

ASSEMBLY BILL NO. 341—ASSEMBLYMEN OHRENSCHALL, DIAZ,
SILBERKRAUS, SPIEGEL, CARRILLO; ELLIOT ANDERSON,
ARAUJO, CARLTON, JOINER, JONES, MUNFORD, NEAL,
STEWART, SWANK AND THOMPSON

MARCH 16, 2015

JOINT SPONSOR: SENATOR FORD

Referred to Committee on Education

SUMMARY—Mandates enhanced screening and intervention for
children with certain disabilities. (BDR 34-832)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§§ 10, 12, 13)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 reports of accountability to include the results of early literacy screening assessments; requiring each school district and charter school to administer such an assessment to certain pupils and provide notice regarding the results of the assessment; authorizing certain persons to perform additional testing for dyslexia; requiring a school district and a charter school to provide dyslexia therapy and the accommodations or modifications required by federal law to a pupil with dyslexia; requiring each school district to employ certain professionals with training in dyslexia; requiring each school district to provide professional development regarding dyslexia; requiring the Department of Education to prepare and publish a Dyslexia Resource Guide; requiring certain standards relating to the education of pupils with disabilities to include provisions concerning dyslexia; and providing other matters properly relating thereto.



Legislative Counsel's Digest:

1 Existing law requires the board of trustees of each school district, the State
2 Public Charter School Authority and each college or university within the Nevada
3 System of Higher Education that sponsors a charter school to prepare an annual
4 report of accountability that contains certain information. (NRS 385.347) **Section 2**
5 of this bill requires that this report include the results of an early literacy screening
6 assessment.

7 Existing law requires the State Board of Education to prepare an annual report
8 of accountability that contains certain information. (NRS 385.3572) **Section 3** of
9 this bill requires this annual report to include the results of the early literacy
10 screening assessment.

11 **Section 8** of this bill requires the board of trustees of each school district and
12 the governing body of each charter school to prescribe an early literacy screening
13 assessment for use by the schools located in the school district or the charter school,
14 respectively. **Section 9** of this bill: (1) requires each school district and charter
15 school to administer screenings for dyslexia to pupils in certain grade levels; (2)
16 requires a school district and charter school to consider an independent evaluation
17 performed at the request of a parent or guardian; and (3) requires a school district
18 and charter school to provide dyslexia therapy and the accommodations or
19 modifications required by federal law to a pupil with dyslexia.

20 **Section 10** of this bill requires each school district and charter school to
21 provide notice to the parent or guardian of a pupil for whom the school district or
22 charter school performs a comprehensive dyslexia evaluation. **Section 11** of this
23 bill requires the dyslexia therapy provided by a school district or charter school to
24 include certain instructional approaches.

25 **Section 12** of this bill requires the Department of Education to designate a full-
26 time employee to serve as a dyslexia specialist. Existing law creates regional
27 training programs and requires each regional training program to operate a program
28 for the professional development of teachers and administrators. (NRS 391.512)
29 **Section 12** requires the Department to ensure that each regional training program
30 employs at least one dyslexia specialist to provide necessary information and
31 support to the school districts and charter schools in the counties that are served by
32 the regional training program. **Section 12** also requires each school district to
33 employ at least one dyslexia interventionist.

34 **Section 13** of this bill requires each school district and charter school to
35 provide professional development regarding dyslexia for teachers and other
36 educational personnel. **Section 14** of this bill requires the Department to prepare
37 and publish a Dyslexia Resource Guide as a guide for each school district and
38 public school to use in order to identify and provide dyslexia therapy for pupils
39 with dyslexia.

40 Existing law requires the State Board of Education to prescribe minimum
41 standards for the special education of pupils with disabilities. (NRS 388.520)
42 **Section 16** of this bill requires that the standards prescribed by the State Board for
43 pupils with dyslexia include certain instruction.

44 Existing law requires the State Board to prescribe by regulation the standards
45 for approval of a course of study or training offered by an educational institution to
46 qualify a person to be a teacher or administrator or perform other educational
47 functions. (NRS 388.520) **Section 17** of this bill requires these regulations to
48 include training on how to identify a pupil who is at risk for dyslexia or related
49 disorders.



