

Amendment No. 386

Assembly Amendment to Assembly Bill No. 316

(BDR 38-260)

Proposed by: Assembly Committee on Health and Human Services**Amends:** Summary: No Title: Yes 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 underlining* is newly added transitory language.

CLP/KCR



Date: 4/19/2011

A.B. No. 316—Establishes provisions relating to persons with autism.
(BDR 38-260)



ASSEMBLY BILL NO. 316—ASSEMBLYMEN WOODBURY, OHRENSCHALL, CARRILLO, SHERWOOD, CARLTON; BOBZIEN, CONKLIN, DALY, DIAZ, ELLISON, FLORES, GRADY, HAMBRICK, HAMMOND, HANSEN, HARDY, HORNE, KIRKPATRICK, LIVERMORE, MASTROLUCA, MCARTHUR, MUNFORD, OCEGUERA, PIERCE, SMITH AND STEWART

MARCH 18, 2011

JOINT SPONSORS: SENATORS LESLIE, KIECKHEFER, HARDY, MANENDO, SCHNEIDER; BREEDEN, CEGAVSKE, COPENING, GUSTAVSON, HALSETH, HORSFORD, KIHUEN, PARKS, RHOADS AND SETTELMAYER

Referred to Committee on Health and Human Services

SUMMARY—Establishes provisions relating to persons with autism. (BDR 38-260)

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; requiring the Aging and Disability Services Division of the Department of Health and Human Services to designate a standard protocol for ~~the assessment and evaluation of~~ measuring outcomes and assessing and evaluating persons with autism through the age of 21 years who receive services through certain public programs; requiring certain state and local governmental agencies that provide services to persons with autism to submit reports to the Division; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires the Aging and Disability Services Division of the Department of Health and Human Services, in cooperation and guidance with the Department of Education, representatives of the school districts in this State and the Nevada Autism Task Force, to prescribe a statewide standard for measuring outcomes and assessing and evaluating ~~whether a person is a person~~ persons with autism through the age of 21 years for the purposes of receiving services through certain public programs in this State. **Section 1** also requires the Division to designate, as part of the statewide standard, a ~~nationally recognized~~ protocol for determining whether a person is a person with autism. **Section 1** further requires the Division to collect certain information relating to persons with autism and to document the services provided to and the progress of those persons.

Section 3 of this bill requires the board of trustees of a school district or the governing body of a charter school to conduct an initial evaluation of each pupil with autism and to conduct a reevaluation once every 3 years thereafter in accordance with

the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the regulations prescribed by the State Board of Education.

Sections ~~(6,)~~ 8 and 13 of this bill require ~~[school districts and charter schools.]~~ : (1) the Health Division of the Department and the Division of Mental Health and Developmental Services of the Department to use the statewide standard prescribed by the Aging and Disability Services Division pursuant to **section 1** to determine whether a person is a person with autism ~~[Sections 2 and 8 of this bill require]~~ ; and (2) that certain evaluations be conducted to monitor the progress of persons with autism receiving services through ~~[school districts and charter schools and]~~ the Health Division and the Division of Mental Health and Developmental Services.

Sections 4, 9, 12 and 14 of this bill require ~~[school districts and charter schools.]~~ the Department of Education, the Health Division, the Division of Mental Health and Developmental Services and the Department of Employment, Training and Rehabilitation to submit to the Aging and Disability Services Division information relating to persons with autism.

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

Section 1. Chapter 427A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division, in cooperation ~~[with]~~ and guidance with the Department of Education, representatives of the school districts in this State and the Nevada Autism Task Force created by section 40 of chapter 348, Statutes of Nevada 2007, or its successor organization, shall prescribe by regulation a statewide standard for measuring outcomes and assessing and evaluating persons with autism through the age of 21 years who receive services through the State or a local government or an agency thereof. The regulations must designate a ~~[nationally recognized]~~ protocol which includes an assessment instrument for determining whether a person is a person with autism, including, without limitation, the Autism Diagnostic Observation Schedule or other ~~[nationally recognized tool]~~ appropriate instrument for assessment and diagnosis, which must be used by personnel employed by the State or a local government or an agency thereof who provide assessments, interventions and diagnoses of persons with autism through the age of 21 years and by the persons with whom the State or a local government or an agency thereof contracts to provide assessments, interventions and diagnoses of persons with autism ~~[.]~~ through the age of 21 years.

2. The ~~[nationally recognized]~~ protocol designated pursuant to subsection 1 must be used upon intake of a person suspected of having autism or at any later time if a person is suspected of having autism after intake. The results of an assessment must be provided to the parent or legal guardian of the person, if applicable.

3. The Division shall prescribe the form and content of reports relating to persons with autism through the age of 21 years that must be reported to the Division pursuant to sections 4, 9, 12 and 14 of this act. Except as otherwise provided in section 4 of this act, the Division shall ensure that the information is reported in a manner which:

(a) Allows the Division to document the services provided to and monitor the progress of each person with autism through the age of 21 years who receives services from the State or ~~[a local government or]~~ an agency thereof; and

(b) Ensures that information reported for each person who receives services which identifies the person is kept confidential ~~[.]~~, consistent with the Family

Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any other applicable state and federal privacy laws.

