

SENATE BILL NO. 396—SENATOR ROGICH

MARCH 17, 2025

Referred to Committee on Education

SUMMARY—Makes various changes relating to education.
(BDR 34-912)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§§ 4, 9)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to education; requiring the Department of Education to establish a program to provide certain professional development relating to literacy instruction; requiring the submission of certain reports concerning literacy and the academic growth of pupils identified as having a reading disability; prohibiting various classes and services for pupils with certain disabilities from exceeding certain size limitations; setting forth certain provisions governing pupils with disabilities who require educational stability; revising provisions governing the safety of pupils in schools; revising certain definitions concerning pupils with disabilities; revising provisions governing instruction and services provided to certain pupils with disabilities; revising provisions governing early literacy screening assessments; revising provisions governing pupils with dyslexia; revising provisions governing due process hearings; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law requires the Department of Education to ensure compliance with
- 2 the Individuals with Disabilities Education Act, federal regulations adopted
- 3 pursuant to the Act and statutes and regulations of this State that govern the
- 4 education of pupils with disabilities. (20 U.S.C. §§ 1400 et seq.; 34 C.F.R. Part
- 5 300; NRS 388.417-388.5243) Existing law requires public schools to provide



6 special programs and services for pupils with disabilities. (NRS 388.419, 388.429)
7 Existing law sets forth various definitions that apply to provisions governing pupils
8 with disabilities. (NRS 388.417) **Section 4** of this bill prohibits the board of trustees
9 of a school district or the governing body of a charter school from: (1) making
10 certain assignments for teachers, paraprofessionals or instructional aides who
11 provide instruction to pupils with disabilities; and (2) exceeding various limitations
12 on the number of pupils with certain disabilities who may be in a classroom or
13 receive certain support. **Section 5** of this bill: (1) requires the Department to
14 develop a plan to establish stability in providing a program of special education to
15 pupils; (2) sets forth certain requirements for the plan; and (3) requires an
16 individualized education program team to make certain considerations when
17 developing an individualized education program for a pupil with a disability who is
18 subject to an educational regression because of frequent changes in the location in
19 which special education services are provided. **Section 9** of this bill: (1) requires
20 the State Board of Education to develop certain guidelines concerning the universal
21 literacy screening administered pursuant to **section 11** of this bill; and (2) revises
22 and sets forth, respectively, the minimum standards the State Board is required to
23 prescribe for programs of instruction or special services for pupils with dyslexia
24 and pupils with emotional disturbances, autism spectrum disorder or developmental
25 delays. **Section 8** of this bill: (1) revises certain definitions; and (2) creates certain
26 definitions that apply to provisions governing pupils with disabilities.

27 Existing federal law requires a due process hearing to be held concerning a
28 complaint relating to the identification of a pupil as a pupil with or without a
29 disability or the sufficiency of services provided to such a pupil. (20 U.S.C. § 1415)
30 Existing law: (1) provides for the selection of a hearing officer; (2) requires the
31 local educational agency or governing body of a charter school involved in the
32 complaint to pay the cost of the hearing; and (3) authorizes an aggrieved party to
33 appeal the decision of a hearing officer to the Department. (NRS 388.463) **Section**
34 **13** of this bill: (1) sets forth certain requirements governing an expedited due
35 process hearing; (2) requires the Department to appoint a State Review Officer to
36 make a determination concerning appeals submitted after a due process hearing has
37 concluded; and (3) provides for a party to a due process hearing to request a
38 temporary order of relief.

39 Existing law requires the board of trustees of each school district and the
40 governing body of each charter school that serves pupils in kindergarten or grade 1,
41 2 or 3 to prescribe an early literacy screening assessment for use by the schools
42 located in the school district or the charter school, respectively. (NRS 388.439)
43 Existing law additionally requires: (1) the board of trustees of each school district
44 and the governing body of each charter school to administer screenings for dyslexia
45 to certain pupils in certain grade levels; (2) the board of trustees and governing
46 body, as applicable, to address the needs of a pupil if the screening confirms that
47 the pupil has indicators for dyslexia; and (3) if the response to scientific, research-
48 based intervention system of instruction determines that a pupil needs additional
49 screening, the board of trustees and governing body, as applicable, to perform
50 certain evaluations of the pupil. (NRS 388.441) **Section 10** of this bill: (1) requires
51 the board of trustees of each school district and the governing body of each charter
52 school to instead prescribe a universal literacy screening that meets certain
53 requirements; (2) requires such entities to administer the screening to pupils
54 enrolled in kindergarten and grades 1 to 6, inclusive, at least twice each school
55 year; and (3) sets forth certain requirements governing the results of the screening.
56 **Section 11** sets forth the requirements for: (1) a pupil to receive additional
57 screening after taking the universal literacy screening; (2) the person who
58 administers the screening; and (3) certain meetings with administrators concerning
59 the results of the screening.



60 Existing law requires a pupil's individualized education program team to
61 consider certain instructional approaches when developing an individualized
62 education program for a pupil with dyslexia. (NRS 388.443) **Section 12** of this bill
63 sets forth additional considerations for developing such an individualized education
64 program.

65 **Section 2** of this bill requires the Department to establish a program to provide
66 professional development in certain areas concerning literacy to each
67 paraprofessional, member of support staff, administrator and teacher who is
68 employed by a school district or charter school to serve certain pupils. **Section 3** of
69 this bill requires the board of trustees of each school district and the governing
70 body of each charter school, as applicable, to prepare and submit to the Department
71 an annual report that contains certain information concerning the universal literacy
72 screening administered pursuant to **section 11** and the professional development
73 required pursuant to **section 2**.

74 Existing law requires the board of trustees of each school district and the
75 governing body of each charter school to establish an emergency operations plan
76 development committee to develop a plan for responding to certain emergencies in
77 each school. (NRS 388.241, 388.243) **Section 7** of this bill requires such a plan to
78 include: (1) a consideration of the needs of pupils with disabilities in certain
79 emergencies; and (2) a plan to inform local law enforcement agencies or public
80 safety organizations of the specific needs of each pupil with a disability.

81 Under existing law, the Legislature declares that members of the board of
82 trustees of each school district, the governing body of each charter school and all
83 administrators and teachers have a duty to create and provide a safe and respectful
84 learning environment for all pupils. (NRS 388.1321) **Section 6** of this bill
85 additionally requires a safe and respectful learning environment to be provided for
86 all staff members of a school.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 388 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 5, inclusive, of this
3 act.