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.** *The annual report of accountability prepared*
4 *pursuant to NRS 385.347 must include for each school in the*
5 *district and the district as a whole the results of the early literacy*
6 *screening assessment administered pursuant to section 9 of this*
7 *act.*

8 **2.** *The State Board may adopt any regulations necessary to*
9 *carry out the provisions of this section.*

10 **Sec. 3.** *The annual report of accountability prepared by the*
11 *State Board pursuant to NRS 385.3572 must include the results of*
12 *the early literacy screening assessment administered pursuant to*
13 *section 9 of this act, reported for each school district, including,*
14 *without limitation, each charter school in the district, and for this*
15 *State as a whole.*

16 **Sec. 4.** NRS 385.3455 is hereby amended to read as follows:

17 385.3455 As used in NRS 385.3455 to 385.3891, inclusive,
18 *and section 2 of this act*, unless the context otherwise requires, the
19 words and terms defined in NRS 385.346 to 385.34675, inclusive,
20 have the meanings ascribed to them in those sections.

21 **Sec. 5.** NRS 385.3468 is hereby amended to read as follows:

22 385.3468 The provisions of NRS 385.3455 to 385.3891,
23 inclusive, *and section 2 of this act* do not supersede, negate or
24 otherwise limit the effect or application of the provisions of chapters
25 288 and 391 of NRS or the rights, remedies and procedures afforded
26 to employees of a school district under the terms of collective
27 bargaining agreements, memoranda of understanding or other such
28 agreements between employees and their employers.

29 **Sec. 6.** NRS 385.3572 is hereby amended to read as follows:

30 385.3572 1. The State Board shall prepare a single annual
31 report of accountability that includes, without limitation the
32 information prescribed by NRS 385.3572 to 385.3592, inclusive **[]**,
33 *and section 3 of this act.*

34 **2.** A separate reporting for a group of pupils must not be made
35 pursuant to this section and NRS 385.3572 to 385.3592, inclusive,
36 *and section 3 of this act* if the number of pupils in that group is
37 insufficient to yield statistically reliable information or the results
38 would reveal personally identifiable information about an individual
39 pupil. The Department shall use the mechanism approved by the
40 United States Department of Education for the statewide system of
41 accountability for public schools for determining the minimum



1 number of pupils that must be in a group for that group to yield
2 statistically reliable information.

3 3. The annual report of accountability must:

4 (a) Be prepared in a concise manner; and

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

8 4. On or before October 15 of each year, the State Board shall:

9 (a) Provide for public dissemination of the annual report of
10 accountability by posting a copy of the report on the Internet
11 website maintained by the Department; and

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

15 (1) Governor;

16 (2) Committee;

17 (3) Bureau;

18 (4) Board of Regents of the University of Nevada;

19 (5) Board of trustees of each school district;

20 (6) Governing body of each charter school; and

21 (7) The Attorney General, with a specific reference to the
22 information that is reported pursuant to paragraph (e) of subsection
23 1 of NRS 385.3584.

24 5. Upon the request of the Governor, the Attorney General, an
25 entity described in paragraph (b) of subsection 4 or a member of the
26 general public, the State Board shall provide a portion or portions of
27 the annual report of accountability.

28 **Sec. 7.** Chapter 388 of NRS is hereby amended by adding
29 thereto the provisions set forth as sections 8 to 14, inclusive, of this
30 act.

31 **Sec. 8. 1.** *Except as otherwise provided in subsection 2, the*
32 *board of trustees of each school district shall prescribe for use by*
33 *the schools located in the school district an early literacy*
34 *screening assessment that meets the requirements set forth in*
35 *subsection 3.*

36 **2.** *The governing body of each charter school shall prescribe*
37 *an early literacy screening assessment for use by the charter*
38 *school that meets the requirements set forth in subsection 3.*

39 **3.** *The early literacy screening assessment prescribed*
40 *pursuant to subsection 1 or 2 must include, without limitation,*
41 *screening for:*

