

SENATE BILL NO. 391—SENATORS HARRIS, KIECKHEFER, FARLEY, ROBERSON, WOODHOUSE; ATKINSON, DENIS, FORD, GOICOECHEA, GUSTAVSON, KIHUEN, LIPPARELLI, MANENDO, PARKS, SETTELMAYER AND SPEARMAN

MARCH 17, 2015

Referred to Committee on Education

SUMMARY—Revises provisions governing educational instruction in the subject of reading. (BDR 34-644)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Contains Appropriation included in Executive Budget.

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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 each school district and the governing body of each charter school to prepare a plan to improve the literacy of pupils enrolled in certain grades; requiring the principal of each public elementary school to designate a learning strategist to train and assist teachers in providing intensive instruction to pupils who have been identified as deficient in the subject area of reading; requiring certain teachers at public schools to complete professional development concerning the subject area of reading; requiring certain interventions for pupils enrolled in kindergarten or grade 1, 2 or 3 who do not achieve adequate proficiency in reading; prohibiting a public school from promoting a pupil to grade 4 if the pupil does not achieve proficiency in reading; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 **Section 5** of this bill requires the board of trustees of each school district or the
2 governing body of a charter school to prepare a plan to improve the literacy of
3 pupils enrolled in kindergarten and grades 1, 2 and 3 and submit the plan to the
4 Department of Education for its approval.

5 **Section 6** of this bill requires the principal of a public elementary school,
6 including, without limitation, a charter school, to designate a licensed teacher



7 employed by the school who has demonstrated leadership abilities to serve as a
8 learning strategist to train and assist teachers in providing intensive instruction to
9 pupils who have been identified as deficient in the subject area of reading. **Section**
10 **6** also requires each teacher employed by a school district or charter school to teach
11 kindergarten or grade 1, 2, 3 or 4 to complete professional development prescribed
12 by the State Board of Education concerning the subject area of reading.

13 **Section 8** of this bill requires the principal of a school to provide notice that a
14 pupil exhibits a deficiency in the subject area of reading to the parent or guardian of
15 a pupil enrolled in kindergarten or grade 1, 2 or 3. **Section 9** of this bill requires a
16 pupil enrolled in kindergarten or grade 1, 2 or 3 who has a deficiency in the subject
17 area of reading to: (1) receive intensive instruction in reading; and (2) have his or
18 her proficiency in reading assessed at the beginning of the next school year.

19 Existing law authorizes a pupil enrolled in a public school, other than a charter
20 school, to be retained in the same grade upon joint agreement by the pupil's teacher
21 and principal. (NRS 392.125) Existing law also requires the governing body of a
22 charter school to adopt rules for the academic retention of pupils who are enrolled
23 in the charter school. (NRS 386.583) **Section 10** of this bill provides that, unless a
24 pupil receives an exemption by the superintendent of schools of the school district
25 or the governing body of the charter school, as recommended by the principal, a
26 pupil enrolled in grade 3 must be retained in grade 3 rather than promoted to grade
27 4 if the pupil does not obtain the score prescribed by the State Board on the
28 criterion-referenced examination in reading. **Section 10** also: (1) provides certain
29 good-cause exemptions for certain pupils to allow them to be promoted to grade 4
30 even if they did not obtain that score; and (2) requires the State Board to prescribe
31 an alternate examination for pupils who do not obtain that score. **Section 14** of this
32 bill makes conforming changes. **Section 3** of this bill similarly provides that a pupil
33 enrolled in grade 3 at a charter school must be retained in grade 3 rather than
34 promoted to grade 4 if the pupil does not obtain the score presented by the State
35 Board on the criterion-referenced examination unless the pupil receives a good-
36 cause exemption.