4 **Sec. 2. 1. *The Department shall establish a program to***
5 ***provide professional development regarding evidence-based***
6 ***instruction in foundational literacy, structured literacy and***
7 ***supplemental reading support to each paraprofessional, member***
8 ***of support staff, administrator and teacher, including, without***
9 ***limitation, each library media specialist and each person with an***
10 ***endorsement to teach a program of bilingual education or pupils***
11 ***who have disabilities. Such persons must be employed by a school***
12 ***district or charter school to serve pupils enrolled in preschool,***
13 ***kindergarten or grades 1 to 6, inclusive.***

14 **2. *The program to provide professional development***
15 ***developed by the Department pursuant to subsection 1 must***
16 ***include, without limitation:***

17 ***(a) For a person who serves pupils enrolled in preschool or***
18 ***kindergarten or grades 1, 2 or 3, training on:***



- (1) *Orthography;*
- (2) *Phonological and phonemic awareness;*
- (3) *Phonics;*
- (4) *Reading fluency;*
- (5) *Developing oral and written vocabularies; and*
- (6) *Aural and reading comprehension;*

(b) *For a person who serves pupils enrolled in grades 4, 5 or 6, training on:*

- (1) *The neurobiology of reading;*
- (2) *Advanced word study;*
- (3) *Reading fluency; and*
- (4) *Reading comprehension;*

(c) *For an administrator, training on designing and implementing high-quality and evidence-based literacy instruction for pupils enrolled in preschool, kindergarten and grades 1 to 6, inclusive; and*

(d) *For each person described in subsection 1, at least 20 hours of professional development, provided during each school year, on the universal literacy screening administered pursuant to NRS 388.439 and interventions, accommodations, structured literacy and the use of technology for pupils with reading disabilities, including, without limitation, dyslexia.*

3. *The Department shall establish:*

(a) *A statewide framework for using multi-tiered systems of support to assist in the identification and intervention of pupils at risk of experiencing a learning disability, including, without limitation, dyslexia; and*

(b) *A program to provide professional development to each teacher and administrator regarding the framework established pursuant to paragraph (a).*

Sec. 3. *The board of trustees of each school district and the governing body of each charter school, as applicable, shall, on or before June 30 of each year, prepare and submit a report to the Department describing:*

1. *The tool or instrument used to administer the universal literacy screening pursuant to NRS 388.441;*

2. *The amount of professional development provided pursuant to paragraph (d) of subsection 2 of section 2 of this act;*

3. *The number of pupils who were:*

(a) *Administered a universal literacy screening pursuant to NRS 388.441;*

(b) *Identified as having a reading disability, including, without limitation, dyslexia; and*

(c) *Provided interventions by the school and the type of interventions provided; and*



1 4. *Longitudinal data on the academic growth of the pupils*
2 *described in subsection 3, reported separately by the grade level of*
3 *the pupil.*

4 **Sec. 4. 1.** *The board of trustees of a school district or*
5 *governing body of a charter school, as applicable, shall not:*

6 (a) *Assign a teacher to a special education classroom unless*
7 *the teacher holds a license to teach special education.*

8 (b) *Reassign a teacher, paraprofessional or instructional aide*
9 *from his or her assignment to a special education classroom to*
10 *serve as a substitute teacher in a general education classroom.*

11 2. *A special education classroom that does not have a*
12 *paraprofessional or instructional aide assigned to the classroom*
13 *must contain not more than:*

14 (a) *Eight pupils with hearing impairments, including, without*
15 *limitation, deafness;*

16 (b) *Eight pupils with visual impairments, including, without*
17 *limitation, blindness;*

18 (c) *Three pupils with autism spectrum disorder;*

19 (d) *Eight pupils with emotional disturbances;*

20 (e) *Twelve pupils with mild cognitive disabilities;*

21 (f) *Ten pupils with moderate cognitive disabilities;*

22 (g) *Three pupils with severe cognitive disabilities;*

23 (h) *Ten pupils with mild or moderate intellectual disabilities;*

24 (i) *Eight pupils with severe intellectual disabilities; or*

25 (j) *Eight pupils with multiple disabilities.*

26 3. *A special education classroom that does have a*
27 *paraprofessional or instructional aide assigned to the classroom*
28 *must contain not more than:*

29 (a) *Twelve pupils with hearing impairments, including,*
30 *without limitation, deafness;*

31 (b) *Twelve pupils with visual impairments, including, without*
32 *limitation, blindness;*

33 (c) *If one paraprofessional or instructional aide is assigned to*
34 *the classroom, six pupils with autism spectrum disorder;*

35 (d) *If at least two paraprofessionals or instructional aides are*
36 *assigned to the classroom, nine pupils with autism spectrum*
37 *disorder;*

38 (e) *Ten pupils with emotional disturbances;*

39 (f) *Sixteen pupils with mild cognitive disabilities;*

40 (g) *Thirteen pupils with moderate cognitive disabilities;*

41 (h) *If one paraprofessional or instructional aide is assigned to*
42 *the classroom, six pupils with severe cognitive disabilities;*

43 (i) *If at least two paraprofessionals or instructional aides are*
44 *assigned to the classroom, nine pupils with severe cognitive*
45 *disabilities;*



1 (j) Sixteen pupils with mild or moderate intellectual
2 disabilities;

3 (k) Twelve pupils with severe intellectual disabilities;

4 (l) Twelve pupils with multiple disabilities;

5 (m) If one paraprofessional or instructional aide is assigned to
6 the classroom, eight pupils with developmental delays; or

7 (n) If at least two paraprofessionals or instructional aides are
8 assigned to the classroom, 12 pupils with developmental delays.

9 4. A program to provide supplemental instruction to pupils
10 with disabilities:

11 (a) In a general education classroom must contain not more
12 than:

13 (1) If the instruction is provided to pupils enrolled in
14 preschool or elementary school and no paraprofessional or
15 instructional aide is present, eight pupils; or

16 (2) If the instruction is provided to pupils enrolled in
17 secondary school and no paraprofessional or instructional aide is
18 present, 10 pupils;

19 (b) In a pull-out program that is provided in one subject area
20 must contain not more than:

21 (1) If the instruction is provided to pupils enrolled in
22 preschool or elementary school and:

23 (I) No paraprofessional or instructional aide is present,
24 six pupils; or

25 (II) A paraprofessional or instructional aide is present,
26 nine pupils; or

27 (2) If the instruction is provided to pupils enrolled in
28 secondary school and:

29 (I) No paraprofessional or instructional aide is present,
30 nine pupils; or

31 (II) A paraprofessional or instructional aide is present,
32 12 pupils; and

33 (c) In a pull-out program that is provided in at least two
34 subject areas must contain not more than:

35 (1) If the instruction is provided to pupils enrolled in
36 preschool or elementary school and:

37 (I) No paraprofessional or instructional aide is present,
38 six pupils; or

39 (II) A paraprofessional or instructional aide is present,
40 nine pupils; or

41 (2) If the instruction is provided to pupils enrolled in
42 secondary school and:

43 (I) No paraprofessional or instructional aide is present,
44 six pupils; or



1 (ii) *A paraprofessional or instructional aide is present,*
2 *nine pupils.*

3 5. *A special education classroom must not have a difference*
4 *of more than 4 years between the age of the oldest pupil assigned*
5 *to the classroom and the youngest pupil assigned to the classroom.*

6 6. *As used in this section:*

7 (a) *“General education classroom” means a classroom that is*
8 *primarily tailored for the instruction of pupils without disabilities.*

9 (b) *“Pull-out program” means a program to provide*
10 *individualized instruction in at least one subject area to a pupil*
11 *with a disability by relocating the pupil from a general education*
12 *classroom during instruction in that subject area.*

13 (c) *“Special education classroom” means a classroom that is*
14 *primarily tailored for the instruction of pupils with disabilities.*

15 **Sec. 5.** 1. *The Department shall develop a plan to establish*
16 *stability in providing a program of special education to pupils. In*
17 *developing the plan, the Department shall consider, for a program*
18 *of special education, the consistency of the:*

19 (a) *Location in which special education services are provided;*

20 (b) *Curriculum of a program of special education; and*

21 (c) *Staffing for a program of special education.*

22 2. *When developing an individualized education program for*
23 *a pupil with a disability, including, without limitation, autism*
24 *spectrum disorder, who is subject to a regression in his or her*
25 *ability to learn because of frequent changes in the location in*
26 *which special education services are provided, the individualized*
27 *education program team must consider, without limitation, the*
28 *consistency of the location in which special education services are*
29 *provided when determining the placement of the pupil.*

30 **Sec. 6.** NRS 388.1321 is hereby amended to read as follows:

31 388.1321 1. The Legislature hereby declares that the
32 members of a governing body and all administrators and teachers
33 have a duty to create and provide a safe and respectful learning
34 environment for all pupils *and staff members* that is free of
35 discrimination based on race, bullying and cyber-bullying.

36 2. A parent or guardian of a pupil may petition a court of
37 competent jurisdiction for a writ of mandamus to compel the
38 performance of any duty imposed by the provisions of NRS 388.121
39 to 388.1395, inclusive.

40 3. Nothing in this section shall be deemed to preclude a parent
41 or guardian of a pupil from seeking any remedy available at law or
42 in equity.

43 **Sec. 7.** NRS 388.243 is hereby amended to read as follows:

44 388.243 1. Each emergency operations plan development
45 committee established by the board of trustees of a school district



1 shall develop one plan, which constitutes the minimum requirements
2 of a plan, to be used by all the public schools other than the charter
3 schools in the school district in responding to a crisis, emergency or
4 suicide and all other hazards. Each emergency operations plan
5 development committee established by the governing body of a
6 charter school shall develop a plan, which constitutes the minimum
7 requirements of a plan, to be used by the charter school in
8 responding to a crisis, emergency or suicide and all other hazards.
9 Each emergency operations plan development committee shall,
10 when developing the plan:

11 (a) Consult with local social service agencies and local public
12 safety agencies in the county in which its school district or charter
13 school is located.

14 (b) If the school district has an emergency manager designated
15 pursuant to NRS 388.262, consult with the emergency manager.

16 (c) If the school district has school resource officers, consult
17 with the school resource officer or a person designated by him or
18 her.

19 (d) If the school district has school police officers, consult with
20 the chief of school police of the school district or a person
21 designated by him or her.

22 (e) Consult with the director of the local organization for
23 emergency management or, if there is no local organization for
24 emergency management, with the Chief of the Division of
25 Emergency Management of the Office of the Military or his or her
26 designee.

27 (f) Consult with the State Fire Marshal or his or her designee
28 and a representative of a local government responsible for
29 enforcement of the ordinances, codes or other regulations governing
30 fire safety.

31 (g) Determine which persons and organizations in the
32 community, including, without limitation, a provider of mental
33 health services which is operated by a state or local agency, that
34 could be made available to assist pupils and staff in recovering from
35 a crisis, emergency or suicide.

36 2. The plan developed pursuant to subsection 1 must include,
37 without limitation:

38 (a) The plans, procedures and information included in the model
39 plan developed by the Department pursuant to NRS 388.253;

40 (b) A procedure for responding to a crisis or an emergency and
41 for responding during the period after a crisis or an emergency has
42 concluded, including, without limitation, a crisis or an emergency
43 that results in immediate physical harm to a pupil or employee of a
44 school in the school district or the charter school;



1 (c) A procedure for enforcing discipline within a school in the
2 school district or the charter school and for obtaining and
3 maintaining a safe and orderly environment during a crisis or an
4 emergency;

5 (d) The names of persons and organizations in the community,
6 including, without limitation, a provider of mental health services
7 which is operated by a state or local agency, that are available to
8 provide counseling and other services to pupils and staff of the
9 school to assist them in recovering from a crisis, emergency or
10 suicide;

11 (e) A plan for making the persons and organizations described in
12 paragraph (d) available to pupils and staff after a crisis, emergency
13 or suicide;

14 (f) A procedure for responding to a crisis or an emergency that
15 occurs during an extracurricular activity which takes place on school
16 grounds;

17 (g) A plan which includes strategies to assist pupils and staff at a
18 school in recovering from a suicide;

19 (h) A description of the organizational structure which ensures
20 there is a clearly defined hierarchy of authority and responsibility
21 used by the school for the purpose of responding to a crisis,
22 emergency or suicide;

23 (i) If the school district has school police officers, a plan to
24 coordinate with local law enforcement agencies to train school
25 police officers in active assailant movement techniques;

26 (j) A plan to coordinate with local law enforcement agencies or
27 public safety organizations to provide active assailant trainings to
28 each employee of the school;

29 (k) A plan to provide support to:

30 (1) Pupils who have experienced a crisis or emergency by
31 using trauma-informed and age-appropriate resources; and

32 (2) Members of the faculty and staff who have experienced a
33 crisis or emergency by using trauma-informed resources;

34 (l) A plan to ensure that members of the faculty and staff and a
35 pupil's parents or legal guardians are notified of the occurrence,
36 development and conclusion of a crisis or an emergency through
37 any communication method established by a school, including,
38 without limitation, communicating through text message or
39 electronic mail; ~~and~~

40 (m) A plan to inform, at least twice each academic year, a
41 pupil's parent or legal guardian of any state requirement related to
42 the storage of firearms, including, without limitation, the crimes and
43 penalties described in subsection 5 of NRS 202.300 and 202.3623

44 ~~and~~; and



1 *(n) A consideration of the needs of pupils with disabilities in a*
2 *crisis or emergency and a plan to inform local law enforcement*
3 *agencies or public safety organizations responding to a crisis or*
4 *emergency of the specific needs of each pupil with a disability, to*
5 *the extent authorized by the Family Educational Rights and*
6 *Privacy Act of 1974, 20 U.S.C. § 1232g.*

7 3. Each emergency operations plan development committee
8 shall provide for review a copy of the plan that it develops pursuant
9 to this section to the board of trustees of the school district that
10 established the committee or the governing body of the charter
11 school that established the committee.

