This section presents the definitions and eligibility determination requirements for placement of pupils with disabilities as contained in the Nevada Administrative Code, Chapter 388.

**Autism**

388.028 “Autism” defined. “Autism” means a disability which:

1. Significantly affects the verbal and nonverbal communication and social skills of a person and is often characterized by repetitive activities and stereotyped movements, resistance to changes in environment or daily routine and responding to sensory experiences in an unusual manner;

2. Is usually apparent before the age of 3 years; and

3. Adversely affects the educational performance of a pupil causing significant delays or irregular patterns in learning, or both.

388.387 Eligibility of pupil with autism.

1. A pupil is eligible for special services and programs of instruction for the autistic if the multidisciplinary team, comprised of the persons set forth in subsection 2, determines that he has autism.

2. The multidisciplinary team must consist of:
   (a) A school psychologist.
   (b) A teacher of special education or a person with a specialized knowledge of autism.
   (c) The regular teacher of the pupil, or if none a person qualified to teach him.
   (d) A specialist of speech and language.
   (e) A parent of the pupil.
   (f) One or more persons who have sufficient knowledge of the pupil to interpret information relating to his social, emotional, developmental and familial condition. Such persons may include an administrator of the school, a nurse, a counselor, a school psychologist or any other certificated or licensed professional.

3. The multidisciplinary team shall conduct an assessment of the pupil to determine whether he is eligible for special services and programs of instruction pursuant to this section. Such an assessment must evaluate the:
   (a) Health;
   (b) Developmental history;
   (c) Cognitive abilities;
   (d) Social and emotional condition;
(e) Academic achievement;
(f) Adaptive behavior; and
(g) Language and motor skills of the pupil.

**Hearing Impairment**

388.047 "Hearing impairment" defined. "Hearing impairment" means an impairment of the hearing mechanism which affects sound integration and prevents or delays the normal development of speech and language.

388.390 Eligibility of pupil with hearing impairment.

1. Except as otherwise provided in subsection 3, a pupil with a hearing impairment is eligible for the special services and programs of instruction for the deaf if a multidisciplinary team, comprised of the persons described in subsections 6 and 7, concludes that:
   (a) Routine auditory communication is impossible for the pupil, or nearly so, due to his inability to discriminate among and understand the sounds that reach him;
   (b) The sense of hearing of the pupil is nonfunctional for the ordinary purposes of life, whether as a result of congenital or postlingual deafness; and
   (c) The pupil has an average hearing threshold level, at 500, 1,000 and 2,000 Hz, of 92 decibels or more.
   As used in this section, “nonfunctional for the ordinary purposes of life” means that the pupil does not receive speech sounds clearly enough through hearing, with or without amplification and notwithstanding the fact that he may be aware of loud or random noises, to develop language.

2. Except as otherwise provided in subsection 3, a pupil with a hearing impairment is eligible for the special services and programs of instruction for the hard of hearing if the multidisciplinary team concludes that:
   (a) The pupil has the ability, if aided, to hear and understand most spoken words;
   (b) The hearing mechanism of the pupil, though defective, is sufficiently functional with or without the use of a hearing aid to allow a receptive flow of information; and
   (c) The pupil has an average hearing threshold level of 30 decibels or more.

3. A pupil with a hearing impairment is eligible for the special services and programs of instruction for the deaf or hard of hearing, as appropriate, if the multidisciplinary team concludes that he meets the criterion set forth in paragraph (c) of subsection 1 or paragraph (c) of subsection 2, whichever applies, notwithstanding his failure to meet the other criteria set forth in subsection 1 or 2.

4. A pupil with a hearing impairment is eligible for the special services and programs of instruction for the deaf and blind if the multidisciplinary team concludes that he meets the criteria set forth in subsection 1, 2, or 3, whichever applies, and the criteria set forth in NAC 388.395.

5. A pupil under the age of 6 years is not ineligible because of his age, for the special services and programs on instruction referred to in this section.

6. The multidisciplinary team may include a teacher or specialist in the field of hearing impairment and
must consist of a parent of the pupil and not fewer than three persons with expertise in one or more of the following areas:

(a) Audiology or the interpretation of an audiological report.
(b) Hearing impairment.
(c) The interpretation of an assessment of:
   (1) Health.
   (2) Communication skills and disorders.
   (3) Academic achievement.

7. If the requirements of subsection 6 are satisfied, one or more of the following persons may serve on the multidisciplinary team:

(a) A regular classroom teacher.
(b) One or more persons qualified to interpret an assessment of the social or emotional condition of the pupil, or of the cognitive abilities of the pupil, because of his personal knowledge of the pupil. Such persons may include, without limitation, an administrator, nurse, school counselor, school psychologist or any other certificated or licensed professional.

