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ASSEMBLY BILL NO. 554—COMMITTEE ON WAYS AND MEANS

(ON BEHALF OF THE GOVERNOR)

MARCH 28, 2011

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Referred to Committee on Education

SUMMARY—Revises provisions governing education.  
(BDR 34-953)

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.

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AN ACT relating to education; requiring the Department of Education to assign a letter grade to each school district and public school; requiring that a report card be prepared for each school district with information pertaining to the letter grades received by the school district and certain other information pertaining to the progress made in pupil achievement; requiring the Department to prepare a separate report card for charter schools sponsored by the State Board of Education; requiring the board of trustees of each school district to adopt a policy authorizing the parent or legal guardian of pupil to enroll his or her child in a public school other than the public school the child is otherwise zoned to attend; prohibiting the promotion of a pupil to grade 4 if the pupil does not obtain a certain score on the criterion-referenced examination in reading; providing certain good-cause exemptions for certain pupils; requiring school districts to offer intensive instructional services in reading for certain pupils; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 **Section 2** of this bill requires the Department of Education to assign a letter  
2 grade to each school district and each public school, including, without limitation,  
3 each charter school, in this State. **Section 2** also requires that a report card be  
4 prepared for each school district indicating the letter grades received by the public  
5 schools within the school district and the district as a whole. **Section 2** further



\* A B 5 5 4 \*

6 requires the Department to prepare a separate report card for those charter schools  
7 sponsored by the State Board of Education. The report cards for each school district  
8 must be posted on the Internet website maintained by the school district, and the  
9 Department is required to post all report cards on its Internet website.

10 **Section 3** of this bill requires the State Board of Education to prescribe an  
11 indexed point system for assigning letter grades to each school district and public  
12 school in this State and provides the criteria on which that system must be based.

13 Existing law authorizes school districts to establish zones of attendance that  
14 prescribe which pupils attend each school within the district. (NRS 388.040)

15 **Section 9** of this bill requires the board of trustees of each school district to adopt a  
16 policy authorizing the parent or legal guardian of a pupil to request that his or her  
17 child attend a public school within the school district but outside the zone of  
18 attendance the pupil is otherwise required to attend.

19 Under existing law, a pupil may be retained in the same grade rather than  
20 promoted to the next higher grade for the succeeding school year upon joint  
21 agreement by the teacher and the principal. (NRS 392.125) Also under existing law,  
22 the governing body of a charter school is exempt from these requirements  
23 governing promotion to the next higher grade and instead is required to adopt its  
24 own rules for the academic retention of the pupils enrolled in the charter school.

25 (NRS 386.583) **Section 11** of this bill prohibits certain pupils enrolled in grade 3  
26 from being promoted to grade 4 unless the pupil obtains a score prescribed by the  
27 State Board in the subject area of reading on the criterion-referenced examination.

28 **Section 11** also provides certain good-cause exemptions for certain pupils. **Section**  
29 **11** also requires the State Board to prescribe an alternate examination in reading for  
30 those pupils who do not obtain the requisite score on the criterion-referenced  
31 examination in reading for promotion to grade 4. **Section 6** of this bill imposes the  
32 same prohibition on the promotion of pupils enrolled in grade 3 for those pupils  
33 enrolled in charter schools. **Section 12** of this bill requires the principal of a school  
34 to provide notice to the parent or legal guardian of a pupil who is retained in grade  
35 3 and requires the principal to provide intensive instructional services in reading for  
36 certain pupils. **Section 12** also requires the board of trustees of each district to  
37 prescribe the intensive instructional services in reading which must be  
38 implemented.

39 **Section 10** of this bill requires the principal of a public school to provide notice  
40 to the parent or legal guardian of a pupil enrolled in kindergarten or grade 1, 2 or 3  
41 who exhibits a substantial deficiency in reading for the pupil's grade level. **Section**  
42 **10** also requires the principal to provide certain intensive instructional services in  
43 reading for such pupils.

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

1 **Section 1.** Chapter 385 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2. 1.** *Except as otherwise provided in subsection 2, the*  
4 *Department shall assign a letter grade to each school district and*  
5 *each public school, including, without limitation, each charter*  
6 *school, in accordance with the indexed point system prescribed by*  
7 *the State Board pursuant to section 3 of this act. A school district*  
8 *or public school, as applicable, must receive:*



1 (a) A grade of "A" if the school district or public school is  
2 making excellent progress;

3 (b) A grade of "B" if the school district or public school is  
4 making above average progress;

5 (c) A grade of "C" if the school district or public school is  
6 making satisfactory progress;

7 (d) A grade of "D" if the school district or public school is  
8 making less than satisfactory progress; and

9 (e) A grade of "F" if the school district or public school fails to  
10 make adequate progress.

11 2. The Department shall not assign a letter grade to a public  
12 school if the number of pupils enrolled in the school is insufficient  
13 to yield statistically reliable information or the results would  
14 reveal personally identifiable information about an individual  
15 pupil.

16 3. A report card must be prepared for each school district on  
17 the form prescribed by the Department. In a county whose  
18 population is 400,000 or more, the board of trustees of the school  
19 district shall prepare the report card for the school district. In a  
20 county whose population is less than 400,000, the Department  
21 shall prepare the report card for the school district. Each report  
22 card must include, without limitation:

23 (a) The letter grade assigned to the school district pursuant to  
24 subsection 1;

25 (b) The letter grade assigned to each public school located in  
26 the school district pursuant to subsection 1, including, without  
27 limitation, each charter school that is sponsored by the board of  
28 trustees of the school district;

29 (c) A description of the performance of pupils enrolled in the  
30 school district on the examinations administered pursuant to NRS  
31 389.015 and 389.550, including, without limitation, the  
32 performance of pupils disaggregated by the following groups:

33 (1) Pupils who are economically disadvantaged, as defined  
34 by the State Board;

35 (2) Pupils from major racial and ethnic groups, as defined  
36 by the State Board;

37 (3) Pupils with disabilities;

38 (4) Pupils who are limited English proficient; and

39 (5) Pupils who are migratory children, as defined by the  
40 State Board;

41 (d) The mean score of pupils on the examinations  
42 administered pursuant to NRS 389.015 and 389.550 for those  
43 pupils who scored at or in the lowest 25th percentile on those  
44 examinations in the preceding school year; and



1 (e) *Information on the status of the progress made by the*  
2 *public schools and the school district on improving the*  
3 *achievement of pupils enrolled in the school district.*

4 **4. The Department shall:**

5 (a) *Prepare a single report card for those charter schools*  
6 *sponsored by the State Board with the information prescribed by*  
7 *subsection 3; and*

8 (b) *Post the report card for those charter schools sponsored by*  
9 *the State Board on the Internet website maintained by the*  
10 *Department and otherwise make the report card available to the*  
11 *parents and legal guardians of pupils enrolled in charter schools*  
12 *and the general public.*

13 **5. The board of trustees of each school district shall post the**  
14 *report card prepared pursuant to subsection 3 on the Internet*  
15 *website maintained by the school district and otherwise make the*  
16 *report card available to the parents and legal guardians of pupils*  
17 *enrolled in the school district and the general public. The*  
18 *Department shall post the report card of each school district on*  
19 *the Internet website maintained by the Department.*

20 **6. The State Board shall prescribe regulations to provide for**  
21 *the recognition of:*