42 (a) *Phonological and phonemic awareness;*

43 (b) *Sound-symbol recognition;*

44 (c) *Alphabet knowledge;*

45 (d) *Decoding skills;*



- 1 (e) *Rapid naming skills; and*
- 2 (f) *Encoding skills.*

3 **Sec. 9. 1.** *The board of trustees of a school district or the*
4 *governing body of a charter school, as applicable, shall administer*
5 *the early literacy screening assessment prescribed pursuant to*
6 *section 8 of this act to determine whether a pupil has indicators*
7 *for dyslexia and needs intervention. The early literacy screening*
8 *assessment must be administered to every pupil enrolled in:*

9 (a) *Kindergarten and grades 1 and 2 at the beginning of each*
10 *school year;*

11 (b) *Kindergarten and grades 1 and 2 who:*

12 (1) *Transfers to a school in this State from a school outside*
13 *of this State; and*

14 (2) *Has not presented documentation that he or she has*
15 *taken the early literacy screening assessment prescribed pursuant*
16 *to section 8 of this act or a similar screening or is exempt from*
17 *early literacy screening; and*

18 (c) *Grade 3 or higher when his or her regular classroom*
19 *teacher determines that he or she has difficulty with:*

20 (1) *Phonological and phonemic awareness;*

21 (2) *Sound-symbol recognition;*

22 (3) *Alphabet knowledge;*

23 (4) *Decoding skills;*

24 (5) *Rapid naming skills; and*

25 (6) *Encoding skills.*

26 2. *If an early literacy screening assessment administered*
27 *pursuant to subsection 1 suggests that a pupil has indicators for*
28 *dyslexia, the board of trustees of a school district or governing*
29 *body of a charter school, as applicable, shall:*

30 (a) *Provide notice to the parent or guardian of the pupil that*
31 *includes, without limitation, the results of the early literacy*
32 *screening assessment; and*

33 (b) *Address the needs of the pupil through the Response-to-*
34 *Intervention system of instruction.*

35 3. *If the Response-to-Intervention system of instruction*
36 *determines that a pupil needs additional screening in order to*
37 *determine whether the pupil has dyslexia:*

38 (a) *The pupil must receive additional testing by a trained*
39 *professional using a norm-referenced test;*

40 (b) *The board of trustees of the school district or the governing*
41 *body of the charter school, as applicable, shall perform a*
42 *comprehensive dyslexia evaluation for the pupil in addition to the*
43 *required Response-to-Intervention system of instruction; and*

44 (c) *The parent or guardian of the pupil may, at his or her own*
45 *expense, have an independent evaluation performed for the pupil.*



1 *The board of trustees of the school district or the governing body*
2 *of the charter school, as applicable, shall consider the diagnosis*
3 *from the independent evaluation and may address the needs of the*
4 *pupil in any way that it determines necessary.*

5 4. *If an evaluation conducted pursuant to paragraph (a) or*
6 *(b) of subsection 3 indicates that a pupil has dyslexia, the board of*
7 *trustees of the school district or the governing body of the charter*
8 *school, as applicable, shall provide:*

9 (a) *Dyslexia therapy to the pupil; and*

10 (b) *The necessary accommodations and modifications for the*
11 *pupil pursuant to section 504 of the Rehabilitation Act of 1973, 29*
12 *U.S.C. § 794, and Title II of the Americans with Disabilities Act of*
13 *1990, 42 U.S.C. §§ 12131 et seq.*

14 5. *The State Board may adopt regulations necessary to carry*
15 *out the provisions of this section.*

16 **Sec. 10.** 1. *The board of trustees of a school district or the*
17 *governing body of the charter school, as applicable, shall provide*
18 *notice to the parent or guardian of a pupil for whom an evaluation*
19 *is conducted pursuant to paragraph (b) of subsection 3 of section*
20 *9 of this act.*

21 2. *The notification provided to a parent or guardian of a*
22 *pupil pursuant to subsection 1 must include, without limitation:*

23 (a) *The results of the dyslexia evaluation;*

24 (b) *Information and resource material regarding dyslexia,*
25 *including, without limitation:*

26 (1) *The common indicators of dyslexia; and*

27 (2) *Appropriate classroom interventions and*
28 *accommodations for a pupil with dyslexia; and*

29 (c) *Notice that the parent or guardian of the pupil may have*
30 *the pupil independently evaluated at his or her own expense.*