8. The conclusions of the multidisciplinary team concerning the eligibility of the pupil for the special services and programs of instruction referred to in this section must be based upon an assessment of the pupil. The assessment must include:

(a) A comprehensive audiological examination, including pure tone and speech discrimination tests, performed by an audiologist; and
(b) An assessment of the:
   (1) Health of the pupil, which must include a comprehensive examination of vision:
   (2) Academic achievement of the pupil; and
   (3) Speech and language of the pupil.

9. If the requirements of subsection 8 are satisfied, the assessment of the pupil may include an assessment of his cognitive abilities and social and emotional condition.

Visual Impairment

388.141 “Visual impairment” defined. “Visual impairment” means an impairment which, despite correction, adversely affects or will adversely affect the ability of a pupil to benefit from or participate in an educational program without the assistance of special education.

388.395 Eligibility of pupil with visual impairment

1. A pupil with a visual impairment is eligible for the special services and programs of instruction for the severely visually impaired if a multidisciplinary team, comprised of the persons described in subsections 5 and 6, concludes that:

(a) The visual acuity of the pupil does not exceed 20/200 in the better eye;
(b) The vision of the pupil in the better eye is restricted to a field which subtends an arc of not more that 20 degrees; or
(c) The pupil suffers from a progressive deterioration of his vision, the probable result of which will be one or both of the conditions described in paragraphs (a) and (b).

2. A pupil with a visual impairment is eligible for the special services and programs of instruction for the moderately visually impaired if the multidisciplinary team concludes that the pupil can use vision as the main channel of learning and:
   (a) The visual acuity of the pupil is 20/70 or less in the better eye with the best possible correction; or
   (b) The pupil suffers from a progressive deterioration of his vision, the probable result of which will be the condition described in paragraph (a).

3. A pupil with a visual impairment is eligible for the special services and programs of instruction for the deaf and blind if the multidisciplinary team concludes that he meets the criteria set forth in subsection 1 or 2, whichever applies, and the criteria set forth in NAC 388.390.

4. A pupil under the age of 6 years is not ineligible, because of his age, for the special services and programs of instruction referred to in this section.

5. The multidisciplinary team may include a teacher or specialist in the field of vision impairment and must consist of a parent of the pupil and not fewer than three persons with expertise in one or more of the following areas:
   (a) Vision.
   (b) Vision impairment.
   (c) The interpretation of an assessment of health or academic achievement.

6. If the requirements of subsection 5 are satisfied, one or more of the following persons may serve on the multidisciplinary team:
   (a) A regular classroom teacher.
   (b) One or more persons qualified to interpret an assessment of the social or emotional condition of the pupil, or of the cognitive abilities of the pupil, because of his personal knowledge of the pupil. Such persons may include, without limitation, an administrator, nurse, school counselor, school psychologist or any other certificated or licensed professional.

7. The conclusions of the multidisciplinary team concerning the eligibility of the pupil for the special services and programs of instruction referred to in this section must be based upon an assessment of the pupil. The assessment must include:
   (a) A comprehensive examination of vision, performed by an eye specialist; and
   (b) An assessment of the health and academic achievement of the pupil.

8. If the requirements of subsection 7 are satisfied, the assessment of the pupil may include an assessment of his cognitive abilities and social and emotional condition.

(Added to NAC by Bd. of Education, eff. 7-14-88; A 11-23-93; R039-98, 5-29-98)
Orthopedic Impairment

388.067 "Orthopedic impairment" defined. "Orthopedic impairment" means an impairment which adversely affects the ability of a person to benefit from or participate in an educational program without special education.

(Added to NAC by Bd. of Education, eff. 7-14-88; A 11-23-93)—(Substituted in revision by NAC 388.081)

388.400 Eligibility of pupil with orthopedic impairment. (NRS 388.520)

1. A pupil with an orthopedic impairment is eligible for special services and programs of instruction for the orthopedically impaired if a multidisciplinary team, comprised of the persons described in subsection 3, concludes that the pupil suffers from a severe orthopedic impairment which adversely affects his ability to be educated. As used in this subsection, "orthopedic impairment" includes any impairment resulting from:
   (a) A congenital anomaly, including clubfoot or the absence of a member;
   (b) Disease, including poliomyelitis or bone tuberculosis; or
   (c) Any other cause, including cerebral palsy, a neuromuscular disorder, an amputation, a fracture or a burn causing a contracture.

2. To determine whether an orthopedic impairment adversely affects a pupil's ability to be educated, an analysis must be conducted of his impairment to determine whether he can function in a regular classroom.

