found in possession of a firearm or dangerous weapon at any activity sponsored by a public school or on any school bus.

2. **Permanent Expulsion.** The school must permanently expel a student from the school he/she attends if the student commits any offense for the second time that requires a state mandated suspension for the first occurrence.

### **Suspension or Expulsion (NRS 392.466):**

**By state law a student may be suspended for at least a period equal to one (1) semester or expelled from school for the reasons listed below. Students may be permanently removed from SNTHS for these offenses.**

1. On the first occurrence, the student commits a battery, which results in the bodily injury of an employee of the school while on the premises of any public school, at any activity sponsored by a public school, or on any school bus.
2. On the first occurrence, the student sells or distributes any controlled substance while on the premises of any public school, at any activity sponsored by a public school, or on any school bus.
3. In one school year, there is written evidence that the student has threatened or extorted or attempted to threaten or extort another student, teacher or other personnel employed by the school two or more times or the pupil has a record of five significant suspensions from the school for any reason; and the pupil has not entered into and participated in a plan of behavior.
4. In one school year, there is written evidence that the student has been suspended for initiating without provocation, at least two (2) fights on school property.

### **Suspensions**

Suspension is the temporary removal of a student from school or from school-sponsored activities. Students may be suspended for the following reasons:

- Violation of any state law or local ordinance in a school building, on school grounds, or at a school-sponsored activity
- Violation of school rules or regulations established under Board Policy.
- Student's actions or inactions at school or school-sponsored activity which disrupt, interfere with, or pose a threat to the educational program, to other students, to staff, to visitors or to the student personally.

**Per NRS 392.4657** a suspended student is prohibited from attending school for 3 or more consecutive days; and requires a conference with the student and their legal guardian. Students who are being suspended will participate in a plan of behavior agreed upon by the school, student, and parent/guardian. This plan will be designed to help mitigate and correct the unwanted behavior.

In accordance with **NRS 392.4655** any pupil with a record of **5** suspensions in a school year and has not participated in or opts out of the plan of behavior will be deemed a habitual discipline problem and may be suspended from school for a period equal to at least one school semester or expelled from SNTHS.

**Parents Shall Be Notified** whenever a student is suspended. School work missed as a result of suspension will be provided to the student by their teacher(s). Not participating in this school work may result in a lower grade for the semester.

## Types of Suspension

**Emergency Suspension:** The principal or his or her designee may suspend any student whose conduct is determined to be a clear threat to the physical safety of others, or to the property interest of others, or is so extremely disruptive as to make the student's temporary removal necessary to preserve the right of other students to pursue an education.

**Short-Term Suspension:** The removal of a student from the school for a period less than 10 days. The student is not allowed to attend any class or school-sponsored activity or be on school property for the duration of the suspension.

**In-School Suspension:** Removal of a student from his/her classes and all school activities for no more than ten days. During the term of the suspension, the student will remain in a separate supervised area of the school.

## Searches of Students

The primary function of the school is education. A decision to search a student, his/her possessions, or any school property or area assigned to him/her for his/her individual use shall be made in accordance with the following guidelines:

The student has a right of privacy in his/her person, his/her personal belongings and effects and his/her personal automobile parked on school grounds; but that right is limited by the needs of all students for a safe, calm, and orderly school environment.

A teacher, administrator or other school employee designated by an administrator may search the person of any student, the personal effects in the student's possession, or any student's automobile parked on school grounds, under any of the following:

- The search is made in connection with a lawful arrest
- The search is made with the voluntary consent of the student
- The search is conducted on the reasonable suspicion that the student is engaged in an activity which violates a law or published school rule, regulation or policy or that the student is carrying, concealing or sequestering material the possession of which is prohibited by law or by published school rule, regulation or policy

## Canine Searches

The school may conduct canine searches of school hallways, classrooms, buildings, parking lots, and other school property through the use of a canine unit. A canine unit consists of a qualified handler and a dog especially trained to detect illegal or prohibited substances, weapons, or bombs.



## Appeal for Suspension

Suspension appeals from SNTHS will be coordinated with one of the school's designees. In most cases this will be either the school's Principal or Executive Director. The appeal must be initiated within 3 school days of the suspension notification. The appeal must be completed in writing by a parent or guardian.

The following steps need to be followed:

Step 1: If a parent feels that the suspension from SNTHS is inappropriate, the parent must request a meeting in writing with the assigned designee by utilizing the SNTHS Suspension Appeals Form. The designee will meet with the parent to review the suspension within 2 school days of receipt of the appeal. The designee will take all available information from those involved (student, parent, staff, assistant principal, etc.) and will decide on the student's suspension status. The decision of the board designee regarding suspension will be final.

Step 2: The school (administrators, teachers, and staff) along with the student and families will help create a restorative discipline plan to be set in place for when the student returns. The plan will help with student accountability, restore relationships that have been harmed, and help make things right.

The school will review all circumstances and decisions and will make sure SNTHS is in complete compliance with the Americans with Disabilities Education Act

## Appeal for Removal/Expulsion

Removal appeals from SNTHS will be coordinated through the Principal. If a parent feels that the removal from SNTHS was inappropriate, they should request a meeting with the Board President in writing through the Principal. The Board President will make a decision on the appeal. If the parent disagrees with the President's decision, they may appeal the President's decision to SNTHS's full governing board. The parents must request time on the board agenda for a closed session to hear the appeal. All agenda items must be publicly noticed within the guidelines for Nevada Open Meeting Laws. The student will be placed on emergency suspension until the next board meeting where the item can be legally noticed (this may be up to 30 days). The governing board's decision is final.

# Access To Student Educational Records

## Parents' and Students' Rights Concerning Student Records

The SNTHS Board of Directors recognizes the rights of students who are 18 years of age or older to inspect their own student records. In the case of students under 18 years of age, the Board recognizes the rights of their parents or legal guardians to inspect their children's student records. Further, the Board also recognizes that the privacy of such records shall be protected.

## Family Education Rights and Privacy Act (FERPA)

Most information about SNTHS students cannot be made public without the consent of parents or guardians. Federal law prohibits schools or the district from releasing information without permission, except for what is termed "directory information" (defined below). According to the Federal Family Educational Rights and Privacy Act of 1974 (FERPA), directory information about students may be released by the district without parental consent, provided annual notification has been given and the school does not have on file written denial to release directory information. However, schools do use discretion when they receive requests for directory information and will not release such information if it is the principal's judgment that releasing such information would not be in the best interest of the student.

***Parents and guardians or students 18 years of age or older who do NOT want directory information released must notify the school principal prior to October 1. A simple form has been created for this purpose and it is available at all high schools. This form allows for the information to be withheld from everyone, or just from military recruiters. If the form is not received by the school prior to October 1, the school and the district will assume that consent has been given.***

***The district's policies on access to student information are in compliance with FERPA and Nevada Revised Statute (NRS) 392.029 of the 1997 legislative session.***

## What is general directory information?

Certain information is made available to most other individuals only with parental written permission. Activities such as awards, scholarships, college/technical school information and various school publications such as yearbooks and athletic programs, however, require the use of some general information about students. Such information is called *general directory information*. Examples of *general directory information* are:

- Name, address, telephone listing, e-mail address
- Date and place of birth, photographs
- Participation in officially recognized activities and sports
- Field of study
- Weight and height of athletes
- Enrollment status
- Degrees and awards received
- Dates of attendance
- Most recent previous school attended

- Grade level

Parents have the right to see any documents or materials directly related to their children that are kept within the school or Clark County School District offices.

### **Who may obtain such information?**

- All legal parents and legal guardians. In the case of divorce, custodial and noncustodial parents have access to the child's record, unless a legally binding document declares differently.
- Children over the age of 18, emancipated minors, or those attending post-secondary institutions.
- School officials or researchers working with the District or Nevada Department of Education with a legitimate educational interest.
- School officials in a district to which the child intends to transfer.
- Individuals connected with a health or safety emergency.
- In addition, two federal laws require local educational agencies (LEAs) receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) to provide military recruiters, upon request, with three directory information categories – names, addresses and telephone listings – unless parents (or students) have advised the LEA in writing by October 1<sup>st</sup> that they do not want the student's information disclosed without prior written consent.

For additional information on FERPA or NPRA, contact the school principal.

Additional Resources:

The state department:

**Nevada Department of Education**  
**700 East Fifth Street**  
**Carson City, Nevada 89710**  
**Phone: (775) 687-9181**

Parents/eligible students who believe their rights may have been violated may file a complaint by writing or phoning the Family Policy Compliance Office:

**Family Policy and Compliance Office**  
**400 Maryland Avenue, SW**  
**Washington, DC 20202-4605**  
**Phone: (202) 260-3887**

## **Equal Opportunity In Employment And Education Complaint Procedure**

Any student or employee of SNTHS who believes he/she has been discriminated against, denied a benefit, or excluded from participation in any district education program or activity because of a handicapping condition, as guaranteed by Section 504 of the Handicap Rehabilitation Act of 1973; age, racial or religious bias as guaranteed by Title VI of the Civil Rights Act of 1964; disability as described by Title I of the Americans With Disabilities Act (ADA); or been subject to harassment or sexual discrimination as described by Title IX of the Educational Amendments of 1972; may file a written complaint with the person indicated on the Complaint Form. A compliance committee composed of three persons designated by the Principal in consultation with the Board of Directors with shall review the written complaint and hear evidence concerning the complaint, if necessary. A written decision shall be made by the committee within ten days after the receipt of the complaint or the close of the hearing, whichever last occurs, and mailed to the complainant by registered mail.

If the complainant is not satisfied with the decision, he or she may submit a written appeal to the President of the Board of Directors within ten working days after receipt of the written decision indicating with particularity the nature of disagreement with the decision and his or her reasons underlying such agreement. The President or his/her designee shall consider the appeal within ten working days after receipt of the appeal on the basis of a record presented before the committee and shall provide the complainant with a written decision by registered mail within twenty working days following receipt of the written appeal.

### **Transcripts**

The school will forward educational records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll provided release has been signed by the student if over 18 years of age or a parent or guardian if the student is under 18 years of age.

### **University And College Entrance Requirements**

It is strongly recommended that the student personally contact the college of his/her choice in order to learn the admission requirements.



## **Parents and Student Acknowledgement**

**Parents and students: Please read the statements below, check each box, sign, and date the form, and return to school.**

- I accept the responsibilities expected of me as a student enrolled in Southern Nevada Trades High School.
- I accept the responsibilities expected of me as a parent/guardian of a student enrolled in Southern Nevada Trades High School.
- We acknowledge that we have read the policies, procedures, rules, regulations, and practices presented in the Student Discipline Policies.

\_\_\_\_\_  
Name of Student (Please Print)

\_\_\_\_\_  
Student's Signature

\_\_\_\_\_  
Name of Parent/Guardian (Please Print)

\_\_\_\_\_  
Parent/Guardian's Signature

\_\_\_\_\_  
Date

**This completed form must be signed and returned to the student's 1<sup>st</sup> period teacher. No later than August 22, 2023.**

# Appendixes

## 1. Special Education Policies & Procedures Manual

### Chapter 1 Introduction

#### Introduction

This chapter serves as the introduction to the charter school Special Education Procedures Manual.

- 1.1 Purpose of this Manual
- 1.2 Applicable Laws and Regulations
- 1.3 Free Appropriate Public Education
- 1.4 Overview of Manual

#### 1.1 Purpose Of This Manual

This manual is designed for use by teachers, administrators, parents, service providers, professionals, and others involved in the identification, evaluation, and education of students with disabilities at the charter school. The manual is intended to guide the user in complying with federal and state legal requirements as they apply to the charter school interaction with students with disabilities and their parents/guardians.

This manual frequently refers to the charter school personnel who are responsible for carrying out certain activities, as well as the appropriate contacts if issues arise. If the charter school personnel have any questions regarding the use or interpretation of this manual or any legal or other issues affecting students with disabilities, they should contact their Site Administrator or the State Public Charter School Authority (SPCSA).

#### 1.2 Applicable Laws And Regulations

##### 1.2.1 *Individuals with Disabilities Education Improvement Act (IDEA)*

- a. The Individuals with Disabilities Education Improvement Act of 2004, often referred to as “IDEA,” provides federal funds to state and local agencies for the education of eligible students with disabilities. In order to be eligible to receive services under IDEA, a student must be determined to be a child with a disability **and** to need special education and related services (each as defined under IDEA).
- b. The charter school receives IDEA funds for the education of students with disabilities only if it complies with specific requirements of IDEA. They include, among other things, the requirement to identify and evaluate students who may have disabilities, to determine the eligibility of such students, to develop individualized education programs, to place students in appropriate settings, to follow certain procedural safeguards (including in connection with disciplinary actions), and to protect the confidentiality of student records. These requirements are discussed in more detail throughout this manual.
- c. Congress made changes to IDEA in 2004, and the U.S. Department of Education revised the regulations on August 14, 2006 and December 1, 2008. This manual incorporates those changes.

##### 1.2.2 *State of Nevada Requirements*

- a. The State of Nevada has adopted its own laws and regulations covering the education of students with disabilities. These largely emulate the requirements of the federal laws and regulations discussed above but,

in some instances, expand on the federal requirements. The Nevada requirements are incorporated throughout this manual.

### 1.2.3 *Settlement Agreements and Similar Requirements*

- a. From time to time, the charter school may enter into mediation, resolution, and/or settlement agreements or compliance plans in connection with administrative or court actions against the charter school involving the education of students with disabilities. The terms of such agreements must be carried out by the charter school in addition to the federal and state requirements discussed above.

## 1.3 Free Appropriate Public Education

IDEA requires that a student who meets eligibility criteria for special education services is entitled to receive a free appropriate public education, often referred to as “FAPE”. Due to the meaning of FAPE being important to all the topics covered in this manual, this section discusses its meaning in detail.

### 1.3.1. *Definition*

The regulations implementing IDEA define free appropriate public education (FAPE) to mean special education and related services that:

- a. Are provided at public expense, under public supervision and direction, and without charge;
- b. Meet the standards of the Nevada Department of Education, including the requirements of IDEA;
- c. Include preschool, elementary school, or secondary school education for students 3-21 in the State of Nevada; and
- d. Are provided in conformity with an Individualized Education Program (IEP) that meets the requirements described in Chapter 7.0- Individualized Education Programs of this manual. The meaning of special education and related services is discussed in Chapter 7.0 – Individualized Education Programs. Other components of FAPE are discussed in greater detail below.
  - **Free:** For purposes of FAPE, the term free means that required services are provided without cost to the student’s parents/guardians. There may be other governmental agencies, insurers, or third parties (e.g. Medicaid) that have an obligation to provide or pay for services required under IDEA, Section 504 of the Rehabilitation Act of 1973 (Section 504); or the American with Disabilities Act (ADA). That said, the IDEA regulations specify that the charter school may access a parent’s private insurance proceeds only if the parent provides informed consent as described in Chapter 2.0 – Procedural Safeguards. Informed parental consent must be obtained each time the parent’s private insurance is accessed, and the parent must be informed that his or her refusal to consent does not relieve the charter school of its responsibility to ensure that all required IDEA services are provided at no cost to the parents. The IDEA regulations also provide that the charter school may not:
    - require of a student with a disability to sign up for or enroll in public insurance programs in order for their child to receive FAPE under IDEA;
    - require parents to incur an out-of-pocket expense such as payment of a deductible or co-pay amount incurred in filing a claim for services provided under IDEA;
    - use a student’s benefits under a public insurance program if that use would
      - A. decrease available lifetime coverage or any other insured benefit;
      - B. result in the family paying for service that would otherwise be covered by the public insurance program and that are required for the student outside of the time the student is in school;
      - C. increase premiums or lead to the discontinuation of insurance; or
      - D. risk loss of eligibility for home and community-based waivers, based on aggregate health- related expenditures.

For assistance in locating potential sources of services or funding for services to meet FAPE, requirements, the charter school personnel should contact the charter school Site Administrator. The requirement that services be provided without cost to the student's parents applies only to the costs of special education and related services. The charter school may charge the parents/guardians of students with disabilities any incidental fees that are normally charged to students without disabilities or their parents as part of the general education program. For example, fees may be charged for classroom supplies, art supplies, etc., if parents of students without disabilities are charged for the same supplies and the supplies are not part of the student's special education and related services.

- **Appropriate:** The meaning of the term appropriate will depend on the unique needs of the individual student. Under IDEA, an appropriate education to a student with a disability is provided when:
  - Charter school personnel will comply with Nevada Administrative Code (NAC), applicable federal law, and procedural requirements described in this manual; and
  - the individualized education program developed for the student (as described in Chapter 7.0 – Individualized Education Program) is reasonably calculated to enable the student to receive educational benefit. The charter school is not required to provide the best possible education for a student with disability. However, the charter school must provide a program that is designed to provide some educational benefit to the student. These educational benefits must be more than minimal, meaning that the program must be designed to result in some tangible gain in the student's abilities.
  - **Public:** The term public education means one that meets the standards establish by the Nevada Department of Education, including standards that relate to compliance with IDEA. This requirement does not mean that a student cannot be placed in a private school or facility if the Multidisciplinary Team determines that such a placement is needed to provide FAPE.

### 1.3.2. *Students Who are Entitled to FAPE*

- a. Generally the charter school is required to ensure FAPE is available to all students with disabilities, age 3 through 21, residing in Nevada and attending the charter school, including students with disabilities who have been suspended or expelled from school. FAPE includes the requirement that the charter school engage in appropriate child identification activities while enrolled in the charter school. These requirements are discussed in Chapter 4.0 --- IDENTIFICATION.
- b. **Suspensions and Expulsions**  
The FAPE requirements specifically apply to students who have been suspended or expelled. For a discussion of the requirements for disciplinary action against a student with a disability, please refer to Chapter 9.0 – Discipline.
- c. **When the FAPE Requirement Terminates**  
The charter school's obligation to provide FAPE to a student ends when:
  - The student is found not eligible through reevaluation;
  - The student graduates with an Option One/Standard diploma;
  - The student ages out at 22 years old;
  - The parent provides the charter school with a written revocation of consent and the charter school issues a prior notice of revocation of services; or
  - A hearing officer orders thetermination. NOTE: See Chapter 7 for Option 2 information.
- d. **Students in Private Schools**
  - If the charter school has made FAPE available to a student in a timely manner, and the



student's parent(s) nevertheless unilaterally place(s) the student in a private school or facility, the charter school is not obligated to pay the costs of the private school placement. These provisions, as well as certain other limitations on the FAPE requirement for students in private schools, are described in Chapter 8.0—Placement.

e. **Students in Adult Prisons**

Under IDEA regulations and Nevada requirements, a student aged 18 through 21 may not be eligible to receive FAPE if:

- He or she is incarcerated in an adult correctional facility;
- Was not identified as a student with a disability before the incarceration; and
- Did not have an IEP.

These provisions are discussed in Chapter 6.0 – Eligibility.

### **1.3.3. *Other Terms Defined in This Manual***

Many other important terms are used routinely in connection with students with disabilities. These terms are defined and discussed in context, in the chapters covering the related areas.

## **1.4 Overview Of The Manual**

### **1.4.1 *Introduction***

This manual is organized in ten chapters, each covering a particular stage in the process of ensuring that students with disabilities receive a free appropriate public education.

### **1.4.2 *Procedural Safeguards***

Chapter 2.0 addresses the procedural safeguards afforded to parents and students under federal and state law. These safeguards include provisions regarding notice, consent, and participation in certain decisions, as well as requirements for mediation, due process hearing, state complaints, and civil actions.

### **1.4.3 *Prior Notice***

Chapter 3.0 addresses prior notices which are required to be given to parents under federal and state law. The notices include Parental Prior Notice of the charter school Proposal, Parental Prior Notice- Proposed Meeting Arrangements, Parental Notice of the charter school Refusal, and Notice of Intent to Implement IEP.

### **1.4.4 *Identification***

Chapter 4.0 addresses requirements for identification of students who may be covered by federal or state protections relating to persons with disabilities. These requirements include child identification obligations and the process for referring a student for an evaluation. This chapter also discussed intervention measures that may be appropriate for a student who has not yet been identified as having a disability.

### **1.4.5 *Evaluation***

Chapter 5.0 addresses the process for evaluating a student to determine whether he or she may have or continues to have a disability. The chapter also discusses the requirements for persons who are involved in an evaluation, as well as certain procedural requirements designed to keep parents informed of and involved in their child's evaluation.

### **1.4.6 *Eligibility***

Chapter 6.0 addresses the requirements for determining whether a student has a disability and is entitled to receive services under IDEA or the protections of Section 504 and ADA. These requirements include provisions governing the Multidisciplinary Team and its eligibility determinations.

### **1.4.7 *Individualized Education Programs (IEPs)***

Chapter 7.0 addresses the development and revision of a student's IEP. The chapter discusses the procedural and

substantive requirements for an IEP.

#### **1.4.8 Placement**

Chapter 8.0 addresses the process for ensuring that a student is placed in an appropriate setting in accordance with state and federal special education law. The chapter discusses the options available for placement in the least restrictive environment (LRE) and specific requirements for certain types of placements.

#### **1.4.9 Discipline**

Chapter 9.0 addresses the special provisions applicable to governing disciplinary actions involving students with disabilities. It discusses the procedural safeguards that are provided during the student disciplinary process, as well as parents' rights to challenge disciplinary actions.

#### **1.4.10 Student Records and Confidentiality**

Chapter 10.0 addresses the requirements for the charter school handling of the records of students with disabilities.

## **Chapter 2 Procedural Safeguards**

### **Introduction**

The charter school is required to establish, maintain, and implement procedural safeguards as described in this Chapter. This chapter describes:

- 2.1 Parents and Communications with Parents
- 2.2 Notices and Opportunities to Participate
- 2.3 Consent
- 2.4 Student Records
- 2.5 Independent Educational Evaluations
- 2.6 Disciplinary Placements
- 2.7 Mediation
- 2.8 Due Process
- 2.9 Civil Actions
- 2.10 State Complaints
- 2.11 Attorney's Fees

### **2.1 Parents And Communications With Parents**

#### **2.1.1. Definition of Parent**

The use of the term "parent" includes:

- a. Child's biological or adoptive parent;
- b. Foster parent when:
  - The biological parent's authority to make educational decisions on the student's behalf has been terminated under State law,
  - The foster parent has an ongoing, long-term parental relationship with the student,
  - The foster parent is willing to make the educational decisions required of the parent under IDEA, and
  - The foster parent has no interest that would conflict with the interests of the student.
- c. Guardian authorized to act as a child's parent or authorized to make educational decisions by a court of law;

- d. Individual acting in place of a biological or adoptive parent (grandparent, stepparent or other relative) with whom the child lives, or who is legally responsible;
- e. Surrogate parent;
  - Surrogate must be appointed whenever:
    - parents cannot be identified
    - parents cannot be located after reasonable efforts
    - the child is a ward of the State (surrogate may be appointed by judge)
    - the child is an unaccompanied homeless youth; or

The Surrogate parent represents the child in all matters concerning the identification, evaluation, and educational placement of the child, and the provision of FAPE.

When more than one party is qualified to act as a parent, it must be presumed the biological or adoptive parent is the parent unless they do not have legal authority to make educational decisions for the student.

In the cases described above, the Site Administrator (or designee) should request an appointment with the surrogate parent.

### **2.1.2. *Transfer of Parental Rights to the Student***

In certain circumstances, the parent's rights will transfer to the student, and after rights have transferred, references to "parent" in this manual should be read to mean the student.

### **2.1.3. *The parent's rights under IDEA generally transfer to the student:***

- a. when the student reaches age 18; or
- b. if the student is incarcerated in an adult or juvenile, state or local, correctional institution.

### **2.1.4. *The parent's rights under IDEA do not transfer to the student if:***

- a. the student is adjudged incompetent and a court appoints a guardian for the student; or
- b. the student's parent submits an application (Notice of Application to Represent the Educational Interests of the Special Education Student at the Age of Majority) to the court system to continue to represent their child's special education interests and whose child participates in the state's alternate assessment.

**2.1.5. Even after the parent's rights transfer to the student, any notices which ordinarily are required to go to the parent must be provided to both the parent and the student.** All other rights accorded to parent under IDEA will transfer to the student. However, at the discretion of the student or the charter school, the parent could be invited to attend the IEP meetings as "individuals who have knowledge or special expertise" regarding the student. The student and or their parent are to be notified of the transfer of IDEA rights to the student through the IEP process, beginning when the student reaches age 17, as described in Chapter 7 – Individualized Education Programs, and when the parent's rights transfer to the student.

### **2.1.6. *Native Language or Mode of Communication***

The native language of a parent with limited English proficiency means the language normally used by the parent. The native language of a student with limited English proficiency means the language normally used by the parent of the student. However, for purposes of all direct contact with the student (including evaluation of the student), the student's native language is the language normally used by the student in the home or learning environment. If a person has deafness or blindness or does not have a written language, the mode of communication would be the type of communication which is normally used by that person (e.g., sign language, Braille, or oral communication).

### **2.1.7. *If a parent has limited English proficiency based on the Home Language Survey:***

- a. Special Education service provider will contact a translation or interpreting service to contract for their services unless the parent/guardian waives translation services and they sign a translation waiver form. (Form in Appendix) Note: Certified interpreters must be used. (i.e. ALS Global is an example of a vendor who can provide translation services in 240 languages.)

## **2.2 Notices And Opportunities To Participate**

### **2.2.1. *Notices of Meetings and Other Actions***

Written prior notice that meets the requirements described in this Section must be given to the parent of a student in a reasonable time. Reasonable time is defined as no less than 5 schools days (the charter school best practice is 10 days) unless both parties agree otherwise. The prior notice must be provided before the charter school proposes or refused to initiate or change the student's:

- a. Identification as a child with a disability;
- b. Evaluation;
- c. Educational placement; or
- d. Provision of a free appropriate public education (FAPE).

### **2.2.2. *The required notice must include:***

- a. a description of the action proposed or refused by the charter school;
- b. an explanation of why the charter school proposes or refuses to take action;
- c. a description of any options that the charter school considered and the reasons why those options were rejected;
- d. a description of each evaluation procedure, assessment, record, or report the charter school relied upon when the action was proposed or refused;
- e. a description of any other factors that are relevant to the charter school's proposal or refusal;
- f. a statement that the parents of a student with a disability have protection under the procedural safeguards described in this Chapter; and
- g. sources for parent to contact to obtain assistance in understanding the provisions of the IDEA.

**2.2.3. Notice to parent must be written in a language understandable to the general public, and provided in the native language of the parent, or other mode of communication used by the parent.** The charter school will take the following steps to ensure the parent/guardian's language needs are addressed:

- a. The special education service provider will translate the notice information. The special education service provider will use the Infinite Campus IEP Management system to translate the notices for the parent/guardian in their native language.
- b. If the charter school and the Infinite Campus IEP Management system are unable to translate the notice information into the parent/guardian's native language, the special education service provider will contact an appropriate public entity for technical support.
- c. In addition to written notice, the notice should be translated orally to the parent/guardian in his or her native language or other mode of communication;
- d. Confirmation will be received that the parent/guardian understands the content of the notice; and
- e. That there is written evidence in the student's confidential folder that these requirements have been met.

**2.2.4. Copies of the notice forms sent to parent must be filed in the student's confidential folder, or if the student does not have a confidential folder, the student's cumulative folder.** Copies of the notice forms for an IEP meeting should be filed with the student's IEP in the confidential folder.

### 2.2.5. *Procedural Safeguards Notice*

The charter school personnel must give parent a copy of the procedural safeguards notice, at minimum:

- a. Upon initial referral or parent request for evaluation;
- b. At least once per year;
- c. When parent requests a copy;
- d. Upon first request for due process hearing;
- e. First filing of a state complaint during the school year; and
- f. When the charter school proposes a suspension that will result in a disciplinary change of placement.

### 2.2.6. *Opportunity to Participate in Meetings and Decisions*

Parent must be given an opportunity to participate in meetings with respect to:

- a. Identification;
- b. Evaluation; and
- c. Educational placement of the student; and
- d. The provision of FAPE to the student.

### 2.2.7. *“Meeting”*

The term meeting does not include informal or unscheduled conversations involving the charter school personnel and conversations on issues as teaching methodology, lesson plans, or coordination of service provision if those issues are not addressed in the student’s IEP. The term also does not include preparatory activities that the charter school personnel engage in to develop a proposal or to prepare a response to a parent proposal that will be discussed at a later meeting. For example, if a member of an IEP Team contacted an Occupational Therapist for ideas about possible fine motor intervention strategies to discuss at an IEP meeting, the conversation between the IEP Team member and the Occupational Therapist would not be a “meeting” requiring an opportunity for parent participation.

**2.2.8. The Site Administrator (or designee) also must take steps to ensure that the meeting is scheduled at a mutually convenient time and place.** If neither parent can physically attend the meeting, the Site Administrator (or designee) must use other methods to ensure parent participation, including individual or conference telephone calls or video conferencing. A decision may be made by a group without the involvement of the student’s parent if the charter school personnel are unable to obtain the parent’s participation in the decision. In such cases, all efforts to ensure the parent’s participation must be documented in the student’s confidential folder, including at a minimum:

- a. Detailed records of telephone calls made or attempted and the results of those calls (it is the charter school Best Practice that at least two phone calls be made to confirm with parents that meeting arrangements have been sent home and that follow-up calls be made if the charter school staff are unable to speak with the parent directly over the phone.);
- b. Copies of correspondence sent to the parent and any responses received (it is the charter school Best Practice that at least one notice be sent by regular mail); and
- c. Detailed records of visits made to the parent’s home or place of employment and the results of those visits.

**2.2.9. The charter school personnel must make reasonable efforts to ensure that the parent understands, and is able to participate in any group discussions relating to the educational decision for the student.** The efforts should include arranging for an interpreter for parents who are deaf or hard of hearing or whose native language is other than English.

For additional information regarding Parent Participation in Meetings, see Chapter 3 Prior Notice.

## 2.3 Consent

### 2.3.1. Definition

Certain actions with respect to a student with a disability require parental consent, as described below in this Section. Consent means that:

- a. The parent has been fully informed of all the information relevant to the activity for which consent is sought, in the parent's native language or other mode of communication;
- b. The parent understands and agrees in writing to the carrying out of the activity for which consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and
- c. The parent understands that the granting of consent is voluntary and may be revoked at any time.

**2.3.2. If a parent revokes consent for evaluation, the revocation is not retroactive.** That is, the revocation does not invalidate actions that were taken between the time consent was granted and the time it was revoked. For example, if a parent consents to an evaluation of a student but later revokes that consent, the revocation does not invalidate steps to conduct evaluation components taken by the charter school personnel between the time consent was given and the time it was revoked.

### 2.3.3. When Consent is Required

Parental consent must be obtained before:

- a. Conducting an initial evaluation.
- b. Conducting a re-evaluation with or without additional assessments.

Parental consent to an initial evaluation does not constitute consent to the initial placement in Special Education.

- If the parent refuses to consent or does not respond to the charter school's request for consent for initial evaluation, the charter school may, but is not required to, request mediation or request a due process hearing to the Nevada Department of Education to override the parent's refusal
- If the parent refuses to consent or does not respond to the charter school's request for consent to provide special education through specially designed instruction and related services to the student ***for the first time***, the charter school cannot use mediation or due process to override the parent's lack of consent. If the parent does not provide consent for initial provision of special education and related services, the charter school will not be required to develop an IEP and will not be in violation of the obligation to make a free appropriate public education available to the student.
- If the parent refused to consent or does not respond to the charter school's request for consent for a re-evaluation, the charter school may, but is not required to, request mediation or request a due process hearing to override the parent's refusal.

NOTE: See Chapter 5 for further information.

### 2.3.4. Parental consent is not required before:

- a. reviewing existing data as part of an evaluation or reevaluation under the IDEA and Nevada regulations, (informed parental consent need not be obtained for a reevaluation of a student **if** the charter school personnel can demonstrate that they have taken reasonable measures to obtain parental consent, and the student's parent has failed to respond); or
- b. administering a test or other evaluation that is administered to all students unless, before administration of that test or evaluation, consent is required of parents of all children.

**2.3.5. To demonstrate that they have taken reasonable measures to obtain consent, the charter school personnel must have record in the student's confidential folder of all attempts to obtain consent, including:**

- a. detailed records of telephone calls made or attempted and the results of those calls (it is the charter

school Best Practice that at least two telephone calls be made and that follow-up calls be made if the charter school staff are unable to speak with the parent directly over the phone);

- b. copies of correspondence sent to the parent and any responses received (it is the charter school Best Practice that at least one notice be sent by regular mail); and
- c. detailed records of visits made to the parent's home or place of employment and the results of those visits.

### **2.3.6. *Revocation of Consent***

- a. The parent has the right to revoke consent for the continued provision of special education and related services by submitting a written request for the revocation to the Site Administrator of the charter school.
  - The SPCSA may not initiate a due process hearing or mediation procedures to continue special education and related services for a student when the parent has revoked consent.
  - If, at a later date, the parent requests that special education services be reinstated, the request would be treated as an initial referral and offered an evaluation in the same manner as any other student suspected of having a disability.
  - If the parent requests that special education records are expunged, Family Educational Rights and Privacy Act (FERPA) procedures under IDEA should be followed. The charter school is deemed not to have knowledge of a suspicion of a disability and the student will be disciplined as a general education student.
  - A parent cannot revoke one service. 1) The parent consent is for initial provision of ALL special education and related services, not for a particular service. 2) For example: a parent cannot revoke resource services but keep the speech and language services. 3) If a parent disagrees with the provision of any particular service, they can pursue their due process rights by requesting a hearing.

## **2.4 Student Records**

### **2.4.1. *Under the Family Education Rights and Privacy Act (FERPA), a parent has the right to:***

- a. inspect and review all student's educational records; and
  - the charter school personnel will explain and interpret the records.
  - the charter school may charge a fee for copies of records that are made.
- b. give written permission before the charter school can release any personal identifying information to any person not otherwise entitled by law to see this information.

The charter school must keep a record of parties obtaining access to educational records collected or maintained including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

For more detailed description of matters relating to student records, see Chapter 10 --- Student Records and Confidentiality.

## **2.5 Independent Educational Evaluations**

### **2.5.1. *General Procedures***

The parent has the right to obtain an independent educational evaluation (IEE) of the student. An independent educational evaluation means an evaluation conducted by a qualified examiner who is not employed by the charter school. Information regarding where an IEE may be obtained will be provided to the parent upon request for an IEE, along with the school's criteria for conducting such an evaluation.

Whenever an IEE is conducted at the school'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 school uses when it initiates an evaluation. Whether or not the school pays for an IEE, the IEE must be considered in decisions regarding the student's special education program.

**2.5.2. If a parent disagrees with an evaluation obtained by the charter school, the parent has the right to an independent educational evaluation (IEE).** If the parent requests an independent educational evaluation at the expense of the charter school, the charter school personnel must respond to the request within 10 school days. The charter school pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent. The charter school personnel must, without unnecessary delay, either:

- a. ensure that an IEE is provided at the charter school expense; or
- b. refuse and initiate an impartial due process hearing, as described below, to demonstrate that the charter school's evaluation is appropriate.

*2.5.3. The charter school personnel may inquire with the parent as to why they are requesting an IEE. The charter school personnel may not require the parent to give an explanation nor require them to notify the school of their intentions to obtain an IEE (IDEA). The charter school may not unreasonably delay either providing the IEE at the charter school's expense or initiating a due process hearing to defend the charter school evaluation.*

*NOTE: Each school should maintain a list of NV school licensed psychologists that can be offered as possible IEE evaluators. Parents have the option to choose from this list or choose their own. If the parent chooses a non-school licensed psychologist, it is acceptable.*

**2.5.4. If a hearing officer requests an IEE as part of a hearing, the cost of the evaluation must be at public expense.** If a due process hearing results in a final decision that the charter school's evaluation is appropriate, the student's parent still has the right to an IEE, but not at the charter school's expense.

**2.5.5. The charter school's personnel must consider an IEE that meets the charter school criteria, whether paid for by the charter school or not, in any decision regarding the provision of a free appropriate public education to the student.** The results of an IEE may be presented as evidence in a due process hearing regarding the student, as described in Section 2.8 (Civil Action).

#### *2.5.6. Notice of the Right to an Independent Educational Evaluation*

Upon request, the charter school personnel must provide the parent an IEE, information about how and where IEE may be obtained, and the charter school criteria for an IEE. This information should be made available in a manner that is readily understandable to the general public, including parents whose native language is not English. The information should be made available so that if a parent disagrees with an evaluation, he or she will have access to the charter school's criteria for an independent educational evaluation, as described below. For more information regarding IEE's, see Chapter 5 – Evaluations.

#### *2.5.7. Criteria for an Independent Educational Evaluation*

Should the parent obtain an IEE at the charter school's expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria the charter school uses in initiating evaluations. For further information about the charter school criteria for an independent educational evaluation, please contact the charter school Site Administrator. A parent is entitled to only 1 IEE at public expense each time the public agency conducts an evaluation which the parent disagrees.



*2.5.8. Disagreements between the charter school and a parent regarding the availability of a program appropriate to the student, and the question of financial responsibility, are subject to the due process procedures described in Section 2.9.*

## 2.6 Mediation

**2.6.1. The NV Department of Education, SPCSA, and Charter School are required to ensure that formal mediation procedures are established and implemented to allow resolution of disputes resulting from the charter school's proposal (or refusal), to identify, evaluate, place, or provide the student with a free appropriate public education.** The parent may request mediation of a dispute by contacting in writing, the charter school, the SPCSA, or the Nevada Department of Education.

- a. The State, NV Dept. of Ed., bears the cost of the mediation process.
- b. Mediators are qualified and impartial individuals who may not be an employee of the charter school, another school district, the Nevada Department of Education or other state agency which receives IDEA funding or which provides direct services to a student who is the subject of the mediation process.
- c. If the charter school personnel are aware of any need that the parent may have for an interpreter that information should be provided to the Nevada Department of Education and the SPCSA at the time the mediation is initiated, or as soon as possible.
- d. Mediation is a voluntary process that brings both parties together with a mediator in an attempt to resolve the disagreement through a structured, yet informal meeting.
- e. Mediation is an alternative but not a prerequisite to the due process hearing.
- f. Mediation sessions are held in a timely manner and scheduled at times and in places convenient to the parties.
- g. Discussions that occur during mediation are confidential and may not be used as evidence in due process hearings or court proceedings.
- h. Any agreement reached will be a written agreement that is legally binding and enforceable in court.
- i. The agreement is signed by the parent and a representative from the charter school.
- j. The charter school personnel may initiate mediation of a dispute by contacting the parents, the SPCSA, or the Nevada Department of Education.

## 2.7 Due Process

### *2.7.1. Request for a Due Process Hearing*

The parent or the charter school may initiate an impartial due process hearing if they disagree with identification, evaluation, education placement or the provision of FAPE to the student.

