

COMPLAINT INVESTIGATION REPORT

Complaint Number: 20.21.02
Complaint Investigators: [Redacted]
Date Complaint Filed: August 3, 2020
Date of Report: October 1, 2020

Issues Investigated

1. Did the School District take appropriate steps, including the provision of supplementary aids and services as determined appropriate and necessary by each child's IEP team, to provide nonacademic and extracurricular services and activities in the manner necessary to afford children with disabilities an equal opportunity for participation in those services and activities? [92 NAC 51-007.07C4]
2. Did the School District deny children with disabilities a free appropriate public education? [92 NAC 51-003.24]

Documents Reviewed by Investigator

From the Complainant

- Letter of Complaint dated July 31, 2020; received by NDE August 3, 2020 with Exhibits 1 through 5
- Letter of clarification dated August 13, 2020; received by NDE August 13, 2020

From the School District

- Letter of Response dated September 4, 2020; received by NDE September 4, 2020
- Exhibits A through G consisting of the following:
 - Exhibit A
 - School board meeting minutes adopting the Remote Learning Program dated July 27, 2020
 - Exhibit B
 - Documents relating to the Remote Learning Program
 - Exhibit C
 - Information regarding the number of students whose parents elected the Remote Learning Program and the total number of students with disabilities
 - Exhibit D
 - Guidance issued to staff regarding the Remote Learning Plan and its applicability to students with disabilities

- Exhibit E
 - All correspondence received from parents of students with disabilities regarding the Remote Learning Plan and reopening dated July 18, 2020 through August 20, 2020
- Exhibit F
 - District policies relating to the provision of nonacademic and extracurricular services and activities to students with disabilities
- Exhibit G
 - Other documents relating to the issues in the complaint

Issues Investigated

1. Students in the School District are not provided with supplementary aids and services as determined appropriate and necessary by each child's IEP team, to provide nonacademic and extracurricular services and activities in the District's Remote Learning Program in the manner necessary to afford children with disabilities an equal opportunity for participation in those services and activities due to the District not following Rule 51.
2. Students in the School District are not receiving a Free Appropriate Public Education due to the District not following Rule 51 in its Remote Learning Program.

Introduction

The complaint was filed as a systemic complaint on behalf of all children with disabilities within the School District, including children with disabilities who currently have Individualized Education Programs (IEPs); children with disabilities who are eligible for special education but do not currently have IEPs; children who have 504 Plans; and children who do not have IEPs or 504 Plans but who are eligible for the anti-discrimination protections of Section 504 of the Rehabilitation Act of 1973 (Section 504), which are encompassed by the equal opportunity of the IDEA's implementing regulations.

Pursuant to 92 NAC 51-009.1, the Nebraska Department of Education (NDE), Office of Special Education is required to resolve complaints, including systemic complaints, alleging violations of the Individuals with Disabilities Education Act (IDEA) that have occurred not more than one year prior to the date the complaint is received. A systemic complaint can allege that a school district has a practice, policy or procedure applicable to a group of children that is inconsistent with IDEA provisions.

While discrimination on the basis of disability is prohibited by Section 504 and Title II of the Americans with Disabilities Act of 1990 (ADA), the NDE Office of Special Education does not investigate or resolve Section 504 complaints. If a person believes that the School District, or any of its staff or schools, has inadequately applied the regulations of Section 504 a grievance may be initiated with the School District's Section 504 Coordinator. Further, a complaint can be made to the regional office of the U. S. Department of Education's Office for Civil Rights (OCR) at the following address without going through the grievance procedures at the district or school level:

Office for Civil Rights
U.S. Department of Education
One Petticoat Lane
1010 Walnut Street, Suite 320
Kansas City, MO 64106
(816) 268-0550
Email: OCR.KansasCity@ed.gov

To conduct the complaint investigation, an outside investigator was used along with a complaint investigator with the NDE Office of Special Education. The documents received from the Complainant and the School District were reviewed, and interviews were conducted with the Complainant and School District personnel.

This investigation is limited to a review of alleged IDEA violations that occurred not more than one year prior to August 3, 2020, the date the complaint was received by the NDE.

