

SENATE BILL NO. 174—SENATOR OHRENSCHALL

PREFILED FEBRUARY 3, 2025

Referred to Committee on Education

SUMMARY—Revises provisions relating to pupils with autism spectrum disorder. (BDR 34-53)

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

CONTAINS UNFUNDED MANDATE (§ 1)  
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 board of trustees of each school district and the governing body of each charter school to develop a policy governing the provision of certain services to pupils with autism spectrum disorder; authorizing certain persons or governmental entities to request the Superintendent of Public Instruction to determine whether such policies comply with certain laws and regulations; revising the definition of the term “volunteer” as it relates to persons required to undergo certain criminal background checks; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law requires public schools to provide programs and services for  
2 pupils with disabilities. (NRS 388.419, 388.429) **Section 1** of this bill requires the  
3 board of trustees of each school district and the governing body of each charter  
4 school to develop a policy governing the manner in which pupils with autism  
5 spectrum disorders who have individualized education programs receive medically  
6 necessary treatment or services from private instructional personnel in a school  
7 setting. **Section 1** additionally requires such a policy to: (1) require each school to  
8 provide notice to the parent or legal guardian of such a pupil of certain rights; (2)  
9 set forth protocols for private educational personnel to observe such pupils,  
10 collaborate with educational personnel and provide medically necessary treatment  
11 and other services; and (3) comply with the Individuals with Disabilities Education  
12 Act. Furthermore, **section 1**: (1) prohibits a school district or charter school from  
13 charging certain fees relating to the provision of certain services; (2) sets forth the  
14 only requirements a school district or charter school is authorized to place on



15 private instructional personnel; (3) requires the policy developed by each school  
16 district and charter school to be made available on its Internet website and to a  
17 parent or legal guardian who requests a copy; and (4) requires each school district  
18 and charter school to compile a report containing certain information and submit  
19 such a report to the Department of Education, which must submit the reports to  
20 certain legislative bodies.

21 Existing law requires the Department to ensure compliance with the Individuals  
22 with Disabilities Education Act, federal regulations adopted pursuant to the Act and  
23 Nevada statutes and regulations governing the education of pupils with disabilities.  
24 (20 U.S.C. §§ 1400 et seq.; 34 C.F.R. Part 300; NRS 388.417-388.5243) Existing  
25 law further authorizes a person or governmental entity to request the  
26 Superintendent of Public Instruction to determine whether a provider of special  
27 education is in compliance with such laws. (NRS 388.4352) **Sections 3 and 4** of  
28 this bill make conforming changes to require the provisions of **section 1** be  
29 enforced in the same manner as other requirements governing pupils with  
30 disabilities.

31 Existing law requires each volunteer at a public school, including a charter  
32 school, who is likely to have unsupervised contact with pupils to submit his or her  
33 fingerprints to the governing body of a charter school or the board of trustees of the  
34 school district, as applicable, for the purposes of a criminal background check  
35 before beginning his or her service as a volunteer and at least once every 5 years  
36 thereafter. (NRS 388A.515, 391.104) Under existing law, a volunteer who meets  
37 certain requirements is not required to undergo such an investigation. (NRS  
38 388A.516, 391.105) Existing law defines the term "volunteer" to mean any person  
39 who, without compensation, works at, assists with or oversees any activity or event  
40 conducted or sponsored by the school during or outside of school hours. (NRS  
41 388A.510, 391.1035) **Sections 5 and 6** of this bill provide that the term "volunteer"  
42 also includes private instructional personnel who provide services to a pupil with  
43 autism spectrum disorder who has an individualized education program, thereby  
44 requiring such a volunteer to undergo an investigation into his or her background  
45 unless he or she obtains certain exemptions.

46 **Section 2** of this bill makes a conforming change to apply the definitions in  
47 existing law to **section 1**.