3. The multidisciplinary team must consist of:
   (a) A school nurse or other person qualified to interpret an assessment of the health of the pupil;
   (b) A regular classroom teacher of the pupil, or, if none, a person qualified to teach him;
   (c) A parent of the pupil;
   (d) One of the following:
      (1) A physical therapist;
      (2) An occupational therapist; or
      (3) Any other specialist whose presence on the team is deemed appropriate; and
   (e) One or more persons having personal knowledge of the pupil. Such persons may include, without limitation, an administrator, nurse, school counselor, school psychologist or any other certificated or licensed professional.

4. The conclusions of the multidisciplinary team concerning the eligibility of the pupil for the special services and programs of instruction referred to in this section must be based upon an assessment of the pupil. The assessment must include an assessment of:
   (a) The health of the pupil, which must include a physical examination; and
   (b) The pupil's functional limitations in relation to the demands of a regular classroom.

5. If the requirements of subsection 4 are satisfied, the assessment of the pupil may include physical therapy, occupational therapy and an assessment of his:
   (a) Cognitive abilities;
   (b) Social and emotional condition; and
388.402 Eligibility of pupil with health impairment other than orthopedic impairment. (NRS 388.520)

1. A pupil is eligible for special services and programs of instruction if a multidisciplinary team, comprised of the persons described in subsection 3, concludes that he has a health impairment other than an orthopedic impairment which could reasonably be interpreted as adversely affecting the educational performance of a pupil. As used in this section, "health impairment" includes an illness which causes a person to have limited strength, vitality or alertness, including, without limitation, heart conditions, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia or diabetes.

2. As used in subsection 1, "adversely affecting the educational performance of a pupil" includes, without limitation, difficulty concentrating, chronic fatigue and impulsiveness which interfere with a pupil's ability to be educated.

3. The multidisciplinary team must consist of:
   (a) A school psychologist;
   (b) A teacher of special education;
   (c) The regular teacher of the pupil, or, if none, a person qualified to teach him;
   (d) A school nurse or other person qualified to interpret an assessment of the health of the pupil;
   (e) A parent of the pupil; and
   (f) One or more persons with sufficient knowledge of the pupil to interpret information relating to his social, emotional, developmental and familial condition. Such persons may include an administrator of the school, a nurse, a counselor, a school psychologist or any other certificated or licensed professional.

4. The multidisciplinary team shall conduct an assessment of the pupil to determine whether he is eligible for special services and programs of instruction pursuant to this section. Such an assessment must:
   (a) Evaluate the health of the pupil; and
   (b) Analyze the ability of the pupil to perform in a regular classroom.

5. The assessment conducted pursuant to subsection 4 may also include an evaluation of the:
   (a) Developmental history;
   (b) Cognitive abilities;
   (c) Social and emotional condition;
   (d) Academic achievement; and
   (e) Language and motor skills, of the pupil.

(Added to NAC by Bd. of Education, eff. 7-14-88; A 11-23-93; R039-98, 5-29-98)
Speech and Language Impairment

388.125 "Speech and language impairment" defined. "Speech and language impairment" means a disorder relating to language, articulation, fluency or the use of the voice which:

1. Is outside the range of acceptable variation in a given environment;
2. Is inconsistent with the chronological or mental age of the person with the disability; or
3. Affects the emotional, social or educational adjustment of the person with the disability.

(Added to NAC by Bd. of Education, eff. 7-14-88; A 11-23-93)

388.405 Eligibility of pupil with speech and language impairment. (NRS 388.520)

1. A pupil with a speech and language impairment is eligible for special services and programs of instruction if a multidisciplinary team, comprised of the persons described in subsection 5, concludes that:
   (a) An impairment exists;
   (b) The pupil has demonstrated the ability to profit from speech and language therapy; and
   (c) The pupil requires a program of instruction, due to the nature or severity of his impairment, which is not feasible in his current educational setting because:
      (1) Intensive remedial techniques or strategies, which can only be implemented in a clinical or therapeutic setting, are required to improve his communication skills;
      (2) The nature of his impairment requires that the pupil receive the services of a teacher of the speech and language impaired; or
      (3) His impairment is of such severity or multiplicity that individual or small group management, available only in a speech and language program, is required.

