

Senate Bill No. 2—Committee on Education

CHAPTER.....

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:**

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

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

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

**Section 1.** NRS 388.157 is hereby amended to read as follows:  
388.157 1. The board of trustees of each school district and the governing body of each charter school shall prepare a plan to improve the literacy of pupils enrolled in an elementary school. Such a plan must include, without limitation:

(a) A program to provide intervention services and intensive instruction to pupils who have been identified as deficient in the subject area of reading to ensure that those pupils achieve adequate proficiency in the requisite reading skills and reading comprehension skills necessary to perform at a level determined by a statewide assessment to be within a level determined by the State Board for a pupil enrolled in the same grade in which the pupil is enrolled. Such a program must include, without limitation, regularly scheduled reading sessions in small groups and specific instruction designed to target any area of reading in which the pupil



demonstrates a deficiency, including, without limitation, phonological and phonemic awareness, decoding skills, reading fluency and vocabulary and reading comprehension strategies;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~— 3.]~~ The Department shall provide to each school district and charter school in this State information concerning services for



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

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

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

(a) For visual and auditory problems:

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

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

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

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

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

2. In addition to the requirements of subsection 1, the board of trustees of each school district in a county whose population is 100,000 or more shall direct school nurses, qualified health personnel employed pursuant to subsection 6, teachers who teach physical education or health or other licensed educational personnel who have completed training in measuring the height and weight of a pupil provided by the school district, to measure the height and weight of a representative sample of pupils who are enrolled in grades 4 ~~[,]~~ **and** 7 ~~[and 10]~~ in the schools within the school district.



The Division of Public and Behavioral Health of the Department of Health and Human Services, in consultation with the board of trustees of each school district and each local health district, as applicable, shall determine the number of pupils necessary to include in the representative sample. *The height and weight of a representative sample of pupils must be measured every other year at the same time other observations or examinations are conducted pursuant to this section.*

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

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

- (a) Is enrolled in a special program;
- (b) Is repeating a grade;
- (c) Has failed an examination for a visual or auditory problem during the previous school year; or

(d) Shows in any other way that the child may have such a problem.

5. The school authorities shall notify the parent or guardian of any child who is found or believed to have scoliosis, any visual or auditory problem, or any gross physical defect, and shall recommend that appropriate medical attention be secured to correct it. Any written notice provided to the parent or guardian of a child pursuant to this subsection must include, to the extent that information is available, a list of any resources that may be available in the community to provide such medical attention, including, without limitation, resources available at no charge or at a reduced cost. If such a list is provided, the principal, his or her designee, or any employee of the school or the school district is not responsible for providing such resources to the pupil or ensuring that the pupil receives such resources.

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



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

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

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

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

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

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

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

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

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

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



**Secs. 4-8.** (Deleted by amendment.)

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

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