Issue # 1

Did the School District take appropriate steps, including the provision of supplementary aids and services as determined appropriate and necessary by each child's IEP team, to provide nonacademic and extracurricular services and activities in the manner necessary to afford children with disabilities an equal opportunity for participation in those services and activities? [92 NAC 51-007.07C4]

92 NAC 51-007.07C4 states:

007.07C4	The school district or approved cooperative shall take steps including the provision of supplementary aids and services determined appropriate and
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necessary by the child's IEP team to provide nonacademic and extracurricular services and activities in the manner necessary to afford each school age child with a verified disability an equal opportunity for participation in those services and activities.

Allegations/Complainant's Position

The Complainant alleged systemic violations of the Individuals with Disabilities Education Act (IDEA) and Rule 51 by the School District with respect to all children with disabilities. It is alleged that the violations are documented in the School District's "Remote Learning Program" (RLP). The RLP was announced by the School District on July 27, 2020 in response to the COVID-19 pandemic. All parents had a short response period to determine whether they wished to enroll their children in the RLP, as applications were due by July 31, 2020.

When initially released to the public on July 27, 2020, the RLP information provided that the School District was committed to providing students enrolled in the program with a "basic education necessary to keep students on grade level targets and obtain credits for graduation." It also stated that that "students enrolled in the remote program will **NOT** be allowed to participate in athletics or activities at the school. **NO EXCEPTIONS!**" (Emphasis original). Shortly after the initial release of the RLP information, it was updated to include the following statement: "[s]tudents with IEPs and 504s will continue to receive services (District Remote Learning Plan dated July 27, 2020 and Letter of Complaint dated July 31, 2020)." It is the Complainant's position that the RLP violates the IDEA's guarantee of FAPE and equal opportunity for participation (Letter of Complaint dated July 31, 2020).

The Complainant's **"July 31, 2020, complaint alleged a systemic denial of FAPE because all students with disabilities enrolled in the remote option will be provided only a 'basic education,' not a 'free appropriate education.' This is in part evidenced by the fact that [the School District] is prohibiting children with disabilities who are enrolled in the remote plan from participating in Academy, AP, and Honors classes. Some disabled children in [the School District] are enrolled in the remote option because of their disabilities."** Emphasis original.

The Complainant asserts that parents of children with disabilities were left to reasonably understand that the updated version of the RLP applied to all of the following groups:

1. Children with disabilities and/or medical conditions who cannot safely return to in-person schooling during the Covid-19 pandemic due to their disabilities and/or medical conditions.
2. Children with disabilities and/or medical conditions who may be able to safely return to school but whose families are concerned about whether their children's conditions may interfere with their abilities to safely socially distance, wear masks, remove masks, adhere to school safety rules, adhere to new school routines, and access their curriculum, etc.
3. Children who do not have disabilities and/or medical conditions whose families are concerned about the general safety of in-person schooling due to the pandemic; and
4. Children whose families have opted for remote schooling for some other, unknown reason.

The Complainant further asserts that the provision of "basic education" with a "NO EXCEPTIONS" provision prohibiting students enrolled in the RLP from participating in athletics or activities at school violates Rule 51 and the IDEA's implementing regulation, both of which require the School District to provide supplementary aids and services determined appropriate and necessary by the child's IEP Team to provide nonacademic and extracurricular services and activities in the manner necessary to afford children with disabilities an equal opportunity for participation in those services and activities. Nonacademic and extracurricular services and activities are broadly defined and include such things as counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs, referrals to agencies for assistance, and employment of students (34 CFR 300.107).

On July 29, 2020, the Complainant requested clarification by email from the School District regarding the RLP, as the Complainant believed there was confusion in the community regarding the program. The Complainant posed several questions, including the following: "If a child does not attend school in-person and enrolls in the Remote learning Program due to his or her medical issues/diagnoses/disabilities, is that child allowed to participate in activities and athletics: band and chorus; the academy program; and, via distance learning, AP and Honors Classes?"

The District responded to the Complainant on July 30, 2020 (see further discussion below). The Complainant asked whether the District's response would be made public, as there were parents of students with disabilities in the district who read the RLP published by the District and understood that there were activities and classes that their children, who must stay home, cannot

participate in. The Complainant was informed by email on July 30, 2020, that District staff was confident its reopening plan was compliant with state and federal law and that the District was not intending to make a statement to the general public. District staff would communicate individually with families of students with disabilities to collaborate with them in implementing their students' educational services.

Following the correspondence between the Complainant and District staff (emails between parent and the District dated July 30, 2020) the District included a similar question and response in its FAQ, which the District published on its website, but which was not specifically disseminated to individual parents.