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

1 **Section 1.** Chapter 388 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3 *1. The board of trustees of each school district and the*  
4 *governing body of each charter school shall develop a policy*  
5 *prescribing the manner in which a pupil with autism spectrum*  
6 *disorder who has an individualized education program must,*  
7 *subject to the consent of his or her parent or legal guardian,*  
8 *receive medically necessary treatment, as authorized by an*  
9 *insurer, third-party payor or person paying for the treatment, or*  
10 *the services of private instructional personnel in a school setting.*

11 *2. A policy developed pursuant to this section must:*

12 *(a) Require each school within the district or the charter*  
13 *school, as applicable, to provide notice to the parent or legal*



1 *guardian of an enrolled pupil with autism spectrum disorder of the*  
2 *right of the pupil to:*

3 (1) *Request access to medically necessary treatment, as*  
4 *authorized by an insurer, third-party payor or person paying for*  
5 *the treatment, in a school setting pursuant to section 504 of the*  
6 *Rehabilitation Act of 1973, 29 U.S.C. § 794, and Title II of the*  
7 *Americans With Disabilities Act of 1990, 42 U.S.C. §§ 12131 et*  
8 *seq.; and*

9 (2) *Appeal the decision of a school district or charter school*  
10 *concerning his or her access to the medically necessary treatment*  
11 *or services of private instructional personnel in the school setting*  
12 *pursuant to NRS 388.463;*

13 (b) *Set forth the protocols for private instructional personnel*  
14 *to:*

15 (1) *Observe, in a classroom setting, the pupil who receives*  
16 *his or her services; and*

17 (2) *Collaborate with educational personnel employed by the*  
18 *school district or charter school, as applicable, in the provision of*  
19 *services to a pupil with autism spectrum disorder;*

20 (c) *Comply with the Individuals with Disabilities Education*  
21 *Act, 20 U.S.C. §§ 1400 et seq.; and*

22 (d) *Not require the school district or charter school to pay for*  
23 *any treatment or services addressed by the policy.*

24 3. *The board of trustees of a school district or the governing*  
25 *body of a charter school shall:*

26 (a) *Not charge a fee to a pupil or a parent or legal guardian of*  
27 *the pupil relating to the provision of services by private*  
28 *instructional personnel in a school setting rendered under a policy*  
29 *developed pursuant to subsection 2.*

30 (b) *Only impose requirements for private instructional*  
31 *personnel that include requiring private instructional personnel*  
32 *to:*

33 (1) *Carry a policy of professional liability insurance;*

34 (2) *Except as otherwise provided in NRS 388A.516 or*  
35 *391.105, as applicable, undergo an investigation into his or her*  
36 *background conducted pursuant to NRS 388A.515 or 391.104, as*  
37 *applicable; and*

38 (3) *Adhere to relevant state and federal privacy laws,*  
39 *including, without limitation, the Family Educational Rights and*  
40 *Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations*  
41 *adopted pursuant thereto, and the Health Insurance Portability*  
42 *and Accountability Act of 1996, Public Law 104-191, as amended,*  
43 *and applicable regulations.*

44 4. *The board of trustees of each school district and the*  
45 *governing body of each charter school shall make available, on*



1 *the Internet website of the school district or charter school, as*  
2 *applicable, and to a parent or legal guardian of a pupil who*  
3 *requests a copy, the policy developed pursuant to this section.*

4 5. *The board of trustees of each school district and the*  
5 *governing body of each charter school shall, on or before July 1 of*  
6 *each year, compile and submit to the Department a report that*  
7 *includes:*

8 (a) *The total number of requests made pursuant to this section*  
9 *by a pupil with autism spectrum disorder for access to medically*  
10 *necessary treatment in a school setting; and*

11 (b) *The number of such requests that were authorized or*  
12 *denied.*

13 6. *On or before January 1 of each year, the Department*  
14 *shall:*

15 (a) *Post the reports received pursuant to subsection 5 on the*  
16 *Internet website of the Department; and*

17 (b) *Submit the reports received pursuant to subsection 5:*

18 (1) *In odd-numbered years, to the Director of the*  
19 *Legislative Counsel Bureau for transmittal to the Senate and*  
20 *Assembly Standing Committees on Education; and*

21 (2) *In even-numbered years, to the Joint Interim Standing*  
22 *Committee on Education.*