- a. A parent may request a due process hearing if
  - (1) the charter school:
    - refuses to identify,
    - evaluate, or
    - appropriately serve the student,
    - fails to consider the results of an IEE,
  - (2) the parent:
    - disagrees with a proposed IEP, or
    - objects to termination of the student's special education programs.
- b. The parent request for a due process must be in writing to the Site Administrator of the charter school and must include:
  - Student's name;

- Student's address;
  - Name of the school the student is attending;
  - A description of the nature of the problem and the facts relating to the problem; and
  - A resolution to the problem.
- c. If the request does not include the information above, the charter school may ask the hearing officer within 15 days of the request to find the due process insufficient.
  - d. A due process hearing must be requested within two calendar years from the date the parent or the charter school knew or should have known about the act or omission that gave rise to the hearing request unless the parent was prevented from requesting a hearing because the charter school:
    - Specifically misrepresented to the parent that it had resolved the problem; or
    - Withheld required information.
  - e. When a request for a due process has been received, the charter school Site Administrator must inform the parent of the availability of mediation as described in Section 2.7, as well as any free or low-cost legal and other relevant services available in the area. Apart from due process, the charter school Site Administrator must also provide the parent information on such legal and other services at any time upon request by the parent.
  - f. A model form of parent notice requesting a due process hearing is available on the Nevada Department of Education's website.
  - g. If the charter school personnel believe that it may be appropriate for the charter school to initiate a due process proceeding, they should follow NDE's due process procedures on their website.

### 2.7.2. *Resolution*

- a. After the charter school receives a request for due process they must:
  - Give the parent written notice of the special education action related to the issues in the hearing request within 10 days of receiving the request unless the charter school has already given the parent written notice prior to the request;
  - Convene a resolution session within 15 days (7 days if expedited) of the hearing request unless, the parent and the charter school agree in writing to waive the meeting or agree to mediation;
  - Try to solve the issues stated in the due process requested during the resolution time period; and
  - Include the parent, relevant IEP members, and a representative of the charter school with decision making authority in the resolution session.
- b. The charter school may not have an attorney present at the resolution session unless the parent brings an attorney, then the charter school may also have an attorney present. The charter school must provide the parent PWN of the school's attorney participating in the resolution meeting.
- c. If an agreement is reached, it will be written in a legally binding document and signed by the charter school representative and the parent. The resolution agreement can be canceled in writing within 3 business days if either party changes their mind.
- d. If an agreement is not reached to the parents' satisfaction within 30 days (15 days if expedited) of receiving the hearing request, the time line for due process begins.

### 2.7.3. *Conducting a Due Process Hearing*

- a. Impartial Hearing Officer
  - Within 5 calendar days after receiving a parent request for a due process hearing, or upon the charter school's initiation of a due process hearing, the charter school must forward the request to the Nevada Department of Education and the State Public Charter School Authority

(SPCSA).

- The Nevada Department of Education is responsible for appointing an impartial hearing officer to conduct the hearing.
  - When expedited, the hearing officer must conduct a hearing within 20 school days after the date the hearing was requested.
- b. Stay-Put Requirements
- Once a due process hearing has been initiated:
- the charter school cannot change the student’s educational placement during a due process until the legal proceedings are completed (stay-put) unless:
    - unless the student is placed in an alternative educational setting for behavior that is not a manifestation of the disability, or
    - if the student is removed by the charter school to an interim alternative educational setting for weapons, drugs, controlled substance or causing serious bodily injury.
    - a hearing officer removes the student to an interim alternative educational setting for up to 45 school days because it is likely the student may injure him/herself or others.
- c. Disclosure Prior to the Hearing
- At least 5 business days prior to the hearing, each party must ensure that any evidence that the party wishes to use at the hearing has been disclosed to the other party and the hearing officer.
  - If required disclosure is not made, the hearing officer may exclude the admission of undisclosed evidence from being introduced at the hearing.
- d. Due Process Hearing
- Due Process hearings must be conducted at a time and place that is reasonably convenient to the parent and the student involved.
  - the charter school is responsible for:
    - notifying the parent (by certified mail) and the hearing officer of the time and place set for the hearing; and
    - notifying the parent of their rights in a due process hearing and of any free or inexpensive legal services and other relevant services available in the area.
  - Any party to a due process hearing has the right to:
    - be represented;
    - be accompanied by and advised by persons who have special knowledge of or training regarding students with disabilities;
    - present evidence, object to the admissibility of evidence, and evaluation or a recommendation based on an evaluation that was not disclosed to that party;
    - confront, cross-examine, and compel the attendance of witnesses;
    - obtain a written, or, at the option of the parent, electronic, verbatim record of the hearing; and
    - obtain written, or, at the option of the parent, electronic findings of fact and decisions.
  - In addition, the parent involved in a hearing must have the right to:
    - have the student who is the subject of the hearing present;
    - a hearing open to the general public; and
    - a record of the due process hearing and the findings of fact and decisions at no cost. The charter school must take whatever action is necessary to ensure that the parent understands the written notice and the proceedings at the hearing. These steps include arranging for an interpreter for a parent who is deaf or hard of hearing or whose native language is not English.

- e. Findings of a Due Process Hearing
- The hearing officer is required:
    - to reach a decision in the due process proceeding no later than 45 days after the resolution period ends;
    - if expedited, a determination must be made within 10 school days after the hearing,
    - to base the decision solely on the evidence presented at the hearing; and,
    - to mail a copy of the decision to each of the parties within the 45-day period.
  - The hearing officer may grant specific extensions of time beyond the 45- day period at the request of either party.
  - The Nevada Department of Education must, after deleting all personally identifiable information from a copy of the findings and decision, transmit the redacted version to the Nevada State Special Education Advisory Council and make the redacted version available to the public. The hearing officer’s decision in a due process hearing is considered final, but may be appealed by either the parent or the charter school as described below.

#### **2.7.4. Appeals**

- a. Any party aggrieved by the findings and decision in the hearing has the right to appeal the decision of the impartial due process Hearing Officer.
- The request for an appeal must be made (to the Nevada Department of Education) within 30 calendar days after receiving the decision of the hearing officer.
  - A party to the hearing may file a cross-appeal within 10 calendar days after receiving notice of the initial appeal.
- b. The State Review Officer who is appointed by the Nevada Department of Education:
- examines the entire hearing record to make sure required procedures were followed consistent with the requirements of due process and makes an independent decision;
  - may give parties an opportunity for oral or written arguments, or both, at the discretion of the review officer;
  - seek additional evidence necessary and, if a hearing is held to receive additional evidence, afford the parties the same right under due process hearings;
  - must reach a decision and mail a copy or electronic findings of fact and the decision to each party within 30 days after the request for review is made; and
  - may grant an extension if one of the parties requests.
- State Review Officer’s decision is final unless a party brings a civil action as described in Section 2.8.
- c. After deleting any personally identifiable information, the Nevada Department of Education is to transmit the redacted version of the findings and decisions to the Nevada State Special Education Advisory Council, and is to make the redacted findings and decisions available to the public.

#### **2.8 Civil Actions**

##### **2.8.1. *A civil action may be brought by any party disagreeing with the findings and decision of a State Review Officer in an appeal.***

- a. A civil action may be brought in a state court with jurisdiction or in federal district court.
- b. The request for an appeal must be made within 90 calendar days after receiving the decision of the review officer.

##### **2.8.2. *Before a civil action may be filed, the party must exhaust his or her remedies under the due process and appeal proceedings described above in Section 2.9.***

## 2.9 State Complaints

### 2.9.1. *An organization or individual may file a complaint with the Nevada Department of Education (NDE).*

- a. The complaint must be in writing, signed and include:
  - a statement that the charter school has violated state or federal special education law;
  - the facts related to the issue(s);
  - signature and contact information of the complainant;
  - a description of the nature of the problem; and
  - a proposed resolution of the problem.
- b. If a specific school or student is referenced in the complaint, the complaint must also include:
  - the name and residence of the student;
  - the name of the school the student is attending.
- c. The parent must submit a copy of the complaint to the charter school and the Nevada Department of Education.
- d. The complaint must allege a violation that occurred within one year of filing.
- e. The charter school has the right to respond and try to resolve the complaint or mediate if both parties agree.
- f. The NDE must complete its review and give its decision within 60 calendar days.
- g. If the complaint includes issues which are also the subject of a due process hearing, the NDE is required to set aside those issues until the due process hearing is resolved.
- h. Any issues which are not the subject of a due process hearing must proceed and be resolved within the 60 calendar-day timeframe.
- i. If any issues raised in a complaint have previously been decided in a due process hearing involving the same parties, the due process hearing decision is binding, and the NDE must inform the complaining party to that effect.
- j. If a complaint alleges that the charter school has failed to implement a due process decision, the NDE must resolve that complaint.

### 2.9.2. **After reviewing all relevant information, the NDE will make an independent determination as to whether the charter school violated a requirement of IDEA.** The NDE will issue a written decision to the complainant that:

- a. addresses each allegation in the complaint;
- b. contains findings of fact and conclusions; and
- c. states the reasons for the NDE's final decision.

### 2.9.3. *If the NDE finds that the charter school has failed to provide appropriate services to a student, it must address:*

- a. how to remediate the denial of those services, including, as appropriate, the awarding of monetary reimbursement or other corrective action appropriate to the needs of the student; and
- b. appropriate future provision of services for all students with disabilities.

## 2.10 Attorney's Fees

### 2.10.1. **Under IDEA, the charter school may be liable for the reasonable attorney's fees of a parent who prevails in a due process hearing, appeal, or civil action.** A parent may be considered to have prevailed in a proceeding if the parent succeeded on any significant issue and obtained some of the benefits sought.

**2.10.2. However, in a number of circumstances, the student’s parent may not recover their legal fees when they prevail or the award of attorney’s fees may be reduced.** It is important for the charter school personnel to bear in mind that compliance with IDEA and State Public Charter School Authority policy requirements, including requirements relating to time lines, notices, consent, parent contact, and documentation, may directly affect whether and to what extent the charter school may avoid liability for attorney’s fees.

**2.10.3. If the charter school prevails, parent’s attorneys may be liable for the reasonable attorney’s fees of the charter school for bringing actions that are or become frivolous, unreasonable, or without foundation.** In addition, the charter school may recover reasonable attorney’s fees from the parent or the parent’s attorney if the request for due process was presented for any improper purpose, such as to harass, to cause unnecessary delay, or to needlessly increase the cost of litigation.

## Chapter 3 Prior Notice

### Introduction

The parent has the right to receive prior written notice in a reasonable time in their native language or other mode of communication, when the charter school proposes, or refuses to initiate or change the student’s identification, evaluation/re-evaluation, and eligibility, provision of a free appropriate public education (FAPE) through an Individualized Education Program (IEP) and change of placement.

This chapter describes the prior notice requirements for:

- 3.1 Identification, evaluation/re-evaluation
- 3.2 Eligibility
- 3.3 Provision of FAPE, through an IEP and change of placement
- 3.4 Parent Revocation of Consent for Special Education Services

### 3.1 Identification, Evaluations & Re-Evaluations

#### 3.1.1. *Parental Prior Notice of the charter school Proposal*

Site-based special education staff must provide the parent prior written notice of the initiation of an evaluation within a reasonable time before the evaluation begins.

- a. Notice of the initiation of the evaluation must be completed in full.
- b. The purpose of this meeting must be marked on the Parental Prior Written Notice as:
  - Evaluate and identify student’s special education needs for initial evaluations; or
    - The Parental Prior Notice must be given to the parent prior to or in conjunction with the Consent for Evaluation.
  - Re-evaluate student’s special education needs and continued eligibility for special education services.
    - The Parental Prior Notice must be given to the parent prior to or in conjunction with the Consent for Evaluation or Parent Notification of No Additional Assessment Information Needed and Status of Reevaluation; Warranted/Unwarranted.

#### 3.1.2. *Parental Prior Notice – Proposed Meeting Arrangements*

At the time site-based special education staff notifies parent of the initiation of any evaluation, staff may also provide prior notice of any meeting of the Multidisciplinary Team (MDT) that may be scheduled to consider whether additional data are needed as part of the evaluation.

- a. The term meeting does not include informal or unscheduled conversations involving the charter school

personnel. The term also does not include preparatory activities that the charter school personnel engage in to develop a proposal or to prepare a response to a parent proposal that will be discussed at a later meeting.

- b. The Multi-disciplinary Team (MDT) is not required to hold a meeting solely to determine whether additional data are needed, and parent consent is not required in order to review existing data as part of any evaluation.
- c. If a meeting is determined to be necessary to discuss the components of any evaluation, a Parental Prior Written Notice must be completed in full.
- d. The charter school must maintain detailed records of:
  - telephone calls made or attempted and the results of those calls;
  - copies of correspondence sent to the parent and any response received; and
  - any visits made to the parent’s home or place of employment and the results of those visits.

### **3.1.3. *Parental Notice of School Refusal***

If the student’s parent requests an evaluation, and the MDT, during a meeting, determines that an evaluation is not required or otherwise warranted, the MDT must provide the parent written notice of the charter school’s determination to refuse the evaluation. Written Notice of Refusal must state:

- a. a description of the action refused by the charter school;
- b. an explanation of why the charter school refuses to take the action;
- c. a description of any other options that the charter school considered and the reasons why those options were rejected;
- d. a description of each evaluation procedure, assessment, record, or report the charter school relied upon when the action was refused;
- e. a description of any other factors that are relevant to the charter school’s refusal;
- f. a statement that the parents of a student with a disability have protection under the procedural safeguards described in Chapter 2.0 (Procedural Safeguards).

## **3.2 Eligibility**

### **3.2.1. *Parental Prior Notice of School Proposal***

Site-based special education staff must provide the parent prior written notice of determination of eligibility within a reasonable time before the eligibility meeting is held.

- a. Notice of the determination must be completed in full.
- b. The purpose of this meeting must be marked on the Parental Prior Notice of School Proposal as: “Determine student eligibility for special education programming”

### **3.2.2. *Parental Prior Notice – Proposed Meeting Arrangements***

At the same time the site-based special education staff notifies the parent of the determination of eligibility, they must also provide the parent prior written notice of the eligibility meeting.

## **3.3 Provision Of A Free Appropriate Public Education (Fape), Through An Individualized Education Program (Iep)**

Parental Prior Written Notice of the charter school Proposal and Parental Prior Notice – Proposed Meeting Arrangements must be given to the parent for all IEP meetings.

### **3.3.1. *Parental Prior Notice of School Proposal***

Site-based special education staff is responsible for initiating and conducting meetings for the purpose of developing, reviewing, and revising the IEP of a student with a disability. Within a reasonable time, before a proposed IEP meeting, the site-based special education staff must provide prior notice of the meeting to the student’s parent. The Parental Prior Written Notice of the charter school Proposal must be completed in full.



Note: If parent is not contacted to schedule an IEP meeting via phone, email, etc. before sending home the prior written notice document, then a reasonable time period is 10 business days before the scheduled IEP meeting.

The purpose of the meeting must always be marked on the Parental Prior Notice of School Proposal as either Develop an Initial/Annual IEP and Educational Placement or Review/Revise IEP. There may be other purposes which also must be marked such as:

a. Change in Placement:

If the IEP team is considering a change in placement, such as moving to a more (or less) restrictive setting, or the discontinuation of educational services upon a student's graduation, prior written notice to the parent is required. When completing the Parental Prior Notice of School Proposal the purpose of the meeting would be:

- Change in special education placement; AND
- Develop an Initial/Annual IEP and Educational Placement; or
- Review/revise IEP.

b. Change in Special Education Related Services:

If the IEP team is considering a change or addition of special education related services, prior written notice to the parent is required. When completing the Parental Prior Notice of School Proposal the purpose of the meeting would be:

- Change in Special Education related services, AND
- Develop an Initial/Annual IEP and Educational Placement, or
- Review/revise IEP.

c. Transition:

Beginning when a student reaches age 14, or earlier if appropriate, the Prior Written Notice must also indicate that one of the purposes of the meeting will be to develop transition services and/or postsecondary goals. When completing the Prior Written Notice the purpose of the meeting will be to:

- Develop transition services and/or postsecondary goals beginning at age 14; AND
- Develop an Initial/Annual IEP and Educational Placement; or
- Review/revise IEP.

d. Manifestation Determination:

If the IEP team is going to conduct a manifestation determination, the prior written notice must state that the purpose of the meeting is to:

- Conduct a manifestation determination and propose a disciplinary change of placement; AND
- Develop an Initial/Annual IEP and Educational Placement; or
- Review/revise IEP.

### **3.3.2. Parental Prior Notice – Proposed Meeting Arrangements**

Site-based special education staff is responsible for initiating and conducting meetings for the purpose of developing, reviewing, and revising the IEP of a student with a disability. Within a reasonable time, but at least five school days (the charter school Best Practice is 10 days) or mutual agreement before a proposed IEP meeting, the site-based special education staff must provide prior notice of the meeting to the student's parent. The Parental Prior Notice – Proposed Meeting Arrangements must be completed in full. The Notice of Meeting Arrangement must indicate:

- a. the purpose, time, and location of the meeting;
- b. who will be in attendance at the meeting (not positions);
- c. the student if the student is 14 years old or older prior to the next annual IEP;
- d. the parent may bring to the meeting other people who have knowledge or special expertise regarding the student;
- e. if the parent gives consent to the charter school to invite person(s) from outside agencies who can contribute to the development of the IEP.

### **3.3.3. Parental Notice of School Refusal**

If the student's parent requests to revise the IEP, but the site-based special education staff determines that an IEP is not

required or otherwise warranted; then the site based staff must provide the parent written notice of the charter school's determination to refuse the IEP revision. Written Notice of Refusal must state:

- a. a description of the action refused by the charter school;
- b. an explanation of why the charter school refuses to take the action;
- c. a description of any other options that the charter school considered and the reasons why those options were rejected;
- d. a description of each evaluation procedure, assessment, record, or report that the charter school relied upon when the action was refused;
- e. a description of any other factors that are relevant to the charter school's refusal;
- f. a statement that the parent of a student with a disability has protection under the procedural safeguards described in Chapter 2.0; and
- g. sources for the parent to contact to obtain assistance in understanding the provisions of IDEA.

### **3.3.4. *Notice of Intent to Implement IEP***

The Notice of Intent to Implement is required to provide prior written notice of the charter school's intent to implement a student's IEP. The Notice of Intent to Implement is required for ALL IEPs.

- a. This includes instances where:
  - the parent disagrees with all or part of the IEP (disagree checked on IEP); or
  - the parent does not agree or disagree (no box checked on IEP); or
  - the parent is not in attendance (either by telephone or in person). The IEP and notice of Implementation should be sent to parents immediately following the IEP.
- b. The Notice of Intent to Implement must be provided to the parent within 10 days after the IEP meeting, along with a copy of the IEP and Procedural Safeguards. If the parent did not attend the IEP meeting, either by telephone or in person, then the Notice of Intent to Implement should specify implementation will begin 10 calendar days from the date of the original meeting.
- c. The Notice of Intent to Implement must state:
  - a description of the action proposed or refused by the charter school;
  - an explanation of why the charter school proposes or refuses to take the action;
  - a description of any other options that the charter school considered and the reasons why those options were rejected;
  - a description of each evaluation procedure, assessment, record, or report the charter school relied upon when the action was proposed or refused;
  - a description of any other factors that are relevant to the charter school's proposal or refusal;
  - a statement that the parent of a student with a disability has protection under the procedural safeguards described in Chapter 2.0; and
  - sources for the parent to contact to obtain assistance in understanding the provisions of IDEA.

## **3.4 Revocation Of Consent For Special Education Services**

### **3.4.1. *Parental Prior Notice of School Proposal***

The parent has the right to revoke consent for the continued provision of special education and related services by submitting a written request for the revocation to the charter school Site Administrator.

The charter school Site Administrator will respond by issuing the parent a prior written notice to change the student's placement and direct the school to status the last date of specially designed instruction in the student's confidential folder and that services will be discontinued due to Parent written request as described in Chapter 7.0 (Individualized Educational Programs).

## Chapter 4 Identification

### Introduction

Under the Individual with Disabilities Education Improvement Act of 2004 (IDEA) and Nevada Administrative Code (NAC), the school has a “Child Find” obligation to ensure that all children with disabilities residing in the State, including children with disabilities who are homeless, wards of the State, or attending private schools, regardless of the severity of their disability, and who are in need of special education and related services are identified, located, and evaluated. Child Find responsibilities also include highly mobile and migrant children. In addition, early intervention strategies may be appropriate for some students who are experiencing academic and/or behavior problems.

This Chapter describes both the identification and the intervention processes. These processes are not mutually exclusive. Rather, either or both may be appropriate for a particular student. The process for making a referral is described in the Evaluation Chapter.

This chapter describes:

- 4.1 Child Identification
- 4.2 General Education Interventions/Response to Intervention (RtI) Model
- 4.3 Referral

### 4.1 Child Identification

#### 4.1.1. *Identification Requirements/Child Find*

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

IDEA and NAC regulations require all charter schools to have policies and procedures in place to ensure that children aged 3 through 21 residing within their enrolled students’ counties who are suspected of having disabilities and needing special education and/or related services are identified, located, and evaluated. Therefore, all public charter schools are responsible for developing a “Child Find” program that will encompass these three elements of identification, locating, and evaluating students.

The charter school works in cooperation with other agencies in their county to:

1. Locate all children and youth with disabilities from the ages of birth through 21 in the counties of which your school(s) reside and/or provide services.
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 articles and 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
5. Coordinate with other agencies providing services to children (i.e. local health department; Women, Infants, & Children (WIC), etc). Charter Schools 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 public schools.

Students who may be identified include:

- a. children who are suspected of being a child with a disability and in need of special education, even though they are advancing from grade to grade;
- b. highly mobile students including migrant students;
- c. homeless children;
- d. wards of the state; and
- e. children who are enrolled in private schools or are home-schooled

#### 4.1.2 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 designed to facilitate the child's learning within that classroom.

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.

#### 4.2 When Intervention Appropriate – General Education Interventions

If a student is experiencing an educational or behavioral difficulty but is not suspected of having a disability by the charter school, the charter school may attempt to remediate such difficulty through providing scientific, research-based interventions in general education environments.

The Nevada Administrative Code (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.
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.

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 charter school must:
  - a. Conduct the initial evaluation if the charter school 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 charter school does not agree that the student is suspected of having a disability). Any proposed refusal to evaluate a student must be discussed with one of the LEA’s Special Education Programs Professional (EPP).

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

### 4.3 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 charter school’s “child find” or general education intervention activities, charter school personnel recommend an evaluation.

If the charter school proposes to conduct an initial evaluation of a student, parents must be provided with prior written notice of the proposed evaluation and a copy of the Parent Rights document. Next, consent for the evaluation must be obtained before the evaluation may begin. See PROCEDURAL SAFEGUARDS section.

In conducting the evaluation, the charter school 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. If appropriate, because there are existing evaluation data (e.g., a student who moved to the charter school from out of state and evaluation information from the other state was available in a timely manner, or a student making the transition from infant/toddler early intervention services at age three), the charter school must review existing evaluation data and determine what, if any, additional assessments are necessary. See EVALUATION/REEVALUATION REPORT. On the basis of this review, the charter school 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.
3. Whether the child needs special education and related services.

The **initial referral** process is as follows:

1. Identify the student's problem and initiate the special education referral process.
  - a. Complete the Special Education REFERRAL FORM and include the following:
    - Copy of emergency information obtained in most current school enrollment documents.
    - Vision and hearing results (must be a pass)
    - Developmental history completed
    - Student classroom observation form completed
    - Attendance information
    - Copy of educational intervention(s) and modification(s) (RtI, CI, etc.)
    - Academic results, sample of classroom work, test scores, etc.
  - b. Provide prior written notice of the proposal to evaluate the student (PARENTAL PRIOR WRITTEN NOTICE) with a copy of Parent Rights
  - c. Obtain parent consent to evaluate the student (CONSENT FOR EVALUATION)
    - Academic results (i.e. WIAT)
    - Behavior assessment (i.e. Devereaux or Burks)
  - d. Site Administrator/designee's signature on referral form authorizing the initial referral process.
2. Review referral packet for appropriateness and completeness.
  - a. Parent has been given written notice of the charter school's proposal to evaluate the student.
  - b. Parent has provided consent to evaluate prior to any individually administered assessments given on the basis of the suspicion of a disability.
  - c. Parent has been given a copy of Parent Rights, and rights have been explained in their primary language (i.e. Spanish, German, etc.)
  - d. Student has passed the vision and hearing tests,
    - or has been treated by a physician to correct problem area,
    - or a copy of the "passed" or "normal" results are provided.
  - e. Copies of data are legible and included.
  - f. Site Administrator has signed referral.
  - g. Assign designee or case manager for referral.
3. Process referral packet.
  - a. Send copies to the psychologist and/or other evaluation coordinator(s) (i.e. Speech & Language therapist) to initiate the evaluation.
  - b. Collect further data if needed.
  - c. Send copies of referral page, copy of consent for evaluation and relevant information to related service provider if assessment is needed and is indicated on referral form (i.e. Speech & Language therapist, Occupational therapist, or Physical therapist).
4. If applicable, psychologist will complete the evaluation, write the report, and forward copies to the case manager. If the speech therapist has been the evaluation coordinator, he/she also serves as the case manager. See Evaluation section of this Manual for further information.
5. Schedule a meeting to determine eligibility (PARENTAL PRIOR WRITTEN NOTICE and NOTIFICATION OF MEETING). See Eligibility section of this Manual for further information. Meeting must include required Eligibility Team members. Please refer to the signature lines of each disability form for specific required members of each eligibility team.
6. Once eligibility is determined and if student is found eligible, an Individual Educational Plan (IEP) must be written within 30 calendar days. Required IEP members, in addition to a person who can interpret the

instructional implications of the evaluation must be present during the IEP.

## Chapter 5 Evaluation

### Introduction

Before special education or related services can be provided to a student with a disability, the charter school must conduct a comprehensive evaluation based on the determined scope of the assessment to address all areas of suspected disability. The purpose of this evaluation is to determine whether the student is eligible for special education services and, if so, to determine the student's special educational programming and service needs. Evaluation of a student is also required in other circumstances, such as when it is suspected that the student is no longer eligible under the Individuals with Disabilities Education Act (IDEA) eligibility, or may have a disability not addressed by the student's current finding of eligibility.

This Chapter describes:

- 5.1 Suspicion of Disability
- 5.2 Initial Evaluations
- 5.3 Reevaluation
- 5.4 Evaluation for Transfer Students
- 5.5 General Requirements for Evaluation
- 5.6 Early Childhood Evaluation
- 5.7 Bilingual Evaluation
- 5.8 Evaluation for Special Education Students who are involved in the Discipline Process
- 5.9 Homebound Evaluation
- 5.10 Evaluation Reports
- 5.11 Independent Educational Evaluations
- 5.12 Screenings

### 5.1 Suspicion Of A Disability

If the charter school personnel have reason to suspect that a student may have a disability and need special education and related services, the Site Administrator and staff should be contacted so that they may meet to review the information available and determine whether a referral should be initiated. When a student is experiencing academic or behavioral problems but there is no suspicion of an IDEA eligibility, personnel should consider accessing the School Intervention Team /Response to Instruction Program (SIT/RTI) regarding any necessary interventions, accommodations, and supports for the student. Parent input is also an important consideration in relationship to providing students with intervention services.

### 5.2 Initial Evaluations

#### 5.2.1. *Definition*

The term "Initial Evaluation" refers to a formal evaluation that considers initial eligibility for special education under the Nevada Administrative Code (NAC). Initial evaluation applies to:

- a. general education students with no history of special education;
- b. general education students who previously received and were exited from special education, including general education students whose parents revoked consent for the continued receipt of special education services; or
- c. all transfer students from other states that have a current out-of-state eligibility, but no current special

education eligibility in Nevada.

### **5.2.2. *Scope/Review of Evaluation Data and Determination of Need for Additional Data***

In the case of students transitioning from Early Intervention Services at age three (IDEA, Part C), or for students from out-of-state that have evaluation records available, as part of an initial evaluation, the combined members of the student's IEP committee and the Eligibility Team shall review existing evaluation data. Based on that review and input from the student's parent, the team must identify what additional data, if any, are needed. The group may conduct its review without a meeting, but all should clearly document that the data has been reviewed in accordance with NAC requirements.

### **5.2.3. *Request for an Initial Evaluation Referral***

- a. Sources may include parents and/or the charter school staff.
  - If the charter school personnel request an initial evaluation, initial evaluation steps need to be followed as described in 5.2.4.
  - If the parent requests an initial evaluation, either verbally or in writing, the charter school personnel must respond formally. They:
    - may decide an evaluation is NOT warranted or determined that interventions will be tried first, then a refusal (Form located in Appendix) must be completed and sent to parents: or
    - team may decide an evaluation is warranted, then proceed with procedures for initial evaluation including sending a written prior notice or
    - team may decide to do an evaluation (follow initial evaluation procedures) and refer to SIT to do interventions concurrently.

### **5.2.4. *Initial Evaluation Steps***

- a. Initiate referral and notify team members and related service providers as deemed appropriate. Referral sources may include parents and/or charter school staff.
- b. Provide the parent with the Procedural Safeguards and prior written notice and document all contacts and attempted contacts with the parent. If the charter school personnel are unable to convince the parent to participate, all efforts to obtain parent input should be documented.
- c. Determine scope/review of evaluation data and determination of need for additional data (see Chapter 3.0).
- d. Obtain Parent Consent for Evaluation. Parent consent for evaluation may not be necessary for out of state transfer students unless additional assessments are warranted as described in 5.4.
- e. Conduct needed assessments as warranted.
- f. Hold eligibility meeting within 45 school days of signed consent and/or the initiation of PWN (use appropriate prior notice procedures for scheduling as described in Chapter 3.0) without additional assessment.
- g. DRAFT copies of evaluation reports may be given to the parent and must be clearly labeled as a draft.
- h. Provide a copy of completed evaluation reports and Statement(s) of Eligibility to the parent on the day of the meeting or within 10 calendar days of eligibility meeting.
- i. For eligible students, complete IEP development within 30 calendar days of eligibility determination.

## **5.3 Reevaluations**

### **5.3.1. *Definition***

The term "Reevaluation" refers to the formal evaluation of a student who is already identified as eligible for special education under NAC. Reevaluation applies to:

- a. students who are routinely evaluated every three years for continuing special education eligibility in Nevada;



- b. students who are evaluated for continuing eligibility for special education in Nevada under a different or additional eligibility classification. This includes: students who currently hold Developmental Delay or Speech/Language Impairment eligibilities;
- c. other students whose primary eligibility classifications might change (e.g., LD to ED, ID to MI). A reevaluation is required if there is sufficient information to suspect that a significant change in a student's physical, psychological, academic, or social functioning is occurring that may have an impact on the student's eligibility for special education and/or related services, including situations where the student may no longer need special education services to receive an appropriate education.

### 5.3.2. *Scope/ Review of Evaluation Data and Determination of Need for Additional Data*

As part of any reevaluation, the combined input from the student's IEP team, including input from the student's parent(s), Identify what additional data, if any, are needed.

The combined members:

- a. conduct a review of data from existing evaluations, including, but not limited to:
  - evaluations and information provided by the parents of the student,
  - current local or state assessments, classroom-based assessments and observations,
  - observations by teachers and related service providers, and
- b. based upon the review and input from the student's parent, identify the additional data, if any that are required to determine:
  - whether the student continues to have a disability, and the educational needs of the student,
  - the present levels of academic achievement and related developmental needs (functional levels) of the student,
  - whether the student continues to need special education and related services; and
  - 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 of the student and to participate, as appropriate, in the general education curriculum.

### 5.3.3. *Reevaluation Steps*

A student receiving special education services must be reevaluated before the student can be determined ineligible for continuing special education services as described in 6.0. As recognized exceptions under IDEA, a reevaluation is not required before the termination of a student's eligibility due to graduation with a regular high school diploma, or due to the student's exceeding the age of eligibility for FAPE under Nevada law. If the student's parent requests a reevaluation, and the MDT determines that a reevaluation is not required or otherwise warranted, the MDT must provide the parent prior written notice of refusal together with the procedural safeguards notice.

## Step 1 Complete Prior Parental Notice Of School Proposal And Reevaluation Referral Notice

Reevaluation Referral Notice & the Prior Parental Notice of District Proposal

### *Step 2: Scope Of Assessment*

Scope is documented in the MDT evaluation report and supporting evidence should be found in the confidential folder (Scope form located in Appendix). Note: Use of the form is optional as long as there is supporting evidence in the confidential folder. Conduct review of data from existing evaluations (See 5.3.2) Input is gathered from combined members of the Eligibility Team & IEP Team which includes parents.

No New Assessments Needed

- a. No Additional Assessment Information Needed and Status of Reevaluation: Warranted/Unwarranted

- b. Parent Notification
- c. Team consensus must agree to no additional assessments needed.
- d. Must be dated on or after the Parental Notice

#### New Assessment Needed

- a. Parental Consent for Evaluation
- b. MUST be dated on or after the Parent Notice

#### Reevaluation Unwarranted (Waiver)

- a. The student has two or more prior, consecutive evaluations confirming the current disability, only one of which needs to be a the current charter school Nevada evaluation
- b. All 5 questions on the form must be answered "Yes"
- c. SCOPE must be documented on the Status Record or form in Appendix.

#### Formal Evaluation Report Eligibility Statement

- a. Must be held within 45 school days after receipt of signed Parental Consent for Evaluation
- b. Must address all required assessment components
- c. For reevaluations that are deemed unwarranted (Waiver), the development of a reevaluation report is required, and a new Statement of Eligibility and IEP is required. The IEP must be completed within 30 calendar days from the eligibility date. Completion of the statement of need for reevaluation (waiver) triggers the new 3-year routine reevaluation time line.

## REEVALUATION PROCESS

**1<sup>st</sup> COMPLETE**

**Reevaluation Referral Notice**

**& the Prior Parental Notice of District Proposal**



### STEP 2: SCOPE of ASSESSMENT

Scope is documented in the MDT evaluation report. Input is gathered from combined members of the Eligibility Team & IEP Team.

#### No New Assessments Needed

- No Additional Assessment Information Needed and Status of Reevaluation: Warranted/Unwarranted
- Parent Notification
- Team consensus must agree to no additional assessments needed
- Must be dated on or after the Parental Notice

#### New Assessment Needed

- Parental Consent for Evaluation
- MUST be dated on or after the Parent Notice

#### Reevaluation Unwarranted (Waiver)

- Must have two consecutive eligibilities that are the same.
- All 5 questions on the form must be answered "Yes"
- SCOPE must be documented on the Status Record

#### Formal Evaluation Report Eligibility Statement

- Must be held within 45 school days after receipt of signed Parental Consent for Evaluation

#### Formal Evaluation Report Eligibility Statement

- Must address all required assessment components

### 5.4 Evaluation For Transfer Students

The circumstances under which a student enrolls or transfers into the charter school from another school district, will govern which specific special education procedures are applicable. Informed written consent for initial provision of services must be obtained from the parent prior to implementation of special education services.

All transfer students are entitled to the same open enrollment procedures as all other charter school students. All students should be registered and enrolled into the school by the provided deadlines.

#### 5.4.1. Transfers Within Nevada

A current Nevada eligibility from any Nevada school district or charter school can be accepted outright by the charter school and that eligibility may remain in effect for up to 3 years of the date of the last formal eligibility determination. For in-state transfer students, formal evaluation is pursued only when deemed warranted by an MDT/IEP Team. The standard time line

of 45 school days for timely completion of these reevaluations would apply.

When the parents register their child for school and indicate that student was receiving special education services at his/her previous school in Nevada, a form indicating the name and location of the previous school will be completed and signed by the parent. The current charter school will send the request to the previous charter school or county school district for confidential records even if the parents submit a copy of their child's current IEP. There are additional documents that need to be acquired such as the most current psychological report among other relevant information. Attempts to locate/obtain records will be documented. If such documentation cannot be obtained, charter school staff should contact the charter school or county school district by phone to follow up on the written request. Records received will be provided to the special education case manager and/or coordinator.

If the student's previous IEP is available, the charter school must provide the student with a free appropriate public education, including services comparable to those described in the previous IEP, in consultation with the parents, for a period no longer than 30 calendar days, until the charter school adopts the previous IEP, or develops a new IEP.

If no IEP is available, the student should be receiving services under a 30-calendar-day interim IEP. Upon the expiration of 30 days after the development of the interim IEP, a complete IEP must be developed. Because the student is already eligible in Nevada, a reevaluation is usually not needed.

#### **5.4.2. *Transfers From Out-of-State***

Initial evaluation procedures are required for all out-of-state special education transfer students. This includes transferring from a State where a student was receiving special education services under the Developmentally Delayed classification to the age of nine. The timeline for completing an initial evaluation in Nevada is 45 school days from the date of parental consent for evaluation through formal determination of the student's eligibility for special education in Nevada.

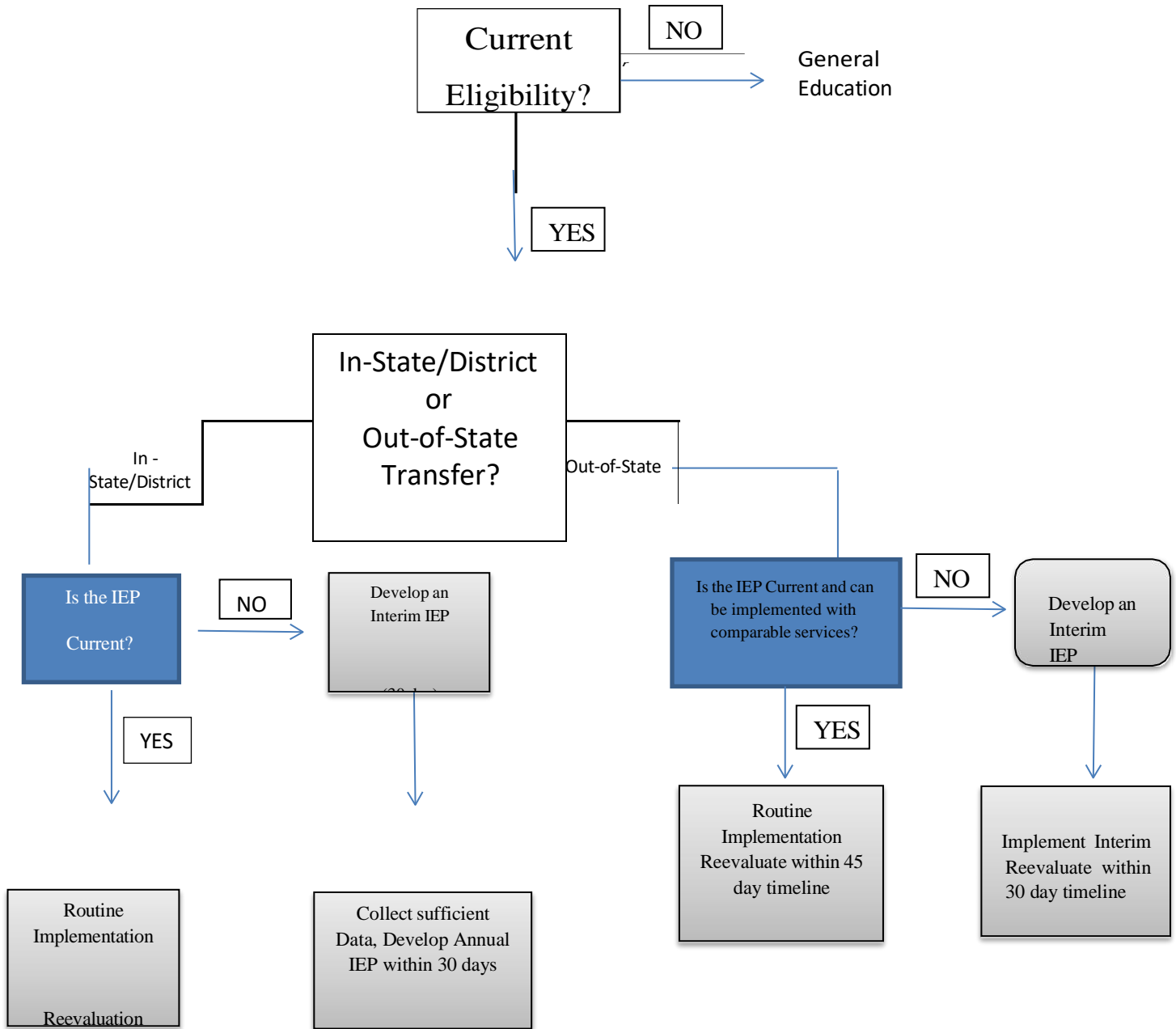
The evaluation coordinator is responsible for coordinating the process needed to ensure that Nevada eligibility is confirmed, whether under the 30-day interim IEP timeline (in circumstances when no IEP is available from the previous charter school or school district), or under the 45-school day timeline when the district is providing services comparable to the services provided under the student's out-of-state IEP.

