

Senate Bill No. 203—Senators Spearman, Woodhouse,
Parks; D. Harris, Hardy, Ohrenschall and Scheible

Joint Sponsors: Assemblymen Assefa,
Gorelow, Krasner and Nguyen

CHAPTER.....

AN ACT relating to persons with disabilities; authorizing the establishment of a program to negotiate discounts and rebates for hearing devices and related costs for children who are deaf or hard of hearing; requiring the establishment of a program to provide hearing aids at no charge to certain children who reside in low-income households; providing for the establishment of criteria for evaluating the development of language and literacy skills by certain young children who are deaf, hard of hearing, blind, visually impaired or both deaf and blind; 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; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes a program to provide assistive technology and interpreters for persons who are deaf or hard of hearing. Existing law imposes a surcharge of not more than 8 cents per month on each access line of each customer to the local exchange of any telephone company, the funds from which are used to cover the costs of the program, fund the centers established by the program and cover certain other costs. (NRS 427A.797) **Section 3.2** of this bill authorizes the Director of the Department of Health and Human Services to establish a program to negotiate discounts and rebates for hearing devices and related costs for children in this State who are deaf or hard of hearing on behalf of public and private insurers, residents of this State and other entities that provide health coverage or otherwise purchase hearing devices for such children.

Section 3.3 of this bill requires the Aging and Disability Services Division of the Department to develop and administer a program whereby any child under 13 years of age who is hard of hearing may apply to obtain a hearing aid at no charge if the child resides in a home with a household income that is at or below 400 percent of the federal poverty level and does not have access to affordable insurance coverage for a hearing aid. **Section 3.3** requires the Division to establish by regulation the manner in which to apply to receive a hearing aid from the program and requires applications to be awarded to the extent money is available, in the order in which the applications are received. **Section 3.3** additionally requires the Division to annually submit a report to the Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired that sets forth the number of



applications received and approved during the previous calendar year and the number of children on the waiting list for a hearing aid. **Section 3.3** authorizes the Division to accept gifts, grants and donations to pay for the program. **Section 3.8** of this bill requires the Division, in consultation with the Commission, to designate annually an amount of money in the Account for Services for Persons With Impaired Speech or Hearing that the Division must use in that calendar year to cover the costs of the program to provide assistive technology and interpreters for persons who are deaf or hard of hearing and, after designating such money, authorizes the Division to use the remaining money in the Account for certain other purposes. Such purposes include paying the costs of the program established by **section 3.3** to provide hearing aids to low-income children. **Section 3.5** of this bill makes conforming changes.

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, Hard of Hearing, Blind or Visually Impaired. **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, hard of hearing, blind or visually impaired. **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, hard of hearing, blind or visually impaired. **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, hard of hearing, blind or visually impaired. **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, hard of hearing, blind or visually impaired 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, hard of hearing, blind or visually impaired 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, hard of hearing, blind or visually impaired with the development of such skills by such children who do not have a disability.

EXPLANATION – Matter in **bolded italics** is new; matter between brackets ~~omitted material~~ is material to be omitted.



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 to 3.3, inclusive, of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. 1. *When developing an individualized family service plan for a child who is deaf, hard of hearing, blind or visually impaired, including, without limitation, a child who is both deaf and blind, 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. 3.2. 1. *The Director may establish a program to negotiate discounts and rebates for hearing devices and related costs, including, without limitation, ear molds, batteries and FM systems, for children in this State who are deaf or hard of hearing on behalf of entities described in subsection 2 who participate in the program.*

2. The following persons and entities may participate in a program established pursuant to subsection 1:

(a) The Public Employees' Benefits Program;

(b) A governing body of a county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency that provides health coverage to employees through a self-insurance reserve fund pursuant to NRS 287.010;

(c) An insurer that holds a certificate of authority to transact insurance in this State pursuant to chapter 680A of NRS;