District Response

Because of the Covid-19 pandemic during spring 2020, the last day of in-person school attendance for the District was March 13, 2020 (interview with District, September 18, 2020). For the remainder of the 2019-2020 school year students attended remotely. District personnel began identifying various options for the return to school by students and staff for the 2020-21 school year. In July 2020, the District initially proposed that all students return back to school in August, except for those students with specific needs. However, shortly thereafter in approximately mid-July, the Governor and the Commissioner of Education recommended that school districts in Nebraska provide a remote learning opportunity that all parents could choose for their children (interview with District, September 18, 2020).

Based on guidance received from the state level, the District developed the RLP. The RLP began as a separate school on August 18, 2020. 1,196 students enrolled in the RLP, of which 221 of those students had disabilities. The program provided that at the elementary and middle school level, classes would focus on the core curriculum, including Language Arts, math, science and social studies, along with some social emotional learning. A limited offering of elective classes are available at the middle school. At the high school a student's schedule will be designed based on what each student needs to graduate (interview with the District dated September 18, 2020).

On July 27, 2020, a board meeting was held, and the board approved offering parents a choice on the return to school plan the District announced its optional remote learning plan for all students. On July 28, 2020, the District made the Remote Learning Program information and the enrollment form available to parents (email from the District dated July 28, 2020). Logistics of the program included the following:

- Remote learning will begin on August 18, 2020.

- Students must enroll for a semester. At semester students may choose to move to on campus or continue remotely.
- Each grade level at the elementary will be assigned a district teacher(s) to facilitate remote learning.
- Teachers will be giving instruction over zoom and/or assigning work for students to complete. Work will be graded accordingly.
- All completed assignments will need to be submitted electronically to the teacher.
- A specific schedule will be assigned once all of the enrollment is complete.
- Attendance will be taken and students will be expected to be online during their scheduled times.
- There will be an hour break for lunch. The rest of the day students will need to be online or completing assignments.
- Course offerings/curriculum will be limited at each level, elementary, middle school and high school.
- Limited technology will be available for families, priority will be given to those with the greatest need.
- Students enrolled in the remote program will **NOT** be allowed to participate in athletics or activities at the school **NO EXCEPTIONS!**
- Students will be enrolled in the remote learning program at [the School District] with students throughout the District. They will not be assigned to their current school and therefore will not receive communication and update from their school.
- Students with IEPs and 504s will continue to receive services.

The Return to School Plan invited parents to join a Facebook Live meeting which was held on July 28, 2020, at 6 p.m. The purpose of the meeting was to provide a short presentation of the return to school plan and provide time to answer questions. Parents had an opportunity to submit questions both before and during the meeting although not all questions were answered during the meeting. Parents asked several questions regarding special services and students on IEPs. District staff informed parents that their children would continue to have an IEP and an IEP team. Parental concerns would continue to go through the IEP team process. When a parent elected to enroll their child with a disability in the RLP, the collaboration process may change to insure the student continues to receive all of the services outlined in the student's IEP. Parents continue to be a vital member of the IEP team. Parents were informed that school staff will review the parents' choices regarding in-school or RLP enrollment. District staff recognized it would be challenging to deliver services typically provided face-to-face while a student is in the RLP but indicated that

parents would be contacted by the IEP case manager for their child so that the IEP team could convene to determine specific student needs and how those needs will be met remotely. The meeting was recorded and included on the District's Facebook page (District Facebook page, Facebook Live meeting dated July 28, 2020).

In response to the Complainant's email dated July 29, 2020, discussed in more detail above, District staff replied on July 30, 2020, and stated that all students within the School District, regardless of disability status, had the option of participating in the RLP as a matter of choice. While the general rule was that students participating in the RLP were not allowed to participate in athletics or other in-school activities, each student's IEP team could decide to allow an exception to the general rule if necessary to provide the student with a free appropriate public education (FAPE). Additionally, if a student's IEP team determined that the student's disability requires the student to participate in the RLP as an educational placement decision, the IEP team could determine, on a case-by-case basis, what educational and extracurricular services are appropriate for that student (District email to Complainant dated July 30, 2020).

