

Amendment No. 804

Senate Amendment to Assembly Bill No. 341 First Reprint (BDR 34-832)

Proposed by: Senate Committee on Education

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) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

KRO/RBL



Date: 5/17/2015

A.B. No. 341—Revises provisions relating to pupils with disabilities.
(BDR 34-832)



ASSEMBLY BILL NO. 341—ASSEMBLYMEN OHRENSCHALL, DIAZ, SILBERKRAUS,
SPIEGEL, CARRILLO; ELLIOT ANDERSON, ARAUJO, CARLTON, JOINER,
JONES, MUNFORD, NEAL, STEWART, SWANK AND THOMPSON

MARCH 16, 2015

JOINT SPONSOR: SENATOR FORD

Referred to Committee on Education

SUMMARY—Revises provisions relating to pupils with disabilities.
(BDR 34-832)

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 each school district and certain charter schools to administer an early literacy screening assessment to certain pupils; authorizing certain persons to perform additional testing for dyslexia; requiring a school district and a charter school to address the needs of a pupil who has indicators for dyslexia through the response to scientific, research-based intervention system of instruction; requiring the individualized education program team of a pupil with dyslexia to consider certain instructional approaches; requiring ~~the Department of Education,~~ each elementary school and certain charter schools to designate at least one employee to receive professional development regarding dyslexia; requiring the Department to prepare and publish a Dyslexia Resource Guide; requiring certain standards relating to the education of pupils with disabilities to include provisions concerning dyslexia; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 8 of this bill requires the board of trustees of each school district and the governing body of each charter school that serves pupils in kindergarten or grade 1, 2 or 3 to prescribe an early literacy screening assessment for use by the schools located in the school district or the charter school, respectively. **Section 9** of this bill: (1) requires each school district and charter school to administer screenings for dyslexia to certain pupils in certain grade levels; and (2) requires a school district and charter school to address the needs of a pupil if the screening confirms that a pupil has indicators for dyslexia through the response to scientific, research-based intervention system of instruction.

Section 11 of this bill requires a pupil's individualized education program team to consider certain instructional approaches when developing an individualized education program for a pupil with dyslexia.

Section 13 of this bill requires the ~~(Department)~~ principal of a public elementary school, including, without limitation, a charter school, to designate ~~at least one employee or a licensed teacher employed by the (Department) school~~ to receive training in effective methods for intervention for pupils with dyslexia. If the principal of a school has designated a teacher as a learning strategist, section 13 requires the learning strategist to be the person to receive such training. **Section 13** also requires each school district and charter school to ensure that at least one employee who serves pupils in kindergarten or grade 1, 2 or 3 is designated at each school to receive professional development regarding dyslexia. If the principal of a school has designated a teacher as a learning strategist, section 13 requires the learning strategist to provide such professional development.

Section 14 of this bill requires the Department to prepare and publish a Dyslexia Resource Guide as a guide for each school district and public school to use to identify and provide dyslexia intervention for pupils with dyslexia.

Existing law requires the State Board of Education to prescribe minimum standards for the special education of pupils with disabilities. (NRS 388.520) **Section 16** of this bill requires that the standards prescribed by the State Board for pupils with dyslexia include certain instruction.

Existing law requires the State Board to prescribe by regulation the standards for approval of a course of study or training offered by an educational institution to qualify a person to be a teacher or administrator or perform other educational functions. (NRS 388.520) **Section 17** of this bill requires these regulations to include training on how to identify a pupil who is at risk for dyslexia or related disorders.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 8 to 14, inclusive, of this act.

Sec. 8. 1. *Except as otherwise provided in subsection 2, the board of trustees of each school district shall prescribe for use by the elementary schools located in the school district an early literacy screening assessment that meets the requirements set forth in subsection 3.*

2. The governing body of each charter school that serves pupils in kindergarten or grade 1, 2 or 3 shall prescribe an early literacy screening assessment for use by the charter school that meets the requirements set forth in subsection 3.