22 (a) *Schools that consistently receive a letter grade of "A"; and*

23 (b) *Schools that improve at least one letter grade when*  
24 *compared to the letter grade received by the school in the*  
25 *immediately preceding year.*

26 **7. Except for the money appropriated for the basic support**  
27 *guarantee for school districts, in determining the apportionment*  
28 *of any money that may be available for school districts and public*  
29 *schools pursuant to legislative appropriation or otherwise, the*  
30 *Legislature may consider the letter grade assigned to each school*  
31 *district and public school pursuant to subsection 1.*

32 **8. The Department shall design the form and content for the**  
33 *report cards.*

34 **Sec. 3. 1. The State Board shall prescribe an indexed point**  
35 *system for assigning letter grades to each public elementary and*  
36 *middle school and junior high school in this State. The indexed*  
37 *point system must assign a value to each of the following:*

38 (a) *The results of pupils on the examinations administered*  
39 *pursuant to NRS 389.015 and 389.550, which must account for 50*  
40 *percent of the letter grade assigned;*

41 (b) *The learning gains of all pupils, based upon pupil progress*  
42 *measured from year to year, which must account for 25 percent of*  
43 *the letter grade assigned; and*



1 (c) *The learning gains of those pupils who scored at or in the*  
2 *lowest 25th percentile in the preceding school year, which must*  
3 *account for 25 percent of the letter grade assigned.*

4 2. *The State Board shall prescribe an indexed point system*  
5 *for assigning letter grades to each public high school in this State.*  
6 *The indexed point system must assign a value to each of the*  
7 *following:*

8 (a) *The results of pupils on the examinations administered*  
9 *pursuant to NRS 389.550;*

10 (b) *The learning gains of all pupils, based upon pupil progress*  
11 *measured from year to year;*

12 (c) *The learning gains of those pupils who scored at or in the*  
13 *lowest 25th percentile in the immediately preceding school year;*  
14 *and*

15 (d) *Other grading components, including, without limitation:*

16 (1) *The graduation rate of pupils from high school;*

17 (2) *The graduation rate of pupils who are at-risk, as*  
18 *defined by the State Board;*

19 (3) *The performance of pupils enrolled in the high school*  
20 *who participate in an accelerated program of education, if any;*

21 (4) *The progress made by the high school in preparing*  
22 *pupils for postsecondary education; and*

23 (5) *Any other factors determined by the State Board, such*  
24 *as individual pupil growth from year to year in each of the*  
25 *categories set forth in subparagraphs (1) to (4), inclusive.*

26 ↪ *The indexed point system for high schools must provide that the*  
27 *data set forth in paragraphs (a), (b) and (c) account for 50 percent*  
28 *of the letter grade and the other grading components set forth in*  
29 *paragraph (d) account for 50 percent of the letter grade.*

30 3. *Each school district must be assigned a letter grade based*  
31 *upon the indexed point system prescribed pursuant to subsections*  
32 *1 and 2 for the public schools within the school district.*

33 4. *The regulations must provide that in any year in which not*  
34 *less than 80 percent of all the public schools in this State earn a*  
35 *letter grade of “A” or “B,” the number of points that are required*  
36 *to earn such a grade level pursuant to the indexed point system*  
37 *must be increased by 5 percent statewide.*

38 5. *In determining the letter grades, information relating to*  
39 *those pupils who are permanently expelled from public school*  
40 *must not be included.*

41 **Sec. 4.** NRS 385.3469 is hereby amended to read as follows:

42 385.3469 1. The State Board shall prepare an annual report  
43 of accountability that includes, without limitation:

44 (a) Information on the achievement of all pupils based upon the  
45 results of the examinations administered pursuant to NRS 389.015



1 and 389.550, reported for each school district, including, without  
2 limitation, each charter school in the district, and for this State as a  
3 whole.

4 (b) Except as otherwise provided in subsection 2, pupil  
5 achievement, reported separately by gender and reported separately  
6 for the following groups of pupils:

7 (1) Pupils who are economically disadvantaged, as defined  
8 by the State Board;

9 (2) Pupils from major racial and ethnic groups, as defined by  
10 the State Board;

11 (3) Pupils with disabilities;

12 (4) Pupils who are limited English proficient; and

13 (5) Pupils who are migratory children, as defined by the State  
14 Board.

15 (c) A comparison of the achievement of pupils in each group  
16 identified in paragraph (b) of subsection 1 of NRS 385.361 with the  
17 annual measurable objectives of the State Board.

18 (d) The percentage of all pupils who were not tested, reported  
19 for each school district, including, without limitation, each charter  
20 school in the district, and for this State as a whole.

21 (e) Except as otherwise provided in subsection 2, the percentage  
22 of pupils who were not tested, reported separately by gender and  
23 reported separately for the groups identified in paragraph (b).

24 (f) The most recent 3-year trend in the achievement of pupils in  
25 each subject area tested and each grade level tested pursuant to NRS  
26 389.015 and 389.550, reported for each school district, including,  
27 without limitation, each charter school in the district, and for this  
28 State as a whole, which may include information regarding the trend  
29 in the achievement of pupils for more than 3 years, if such  
30 information is available.

31 (g) Information on whether each school district has made  
32 adequate yearly progress, including, without limitation, the name of  
33 each school district, if any, designated as demonstrating need for  
34 improvement pursuant to NRS 385.377 and the number of  
35 consecutive years that the school district has carried that  
36 designation.

37 (h) Information on whether each public school, including,  
38 without limitation, each charter school, has made:

39 (1) Adequate yearly progress, including, without limitation,  
40 the name of each public school, if any, designated as demonstrating  
41 need for improvement pursuant to NRS 385.3623 and the number of  
42 consecutive years that the school has carried that designation.

43 (2) Progress based upon the model adopted by the  
44 Department pursuant to NRS 385.3595, if applicable for the grade  
45 level of pupils enrolled at the school.



1 (i) Information on the results of pupils who participated in the  
2 examinations of the National Assessment of Educational Progress  
3 required pursuant to NRS 389.012.

4 (j) The ratio of pupils to teachers in kindergarten and at each  
5 grade level for all elementary schools, reported for each school  
6 district, including, without limitation, each charter school in the  
7 district, and for this State as a whole, and the average class size for  
8 each core academic subject, as set forth in NRS 389.018, for each  
9 secondary school, reported for each school district and for this State  
10 as a whole.