12 4. The board of trustees of the school district that established
13 the committee or the governing body of the charter school that
14 established the committee shall submit for review to the Division of
15 Emergency Management of the Office of the Military the plan
16 developed pursuant to this section.

17 5. Except as otherwise provided in NRS 388.249 and 388.251,
18 each public school must comply with the plan developed for it
19 pursuant to this section.

20 6. As used in this section:

21 (a) "Active assailant movement techniques" means any training
22 in the technical and tactical skills necessary for school police
23 officers to respond to a crisis or emergency concerning an active
24 assailant.

25 (b) "Active assailant training" means any training in responding
26 to a crisis or emergency concerning an active assailant that is
27 necessary to evacuate or secure the school.

28 **Sec. 8.** NRS 388.417 is hereby amended to read as follows:

29 388.417 As used in NRS 388.417 to 388.515, inclusive [] ,
30 *and sections 1 to 5, inclusive, of this act:*

31 1. *"Autism spectrum disorder" has the meaning ascribed to*
32 *"autism" in 34 C.F.R. § 300.8(c)(1).*

33 2. *"Behavior intervention plan" means a structured,*
34 *individualized strategy designed to address problematic behaviors*
35 *that interfere with the ability of a pupil or his or her peers to learn.*
36 *Such a plan is based on the results of a functional behavior*
37 *assessment and includes strategies to:*

38 (a) *Reduce problematic behaviors; and*

39 (b) *Teach and reinforce behaviors that are adaptive and*
40 *socially acceptable.*

41 3. "Communication mode" means any system or method of
42 communication used by a person with a disability, including,
43 without limitation, a person who is deaf or whose hearing is
44 impaired, to facilitate communication which may include, without
45 limitation:



- 1 (a) American Sign Language;
- 2 (b) English-based manual or sign systems;
- 3 (c) Oral and aural communication;
- 4 (d) Spoken and written English, including speech reading or lip
- 5 reading; and
- 6 (e) Communication with assistive technology devices.

7 ~~[2-]~~ 4. *“Developmental delay” means a limitation, impairment*
8 *or delay in the learning capacity of a child between the ages of 3*
9 *and 9 years, based on the child exhibiting difficulties with:*

- 10 (a) *Receptive language;*
- 11 (b) *Expressive language;*
- 12 (c) *Cognitive abilities;*
- 13 (d) *Physical abilities;*
- 14 (e) *Social, emotional or adaptive functions; and*
- 15 (f) *Self-help skills.*

16 5. *“Due process hearing” means a hearing conducted*
17 *pursuant to 20 U.S.C. § 1415(f)-(i) and 34 C.F.R. §§*
18 *300.507-300.512.*

19 6. *“Dyslexia” means a ~~[neurological]~~ neurobiological learning*
20 *disability characterized by difficulties with accurate and fluent word*
21 *recognition and poor spelling and decoding abilities that typically*
22 *result from a deficit in the phonological component of language.*
23 *Dyslexia is often unexpected in relation to other cognitive abilities*
24 *and may negatively impact:*

- 25 (a) *The provision of classroom instruction;*
- 26 (b) *Reading comprehension;*
- 27 (c) *Vocabulary growth; and*
- 28 (d) *The attainment of knowledge.*

29 ~~[3-]~~ 7. *“Dyslexia intervention” means systematic, multisensory*
30 *intervention offered in an appropriate setting that is derived from*
31 *evidence-based research.*

32 ~~[4-]~~ 8. *“Emotional disturbance” has the meaning ascribed to*
33 *it in 34 C.F.R. § 300.8(c)(4).*

34 9. *“Foundational literacy instruction” means an evidence-*
35 *based method of reading instruction that may be individualized*
36 *and addresses the acquisition of language, phonological and*
37 *phonemic awareness, phonics and spelling, vocabulary, speech*
38 *and reading comprehension.*

39 10. *“Free appropriate public education” has the meaning*
40 *ascribed to it in 20 U.S.C. § 1401(9).*

41 11. *“Individualized education program” has the meaning*
42 *ascribed to it in 20 U.S.C. § 1414(d)(1)(A).*

43 ~~[5-]~~ 12. *“Individualized education program team” has the*
44 *meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).*



1 ~~16.1~~ 13. “Least restrictive environment” means the placement
2 of a pupil with a disability that complies with the provisions of 20
3 U.S.C. § 1412(5).

4 14. “Multi-tiered systems of support” means a three-tiered
5 method of providing research-based instruction and intervention
6 to a pupil with an individualized intensity based on the needs of
7 the pupil and data that is collected to measure the efficacy of tools
8 used in each tier. The tiers include:

9 (a) For tier one, universal literacy screenings and research-
10 based instructional and behavioral support;

11 (b) For tier two, supplemental and targeted instruction and
12 interventions provided, in addition to and in alignment with, core
13 instruction and behavioral support, to a pupil who needs such
14 instruction and support; and

15 (c) For tier three, intensive instruction and behavioral
16 interventions developed using a problem-solving model that are
17 provided, in addition to and in alignment with, core instruction, to
18 a pupil to increase his or her rate of academic progress.

19 15. “Potential indicators of dyslexia or other reading
20 disabilities” includes, without limitation:

21 (a) Difficulty in acquiring language skills;

22 (b) An inability to comprehend oral or written language;

23 (c) Difficulty in rhyming words;

24 (d) Difficulty in naming and recognizing letters;

25 (e) Difficulty with sound-symbol recognition;

26 (f) Difficulty recognizing and recalling sight words;

27 (g) Consistent:

28 (1) Transposition of number sequences;

29 (2) Reversal of letters;

30 (3) Inversions of numbers and letters; and

31 (4) Incorrect substitutions of numbers and letters;

32 (h) Difficulty in replication of written words; and

33 (i) Blending sounds while speaking or reading.

34 16. “Problem-solving model” means a model used to match
35 instructional resources to educational needs by using data to
36 define problems, establish performance goals, develop intervention
37 plans, monitor progress and evaluate pupil outcomes.