37 **Section 11** of this bill requires the principal of a school to: (1) provide notice to
38 the parent or legal guardian of a pupil who will be retained in grade 3; (2) develop a
39 plan to monitor the progress of the pupil in achieving proficiency in reading; and
40 (3) ensure that the pupil receives intensive instructional services in the subject area
41 of reading. **Section 11** requires the board of trustees of each school district or the
42 governing body of a charter school to prescribe the intensive instructional services
43 that the principal of a school is required to implement for a pupil who is retained in
44 grade 3. **Section 11** also requires such instructional services to be provided by a
45 teacher who is: (1) different than the teacher who provided instructional services to
46 the pupil during the immediately preceding school year; and (2) highly effective, as
47 demonstrated by pupil performance data and performance evaluations.

48 **Section 12** of this bill requires the principal of a school to offer the parent or
49 legal guardian of a pupil who is retained in grade 3 certain additional instructional
50 options. **Sections 3 and 13** of this bill require the board of trustees of each school
51 district and the governing body of a charter school to prepare a report concerning
52 the number and percentage of pupils who are retained in grade 3 for deficiency in
53 reading and: (1) submit the report to the Department; and (2) post the report on the
54 Internet website maintained by the school district or charter school, as applicable.

55 **Section 15** of this bill makes an appropriation for Fiscal Year 2015-2016 and
56 Fiscal Year 2016-2017 for distribution to elementary schools. **Section 15** requires
57 schools that receive an allocation of money from the appropriation to use the
58 money for the literacy programs in kindergarten and grades 1, 2 and 3 to support
59 school-based efforts to ensure all pupils are proficient in reading by the end of the
60 third grade. **Section 15** requires the board of trustees of a school district and the
61 governing body of a charter school that receives a grant of money to prepare and



62 submit to the Department of Education a report that includes: (1) a description of
63 the programs or services for which the money was used; and (2) the number of
64 pupils who participated in a program or received services. **Section 15** also requires
65 the Department of Education to prepare a report concerning the programs for which
66 the money is used and submit the report to the Director of the Legislative Counsel
67 Bureau for transmittal to the 79th Session of the Nevada Legislature and to the
68 Governor.

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

1 **Section 1.** NRS 385.3481 is hereby amended to read as
2 follows:

3 385.3481 1. The annual report of accountability prepared
4 pursuant to NRS 385.347 must include information on the
5 attendance, truancy and transiency of pupils, including, without
6 limitation:

7 (a) Records of the attendance and truancy of pupils in all grades,
8 including, without limitation:

9 (1) The average daily attendance of pupils, for each school in
10 the district and the district as a whole, including, without limitation,
11 each charter school sponsored by the district.

12 (2) For each elementary school, middle school and junior
13 high school in the district, including, without limitation, each charter
14 school sponsored by the district that provides instruction to pupils
15 enrolled in a grade level other than high school, information that
16 compares the attendance of the pupils enrolled in the school with the
17 attendance of pupils throughout the district and throughout this
18 State. The information required by this subparagraph must be
19 provided in consultation with the Department to ensure the accuracy
20 of the comparison.

21 (b) The number of pupils in each grade who are retained in the
22 same grade pursuant to NRS 392.033, ~~for~~ 392.125 ~~or~~ *or section 10*
23 *of this act*, for each school in the district and the district as a whole,
24 including, without limitation, each charter school sponsored by the
25 district.

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



1 (d) The number of habitual truants reported for each school in
2 the district and for the district as a whole, including, without
3 limitation, the number who are:

4 (1) Reported to an attendance officer, a school police officer
5 or a local law enforcement agency pursuant to paragraph (a) of
6 subsection 2 of NRS 392.144;

7 (2) Referred to an advisory board to review school
8 attendance pursuant to paragraph (b) of subsection 2 of NRS
9 392.144; and

10 (3) Referred for the imposition of administrative sanctions
11 pursuant to paragraph (c) of subsection 2 of NRS 392.144.

12 2. On or before September 30 of each year:

13 (a) The board of trustees of each school district shall submit to
14 each advisory board to review school attendance created in the
15 county pursuant to NRS 392.126 the information required by
16 paragraph (a) of subsection 1.

