
ASSEMBLY BILL NO. 359—ASSEMBLYMEN WOODBURY, HARDY, GANSERT, OHRENSCHALL; AIZLEY, ATKINSON, BOBZIEN, CHRISTENSEN, CLABORN, DENIS, DONDERO LOOP, GOEDHART, GOICOECHEA, HAMBRICK, HOGAN, KIHUEN, KIRKPATRICK, MANENDO, MUNFORD, OCEGUERA, PIERCE, SETTELMAYER, SPIEGEL AND STEWART

MARCH 16, 2009

JOINT SPONSORS: SENATORS BREEDEN,
SCHNEIDER AND WOODHOUSE

Referred to Committee on Education

SUMMARY—Revises provisions governing the requirements for certain personnel who work with children with autism. (BDR 34-1024)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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

AN ACT relating to education; requiring the boards of trustees of school districts and the governing bodies of charter schools to ensure that certain personnel possess the skills and qualifications necessary to work with pupils with autism; prescribing the qualifications for a paraprofessional who assists pupils with autism; requiring the Health Division of the Department of Health and Human Services to ensure that certain personnel possess the skills and qualifications necessary to provide services to children with autism and their families; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 **Section 2** of this bill requires the board of trustees of each school district and
- 2 the governing body of each charter school to ensure that the personnel employed by
- 3 the school district or charter school who work with pupils with autism receive the
- 4 appropriate preparation and training necessary to serve those pupils. **Section 3** of
- 5 this bill prescribes the requirements for personnel of school districts and charter



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6 schools who are assigned to assist a parent or legal guardian of a pupil with autism
7 in making decisions about the services and programs available for the pupil.
8 **Section 4** of this bill requires that the parent or legal guardian of a pupil who is
9 identified as being at risk for a diagnosis of autism be notified in a timely manner
10 and referred to appropriate professionals for evaluation and treatment. **Section 5** of
11 this bill prescribes the qualifications for a paraprofessional employed by a school
12 district or charter school who is assigned to work with a pupil with autism.
13 **Section 6** of this bill requires the personnel of the Health Division of the
14 Department of Health and Human Services who provide early intervention services
15 to possess the knowledge and skills necessary to provide services to children with
16 autism and their families.

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

1 **Section 1.** Chapter 391 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 5, inclusive, of this
3 act.

4 **Sec. 2.** *The board of trustees of each school district and the*
5 *governing body of each charter school shall ensure that the*
6 *personnel employed by the school district or charter school who*
7 *work with pupils with autism receive the appropriate preparation*
8 *and training necessary to serve those pupils. The training must*
9 *include, without limitation:*

10 1. *The characteristics of autism, including, without*
11 *limitation, behavioral and communication characteristics;*

12 2. *Methods for assessing, on a regular and consistent basis,*
13 *the specific needs of a pupil with autism to ensure the pupil is*
14 *meeting the objectives and goals described in the individualized*
15 *education program of the pupil or other educational plan prepared*
16 *for the pupil;*

17 3. *The procedure for evaluating pupils who demonstrate*
18 *behaviors which are consistent with autism;*

19 4. *Approaches for use in the classroom to assist a pupil with*
20 *autism with communication and social development; and*

21 5. *Methods of providing support to pupils with autism and*
22 *their families.*

23 **Sec. 3.** *The board of trustees of each school district and the*
24 *governing body of each charter school shall ensure that the*
25 *personnel employed by the school district or charter school who*
26 *are assigned to assist a parent or legal guardian of a pupil with*
27 *autism in making decisions about the services and programs*
28 *available for the pupil:*

29 1. *Possess the knowledge and understanding of the scientific*
30 *research and support for each method or approach that is*
31 *available for the pupil and the ability to recognize the difference*



1 *between an approach or method that is scientifically validated and*
2 *one that is not;*

3 *2. Possess the knowledge to accurately describe the research*
4 *supporting each method or approach, including, without*
5 *limitation, the knowledge necessary to provide an explanation that*
6 *a method or approach is experimental if it is not supported by*
7 *scientific evidence; and*

8 *3. Provide the parent or legal guardian with all options for*
9 *treatment and intervention that may assist the pupil in his*
10 *development and advancement.*

