

Amendment No. 1059

Senate Amendment to Senate Bill No. 202	(BDR 38-685)
Proposed by: Senate Committee on Finance	
Amends: Summary: Yes 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.

EWR/RBL



Date: 6/1/2019

S.B. No. 202—Revises provisions relating to persons with disabilities.
(BDR 38-685)



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 ~~[persons]~~ children with disabilities. (BDR ~~[38-685]~~ 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; ~~[requiring a biannual report to be compiled regarding certain issues related to autism spectrum disorders; requiring certain governmental entities to coordinate to ensure that the same examination may be used to determine the eligibility of a pupil for certain services for children with autism; requiring certain governmental entities to conduct outreach to parents or guardians of pupils with autism to determine whether the pupil is eligible for and may benefit from certain services; requiring an appointing authority to provide certain information to a certified person with a disability appointed on a temporary basis;]~~ 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:

~~[—Existing law establishes the Autism Treatment Assistance Program within the Aging and Disability Services Division of the Department of Health and Human Services to serve as the primary autism program within the Department and to provide and coordinate services to persons under 20 years of age with autism spectrum disorders. (NRS 427A.875) Existing law requires the Division of Health Care Financing and Policy of the Department to conduct certain duties relating to the administration of Medicaid. (NRS 422.061) Existing law 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 spectrum disorder and conduct a reevaluation every 3 years thereafter. (NRS 388.449) Sections 1, 5 and 8 of this bill require the Autism Treatment Assistance Program, the Division of Health Care Financing and Policy of the Department and the State Board of Education to coordinate so that, to the extent practicable, a pupil is only required to receive one evaluation to determine his or her eligibility for programs of instruction or special services for pupils with autism spectrum disorders, the Autism~~

~~Treatment Assistance Program and services provided under the Medicaid program for children with autism spectrum disorders.~~

~~— Section 2 of this bill requires the Department of Health and Human Services to compile a report every 6 months concerning any barriers that exist to services and other issues of concern for persons with autism spectrum disorders and their families. Sections 1, 2, 5 and 9 of this bill require the Autism Treatment Assistance Program, the Department of Education and the Division of Health Care Financing and Policy of the Department of Health and Human Services to collaborate with the Department of Health and Human Services to compile the report. Section 2 requires the report to be posted on the Internet websites of the Department of Health and Human Services and certain other governmental entities. Sections 3, 4 and 6 of this bill make conforming changes.~~

~~— Section 9 of this bill requires the Department of Education to provide to the Division of Health Care Financing and Policy and the Autism Treatment Assistance Program the name of each pupil with an autism spectrum disorder, the school in which the pupil is enrolled and the contact information for the parent or guardian of the pupil. Sections 1 and 5 require the Division and the Autism Treatment Assistance Program to conduct outreach to such parents and guardians to determine whether the pupil is eligible for and may benefit from services provided under the Medicaid program or the Autism Treatment Assistance Program, as applicable.~~

~~— In certain circumstances, existing law requires an appointing authority, if possible, to make a temporary limited appointment of a certified person with a disability for a period not to exceed 700 hours to fill an available position. (NRS 284.327) Section 7 of this bill requires an appointing authority to provide each person who is so appointed with a monthly performance evaluation and inform the person whether the appointing authority anticipates appointing the person to a permanent position.]~~

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

In 2007, the Legislature created the Nevada Autism Task Force to study and make recommendations to the Governor and the Legislature regarding the growing incidence of autism and ways to improve the delivery and coordination of autism services in this State. The Task Force was required to complete its review on or before August 1, 2008. (Section 40 of Assembly Bill No. 629, chapter 348, Statutes of Nevada 2007, p. 1674) Upon the expiration of the Task Force, the Governor issued an executive order establishing the Commission on Autism Spectrum Disorder to continue the work of the Task Force. (Executive Order Establishing the Commission on Autism Spectrum Disorder (11-19-2008)) The Governor has issued three additional executive orders extending the Commission through June 30, 2019. (Executive Orders 2011-21 (11-28-2011), 2015-26 (10-12-2015), 2018-29 (11-9-2018)) Section 12 of this bill requires the Commission or its successor organization to: (1) study the processes used to evaluate a child with autism for the purposes of the Autism Treatment Assistance Program, Medicaid and education; and (2) submit to the Legislative Committee on Health Care a report of recommendations for standardizing those processes by not later than September 1, 2020.

