

SENATE BILL NO. 52—COMMITTEE ON EDUCATION

(ON BEHALF OF THE DEPARTMENT OF EDUCATION)

PREFILED NOVEMBER 19, 2024

Referred to Committee on Education

SUMMARY—Revises provisions relating to education. (BDR 34-273)

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

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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 a school district to determine the percentage of certain pupils enrolled in the school district; revising the definition of pupils who are considered a “long-term English learner” for the purposes of certain reporting; revising certain factors considered in determining whether a pupil is eligible for a good-cause exemption to the requirement that the pupil be retained in grade 3 after not achieving a passing score on a uniform examination in reading; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires the board of trustees of each school district to determine
2 the number of pupils enrolled in schools within the school district who are: (1)
3 immigrants; (2) refugees; (3) new, short-term and long-term English learners; and
4 (4) English learners who participate in various programs, courses or activities,
5 receive a high school diploma and attend an institution of higher education after
6 receiving a high school diploma. Existing law requires the board of trustees of each
7 school district to submit such information to the Department of Education in an
8 annual report and authorizes the Department to make recommendations to the board
9 of trustees of each school district to improve programs for English learners based
10 on the reports. (NRS 388.4073) **Section 1** of this bill: (1) requires the board of
11 trustees of each school district to additionally determine the percentage of such
12 pupils enrolled in schools in the district; and (2) changes the definition of “long-
13 term English learner” for the purposes of this report to refer to a pupil who has been



14 classified as an English learner for more than 6 consecutive years after the pupil
15 was first identified as an English learner.

16 Effective July 1, 2028, existing law generally requires a pupil enrolled in grade
17 3 to be retained in grade 3, rather than promoted to grade 4, if the pupil does not
18 obtain a score in the subject area of reading on a uniform examination in reading
19 that meets the passing score prescribed by the State Board of Education. However,
20 existing law also authorizes a pupil to receive a good-cause exemption to allow the
21 pupil to be promoted to grade 4 without obtaining such a score if the principal of
22 the school which the pupil attends determines that the pupil is eligible for such an
23 exemption and submits a recommendation to the superintendent of schools of the
24 school district or the governing body of the charter school, as applicable, which the
25 pupil attends. (NRS 392.780, 392.785) **Section 2** of this bill authorizes a pupil to
26 qualify for one of the good-cause exemptions by demonstrating, through a portfolio
27 of the pupil's work, mastery of the academic standards in reading for grade 3 rather
28 than mastery of the academic standards in reading beyond grade 3.

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

1 **Section 1.** NRS 388.4073 is hereby amended to read as
2 follows:

3 388.4073 1. The board of trustees of each school district shall
4 determine the number *and percentage* of pupils enrolled in schools
5 within the school district who are:

- 6 (a) Immigrants;
- 7 (b) Refugees;
- 8 (c) Newcomers to the English language and short-term and
9 long-term English learners; and
- 10 (d) English learners, in total and disaggregated by English
11 learners who:

12 (1) Are pupils with an individualized education program or a
13 plan developed in accordance with section 504 of the Rehabilitation
14 Act of 1973, 29 U.S.C. § 794;

- 15 (2) Are enrolled, placed or participating in:
 - 16 (I) A special program, including, without limitation, a
17 special program for gifted and talented pupils;
 - 18 (II) A program for career and technical education;
 - 19 (III) A magnet school or program;
 - 20 (IV) An advanced placement course;
 - 21 (V) An international baccalaureate course;
 - 22 (VI) A dual credit course; or
 - 23 (VII) An extracurricular or athletic activity, if known;

24 (3) Receive a high school diploma, disaggregated by type of
25 diploma; and

26 (4) Attend an institution of higher education after receiving a
27 high school diploma and, if known, receive a scholarship to attend
28 an institution of higher education.



1 2. The data collected pursuant to subsection 1 must be
2 disaggregated by grade and pupils who are English learners.

3 3. The board of trustees of each school district shall determine
4 the number of teachers:

5 (a) Employed by the school district who have an endorsement to
6 teach pupils in a program of bilingual education or who have an
7 endorsement to teach English as a second language; and

8 (b) Who are trained in a program for language instruction
9 adopted by the board of trustees of the school district, to the extent
10 practicable.

11 ↪ The data collected pursuant to this subsection must be
12 disaggregated by teachers who are licensed to teach elementary
13 education, middle school or junior high school education or
14 secondary education.

