

SENATE BILL NO. 2—COMMITTEE ON EDUCATION

(ON BEHALF OF THE CLARK COUNTY SCHOOL DISTRICT)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Education

SUMMARY—Revises provisions relating to education.  
(BDR 34-429)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

~

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

AN ACT relating to education; revising requirements to conduct certain assessments; revising requirements to measure the height and weight of certain pupils; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law requires the board of trustees of a school district or the governing  
2 body of a charter school to develop a plan to assess the proficiency of a pupil in  
3 reading when the pupil enters kindergarten or enrolls in an elementary school.  
4 (NRS 388.157) **Section 1** of this bill instead requires a pupil to take such an  
5 assessment during each grade level of elementary school as is determined to be  
6 necessary. **Section 1** requires the Department of Education to prescribe by  
7 regulation procedures for assessing the development of pupils enrolled in  
8 kindergarten across early learning domains within 45 days of the start of school.  
9 Existing law requires the board of trustees of a school district and the governing  
10 body of a charter school to report certain information concerning pupils with  
11 disabilities to the Department of Education. (NRS 388.422) **Section 2** of this bill  
12 removes this requirement. Existing law requires the board of trustees of a school  
13 district in certain counties to direct certain employees of a school to measure the  
14 height and weight of a representative sample of pupils in certain grades. (NRS  
15 392.420) **Section 3** of this bill revises this requirement to no longer apply in grade  
16 10 and requires a representative sample of such pupils to be measured only every  
17 other year.



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

1       **Section 1.** NRS 388.157 is hereby amended to read as follows:

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

6       (a) A program to provide intervention services and intensive  
7 instruction to pupils who have been identified as deficient in the  
8 subject area of reading to ensure that those pupils achieve adequate  
9 proficiency in the requisite reading skills and reading  
10 comprehension skills necessary to perform at a level determined by  
11 a statewide assessment to be within a level determined by the State  
12 Board for a pupil enrolled in the same grade in which the pupil is  
13 enrolled. Such a program must include, without limitation, regularly  
14 scheduled reading sessions in small groups and specific instruction  
15 designed to target any area of reading in which the pupil  
16 demonstrates a deficiency, including, without limitation,  
17 phonological and phonemic awareness, decoding skills, reading  
18 fluency and vocabulary and reading comprehension strategies;

19       (b) Procedures for assessing a pupil's proficiency in the subject  
20 area of reading using valid and reliable standards-based assessments  
21 that have been approved by the State Board by regulation ~~[-~~

22       ~~— (1) Within the first 30 days of school after the pupil enters~~  
23 ~~kindergarten or upon enrollment in the elementary school if the~~  
24 ~~pupil enrolls after that period and has not previously been assessed;~~  
25 ~~and-~~

26       ~~— (2) During]~~ *during* each grade level of the elementary school  
27 at which the pupil is enrolled as determined necessary;

28       (c) A program to improve the proficiency in reading of pupils  
29 who are English learners; and

30       (d) Procedures for facilitating collaboration between licensed  
31 teachers designated as literacy specialists and classroom teachers.

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

34       (a) Submit its plan to the Department for approval on or before  
35 the date prescribed by the Department on a form prescribed by the  
36 Department; and

37       (b) Make such revisions to the plan as the Department  
38 determines are necessary.

39       3. *The Department shall adopt regulations that prescribe*  
40 *procedures for assessing the development across early learning*  
41 *domains of a pupil enrolled in kindergarten within the first 45*  
42 *days of school in a school year.*



1       **Sec. 2.** NRS 388.422 is hereby amended to read as follows:

2       388.422 ~~[1. On or before July 1 of each year, the board of~~  
3 ~~trustees of each school district and the governing body of each~~  
4 ~~charter school shall report to the Department:~~

5       —(a) The number of pupils enrolled in each school in the district  
6 or charter school, as applicable, during the immediately preceding  
7 school year who had an individualized education program or a plan  
8 developed in accordance with section 504 of the Rehabilitation Act  
9 of 1973, 29 U.S.C. § 794; and

10       —(b) The disabilities with which those pupils were diagnosed.

11       ~~2. On or before August 1 of each year, the Department shall~~  
12 ~~compile a report of the information reported pursuant to subsection~~  
13 ~~1 and post the report on an Internet website maintained by the~~  
14 ~~Department.~~

15       ~~3.]~~ The Department shall provide to each school district and  
16 charter school in this State information concerning services for  
17 children with disabilities provided by the Aging and Disability  
18 Services Division of the Department of Health and Human Services.  
19 The board of trustees of a school district or the governing body of a  
20 charter school shall ensure that the information described in this  
21 ~~[subsection]~~ **section** is provided to the parent or guardian of each  
22 pupil enrolled in the school district or charter school, as applicable,  
23 who has an individualized education program or a plan developed in  
24 accordance with section 504 of the Rehabilitation Act of 1973, 29  
25 U.S.C. § 794.

26       **Sec. 3.** NRS 392.420 is hereby amended to read as follows:

27       392.420 1. In each school at which a school nurse is  
28 responsible for providing nursing services, the school nurse shall  
29 plan for and carry out, or supervise qualified health personnel in  
30 carrying out, a separate and careful observation and examination of  
31 every child who is regularly enrolled in a grade specified by the  
32 board of trustees or superintendent of schools of the school district  
33 in accordance with this subsection to determine whether the child  
34 has scoliosis, any visual or auditory problem, or any gross physical  
35 defect. The grades in which the observations and examinations must  
36 be carried out are as follows:

37       (a) For visual and auditory problems:

38       (1) Before the completion of the first year of initial  
39 enrollment in elementary school;

40       (2) In at least one additional grade of the elementary schools;  
41 and

42       (3) In one grade of the middle or junior high schools and one  
43 grade of the high schools; and

44       (b) For scoliosis, in at least one grade of schools below the high  
45 schools.



