

ASSEMBLY BILL NO. 409—COMMITTEE ON EDUCATION

MARCH 24, 2017

Referred to Committee on Education

SUMMARY—Revises provisions relating to the subject area of reading. (BDR 34-988)

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; revising the requirement that certain pupils enrolled in grade 3 must be retained in grade 3; revising provisions relating to plans to improve the literacy of pupils; revising provisions relating to teachers who teach in a public elementary school; revising provisions relating to reports concerning pupil performance in the subject area of reading; revising provisions relating to notices concerning pupils who exhibit a deficiency in the subject area of reading; requiring certain interventions and services for pupils who exhibit a deficiency in the subject area of reading and the parent or legal guardian of such a pupil; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law, to become effective on July 1, 2019, provides that a pupil
2 enrolled in grade 3 must be retained in grade 3 rather than promoted to grade 4 if
3 the pupil does not obtain the score prescribed by the State Board of Education on
4 the criterion-referenced examination in reading. (NRS 388A.487, 392.760) **Section**
5 **8.3** of this bill removes this requirement and instead provides that a pupil must be
6 retained in grade 3 if the pupil does not obtain the score prescribed by the State
7 Board on the criterion-referenced examination in reading and his or her parent or
8 legal guardian decides, in consultation with the teacher of the pupil and the
9 principal of the school, that the pupil must be retained. **Sections 5.5 and 6.5** of this
10 bill make conforming changes.

11 Existing law requires the board of trustees of each school district or the
12 governing body of a charter school to prepare a plan to improve the literacy of
13 pupils enrolled in kindergarten and grades 1, 2 and 3. (NRS 388.157) **Section 3** of



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14 this bill additionally requires this plan to address pupils enrolled in elementary
15 school.

16 Existing law requires that a plan to improve the literacy of pupils include a
17 program to provide intensive instruction to pupils who have been identified as
18 deficient in the subject area of reading to ensure that those pupils achieve adequate
19 proficiency in that subject area. (NRS 388.157) **Section 3** of this bill provides that
20 in order to achieve adequate proficiency in reading, a pupil must perform at a level
21 considered by the school district or charter school to be within the average range
22 for a pupil enrolled in the same grade level in which the pupil is enrolled.

23 Existing law authorizes a school district or charter school to provide additional
24 compensation to a teacher who teaches kindergarten or grade 1, 2, 3 or 4 whose
25 overall performance is determined to be highly effective. Existing law also requires
26 a teacher who teaches kindergarten or grade 1, 2, 3 or 4 to complete certain
27 professional development in the subject area of reading. (NRS 388.159) **Section 4**
28 of this bill instead provides that only licensed teachers who teach in a public
29 elementary school: (1) may receive additional compensation; and (2) are required to
30 complete professional development in the subject area of reading.

31 Existing law, also to become effective on July 1, 2019, requires the board of
32 trustees of each school district and the governing body of a charter school to
33 prepare a report concerning the number and percentage of pupils who are retained
34 in grade 3 for a deficiency in reading. (NRS 388A.487, 392.775) **Sections 5 and 10**
35 of this bill additionally require the board of trustees of each school district and the
36 governing body of a charter school to prepare a report containing certain
37 information concerning pupils who received educational programs or services in
38 the subject area of reading. Those sections become effective on July 1, 2017.

39 **Section 6** of this bill requires that the notice provided to the parent or guardian
40 of a pupil who exhibits a deficiency in the subject area of reading explain that the
41 school will: (1) monitor the progress of the pupil towards obtaining proficiency in
42 the subject area of reading; and (2) analyze and regularly adjust the programs and
43 services provided to the pupil.

44 **Section 7** of this bill requires that the plan to assess the proficiency of a pupil
45 who is deficient in the subject area of reading be established by a licensed teacher.
46 **Section 7** also removes the requirement that a school assess the proficiency of a
47 pupil in the subject area of reading at the beginning of the year and instead requires
48 the school frequently to assess the progress of the pupil in any areas of deficiency
49 in the subject area of reading.

50 Existing law requires the principal of a school to offer the parent or legal
51 guardian of a pupil who is retained in grade 3 certain additional instructional
52 options. (NRS 392.770) **Section 9** of this bill additionally requires the principal of a
53 school to offer these options to the parent or legal guardian of a pupil who exhibits
54 a deficiency in the subject area of reading.

55 Existing law requires the Department of Education to distribute money that is
56 appropriated to the Other State Education Programs Account through a competitive
57 grants program. (Section 15 of chapter 334, Statutes of Nevada 2015, p. 1867)
58 **Section 11** of this bill revises the program to require schools that receive a grant of
59 money to use the money for literacy programs in elementary school to support
60 school-based efforts to ensure that all pupils are proficient in reading by the end of
61 elementary school.