Parental consent must be obtained using the CONSENT FOR EVALUATION form. If evaluation information is available, the combined members of the eligibility team and IEP Committee must complete the EVALUATION/REEVALUATION REPORT form. If no additional data are needed, provide PARENTAL PRIOR WRITTEN NOTICE of this decision. The eligibility team must meet to determine eligibility within 45 school days of obtaining the parent's written consent.

If the student's previous IEP is available, the charter school must provide the student with a free appropriate public education, including services comparable to those described in the previous IEP, in consultation with the parents, until eligibility in Nevada has been determined and until the charter school develops a new IEP, if appropriate.

If no IEP is available, the student should be receiving services under a 30-calendar-day interim IEP. If a 30-day interim IEP has been developed the student's eligibility must be confirmed and a complete IEP must be developed prior to the expiration of the 30 days. During the 30-day period, the student should be receiving services under an interim Individualized Educational Program.

## TRANSFER STUDENTS FLOWCHART



## 5.5 General Requirements For Evaluations

Initial evaluations and reevaluations must be comprehensive enough to identify all of the student's special education and related service needs, whether or not commonly linked to the disability category in which the student has been, or may be, classified.

### 5.5.1. *Assessment Areas*

Nevada regulations impose specific requirements for evaluation of particular areas of a student's abilities/skills, behavior, and performance, as follows:

#### a. Performance in Current Educational Setting

Definition: "Performance in the current educational setting" means the behavioral and academic functioning of a student in the environment in which the majority of the student's education occurs. Generally, a student's past and present educational performance is reviewed to obtain information about: achievement test scores; grades; appropriateness of instruction and progress relative to instruction; any prior, scientific, research-based interventions which may involve modification of the classroom environment, curriculum or delivery of instruction; any positive behavioral intervention/strategies/supports; disciplinary record; and attendance. The person conducting this portion of the evaluation should also review any information collected through the Response To Intervention Program (RTI). If the performance of a student with a disability in the student's current educational setting is assessed, the assessment may include:

- observation of the student in that setting;
- review of any report from a parent or teacher of the student;
- review of samples of the work of the student; and
- curriculum-based assessment.

If the assessment of performance is required to determine the eligibility of the student with Specific Learning Disabilities, information can be used from:

- an observation in routine classroom instruction and monitoring of the student's performance that was done before the student was referred for an evaluation; or
- an observation by an eligibility team member of the student's academic progress in the regular classroom after the student has been referred for an evaluation and parental consent has been obtained. Any interpretation of an assessment of performance in the current educational setting must be made by one or more members of the eligibility team having personal knowledge of the performance of the student.

#### b. Intervention

Definition: "Intervention" means a strategy, developed on the basis of individual need, designed to have a remediate effect upon any academic or behavioral difficulties of a student. The term does not include disciplinary procedures applied to a group of students unless, giving consideration to the individual needs of a student, such procedures are demonstrably more appropriate than other strategies. Examples of intervention practices may include, but are not limited to:

- adapting curriculum materials to the needs of the student;
- variations in the techniques employed in teaching the student;
- tutoring or supplemental instruction;
- using behavior management programs;
- counseling or direct social skills instruction for the student; and
- modifications to the educational environment.

Definition: "Scientific, research-based intervention" means 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 student's academic achievement or behavior.

c. **Cognitive Abilities**

Definition: "Cognitive abilities" means those abilities involving the processes of thinking, reasoning and problem solving. An individually administered, standardized test of cognitive ability must be used as part of the evaluation process, when appropriate, in assessing the cognitive abilities of a student with a disability. If a score other than the total score of the student on such a test is used to assess the student's cognitive abilities, the procedure must be justified, on the basis of professionally recognized criteria, in the records of the student maintained by the charter school. Any interpretation of an assessment of cognitive abilities must be made by a licensed school psychologist or licensed or certified psychologist. In the case of a student under the age of 6 years, any such interpretation may be made by a licensed school psychologist or a licensed or certified psychologist with documented training in the assessment of preschool students with disabilities

d. **Social and Emotional Condition**

Definition: "Social and emotional condition" means the present thoughts, feelings and interactive behavior of a person. If the social and emotional condition of a student is assessed, the assessment may include:

- observation of the student;
- interview of the student or of any person having personal knowledge of the student; and
- use of a behavior rating scale, an adaptive behavioral scale; and a self-report inventory.

A student may not be identified as a student with serious emotional disturbance without prior interventions and unless a variety of these techniques is used to assess the social and emotional condition of the student. Any interpretation of an assessment of social and emotional condition must be made by a school psychologist or another certified psychologist or licensed mental health professional.

e. **Adaptive Skills**

Definition: "Adaptive skills" include communication, self-care, home living, social skills, community use, self-direction, health and safety, functional academics, leisure and work. The person conducting the evaluation must use a validated adaptive behavior scale. The assessment must include an assessment of any six or more of the following:

- communication;
- self-care;
- home living;
- social skills;
- community use;
- self-direction;
- health and safety;
- functional academics; and
- leisure and work.

Any interpretation of an assessment of adaptive skills must be made by a person qualified to assess adaptive skills through the use of an adaptive behavior scale.

f. **Health**

Definition: "Health" means the general physical condition of a person. If the health of a student is assessed, the assessments include:

- review of health and developmental history;
- hearing and vision screening; and
- physical examination.

When the health of a student with a disability is assessed, the following assessments may also be included:

- audiological assessment;
- physical therapy assessment; or
- occupational therapy assessment of the student.

Any interpretation of an assessment of health must be made by a person qualified to assess the health condition of a student. An evaluation of a student's health and developmental history must be completed to determine if the student has one or more health concerns that substantially affect his or her educational performance. It is essential that the student's medical history and current health be evaluated early in the evaluation process so that any health problems can be identified and, if possible, be remediated prior to conducting other evaluation procedures. Each student being evaluated must undergo a general health evaluation, including vision, hearing, and neurological screening, which must be conducted at the time, or within six months, of the evaluation. However, no student shall be required to undergo any physical examination or medical treatment if the parent objects because of religious beliefs.

A health evaluation generally is conducted by the charter school nurse, who may recommend further medical information as necessary, including obtaining a physician's report. The school nurse conducting the health evaluation should obtain information, as appropriate, from the student's parent, teacher, family physician, the student, and any other pertinent sources such as public health agencies or medical clinics with knowledge of the student. Other staff who obtains pertinent health information in the course of consulting with the parent or the student should provide such information to the school nurse conducting the review.

If a student fails any general health screening, the student should be referred for an examination by a licensed practitioner for diagnosis and remediation. If a student fails a hearing screening and no medical follow-up has occurred, or if a Multidisciplinary Team member believes the student may have a hearing disability, the school nurse should facilitate scheduling of an audiological evaluation with an audiologist. Similarly, if a student fails a general vision screening and no medical follow-up has occurred, the school nurse should facilitate scheduling of a vision evaluation with a licensed practitioner. If a student fails any general health screening, further evaluation and remediation of any problem involving vision, hearing, or neurological function should be completed when possible prior to conducting other evaluation procedures that may be affected by the condition.

If the health evaluation reveals that the student has a vision or hearing problem that cannot be remediated, the school nurse should notify all members of the evaluation team prior to other evaluation procedures being conducted. Failure of any general health screening does not constitute an eligibility determination for the purposes of the IDEA. The school nurse should inform the parent of any student who has failed a general health screening about the eligibility determination process described in the Eligibility Chapter 6.0. For assistance in informing the parent about the eligibility process, the school nurse should contact the student's Multidisciplinary Team.

If a medical consultation, including any psychiatric or neurological consultation, is appropriate, the school nurse conducting the evaluation should contact the charter school Site Administrator should assistance be required in facilitating such a consultation. Nevada regulations require any diagnostic decision concerning an evaluation of health to be made by a person qualified to assess the condition in issue.

The school nurse should document the results of the health evaluation in the MDT report, which should clearly indicate whether the student has a health concern requiring consideration by the Multidisciplinary Team and/or IEP Committee. For example, the report should include information about whether the student needs medication, special health care procedures, preferential seating, etc. The report should include reports of any other medical professionals consulted as part of the health evaluation.



A health evaluation of a student with significant health concerns who has transferred from outside the county of residence and wishes to enroll or is enrolled in the charter school should be completed as part of the evaluation process if the student:

- requires a medical procedure such as G-tube feeding, suctioning, catheterization, oxygen, etc.;
- recently experienced a traumatic brain injury;
- has a seizure disorder not under control;
- has uncontrolled respiratory problems requiring procedures during the school day;
- has other serious health concerns which might warrant medical intervention or monitoring; or
- requires significant assistance with personal care (e.g., toileting, feeding, etc.).

g. **Speech, Language or Other Communication Skills**

Definition: "Speech and language" means skills relating to articulation, phonology, receptive language, expressive language, syntax, semantics, morphology, fluency and the use of the voice. If the speech and language or other communication skills of a student are assessed, the assessment may include:

- observation of the student;
- interview of the student or of any person having personal knowledge of the student;
- use of information from a parent or teacher of the student;
- use of a standardized test of speech, language or other communication skills; and
- health assessment.

Any interpretation of an assessment of speech, language or other communication skills must be made by a licensed speech and language specialist.

h. **Academic Achievement**

Definition: "Academic achievement" means 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. In the case of a student under the age of 6, the term means academic readiness and the mastery of language concepts. If the academic achievement of a student with a disability is assessed, the person conducting the assessment may use:

- a standardized test of academic achievement;
- curriculum-based assessment; and
- a report by the teacher of the student.

If the assessment of academic achievement is required to determine the eligibility of the student for special services and programs of instruction, then the assessment must be based upon the use of a standardized test. Any interpretation of an assessment of academic achievement must be made by a person qualified to administer individually standardized tests of academic achievement to the student.

i. **Functional Behavior**

As used in this section, if the functional behavior of a student is assessed as part of the evaluation process, the assessment must include:

- systematic observation of the occurrence of the targeted behavior for an accurate definition and description of the frequency, duration and intensity of the behavior;
- systematic observation of the events that immediately precede each display of the targeted behavior and are associated with the display of the behavior;
- systematic observation and analysis of the consequences following the display of the targeted behavior, to identify the specific environmental or physiological outcomes produced by the behavior, in order to determine the function that the behavior serves for the student. The communicative intent of the targeted behavior must be identified in terms of what the student is either requesting or protesting through the display of the behavior.

- analysis of the settings in which the targeted behavior occurs most frequently. Factors that may be considered include the physical setting, the social setting, the activities and the nature of instruction, scheduling, the quality of communication between the student and staff and other students, the degree of participation of the student in the setting, the amount and quality of social interaction, the degree of choice and the variety of activities.
- review of records for health and medical factors which may influence the targeted behavior, including, without limitation, levels of medication, sleep cycles, health and diet; and
- review of the history of the targeted behavior to include the effectiveness of intervention previously used.

“Targeted behavior” means the particular adaptive or inappropriate behavior of the student that the person conducting the assessment monitors in order to promote adaptive behavior and reduce the occurrence of inappropriate behavior.

### 5.5.2. *Evaluation Procedures*

In selecting tests and other evaluation materials used to assess a student, the charter school personnel must ensure that in conducting the evaluation, the charter school MDT must, at a minimum:

- Use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student, including information provided by the parent that may assist in determining:
  - whether the student is a student with an IDEA eligibility; and
  - the content of the student’s IEP, including information related to enabling the student to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities).
- Not use any single measure or assessment as the sole criterion for determining whether a student is a student with an IDEA disability and for determining an appropriate educational program for the student.
- Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.
- Ensure that assessments and other evaluation materials used to assess the student are:
  - selected and administered so as not to be discriminatory on a racial or cultural basis; and
  - provided and administered in the student’s native language or other mode of communication and in the form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to provide or administer;
  - used for the purposes for which the assessments or measures are valid and reliable;
  - administered by trained and knowledgeable personnel; and
  - administered in accordance with any instructions provided by the producer of the assessments.
- Use assessments and other evaluation materials including those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.
- Select and administer assessments to best ensure that if an assessment is administered to a student with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the student’s aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the student’s impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).
- Select assessment tools and strategies which provide relevant information that directly assists team members in determining the educational needs of the student.

- h. Assess the student 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.
- i. Coordinate with students' prior schools if they have transferred from one district to another district in the same school year, or from another charter school to the charter school, as necessary and as expeditiously as possible to ensure prompt completion of full evaluations.
- j. Must be sufficiently comprehensive to identify all of the student's special education and related service's needs, whether or not commonly linked to the disability category in which the student has been classified.

### 5.5.3. *Required Assessments by Eligibility Category*

- a. An evaluation for Autism Spectrum Disorder under the Nevada Administrative Code (NAC) must include assessment of:
  - health and medical status;
  - developmental history, including, without limitation, the 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.
- b. An evaluation for Autism Spectrum Disorder must also consider:
  - sensory regulation;
  - self-help and independent living skills;
  - behavior problems;
  - symbolic and imaginative play;
  - activities and special interests; and
  - motor skills.
- c. An evaluation for Hearing Impairment under NAC must include:
  - a comprehensive audiological examination, including pure tone and speech discrimination tests, performed by an audiologist; and
  - an assessment of the health of the student, which must include:
    - health of the student, which must include a comprehensive examination of vision;
    - academic achievement of the student; and
    - speech and language of the student.

If the above requirements are satisfied, the evaluation of the student may include an assessment of the student's cognitive abilities and social and emotional condition.

- d. An evaluation for Visual Impairment under NAC must include:
  - a comprehensive examination of vision, performed by an eye specialist; and
  - an assessment of the health and academic achievement of the student.

If the above requirements are satisfied, the evaluation of the student may include an assessment of the student's cognitive abilities and social and emotional condition.

- e. An evaluation for Orthopedic Impairment under NAC must include an assessment of:
  - the health of the student, which must include a physical examination; and
  - the student's functional limitations in relation to the demands of a regular classroom.

If the above requirements are satisfied, the evaluation of the student may include an assessment for physical therapy or occupational therapy, and an assessment of the student's cognitive abilities, social and emotional

condition and academic achievement.

- f. An evaluation for Health Impairment other than Orthopedic under NAC must:
- assess the health of the student; and
  - analyze the ability of the student to perform in a regular classroom.

If the above requirements are satisfied, the evaluation of the student may include an assessment of the student's developmental history, cognitive abilities, social and emotional condition, academic achievement and language and motor skills.

- g. An evaluation for Speech and Language Impairment under NAC must include an assessment of:
- the performance of the student relating to language, articulation, fluency or voice, as relevant to the student's impairment;
  - the health of the student; and
  - if relevant to the student's eligibility for special education services, the cognitive abilities, academic achievement, and social and emotional condition of the student.
- h. An evaluation for Traumatic Brain Injury under NAC must include an assessment of:
- 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.

An evaluation for Traumatic Brain Injury must also consider, without limitation:

- medical documentation of the injury;
  - the student's educational performance relative to a normative population;
  - the student's strengths and weaknesses; and
  - if possible, the student's educational performance before and after the student acquired the injury.
- i. An evaluation for Intellectual Disability under NAC must include an assessment of:
- cognitive abilities;
  - adaptive skills, including prevocational and vocational assessments, if appropriate;
  - health, including a developmental history;
  - academic achievement; and
  - performance of the student relating to speech and language.
- j. An evaluation for Emotional Disturbance under NAC must include an assessment of:
- social and emotional condition, based in part upon information from the student;
  - health and cognitive abilities;
  - performance in current educational setting; and
  - any previous intervention.

"Socially maladjusted" and "conduct problem" mean behavior characterized by knowledge of social expectations and intentional disregard of those expectations.

- k. An evaluation for Specific Learning Disability under NAC must include assessment of:
- health and developmental history;
  - performance in the student's current educational setting;
  - any scientific, research-based intervention provided to the student;
  - academic achievement;
  - social and emotional condition;

- cognitive abilities, only if the evaluation involved determining the existence of a statistically significant discrepancy between achievement and intellectual ability; and
- an observation of the academic performance of the student in the student’s classroom or, in the case of a child under school age, in an environment appropriate for the child’s age.

To ensure that underachievement of a student suspected of having a Specific Learning Disability is not due to lack of appropriate instruction in reading or math, the evaluation must consider:

- data that demonstrates that prior to, or as part of, the referral process, the student was provided appropriate instruction in regular education settings, delivered by qualified personnel;
- data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction and was provided to the student’s parents; and other extrinsic factors, such as limited English proficiency. Evidence of appropriate instruction and interventions to promote student progress is important in ensuring a full evaluation of all areas of suspected need.

l. An evaluation for Multiple Impairments under NAC must include:

- an assessment of Intellectual Disability, including:
- cognitive abilities;
- adaptive skills, including prevocational and vocational assessments if appropriate;
- health of the student, including a developmental history;
- academic achievement; and
- performance of the student relating to speech and language; and
- an assessment of another disability satisfying NAC requirements.

m. An evaluation for Developmental Delay under NAC must include an assessment of:

- health;
- developmental functioning; and
- social and emotional condition.

n. An evaluation for Deaf-Blindness under NAC must include an assessment of

- hearing impairment satisfying NAC requirements; and
- visual impairment satisfying NAC requirements.

#### 5.5.4. *Timelines for Evaluations*

a. Every effort must be made to complete the evaluation within a reasonable time after the charter school has reason to suspect that a student may have a disability and need special education and related services.

- Both initial evaluations and reevaluations must be completed within 45 school days, from the date of securing informed parental consent or Notice of No Additional Assessments Information Needed, whichever is appropriate, through completion of eligibility determination. The 45-day timeline applies to those days when the student is scheduled to attend school for a standard instructional day (i.e., not summer vacation, track breaks, holidays or ESY). Exception: evaluations that coincide with Interim IEP placements must be completed within 30 calendar days.
- A formal reevaluation must be conducted when conditions warrant it (i.e., new referral questions/assessment needs).
- A formal reevaluation must occur:
  - Not more than once a year, unless the parent and the charter school otherwise agree.
  - At least once every 3 years, unless the parent and the charter school agree that a reevaluation is not necessary. (Student must have 2 or more evaluations, one of which must have been conducted by the current charter school).

- An authorized charter school representative (site administrator or designee) must be involved in the decision-making process. He/she must possess a valid Nevada Administrative license or Nevada Special Education license/endorsement.
  - Agreement between the parent and the charter school that a reevaluation is not warranted must be documented through the Statement of Need (SCOPE) for Reevaluation form.
  - The charter school is not required to conduct reevaluations for students to meet the entrance or eligibility requirements of an outside institution or agency (e.g., vocational rehabilitation programs, colleges/universities, outside agencies, or other post-secondary settings).
- b. Timelines in Exceptional Circumstances
- Upon formal written request of the charter school, the Superintendent of Public Instruction at the Nevada Department of Education may extend the deadline for conducting the initial evaluations for not more than 15 school days.
  - The deadline does not apply if the parent of the student repeatedly fails or refuses to deliver the student for the evaluation.
  - If for any reason (such as extended illness of the student), it becomes impossible to complete the evaluation within 45 school days, the charter school personnel should document the justification for the delay in writing. Delay should only occur in exceptional cases and the documentation for the justification should conform to the codes used in the charter school student information system.

## 5.6 Early Childhood Evaluation

### 5.6.1. *Early Childhood Considerations*

The completion of formal eligibility reevaluations for students with disabilities who are 3, 4 or 5 years of age occur when warranted, including when other eligibility classifications are suspected.

In the case of a 5-year old who has a Developmental Delay eligibility, formal reevaluation procedures are required and this reevaluation must occur no later than the student's sixth birthday.

## 5.7 Bilingual Evaluations

### 5.7.1. *Language and Cultural Information*

If there is reason to believe that the student may have limited English proficiency (LEP) and is being considered for referral for evaluation or has been referred for evaluation (as well as when an evaluation has been ordered by a hearing officer), the Site Administrator (or designee) should ensure that the following have occurred:

- a. The charter school personnel must have assessed and documented the student's proficiency in English and the student's native language. This language assessment must include:
  - an interview with the student's parent;
  - a determination of the language spoken in the student's home;
  - the language the student uses most comfortably and frequently;
  - the language the student uses to conceptualize and communicate; and
  - the student's levels of language proficiency in English and the native language if feasible to do so.
- b. Information must be gathered about the student's cultural background, including:
  - the language spoken at home;
  - ethnicity;
  - socioeconomic status;
  - the extent to which school expectations may conflict with cultural expectations;
  - family mobility; and

- other information which may be relevant to how the student functions at school.
- c. Information must be gathered about the student’s mode of communication through observation of the extent to which the student uses expressive and written language and other modes of communication as a substitute for expressive language (e.g., gestures, signing, or unstructured sounds).

### 5.7.2. Evaluations

If there are indications that a student may use a language other than English, the MDT must determine whether a bilingual evaluation is necessary, on a case-by-case basis. For the purpose of making such a determination, the MDT must include qualified personnel with knowledge of second language acquisition theory or document consultation with such a professional.

When a bilingual evaluation is required, the MDT must consult with a Speech Language Pathologist or a bilingual School Psychologist, as needed, in determining which evaluation components must be conducted by qualified bilingual personnel, and which components may be conducted by site-based staff. During the evaluation process, the student’s proficiency in their native language must be determined, if feasible, and must be documented in the evaluation report.

## 5.8 Evaluations For Special Education Students Who Are Involved In The Discipline Process

**5.8.1. In some circumstances, a student who has not yet been determined to be eligible may be entitled to procedural protections under the IDEA and NAC.** If there was a recognized suspicion of disability prior to the behavior infraction and recommendation of an alternative placement, discipline must cease, unless the infraction involved weapons, drugs or serious bodily harm, and an expedited evaluation must occur. The LEA is deemed to have knowledge that a student is a student with a disability if, before the behavior that precipitated the disciplinary action occurred:

- a. the parent of the student had expressed concern in writing, to the charter school supervisory or administrative personnel, that the student is in need of special education and related services;
- b. the parent of the student had requested an evaluation of the student; or
- c. the teacher of the student, or other personnel of, the charter school had expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the charter school director of special education or to other charter school supervisory personnel.

**5.8.2. Exception - The LEA shall not be deemed to have knowledge that a student is a student with a disability if:**

- a. the parent of the student has not allowed an evaluation;
- b. if the parent of the student has refused services;
- c. the student has been evaluated and it has been determined that the student is not a student with a disability; or
- d. the parent has revoked consent for special education and related services.

**5.8.3. If a request is made for an evaluation during the time period in which the student is pending long-term disciplinary action (i.e. after the discipline infraction has occurred), an evaluation shall be conducted by the referring school in an expedited manner.** Pending the results of the evaluation, the student shall remain in the educational placement determined by school authorities.

## 5.9 Homebound Evaluation

Evaluations for special education eligibility completed for students who are hospitalized or are receiving homebound services must follow standard procedures for evaluation. Evaluation practices may differ in terms of the setting and modifications required to complete evaluations with these students. The charter school personnel are responsible for

completing the evaluation for all students enrolled at the charter school.

## 5.10 Evaluation Reports

**5.10.1. At the conclusion of the evaluation process, a written report that summarizes the procedures employed, the results, and any educational implications must be developed and eligibility members should have input.** The MDT evaluation report may include assessment data from general and special education teachers and related services providers including a school psychologist, speech and language pathologist, school nurse, occupational therapist, physical therapist, and other appropriate personnel. All eligibility members who conduct assessments must include their results in the report.

**5.10.2. The MDT evaluation report must include a detailed, educationally relevant description of the student's needs.** The report must be written in succinct, readily understandable language, using as little educational jargon as possible. Each report should include, as appropriate:

- a. student demographic information;
- b. reasons for referral;
- c. review of prior/previous interventions and student progress, and the student's educational history and classroom performance data;
- d. evaluation methods used;
- e. any variation from standard conditions in the administration of assessments, including variations in the qualifications of the person administering a test or the method of test administration;
- f. results of all relevant assessments and interpretations of results, including the student's strengths and weaknesses;
- g. a description of the student's relevant behavior during the evaluation and classroom observation, and the relationship of that behavior to the student's evaluation results and educational performance;
- h. if a bilingual evaluation was conducted or considered, the language(s) used to test the student and the methods used;
- i. environmental, cultural, or economic factors; and
- j. professional recommendation regarding the student's eligibility for special education and related services.

**5.10.3. Distribution of a draft MDT evaluation report to the parent at, or immediately prior to, scheduled eligibility meetings is an acceptable practice that can facilitate team collaboration and informed decision making.** However, draft reports do not constitute educational records under FERPA and therefore, the parent is not entitled to earlier release of draft reports.

**5.10.4. The person(s) conducting the evaluation must sign the MDT evaluation report, provide the dates the assessments were administered, and the date of the eligibility meeting.** The parent must receive a copy of the signed MDT evaluation report and Statement(s) of Eligibility upon their completion at the formal MDT eligibility meeting. The MDT evaluation report must be maintained in the student's confidential folder.

## 5.11 Independent Educational Evaluations

### 5.11.1. Definition

An independent educational evaluation (IEE) means an evaluation conducted by a qualified examiner who is not employed by the charter school.



### 5.11.2. *Right to evaluation*

If a parent disagrees with an evaluation obtained by the charter school, the parent has the right to request an IEE. The charter school personnel must respond to the request in a timely manner. The charter school personnel must, without unnecessary delay, either:

- a. ensure that an IEE is provided at the charter school's expense; or
- b. initiate an impartial due process hearing, to demonstrate that the charter school's evaluation is appropriate.

At expense means that the charter school either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent. The parent may be asked about, but not required, to provide reasons for objecting to the charter school's evaluation prior to obtaining an IEE, but any request for such reasons may not be used to delay an IEE. For an independent educational evaluation to be conducted at the charter school's expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria the charter school uses when it initiates an evaluation, to the extent those criteria are consistent with the parent's right to an IEE. Beyond these conditions, the charter school is not allowed to impose additional conditions or timelines.

If a hearing officer requests an IEE as part of a hearing, the cost of the evaluation must be at public expense. If a due process hearing results in a final decision that the charter school's evaluation is appropriate, the student's parent still has the right to an IEE, but not at the charter school's expense. The charter school personnel must consider an IEE, whether or not conducted at the charter school's expense, in any decision regarding the provision of a free appropriate public education to the student, so long as the IEE meets the charter school criteria. The results of an IEE may be presented as evidence in a due process hearing.

### 5.11.3. *Procedures*

- a. If a parent requests an IEE, either verbally or in writing, the school must submit the request in writing along with the confidential folder to the charter school Site Administrator or designee within two school days of the parent's request.
- b. Within 15 school days of the receipt of the request, the Site Administrator, or other charter school designee, will review the request and notify the parent of the decision in writing.
- c. The decision will come from the charter school Site Administrator or designee.
- d. The school will not send a Parental Prior Notice of District Refusal.

### 5.11.4. *Notice of the Right to an Independent Educational Evaluation*

The charter school personnel must provide to parents, on request for an IEE, information about where an IEE may be obtained, including the charter school's criteria applicable to IEEs. This information should be made available in a manner that is readily understandable to the general public, including parents whose native language is not English.

### 5.11.5. *Screenings*

The screening of a student by a teacher or specialist to determine appropriate instruction strategies for curriculum implementation shall not be considered to be an evaluation for determining eligibility for special education and related services.

## Chapter 6 Eligibility

This Chapter describes:

### 6.1 The Eligibility Determination

- 6.2 The Multidisciplinary Team (MDT) and Eligibility Team (ET)
- 6.3 Criteria for determining Eligibility
- 6.4 Report of the Eligibility Determination

## 6.1 The Eligibility Determination

Once a student has been formally evaluated, the charter school must convene a meeting of the Multidisciplinary Team (MDT) to determine whether the student has a disability and whether the student is eligible for special education and related services. This chapter explains the general requirements for eligibility determination, eligibility criteria, the composition of the MDT, and the requirements for the team's reports. In order to ensure that required time frames are met for conducting an Individualized Education Program (IEP) meeting and that students begin receiving needed services in a timely manner, it is important to promptly schedule the MDT's eligibility determination meeting. In many instances, the eligibility determination and the IEP meeting may be held on the same date, provided that all necessary participants for each meeting are available and appropriate prior notices were sent.

### 6.1.1. *General Requirements of Eligibility Determination*

- a. Upon completion of a formal evaluation, an MDT of qualified professionals and the student's parent must determine whether the student is a child with a disability within the meaning of IDEA. IDEA defines a child with a disability as a child who has been formally evaluated, has one or more identified disabilities, and because of that disability, needs special education and related services.
- b. A student must have at least one of the following disabilities, as defined in the NAC, to be eligible for special education services in Nevada:
  - Autism spectrum disorder;
  - hearing impairment (including deafness);
  - visual impairment (including blindness);
  - deaf-blindness;
  - orthopedic impairment;
  - health impairment, other than orthopedic impairment;
  - speech and language impairment;
  - traumatic brain injury;
  - intellectual disability;
  - emotional disturbance;
  - specific learning disability;
  - multiple impairments; and/or
  - developmental delays (for a child aged 3 through 5 only).
- c. A student is not considered eligible for special education services if the MDT determines, through an appropriate evaluation, that a student has one of the above disabilities but does not require special education services. Related services are a support service and are only provided to students eligible for special education services.
- d. Speech and Language Impairment is one of the identified eligibilities under NAC. Speech/Language services may be considered as either specially designed instruction or related services.

### 6.1.2. *Lack of Instruction in Reading or Math and Limited English Proficiency*

- a. A student may not be determined to be a child with a disability if the determinant factor for eligibility is:
  - lack of appropriate instruction in reading including the essential components of reading instruction;

- the essential components of reading instruction means explicit and systematic instruction in:
  - phonemic awareness;
  - phonics;
  - vocabulary development;
  - reading fluency, including oral reading skills; and
  - reading comprehension strategies;
- lack of appropriate instruction in math; or
- limited English proficiency; and
- the student does not otherwise meet the eligibility criteria described in this chapter.

### 6.1.3. *Restrictions*

#### a. Drug or Alcohol Addiction

A student's drug or alcohol addiction may not serve as the sole basis for determining that the student has a disability for purposes of IDEA eligibility. However, a student with a drug or alcohol addiction is eligible under IDEA if the MDT determines that the student otherwise meets the criteria for one of the identified disabilities and needs special education and related services.

#### b. Students Incarcerated as Adults

The charter school is not responsible for initial identification activities for students who are convicted as adults and incarcerated in adult prisons.

### 6.1.4. *Age Ranges for Eligibility*

A child with a disability who has an educational need is eligible for services under IDEA when the child turns three years of age. A student's eligibility terminates when the student graduates with a regular high school diploma (Option 1) or reaches age 22, whichever is earlier.

NOTE: Even though Federal and State monies are terminated after a Special Education student's 22<sup>nd</sup> birthday, public charter schools may choose to continue services through the end of the school year. Additionally, students who receive an Adjusted Diploma (Option 2) before their 22 birthday, can choose to return and stay in school until they are 22 years of age.

### 6.1.5. *Termination of Eligibility*

#### a. Any termination of eligibility is considered a change in placement. Termination of eligibility occurs when the student or guardian who has retained educational rights:

- graduates with a regular high school diploma (Option 1);
- turns 22 years of age, or
- is formally evaluated and found not eligible by the Multidisciplinary Team, or
- student or guardian revokes services.

#### b. A Free Appropriate Public Education (FAPE) is available to any individual student with a disability who needs special education and related services. A student may still be eligible for special education even though they have demonstrated passing grades and are advancing grade to grade. The determination that a student is eligible under this part must be made on an individual basis by an appropriate MDT.

## 6.2 The Multidisciplinary Team

### 6.2.1. *General Requirements for MDT/Eligibility Team Membership*

Membership requirements differ based on specific eligibility classifications, as defined by NAC. These requirements are identified in the following chart.

**REQUIRED PARTICIPANTS AT  
MDT EVALUATION/ELIGIBILITY MEETINGS**

<i>Eligibility Category</i>	<i>School Psychologist</i>	<i>Special Ed. Teacher / Specialist</i>	<i>Gen. Ed. Teacher</i>	<i>Speech Pathologist</i>	<i>School Nurse</i>	<i>Parent</i>
Autism Spectrum Disorder	X	X	X	X		X
Deaf/Blind*		**			R	X
Developmental Delay	X	X			R	X
Emotional Disturbance	X	X	X			X
Health Impairment	X	X	X		X	X
Hearing Impairment/ Deaf*		**			R	X
Intellectual Disability	X	X		X		X
Multiple Impairment	X	X		X		X
Orthopedic Impairment		X	X		X	X
Specific Learning Disability	X	X	X			X
Speech/Lang. Impairment		** *	X	X		X
Traumatic Brain Injury	X	X	X	X	X	X
Visual Impairment		**			R	X

*Above Required Participants Chart Key*

*X = required member as indicated by the (NAC)*

*\* = the charter school /SPCSA recommends an audiologist be present*

*\*\* = Two (2) specialists required in attendance*

*\*\*\*=only if the student has another disability in addition to speech and language impairment*

*R = Recommended member by the charter school/ SPCSA*

**6.2.2. Other Considerations**

- a. A minimum of three (3) participants must be in attendance for any eligibility.
- b. Health assessments are required for all eligibilities; however, a school nurse is not always a required participant in formal eligibility meetings.
- c. Eligibility decisions are finalized as a function of the majority position among required team members, whereas IEP and placement decisions are typically finalized as a function of attaining consensus among required participants. In the absence of a consensus among MDT members for eligibility determination, the team must consider and determine the following factors:
  - were there sufficient discussions among team members over outstanding disagreements; and
  - is there enough information available to render a decision.

## 6.3 Criteria For Determining Eligibility

In order to determine that a student is eligible for special education and related services, the MDT must determine that the student meets the specific criteria under NAC for one or more disabilities. The following sections describe NAC criteria according to specific classifications.

### 6.3.1. *Autism*

#### a. Definition and Criteria for Determining Eligibility

NAC defines “Autism” to mean a spectrum disorder which:

- significantly affects the verbal and nonverbal communication and social skills of a person and is often characterized by repetitive activities and stereotyped movements, resistance to changes in environment or daily routine, and responding to sensory experiences in an unusual manner;
- is usually apparent before the age of 3 years; and
- adversely affects the educational performance of a student causing significant delays or irregular patterns in learning, or both. The term includes, without limitation, a group of developmental disorders such as autistic disorder, Asperger’s disorder, atypical autism, pervasive developmental disorder and other disorders that share the characteristics described above. The term Autism does not apply if a student’s educational performance is adversely affected primarily because the student has an emotional disturbance as defined in NAC.

### 6.3.2. *Hearing Impairment*

#### a. Definition

NAC defines “Hearing Impairment” to mean an impairment of the hearing mechanism which affects sound integration and prevents or delays the normal development of speech and language.

#### b. Criteria for Determining Eligibility

Nevada regulations provide that a student is eligible for special services and programs of instruction if the MDT concludes that the student meets the following standards, as applicable:

- Hard of Hearing
- the student has the ability, if aided, to hear and understand most spoken words;
- the student’s hearing mechanism, though defective, is sufficiently functional with or without the use of a hearing aid to allow a receptive flow of information; and
- the student has an average hearing threshold of 30 decibels or more.
- Deafness
- routine auditory communication is impossible for the student, or nearly so, because of the student’s inability to discriminate among and understand the sounds that reach the student;
- the sense of hearing of the student is nonfunctional for the ordinary purposes of life, whether as the result of congenital or post-lingual deafness; and
- the student has an average hearing threshold level, at 500, 1,000 and 2,000 Hz, of 92 decibels or more.

As used in this subsection, nonfunctional for the ordinary purposes of life means that the student does not receive speech sounds clearly enough through hearing, with or without amplification and notwithstanding the fact that he may be aware of loud or random noises, to develop language. A student under the age of 6 years can be eligible for the special services and programs under the classification of Hearing Impairment.

### 6.3.3. *Visual Impairment*

#### a. Definition

NAC defines “Visual Impairment” to mean an impairment which, despite correction, adversely affects or will adversely affect the ability of a student to benefit from or participate in an educational program without the

assistance of special education.

b. **Criteria for Determining Eligibility**

Nevada regulations provide that a student is eligible for special services and programs of instruction based on moderate or severe visual impairment if the MDT concludes that the student meets the following standards, as applicable:

- **Moderate Visual Impairment**
  - the student can use vision as the main channel of learning; and
  - the student's visual acuity is 20/70 or less in the better eye with the best possible correction; or
  - the student suffers from a progressive deterioration of vision, the probable result of which will be the student's visual acuity is 20/70 or less in the better eye with the best possible correction.
- **Severe Visual Impairment**
  - the student's visual acuity does not exceed 20/200 in the better eye;
  - the student's vision in the better eye is restricted to a field which subtends an arc of not more than 20 degrees; or
  - the student suffers from a progressive deterioration of vision, the probable result of which will be one or both of the conditions described in the points above. A student under the age of 6 years can be eligible for the special services and programs under the classification of Visual Impairment.

**6.3.4. Deaf-Blindness**

a. **Definition**

NAC defines "Deaf-Blindness" to mean concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that they cannot be accommodated in special education programs solely for students who are deaf or students who are blind.

b. **Criteria for Determining Eligibility**

Nevada regulations do not delineate specific criteria for determining Deaf- Blindness. To be determined eligible for services under the disability of Deaf-Blindness, the student must be eligible to receive services under both Hearing Impairment and Visual Impairment. A student under the age of 6 years can be eligible for the special services and programs under the classification of Deaf-Blindness.

**6.3.5. Orthopedic Impairment**

a. **Definition**

NAC defines an "Orthopedic Impairment" to mean a severe impairment that adversely affects the student's educational performance and which results from:

- congenital anomaly including without limitation, clubfoot and absence of a member;
- a disease, including without limitation, bone tuberculosis and poliomyelitis; or
- any disease including without limitation, cerebral palsy, an amputation and a fracture or burn that caused a contracture.

b. **Criteria for Determining Eligibility**

Nevada regulations provide that a student is eligible for special services and programs of instruction if the MDT determines that the student suffers from a Severe Orthopedic Impairment which adversely affects the student's educational performance. To determine whether an Orthopedic Impairment adversely affects educational performance, an analysis must be conducted of the impairment to determine whether the student can function in a regular classroom.