15 4. On or before August 1 of each year, the board of trustees of
16 a school district shall review the data collected pursuant to
17 subsections 1 and 3, compile a report of the data and submit the
18 report to the Department. The Department may make
19 recommendations to the board of trustees of each school district to
20 improve programs for English learners based on the reports it
21 receives pursuant to this subsection.

22 5. On or before February 1 of each year, the Department shall
23 submit the reports it receives pursuant to subsection 4 to the
24 Director of the Legislative Counsel Bureau for transmittal to the
25 Legislature, or if the Legislature is not in session, the Joint Interim
26 Standing Committee on Education.

27 6. As used in this section, “long-term English learner” means a
28 pupil who ~~[is]~~ *has been classified as* an English learner ~~[who has~~
29 ~~lived in the United States]~~ for ~~[at least]~~ *more than* 6 consecutive
30 years ~~[]~~ *after the pupil was first identified as an English learner.*

31 **Sec. 2.** NRS 392.785 is hereby amended to read as follows:

32 392.785 1. The superintendent of schools of a school district
33 or the governing body of a charter school, as applicable, may
34 authorize the promotion of a pupil to grade 4 who would otherwise
35 be retained in grade 3 only if the superintendent or governing body,
36 as applicable, approves a good-cause exemption for the pupil upon a
37 determination by the principal of the school pursuant to subsection 3
38 that the pupil is eligible for such an exemption.

39 2. A good-cause exemption must be approved for a pupil who
40 previously was retained in grade 3. Any other pupil is eligible for a
41 good-cause exemption if the pupil:

42 (a) Demonstrates an acceptable level of proficiency in reading
43 on an alternative standardized reading assessment approved by the
44 State Board;



1 (b) Demonstrates, through a portfolio of the pupil's work,
2 proficiency in reading at grade level, as evidenced by demonstration
3 of mastery of the academic standards in reading ~~beyond~~ for
4 grade 3;

5 (c) Is an English learner and has received not less than 2 years of
6 instruction in a program of instruction that teaches English as a
7 second language;

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

12 (e) Is a pupil with a disability and his or her individualized
13 education program indicates that the pupil's participation in the
14 uniform examination administered pursuant to paragraph (a) of
15 subsection 5 of NRS 392.780 is not appropriate; or

16 (f) Is a pupil with a disability and:

17 (1) He or she participates in the uniform examination
18 administered pursuant to paragraph (a) of subsection 5 of
19 NRS 392.780;

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

25 (3) He or she was previously retained in kindergarten or
26 grade 1, 2 or 3.

27 3. The principal of a school in which a pupil who may be
28 retained in grade 3 pursuant to subsection 1 is enrolled shall
29 consider the factors set forth in subsection 2 and determine whether
30 the pupil is eligible for a good-cause exemption. In making the
31 determination, the principal must consider documentation provided
32 by the pupil's teacher indicating whether the promotion of the pupil
33 is appropriate based upon the record of the pupil. Such
34 documentation must only consist of the existing plan for monitoring
35 the progress of the pupil, the pupil's individualized education
36 program, if applicable, and the pupil's plan developed in accordance
37 with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794,
38 if applicable. If the principal determines that promotion of the pupil
39 to grade 4 is appropriate, the principal must submit a written
40 recommendation to the superintendent of schools of the school
41 district or to the governing body of the charter school, as applicable.
42 The superintendent of schools or the governing body of the charter
43 school, as applicable, shall approve or deny the recommendation of
44 the principal and provide written notice to the principal of the
45 approval or denial.



1 4. A principal who determines that a pupil is eligible for a
2 good-cause exemption pursuant to subsection 3 shall notify the
3 parent or legal guardian of the pupil if the superintendent of schools
4 of the school district or the governing body of the charter school, as
5 applicable, has approved the good-cause exemption.

6 5. The principal of a school in which a pupil for whom a good-
7 cause exemption is approved pursuant to subsection 3 and who is
8 promoted to grade 4 must ensure that the pupil continues to be
9 provided intervention services and intensive instruction in the
10 subject area of reading pursuant to NRS 392.760.

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

13 **Sec. 3.** 1. This section and section 1 of this act become
14 effective on July 1, 2025.

15 2. Section 2 of this act becomes effective on July 1, 2028.