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

1 **Section 1.** (Deleted by amendment.)

2 **Sec. 2.** (Deleted by amendment.)

3 **Sec. 3.** NRS 388.157 is hereby amended to read as follows:

4 388.157 1. The board of trustees of each school district and
5 the governing body of each charter school shall prepare a plan to
6 improve the literacy of pupils enrolled in ~~kindergarten and grades~~
7 ~~1, 2 and 3;~~ *an elementary school.* Such a plan must include,
8 without limitation:

9 (a) A program to provide intensive instruction to pupils who
10 have been identified as deficient in the subject area of reading to
11 ensure that those pupils achieve adequate proficiency in ~~that subject~~
12 ~~area;~~ *the requisite reading skills and reading comprehension*
13 *skills necessary to perform at a level considered by the school*
14 *district or charter school to be within the average range for a pupil*
15 *enrolled in the same grade level in which the pupil is enrolled.*
16 Such a program must include, without limitation, regularly
17 scheduled reading sessions in small groups and specific instruction
18 ~~on~~ *designed to target any area in which the pupil demonstrates a*
19 *deficiency, including, without limitation,* phonological and
20 phonemic awareness, decoding skills, ~~and~~ reading fluency ~~;~~,
21 *vocabulary and reading comprehension strategies;*

22 (b) Procedures for assessing a pupil's proficiency in the subject
23 area of reading using valid and reliable *curriculum-based*
24 assessments that have been approved by the State Board by
25 regulation:

26 (1) Within the first 30 days of school after the pupil enters
27 kindergarten or upon enrollment in kindergarten if the pupil enrolls
28 after that period; and

29 (2) During ~~grades 1, 2 and 3;~~ *each grade level in*
30 *elementary school;*

31 (c) A program to improve the proficiency in reading of pupils
32 who are limited English proficient; and

33 (d) Procedures for facilitating collaboration between learning
34 strategists and classroom teachers.

35 2. The board of trustees of each school district or the governing
36 body of a charter school, as applicable, shall:

37 (a) Submit its plan to the Department for approval on or before
38 the date prescribed by the Department on a form prescribed by the
39 Department; and

40 (b) Make such revisions to the plan as the Department
41 determines are necessary.



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1 **Sec. 4.** NRS 388.159 is hereby amended to read as follows:

2 388.159 1. The principal of a public elementary school,
3 including, without limitation, a charter school, shall designate a
4 licensed teacher employed by the school who has demonstrated
5 leadership abilities to serve as a learning strategist to train and assist
6 teachers at the school to provide intensive instruction to pupils who
7 have been identified as deficient in the subject area of reading.

8 2. A school district or charter school may provide additional
9 compensation to:

10 (a) A licensed teacher designated as a learning strategist
11 pursuant to this section; or

12 (b) A *licensed* teacher who is employed by a school district or
13 charter school to teach ~~kindergarten or grade 1, 2, 3 or 4~~ *in an*
14 *elementary school* whose overall performance is determined to be
15 highly effective under the statewide performance evaluation system
16 established by the State Board pursuant to NRS 391.465.

17 3. Each *licensed* teacher employed by a school district or
18 charter school to teach ~~kindergarten or grade 1, 2, 3 or 4~~ *in an*
19 *elementary school* shall complete professional development
20 provided by a learning strategist designated pursuant to subsection 1
21 in the subject area of reading.

22 4. The State Board shall prescribe by regulation:

23 (a) Any training or professional development that a learning
24 strategist is required to successfully complete;

25 (b) Any professional development that a *licensed* teacher
26 employed by a school district or charter school to teach
27 ~~kindergarten or grade 1, 2, 3 or 4~~ *in an elementary school* is
28 required to receive from a learning strategist in the subject area of
29 reading; and

30 (c) The duties and responsibilities of a learning strategist.

31 **Sec. 5.** Chapter 388A of NRS is hereby amended by adding
32 thereto a new section to read as follows:

33 *On or before September 1 of each year, the governing body of a*
34 *charter school that operates as an elementary school shall:*

35 1. *Prepare a report concerning the number and percentage of*
36 *pupils at the charter school who received educational programs*
37 *and services identified pursuant to subsection 1 of NRS 392.750 at*
38 *each grade level and whose proficiency in the subject area of*
39 *reading:*

40 (a) *Did not improve at a rate prescribed by the governing body*
41 *of the charter school, indicating a need for more intensive or*
42 *different interventions;*

43 (b) *Improved at a rate prescribed by the governing body of the*
44 *charter school, indicating the pupils are making progress toward*
45 *performing at a level considered by the charter school to be within*