**6.3.6. Health Impairment other than Orthopedic Impairment**

a. **Definition**

NAC defines “Health Impairment” to mean an impairment that limits the strength vitality or alertness of the student, including, but not limited to, a heightened alertness to environmental stimuli which results in limited alertness with respect to the educational environment and which:

- is caused by chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, childhood disintegrative disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, Rhett’s disorder, sickle-cell anemia, and Tourette syndrome (this list of specific health conditions is meant to be illustrative, not exhaustive); and
- adversely affects the educational performance of the student.

b. Criteria for Determining Eligibility

A student is eligible for special services and programs of instruction if the MDT concludes that the student has health impairment other than an orthopedic impairment which could reasonably be interpreted as adversely affecting the educational performance of the student. Adversely affecting educational performance may include, without limitation, difficulty concentrating, chronic fatigue and impulsiveness which interfere with the student’s ability to be educated.

c. Some students with attention deficit disorder (ADD) or attention deficit hyperactivity disorder (ADHD) may be eligible for special education and related services by meeting the criteria for Health Impairment, or may be eligible based on meeting the criteria described in this chapter for another type of disability. Those students would be classified as eligible for services under the Health Impairment definition if:

- the ADD or ADHD is determined to be a chronic health problem that results in limited alertness (including heightened alertness to environmental stimuli that results in limited alertness with respect to the educational environment);
- the ADD or ADHD adversely affects educational performance; and
- special education and related services are needed to address the ADD or ADHD.

### 6.3.7. *Speech and Language Impairment*

a. Definition

NAC defines “Speech and Language Impairment” to mean a disorder relating to language, articulation, fluency, or the use of the voice which:

- is outside the range of acceptable variation in a given environment;
- is inconsistent with the chronological or mental age of the student; or
- affects the emotional, social, or educational adjustment of the student.

b. Criteria for Determining Eligibility

Nevada regulations state that a student is eligible for special services and programs of instruction based on a speech and language impairment if the MDT concludes that the student meets the following standards, as applicable:

- that an impairment exists;
- the student has demonstrated the ability to profit from speech and language therapy; and
- the student requires a program of instruction, because of the nature or severity of the student’s impairment, which is not feasible in the current educational setting because:
  - intensive remedial techniques or strategies, which can only be implemented in a clinical or therapeutic setting, are required to improve communication skills of the student;
  - the nature of the impairment requires that the student receive the services of a speech and language pathologist; or
  - the impairment is of such severity or multiplicity as to require individual or small group management that is available only in a speech and language program. The MDT may find that a student has a Speech and Language Impairment based on a deficit or disorder with respect to:
    - phonology or articulation, as indicated by the presence of three or more of the

- following conditions:
    - the student has the physiological potential to make the neuromuscular adjustments necessary for oral expression;
    - the student’s lack of intelligibility interferes with communicative ability;
    - the student cannot adequately discriminate, initiate, or sequence sound patterns;
    - the student’s ability to articulate is significantly less than that which is expected in view of the student’s cognitive abilities and level of development; or
    - the deficit or disorder has an adverse social, emotional, or academic effect on the student.
- use and comprehension of language, as indicated by the presence of two or more of the following conditions:
  - the student’s ability to comprehend language is significantly less than that which is expected in view of the cognitive abilities and level of development of the student;
  - the student’s pragmatic use of language is inappropriate; or
  - the deficit or disorder has an adverse social, emotional, or academic effect on the student.
- fluency of speech, as indicated by the presence of two or more of the following conditions:
  - the student’s speech is observed to be diffluent;
  - the severity of the deficit or disorder is such that it interferes with the student’s communication; or
  - the deficit or disorder has an adverse social, emotional, or academic effect on the student.
- quality, pitch, or intensity of voice, as indicated by the presence of two or more of the following conditions:
  - voice therapy is recommended by a physician or another person certified as a specialist in the identification and treatment of oral, nasal, or laryngeal anomalies;
  - the severity of the deficit or disorder is such that it interferes with the student’s communication; or
  - the deficit or disorder has an adverse social, emotional, or academic effect on the student.
- A student with limited English proficiency is eligible for the special services and programs of instruction on the same basis as other students, if the impairment:
  - manifests itself in the student’s native language and in English; and
  - is not attributable to the phonological system of the student’s native language, or to dialectal differences of articulation and language form between that language and English.
- A student under the age of 6 years can be eligible for special services and programs under the classification of Speech and Language Impairment.

### 6.3.8. *Traumatic Brain Injury*

#### a. Definition

NAC defines “Traumatic Brain Injury” to mean an injury to the brain caused by an external force that results in the total or partial functional disability or psychosocial impairment of a person, or both. Except as otherwise provided in this section, the term applies to any injury to the brain which adversely affects educational performance including, without limitation, injuries affecting a student’s:

- cognitive abilities;
- speech;
- language;
- information processing;
- memory;
- attention;
- reasoning;



- abstract thinking;
- judgment;
- problem solving abilities;
- sensory, perceptual and motor skill abilities;
- psychosocial behavior; and
- physical functions.

The term does not include injuries to the brain that are congenital or degenerative or which are induced by trauma during birth.

b. **Criteria for Determining Eligibility**

A student is eligible for special services and programs of instruction if the MDT concludes that the student has a traumatic brain injury that adversely affects the student’s educational performance. In making the determination, the eligibility team shall consider, the following, but not limited to::

- medical documentation of the injury;
- the student’s educational performance relative to a normative population;
- the student’s strengths and weaknesses; and if possible, the student’s educational performance before and after the student acquired the injury.

**6.3.9. Intellectual Disability**

a. **Definition**

NAC defines the term “Intellectual Disability” as a condition that:

- is characterized by intellectual functioning at a level that is significantly below average, and which exists concurrently with related limitations in two or more of the following adaptive skill areas:
  - communication skills;
  - self-care;
  - home living;
  - social skills;
  - use of the community;
  - self-direction;
  - health and safety;
  - functional academics;
  - leisure; and
  - work;
- manifests before the age of 18 years; and
- adversely affects the educational performance of a student.

b. **Criteria for Determining Eligibility**

Nevada regulations provide that a student is eligible for special services and programs of instruction based on mild, moderate, severe, or profound Intellectual Disability if the MDT concludes that the student meets the following standards, as applicable:

- **Mild Intellectual Disability**
  - the measured cognitive abilities, as determined by an acceptable individual standardized test, are at least 2 standard deviations below the mean score for that test;
  - the adaptive skills, in comparison with those members of the student’s chronological peer group, indicates that the student is experiencing difficulty; and
  - the academic achievement is generally consistent with the cognitive abilities and adaptive skills of the student.
- **Moderate Intellectual Disability**
  - the measured cognitive abilities, as determined by an acceptable individual standardized

- test, are at least 3 standard deviations below the mean score for that test;
- the adaptive skills, in comparison with those members of the student’s chronological peer group, indicates that the student has markedly lower capabilities; and
- the academic achievement and speech and language development is generally consistent with the cognitive abilities and adaptive skills of the student.
- Severe Intellectual Disability
  - the measured cognitive abilities, as determined by an acceptable individual standardized test, are at least 4 standard deviations below the mean score for that test;
  - the adaptive skills, in comparison with those members of the student’s chronological peer group, indicates that the student has extensively lower capabilities; and
  - the developmental functioning of the student is generally consistent with the cognitive abilities and adaptive skills of the student.
- Profound Intellectual Disability
  - the measured cognitive abilities, as determined by an acceptable individual standardized test, are at least 5 standard deviations below the mean score for that test;
  - the adaptive skills, in comparison with those members of the student’s chronological peer group, indicates that the student has extremely limited capabilities; and
  - the developmental functioning of the student is generally consistent with the cognitive abilities and adaptive skills of the student.

### 6.3.10. Emotional Disturbance

#### a. Definition

NAC defines “Serious Emotional Disturbance” to mean a severe emotional disorder that:

- is exhibited by a person for at least 3 months;
- adversely affects academic performance; and
- includes one or more of the following:
  - an inability to learn which is not caused by an intellectual, sensory or health factor;
  - an inability to engage in or to maintain interpersonal relationships with peers and teachers;
  - inappropriate behavior or feelings;
  - a general and pervasive mood of unhappiness or depression; a physical symptom associated with a personal or academic problem; or
  - the expression of fears regarding personal or academic problems.

#### b. Criteria for Determining Eligibility

Nevada regulations provide that a student is eligible for special services and programs of instruction based on an emotional disturbance if the MDT concludes that:

- the student exhibits one or more of the characteristics described in section below;
- these characteristics have been evident for at least 3 months;
- the characteristics adversely affect the student’s ability to perform developmental tasks appropriate to the student’s age:
  - within the educational environment, despite the provision of intervention strategies; or
  - in the case of a student under school age, in the home, child care, or preschool setting; and
  - special education support is required to alleviate these adverse effects.

The characteristics listed in Nevada regulation for Emotional Disturbance involve consistent manifestation of any of the following:

- an inability to build or maintain satisfactory interpersonal relationships within the school environment, including:

- withdrawal or isolation from others; or
- efforts by the student to obtain negative attention from others through punishment;
- inappropriate behavior or feelings under normal circumstances, including atypical behavior such as outbursts of anger, crying, or head banging, without apparent cause or reason;
- a pervasive mood of unhappiness or depression; or
- fears or a tendency to develop physical symptoms associated with personal or school problems.

Nevada regulations specify that a student is not eligible for special education and programs of instruction solely because of sensory, intellectual, or health factors or the student is socially maladjusted or has a conduct problem. A student who is socially maladjusted or has a conduct problem may not be determined to be eligible for special education services and programs of instruction unless the MDT concludes that the student otherwise meets the eligibility criteria.

### 6.3.11. *Specific Learning Disability*

#### a. Definition

NAC defines “Specific Learning Disability” to mean a disorder in one or more of the basic psychological processes involved in understanding or using spoken or written language which is not primarily the result of a visual, hearing or motor impairment, intellectual disability, serious emotional disturbance, or an environmental, cultural or economic disadvantage. The disorder may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or perform mathematical calculations. The disorder includes, without limitation, such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia.

#### b. Criteria for Determining Eligibility

Nevada regulations provide that a student is eligible for special services and programs of instruction based on specific learning disabilities if the MDT concludes that:

- The student does not achieve adequately for the student’s age or meet State-approved grade-level standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the student’s age or State-approved grade-level standards:
  - oral expression;
  - listening comprehension;
  - written expression;
  - basic reading skills;
  - reading fluency skills;
  - reading comprehension;
  - mathematics calculation; or
  - mathematics problem solving;
- The student does not make sufficient progress to meet age or State- approved grade-level standards in one or more of the areas identified in this subsection when using a process based on the student’s response to scientific, research-based intervention; or the student exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade-level standards, or intellectual development, that is determined by the group to be relevant to the identification of a specific learning disability; and
- The findings in this subsection are not primarily the result of:
  - a visual, hearing, or motor disability;
  - intellectual disability;
  - emotional disturbance; cultural factors;
  - environmental or economic disadvantage; or
  - limited English proficiency.
- Interventions implemented in general education classrooms have not remedied any identified

underachievement.

- Any identified underachievement or severe discrepancy between achievement and intellectual ability is not correctable without special education services.
- If the charter school determines that student has not made sufficient progress to meet age or State- approved grade level standards in one or more of the areas identified in this subsection when using a process based on the student’s response to scientific, research-based intervention the charter school, being a public agency, must document:
  - the instructional strategies used and the student centered data collected; and
  - that the student’s parents were notified about the charter school’s Special Education Department’s policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided;
  - strategies for increasing the student’s rate of learning; and
  - the parents’ right to request an evaluation to determine whether the student is eligible for special education and related services.
- The MDT must document the determination of eligibility which must contain:
  - a statement as to whether the student has a specific learning disability;
  - the basis for making that determination, including an assurance that the determination has been made in accordance with NAC;
  - a description of the relevant behavior noted during the observation of the student;
  - a statement of the relationship of that behavior to the academic functioning of the student;
  - any educationally relevant medical findings;
  - a statement as to whether the student does not achieve adequately for the student’s age or to meet State approved grade-level standards and:the student has not made sufficient progress to meet age or State approved standards when using a process based on the student’s response to scientific, research based intervention; or
  - the student exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade level standards or intellectual development.
  - a statement that any identified underachievement or severe discrepancy between achievement and intellectual development is not correctable without special education services;
  - the conclusion of the team concerning the effect upon the student of any visual, hearing, or motor disability; intellectual disability; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency on the child’s achievement level; and
- if the student has participated in a process that assesses the student’s response to scientific, research- based intervention:
  - the instructional strategies used and the student centered data collected; and
  - documentation that the student’s parents were notified about:
  - the charter school’s Department’s policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided;
  - strategies for increasing the student’s rate of learning; and
  - the parents’ right to request an evaluation to determine whether the student is eligible for special education and related services.
- a certification by each member of the team that the report reflects the member’s conclusions

or, if the report does not reflect the conclusions of a member, a minority report of the conclusions of that member. Students with ADD or ADHD who are eligible for special education and related services may meet the criteria for “Health Impairment,” “Specific Learning Disability” or “Emotional Disturbance”, depending upon the student’s profile.

#### **6.3.12. *Multiple Impairment***

##### **a. Definition and Criteria for Determining Eligibility**

NAC defines “Multiple Impairments” to mean that a student meets the requirements for eligibility for students with Intellectual Disability and the requirements for eligibility for any additional disabling condition, other than a Specific Learning Disability, Developmental Delay or a Speech and Language Impairment.

#### **6.3.13. *Developmental Delay***

##### **a. Definition**

NAC defines “developmental functioning” to mean cognitive abilities, gross and fine motor skills, self-help, social and emotional condition, and the skill in the use of receptive and expressive language.

##### **b. Criteria for Determining Eligibility**

Nevada regulations provide that a student is eligible for special services and programs of instruction based on Developmental Delay (DD) if the Multidisciplinary Team concludes that the student demonstrates a delay of at least two standard deviations in one, or at least one standard deviation in two or more, of the following areas:

- receptive or expressive language;
- cognitive abilities;
- gross or fine motor function;
- self-help;
- social or emotional condition.

##### **c. Termination of Eligibility**

A student may no longer be identified with a developmental delay if:

- the student maintains appropriate developmental functioning in all developmental areas for 6 months or more, and the MDT, based on evaluation data, concludes that special education services are no longer necessary; or
- the student reaches age 6. For students who have DD classification and are approaching the age of 6, the charter school should reevaluate to determine whether the student has another disability that would require continuing special education services.

### **6.4 Report Of The Eligibility Determination**

#### **6.4.1. *Preparation of the Reports***

The MDT must document its determination of a student’s eligibility or ineligibility for special education services in a written evaluation report and statement of eligibility. All team members must indicate that the evaluation report is an accurate summary of their analysis and conclusions by signing the final report. All evaluation reports must be filed in the student’s confidential folder (All students who have been formally evaluated should have a confidential folder developed and maintained at the charter school campus, whether or not the student was found eligible). The MDT must complete a statement of eligibility for each disability formally considered by the team. The parent must be provided a copy of finalized statements of eligibility and evaluation reports on which the determination of the student’s eligibility or ineligibility is based. When the eligibility determination is based on the conclusions of the majority of the team, and some members disagree, the team may consider whether to prepare a written report of the minority’s conclusion (required for minority conclusions when determining specific learning disability eligibility). A minority report must be attached to the pertinent statement of eligibility in the confidential folder. NOTE: Refer to 5.2 and 5.3.

#### **6.4.2. *Content of the MDT Evaluation Report***

The evaluation report should discuss the MDT’s findings and conclusions regarding whether the student has a specific

disability and whether, because of that disability, the student needs special education and related services. The report should discuss the basis for these conclusions, with reference to the definitions, criteria, and required evaluation components for each particular area of disability considered, including those rejected by the team. The report should describe the student's areas of deficit and strengths and the resulting effects on student's learning, functional performance, and academic achievement. An evaluation report must include the reason for referral, required assessments by disability classification, and determination of special education need. The report should specifically recommend any additional evaluations when needed. If no such recommendation is made, the presumption will be that the MDT has concluded that no additional evaluation is required. The report should be written in clear and concise language understandable to the parent and others who may refer to it.

## Chapter 7 Individualized Education Programs

### Introduction

Once a determination has been made that a student has a disability and needs special education and related services, an Individualized Education Program (IEP) must be developed for the student in accordance with the procedures and standards described in this Chapter. An IEP is a written program designed to provide special education and related services in accordance with the student's disability related needs.

This Chapter describes:

- 7.1 Prior Written Notice
- 7.2 Parental Participation
- 7.3 IEP Meeting Participants
- 7.4 Consent for Initial Provision of Special Education and Related Services
- 7.5 Types of IEPs
- 7.6 IEP Components
- 7.7 Students with disabilities in adult prisons
- 7.8 Conducting an IEP meeting

### 7.1 Prior Written Notices

#### 7.1.1. *Parental Prior Notice of District/the charter school Proposal*

- a. It is the responsibility of the special education supervisor to reach an agreement with the parent for a mutually agreed upon time for a meeting and provide Prior Written Notice (PWN) to the parent/legal guardian and student if 14 years of age or older.
- b. Beginning when a student reaches age 14, the notice must indicate that proposed action of the meeting is to also plan transition services and a copy of the notice **must** be provided to the student. Additionally, the confidential folder must have copies of the PWN to parents and student.

#### 7.1.2. *Proposed Meeting Arrangements*

- a. At a reasonable time before a proposed IEP meeting, the Site Administrator or designee must also provide proposed meeting arrangements to the student's parent.
- b. The meeting arrangements should include time, date, location, participants and their positions of the IEP meeting (i.e. Amy Smith, Occupational Therapist)
- c. Beginning at age 14, the student must be invited to attend the meeting and be provided a copy of the meeting arrangements.
- d. The Proposed Meeting Arrangements and the Parental Prior Notice of School Proposals must use understandable language and be provided in the native language or other mode of communication of the

parent/guardian and/or student.

- e. A copy of the Proposed Meeting Arrangements and the Parental Prior Notice of School Proposals must be filed in the student's confidential folder and documented in the status record that a copy was given to the parent and the student (14 years or older). See Chapter 3.0 on Prior Notices for additional information and procedures.

## 7.2 Parental Participation

*7.2.1. The Site Administrator or designee must take steps to ensure that one or both of the student's parents/legal guardians are present at each IEP meeting or are afforded the opportunity to participate in the development of the student's IEP.*

**7.2.2. IEP meetings should be scheduled at a mutually agreed upon time and place, and the parent should be notified well enough in advance, 5 to 10 days, of the meeting to ensure that they will have an opportunity to attend.** If neither parent can physically attend an IEP meeting, the Site Administrator or designee must use other methods to ensure parent participation (this could include a telephone conference call, videoconference, or other means with the required team members present).

*7.2.3. The charter school may proceed with an IEP meeting without a parent in attendance, if and only if, the charter school has detailed records of all required attempts to ensure parent participation as described in 7.2.4. below, unless the parent has expressed a desire to attend, then the school must continue to document attempts to include the parents in the development of their child's IEP.*

*7.2.4. All efforts to arrange a mutually agreed upon time and place for the meeting must be documented in the student's confidential folder, including:*

- a. detailed records of telephone calls made or attempted and the results of those calls, (It is the best practice that at least one telephone call is made, and follow-up calls are made if staff is unable to speak with the parent directly over the phone. If parents don't have a phone, document other methods utilized to contact parent);
- b. copies of correspondence sent to the parent and any responses received; and
- c. detailed records of any visits made to the parent's home or place of employment and the results of those visits.

*7.2.5. The charter school should take whatever action is necessary to ensure that the parent understands the proceedings of the IEP meeting, including arranging for an interpreter for a parent who is hearing impaired or whose native language is other than English. Parent must have a waiver signed when interpreter is required but not utilized.*

## 7.3 IEP Meeting Participation

### 7.3.1. Required participants

The Site Administrator or designee is responsible for ensuring that the IEP Team includes the following required participants:

- a. one or both of the student's parents/legal guardians;
- b. the charter school representative who acts as the Local Education Agency (LEA) representative and is:
  - qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of students with disabilities;
  - knowledgeable about the general curriculum;
  - knowledgeable about the availability of the charter school resources; and

- a Site Administrator or designee who has attained an administrator's and/or Special Education endorsement/license and has the authority to commit the charter school resources and ensure that IEP services will be provided.
- c. at least one General Education Teacher who teaches the student;
  - If the student has more than one teacher, the Site Administrator or designee may designate which teacher(s) will participate.
  - If the student does not currently access general education classes, a general education teacher knowledgeable of the grade level curriculum must attend.
- d. at least one Special Education teacher or provider who is or will be responsible for implementing the IEP; and
  - For example, a student who receives only speech/language services, the speech/language pathologist would serve as the special education teacher.
- e. an individual who can interpret the instructional implications of evaluation results, (who may also be a member of the team as described above other than the parent).

### 7.3.2. *Additional participants who must be invited*

- In the case of an IEP that includes transition services or considers the student's transition service needs:the student must be invited;
- **upon parental/legal guardian consent**, a representative of a participating agency that is likely to provide or pay for transition services must be invited if the IEP is to include transition services or to consider the student's transition service needs. A parent can refuse to provide consent for the charter school to invite other agencies that are likely to be responsible for providing or paying for transition services.
- b. In the case of an IEP for a student that has reached the age of majority (age 18), the parent may be invited by the student. If educational rights have been retained by the parent, follow procedures outlined in 7.1.1 – 7.2.5
- c. In the case of an IEP that includes a related service, the provider must be invited (attendance is not required) if the student's evaluation has identified a need for a particular related service or if a related service is to be discussed as part of the IEP meeting.
- d. In the case of an initial IEP meeting for a preschool child who previously received early intervention services, the charter school must notify the parent that, upon the parent's request, the charter school will invite the service coordinator or representative of the child's early intervention system to participate in the meeting.
- e. In the case of an IEP for a student whose parent/legal guardian is deaf or whose native language is other than English, the charter school must take whatever action is necessary to ensure the parent understands the proceedings of the IEP team meeting, including arranging for an interpreter.

### 7.3.3. *Other participants that may be invited*

- a. The charter school has the right to invite additional participants who have knowledge or special expertise concerning the student to the IEP meeting. The parent must be provided this information in writing on the Proposed Meeting Arrangements form (i.e. Prior Written Notice form). The school must obtain written permission from the parent prior to the proposed meeting.
- b. If behavioral concerns are going to be discussed, a person who is knowledgeable about positive behavioral supports may be invited. This person may be a special education teacher, school counselor, school psychologist, behavior mentor teacher or special education instructional facilitator.
- c. The parent has the right to bring additional participants to an IEP meeting who have knowledge or special expertise regarding the student. The parent determines the knowledge or special expertise of the



additional participants. This may include friends, family members, neighbors, attorneys and advocates. The parent may indicate who they are bringing when responding to the proposed meeting arrangements, however, it is not required.

#### 7.4 Consent For Initial Provision Of Special Education And Related Services

##### 7.4.1. *Consent for the Initial Provision of Services is only obtained after the initial eligibility has been determined in the State of Nevada*

- a. Consent for Initial Provision of Services must be obtained before the Initial IEP meeting
- b. Before consent is obtained, the parent must be provided with an explanation of the continuum of services.
- c. The parents must be fully informed of the special education and related services
- d. The charter school may not initiate a due process hearing to provide special education and related services to a student when a parent refuses to consent to initial services. A student whose parent has refused consent for initial services would not be provided special education and related services and would continue to receive general education services.

##### 7.4.2. *Revocation of Consent for Special Education and Related Services*

- a. The charter school must respond to any parent request for termination of services. A student may only be removed from special education for the following reasons:
  - found not eligible through a reevaluation;
  - graduation with an Option One/Standard diploma;
  - aging out at 22 years old;
  - written revocation of consent by parent and the charter school's issuance of prior notice of revocation of services; or
  - the decision of a hearing officer.
- b. If at any time following the initial provision of special education and related services, the parent revokes consent for the continued provision of special education and related services;
  - the parent must submit a written request for revocation of consent to the charter school Administration
  - upon receipt of the request from the parents, the charter school Administration will:
    1. send the parent a prior written notice to change the student's placement, including date of effectivity of termination of specially designed instruction services (the school will continue implementing the student's IEP until the date services will be discontinued);
    2. notify the school of the date when services will be discontinued;
    3. within ten calendar days from the date of revocation request, the prior written notice is sent to the parent; and
    4. the charter school will document on the status record of the confidential folder the date that services will be discontinued.
  - after services have been terminated through revocation, the school is not required to convene an IEP Team meeting or develop an IEP for further provision of special education and related services;
  - the charter school can initiate a due process hearing or mediation procedures to continue special education and related services for a student when their parent have revoked consent;
  - if at a later date the parent requests that special education services be reinstated, the request will be treated as an initial referral;
  - if the parent requests that the special education records be expunged, Family Educational Rights and Privacy Act (FERPA) procedures for amending records are followed;

- if the student engages in behavior that may result in a disciplinary change of placement:
  - the student is not entitled to the protections under IDEA;
  - the charter school is deemed not to have knowledge of a suspicion of a disability; and
  - the student will be disciplined as a general education student.
- the parent consent is for the initial provision of special education and related services generally not for a particular service.
- a parent cannot revoke one service (e.g. revoke resource services but want the speech/language services).
- if a parent disagrees with the provision of any particular service, they can pursue their due process rights by requesting a hearing.

## 7.5 Types Of IEPs

Requirements for Prior Written Notice, Parental Participation, and IEP Meeting Participants must be met for all types of IEP meetings.

### 7.5.1. Initial IEP

#### a. Purpose

- An Initial IEP is the first IEP developed following the Initial Eligibility in the state of Nevada and Consent for Initial Provision of Services.
- In the case of a student that was previously determined eligible and then exited from special education services in Nevada, any new eligibility determination in Nevada would be followed by an Initial IEP.
- In the case of a student that was previously determined eligible in Nevada and moved to another state or was not in school and then re-enrolled in another Nevada charter school or Nevada county school district with an expired IEP and expired eligibility, see Transfer Flow Chart Chapter 5.0.

#### b. Time lines

- An Initial IEP meeting must be convened within 30 calendar days after the date of the eligibility determination. It may be held immediately following the eligibility determination, but no later than 30 calendar days.
- An Initial IEP must be in effect before special education and related services are provided to the student.
- An Initial IEP must be in effect by the third birthday if a student is receiving services through an Individualized Family Service Plan (IFSP) and continues to be eligible for services. The Initial IEP team must consider the student's IFSP. Note: An IFSP is a plan for special services for young children, birth to three years of age, with developmental delays.

#### c. IEP Development

- **After** Consent for Initial Provision of Special Education and Related Services is signed, an Initial IEP is developed based on current information which may include: educational records, formal and informal assessments, teacher reports and observation data, medical records, interviews with student, parent, and school personnel and any outside information provided by the parent.
- A student whose parent has refused consent for initial services is not provided special education and related services and therefore an IEP does not need to be developed. See Procedural Safeguards Chapter

2.0 for additional information and procedures.

### 7.5.2. Annual IEP

#### a. Purpose

- An Annual IEP is the yearly review and revision of the current IEP.
- b. Time lines
- After the Initial IEP is developed, the charter school must ensure that the IEP team reviews/ revises the student's IEP periodically, but no less than annually, to determine whether the annual goals are being achieved.
  - While the student remains eligible under IDEA, the Annual IEP must be held on or before the one year anniversary of the date of the previous Annual IEP.
  - The charter school must ensure that each student with a disability within the school has a current IEP in effect at the beginning of each school year.
  - An IEP must be implemented as soon as possible following its development. There can be no unnecessary delay in providing special education and related services to the student.
- c. IEP Development
- Prior to the development of the annual IEP, each goal in the current IEP must be reviewed for progress.
  - An Annual IEP must be developed based on current information which may include: educational records, formal and informal assessments, teacher and related service provider reports and observation data, medical records, interviews with student, parent, and school personnel and any outside information provided by the parent.
  - In the event that the parent cannot, or does not participate in the annual review, the IEP team **must** proceed with the development of the Annual IEP, provided that the parental prior notice requirements have been met.

### 7.5.3. *IEP Review/Revision*

- a. Purpose
- The IEP Review/Revision is to ensure services continue to be appropriate based on new information and/or the charter school or parental concerns.
- b. Time lines
- Any time before the annual review, the parent/legal guardian or the charter school may request to reconvene the IEP team to review and possibly revise the IEP.
  - If a parent requests a meeting and the team agrees with the need for a revision, a prior written notice of proposal and meeting arrangement must be provided to the parent.
  - If the team disagrees with the need for a revision meeting, a prior written notice of refusal must be provided to the parent. See Prior Notice Chapter 3.0 for additional information and procedures.
- c. IEP Development
- An IEP review and/or revision may be required, as appropriate, to address the following:
- the results of any evaluation;
  - disciplinary actions that result in a disciplinary change of placement;
  - lack of expected progress towards the annual goals;
  - lack of expected progress in the general education curriculum;
  - any proposed placement change;
  - information about the student provided to or by the parent; or
  - the student's anticipated needs (supplementary aids/services).
  - During the IEP revision, the entire annual IEP does not need to be reviewed. Items discussed are related to the purpose of the meeting as identified in the prior notice and other areas agreed upon by the team.
- d. Revision without a Meeting
- IDEA allows the parent and the LEA to agree to make changes to an annual IEP without a meeting. The charter

school will not implement this provision without supervisor's approval and written permission from the parents/legal guardians. Note: This is used in rare circumstances.

#### **7.5.4. *Interim IEP***

- a. Purpose
  - The purpose of an Interim IEP is to provide appropriate special education services until the charter school either conducts an evaluation and/or develops a new IEP.
  - The charter school's Interim placement procedure is reserved for a transfer student, both in-state and out-of-state, with a current special education eligibility or an expired IEP from other school districts.
- b. Timelines
  - The transfer student should be enrolled as expeditiously as possible in the charter school.
  - An Interim IEP meeting must be scheduled and an interim IEP developed in order to determine the student's appropriate placement for the interim period.
  - The Interim IEP expires in 30 calendar days from the date it was developed. See Evaluation Chapter 5.0 on Transfer Students for additional information and procedures.
- c. IEP Development
  - An Interim IEP should be developed based on available information which may include: educational records, medical records, and interviews with student, parent, and prior school staff.
  - Educational records may be exchanged between school districts without parent consent under FERPA. However, an Authorization for Release of Confidential Information must be signed by a parent to obtain records from outside agencies. If the charter school sends confidential records to another school without parent permission, the charter school must notify parent which confidential records were forwarded and where you sent them. (Best practice would be to send notice as registered receipt to parents and retain in records.)
  - The Interim IEP must include all the required components of an IEP as described in section 7.6.
  - In developing the Interim IEP, the team may need to rely on a limited amount of information which may not be current. This information will serve as a basis to develop the Interim IEP until the charter school develops a new IEP.
  - Within 30 calendar days of the development of the interim IEP, the MDT/IEP team must reconvene to address eligibility and develop a comprehensive IEP.

#### **7.5.5. *Temporary Placement***

- a. A temporary placement is for a student with a current out of district eligibility and current IEP. The current out of district IEP is implemented to provide comparable special education services until the charter school develops a new IEP. Comparable services means services that are "similar," or "equivalent" to those described in the student's IEP from the previous school.
- b. If the charter schools determines that comparable special education services cannot be offered then the charter school must develop an Interim IEP to provide appropriate special education services until the charter school conducts an evaluation. ( see 7.5.4)
- c. The current out of state IEP can be implemented for no longer than 45 school days from the date of enrollment.
- d. The transfer student should be enrolled as expeditiously as possible in the charter school. Educational records may be requested and obtained from out of district school without parental consent, however, under FERPA parents must be notified. An authorization for Release of Confidential information must be signed by a parent to obtain records from outside agencies.

- e. The Site Administrator or designee is responsible for review of the student’s educational records and consults with the parent in order to provide services. The charter school in consultation with the parent must provide the student with a Free Appropriate Public Education by implementing the current out of district or out of state IEP as written or implementing a 30 day interim IEP. If the team implements the out of district IEP with comparable services, the school team MUST convene to address eligibility within 45 school days of placement.
- f. If the parent disagrees with the charter school’s comparability of services the STAY PUT would not apply because Nevada eligibility has not been determined. The student will be placed in general education. The 45 school day timeline still applies.
- g. If the parent disagrees with providing the student with Special Education services the parent should be provide an explanation and copy of parental rights, specifically revocation procedures.

#### 7.5.6. *Homebound IEP*

- a. Purpose  
Homebound is a temporary service for all students who are unable to attend school full time with health issues due to injury or illness. If a student is eligible to receive special education and related services, Homebound becomes an educational placement. Therefore, an IEP revision is written to address a change of placement.
- b. Time lines
  - A licensed physician completes the referral and provides a treatment plan. The information on the referral must be verified before homebound services can begin. The fact that the student will be or anticipated to be absent for an extended period must be substantiated by a qualified physician who is acting within their authorized scope of practice. For additional information, see Placement Chapter 8.0.
  - After the receipt of a completed Homebound referral, the charter school staff initiates a Revision IEP meeting.
- c. IEP Development/Meeting
  - The charter school is responsible for conducting all events (i.e., homebound revision IEP, annual IEP, three year reevaluation and the anticipated date of return to school).
  - The charter school is responsible for inviting all pertinent/required members of the IEP team and distributing all necessary notifications.
  - The Homebound teacher(s) must be included in the IEP meeting.
  - During the IEP meeting, the Homebound representative cannot substitute for any IEP required participant (LEA, SET or GET). The Homebound representative will sign the IEP cover page in the area marked “other.”
  - The school nurse or school psychologist provides current health/psychological information for the IEP.
  - At a minimum, the homebound revision IEP must include: IEP Page One, present levels of performance addressing the student’s current medical condition, specially designed instruction, and placement page. Other pages may be included, if appropriate.
  - Instruction is intended to reflect the student’s educational program as outlined in the student’s IEP. The amount of instruction is dependent on several factors: the student’s IEP, the age of the student, the grade of the student, the nature of the defined health issues, the identified schedule of the secondary student, NAC, and other disability related needs. The actual determination of the amount of weekly instructional hours is determined by the IEP team after due consideration of the above factors.
  - The Homebound teacher must be provided a copy of the student’s Annual IEP and the Revision IEP indicating the need for Homebound instruction. The assigned Homebound teacher must follow the IEP as written.

- If related services are part of the IEP, the Homebound teacher must confirm with the parent that related services are being provided in the home. The Homebound teacher must contact the charter school Site Administrator or designee if related services have not been initiated.
  - The Homebound teacher is responsible for submitting progress reports and grades the student has earned to the charter school Site Administrator. Recording and disseminating the report card to the family is the responsibility of the charter school.
  - The charter school must maintain student attendance. Students who return to school after being in a Homebound Placement prior to the end of the semester may require a reduced schedule until the new semester begins. This must be determined by the team and addressed on the accommodations page of the IEP.
  - During any period of Homebound services, the Homebound teacher is responsible for providing all applicable books, materials, and assignments from the student's classroom teacher and/or service providers; reviewing completed assignments with the student; and returning materials to the student's teacher for grading and/or credit. During any provision of Homebound services, an adult (other than the Homebound teacher) aged 21 or older must be present.
  - If the student will continue to be on Homebound placement at the beginning of a new school year and the doctor's orders have expired, a new application must be completed to update the student's condition and the IEP team must determine if the need for Homebound placement continues.
  - Homebound is a placement decision, therefore the IEP team must convene an IEP for placement to Homebound and placement back to the school campus. The IEP may include two placement pages. The first page indicating the Homebound placement and the second page indicating the placement after a physician has released the student and the student no longer requires Homebound.
  - Homebound teacher must hold proper certification/license to provide services outlined in IEP. (See 8.5.2 for additional information)
- e. Private Mental Health Treatment Facilities
- If a parent enrolls a child in a private mental health treatment facility, the IEP will NOT be changed to reflect Homebound placement as the charter school is not providing services.
  - If this student becomes eligible for Homebound services outside the mental health treatment facility, regular Homebound procedures will be followed beginning with the application.

#### 7.5.7. *Graduation IEP*

- a. Purpose
- A Graduation IEP is only developed for a student who is graduating with an adjusted (Option II) diploma.
- b. Timelines
- A graduation IEP is developed when:
  - A student meets the high school graduation credit requirements (22 1/2 credits) and has not passed the Nevada High School Proficiency/End of Course Examinations; or
  - The IEP team elects to adjust the required areas of study and prescribe an appropriate curriculum.
- c. IEP Development
- The present levels of the graduation IEP should indicate the student may return at any time before their 22nd birthday to receive special education services. A graduation IEP for an Option II diploma is not an exit IEP. Graduation of a student via an Adjusted High School Diploma (Option II) does not automatically end the student's eligibility for special education and related services.
  - The current Annual IEP is in effect if the student returns for educational services before the IEP

has expired. If the IEP has expired, there are two choices:

- a new Annual IEP can be written upon enrollment; or
- an interim IEP can be written for the student who has been out of school for an extended period of time.
- Additionally, if the student returns more than three years after their last MDT evaluation, eligibility must be determined before continuing special education services.

#### **7.5.8. Exit IEP**

##### **a. Purpose/Time lines**

An Exit IEP must be developed:

- within 30 calendar days, following a reevaluation meeting which determines the student is no longer eligible for special education;
- when a student reaches the age of 22 (aging out); or
- when a student meets regular (Option 1) diploma requirements.

##### **b. IEP Development**

- In the case of an Exit IEP following a reevaluation:
  - present levels must include the results of the reevaluation indicating the student is no longer eligible for special education services; and
  - placement must be changed to indicate the student is no longer receiving special education services.
- In the case of an Exit IEP for a student aging out or graduating with an Option I Diploma/Regular Diploma, provide:
  1. present levels which indicate why the student is no longer eligible for special education services;
  2. a Summary of Performance must be completed by the IEP team (see appendix for Summary of Performance template); and
  3. include academic and functional performance (which include recommendations on how to assist the student in meeting their postsecondary goals; and
  4. include a team of persons with knowledge or special expertise regarding the student should give input to the creation of the document.
- Placement is changed to indicate the student is no longer receiving special education services.

## **7.6 IEP Components**

An IEP is designed to provide special education and related services for a student with an identified eligibility. The following forms must be completed by the IEP team in accordance with the student's needs.

### **7.6.1. IEP Information/Page One**

The IEP information page:

- a. identifies demographic information;
- b. documents Student's primary language, English language learner code, and primary language spoken at home;
- c. documents the need for an interpreter or other accommodations (if parent is not in attendance, interpreter does not sign as a participant);
- d. identifies eligibility;
- e. identifies meeting information;
- f. identifies IEP team participants (participants should print and sign that they attended the meeting);
- g. documents receipt and explanation of Procedural Safeguards:
  - A copy of the Procedural Safeguards must be reviewed and given to the parents during initial,

annual, re- evaluation, and manifestation determination meetings or when requested by the parent.

- If a revision IEP is held during that school year, document the annual date that the Procedural Safeguards were given.
- Documents that at least one year prior to reaching age 18 the student was informed of their rights under IDEA and advised that these rights will transfer to them at age 18;
- If the student is 16 at the time an IEP is being developed, and there is no expectation that another IEP will be held prior to the student turning 17, the rights transfer must be discussed when the student is 16, and otherwise it will not be discussed at least one year prior to reaching age 18.
- Parents whose child participates in the state’s alternate assessment may submit an application (Notice of Application to Represent the Educational Interests of a Special Education Student at the Age of Majority) to continue to represent their child’s special education interests.
  - This application applies to IDEA educational rights only and is not meant to replace court competency rulings.
- Use the comments section to note any additional important information, (e.g., that a meeting was conducted via telephone, that a meeting was being held in response to a parental request, or that the parent was not in attendance.)