4. The Division shall prepare annually a summary of the reports submitted pursuant to sections 4, 9, 12 and 14 of this act and make the summary publicly available. The Division shall ensure that information contained in the summary does not identify a person who received services.

Sec. 2. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. 1. The board of trustees of a school district or the governing body of a charter school shall ~~at intake,~~ conduct an initial evaluation of each pupil with autism ~~to evaluate the cognitive, communicative, social, emotional and behavioral condition and adaptive skill level of the pupil~~ in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the regulations prescribed by the State Board pursuant to NRS 388.520 and shall, once every 3 years thereafter, conduct a ~~follow up evaluation to assess the progress of the pupil from the time of the previous evaluation,~~ reevaluation in accordance with the Individuals with Disabilities Education Act and the regulations of the State Board. The individualized education program for the pupil must be reviewed, and amended ~~if~~ as appropriate, ~~to reflect the results of an evaluation conducted pursuant to this subsection,~~ in compliance with the Individuals with Disabilities Education Act and the regulations of the State Board.

2. The board of trustees of a school district or the governing body of a charter school shall ensure that each person who conducts an evaluation of a pupil with autism is provided with technical assistance and training to improve the accuracy and efficiency in conducting such evaluations.

~~3. The board of trustees of a school district or the governing body of a charter school shall use the statewide standard for assessing and evaluating persons with autism prescribed by the Aging and Disability Services Division of the Department of Health and Human Services pursuant to section 1 of this act.~~

Sec. 4. 1. ~~The board of trustees of a school district or the governing body of a charter school~~ Department of Education shall report annually to the Aging and Disability Services Division of the Department of Health and Human Services information relating to pupils with autism. The information must:

(a) Be submitted in the form required by the Aging and Disability Services Division; and

(b) Include the total number of pupils with autism who are enrolled in ~~the school district or charter school,~~ public schools in this State, including all pupils ~~known to have autism but not receiving services, pupils with autism receiving early intervening services and pupils~~ with autism who have an individualized education program.

2. A pupil with autism who is designated as a pupil with more than one physical or mental impairment or disability must be included as a pupil with autism for the purposes of reporting information pursuant to this section.

3. The reporting made pursuant to this section must comply with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any other applicable state and federal privacy laws.

Sec. 5. NRS 388.440 is hereby amended to read as follows:

388.440 As used in NRS 388.440 to 388.5317, inclusive ~~§~~, and sections 3 and 4 of this act:

1. "Gifted and talented pupil" means a person under the age of 18 years who demonstrates such outstanding academic skills or aptitudes that the person cannot

progress effectively in a regular school program and therefore needs special instruction or special services.

2. "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.

3. "Pupil with a disability" means a person under the age of 22 years who deviates either educationally, physically, socially or emotionally so markedly from normal patterns that the person cannot progress effectively in a regular school program and therefore needs special instruction or special services.

Sec. 6. ~~[NRS 388.470 is hereby amended to read as follows:~~

~~388.470 1. Before any child is placed in a special program for pupils with disabilities or gifted and talented pupils:~~

~~(a) A consultation must be held with the child's parents or guardian;~~

~~(b) An examination must be conducted for the purpose of finding the extent to which the child deviates from normal growth and development patterns;~~

~~2. The examination conducted pursuant to paragraph (b) of subsection 1 must be conducted in accordance with standards prescribed by the State Board;~~

~~[2.] The evaluations conducted pursuant to section 3 of this act of pupils who have autism must be conducted in accordance with the statewide standard for assessing and evaluating persons with autism prescribed by the Aging and Disability Services Division of the Department of Health and Human Services pursuant to section 1 of this act;~~

~~3. A psychiatrist may be consulted in any specific case when the board of trustees of a school district deems it necessary;~~

~~[3.] 4. The board of trustees of a school district or the governing body of a charter school shall not place a child or authorize the placement of a child in a program for pupils with disabilities solely because the child is a disciplinary problem in school;~~

~~[4.] 5. Pursuant to the provisions of NRS 392C.010, a child with a disability who transfers to a school in this State from a school inside or outside this State because of the military transfer of the parent or legal guardian of the child must initially be provided services that are comparable to the services the child received at his or her previous school under his or her current individualized education program until the placement of the child is determined pursuant to this section.]~~

(Deleted by amendment.)

Sec. 7. Chapter 433 of NRS is hereby amended by adding thereto the provisions set forth as sections 8 and 9 of this act.

Sec. 8. 1. For a client under the age of 22 years who may have autism, the Division shall use the statewide standard for measuring outcomes and assessing and evaluating persons with autism through the age of 21 years prescribed ~~[by the Aging and Disability Services Division of the Department]~~ pursuant to section 1 of this act to determine whether the client is a person with autism. The Division shall ensure that the treatment, training and other services provided to a client with autism are based upon the results of the evaluation conducted pursuant to this subsection.