1 *the average range for pupils enrolled in the same grade level in*
2 *which the pupils are enrolled; and*

3 *(c) Is considered by the charter school to be within the average*
4 *range for pupils enrolled in the same grade level in which the*
5 *pupils are enrolled.*

6 2. *Submit a copy of the report to the Department.*

7 3. *Post the report on the Internet website maintained by the*
8 *charter school and otherwise make the report available to the*
9 *parents and legal guardians of pupils enrolled in the charter*
10 *school and the general public.*

11 **Sec. 5.5.** NRS 388A.487 is hereby amended to read as
12 follows:

13 388A.487 1. The governing body of a charter school shall
14 adopt rules for the academic retention of pupils who are enrolled in
15 the charter school that are consistent with NRS 392.750, 392.760
16 and 392.765. The rules must:

17 (a) Prescribe the conditions under which a pupil may be retained
18 in the same grade rather than promoted to the next higher grade for
19 the immediately succeeding school year.

20 (b) Require a pupil enrolled in grade 3 to be retained in the same
21 grade rather than promoted to grade 4 when required pursuant to
22 NRS 392.760.

23 2. On or before September 1 of each year, the governing body
24 of each charter school shall:

25 (a) Prepare a report concerning the number and percentage of
26 pupils at the charter school who were ~~+~~

27 ~~— (1) Retained~~ *retained* in grade 3 pursuant to NRS 392.760
28 for a deficiency in the subject area of reading, including whether or
29 not any such pupils were previously retained in kindergarten or
30 grade 1 or 2 ; ~~+~~ *and*

31 ~~— (2) Not retained in grade 3 because a good cause exemption~~
32 ~~was approved pursuant to NRS 392.760 but who were previously~~
33 ~~retained in kindergarten or grade 1 or 2 for a total of 2 years;~~

34 (b) Submit a copy of the report to the Department; and

35 (c) Post the report on the Internet website maintained by the
36 charter school and otherwise make the report available to the parents
37 and legal guardians of pupils enrolled in the charter school and the
38 general public.

39 **Sec. 6.** NRS 392.750 is hereby amended to read as follows:

40 392.750 If a pupil enrolled at a public elementary school ~~+~~
41 ~~kindergarten or grade 1, 2 or 3~~ exhibits a deficiency in the subject
42 area of reading based upon state or local *curriculum-based*
43 assessments and the observations of the pupil's teacher, the
44 principal of the school must provide written notice of the deficiency to
45 the parent or legal guardian of the pupil within 30 days after the



1 date on which the deficiency is discovered. The written notice must,
2 without limitation:

3 1. Identify the educational programs and services that the pupil
4 will receive to improve the pupil's proficiency in the subject area of
5 reading, including, without limitation, the programs and services
6 included in the plan to improve the literacy of pupils enrolled in
7 ~~kindergarten and grades 1, 2 and 3~~ *elementary school* that has
8 been approved by the Department pursuant to NRS 388.157;

9 2. *Explain that the school will frequently monitor the*
10 *progress of the pupil toward obtaining proficiency in the subject*
11 *area of reading using curriculum-based assessments and*
12 *periodically update the parent or legal guardian of the pupil*
13 *regarding the progress of the pupil;*

14 3. *Explain that the school will analyze and regularly adjust*
15 *the programs and services identified pursuant to subsection 1*
16 *based upon the data collected relating to the progress of the pupil*
17 *in the subject area of reading until the pupil performs at a level*
18 *considered by the school district or charter school to be within the*
19 *average range for a pupil enrolled in the same grade level in*
20 *which the pupil is enrolled;*

21 4. Describe, explain and, if appropriate, demonstrate the
22 strategies which the parent or legal guardian may use at home to
23 help improve the proficiency of the pupil in the subject area of
24 reading;

25 ~~3-~~ 5. Include information regarding the English literacy
26 development of a pupil who is limited English proficient; and

27 ~~4-~~ 6. Describe, explain and, if appropriate, demonstrate the
28 strategies which the parent or legal guardian may use at home to
29 help improve the English literacy of a pupil who is limited English
30 proficient.