17 (b) The State Public Charter School Authority and each college
18 or university within the Nevada System of Higher Education that
19 sponsors a charter school shall submit to each advisory board to
20 review school attendance created in a county pursuant to NRS
21 392.126 the information regarding the records of the attendance and
22 truancy of pupils enrolled in the charter school located in that
23 county, if any, in accordance with the regulations prescribed by the
24 Department pursuant to subsection 3 of NRS 385.347.

25 **Sec. 2.** NRS 385.3583 is hereby amended to read as follows:

26 385.3583 The annual report of accountability prepared by the
27 State Board pursuant to NRS 385.3572 must include information on
28 the attendance, truancy and transiency of pupils, including, without
29 limitation:

30 1. For all elementary schools, junior high schools and middle
31 schools, the rate of attendance, reported for each school district,
32 including, without limitation, each charter school in the district, and
33 for this State as a whole.

34 2. The number of pupils in each grade who are retained in the
35 same grade pursuant to NRS 392.033, ~~or~~ 392.125 ~~or~~ **or section 10**
36 **of this act**, reported for each school district, including, without
37 limitation, each charter school in the district, and for this State as a
38 whole.

39 3. The transiency rate of pupils, reported for each school
40 district, including, without limitation, each charter school in the
41 district, and for this State as a whole. For the purposes of this
42 subsection, a pupil is not a transient if the pupil is transferred to a
43 different school within the school district as a result of a change in
44 the zone of attendance by the board of trustees of the school district
45 pursuant to NRS 388.040.



1 4. The number of habitual truants reported for each school
2 district, including, without limitation, each charter school in the
3 district, and for this State as a whole, including, without limitation,
4 the number who are:

5 (a) Reported to an attendance officer, a school police officer or a
6 local law enforcement agency pursuant to paragraph (a) of
7 subsection 2 of NRS 392.144;

8 (b) Referred to an advisory board to review school attendance
9 pursuant to paragraph (b) of subsection 2 of NRS 392.144; and

10 (c) Referred for the imposition of administrative sanctions
11 pursuant to paragraph (c) of subsection 2 of NRS 392.144.

12 **Sec. 3.** NRS 386.583 is hereby amended to read as follows:

13 386.583 **1.** The governing body of a charter school shall
14 adopt rules for the academic retention of pupils who are enrolled in
15 the charter school ~~{-}~~ *that are consistent with sections 8, 10 and 11*
16 *of this act.* The rules must ~~{prescribe}~~ :

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

20 (b) *Require a pupil enrolled in grade 3 to be retained in the*
21 *same grade rather than promoted to grade 4 when required*
22 *pursuant to section 10 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 who were retained in grade 3 pursuant*
27 *to section 10 of this act for a deficiency in the subject area of*
28 *reading;*

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

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

34 **Sec. 4.** Chapter 388 of NRS is hereby amended by adding
35 thereto the provisions set forth as sections 5 and 6 of this act.

36 **Sec. 5. 1.** *The board of trustees of each school district and*
37 *the governing body of each charter school shall prepare a plan to*
38 *improve the literacy of pupils enrolled in kindergarten and grades*
39 *1, 2 and 3. Such a plan must include, without limitation:*

40 (a) *A program to provide intensive instruction to pupils who*
41 *have been identified as deficient in the subject area of reading to*
42 *ensure that those pupils achieve adequate proficiency in that*
43 *subject area. Such a program must include, without limitation,*
44 *regularly scheduled reading sessions in small groups and specific*



1 *instruction on phonological and phonemic awareness, decoding*
2 *skills and reading fluency;*

3 *(b) Procedures for assessing a pupil's proficiency in the*
4 *subject area of reading during kindergarten and grades 1, 2 and 3;*

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

7 *(d) Procedures for facilitating collaboration between learning*
8 *strategists and classroom teachers.*