11 (k) For each school district, including, without limitation, each  
12 charter school in the district, and for this State as a whole,  
13 information on the professional qualifications of teachers employed  
14 by the school districts and charter schools, including, without  
15 limitation:

16 (1) The percentage of teachers who are:

17 (I) Providing instruction pursuant to NRS 391.125;

18 (II) Providing instruction pursuant to a waiver of the  
19 requirements for licensure for the grade level or subject area in  
20 which the teachers are employed; or

21 (III) Otherwise providing instruction without an  
22 endorsement for the subject area in which the teachers are  
23 employed;

24 (2) The percentage of classes in the core academic subjects,  
25 as set forth in NRS 389.018, in this State that are not taught by  
26 highly qualified teachers;

27 (3) The percentage of classes in the core academic subjects,  
28 as set forth in NRS 389.018, in this State that are not taught by  
29 highly qualified teachers, in the aggregate and disaggregated by  
30 high-poverty compared to low-poverty schools, which for the  
31 purposes of this subparagraph means schools in the top quartile of  
32 poverty and the bottom quartile of poverty in this State;

33 (4) For each middle school, junior high school and high  
34 school:

35 (I) On and after July 1, 2005, the number of persons  
36 employed as substitute teachers for 20 consecutive days or more in  
37 the same classroom or assignment, designated as long-term  
38 substitute teachers, including the total number of days long-term  
39 substitute teachers were employed at each school, identified by  
40 grade level and subject area; and

41 (II) On and after July 1, 2006, the number of persons  
42 employed as substitute teachers for less than 20 consecutive days,  
43 designated as short-term substitute teachers, including the total  
44 number of days short-term substitute teachers were employed at  
45 each school, identified by grade level and subject area; and



1 (5) For each elementary school:

2 (I) On and after July 1, 2005, the number of persons  
3 employed as substitute teachers for 20 consecutive days or more in  
4 the same classroom or assignment, designated as long-term  
5 substitute teachers, including the total number of days long-term  
6 substitute teachers were employed at each school, identified by  
7 grade level; and

8 (II) On and after July 1, 2006, the number of persons  
9 employed as substitute teachers for less than 20 consecutive days,  
10 designated as short-term substitute teachers, including the total  
11 number of days short-term substitute teachers were employed at  
12 each school, identified by grade level.

13 (l) The total expenditure per pupil for each school district in this  
14 State, including, without limitation, each charter school in the  
15 district. If this State has a financial analysis program that is designed  
16 to track educational expenditures and revenues to individual  
17 schools, the State Board shall use that statewide program in  
18 complying with this paragraph. If a statewide program is not  
19 available, the State Board shall use the Department's own financial  
20 analysis program in complying with this paragraph.

21 (m) The total statewide expenditure per pupil. If this State has a  
22 financial analysis program that is designed to track educational  
23 expenditures and revenues to individual schools, the State Board  
24 shall use that statewide program in complying with this paragraph.  
25 If a statewide program is not available, the State Board shall use the  
26 Department's own financial analysis program in complying with  
27 this paragraph.

28 (n) For all elementary schools, junior high schools and middle  
29 schools, the rate of attendance, reported for each school district,  
30 including, without limitation, each charter school in the district, and  
31 for this State as a whole.

32 (o) The annual rate of pupils who drop out of school in grade 8  
33 and a separate reporting of the annual rate of pupils who drop out of  
34 school in grades 9 to 12, inclusive, reported for each school district,  
35 including, without limitation, each charter school in the district, and  
36 for this State as a whole. The reporting for pupils in grades 9 to 12,  
37 inclusive, excludes pupils who:

38 (1) Provide proof to the school district of successful  
39 completion of the examinations of general educational development.

40 (2) Are enrolled in courses that are approved by the  
41 Department as meeting the requirements for an adult standard  
42 diploma.

43 (3) Withdraw from school to attend another school.



1 (p) The attendance of teachers who provide instruction, reported  
2 for each school district, including, without limitation, each charter  
3 school in the district, and for this State as a whole.

4 (q) Incidents involving weapons or violence, reported for each  
5 school district, including, without limitation, each charter school in  
6 the district, and for this State as a whole.

7 (r) Incidents involving the use or possession of alcoholic  
8 beverages or controlled substances, reported for each school district,  
9 including, without limitation, each charter school in the district, and  
10 for this State as a whole.

11 (s) The suspension and expulsion of pupils required or  
12 authorized pursuant to NRS 392.466 and 392.467, reported for each  
13 school district, including, without limitation, each charter school in  
14 the district, and for this State as a whole.

15 (t) The number of pupils who are deemed habitual disciplinary  
16 problems pursuant to NRS 392.4655, reported for each school  
17 district, including, without limitation, each charter school in the  
18 district, and for this State as a whole.

19 (u) The number of pupils in each grade who are retained in the  
20 same grade pursuant to NRS **386.583**, 392.033 or 392.125, *or*  
21 *section 11 of this act*, reported for each school district, including,  
22 without limitation, each charter school in the district, and for this  
23 State as a whole.

24 (v) The transiency rate of pupils, reported for each school  
25 district, including, without limitation, each charter school in the  
26 district, and for this State as a whole. For the purposes of this  
27 paragraph, a pupil is not a transient if the pupil is transferred to a  
28 different school within the school district as a result of a change in  
29 the zone of attendance by the board of trustees of the school district  
30 pursuant to NRS 388.040.

31 (w) Each source of funding for this State to be used for the  
32 system of public education.

33 (x) A compilation of the programs of remedial study purchased  
34 in whole or in part with money received from this State that are used  
35 in each school district, including, without limitation, each charter  
36 school in the district. The compilation must include:

37 (1) The amount and sources of money received for programs  
38 of remedial study.

39 (2) An identification of each program of remedial study,  
40 listed by subject area.

41 (y) The percentage of pupils who graduated from a high school  
42 or charter school in the immediately preceding year and enrolled in  
43 remedial courses in reading, writing or mathematics at a university,  
44 state college or community college within the Nevada System of  
45 Higher Education, reported for each school district, including,



1 without limitation, each charter school in the district, and for this  
2 State as a whole.

3 (z) The technological facilities and equipment available for  
4 educational purposes, reported for each school district, including,  
5 without limitation, each charter school in the district, and for this  
6 State as a whole.

7 (aa) For each school district, including, without limitation, each  
8 charter school in the district, and for this State as a whole, the  
9 number and percentage of pupils who received:

10 (1) A standard high school diploma, reported separately for  
11 pupils who received the diploma pursuant to:

12 (I) Paragraph (a) of subsection 1 of NRS 389.805; and

13 (II) Paragraph (b) of subsection 1 of NRS 389.805.

14 (2) An adjusted diploma.

15 (3) A certificate of attendance.

16 (bb) For each school district, including, without limitation, each  
17 charter school in the district, and for this State as a whole, the  
18 number and percentage of pupils who failed to pass the high school  
19 proficiency examination.

20 (cc) The number of habitual truants who are reported to a school  
21 police officer or local law enforcement agency pursuant to  
22 paragraph (a) of subsection 2 of NRS 392.144 and the number of  
23 habitual truants who are referred to an advisory board to review  
24 school attendance pursuant to paragraph (b) of subsection 2 of NRS  
25 392.144, reported for each school district, including, without  
26 limitation, each charter school in the district, and for this State as a  
27 whole.

28 (dd) Information on the paraprofessionals employed at public  
29 schools in this State, including, without limitation, the charter  
30 schools in this State. The information must include:

31 (1) The number of paraprofessionals employed, reported for  
32 each school district, including, without limitation, each charter  
33 school in the district, and for this State as a whole; and

34 (2) For each school district, including, without limitation,  
35 each charter school in the district, and for this State as a whole, the  
36 number and percentage of all paraprofessionals who do not satisfy  
37 the qualifications set forth in 20 U.S.C. § 6319(c). The reporting  
38 requirements of this subparagraph apply to paraprofessionals who  
39 are employed in programs supported with Title I money and to  
40 paraprofessionals who are not employed in programs supported with  
41 Title I money.

42 (ee) An identification of appropriations made by the Legislature  
43 to improve the academic achievement of pupils and programs  
44 approved by the Legislature to improve the academic achievement  
45 of pupils.



