

SENATE BILL NO. 202—SENATORS DONDERO LOOP, ATKINSON, SPEARMAN, OHRENSCHALL, PARKS; BROOKS, CANCELA, CANNIZZARO, DENIS, HARRIS, SCHEIBLE AND WOODHOUSE

FEBRUARY 18, 2019

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to children with disabilities. (BDR 34-685)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes.

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

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:**

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

12 In 2007, the Legislature created the Nevada Autism Task Force to study and  
13 make recommendations to the Governor and the Legislature regarding the growing  
14 incidence of autism and ways to improve the delivery and coordination of autism  
15 services in this State. The Task Force was required to complete its review on or  
16 before August 1, 2008. (Section 40 of Assembly Bill No. 629, chapter 348, Statutes  
17 of Nevada 2007, p. 1674) Upon the expiration of the Task Force, the Governor  
18 issued an executive order establishing the Commission on Autism Spectrum  
19 Disorder to continue the work of the Task Force. (Executive Order Establishing the



20 Commission on Autism Spectrum Disorder (11-19-2008)) The Governor has issued  
21 three additional executive orders extending the Commission through June 30, 2019.  
22 (Executive Orders 2011-21 (11-28-2011), 2015-26 (10-12-2015), 2018-29 (11-9-  
23 2018)) Section 12 of this bill requires the Commission or its successor organization  
24 to: (1) study the processes used to evaluate a child with autism for the purposes of  
25 the Autism Treatment Assistance Program, Medicaid and education; and (2) submit  
26 to the Legislative Committee on Health Care a report of recommendations for  
27 standardizing those processes by not later than September 1, 2020.

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

- 1       **Section 1.** (Deleted by amendment.)  
2       **Sec. 2.** (Deleted by amendment.)  
3       **Sec. 3.** (Deleted by amendment.)  
4       **Sec. 4.** (Deleted by amendment.)  
5       **Sec. 5.** (Deleted by amendment.)  
6       **Sec. 6.** (Deleted by amendment.)  
7       **Sec. 7.** (Deleted by amendment.)  
8       **Sec. 8.** (Deleted by amendment.)  
9       **Sec. 9.** (Deleted by amendment.)  
10      **Sec. 10.** Chapter 388 of NRS is hereby amended by adding  
11 thereto a new section to read as follows:  
12      1. *On or before July 1 of each year, the board of trustees of*  
13 *each school district and the governing body of each charter school*  
14 *shall report to the Department:*  
15      (a) *The number of pupils enrolled in each school in the district*  
16 *or charter school, as applicable, during the immediately preceding*  
17 *school year who had an individualized education program or a*  
18 *plan developed in accordance with section 504 of the*  
19 *Rehabilitation Act of 1973, 29 U.S.C. § 794; and*  
20      (b) *The disabilities with which those pupils were diagnosed.*  
21      2. *On or before August 1 of each year, the Department shall*  
22 *compile a report of the information reported pursuant to*  
23 *subsection 1 and post the report on an Internet website maintained*  
24 *by the Department.*  
25      3. *The Department shall provide to each school district and*  
26 *charter school in this State information concerning services for*  
27 *children with disabilities provided by the Aging and Disability*  
28 *Services Division of the Department of Health and Human*  
29 *Services. The board of trustees of a school district or the*  
30 *governing body of a charter school shall ensure that the*  
31 *information described in this subsection is provided to the parent*  
32 *or guardian of each pupil enrolled in the school district or charter*  
33 *school, as applicable, who has an individualized education*



1 *program or a plan developed in accordance with section 504 of the*  
2 *Rehabilitation Act of 1973, 29 U.S.C. § 794.*

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

4 388.417 As used in NRS 388.417 to 388.515, inclusive ~~( )~~ ,  
5 *and section 10 of this act:*

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

11 (a) American Sign Language;

12 (b) English-based manual or sign systems;

13 (c) Oral and aural communication;

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

16 (e) Communication with assistive technology devices.

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

21 3. "Dyslexia intervention" means systematic, multisensory  
22 intervention offered in an appropriate setting that is derived from  
23 evidence-based research.

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

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

28 6. "Provider of special education" means a school within a  
29 school district or charter school that provides education or services  
30 to pupils with disabilities or any other entity that is responsible for  
31 providing education or services to a pupil with a disability for a  
32 school district or charter school.

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

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

40 9. "Response to scientific, research-based intervention" means  
41 a collaborative process which assesses a pupil's response to  
42 scientific, research-based intervention that is matched to the needs  
43 of a pupil and that systematically monitors the level of performance  
44 and rate of learning of the pupil over time for the purpose of making



1 data-based decisions concerning the need of the pupil for  
2 increasingly intensified services.

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

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

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

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

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

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

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

33 **Sec. 13.** This act becomes effective upon passage and  
34 approval.

