

COMPLAINT INVESTIGATION REPORT

Complaint Number: 24.25.12
Complaint Investigator: REDACTED
Date Complaint Filed: November 5, 2024
Date of Report: REDACTED

Introduction

The Student is a 12-year-old who attended the District's middle school in the 7th grade and who received special education services and accommodations as a Student with emotional disturbance, based on the Student's most recent special education evaluation dated September 5, 2023, and the IEP team meeting that followed it dated September 19, 2023. From September 9-13, 2024, the Student was involved in a school incident and law enforcement investigation that resulted in a felony charge of terroristic threat along with misdemeanor charges, and the assignment of a probation officer to the Student.

Issues Investigated

1. Did the District properly determine the Student's placement when it changed the Student's school of attendance from the District to a Level 3 program in September 2024 following a discipline related incident at school? [92 NAC 51-016.02 and 016.02G]
2. Did the District afford parental participation and the IEP team input into the Student's placement decision when placing the Student at a Level 3 program over the Parent's objections? [92 NAC 51-007.06A through 007.06B and 51-009.02]
3. Did the District convene an appropriately constituted IEP team meeting in response to the Parent's request to consider a change of placement in October 2024? [92 NAC 51-007.03A]
4. Did the District provide prior written notice when the Parent requested a change of placement from the Level 3 program in October 2024? [92 NAC 51-009.05A]
5. Did the District provide special education and related services to the Student in accordance with the IEP? [92 NAC 51-007.02]

Information Reviewed by Investigator

From the Complainant

- Letter of Complaint dated November 4, 2024; received by NDE November 5, 2024
- Interview with the Parent on December 11 and 17, 2024

- Interview with the Parent's friend on December 16, 2024
- Screenshot of Parent notification of mandatory reassignment from the District principal to the Parent dated September 18, 2024, page 1
- Screenshot of Parent notification of mandatory reassignment from the District principal to Parent dated September 18, 2024, page 2
- Screenshot of the Student's agenda with assigned work for September 25-27, 2024
- Screenshot of text from the Parent to Level 3 program principal and the superintendent dated October 8, 2024
- Screenshot of text dated October 9, 2024, from the superintendent to the Parent, Level 3 program principal and District principal
- Screenshot of text from the Parent to youth worker dated October 9, 2024
- Screenshot of text dated October 16, 2024, from the Parent to the superintendent, Level 3 program principal and youth worker
- Screenshots of texts exchanged with probation officer

From the School District

- District Response received December 6, 2024
- Interview with the special education director on December 16, 2024
- Interview with the Level 3 program principal on December 16, 2024
- Interview with the District principal on December 16, 2024
- Interview with the superintendent on December 17, 2024

Issue #	Information Requested	Information Received
1, 3	Individualized Education Programs (IEPs) developed for Kody Booth during the 2024-2025 school year	<p>Multidisciplinary Evaluation (MDT) Report for the student dated September 5, 2023</p> <p>IEPs for the student dated:</p> <ul style="list-style-type: none"> • August 28, 2024 • September 20, 2024 • October 15, 2024

Issue #	Information Requested	Information Received
1, 2, 3, 4	Notice of Meetings (NOMs), Prior Written Notices (PWNs), IEP team meeting minutes from the 2024-2025 school year	<ul style="list-style-type: none"> • Note dated April 4, 2024, for a behavior plan for the dated February 29, 2024, with meeting notes dated February 19, 2024 • Invitation to an IEP meeting dated August 14, 2024, for a meeting on August 28, 2024 • PWN dated August 28, 2024 • Case manager-special education teacher's notes of IEP meeting dated August 28, 2024 • Email from the case manager-special education teacher to the school psychologist dated April 28, 2024, at 11:44 a.m. • PWN dated September 20, 2024 • Invitation to meeting dated October 11, 2024 for October 15 meeting • PWN dated October 15, 2024
1	Copies of all discipline incidents and suspensions from the 2024-2025 school year	<ul style="list-style-type: none"> • 2024-2025 Behavior report for the student • 2024-25 attendance for the student • Memorandum from the principal to the superintendent dated September 18, 2024 • Notice of mandatory reassignment from the District principal to the parent dated September 18, 2024 • Colfax County Juvenile Court citation dated September 16, 2024 • Juvenile entry and orders of the Juvenile Court of Colfax County dated September 17, 2024 and October 1, 2024

Issue #	Information Requested	Information Received
1,2,3	Copies of any manifestation determinations during the 2024-2025 school year	

1,2,3,4	Copies of any communication between Parent and District (phone logs, emails, texts) related to change of IEP, discipline, change of placement) during the 2024-2025 school year	<ul style="list-style-type: none"> • Notes page recorded by school psychologist of phone call to parent dated November 6, 2024 • Email from the parent to the special education director dated September 30, 2024, at 3:39 p.m. • Email from the special education to the parent dated September 30, 2024, at 3:48 p.m. • Email from the parent to the special education director dated September 30, 2024, at 4:07 p.m. • Email from the parent to the superintendent, Level 3 program principal, special education director, IEP case manager – teacher, District principal, probation officer, District assistant principal, and attorney dated October 2, 2024, at 3:46 p.m. • Email from the Level 3 program principal to the parent, the special education director, the superintendent, the principal, probation officer, and others dated October 2, 2024, at 4:55 p.m. • Text exchanges between the Parent and superintendent, District principal, Level 3 Principal and others dated October 8 and October 9, 2024 • Screenshot of undated text prior to October 10, 2024, from Level 3 program principal to parent • Email from the L Level 3 program principal to the senior probation official, the special education director, the superintendent, and the District principal dated October 15, 2024, at 12:23 p.m. • Email from the Parent to the superintendent, Level 3 principal, District principal, special education director, District assistant principal, probation officer, and others dated October 16, 2024, at 11:15 a.m.
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Issue #	Information Requested	Information Received
5	Documentation showing implementation of the services, behavior intervention plan, goals and supplementary aids and supports during the 2024-2025 school year	<ul style="list-style-type: none"> County attorney referral for absences for the student dated October 21, 2024 Email from Level 3 program principal to senior probation official, the special education director, the superintendent, the principal dated October 21, 2024, at 10:34 a.m. Email from Level 3 program principal to District attendance officer dated October 22, 2024, at 4:52 p.m. Notes for the Student
5	Progress Reports/Notes for all IEPs implemented during the 2024-2025 school year	<ul style="list-style-type: none"> 23-24 Progress Report 3rd quarter 23-24 Progress Report 4th quarter 24-25 Progress Report, 1st quarter 24-25 Progress Report, 2nd quarter
1,2,3,4. 5	Any additional information you would like to be considered as part of this investigation	<ul style="list-style-type: none"> District 2024-2025 school calendar Medical report from [Behavioral Health] dated October 7, 2024 Medical report from [Pediatric Medical Practice] dated October 11, 2024 Letter from the Commissioner to the parent dated October 18, 2024