(d) *An employer or employee organization based in this State that provides health coverage to employees through a self-insurance reserve fund;*

(e) *A governmental agency or nonprofit organization that purchases hearing devices for children in this State who are deaf or hard of hearing;*

(f) *A resident of this State who does not have coverage for hearing devices; and*

(g) *Any other person or entity that provides health coverage or otherwise purchases hearing devices for children in this State who are deaf or hard of hearing.*

3. *A person or entity described in subsection 2 may participate in any program established pursuant to subsection 1 by submitting an application to the Department in the form prescribed by the Department.*

Sec. 3.3. 1. *The Division shall develop and administer a program whereby any child who is less than 13 years of age whom the Division determines is hard of hearing may apply to obtain a hearing aid at no charge to the child if the child:*

(a) *Resides in a home in which the household income is at or below 400 percent of the federally designated level signifying poverty; and*

(b) *Does not have access to affordable insurance coverage for a hearing aid.*

2. *The Division shall establish by regulation the manner in which a person may apply to receive a hearing aid pursuant to subsection 1 and the manner in which hearing aids may be provided by the program. Applications must be approved to the extent money is available in the order in which the applications are received.*

3. *The Division may accept gifts, grants and donations for the purpose of carrying out the provisions of this section.*

4. *On or before February 15 of each year, the Division shall:*

(a) *Prepare a report concerning the program developed pursuant to subsection 1 which must include, without limitation, the number of applications received pursuant to subsection 1 in the previous calendar year, the number of applications that were approved, the number of children who are on the waiting list to receive a hearing aid and any other information deemed appropriate by the Division; and*

(b) *Submit a copy of the report to the Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired, the*



Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislature.

Sec. 3.5. NRS 427A.040 is hereby amended to read as follows:

427A.040 1. The Division shall, consistent with the priorities established by the Commission pursuant to NRS 427A.038:

(a) Serve as a clearinghouse for information related to problems of the aged and aging.

(b) Assist the Director in all matters pertaining to problems of the aged and aging.

(c) Develop plans, conduct and arrange for research and demonstration programs in the field of aging.

(d) Provide technical assistance and consultation to political subdivisions with respect to programs for the aged and aging.

(e) Prepare, publish and disseminate educational materials dealing with the welfare of older persons.

(f) Gather statistics in the field of aging which other federal and state agencies are not collecting.

(g) Stimulate more effective use of existing resources and available services for the aged and aging.

(h) Develop and coordinate efforts to carry out a comprehensive State Plan for Providing Services to Meet the Needs of Older Persons. In developing and revising the State Plan, the Division shall consider, among other things, the amount of money available from the Federal Government for services to aging persons and the conditions attached to the acceptance of such money, and the limitations of legislative appropriations for services to aging persons.

(i) Coordinate all state and federal funding of service programs to the aging in the State.

2. The Division shall:

(a) Provide access to information about services or programs for persons with disabilities that are available in this State.

(b) Work with persons with disabilities, persons interested in matters relating to persons with disabilities and state and local governmental agencies in:

(1) Developing and improving policies of this State concerning programs or services for persons with disabilities, including, without limitation, policies concerning the manner in which complaints relating to services provided pursuant to specific programs should be addressed; and

(2) Making recommendations concerning new policies or services that may benefit persons with disabilities.



(c) Serve as a liaison between state governmental agencies that provide services or programs to persons with disabilities to facilitate communication and the coordination of information and any other matters relating to services or programs for persons with disabilities.

(d) Serve as a liaison between local governmental agencies in this State that provide services or programs to persons with disabilities to facilitate communication and the coordination of information and any other matters relating to services or programs for persons with disabilities. To inform local governmental agencies in this State of services and programs of other local governmental agencies in this State for persons with disabilities pursuant to this subsection, the Division shall:

(1) Provide technical assistance to local governmental agencies, including, without limitation, assistance in establishing an electronic network that connects the Division to each of the local governmental agencies that provides services or programs to persons with disabilities;

(2) Work with counties and other local governmental entities in this State that do not provide services or programs to persons with disabilities to establish such services or programs; and

(3) Assist local governmental agencies in this State to locate sources of funding from the Federal Government and other private and public sources to establish or enhance services or programs for persons with disabilities.

