

SENATE BILL NO. 203—SENATORS SPEARMAN, WOODHOUSE,  
PARKS; HARRIS, OHRENSCHALL AND SCHEIBLE

FEBRUARY 18, 2019

Referred to Committee on Health and Human Services

**SUMMARY**—Revises provisions governing programs for children who are blind, visually impaired, deaf or hard of hearing. (BDR 38-77)

**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; creating the Account to Provide Programs and Services to Children Who Are Blind, Visually Impaired, Deaf or Hard of Hearing; requiring the submission of an annual report to the Interim Finance Committee detailing expenditures made from the Account; providing for the establishment of criteria for evaluating the development of language and literacy skills by certain young children who are deaf or hard of hearing; requiring the Department of Education to develop a resource for parents or guardians to measure the development of such skills by such children; requiring a team developing certain plans and programs for such children to use the established criteria to measure the development of such skills by such children; requiring the Department to publish an annual report concerning the development of such skills by such children; providing for an interim study of the feasibility of establishing a public school for pupils who are blind, visually impaired, deaf or hard of hearing; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

- 1 Existing law requires the Aging and Disability Services Division of the
- 2 Department of Health and Human Services to undertake certain activities to support
- 3 persons with disabilities in this State. (NRS 427A.040) **Section 2** of this bill creates



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in the State General Fund the Account to Provide Programs and Services to Children Who Are Blind, Visually Impaired, Deaf or Hard of Hearing to be administered by the Director of the Department. The Director is required to apply for available grants and is authorized to accept gifts, grants, donations and money from any other source for deposit into the Account. **Section 2** requires the money in the Account to be used only to pay for programs and services for children who are blind, visually impaired, deaf or hard of hearing. **Section 2** additionally requires the Director to submit an annual report to the Interim Finance Committee detailing the expenditures made from the Account.

Existing law requires public schools to provide special programs and services for pupils with disabilities. (NRS 388.419, 388.429) **Section 9** of this bill requires the Superintendent of Public Instruction to establish the Advisory Committee on Language Development for Children Who Are Deaf or Hard of Hearing. **Section 10** of this bill requires the Committee to recommend to the State Board of Education criteria for the development of language and literacy skills by children who are less than 6 years of age and are deaf or hard of hearing. **Section 11** of this bill requires the State Board of Education to: (1) make any revisions necessary so that the criteria recommended by the Committee meet certain requirements; (2) adopt those criteria; and (3) develop a resource for use by the parents or guardians to evaluate the development of language and literacy skills by children who are less than 6 years of age and are deaf or hard of hearing. **Section 10** also requires the Committee to make recommendations concerning certain other matters, including criteria for use by school employees and providers of services to assess the development of language and literacy skills by children who are less than 6 years of age and are deaf or hard of hearing. **Section 12** of this bill requires the State Board to adopt such criteria after considering the recommendations of the Committee. **Section 12** also requires the Department of Education to provide to certain persons and entities that provide educational services to children who are less than 6 years of age and are deaf or hard of hearing with: (1) a summary of the criteria; and (2) training in the use of the criteria.

Existing federal law requires: (1) a local educational agency to develop an individualized education program prescribing special education and related services and supplementary aids and services for a child with a disability who is between 3 and 9 years of age; and (2) a state to establish an individualized family service plan prescribing early intervention services for a child with a disability who is less than 3 years of age. (20 U.S.C. §§ 1414, 1436) **Sections 3 and 14** of this bill require a team developing such a program or plan for a child who is deaf or hard of hearing to use the criteria adopted by the State Board to evaluate the child's development of language and literacy skills.

**Section 13** of this bill requires the Department of Education, in collaboration with the Aging and Disability Services Division, to publish an annual report of aggregated data comparing the development of language and literacy skills by children in this State who are less than 6 years of age and are deaf or hard of hearing with the development of such skills by such children who do not have a disability.

**Section 15** of this bill requires the Legislative Commission to appoint a committee of legislators to conduct an interim study of the feasibility of establishing a public school for pupils who are blind, visually impaired, deaf or hard of hearing.



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 the provisions set forth as sections 2 and 3 of this act.