23 7. *As used in this section:*

24 (a) *“Medically necessary treatment” means any medically*  
25 *necessary habilitative or rehabilitative care, prescription care,*  
26 *psychiatric care, psychological care, behavioral therapy or*  
27 *therapeutic care identified by a qualified provider of health care*  
28 *for the treatment of autism spectrum disorders.*

29 (b) *“Private instructional personnel” means a person who is*  
30 *hired or contracted by the parent or legal guardian of a pupil, or*  
31 *authorized by an insurer or third-party payor, to provide services*  
32 *to the pupil as:*

33 (1) *An assistant behavior analyst, behavior analyst or*  
34 *registered behavior technician who is registered, certified or*  
35 *licensed pursuant to chapter 641D of NRS;*

36 (2) *A speech-language pathologist who is licensed pursuant*  
37 *to chapter 637B of NRS;*

38 (3) *An occupational therapist who is licensed pursuant to*  
39 *chapter 640A of NRS;*

40 (4) *A physical therapist who is licensed pursuant to chapter*  
41 *640 of NRS;*

42 (5) *A psychologist who is licensed pursuant to chapter 641*  
43 *of NRS; or*

44 (6) *A clinical social worker who is licensed pursuant to*  
45 *chapter 641B of NRS.*



1       **Sec. 2.** NRS 388.417 is hereby amended to read as follows:  
2       388.417 As used in NRS 388.417 to 388.515, inclusive **H** ,  
3       **and section 1 of this act:**

4       1. “Communication mode” means any system or method of  
5       communication used by a person with a disability, including,  
6       without limitation, a person who is deaf or whose hearing is  
7       impaired, to facilitate communication which may include, without  
8       limitation:

- 9       (a) American Sign Language;
- 10       (b) English-based manual or sign systems;
- 11       (c) Oral and aural communication;
- 12       (d) Spoken and written English, including speech reading or lip  
13       reading; and
- 14       (e) Communication with assistive technology devices.

15       2. “Dyslexia” means a neurological learning disability  
16       characterized by difficulties with accurate and fluent word  
17       recognition and poor spelling and decoding abilities that typically  
18       result from a deficit in the phonological component of language.

19       3. “Dyslexia intervention” means systematic, multisensory  
20       intervention offered in an appropriate setting that is derived from  
21       evidence-based research.

22       4. “Individualized education program” has the meaning  
23       ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

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

26       6. “Provider of special education” means a school within a  
27       school district or charter school that provides education or services  
28       to pupils with disabilities or any other entity that is responsible for  
29       providing education or services to a pupil with a disability for a  
30       school district or charter school.

31       7. “Pupil who receives early intervening services” means a  
32       person enrolled in kindergarten or grades 1 to 12, inclusive, who is  
33       not a pupil with a disability but who needs additional academic and  
34       behavioral support to succeed in a regular school program.

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

38       9. “Response to scientific, research-based intervention” means  
39       a collaborative process which assesses a pupil’s response to  
40       scientific, research-based intervention that is matched to the needs  
41       of a pupil and that systematically monitors the level of performance  
42       and rate of learning of the pupil over time for the purpose of making  
43       data-based decisions concerning the need of the pupil for  
44       increasingly intensified services.



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

11 **Sec. 3.** NRS 388.4352 is hereby amended to read as follows:

12 388.4352 1. Any person or governmental entity may request  
13 the Superintendent of Public Instruction to determine whether a  
14 provider of special education is in compliance with the Individuals  
15 with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., NRS  
16 388.417 to 388.5243, inclusive, *and section 1 of this act*, any  
17 regulations adopted pursuant thereto, or any other law or regulation  
18 governing the education of pupils with disabilities in this State.

19 2. Upon receipt of a request pursuant to subsection 1 or upon  
20 his or her own initiative, the Superintendent of Public Instruction  
21 must determine whether there is good cause to conduct an  
22 inspection of the provider of special education. If the Superintendent  
23 of Public Instruction determines there is good cause to conduct an  
24 inspection, the Superintendent of Public Instruction shall cause such  
25 an inspection to be conducted by the Department within 30 days  
26 after making the determination. An inspection conducted pursuant to  
27 this subsection may be conducted on-site, electronically or by  
28 telephone.