38 17. “Provider of special education” means a school within a
39 school district or charter school that provides education or services
40 to pupils with disabilities or any other entity that is responsible for
41 providing education or services to a pupil with a disability for a
42 school district or charter school.

43 ~~17.1~~ 18. “Pupil who receives early intervening services” means
44 a person enrolled in kindergarten or grades 1 to 12, inclusive, who is



1 not a pupil with a disability but who needs additional academic and
2 behavioral support to succeed in a regular school program.

3 ~~[8.]~~ 19. “Pupil with a disability” means a “child with a
4 disability,” as that term is defined in 20 U.S.C. § 1401(3)(A), who is
5 under 22 years of age.

6 ~~[9.]~~ 20. *“Reading proficiency” means the ability of a pupil to*
7 *achieve a result on a universal literacy screening, diagnostic*
8 *assessment, standardized assessment or other measure of progress*
9 *that is appropriate based on his or her grade level.*

10 21. “Response to scientific, research-based intervention”
11 means a ~~[collaborative]~~ process *of providing high-quality*
12 *instruction and interventions by primarily using a problem-solving*
13 *model which [assesses] is matched to a pupil’s [response to*
14 *scientific, research-based intervention that is matched to the needs*
15 *of a pupil and that systematically monitors the level of performance*
16 *and rate of] needs by using the learning rate* of the pupil over time
17 for the purpose of making ~~[data-based]~~ *instructional* decisions
18 ~~[concerning the need of the pupil for increasingly intensified~~
19 ~~services.~~

20 —~~10.] for the pupil.~~

21 22. *“Screening period” means the period of time required to*
22 *administer a universal literacy screening pursuant to NRS 388.441*
23 *and determine the results of the screening.*

24 23. “Specific learning disability” ~~[means a disorder in one or~~
25 ~~more of the basic psychological processes involved in understanding~~
26 ~~or using spoken or written language which is not primarily the result~~
27 ~~of a visual, hearing or motor impairment, intellectual disability,~~
28 ~~serious emotional disturbance, or an environmental, cultural or~~
29 ~~economic disadvantage. Such a disorder may manifest itself in an~~
30 ~~imperfect ability to listen, think, speak, read, write, spell or perform~~
31 ~~mathematical calculations. The term includes, without limitation,~~
32 ~~perceptual disabilities, brain injury, minimal brain dysfunction,~~
33 ~~dyslexia and developmental aphasia.]~~ *has the meaning ascribed to*
34 *it in 34 C.F.R. § 300.8(c)(10).*

35 24. *“Structured literacy” means a structured, systematic,*
36 *sequential, direct, explicit, diagnostic, prescriptive and*
37 *multisensory approach to providing reading instruction to pupils*
38 *that breaks down reading and spelling skills into individual*
39 *components.*

40 25. *“Supplemental reading instruction” means using*
41 *evidence-based, sequential, systematic, explicit and cumulative*
42 *methods of teaching phonemic awareness and processing, phonics*
43 *and vocabulary skills to support the development of the skills of a*
44 *pupil in decoding, spelling, reading fluency and comprehension so*



1 *that the pupil possesses such skills appropriate for a pupil enrolled*
2 *in his or her grade.*

3 *26. "Universal literacy screening" means the method for*
4 *gathering information about the literacy skills of pupils prescribed*
5 *pursuant to NRS 388.439 and administered pursuant to*
6 *NRS 388.441.*

7 **Sec. 9.** NRS 388.419 is hereby amended to read as follows:

8 388.419 1. The Department shall:

9 (a) Prescribe a form that contains the basic information
10 necessary for the uniform development, review and revision of an
11 individualized education program for a pupil with a disability in
12 accordance with 20 U.S.C. § 1414(d); and

13 (b) Make the form available on a computer disc for use by
14 school districts and, upon request, in any other manner deemed
15 reasonable by the Department.

16 2. Except as otherwise provided in this subsection, each school
17 district shall ensure that the form prescribed by the Department is
18 used for the development, review and revision of an individualized
19 education program for each pupil with a disability who receives
20 special education in the school district. A school district may use an
21 expanded form that contains additions to the form prescribed by the
22 Department if the basic information contained in the expanded form
23 complies with the form prescribed by the Department.

24 3. The State Board:

25 (a) Shall prescribe minimum standards for the special education
26 of pupils with disabilities.

27 (b) May prescribe minimum standards for the provision of early
28 intervening services.

29 *(c) Shall develop guidelines to assist with developing*
30 *procedures and protocols for administering universal literacy*
31 *screenings pursuant to NRS 388.439.*

32 4. The minimum standards prescribed by the State Board must
33 include standards for programs of instruction or special services
34 maintained for the purpose of serving pupils with:

35 (a) Hearing impairments, including, but not limited to, deafness.

36 (b) Visual impairments, including, but not limited to, blindness.

37 (c) Orthopedic impairments.

38 (d) Speech and language impairments.

39 (e) Intellectual disabilities.

40 (f) Multiple impairments.

41 (g) Emotional disturbances.

42 (h) Other health impairments.

43 (i) Specific learning disabilities.

44 (j) Autism spectrum disorders.

45 (k) Traumatic brain injuries.



1 (l) Developmental delays.

2 5. The minimum standards prescribed by the State Board for
3 pupils with hearing impairments, including, without limitation,
4 deafness, pursuant to paragraph (a) of subsection 4 must comply
5 with:

6 (a) The Individuals with Disabilities Education Act, 20 U.S.C.
7 §§ 1400 et seq., and the regulations adopted pursuant thereto;

8 (b) The effective communication requirement of Title II of the
9 Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12131 et
10 seq., and the regulations adopted pursuant thereto; and

11 (c) Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §
12 794, and the regulations adopted pursuant thereto.

