

Amendment No. 634

Assembly Amendment to Assembly Bill No. 359 Second Reprint (BDR 34-1024)

Proposed by: Assembly Committee on Ways and Means**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold dashed underlining* is newly added transitory language.

KCR



Date: 5/8/2009

A.B. No. 359—Revises provisions governing certain personnel who work with children with autism. (BDR 34-1024)



ASSEMBLY BILL NO. 359—ASSEMBLYMEN WOODBURY, HARDY, GANSERT, OHRENSCHALL; AIZLEY, ATKINSON, BOBZIEN, CHRISTENSEN, CLABORN, DENIS, DONDERO LOOP, GOEDHART, GOICOECHEA, HAMBRICK, HOGAN, KIHUEN, KIRKPATRICK, MANENDO, MUNFORD, OCEGUERA, PIERCE, SETTELMAYER, SPIEGEL AND STEWART

MARCH 16, 2009

JOINT SPONSORS: SENATORS BREEDEN,
SCHNEIDER AND WOODHOUSE

Referred to Committee on Education

SUMMARY—Revises provisions governing certain personnel who work with children with autism. (BDR 34-1024)

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 education; creating the Grant Fund for the Training and Education of Personnel Who Work With Pupils With Autism; requiring that the boards of trustees of school districts and the governing bodies of charter schools, to the extent money is available, ensure that certain personnel possess the skills and qualifications necessary to work with pupils with autism; requiring the Health Division of the Department of Health and Human Services to ensure that certain personnel possess the skills and qualifications necessary to provide services to children with autism and their families; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 3 of this bill creates the Grant Fund for the Training and Education of Personnel Who Work With Pupils With Autism to provide grants of money to school districts and charter schools for programs of training of certain personnel.

Section 4 of this bill requires the board of trustees of each school district and the governing body of each charter school, to the extent money is available from the Grant Fund, to ensure that the personnel employed by the school district or charter school who work with pupils with autism receive the appropriate preparation and training necessary to serve those pupils. **Section 5** of this bill requires the board of trustees of each school district and the governing body of each charter school, to the extent money is available from the Grant Fund, to ensure that the licensed educational personnel employed by the school district or charter school who are assigned to assist a parent or legal guardian of a pupil with autism in making decisions about the services and programs available for the pupil receive the appropriate

preparation and training necessary to assist those persons. **Section 7** of this bill requires the board of trustees of each school district and the governing body of each charter school, to the extent money is available from the Grant Fund, to ensure that a paraprofessional who is employed by the school district or charter school who is assigned to work with a pupil with autism receives the appropriate preparation and training necessary to serve those pupils.

Section 8 of this bill requires the personnel of the Health Division of the Department of Health and Human Services who provide early intervention services and the persons with whom the Health Division contracts to provide those services to possess the knowledge and skills necessary to provide services to children with autism and their families.

~~Section 9 of this bill requires that any money received by this State pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111 5, to assist school districts with the training of personnel to assist pupils with autism be deposited in the Grant Fund.~~

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

Section 1. Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. *As used in sections 2 to 7, inclusive, of this act, unless the context otherwise requires, "Grant Fund" means the Grant Fund for the Training and Education of Personnel Who Work With Pupils With Autism.*

Sec. 3. *1. There is hereby created the Grant Fund for the Training and Education of Personnel Who Work With Pupils With Autism to be administered by the Department. The Department may accept gifts, grants and donations from any source for deposit in the Grant Fund.*

2. The money in the Grant Fund must be used only for the distribution of money to school districts and charter schools for programs of training as set forth in sections 4, 5 and 7 of this act and to provide assistance to licensed educational personnel who work with pupils with autism in obtaining an appropriate endorsement to teach those pupils.

3. The board of trustees of a school district or the governing body of a charter school may apply to the Department on a form prescribed by the Department for a grant of money from the Grant Fund. The application must include a description of the program of training for which the grant of money will be used.

Sec. 4. *1. To the extent money is available from the Grant Fund, the board of trustees of each school district and the governing body of each charter school shall ensure that the licensed educational personnel employed by the school district or charter school who work with pupils with autism receive the appropriate preparation and training necessary to serve those pupils. The training may include, without limitation:*

(a) The characteristics of autism, including, without limitation, behavioral and communication characteristics;

(b) Methods for determining, on a regular and consistent basis, the specific needs of a pupil with autism to ensure the pupil is meeting the objectives and goals described in the individualized education program of the pupil or other educational plan prepared for the pupil;

(c) The procedure for evaluating pupils who demonstrate behaviors which are consistent with autism;

(d) Approaches for use in the classroom to assist a pupil with autism with communication and social development; and

(e) *Methods of providing support to pupils with autism and their families.*

2. *To the extent money is available from the Grant Fund, the board of trustees of a school district or the governing body of a charter school may enter into an agreement with a local corporation, business, organization or other entity to provide training for licensed educational personnel employed by the school district or charter school who work with pupils with autism in accordance with this section.*

Sec. 5. *To the extent money is available from the Grant Fund, the board of trustees of each school district and the governing body of each charter school shall ensure that the licensed educational personnel employed by the school district or charter school who are assigned to assist a parent or legal guardian of a pupil with autism in making decisions about the services and programs available for the pupil receive the appropriate preparation and training:*

1. *On using the 2008 Report of the Nevada Autism Task Force and any subsequent report issued by the Nevada Autism Task Force created pursuant to chapter 348, Statutes of Nevada 2007, to determine best practices in the development of programs for pupils with autism; and*

2. *To provide the parent or legal guardian with information on all options for treatment and intervention that may assist the pupil in his development and advancement.*

Sec. 6. (Deleted by amendment.)

