

Senate Bill No. 202—Senators Dondero Loop, Spearman, Ohrenschall, Parks; Brooks, Cancela, Cannizzaro, Denis, D. Harris, Scheible and Woodhouse

CHAPTER.....

AN ACT relating to persons with disabilities; providing for the annual reporting of certain information relating to pupils with disabilities; requiring the provision of information concerning certain services to the parent or guardian of a pupil with a disability; requiring a study concerning processes for evaluating children with autism; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing federal law requires a school district to take certain actions to facilitate the education of pupils with disabilities. (20 U.S.C. § 1414(d), 29 U.S.C. § 794; 34 C.F.R. §§ 104.31-104.37) **Section 10** of this bill requires the board of trustees of each school district and the governing body of each charter school to report to the Department of Education: (1) the number of pupils enrolled in each school in the district or charter school, as applicable, for whom the district has established a plan for such actions; and (2) the disabilities with which those pupils have been diagnosed. **Section 10** requires the Department to compile a report of that information and post the report on the Internet. **Section 10** also requires the provision of information concerning certain services for children with disabilities to the parent or guardian of each pupil for whom such a plan has been established.

In 2007, the Legislature created the Nevada Autism Task Force to study and make recommendations to the Governor and the Legislature regarding the growing incidence of autism and ways to improve the delivery and coordination of autism services in this State. The Task Force was required to complete its review on or before August 1, 2008. (Section 40 of Assembly Bill No. 629, chapter 348, Statutes of Nevada 2007, p. 1674) Upon the expiration of the Task Force, the Governor issued an executive order establishing the Commission on Autism Spectrum Disorder to continue the work of the Task Force. (Executive Order Establishing the Commission on Autism Spectrum Disorder (11-19-2008)) The Governor has issued three additional executive orders extending the Commission through June 30, 2019. (Executive Orders 2011-21 (11-28-2011), 2015-26 (10-12-2015), 2018-29 (11-9-2018)) Section 12 of this bill requires the Commission or its successor organization to: (1) study the processes used to evaluate a child with autism for the purposes of the Autism Treatment Assistance Program, Medicaid and education; and (2) submit to the Legislative Committee on Health Care a report of recommendations for standardizing those processes by not later than September 1, 2020.

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



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Sections 1-9. (Deleted by amendment.)

Sec. 10. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. On or before July 1 of each year, the board of trustees of each school district and the governing body of each charter school shall report to the Department:

(a) The number of pupils enrolled in each school in the district or charter school, as applicable, during the immediately preceding school year who had an individualized education program or a plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794; and

(b) The disabilities with which those pupils were diagnosed.

2. On or before August 1 of each year, the Department shall compile a report of the information reported pursuant to subsection 1 and post the report on an Internet website maintained by the Department.

3. The Department shall provide to each school district and charter school in this State information concerning services for children with disabilities provided by the Aging and Disability Services Division of the Department of Health and Human Services. The board of trustees of a school district or the governing body of a charter school shall ensure that the information described in this subsection is provided to the parent or guardian of each pupil enrolled in the school district or charter school, as applicable, who has an individualized education program or a plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794.

Sec. 11. NRS 388.417 is hereby amended to read as follows:

388.417 As used in NRS 388.417 to 388.515, inclusive **[H]**, *and section 10 of this act:*

1. "Communication mode" means any system or method of communication used by a person with a disability, including, without limitation, a person who is deaf or whose hearing is impaired, to facilitate communication which may include, without limitation:

(a) American Sign Language;

(b) English-based manual or sign systems;

(c) Oral and aural communication;

(d) Spoken and written English, including speech reading or lip reading; and

(e) Communication with assistive technology devices.



2. “Dyslexia” means a neurological learning disability characterized by difficulties with accurate and fluent word recognition and poor spelling and decoding abilities that typically result from a deficit in the phonological component of language.

3. “Dyslexia intervention” means systematic, multisensory intervention offered in an appropriate setting that is derived from evidence-based research.

4. “Individualized education program” has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

5. “Individualized education program team” has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

6. “Provider of special education” means a school within a school district or charter school that provides education or services to pupils with disabilities or any other entity that is responsible for providing education or services to a pupil with a disability for a school district or charter school.

7. “Pupil who receives early intervening services” means a person enrolled in kindergarten or grades 1 to 12, inclusive, who is not a pupil with a disability but who needs additional academic and behavioral support to succeed in a regular school program.

8. “Pupil with a disability” means a “child with a disability,” as that term is defined in 20 U.S.C. § 1401(3)(A), who is under 22 years of age.

9. “Response to scientific, research-based intervention” means a collaborative process which assesses a pupil’s response to scientific, research-based intervention that is matched to the needs of a pupil and that systematically monitors the level of performance and rate of learning of the pupil over time for the purpose of making data-based decisions concerning the need of the pupil for increasingly intensified services.

10. “Specific learning disability” means a disorder in one or more of the basic psychological processes involved in understanding or using spoken or written language which is not primarily the result of a visual, hearing or motor impairment, intellectual disability, serious emotional disturbance, or an environmental, cultural or economic disadvantage. Such a disorder may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or perform mathematical calculations. The term includes, without limitation, perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia.

Sec. 12. The Commission on Autism Spectrum Disorders or its successor organization shall:



1. Study processes for evaluating children with autism disorders, including, without limitation:

(a) The statewide standard for measuring outcomes and assessing and evaluating persons with autism spectrum disorders prescribed by the Commission or its successor organization pursuant to NRS 427A.872;

(b) Processes for determining the eligibility of a child for services provided under Medicaid for children with autism spectrum disorders; and

(c) The evaluation conducted pursuant to NRS 388.449 to determine the eligibility of pupils for special education for pupils with autism spectrum disorders.

2. On or before September 1, 2020, submit to the Legislative Committee on Health Care and present at a meeting of the Committee a report that includes the results of the study, recommendations for standardizing the processes described in subsection 1 and any other recommendations resulting from the study.

Sec. 13. This act becomes effective upon passage and approval.