13 6. The minimum standards prescribed by the State Board for
14 pupils with dyslexia pursuant to paragraph (i) of subsection 4 must
15 include, without limitation, standards for instruction on ~~f:~~

16 ~~—(a) Phonemic] **phonemic** awareness [to enable a pupil to detect,~~
17 ~~segment, blend and manipulate sounds in spoken language;~~

18 ~~—(b) Graphonomic knowledge for teaching the sounds associated~~
19 ~~with letters in the English language;~~

20 ~~—(c) The structure of the English language, including, without~~
21 ~~limitation, morphology, semantics, syntax and pragmatics;~~

22 ~~—(d) Linguistic instruction directed toward proficiency and~~
23 ~~fluency with the patterns of language so that words and sentences~~
24 ~~are carriers of meaning; and~~

25 ~~—(e) Strategies that a pupil may use for decoding, encoding, word~~
26 ~~recognition, fluency and comprehension.] , including, without~~
27 ~~limitation:~~

28 (a) *Tasks for teaching phoneme segmentation and*
29 *manipulation;*

30 (b) *Rapid naming skills, including, without limitation, sound-*
31 *symbol recognition and fluency in naming letters;*

32 (c) *Phonological memory, including, without limitation, the*
33 *repetition of non-words, oral vocabulary and reading fluency;*

34 (d) *Decoding skills;*

35 (e) *Encoding skills; and*

36 (f) *Oral reading fluency.*

37 7. *The minimum standards prescribed by the State Board for*
38 *pupils with emotional disturbances, autism spectrum disorders or*
39 *developmental delays pursuant to paragraphs (g), (j) and (l) of*
40 *subsection 4 must include, without limitation, a requirement that:*

41 (a) *The individualized education program for a pupil with an*
42 *emotional disturbance, autism spectrum disorder or a*
43 *developmental delay provide for treatment from a behavior*
44 *analyst;*



1 (b) Each public school shall require the assignment of a
2 behavior analyst to each classroom that contains a pupil with an
3 emotional disturbance, autism spectrum disorder or a
4 developmental delay;

5 (c) Each behavior analyst assigned to a classroom pursuant to
6 paragraph (b) must provide regular consultations and assist in the
7 review of a behavior intervention plan; and

8 (d) Each pupil who receives special programs of instruction or
9 services due to a developmental delay must, upon reaching 10
10 years of age, be re-evaluated pursuant to NRS 388.433 to
11 determine whether the pupil requires additional services for pupils
12 with disabilities.

13 8. No apportionment of state money may be made to any
14 school district or charter school for the instruction of pupils with
15 disabilities until the program of instruction maintained therein for
16 such pupils is approved by the Superintendent of Public Instruction
17 as meeting the minimum standards prescribed by the State Board.

18 ~~[8.]~~ 9. The Department shall, upon the request of the board of
19 trustees of a school district, provide information to the board of
20 trustees concerning the identification and evaluation of pupils with
21 disabilities in accordance with the standards prescribed by the State
22 Board.

23 ~~[9.]~~ 10. The Department shall post on the Internet website
24 maintained by the Department the data that is submitted to the
25 United States Secretary of Education pursuant to 20 U.S.C. § 1418
26 within 30 days after submission of the data to the Secretary in a
27 manner that does not result in the disclosure of data that is
28 identifiable to an individual pupil.

29 11. As used in this section, "behavior analyst" has the
30 meaning ascribed to it in NRS 641D.030.

31 **Sec. 10.** NRS 388.439 is hereby amended to read as follows:

32 388.439 1. ~~[Except as otherwise provided in subsection 2,~~
33 ~~the]~~ The board of trustees of each school district shall prescribe for
34 use by the ~~[elementary]~~ schools located in the school district ~~[an~~
35 ~~early]~~ a universal literacy screening ~~[assessment]~~ that ~~[meets the~~
36 ~~requirements set forth in subsection 3.]~~ must be provided to each
37 pupil enrolled in kindergarten or grade 1, 2, 3, 4, 5 or 6 in the
38 school district.

39 2. The governing body of each charter school that serves pupils
40 in kindergarten or grade 1, 2, ~~[or]~~ 3, 4, 5 or 6 shall prescribe ~~[an~~
41 ~~early]~~ a universal literacy screening ~~[assessment]~~ for use by the
42 charter school that ~~[meets the requirements set forth in subsection~~
43 ~~3.]~~ must be provided to each pupil enrolled in the charter school in
44 kindergarten or grade 1, 2, 3, 4, 5 or 6.



1 3. The ~~[early]~~ *universal* literacy screening ~~[assessment]~~
2 prescribed pursuant to subsection 1 or 2 must , ~~[include.]~~ without
3 limitation : ~~[- screening for:]~~

4 (a) *For each pupil, measure his or her:*

5 (1) Phonological and phonemic awareness;

6 ~~[(b)]~~ (2) Sound-symbol recognition;

7 ~~[(c)]~~ ~~Alphabet knowledge;~~

8 ~~[(d)]~~ (3) Decoding skills;

9 ~~[(e)]~~ ~~Rapid naming skills;]~~

10 (4) *Reading fluency;*

11 (5) *Reading comprehension;* and

12 ~~[(f)]~~ (6) Encoding skills.

13 (b) *Be developed using:*

14 (1) *Evidence-based strategies for assessing the literacy of a*
15 *pupil;*

16 (2) *Accepted and reliable instruments for conducting a*
17 *literacy screening for a pupil enrolled in kindergarten or grade 1,*
18 *2, 3, 4, 5 or 6, as appropriate; and*

19 (3) *Strategies for the analysis of data concerning assessing*
20 *the literacy of a pupil; and*

21 (c) *Identify pupils who have a potential reading disability,*
22 *including, without limitation, dyslexia.*

23 4. *A universal literacy screening prescribed pursuant to this*
24 *section must be administered to each applicable pupil at least twice*
25 *during each school year. The first universal literacy screening*
26 *must occur not later than 90 days after the first day of instruction*
27 *in the school year and be used to determine the reading*
28 *proficiency of the pupil. The board of trustees of each school*
29 *district and the governing body of each charter school that*
30 *administers a universal literacy screening must attempt to adhere*
31 *to best practices concerning the frequency of administering such*
32 *screenings.*

33 5. *The board of trustees of each school district and the*
34 *governing body of each charter school shall, not later than 30 days*
35 *after administering an initial universal literacy screening to a*
36 *pupil pursuant to this section, notify the parent or legal guardian*
37 *of the pupil of the pupil's results on the universal literacy*
38 *screening. The notification must include:*

39 (a) *An identification of the results of the pupil on the universal*
40 *literacy screening and a comparison of his or her results to the*
41 *typical score for a pupil enrolled in the same grade level; and*

42 (b) *Information concerning services available to the pupil*
43 *based on his or her results on the universal literacy screening,*
44 *including, without limitation:*



1 (1) *Multi-tiered systems of support for dyslexia*
2 *intervention;*

3 (2) *Foundational literacy instruction, structured literacy*
4 *and supplemental reading instruction necessary to meeting the*
5 *reading proficiency goals of the pupil; and*

6 (3) *Information on resources for a pupil with dyslexia and*
7 *support for the parent or legal guardian of such a pupil.*

8 6. *The Department shall adopt regulations that set forth the*
9 *process by which data from the results of the universal literacy*
10 *screening are reported to the Department.*

11 **Sec. 11.** NRS 388.441 is hereby amended to read as follows:

12 388.441 1. The board of trustees of a school district or the
13 governing body of a charter school, as applicable, shall administer
14 the ~~early~~ *universal* literacy screening ~~assessment~~ prescribed
15 pursuant to NRS 388.439 to each pupil enrolled in kindergarten or
16 grade 1, 2, ~~or~~ 3, 4, 5 or 6 who:

17 (a) Has *indicators of a learning disability, including, without*
18 *limitation, potential* indicators ~~for~~ of dyslexia; and

19 (b) Needs intervention.