Sec. 7. 1. *To the extent money is available from the Grant Fund, the board of trustees of each school district and the governing body of each charter school shall ensure that a paraprofessional who is employed by the school district or charter school to provide assistance to pupils with autism receives the appropriate preparation and training to acquire:*

(a) *Knowledge of autism, including, without limitation:*

(1) *The characteristics of autism and the range of spectrum disorders within a diagnosis of autism;*

(2) *An understanding of the importance of building relationships between pupils with autism, other pupils and teachers or adults to encourage the independence of a pupil with autism; and*

(3) *The ability to determine the patterns of behavior of pupils with autism;*

(b) *The ability to provide structure and predictability through the consistent use of methods that support prior learning and continued development;*

(c) *The ability to adapt, modify or structure the environment based upon an understanding of the auditory, visual or other sensory stimuli which may be reinforcing, calming or distracting to the pupil;*

(d) *The ability to use positive behavioral supports, including, without limitation, the use of discrete trial, structured teaching methods, reinforcement and generalized approaches to enhance the pupil's education and prevent behavioral problems, as directed by the pupil's teacher or other appropriate personnel;*

(e) *The ability to accurately collect and record data on the progress of a pupil with autism and report to the pupil's teacher in a timely manner if a particular strategy or program is not producing the planned outcome for the pupil; and*

(f) *The ability to communicate effectively and consistently with pupils with autism using communication techniques designed for those pupils.*

2. *To the extent money is available from the Grant Fund, the board of trustees of a school district or the governing body of a charter school may enter into an agreement with a local corporation, business, organization or other entity*

1 *to provide training for a paraprofessional who provides assistance to pupils with*
2 *autism in accordance with this section.*

3 **Sec. 8.** Chapter 442 of NRS is hereby amended by adding thereto a new
4 section to read as follows:

5 *1. The Health Division shall ensure that the personnel employed by the*
6 *Health Division who provide early intervention services to children with autism*
7 *and the persons with whom the Health Division contracts to provide early*
8 *intervention services to children with autism possess the knowledge and skills*
9 *necessary to serve children with autism, including, without limitation:*

10 *(a) The screening of a child for autism at the age levels and frequency*
11 *recommended by the American Academy of Pediatrics, or its successor*
12 *organization;*

13 *(b) The procedure for evaluating children who demonstrate behaviors which*
14 *are consistent with autism;*

15 *(c) The procedure for enrolling a child in early intervention services upon*
16 *determining that the child has autism;*

17 *(d) Methods of providing support to children with autism and their families;*
18 *and*

19 *(e) The procedure for developing an individualized family service plan in*
20 *accordance with Part C of the Individuals with Disabilities Education Act, 20*
21 *U.S.C. §§ 1431 et seq., or other appropriate plan for the child.*

22 *2. The Health Division shall ensure that the personnel employed by the*
23 *Health Division to provide early intervention services to children with autism and*
24 *the persons with whom the Health Division contracts to provide early*
25 *intervention services to children with autism:*

26 *(a) Possess the knowledge and understanding of the scientific research and*
27 *support for the methods and approaches for serving children with autism and the*
28 *ability to recognize the difference between an approach or method that is*
29 *scientifically validated and one that is not;*

30 *(b) Possess the knowledge to accurately describe to parents and guardians*
31 *the research supporting the methods and approaches, including, without*
32 *limitation, the knowledge necessary to provide an explanation that a method or*
33 *approach is experimental if it is not supported by scientific evidence;*

34 *(c) Immediately notify a parent or legal guardian if a child is identified as*
35 *being at risk for a diagnosis of autism and refer the parent or legal guardian to*
36 *the appropriate professionals for further evaluation and simultaneously refer the*
37 *parent or legal guardian to any appropriate early intervention services and*
38 *strategies; and*

39 *(d) Provide the parent or legal guardian with information on evidence-based*
40 *treatments and interventions that may assist the child in his development and*
41 *advancement.*

42 *3. The Health Division shall ensure that the personnel employed by the*
43 *Health Division who provide early intervention screenings to children and the*
44 *persons with whom the Health Division contracts to provide early intervention*
45 *screenings to children perform screenings of children for autism at the age levels*
46 *and frequency recommended by the American Academy of Pediatrics, or its*
47 *successor organization.*

48 **Sec. 9.** ~~Notwithstanding any other provision of law to the contrary, if any~~
49 ~~money is received by this State pursuant to the American Recovery and~~
50 ~~Reinvestment Act of 2009, Public Law 111-5, which is designated for expenditure~~
51 ~~from the State Distributive Account in the State General Fund by the Legislature~~
52 ~~for Fiscal Years 2009-2010 and 2010-2011 to assist school districts with the~~
53 ~~training of personnel to assist pupils with autism, the money must be deposited in~~

~~the Grant Fund for the Training and Education of Personnel Who Work With Pupils With Autism created by section 3 of this act.] (Deleted by amendment.)~~

Sec. 10. ~~[1. This section and section 9 of this act become effective upon passage and approval.~~

~~2. Sections 1 to 8, inclusive, of this act become.] This act becomes~~ effective on July 1, 2009.