3. The early literacy screening assessment prescribed pursuant to subsection 1 or 2 must include, without limitation, screening for:

(a) Phonological and phonemic awareness;

(b) Sound-symbol recognition;

(c) Alphabet knowledge;

(d) Decoding skills;

(e) Rapid naming skills; and

(f) Encoding skills.

1 **Sec. 9. 1. The board of trustees of a school district or the governing body**
2 **of a charter school, as applicable, shall administer the early literacy screening**
3 **assessment prescribed pursuant to section 8 of this act to each pupil enrolled in**
4 **kindergarten or grade 1, 2 or 3 who:**

5 (a) *Has indicators for dyslexia; and*

6 (b) *Needs intervention.*

7 2. *If an early literacy screening assessment administered pursuant to*
8 *subsection 1 confirms that a pupil has indicators for dyslexia, the board of*
9 *trustees of a school district or governing body of a charter school, as applicable,*
10 *shall address the needs of the pupil through the response to scientific, research-*
11 *based intervention system of instruction.*

12 3. *If the response to scientific, research-based intervention system of*
13 *instruction determines that a pupil needs additional screening in order to*
14 *determine whether the pupil has a specific learning disability, including, without*
15 *limitation, dyslexia:*

16 (a) *The pupil must receive additional testing by a trained professional using*
17 *a norm-referenced test; and*

18 (b) *The board of trustees of the school district or the governing body of the*
19 *charter school, as applicable, shall perform a comprehensive evaluation for the*
20 *pupil in addition to the required response to scientific, research-based*
21 *intervention system of instruction.*

22 **Sec. 10. (Deleted by amendment.)**

23 **Sec. 11. When developing an individualized education program for a pupil**
24 **with dyslexia in accordance with NRS 388.520, the pupil's individualized**
25 **education program team shall consider, without limitation, the following**
26 **instructional approaches:**

27 1. *Explicit, direct instruction that is systematic, sequential and cumulative*
28 *and follows a logical plan of presenting the alphabetic principle that targets the*
29 *specific needs of the pupil;*

30 2. *Individualized instruction to meet the specific needs of the pupil in an*
31 *appropriate setting that uses intensive, highly-concentrated instruction methods*
32 *and materials that maximize pupil engagement;*

33 3. *Meaning-based instruction directed at purposeful reading and writing,*
34 *with an emphasis on comprehension and composition; and*

35 4. *Multisensory instruction that incorporates the simultaneous use of two or*
36 *more sensory pathways during teacher presentations and pupil practice.*

37 **Sec. 12. (Deleted by amendment.)**

38 **Sec. 13. 1. The ~~(Department)~~ principal of a public elementary school,**
39 **including, without limitation, a charter school, shall designate ~~at least one~~**
40 **~~employee of~~ a licensed teacher employed by the ~~(Department)~~ school to receive**
41 **training in effective methods of intervention for pupils with dyslexia. ~~If the~~**
42 **principal has designated a licensed teacher to serve as a learning strategist, the**
43 **learning strategist must be the person to receive such training.**

44 2. *The board of trustees of each school district and the governing body of*
45 *each charter school shall ensure that at least one employee who serves pupils in*
46 *kindergarten or grade 1, 2 or 3 is designated at each school to receive*
47 *professional development regarding dyslexia. Such professional development*
48 *must include, without limitation, training in:*

49 (a) *Methods to recognize indicators for dyslexia; and*

50 (b) *The science related to teaching a pupil with dyslexia.*

51 3. *The professional development required pursuant to subsection 2 ~~(may)~~ :*

52 (a) Must be provided by a learning strategist, if the principal has designated
53 a licensed teacher to serve as a learning strategist; or

~~(b) May be provided on the Internet, by a regional training program for the professional development of teachers and administrators created by NRS 391.512, or at another venue approved by the Department.~~

Sec. 14. *The Department shall prepare and publish a Dyslexia Resource Guide as a guide for each school district and public school, including, without limitation, a charter school, to use to identify and provide dyslexia intervention for pupils with dyslexia.*

Sec. 15. NRS 388.440 is hereby amended to read as follows:

388.440 As used in NRS 388.440 to 388.5317, inclusive ~~+~~, and sections 8 to 14, inclusive, 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 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. "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.