31 **Sec. 11.** *The dyslexia therapy provided by a school district or*
32 *charter school must include, without limitation, the following*
33 *instructional approaches:*

34 1. *Explicit, direct instruction that is systematic, sequential*
35 *and cumulative and follows a logical plan of presenting the*
36 *alphabetic principle that targets the specific needs of the pupil*
37 *without presuming prior skills or knowledge of the pupil;*

38 2. *Individualized instruction to meet the specific needs of the*
39 *pupil in a small group setting that uses intensive, highly-*
40 *concentrated instruction methods and materials that maximize*
41 *pupil engagement;*

42 3. *Meaning-based instruction directed at purposeful reading*
43 *and writing, with an emphasis on comprehension and*
44 *composition; and*



1 4. *Multisensory instruction that incorporates the*
2 *simultaneous use of two or more sensory pathways during teacher*
3 *presentations and pupil practice.*

4 **Sec. 12. 1.** *The Department shall designate a full-time*
5 *employee to serve as a dyslexia specialist.*

6 2. *The dyslexia specialist designated by the Department*
7 *pursuant to subsection 1 shall:*

8 (a) *Have a minimum of 3 years of experience in screening,*
9 *identifying and treating dyslexia and related disorders;*

10 (b) *Be responsible for the training and professional*
11 *development of teachers and other educational personnel*
12 *regarding dyslexia and related disorders; and*

13 (c) *Serve as the primary source of information and support for*
14 *school districts and charter schools addressing the needs of pupils*
15 *with dyslexia or related disorders.*

16 3. *The Department shall ensure that each regional training*
17 *program for the professional development of teachers and*
18 *administrators created by NRS 391.512 employs at least one*
19 *dyslexia specialist to provide necessary information and support to*
20 *the school districts and charter schools that are served by the*
21 *regional training program.*

22 4. *The board of trustees of each school district shall employ*
23 *at least one dyslexia interventionist.*

24 **Sec. 13. 1.** *The board of trustees of each school district and*
25 *the governing body of each charter school shall provide*
26 *professional development regarding dyslexia for teachers and*
27 *other educational personnel.*

28 2. *The professional development provided pursuant to*
29 *subsection 1:*

30 (a) *Must include, without limitation, instruction on the*
31 *indicators for dyslexia and the science related to teaching a pupil*
32 *who has dyslexia; and*

33 (b) *May be provided on the Internet, by a regional training*
34 *program for the professional development of teachers and*
35 *administrators created by NRS 391.512 or at another venue*
36 *approved by the Department.*

37 **Sec. 14.** *The Department shall prepare and publish a*
38 *Dyslexia Resource Guide as a guide for each school district and*
39 *public school, including, without limitation, a charter school, to*
40 *use to identify and provide dyslexia therapy for pupils with*
41 *dyslexia.*

42 **Sec. 15.** *NRS 388.440 is hereby amended to read as follows:*
43 *388.440 As used in NRS 388.440 to 388.5317, inclusive [] ,*
44 *and sections 8 to 14, inclusive, of this act:*



1 1. "Communication mode" means any system or method of
2 communication used by a person who is deaf or whose hearing is
3 impaired to facilitate communication which may include, without
4 limitation:

- 5 (a) American Sign Language;
- 6 (b) English-based manual or sign systems;
- 7 (c) Oral and aural communication;
- 8 (d) Spoken and written English, including speech reading or lip
9 reading; and
- 10 (e) Communication with assistive technology devices.

11 2. *"Dyslexia" means a neurological learning disability*
12 *characterized by difficulties with accurate and fluent word*
13 *recognition and poor spelling and decoding abilities that typically*
14 *result from a deficit in the phonological component of language.*

15 3. *"Dyslexia interventionist" means a person employed by a*
16 *school district or public school who is trained to provide dyslexia*
17 *therapy and includes, without limitation:*

- 18 (a) *A licensed teacher;*
- 19 (b) *A paraprofessional as defined in NRS 391.008; and*
- 20 (c) *Other educational personnel.*

21 4. *"Dyslexia therapy" means systematic, multisensory therapy*
22 *offered in a small group setting that is derived from evidence-*
23 *based research, provided by a dyslexia interventionist and meeting*
24 *the requirements of section 11 of this act.*

25 5. "Gifted and talented pupil" means a person under the age of
26 18 years who demonstrates such outstanding academic skills or
27 aptitudes that the person cannot progress effectively in a regular
28 school program and therefore needs special instruction or special
29 services.