In addition to the RLP information provided to parents by the School District, as discussed above, the District posted a Frequently Asked Questions (FAQ) document on its webpage on July 28, 2020 (District website dated July 28, 2020). The FAQ initially addressed general questions regarding students' return to school and was updated as new questions and answers were added. On July 30, 2020, a question in the FAQ was included which addressed whether children attending the RLP could come to school to participate in their IEP or for particular services or activities:

Q: Would children in the remote learning program still be able to come to the school to participate in their IEP, band, etc.?

A: All [District] students, regardless of disability status, will be given the option of participating in the Remote Learning Program. If a student's IEP team or Section 504 Committee has determined that the student's disability requires him/her to participate in the Remote Learning Program as an educational placement decision (as opposed to a family's preference), the IEP team or Section 504 Committee can also determine on a case-by-case basis what educational and extracurricular experiences are appropriate for that student. Similarly, if the parents of a student with a disability elects to have their student participate in the Remote Learning Program, the relevant team or committee will meet to create a plan based on that placement. The general rule will be that

students who opt to participate in the Remote Learning Program will not be permitted to participate in activities and athletics; band and chorus; the academy programs; and, via distance learning, AP and Honors Classes. However, a student's IEP team or Section 504 Committee could decide to allow an exception to that general rule if it would be necessary to provide the student with a disability with a free, appropriate public education. That decision will be based on the individual needs of the student as determined by the relevant team or committee.

The District issued a reminder by email and text message to parents on July 30, 2020, that the enrollment deadline for the optional Remote Learning Program was July 31, 2020. The RLP enrollment form required certain responses to be completed by parents and stated that once the form was processed by the District the parent's child would be removed from their current school and assigned to the remote program (District email dated July 30, 2020). One of the required responses included marking "yes" or "no" as to whether the parent's child received special education services. No reason for enrolling in the RLP was required. Each parent completing the RLP enrollment form was required to acknowledge the following statements:

- A student must enroll for the semester.
- Students will not be allowed to participate in activities or athletics while enrolled in the remote program.
- Courses will be from the general track and not all classes will be offered.
- The remote program will start August 18th.
- Students will be required to be logged on for the daily schedule and attendance will be taken.
- Students with IEPs and 504s will continue to receive services.

Because of limited teachers and resources for both in-building and a remote program, the District's RLP only offers core classes or required courses necessary to meet specific graduation requirements. Honors, support, integrated, advanced placement and many electives are not available in the remote courses (Interview with District dated September 18, 2020 and Letter of Response dated September 4, 2020).

District special education personnel were provided with guidance on the District's reopening plan. The guidance reminded staff that all decisions made about a student's IEP must be made by the IEP team. Teams were informed that they could be creative and flexible with services by implementing a combination of options, such as accessing both the RLP and in-person learning as an accommodation in order for a student to receive FAPE. An IEP team

could decide that a student who was enrolled in AP or Honors courses and needed those courses in order to continue on their academic path to graduation could participate in those classes. Further, regardless of a student's unique setting, students with disabilities are entitled to the support outlined in their IEP. Special education staff was informed that when a family elects to participate in the RLP the student will continue to access their special education services. IEP teams will need to meet and discuss the RLP and what supports students will need to access FAPE (Interview with District dated September 18, 2020 and Covid-19 Reopening Plan: Special Education Guidance Document).

The District's guidance to special education staff also recognized that there may be instances where certain students with disabilities are unable to access FAPE through the RLP, even with accommodations, modifications and specialized instruction provided within the RLP. In these instances, building teams will individually discuss these situations. An addendum and prior written notice is not required for all students with disabilities attending the RLP, but only for those that need a change in service minutes or delivery mode (Covid-19 Reopening Plan: Special Education Guidance Document).

Once the RLP enrollment forms were received, District staff identified those students on IEPs and reviewed each of the IEPs. For those students who may not be able to benefit from the RLP, such as students on an alternate curriculum and assessments, IEP meetings were scheduled to be held before the start of school to discuss the RLP and the individual needs of those students (Interviews with District dated September 17, 2020, and September 18, 2020).

Students participating in the RLP have not been allowed to participate in athletics or school activities unless the student's IEP team decided otherwise (Interview with District dated September 18, 2020.)

The School District's position is that the RLP and the guidelines developed for the RLP do not violate the IDEA and follows its policies (Interview with District September 17, 2020 and September 18, 2020 and Letter of Response dated September 4, 2020.)