2. For the purposes of this section, an impairment exists if the pupil suffers from a deficit or disorder with respect to:
   (a) Phonology or articulation, as indicated by the presence of three or more of the following conditions:
      (1) The pupil has the physiological potential to make the neuromuscular adjustments necessary for oral expression;
      (2) The communicative ability of the pupil is interfered with by his lack of intelligibility;
      (3) The pupil cannot adequately discriminate, imitate or sequence sound patterns;
      (4) The ability of the pupil to articulate is significantly less than that which is expected in view of his cognitive abilities and level of development; or
      (5) The deficit or disorder has an adverse social, emotional or academic effect upon the pupil;
      (b) The use and comprehension of language, as indicated by the presence of two or more of the
following conditions:

(1) The ability of the pupil to comprehend language is significantly less than that which is expected in view of his cognitive abilities and level of development;
(2) The use of expressive language by the pupil is significantly less than that which is expected in view of his cognitive abilities and level of development;
(3) Pragmatic use of language by the pupil is inappropriate; or
(4) The deficit or disorder has an adverse social, emotional or academic effect upon the pupil;

(c) Fluency of speech, as indicated by the presence of two or more of the following conditions:
(1) The speech of the pupil is observed to be dysfluent;
(2) The severity of the deficit or disorder is such that it interferes with communication by the pupil; or
(3) The deficit or disorder has an adverse social, emotional or academic effect upon the pupil; or

(d) The quality, pitch or intensity of his voice, as indicated by the presence of two or more of the following conditions:
(1) Voice therapy is recommended by:
   (I) A physician; or
   (II) Another person certified as a specialist in the identification and treatment of oral, nasal or laryngeal anomalies;
(2) The severity of the deficit or disorder is such that it interferes with communication by the pupil; or
(3) The deficit or disorder has an adverse social, emotional or academic effect upon the pupil.

3. A pupil with limited proficiency in English is eligible for the special services and programs of instruction referred to in this section, on the same basis as other pupils, if his impairment:

(a) Manifests itself in his native language and in English; and
(b) Is not attributable to the phonological system of his native language, or to dialectical differences of articulation and language form between that language and English.

4. A pupil under the age of 6 years is not ineligible, because of his age, for the special services and programs referred to in this section.

5. The multidisciplinary team must consist of:

(a) A speech and language specialist;
(b) A regular classroom teacher;
(c) If the pupil has another disability in addition to his speech and language impairment, a special education teacher;
(d) A parent of the pupil; and
(e) If he is not otherwise a member of the team, a person having personal knowledge of the pupil.
This person may be, without limitation, an administrator, nurse, school counselor, school psychologist or any other certificated or licensed professional.

6. The conclusions of the multidisciplinary team concerning the eligibility of the pupil for the special services and programs of instruction referred to in this section must be based upon an assessment of the
The assessment must include an evaluation of:

(a) The performance of the pupil relating to language, articulation, fluency or voice, as relevant to his impairment;

(b) The health of the pupil; and

(c) If relevant to his eligibility for the special services and programs of instruction referred to in this section, the cognitive abilities, academic achievement, and social and emotional condition of the pupil.

(Added to NAC by Bd. of Education, eff. 7-14-88; A 11-23-93; R039-98, 5-29-98)

**Traumatic Brain Injury**

388.134 "Traumatic brain injury" defined. "Traumatic brain injury" means an injury to the brain caused by an external force that results in the total or partial functional disability or psychosocial impairment of a person, or both. Except as otherwise provided in this section, the term applies to any injury to the brain which adversely affects educational performance including, without limitation, injuries affecting the:

1. Cognitive abilities;
2. Speech;
3. Language;
4. Information processing;
5. Memory;
6. Attention;
7. Reasoning;
8. Abstract thinking;
9. Judgment;
10. Problem solving abilities;
11. Sensory, perceptual and motor skill abilities;
12. Psychosocial behavior; and
13. Physical functions,

of a person. The term does not include injuries to the brain that are congenital or degenerative or which are
388.407 Eligibility of pupil with traumatic brain injury. (NRS 388.520)

1. A pupil is eligible for special services and programs of instruction if a multidisciplinary team, comprised of the persons described in subsection 2, concludes that he has a traumatic brain injury.

2. The multidisciplinary team must consist of:
   (a) A school psychologist;
   (b) A teacher of special education or a person with a specialized knowledge of traumatic brain injuries;
   (c) The regular teacher of the pupil, or, if none, a person qualified to teach him;
   (d) A specialist of speech and language;
   (e) A school nurse or other person who is qualified to assess the health of the pupil;
   (f) A parent of the pupil; and
   (g) One or more persons with sufficient knowledge of the pupil to interpret information relating to his social, emotional, developmental and familial condition. Such persons may include an administrator of the school, a nurse, a counselor, a school psychologist or any other certificated or licensed professional.

3. In making a determination pursuant to subsection 1, the multidisciplinary team shall consider, without limitation:
   (a) Medical documentation of the injury;
   (b) The pupil’s educational performance relative to a normative population;
   (c) The pupil’s strengths and weaknesses; and
   (d) If possible, the pupil’s educational performance before and after he acquired the injury.