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

Section 1. ~~[Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:]~~

~~— The Division shall:—~~

~~1. Coordinate with the State Board of Education to ensure that, to the extent practicable, the process for determining the eligibility of a child for services provided under the Medicaid program for children with autism spectrum disorders allows such eligibility to be determined through one evaluation conducted pursuant to NRS 388.449;~~

~~2. Collaborate with the Department of Health and Human Services, the Autism Treatment Assistance Program established by NRS 427A.875 and the Department of Education to compile the report described in section 2 of this act; and~~

~~3. Upon receiving from the Department of Education information pursuant to NRS 388.451 concerning a child with an autism spectrum disorder who is not receiving services provided under the Medicaid program for children with autism spectrum disorders, conduct outreach to the parent or guardian of the child to determine whether the child is eligible for and may benefit from services provided under the Medicaid program for children with autism spectrum disorders.]~~
(Deleted by amendment.)

Sec. 2. ~~[Chapter 427A of NRS is hereby amended by adding thereto a new section to read as follows:]~~

~~1. On or before July 1 and December 31 of each year, the Department of Health and Human Services, in collaboration with the Division of Health Care Financing and Policy of the Department of Health and Human Services, the Autism Treatment Assistance Program established by NRS 427A.875 and the Department of Education, shall compile and submit to the Governor, the Director of the Legislative Counsel Bureau, the Nevada Autism Task Force created by section 40 of chapter 348, Statutes of Nevada 2007, or its successor organization, and the Nevada Commission on Services for Persons with Disabilities created by NRS 427A.1211 a report concerning:~~

~~— (a) Any barriers that exist to:~~

~~— (1) Services for children with autism spectrum disorders and their families provided under the Medicaid program, including, without limitation, services provided on a fee-for-service basis and services provided through a Medicaid managed care program;~~

~~— (2) Services provided by the Autism Treatment Assistance Program established by NRS 427A.875; and~~

~~— (3) Programs of instruction and special services for pupils with autism spectrum disorders pursuant to NRS 388.419;~~

~~— (b) Data concerning the effectiveness, usage and accessibility of the services and programs described in paragraph (a); and~~

~~— (c) Any other issues recommended for inclusion by the Nevada Autism Task Force or its successor organization.~~

~~2. The report must be posted on the Internet websites maintained by the Department of Health and Human Services, the Governor, the Legislative Counsel Bureau, the Nevada Autism Task Force, or its successor organization, and the Nevada Commission on Services for Persons with Disabilities.]~~ **(Deleted by amendment.)**

1 **Sec. 3.** ~~[NRS 427A.871 is hereby amended to read as follows:~~
2 ~~427A.871 As used in NRS 427A.871 to 427A.880, inclusive, and section 2 of~~
3 ~~this act, "early intervention services" has the meaning ascribed to it in 20 U.S.C. §~~
4 ~~1432.] (Deleted by amendment.)~~