9 2. *The board of trustees of each school district or the*
10 *governing body of a charter school, as applicable, shall submit its*
11 *plan to the Department for approval on or before the date*
12 *prescribed by the Department on a form prescribed by the*
13 *Department.*

14 **Sec. 6.** 1. *The principal of a public elementary school,*
15 *including, without limitation, a charter school, shall designate a*
16 *licensed teacher employed by the school who has demonstrated*
17 *leadership abilities to serve as a learning strategist to train and*
18 *assist teachers at the school to provide intensive instruction to*
19 *pupils who have been identified as deficient in the subject area of*
20 *reading.*

21 2. *Each teacher employed by a school district or charter*
22 *school to teach kindergarten or grade 1, 2, 3 or 4 shall complete*
23 *professional development provided by a learning strategist*
24 *designated pursuant to subsection 1 in the subject area of reading.*

25 3. *The State Board shall prescribe by regulation:*

26 *(a) Any training or professional development that a learning*
27 *strategist is required to successfully complete;*

28 *(b) Any professional development that a teacher employed by a*
29 *school district or charter school to teach kindergarten or grade 1,*
30 *2, 3 or 4 is required to receive from a learning strategist in the*
31 *subject area of reading; and*

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

33 **Sec. 7.** Chapter 392 of NRS is hereby amended by adding
34 thereto the provisions set forth as sections 8 to 13, inclusive, of this
35 act.

36 **Sec. 8.** *If a pupil enrolled at a public elementary school in*
37 *kindergarten or grade 1, 2 or 3 exhibits a deficiency in the subject*
38 *area of reading based upon state or local assessments or upon the*
39 *observations of the pupil's teacher, the principal of the school*
40 *must provide written notice of the deficiency to the parent or legal*
41 *guardian of the pupil. The written notice must, without limitation:*

42 1. *Identify the educational programs and services that the*
43 *pupil will receive to improve the pupil's proficiency in the subject*
44 *area of reading, including, without limitation, the programs and*
45 *services included in the plan to improve the literacy of pupils*



1 enrolled in kindergarten and grades 1, 2 and 3 that has been
2 approved by the Department pursuant to section 5 of this act;

3 2. Explain that if the pupil does not achieve adequate
4 proficiency in the subject area of reading before the completion of
5 grade 3, the pupil will be retained in grade 3 rather than promoted
6 to grade 4, unless the pupil receives a good-cause exemption
7 pursuant to section 10 of this act;

8 3. Describe the strategies which the parent or legal guardian
9 may use at home to help improve the proficiency of the pupil in
10 the subject area of reading;

11 4. Explain that the criterion-referenced examination in the
12 subject area of reading administered pursuant to NRS 389.550 is
13 not the only factor used to determine whether the pupil will be
14 retained in grade 3 and that other options are available for the
15 pupil to demonstrate proficiency if the pupil is eligible for a good-
16 cause exemption set forth in subsection 2 of section 10 of this act;
17 and

18 5. Describe the policy and specific criteria adopted by the
19 board of trustees of the school district or governing body of a
20 charter school, as applicable, pursuant to section 11 of this act
21 regarding the promotion of a pupil to grade 4 at any time during
22 the school year if the pupil is retained in grade 3 pursuant to
23 section 10 of this act.

24 **Sec. 9.** A public elementary school that determines that a
25 pupil enrolled in kindergarten or grade 1, 2 or 3 at the school has
26 a deficiency in the subject area of reading shall ensure that the
27 pupil:

28 1. Receives intensive instruction in reading to ensure the
29 pupil achieves adequate proficiency in reading. Such instruction
30 must include, without limitation, the programs and services
31 included in the plan to improve the literacy of pupils enrolled in
32 kindergarten and grades 1, 2 and 3 approved by the Department
33 pursuant to section 5 of this act.