4. In addition to the considerations required pursuant to subsection 3, the multidisciplinary team shall conduct an assessment of the pupil to determine whether he is eligible for special services and programs of instruction pursuant to this section. Such an assessment must evaluate the:
   (a) Health;
   (b) Developmental history;
   (c) Cognitive abilities;
   (d) Social and emotional condition;
   (e) Academic achievement;
   (f) Language and motor skills;
   (g) Sensory and perceptual abilities; and
   (h) Attention, comprehension, judgment and problem-solving skills, of the pupil.
Mental Retardation

388.055 "Mental retardation" defined. "Mental retardation" means a condition characterized by the possession of cognitive abilities which are significantly below average, with deficits in adaptive behavior and academic or developmental achievement.

(Added to NAC by Bd. of Education, eff. 7-14-88; A 11-23-93)

388.410 Eligibility of mentally retarded pupil. (NRS 388.520)

1. A pupil is eligible for special services and programs of instruction for the mildly mentally retarded if a multidisciplinary team, comprised of the persons described in subsections 5 and 6, concludes that:
   (a) His measured cognitive abilities, as determined by an acceptable individual standardized test, are at least two standard deviations below the mean score for that test;
   (b) His adaptive behavior, in comparison with that of members of his chronological peer group, indicates that he is experiencing difficulty; and
   (c) His academic achievement is generally consistent with his cognitive abilities and adaptive behavior.

2. A pupil is eligible for special services and programs of instruction for the moderately mentally retarded if the multidisciplinary team concludes that:
   (a) His measured cognitive abilities, as determined by an acceptable individual standardized test, are at least three standard deviations below the mean score for that test;
   (b) His adaptive behavior, in comparison with that of members of his chronological peer group, indicates that he has markedly lower capabilities; and
   (c) His academic achievement and speech and language development is generally consistent with his cognitive abilities and adaptive behavior.

3. A pupil is eligible for special services and programs of instruction for the severely mentally retarded if the multidisciplinary team concludes that:
   (a) His measured cognitive abilities, as determined by an acceptable individual standardized test, are at least four standard deviations below the mean score for that test;
   (b) His adaptive behavior, in comparison with that of members of his chronological peer group, indicates that he has extensively lower capabilities; and
   (c) His developmental functioning is generally consistent with his cognitive abilities and adaptive behavior.

4. A pupil is eligible for special services and programs of instruction for the profoundly mentally retarded if the multidisciplinary team concludes that:
   (a) His measured cognitive abilities, as determined by an acceptable individual standardized test, are at least five standard deviations below the mean score for that test;
   (b) His adaptive behavior, in comparison with that of members of his chronological peer group, indicates that he has extremely limited capabilities; and
   (c) His developmental functioning is generally consistent with his cognitive abilities and adaptive behavior.
behavior.

5. The multidisciplinary team must consist of:
   (a) A school psychologist;
   (b) A special education teacher or specialist in the field of mental retardation;
   (c) A speech and language specialist;
   (d) A parent of the pupil; and
   (e) One or more persons qualified, because of personal knowledge of the pupil, to interpret:
       (1) Assessments of the health and adaptive behavior of the pupil; and
       (2) Information relating to the family of the pupil.

The person or persons described in this paragraph may be one or more of the persons described in paragraphs (a), (b) and (c) of this subsection and may, without limitation, be an administrator, nurse, school counselor, school psychologist or any other certificated or licensed professional.

6. If the requirements of subsection 5 are met, one or more of the following persons may serve on the multidisciplinary team:
   (a) The principal of the school attended by the pupil;
   (b) A regular classroom teacher;
   (c) An occupational therapist;
   (d) A physical therapist; and
   (e) Any other specialist whose presence on the team is deemed appropriate.

7. The conclusions of the multidisciplinary team concerning the eligibility of the pupil for the special services and programs of instruction referred to in this section must be based upon an assessment of the pupil. The assessment must include an assessment of:
   (a) The cognitive abilities of the pupil;
   (b) The adaptive behavior of the pupil, including prevocational and vocational assessments if appropriate;
   (c) The health of the pupil, including a developmental history;
   (d) The academic achievement of the pupil; and
   (e) The performance of the pupil relating to speech and language.

(Added to NAC by Bd. of Education, eff. 7-14-88; A 11-23-93; R039-98, 5-29-98)

**Serious Emotional Disturbance**

388.105 "Serious emotional disturbance" defined. "Serious emotional disturbance" means a severe emotional disorder that:

1. Is exhibited by a person for at least 3 months;

2. Adversely affects academic performance; and

3. Includes one or more of the following:
(a) An inability to learn which is not caused by an intellectual, sensory or health factor;
(b) An inability to engage in or to maintain interpersonal relationships with peers and teachers;
(c) Inappropriate behavior or feelings;
(d) A general and pervasive mood of unhappiness or depression;
(e) A physical symptom associated with a personal or academic problem; or
(f) The expression of fears regarding personal or academic problems.