1 (ff) A compilation of the special programs available for pupils at  
2 individual schools, listed by school and by school district, including,  
3 without limitation, each charter school in the district.

4 (gg) For each school district, including, without limitation, each  
5 charter school in the district and for this State as a whole,  
6 information on pupils enrolled in career and technical education,  
7 including, without limitation:

8 (1) The number of pupils enrolled in a course of career and  
9 technical education;

10 (2) The number of pupils who completed a course of career  
11 and technical education;

12 (3) The average daily attendance of pupils who are enrolled  
13 in a program of career and technical education;

14 (4) The annual rate of pupils who dropped out of school and  
15 were enrolled in a program of career and technical education before  
16 dropping out;

17 (5) The number and percentage of pupils who completed a  
18 program of career and technical education and who received a  
19 standard high school diploma, an adjusted diploma or a certificate of  
20 attendance; and

21 (6) The number and percentage of pupils who completed a  
22 program of career and technical education and who did not receive a  
23 high school diploma because the pupils failed to pass the high  
24 school proficiency examination.

25 2. A separate reporting for a group of pupils must not be made  
26 pursuant to this section if the number of pupils in that group is  
27 insufficient to yield statistically reliable information or the results  
28 would reveal personally identifiable information about an individual  
29 pupil. The State Board shall prescribe a mechanism for determining  
30 the minimum number of pupils that must be in a group for that  
31 group to yield statistically reliable information.

32 3. The annual report of accountability must:

33 (a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations  
34 adopted pursuant thereto;

35 (b) Be prepared in a concise manner; and

36 (c) Be presented in an understandable and uniform format and,  
37 to the extent practicable, provided in a language that parents can  
38 understand.

39 4. On or before September 1 of each year, the State Board  
40 shall:

41 (a) Provide for public dissemination of the annual report of  
42 accountability by posting a copy of the report on the Internet  
43 website maintained by the Department; and



1 (b) Provide written notice that the report is available on the  
2 Internet website maintained by the Department. The written notice  
3 must be provided to the:

- 4 (1) Governor;
- 5 (2) Committee;
- 6 (3) Bureau;
- 7 (4) Board of Regents of the University of Nevada;
- 8 (5) Board of trustees of each school district; and
- 9 (6) Governing body of each charter school.

10 5. Upon the request of the Governor, an entity described in  
11 paragraph (b) of subsection 4 or a member of the general public, the  
12 State Board shall provide a portion or portions of the annual report  
13 of accountability.

14 6. As used in this section:

15 (a) "Highly qualified" has the meaning ascribed to it in 20  
16 U.S.C. § 7801(23).

17 (b) "Paraprofessional" has the meaning ascribed to it in  
18 NRS 391.008.

19 **Sec. 5.** NRS 385.347 is hereby amended to read as follows:

20 385.347 1. The board of trustees of each school district in  
21 this State, in cooperation with associations recognized by the State  
22 Board as representing licensed educational personnel in the district,  
23 shall adopt a program providing for the accountability of the school  
24 district to the residents of the district and to the State Board for the  
25 quality of the schools and the educational achievement of the pupils  
26 in the district, including, without limitation, pupils enrolled in  
27 charter schools in the school district. The board of trustees of each  
28 school district shall report the information required by subsection 2  
29 for each charter school that is located within the school district,  
30 regardless of the sponsor of the charter school. The information for  
31 charter schools must be reported separately and must denote the  
32 charter schools sponsored by the school district, the charter schools  
33 sponsored by the State Board and the charter schools sponsored by a  
34 college or university within the Nevada System of Higher  
35 Education.

36 2. The board of trustees of each school district shall, on or  
37 before August 15 of each year, prepare an annual report of  
38 accountability concerning:

39 (a) The educational goals and objectives of the school district.

40 (b) Pupil achievement for each school in the district and the  
41 district as a whole, including, without limitation, each charter school  
42 in the district. The board of trustees of the district shall base its  
43 report on the results of the examinations administered pursuant to  
44 NRS 389.015 and 389.550 and shall compare the results of those  
45 examinations for the current school year with those of previous



1 school years. The report must include, for each school in the district,  
2 including, without limitation, each charter school in the district, and  
3 each grade in which the examinations were administered:

4 (1) The number of pupils who took the examinations.

5 (2) A record of attendance for the period in which the  
6 examinations were administered, including an explanation of any  
7 difference in the number of pupils who took the examinations and  
8 the number of pupils who are enrolled in the school.

9 (3) Except as otherwise provided in this paragraph, pupil  
10 achievement, reported separately by gender and reported separately  
11 for the following groups of pupils:

12 (I) Pupils who are economically disadvantaged, as  
13 defined by the State Board;

14 (II) Pupils from major racial and ethnic groups, as defined  
15 by the State Board;

16 (III) Pupils with disabilities;

17 (IV) Pupils who are limited English proficient; and

18 (V) Pupils who are migratory children, as defined by the  
19 State Board.

20 (4) A comparison of the achievement of pupils in each group  
21 identified in paragraph (b) of subsection 1 of NRS 385.361 with the  
22 annual measurable objectives of the State Board.

23 (5) The percentage of pupils who were not tested.

24 (6) Except as otherwise provided in this paragraph, the  
25 percentage of pupils who were not tested, reported separately by  
26 gender and reported separately for the groups identified in  
27 subparagraph (3).

28 (7) The most recent 3-year trend in pupil achievement in  
29 each subject area tested and each grade level tested pursuant to NRS  
30 389.015 and 389.550, which may include information regarding the  
31 trend in the achievement of pupils for more than 3 years, if such  
32 information is available.

33 (8) Information that compares the results of pupils in the  
34 school district, including, without limitation, pupils enrolled in  
35 charter schools in the district, with the results of pupils throughout  
36 this State. The information required by this subparagraph must be  
37 provided in consultation with the Department to ensure the accuracy  
38 of the comparison.

39 (9) For each school in the district, including, without  
40 limitation, each charter school in the district, information that  
41 compares the results of pupils in the school with the results of pupils  
42 throughout the school district and throughout this State. The  
43 information required by this subparagraph must be provided in  
44 consultation with the Department to ensure the accuracy of the  
45 comparison.



1 (10) Information on whether each school in the district,  
2 including, without limitation, each charter school in the district, has  
3 made progress based upon the model adopted by the Department  
4 pursuant to NRS 385.3595.

5 ↪ A separate reporting for a group of pupils must not be made  
6 pursuant to this paragraph if the number of pupils in that group is  
7 insufficient to yield statistically reliable information or the results  
8 would reveal personally identifiable information about an individual  
9 pupil. The State Board shall prescribe the mechanism for  
10 determining the minimum number of pupils that must be in a group  
11 for that group to yield statistically reliable information.

12 (c) The ratio of pupils to teachers in kindergarten and at each  
13 grade level for each elementary school in the district and the district  
14 as a whole, including, without limitation, each charter school in the  
15 district, and the average class size for each core academic subject, as  
16 set forth in NRS 389.018, for each secondary school in the district  
17 and the district as a whole, including, without limitation, each  
18 charter school in the district.