Findings of Fact

1. The Student had a behavior plan in place dated February 29, 2024, based on a meeting on February 19, 2024 (recorded in notes dated April 4, 2024). The plan stated the Student was to use the restroom when needed, to leave phone in front office, to attend school unless with a fever or witnessed vomiting, to provide a doctor's note when absent to be excused for illness, to complete work using a Friday afternoon session and other strategies, to be rewarded for proper behavior through end of class free time, and to follow the directions of teachers or administrators when disruptive to leave (and return) to a location or if the Student left the school.
2. The District provided an invitation to an IEP meeting dated August 14, 2024, for a meeting on August 28, 2024. Case manager - special education teacher notes dated August 28, 2024, state that the purpose of

the meeting was to review the Student's progress and update the IEP goals. The IEP dated August 28, 2024, included the two goals (in brief): (1) to demonstrate coping strategies to regulate behavior, and (2) follow teacher directions along with three accommodations: (1) shortened assignments all classes - If [the Student] misses school, provide a shortened list of assignments that are the most important to complete," (2) coping skills all classes as often as needed to help regulate emotions and behaviors, and (3) "reward" system for good behavior all classes - "When earned - if [the Student] is doing a great job the teacher can reward [the Student] by giving the last 5 minutes of class to have free time. See attachments to the IEP." Each of these had a beginning date of August 28, 2024. The Student was to receive 10 minutes a week of special education instruction as a resource Student.

3. The PWN dated August 28, 2024, stated that the Student's goals would be kept the same and that the special education teacher would teach the Student coping skills for 10 minutes one time a week. The Parent signed the Student's IEP dated August 28, 2024. The PWN does not include a change to the Student's behavior plan.
4. In an email dated August 28, 2024, at 11:44 a.m., the case manager commented that it was possible to eliminate the Student's behavior plan based on the District principal's recommendation that behavior incidents could be administratively addressed, including deciding if the Student could go back to class. Neither the notes nor the email said that the behavior plan dated February 29, 2024, was changed at the meeting. In an interview, the District principal stated that changes were desired in the behavior plan for administrative decisions about returning to class after being disruptive and being asked to leave.
5. The 2024-25 behavior report for the Student showed the following disciplinary actions: August 22, 2024, profanity resolved by talking to Student and calling mother; August 23, 2024, disorderly conduct resolved by problem solving; September 10 insubordination event resolved by problem solving; September 11, 2024, Student reported threats made, investigated by school officials and police, resolved by a three-day suspension while awaiting placement determination.
6. On September 16, 2024, the [County] Juvenile Court citation against the Student for terroristic threats and false reporting was entered.
7. The principal recommended a mandatory reassignment for the Student in a 2-page memorandum to the superintendent dated September 18, 2024. When interviewed, the Parent agreed that she received the Parent notification of mandatory reassignment on September 18, 2024. The

Parent reported that she did not ask for a hearing to review the mandatory reassignment at that time.

8. The District and the Parent agree that the Parent, the superintendent, District principal, special education director, and (for part of the meeting) the probation officer met together to discuss the Student's mandatory reassignment on September 20, 2024 (interviews with Parent and District staff). The Parent and the District agree that this was not an IEP meeting (interviews with the Parent and District staff). In an interview, the superintendent stated the placement was an interim alternative education setting.
9. The Parent and the District agree that the Student was assigned to the Level 3 program by the District as a mandatory reassignment based on the decision of the superintendent's review and principal's recommendation (Interviews with Parent, superintendent, special education director, District principal, and mandatory reassignment memorandum and Parent notice dated September 18, 2024). The Parent and the District agree that the Student's actions did not include use or possession of a weapon, drugs, or serious bodily harm.
10. The District and the Parent agree that, at the meeting on September 20, 2024, the Parent asked for a different placement than the Level 3 program for the mandatory reassignment (interviews with Parent and District staff).
11. The Parent and the special education director agree that, following the meeting in Finding 8, the Parent was given and signed special education "paperwork" regarding a change in placement for the Student (interviews with the Parent and District staff, IEP dated September 20, 2024).
12. An invitation to a meeting dated September 20, 2024, for a meeting on September 20, 2024, stated that the purpose of the meeting was to "develop, review and/or revise your child's Individualized Educational Plan (IEP)." On the invitation, the director of special education was listed as general education teacher, special education teacher, and person who could interpret assessment results, and the superintendent was listed as the school District representative. When asked in an interview, the special education director stated that IEP input was not gathered from other team members for this meeting.
13. The IEP dated September 20, 2024, stated that the Student would see a counselor to learn coping strategies if behavior became a problem. This IEP included two goals (in brief): (1) to demonstrate coping strategies to regulate behavior, and (2) follow teacher directions. The IEP stated: [The Student's] services will be changed from resource services at [District]

Middle School to services provided by [Level 3 program]." The IEP included three accommodations: (1) shortened assignments all classes - If [the Student] misses school, provide a shortened list of assignments that are the most important to complete," (2) coping skills all classes as often as needed to help regulate emotions and behaviors, and (3) "reward" system for good behavior all classes - "When earned - if [the Student] is doing a great job the teacher can reward [the Student] by giving the last 5 minutes of class to have free time. See attachments to the IEP." Each of these had a beginning date of August 28, 2024.