11 **Sec. 4.** *The board of trustees of each school district and the*
12 *governing body of each charter school shall ensure that the*
13 *teachers and other educational personnel employed by the school*
14 *district communicate in a timely manner to the parent or legal*
15 *guardian of a pupil who is identified as being at risk for a*
16 *diagnosis of autism and immediately notify and refer the parent or*
17 *legal guardian to the appropriate professionals for further*
18 *evaluation and simultaneously refer the parent or legal guardian*
19 *to any appropriate early intervention services and strategies.*

20 **Sec. 5.** *1. In addition to any other qualifications required*
21 *by statute or regulation, a paraprofessional who is employed by*
22 *the board of trustees of a school district or the governing body of a*
23 *charter school to provide assistance to pupils with autism must*
24 *possess the following qualifications:*

25 *(a) Knowledge of autism, including, without limitation:*

26 *(1) The characteristics of autism and the range of spectrum*
27 *disorders within a diagnosis of autism;*

28 *(2) An understanding of the importance of building*
29 *relationships between pupils with autism, other pupils and*
30 *teachers or adults to encourage the independence of a pupil with*
31 *autism; and*

32 *(3) The ability to determine the patterns of behavior of*
33 *pupils with autism;*

34 *(b) Demonstrated proficiency in providing structure and*
35 *predictability through the consistent use of methods that support*
36 *prior learning and continued development;*

37 *(c) Demonstrated proficiency in adapting, modifying or*
38 *structuring the environment based upon an understanding of the*
39 *auditory, visual or other sensory stimuli which may be reinforcing,*
40 *calming or distracting to the pupil;*

41 *(d) The ability to use positive behavioral supports, including,*
42 *without limitation, the use of discrete trial, structured teaching*
43 *methods, reinforcement and generalized approaches to enhance*
44 *the pupil's education and prevent behavioral problems, as directed*
45 *by the pupil's teacher or other appropriate personnel;*



1 (e) *The ability to accurately collect and record data on the*
2 *progress of a pupil with autism and report to the pupil's teacher in*
3 *a timely manner if a particular strategy or program is not*
4 *producing the planned outcome for the pupil; and*

5 (f) *Demonstrated proficiency in the ability to communicate*
6 *effectively and consistently with pupils with autism using*
7 *communication techniques designed for those pupils.*

8 2. *The board of trustees of a school district or the governing*
9 *body of a charter school may enter into an agreement with a local*
10 *corporation, business, organization or other entity to provide*
11 *training for a paraprofessional who provides assistance to pupils*
12 *with autism in accordance with this section.*

13 **Sec. 6.** Chapter 442 of NRS is hereby amended by adding
14 thereto a new section to read as follows:

15 1. *The Health Division shall ensure that all personnel*
16 *employed by the Health Division who provide early intervention*
17 *services possess the knowledge and skills necessary to serve*
18 *children with autism, including, without limitation:*

19 (a) *The procedure for screening a child for autism at least*
20 *once before the child attains the age of 2 years;*

21 (b) *The procedure for evaluating children who demonstrate*
22 *behaviors which are consistent with autism;*

23 (c) *The procedure for enrolling a child in early intervention*
24 *services upon determining that the child has autism;*

25 (d) *Methods of providing support to children with autism and*
26 *their families; and*

27 (e) *The procedure for developing an individualized family*
28 *service plan in accordance with Part C of the Individuals with*
29 *Disabilities Education Act, 20 U.S.C. §§ 1431 et seq., or other*
30 *appropriate plan for the child.*

31 2. *The Health Division shall ensure that the personnel*
32 *employed by the Health Division to provide early intervention*
33 *services to children with autism:*

34 (a) *Possess the knowledge and understanding of the scientific*
35 *research and support for each method or approach that is*
36 *available for the child and the ability to recognize the difference*
37 *between an approach or method that is scientifically validated and*
38 *one that is not;*

39 (b) *Possess the knowledge to accurately describe to parents*
40 *and guardians the research supporting each method or approach,*
41 *including, without limitation, the knowledge necessary to provide*
42 *an explanation that a method or approach is experimental if it is*
43 *not supported by scientific evidence;*

44 (c) *Immediately notify a parent or legal guardian if a child is*
45 *identified as being at risk for a diagnosis of autism and refer the*



1 *parent or legal guardian to the appropriate professionals for*
2 *further evaluation and simultaneously refer the parent or legal*
3 *guardian to any appropriate early intervention services and*
4 *strategies; and*

5 *(d) Provide the parent or legal guardian with all options for*
6 *treatment and intervention that may assist the child in his*
7 *development and advancement.*

8 **Sec. 7.** This act becomes effective on July 1, 2009.

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