(e) Administer the following programs in this State that provide services for persons with disabilities:

(1) The program established pursuant to NRS 427A.791, 427A.793 and 427A.795 to provide services for persons with physical disabilities;

(2) The programs established pursuant to NRS 427A.800, 427A.850 and 427A.860 to provide services to persons with traumatic brain injuries;

(3) *The program established pursuant to section 3.3 of this act to provide hearing aids to children who are hard of hearing;*

(4) The program established pursuant to NRS 427A.797 to provide devices for telecommunication to persons who are deaf and persons with impaired speech or hearing;

~~[(4)]~~ (5) Any state program for independent living established pursuant to 29 U.S.C. §§ 796 et seq., with the Rehabilitation Division of the Department of Employment, Training and Rehabilitation acting as the designated state ~~unit,~~ *entity*, as that term is defined in ~~[34]~~ *45* C.F.R. § ~~[364.4:]~~ *1329.4*; and



~~[(5)]~~ (6) Any state program established pursuant to the Assistive Technology Act of 1998, 29 U.S.C. §§ 3001 et seq.

(f) Provide information to persons with disabilities on matters relating to the availability of housing for persons with disabilities and identify sources of funding for new housing opportunities for persons with disabilities.

(g) Before establishing policies or making decisions that will affect the lives of persons with disabilities, consult with persons with disabilities and members of the public in this State through the use of surveys, focus groups, hearings or councils of persons with disabilities to receive:

(1) Meaningful input from persons with disabilities regarding the extent to which such persons are receiving services, including, without limitation, services described in their individual service plans, and their satisfaction with those services; and

(2) Public input regarding the development, implementation and review of any programs or services for persons with disabilities.

(h) Publish and make available to governmental entities and the general public a biennial report which:

(1) Provides a strategy for the expanding or restructuring of services in the community for persons with disabilities that is consistent with the need for such expansion or restructuring;

(2) Reports the progress of the Division in carrying out the strategic planning goals for persons with disabilities identified pursuant to chapter 541, Statutes of Nevada 2001;

(3) Documents significant problems affecting persons with disabilities when accessing public services, if the Division is aware of any such problems;

(4) Provides a summary and analysis of the status of the practice of interpreting and the practice of realtime captioning, including, without limitation, the number of persons engaged in the practice of interpreting in an educational setting in each professional classification established pursuant to NRS 656A.100 and the number of persons engaged in the practice of realtime captioning in an educational setting; and

(5) Recommends strategies and, if determined necessary by the Division, legislation for improving the ability of the State to provide services to persons with disabilities and advocate for the rights of persons with disabilities.

3. The Division shall confer with the Department as the sole state agency in the State responsible for administering the provisions of this chapter and chapter 435 of NRS.



4. The Division shall administer the provisions of chapters 435, 437 and 656A of NRS.

5. The Division may contract with any appropriate public or private agency, organization or institution, in order to carry out the provisions of this chapter and chapter 435 of NRS.

Sec. 3.8. NRS 427A.797 is hereby amended to read as follows:

427A.797 1. The Division shall develop and administer a program whereby:

(a) Any person who is a customer of a telephone company which provides service through a local exchange or a customer of a company that provides wireless phone service and who is certified by the Division to be deaf or to have severely impaired speech or hearing may obtain a device for telecommunication or other assistive technology capable of serving the needs of such persons at no charge to the customer beyond the rate for basic service;

(b) Any person who is deaf or has severely impaired speech or hearing may communicate by telephone, including, without limitation, a wireless phone, or other means with other persons through a dual-party relay system or other assistive technology; and

(c) Interpreters are made available, when possible, to the Executive, Judicial and Legislative Departments of State Government to assist those departments in providing access to persons who are deaf or hard of hearing. The Division shall, to the extent money is available, employ one or more interpreters in the unclassified service of the State for the purposes of this paragraph.