29 3. If, after an inspection conducted pursuant to subsection 2,  
30 the Superintendent of Public Instruction determines that a provider  
31 of special education is not in compliance with a law or regulation  
32 governing the education of pupils with disabilities, the  
33 Superintendent of Public Instruction must, not more than 30 days  
34 after completion of the inspection:

35 (a) Meet with the provider of special education to determine the  
36 most efficient and expeditious manner in which to bring the  
37 provider of special education into compliance with the law or  
38 regulation; and

39 (b) Request the board of trustees of the school district or the  
40 governing body of the charter school, as applicable, to establish a  
41 plan of corrective action pursuant to NRS 385.175 to ensure  
42 compliance with the law or regulation.

43 **Sec. 4.** NRS 388.4354 is hereby amended to read as follows:

44 388.4354 1. If a provider of special education fails or refuses  
45 to comply in a timely manner with a plan of corrective action



1 established pursuant to NRS 385.175 or with an order of a hearing  
2 officer issued pursuant to a due process hearing conducted pursuant  
3 to the Individuals with Disabilities Education Act, 20 U.S.C. §§  
4 1400 et seq., or pursuant to an appeal therefrom, the Superintendent  
5 of Public Instruction must take appropriate measures to ensure  
6 compliance with the Individuals with Disabilities Education Act, 20  
7 U.S.C. §§ 1400 et seq., NRS 388.417 to 388.5243, inclusive, *and*  
8 *section 1 of this act*, any regulations adopted pursuant thereto, or  
9 any other law or regulation governing the education of pupils with  
10 disabilities in this State.

11 2. In determining the appropriate measures to take to ensure  
12 compliance with the laws and regulations governing the education  
13 of pupils with disabilities, the Superintendent of Public Instruction  
14 must consider:

15 (a) The severity of the failure to comply with the plan of  
16 corrective action or the order of the hearing officer and the length  
17 and number of times that the provider of special education has been  
18 out of compliance with the laws and regulations governing the  
19 education of pupils with disabilities;

20 (b) Whether the provider of special education made a good faith  
21 effort to comply with the plan of corrective action or the order of the  
22 hearing officer;

23 (c) The impact on pupils served by the provider of special  
24 education of the failure to comply with the plan of corrective action  
25 or the order of the hearing officer; and

26 (d) Whether the provider of special education has previously  
27 failed to comply with such a plan of corrective action or order of a  
28 hearing officer.

29 3. The actions which the Superintendent of Public Instruction  
30 may take to ensure compliance pursuant to subsection 1 after  
31 considering the factors set forth in subsection 2 include, without  
32 limitation:

33 (a) Extending the time by which the provider of special  
34 education must comply with the plan of corrective action;

35 (b) Revising the plan of corrective action;

36 (c) Requiring the school district or the governing body of the  
37 charter school, as applicable, to provide technical assistance to the  
38 provider of special education to assist with compliance with  
39 the laws and regulations governing the education of pupils with  
40 disabilities;

41 (d) Requiring the school district or the governing body of the  
42 charter school, as applicable, to provide appropriate professional  
43 development for the provider of special education to assist with  
44 compliance with the laws and regulations governing the education  
45 of pupils with disabilities;





1 (e) Ordering an investigation of compliance by the provider of  
2 special education or additional inspections of the provider of special  
3 education to ensure compliance with the laws and regulations  
4 governing the education of pupils with disabilities, or both;

5 (f) Requiring the school district or charter school, as  
6 appropriate, to assign one or more persons to monitor compliance  
7 with the plan of corrective action or order of the hearing officer and  
8 the laws and regulations governing the education of pupils with  
9 disabilities by the provider of special education;

10 (g) Notwithstanding any collective bargaining agreement or  
11 contract of employment to the contrary, requiring the school district  
12 or charter school, as applicable, to take appropriate disciplinary  
13 action against a principal or other administrator who knowingly and  
14 willfully fails to comply with a plan of corrective action or order of  
15 a hearing officer;