14. Prior written notice dated September 20, 2024, stated that the District proposed to change the Student's placement from District to Level 3 program for the remainder of the first semester and at the completion of [an] evaluation at that time, that there were no other options at this time, that the superintendent had worked closely with the courts to determine an appropriate placement, that the District had been directed by the courts to change the Student's placement for one semester. In interviews with the special education director and the superintendent, the District personnel indicated that, after the incident and before the mandatory reassignment occurred, they believed that the courts were to direct the Student's placement but subsequently learned that the school was to make the determination of placement.
15. The PWN dated September 20, 2024, stated it was hand delivered to the Parent on September 20, 2024, and in an interview the Parent reported that she received it.
16. In the written complaint and interviews, the Parent reported that the superintendent would research alternative placements, including a different Level 3 Program, as a result of the meeting on September 20, 2024. In an interview, the superintendent reported that (a) the review of the alternative Level 3 Program found that space was not available at the time needed (b) board approval of the alternative Level 3 Program membership agreement would delay further administrative placement of the Student, and (c) other factors in the placement were deemed unsuitable for the Student. In addition, the superintendent stated in the interview with the investigators that the District principal and superintendent agreed that the counseling offered in the Level 3 Program would be beneficial for the Student.
17. The Parent and District agreed that the Student attended the Level 3 Program beginning on Monday, September 23, 2024, and attended 5 days: September 23, 24, 25 and 30, 2024, and October 2, 2024 (Parent letter of complaint dated November 4, 2024, and email dated October

15, 2024, at 12:23 p.m. from Level 3 Program principal to senior probation official and others).

18. According to the Level 3 Program principal interview and the IEP dated October 15, 2024, the Level 3 Program included the following components implemented with the Student, as required by the IEP dated September 20, 2024: "reward" for proper behavior via the point system including free time, counseling, and breaks upon request. The Level 3 Program principal reported that the Student had not missed work when in attendance, nor had the Student been sent out of class for coping skills coaching by the behavior interventionist.
19. Regarding shortened assignments when absent, the Level 3 Program principal reported that when make-up work for absent days was picked up the Parent, a "packet" of the entire unit section would typically have been printed, regardless of the assigned portion to be completed by the Student. The Parent, in the written complaint and an email to the special education director dated September 30, 2024, at 4:07 p.m. reported extensive (52 pages) of homework assigned due to 2 days of Student absence, in violation of the Student's IEP accommodation for shortened assignments. The Parent provided a screenshot of the Student's agenda with assigned work for September 25-27, 2024, without reference to page assignments. In a screenshot of a text to the Parent undated but prior to October 10, the Level 3 Program principal stated, "we won't overwhelm [the Student] by sending everything home but we will send enough so that [the Student] can get a chunk done," to which the Parent replied, "that would be much appreciated."
20. In the letter of complaint, the Parent stated that the Student received work that was above the Student's academic level which took the Student, Parent, grandparent, and family friend 5 hours to complete and for which the Student lost points due to a portion missing. Regarding Student academic levels, in an interview, the Level 3 Program principal stated that the Student was tested to ascertain academic level upon entry, although the testing was "flagged" as possibly inaccurate. Also, the Level 3 Program principal stated that 5 days of attendance prevented adjustments to academic assignments or provision of other IEP accommodations.
21. In an email dated October 2, 2024, at 3:46 p.m. to the superintendent, Level 3 Program principal, special education director, District IEP case manager –teacher, District principal, probation officer, District assistant principal, and attorney, the Parent stated concerns regarding the Level 3 Program placement and the staff there, the extensive homework, the

Student's health and anxiety, the superintendent's lack of response to locate another placement, and a request for help "before things go really bad."

22. In the letter of complaint, the Parent reported taking the Student to the doctor and produced two medical reports, dated October 7, 2024, from [Behavioral Health] which follows the Student for mental health and medication, and October 11, 2024, from [Pediatric Medical Practice], with a general summary of the Student's health, including symptoms of physical health, anxiety and suicidal thoughts. Both reports include symptoms reported by the Student and the Parent and ask that their reports be considered in any decision to change placement as requested by the Parent. The [Pediatric Medical Practice] report dated October 11, 2024, confirmed that the Student was on the wait list to be seen at [Out-of-state Clinic], as reported by the Parent in the October 2, 2024, email in Finding 19. The Parent reported in the letter of complaint and in an interview that she believed the reports meant that "it was not in [the Student's] best interest to attend school at [Level 3 Program] anymore."
23. In an email exchange with the superintendent and others on October 8 and 9, 2024, the Parent stated that the Student experienced severe anxiety and the Level 3 Program placement was "substantially likely to result in an injury to [the Student] mentally" based on prior experience at the Level 3 Program and asked for a hearing with an impartial hearing officer as was her right per the special education handbook. The superintendent replied to the October 8, 2024, email from the Parent clarifying what type of hearing she meant and that Student attendance at the Level 3 Program had been inadequate for him to decide if the Student could return to the District January 7, 2025, after a one semester placement at the Level 3 Program. In an interview with the superintendent, the superintendent believed that the special education director had conducted a manifestation determination hearing following the September 20, 2024, meeting and therefore no further special education action was required at that time. The Parent sent an additional email to District personnel dated October 16, 2024, at 11:15 am reiterating concern with the placement's effects of the student, the evidence to support the claim, and citing special education requirement for FAPE.
24. The District provided notice of meeting (Invitation dated October 11, 2024) to the Parent for an IEP meeting on October 15, 2024, to "develop, review and/or revise your child's Individualized Educational Plan (IEP)." The invitation stated that the school District representative is the District principal, the special education director and Level 3 program principal

were the special education teachers and named general education teachers, a person to interpret evaluations, and a person with special knowledge of the child as invitees.