31 **Sec. 6.5.** NRS 392.750 is hereby amended to read as follows:

32 392.750 If a pupil enrolled at a public elementary school ~~in~~
33 ~~kindergarten or grade 1, 2 or 3~~ exhibits a deficiency in the subject
34 area of reading based upon state or local assessments and the
35 observations of the pupil's teacher, the principal of the school must
36 provide written notice of the deficiency to the parent or legal
37 guardian of the pupil within 30 days after the date on which the
38 deficiency is discovered. The written notice must, without
39 limitation:

40 1. Identify the educational programs and services that the pupil
41 will receive to improve the pupil's proficiency in the subject area of
42 reading, including, without limitation, the programs and services
43 included in the plan to improve the literacy of pupils enrolled in
44 ~~kindergarten and grades 1, 2 and 3~~ *elementary school* that has
45 been approved by the Department pursuant to NRS 388.157;



1 2. ~~{Explain that if the pupil does not achieve adequate~~
2 ~~proficiency in the subject area of reading before the completion of~~
3 ~~grade 3, the pupil will be retained in grade 3 rather than promoted to~~
4 ~~grade 4, unless the pupil receives a good cause exemption pursuant~~
5 ~~to NRS 392.760;~~

6 ~~—3.}~~ Describe, explain and, if appropriate, demonstrate the
7 strategies which the parent or legal guardian may use at home to
8 help improve the proficiency of the pupil in the subject area of
9 reading;

10 ~~{4. Explain that the criterion referenced examination in the~~
11 ~~subject area of reading administered pursuant to NRS 390.105 is not~~
12 ~~the only factor used to determine whether the pupil will be retained~~
13 ~~in grade 3 and that other options are available for the pupil to~~
14 ~~demonstrate proficiency if the pupil is eligible for a good cause~~
15 ~~exemption pursuant to NRS 392.760;~~

16 ~~—5.}~~ 3. Describe the policy and specific criteria adopted by the
17 board of trustees of the school district or governing body of a
18 charter school, as applicable, pursuant to NRS 392.765 regarding
19 the promotion of a pupil to grade 4 at any time during the school
20 year if the pupil is retained in grade 3 pursuant to NRS 392.760;

21 ~~{6.}~~ 4. Include information regarding the English literacy
22 development of a pupil who is limited English proficient; and

23 ~~{7.}~~ 5. Describe, explain and, if appropriate, demonstrate the
24 strategies which the parent or legal guardian may use at home to
25 help improve the English literacy of a pupil who is limited English
26 proficient.

27 **Sec. 7.** NRS 392.755 is hereby amended to read as follows:

28 392.755 1. A public elementary school that has notified the
29 parent or legal guardian of a pupil that, based upon the results of
30 state or local assessments, it has been determined that the pupil has a
31 deficiency in the subject area of reading pursuant to NRS 392.750
32 shall, within 30 days after providing such notice, establish a plan to
33 monitor the progress of the pupil in the subject area of reading.

34 2. A plan to monitor the progress of a pupil in the subject area
35 of reading must be established by the teacher of the pupil , *if the*
36 *teacher of the pupil is a licensed teacher, or a licensed teacher, if*
37 *the teacher of the pupil is not a licensed teacher,* and any other
38 relevant school personnel and approved by the principal of the
39 school and the parent or legal guardian of the pupil. The plan must
40 include a description of any intervention services that will be
41 provided to the pupil to correct the *area of* deficiency and must
42 include that the pupil will receive intensive instruction in reading ~~{to~~
43 ~~ensure}~~ *until* the pupil ~~{achieves adequate proficiency in reading.}~~
44 *achieves adequate proficiency in the requisite reading skills and*
45 *reading comprehension skills necessary to perform at a level*



1 *considered by the school district or charter school to be within the*
2 *average range for a pupil enrolled in the same grade level in*
3 *which the pupil is enrolled.* Such instruction must include, without
4 limitation, the programs and services included in the plan to
5 improve the literacy of pupils enrolled in ~~kindergarten and grades~~
6 ~~1, 2 and 3~~ *elementary school* approved by the Department pursuant
7 to NRS 388.157.

8 3. A school that establishes a plan to monitor the progress of a
9 pupil in the subject area of reading shall *frequently* assess the
10 ~~proficiency~~ *progress* of the pupil ~~in the subject area of reading at~~
11 ~~the beginning of the next school year after the plan is established~~
12 ~~pursuant to this section.~~ *in any area of deficiency in the subject*
13 *area of reading to ensure that the programs and services provided*
14 *to the pupil pursuant to subsection 1 of NRS 392.750 will continue*
15 *to increase the proficiency of the pupil in the subject area of*
16 *reading until the pupil performs at a level considered by the school*
17 *district or charter school to be within the average range for a pupil*
18 *enrolled in the same grade level in which the pupil is enrolled.*

19 **Sec. 8.** (Deleted by amendment.)