34 2. Has his or her proficiency in reading assessed at the
35 beginning of the next school year after receiving the intensive
36 instruction described in subsection 1 in the manner prescribed by
37 the plan to improve the literacy of pupils enrolled in kindergarten
38 and grades 1, 2 and 3 approved by the Department pursuant to
39 section 5 of this act.

40 **Sec. 10.** 1. Except as otherwise provided in this section, a
41 pupil enrolled in grade 3 must be retained in grade 3 rather than
42 promoted to grade 4 if the pupil does not obtain a score in the
43 subject area of reading on the criterion-referenced examination
44 administered pursuant to NRS 389.550 that meets the passing
45 score prescribed by the State Board pursuant to subsection 4.



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

7 (a) *Demonstrates an acceptable level of proficiency in reading*
8 *on an alternative standardized reading assessment approved by the*
9 *State Board;*

10 (b) *Demonstrates, through a portfolio of the pupil's work,*
11 *proficiency in reading at grade level, as evidenced by*
12 *demonstration of mastery of the academic standards in reading*
13 *beyond the retention level;*

14 (c) *Is limited English proficient and has received less than 2*
15 *years of instruction in a program of instruction that teaches*
16 *English as a second language;*

17 (d) *Received intensive remediation in the subject area of*
18 *reading for 2 or more years but still demonstrates a deficiency in*
19 *reading and was previously retained in kindergarten or grade 1, 2*
20 *or 3 for a total of 2 years in any one grade;*

21 (e) *Is a pupil with a disability and his or her individualized*
22 *education program indicates that the pupil's participation in the*
23 *criterion-referenced examinations administered pursuant to NRS*
24 *389.550 is not appropriate; or*

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

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

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

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

35 3. *The parent or legal guardian of a pupil may request a*
36 *good-cause exemption pursuant to subsection 2 by submitting a*
37 *written request to the principal of the school. Upon receipt of such*
38 *a request:*

39 (a) *The pupil's teacher must provide documentation to the*
40 *principal of the school in which the pupil is enrolled indicating*
41 *whether the promotion of the pupil is appropriate, based upon the*
42 *record of the pupil. Such documentation must only consist of the*
43 *existing plan for monitoring the progress of the pupil, the pupil's*
44 *individualized education program, if applicable, the pupil's plan in*
45 *accordance with section 504 of the Rehabilitation Act of 1973, 29*



1 U.S.C. § 794, if applicable, the pupil's report card and the pupil's
2 portfolio of work.

3 (b) Upon receipt of the documentation pursuant to paragraph
4 (a), the principal must review the documentation and discuss the
5 recommendations with the pupil's teacher.

6 (c) If the principal determines that promotion of the pupil to
7 grade 4 is appropriate, the principal must submit a written
8 recommendation to the superintendent of schools of the school
9 district or to the governing body of the charter school, as
10 applicable.

11 (d) The superintendent of schools or the governing body of
12 the charter school, as applicable, shall approve or deny the
13 recommendation of the principal and provide written notice of the
14 approval or denial to the principal.

15 4. The State Board shall prescribe by regulation:

16 (a) The score which a pupil enrolled in grade 3 must obtain in
17 the subject area of reading on the criterion-referenced
18 examination administered pursuant to NRS 389.550 to be
19 promoted to grade 4; and

20 (b) An alternate examination for administration to pupils
21 enrolled in grade 3 who do not obtain the passing score in the
22 subject area of reading on the criterion-referenced examination
23 administered pursuant to NRS 389.550 and the passing score such
24 a pupil must obtain on the alternate examination to be promoted
25 to grade 4.

26 5. As used in this section, "individualized education
27 program" has the meaning ascribed to it in 20 U.S.C. §
28 1414(d)(1)(A).

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

31 (a) Provide written notice to the parent or legal guardian of
32 the pupil that the pupil will be retained in grade 3 unless the pupil
33 receives a good-cause exemption pursuant to section 10 of this act.
34 The written notice must include, without limitation, a description
35 of the intensive instructional services in the subject area of
36 reading that the pupil will receive if he or she is retained to
37 improve the proficiency of the pupil in that subject area.