1 ↪ Any person other than a school nurse, including, without  
2 limitation, a person employed at a school to provide basic first aid  
3 and health services to pupils, who performs an observation or  
4 examination pursuant to this subsection must be trained by a school  
5 nurse to conduct the observation or examination.

6 2. In addition to the requirements of subsection 1, the board of  
7 trustees of each school district in a county whose population is  
8 100,000 or more shall direct school nurses, qualified health  
9 personnel employed pursuant to subsection 6, teachers who teach  
10 physical education or health or other licensed educational personnel  
11 who have completed training in measuring the height and weight of  
12 a pupil provided by the school district, to measure the height and  
13 weight of a representative sample of pupils who are enrolled in  
14 grades 4 ~~[,]~~ and 7 ~~[and 10]~~ in the schools within the school district.  
15 The Division of Public and Behavioral Health of the Department of  
16 Health and Human Services, in consultation with the board of  
17 trustees of each school district and each local health district, as  
18 applicable, shall determine the number of pupils necessary to  
19 include in the representative sample. *The height and weight of a*  
20 *representative sample of pupils must be measured every other year*  
21 *at the same time other observations or examinations are*  
22 *conducted pursuant to this section.*

23 3. If any child is attending school in a grade above one of the  
24 specified grades and has not previously received such an  
25 observation and examination, the child must be included in the  
26 current schedule for observation and examination. Any child who is  
27 newly enrolled in the district must be examined for any medical  
28 condition for which children in a lower grade are examined.

29 4. A special examination for a possible visual or auditory  
30 problem must be provided for any child who:

- 31 (a) Is enrolled in a special program;
- 32 (b) Is repeating a grade;
- 33 (c) Has failed an examination for a visual or auditory problem  
34 during the previous school year; or
- 35 (d) Shows in any other way that the child may have such a  
36 problem.

37 5. The school authorities shall notify the parent or guardian of  
38 any child who is found or believed to have scoliosis, any visual or  
39 auditory problem, or any gross physical defect, and shall  
40 recommend that appropriate medical attention be secured to correct  
41 it. Any written notice provided to the parent or guardian of a child  
42 pursuant to this subsection must include, to the extent that  
43 information is available, a list of any resources that may be available  
44 in the community to provide such medical attention, including,  
45 without limitation, resources available at no charge or at a reduced



1 cost. If such a list is provided, the principal, his or her designee, or  
2 any employee of the school or the school district is not responsible  
3 for providing such resources to the pupil or ensuring that the pupil  
4 receives such resources.

5 6. In any school district in which state, county or district public  
6 health services are available or conveniently obtainable, those  
7 services may be used to meet the responsibilities assigned under the  
8 provisions of this section. The board of trustees of the school district  
9 may employ qualified personnel to perform them. Any nursing  
10 services provided by such qualified personnel must be performed in  
11 compliance with chapter 632 of NRS.

12 7. The board of trustees of a school district may adopt a policy  
13 which encourages the school district and schools within the school  
14 district to collaborate with:

15 (a) Qualified health care providers within the community to  
16 perform, or assist in the performance of, the services required by  
17 this section; and

18 (b) Postsecondary educational institutions for qualified students  
19 enrolled in such an institution in a health-related program to  
20 perform, or assist in the performance of, the services required by  
21 this section.

22 8. Except as otherwise provided in subsection 9, the school  
23 authorities shall provide notice to the parent or guardian of a child  
24 before performing on the child the examinations required by this  
25 section. The notice must inform the parent or guardian of the right to  
26 exempt the child from all or part of the examinations. Any child  
27 must be exempted from an examination if the child's parent or  
28 guardian files with the teacher a written statement objecting to the  
29 examination.

30 9. The school authorities are not required to provide notice to  
31 the parent or guardian of a child before measuring the child's height  
32 or weight pursuant to subsection 2 if it is not practicable to do so.

33 10. Each school nurse or a designee of a school nurse,  
34 including, without limitation, a person employed at a school to  
35 provide basic first aid and health services to pupils, shall report the  
36 results of the examinations conducted pursuant to this section in  
37 each school at which he or she is responsible for providing services  
38 to the Chief Medical Officer in the format prescribed by the Chief  
39 Medical Officer. Each such report must exclude any identifying  
40 information relating to a particular child. The Chief Medical Officer  
41 shall compile all such information the Officer receives to monitor  
42 the health status of children and shall retain the information.

43 11. The Division of Public and Behavioral Health of the  
44 Department of Health and Human Services shall:



1 (a) Compile a report relating to each region of this State for  
2 which data is collected regarding the height and weight of pupils  
3 measured pursuant to subsection 2 and reported to the Chief  
4 Medical Officer pursuant to subsection 10;

5 (b) Publish and disseminate the reports not later than 12 months  
6 after receiving the results of the examinations pursuant to subsection  
7 10; and

8 (c) Submit a copy of the report disseminated pursuant to  
9 paragraph (b) to the superintendent of each school district located in  
10 a county whose population is 100,000 or more.

11 **Sec. 4.** (Deleted by amendment.)

12 **Sec. 5.** (Deleted by amendment.)

13 **Sec. 6.** (Deleted by amendment.)

14 **Sec. 7.** (Deleted by amendment.)

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

16 **Sec. 9.** This act becomes effective on July 1, 2021.