20 **Sec. 8.3.** Section 10 of chapter 334, Statutes of Nevada 2015,
21 at page 1863, is hereby amended to read as follows:

22 Sec. 10. 1. Except as otherwise provided in this
23 section, a pupil enrolled in grade 3 must be retained in grade
24 3 rather than promoted to grade 4 if the ~~pupil~~ :

25 *(a) Pupil* does not obtain a score in the subject area of
26 reading on the criterion-referenced examination administered
27 pursuant to NRS ~~389.550~~ *390.105* that meets the passing
28 score prescribed by the State Board pursuant to subsection
29 ~~7~~ *2*; and

30 *(b) Parent or legal guardian of the pupil decides, in*
31 *consultation with the teacher of the pupil and principal of*
32 *the school, that the pupil must be retained.*

33 2. ~~The superintendent of schools of a school district or~~
34 ~~the governing body of a charter school, as applicable, may~~
35 ~~authorize the promotion of a pupil to grade 4 who would~~
36 ~~otherwise be retained in grade 3 only if the superintendent or~~
37 ~~governing body, as applicable, approves a good cause~~
38 ~~exemption for the pupil upon a determination by the principal~~
39 ~~of the school pursuant to subsection 4 that the pupil is eligible~~
40 ~~for such an exemption.~~

41 ~~3. A good cause exemption must be approved for a pupil~~
42 ~~who previously was retained in grade 3. Any other pupil is~~
43 ~~eligible for a good cause exemption if the pupil:~~



1 ~~—(a) Demonstrates an acceptable level of proficiency in~~
2 ~~reading on an alternative standardized reading assessment~~
3 ~~approved by the State Board;~~

4 ~~—(b) Demonstrates, through a portfolio of the pupil's work,~~
5 ~~proficiency in reading at grade level, as evidenced by~~
6 ~~demonstration of mastery of the academic standards in~~
7 ~~reading beyond the retention level;~~

8 ~~—(c) Is limited English proficient and has received less than~~
9 ~~2 years of instruction in a program of instruction that teaches~~
10 ~~English as a second language;~~

11 ~~—(d) Received intensive remediation in the subject area of~~
12 ~~reading for 2 or more years but still demonstrates a deficiency~~
13 ~~in reading and was previously retained in kindergarten or~~
14 ~~grade 1 or 2 for a total of 2 years;~~

15 ~~—(e) Is a pupil with a disability and his or her~~
16 ~~individualized education program indicates that the pupil's~~
17 ~~participation in the criterion-referenced examinations~~
18 ~~administered pursuant to NRS 389.550 is not appropriate; or~~

19 ~~—(f) Is a pupil with a disability and:~~

20 ~~—(1) He or she participates in the criterion-referenced~~
21 ~~examinations administered pursuant to NRS 389.550;~~

22 ~~—(2) His or her individualized education program or~~
23 ~~plan developed in accordance with section 504 of the~~
24 ~~Rehabilitation Act of 1973, 29 U.S.C. § 794, documents that~~
25 ~~the pupil has received intensive remediation in reading for~~
26 ~~more than 2 years, but he or she still demonstrates a~~
27 ~~deficiency in reading; and~~

28 ~~—(3) He or she was previously retained in kindergarten~~
29 ~~or grade 1, 2 or 3.~~

30 ~~4. The principal of a school in which a pupil who may~~
31 ~~be retained in grade 3 pursuant to subsection 1 is enrolled~~
32 ~~shall consider the factors set forth in subsection 3 and~~
33 ~~determine whether the pupil is eligible for a good cause~~
34 ~~exemption. In making the determination, the principal must~~
35 ~~consider documentation provided by the pupil's teacher~~
36 ~~indicating whether the promotion of the pupil is appropriate~~
37 ~~based upon the record of the pupil. Such documentation must~~
38 ~~only consist of the existing plan for monitoring the progress~~
39 ~~of the pupil, the pupil's individualized education program, if~~
40 ~~applicable, and the pupil's plan in accordance with section~~
41 ~~504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, if~~
42 ~~applicable. If the principal determines that promotion of the~~
43 ~~pupil to grade 4 is appropriate, the principal must submit a~~
44 ~~written recommendation to the superintendent of schools of~~
45 ~~the school district or to the governing body of the charter~~



1 ~~school, as applicable. The superintendent of schools or the~~
2 ~~governing body of the charter school, as applicable, shall~~
3 ~~approve or deny the recommendation of the principal and~~
4 ~~provide written notice of the approval or denial to the~~
5 ~~principal.~~

6 ~~—5. A principal who determines that a pupil is eligible for~~
7 ~~a good cause exemption shall notify the parent or legal~~
8 ~~guardian of the pupil whether the superintendent of schools of~~
9 ~~the school district or the governing body of the charter~~
10 ~~school, as applicable, approves the good cause exemption.~~