38 (b) Develop a plan to monitor the progress of the pupil in
39 achieving proficiency in the subject area of reading.

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

43 (d) Ensure that the pupil receives intensive instructional
44 services in the subject area of reading that are designed to improve



1 *the pupil's proficiency in the subject area of reading, including,*
2 *without limitation:*

3 (1) *Programs and services included in the plan to improve*
4 *the literacy of pupils enrolled in kindergarten and grades 1, 2 and*
5 *3 approved by the Department pursuant to section 5 of this act;*

6 (2) *Instruction for at least 90 minutes each school day*
7 *based upon scientifically based reading instruction research; and*

8 (3) *Intensive instructional services prescribed by the board*
9 *of trustees of the school district pursuant to subsection 2, as*
10 *determined appropriate for the pupil.*

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

13 (a) *Review and evaluate the plans for monitoring the progress*
14 *of pupils developed pursuant to subsection 1.*

15 (b) *Prescribe the intensive instructional services in the subject*
16 *area of reading which the principal of a school must implement as*
17 *determined appropriate for a pupil who is retained in grade 3*
18 *pursuant to section 10 of this act, which may include, without*
19 *limitation:*

20 (1) *Instruction that is provided in small groups;*

21 (2) *Instruction provided in classes with reduced pupil-*
22 *teacher ratios;*

23 (3) *A timeline for frequently monitoring the progress of the*
24 *pupil;*

25 (4) *Tutoring and mentoring;*

26 (5) *Classes which are designed to increase the ability of*
27 *pupils to transition from grade 3 to grade 4;*

28 (6) *Instruction provided through an extended school day,*
29 *school week or school year;*

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

32 (8) *Any combination of the services set forth in*
33 *subparagraphs (1) to (7), inclusive.*

34 3. *The intensive instructional services in the subject area of*
35 *reading required by this section must be provided to the pupil by a*
36 *teacher:*

37 (a) *Who is different than the teacher who provided*
38 *instructional services to the pupil during the immediately*
39 *preceding school year; and*

40 (b) *Who has been determined to be highly effective, as*
41 *demonstrated by pupil performance data and performance*
42 *evaluations.*

43 4. *The board of trustees of each school district and the*
44 *governing body of a charter school, as applicable, shall develop a*
45 *policy by which the principal of a school may promote a pupil who*



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

11 *5. If a principal of a school determines that a pupil is not*
12 *academically ready for promotion to grade 4 after being retained*
13 *in grade 3 and the pupil received intensive instructional services*
14 *pursuant to this section, the school district in which the pupil is*
15 *enrolled must allow the parent or legal guardian of the pupil to*
16 *decide whether to place the pupil in a transitional instructional*
17 *setting which is designed to produce learning gains sufficient for*
18 *the pupil to meet the performance standards required for grade 4*
19 *while continuing to receive remediation in the subject area of*
20 *reading.*

21 **Sec. 12.** *In addition to the intensive instructional services*
22 *provided to a pupil who is retained in grade 3 pursuant to section*
23 *10 of this act, the principal of the school must offer the parent or*
24 *legal guardian of the pupil at least one of the following*
25 *instructional options:*

26 *1. Supplemental tutoring which is based upon scientifically*
27 *based research concerning reading instruction;*

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

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

35 **Sec. 13.** *On or before September 1 of each year, the board of*
36 *trustees of each school district shall:*

37 *1. Prepare a report concerning the number and percentage of*
38 *pupils at each public school within the school district who were*
39 *retained in grade 3 pursuant to section 10 of this act for a*
40 *deficiency in the subject area of reading.*

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

42 *3. Post the report on the Internet website maintained by the*
43 *school district and otherwise make the report available to the*
44 *parents and legal guardians of pupils enrolled in the school*
45 *district and the general public.*



1 **Sec. 14.** NRS 392.125 is hereby amended to read as follows:

2 392.125 1. Except as otherwise provided in subsection 4,
3 before any pupil enrolled in a public school may be retained in the
4 same grade rather than promoted to the next higher grade for the
5 succeeding school year, the pupil’s teacher and principal must make
6 a reasonable effort to arrange a meeting and to meet with the pupil’s
7 parents or guardian to discuss the reasons and circumstances.