5 **Sec. 4.** ~~[NRS 427A.872 is hereby amended to read as follows:~~
6 ~~427A.872 1. The Division, in cooperation and guidance with the~~
7 ~~Department of Education, representatives of the school districts in this State and the~~
8 ~~Nevada Autism Task Force created by section 40 of chapter 348, Statutes of~~
9 ~~Nevada 2007, or its successor organization, shall prescribe by regulation a~~
10 ~~statewide standard for measuring outcomes and assessing and evaluating persons~~
11 ~~with autism spectrum disorders through the age of 21 years who receive services~~
12 ~~through the State or a local government or an agency thereof. The regulations must~~
13 ~~designate a protocol based upon accepted best practices guidelines which includes~~
14 ~~at least one standardized assessment instrument that requires direct observation by~~
15 ~~the professional conducting the assessment for determining whether a person is a~~
16 ~~person with autism spectrum disorder, which must be used by personnel employed~~
17 ~~by the State or a local government or an agency thereof who provide assessments,~~
18 ~~interventions and diagnoses of persons with autism spectrum disorders through the~~
19 ~~age of 21 years and by the persons with whom the State or a local government or an~~
20 ~~agency thereof contracts to provide assessments, interventions and diagnoses of~~
21 ~~persons with autism spectrum disorders through the age of 21 years. The protocol~~
22 ~~must require that the direct observation conducted by a professional pursuant to this~~
23 ~~subsection include, without limitation, an evaluation to measure behaviors of the~~
24 ~~person which are consistent with autism spectrum disorder, cognitive functioning,~~
25 ~~language functioning and adaptive functioning.]~~

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

31 ~~3. The Division shall prescribe the form and content of reports relating to~~
32 ~~persons with autism spectrum disorders through the age of 21 years that must be~~
33 ~~reported to the Division pursuant to subsection 1 of NRS 388.451 and 615.205.~~
34 ~~Except as otherwise provided in NRS 388.451, the Division shall ensure that the~~
35 ~~information is reported in a manner which:~~

36 ~~— (a) Allows the Division to document the services provided to and monitor the~~
37 ~~progress of each person with autism spectrum disorder through the age of 21 years~~
38 ~~who receives services from the State or an agency thereof; and~~

39 ~~— (b) Ensures that information reported for each person who receives services~~
40 ~~which identifies the person is kept confidential, consistent with the Family~~
41 ~~Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any other~~
42 ~~applicable state and federal privacy laws.]~~

43 ~~4. The Division shall prepare annually a summary of the reports submitted~~
44 ~~pursuant to subsection 1 of NRS 388.451 and 615.205 and make the summary~~
45 ~~publicly available. The Division shall ensure that information contained in the~~
46 ~~summary does not identify a person who received services.] (Deleted by~~
47 ~~amendment.)~~

48 **Sec. 5.** ~~[NRS 427A.875 is hereby amended to read as follows:~~
49 ~~427A.875 1. There is hereby established the Autism Treatment Assistance~~
50 ~~Program within the Division to serve as the primary autism program within the~~
51 ~~Department and to provide and coordinate the provision of services to persons~~
52 ~~diagnosed or determined, including, without limitation, through the use of a~~

1 ~~standardized assessment, to have autism spectrum disorders through the age of 19~~
2 ~~years.~~

3 ~~2. The Autism Treatment Assistance Program shall:~~

4 ~~(a) Prescribe an application process for parents and guardians of persons with~~
5 ~~autism spectrum disorders to participate in the Program. *The Program shall*~~
6 ~~*coordinate with the State Board of Education to ensure that, to the extent*~~
7 ~~*practicable, the application process allows the eligibility of a person to participate*~~
8 ~~*in the Program to be determined through one evaluation conducted pursuant to*~~
9 ~~*NRS 389.440.*~~

10 ~~(b) Provide for the development of a plan of treatment for persons who~~
11 ~~participate in the Program.~~

12 ~~(c) Promote the use of evidence-based treatments which are cost effective and~~
13 ~~have been proven to improve treatment of autism spectrum disorders.~~

14 ~~(d) Educate parents and guardians of persons with autism spectrum disorders~~
15 ~~on autism spectrum disorders and the assistance that may be provided by the parent~~
16 ~~or guardian to improve treatment outcomes.~~

17 ~~(e) Establish and use a system for assessing persons with autism spectrum~~
18 ~~disorders to determine a baseline to measure the progress of and prepare a plan for~~
19 ~~the treatment of such persons.~~

20 ~~(f) Assist parents and guardians of persons with autism spectrum disorders in~~
21 ~~obtaining public services that are available for the treatment of autism spectrum~~
22 ~~disorders.~~