11 ~~—6. The principal of a school in which a pupil for whom a~~
12 ~~good cause exemption is approved and who is promoted to~~
13 ~~grade 4 must ensure that the pupil continues to receive~~
14 ~~intensive instruction in the subject area of reading. Such~~
15 ~~instruction must include, without limitation, strategies based~~
16 ~~upon scientifically based research that will improve~~
17 ~~proficiency in the subject area of reading.~~

18 ~~—7.} The State Board shall prescribe by regulation {:~~

19 ~~—(a) The} *the* score which a pupil enrolled in grade 3 must~~
20 ~~obtain in the subject area of reading on the criterion-~~
21 ~~referenced examination administered pursuant to NRS~~
22 ~~{389.550} *390.105* to be {promoted} *automatically promoted*~~
23 ~~to grade 4. {without a good cause exemption; and~~

24 ~~—(b) An alternate examination for administration to pupils~~
25 ~~enrolled in grade 3 who do not obtain the passing score in the~~
26 ~~subject area of reading on the criterion referenced~~
27 ~~examination administered pursuant to NRS 389.550 and the~~
28 ~~passing score such a pupil must obtain on the alternate~~
29 ~~examination to be promoted to grade 4 without a good cause~~
30 ~~exemption.~~

31 ~~—8. As used in this section, “individualized education~~
32 ~~program” has the meaning ascribed to it in 20 U.S.C. §~~
33 ~~1414(d)(1)(A).}~~

34 **Sec. 8.7.** Section 11 of chapter 334, Statutes of Nevada 2015,
35 at page 1864, is hereby amended to read as follows:

36 Sec. 11. 1. If a pupil will be retained in grade 3
37 pursuant to section 10 of this act, the principal of the school
38 must:

39 (a) Provide written notice to the parent or legal guardian
40 of the pupil *confirming* that the pupil will be retained in
41 grade 3. The written notice must include, without limitation, a
42 description of the intensive instructional services in the
43 subject area of reading that the pupil will receive to improve
44 the proficiency of the pupil in that subject area.



1 (b) Develop a plan to monitor the progress of the pupil in
2 the subject area of reading.

3 (c) Require the teacher of the pupil to develop a portfolio
4 of the pupil's work in the subject area of reading, which must
5 be updated as necessary to reflect progress made by the pupil.

6 (d) Ensure that the pupil receives intensive instructional
7 services in the subject area of reading that are designed to
8 improve the pupil's proficiency in the subject area of reading,
9 including, without limitation:

10 (1) Programs and services included in the plan to
11 improve the literacy of pupils enrolled in ~~kindergarten and~~
12 ~~grades 1, 2 and 3~~ *elementary school* approved by the
13 Department pursuant to section 5 of this act;

14 (2) Instruction for at least 90 minutes each school day
15 based upon scientifically based reading instruction research;
16 and

17 (3) Intensive instructional services prescribed by the
18 board of trustees of the school district pursuant to subsection
19 2, as determined appropriate for the pupil.

20 2. The board of trustees of each school district or the
21 governing body of a charter school, as applicable, shall:

22 (a) Review and evaluate the plans for monitoring the
23 progress of pupils developed pursuant to subsection 1.

24 (b) Prescribe the intensive instructional services in the
25 subject area of reading which the principal of a school must
26 implement as determined appropriate for a pupil who is
27 retained in grade 3 pursuant to section 10 of this act, which
28 may include, without limitation:

29 (1) Instruction that is provided in small groups;

30 (2) Instruction provided in classes with reduced pupil-
31 teacher ratios;

32 (3) A timeline for frequently monitoring the progress
33 of the pupil;

34 (4) Tutoring and mentoring;

35 (5) Classes which are designed to increase the ability
36 of pupils to transition from grade 3 to grade 4;

37 (6) Instruction provided through an extended school
38 day, school week or school year;

39 (7) Programs to improve a pupil's proficiency in
40 reading which are offered during the summer; or

41 (8) Any combination of the services set forth in
42 subparagraphs (1) to (7), inclusive.

43 3. Except as otherwise provided in subsection 4, the
44 intensive instructional services in the subject area of reading



1 required by this section must be provided to the pupil by a
2 teacher:

3 (a) Who is different than the teacher who provided
4 instructional services to the pupil during the immediately
5 preceding school year; and

6 (b) Who has been determined to be highly effective, as
7 demonstrated by pupil performance data and performance
8 evaluations.

9 4. The intensive instructional services in the subject area
10 of reading required by this section may be provided to the
11 pupil by the same teacher who provided instructional services
12 to the pupil during the immediately preceding school year if a
13 different teacher who meets the requirements of paragraph (b)
14 of subsection 3 is not reasonably available and the pupil:

15 (a) Has an individualized education program; or

16 (b) Is enrolled in a school district in a county whose
17 population is less than 100,000.