~~5.~~ 5. "Individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

~~6.~~ 6. "Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

~~7.~~ 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.~~ 8. "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.

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

3. The State Board:

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

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

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

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

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

(c) Orthopedic impairments.

(d) Speech and language impairments.

(e) Intellectual disabilities.

(f) Multiple impairments.

(g) Serious emotional disturbances.

(h) Other health impairments.

(i) Specific learning disabilities.

(j) Autism spectrum disorders.

(k) Traumatic brain injuries.

(l) Developmental delays.

(m) Gifted and talented abilities.

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

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

(b) That, to the extent feasible, as determined by the board of trustees of the school district, a school is required to provide instruction to those pupils in more than one communication mode.

6. *The minimum standards prescribed by the State Board for pupils with dyslexia pursuant to paragraph (i) of subsection 4 must include, without limitation, standards for instruction on:*

(a) Phonemic awareness to enable a pupil to detect, segment, blend and manipulate sounds in spoken language;

1 ***(b) Graphonomic knowledge for teaching the sounds associated with letters***
2 ***in the English language;***

3 ***(c) The structure of the English language, including, without limitation,***
4 ***morphology, semantics, syntax and pragmatics;***

5 ***(d) Linguistic instruction directed toward proficiency and fluency with the***
6 ***patterns of language so that words and sentences are carriers of meaning; and***

7 ***(e) Strategies that a pupil may use for decoding, encoding, word recognition,***
8 ***fluency and comprehension.***

9 7. No apportionment of state money may be made to any school district or
10 charter school for the instruction of pupils with disabilities and gifted and talented
11 pupils until the program of instruction maintained therein for such pupils is
12 approved by the Superintendent of Public Instruction as meeting the minimum
13 standards prescribed by the State Board.

14 ~~7-7~~ 8. The Department shall, upon the request of the board of trustees of a
15 school district, provide information to the board of trustees concerning the
16 identification and evaluation of pupils with disabilities in accordance with the
17 standards prescribed by the State Board.

18 ~~7-8~~ 9. The Department shall post on the Internet website maintained by the
19 Department the data that is submitted to the United States Secretary of Education
20 pursuant to 20 U.S.C. § 1418 within 30 days after submission of the data to the
21 Secretary in a manner that does not result in the disclosure of data that is
22 identifiable to an individual pupil.

23 **Sec. 17.** NRS 391.037 is hereby amended to read as follows:

24 391.037 1. The State Board shall:

25 (a) Prescribe by regulation the standards for approval of a course of study or
26 training offered by an educational institution to qualify a person to be a teacher or
27 administrator or to perform other educational functions. ***The regulations prescribed***
28 ***pursuant to this paragraph must include, without limitation, training on how to***
29 ***identify a pupil who is at risk for dyslexia or related disorders.***

30 (b) Maintain descriptions of the approved courses of study required to qualify
31 for endorsements in fields of specialization and provide to an applicant, upon
32 request, the approved course of study for a particular endorsement.

33 2. Except for an applicant who submits an application for the issuance of a
34 license pursuant to subparagraph (1) of paragraph (a) or paragraph (g) or (j) of
35 subsection 1 of NRS 391.019, an applicant for a license as a teacher or
36 administrator or to perform some other educational function must submit with his
37 or her application, in the form prescribed by the Superintendent of Public
38 Instruction, proof that the applicant has satisfactorily completed a course of study
39 and training approved by the State Board pursuant to subsection 1.

40 **Sec. 18.** (Deleted by amendment.)

41 **Sec. 19.** This act becomes effective on July 1, 2015.