**Sec. 2. 1. *The Account to Provide Programs and Services to Children Who Are Blind, Visually Impaired, Deaf or Hard of Hearing is hereby created in the State General Fund. The Director shall administer the Account.***

**2. *The Director shall apply for any available grants and may accept gifts, grants and donations and any other source of money for deposit in the Account.***

**3. *Money deposited in the Account and any interest and income earned on such money must be used only to pay for programs and services for children who are blind, visually impaired, deaf or hard of hearing. Such programs and services may include, without limitation, programs and services that:***

**(a) *Take place during or after school;***

**(b) *Are educational or recreational; and***

**(c) *Are provided by the Division or a school district, school or any other person or entity.***

**4. *The interest and income earned on the money in the Account must be credited to the Account. Any claims against the Account must be paid as other claims against the State are paid. Money in the Account does not revert to the State General Fund at the end of the fiscal year, but must be carried forward to the next fiscal year.***

**5. *The Director shall, on or before August 1 of each year, prepare and submit to the Interim Finance Committee a report detailing the expenditures made from the Account.***

**Sec. 3. 1. *When developing an individualized family service plan for a child who is deaf or hard of hearing, the child's individualized family service plan team shall use the criteria prescribed pursuant to section 12 of this act, in addition to any methods of assessment required by federal law, to evaluate the child's development of language and literacy skills and to determine whether to modify the individualized family service plan. If the team determines that the child is not progressing properly in his or her development of language and literacy skills, the team must include in the plan:***

**(a) *A detailed explanation of the reasons that the child is not making adequate progress; and***

**(b) *Recommendations for services and programs to assist the child's development of language and literacy skills.***

**2. *As used in this section:***



(a) *"Individualized family service plan" has the meaning ascribed to it in 20 U.S.C. § 1436.*

(b) *"Individualized family service plan team" means a multidisciplinary team assembled to develop an individualized family service plan pursuant to 20 U.S.C. § 1436(a)(3).*

**Sec. 4.** Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 to 13, inclusive, of this act.

**Sec. 5.** *As used in sections 5 to 13, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 6, 7 and 8 of this act have the meanings ascribed to them in those sections.*

**Sec. 6.** *"Individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).*

**Sec. 7.** *"Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).*

**Sec. 8.** *"Individualized family service plan" has the meaning ascribed to it in 20 U.S.C. § 1436.*

**Sec. 9. 1.** *The Superintendent of Public Instruction shall establish within the Department the Advisory Committee on Language Development for Children Who Are Deaf or Hard of Hearing.*

**2.** *The Superintendent shall appoint to the Committee 13 members who are the parents of pupils who are deaf or hard of hearing, specialize in teaching or providing services to such children or perform research in a field relating to such children. The Committee must include, without limitation:*

- (a) At least seven members who are deaf or hard of hearing;*
- (b) Members who communicate verbally using both American Sign Language and spoken English; and*
- (c) Members who communicate verbally using only spoken English.*

**3.** *The Superintendent of Public Instruction shall appoint a Chair of the Committee. The Committee shall meet at the call of the Chair. A majority of the members of the Committee constitutes a quorum and is required to transact any business of the Committee.*

**4.** *The members of the Committee serve without compensation and are not entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.*

**5.** *A member of the Committee who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation to prepare for and attend meetings of the Committee and perform*



1 *any work necessary to carry out the duties of the Committee in the*  
2 *most timely manner practicable. A state agency or political*  
3 *subdivision of this State shall not require an officer or employee*  
4 *who is a member of the Committee to:*

5 *(a) Make up the time he or she is absent from work to carry*  
6 *out his or her duties as a member of the Committee; or*

7 *(b) Take annual leave or compensatory time for the absence.*

8 **Sec. 10.** *The Advisory Committee on Language Development*  
9 *for Children Who Are Deaf or Hard of Hearing shall:*

10 *1. Recommend to the State Board criteria for use by parents*  
11 *or guardians to evaluate the development of language and literacy*  
12 *skills by children who are less than 6 years of age and are deaf or*  
13 *hard of hearing. The criteria must be:*

14 *(a) Appropriate for use to evaluate the development of*  
15 *language and literacy skills by children who communicate using*  
16 *primarily spoken or written English, with or without the use of*  
17 *visual supplements, or American Sign Language;*

18 *(b) Described in terms used to describe the typical development*  
19 *of children, including, without limitation, children who do not*  
20 *have a disability, and according to the age of the child;*

21 *(c) Aligned with the standards adopted pursuant to NRS*  
22 *389.520 for English language arts and any standards adopted*  
23 *pursuant to that section for early childhood education; and*