8 2. ~~[The]~~ *Except as otherwise provided in section 10 of this*
9 *act, the* teacher and the principal in joint agreement have the final
10 authority to retain a pupil in the same grade for the succeeding
11 school year.

12 3. Except as otherwise provided in subsection 2 of NRS
13 392.033 for the promotion of a pupil to high school, no pupil may
14 be retained more than one time in the same grade.

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

18 **Sec. 15.** 1. There is hereby appropriated from the State
19 General Fund to the Other State Education Programs Account in the
20 State General Fund the following sums:

- 21 (a) For the Fiscal Year 2015-2016.....\$4,900,000
- 22 (b) For the Fiscal Year 2016-2017.....\$22,300,000

23 2. The Department of Education shall distribute the money
24 appropriated by subsection 1 through a competitive grants program.
25 Grants must be awarded by the Department based on the
26 demonstrated needs of the school districts and charter schools and
27 will be awarded to school districts and to charter schools that have
28 been approved by the State Public Charter School Authority. Grants
29 must be used for literacy programs for pupils enrolled in
30 kindergarten and grades 1, 2 and 3 established pursuant to section 5
31 of this act and to support other school-based efforts to ensure that all
32 pupils are proficient in the subject area of reading by the end of the
33 third grade. Such school-based efforts may include, without
34 limitation:

- 35 (a) Hiring or training learning strategists;
- 36 (b) Entering into contracts with vendors for the purchase of
37 textbooks, computer software or other materials;
- 38 (c) Providing professional development for school personnel;
- 39 (d) Providing programs to pupils before and after school and
40 during intercessions or summer school; and
- 41 (e) Providing other evidence-based literacy initiatives for pupils
42 enrolled in kindergarten and grades 1, 2 and 3.

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



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

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

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

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

9 4. The Department of Education shall, to the extent that money
10 is available for that purpose, hire an independent consultant to
11 evaluate the programs or services paid for by a grant of
12 money received by a school district or charter school pursuant to
13 subsection 2.

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

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

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

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

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

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

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

30 (g) Any recommendations for legislation, including, without
31 limitation, legislation to continue or expand programs or services
32 that are identified as effective in improving the reading proficiency
33 of pupils in kindergarten through grade 3.

34 6. On or before October 15, 2016, the Department of Education
35 shall submit the report prepared pursuant to subsection 5 to the
36 Governor and to the Director of the Legislative Counsel Bureau for
37 transmittal to the 79th Session of the Nevada Legislature.

38 7. The sums appropriated by subsection 1 to a school district or
39 a charter school:

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

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



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

3 8. Any balance of the sums appropriated by subsection 1
4 remaining at the end of the respective fiscal years must not be
5 committed for expenditure after June 30 of the respective fiscal
6 years by the entity to which the appropriation is made or any
7 entity to which money from the appropriation is granted or
8 otherwise transferred in any manner, and any portion of the
9 appropriated money remaining must not be spent for any purpose
10 after September 16, 2016, and September 15, 2017, respectively, by
11 either the entity to which the money was appropriated or the entity
12 to which the money was subsequently granted or transferred,
13 and must be reverted to the State General Fund on or before
14 September 16, 2016, and September 15, 2017, respectively.

15 **Sec. 16.** 1. This section, sections 4 to 7, inclusive, 9 and 15
16 of this act become effective on July 1, 2015.

17 2. Sections 1, 2, 3, 8 and 10 to 14, inclusive, of this act become
18 effective on July 1, 2019.

