

**ADOPTED REGULATION OF THE
STATE BOARD OF EDUCATION**

LCB File No. R064-08

Effective September 18, 2008

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

AUTHORITY: §§1, 2, 4 and 6-17, NRS 385.080 and 388.520; §3, NRS 385.080 and 388.493; §5, 385.080 and 388.492.

A REGULATION relating to education; requiring a public agency that serves pupils with disabilities to submit a report regarding the caseloads of physical therapists and occupational therapists; revising provisions governing the transfer of rights from a parent of a pupil with a disability to the pupil when the pupil attains the age of 18 years; prescribing the procedure by which the parent of a pupil with a disability may request to represent the educational interests of the pupil when the pupil attains the age of 18 years; revising provisions governing the determination of eligibility of certain pupils for special educational services; and providing other matters properly relating thereto.

Section 1. Chapter 388 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. 1. *On or before October 1 of each odd-numbered year, each public agency shall submit a report to the Department, in a manner prescribed by the Department, regarding the caseloads of physical therapists and occupational therapists employed by or contracted with the public agency to provide services to pupils with disabilities during the immediately preceding 2 school years. Such a report must include, without limitation:*

(a) A description of the factors used by the public agency in determining the caseloads of the physical therapists and occupational therapists, including, without limitation:

(1) The range of the number of pupils with disabilities at different school sites who require services from the public agency;

- (2) The range of the levels of intensity of the services required;*
- (3) The availability of assistants who are appropriately certified to assist with the provision of the services;*
- (4) The geographic factors that affect the ability of the therapists to travel to provide the services; and*
- (5) The degree to which the public agency expects the therapists to participate in meetings pertaining to the pupils;*
- (b) The number of vacancies in the positions of physical therapist and occupational therapist experienced by the public agency in the immediately preceding 2 school years;*
- (c) A description of the efforts made by the public agency for the recruitment and retention of physical therapists and occupational therapists; and*
- (d) A list of each position of physical therapist and occupational therapist employed by or contracted with the public agency during the immediately preceding 2 school years, designated by full-time equivalency, including, without limitation, the maximum caseload assigned to each position.*

2. Each public agency shall post a copy of the report described in subsection 1 on the Internet website maintained by the public agency, if applicable, on or before October 1 of each odd-numbered year.

Sec. 3. 1. *Not less than 1 year before the date on which a pupil with a disability who has a significant cognitive impairment and who participates in the alternate assessment developed by the State attains the age of 18 years, the school district or charter school in which the pupil is enrolled shall provide notice to the parent and the pupil of the procedure by which*