#### **7.6.2. Present Levels of Academic Achievement and Functional Performance**

Present Levels of Academic Achievement and Functional Performance serves as the foundation for the development of goals and benchmarks in the IEP. Data in this section should be collected in a variety of areas and from a variety of sources. Federal law requires the IEP team to consider relevant results of the initial evaluation or most recent evaluation of the student and the academic, developmental and functional needs of the student. For students who are 16 or older, or who will turn 16 when the IEP is in effect, also consider the results of age appropriate transition assessments related to training, education, employment, and independent living skills as appropriate.

- a. The name of the assessments and the date assessed, that provide pertinent information for the development of the IEP should be written in this section. This may include formal or informal methods, norm or criterion referenced tests, classroom observations, student work samples, teacher-made or other achievement tests, recent evaluation results, behavior rating scales, performance data from the regular education teachers, and parental input.
- b. When appropriate, English Language Proficiency scores must be included.
- c. Results corresponding to the assessments conducted should be described to build a profile of the student’s current abilities. Grades, attendance and test scores should be utilized in combination with assessments conducted to build an accurate picture of the student’s ability.
- d. Functional performance includes self-help, social-emotional, organizational skills and daily living skills as appropriate. A statement of functional performance must be stated even if the student is functioning with age appropriate skills.
- e. Parent input can be noted in this section as “not demonstrated in the school setting,” unless the student is performing in a setting that requires parental support.  
Effect on student’s involvement and progress in the general curriculum or, for Early Childhood students, involvement in developmental activities are also noted in Present Levels.
- f. Describe how the student’s disability affects his or her involvement and progress in the general curriculum. For early childhood students, focus on the student’s involvement in appropriate developmental activities. Information recorded here should relate to the assessment results. In describing the student’s current and anticipated level of participation in the general curriculum, consider the following:
  - Do not use “may,” use “does or will”. Example: John will have difficulty with basic multiplication facts.
  - The regular education teacher(s) MUST BE consulted regarding the student’s performance relative



to the classroom expectations. The regular education teachers should share information regarding the accommodations, modifications or supports that might be required in order for the student to participate meaningfully in the general curriculum.

- Requires input from general education teacher on what is taught, how it is taught, what instructional activities students are engaged in and how are the knowledge and skills demonstrated and evaluated.
- Indicate student's performance as it relates to general education classroom requirements and expectations.
- Do not include accommodations and placement information.
- No effect statement is required for summary of most recent MDT results (unless initial)
- No effect statement for ELL students is required when reporting English acquisition scores as having a Second Language. Being eligible as an ELL student is NOT considered a disability.
- For each area of deficit, 2 elements must be identified:
  - grade level expectations that the student is not meeting and
  - how the student's deficits impacts the student in that area
- A separate effects statement is required for each deficit area.  
Ex. Typical peers are able to \_\_\_\_\_. Due to XYZ's deficit in (Reading Comprehension), he/ she is unable to \_\_\_\_\_.

(DO NOT include an accommodation or modification at the end of the sentence.)

### **7.6.3. *Student Strengths/Parent Concerns/Student's Preferences and Interests***

- a. Describe student strengths using input from teachers, parents and student (if applicable), and take these into consideration when developing the IEP.
- b. Complete the statement to reflect the parent's concerns as they relate to the student's education. This information must be considered when determining services.
- c. Information concerning the student's interests and preferences are required if transition services will be discussed, beginning at age 14 or younger, if appropriate. This information may be collected before the meeting or solicited from the student during the meeting.

### **7.6.4 *Special Factors***

The team must consider and address each of the special factors. If the team chooses "Yes" for any of the factors, the team may address this factor in a variety of ways, including goals and benchmarks, a behavior plan, supplementary aids and services, related services, or accommodations and modifications. Each special factor that is marked "Yes" must be reflected in the present levels of performance.

- a. "Behavior impeding learning" – if team selects "Yes", either a behavior plan in accordance with the five elements of NAC 388.284 must be developed OR the five elements must be included within the IEP and noted on the status record indicating where in the IEP each element is addressed:
  1. positive methods to modify the environment of pupils with disabilities to promote adaptive behavior and reduce the occurrence of inappropriate behavior;
  2. methods to teach skills to pupils with disabilities so that the pupils can replace inappropriate behavior with adaptive behavior;
  3. methods to enhance the independence and quality of life of pupils with disabilities;
  4. the use of the least restrictive methods to respond to and reinforce the behavior of pupils with disabilities; and
  5. a process of designing interventions based on the pupil that are focused on promoting appropriate changes in behavior as well as enhancing the overall quality of life for the pupil without the use of aversive or negative means.
- b. "Require assistive technology devices and services" – if team selects "Yes", team must determine nature and extent of devices and services and address the needs in the IEP.
- c. "Limited English proficiency" – if team selects "Yes", accommodations proven to be effective for English

Language Learners must be listed in the supplementary aids and services section.

- d. "Blind or visually impaired" – if team selects "Yes", team must evaluate reading and writing needs and provide for instruction in Braille unless deemed not appropriate for the student.
- e. "Deaf or hard of hearing" – if team selects "Yes", team must consider language and communication needs and address the needs in the IEP.
- f. "Dyslexia and Specific Learning Disability (SLD)" - if team selects "yes", team must consider instructional approaches and address those chosen in the IEP. (AB341)

#### **7.6.5. Transition Services**

Transition services are a coordinated set of activities for a student with a disability that is designed within an outcome-oriented process and promotes the student's movement from school to postsecondary activities.

- a. Transition services must be based on the individual student's needs, taking into account the student's preferences and interests.
- b. The transition statement should relate directly to the student's goals beyond secondary education, and show how planned studies are linked to these goals.
- c. When completing the transition section of the IEP the team must consider the following:
  - diploma option must be declared at age 14 and reviewed annually;
  - beginning at age 14, a short statement that directly quotes what the student wants for the future must be included under "Vision for the Future";
  - if the student is 14 years of age or older on the day of the IEP, a statement of transition services with regard to the student's course of study must be completed (standard course of study, functional curriculum, advanced courses, or vocational program);
  - if the student is 16 years of age or older or will reach 16 years of age when the IEP is in effect, the team will describe desired post-secondary goals and coordinated activities. At a minimum, the transition plan must cover, "Training/Education" and "Employment". "Independent Living Skills" are addressed when appropriate. Transition services may be considered earlier if deemed appropriate by the IEP team;
  - on or before the student's 16th birthday, the IEP team must develop a statement of needed transition services, including strategies or activities to work toward the measurable postsecondary goals already identified. The statement must address each type of coordinated activity: instruction, related services, community experiences, the development of employment and other post-school adult living objectives; and if appropriate, acquisition of daily living skills and a functional vocational evaluation; and
  - upon parental consent, a representative of a participating agency must be invited if that agency is likely to be responsible for providing or paying for transition services.

#### **7.6.6. Annual Goals and Benchmarks**

The IEP team must develop measurable academic and functional annual goals for the areas of need identified in the present levels. General instructional strategies and methodology are not required to be included in the student's IEP in order to receive FAPE. The goals and benchmarks indicated in the IEP must enable the student to be involved and make progress in the general education curriculum, or for preschool children, as appropriate, enable participation in developmentally appropriate activities.

- a. All goals must be derived from the present levels of performance.
- b. Significant deficit areas must be addressed by a goal.
- c. Goals must be specific to the student, measurable and attainable in a year's time. Goals are measurable when they state:
  - direction (increase, maintain, decrease, etc.);
  - area of need (reading, social skills, communication, functional, etc.);

- level of attainment or success (grade level, accuracy, etc.);
  - how progress will be measured; and
  - setting and staff responsible for implementation.
- d. Postsecondary goals are required for students who are 16 or older or will turn 16 when the IEP is in effect and are designed to assist the student in moving toward the desired postsecondary outcomes.
- At least one goal must be related to training/education and employment (one goal can be developed for both).
  - The IEP must indicate which goals are written to support postsecondary transition outcomes in training/education, employment or independent living skills.
  - Postsecondary goals for independent living skills are optional and written when appropriate for the student.
  - Postsecondary goals must be based on age appropriate assessments, as described in present levels of academic achievement and functional performance.
  - Postsecondary goals may be considered earlier if deemed appropriate by the IEP team.
- d. Benchmarks are developed to describe the amount of progress the student is expected to make toward the annual goals within specified segments of the year, generally coinciding with reporting periods (first grading period, first semester of school year, etc.).
- e. If the IEP team determines that a student will receive Extended School Year (ESY) services, the applicable boxes must be checked to indicate the goals that will be addressed during ESY. The charter school will be responsible for providing this service if they offer this service at the time of the IEP.

#### **7.6.7. *Specially Designed Instruction***

- a. All areas of Specially Designed Instruction (SDI) must be addressed by a goal and reflected in present levels.
- b. SDI must be written to reflect deficit areas (such as reading, math, written expression, behavior or communication). SDI does not address course subjects such as history, science, geography, etc. If for example, a student needs services in these areas, SDI needs to be written as reading in the content area of history. SDI is NOT a class schedule.
- c. “Direct” services mean services provided to the student from a special education teacher/related services provider or an assistant under the direction of a special education teacher or provider.
- d. “Consult” services means services provided to other staff members regarding the student.
- e. “Assess” can be added to indicate an assessment for Adapted Physical Education services, Hearing Impaired services, and Vision services.
- f. State the projected date for the beginning and ending of the services.
- g. State the anticipated frequency and location of services.

#### **7.6.8. *Related Services***

- a. Related services are supportive services that are required for the student with a disability to benefit from special education. Recommendations made by the related services personnel should be used to guide IEP team discussions.
- Referrals for any related services, except transportation, are generated by the IEP team. The IEP team should consult with the related services provider to determine the appropriateness of the referral.
  - Related Services assessments require prior written notice (PWN) and permission (consent) to evaluate.
- b. The time line for the completion of related service assessment, reconvening of the IEP team for the review of the report, and consideration of the recommendations regarding services is 45 school days.
- Related Services may include:

- Speech/Language Therapy;
  - Physical Therapy;
  - Occupational Therapy;
  - Counseling;
  - Psychological Services;
  - Orientation and Mobility;
  - Audiology (does not include a medical device that is surgically implanted, the optimization of that device's functioning, and maintenance of that device or replacement of that device);
  - School Health Services and School Nurse Services;
  - Medical Services for diagnostic or evaluation purposes;
  - Recreation, including therapeutic recreation;
  - Parent Counseling and Training;
  - Interpreting Services;
  - Social work Services; and
  - Transportation: this a related service that is provided for a student with a disability as a related need. The charter school must develop a mutual agreement to provide transportation services.
- "Direct" services are services provided to the student from a special education teacher/related services provider or an assistant under the direct supervision of a special education teacher. Instruction can be provided in a group or individually.
  - "Consult" services are services provided to other staff members service personnel may include observing the progress of the student in various educational environments.
  - "Assess" means that the team has agreed that an assessment is required. Permission to evaluate must be completed.
- c. State the projected date for the beginning and ending of the services.
- d. State the anticipated frequency and location of services.

#### 7.6.9 *Method for Reporting Progress*

- a. The IEP team determines how the student's parent will be regularly informed of the student's progress toward the annual goals
- b. At a minimum, an "IEP Goals Page(s)" must be indicated in the IEP.
- c. Progress reports must be completed and a copy must be given to parent and a copy filed in the confidential folder for each reporting period.
- d. Document that the progress report was provided to the parent in the status record.
- e. Early Childhood Special Education (ECSE) Six-Month Review is required for special education students under the age of six. This review is conducted with the parent at least every six calendar months from the initial IEP and six months from each annual review.
  - The purpose of this review is to:
  - Provide updated information to the parent;
  - Measure the extent of student progress; and developmentally appropriate performance in all of the early childhood domains for six months or more.
  - Prior to the Six-Month Review meeting, the teacher of record reviews all data and if there is data to support that developmentally appropriate functioning in all domains has been maintained for six or more months, an IEP meeting must be scheduled, adhering to SPCSA procedures for notification of a formal IEP meeting.
  - The data collected from a variety of sources may include the Brigance of Early Childhood

Development, Creative Curriculum, Speech and Language session notes and assessments, portfolio of student work, parental input, and ongoing data collection. This information must be documented on IEP Progress Report.

- The review must include input from related service providers who are providing services to the student.
- This Six-Month Review does NOT require convening an IEP, unless changes will be made to the IEP. If changes are needed, then the charter school procedures must be followed for an IEP.

#### **7.6.10. *Accommodations and Modifications/Supplementary Aids and Services***

- a. Identify supports provided to enable the student to advance appropriately toward attaining the annual goals, be involved in and make progress in the general education curriculum, and to participate in extracurricular and other nonacademic activities.
- b. Identify adaptive equipment needs without specifying the equipment.
- c. Reference current behavior plans and health plans.
- d. Include English Language Learner (ELL) strategies that will meet the language needs of the student if the student demonstrates limited English proficiency as indicated by Special Factors.
- e. State the projected beginning and ending dates for services.
- f. State the frequency of services indicating the specific circumstance(s) or condition(s) in which the accommodation and/or modification will be utilized.
- g. State the location where the accommodation and/or modification will be implemented.

#### **7.6.11. *Participation in State-wide and School-wide Assessment Accommodations***

- a. Indicate how the student will participate in state-wide or school-wide assessments.
- b. If the team discusses an alternate assessment, the following criteria must be indicated:
  - The student must meet all six criteria on the Nevada Alternative Assessment (NAA) participation form.
  - A statement of why the student cannot participate in a particular general assessment, even with appropriate modifications or accommodations.
  - A statement of why the particular alternate assessment selected is appropriate for the student.
- c. Non-enrolled adult students – if a student had an IEP in high school and is requesting to test as an adult with accommodations, the following criteria apply:
  - The student must have a statement of eligibility that is less than 3 years old.
  - The student must be under 22 years of age
  - The student must have a current IEP listing the testing accommodations
  - A student who has earned an adjusted diploma may return and take the High School Proficiency Exam.
- d. The State approved accommodation form must be used and completed for each student at the annual review. Any accommodation not specifically listed on the form must be approved individually by the Nevada Department of Education to assure a valid administration of the test.

#### **7.6.12. *Activities Eligibility***

- a. The IEP team determines the student's participation in extracurricular activities
- b. If an IEP team recommends an exception to the rules of the Nevada Interscholastic Activities Association (NIAA) the parent must contact the NIAA requesting the exception.

#### **7.6.13. *Extended School Year (ESY) Determination***

- a. ESY services must be provided only if the student's IEP team determines, on an individual basis, that

services are necessary for the provision of a free appropriate public education to the student. The need is based upon guidelines established for ESY, in the areas of regression/recoupment or a critical learning period. The IEP team needs to base their ESY decisions on the data collected. The team may not limit extended school year services to a particular category of disability or unilaterally limit the type, amount or duration of those services.

- b. ESY services must be addressed at every annual IEP
- c. If the ESY decision is deferred to a later date, the team must hold an IEP Review/Revision on or before the deferred date to discuss the data collected and make an ESY determination.
- d. The charter school is required to support Extended School Year (ESY) when they offer ESY and/or a student requires it.

#### **7.6.14. Placement Considerations**

An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular education environment including academic classes, nonacademic settings, and extra-curricular activities must be discussed.

- a. Each placement must be reviewed and considered until a choice is made by the team. All placements discussed must either be rejected or accepted (If considering a change of placement see Chapter 8.0).
- b. The IEP team determines the placement not the specific site location.

#### **7.6.15. Justification Statement**

A justification statement is provided only when a student is removed from the regular education environment. Special classes, separate schooling, or other removal of students with disabilities from the regular education environment can only occur if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

- a. The IEP team must explain why the student's IEP cannot be implemented in the regular education environment with the use of supplementary aids and services.
- b. A student with a disability may not be removed from education in age appropriate regular classrooms solely because of modifications in the general curriculum.
- c. Justification statements must be individualized and related to each student's particular needs.
- d. In selecting the least restrictive environment, consideration must be given to any potential harmful effects on the student or on the quality of service that the student needs.

#### **7.6.16. IEP Implementation**

- a. If the parent agrees with the IEP, the Intent to implement must be completed and given to the parent along with the copy of the IEP. The implementation date is as soon as possible, but no later than ten (10) calendar days.
- b. If the parent does not participate in the IEP meeting, marks disagree, or declines to select an option, the Intent to implement must be completed and sent to the parent along with a copy of the IEP. The implementation date is ten (10) calendar days from the date of the completion of the IEP. See Chapter 3.3.4 for more information on Notice to Implement IEP.
- c. If the parent participated via telephone, the IEP Intent to implement must be completed and sent to the parent along with a copy of the IEP. The implementation date is determined by the parent's agreement or disagreement with the IEP.

#### **7.6.17. Consensus**

Decisions in special education that pertain to identification, evaluation, placement, or provision of FAPE, must be made by the team as a matter of consensus or general agreement among involved parties. The charter school has the ultimate responsibility to ensure that the IEP includes the services the student needs in order to receive a free appropriate public education (FAPE). For special education decision-making, the following sequential priorities have been established to

assist teams in achieving consensus.

- a. Unanimous Agreement – All participating parties, including parents and their representatives agree on major decisions pertaining to identification, evaluation, placement, or provision of FAPE. When unanimous agreement is NOT achieved, then:
- b. Consensus among School Members – All participating charter school personnel excluding the parents and their representatives reach general agreement. When consensus among all participating charter school personnel is NOT achieved, then:
- c. Consensus among School Required Members – All required charter school personnel excluding other participating charter school members, parents and their representatives reach agreement. When consensus among all required charter school personnel is NOT achieved, then:
- d. Lack of Consensus – In the absence of a final decision by the charter school’s required members of the IEP team, the team must consider and determine the following factors: a) was there sufficient discussion among team members over outstanding disagreements, and b) is there enough information available to render a decision. Considering these factors, the team has two options:
  - Reschedule the meeting to provide thorough discussions on disagreed upon issues and/or gather more information, or
  - The LEA makes the final decision during the IEP meeting when the consensus building and problem solving options appear to be exhausted.

#### **7.6.18. *Tape recording***

A parent request to record an IEP meeting may be permissible under certain circumstances.

- a. Any parent making a request to record must do so prior to the meeting, and all participants in the IEP meeting must agree to the recording. The IEP team can reconvene at another agreed upon time and place if either the parents/legal guardians and/or school is not prepared to record the meeting.
- b. In instances where the parent with a disability is requesting the recording to understand the proceeding, the request must be honored by the school staff. The charter school must make arrangements to record the meeting and the charter school’s recording becomes the official copy.
- c. It is the charter school’s responsibility to record the meeting and provide a copy to the parent.
- d. A copy of the recording must be maintained in the student’s confidential folder.

#### **7.6.19. *Advocates or attorneys present at meetings***

- a. At the discretion of the parent or the charter school, both parties have the right to bring to the IEP meeting individuals who have knowledge of the child and/or the IEP meeting process, or special advocate or attorney. The primary role of the advocate or attorney is to advise and assist the parent in taking an active and participatory role in the meetings. Their role may also include:
  - assuring that the parents receive and are cognizant of their procedural safeguards;
  - providing explanation/clarification as necessary to understand the process;
  - helping parents articulate their concerns;
  - offering positive and proactive suggestions to assist the timely completion and appropriate development of the IEP, and
  - participate as part of the IEP team if they have “specialized knowledge” of the student.
- b. The parent has the right to representation at the meeting and ideally would notify the charter school that they are bringing a representative, however, this is not required.
- c. Before the school can discuss a student with an advocate/attorney when the parent is not present, the school must obtain a written release of information signed by the parent.
- d. Advocates or attorneys are not permitted to direct or take over an IEP meeting, or require the charter school staff to do or refrain from doing a specific act. The charter school is charged under Nevada Administrative Code (NAC) and IDEA with the responsibility of facilitating IEP meetings, as well as

ensuring that the parent has had an adequate opportunity to participate as an equal member of the team. Only the parent can authorize or reject services under NAC and IDEA.

#### **7.6.20.** *Copies of IEPs*

- a. Access to a copy of the IEP must be provided to each regular education teacher, special education teacher, and related service provider who will be working with the student.
- b. If the charter school develops a DRAFT IEP prior to the IEP meeting, the charter school should make it clear to the parents at the outset of the meeting that the services proposed by the charter school are preliminary recommendations for review and discussion with the parents. The charter school should provide the parents with a copy of the DRAFT proposal prior to the meeting, so as to give the parents an opportunity to review the recommendation of the team and be better able to engage in a full discussion of the proposals for the IEP. It is not permissible for the team to have a final IEP completed before the IEP meeting begins.

#### **7.6.21.** *Time Frames*

An IEP must be implemented immediately following its development. An IEP should never contain breaks in service delivery.



## Chapter 8 Placement

### Introduction

After a student's IEP has been developed, their educational placement which includes programs and services must be determined by the IEP team. That level of placement occurs along the continuum of placements available for students with disabilities. Often confused, but not interchangeable, is the term "location". "Location" refers to the physical setting, such as the specific classroom or facility where a student's IEP will be implemented.

This chapter describes:

- 8.1 Placement Process
- 8.2 Least Restrictive Environment
- 8.3 Individualized Placement
- 8.4 Continuum of Placement Decisions
- 8.5 Special Considerations for Certain Types of Placements

### 8.1 Placement Process

#### 8.1.1 *Time Frames*

- a. The student's placement must be determined at least annually.
- b. If there are placement concerns prior to the annual review date, the parent/legal guardian or
- c. the charter school may request to reconvene the IEP team to review and revise the IEP. An IEP must be implemented as soon as possible following its development. There can be no unreasonable or arbitrary delay in providing special education and related services to the student.

#### 8.1.2. *Determination by IEP Team*

- a. The student's educational placement must be determined by a group of persons, including the parent, and other persons who are knowledgeable about:
  - the student;
  - the meaning of the evaluation data; and
- b. The placement options. The IEP team determines the student's placement.

When the student requires a level of placement which is not available at the charter school, the school will contact a representative from the student's county school district of residence, and together they will determine the location of placement once the IEP team has determined the appropriate placement.

#### 8.1.3. *Change of Placement*

- a. If at any time the charter school proposes or refuses to change the student's educational placement, in response to a parent request, the parent must receive prior written notice, as described in Chapter 3.0 Prior Notice.
- b. A revision IEP is required when:
  - the charter school personnel or a student's parent believe that the student's placement may be inappropriate; or
  - a significant change in the student's placement is being considered by the school.

### 8.2 Least Restrictive Environment

*8.2.1. The Least Restrictive Environment (LRE) standard requires the charter school to ensure that, to the maximum extent appropriate, students with disabilities*

- a. are educated with students who are not disabled; and
- b. that special classes, separate schooling, or other removal of students with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a student is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

**8.2.2. The LRE standard requires the charter school to ensure that students with disabilities participate with non-disabled students in non-academic and extracurricular services and activities to the maximum extent appropriate.** Such activities may include: meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, special interest groups, field trips, assemblies, clubs sponsored by the charter school, and employment opportunities. LRE requirements apply to both eligible school age students and preschool children.

**8.2.3. Special education is not a “place,” but rather a set of services delineated in the student’s IEP.** The LRE provision of the IDEA emphasizes services rather than the placement.

### **8.3 Individualized Placement**

*8.3.1. The content of the student’s IEP determines placement, rather than the placement determining the content of the IEP.*

*8.3.2. The placement decision must be individualized and based on the student’s IEP.*

*8.3.3. Placement, not location, is determined by the IEP team.*

*8.3.4. Should a change of placement occur and the charter school is determined not to be the appropriate placement, the charter school and the student’s county school district of residence will work in conjunction to assign a student as close as possible to the student’s home if the IEP team has determined a specialized level of service.*

(NAC 388A.453(8))

*8.3.5. Eligibility, administrative convenience, the availability of educational or related services, or the availability of space does not determine placement.*

*8.3.6. Retention is not an IEP team decision. Retention is governed by the charter school administration regulation and state law.*

### **8.4 Continuum Of Placement Decisions**

**8.4.1. The charter school is required to ensure that a variety of placement options is available to meet the needs of students with disabilities for special education and related services.** The continuum must provide for supplementary services (such as resource room or itinerant instruction) in conjunction with placement in a regular education class. The continuum includes, as appropriate, instruction in:

- a. regular education classes;
- b. regular education classes with resource room;
- c. self-contained programs;

- d. community-based programs;
- e. home instruction;
- f. hospitals or institutions.
- g. Working with County School Districts to obtain and utilize their resources, the charter school can further discuss special classes and special schools as an option for appropriate instruction.

**8.4.2.** *The continuum of placement options for a child in early childhood special education may include, as appropriate:*

- a. an integrated or specialized center-based program (i.e., a program in which a group of children receives services at a central location) in a regular or special school;
- b. a home-based program;
- c. an itinerant consultant working with a community-based facility; or
- d. the instruction of the child in a hospital or institution.

**8.5** Special Considerations For Certain Types Of Placements

**8.5.1.** *Disciplinary Placements*

Under certain circumstances involving discipline, the charter school staff may remove a student with a disability from their current educational placement to an appropriate interim alternative educational setting, another setting, or suspension, including a suspension for more than 10 school days. For a description of these circumstances, see Chapter 9.0. The charter school is responsible for identifying or developing an alternative educational placement including, but not limited to, contracted or inter-local agreement between another charter school or the county school district. The originating charter school is responsible for cost of placement.

**8.5.2.** *Homebound and Hospital Placements*

Homebound instruction may be appropriate for a limited number of students, such as students who are medically fragile and are not able to participate in a school setting with other students. However, a medically fragile student may benefit educationally and socially from a general education classroom placement, and may be provided with medically-related services that would permit such a placement. Homebound is not an appropriate placement consideration or an acceptable alternative when a due process hearing or disciplinary action is pending.

- a. Homebound Services for Students receiving Special Education are for students with an IEP who are unable to attend classes due to physical or mental illness where confinement in a hospital or in the home is expected to be a minimum of fifteen (15) consecutive school days. Homebound services are:
  - intended to be a temporary service; and
  - the responsibility of the student’s attending school. Homebound instruction is provided:
    - in the home, by a one-on-one Homebound instructor;
    - by referring school staff; and
    - is the responsibility of the charter school.

Homebound instruction is one of the most restrictive educational placements offered by the charter school. Every effort must be made to maintain instruction in the school setting before identifying a Homebound placement. It is the responsibility of the charter school to explore all lesser restrictive options. Such options may include, but are not limited to, a shortened school day and Supplemental Home Services. If a parent enrolls a child in a private mental health treatment facility, the IEP will NOT be changed to reflect homebound placement as the charter school is not providing services. If this student becomes available for homebound services outside the mental health treatment facility, regular homebound procedures will be followed beginning with the application.

Placement of students in Homebound education is initiated by the parent who obtains a Homebound application/referral directly from the charter school when it is determined that a student is unable to attend school due to injury or illness. If

the charter school personnel receive notice that it is anticipated that the student will be absent from school for at least 15 consecutive school days for medical reasons, that person should contact the School Nurse (if the medical reason involves physical illness) or School Psychologist (if the medical reason involves mental or emotional illness or substance abuse problems). The fact that the student will be or is anticipated to be absent for at least 15 consecutive school days must be substantiated by a qualified physician who is acting within their authorized scope of practice.

b. Application/Referral

- The application/referral is a four-part form requiring completion by the parent, physician, counselor and/or the school nurse and/or the school psychologist.
- Anticipated confinement duration must be specified (e.g., six weeks, one month). A non-specific period of time (e.g., lifetime, 99 years, to be determined) is not acceptable.
- A description of the student's disability is required. In the case of a student with a psychological diagnosis, a copy of the psychiatrist's/attending physician's Treatment Plan and a copy of the therapist's Treatment Plan is also required. In addition, a copy of the school team's transition plan (i.e., a plan to return the student to school, with a timeline, procedures, activities, and responsible school personnel who will participate and be responsible for initiating and monitoring the plan) is required.
- If an extension of Homebound Services is needed, another application must be submitted or, in exceptional cases, a physician's memo or letter may be offered as an extension of the original application if it is within the same school semester. The extension must also identify a specific ending date.
- The application/referral must be completed by all four parties and then faxed or emailed to the charter school. A copy must be maintained at the school in the student's confidential folder.
- Homebound Service is considered a placement change for students receiving special education services and must be determined during an IEP meeting. An IEP Revision meeting must be convened by the student's school of attendance prior to initiation and termination of Homebound Service.
- Within one week of receiving the necessary paperwork, the school will notify appropriate school staff of the status of the referral and/or the Homebound Instruction effective start date. (See 7.5.6 for additional information)

## Chapter 9 Discipline

### Introduction

The charter school is obligated to provide a free appropriate public education (FAPE) to all eligible students with disabilities, including students who have been suspended or expelled, and is prohibited from applying its disciplinary policies in a manner that discriminates against students with disabilities. Certain procedures apply for placement of a student in an interim alternative educational setting in connection with disciplinary action against the student.

“School day” is defined as any day, including a partial day that students are in attendance at school for instructional purposes.

This chapter discusses the requirements for disciplinary actions for a student with a disability:

- 9.1 Short-Term Disciplinary Action
- 9.2 Disciplinary Change of Placement
- 9.3 Long-Term Disciplinary Removal
- 9.4 Manifestation Determination
- 9.5 Request for Hearing
- 9.6 Protections for Students Not Yet Eligible for Special Education
- 9.7 Referral to Law Enforcement Agencies
- 9.8 Disciplinary Information in a Student’s Record

### 9.1 Short-Term Disciplinary Action

Short-term disciplinary removal for students with disabilities refers to a student’s removal from instruction for less than 10 cumulative or 10 consecutive days in a given school year. This includes suspensions and Required Parent Conferences (RPC).

#### 9.1.1 *Educational Services*

- a. Educational services are not required if removal is for a total of 10 school days or less in a given school year and if services are not provided to students without disabilities who have been similarly removed.
- b. Behavior plans may need to include:
  - review and/or revision of an existing behavioral intervention plan (BIP); and/or
  - functional behavioral assessment if there is no existing behavior plan.
- c. Any break in IEP mandated services equals removal. In-school suspension (ISS) would not be considered as part of the days of suspension as long as the student:
  - participates in the general education curriculum (ISS is considered a general education environment); and
  - continues to receive the services and make progress toward meeting the goals in the student’s IEP.
- d. If a student is removed from his or her current educational placement for more than **a total of 10 school days** in a school year, even if these removals do not constitute a change in placement, school personnel must arrange to provide the student educational services to:
  - the extent necessary to enable the student to appropriately progress in the general education curriculum; and
  - appropriately advance toward achieving the goals set forth in the student’s IEP.

## 9.2 Disciplinary Change Of Placement

Although the charter school personnel must take certain steps in connection with disciplinary action against a student who has or may have a disability, the most significant procedural protections with respect to disciplinary actions against a student with a disability are triggered when the action constitutes a change in the student's educational placement.

**9.2.1.** *A disciplinary change of placement occurs when a student with a disability is removed from their current educational placement for more than 10 consecutive school days in a school year; or in a series of removals that constitute a pattern when:*

- a. the series of removals totals more than 10 cumulative school days in a given year;
- b. the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals; and
- c. such additional factors as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another.

**9.2.2.** *For any disciplinary actions that total less than 10 school days in a given school year, the charter school is not required to take any action. If the charter school personnel have questions regarding whether a series of disciplinary actions may constitute a change in placement, they should consult the charter school Site Administrator.*

## 9.3 Long-Term Disciplinary Action Constitutes A Change In Placement

Long-term disciplinary removal for students with disabilities refers to a student's removal from instruction for 10 or more consecutive school days in a given school year. This removal constitutes a change of placement. The parent has the right to have a manifestation determination review, to determine relatedness of the student's behavior to the disability, when the student's school recommends removal of the student from the current educational placement to an interim alternative educational placement for more than 10 school days for violating school disciplinary rules.

### 9.3.1. *Procedural Safeguards*

- a. Procedural Safeguards must be provided to parents when the school proposes a removal that will result in a disciplinary change of placement.
- b. The date on which the decision is made to make a removal that constitutes a change of placement of a student with a disability, the Site Administrator, school board, or designee must notify the parent of that decision and provide the parent with procedural safeguards notice and the charter school's appeal process.

### 9.3.2. *Educational Services (Alternative Instructional Arrangements, AIA)*

- a. If a student is removed from their current educational placement for more than a total of 10 school days in a school year, the Site Administrator must ensure that services are provided to the student with disabilities on the 11th day of total removals.
  - b. These services must be provided to the extent necessary to:
    - enable the student to appropriately progress in the general curriculum;
    - appropriately advance toward achieving the goals set out in the student's IEP; and
    - receive, as appropriate, a functional behavioral assessment (FBA) and behavioral intervention services and modifications that are designed to address the behavior so that it does not reoccur.
- Note: Alternative Educational Placement

## 9.4 Manifestation Determination

A manifestation determination meeting must be convened immediately, but no later than 10 school days after the date on which a disciplinary change of placement decision is made. Note: As of the 11<sup>th</sup> school day of suspension, alternative instructional arrangements must be provided while waiting to convene a manifestation determination meeting.

#### **9.4.1. Procedure**

- a. The Site Administrator meets with parent to inform them of the recommendation for a long-term removal and to provide procedural safeguards.
- b. The site administration must notify special education staff so that a manifestation determination/IEP meeting can be scheduled.
- c. Appropriate prior written notice must be provided to the parent indicating disciplinary action.

#### **9.4.2. Participants:**

- a. LEA;
- b. Parent; and
- c. Relevant members of the IEP team (as determined by the parent and LEA).

**9.4.3. The school is required to proceed with the Manifestation Determination (MD) meeting in a timely manner.** If the parent is unavailable to attend within the 10 day timeframe, the manifestation determination meeting can be convened without the parent.

- a. If a MD has occurred without the parent, an Intent to Implement must be completed and sent to the parent as described in Chapter 3.0.
- b. If the parent disagrees with the MD, an Intent to Implement must be completed and sent to the parent.
- c. The MD review may be conducted by the IEP Team at the same meeting at which it develops or revises a BIP and appropriate behavioral interventions.

#### **9.4.4. Manifestation Determination Meeting**

When conducting a manifestation determination meeting, the IEP Team must review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parent to determine:

- a. if the conduct in question was caused by, or had a direct and substantial relationship to the student's disability; or
- b. if the conduct in question was the direct result of the local educational agency's failure to implement the IEP.

Based on this information, the IEP Team must determine whether the student's behavior that is subject to the disciplinary action is a manifestation of their disability. If the LEA, parent and relevant members of the IEP team determine that a student's misconduct was caused by or had a direct and substantial relationship to the student's disability, or a direct result of the District's failure to implement the student's IEP, the conduct shall be determined to be a manifestation of the student's disability.

#### **9.4.5. If the IEP Team determines that the behavior was not a manifestation of the student's disability:**

- a. the student is subject to the same disciplinary action as nondisabled peers;
- b. after the 10th day of removal, students with disabilities must continue to receive educational services; and
- c. the parent may request an expedited due process hearing.

#### **9.4.6. If the IEP team determines that the behavior was a manifestation of the student's disability, the team must either:**

- a. conduct a functional behavioral assessment (FBA) unless the LEA had conducted a FBA before the behavior that resulted in a change of placement occurred, and implement a behavioral intervention plan (BIP); or
- b. if a BIP had been developed, review the BIP, and modify it, as necessary, to address the behavior.

In addition, the IEP Team should complete the Functional Behavioral Assessment worksheet, the Behavior Plan Worksheet, and all relevant sections of the IEP, as appropriate. The IEP Team may also want to consider if the student needs a reevaluation. Except as provided in section 9.4.7., **the school may not** impose disciplinary action and must return the student to the placement from which the student was removed, unless the IEP team agree to a disciplinary change of placement.

#### **9.4.7. *Special Circumstances***

The charter school may discuss removal of a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, in cases where a student:

- a. carried a weapon to school or to a school function under the jurisdiction of the charter school; or
  - The term weapon means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2½ inches in length.
- b. knowingly possessed or used illegal drugs or sold or solicited the sale of a controlled substance while at school or at a school function under the jurisdiction of the charter school ; or
  - An illegal drug means a controlled substance, but does not include a substance that the student legally possesses or uses under the supervision of a licensed health-care professional, or that is legally possessed or used under federal law.
- c. had inflicted serious bodily injury upon another person while at school or at a school function under the jurisdiction of the charter school.
  - Serious bodily injury is an injury involving **substantial** risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of function of a bodily member, organ or mental faculty.

For questions regarding special circumstances, contact the charter school site administrator for assistance.

### **9.5 Requests For A Hearing**

**9.5.1. *A parent may request a due process hearing when they disagree with any decision regarding disciplinary placement or the manifestation determination.***

**9.5.2. *Following a request from the charter school, the LEA may request a due process hearing when they believe that maintaining the current placement of the student is substantially likely to injure the student or others.***

**9.5.3. *The hearing officer may order a disciplinary change of placement which may include:***

- a. returning the student with a disability to the placement from which they were removed; or
- b. ordering a change in placement to an interim alternative educational setting for no more than 45 school days if the hearing officer determines that maintaining the current placement of the student is substantially likely to result in injury to the child or others.

**9.5.4. The Nevada Department of Education (NV DOE) who is the State Education Agency (SEA) is required to arrange for an expedited hearing that must occur within 20 school days from the date that the request is made.** The hearing officer must render a decision within ten school days after the hearing.



#### 9.5.5. *Stay Put Requirements*

The student is to remain in the educational setting pending the decision of the hearing officer or until the time period of the disciplinary infraction ends.

### 9.6 Protections For Students Who Are Not Yet Eligible For Special Education And Related Services

**9.6.1. In some circumstances, a student who has not yet been determined to be eligible as a student with a disability may be entitled to procedural protections.** If there was a suspicion of a disability prior to the behavior infraction and recommendation of an alternative placement, discipline must cease and an expedited evaluation must occur unless the

infraction involved weapons, drugs or serious bodily harm. The LEA is deemed to have knowledge that a student is a student with a disability if, before the behavior that precipitated the disciplinary action occurred:

- a. the parent of the student had expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency, or a teacher of the student, that the student is in need of special education and related services;
- b. the parent of the student has requested an evaluation of the student; the teacher of the student, or other personnel of the LEA, has expressed specific concerns about a pattern of behavior demonstrated by the child, directly to the Site Administrator of the school.

*9.6.2. Exception: The LEA is deemed not to have knowledge that a student is a student with a disability if the parent of the student has not allowed an evaluation, has refused or revoked services, or the student has been evaluated, and it was determined that the student was not a student with a disability.*

### 9.7 Referral To Law Enforcement Authorities

The protections described in this Chapter do not prevent school personnel from reporting a crime committed by a student with a disability to appropriate authorities. Similarly, these protections do not prevent state law enforcement and judicial authorities from exercising their responsibilities in applying federal or state law to crimes committed by a student with a disability. If school personnel report a crime committed by a student with a disability to appropriate authorities, they must ensure that copies of the student's special education and disciplinary records are transmitted for consideration by those authorities to whom the agency reports the crime. The student's records may be transmitted only to the extent such transmission is permitted by the Family Educational Rights and Privacy Act.