(Added to NAC by Bd. of Education, eff. 7-14-88; A 9-13-91; 11-23-93)

388.415 Eligibility of emotionally disturbed pupil. (NRS 388.520)

1. A pupil is eligible for special services and programs of instruction for the seriously emotionally disturbed if a multidisciplinary team, comprised of the persons described in subsection 4, concludes that:
   (a) The pupil exhibits one or more of the characteristics described in subsection 2;
   (b) These characteristics have been evident for at least 3 months;
   (c) The characteristics adversely affect the ability of the pupil to perform developmental tasks appropriate to his age:
      (1) Within the educational environment, despite the provision of intervention strategies; or
      (2) In the case of a pupil under school age, in the home, child care or preschool setting; and
   (d) Special education support is required to alleviate these adverse effects.

2. The requirement of paragraph (a) of subsection 1 is satisfied by the consistent manifestation of any of the following characteristics:
   (a) An inability of the pupil to build or maintain satisfactory interpersonal relationships within the school environment, including:
      (1) Withdrawal and isolation of the pupil from others.
      (2) Efforts by the pupil to obtain negative attention from others through punishment, ostracism or excessive approval.
   (b) Inappropriate behavior or feelings under normal circumstances, including atypical behavior such as outbursts of anger, crying or head banging, without apparent cause or reason.
   (c) A pervasive mood of unhappiness or depression.
   (d) Fears or a tendency to develop physical symptoms associated with personal or school problems.

3. A pupil is not eligible for the special services and programs of instruction referred to in subsection 1 solely because:
   (a) He exhibits the characteristics described in subsection 2 because of sensory, intellectual or health factors; or
   (b) He is socially maladjusted or has a conduct problem.

A pupil who is socially maladjusted or has a conduct problem may not be determined to be eligible for special services and programs of instruction unless the multidisciplinary team concludes, based upon an assessment of the pupil, that he meets the criteria of eligibility set forth in NAC 388.330 to 388.440, inclusive.

4. The multidisciplinary team must consist of:
(a) A school psychologist;
(b) A regular classroom teacher;
(c) A special education teacher or specialist in the field of serious emotional disturbances;
(d) A parent of the pupil; and
(e) One or more persons qualified, because of personal knowledge of the pupil, to interpret
information relating to his health, development, family, and social and emotional condition. This person may
be, without limitation, an administrator, nurse, school counselor, school psychologist or any other
certificated or licensed professional.

5. The conclusions of the multidisciplinary team concerning the eligibility of the pupil for the special
services and programs of instruction referred to in this section must be based upon an assessment of the pupils. The assessment must include an evaluation of:
(a) The social and emotional condition of the pupil, based in part upon information from the pupil;
(b) The health and cognitive abilities of the pupil;
(c) The performance of the pupil in his current educational setting; and
(d) Any previous educational intervention on behalf of the pupil.

6. As used in this section, "socially maladjusted" and "conduct problem" mean behavior characterized by
knowledge of social expectations and intentional disregard of those expectations.

(Added to NAC by Bd. of Education, eff. 7-14-88; A 11-23-93; R039-98, 5-29-98)

Specific Learning Disability

388.117 "Specific learning disability" defined. "Specific learning disability" means a
chronic condition, characterized by a deficit in essential learning processes and a severe discrepancy
between predicted and actual academic achievement, which is not primarily the result of a visual, hearing or
motor impairment, mental retardation, serious emotional disturbance, or an environmental, cultural or
economic disadvantage.

(Added to NAC by Bd. of Education, eff. 7-14-88; A 11-23-93) (Substituted in revision by NAC 388.051)

388.420 Eligibility of pupil with specific learning disabilities. (NRS 388.520)

1. A pupil is eligible for special services and programs of instruction for pupils with specific learning
disabilities if a multidisciplinary team, comprised of the persons described in subsection 5, concludes that:
(a) The pupil exhibits a deficit in auditory or visual discrimination, memory, association or
perception, visual-motor integration, auditory-visual integration or any other essential learning process;
(b) Except as otherwise provided in subsection 4, the pupil exhibits a severe discrepancy between
predicted and actual achievement in oral expression, comprehension in listening, mathematical calculation or
reasoning, written expression, basic reading skills or comprehension in reading; and
(c) Pre-referral intervention strategies have not remedied the deficit.
2. If the identification of a deficit, of a kind described in subsection 1, is based upon one part of a test, the existence of the deficit must be confirmed by another assessment technique. If two or more assessment techniques give conflicting results concerning the existence of a deficit, the diagnosis of a deficit must be justified.