24 *(d) Aligned with the Individuals with Disabilities Education*  
25 *Act, 20 U.S.C. §§ 1400 et seq., and any other federal law*  
26 *applicable to the assessment of the development of children with*  
27 *disabilities.*

28 *2. Make recommendations to the State Board and, where*  
29 *appropriate, the Aging and Disability Services Division of the*  
30 *Department of Health and Human Services concerning:*

31 *(a) The development of criteria pursuant to section 12 of this*  
32 *act;*

33 *(b) The examination of children with disabilities pursuant to*  
34 *NRS 388.433; and*

35 *(c) Ways to improve the assessment of language and literacy*  
36 *skills by children who are deaf or hard of hearing.*

37 **Sec. 11.** *1. The State Board shall evaluate the criteria*  
38 *recommended by the Advisory Committee on Language*  
39 *Development for Children Who Are Deaf or Hard of Hearing*  
40 *pursuant to section 10 of this act for use by parents or guardians*  
41 *to evaluate the development of language and literacy skills by*  
42 *children who are less than 6 years of age and are deaf or hard of*  
43 *hearing. If the State Board determines that the criteria*  
44 *recommended by the Committee pursuant to section 10 of this act:*



1 (a) Meet the requirements of that section, adopt the criteria for  
2 the purposes described in subsection 2.

3 (b) Do not meet the requirements of that section, revise the  
4 criteria in a manner that meets the requirements of that section  
5 and adopt the revised criteria for the purposes described in  
6 subsection 2.

7 2. The Department shall develop a written resource for use by  
8 parents or guardians to evaluate the development of language and  
9 literacy skills by children who are less than 6 years of age and are  
10 deaf or hard of hearing. The written resource must:

11 (a) Describe how to use the criteria adopted pursuant to  
12 subsection 1 to evaluate the development of language and literacy  
13 skills by children who are deaf or hard of hearing;

14 (b) Be written clearly and present the criteria in a manner that  
15 is easy for parents to use;

16 (c) State that parents have the right to select whether to  
17 evaluate the development of language and literacy skills by their  
18 child using American Sign Language or spoken or written  
19 English, with or without the use of visual supplements;

20 (d) State that the resource is not a formal assessment of the  
21 development of language and literacy skills and that the  
22 observations by a parent may differ from data presented at a  
23 meeting concerning an individualized education program or  
24 individualized family service plan;

25 (e) State that a parent may bring the resource to a meeting  
26 concerning an individualized education program or individualized  
27 family service plan for purposes of sharing observations  
28 concerning the development of language and literacy skills by his  
29 or her child; and

30 (f) Include balanced and comprehensive information about  
31 languages, modes of communication and available services and  
32 programs for children who are deaf or hard of hearing.

33 3. The Department shall disseminate the resource to parents  
34 or guardians described in subsection 2, including, without  
35 limitation, by:

36 (a) Making written copies of the resource available at  
37 locations and events where such parents or guardians are likely to  
38 be present;

39 (b) Posting the resource on an Internet website maintained by  
40 the Department; and

41 (c) Providing written copies of the resource to the Aging and  
42 Disability Services Division of the Department of Health and  
43 Human Services for distribution to such parents or guardians who  
44 receive services from the Division.



**Sec. 12. 1.** *The State Board shall, after considering the recommendations made by the Advisory Committee on Language Development for Children Who Are Deaf or Hard of Hearing pursuant to section 10 of this act, prescribe by regulation criteria for use by school employees and providers of services to assess the development of language and literacy skills by children who are less than 6 years of age and are deaf or hard of hearing. The criteria must:*

*(a) Be based on criteria and assessments developed by persons and entities with expertise in the development of language and literacy skills by children, including, without limitation, children without a disability, who are less than 6 years of age; and*

*(b) Be organized according to stages of development of language and literacy skills.*

**2.** *The Department shall:*

*(a) Distribute to school districts, charter schools, the Aging and Disability Services Division of the Department of Health and Human Services and other entities that provide educational services to children who are less than 6 years of age and are deaf or hard of hearing a summary of the criteria prescribed pursuant to subsection 1; and*

*(b) Provide to employees of the entities described in paragraph (a) training concerning the use of the criteria to assist children who are less than 6 years of age and are deaf or hard of hearing in developing the language and literacy skills necessary for kindergarten. Such training must include, without limitation, training concerning children who communicate using spoken English and children who communicate using American Sign Language.*