18 5. The board of trustees of each school district and the
19 governing body of a charter school, as applicable, shall
20 develop a policy by which the principal of a school may
21 promote a pupil who is retained in grade 3 pursuant to section
22 10 of this act to grade 4 at any time during the school year if
23 the pupil demonstrates adequate proficiency in the subject
24 area of reading. The policy must include the specific criteria a
25 pupil must satisfy to be eligible for promotion, including,
26 without limitation, a reasonable expectation that the pupil's
27 progress will allow him or her to sufficiently master the
28 requirements for a fourth-grade reading level. If a pupil is
29 promoted after November 1 of a school year, he or she must
30 demonstrate proficiency in reading at a level prescribed by
31 the State Board.

32 6. If a principal of a school determines that a pupil is not
33 academically ready for promotion to grade 4 after being
34 retained in grade 3 and the pupil received intensive
35 instructional services pursuant to this section, the school
36 district in which the pupil is enrolled must allow the parent or
37 legal guardian of the pupil to decide, in consultation with the
38 principal of the school, whether to place the pupil in a
39 transitional instructional setting which is designed to produce
40 learning gains sufficient for the pupil to meet the performance
41 standards required for grade 4 while continuing to receive
42 remediation in the subject area of reading.

43 7. As used in this section, "individualized education
44 program" has the meaning ascribed to it in 20 U.S.C. §
45 1414(d)(1)(A).



1 **Sec. 9.** Section 12 of chapter 334, Statutes of Nevada 2015, at
2 page 1866, is hereby amended to read as follows:

3 Sec. 12. In addition to the intensive instructional
4 services provided to a pupil who is retained in grade 3
5 pursuant to section 10 of this act, *or exhibits a deficiency in*
6 *the subject area of reading that is identified in subsection 1*
7 *of NRS 392.750*, the principal of the school must offer the
8 parent or legal guardian of the pupil at least one of the
9 following instructional options:

10 1. Supplemental tutoring which is based upon
11 scientifically based research concerning reading instruction;

12 2. Providing the parent or legal guardian with a plan for
13 reading with the pupil at home and participating in any
14 workshops that may be available in the school district to
15 assist the parent or guardian with reading with his or her child
16 at home, as set forth in an agreement with the parent or legal
17 guardian; or

18 3. Providing the pupil with a mentor or tutor who has
19 received specialized training in teaching pupils how to read.

20 **Sec. 10.** Section 13 of chapter 334, Statutes of Nevada 2015,
21 at page 1866, is hereby amended to read as follows:

22 Sec. 13. On or before September 1 of each year, the
23 board of trustees of each school district shall:

24 1. Prepare a report concerning the number and
25 percentage of pupils at each public *elementary* school within
26 the school district who : ~~were:~~

27 (a) ~~Retained~~ *Were retained* in grade 3 pursuant to
28 section 10 of this act for a deficiency in the subject area of
29 reading, including whether or not any such pupils were
30 previously retained in kindergarten or grade 1 or 2; and

31 (b) ~~Not retained in grade 3 because a good cause~~
32 ~~exemption was approved pursuant to section 10 of this act but~~
33 ~~who were previously retained in kindergarten or grade 1 or 2~~
34 ~~for a total of 2 years.~~ *Received educational programs or*
35 *services identified pursuant to subsection 1 of NRS 392.750*
36 *at each grade level and whose proficiency in the subject*
37 *area of reading:*

38 (1) *Did not improve at a rate prescribed by the board*
39 *of trustees of the school district, indicating a need for more*
40 *intensive or different interventions;*

41 (2) *Improved at a rate prescribed by the board of*
42 *trustees of the school district, indicating the pupils are*
43 *making progress toward performing at a level considered by*
44 *the school district to be within the average range for pupils*



1 *enrolled in the same grade level in which the pupils are*
2 *enrolled; and*

3 *(3) Is considered by the school district to be within*
4 *the average range for pupils enrolled in the same grade*
5 *level in which the pupils are enrolled.*

6 2. Submit a copy of the report to the Department.

7 3. Post the report on the Internet website maintained by
8 the school district and otherwise make the report available to
9 the parents and legal guardians of pupils enrolled in the
10 school district and the general public.