19 (d) Information on the professional qualifications of teachers  
20 employed by each school in the district and the district as a whole,  
21 including, without limitation, each charter school in the district. The  
22 information must include, without limitation:

23 (1) The percentage of teachers who are:

24 (I) Providing instruction pursuant to NRS 391.125;

25 (II) Providing instruction pursuant to a waiver of the  
26 requirements for licensure for the grade level or subject area in  
27 which the teachers are employed; or

28 (III) Otherwise providing instruction without an  
29 endorsement for the subject area in which the teachers are  
30 employed;

31 (2) The percentage of classes in the core academic subjects,  
32 as set forth in NRS 389.018, that are not taught by highly qualified  
33 teachers;

34 (3) The percentage of classes in the core academic subjects,  
35 as set forth in NRS 389.018, that are not taught by highly qualified  
36 teachers, in the aggregate and disaggregated by high-poverty  
37 compared to low-poverty schools, which for the purposes of this  
38 subparagraph means schools in the top quartile of poverty and the  
39 bottom quartile of poverty in this State;

40 (4) For each middle school, junior high school and high  
41 school:

42 (I) On and after July 1, 2005, the number of persons  
43 employed as substitute teachers for 20 consecutive days or more in  
44 the same classroom or assignment, designated as long-term  
45 substitute teachers, including the total number of days long-term



1 substitute teachers were employed at each school, identified by  
2 grade level and subject area; and

3 (II) On and after July 1, 2006, the number of persons  
4 employed as substitute teachers for less than 20 consecutive days,  
5 designated as short-term substitute teachers, including the total  
6 number of days short-term substitute teachers were employed at  
7 each school, identified by grade level and subject area; and

8 (5) For each elementary school:

9 (I) On and after July 1, 2005, the number of persons  
10 employed as substitute teachers for 20 consecutive days or more in  
11 the same classroom or assignment, designated as long-term  
12 substitute teachers, including the total number of days long-term  
13 substitute teachers were employed at each school, identified by  
14 grade level; and

15 (II) On and after July 1, 2006, the number of persons  
16 employed as substitute teachers for less than 20 consecutive days,  
17 designated as short-term substitute teachers, including the total  
18 number of days short-term substitute teachers were employed at  
19 each school, identified by grade level.

20 (e) The total expenditure per pupil for each school in the district  
21 and the district as a whole, including, without limitation, each  
22 charter school in the district. If this State has a financial analysis  
23 program that is designed to track educational expenditures and  
24 revenues to individual schools, each school district shall use that  
25 statewide program in complying with this paragraph. If a statewide  
26 program is not available, each school district shall use its own  
27 financial analysis program in complying with this paragraph.

28 (f) The curriculum used by the school district, including:

29 (1) Any special programs for pupils at an individual school;  
30 and

31 (2) The curriculum used by each charter school in the  
32 district.

33 (g) Records of the attendance and truancy of pupils in all grades,  
34 including, without limitation:

35 (1) The average daily attendance of pupils, for each school in  
36 the district and the district as a whole, including, without limitation,  
37 each charter school in the district.

38 (2) For each elementary school, middle school and junior  
39 high school in the district, including, without limitation, each charter  
40 school in the district that provides instruction to pupils enrolled in a  
41 grade level other than high school, information that compares the  
42 attendance of the pupils enrolled in the school with the attendance of  
43 pupils throughout the district and throughout this State. The  
44 information required by this subparagraph must be provided in



1 consultation with the Department to ensure the accuracy of the  
2 comparison.

3 (h) The annual rate of pupils who drop out of school in grade 8  
4 and a separate reporting of the annual rate of pupils who drop out of  
5 school in grades 9 to 12, inclusive, for each such grade, for each  
6 school in the district and for the district as a whole. The reporting  
7 for pupils in grades 9 to 12, inclusive, excludes pupils who:

8 (1) Provide proof to the school district of successful  
9 completion of the examinations of general educational development.

10 (2) Are enrolled in courses that are approved by the  
11 Department as meeting the requirements for an adult standard  
12 diploma.

13 (3) Withdraw from school to attend another school.

14 (i) Records of attendance of teachers who provide instruction,  
15 for each school in the district and the district as a whole, including,  
16 without limitation, each charter school in the district.

17 (j) Efforts made by the school district and by each school in the  
18 district, including, without limitation, each charter school in the  
19 district, to increase:

20 (1) Communication with the parents of pupils in the district;  
21 and

22 (2) The participation of parents in the educational process  
23 and activities relating to the school district and each school,  
24 including, without limitation, the existence of parent organizations  
25 and school advisory committees.

26 (k) Records of incidents involving weapons or violence for each  
27 school in the district, including, without limitation, each charter  
28 school in the district.

29 (l) Records of incidents involving the use or possession of  
30 alcoholic beverages or controlled substances for each school in the  
31 district, including, without limitation, each charter school in the  
32 district.

33 (m) Records of the suspension and expulsion of pupils required  
34 or authorized pursuant to NRS 392.466 and 392.467.

35 (n) The number of pupils who are deemed habitual disciplinary  
36 problems pursuant to NRS 392.4655, for each school in the district  
37 and the district as a whole, including, without limitation, each  
38 charter school in the district.

39 (o) The number of pupils in each grade who are retained in the  
40 same grade pursuant to NRS **386.583**, 392.033 or 392.125, *or*  
41 *section 11 of this act*, for each school in the district and the district  
42 as a whole, including, without limitation, each charter school in the  
43 district.

44 (p) The transiency rate of pupils for each school in the district  
45 and the district as a whole, including, without limitation, each



1 charter school in the district. For the purposes of this paragraph, a  
2 pupil is not transient if the pupil is transferred to a different school  
3 within the school district as a result of a change in the zone of  
4 attendance by the board of trustees of the school district pursuant to  
5 NRS 388.040.

6 (q) Each source of funding for the school district.

7 (r) A compilation of the programs of remedial study that are  
8 purchased in whole or in part with money received from this State,  
9 for each school in the district and the district as a whole, including,  
10 without limitation, each charter school sponsored by the district. The  
11 compilation must include:

12 (1) The amount and sources of money received for programs  
13 of remedial study for each school in the district and the district as a  
14 whole, including, without limitation, each charter school in the  
15 district.

16 (2) An identification of each program of remedial study,  
17 listed by subject area.

18 (s) For each high school in the district, including, without  
19 limitation, each charter school in the district, the percentage of  
20 pupils who graduated from that high school or charter school in the  
21 immediately preceding year and enrolled in remedial courses in  
22 reading, writing or mathematics at a university, state college or  
23 community college within the Nevada System of Higher Education.

24 (t) The technological facilities and equipment available at each  
25 school, including, without limitation, each charter school, and the  
26 district's plan to incorporate educational technology at each school.

27 (u) For each school in the district and the district as a whole,  
28 including, without limitation, each charter school in the district, the  
29 number and percentage of pupils who received:

30 (1) A standard high school diploma, reported separately for  
31 pupils who received the diploma pursuant to:

32 (I) Paragraph (a) of subsection 1 of NRS 389.805; and

33 (II) Paragraph (b) of subsection 1 of NRS 389.805.

34 (2) An adjusted diploma.

35 (3) A certificate of attendance.

36 (v) For each school in the district and the district as a whole,  
37 including, without limitation, each charter school in the district, the  
38 number and percentage of pupils who failed to pass the high school  
39 proficiency examination.