25. In a text exchange with the probation officer, the Parent reported concern that the IEP meeting would not address the Level 3 Program placement, which she again reported was detrimental to the Student's wellbeing. In the text exchange, the probation officer directed the Parent to attend the upcoming IEP meeting and stated that the Student "has to remain where [Student] is currently placed until the meeting if anything changes."
26. An IEP meeting was held October 15, 2024, attended by the Parent, the Student, the Level 3 Program principal, the District principal (as school District representative), general education teacher, special education director (interpreter of evaluations), the Student's grandmother, the Parent's friend, Level 3 Program behavior interventionist, ELA instructor, and an intern. The IEP was signed by the Parent as a participant on October 15, 2024. In the letter of complaint, the Parent reported the school administrators present did not have the authority to alter the Student's placement due to the need to allocate resources. In interviews, both the special education director and the District principal stated that they were aware that the Parent wanted a different placement and that they believed that the Student's placement was the superintendent's decision. In an interview, the superintendent reported that the Level 3 Program principal or special education director would be welcome to bring an IEP team recommendation to the superintendent at that point.
27. The IEP dated October 15, 2024, stated that doctor notes were submitted for review and no discussion of their consideration was recorded on the IEP. In Parent information, the IEP stated that the Parent had "no concerns with IEP," that "the Student would not be staying, and the Parent took [the Student] with her when she left "and that the Parent wanted a change of placement to the alternative Level 3 Program vs. The Level 3 Program of record. In an interview, the Parent stated that as soon as the Parent knew placement would not be discussed, the Parent was not concerned with the Level 3 Program components to be incorporated into the Student's IEP. In an interview with the Level 3 Program principal, the Level 3 Program principal reported receiving the medical reports (Finding 21) following the meeting; in an interview with the Parent, the Parent reported taking the documents with her to the IEP meeting.
28. The IEP dated October 15, 2024, stated that the Student would receive up to 6 hours per day at the Level 3 program. The PWN dated October 15,

2024, stated that the Student would continue to be educated at the Level 3 Program as a short-term placement through the end of the first semester and described the features of the Level 3 Program (small group instruction to develop positive behavior, social skills and academic core). The PWN also stated that the Parent wanted a change of placement to the alternative Level 3 Program and intended to meet with the superintendent about it.

29. In interviews with the special education director and the District administrator, neither recalled a Parental request for hybrid (blended) learning. The district provided transportation to the Level 3 program.
30. In the letter of complaint, the Parent stated that she applied for home schooling on October 18, 2024, and evidence showed a letter dated October 18, 2024, from the NDE Commissioner to the Parent showing receipt of notification not to meet school accreditation requirements for the Student's schooling.
31. The Parent and the District agreed (interviews with the Parent and the special education director, notes dated November 6, 2024) that the District called the Parent on November 6, 2024, to discuss the District's offer of special education to the Student who was then considered a home-schooled Student. The special education director, in an interview, stated that the Parent had not taken up the District's offer.

Issue # 1

Did the District properly determine the Student's placement when it changed the Student's school of attendance from the District Middle School to the Level 3 Program in September 2024 following a discipline related incident at school? [92 NAC 51-016.02 and 016.02G]

92 NAC 51- 016.02 and 016.02G states:

016.02 *Authority of School Personnel*

016.02A *School personnel may consider any unique circumstances on a case-by case basis when determining whether a change in placement, consistent with the other requirements of subsection 016.02 of this Chapter, is appropriate for a child with a disability who violates a code of Student conduct.*

016.02B *School personnel under subsection 016.02 may remove a child with a disability who violates a code of Student conduct from his or her current placement to an appropriate interim alternative educational setting,*

another setting, or suspension, for not more than 10 consecutive school days (to the extent these alternatives are applied to children without disabilities) and for additional removals of not more than 10 consecutive school days in the same school year for separate incidents of misconduct (as long as those removals do not constitute a change of placement under 92 NAC 51-016.01).

016.02B1 *After a child with a disability has been removed from his or her current placement for 10 school days in the same school year, during any subsequent days of removal the school District or approved cooperative must provide services to the extent required under 92 NAC 51-016.02D.*

016.02C *For disciplinary changes in placement that would exceed 10 consecutive school days, if the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the child's disability pursuant to 92 NAC 51-016.02E, school personnel may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures that would be applied to children without disabilities, except as provided in 92 NAC 51-016.02D.*

016.02D *A child with a disability who is removed from the child's current placement pursuant to 92 NAC 51-016.02C or 016.02G must*

016.02D1 *Continue to receive educational services, as provided in 92 NAC 51-004.01, so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and*

- 016.02D2 *Receive, as appropriate, a functional behavior assessment, behavior intervention services and modifications that are designed to address the behavior violation so that it does not recur.*
- 016.02D3 *The services described in 92 NAC 51-016.02D1, 016.02D2, 016.02D4, and 016.02D5 may be provided in an interim alternative educational setting.*
- 016.02D4 *A school District or approved cooperative is only required to provide services during periods of removal to a child with a disability who has been removed from his or her current placement for 10 school days or less in that school year, if it provides services to a child without disabilities who is similarly removed.*
- 016.02D5 *After a child with a disability has been removed from his or her current placement for 10 school days in the same school year, if the current removal is for not more than 10 consecutive school days and is not a change of placement under 92 NAC 51-016.01, school personnel, in consultation with at least one of the child's teachers, determine the extent to which services are needed provided in 92 NAC 51-004.01, so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.*
- 016.02D6 *If the removal is a change of placement under 92 NAC 51-016.01, the*

child's IEP team determines appropriate services under 92 NAC 51-016.02D.

016.02E *Manifestation Determination*

016.02E1 *Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of Student conduct, the school District or approved cooperative, the Parent, and relevant members of the child's IEP team (as determined by the Parent and the school District or approved cooperative) shall review all relevant information in the Student's file, including the child's IEP, any teacher observations, and any relevant information provided by the Parents to determine:*

016.02E1a *If the conduct in question was caused by or had a direct and substantial relationship to, the child's disability; or 016.02E1b If the conduct in question was the direct result of the school District's or approved cooperative's failure to implement the IEP.*

016.02E2 *The conduct must be determined to be a manifestation of the child's disability if the school District or approved cooperative, the Parent, and relevant members of the child's IEP team determine that a condition in either 92 NAC 51-016.02E1a or 016.02E1b was met.*

- 016.02E3 *If the school District or approved cooperative, the Parent, and relevant members of the child's IEP team determine the condition described in 92 NAC 51-016.02E1b was met, the school District or approved cooperative must take immediate steps to remedy those deficiencies.*
- 016.02F *If the school District or approved cooperative, the Parent, and relevant members of the IEP team make the determination that the conduct was a manifestation of the child's disability, the IEP team must:*
- 016.02F1 *Either conduct a functional behavioral assessment, unless the school District or approved cooperative had conducted a functional behavioral assessment before the behavior that resulted in a change of placement occurred, and implement a behavioral intervention plan for the child; or if a behavioral intervention plan has already been developed, review the behavioral intervention plan and modify it, as necessary, to address the behavior; and*
- 016.02F2 *Except as provided in 92 NAC 51-016.02G, return the child to the placement from which the child was removed, unless the Parent and the school District or approved cooperative agree to a change of placement as part of the modification of the behavioral intervention plan.*
- 016.02G *School personnel may remove a child to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, if the child:*