3. Except as otherwise provided in this subsection, the existence of a discrepancy between predicted and actual achievement must be determined through the use of a statistically valid formula, as prescribed by the department, which takes into account the age and level of ability of the pupil, the correlation between tests of ability and achievement, and the reliability of each test used. The department will prescribe this formula on the basis of consultation with an appropriate representative of each public agency affected. In the case of a pupil under the age of 6 years, a discrepancy may be identified through the use of one or more tests of language concepts or academic readiness skills.

4. A pupil otherwise eligible for the special services and programs of instruction referred to in this section is not eligible if the discrepancy between his predicted and actual achievement is primarily the result of:
   (a) A visual, hearing or motor impairment;
   (b) Mental retardation;
   (c) A serious emotional disturbance; or
   (d) An environmental, cultural or economic disadvantage.

5. The multidisciplinary team must consist of:
   (a) The regular teacher of the pupil or, if he does not have a regular teacher, a teacher qualified to teach a pupil of his age;
   (b) A special education teacher or specialist with knowledge in the area of the suspected disability;
   (c) A school psychologist;
   (d) A parent of the pupil; and
   (e) One or more persons qualified, because of personal knowledge of the pupil, to interpret information relating to his health, family, and social and emotional condition. This person may be, without limitation, an administrator, nurse, school counselor, school psychologist or any other certificated or licensed professional.

6. The conclusions of the multidisciplinary team concerning the eligibility of the pupil must be based upon an assessment of the pupil. The assessment must include:
   (a) An evaluation of:
       (1) The cognitive abilities of the pupil;
       (2) The social and emotional condition of the pupil;
       (3) The academic achievement of the pupil;
       (4) The performance of the pupil in his current educational setting;
       (5) Any previous educational intervention on behalf of the pupil;
       (6) The health and developmental history of the pupil; and
       (7) The essential learning processing skills of the pupil; and
   (b) An observation of the academic performance of the pupil in his classroom or, in the case of a pupil under school age, in an environment appropriate for a child of his age. This observation must be conducted by someone other than the regular teacher of the pupil.
7. The multidisciplinary team must prepare a written report of its conclusions. The report must include:
   (a) A statement as to whether the pupil has a specific learning disability;
   (b) The basis for making that determination;
   (c) A description of the relevant behavior noted during the observation of the pupil;
   (d) A statement of the relationship of that behavior to the academic functioning of the pupil;
   (e) Any educationally relevant medical findings;
   (f) A statement as to whether there is a severe discrepancy between the predicted and actual
       achievement of the pupil which cannot be corrected without special education and related services;
   (g) The conclusion of the team concerning the effect upon the pupil of any environmental, cultural or
       economic disadvantage; and
   (h) A certification by each member of the team that the report reflects his conclusions or, if the
       report does not reflect the conclusions of a member, a statement of the conclusions of that member.

(Added to NAC by Bd. of Education, eff. 7-14-88; A 11-23-93; R039-98, 5-29-98)

Multiple Impairments

388.065 "Multiple impairments" defined. "Multiple impairments" means the occurrence of
mental retardation with another disability, the combination of which causes severe educational problems
for the pupil.

(Added to NAC by Bd. of Education, eff. 7-14-88; A 11-23-93)

388.425 Eligibility of pupil with multiple impairments. (NRS 388.520)

1. A pupil who meets the requirements for eligibility set forth in NAC 388.410 for the mentally retarded is
   eligible for the special services and programs of instruction for persons with multiple impairments if a
   multidisciplinary team, comprised of the persons described in subsection 2, concludes that he meets the
   requirements for eligibility for any additional disabling condition, other than a specific learning disability,
   developmental delay or a speech and language impairment, set forth in NAC 388.330 to 388.440,
   inclusive.

2. The multidisciplinary team must consist of:
   (a) The persons described in subsection 5 of NAC 388.410; and
   (b) To the extent their presence on the team is not provided for by paragraph (a) of this
       subsection, the persons included on the team pursuant to:
       (1) Subsections 6 and 7 of NAC 388.390;
       (2) Subsections 5 and 6 of NAC 388.395;
       (3) Subsection 3 of NAC 388.400;
       (4) Subsection 4 of NAC 388.415;
       (5) Subsection 3 of NAC 388.402;
       (6) Subsection 2 of NAC 388.407; or
       (7) Subsection 2 of NAC 388.387, whichever applies.
3. The conclusions of the multidisciplinary team concerning the eligibility of the pupil for the special services and programs of instruction referred to in this section must be based upon an assessment of the pupil. The assessment must include an assessment of:

(a) The information described in subsection 7 of NAC 388.410; and

(b) To the extent its assessment is not provided for by paragraph (a) of this subsection, the information included in the assessment pursuant to:

(1) Subsections 8 and 9 of NAC 388.390;
(2) Subsections 7 and 8 of NAC 388.395;
(3) Subsections 4 and 5 of NAC 388.400;
(4) Subsection 5 of NAC 388.415;
(5) Subsections 4 and 5 of NAC 388.402;
(6) Subsections 3 and 4 of NAC 388.407; or
(7) Subsection 3 of NAC 388.387, whichever applies.