**Sec. 13.** *On or before July 31 of each year, the Department of Education, in collaboration with the Aging and Disabilities Services Division of the Department of Health and Human Services, shall compile and post on an Internet website maintained by the Department of Education a report of aggregated data comparing the development of language and literacy skills by children in this State who are less than 6 years of age and are deaf or hard of hearing with the development of such skills by such children who do not have a disability. The report must not include any personally identifiable information.*

**Sec. 14.** NRS 388.437 is hereby amended to read as follows:

388.437 1. When developing an individualized education program for a pupil with a hearing impairment in accordance with NRS 388.419, 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;

(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 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 preferences of the parent or guardian of the pupil concerning the best feasible 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 developing an individualized education program for a pupil with a hearing impairment who is less than 6 years of age in accordance with NRS 388.419, the pupil's individualized education program team shall use the criteria prescribed pursuant to section 12 of this act, in addition to any methods of assessment required by federal law, to evaluate the pupil's development of language and literacy skills and to determine whether to modify the individualized education program. If the team determines that the pupil is not making adequate progress in the development of language and literacy skills, the team must include in the plan:*

(a) *A detailed explanation of the reasons that the pupil is not making adequate progress; and*

(b) *Recommendations for services and programs to assist the pupil's development of language and literacy skills.*

3. When determining the best feasible 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 design and acoustics of the learning environment; and





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

**Sec. 15.** 1. The Legislative Commission shall appoint a committee to conduct an interim study concerning the feasibility of establishing a public school for pupils who are blind, visually impaired, deaf or hard of hearing. The interim study must address, without limitation, potential sources of funding for such a school.

2. The committee must be composed of:

(a) Two members of the Legislature appointed by the Majority Leader of the Senate;

(b) Two members of the Legislature appointed by the Speaker of the Assembly;

(c) One member of the Legislature appointed by the Minority Leader of the Senate; and

(d) One member of the Legislature appointed by the Minority Leader of the Assembly.

3. The Legislative Commission shall appoint a Chair and a Vice Chair from among the members of the interim committee.

4. The interim committee shall consult with and solicit input from persons and organizations who advocate for or provide services to children who are blind, visually impaired, deaf or hard of hearing.

5. Any recommended legislation proposed by the interim committee must be approved by a majority of the members of the Senate and a majority of the members of the Assembly appointed to the interim committee.

6. The Legislative Commission shall submit a report of the results of the study and any recommendations for legislation, to the Director of the Legislative Counsel Bureau for transmittal to the 81st Session of the Nevada Legislature.

**Sec. 16.** 1. The Department of Education shall compile sets of criteria for evaluating the development of language and literacy skills by children who are less than 6 years of age and are deaf or hard of hearing developed by persons and entities with expertise in the development of language and literacy skills by children, including, without limitation, children without a disability. On or before March 1, 2020, the Department shall provide those sets of criteria to the Advisory Committee on Language Development for Children Who Are Deaf or Hard of Hearing established pursuant to section 9 of this act.

2. On or before June 1, 2020, the Advisory Committee on Language Development for Children Who Are Deaf or Hard of Hearing shall recommend criteria for:

(a) Use by parents or guardians to evaluate the development of language and literacy skills by children who are less than 6 years of



1 age and are deaf or hard of hearing to the State Board of Education  
2 for adoption pursuant to section 11 of this act.

3 (b) Use by school employees and providers of services to  
4 evaluate the development of language and literacy skills by children  
5 who are less than 6 years of age and are deaf or hard of hearing to  
6 the State Board of Education for adoption pursuant to section 12 of  
7 this act.

8 3. On or before June 30, 2020, the Department of Education  
9 shall:

10 (a) Adopt the criteria described in subsection 2; and

11 (b) Notify the Advisory Committee on Language Development  
12 for Children Who Are Deaf or Hard of Hearing of any revisions  
13 made to the criteria recommended by the Committee pursuant to  
14 paragraph (a) of subsection 2 before adoption.

15 **Sec. 17.** The provisions of subsection 1 of NRS 218D.380 do  
16 not apply to any provision of this act which adds or revises a  
17 requirement to submit a report to the Legislature.

18 **Sec. 18.** 1. This section and sections 1, 2, 4 to 13, inclusive,  
19 15, 16 and 17 of this act become effective upon passage and  
20 approval.

21 2. Sections 3 and 14 of this act become effective on July 1,  
22 2020.