2. The program developed pursuant to subsection 1 must include the establishment of centers for persons who are deaf or hard of hearing that provide services which must include, without limitation:

(a) Facilitating the provision and distribution of devices for telecommunication and other assistive technology to persons with impaired speech or hearing;

(b) Assisting persons who are deaf or have severely impaired speech or hearing in accessing assistive devices, including, without limitation, hearing aids, electrolarynxes and devices for telecommunication and other assistive technology;

(c) Expanding the capacity for service using devices for telecommunication and other assistive technology in areas where there is a need for such devices and technology and services for persons with impaired speech or hearing are not available;

(d) Providing instruction in language acquisition to persons determined by the center to be eligible for services; and



(e) Providing programs designed to increase access to education, employment and health and social services.

3. A surcharge of not more than 8 cents per month is hereby imposed on each access line of each customer to the local exchange of any telephone company providing such lines in this State and on each personal wireless access line of each customer of any company that provides wireless phone services in this State. The surcharge must be used to:

(a) Cover the costs of the program;

(b) Fund the centers for persons who are deaf or hard of hearing established pursuant to subsection 2; and

(c) Cover the costs incurred by the Division to carry out the provisions of chapter 656A of NRS that are not covered by the civil penalties received by the Division pursuant to NRS 656A.800.

↪ The Public Utilities Commission of Nevada shall establish by regulation the amount to be charged. Those companies shall collect the surcharge from their customers and transfer the money collected to the Commission pursuant to regulations adopted by the Commission.

4. The Account for Services for Persons With Impaired Speech or Hearing is hereby created within the State General Fund and must be administered by the Division. Any money collected from the surcharge imposed pursuant to subsection 3 must be deposited in the State Treasury for credit to the Account.

5. The Division shall, in consultation with the Commission, designate annually an amount of money in the Account to be used by the Division in that calendar year only to cover the costs of the program developed pursuant to subsection 1.

6. After designating the amount of money to use pursuant to subsection 5, the Division may use the remaining money in the Account ~~{may be used}~~ only:

(a) For the purchase, maintenance, repair and distribution of the devices for telecommunication and other assistive technology, including the distribution of such devices and technology to state agencies and nonprofit organizations;

(b) To establish and maintain the dual-party relay system;

(c) To reimburse telephone companies and companies that provide wireless phone services for the expenses incurred in collecting and transferring to the Public Utilities Commission of Nevada the surcharge imposed by the Commission;

(d) For the general administration of the program developed and administered pursuant to subsection 1;



(e) To train persons in the use of the devices for telecommunication and other assistive technology;

(f) To fund the centers for persons who are deaf or hard of hearing established pursuant to subsection 2; ~~and~~

(g) To cover the costs incurred by the Division to carry out the provisions of chapter 656A of NRS that are not covered by the civil penalties received by the Division pursuant to NRS 656A.800 ~~;~~ *and*

(h) To cover the costs of the program established pursuant to section 3.3 of this act to provide hearing aids to children who are hard of hearing.

~~§~~ 7. For the purposes of this section:

(a) *“Account” means the Account for Services for Persons With Impaired Speech or Hearing.*

(b) “Device for telecommunication” means a device which is used to send messages through the telephone system, including, without limitation, the wireless phone system, which visually displays or prints messages received and which is compatible with the system of telecommunication with which it is being used.

~~§~~ (c) “Dual-party relay system” means a system whereby persons who have impaired speech or hearing, and who have been furnished with devices for telecommunication, may relay communications through third parties to persons who do not have access to such devices.