23 ~~(g) Collaborate with the Department of Health and Human Services, the~~
24 ~~Division of Health Care Financing and Policy of the Department of Health and~~
25 ~~Human Services and the Department of Education to compile the report~~
26 ~~described in section 2 of this act.~~

27 ~~(h) Upon receiving from the Department of Education information pursuant~~
28 ~~to NRS 388.451 concerning a child with an autism spectrum disorder who is not~~
29 ~~participating in the Program, conduct outreach to the parent or guardian of the~~
30 ~~child to determine whether the child is eligible for and may benefit from~~
31 ~~participation in the Program.~~

32 ~~3. A plan of treatment developed for a person who participates in the Program~~
33 ~~pursuant to paragraph (b) of subsection 2 must:~~

34 ~~(a) Identify the specific behaviors of the person to be addressed and the~~
35 ~~expected outcomes.~~

36 ~~(b) Include, without limitation, preparations for transitioning the person from~~
37 ~~one provider of treatment to another or from one public program to another, as the~~
38 ~~needs of the person require through the age of 19 years.~~

39 ~~(c) Be revised to address any change in the needs of the person.~~

40 ~~4. The policies of the Autism Treatment Assistance Program and any services~~
41 ~~provided by the Program must be developed in cooperation with and be approved by~~
42 ~~the Nevada Autism Task Force created by section 40 of chapter 348, Statutes of~~
43 ~~Nevada 2007, or its successor organization.~~

44 ~~5. As used in this section, "autism spectrum disorder" means a condition that~~
45 ~~meets the diagnostic criteria for autism spectrum disorder published in the current~~
46 ~~edition of the Diagnostic and Statistical Manual of Mental Disorders published by~~
47 ~~the American Psychiatric Association or the edition thereof that was in effect at the~~
48 ~~time the condition was diagnosed or determined.] (Deleted by amendment.)~~

49 **Sec. 6.** [NRS 232.320 is hereby amended to read as follows:]

50 ~~232.320 1. The Director:~~

51 ~~(a) Shall appoint, with the consent of the Governor, administrators of the~~
52 ~~divisions of the Department, who are respectively designated as follows:~~

53 ~~(1) The Administrator of the Aging and Disability Services Division;~~

~~(2) The Administrator of the Division of Welfare and Supportive Services;~~
~~(3) The Administrator of the Division of Child and Family Services;~~
~~(4) The Administrator of the Division of Health Care Financing and Policy; and~~

~~(5) The Administrator of the Division of Public and Behavioral Health.~~
~~(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, and section 1 of this act, 422.580, 422.010 to 432.133, inclusive, 432B.621 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.~~

~~(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.~~

~~(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:~~

~~(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;~~

~~(2) Set forth priorities for the provision of those services;~~

~~(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;~~

~~(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;~~

~~(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and~~

~~(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.~~

~~(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.~~

~~(f) Has such other powers and duties as are provided by law.~~

~~2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department, other than the State Public Defender of the Office of State Public Defender who is appointed pursuant to NRS 180.010.] (Deleted by amendment.)~~

Sec. 7. [NRS 284.327 is hereby amended to read as follows:

~~284.327 1. Except as otherwise provided in subsection 4, if an appointing authority has a position available and the position is not required to be filled in another manner pursuant to this chapter, to assist persons with disabilities certified~~

1 by the Rehabilitation Division of the Department of Employment, Training and
2 Rehabilitation, the appointing authority shall, if possible, make a temporary limited
3 appointment of a certified person with a disability for a period not to exceed 700
4 hours notwithstanding that the position so filled is a continuing position.