### 9.8 Disciplinary Information In Student Records

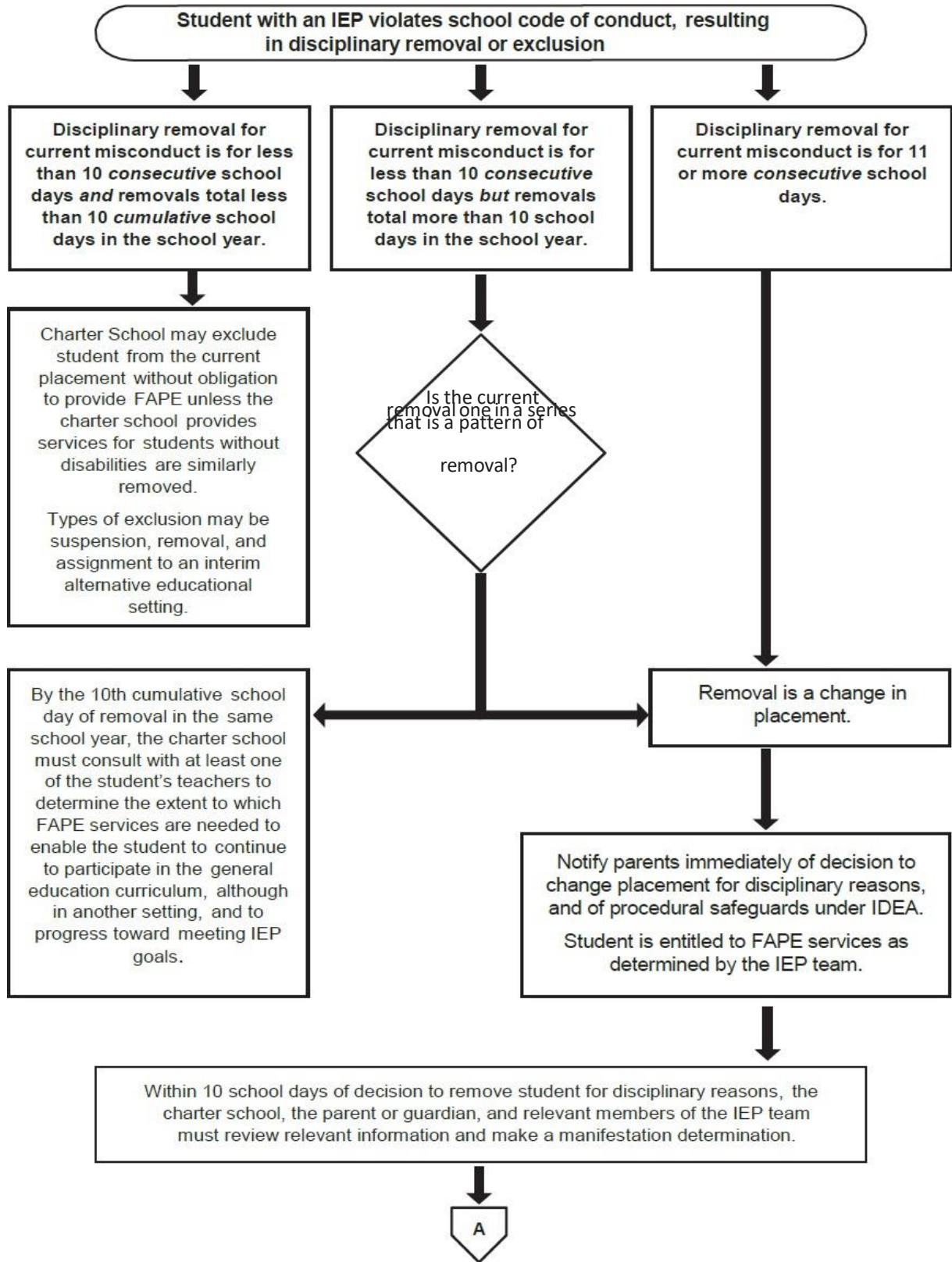
*9.8.1. If a student has been or is being subjected to any disciplinary action, the school may include information about such previous or current disciplinary actions in the student's records to the same extent such information is included in the records of students without disabilities.*

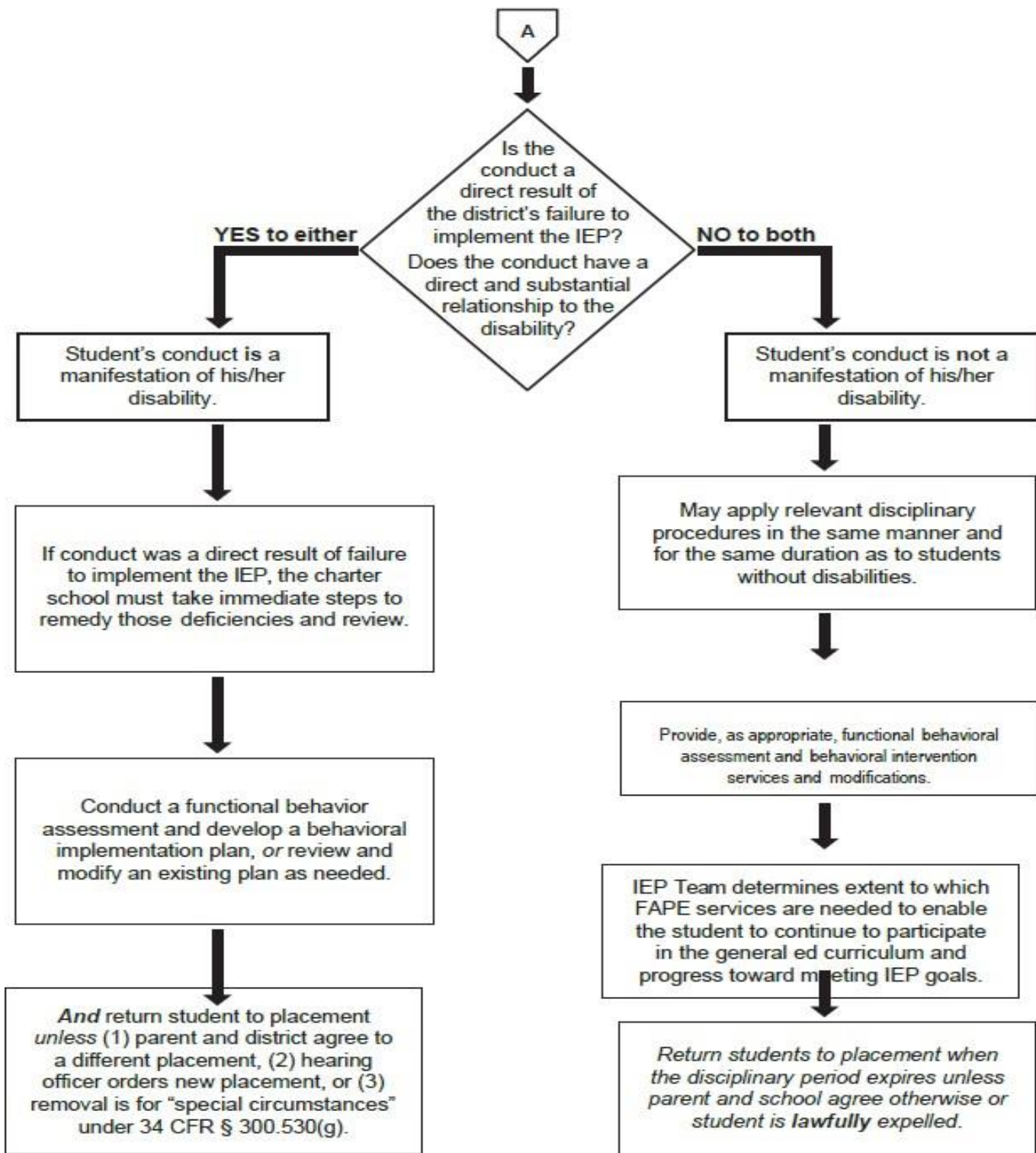
The information may include:

- a. a description of the student's behavior that required disciplinary action;
- b. a description of the disciplinary action taken; and
- c. any other information that is relevant to the safety of the student and other individuals involved with the student.

**9.8.2. The school also may transmit the disciplinary information in the records of students with disabilities to the same extent that type of information is transmitted in the records of nondisabled students.** If the student transfers to another school, the student's current IEP and any information of disciplinary action as described above must be transmitted with their records.

## IDEA Disciplinary Procedures for Students with Disabilities





## Chapter 10 Student Records And Confidentiality

The charter school is required to follow certain procedures for collecting, maintaining, disclosing, and destroying educational records relating to a student with a disability. Education records include records covered under Family Educational Rights and Privacy Act (FERPA). A record includes printed or handwritten documents, but also includes information recorded in any other way, including computer media, videotape, audiotape, film, microfilm, and microfiche.

This chapter discusses student records and confidentiality requirements:

- 10.1 Education records defined
- 10.2 Maintenance of records
- 10.3 Access to records
- 10.4 Copying records
- 10.5 Requests for records
- 10.6 Destruction of records
- 10.7 Amendment of records at parents' request
- 10.8 Annual notice of parental rights

**10.1.1.** *Education records include records that are:*

- a. directly related to a student; and
- b. maintained by the charter school.

**10.1.2.** *The term does not include:*

- a. records that are kept in the sole possession of the maker of the record, and are not accessible or revealed to any other person;
- b. records of the charter school security;
- c. personnel records;
- d. records that are created or received after a student that is no longer enrolled in the charter school;  
or
- e. documents under development, but are not yet completed (Multidisciplinary (MDT) reports).

**10.1.3.** *Some of the protections for student records relate to information that is personally identifiable to the student. Information is personally identifiable if it includes:*

- a. the name of the student, the student's parent, or other family member;
- b. the student's address;
- c. a personal identifier, such as the student's social security number or student number; or
- d. a list of the student's personal characteristics or other information that would make it possible to identify the student with reasonable certainty.

**10.1.4.** **Although this Chapter refers to the rights of the parent, these rights will transfer from the parent to the student when the student reaches age 18.** If the general rights of the parent under IDEA are transferred to the student at age 18, as described in the Procedural Safeguards Chapter 2.0, the parent's rights regarding education records will transfer to the student. However, the school is required to provide the parent and the student notice required under the procedural safeguards requirements of IDEA, as described in the Procedural Safeguards Chapter 2.0.

## 10.2 Maintenance Of Records

The charter school is required to protect the confidentiality of personally identifiable information regarding a student. The charter school's Special Education Department and its Site Administrator are the designated school officials responsible for ensuring the confidentiality of any personally identifiable information.

### 10.2.1. *The Site Administrator shall:*

- a. designate a confidentiality official to serve as a records custodian for each school;
- b. ensure that all school staff that collect or use a student's personally identifiable information are trained in confidentiality requirements;
- c. maintain the records in a secure and locked location; and
- d. ensure that a current list of the names and positions of those the charter school employees who have access to the records are maintained; and
  - posted in plain view and in close proximity to the confidential records; and
  - ensures that the person(s) who access each student education record signs the Status Record.

## 10.3 Access To Records

### 10.3.1. *General Right of Access*

School personnel must permit the parent to inspect and review any education records relating to their child that the charter school collects, maintains, or uses under IDEA.

- a. As part of the process of allowing access to education records, the Site Administrator is responsible for verifying that the person requesting access has authority to do so. For assistance in determining whether a parent has authority to access a student's education records, contact the charter school Site Administration.
- b. For procedures related to copying records refer to section 10.4.
- c. the charter school regulations require that the Site Administrator must comply with a request to access or review records:
  - no more than 10 days after receipt of the request to review the records; or
  - before any meeting regarding an IEP, hearing, or resolution session.
- d. the charter school personnel must be present to interpret records being reviewed and must follow the record of access procedures as described in 10.3.2. below.

### 10.3.2. *Record of Access*

The charter school is required to keep a Status Record of parties obtaining access to confidential education records collected, maintained, or used under IDEA. The record must include the:

- a. first and last name and title of the party accessing the record;
- b. date access was given; and
- c. purpose for which the party is accessing the record.

### 10.3.3. *Parent Right to Access*

- a. Parents' right to inspect and review education records includes the right to:
  - a response from the school for a reasonable requests for explanations and interpretations of the records;
  - request copies of the records containing the information; and
  - have a representative of the parent inspect and review the records.
- b. In order to provide meaningful explanations of records for a parent who may be unable to read due

to blindness, inability to read English, distance, or other reasons, the Site Administrator must take steps to provide an interpreter, an oral explanation, Braille versions of documents, or an opportunity to review the documents over the telephone, as appropriate. In addition, copies of certain documents may be provided to a parent, as described in section 10.4.1.

- c. If any education record includes information on more than one student, the parent has the right to inspect and review only the information relating to their own child, or to be informed of that specific information. School personnel should ensure that they block out or omit information about other students on copies of education records or take other measures to avoid disclosure to unauthorized persons.
- d. The school is required to provide the parent, on request, a list of:
  - the types and locations of education records collected, maintained, or used by the school; and
  - the charter school employees with authority to access student's personally identifiable information.
- e. The school shall:
  - inform the parent when personally identifiable information is no longer needed to provide educational services to the student;
  - maintain a permanent record of the student's name, address, telephone number, grades, attendance, classes attended, grades completed and the year they were completed; and
  - not disclose personally identifiable information except as authorized by law.
- f. rights of access extend to student teachers and related service interns who have a legitimate educational interest in accessing educational records.
- g. Specific requirements apply to maintenance and disclosure of disciplinary information included in a student's records. These requirements are discussed in the Discipline Chapter 9.0.

## 10.4 Copying Records

### 10.4.1. *If a parent requests a copy of an education record:*

- a. the charter school personnel shall comply with the request within a reasonable period, but not more than 45 calendar days after receipt of the request.
- b. The school is allowed to charge a fee for copying, but may not charge a fee for searching or retrieving information. The fee may be waived if charging the fee would effectively prevent the parent from exercising their right to inspect and review the documents. The fee schedule must be published in the school/parent/student handbook.

## 10.5 Request For Records

*10.5.1. Written parental consent must be obtained before personally identifiable information in the student's records is disclosed to anyone other than officials of the charter school collecting or using the information under IDEA.*

*10.5.2. FERPA prevents school personnel from disclosing personally identifiable information in a student's education record, except if the parent or eligible student provides the signed Authorization for Release of Confidential Information consent form.*

### 10.5.3. *The written consent must:*

- a. specify the records that may be disclosed;
- b. state the purpose of the disclosure; and
- c. identify the party to whom the disclosure may be made.

**10.5.4. *Prior written consent is not required when providing education records to:***

- a. school officials with a legitimate educational interest;
- b. 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;
- c. specified officials for audit or evaluation purposes;
- d. appropriate parties in connection with financial aid to a student;
- e. organizations conducting certain studies for or on behalf of the school;
- f. accrediting organizations;
- g. comply with a judicial order or lawfully issued subpoena; or
- h. state and local authorities, within a juvenile justice system, pursuant to specific State law.

However, the school must make a reasonable attempt to notify the parent, unless the disclosure was initiated by the parent or eligible student, or unless the school's annual FERPA notification includes a provision that education records will

be forwarded upon request to other institutions where the student seeks admission or intends to enroll or is already enrolled. The parent is entitled to a copy of the record that was disclosed and has the right to a hearing.

**10.5.5. *If a parent refuses to provide consent to disclose a student's personally identifiable information, the charter school personnel should contact the charter school Site Administration.***

**10.6 Destruction Of Records**

**10.6.1. If the parent requests that personally identifiable information in the records be destroyed, the parent should contact the charter school Site Administrator.** Destruction means either physical destruction or removal of personal identifiable information. However, the charter school may maintain (without a time limitation) a permanent record of the student's name, address, telephone number, grades, attendance record, classes attended, grade level completed, and year completed.

**10.6.2. *The charter school's policy is to destroy a student's records six (6) calendar years after he/she graduates or would normally have graduated from high school.***

**10.7 Amendment Of Records At Parent's Request**

**10.7.1. *Request for Amendment***

- a. The parent may request the school to amend information in their child's education records if the parent believes that the information:
  - is inaccurate;
  - is misleading; or
  - violates the student's privacy rights or other rights.
- b. The parent must submit the request in writing to the Site Administrator to explain which information is being challenged and the reasons for their objection to the information.
- c. Within ten school days after receiving such a request, the Site Administrator must inform the parent in writing of the determination, the reasons for the decision, and the right to appeal.

**10.7.2. *Appeal***

The parent has the right to appeal the determination to the Site Administrator or school designee within ten school days after receipt of the Site Administrator's letter. The Site Administrator or designee shall hold a hearing with the parent within fifteen working days of receipt of the appeal.

### 10.7.3. Hearing

Upon a parent's request, the school is required to provide an opportunity for a hearing to challenge information in the student's education records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student. The parent's request for a hearing should be forwarded to the Site Administrator or designee.

- a. Requirements:
  - the hearing must be scheduled within fifteen working days after receipt of request;
  - reasonable notice must be provided to the parent of the date, time, and place of the hearing;
  - the hearing must provide the parent a full and fair opportunity to present relevant evidence, and the parent may be assisted by an attorney or other individual at the parent's expense;
  - within five working days after conclusion of the hearing, the Site Administrator or designee must inform the parent of their decision in writing; and
  - the parent shall be notified of the decision by certified mail.
- b. If, as a result of the hearing, it is determined that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, the charter school personnel must amend the information accordingly. The charter school personnel are responsible for informing the parent in writing that the information has been amended.
- c. If, as a result of the hearing, it is determined that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, the Site Administrator or designee must inform the parent of their right to place in the student's school records a statement commenting on the disputed information or setting forth any reasons for disagreeing with the information. Any such explanation that is placed in the student's records must be maintained by the charter school as part of the student's records. If the student's records or the contested portion is disclosed by the charter school to any party, the explanation must also be disclosed to the party.

## 10.8 Annual Notice Of Parental Rights

### 10.8.1. *The charter school is required to notify parents annually of their right to:*

- a. inspect and review the student's education records;
- b. seek amendment of the student's education records that the parent believe are inaccurate, misleading, or that violate the student's privacy rights;
- c. disclosure of personally identifiable information unless an exception applies; and exception applies;
- d. file an administrative complaint regarding alleged noncompliance with records requirements.

### 10.8.2. *The charter school is required to provide annual notice about these rights in a manner that effectively notifies parents who are disabled, or who have a primary or home language other than English.*



## 2. English Learner Policy and Plan

### 1 Southern Nevada Trades High School (SNTHS)

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Southern Nevada Trades High School will provide families in the Las Vegas with a college and career preparatory high school option designed to support their children to graduation.

#### 1.1 School Mission Statement

Southern Nevada Trades High School (SNTHS) promotes excellence in academic and career and technical education, preparing students for post-secondary education and careers in construction related professions.

#### 1.2 School Vision Statement

Through innovative career and technical training integrated with aligned academics, community partnerships, and individualized college and career-readiness planning, students' passions for learning are ignited and they are prepared for success in postsecondary education and the workplace.

- **Integrated Curriculum:** We believe that hands-on career technical education (CTE) – in the classroom, in the workshop, and on the job-site – prepares students with the knowledge and skills for successful futures in construction-related careers. We believe that pairing CTE with aligned academics provides students with the skills necessary to adapt and grow throughout their careers.
- **Passion for Life-long Learning:** We believe that the unique combination of CTE and aligned academics spark student passion for learning while encouraging other essential life skills such as critical thinking, communication, and teamwork.
- **Individualized Planning and Support:** We believe that engaging students 1:1 in planning and refining their course of study throughout their high school career prepares graduates for success in their chosen educational and career paths.
- **Community Partnerships:** We believe that close collaboration with local industry and postsecondary institutions provides students with access to work experiences, industry-recognized credentials, and post-secondary credit that set them up for immediate success upon graduation.
- **Career and College Readiness:** We believe that an explicit focus on the skills necessary in college and careers provides students with opportunities to receive feedback and develop these skills.

#### 1.3 Website and School Performance Plan

For additional information about the SNTHS, please refer to the website at <https://www.snvtradeshighschool.org/>

## 2 Introduction

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This manual serves as a reference for SNTHS regarding the topic of English Language Learners.

### 2.1 Purpose

The purpose of the EL Policy and Plan is to define procedures and specify program elements that provide English language acquisition for all English Learners at a level that ensures equal participation in all education programs. An effective policy, plan, and program, ensures the mastery of English literacy skills to meet all requirements for high school graduation.

## 2.2 Philosophy

We believe that all students deserve access to high-quality high schools that will meet them where they are, spark their passion for learning, and support them in reaching their academic and career goals. At Southern Nevada Trades High School (SNTHS), we offer all of these in a unique environment that prepares young people for success in construction professions and postsecondary education. We believe that access to core academic subjects in the classroom (mathematics, English, science, and social studies) paired with hands-on career and technical education in workshops and at job sites (surveying, planning, plumbing, electrical, rough and finished carpentry, sheet rocking, roofing, etc.) combine to spark students' passions for learning by engaging them in multiple learning modalities that foster meaningful learning while simultaneously allowing students to identify their passions and strengths. Students learn from experienced teachers and expert trades people who are committed to ensuring that every student at SNTHS is successful.

Southern Nevada Trades High School aims to serve students and families in and around the 89110-zip code in East Las Vegas and Sunrise Manor, Nevada. By offering a dynamic learning environment in which students have access to high-quality academics and career technical training, as well as individualized support from the moment they enter until they reach graduation, the school's goal is to support all students to graduate. Immediately upon entering, all freshman students enter the Freshman Success Program, designed to orient students to high school-level expectations, guide them through successful completion of their first year of academic coursework, support their social emotional growth, and give them access to entry-level studies in CTE coursework so they can begin to design their own program of study from year one.

In ninth grade and beyond, students will have access to 8-week programs of study that meet all the Nevada criteria for graduation and offer in-depth CTE opportunities. Additionally, SNTHS engages students in planning their education through continuous 1:1 reflection and goal setting with college and career counselors, allowing students to take the lead in designing a course of study that will prepare them to graduate from high school ready for the college or career of their choice. Through the school's partnerships with the local community colleges, post-secondary programs, and industry leaders, students are prepared with such necessities as OSHA certification, college credit, and industry-credentialing that allow them to graduate high school immediately ready to enter well-paid careers or enroll in degree programs to further their education.

Along the way, students at SNTHS will have the extraordinary experience of learning the construction trades while designing and building custom construction projects from the ground up. Completing a project of this magnitude equips students with not only specific construction-trade related experience, but also valuable life-skills in critical thinking, communication, and teamwork. These unique opportunities for both traditional academic and experiential learning help to engage all students, from the most eager to those most at risk for dropping out. Our goal is to support every student who enters SNTHS, spark their passion for learning, and support them to graduation and their next steps in college and careers.

## 2.3 Legal Requirements

All schools are required to have an English Learner (EL) Policy and Plan per [Nevada Revised Statute \(NRS\) 388.407](#). SPCSA schools will comply with obligations under the [Equal Educational Opportunities Act of 1974, 20 U.S.C. § 1703\(f\)](#) as well as [Title VI of the 1964 Civil Rights Act 20 U.S.C § 2000d et seq.](#), and its implementing regulations at [34 C.F. R. part 100](#). Programs must be in compliance with [NRS Chapter 385](#) and [NRS Chapter 388](#) and the components that govern public schools. These programs and procedures must also be in compliance with Title III of the [Every Student Succeeds Act \(ESSA\) of 2015, Public Law 114-95](#). Additionally, this document provides instructions regarding compliance with [Nevada Assembly Bill \(AB\) 195 from the 2021 legislative session](#) that is known as the English Learner Bill of Rights.

## 2.4 Board Approval

### 2.4.1 Board Approval

Each SPCSA school is required to have the EL Policy and Plan approved by their school board.

This manual was approved on: March 20, 2023

### 2.4.2 Stakeholders

In addition to the board approval date, a list of names and roles of stakeholders who participated in the review process should be clearly noted in the EL Policy and Plan.

The following stakeholders participated in the review and approval process of this plan:

- Julie Carver, Executive Director
- Candi Wadsworth, Principal
- Brett Willis, Board Chair
- Rebecca Merrihew, Vice Chair & Facilities Chair
- Lisa Jones, Treasurer & Finance Chair
- Kelly Gaines, Secretary & Marketing Chair
- Tina Morgan, Academics Chair
- Amber Karweick, Board Member
- Kent Lay, Board Member
- Amanda Moss, Board Member
- Kelly Suiter, Board Member
- Dan Wright, Board Member
- Michael C. Van, Board Member

This manual contains:

- Information regarding the EL Bill of Rights.
- Information regarding the identification of EL students.
- Information regarding the Assessment of EL students.
- Information regarding eliminating achievement gaps and ensuring equitable access through:
  - Data.
  - Leadership and staffing.
  - Research-based curriculum.
  - Professional development/professional learning
  - Other educational programs for ELs
- Information regarding EL students with disabilities.
- Information regarding required parent communication and participation.
- Student participation in other educational programs.
- Links to all resources identified in this manual.
- Forms and documents used in conjunction with the EL program at the school.

## 2.5 Desired outcomes

There are several desired outcomes that result from implementing a successful EL program within a school. It is desired that within our school:

- The EL Program is aligned with their goals and schoolwide plan to ensure equal access to the educational opportunities afforded to all students.
- All EL Students will attain proficiency and fluency in the English Language.
- All EL students will benefit from the educational programs available within their school.
- All EL students will achieve proficiency and mastery of content area curriculum.
- All EL students will graduate high school as college and career ready.
- All EL students will excel to high standards.
- The school will implement research-based, comprehensive, and aligned English language development curriculum for EL students.
- All teachers of EL students will utilize appropriate strategies for EL language instruction and participate in ongoing professional development to ensure quality instruction.
- The socio-emotional needs of EL students will be considered in schools in conjunction with language development and academic needs.
- The school will partner with parents and families through effective communication and a variety of opportunities for families to have input on topics relevant to their families.

## 2.6 Definitions and Acronyms

Throughout this manual you will encounter a variety of terms that are relevant to this process. Additionally, some items may be referred to using acronyms. Please review the following items to familiarize yourself with the terminology and acronyms used throughout this manual.

- English Language Acquisition and Development (ELAD) Endorsement: Teachers with the ELAD endorsement on their teacher license have extended knowledge of the theories of second language acquisition, contemporary issues related to the education of English language learners and emergent bilinguals, assessment of language learning, and methods for supporting the academic language development of linguistically diverse students. This endorsement is formerly known as the Teach English as a Second Language (TESL) endorsement.
- English Learner (EL) student: Refers to a student who has been determined to be an English Language Learner or Limited English Proficient (LEP) and is therefore entitled to receive services to overcome language barriers that impede his/her equal and meaningful participation in the school's instructional programs. English learner student-Speakers of other languages who are learning English; refers to learners who are identified as still in the process of acquiring English as an additional language. English Learner students may also be referred to as English Language Learners (ELLs) as this is the acronym used by WIDA for their assessment suite.
- English Language Proficiency: The level of competence at which an individual can use language for both basic communicative tasks and academic purposes.
- English Language Proficiency Assessment (ELPA): English Language Proficiency Assessment-umbrella term used by the Nevada Title III Office to identify the annual English language proficiency assessment given to English language learners. Currently the ELPA assessment in Nevada is the WIDA ACCESS.
- Every Student Succeeds Act (ESSA): is the federal K-12 education law of the United States. ESSA was signed into law in 2015 and replaced the previous education law called "No Child Left Behind." It is a reauthorization of the Elementary and Secondary Education Act (ESEA) of 1965.
- Evidence Based Interventions (EBI): Evidence-based interventions (EBI) are practices or programs that have evidence to show that they are effective at producing results and improving outcomes when implemented.

- Exited ELL: Refers to a student who was formerly an ELL but subsequently met the criteria for exiting the ELL Program based on a valid and reliable assessment of the student's English proficiency in each of the four (4) domains of speaking, listening, reading, and writing. An exited ELL is entitled to receive monitoring of his/her academic progress to determine whether the student has and maintains a sufficient level of English proficiency to succeed in mainstream classes without language acquisition services.
- Home Language: Language spoken in the home by caregivers and siblings who reside in the child's home; sometimes used as a synonym for primary language or native language.
- Home Language Survey (HLS): A screening tool used by schools upon student registration that determines languages that are spoken by the students.
- Individualized Education Program (IEP): A legal document under United States law that is developed for each public school child in the U.S. who needs special education. It is created through a team of the child's parent and district personnel who are knowledgeable about the child's needs.
- Individuals with Disabilities Education Act (IDEA): The Individuals with Disabilities Education Act (IDEA) is a law that makes available a free appropriate public education to eligible children with disabilities throughout the nation and ensures special education and related services to those children.
- Infinite Campus (IC): Infinite Campus is the Student Information System (SIS) used by all public schools in Nevada.
- Limited English Proficient (LEP): A federal term for English language learners who receive services and are tested from Title III funds. This term is being replaced with the term English Learner (EL).
- Language Instruction Educational Program (LIEP): a legal requirement for districts with students who are in the process of learning English as an additional language. A LIEP must be identified for each student.
- Model of Instruction (MOI): The LIEP is based on choosing an appropriate Model of Instruction (MOI) for each student. A list of models that may be used in the state of Nevada from the NDE is found on the document titled [Language Instruction Educational Program \(LIEP\) Models in Nevada](#). One model of instruction should be selected for each student and when entered in Infinite Campus, the appropriate code should be entered from the list.
- Multi-Tiered System of Support (MTSS): MTSS stands for multi-tiered system of supports. It's a framework many schools use to give targeted support to struggling students.
- Native language: Primary or first language spoken by an individual.
- Nevada Department of Education (NDE): The Nevada Department of Education or NDOE, autonomous of the governor and the Nevada State Legislature, administers primary and secondary public education in the state of Nevada.
- Nevada Revised Statute (NRS): The Nevada Revised Statutes are all the current codified laws of the State of Nevada. Nevada law consists of the Constitution of Nevada and Nevada Revised Statutes.
- Section 504 of the Rehabilitation Act of 1973: Section 504 forbids organizations and employers from excluding or denying individuals with disabilities an equal opportunity to receive program benefits and services. It defines the rights of individuals with disabilities to participate in, and have access to, program benefits and services.
- Section 504 Plan: 504 plans are formal plans that schools develop to give kids with disabilities the support they need. That covers any condition that limits daily activities in a major way.
- Smarter Balanced Assessment Consortium (SBAC) Assessment: Adopted by the Nevada Department of Education, to measure K-8 students achievement of the Nevada Academic Core Standards (NVACS). The assessment system includes a rigorous computer adaptive summative test for grades 3-8 that provides accurate student performance and growth information to meet state and federal accountability requirements. In addition, optional computer adaptive interim assessments and formative resources

aligned to the NVACs give teachers and principals the tools to help students meet today’s college- and career-ready standards.

- State Public Charter School Authority (SPCSA): The State Public Charter School Authority (SPCSA) authorizes public charter schools across Nevada and is responsible for the oversight and monitoring of those schools to ensure positive academic outcomes for students and strong stewardship of public dollars.
- Statewide Plan for the Improvement of Pupils (STIP): Nevada law requires the State Board of Education to develop a 5-year strategic plan to improve the achievement of students enrolled in public schools across Nevada, officially referred to as a “Statewide Plan for the Improvement of Pupils”. We often abbreviate this to “STIP”. The Board must submit this plan, or a revised plan, on or before March 31 of each year. The STIP is prepared for the State Board’s consideration by the Nevada Department of Education (NDE) and reflects feedback and input gathered from school districts, education partners, and stakeholders across the State. (These requirements are outlined in Nevada Revised Statutes (NRS) 385.111-113).
- Title III: Language Instruction of Limited English Proficient Students and Immigrants (2002). Title III under ESSA consolidates 13 bilingual, immigrant, and Native American education programs formerly known as Title VII (1994). The focus of the title is on assisting school districts in teaching English to EL students and helping EL students meet state academic standards.
- US Department of Education (USED): The U.S. Department of Education is the agency of the federal government that establishes policy for, administers, and coordinates most federal assistance to education.
- WIDA: Consortium joined by Nevada Department of Education that provides the state ELPA test, known as ACCESS, and provides extensive professional development on the comprehensive ELP standards that address the need for students to become fully proficient in both social and academic English.

### 3 The EL Bill of Rights

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[Assembly Bill \(AB\) 195 from the 2021 legislative session](#) requires information sharing by charter schools. This bill is also referred to as the “English Learner Bill of Rights”. The full text of this legal requirement may be viewed by clicking the link in section 2.2 Legal Requirements, or section 6 of this manual that provides a summary of all links. As a result of this bill, schools must:

1. Provide parents of English Learners with a copy of the “English Learner Pupil and Parent Rights” and post the document to the school website.
  - a. This information should be provided in English and in the parent’s primary language upon enrollment or identification as an English learner. For students who did not receive this documentation at the time of enrollment or identification as an English learner, provide this documentation as soon as possible. When posted to the website, it should be posted in as many languages as possible, and at minimum, all the languages provided by NDE. These documents may be downloaded from <https://spcsa.instructure.com/courses/42/modules/items/537> in multiple languages.
2. Post information to the school’s website regarding the use of Title III funds.
  - a. Schools must post to the website (and update annually), Post to your school’s website (and update annually), information related to the way the school has used funds received pursuant to Title III of the Every Student Succeeds Act (ESSA) of 2015. This information must be organized into categories of programs and services that the funds were used for, including the engagement of parents and families.

3. Include the following items in the school's EL Policy and Plan:
  - a. Provisions for the identification of the primary language of each pupil enrolled in the school district at the beginning of each school year to assist in the identification of pupils who are English learners
  - b. Provisions that ensure English learner students remain in a program for English learners until the pupil obtains language proficiency based on an appropriate assessment for pupils who are English learners, unless the parent or legal guardian of the pupil declines for the student to remain placed in a program for English learners.
4. A variety of data collection requirements are included as a part of the EL Bill of Rights. Schools must maintain accurate records in Infinite Campus at all times so that data is readily available when requested from SPCSA or NDE.

## 4 Identification of English Learner (EL) Students

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All public schools are required to identify English Learner (EL) Students. Identification and Placement information can be found on the [Nevada WIDA site](#) in the "[Nevada English Language Learner Identification and Placement Guidance Document](#)" regarding identification and placement procedures.

### 4.1 Home Language Survey

Nevada requires a Home Language Survey (HLS) to be administered upon initial registration to all students [SBE3(a)(i), OCR & DOJ-Title VI 1964 and EEOA 1974, ESSA 3113(b)(2), NRS388.407(2)(a)].

The HLS may be issued online or by paper form. The results of the HLS should be recorded in Infinite Campus.

A template HLS is available at: <https://spsca.instructure.com/courses/42/modules/items/969>

The HLS must include three basic questions to determine:

1. The native or first language of the child.
2. The language(s) spoken at home.
3. The language(s) used when speaking with peers.

If a language other than English is indicated for any of the questions on the HLS, the child must be screened to determine EL status.

At our school, the HLS is issued online/as a paper form. The ELL/ESOL Instructor is responsible for entering the results of the HLS into the student records in Infinite Campus. All three languages should be entered for any student who has listed at least one language that is not English in any of the three fields. A student who requires screening should have "Pending" placed in Infinite Campus for their EL status by the ELL/ESOL Instructor until they have taken the screener.

### 4.2 Prior School Records

One component of screening is prior school records. If a student has indicated a language other than English on the HLS and records from a student's previous school indicate an EL designation, the student should continue as EL if the student did not exit EL status at their previous school. Students who are continuing as EL from a previous school should not take the screener, they should be designated as EL.

If a student has indicated a language other than English on the HLS but records indicate that the student has exited EL with proper test scores, the student should not take the screener. They should be designated as a

former EL as it is required to monitor former EL students for four years after exiting EL status. Students who have been exited for more than 4 years do not need to be monitored.

### 4.3 Screening Assessment

Students who were identified as speaking a language other than English by the HLS, must take the K-12 WIDA Screener to determine if they should be designated as an EL student.

The screener will be administered at our school by the ELL/ESOL Instructor.

### 4.4 Placement and Opt Out

Upon completion of the screening assessment, students should be designated as EL students according to the “Identification/Placement Criteria” found on the Nevada WIDA website, in the document called “[Nevada English Language Learner Identification and Placement](#)”. Placement criteria is determined by NDE.

Upon completion of the screening assessment, the EL status in Infinite Campus should be updated from “Pending” to reflect the status of the student.

- If a student is eligible for services based on the screening assessment, the ELL/ESOL Instructor will enter the student’s EL Program status in Infinite Campus as EL and enter the “Identified Date”.
- If a student is not eligible for services based on the screening assessment, the ELL/ESOL Instructor will enter the student’s EL Program status in Infinite Campus as “Not EL” and enter the “Identified Date”.

All EL students are entitled to services. However, parents may choose to opt their children out of a school district’s EL program or out of particular EL services within an EL program. Per the [EL DCL Fact Sheet](#) from the United States Department of Education (USED):

- School districts may not recommend that parents opt out for any reason. Parents are entitled to guidance in a language that they can understand about their child’s rights, the range of EL services that their child could receive, and the benefits of such services. School districts should appropriately document that the parent made a voluntary, informed decision to opt their child out.
- A school district must still take steps to provide opted-out EL students with access to its educational programs, monitor their progress, and offer EL services again if a student is struggling.

At our school, if a parent chooses to opt out, the ELL/ESOL Instructor will update the EL status in Infinite Campus to reflect that the parent has chosen to opt the student out from services.

### 4.5 Screening, Placement, and Exit, Records

Accurate records of screening, placement, and exit, for EL students must be maintained in Infinite Campus. NDE hosted several data workshops in May 2021 regarding best practices for data entry. It is highly recommended that schools view the recordings so that data is entered correctly, as these data workshops demonstrate how to enter all data that is required by NDE. A link to the recordings and the data workshop files are available using the links below.

- [NDE EL Data Workshop Recordings](#)
- [NDE EL Data Workshop Zip Files](#)

EL student records in Infinite Campus will be reviewed and updated on an ongoing basis. At our school, the ELL/ESOL Instructor is responsible for checking and entering/updating the following records for EL students in Infinite Campus:

1. Birth Country (should be entered for all students at the school regardless of EL status)



2. Date entered US (should be entered for all students regardless of EL status if the birth country is not the US)
3. Date entered US School (should be entered for all students regardless of EL status if the birth country is not the US)
4. First Language, Home Language, Language with Friends (should be entered for any student who identified a language other than English on the HLS in any field. All three items should be entered on the for these students even if some of the languages are specified as English)
5. EL Program Status (Pending, EL, Not EL, Exited EL-Reg, Exited EL-Alt)
6. Identified date (entered after the initial date that the student is deemed eligible by WIDA screener scores)
7. Exit date (entered after the student has received a proficient score on WIDA or is able to exit by Alternate criteria)
8. Parent Notified (should be updated annually when annual notifications are sent)
9. Parent declined (if the parent declines services check the box and enter the date)
10. EL Assessments (Most recent scores should be entered)
11. EL Services (A model of instruction should be selected for each student as this information is required by NDE and USED for the LIEP. Only one should be selected per student, and the start date should be the date of enrollment for the current school year. Refer to the [Language Instruction Educational Program \(LIEP\) Models in Nevada](#) document for the appropriate coding of the program(s) used at your school.)

## 5 Assessment

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Once students have been screened and they are designated as EL students, a variety of assessments should be used that provide for the periodic reassessment of English proficiency and applicable content assessments of each EL qualified student.

