

**PROPOSED REGULATION OF THE
STATE BOARD OF EDUCATION**

LCB File No. R032-16

CHAPTER 395 - EDUCATION OF PERSONS WITH DISABILITIES

NAC 395.010 is hereby amended to add the following subsections:

X. "A pupil with significant disabilities" means a pupil with a disability as defined in NAC 388.093 for whom the cost of providing special education, related services, supplementary aids and services, and, if applicable, transition services exceeds the threshold established by the Superintendent for the pupil to be considered eligible for reimbursement for expenditures from the Contingency Account for Special Education Services.

X. "Special education" has the meaning ascribed to it in NAC 388.115.

X. "Related services" has the meaning ascribed to it in NAC 388.101.

X. "Supplementary aids and services" has the meaning ascribed to it in NAC 388.132.

X. "Transition services" has the meaning ascribed to it in NAC 388.133.

X. "Department" means the Nevada Department of Education.

X. "Superintendent" means the Superintendent of Public Instruction.

NAC 395 is hereby amended to add the following sections and subsections:

NAC 395.XXX

(1) A school district or a charter school may apply to the Department for reimbursement from the Contingency Account for Special Education services when the expenditures to provide special education, related services, supplementary aids and services, and, if applicable, transition services for a pupil with significant disabilities exceed the threshold established by the Superintendent for the pupil to be considered eligible for reimbursement.

(2) To be eligible for the reimbursement, the school district or charter school shall have:

(a) Determined that the pupil is eligible for special education and related services in accordance with the provisions set forth in NAC Chapter 388;

(b) Developed an individualized educational program for the pupil in accordance with the provisions set forth in NAC Chapter 388 describing the special education, related services, supplementary aids and services, and, if applicable, transition services to be provided to the pupil; and

(c) Submitted a timely application in accordance with guidelines established by the Department.

(3) Reimbursement shall be limited to expenditures by a school district or charter school to provide special education, related services, supplementary aids and services, and, if applicable, transition services for a pupil with significant disabilities, exclusive of any cost for which the school district or charter school receives reimbursement from another funding source.

(4) The Department shall provide school districts and charter schools with an application that shall require:

(a) Documentation identifying all anticipated expenditures to provide special education, related services, supplementary aids and services, and, if applicable, transition services to a pupil with significant disabilities as set forth in the individualized educational program of the pupil, and

(b) Any additional documentation as determined necessary by the Department.

(5) The Department shall develop and implement a process for the timely review and approval or disapproval of applications. The Department may exclude from reimbursement expenditures deemed excessive, ineligible, or unsubstantiated. An approved application shall clearly identify the expenditures that have been approved by the Department for reimbursement.

(6) Reimbursement for documented expenditures of funds shall be made available to school districts and charter schools from time to time during the fiscal year when costs that have been approved for reimbursement are expended.

(7) The decision of the Department regarding approval or disapproval of an application, including but not limited to the decision of the Department regarding the expenditures that have been approved for reimbursement, shall be final.