40 (w) The number of habitual truants who are reported to a school  
41 police officer or law enforcement agency pursuant to paragraph (a)  
42 of subsection 2 of NRS 392.144 and the number of habitual truants  
43 who are referred to an advisory board to review school attendance  
44 pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each  
45 school in the district and for the district as a whole.



1 (x) The amount and sources of money received for the training  
2 and professional development of teachers and other educational  
3 personnel for each school in the district and for the district as a  
4 whole, including, without limitation, each charter school in the  
5 district.

6 (y) Whether the school district has made adequate yearly  
7 progress. If the school district has been designated as demonstrating  
8 need for improvement pursuant to NRS 385.377, the report must  
9 include a statement indicating the number of consecutive years the  
10 school district has carried that designation.

11 (z) Information on whether each public school in the district,  
12 including, without limitation, each charter school in the district, has  
13 made adequate yearly progress, including, without limitation:

14 (1) The number and percentage of schools in the district, if  
15 any, that have been designated as needing improvement pursuant to  
16 NRS 385.3623; and

17 (2) The name of each school, if any, in the district that has  
18 been designated as needing improvement pursuant to NRS 385.3623  
19 and the number of consecutive years that the school has carried that  
20 designation.

21 (aa) Information on the paraprofessionals employed by each  
22 public school in the district, including, without limitation, each  
23 charter school in the district. The information must include:

24 (1) The number of paraprofessionals employed at the school;  
25 and

26 (2) The number and percentage of all paraprofessionals who  
27 do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The  
28 reporting requirements of this subparagraph apply to  
29 paraprofessionals who are employed in positions supported with  
30 Title I money and to paraprofessionals who are not employed in  
31 positions supported with Title I money.

32 (bb) For each high school in the district, including, without  
33 limitation, each charter school that operates as a high school,  
34 information that provides a comparison of the rate of graduation of  
35 pupils enrolled in the high school with the rate of graduation of  
36 pupils throughout the district and throughout this State. The  
37 information required by this paragraph must be provided in  
38 consultation with the Department to ensure the accuracy of the  
39 comparison.

40 (cc) An identification of the appropriations made by the  
41 Legislature that are available to the school district or the schools  
42 within the district and programs approved by the Legislature to  
43 improve the academic achievement of pupils.

44 (dd) For each school in the district and the district as a whole,  
45 including, without limitation, each charter school in the district,



1 information on pupils enrolled in career and technical education,  
2 including, without limitation:

3 (1) The number of pupils enrolled in a course of career and  
4 technical education;

5 (2) The number of pupils who completed a course of career  
6 and technical education;

7 (3) The average daily attendance of pupils who are enrolled  
8 in a program of career and technical education;

9 (4) The annual rate of pupils who dropped out of school and  
10 were enrolled in a program of career and technical education before  
11 dropping out;

12 (5) The number and percentage of pupils who completed a  
13 program of career and technical education and who received a  
14 standard high school diploma, an adjusted diploma or a certificate of  
15 attendance; and

16 (6) The number and percentage of pupils who completed a  
17 program of career and technical education and who did not receive a  
18 high school diploma because the pupils failed to pass the high  
19 school proficiency examination.

20 (ee) Such other information as is directed by the Superintendent  
21 of Public Instruction.

22 3. The records of attendance maintained by a school for  
23 purposes of paragraph (i) of subsection 2 must include the number  
24 of teachers who are in attendance at school and the number of  
25 teachers who are absent from school. A teacher shall be deemed in  
26 attendance if the teacher is excused from being present in the  
27 classroom by the school in which the teacher is employed for one of  
28 the following reasons:

29 (a) Acquisition of knowledge or skills relating to the  
30 professional development of the teacher; or

31 (b) Assignment of the teacher to perform duties for cocurricular  
32 or extracurricular activities of pupils.

33 4. The annual report of accountability prepared pursuant to  
34 subsection 2 must:

35 (a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations  
36 adopted pursuant thereto; and

37 (b) Be presented in an understandable and uniform format and,  
38 to the extent practicable, provided in a language that parents can  
39 understand.

40 5. The Superintendent of Public Instruction shall:

41 (a) Prescribe forms for the reports required pursuant to  
42 subsection 2 and provide the forms to the respective school districts.

43 (b) Provide statistical information and technical assistance to the  
44 school districts to ensure that the reports provide comparable



1 information with respect to each school in each district and among  
2 the districts throughout this State.

3 (c) Consult with a representative of the:

- 4 (1) Nevada State Education Association;
- 5 (2) Nevada Association of School Boards;
- 6 (3) Nevada Association of School Administrators;
- 7 (4) Nevada Parent Teacher Association;
- 8 (5) Budget Division of the Department of Administration;

9 and

10 (6) Legislative Counsel Bureau,

11 ↪ concerning the program and consider any advice or  
12 recommendations submitted by the representatives with respect to  
13 the program.

14 6. The Superintendent of Public Instruction may consult with  
15 representatives of parent groups other than the Nevada Parent  
16 Teacher Association concerning the program and consider any  
17 advice or recommendations submitted by the representatives with  
18 respect to the program.

19 7. On or before August 15 of each year, the board of trustees of  
20 each school district shall submit to each advisory board to review  
21 school attendance created in the county pursuant to NRS 392.126  
22 the information required in paragraph (g) of subsection 2.

23 8. On or before August 15 of each year, the board of trustees of  
24 each school district shall:

25 (a) Provide written notice that the report required pursuant to  
26 subsection 2 is available on the Internet website maintained by the  
27 school district, if any, or otherwise provide written notice of the  
28 availability of the report. The written notice must be provided to the:

- 29 (1) Governor;
- 30 (2) State Board;
- 31 (3) Department;
- 32 (4) Committee; and
- 33 (5) Bureau.

34 (b) Provide for public dissemination of the annual report of  
35 accountability prepared pursuant to subsection 2 in the manner set  
36 forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report  
37 on the Internet website maintained by the school district, if any. If a  
38 school district does not maintain a website, the district shall  
39 otherwise provide for public dissemination of the annual report by  
40 providing a copy of the report to the schools in the school district,  
41 including, without limitation, each charter school in the district, the  
42 residents of the district, and the parents and guardians of pupils  
43 enrolled in schools in the district, including, without limitation, each  
44 charter school in the district.



1 9. Upon the request of the Governor, an entity described in  
2 paragraph (a) of subsection 8 or a member of the general public, the  
3 board of trustees of a school district shall provide a portion or  
4 portions of the report required pursuant to subsection 2.

5 10. As used in this section:

6 (a) "Highly qualified" has the meaning ascribed to it in 20  
7 U.S.C. § 7801(23).

8 (b) "Paraprofessional" has the meaning ascribed to it in  
9 NRS 391.008.

10 **Sec. 6.** NRS 386.583 is hereby amended to read as follows:

11 386.583 *1.* The governing body of a charter school shall  
12 adopt rules for the academic retention of pupils who are enrolled in  
13 the charter school. The rules must ~~prescribe~~ :

14 *(a) Prescribe* the conditions under which a pupil may be  
15 retained in the same grade rather than promoted to the next higher  
16 grade for the immediately succeeding school year.