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| 016.02G1 | <i>Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of the Nebraska Department of Education or a school District or approved cooperative;</i> |
| 016.02G2 | <i>Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of the Nebraska Department of Education or a school District or approved cooperative;</i> |
| 016.02G3 | <i>Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the Nebraska Department of Education or a school District or approved cooperative.</i> |

Allegations/Parent Position

In the written complaint received November 5, 2024, the Parent alleges that the Student received a “mandatory reassignment” from the school on September 20, 2024 for an unspecified incident on a previous date, and the Parent alleges that during a meeting about the change of placement her concerns about the new placement were ignored. In addition, the Parent alleges that the District told her that the placement was the administration’s decision and that she and another meeting attendee had no choice in the matter, and the Parent alleges that the District promised to research alternative placements in the next week but did not do so.

District Response

According to the District Response received December 6, 2024, the District stated that they recognize that it did not perfectly comply with the requirements of 92 NAC 51-016.02 because they failed to conduct a manifestation

determination following the disciplinary removal imposed by the Student's mandatory reassignment to the Level 3 Program. Because there was not a lapse in services to the Student amounting to 10 days, the Director of Special Education mistakenly believed that a manifestation determination was not necessary with the change in placement. The District is committed to improving compliance in this area and is retraining pertinent staff with respect to these obligations.

Investigative Findings

Findings of Fact 6, 7, 8 and 9 document that the District changed the Student's placement due to a code of conduct violation serious enough to warrant a felony along with two misdemeanor charges in Juvenile Court. Findings of Fact 14 and 28 show that the District communicated the placement duration to last through the end of the first semester or 58 days according to the Level 3 Program school calendar.

The District signaled its intention to hold an IEP meeting and generated an IEP dated September 20, 2024, immediately following the mandatory reassignment meeting (Findings of Fact 12 and 13). While the Parent believed that the District did not research or review an alternative to the Level 3 program (Finding of Fact 21), interviews with the superintendent showed that administrative barriers and program characteristics rendered the Level 3 program both singularly available and programmatically appropriate for the anticipated short-term Student placement (Finding of Fact 16). Following the mandatory reassignment meeting with the Parent, an incomplete IEP team meeting was held that changed the location of the Student's education from "resource" (with 10 minutes of special education instruction weekly) to the Level 3 program (Finding of Fact 3, 11, 12 and 13).

The District and the Parent agree that the Parent asked for an alternative to the Level 3 program at the mandatory reassignment meeting on September 20, 2024 (Finding of Fact 10), again in writing on October 2, 2024 (Finding of Fact 21) and October 8-9, 2024 (Finding of Fact 23). The District scheduled an IEP meeting for October 15, 2024, to align the Student's IEP with the Level 3 program features, and the Parent brought medical reports as evidence for a change of placement to this meeting (Finding of Fact 24, 26, 27, and 28). The IEP stated medical reports were accepted for review (Finding of Fact 27).

Summary and Conclusions

The District had the authority for the Student's mandatory reassignment to the Level 3 program as a change of placement due to the Student's serious code of conduct violation (92 NAC 51- 016.02A and 02B). There is no question that the

actions of the District were to change the Student's placement for disciplinary purposes, for more than 10 school days, to an interim alternative education setting (IAES).

92 NAC 51- 016.02G provides that in some circumstances, the District can remove the Student to an IAES for 45 school days without regard to determining manifestation of disability, for weapons, drugs, or serious bodily harm infractions (92 NAC 51- 02G1, 02G2, and 02G3). These conditions were not cited as the Student's conduct violations.

In this case, the District intended to change the Student's placement and did not hold the manifestation determination to review the Student's record and information provided to the District by the Parent. Because no manifestation determination was held, the District did not then follow the required subsequent steps, as required by 92 NAC 51- 016.02, to determine if the Student's IEP and placement were appropriate.

Based on review of the evidence and Rule 51, the District failed to fully implement the requirements of 92 NAC 51- 016.02 and 016.02G. Thus, the following **corrective action is required**.

Corrective Action

1. By February 28, 2025, the School District must develop and provide training to all administrative staff regarding when and how to conduct a manifestation determination and for a Student who is eligible for special education but commits a code of conduct violation.
 - a. The training must be approved by the NDE Office of Special Education two calendar weeks prior to the training and the school.
 - b. District must provide NDE with copies of the participant sign-in sheets or other evidence of attendance, the business day following the conclusion of the training.
2. By February 28, 2025, the School District shall review District procedures for code of conduct violations and draft procedures for how Students who are eligible for special education are treated.
 - a. The School District will provide written notification of the District's conclusions from the review.
 - b. If procedural changes are needed, draft District procedures for manifestation determination for a Student who is eligible for special education but commits a code of conduct violation are due to NDE by March 28, 2025.
3. On or before September 1, 2025, the District will provide a list of students who have been issued a mandatory reassignment.

- a. On or before September 12, 2025, NDE will request to review 1 file of a student issued a mandatory reassignment to verify compliance with 92 NAC 51- 016.02 and 016.02G.

Issue # 2

Did the District afford Parental participation and the IEP team input into the Student's placement decision when placing the Student at the Level 3 Program over the Parent's objections? [92 NAC 51-007.06A through 007.06B and 51-009.02]

92 NAC 51- 007.06A states:

- 007.06A *The school District or approved cooperative shall take steps to ensure that one or both of the Parents of the child with a disability are present at the IEP conference or are afforded the opportunity to participate, including:*
- 007.06A1 *Notifying Parents of the IEP conference early enough to ensure that they will have an opportunity to attend; and*
- 007.06A2 *Scheduling the meeting at a mutually agreed on time and place.*
- 007.06B *The notification under 92 NAC 51-007.06A1 must indicate the purpose, time and location of the meeting and who will be in attendance and inform the Parents of the provisions of 92 NAC 51-007.03A6, 007.03A6a, and 007.05.*
- 007.06B1 *For a child with a disability beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP team, the notice also must:*
- 007.06B1a *Indicate that a purpose of the meeting will be the consideration of the postsecondary goals and transition services for the child in accordance with 92 NAC 51-007.07A9; and*