11 **Sec. 11.** Section 15 of chapter 334, Statutes of Nevada 2015,
12 at page 1867, is hereby amended to read as follows:

13 Sec. 15. 1. The Department of Education shall
14 distribute the money that is appropriated to the Other State
15 Education Programs Account in the State General Fund to
16 carry out the purposes of sections 1 to 14, inclusive, of this
17 act through a competitive grants program. Grants must be
18 awarded by the Department based on the demonstrated needs
19 of the school districts and charter schools and will be awarded
20 to school districts and to charter schools that have been
21 approved by the State Public Charter School Authority.
22 Grants must be used for literacy programs for pupils enrolled
23 in ~~kindergarten and grades 1, 2 and 3~~ *elementary school*
24 established pursuant to *NRS 388.157* ~~section 5 of this act~~
25 and to support other school-based efforts to ensure that all
26 pupils are ~~proficient in the subject area of reading by the end~~
27 ~~of the third grade.~~ *performing at a level considered by the*
28 *school district or charter school to be within the average*
29 *range for pupils enrolled in each grade level.* Such school-
30 based efforts may include, without limitation:

31 (a) Hiring or training learning strategists;

32 (b) Entering into contracts with vendors for the purchase
33 of reading assessments, textbooks, computer software or
34 other materials;

35 (c) Providing professional development for school
36 personnel;

37 (d) Providing programs to pupils before and after school
38 and during intercessions or summer school; and

39 (e) Providing other evidence-based literacy initiatives for
40 pupils enrolled in ~~kindergarten and grades 1, 2 and 3~~
41 *elementary school.*

42 2. The board of trustees of a school district or the
43 governing body of a charter school that receives a grant of
44 money pursuant to subsection 1 shall:



1 (a) Set measurable performance objectives based on
2 aggregated pupil achievement data; and

3 (b) Prepare and submit to the Department of Education,
4 on or before July 1, ~~2016,~~ **2018**, a report that includes,
5 without limitation:

6 (1) A description of the programs or services for
7 which the money was used by each school; and

8 (2) The number of pupils who participated in a
9 program or received services.

10 3. The Department of Education shall, to the extent that
11 money is available for that purpose, hire an independent
12 consultant to evaluate the programs or services paid for by a
13 grant of money received by a school district or charter school
14 pursuant to subsection 1.

15 4. The Department of Education shall prepare a report
16 that includes, without limitation:

17 (a) Identification of the schools that received an allocation
18 of money by the school district or grant of money from the
19 Department, as applicable;

20 (b) The amount of money received by each school;

21 (c) A description of the programs or services for which
22 the money was used by each school;

23 (d) The number of pupils who participated in a program
24 or received services;

25 (e) The average expenditure per pupil for each program or
26 service;

27 (f) An evaluation of the effectiveness of the program or
28 service, including, without limitation, data regarding the
29 academic and linguistic achievement and proficiency of
30 pupils who participated in such a program or received such
31 services; and

32 (g) Any recommendations for legislation, including,
33 without limitation, legislation to continue or expand programs
34 or services that are identified as effective in improving the
35 reading proficiency of pupils in kindergarten through grade
36 ~~13,~~ **5**.

37 5. On or before August 31, ~~2016,~~ **2018**, the
38 Department of Education shall submit a preliminary report
39 prepared pursuant to subsection 4 to the State Board of
40 Education and the Legislative Committee on Education. On
41 or before November 15, ~~2016,~~ **2018**, the Department shall
42 submit the final report prepared pursuant to subsection 4 and
43 any recommendations made by the State Board or the
44 Legislative Committee on Education to the Governor and to



1 the Director of the Legislative Counsel Bureau for transmittal
2 to the ~~79th~~ 80th Session of the Nevada Legislature.

3 6. Any money awarded to a school district or charter
4 school from the money appropriated to the Other State
5 Education Programs Account in the State General Fund
6 pursuant to subsection 1:

7 (a) Must be accounted for separately from any other
8 money received by the school districts or charter school, as
9 applicable, and used only for the purposes specified in this
10 section.

11 (b) May not be used to settle or arbitrate disputes between
12 a recognized organization representing employees of a school
13 district and the school district, or to settle any negotiations.

14 (c) May not be used to adjust the district-wide schedules
15 of salaries and benefits of the employees of a school district.

16 **Sec. 12.** (Deleted by amendment.)

17 **Sec. 13.** (Deleted by amendment.)

18 **Sec. 14.** 1. This section and section 8 of this act become
19 effective upon passage and approval.

20 2. Sections 1 to 5, inclusive, 6, 7, 11, 12 and 13 of this act
21 become effective:

22 (a) Upon passage and approval for the purpose of adopting any
23 regulations and performing any other preparatory administrative
24 tasks necessary to carry out the provisions of this act; and

25 (b) On July 1, 2017, for all other purposes.

26 3. Sections 5.5, 6.5 and 8.3 to 10, inclusive, of this act become
27 effective on July 1, 2019.