20 2. If ~~an early~~ *a universal* literacy screening ~~assessment~~
21 administered pursuant to subsection 1 confirms that a pupil has
22 indicators for *learning disabilities, including, without limitation,*
23 *dyslexia, or the parent or legal guardian of the pupil or a teacher,*
24 *school counselor or school psychologist employed by the school*
25 *district in which the pupil is enrolled requests additional*
26 *screening,* the board of trustees of a school district or governing
27 body of a charter school, as applicable, shall ~~address the needs of~~
28 *ensure that* the pupil ~~through the response to scientific, research-~~
29 ~~based intervention system of instruction.~~

30 ~~3. If the response to scientific, research based intervention~~
31 ~~system of instruction determines that a pupil needs~~ *receives*
32 additional screening in order to determine whether the pupil has a
33 specific learning disability, including, without limitation, dyslexia .
34 ~~It~~ *If it is necessary for a pupil to receive additional screening:*

35 (a) The pupil must receive additional testing by a trained
36 professional using a norm-referenced test; and

37 (b) The board of trustees of the school district or the governing
38 body of the charter school, as applicable, shall perform a
39 comprehensive evaluation for the pupil in addition to the required
40 response to scientific, research-based intervention system of
41 instruction.

42 3. *A universal literacy screening administered pursuant to*
43 *subsection 1 must be administered by a teacher or staff member*
44 *who has received the professional development required pursuant*
45 *to paragraph (d) of subsection 2 of section 2 of this act.*



1 4. *If there is no record of a pupil previously being screened*
2 *for reading disabilities, including, without limitation, dyslexia, the*
3 *board of trustees of a school district or the governing body of a*
4 *charter school, as applicable, must promptly administer the*
5 *universal literacy screening to the pupil. The universal literacy*
6 *screening must be administered:*

7 (a) *At the same time as the universal literacy screening is*
8 *administered to pupils enrolled in the same grade in which the*
9 *pupil is enrolled; or*

10 (b) *If the other pupils enrolled in the same grade in which the*
11 *pupil is enrolled have already received the universal literacy*
12 *screening, not later than 90 calendar days after the pupil enrolls*
13 *in the school district or charter school.*

14 5. *The board of trustees of each school district and the*
15 *governing body of each charter school shall, after receiving the*
16 *results of the universal literacy screening administered pursuant*
17 *to this section, meet with the administrators of each school within*
18 *the school district or the charter school, as applicable, and discuss*
19 *the results of the universal literacy screening and data for*
20 *monitoring the progress of pupils. An administrator that*
21 *participates in a meeting pursuant to this subsection must*
22 *disseminate the results and data to teachers assigned to the school*
23 *or charter school to which the administrator is assigned, as*
24 *applicable, for the purpose of providing guidance in planning and*
25 *providing appropriate instruction and evidence-based*
26 *interventions to pupils based on the results of each pupil on the*
27 *universal literacy screening and any additional screening*
28 *conducted pursuant to subsection 2.*

29 **Sec. 12.** NRS 388.443 is hereby amended to read as follows:

30 388.443 When developing an individualized education
31 program for a pupil with dyslexia in accordance with NRS 388.419,
32 the pupil's individualized education program team shall consider,
33 without limitation : ~~[, the following instructional approaches:]~~

34 1. *Any existing evaluation data on the pupil, as required*
35 *pursuant to the Individuals with Disabilities Education Act, 20*
36 *U.S.C. § 1414(c)(1)(A)(i);*

37 2. *The concerns of the parent or legal guardian of the pupil*
38 *for enhancing the education of the pupil, as required pursuant to*
39 *20 U.S.C. § 1414(d)(3)(A)(ii);*

40 3. *The results of the pupil on the universal literacy screening*
41 *administered pursuant to NRS 388.441;*

42 4. *The framework established pursuant to subsection 3 of*
43 *section 2 of this act;*

44 5. *The least restrictive environment in which the pupil may be*
45 *placed;*



1 **6. The provision of an appropriate and specialized approach**
2 **for the instruction of pupils with dyslexia that is provided by a**
3 **teacher who holds an endorsement to teach pupils with disabilities.**
4 **Such an approach must be taught using instructional approaches**
5 **that include, without limitation:**

6 **(a) Methods of teaching literacy to a pupil that are**
7 **individualized to address the specific needs of the pupil;**

8 **(b) Explicit, direct instruction that is systematic, sequential and**
9 **cumulative and follows a logical plan of presenting the alphabetic**
10 **principle that targets the specific needs of the pupil;**

11 ~~**(2.)**~~ **(c) Individualized instruction to meet the specific needs of**
12 **the pupil ~~[in an appropriate setting]~~ that uses intensive, highly-**
13 **concentrated *and specialized* instruction methods and materials that**
14 **maximize pupil engagement;**

15 ~~**(3.)**~~ **(d) Meaning-based instruction directed at purposeful**
16 **reading and writing, with an emphasis on comprehension and**
17 **composition; and**

18 ~~**(4.)**~~ **(e) Multisensory instruction that incorporates the**
19 **simultaneous use of two or more sensory pathways during teacher**
20 **presentations and pupil practice ~~[]~~; and**

21 **7. The use of multi-tiered systems of support to provide**
22 **dyslexia intervention, foundational literacy instruction, structured**
23 **literacy and supplemental reading instruction.**

24 **Sec. 13.** NRS 388.463 is hereby amended to read as follows:

25 388.463 1. The Department shall maintain a list of hearing
26 officers who meet the qualifications prescribed pursuant to 20
27 U.S.C. § 1415(f)(3)(A) to conduct a due process hearing pursuant to
28 the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400
29 et seq., regarding the identification, evaluation, reevaluation,
30 classification, educational placement or disciplinary action of or
31 provision of a free appropriate public education to a pupil with a
32 disability.

33 2. Except as otherwise provided in subsection 4, upon the filing
34 of a complaint requiring a due process hearing described in
35 subsection 1, the Superintendent of Public Instruction shall select
36 three hearing officers from the list maintained by the Department
37 pursuant to subsection 1. The selection of the hearing officers must
38 be made on a random, rotational or other impartial basis and, in a
39 school district in which more than 50,000 pupils are enrolled, the
40 place of business of the hearing officer must, to the extent
41 practicable, be located in the school district.