007.06B1b *Indicate that the school District or approved cooperative will invite the child to the meeting; and*

007.06B1c *Identify any other agency that will be invited to send a representative*

92 NAC 51- 009.02 states:

009.02 *Parent Involvement in Placement Decisions*

- 009.02A *The school District or approved cooperative shall ensure that a Parent of each child with a disability is a member of any group that makes decisions on the educational placement of their child.*
- 009.02B *In implementing the requirements of 92 NAC 51-009.02A, the school District or approved cooperative shall use procedures consistent with the procedures described in 92 NAC 51-007.06A, 007.06B, and 009.01A.*
- 009.02C *If neither Parent can participate in a meeting in which a decision is to be made relating to the educational placement of their child, the school District or approved cooperative shall use other methods to ensure their participation, including individual or conference telephone calls, or video conferencing.*
- 009.02D *A placement decision may be made by a team without the involvement of the Parents if the school District or approved cooperative is unable to obtain the Parents' participation in the decision. In this case, the school District or approved cooperative must have a record of its attempt to ensure their involvement including*

Allegations/Parent Position

In the written complaint received November 5, 2025, the Parent alleges that the District told her that the placement was the administration's decision and that she and another meeting attendee had no choice in the matter, and the

Parent alleges that the District promised to research alternative placements in the next week but did not do so. In addition, the Parent alleges that she provided medical evidence to the District supporting a change of placement. The Parent alleges that the District stated that no other placement would be considered until the Student's attendance at the new placement was consistent.

District Response

In the District Response received December 6, 2024, the District stated, that the Parental participation requirements in 92 NAC 51-007.06A through 007.06B and 51-009.02 do not apply as contemplated by the issue raised in the complaint. The District's decision to place the Student at the Level 3 program was pursuant to the District's authority to engage in disciplinary removals consistent with state law; the District is not obligated to consider Parental participation or team input in making this disciplinary decision. However, as noted above, the District failed to recognize and comply with the obligation to conduct a manifestation determination following that removal. At that stage, the team should have considered input from the Parent and other team members regarding whether or not the Student's misconduct was a manifestation of his disability, rather than input into the underlying disciplinary action. Any issues surrounding Parental participation pertain to Issue 1, and the District is proactively working on improving compliance with that issue.

Investigative Findings

The Parent was present at each of the meetings held by the District. For the IEP held August 28, 2024, the Parent was provided notice (Finding of Fact 2) and signed the IEP as a participant (Finding of Fact 3). For the mandatory reassignment meeting on September 20, 2024, the Parent received the mandatory reassignment notice (Finding of Fact 7), attended the meeting (Finding of Fact 8), and received a copy of the IEP dated September 20, 2024, and associated PWN (Findings of Fact 14 and 15). For the meeting on October 15, 2024, the District provided notice (Finding of Fact 24) and the Parent was present at the meeting (Finding of Fact 26). At the October 15, 2024, meeting, the District was aware that the Parent wanted a change of placement (Finding of Fact 26 and 27) and the Parent produced medical reports in support of her claim that the Level 3 Program placement was detrimental to the Student's wellbeing (Finding of Fact 27).

Summary and Conclusions

The findings of Issue 1 determined that the District failed to conduct a manifestation determination meeting to determine if the incident was a manifestation of the Student's disability or solely was a violation of the District's

code of conduct. If a manifestation determination had occurred the District would have determined if the incident was a violation of code of conduct and the District had the right/responsibility to make a unilateral mandatory reassignment of placement or if the incident was a manifestation of the Student's disability triggering an IEP meeting to determine the interim alternative education setting which would be an IEP team decision, not a unilateral decision by the District.

Based on the evidence and interviews, the District failed to fully implement the requirements of 92 NAC 51-007.06A through 007.06B and 51-009.02. Thus, the following **corrective action is required**.

Corrective Action

1. The School District must develop and provide training to all district administrators the role of family members in a manifestation determination and for a Student who is eligible for special education but commits a code of conduct violation. This training may be held in conjunction with the training ordered in Issue 1 and must meet the same conditions and timelines.

Issue # 3

Did the District convene an appropriately constituted IEP team meeting in response to the Parent's request to consider a change of placement in October 2024?

92 NAC 51-007.03A states:

007.03 *IEP Team Participants*

007.03A *The school District or approved cooperative shall ensure and document that each IEP team includes the following:*

007.03A1 *The Parents of a child with a disability or documentation of 92 NAC 51-007.06D;*

007.03A2 *Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);*

007.03A2a *The regular education teacher of the child, as a member of the IEP team, shall, to the*

extent appropriate, participate in the development, review and revision of the IEP of the child, including assisting in the determination of appropriate positive behavioral interventions and supports, and other strategies, and the determination of supplementary aids and services, program modifications, and support for school personnel consistent with 92 NAC 51-007.07A5.

- 007.03A3 *Not less than one special education teacher, or where appropriate, not less than one special education provider of the child;*
- 007.03A4 *A representative of the school District or approved cooperative who:*
 - 007.03A4a *Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;*
 - 007.03A4b *Is knowledgeable about the general education curriculum; and*
 - 007.03A4c *Is knowledgeable about the availability of resources of the school*

- District or approved cooperative;*
- 007.03A4c(1) *A school District or approved cooperative may designate another member of the IEP team to also serve as the school District or approved cooperative representative, if the criteria in 92 NAC 51-007.03A4 are satisfied.*
- 007.03A5 *An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in 92 NAC 51-007.03A2 through 007.03A6;*
- 007.03A6 *At the discretion of the Parent or the school District or approved cooperative, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate;*
- 007.03A6a *The determination of the knowledge or special expertise of any individual described in 92 NAC 51-007.03A6 shall be made by the party (Parents or school District or approved cooperative) who invited the individual to be a member of the IEP.*
- 007.03A7 *Whenever appropriate, the child with a disability;*

Allegations/Parent Position

In the written complaint, the Parent alleges that the superintendent did not attend the IEP meeting and therefore the Student's placement could not be determined because the District principal could not allocate the resources for a different placement.