2. The Division shall conduct an evaluation upon intake of a client with autism to evaluate the cognitive, communicative, social and emotional condition and adaptive skill level of the client and shall once every 3 years conduct a follow-up evaluation to assess the progress of the client from the time of the previous evaluation. The treatment of the client must be adjusted, if appropriate, to reflect the results of an evaluation conducted pursuant to this subsection.

1 **Sec. 9. 1. The Division shall report annually to the Aging and Disability**
2 **Services Division of the Department information relating to clients with autism.**
3 **The information must:**

4 (a) **Be submitted in the form required by the Aging and Disability Services**
5 **Division;**

6 (b) **Include the information required by the Aging and Disability Services**
7 **Division pursuant to section 1 of this act; and**

8 (c) **Include the total number of clients with autism who are receiving**
9 **treatment, training or other services from the Division. ~~It and~~**

10 ~~**(d) Include information concerning the progress of clients with autism**~~
11 ~~**based upon the evaluation conducted pursuant to section 8 of this act.**~~

12 **2. A client with autism who is designated as a client with more than one**
13 **physical or mental impairment or disability must be included as a client with**
14 **autism for the purposes of reporting information pursuant to this section.**

15 **Sec. 10.** Chapter 442 of NRS is hereby amended by adding thereto the
16 provisions set forth as sections 11 and 12 of this act.

17 **Sec. 11.** **As used in this section and NRS 442.750 and section 12 of this act,**
18 **“early intervention services” has the meaning ascribed to it in 20 U.S.C. § 1432.**

19 **Sec. 12. 1. The Health Division shall report annually to the Aging and**
20 **Disability Services Division of the Department information relating to children**
21 **with autism. The information must:**

22 (a) **Be submitted in the form required by the Aging and Disability Services**
23 **Division;**

24 (b) **Include the information required by the Aging and Disability Services**
25 **Division pursuant to section 1 of this act;**

26 (c) **Include the total number of children with autism and the total number of**
27 **children who may have autism who are enrolled in early intervention services**
28 **through the Health Division; and**

29 (d) **Include the total number of hours and the type of early intervention**
30 **services received by each child with autism.**

31 **2. A child with autism who is designated as a child with more than one**
32 **physical or mental impairment or disability must be included as a child with**
33 **autism for the purposes of reporting information pursuant to this section.**

34 **3. The Health Division shall review the information submitted to the Aging**
35 **and Disability Services Division pursuant to this section and any other data**
36 **collected by the Health Division which demonstrates the ongoing outcomes of**
37 **specific programs and treatments for children with autism.**

38 **Sec. 13.** NRS 442.750 is hereby amended to read as follows:

39 442.750 1. The Health Division shall ensure that the personnel employed by
40 the Health Division who provide early intervention services to children with autism
41 and the persons with whom the Health Division contracts to provide early
42 intervention services to children with autism possess the knowledge and skills
43 necessary to serve children with autism, including, without limitation:

44 (a) The screening of a child for autism at the age levels and frequency
45 recommended by the American Academy of Pediatrics, or its successor
46 organization;

47 (b) The procedure for evaluating children who demonstrate behaviors ~~{which}~~
48 ~~**that**~~ are consistent with autism ~~{**It**}~~, ~~**which procedure must require the use of the**~~
49 ~~**statewide standard for measuring outcomes and assessing and evaluating persons**~~
50 ~~**with autism through the age of 21 years prescribed by the Aging and Disability**~~
51 ~~**Services Division of the Department**~~ **pursuant to section 1 of this act;**

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

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

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

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

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

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

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

(d) Provide the parent or legal guardian with information on evidence-based treatments and interventions that may assist the child in the child's development and advancement.

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

4. The Health Division shall ensure that:

(a) For a child who may have autism, the personnel employed by the Health Division who provide early intervention screenings to children and the persons with whom the Health Division contracts to provide early intervention screenings to children use the ~~nationally recognized~~ protocol designated ~~by the Aging and Disability Services Division of the Department~~ pursuant to section 1 of this act for determining whether a child has autism.

(b) An evaluation of the cognitive, communicative, social, emotional and behavioral condition and adaptive skill level of a child with autism is conducted to determine the condition of the child upon concluding early intervention services and the progress made by the child from the time of his or her initial screening.

Sec. 14. Chapter 615 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall report annually to the Aging and Disability Services Division of the Department of Health and Human Services information relating to persons with autism who receive vocational rehabilitation services. The information must:

(a) Be submitted in the form required by the Aging and Disability Services Division;

(b) Include the information required by the Aging and Disability Services Division pursuant to section 1 of this act;

1 (c) Include the total number of persons with autism who are receiving
2 vocational rehabilitation services from the Division;

3 (d) Include information concerning the types of vocational rehabilitation
4 services provided to persons with autism, the effectiveness of those services and
5 the reasons for the ineffectiveness of those services, if applicable; and

6 (e) Include information concerning the technical assistance and training
7 provided to personnel of the Division who work with persons with autism to
8 improve the effectiveness of vocational rehabilitation services.

9 2. A person with autism who is designated as a person with more than one
10 physical or mental impairment or disability must be included as a person with
11 autism for the purposes of reporting information pursuant to this section.

12 **Sec. 15.** This act becomes effective on July 1, 2011.