

ASSEMBLY BILL NO. 210—COMMITTEE ON EDUCATION

MARCH 7, 2013

Referred to Committee on Education

SUMMARY—Revises provisions relating to pupils with hearing impairments. (BDR 34-989)

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; requiring an individualized education program team to consider certain factors when developing an individualized education program for a pupil with a hearing impairment; requiring that minimum standards for the special education of pupils with hearing impairments prescribed by the State Board of Education include certain provisions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing federal law requires each local educational agency to have in effect,
2 for each child with a disability in the agency's jurisdiction, an individual education
3 program developed by an individualized education program team composed of
4 certain persons. (20 U.S.C. § 1414) **Section 1** of this bill requires an individualized
5 education program team to consider certain factors when developing an
6 individualized education program for a pupil with a hearing impairment.
7 Additionally, **section 1** authorizes the team to consider certain factors when
8 determining the optimal instruction for a pupil with a hearing impairment. **Section**
9 **3** of this bill provides that the minimum standards for the special education of
10 pupils with hearing impairments prescribed by the State Board of Education must
11 provide: (1) that a pupil with a hearing impairment cannot be denied the
12 opportunity for instruction in a particular communication mode, for example,
13 American sign language, because the communication mode originally chosen for
14 the pupil is different from a communication mode recommended by the pupil's
15 individualized education program team; and (2) that, to the extent feasible, a school
16 is required to provide instruction to such pupils in more than one communication
17 mode.



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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. When developing an individualized education program for a pupil with a hearing impairment in accordance with NRS 388.520, the pupil's individualized education program team shall consider, without limitation:

(a) The related services and program options that provide the pupil with an appropriate and equal opportunity for communication access;

(b) The pupil's primary communication mode;

(c) The availability to the pupil of a sufficient number of age, cognitive, academic and language peers of similar abilities if the parents of the pupil so desire;

(d) The availability to the pupil of adult models who are deaf or hearing impaired and who use the pupil's primary communication mode;

(e) The availability of special education teachers, interpreters, psychologists, educational audiologists, speech pathologists, administrators and other special education personnel who are proficient in the pupil's primary communication mode;

(f) The provision of academic instruction, school services and direct access to all components of the educational process, including, without limitation, advanced placement courses, career and technical education courses, recess, lunch, extracurricular activities and athletic activities;

(g) The decisions of the parent or guardian of the pupil concerning the optimal services, placement and content of the pupil's individualized education program; and

(h) The appropriate assistive technology necessary to provide the pupil with an appropriate and equal opportunity for communication access.

2. When determining the optimal instruction to be provided to the pupil in his or her primary communication mode, the pupil's individualized education program team may consider, without limitation:

(a) Changes in the pupil's hearing or vision;

(b) Development in or availability of assistive technology;

(c) The physical and acoustic design of the learning environment; and

(d) The subject matter of the instruction to be provided.



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Sec. 2. NRS 388.440 is hereby amended to read as follows:

388.440 As used in NRS 388.440 to 388.5317, inclusive ~~†~~ ,
and section 1 of this act:

1. *“Communication mode” means any system or method of communication used by a person who is deaf or whose hearing is impaired to facilitate communication between another person who is deaf or whose hearing is impaired and an interpreter, or between two or more persons who are deaf or whose hearing is impaired, including, without limitation:*

(a) *American Sign Language;*

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

(c) *Oral, aural or speech-based training;*

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

(e) *Communication with assistive technology devices.*

2. “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.

~~†~~ 3. *“Individualized education program” has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).*

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

5. “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.

~~†~~ 6. “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. 3. NRS 388.520 is hereby amended to read as follows:

388.520 1. The Department shall:

(a) Prescribe a form that contains the basic information necessary for the uniform development, review and revision of an individualized education program for a pupil with a disability in accordance with 20 U.S.C. § 1414(d); and

(b) Make the form available on a computer disc for use by school districts and, upon request, in any other manner deemed reasonable by the Department.

2. Except as otherwise provided in this subsection, each school district shall ensure that the form prescribed by the Department is used for the development, review and revision of an individualized



1 education program for each pupil with a disability who receives
2 special education in the school district. A school district may use an
3 expanded form that contains additions to the form prescribed by the
4 Department if the basic information contained in the expanded form
5 complies with the form prescribed by the Department.

6 3. The State Board:

7 (a) Shall prescribe minimum standards for the special education
8 of pupils with disabilities and gifted and talented pupils.

9 (b) May prescribe minimum standards for the provision of early
10 intervening services.

11 4. The minimum standards prescribed by the State Board must
12 include standards for programs of instruction or special services
13 maintained for the purpose of serving pupils with:

14 (a) Hearing impairments, including, but not limited to, deafness.

15 (b) Visual impairments, including, but not limited to, blindness.

16 (c) Orthopedic impairments.

17 (d) Speech and language impairments.

18 (e) Mental retardation.

19 (f) Multiple impairments.

20 (g) Serious emotional disturbances.

21 (h) Other health impairments.

22 (i) Specific learning disabilities.

23 (j) Autism spectrum disorders.

24 (k) Traumatic brain injuries.

25 (l) Developmental delays.

26 (m) Gifted and talented abilities.

27 5. *The minimum standards prescribed by the State Board for*
28 *pupils with hearing impairments, including, without limitation,*
29 *deafness, pursuant to paragraph (a) of subsection 4 must provide:*

30 (a) *That a pupil cannot be denied the opportunity for*
31 *instruction in a particular communication mode because the*
32 *communication mode originally chosen for the pupil is different*
33 *from a communication mode recommended by the pupil's*
34 *individualized education program team; and*

35 (b) *That, to the extent feasible, a school is required to provide*
36 *instruction to those pupils in more than one communication mode.*

37 6. No apportionment of state money may be made to any
38 school district or charter school for the instruction of pupils with
39 disabilities and gifted and talented pupils until the program of
40 instruction maintained therein for such pupils is approved by the
41 Superintendent of Public Instruction as meeting the minimum
42 standards prescribed by the State Board.

43 ~~16-1~~ 7. The Department shall, upon the request of the board of
44 trustees of a school district, provide information to the board of
45 trustees concerning the identification and evaluation of pupils with



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1 disabilities in accordance with the standards prescribed by the State
2 Board.

3 ~~{7. As used in this section, “individualized education program”~~
4 ~~has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).}~~

5 **Sec. 4.** NRS 388.524 and 388.5245 are hereby repealed.

6 **Sec. 5.** This act becomes effective on July 1, 2013.

TEXT OF REPEALED SECTIONS

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

**388.5245 “Individualized education program team”
defined.** “Individualized education program team” has the
meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