District Response

Based on the District Response received on December 6, 2024, As noted above, the District's placement of the Student in the ESU 2 Independent School was not initiated as a change in placement by the Student's IEP team but was instead initiated as a disciplinary removal. The District was not obligated to consider the Parent's input in making that disciplinary decision but instead should have considered the Parent and other team members' input in considering whether the Student's behavior was a manifestation of his disability. While the District failed to meet this obligation, the District nevertheless convened a properly constituted IEP team on both September 20, 2024, and October 18, 2024, to develop the Student's programming and services during his period of disciplinary removal. Thus, the Department should find that the District consistently convened IEP teams in conformance with the requirements of 92 NAC 51-007.03A and conclude its investigation into this issue.

Investigative Findings

The mandatory reassignment meeting dated September 20, 2024, held among the superintendent, Parent, principal, probation officer and director of special education was not considered by the District or Parent to be an IEP meeting (Finding of Fact 8). During the investigation, it was found that the IEP signed at that time (accurately an IEP amendment) took place with only the special education director and the Parent, without full team participation or input (Finding of Fact 11, 12, 13, 14).

The District provided an invitation dated October 11, 2024, to a meeting on October 15, 2024, for the purpose to "develop, review or revise" the Student's IEP (Finding of Fact 24). At this meeting, all required members of the IEP team were present (Finding of Fact 26). The District's invitation stated that the District principal would be the school District representative (Finding of Fact 24). Both the District principal and the special education director were present at the October 15, 2024, IEP meeting (Finding of Fact 26). The District's administrators present at the meeting did not believe they had the authority to alter the superintendent's decision regarding the mandatory reassignment, although the superintendent reported that he would consider the recommendations of the IEP team brought to him by the District administrators (Finding of Fact 26).

Summary and Conclusions

In this case, the District appropriately constituted the IEP team meeting on October 15, 2024, but failed to do so at the September 20, 2024, meeting. Although the issue under investigation was for the IEP dated October 15, 2024, the District was mistaken in its response stating that the September 20, 2024, IEP team was properly constituted to revise the IEP in line with the Level 3 program placement.

Based on the evidence listed above, the District failed to implement the requirements of 92 NAC 51-007.03A and **corrective action is required** as follows:

Corrective Action

1. By February 28, 2025, the School District must develop and provide training to District special education staff and all administrators on amending the IEP with and without a meeting.
 - a. The training must be approved by the NDE Office of Special Education two calendar weeks prior to the training and the school.
 - b. District must provide NDE with copies of the participant sign-in sheets or other evidence of attendance, the business day following the conclusion of the training.
2. By February 28, 2025, the School District shall review District procedures for amending IEPs.
 - b. The School District will provide written notification of the District's conclusions from the review.
 - c. If procedural changes are needed, draft District procedures for amending a student's IEP are due to NDE by March 28, 2025.
3. On or before September 1, 2025, the District will provide a list of students who have had IEPs amended.
 - a. On or before September 12, 2025, NDE will request to review 1 file of a student's IEP who has been amended to verify compliance.

Issue #4

Did the District provide prior written notice when the Parent requested a change of placement from the Level 3 Program in October 2024?

92 NAC 51-009.05A states:

009.05 *Prior Written Notice*

009.05A *Prior written notice shall be given to the Parents of a child with a disability a reasonable time before a school District or approved cooperative:*

- 009.05A1 *Proposes to initiate or change the identification, evaluation, or educational placement of a child or the provision of a free appropriate public education; or*
- 009.05A2 *Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child.*

Allegations/Parent Position

In the written complaint received November 5, 2024, the Parent alleged that the District asked her to fund the costs of an alternative placement and that the District would not provide transportation to another school. The Parent alleged that the District implied that she would bear the cost of a different school placement. The Parent alleges that she asked for hybrid learning and her request was denied by the District.

District Response

The District responded that 92 NAC 51-009.05A1 requires a PWN when the District refuses to change the “educational placement” of a child. As previously expressed, the change in placement that occurred in September was a disciplinary change in placement not an educational change in placement. Complainant's rights to contest the change in placement were pursuant to the Nebraska Student Discipline Act. Complainant chose not to appeal the mandatory reassignment despite being informed of such a right to do so. The communication the District received from the Complainant on October 2, 2024 cannot be reasonably interpreted as a request for a change in placement. Even if it were, the District was not required to send a PWN, because the Level 3 placement was not an educational placement. The District acknowledges the issues surrounding the manifestation determination, however, the District did not have any obligation regarding Complainant's requests related to Student's continued disciplinary removal under the Nebraska Student Discipline Act according to the District's December 6, response to the child complaint.

Investigative Findings

The Findings of Issues 1, 2 and 3 are incorporated hereto by reference. The District provided transportation to the Level 3 placement (Finding of Fact 29) and the District reported in interviews that the administrators did not recall being asked for hybrid learning (Finding of Fact 29).

The District provided PWN when it changed the Student's placement to the Level 3 program on September 20, 2024, Finding of Fact 14). The Parent understood the superintendent to say that a different placement would be researched, and the District did so (Finding of Fact 16). When the Student's new IEP was written on October 15, 2024, the IEP recorded that the Parent wanted a different placement (Finding of Fact 27). The PWN dated October 15, 2024 did not include saying that the District refused the Parent's request for a hearing (Finding of Fact 23) or to change the Student's placement from the Level 3 program (Findings of Fact 14, 27, and 28).

Summary and Conclusions

As noted in Issues 1, 2, and 3, the District was aware and recorded that the Parent wanted an alternative to the Level 3 program assigned by the District. The District, however, did not entertain discussion of placement at the October 15, 2024, meeting to allow IEP team input into placement. The District did not provide PWN to the Parent denying the Parent's request for an alternative Level 3 or other school placement.

Based on evidence described in the Findings, the District failed to fully implement the requirements of 92 NAC 51-009.05A. Thus, the following **corrective action is required**.

Corrective Action

1. By February 28, 2025, the School District must develop and provide training to District special education staff and all administrators regarding how and when to write a prior written notice. This training may be held in conjunction with the training required for Issue 3.
 - a. The training must be approved by the NDE Office of Special Education two calendar weeks prior to the training and the school.
 - b. The District must provide NDE with copies of the participant sign-in sheets or other evidence of attendance, the business day following the conclusion of the training.
2. On or before September 12, 2025, NDE will request to review 3 files of a students' IEP and PWN to verify compliance.