5 ~~2. A person with a disability who is certified by the Rehabilitation Division~~
6 ~~must be placed on the appropriate list for which the person is eligible. Each such~~
7 ~~person must:~~

8 ~~— (a) Possess the training and skills necessary for the position for which the~~
9 ~~person is certified; and~~

10 ~~— (b) Be able to perform, with or without accommodation, the essential functions~~
11 ~~of that position.~~

12 ~~3. The Rehabilitation Division must be notified of an appointing authority's~~
13 ~~request for a list of eligibility on which the names of one or more certified persons~~
14 ~~with disabilities appear. A temporary limited appointment of a certified person with~~
15 ~~a disability pursuant to this section constitutes the person's examination as required~~
16 ~~by NRS 284.215.~~

17 ~~4. An appointing authority shall not make a temporary limited appointment of~~
18 ~~a certified person with a disability pursuant to this section.~~

19 ~~— (a) If the certified person with a disability currently receives benefits from the~~
20 ~~agency of the Executive Department of the State Government in which the position~~
21 ~~exists; or~~

22 ~~— (b) In any other circumstances that the appointing authority determines would~~
23 ~~create an actual or potential conflict of interest between the certified person with~~
24 ~~the disability and the agency of the Executive Department of the State Government~~
25 ~~in which the position exists.~~

26 ~~5. Each appointing authority shall ensure that there is at least one person on~~
27 ~~the staff of the appointing authority who has training concerning:~~

28 ~~— (a) Making a temporary limited appointment of a certified person with a~~
29 ~~disability pursuant to this section; and~~

30 ~~— (b) The unique challenges a person with a disability faces in the workplace.~~

31 ~~6. The Commission shall adopt regulations to carry out the provisions of~~
32 ~~subsections 1 and 2.~~

33 ~~7. This section does not deter or prevent appointing authorities from~~
34 ~~employing:~~

35 ~~— (a) A person with a disability if the person is available and eligible for~~
36 ~~permanent employment.~~

37 ~~— (b) A person with a disability who is employed pursuant to the provisions of~~
38 ~~subsection 1 in permanent employment if the person qualifies for permanent~~
39 ~~employment before the termination of the person's temporary limited appointment.~~

40 ~~8. If a person appointed pursuant to this section is subsequently appointed to a~~
41 ~~permanent position during or after the 700 hour period, the 700 hours or portion~~
42 ~~thereof counts toward the employee's probationary period.~~

43 ~~9. An appointing authority shall, at least once each month, provide to a~~
44 ~~person appointed pursuant to this section a performance evaluation and inform~~
45 ~~the person whether the appointing authority anticipates appointing the person to~~
46 ~~a permanent position.] (Deleted by amendment.)~~

47 **Sec. 8.** [NRS 388.419 is hereby amended to read as follows:

48 ~~388.419 1. The Department shall:~~

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

52 ~~— (b) Make the form available on a computer disc for use by school districts and,~~
53 ~~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;~~

~~(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) Emotional disturbances;~~

~~(h) Other health impairments;~~

~~(i) Specific learning disabilities;~~

~~(j) Autism spectrum disorders;~~

~~(k) Traumatic brain injuries;~~

~~(l) Developmental delays;~~

~~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 comply with:~~

~~(a) The Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the regulations adopted pursuant thereto;~~

~~(b) The effective communication requirement of Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12131 et seq., and the regulations adopted pursuant thereto; and~~

~~(c) Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and the regulations adopted pursuant thereto.~~

~~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;~~

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

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

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

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

~~7. The State Board shall coordinate with the Autism Treatment Assistance Program established by NRS 427A.875 and the Division of Health Care Financing and Policy of the Department of Health and Human Services to~~

~~ensure that, to the extent practicable, the minimum standards prescribed by the State Board for pupils with autism spectrum disorders pursuant to paragraph (j) of subsection 4 allow for a pupil to receive one evaluation pursuant to NRS 388.449 to determine the eligibility of the pupil for:~~

~~— (a) Programs of instruction or special services for pupils with autism spectrum disorders;~~

~~— (b) Participation in the Autism Treatment Assistance Program established by NRS 427A.875; and~~

~~— (c) Services provided under the Medicaid program for children with autism spectrum disorders.~~

~~8. No apportionment of state money may be made to any school district or charter school for the instruction of pupils with disabilities until the program of instruction maintained therein for such pupils is approved by the Superintendent of Public Instruction as meeting the minimum standards prescribed by the State Board.~~