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, Hard of Hearing, Blind or Visually Impaired.*

2. *The Superintendent shall appoint to the Committee 13 members who are the parents of pupils who are deaf, hard of*



hearing, blind or visually impaired, including, without limitation, pupils who are both deaf and blind, 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, hard of hearing, blind or visually impaired;

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

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

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

Sec. 10. *The Advisory Committee on Language Development for Children Who Are Deaf, Hard of Hearing, Blind or Visually Impaired shall:*

1. Recommend to the State Board criteria for use by 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, hard of hearing, blind or visually impaired, including, without limitation, children who are both deaf and blind. The criteria must be:

(a) Appropriate for use to evaluate the development of language and literacy skills by children who:



(1) Communicate using primarily spoken or written English, with or without the use of visual supplements, or American Sign Language; or

(2) Read using braille;

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

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

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

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

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

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

(c) Ways to improve the assessment of language and literacy skills by children who are deaf, hard of hearing, blind or visually impaired, including, without limitation, children who are both deaf and blind.

Sec. 11. 1. The State Board shall evaluate the criteria recommended by the Advisory Committee on Language Development for Children Who Are Deaf, Hard of Hearing, Blind or Visually Impaired pursuant to section 10 of this act for use by 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, hard of hearing, blind or visually impaired, including, without limitation, children who are both deaf and blind. If the State Board determines that the criteria recommended by the Committee pursuant to section 10 of this act:

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

(b) Do not meet the requirements of that section, the State Board must revise the criteria in a manner that meets the requirements of that section and adopt the revised criteria for the purposes described in subsection 2.

2. The Department shall develop a written resource for use by 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, hard of hearing, blind or visually impaired, including, without limitation, children who are both deaf and blind. The written resource must:

(a) Describe how to use the criteria adopted pursuant to subsection 1 to evaluate the development of language and literacy skills by children who are deaf, hard of hearing, blind or visually impaired, including, without limitation, children who are both deaf and blind;

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

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

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

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

(f) Include balanced and comprehensive information about languages, modes of communication and available services and programs for children who are deaf, hard of hearing, blind or visually impaired, including, without limitation, children who are both deaf and blind.

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

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

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

(c) Providing written copies of the resource to the Aging and Disability Services Division of the Department of Health and Human Services for distribution to such parents or guardians who 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, Hard of Hearing, Blind or Visually Impaired 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, hard of hearing, blind or visually impaired, including, without limitation, children who are both deaf and blind. 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, hard of hearing, blind or visually impaired, including, without limitation, children who are both deaf and blind, 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, hard of hearing, blind or visually impaired, including, without limitation, children who are both deaf and blind, 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, hard of hearing, blind or visually impaired, including, without limitation, children who are both deaf and blind, 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 or visual impairment who is less than 6 years of age, including, without limitation, such a pupil with both hearing and visual impairments, 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. (Deleted by amendment.)

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, hard of hearing, blind or visually impaired, including, without limitation, children who are both deaf and blind, 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, Hard of Hearing, Blind or Visually Impaired 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, Hard of Hearing, Blind or Visually Impaired 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 age and are deaf, hard of hearing, blind or visually impaired, including, without limitation, children who are both deaf and blind, to the State Board of Education for adoption pursuant to section 11 of this act.

(b) Use by school employees and providers of services to evaluate the development of language and literacy skills by children who are less than 6 years of age and are deaf, hard of hearing, blind or visually impaired, including, without limitation, children who are both deaf and blind, to the State Board of Education for adoption pursuant to section 12 of this act.

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



- (a) Adopt the criteria described in subsection 2; and
- (b) Notify the Advisory Committee on Language Development for Children Who Are Deaf, Hard of Hearing, Blind or Visually Impaired of any revisions made to the criteria recommended by the Committee pursuant to paragraph (a) of subsection 2 before adoption.

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

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

2. Sections 3.2, 3.3, 3.5 and 3.8 of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of those sections; and

(b) On January 1, 2020, for all other purposes.

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