Issue # 5

Did the District provide special education and related services to the Student in accordance with the IEP?

92 NAC 51-007.02 states:

- 007.02 *School Districts or approved cooperatives must provide special education and related services to a child with a disability in accordance with the child's IEP*
- 007.002A *At the beginning of each school year, each school District or approved cooperative shall have an IEP in effect for each child with a verified disability within its jurisdiction.*
- 007.02A1 *From the end of the school year in which a child reaches age 3, until the child's sixth birthday, the IEP team must consider an IFSP that contains the IFSP content (including the natural environments statement) described in 92 NAC 52 (including an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills for children with an IFSP who are at least three years of age), and that is developed in accordance with the IEP procedures. The IFSP may serve as the IEP of the child, if using the IFSP as the IEP is agreed to by the school District or approved cooperative and the child's Parents.*
- 007.02B *Each school District or approved cooperative shall ensure that an IEP is in effect before special education and related services are provided to a child with a verified disability under this Chapter.*
- 007.02C *The child's IEP is accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation; and*
- 007.02D *Each teacher and provider described in 92 NAC 51-007.02C must be informed of his or her specific responsibilities related to implementing the child's IEP; and the specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP*

Allegations/Parent Position

In the written complaint received November 5, 2024, the Parent alleges that the Student suffered physical illness and anxiety in the new placement. The Parent alleges that the new placement did not follow the IEP to provide missed school work in small amounts or to provide breaks to the Student. The Parent alleges that the new placement required excessive homework which was not at the Student's instructional level.

District Response

In the response received on December 6, 2024, the District responded that notwithstanding the procedural errors previously disclosed, the District consistently provided the Student with special education and related services in accordance with the IEP.

Investigative Findings

A behavior plan was in place for the Student at the time of the incident, having been discussed but not altered at the August 28, 2024, IEP team meeting (Findings of Fact 1, 2, 3, and 4). The Student attended the Level 3 program for 5 days (Finding of Fact 17). During that time, the Student's IEP dated August 28, 2024, as amended September 20, 2024, was the IEP to be implemented. This IEP had no services listed by frequency, location, or duration, but noted only the Student's new placement's program (Findings of Fact 13 and 14). The accommodations in this IEP (shortened assignments, coping skills taught, and reward system for good behavior) were addressed by the Level 3 program (Findings of Fact 18, 19, and 20).

It is noted that the family's resources were overwhelmed in attempting to address make up work due to Student absences and that communication of assignments to the Parent via printed packets and assignment books complicated clarity of requirements (Findings of Fact 19 and 20). It is also noted that, while the Student's academic level was assessed by the Level 3 program, assessments were "flagged" as possibly inaccurate and limited time in the program precluded further adjustments to academic performance levels (Finding of Fact 20). A Parental request for hybrid or blended online instruction could not be confirmed as received by the District (Finding of Fact 29).

On October 15, 2024, the IEP team met to revise the IEP, aligning the services to the Level 3 program (Findings of Fact 26 and 28), but the Student did not attend the Level 3 program following the development of this IEP. On October 18, 2024, the Student became a home-schooled Student (Finding of Fact 30), and on November 6, 2024, the District contacted the Student to alert the Parent that the Student could receive special education services as a home-schooled Student (Finding of Fact 31).

Summary and Conclusions

Based on the Findings above, the District failed to fully implement the requirements of 92 NAC 51-007.02. Thus the following **corrective action is required**.

Corrective Action

1. The School District must provide appropriate notice and schedule an IEP meeting to revise the IEP by January 18, 2025. The IEP team must address the following:
 - a. Reflect the Student's FAPE by:
 - i. Updating goals as needed
 - ii. Updating special education and related services as needed
 - iii. Updating the supplemental aids and services as needed and further, specifying the location, duration and frequency of the Student's supplemental aids and services
 - iv. Discussing the addition of counseling services as identified by the District as important when selecting the Level 3 program
 - v. Appropriate placement of the Student – whether the Student will continue to be homeschooled or require placement within the district or a level 3 placement.
 - b. A copy of the Notice of Meeting, Revised IEP, Meeting Notes and Prior Written Notice must be provided to NDE within two (2) business days after the IEP meeting.
2. Compensatory education awards should be reasonably calculated to provide the Student with the education benefits which the Student should have received had the District provided the services in the first place beginning October 18, 2024, the date that NDE notified the Parent and District of the Student's homeschool placement until the date the District holds a new IEP meeting to revise the Student's IEP (Reid ex rel. Reid v. Dist. of Columbia, 401 F. 3d 516 (D.C. Cir. 2005)). As the student's placement changed from the general education classroom to a Level 3 placement and from 10 minutes of special instruction (resource) every week to six hours of special instruction in a separate school 5 days every week the amount of service the student should have received cannot be determined.
 - a. As described in Corrective Action 1 of this issue the IEP team is ordered to review and revise the IEP based on the change of placement to homeschooling.
 - b. Once the IEP is revised compensatory education should be ordered for the time inclusive of October 19, 2024, and the date that the IEP is revised as a result of this corrective action commensurate to the

- services determined in the revised IEP for the placement deemed appropriate by the team (which may include continuing homeschooling).
- c. Once the offer of compensatory education is made, the Parent will have two weeks to consider the offer and may accept it in whole, part or decline compensatory education.
 - d. The decision for compensatory education shall be documented in a Prior Written Notice and provided to NDE within two (2) days after the two-week consideration.
3. By February 28, 2025, the School District must develop and provide training to special education staff and all administrators to understand how to offer special education services for Students who are homeschooled. This training can be completed in conjunction with the corrective actions for Issue 1.
- a. The training must be approved by the NDE Office of Special Education two calendar weeks prior to the training and the school.
 - b. The District must provide NDE with copies of the participant sign-in sheets or other evidence of attendance, the business day following the conclusion of the training.

Notice to District

Unless otherwise indicated, the corrective action specified must be completed within sixty (60) calendar days of the date of this report. Documentation must be submitted as soon as possible following the completion of the corrective actions. All documentation of correction must be sent to:

Jim Ageton, Complaint Specialist
Christopher Chambers, Complaint Specialist
NDE Office of Special Education
nde.speddr@nebraska.gov