~~[8.] 9. The Department shall, upon the request of the board of trustees of a school district, provide information to the board of trustees concerning the identification and evaluation of pupils with disabilities in accordance with the standards prescribed by the State Board.~~

~~[9.] 10. The Department shall post on the Internet website maintained by the Department the data that is submitted to the United States Secretary of Education pursuant to 20 U.S.C. § 1418 within 30 days after submission of the data to the Secretary in a manner that does not result in the disclosure of data that is identifiable to an individual pupil.] (Deleted by amendment.)~~

Sec. 9. ~~[NRS 388.451 is hereby amended to read as follows:~~

~~388.451 1. The Department of Education shall [report]:~~

~~— (a) Report annually to the Aging and Disability Services Division of the Department of Health and Human Services information relating to pupils with autism spectrum disorders. The information must:~~

~~— [(a)] (1) Be submitted in the form required by the Aging and Disability Services Division; and~~

~~— [(b)] (2) Include the total number of pupils with autism spectrum disorders who are enrolled in public schools in this State, including all pupils with autism spectrum disorders who have an individualized education program.~~

~~— (b) Collaborate with the Department of Health and Human Services, the Division of Health Care Financing and Policy of the Department of Health and Human Services and the Autism Treatment Assistance Program established by NRS 427A.875 to compile the report described in section 2 of this act.~~

~~— (c) With the consent of the parent or guardian of the pupil, provide to the Department of Health and Human Services, upon the identification of a pupil with an autism spectrum disorder, the name of the pupil, the school in which the pupil is enrolled and the contact information for the parent or guardian of the pupil. The Department of Health and Human Services shall immediately report that information to the Division of Health Care Financing and Policy and the Autism Treatment Assistance Program to facilitate outreach pursuant to section 1 of this act and NRS 427A.875, as applicable.~~

~~2. A pupil with autism spectrum disorder who is designated as a pupil with more than one physical or mental impairment or disability must be included as a pupil with autism spectrum disorder 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.] (Deleted by amendment.)~~

Sec. 10. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. On or before July 1 of each year, the board of trustees of each school district and the governing body of each charter school shall report to the Department:

(a) The number of pupils enrolled in each school in the district or charter school, as applicable, during the immediately preceding school year who had an individualized education program or a plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794; and

(b) The disabilities with which those pupils were diagnosed.

2. On or before August 1 of each year, the Department shall compile a report of the information reported pursuant to subsection 1 and post the report on an Internet website maintained by the Department.

3. The Department shall provide to each school district and charter school in this State information concerning services for children with disabilities provided by the Aging and Disability Services Division of the Department of Health and Human Services. The board of trustees of a school district or the governing body of a charter school shall ensure that the information described in this subsection is provided to the parent or guardian of each pupil enrolled in the school district or charter school, as applicable, who has an individualized education program or a plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794.

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

388.417 As used in NRS 388.417 to 388.515, inclusive, ~~the~~ and section 10 of this act:

1. "Communication mode" means any system or method of communication used by a person with a disability, including, without limitation, 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. "Individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

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

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

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.

1 8. “Pupil with a disability” means a “child with a disability,” as that term is
2 defined in 20 U.S.C. § 1401(3)(A), who is under 22 years of age.

3 9. “Response to scientific, research-based intervention” means a collaborative
4 process which assesses a pupil’s response to scientific, research-based intervention
5 that is matched to the needs of a pupil and that systematically monitors the level of
6 performance and rate of learning of the pupil over time for the purpose of making
7 data-based decisions concerning the need of the pupil for increasingly intensified
8 services.

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

17 Sec. 12. The Commission on Autism Spectrum Disorders or its successor
18 organization shall:

19 1. Study processes for evaluating children with autism disorders,
20 including, without limitation:

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

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

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

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

34 ~~[Sec. 10.]~~ Sec. 13. This act becomes effective ~~[on July 1, 2019.]~~ upon
35 passage and approval.