17 *(b) Prohibit a pupil enrolled in grade 3 from being promoted to*  
18 *grade 4 if the pupil exhibits a substantial deficiency in reading,*  
19 *unless the pupil is eligible for a good-cause exemption pursuant to*  
20 *section 11 of this act. The rules prescribed pursuant to this*  
21 *subsection must be consistent with the provisions of sections 10 to*  
22 *14, inclusive, of this act.*

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 within the school district who were*  
27 *retained in grade 3 pursuant to section 11 of this act for a*  
28 *deficiency in reading.*

29 *(b) Submit a copy of the report to the Department.*

30 *(c) Post the report on the Internet website maintained by the*  
31 *charter school, if any, and otherwise make the report card*  
32 *available to the parents and legal guardians of pupils enrolled in*  
33 *the charter school and the general public.*

34 **Sec. 7.** NRS 388.040 is hereby amended to read as follows:

35 388.040 *1.* Except as otherwise provided in subsection 2, the  
36 board of trustees of a school district that includes more than one  
37 school which offers instruction in the same grade or grades may  
38 zone the school district and determine which pupils must attend  
39 each school.

40 *2.* The establishment of zones pursuant to subsection 1 does  
41 not preclude a pupil from attending a:

42 (a) Charter school;

43 (b) University school for profoundly gifted pupils;

44 (c) Public school outside the zone of attendance that the pupil is  
45 otherwise required to attend if the pupil is enrolled in the Program



1 of School Choice for Children in Foster Care established pursuant to  
2 NRS 392B.100; ~~or~~

3 (d) Public school outside the zone of attendance that the pupil is  
4 otherwise required to attend if the pupil has been issued a fictitious  
5 address pursuant to NRS 217.462 to 217.471, inclusive, or the  
6 parent or legal guardian with whom the pupil resides has been  
7 issued a fictitious address pursuant to NRS 217.462 to 217.471,  
8 inclusive ~~or~~; *or*

9 *(e) Public school outside the zone of attendance that the pupil*  
10 *is otherwise required to attend, as authorized pursuant to section 9*  
11 *of this act.*

12 **Sec. 8.** Chapter 392 of NRS is hereby amended by adding  
13 thereto the provisions set forth as sections 9 to 14, inclusive, of this  
14 act.

15 **Sec. 9.** *The board of trustees of each school district shall*  
16 *adopt policies and prescribe any forms necessary for the parent or*  
17 *legal guardian of a pupil enrolled in the school district to apply for*  
18 *his or her child to attend another public school that is located*  
19 *within the school district but outside the zone of attendance*  
20 *established pursuant to NRS 388.040 that the pupil would*  
21 *otherwise be required to attend. The board of trustees is not*  
22 *required to provide transportation for a pupil to attend the other*  
23 *public school.*

24 **Sec. 10.** *1. If a pupil enrolled in kindergarten or grade 1, 2*  
25 *or 3 exhibits a substantial deficiency in reading, based upon state*  
26 *or local assessments or upon the observations of the pupil's*  
27 *teacher, the principal of the school shall provide written notice of*  
28 *the deficiency to the parent or legal guardian of the pupil. The*  
29 *written notice must include, without limitation:*

30 *(a) An identification of the educational programs and services*  
31 *that the pupil will receive to improve the pupil's proficiency in*  
32 *reading;*

33 *(b) An explanation that if the pupil does not achieve adequate*  
34 *proficiency in the subject area of reading before the completion of*  
35 *grade 3, the pupil will not be promoted to grade 4, unless the pupil*  
36 *meets the requirements for a good-cause exemption pursuant to*  
37 *section 11 of this act;*

38 *(c) A description of the strategies which the parent or legal*  
39 *guardian may use at home to help improve the proficiency of the*  
40 *pupil in reading;*

41 *(d) An explanation that the criterion-referenced examination*  
42 *in reading administered pursuant to NRS 389.550 is not the final*  
43 *determining factor of whether the pupil will be retained in grade 3*  
44 *and that other options exist for the pupil to demonstrate*



1 *proficiency based upon the good-cause exemptions set forth in*  
2 *section 11 of this act; and*

3 *(e) A description of the policy and specific criteria adopted by*  
4 *the board of trustees of the school district pursuant to section 12 of*  
5 *this act regarding the promotion of a pupil to grade 4 at any time*  
6 *during the school year if the pupil was retained in grade 3*  
7 *pursuant to section 11 of this act.*

8 *2. A pupil enrolled in kindergarten or grade 1, 2 or 3 who*  
9 *does not achieve adequate proficiency in reading must:*

10 *(a) Receive intensive instruction in reading to ensure the pupil*  
11 *achieves adequate proficiency in reading; and*

12 *(b) Have his or her proficiency in reading assessed at the*  
13 *beginning of the school year following the school year in which*  
14 *the pupil received the intensive instruction in reading pursuant to*  
15 *paragraph (a).*

16 **Sec. 11.** *1. Except as otherwise provided in this section, a*  
17 *pupil enrolled in grade 3 must not be promoted to grade 4 if the*  
18 *pupil does not obtain a score in the subject area of reading on the*  
19 *criterion-referenced examination administered pursuant to NRS*  
20 *389.550 that meets the passing score prescribed by the State Board*  
21 *pursuant to subsection 4.*

22 *2. The superintendent of schools of a school district or the*  
23 *governing body of a charter school, as applicable, may authorize*  
24 *the promotion of a pupil to grade 4 who would otherwise be*  
25 *retained in grade 3 only for a good-cause exemption. A pupil is*  
26 *eligible for a good-cause exemption if the pupil:*

27 *(a) Demonstrates an acceptable level of proficiency in reading*  
28 *on an alternative standardized reading assessment approved by the*  
29 *State Board.*

30 *(b) Demonstrates, through a portfolio of the pupil's work,*  
31 *proficiency in reading at grade level, as evidenced by*  
32 *demonstration of mastery of the academic standards in reading*  
33 *beyond the retention level.*

34 *(c) Is limited English proficient and has received less than 2*  
35 *years of instruction in a program of instruction that teaches*  
36 *English as a second language.*

37 *(d) Received intensive remediation in reading for 2 or more*  
38 *years but still demonstrates a deficiency in reading and was*  
39 *previously retained in kindergarten or grade 1, 2 or 3 for a total of*  
40 *2 years in any one grade.*

41 *(e) Is a pupil with a disability and his or her individualized*  
42 *education program indicates that the pupil's participation in the*  
43 *criterion-referenced examinations administered pursuant to NRS*  
44 *389.550 is not appropriate.*

45 *(f) Is a pupil with a disability and:*



1       (1) *He or she participates in the criterion-referenced*  
2 *examinations administered pursuant to NRS 389.550;*

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

8       (3) *He or she was previously retained in kindergarten or*  
9 *grade 1, 2 or 3.*

10       3. *A request for a good-cause exemption pursuant to*  
11 *subsection 2 must be made in accordance with the following*  
12 *procedures:*

13       (a) *The pupil's teacher shall provide documentation to the*  
14 *principal of the school in which the pupil is enrolled indicating*  
15 *that the promotion of the pupil is appropriate, based upon the*  
16 *record of the pupil. Such documentation must only consist of the*  
17 *existing plan for monitoring the progress of the pupil, the pupil's*  
18 *individualized education program, if applicable, the pupil's plan in*  
19 *accordance with section 504 of the Rehabilitation Act of 1973, 29*  
20 *U.S.C. § 794, if applicable, the pupil's report card and the pupil's*  
21 *portfolio of work.*