16 (h) Requiring the provider of special education to attend a public  
17 meeting of the State Board to explain the failure of the provider of  
18 special education to comply with a plan of corrective action or order  
19 of a hearing officer, address public concerns and outline the actions  
20 that the provider of special education intends to take to ensure  
21 compliance with the laws and regulations governing the education  
22 of pupils with disabilities;

23 (i) Taking punitive action against the provider of special  
24 education, which may include, without limitation:

25 (1) To the extent possible, redirecting money provided by the  
26 Federal Government for administrative costs related to the  
27 Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et  
28 seq.; or

29 (2) To the extent possible, withholding, in whole or in part,  
30 any federal or state apportionment to the provider; or

31 (j) Seeking enforcement of a plan of corrective action or the  
32 order of a hearing officer in a court of competent jurisdiction.

33 4. The Superintendent of Public Instruction may work with any  
34 other appropriate governmental entity to carry out the provisions of  
35 subsection 3.

36 **Sec. 5.** NRS 388A.510 is hereby amended to read as follows:

37 388A.510 "Volunteer" means any person who, without  
38 compensation, works at, assists with or oversees any activity or  
39 event conducted or sponsored by a charter school during or outside  
40 of school hours. The term:

41 1. Includes, without limitation, ~~[a coach.]~~ :

42 (a) *A coach*, assistant coach, director of in-school or  
43 extracurricular activities and chaperone of any overnight trip.





1 *(b) Any private instructional personnel who provides services*  
2 *to a pupil with autism spectrum disorder who has an*  
3 *individualized education program pursuant to section 1 of this act.*

4 2. Does not include:

5 (a) A student who is enrolled at an institution of higher  
6 education and is:

7 (1) Taking a course which requires the student to be present  
8 in the classroom of the charter school on a limited basis to observe  
9 and to be observed in the classroom; and

10 (2) Under direct supervision of a teacher or his or her  
11 professor at all times while in the classroom.

12 (b) An employee of a business, agency or organization that  
13 participates in a work-based learning program pursuant to NRS  
14 389.167, other than an employee who directly oversees the  
15 participation of or has unsupervised contact with a pupil in the  
16 work-based learning program.

17 **Sec. 6.** NRS 391.1035 is hereby amended to read as follows:

18 391.1035 "Volunteer" means any person who, without  
19 compensation, works at, assists with or oversees any activity or  
20 event conducted or sponsored by a public school during or outside  
21 of school hours. The term:

22 1. Includes, without limitation, ~~[a coach.]~~ :

23 (a) A *coach* assistant coach, director of in-school or  
24 extracurricular activities and chaperone of an overnight trip.

25 *(b) Any private instructional personnel who provides services*  
26 *to a pupil with autism spectrum disorder who has an*  
27 *individualized education program pursuant to section 1 of this act.*

28 2. Does not include:

29 (a) A student who is enrolled at an institution of higher  
30 education and is:

31 (1) Taking a course which requires the student to be present  
32 in the classroom of the public school on a limited basis to observe  
33 and to be observed in the classroom; and

34 (2) Under direct supervision of a teacher or his or her  
35 professor at all times while in the classroom.

36 (b) An employee of a business, agency or organization that  
37 participates in a work-based learning program pursuant to NRS  
38 389.167, other than an employee who directly oversees the  
39 participation of or has unsupervised contact with a pupil in the  
40 work-based learning program.

41 **Sec. 7.** The provisions of subsection 1 of NRS 218D.380 do  
42 not apply to any provision of this act which adds or revises a  
43 requirement to submit a report to the Legislature.



1     **Sec. 8.** The provisions of NRS 354.599 do not apply to any  
2 additional expenses of a local government that are related to the  
3 provisions of this act.

4     **Sec. 9.** 1. This section and sections 7 and 8 of this act  
5 become effective upon passage and approval.

6     2. Sections 1 to 6, inclusive, of this act become effective:

- 7     (a) Upon passage and approval for the purpose of adopting any  
8 regulations and performing any other preparatory administrative  
9 tasks that are necessary to carry out the provisions of this act; and  
10    (b) On July 1, 2025, for all other purposes.





