

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

LCB File No. R032-16

April 12, 2016

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

AUTHORITY: §§1-3; NRS 385.080 and section 24 of Senate Bill No. 508, chapter 536, Statutes of Nevada 2015, at page 3730.

A REGULATION relating to special education; prescribing the circumstances under which certain extraordinary expenses incurred by a school district or charter school are eligible for reimbursement from the Contingency Account for Special Education Services; establishing requirements for applications for reimbursement, approval of applications and disbursement of money from the Account; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law creates the Contingency Account for Special Education Services. Where the money otherwise available is insufficient, money from the Account may be used to reimburse school districts and charter schools for extraordinary program expenses and related services for pupils with significant disabilities. The State Board of Education is required to adopt regulations governing applications for reimbursement, approval of applications and disbursement of money from the Account. (Section 24 of Senate Bill No. 508, chapter 536, Statutes of Nevada 2015, at page 3730)

This regulation is proposed pursuant to that requirement. **Section 2** of this regulation defines “pupil with significant disabilities” to mean a pupil with a disability for whom the cost of services exceeds the total funding otherwise available to the school district or charter school for the pupil. **Section 2** also describes the expenses that are eligible for reimbursement. **Section 3** of this regulation prescribes the required contents of an application to the Department of Education for reimbursement. For any application that is approved, **section 3** also requires the Department to identify the expenses for which reimbursement is allowed and to disburse money as those expenses are actually incurred.

Section 1. Chapter 395 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. 1. An expense incurred by a school district or charter school is eligible for reimbursement from the Contingency Account for Special Education Services pursuant to section 24 of Senate Bill No. 508, chapter 536, Statutes of Nevada 2015, at page 3730, if:

(a) The expense is for special education, related services, supplementary aids and services or transition services provided to a pupil with significant disabilities;

(b) The school district or charter school has determined that the pupil to whom the services are provided is eligible to receive special education and related services pursuant to NRS 388.440 to 388.520, inclusive;

(c) The Superintendent of Public Instruction determines that the total cost of special education, related services, supplementary aids and services and transition services provided to the pupil exceeds the total funding available to the school district or charter school for the pupil;

(d) The services are set forth in an individualized education program developed by the school district or charter school for the pupil in accordance with NRS 388.520; and

(e) The school district or charter school has not received reimbursement for the expense from any other source.

2. As used in this section and section 24 of Senate Bill No. 508, chapter 536, Statutes of Nevada 2015, at page 3730, “pupil with significant disabilities” means a pupil with a disability:

(a) To whom special education, related services, supplementary aids and services or transition services are provided; and

(b) For whom the Superintendent of Public Instruction determines pursuant to paragraph (c) of subsection 1 that the total cost of services described in paragraph (a) that are provided to

the pupil exceeds the total funding available to the school district or charter school for the pupil.

3. As used in this section:

(a) "Pupil with a disability" has the meaning ascribed to it in NAC 388.093.

(b) "Related services" has the meaning ascribed to it in NAC 388.101.

(c) "Special education" has the meaning ascribed to it in NAC 388.115.

(d) "Supplementary aids and services" has the meaning ascribed to it in NAC 388.132.

(e) "Transition services" has the meaning ascribed to it in NAC 388.133.

Sec. 3. 1. A school district or charter school may apply to the Department for reimbursement from the Contingency Account for Special Education Services pursuant to section 24 of Senate Bill No. 508, chapter 536, Statutes of Nevada 2015, at page 3730, by submitting an application in the form prescribed by the Department.

2. The application must:

(a) Clearly identify the services for which reimbursement is requested; and

(b) Include, without limitation, documentation of all such services and their respective expenses, and any other information required by the Department.

3. The Department shall review and approve or deny a completed application for reimbursement and give notice of its decision to the applicant. The Department may deny an application, wholly or in part, if it determines that the expense for which reimbursement is requested is excessive, unsubstantiated or not eligible for reimbursement pursuant to section 2 of this regulation.

4. If the Department approves an application for reimbursement, the Department shall clearly identify each expense or category of expenses for which reimbursement is approved.

For any expense that has not been incurred as of the date the application is approved, the Department shall disburse the reimbursement as the expense is actually incurred.

5. A decision of the Department approving or disapproving an application for reimbursement, including, without limitation, that part of a decision establishing the amount of an approved reimbursement, is not subject to administrative or judicial review.