Investigative Findings

This investigation is limited to a review of alleged IDEA violations that occurred not more than one year prior to the date the complaint was received by the NDE. A timeline of events relating to the RLP and this complaint include the following:

- Mid-July: Governor and Commissioner recommended Nebraska school districts offer a remote learning opportunity to all parents (Interview with District dated September 18, 2020).
- July 27: RLP approved by the District's board (School Board Meeting minutes dated July 27, 2020).
- July 28: RLP logistics were shared with parents, a Facebook Live meeting was held, and FAQ document was posted (District Facebook page and District website dated July 28, 2020).
- July 29: Parents were reminded of the RLP enrollment deadline (District email dated July 29, 2020).
- July 29: Complainant requested further clarification of the RLP as it relates to children with disabilities (Complainant email to the District dated July 29, 2020).
- July 30: District staff respond to Complainant and FAQ updated to include question and answer regarding the RLP and children with disabilities (Email from the District to the Complainant dated July 30, 2020 and District website Frequently Asked Questions for Remote Learning Plan.)
- July 31: Date of Complaint (Letter of Complaint dated July 31, 2020).
- August 3: Complaint received by the NDE (Letter of Complaint dated July 31, 2020, received by NDE August 3, 2020).

As noted above, the School District, following the recommendations of the Governor and Commissioner and developed a school reentry plan for the 2020-2021 school year which included the RLP, in which all students could elect to attend. The RLP does not provide the full array of classes a student would receive if attending in-person. Additionally, students attending the RLP are not allowed to participate in athletics or activities at school. No reason was required to be provided for choosing the RLP, and the decision for attendance was made by the parent.

School districts must ensure that students with disabilities have an equal opportunity to participate in extracurricular activities. Both 92 NAC 51-007.07C4 and 34 CFR 300.107 mandate that school districts provide those nonacademic and extracurricular services and activities to a child with a disability that were determined appropriate and necessary by the child's IEP team in the manner necessary to allow for equal opportunity for participation in those services and activities. This requirement does not automatically entitle a student to participate in nonacademic or extracurricular activities. Extracurricular activities are just that, and are typically not necessary for a student to receive FAPE. However, every student with a disability must have an equal opportunity to

participate in the extracurricular or nonacademic activities that interest that student. The District's policies align with these state and federal mandates.

As a general rule, students with disabilities are subject to the same requirements regarding eligibility for extracurricular and nonacademic activities as apply to general education students. In this case, the School District determined all students whose parents chose to enroll them in the RLP were ineligible to participate in extracurricular and nonacademic activities. The ineligibility to participate in extracurricular and nonacademic activities has been applied uniformly by the District to all students enrolled in the RLP, unless a student's IEP team determined participation in a particular activity is necessary for a student to receive FAPE.

Summary and Conclusions

Based on the information discussed above, the District implemented the requirements of 92 NAC 51-007.07C4 and **no corrective action** is required.

Issue # 2

Did the School District deny children with disabilities a free appropriate public education? [92 NAC 51-003.24]

92 NAC 51-003.24 states:

003.24 Free appropriate public education or FAPE means special education and related services that are provided at public expense, under public supervision, and direction, and without charge; meet the standards of the state including the requirements of this Chapter; include an appropriate preschool, elementary school, or secondary school education in Nebraska and are provided in conformity with an individualized education program (IEP) that meets the requirements of 92 NAC 51- 007.

Allegations/Complainant's Position

All of the allegations and Complainant's positions discussed above in Issue 1 are incorporated herein by reference.

The Complainant asserts that the RLP's prohibition against the participation of students with disabilities in academy programs, AP classes, Honors classes, and other classes that go beyond a "basic education" violates Rule 51 and the IDEA. The fact that a child may be intellectually gifted does not negate the student's eligibility for special education and related services and the right to receive a free appropriate public education. Denying students with disabilities attending the RLP the opportunity to participate in programs associated with high achievers and intellectually gifted students is a denial of FAPE.

The Complainant also asserts that while information pertaining to the RLP stated that “[s]tudents with IEPs and 504s will continue to receive services,” this statement is insufficient to meet the requirements of the IDEA. In the RLP information, the mention of “services” is reasonably construed to mean educational services, related services, and supplementary aids and services as defined by the IDEA, and do not extend to “equal opportunity for participation” or FAPE, as defined in the IDEA. Not only may a student need the provision of educational services, such as AP classes, honors classes and other courses or services in order to receive FAPE, a student may also need nonacademic and extracurricular services to receive FAPE.