### 5.1 State Assessments

#### 5.1.1 Placement/Screener Assessment

Nevada uses the WIDA Screener (for Grades K-12) to identify English language learners (ELLs).

#### 5.1.2 English Language Proficiency Assessment (ELPA)

##### 5.1.2.1 *About the ELPA*

The ELPA for the state of Nevada is the WIDA ACCESS for ELLs. This is the summative assessment. ACCESS for ELLs Online must be given to all EL students who are enrolled during the annual testing window, which typically lasts from early January through early March. The applicable assessment is administered annually to monitor students' progress in acquiring academic English. All ELs enrolled during the testing window must be assessed with the WIDA ACCESS 2.0., Kindergarten ACCESS, or Alternate ACCESS.

- Students in grades K-12 who have been identified as ELs take the WIDA ACCESS.
- Students with IEPs who take the WIDA ACCESS should be provided appropriate testing accommodations consistent with the accommodations listed in the IEP that have been determined by the IEP team. Information from WIDA regarding accommodations can be found in the following documents:
  - [WIDA Accessibility and Accommodations Manual](#)
  - [ACCESS Online Accommodations Checklist](#)

- [Kindergarten ACCESS Accommodations Checklist](#)
- [Alternate ACCESS Accommodations Checklist](#)
- The Alternate ACCESS for ELLs is designed to measure language proficiency of students with most significant cognitive disabilities per the students' Individual Education Plan (IEP). Students with Individualized Education Programs (IEPs) may take WIDA Alternate ACCESS per the decision of the student's IEP team. IEP teams should follow their state's specific alternate assessment participation criteria. For additional guidance, view the [Alternate ACCESS for ELLs Participation Criteria Decision Tree](#).

#### 5.1.2.2 Administration and Scoring of the ELPA

The administration of the ELPA should be conducted per NDE Guidelines. The Testing Coordinator at each school is responsible for ensuring all procedures are followed per NDE adopted protocols. The ELPA is a high-stakes test requiring test security training and supervision by site administration, and it is required for irregularities to be reported per NDE guidelines. The WIDA The [ACCESS for ELLs Checklist](#) that is located on the [Nevada WIDA site](#) provides the guidelines that should be followed including:

- Procedures regarding how the test should be administered.
- Guidelines for what personnel should conduct each step of administration.
- Training courses that demonstrate how to administer the Online ACCESS, Alternate ACCESS for ELLs, Kindergarten ACCESS for ELLs.

The Kindergarten ACCESS and the WIDA Alternate ACCESS assessments are scored by the test administrator at the school. The Alternate ACCESS for ELLs: Administration and Scoring training course that is found on the ACCESS for ELLs Checklist includes important information about administering the Alternate ACCESS Field Test. All Alternate ACCESS Test administrators must complete the Alternate ACCESS For ELLs Administration and Scoring training course and pass the certification quiz. The Online ACCESS for grades 1 – 12 is scored by the testing company, DRC.

Upon receipt of the scores the school must:

- Enter results for all students in Infinite Campus
- Communicate with the student's parents/family members regarding test results.

At our school, WIDA scores are entered into Infinite Campus by the ELL/ESOL Instructor. Notifications regarding test results are sent annually to parents/guardians electronically/by us mail by the ELL/ESOL Instructor. The date of the notification is recorded in Infinite Campus by the ELL/ESOL Instructor.

## 5.2 Local Assessments

In addition to state assessments, SPCSA schools conduct:

- Formal Interim assessments which are chosen at the school level which are relevant to the school's instructional programs.
- Informal assessments and evaluations which evaluate EL students Academic Language Acquisition Progress are chosen at the school level and are relevant to the school's instructional programs.
- Classroom assessments that are chosen at the school level and are relevant to the school's instructional programs.

Our school uses the following assessments:

- Formal Interim Assessments:

- **WIDA Online Assessment:** Online is an English language proficiency assessment for students in grades 1-12. As a flexible, on-demand assessment, this test can be administered at any time during the school year. Scores from WIDA MODEL Online can be used to predict student performance on ACCESS for ELLs. This assessment provides opportunities for students to demonstrate their English language proficiency in the four language domains: Listening, Speaking, Reading and Writing. Each of these domains is assessed separately.
- **i-Ready:** Interim/Benchmark Assessment given 3 times a year (Fall, Winter, Spring), This exam will be administered at the beginning of each year to provide a benchmark for each student’s reading and math levels. It will be administered two additional times to ensure that all students make at least one year of progress in these levels each year.
- **Nevada’s End-of-Course (EOC) exams:** State-mandated assessments for select courses. At SNTHS, the EOC exam will replace the final exam for courses with an aligned EOC exam. The exam counts for 15% of the students’ grades.
- **PreACT:** SNTHS will pay for registration fees for all students. We will use the results to identify areas where students need support to demonstrate proficiency on the ACT+Writing exam.
- **ACT+Writing:** This is a state-mandated exam that all 11th grade students must complete to demonstrate proficiency on core academics. The results will be used to support students’ growth and will be included each year in the school’s report card.
- **ACT WorkKeys:** This exam reflects students’ preparation in CTE and leads to an industry-recognized credential, the National Career Ready Certificate (NCRC). The credential is a valuable CTE tool, which benefits students in their career search after graduation. We will support students to participate in this exam in their junior and senior years.

## 6 Equitable Access

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Schools should design programs that eliminate achievement gaps and ensure equitable access to educational programs. The use of data, leadership and staffing, research-based curriculum, and professional development all are components of designing a program that provides equitable access. Additionally, schools should work to reduce any barriers that would prevent any student from fully participating in the school.

### 6.1 Use of Data

#### 6.1.1 Placement

Data from the WIDA Screener is used for designating EL students as described in section 4.4 of this manual. Additionally, per the [EL DCL Fact Sheet](#) from the United States Department of Education (USED), School districts generally may not segregate students on the basis of national origin or EL status. Although certain EL programs may be designed to require that EL students receive separate instruction for a limited portion of the day or period of time, school districts and states are expected to carry out their chosen program in the least segregated manner consistent with achieving the program’s stated educational goals.

#### 6.1.2 Exit

The criteria for a student to exit from an EL program is specified by NDE and has been updated for the 2022 – 2023 school year. Beginning in 2022 – 2023, students may qualify for exit by receiving a qualifying score on WIDA or through an alternate pathway. Students should be exited as EL students according to the “Exit Criteria” found on the Nevada WIDA website, in the document called “[Nevada English Language Learner Identification and Placement](#)” in the section of the document titled “Identification and Placement.” When a student has met the criteria for exit, the exit date recorded in Infinite Campus should be the last day of student

attendance for the school year in which the student received a qualifying score to exit. A notification letter should be sent to parents at the beginning of the following school year, that the student has been exited.

When a student qualifies for exit, the score and exit date will be entered into Infinite Campus by the ELL/ESOL Instructor. The status will be updated in Infinite Campus to “Exited EL – REG” or “Exited EL – ALT” dependent on whether the student exited by regular WIDA scores or by the alternate pathway by the ELL/ESOL Instructor. The notification letter will be sent to parents by the ELL/ESOL Instructor and the “Parent Notified” date in Infinite Campus will be updated to reflect the date that the parent was notified of exit at the beginning of the following school year.

### 6.1.3 Monitoring of Exited ELs

Exited ELs must be monitored per ESSA requirements and should be designated as Exited ELs in Infinite Campus. After 4 years monitoring is no longer required in Nevada. During the monitoring years, if the student is not making satisfactory academic progress on school level assessments including low scores on interim/benchmark assessments, D/F quarterly/semester grades, or other school assessments, then student needs should be assessed. If the results of the needs assessment show that the student is not making satisfactory progress because of a language barrier, the student should continue to receive EL services and a parent notification should be sent.

Exited EL Students will continue to be tracked and monitored by the EL department teacher and administration. Student’s grades and progress on assessments (iReady, EOC) will be closely monitored and tracked to ensure students are not falling behind.

- What tools will you use to collect data - spreadsheets, Infinite Campus, iReady, EOC’s, classroom grades and assessments
- Who is responsible for tracking and monitoring Exited ELs? EL Teacher and Administration
- What will you use as a needs assessment if a student is not making satisfactory progress? WIDA online Assessment will be used to determine if an exited students has fallen behind and needs to be reevaluated
- Who will send the parent notification if a student should continue to receive services and how will it be sent? Parent notification will be sent by paper and electronically in English and Spanish by the EL teacher.

### 6.1.4 Additional School Level Data

Our school collects and analyzes a variety of data. At our school, the following data will be analyzed to assist with determining the needs of students in our EL Program:

- **Classroom Assessment Data:** student’s grades and results on classroom assessments will be monitored regularly throughout the year.
- **i-Ready:** Interim/Benchmark Assessment given 3 times a year (Fall, Winter, Spring), This exam will be administered at the beginning of each year to provide a benchmark for each student’s reading and math levels. It will be administered two additional times to ensure that all students make at least one year of progress in these levels each year.
- **Nevada’s End-of-Course (EOC) exams:** State-mandated assessments for select courses. At SNTHS, the EOC exam will replace the final exam for courses with an aligned EOC exam. The exam counts for 15% of the students’ grades.
- **PreACT:** SNTHS will pay for registration fees for all students. We will use the results to identify areas where students need support to demonstrate proficiency on the ACT+Writing exam.
- **ACT+Writing:** This is a state-mandated exam that all 11th grade students must complete to demonstrate proficiency on core academics. The results will be used to support students’ growth and will be included each year in the school’s report card.

- **ACT WorkKeys:** This exam reflects students' preparation in CTE and leads to an industry-recognized credential, the National Career Ready Certificate (NCRC). The credential is a valuable CTE tool, which benefits students in their career search after graduation. We will support students to participate in this exam in their junior and senior years.

Our school will analyze data regarding our EL program using the following methods and procedures:

- WIDA Online Assessment: will be administered twice a year (Fall and Winter) to monitor EL students' progress. This assessment will align with our iReady assessments.
- Data will be recorded and tracked for both assessments to monitor student progress.
- EL Instructor will also track student progress during pullout session using anecdotal notes and short assessments that are aligned with the WIDA ELD Standards for students in 9<sup>th</sup>- 12<sup>th</sup> grade. This data will be entered into the students EL portfolio.

## 6.2 Leadership and Staffing

To eliminate achievement gaps and ensure equitable access to students, leadership and staffing are responsible for the implementation of an effective program.

At our school, each of the following positions perform duties essential to the EL Program. The name of the position and description of the duties relevant to the EL program are stated below:

- School Principal- monitor and support teachers and coordinator, meet with parents/students as necessary, oversee testing and assessments/
- EL Teacher/Coordinator- instruct students on WIDA ELD standards, administer assessments, track progress, act as a translator with needed, meet and communicate with parents.
- Classroom Teachers- instruct students in grade level content, work with EL Teacher to ensure students' needs and accommodations are being met.

## 6.3 Curriculum

Schools within SPCSA have the autonomy to select their own curriculum. Schools should select a research-based selection of curricula that considers the language development needs of ELs for both Tier I instruction and for supplementary materials.

At our school, we have selected the following curriculum for our EL students:

- We believe that through academic, career and technical education, and extracurricular opportunities we will prepare our students for successful employment, postsecondary education, and lifelong success. At SNTHS, our primary objective is to support students in earning a high school diploma by completing the Nevada Department of Education's (NDE) requirements for a standard high school diploma. Beyond that, we will support our students in earning college certificates and credentials from the local community college and College and Career Ready diplomas from NDE. This will be Tier 1 instruction that is for all students including EL students.
- WIDA English Language Standards along with WIDA Prime 2020 will be used by our EL Instructor to provide targeted instruction to our EL students during their designated pull out time

Schools should select Evidence Based Interventions (EBI). Evidence-based interventions (EBI) are practices or programs that have evidence to show that they are effective at producing results and improving outcomes when implemented. The kind of evidence described in ESSA has generally been produced through formal studies and research. Under ESSA, there are four tiers, or levels, of evidence:

- Tier/Level 1 – Strong Evidence: supported by one or more well-designed and well-implemented randomized control experimental studies.
- Tier/Level 2 – Moderate Evidence: supported by one or more well-designed and well-implemented quasi-experimental studies.
- Tier/Level 3 – Promising Evidence: supported by one or more well-designed and well-implemented correlational studies (with statistical controls for selection bias).
- Tier/Level 4 – Demonstrates a Rationale: practices that have a well-defined logic model or theory of action, are supported by research, and have some effort underway by an SEA, LEA, or outside research organization to determine their effectiveness.

Our school has implemented the following Evidence Based Interventions in our EL program:

- iReady Curriculum Associates
  - ESSA EBI Level: 2, 3, 4
  - Citation: <https://www.curriculumassociates.com/>
- WIDA Online Assessments
  - ESSA EBI Level: 2, 3, 4
  - Citation: <https://wida.wisc.edu/assess/model/online>

#### 6.4 Professional Development

Goal 2 from the [Nevada Statewide Plan for the Improvement of Pupils \(STIP\)](#) is that “All students have effective educators.” To meet Goal 2, NDE has identified the following strategies:

- Equity: Ensure effective educators in low-performing schools.
- Access to Quality: Provide quality professional learning.
- Success: Decrease licensed educational personnel vacancies.
- Inclusivity: Serve students in the Least Restrictive Environment.
- Community: Increase candidates in the educator pipeline.
- Transparency: Engage in effective communication.

Nevada’s nine [Standards for Professional Development](#) are to be incorporated in the development, implementation, and evaluation of professional development trainings for educators employed by a school district or charter school. They should drive discussions and improvements focused on increasing educator effectiveness.

- **Learning Communities:** Professional learning that increases educator effectiveness and results for all students occurs within learning communities committed to continuous improvement, collective responsibility, and goal alignment.
- **Leadership:** Professional learning that increases educator effectiveness and results for all students requires skillful leaders who develop capacity, advocate, and create support systems for professional learning.
- **Resources:** Professional learning that increases educator effectiveness and results for all students requires prioritizing, monitoring, and coordinating resources for educator learning.
- **Data:** Professional learning that increases educator effectiveness and results for all students uses a variety of sources and types of student, educator, and system data to plan, assess, and evaluate professional learning.
- **Learning Designs:** Professional learning that increases educator effectiveness and results for all students integrates theories, research, and models of human learning to achieve its intended outcomes.

- **Implementation:** Professional learning that increases educator effectiveness and results for all students applies research on change and sustains support for implementation of professional learning for long-term change.
- **Outcomes:** Professional learning that increases educator effectiveness and results for all students aligns its outcomes with educator performance and student curriculum standards.
- **Equity:** Professional learning that increases educator effectiveness and results for all students focuses on equitable access, opportunities and outcomes with an emphasis on achievement and opportunity disparities between student groups.
- **Cultural Competency:** Professional learning that increases educator effectiveness and results for all students facilitates educator's self-examination of their awareness, knowledge, skills, and actions that pertain to culture and how they can develop culturally responsive strategies to enrich educational experiences for all students.

Our school will address a variety of topics through professional development. These topics include:

- **Professional Learning Communities (PLCs): (NVPD Standards: Learning communities, Resources, Data, Learning designs, Outcomes)** *Learning by Doing: A Handbook for Professional Learning Communities* by Richard Dufour will serve as the guiding text for our PLCs. All teachers and staff members will read this book together, engaging in professional development led by a PLC expert who will be contracted by the school. This training will begin prior to the beginning of the academic year and will continue monthly for the entirety of our first year of operation. In years two and beyond, the training will be predominantly during the summer training period and through bi-weekly coaching of team leaders. All SNTHS staff must learn to use this time effectively for review of data, curriculum, and student progress is essential for the success of our school. In addition to the on-going PLC professional development during our first year of opening, PLCs will receive observation and coaching on their practices from the Principal and/or Executive Director on a bi-weekly basis to help improve the functioning of the group. This observation and feedback will begin in year one and will remain a key feature of PLCs moving forward.
- **Curriculum and Instructional Best Practices: (NVPD Standards: Resources, Learning Designs, Implementation, Outcomes)** Each teacher will receive a curriculum map and existing curriculum materials from ACE high school during summer PD. In addition to the materials, teachers will receive guidance and professional development from SNTHS's Principal on how to map the curriculum to the standards, how to revise curriculum based on student needs and data, and how to collaborate across disciplines to ensure an integrated experience for 55 students. The initial training will be during the summer training period and will continue through feedback from the leadership team throughout the year.
- **Ensuring Success for All: (NVPD Standards: Outcomes, Equity, Culture Competency)** Teachers will receive PD during the summer and throughout the year on PD days and Friday PD (as outlined on the matrix below) on the school's RTI and MTSS processes, differentiation of instruction to ensure all students learn, and supporting students with disabilities and those students who are learning English to success in academic and CTE classrooms.
- **Work-Based Learning (WBL): (NVPD Standards: Learning Communities, Leadership)** All teachers and staff members at SNTHS will receive professional development in WBL and how it can be most effectively implemented to benefit students. Included in this training will be the three principles of WBL and how they look at SNTHS including how they are reflected in our employability rubric, our emphasis on individualized support, and our focus on career and college readiness. Particular attention will be given to the employability rubric and how it will be utilized to provide students with regular feedback and opportunities for growth to ensure they are ready for success in college and careers.
- **School Culture: (NVPD Standards: Equity, Cultural Competency. Learning Communities)** Establishing a positive school culture that is aligned with our vision of sparking students' passion for learning while supporting them to be ready for success careers and college upon graduation is central to

our work as educators at SNTHS. As such, significant time will be devoted in the week before school PD and throughout the year in PLC meetings and Friday PD sessions to ensuring that all staff are well-versed in our Five C's of Success, SEL curriculum, approach to Restorative Justice (RJ) and RJ practices, and our PBIS system. More detail about these programs is provided in the Student Culture and Student Discipline sections of this application.

- **Family Communication and Partnerships: (NVPD Standards: Cultural Competency)** Family and community partnerships are foundational to the success of SNTHS and our students. We will make it a priority for all staff members to be trained in cultural competence, specifically as it applies to building relationships with students and families. We will utilize local community resources as well as online modules developed by the National Education Association to promote our teachers' cultural competence and growth.<sup>33</sup> This work in training teachers will be spearheaded by our ELL instructor.

## 6.5 Other Educational Programs for ELs

According to the [EL DCL Fact Sheet](#) from the US Department of Education (USED), English learner (EL) students constitute nine percent of all public school students and are enrolled in nearly three out of every four public schools. Under Title VI of the Civil Rights Act of 1964 (Title VI) and the Equal Educational Opportunities Act of 1974 (EEOA), public schools must ensure that EL students can participate meaningfully and equally in educational programs.

EL students must be provided meaningful access to all curricular and extracurricular programs. Per the fact sheet:

- EL students must have access to their grade-level curricula so that they can meet promotion and graduation requirements.
- EL students are entitled to an equal opportunity to participate in all programs, including pre-kindergarten, magnet, gifted and talented, career and technical education, arts, and athletics programs; Advanced Placement (AP) and International Baccalaureate (IB) courses; clubs; and honor societies.

At our school, all students including EL Students will attend grade level classes. Students regardless of classification will have access to all programs, career classes and extracurricular activities.

To ensure that all students have an equal opportunity to participate in programs such as those listed above, we will provide all information to students and families in English and in Spanish as well as electronically and paper based.

## 7 English Learners with Disabilities

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According to the [EL DCL Fact Sheet](#) from USED there are also provisions for evaluating EL students for special education and providing dual services.

- EL students with disabilities must be provided both the language assistance and disability-related services to which they are entitled under Federal law.
- EL students who may have a disability, like all other students who may have a disability and may require services under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973, must be located, identified, and evaluated for special education and disability-related services in a timely manner.



- To avoid inappropriately identifying EL students as students with disabilities because of their limited English proficiency, EL students must be evaluated in an appropriate language based on the student’s needs and language skills.
- To ensure that an individualized plan for providing special education or disability related services addresses the language-related needs of an EL student with a disability, it is important that the team designing the plan include participants knowledgeable about that student’s language needs.

All schools are responsible for providing adequate supports to EL students with disabilities regarding language instruction and also provide any disability related accommodation.

USED has developed an [English Learner Toolkit](#). Specifically, [Chapter 6: Tools and Resources for Addressing English Learners with Disabilities](#) provides a variety of resources for EL students with disabilities. From Chapter 6, the following set of tools is intended to help schools, LEAs, and SEAs in appropriately identifying and serving ELs with disabilities. The tools give examples of how schools can refer, assess, and identify ELs who may have a disability; how to write an IEP and select accommodations for ELs with disabilities; and how to compare data about EL students with disabilities from LEA to LEA.

- Tool #1, Referral, Identification, Assessment, and Service Delivery to ELs with Disabilities, includes recommendations about ELs with disabilities from states with large or rapidly growing EL student populations.
- Tool #2, Considering the Influence of Language Differences and Disability on Learning Behaviors, offers a matrix of learning behaviors organized by skill area (e.g., listening, speaking, reading, etc.) and the varying roles that language difference or disability can play in those behaviors.
- Tool #3, Developing an IEP for an English Learner with a Disability, is a list of questions to consider for ELs during the IEP-writing process.
- Tool #4, How to Use Data from the Office for Civil Rights’ Civil Rights Data Collection (CRDC), provides instructions about how to access EL data at the LEA level, including data about ELs with disabilities.
- Tool #5, Selecting Appropriate Accommodations for Students with Disabilities, offers a list of “dos” and “don’ts” related to choosing accommodations for students with disabilities.

If an EL student is suspected of having one or more disabilities the student will be promptly evaluated by the LEA or School psychologist in their native language following the guidance of the English Learner Toolkit, Chapter 6. If students require disability related services, they will be provided to the student by a special education teacher in the student’s native language, if applicable. Student progress will then be monitored in English language proficiency and special education separately throughout the year.

## 8 Parent Communication and Participation

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### 8.1 Ensuring Meaningful Communication with Limited English Proficient Parents

Per USED as documented on the [EL DCL Fact Sheet](#):

- LEP parents are entitled to meaningful communication in a language they can understand, such as through translated materials or a language interpreter, and to adequate notice of information about any program, service, or activity that is called to the attention of non-LEP parents.

SNTHS will send out all information to parents and stakeholders electronically and in paper form. All documents will be written in English and in Spanish. We will also have school personnel that are able to communicate with parents in their native language.

## 8.2 Parent Notifications

All required notifications are listed below. Document templates for each item are provided within “Appendix B: Forms and Documents” at the end of this manual.

- EL Bill of Rights Documents
- Home Language Survey
  - Note: The home language survey is provided during student registration and all families must complete this item.
- Initial Notification of Placement
- Annual Notification of Continued Placement
- Exit Letter
- Opt Out Form (for parents who choose to opt out of services)
- Reinstatement Form (for parents who have previously chosen to opt out of services but now would like them reinstated)

## 8.3 Parent Participation

SNTHS will make every effort to hire an ELL teacher and other staff who speak Spanish fluently. We will also contract for translation services so that all staff members at SNTHS can communicate directly with parents in their home language. We believe that to have meaningful relationships with families and students who do not speak English as a first language, we must be proactive in planning for translation and communication techniques that can promote the inclusion of parents of ELLS. Additionally, we will make sure all home-school correspondences are translated into Spanish and any other languages that are spoken by families at the school.

Family involvement is central to the mission and vision for the SNTHS community. Families of all students will receive direct communication from teachers on a regular basis, as well as communication from the school administration. We will ensure that all communication is made available to parents in their home language.

SNTHS will host quarterly parent meetings to discuss academics, upcoming school events, and how parents can best support students at home. We will have interpreters and bilingual staff at all events to assist parents. We will continue to partner with Latino Outreach Solutions to ensure we best serving our parents and meeting the needs of our community.

## 9 References

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The 2020 – 2021 El Plan and Policy from the Carson City School District which was provided by NDE, and Desktop Monitoring documents that from NDE which listed the desktop monitoring requirements were used as reference materials for determining the minimum compliance requirements that have been identified in this manual.

Additional reference materials have all been linked in within the text of this manual, and will be listed in “Appendix A: Links” of this manual.

## 10 Appendix A: Links

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A variety of links have been provided throughout this manual and are listed below:

- SPCSA Strategic Plan

- [https://charterschools.nv.gov/uploadedFiles/CharterSchoolsnvgov/content/Families/Strategic%20Plan%202019\\_FINAL\\_ADA\(1\).pdf](https://charterschools.nv.gov/uploadedFiles/CharterSchoolsnvgov/content/Families/Strategic%20Plan%202019_FINAL_ADA(1).pdf)
- Nevada Revised Statute (NRS) 388.407
  - <https://www.leg.state.nv.us/nrs/nrs-388.html#NRS388Sec407>
- Equal Educational Opportunities Act of 1974, 20 U.S.C. § 1703(f)
  - <https://www.law.cornell.edu/uscode/text/20/1703>
- Title VI of the 1964 Civil Rights Act 20 U.S.C § 2000d et seq
  - <https://www.law.cornell.edu/uscode/text/42/2000d>
- 34 C.F. R. part 100
  - <https://www2.ed.gov/policy/rights/reg/ocr/edlite-34cfr100.html#S1>
- NRS Chapter 385
  - <https://www.leg.state.nv.us/nrs/nrs-385.html>
- NRS Chapter 388
  - <https://www.leg.state.nv.us/nrs/nrs-388.html>
- Every Student Succeeds Act (ESSA) of 2015, Public Law 114-95
  - <https://www.govinfo.gov/content/pkg/PLAW-114publ95/pdf/PLAW-114publ95.pdf>
- Nevada Assembly Bill (AB) 195 from the 2021 legislative session
  - <https://www.leg.state.nv.us/App/NELIS/REL/81st2021/Bill/7586/Text>
- Language Instruction Educational Program (LIEP) Models in Nevada
  - [https://doe.nv.gov/uploadedFiles/ndedoenvgov/content/English\\_Language\\_Learners\(ELL\)/Models\\_of\\_Instruction\\_NV.pdf](https://doe.nv.gov/uploadedFiles/ndedoenvgov/content/English_Language_Learners(ELL)/Models_of_Instruction_NV.pdf)
- EL Bill of Rights Documents
  - [https://spcsa.instructure.com/courses/42/files/525?module\\_item\\_id=537](https://spcsa.instructure.com/courses/42/files/525?module_item_id=537)
- Nevada WIDA site
  - <https://wida.wisc.edu/memberships/consortium/nv>
- Nevada English Language Learner Identification and Placement
  - <https://wida.wisc.edu/sites/default/files/id-placement/NV-ID-Placement-Guidance.pdf>
- Template HLS
  - [https://spcsa.instructure.com/courses/42/files/1077?module\\_item\\_id=969](https://spcsa.instructure.com/courses/42/files/1077?module_item_id=969)
- EL DCL Fact Sheet
  - <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-el-students-201501.pdf>
- NDE EL Data Workshop Recordings
  - [https://spcsa.instructure.com/courses/42/pages/recordings?module\\_item\\_id=552](https://spcsa.instructure.com/courses/42/pages/recordings?module_item_id=552)
- NDE EL Data Workshop Zip File
  - [https://spcsa.instructure.com/courses/42/files/533?module\\_item\\_id=553](https://spcsa.instructure.com/courses/42/files/533?module_item_id=553)
- WIDA Accessibility and Accommodations Manual
  - <https://wida.wisc.edu/resources/accessibility-and-accommodations-manual>
- ACCESS Online Accommodations Checklist
  - <https://wida.wisc.edu/resources/access-online-accommodations-checklist>
- Kindergarten ACCESS Accommodations Checklist
  - <https://wida.wisc.edu/resources/kindergarten-access-accommodations-checklist>
- Alternate ACCESS Accommodations Checklist
  - <https://wida.wisc.edu/resources/alternate-access-accommodations-checklist>
- Alternate ACCESS for ELLs Participation Criteria Decision Tree
  - <https://wida.wisc.edu/sites/default/files/resource/Alt-Access-Participation-Criteria-Diagram.pdf>
- ACCESS for ELLs Checklist
  - <https://wida.wisc.edu/sites/default/files/checklists/NV-online-checklist.pdf>

- Nevada Statewide Plan for the Improvement of Pupils (STIP)
  - <https://doe.nv.gov/STIP/Nevada/>
- Standards for Professional Development
  - [https://doe.nv.gov/uploadedFiles/ndedoenvgov/content/Educator\\_Licensure/NVStandardsforPD.pdf](https://doe.nv.gov/uploadedFiles/ndedoenvgov/content/Educator_Licensure/NVStandardsforPD.pdf)
- English Learner Toolkit
  - [https://ncela.ed.gov/files/english\\_learner\\_toolkit/OELA\\_2017\\_ELsToolkit\\_508C.pdf](https://ncela.ed.gov/files/english_learner_toolkit/OELA_2017_ELsToolkit_508C.pdf)
- Chapter 6: Tools and Resources for Addressing English Learners with Disabilities
  - <https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap6.pdf>

## 11 Appendix B: Forms and Documents

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- EL Bill of Rights Documents
  - <https://spsca.instructure.com/courses/42/modules/items/537>
- Home Language Survey (HLS)
  - <https://spsca.instructure.com/courses/42/modules/items/969>
- Initial Notification of Placement
  - <https://spsca.instructure.com/courses/42/modules/items/990>
- Annual Notification of Continued Placement
  - <https://spsca.instructure.com/courses/42/modules/items/988>
- Exit Letter
  - <https://spsca.instructure.com/courses/42/modules/items/989>
- Opt Out Form (for parents who choose to opt out of services)
  - <https://spsca.instructure.com/courses/42/modules/items/991>
- Reinstatement Form (for parents who have previously chosen to opt out of services but now would like them reinstated)
  - <https://spsca.instructure.com/courses/42/modules/items/992>

## 3. Foster Care Policy and Plan

### 1 About Southern Nevada trades High School (SNTHS)

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Southern Nevada Trades High School will provide families in the Las Vegas with a college and career preparatory high school option designed to support their children to graduation.

#### 1.1 School Mission Statement

Southern Nevada Trades High School (SNTHS) promotes excellence in academic and career and technical education, preparing students for post-secondary education and careers in construction related professions.

#### 1.2 School Vision Statement

Through innovative career and technical training integrated with aligned academics, community partnerships, and individualized college and career-readiness planning, students' passions for learning are ignited and they are prepared for success in postsecondary education and the workplace.

- **Integrated Curriculum:** We believe that hands-on career technical education (CTE) – in the classroom, in the workshop, and on the job-site – prepares students with the knowledge and skills for successful futures in construction-related careers. We believe that pairing CTE with aligned academics provides students with the skills necessary to adapt and grow throughout their careers.
- **Passion for Life-long Learning:** We believe that the unique combination of CTE and aligned academics spark student passion for learning while encouraging other essential life skills such as critical thinking, communication, and teamwork.
- **Individualized Planning and Support:** We believe that engaging students 1:1 in planning and refining their course of study throughout their high school career prepares graduates for success in their chosen educational and career paths.
- **Community Partnerships:** We believe that close collaboration with local industry and postsecondary institutions provides students with access to work experiences, industry-recognized credentials, and post-secondary credit that set them up for immediate success upon graduation.
- **Career and College Readiness:** We believe that an explicit focus on the skills necessary in college and careers provides students with opportunities to receive feedback and develop these skills.

#### 1.3 School Website and School Performance Plan

For additional information about the SNTHS, please refer to the website at <https://www.snvtradeshighschool.org/>

## 2 Introduction

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This manual serves as a reference for SNTHS regarding the topic of Foster Care.

#### 2.1 Purpose

The purpose of the Foster Care Policy and Plan is to define procedures and specify program elements ensure equal participation in all education programs for Foster Care students. An effective policy, plan, and program, ensures that all students have been provided with the necessary support and have been given the opportunity meet all requirements for high school graduation.

## 2.2 Legal Requirements

[Nevada's Assembly Bill \(AB\) 491 of 2017](#) describes educational legal requirements for students in foster care that are codified in [Nevada Revised Statute \(NRS\) Chapter 388E](#). Additionally the [Every Student Succeeds Act \(ESSA\) of 2015 \(20 U.S.C. § 6311\)](#) led to states being required to have procedures for children in foster care to remain in their school of origin.

Programs must be in compliance with [NRS Chapter 385](#) and [NRS Chapter 388](#) and the components that govern public schools, along with [NRS chapter 388A](#) which are the provisions that govern charter schools. Nevada's [Senate Bill \(SB\) 147 \(2019\)](#) resulted in additional provisions for homeless, unaccompanied, and foster care pupils that are codified in [NRS388.205](#), [NRS388A.489](#), and [NRS389.320](#).

The Family Educational Rights and Privacy Act (FERPA) ([20 U.S.C. § 1232g](#); [34 CFR Part 99](#)) is a Federal law that protects the privacy of student education records is also referenced in this manual.

## 2.3 Board Approval

### 2.3.1 Board Approval

Each SPCSA school is required to have the Foster Care Policy and Plan approved by their school board.

This manual was approved on: April 3, 2023

### 2.3.2 Stakeholders

The following stakeholders participated in the review and approval process of this plan:

- Julie Carver, Executive Director
- Candi Wadsworth, Principal
- Brett Willis, Board Chair
- Rebecca Merrihew, Vice Chair & Facilities Chair
- Lisa Jones, Treasurer & Finance Chair
- Kelly Gaines, Secretary & Marketing Chair
- Tina Morgan, Academics Chair
- Amber Karweick, Board Member
- Kent Lay, Board Member
- Amanda Moss, Board Member
- Kelly Suiter, Board Member
- Dan Wright, Board Member
- Michael C. Van, Board Member

## 2.4 Description

This manual contains information regarding:

- Definitions relevant to McKinney-Vento and homeless youth
- Information regarding School of Origin and Best Interests Determination
- Enrollment
- Identification and Tracking of Foster Care Students
- Transportation
- Foster Care Liaison
- Educational Records and Confidentiality
- Full or Partial Credit Requirements

- References
- Links

## 2.5 Definitions and Acronyms

Throughout this manual you will encounter a variety of terms that are relevant to this process. Additionally, some items may be referred to using acronyms. Please review the following items to familiarize yourself with the terminology and acronyms used throughout this manual.

- Best Interests Determination:
  - When a child enters foster care or changes placement while in foster care, the agency which provides child welfare services to the child shall determine whether it is in the best interests of the child for the child to remain in his or her school of origin. In making this determination, there is a rebuttable presumption that it is in the best interests of the child to remain in his or her school of origin ([NRS 388E.105](#))
- Every Student Succeeds Act (ESSA):
  - is the federal K-12 education law of the United States. ESSA was signed into law in 2015 and replaced the previous education law called “No Child Left Behind.” It is a reauthorization of the Elementary and Secondary Education Act (ESEA) of 1965.
- Family Educational Rights and Privacy Act (FERPA):
  - The Family Educational Rights and Privacy Act (FERPA) ([20 U.S.C. § 1232g](#); [34 CFR Part 99](#)) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. Additional information about FERPA may be reviewed at <https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>.
- Foster Care:
  - Based on [NAC 432B.017](#), the term “foster care” means any out-of-home placement of a child. The term includes:
    1. The placement of a child into:
      - (a) A family foster home, as that term is defined in NRS 424.013;
      - (b) A group foster home, as that term is defined in NRS 424.015; or
      - (c) Any other similar institution having the appropriate qualifications and facilities to provide the necessary and desirable degree and type of care to the child.
    2. The placement of a child with a relative other than the relative who had a legal responsibility for providing a home for the child before the child was placed into the custody of the agency which provides child welfare services.
    3. An independent living arrangement approved by the agency which provides child welfare services in accordance with NAC 432B.410, made by the agency which provides child welfare services for a child in the custody of the agency which provides child welfare services pursuant to NRS 127.050 or 432B.550, or for whom the agency which provides child welfare services is responsible pursuant to NRS 432B.360. (Added to NAC by Div. of Child & Fam. Services by R221 97, eff. 6 5 98; A by R045 02, 7 23 2002)
- Infinite Campus (IC):
  - Infinite Campus is the Student Information System (SIS) used by all public schools in Nevada.
- Nevada Department of Education (NDE):
  - The Nevada Department of Education or NDOE, autonomous of the governor and the Nevada State Legislature, administers primary and secondary public education in the state of Nevada.
- Nevada Revised Statute (NRS):
  - The Nevada Revised Statutes are all the current codified laws of the State of Nevada. Nevada law consists of the Constitution of Nevada and Nevada Revised Statutes.
- Participating school:
  - A charter school that is sponsored by the State Public Charter School Authority.
- School of Origin:

- The public school in which a child was enrolled at the time that the child was placed in foster care or the school in which a child who is in foster care is enrolled at the time of the most recent change in the placement of the child.
- State Public Charter School Authority (SPCSA):
  - The State Public Charter School Authority (SPCSA) authorizes public charter schools across Nevada and is responsible for the oversight and monitoring of those schools to ensure positive academic outcomes for students and strong stewardship of public dollars.
- US Department of Education (USED):
  - The U.S. Department of Education is the agency of the federal government that establishes policy for, administers, and coordinates most federal assistance to education.

### 3 School of Origin and Best Interests Determination

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The school of origin is the public school in which a child was enrolled at the time that the child was placed in foster care or the school in which a child who is in foster care is enrolled at the time of the most recent change in the placement of the child.

When a child enters foster care or is moved to a new foster home, a best interests determination is conducted to determine if the student should remain in the school of origin or enroll in a different public school. The best interests determination should occur in conjunction with the relevant schools (school of origin and potential new school), the SPCSA foster care liaison, and the local family services agency to determine the appropriate placement.

Per [NRS 388E.105 \(2\)](#):

In determining whether it is in the best interests of a child in foster care to remain in his or her school of origin, the agency which provides child welfare services, in consultation with the local education agency and the educational decision maker appointed for the child pursuant to [NRS 432B.462](#), must consider, without limitation:

- (a) The wishes of the child;
- (b) The educational success, stability and achievement of the child;
- (c) Any individualized education program or academic plan developed for the child;
- (d) Whether the child has been identified as an English learner;
- (e) The health and safety of the child;
- (f) The availability of necessary services for the child at the school of origin;
- (g) Whether the child has a sibling enrolled in the school of origin; and
- (h) A plan for the continued education of the child, developed pursuant to [NRS 432B.60847](#), if the child is admitted to a psychiatric hospital or facility which provides residential treatment for mental illness.

The costs of transporting the child to the school of origin must not be considered when determining whether it is in the best interests of the child to remain at his or her school of origin.

Once the best interests determination has been conducted, if a dispute arises regarding the placement, the local family services agency will make the final decision regarding the child's school which will be subject to court approval if any party objects.

Additionally, upon exit from foster care, the child may remain in the school of origin until the child enters a grade level that is no longer served by the school, or reaches an age where they are no longer eligible to attend the level of school.



## 4 Enrollment

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### 4.1 Immediate Enrollment

In accordance with subsection 2 of NRS 388A.453, when it is determined that it is in the best interests of the child to change schools, immediate enrollment means the school's legal requirement to immediately enroll the child into the new school regardless if the new school has received all the child's educational records; school transfer records, immunization records or any other unmet educational or academic requirements. Enrollment for a child in foster care cannot be denied or delayed. The enrolling school shall immediately contact the school of origin to obtain relevant academic and other records and those records will be promptly transferred.

### 4.2 Recording Foster Care Status in Infinite Campus

Foster Care status will be recorded in Infinite Campus by the Registrar.

Foster Care students must be correctly entered in Infinite Campus for a variety of purposes including grant eligibility and desktop monitoring. SPCSA must be able to accurately obtain data regarding the numbers of Foster Care students for reporting to NDE via Infinite Campus. Please use the instructions below to accurately identify Foster Care students in Infinite Campus.