22       (b) *Upon receipt of the documentation pursuant to paragraph*  
23 *(a), the principal shall review the documentation and discuss the*  
24 *recommendations with the pupil's teacher.*

25       (c) *If the principal determines that the pupil should be*  
26 *promoted to grade 4, the principal shall make a written*  
27 *recommendation to the superintendent of schools of the school*  
28 *district or to the governing body of the charter school, as*  
29 *applicable.*

30       (d) *The superintendent of schools or the governing body of the*  
31 *charter school, as applicable, shall accept or deny the*  
32 *recommendation of the principal and provide a written notice of*  
33 *his or her acceptance or denial.*

34       4. *The State Board shall prescribe by regulation:*

35       (a) *The score which a pupil enrolled in grade 3 must obtain in*  
36 *the subject area of reading on the criterion-referenced*  
37 *examination administered pursuant to NRS 389.550 to be*  
38 *promoted to grade 4; and*

39       (b) *An alternate examination for administration to pupils*  
40 *enrolled in grade 3 who do not obtain the passing score in the*  
41 *subject area of reading on the criterion-referenced examination*  
42 *administered pursuant to NRS 389.550 and the passing score such*  
43 *a pupil must obtain on the alternate examination to be promoted*  
44 *to grade 4.*



1 5. As used in this section, “individualized education  
2 program” has the meaning ascribed to it in 20 U.S.C. §  
3 1414(d)(1)(A).

4 **Sec. 12. 1.** If a pupil is retained in grade 3 pursuant to  
5 section 11 of this act, the principal of the school shall:

6 (a) Provide written notice to the parent or legal guardian of  
7 the pupil that the pupil will be retained in grade 3 and the reasons  
8 why the pupil does not qualify for a good-cause exemption. The  
9 written notice must include, without limitation, a description of the  
10 intensive instructional services in reading that the pupil will  
11 receive to improve the proficiency of the pupil in reading.

12 (b) Develop a plan to monitor the progress of the pupil in  
13 achieving proficiency in reading.

14 (c) Develop a portfolio of the pupil’s work, which must be  
15 updated as necessary to reflect progress made by the pupil.

16 (d) Provide intensive instructional services in reading that are  
17 designed to improve the pupil’s proficiency in reading and must  
18 include:

19 (1) Uninterrupted instruction for at least 90 minutes each  
20 school day based upon scientifically based reading instruction  
21 research; and

22 (2) Intensive instructional services prescribed by the board  
23 of trustees of the school district pursuant to subsection 2, as  
24 determined appropriate for the pupil.

25 2. The board of trustees of each school district shall:

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

28 (b) Prescribe the intensive instructional services in reading  
29 which the principal of a school must implement as determined  
30 appropriate for a pupil who is retained in grade 3 pursuant to  
31 section 11 of this act, including, without limitation:

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

33 (2) Instruction provided in classes with reduced pupil-  
34 teacher ratios;

35 (3) A timeline for frequently monitoring the progress of the  
36 pupil;

37 (4) Tutoring and mentoring;

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

40 (6) Instruction provided through an extended school day,  
41 school week or school year; or

42 (7) Programs to improve a pupil’s proficiency in reading  
43 which are offered during the summer.

44 3. The intensive instructional services in reading required by  
45 this section must be provided to the pupil by a teacher who is



1 *highly qualified, as demonstrated by pupil performance data and*  
2 *performance evaluations.*

3 *4. The board of trustees of each school district shall develop a*  
4 *policy by which the principal of a school may promote a pupil who*  
5 *is retained in grade 3 pursuant to section 11 of this act to grade 4*  
6 *at any time during the school year if the pupil demonstrates*  
7 *adequate proficiency in reading. The policy must include the*  
8 *specific criteria a pupil must satisfy to be eligible for promotion,*  
9 *including, without limitation, a reasonable expectation that the*  
10 *pupil's progress will allow him or her to sufficiently master the*  
11 *requirements for a fourth-grade reading level. If a pupil is*  
12 *promoted after November 1 of a school year, he or she must*  
13 *demonstrate proficiency in reading at a level prescribed by the*  
14 *State Board.*

15 *5. If a principal of a school determines that a pupil is not*  
16 *academically ready for promotion to grade 4 after being retained*  
17 *in grade 3 and the pupil received intensive instructional services*  
18 *pursuant to this section, the school district in which the pupil is*  
19 *enrolled shall provide the parent or legal guardian of the pupil*  
20 *with the option for the pupil to be placed in a transitional*  
21 *instructional setting which is designed to produce learning gains*  
22 *sufficient for the pupil to meet the performance standards*  
23 *required for grade 4 while continuing to receive remediation in the*  
24 *area of his or her reading deficiency.*

25 **Sec. 13.** *In addition to the intensive instructional services*  
26 *provided to a pupil who is retained in grade 3 pursuant to section*  
27 *11 of this act, the principal of the school must offer the parent or*  
28 *legal guardian of the pupil at least one of the following*  
29 *instructional options:*

30 *1. Supplemental tutoring which is based upon scientifically*  
31 *based reading instruction research;*

32 *2. Providing the parent or legal guardian with a plan for*  
33 *reading with the pupil at home and participating in any workshops*  
34 *that may be available in the school district to assist the parent or*  
35 *guardian with reading with his or her child at home, as set forth in*  
36 *an agreement with the parent or legal guardian; or*

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

39 **Sec. 14.** *On or before September 1 of each year, the board of*  
40 *trustees of each school district shall:*

41 *1. Prepare a report concerning the number and percentage of*  
42 *pupils at each public school within the school district who were*  
43 *retained in grade 3 pursuant to section 11 of this act for a*  
44 *deficiency in reading.*

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



1       **3. Post the report on the Internet website maintained by the**  
2 **school district and otherwise make the report card available to the**  
3 **parents and legal guardians of pupils enrolled in the school**  
4 **district and the general public.**

5       **Sec. 15.** NRS 392.125 is hereby amended to read as follows:

6       392.125 1. Except as otherwise provided in subsection 4,  
7 before any pupil enrolled in a public school may be retained in the  
8 same grade rather than promoted to the next higher grade for the  
9 succeeding school year, the pupil's teacher and principal must make  
10 a reasonable effort to arrange a meeting and to meet with the pupil's  
11 parents or guardian to discuss the reasons and circumstances.

12       2. ~~[[The]~~ **Except as otherwise provided in sections 10 to 14,**  
13 **inclusive, of this act, the** teacher and the principal in joint  
14 agreement have the final authority to retain a pupil in the same  
15 grade for the succeeding school year.

16       3. Except as otherwise provided in subsection 2 of NRS  
17 392.033 for the promotion of a pupil to high school, no pupil may  
18 be retained more than one time in the same grade.

19       4. ~~[[This]~~ **Except as otherwise provided in NRS 386.583, this**  
20 **section does not apply to the academic retention of pupils who are**  
21 **enrolled in a charter school.**

22       **Sec. 16.** 1. This section and sections 7, 8 and 9 of this act  
23 become effective on July 1, 2011.

24       2. Sections 1 to 6, inclusive, and 10 to 15, inclusive, of this act  
25 become effective on July 1, 2012.