42 3. The Superintendent of Public Instruction shall provide the
43 names of the three hearing officers selected pursuant to subsection 2
44 to the complainant and request the complainant to return to the
45 Superintendent a list which places the three names in the order of



1 preference of the complainant. The complainant must return the list
2 within 2 days. If the complainant returns the list, the Superintendent
3 must request the first hearing officer on the list to preside over the
4 hearing and if he or she is unavailable, the next person, until there
5 are no more hearing officers on the list. If the complainant does not
6 return the list within 2 days, the Superintendent must appoint a
7 hearing officer and may determine the order in which to request a
8 hearing officer to preside over the hearing.

9 4. If a due process hearing is required to be expedited pursuant
10 to 20 U.S.C. § 1415(k)(4), the Superintendent of Public Instruction
11 must select a hearing officer to preside over the hearing from the list
12 maintained by the Department pursuant to subsection 1. The
13 selection of the hearing officer must be made on a random,
14 rotational or other impartial basis and, in a school district in which
15 more than 50,000 pupils are enrolled, the place of business of the
16 hearing officer must, to the extent practicable, be located in the
17 school district. *Before arranging an expedited due process*
18 *hearing, the board of trustees of the school district or governing*
19 *body of the charter school must provide the complainant with*
20 *information on free or low-cost legal services available to the*
21 *complainant. The hearing officer must base his or her decision in*
22 *an expedited due process hearing on the provisions of the*
23 *Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et*
24 *seq., and any regulations adopted pursuant thereto. The expedited*
25 *due process hearing must occur not later than 15 days after the*
26 *request for a due process hearing is filed. The hearing officer*
27 *must issue a decision not later than 10 school days after the*
28 *hearing has concluded.*

29 5. The local educational agency or governing body of a charter
30 school involved in the complaint, as applicable, shall pay the cost of
31 the hearing, including, without limitation, any compensation to
32 which the hearing officer is entitled.

33 6. The decision of a hearing officer may be appealed by any
34 aggrieved party to the Department. *The Department shall appoint a*
35 *State Review Officer to make a determination regarding an appeal*
36 *submitted pursuant to this subsection. The Officer must, without*
37 *limitation:*

- 38 (a) *Be an attorney admitted to the State Bar of Nevada;*
39 (b) *Demonstrate knowledge of the provisions of the Individuals*
40 *with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and any*
41 *regulations adopted pursuant thereto, any relevant laws and*
42 *regulations of this State and any relevant case law;*
43 (c) *Possess the knowledge of and ability to conduct a hearing*
44 *and render and write a determination in accordance with*
45 *appropriate practices; and*



1 *(d) Be impartial and possess no personal, pecuniary or*
2 *professional interest in the dispute submitted for an appeal*
3 *pursuant to this subsection.*

4 7. *The Officer must, subject to his or her own determination*
5 *or the good faith application of a party to the dispute submitted for*
6 *an appeal pursuant to this subsection, recuse himself or herself*
7 *from the matter and notify the Department of the recusal if the*
8 *Officer:*

9 *(a) Has been substantially involved in the development of any*
10 *state or local law, regulation, policy or procedure that is at issue in*
11 *the hearing or appeal;*

12 *(b) Has, at any time, been personally involved in any aspect of*
13 *the identification, evaluation or educational placement of the*
14 *pupil who is the subject of the due process hearing and the appeal*
15 *submitted pursuant to subsection 6, or any other similarly situated*
16 *pupils enrolled in the school district in which such a pupil is*
17 *enrolled; or*

18 *(c) Was previously, or currently is, employed by the*
19 *Department in a position that requires routine involvement in*
20 *developing policies or making decisions concerning the provision*
21 *of free appropriate public education to a pupil with a disability.*

22 8. *If an Officer recuses himself or herself pursuant to*
23 *subsection 7, the Department shall appoint a new Officer to hear*
24 *the appeal submitted pursuant to subsection 6.*

25 9. *When a due process hearing or expedited due process*
26 *hearing is ongoing, the school in which the pupil involved in the*
27 *dispute is enrolled must comply with the provisions governing the*
28 *placement of such pupils set forth in 34 C.F.R. § 300.533.*

29 10. *At any time while a due process hearing or expedited due*
30 *process hearing is ongoing or awaiting a final decision, either*
31 *party to the dispute may submit to the hearing officer or State*
32 *Review Officer a written request for a temporary order of relief,*
33 *accompanied by an affidavit or notarized statement stating the*
34 *specific relief sought and the justification for relief. The party*
35 *which submits a request for relief must provide a copy of the*
36 *request to the opposing party. A party may seek such relief*
37 *regarding:*

38 *(a) An interruption in the provision of special education*
39 *services to the pupil who is the subject of the dispute;*

40 *(b) Disciplinary action taken against the pupil, including,*
41 *without limitation, a manifestation determination or determination*
42 *of an interim alternate educational setting;*

43 *(c) The placement of the pupil while the due process hearing*
44 *or expedited due process hearing is ongoing or awaiting a final*
45 *decision; or*



1 *(d) The participation of the pupil in any graduation*
2 *ceremonies.*

3 *11. A hearing officer or State Review Officer may grant a*
4 *request for a temporary order of relief pursuant to subsection 10 if*
5 *he or she determines that:*

6 *(a) The petitioner will suffer irreparable harm if the requested*
7 *relief is not granted;*

8 *(b) The legal right to relief has been established in relevant*
9 *case law;*

10 *(c) The petitioner is likely to prevail on the merits; and*

11 *(d) When the equities and interests of the parties are balanced,*
12 *the petitioner will suffer greater harm than the respondent if the*
13 *requested relief is not granted.*

14 *12. As used in this section [,"local"] :*

15 *(a) "Expedited due process hearing" means a due process*
16 *hearing that is required to be expedited pursuant to 20 U.S.C. §*
17 *1415(k)(4).*

18 *(b) "Local educational agency" has the meaning ascribed to it in*
19 *20 U.S.C. § 1401(19).*

20 *(c) "Manifestation determination" means a determination of*
21 *whether the conduct of a pupil is a manifestation of his or her*
22 *disability made pursuant to 34 C.F.R. § 300.530(e).*

23 *(d) "Officer" means the State Review Officer appointed*
24 *pursuant to subsection 6.*

25 **Sec. 14.** The provisions of NRS 354.599 do not apply to any
26 additional expenses of a local government that are related to the
27 provisions of this act.

28 **Sec. 15.** This act becomes effective on July 1, 2025.