1. In the Campus Tools menu on the "Index" tab, choose "Student Information" then click "Program Participation", then choose "Foster Care" from the index that appears.
2. Locate the student using the search tab.
3. Once you have pressed "Go" to locate the student, press "New" to enter the information for the Foster Care student. You must enter:
  - Placement type
  - "Start Date"
  - "End Date" should be entered if available from the department of family services if the expected end date is known. If the student exits foster care status during the school year, you should update the end date when notified.
  - Enter the social worker name.
  - Enter the school name for the "Owner".
4. Return to the "Index" tab and select "General". It will display the student "Summary" tab. Click the "Flags" tab.
5. On the "Flags" tab, press the "New" button to add the Foster Care flag for the student. You should enter a "Start Date" and "End Date".

## 5 Identification and Tracking of Foster Students

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### 5.1 Identification

Guardians will indicate if a student is a foster child on enrollment paperwork. Registrar is responsible for ensuring students is identified in infinite campus, and proper paperwork is provided by guardian. Registrar will then notify administration and add student to foster student list.

### 5.2 Tracking of Foster Care Students

Students will be tracked internally on a shared spreadsheet. Registrar will run monthly adhoc reports in infinite campus to verify that spreadsheet is up to date. Grade updates are provided to foster agency 4 times a year.

### 5.3 Data Validation

Data will be tracked infinite campus, registrar will be responsible for preparing, submitting and validating reports for NDE. Administration will oversee the process and perform regular internal checks.

## 6 Transportation

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Transportation procedures are determined according to current the Memorandum of Understanding (MOU)/Interlocal agreements with the local family services agencies in the state of Nevada.

In addition to ESSA and Fostering Connections, NRS Chapters 388 and 388E provides guidance on addressing school transportation in the rural school districts. The SPCSA, each Participating School and the local family service agency will regularly monitor compliance with ESSA, the Fostering Connections Act, state law and this Memorandum of Understanding.

## 7 Foster Care Liaison

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Every school is required to have a Foster Care Liaison. It is the job of the Liaison to ensure that foster care students have the same opportunities as all other students, which includes ensuring that foster care students are able to attend school, arranging for transportation in a timely manner, keeping the school staff informed of the rights of foster care students, communicating with the parents/guardians of foster children and youth, and communicating with the local family services agency.

The foster care liaison may communicate and provide information through a variety of methods including but not limited to:

- Email.
- Phone.
- Professional Development for school staff.
- Informational materials such as flyers and posters regarding the rights of foster care students.
- Distribution of internet-based resources regarding foster care matters.

The foster care liaison at our school is:

Dawn Marsh

[LIAISON PHONE NUMBER]

Dawn.marsh@snvtradeshighschool.org

## 8 Educational Records and Confidentiality

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The policies for sharing educational records and confidentiality for students in foster care determined according to current the Memorandum of Understanding (MOU)/Interlocal agreements with the local family services agencies in the state of Nevada.

In January 2013, Family Educational Rights and Privacy Act (FERPA) was amended in the U.S. Department of Education through the enactment of the Federal Uninterrupted Scholars Act (USA). The USA made key revisions to FERPA that permits educational agencies to disclose a student's education records, without parental consent, to a caseworker or other representatives of child welfare agencies.

### 8.1 Local Family Service Agency Request of Education Records:

The local family service agency caseworker requesting the records will provide a badge identifying the caseworker as a local family service agency employee and proof of custody of the student with the one of the following:

- A written notification on the local family service agency letterhead indicating that the agency has legal custody or is otherwise legally responsible for the care and protection of the child or
- A court order.

### 8.2 Local Family Service Agency Use of Educational Records:

The manner in which the local family service agency may use a child's education records, including, without limitation, electronic education records maintained by the school and/or Participating School:

- To ensure the child's education needs are met.
- Effectively implement a child's case plan.
- Maintain the child's educational stability.
- Provide services to address a student's educational needs.
- Monitor a child's educational outcomes and promote success.

### 8.3 Student Confidentiality

Consistent with the MOU/Interlocal and with state and federal law, the SPCSA, each Participating School and the local family service agency shall protect confidential information from re-disclosure unless specifically authorized by state or federal law. The SPCSA, each Participating School and the local family service agency shall report any unauthorized releases of exchanged data to the other party and cooperate in taking appropriate corrective action.

The local family service agency, the SPCSA and each Participating School acknowledge that each entity has a legal obligation to maintain the confidentiality and privacy of student records and information identifying a student or child being in foster care. Parties agree to maintain compliance with the Uninterrupted Scholars Act, FERPA and with any other federal and state laws protecting the rights of children who are in the protective custody of a child welfare agency. the local family service agency, the SPCSA and each Participating School agree to safeguard all such information.

### 8.4 Designation of the local family service agency as School Official

In accordance with the Family Education Rights and Privacy Act (FERPA) ([20 U.S.C. §1232g](#) and [34 C.F.R Part 99](#)), the Participating School shall designate the local family service agency as a School Official.

## 9 Full or Partial Credit Requirements

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Nevada's [Senate Bill \(SB\) 147 \(2019\)](#) resulted in additional provisions for homeless, unaccompanied, and foster care pupils that are codified in [Nevada Revised Statute \(NRS\) 388.205](#), [NRS388A.489](#), and [NRS389.320](#).

Per this legislation, schools may not deny homeless students or unaccompanied youth credit for a course due to attendance. Regardless of the number of hours of classroom instruction, students should still receive credit for the coursework that has been satisfactorily completed. Evidence that may be considered in determining how much credit should be awarded for the coursework may include:

- (a) Demonstration of competency by a pupil;
- (b) Performance by a pupil on an examination;

- (c) Successful completion of a program of independent study, or any part of such a program, by the pupil;
- (d) Full or partial credit for coursework completed by a pupil at an accredited public or private school located within or outside of this State that is sought to be transferred;
- (e) Full or partial credit for coursework completed by a pupil at a summer school conducted by an accredited public or private school or institution of higher learning located within or outside of this State that is sought to be transferred;
- (f) Completion by a pupil of a correspondence or distance education course provided by a high school which is nationally accredited or by an entity which appears on the list published by the Department pursuant to NRS 388.834;
- (g) Completion of an apprenticeship program by a pupil;
- (h) Completion of a program by a pupil at a trade or vocational school which is accredited;
- (i) Work experience of a pupil;
- (j) Community service performed by a pupil; and
- (k) Any other evidence or method which is determined to be appropriate by the board of trustees of a school district or sponsor of a charter school, as applicable, and approved by the Department.

Additionally, A pupil who receives partial credit for coursework or a course of study pursuant to subsection 1 or 2 must be allowed to appropriately combine the partial credit, including, without limitation, for the purposes of the total number of credits required for graduation from high school or the minimum number of units of credit required in a core academic subject pursuant to NRS 389.018.

## 10 References

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Additional reference materials have all been linked in within the text of this manual, and will be listed in “Appendix A: Links” of this manual.

## 11 Appendix A: Links

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A variety of links have been provided throughout this manual and are listed below in the order that they appear in this manual:

- AB491 of 2017:
  - <https://www.leg.state.nv.us/Session/79th2017/Bills/AB/AB491.pdf>
- NRS Chapter388E:
  - <https://www.leg.state.nv.us/nrs/NRS-388E.html>
- ESSA:
  - <https://www.law.cornell.edu/uscode/text/20/6311>
- NRS Chapter 385:
  - <https://www.leg.state.nv.us/nrs/nrs-385.html>
- NRS Chapter 388:
  - <https://www.leg.state.nv.us/nrs/nrs-388.html>
- NRS Chapter 388A:
  - <https://www.leg.state.nv.us/nrs/NRS-388A.html>
- NRS Chapter 388E:
  - <https://www.leg.state.nv.us/nrs/NRS-388E.html>
- SB147 of 2019:
  - [https://www.leg.state.nv.us/Session/80th2019/Bills/SB/SB147\\_EN.pdf](https://www.leg.state.nv.us/Session/80th2019/Bills/SB/SB147_EN.pdf)
- FERPA:

- 20 U.S.C. § 1232g: <https://www.law.cornell.edu/uscode/text/20/1232g>
- 34 CFR Part 99: <https://www.ecfr.gov/current/title-34/subtitle-A/part-99?toc=1>
- NRS Chapter 388E:
  - <https://www.leg.state.nv.us/nrs/NRS-388E.html>
- General information about FERPA:
  - <https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>
- NAC 432B.017
  - <https://www.leg.state.nv.us/nac/NAC-432B.html#NAC432BSec017>

## 4. McKinney-Vento/Homeless Policy and Plan

### 1 About SOUTHERN Nevada trades High School (SNTHS)

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Southern Nevada Trades High School will provide families in the Las Vegas with a college and career preparatory high school option designed to support their children to graduation.

#### 1.1 School Mission Statement

Southern Nevada Trades High School (SNTHS) promotes excellence in academic and career and technical education, preparing students for post-secondary education and careers in construction related professions.

#### 1.2 School Vision Statement

Through innovative career and technical training integrated with aligned academics, community partnerships, and individualized college and career-readiness planning, students' passions for learning are ignited and they are prepared for success in postsecondary education and the workplace.

- **Integrated Curriculum:** We believe that hands-on career technical education (CTE) – in the classroom, in the workshop, and on the job-site – prepares students with the knowledge and skills for successful futures in construction-related careers. We believe that pairing CTE with aligned academics provides students with the skills necessary to adapt and grow throughout their careers.
- **Passion for Life-long Learning:** We believe that the unique combination of CTE and aligned academics spark student passion for learning while encouraging other essential life skills such as critical thinking, communication, and teamwork.
- **Individualized Planning and Support:** We believe that engaging students 1:1 in planning and refining their course of study throughout their high school career prepares graduates for success in their chosen educational and career paths.
- **Community Partnerships:** We believe that close collaboration with local industry and postsecondary institutions provides students with access to work experiences, industry-recognized credentials, and post-secondary credit that set them up for immediate success upon graduation.
- **Career and College Readiness:** We believe that an explicit focus on the skills necessary in college and careers provides students with opportunities to receive feedback and develop these skills.

#### 1.3 School Website and School Performance Plan

For additional information about the SNTHS, please refer to the website at <https://www.snvtradeshighschool.org/>

## 2 Introduction

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This manual serves as a reference for SNTHS regarding the topic of McKinney-Vento.

### 2.1 Purpose

The purpose of the McKinney-Vento Policy and Plan is to define procedures and specify program elements ensure equal participation in all education programs for homeless youth. An effective policy, plan, and program, ensures that all students have been provided with the necessary support and have been given the opportunity meet all requirements for high school graduation.

### 2.2 Legal Requirements

[Subtitle VI-B of The McKinney-Vento Homeless Assistance Act](#) authorizes the federal Education for Homeless Children and Youth (EHCY) Program and is the primary piece of federal legislation related to the education of children and youth experiencing homelessness. It was reauthorized in December 2015 by Title IX, Part A, [of Every Student Succeeds Act \(ESSA\)](#).

Programs must be in compliance with [Nevada Revised Statute \(NRS\) Chapter 385](#) and [NRS Chapter 388](#) and the components that govern public schools. Additionally, Nevada's [Senate Bill \(SB\) 147 \(2019\)](#) resulted in additional provisions for homeless, unaccompanied, and foster care pupils that are codified in [NRS388.205](#), [NRS388A.489](#), and [NRS389.320](#).

### 2.3 Board Approval

#### 2.3.1 Board Approval

Each SPCSA school is required to have the McKinney-Vento/Homeless Policy and Plan approved by their school board.

This manual was approved on: April 3, 2023

#### 2.3.2 Stakeholders

The following stakeholders participated in the review and approval process of this plan:

- Julie Carver, Executive Director
- Candi Wadsworth, Principal
- Brett Willis, Board Chair
- Rebecca Merrihew, Vice Chair & Facilities Chair
- Lisa Jones, Treasurer & Finance Chair
- Kelly Gaines, Secretary & Marketing Chair
- Tina Morgan, Academics Chair
- Amber Karweick, Board Member
- Kent Lay, Board Member
- Amanda Moss, Board Member
- Kelly Suiter, Board Member
- Dan Wright, Board Member
- Michael C. Van, Board Member

### 2.4 Description

This manual contains information regarding:

- Definitions relevant to McKinney-Vento and homeless youth
- The rights of children and homeless youth.
- Dissemination of information regarding educational rights for homeless youth.
- Identification of homeless youth.
- School selection.
- Transportation.
- Disputes.
- Services provided.
- Free meals.
- Training.
- Coordination.
- Preschool.
- Full or partial credit requirements.

## 2.5 Definitions and Acronyms

Throughout this manual you will encounter a variety of terms that are relevant to this process. Additionally, some items may be referred to using acronyms. Please review the following items to familiarize yourself with the terminology and acronyms used throughout this manual.

- Child find:
  - In general All children with disabilities residing in the State, including children with disabilities who are homeless children or are wards of the State and children with disabilities attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services.
- Every Student Succeeds Act (ESSA):
  - is the federal K-12 education law of the United States. ESSA was signed into law in 2015 and replaced the previous education law called “No Child Left Behind.” It is a reauthorization of the Elementary and Secondary Education Act (ESEA) of 1965.
- Homeless children and youths:
  - Subtitle VII-B of the McKinney-Vento Homeless Assistance Act (per Title IX, Part A of the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act) defines homeless as follows:
  - The term "homeless children and youths"--
    - (A) means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 103(a)(1)); and
    - (B) includes--
      - (i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;\*
      - (ii) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 103(a)(2)(C));
      - (iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
      - (iv) migratory children (as such term is defined in section 1309 of the Elementary and Secondary Education Act of 1965) who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).

- \*Per Title IX, Part A of the Every Student Succeeds Act, "awaiting foster care placement" was removed from the definition of homeless on December 10, 2016; the only exception to his removal is that "covered states" have until December 10, 2017 to remove "awaiting foster care placement" from their definition of homeless.
- Infinite Campus (IC):
  - Infinite Campus is the Student Information System (SIS) used by all public schools in Nevada.
- McKinney – Vento:
  - The McKinney–Vento Homeless Assistance Act of 1987 is a United States federal law that provides federal money for homeless shelter programs. It was the first significant federal legislative response to homelessness and was passed by the 100th United States Congress and signed into law by President Ronald Reagan on July 22, 1987. The act has been reauthorized several times over the years, and now includes educational components. To read more about the McKinney-Vento Homeless Assistance Act, please view the materials from the National Center for Homeless Education (NCHE) at <https://nche.ed.gov/legislation/mckinney-vento/>.
- National Center for Homeless Youth (NCHE):
  - NCHE operates the U.S. Department of Education's technical assistance and information center for the federal Education for Homeless Children and Youth (EHCY) Program.
- Nevada Department of Education (NDE):
  - The Nevada Department of Education or NDOE, autonomous of the governor and the Nevada State Legislature, administers primary and secondary public education in the state of Nevada.
- Nevada Revised Statute (NRS):
  - The Nevada Revised Statutes are all the current codified laws of the State of Nevada. Nevada law consists of the Constitution of Nevada and Nevada Revised Statutes.
- School of Origin:
  - (i) IN GENERAL.-The term school of origin means the school that a child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including a preschool.
  - (ii) RECEIVING SCHOOL.-When the child or youth completes the final grade level served by the school of origin, as described in clause (i), the term 'school of origin' shall include the designated receiving school at the next grade level for all feeder schools.
- State Public Charter School Authority (SPCSA):
  - The State Public Charter School Authority (SPCSA) authorizes public charter schools across Nevada and is responsible for the oversight and monitoring of those schools to ensure positive academic outcomes for students and strong stewardship of public dollars.
- Unaccompanied Youth:
  - The McKinney-Vento Act defines unaccompanied youth as “a homeless child or youth not in the physical custody of a parent or guardian” [42 USC § 11434a(6)]. Taking a closer look at the definition, two conditions must be present for a child or youth to be considered an unaccompanied youth under the McKinney-Vento Act:
    - (A) 1. The child’s or youth’s living arrangement meets the Act’s definition of homeless, and
    - (B) 2. The child or youth is not in the physical custody of a parent or guardian.
  - To read more about unaccompanied youth, please view the materials from the National Center for Homeless Education at <https://nche.ed.gov/wp-content/uploads/2018/10/youth.pdf>
- US Department of Education (USED):
  - The U.S. Department of Education is the agency of the federal government that establishes policy for, administers, and coordinates most federal assistance to education.

### 3 Rights of Homeless Children and Youth

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According to the NCHE whitepaper titled [The Educational Rights of Children and Youth Experiencing Homelessness](#), in order to remove educational barriers for homeless children and youths, the McKinney-Vento Act mandates:



- immediate school enrollment and full participation in all school activities for eligible children, even when records normally required for enrollment are not available [42 U.S.C. § 11432(g)(3)(C)];
- the right of children and youths experiencing homelessness, including young homeless children attending public preschools, to remain in their school of origin (the school the student attended when permanently housed or the school in which the student was last enrolled), when in the child’s or youth’s best interest to do so [42 U.S.C. § 11432(g)(3)(A), 42 U.S.C. § 11432(g)(3)(B) and 42 U.S.C. § 11432(g)(3)(I) (i)];
- transportation to and from the school of origin at the request of the parent or guardian (or in the case of an unaccompanied youth, the local liaison)[42 U.S.C. § 11432(g)(1)( J)(iii)];
- provision of services comparable to services offered to other students in the school, including Title I services or similar State or local programs, educational programs for children with disabilities, and educational programs for English learners; career and technical education; programs for gifted and talented students; and school nutrition programs [42 U.S.C. § 11432(g) (4)];
- that homeless students have access to and receive educational services for which they are eligible, including services through Head Start programs, early intervention services under part C of the Individuals with Disabilities Education Act, and other preschool programs administered by the local educational agency [42 U.S.C. § 11432(g) (6)(iii)];
- removal of barriers to accessing academic and extracurricular activities, including magnet school, summer school, career and technical education, advanced placement, online learning, and charter school programs for homeless students who meet relevant eligibility criteria [42 U.S.C. § 11432(g)(1)(F)(iii)];
- rights and protections specifically for unaccompanied youth (youth who are not in the physical custody of a parent or guardian) who are experiencing homelessness, including allowing them to be immediately enrolled without proof of guardianship [42 U.S.C. § 11432(g)(1)(H) (iv)];
- the right of parents, guardians, or unaccompanied youth to dispute an eligibility, school selection, or enrollment decision, and for a child or youth to be admitted to the school in which enrollment is sought, pending the resolution of the dispute [42 U.S.C. § 11432(g) (3)(E)]; and
- the appointment of a local homeless liaison in every school district or local education agency (LEA) to ensure that homeless children and youth are enrolled in and have a full and equal opportunity to succeed in school [42 U.S.C. § 11432(g)(1)( J)(ii) and 2 U.S.C. § 11432(g)(6) (A)].

## 4 Dissemination of Educational Rights Information

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The McKinney-Vento/Homeless Policy and Plan should be posted to the SNTHS website for the school community to view. In addition, the school will have written materials in English and other languages spoken at the school that advise the school community of the rights of homeless youth. Written materials include but are not limited to:

- Posters and Flyers
  - Educational Rights Poster (Youth) from NCHE:
    - [English](#)
    - [Spanish](#)
  - Educational Rights Poster (Parent) from NCHE:
    - [English](#)
    - [Spanish](#)
  - Higher Education Poster from NCHE
    - [English](#)
    - [Spanish](#)

- Support for Students Whose Families Have Lost Their Homes to Foreclosure poster from NCHE:
  - [English](#)
- Brochures
  - NCHE Brochure:
    - [English](#)
    - [Spanish](#)
  - Support for Students Whose Families Have Lost Their Homes to Foreclosure brochure from NCHE:
    - [English](#)
    - [Spanish](#)
- Booklets
  - Parent booklet from NCHE:
    - [English](#)
    - [Spanish](#)
- Email communication to the school community
- Information posted on the school website

The school will retain copies of all distributed materials as evidence for monitoring conducted by SPCSA and NDE, including materials that are printed from other sources such as NCHE.

## 5 Identification

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To determine a student's McKinney-Vento eligibility, schools must determine whether a student's living arrangement meets the McKinney-Vento definition of homeless. In general, parents/guardians or unaccompanied youth should complete a Student Housing Questionnaire (SHQ) which may be electronic or a paper form.

### 5.1 Self-Identification

#### 5.1.1 Online Registration

Upon registration, students may be identified as homeless through the online registration process in Infinite Campus which asks a questionnaire regarding housing status. Once identified as homeless, the student records should be updated appropriately in Infinite Campus to document the status of the student as homeless.

#### 5.1.2 Other Identification Methods

Students may experience homelessness at any time throughout the school year. While a student may not necessarily be homeless at the time of online registration, they may become homeless at another point during the school year. Or, during registration the parent/guardian/unaccompanied youth may have not selected the option during online registration.

If a parent/guardian/student notifies the school at any time that the student is potentially experiencing homelessness, students should complete a [Student Housing Questionnaire](#) to determine eligibility. Once determined eligible per the McKinney-Vento definition of homeless, the student records should be updated appropriately in Infinite Campus to document the status of the student as homeless.

## 5.2 Staff Identification

School staff may also be particularly helpful in identifying homeless students. This can be via trusting relationships with a staff member, symptoms of homelessness noticed, by reviewing enrollment documents, and reviewing attendance records. If any school staff member has reason to believe that a student may be experiencing homelessness, they should reach out to the school McKinney-Vento Liaison so that the McKinney-Vento Liaison may reach out to the parent/guardian/unaccompanied youth to complete a [Student Housing Questionnaire](#) to determine eligibility. Once determined eligible per the McKinney-Vento definition of homeless, the student records should be updated appropriately in Infinite Campus to document the status of the student as homeless.

## 5.3 Recording Homeless Status in Infinite Campus

Homeless status will be recorded in Infinite Campus by the Registrar.

Homeless students must be correctly entered in Infinite Campus for a variety of purposes including grant eligibility and desktop monitoring. SPCSA must be able to accurately obtain data regarding the numbers of homeless students for reporting to NDE via Infinite Campus. Please use the instructions below to accurately identify homeless students in Infinite Campus.

6. In the Campus Tools menu on the “Index” tab, choose “Student Information” then click “Program Participation”, then choose “Homeless” from the index that appears.
7. Locate the student using the search tab.
8. Once you have pressed “Go” on the screen shown, press “New” to enter the information for the homeless student. You must enter:
  - “Primary Night Time Residence”
  - “Start Date”
  - “End Date” should be entered as 07/31/YYYY where the year is the end of the current school year, as the status should continue through summer school, but end prior to the start of the new school year. If the student exits homeless status prior to the end of the school year, you may update the end date when notified.
  - If the student is an “Unaccompanied Youth” the option should be selected.
  - Be sure to save once you have entered the information.
9. Return to the “Index” tab and select “General”. It will display the student “Summary” tab. Click the “Flags” tab.
10. On the “Flags” tab, press the “New” button to add the Homeless Flag for the student. You should enter a “Start Date” and “End Date”.

## 6 School Selection

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All public schools including charter schools must accept homeless students. Per page 17 of the [Homeless Tool Kit for School Staff](#) provided by NDE:

### 6.1 Immediate Enrollment

A school must **immediately** enroll a homeless student, even if the student does not have documents normally required for enrollment, such as academic and medical/immunization records or proof of residency. Once enrolled, the Homeless Education Liaison of the school must help the parent/guardian/unaccompanied youth obtain the necessary records and/or immunizations, and work with the parent/guardian/unaccompanied youth to determine appropriate placement in classes if records are not immediately available.

## 6.2 The Right to Choose What School to Attend

Students have the right to continue attending their “school of origin”. The “school of origin” is the school where the child or youth was last enrolled or the school the child or youth was attending when they became homeless. The school district shall keep a student in the “school of origin” unless it goes against the wishes of the parent. The student also has the option of enrolling in school where he is currently living.

If the school district sends a student to a school other than the school of origin or a school requested by the parent, the district must provide the parent with a written explanation of the decision, which includes the right to appeal the decision to the NDE Homeless Liaison.

If a student obtains permanent housing during the school year, the student has the right to stay in their current school until the end of the school year.

All placement decisions must be made based on what is in the best interest of the student.

## 7 Transportation

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The transportation process in Nevada is specified by NDE on page 18 of the [Homeless Tool Kit for School Staff](#). Charter schools are public schools which must follow the same processes. The following transportation process should be followed by all charter schools:

The parent or guardian (or, in the case of an unaccompanied youth, the school homeless liaison) of a homeless student may request that transportation be provided to and from school.

If the student is still in the same district as the school of origin, the school district must provide transportation.

If the student is not living within the district of the school of origin, the district of origin and the district where the student is living must determine how to share transportation costs and responsibility.

If the districts cannot come to an agreement, then the responsibility and costs must be shared equally. In general, transportation time should be limited to one hour or less in each direction.

Please note, the transportation provisions of McKinney-Vento only apply to students who are currently homeless. If a student obtains permanent housing and continues to attend his/her school of origin until the end of the school year, the continued provision of transportation is at the discretion of the district of origin.

Remember: The school district must make decisions based on the best interests of the student.

## 8 Disputes

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The dispute resolution process in Nevada is specified by NDE on page 19 of the [Homeless Tool Kit for School Staff](#). Charter schools are public schools which must follow the same processes. The following dispute resolution process should be followed by charter schools:

If a charter school challenges the right of a homeless student to attend the school, the charter school must continue to provide transportation and other services to the student until the dispute is resolved.

The dispute resolution process begins when the charter school challenges the student’s enrollment/continued enrollment in school. The same day the charter school challenges the enrollment of the student, the district must notify the Homeless Liaison and the parent/guardian or unaccompanied youth in writing. This notice must include the right of the parent/guardian or unaccompanied youth to appeal the decision. The charter school must

also notify the NDE Homeless Liaison/Coordinator the same day and provide them with copies of all notices provided to the parent/guardian or unaccompanied youth.

The NDE Liaison must then provide the parent/youth with a clear, easy-to-understand, written explanation of dispute resolution process and include the contact information for the NDE Homeless Liaison.

The school district then has two working days to determine whether it will continue to challenge the right of the student to be enrolled in school. During this time, NDE may provide technical assistance to the school on the requirements of McKinney-Vento.

The final decision by the charter school must be made in writing by the Superintendent (or Executive Director, or equivalent at the charter school) and must state all factual reasons and the legal basis for the decision. If the final decision of the charter school is adverse to the student, the charter school must provide the NDE homeless liaison (NDE then notifies the parent) with a copy of the Rights of Homeless Students under the McKinney-Vento Act the written decision that same day. The parent/youth then has the right to appeal the decision to NDE.

Once NDE has received the appeal, the NDE Homeless Liaison has two working days to make a decision. The decision made by NDE Homeless Liaison is final.

## 9 Services

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Homeless students have the same rights as all other students to participate in special education programs, after school programs, and any other programs available at the school.

### 9.1 Homeless Education Liaison

Every school is required to have a Homeless Education Liaison (often referred to as the McKinney-Vento Liaison). It is the job of the Liaison to ensure that homeless students have the same opportunities as all other students, which includes ensuring that homeless students are able to attend school, arranging for transportation in a timely manner, keeping the school staff informed of the rights of homeless students and providing appropriate referrals to service providers.

The homeless liaison at our school is:

Dawn Marsh

[HOMELESS LIAISON PHONE NUMBER]

Dawn.marsh@snvtradeshighschool.org

### 9.2 Special Education

Homeless students who qualify for special education services must be provided appropriate services based on the information that is available to the school. A school may not delay providing such services based on the non-receipt of school records. Homeless children are also included under child find requirements in the Individuals with Disabilities Education Act 20 U.S.C. 1412(a)(3).

### 9.3 After School Programs

We do not currently have after school programs. But we will work with the Boys and Girls Club of Southern Nevada and other similar agencies to ensure our students have access to after school activities.

## 10 Free Meals

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Homeless students have the same rights as all other students to participate in school nutrition programs. The process for identifying eligibility for free or reduced price meals in Nevada is specified by NDE on page 18 of the [Homeless Tool Kit for School Staff](#). Charter schools are public schools which must follow the same processes. The following processes for determining free meal eligibility should be followed by all charter schools:

In order to determine the eligibility for free or reduced price meals, school officials must accept documentation that the student is homeless from the local Homeless Education Liaison or the director of the homeless shelter where the student resides. If a student is temporarily residing with another household, the household size and income of the host family are not taken into consideration when determining the free meal eligibility for the homeless student. However, the host family may include the homeless family as household members if the host family is providing financial support to the family.

Additionally, according to page 3 of the NCHE whitepaper titled “[Access to Food for Students Experiencing Homelessness](#)” the following must occur after eligibility is determined:

Once the above documentation has been provided to the school nutrition program, the student must be directly certified. School meals personnel do not have discretion to decline directly certifying children who have been documented to be categorically eligible. If a school administrator knows that a child is homeless but is concerned that there may be a delay in obtaining documentation from the local liaison, the administrator may complete an application on behalf of the child so the child can begin receiving free meals immediately. The administrator must then follow up with the local liaison to obtain the needed documentation.

Once a child is certified as eligible to receive free school meals, eligibility remains in effect for the duration of the current school year and for up to 30 days after the first operating day of the subsequent school year or until a new eligibility determination is made in the new school year, whichever comes first.

## 11 Training

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Training will be provided for the McKinney-Vento Liaison and for other school staff.

### 11.1 McKinney-Vento Liaison

Our McKinney Vento liaison (registrar) has prior experience with McKinney Vento. She will also attend two trainings provided by NCHE: McKinney Vento 101 on April 5<sup>th</sup> and Determining McKinney Vento eligibility on April 25<sup>th</sup>

Upon completion of all training, records will be retained documenting that the McKinney-Vento liaison has attended training annually as NDE may request these records for desktop monitoring.

### 11.2 Other School Staff

The school principal also has prior experience working with McKinney Vento students in Clark County. She will attend all training sessions provided by the Nevada State Charter Authority. School Administration will also receive additional training from the school liaison once she has completed her training sessions provided by the NCHE.

Upon completion of all training, records will be retained documenting that school staff has attended training annually as NDE may request these records for desktop monitoring.

## 12 Coordination

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### 12.1 Coordination with Local Social Service Agencies

After Identifying a student as McKinney Vento the school Liaison will provide the family with a list of resources the Clark county Department of Social Services offers, such as the Step-up program, transportation assistance, and CARES housing assistance program. The school will ensure that the student has uniforms, school supplies and is receiving free breakfast and lunch each day. The liaison will assist families with reaching out to these programs if necessary and check in regularly to ensure they are being supported.

### 12.2 Records Sharing and Transfer

School records will be transferred through Nevada's school system infinite campus, which ensures confidentiality. If documents need to be shared to an agency that does not use Infinite campus they will be sent securely through email or fax, or given to the student's guardian to provide to the requesting agency.

## 13 Preschool

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According to page 4 of the NCHE whitepaper titled [Early Care and Education for Young Children Experiencing Homelessness](#):

The McKinney-Vento Act requires early care and education programs administered by SEAs and LEAs to enroll children immediately, even if they lack documents typically required for enrollment, including birth certificates, health records, and proof of residency. The Act, however, does not require these programs to exceed legal capacity limits or to enroll children once classes are full.

While our school does not currently offer a preschool program, the nearest preschool program is available at:

Foundations Preschool

1567 N Nellis Blvd, Las Vegas, NV 89110

702-453-1540

## 14 Full or Partial Credit Requirements

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Nevada's [Senate Bill \(SB\) 147 \(2019\)](#) resulted in additional provisions for homeless, unaccompanied, and foster care pupils that are codified in [Nevada Revised Statute \(NRS\) 388.205](#), [NRS388A.489](#), and [NRS389.320](#).

Per this legislation, schools may not deny homeless students or unaccompanied youth credit for a course due to attendance. Regardless of the number of hours of classroom instruction, students should still receive credit for the coursework that has been satisfactorily completed. Evidence that may be considered in determining how much credit should be awarded for the coursework may include:

- (l) Demonstration of competency by a pupil;
- (m) Performance by a pupil on an examination;
- (n) Successful completion of a program of independent study, or any part of such a program, by the pupil;
- (o) Full or partial credit for coursework completed by a pupil at an accredited public or private school located within or outside of this State that is sought to be transferred;

- (p) Full or partial credit for coursework completed by a pupil at a summer school conducted by an accredited public or private school or institution of higher learning located within or outside of this State that is sought to be transferred;
- (q) Completion by a pupil of a correspondence or distance education course provided by a high school which is nationally accredited or by an entity which appears on the list published by the Department pursuant to NRS 388.834;
- (r) Completion of an apprenticeship program by a pupil;
- (s) Completion of a program by a pupil at a trade or vocational school which is accredited;
- (t) Work experience of a pupil;
- (u) Community service performed by a pupil; and
- (v) Any other evidence or method which is determined to be appropriate by the board of trustees of a school district or sponsor of a charter school, as applicable, and approved by the Department.

Additionally, A pupil who receives partial credit for coursework or a course of study pursuant to subsection 1 or 2 must be allowed to appropriately combine the partial credit, including, without limitation, for the purposes of the total number of credits required for graduation from high school or the minimum number of units of credit required in a core academic subject pursuant to NRS 389.018.

## 15 References

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Throughout this manual a variety of resources are referenced from [NCHE](#) and the [NDE Homeless Tool Kit for School Staff](#).

Additional reference materials have all been linked in within the text of this manual, and will be listed in “Appendix A: Links” of this manual.

## 16 Appendix A: Links

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A variety of links have been provided throughout this manual and are listed below in the order that they appear in this manual:

- Subtitle VI-B of The McKinney-Vento Homeless Assistance Act
  - <https://uscode.house.gov/view.xhtml?path=/prelim@title42/chapter119/subchapter6/partB&edition=prelim>
- Every Student Succeeds Act (ESSA)
  - <https://www.govinfo.gov/content/pkg/PLAW-114publ95/pdf/PLAW-114publ95.pdf>
- NRS Chapter 385
  - <https://www.leg.state.nv.us/nrs/nrs-385.html>
- NRS Chapter 388
  - <https://www.leg.state.nv.us/nrs/nrs-388.html>
- Nevada SB147 (2019)
  - [https://www.leg.state.nv.us/Session/80th2019/Bills/SB/SB147\\_EN.pdf](https://www.leg.state.nv.us/Session/80th2019/Bills/SB/SB147_EN.pdf)
- NRS 388.205
  - <https://www.leg.state.nv.us/nrs/nrs-388.html#NRS388Sec205>
- NRS 388A.489
  - <https://www.leg.state.nv.us/nrs/NRS-388A.html#NRS388ASec489>
- NRS 389.320
  - <https://www.leg.state.nv.us/nrs/nrs-389.1761#NRS389Sec320>



- Definition of McKinney-Vento from NCHE
  - <https://nche.ed.gov/legislation/mckinney-vento/>
- Information regarding unaccompanied youth from NCHE
  - <https://nche.ed.gov/wp-content/uploads/2018/10/youth.pdf>
- NCHE Whitepaper: The Educational Rights of Children and Youth Experiencing Homelessness
  - [https://nche.ed.gov/wp-content/uploads/2018/10/service\\_providers.pdf](https://nche.ed.gov/wp-content/uploads/2018/10/service_providers.pdf)
- Educational Rights Poster (Youth) from NCHE
  - English: [https://nche.ed.gov/wp-content/uploads/2019/01/youthposter\\_eng\\_color.pdf](https://nche.ed.gov/wp-content/uploads/2019/01/youthposter_eng_color.pdf)
  - Spanish: [https://nche.ed.gov/wp-content/uploads/2019/01/youthposter\\_sp\\_color.pdf](https://nche.ed.gov/wp-content/uploads/2019/01/youthposter_sp_color.pdf)
- Educational Rights Poster (Parent) from NCHE
  - English: [https://nche.ed.gov/wp-content/uploads/2019/01/parentposter\\_eng\\_color.pdf](https://nche.ed.gov/wp-content/uploads/2019/01/parentposter_eng_color.pdf)
  - Spanish: [https://nche.ed.gov/wp-content/uploads/2019/01/parentposter\\_sp\\_color.pdf](https://nche.ed.gov/wp-content/uploads/2019/01/parentposter_sp_color.pdf)
- Higher Education Poster from NCHE
  - English: [https://nche.ed.gov/wp-content/uploads/2018/11/he\\_poster.pdf](https://nche.ed.gov/wp-content/uploads/2018/11/he_poster.pdf)
  - Spanish: [https://nche.ed.gov/wp-content/uploads/2018/11/he\\_poster\\_span.pdf](https://nche.ed.gov/wp-content/uploads/2018/11/he_poster_span.pdf)
- Support for Students Whose Families Have Lost Their Homes to Foreclosure poster from NCHE
  - English: [https://nche.ed.gov/wp-content/uploads/2018/11/fc\\_post.pdf](https://nche.ed.gov/wp-content/uploads/2018/11/fc_post.pdf)
- NCHE Brochure:
  - English: <https://nche.ed.gov/wp-content/uploads/2022/08/NCHE-Brochure-ENG.pdf>
  - Spanish: <https://nche.ed.gov/wp-content/uploads/2022/08/NCHE-Brochure-SPA.pdf>
- Support for Students Whose Families Have Lost Their Homes to Foreclosure brochure from NCHE
  - English: [https://nche.ed.gov/wp-content/uploads/2018/11/fc\\_broch.pdf](https://nche.ed.gov/wp-content/uploads/2018/11/fc_broch.pdf)
  - Spanish: [https://nche.ed.gov/wp-content/uploads/2018/11/fc\\_broch\\_esp.pdf](https://nche.ed.gov/wp-content/uploads/2018/11/fc_broch_esp.pdf)
- Parent booklet from NCHE
  - English: <https://nche.ed.gov/wp-content/uploads/2022/08/Parent-Booklet-Eng.pdf>
  - Spanish: <https://nche.ed.gov/wp-content/uploads/2022/08/Parent-Booklet-Span.pdf>
- Student Housing Questionnaire
  - [https://spsca.instructure.com/courses/42/files/2312?module\\_item\\_id=2142](https://spsca.instructure.com/courses/42/files/2312?module_item_id=2142)
- NDE Homeless Tool Kit for School Staff
  - [https://doe.nv.gov/uploadedFiles/ndedoenvgov/content/Homeless/Homeless%20Tool%20Kit%20for%20School%20Staff%202022%20-2023\\_April-Draft.pdf](https://doe.nv.gov/uploadedFiles/ndedoenvgov/content/Homeless/Homeless%20Tool%20Kit%20for%20School%20Staff%202022%20-2023_April-Draft.pdf)
- NCHE Whitepaper – Access to Food for Students Experiencing Homelessness
  - <https://nche.ed.gov/wp-content/uploads/2022/08/Access-to-Food.pdf>
- NCHE Whitepaper – Early Care and Education for Young Children Experiencing Homelessness
  - <https://nche.ed.gov/wp-content/uploads/2019/09/Early-Care-and-Education-for-Young-Children-Experiencing-Homelessness.pdf>
- NCHE
  - <https://nche.ed.gov/>

## 17 Appendix B: Forms

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- Student Housing Questionnaire (SHQ)
  - [https://spsca.instructure.com/courses/42/files/2312?module\\_item\\_id=2142](https://spsca.instructure.com/courses/42/files/2312?module_item_id=2142)