The Complainant believes the policies and procedures developed by the District in implementing the RLP resulted in the District engaging in “predetermination on a large scale when it comes to both FAPE and the broader equal opportunity guarantee of the IDEA.”

District Response

All of the District responses discussed above in Issue 1 are incorporated herein by reference.

The District asserted that its policies recognize the need to individualize the application of its rules, policies and programs in light of the obligations set forth in the IDEA. The District has adopted the Nebraska Department of Education's special education policies which are consistent with state and federal IDEA mandates (Letter of Response dated September 4, 2020).

The School District acknowledges that it cannot predetermine the educational program for a child with a disability before meeting with the child's parents. The District asserts that it could not have predetermined any of its special education students' educational placements, as the location for the provision of services was not known until a student's parent enrolled the child into the RLP. Once a student was enrolled in the RLP, the student's educational program would be individually determined by the IEP team. Through this process, the IEP teams for certain students determined that the general education RLP was inappropriate for the students and developed alternative learning programs for those students. The District asserts that the process utilized by staff is the process parents are familiar with and each parent received notification of their rights under the IDEA should they disagree with the decisions made by the IEP team (Letter of Response dated September 4, 2020).

In response to the Complainant's position that the District's definition of “services” does not include an equal opportunity to participate in nonacademic and extracurricular activities or the provision of FAPE, the District

asserts that the RLP's use of the word "services" does not imply the only services that would be provided to students with disabilities attending the RLP are traditional educational services. Rather, services in the RLP would be offered including extracurricular and honors courses if a student's IEP determined it was appropriate (Letter of Response dated September 4, 2020).

The District provided guidance to its special education staff which discussed the provision of FAPE during the RLP. Staff was instructed on how to implement the RLP at the elementary, middle, and high school levels. The School District informed staff that the IEP for each student with disabilities wishing to participate in RLP must be analyzed individually according to the specifics of the student's learning needs to ensure each student was provided with FAPE. As the RLP enrollment forms were received before and after the July 31, 2020, deadline for the submission, District staff identified those students on an IEP and began reviewing the IEPs to determine whether they could be implemented as written in the RLP. For those students whose IEP could not be fully implemented as written in the RLP, staff began the process of reaching out to the parents to set up an IEP meeting to discuss how the RLP would work for their child (Letter of Response dated September 4, 2020).

Investigative Findings

The School District has an obligation to ensure that a Free Appropriate Public Education (FAPE) is provided to every student with a disability, including those students whose parents elected to enroll them in the RLP. FAPE consists of specially designed instruction that is reasonably calculated to enable each student to make progress and is appropriately ambitious in light of the student's circumstances.

A school district violates the IDEA if it predetermines placement for a student before the IEP is developed or steers the IEP to the predetermined placement. Predetermination occurs when a school district has made its determination prior to the IEP meeting, including when it presents one placement option at the meeting and is unwilling to consider other alternatives.

The District provided all parents with the option of enrolling their child in the RLP (District email; District website; District Facebook.) For all students, the RLP only provides "basic education," and does not provide the full array of courses students attending school in person receive. Once the parent of a child with a disability elected to enroll the student in the RLP, the student's IEP was reviewed by District staff to determine whether the IEP could be implemented as written. If it was determined that a student's IEP could not be implemented in full in the RLP, the parents were contacted in order to schedule an IEP meeting to discuss

the student's needs. While the general rule for the RLP was that students who opted to participate in the program only received a "basic education" and were not permitted to participate in classes or activities outside of the identified "basic education," a student's IEP team could decide an exception to the general rule was necessary to provide the student with FAPE (Interview with the District dated September 17, 2020, and September 18, 2020).

The Remote Learning Plan was not the only information available to parents that described the remote learning option available to all students, including students with disabilities. The information provided to parents through the Remote Learning Plan, the Facebook Live meeting, the FAQ document, the RLP enrollment form and District policies informed parents of children with disabilities that their children would continue to receive the services set forth on their IEPs. The process utilized by the District did not result in predetermination of placement, nor did it result in a denial of FAPE to those students with disabilities attending the RLP.

Summary and Conclusions

Based on the information discussed above, the District implemented the requirements of 92 NAC 51-003.24 and no corrective action is required.

Notice to District

Having found that the district is implementing the requirements of 92 NAC 51 in the areas raised in the complaint, the complaint is closed as of the date of this letter.