(Added to NAC by Bd. of Education, eff. 7-14-88; A 11-23-93; R039-98, 5-29-98)

Developmentally Delayed

388.430 Identification of certain pupils as developmentally delayed. (NRS 388.520)

1. Except as otherwise provided in subsection 5, a pupil under the age of 6 years may be identified as developmentally delayed if a multidisciplinary team, comprised of the persons described in subsections 2 and 3, concludes that he demonstrates a delay of at least two standard deviations in one, or at least one standard deviation in two or more, of the following areas:

(a) Receptive or expressive language.
(b) Cognitive abilities.
(c) Gross or fine motor function.
(d) Self-help.
(e) Social or emotional condition.

2. In a case governed by this section, the multidisciplinary team must consist of:

(a) A special education teacher or specialist in the field of early childhood education;
(b) A licensed school psychologist or a licensed or certified psychologist with documented training in the assessment of preschool pupils with disabilities;
(c) A parent of the pupil; and
(d) One or more persons qualified, because of personal knowledge of the pupil, to interpret information relating to his health, family, and social and emotional condition. This person may be, without limitation, an administrator, nurse, school counselor, school psychologist or any other certificated or licensed professional.

3. If the requirements of subsection 2 are satisfied, the multidisciplinary team may include one or more persons who provide related services, including speech and language therapy, physical or occupational therapy, and psychological services.
4. The conclusions of the multidisciplinary team concerning the identification of the pupil as developmentally delayed must be based upon an assessment of the pupil. The assessment must include an assessment of the health, developmental functioning, and social and emotional condition of the pupil.

5. In a case governed by this section, a pupil may no longer be identified as developmentally delayed if:
   (a) He maintains appropriate developmental functioning in all developmental areas for 6 months or more, and the multidisciplinary team concludes that special education services are no longer necessary; or
   (b) He reaches the age of 6 years on or before September 30 of the current school year.

(Added to NAC by Bd. of Education, eff. 7-14-88; A 11-23-93; R039-98, 5-29-98)

Gifted and Talented

NAC 388.043 "Gifted and talented" defined. "Gifted and talented" means a person who possesses or demonstrates outstanding ability in one or more of the following:

1. General intelligence;

2. Academic aptitude in a specific area;

3. Creative thinking;

4. Productive thinking;

5. Leadership;

6. The visual arts; or

7. The performing arts.

(Added to NAC by Bd. of Education, eff. 9-13-91)

NAC 388.435 Eligibility of gifted and talented pupil.

1. Except as otherwise provided in subsection 2, a pupil is eligible for special services and programs of instruction for the gifted and talented if a team, comprised of persons selected by the public agency, concludes that the pupil has:
   (a) General intellectual ability or academic aptitude in a specific area that is demonstrated by a score at or above the 98th percentile:
      (1) On a test of cognitive ability that is individually administered;
      (2) In a major content area on a nationally standardized achievement test that is individually administered in kindergarten through eighth grade; or
      (3) In a major content area on a nationally standardized achievement test, the Preliminary Scholastic Aptitude Test (PSAT), the Scholastic Aptitude Test (SAT) or the American College Test (ACT)
that is administered to a group of students for grades 9 through 12, inclusive; or

(b) An area of talent, including, but not limited to, creative thinking, productive thinking, leadership, ability in the visual arts or ability in the performing arts, as determined by the local public agency of the pupil.

2. In determining the eligibility of a pupil for the special services and programs of instruction referred to in this section, the team may use alternative assessment procedures for a pupil from another culture, a pupil who is environmentally or economically deprived or a pupil who has a disability.

3. A pupil under the age of 6 is not ineligible, because of his age, for the special services and programs referred to in this section.

4. The conclusions of the team concerning the eligibility of the pupil for the special services and programs of instruction referred to in this section must be based upon an assessment of the talent, cognitive abilities or academic achievement of the pupil.

5. Unless his individualized educational program otherwise provides, a pupil who is gifted and talented must participate in not less than 150 minutes of differentiated educational activities each week during the school year.

(Added to NAC by Bd. of Education, eff. 7-14-88; A 9-13-91; 11-23-93)