30 ~~{3-}~~ 6. "Individualized education program" has the meaning
31 ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

32 ~~{4-}~~ 7. "Individualized education program team" has the
33 meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

34 ~~{5-}~~ 8. "Pupil who receives early intervening services" means a
35 person enrolled in kindergarten or grades 1 to 12, inclusive, who is
36 not a pupil with a disability but who needs additional academic and
37 behavioral support to succeed in a regular school program.

38 ~~{6-}~~ 9. "Pupil with a disability" means a person under the age
39 of 22 years who deviates either educationally, physically, socially or
40 emotionally so markedly from normal patterns that the person
41 cannot progress effectively in a regular school program and
42 therefore needs special instruction or special services.

43 10. *"Response-to-Intervention system of instruction" means a*
44 *system of instruction that provides for the early identification and*



1 *support of a pupil with a disability through the use of universal*
2 *screening in a general education classroom.*

3 **Sec. 16.** NRS 388.520 is hereby amended to read as follows:

4 388.520 1. The Department shall:

5 (a) Prescribe a form that contains the basic information
6 necessary for the uniform development, review and revision of an
7 individualized education program for a pupil with a disability in
8 accordance with 20 U.S.C. § 1414(d); and

9 (b) Make the form available on a computer disc for use by
10 school districts and, upon request, in any other manner deemed
11 reasonable by the Department.

12 2. Except as otherwise provided in this subsection, each school
13 district shall ensure that the form prescribed by the Department is
14 used for the development, review and revision of an individualized
15 education program for each pupil with a disability who receives
16 special education in the school district. A school district may use an
17 expanded form that contains additions to the form prescribed by the
18 Department if the basic information contained in the expanded form
19 complies with the form prescribed by the Department.

20 3. The State Board:

21 (a) Shall prescribe minimum standards for the special education
22 of pupils with disabilities and gifted and talented pupils.

23 (b) May prescribe minimum standards for the provision of early
24 intervening services.

25 4. The minimum standards prescribed by the State Board must
26 include standards for programs of instruction or special services
27 maintained for the purpose of serving pupils with:

28 (a) Hearing impairments, including, but not limited to, deafness.

29 (b) Visual impairments, including, but not limited to, blindness.

30 (c) Orthopedic impairments.

31 (d) Speech and language impairments.

32 (e) Intellectual disabilities.

33 (f) Multiple impairments.

34 (g) Serious emotional disturbances.

35 (h) Other health impairments.

36 (i) Specific learning disabilities **[]** , *including, without*
37 *limitation, dyslexia and related disorders.*

38 (j) Autism spectrum disorders.

39 (k) Traumatic brain injuries.

40 (l) Developmental delays.

41 (m) Gifted and talented abilities.

42 5. The minimum standards prescribed by the State Board for
43 pupils with hearing impairments, including, without limitation,
44 deafness, pursuant to paragraph (a) of subsection 4 must provide:



1 (a) That a pupil cannot be denied the opportunity for instruction
2 in a particular communication mode solely because the
3 communication mode originally chosen for the pupil is different
4 from a communication mode recommended by the pupil's
5 individualized education program team; and

6 (b) That, to the extent feasible, as determined by the board of
7 trustees of the school district, a school is required to provide
8 instruction to those pupils in more than one communication mode.

9 6. *The minimum standards prescribed by the State Board for*
10 *pupils with dyslexia pursuant to paragraph (i) of subsection 4*
11 *must include, without limitation, standards for instruction on:*

12 (a) *Phonemic awareness to enable a pupil to detect, segment,*
13 *blend and manipulate sounds in spoken language;*

14 (b) *Graphonomic knowledge for teaching the sounds*
15 *associated with letters in the English language;*

16 (c) *The structure of the English language, including, without*
17 *limitation, morphology, semantics, syntax and pragmatics;*

18 (d) *Linguistic instruction directed toward proficiency and*
19 *fluency with the patterns of language so that words and sentences*
20 *are carriers of meaning; and*

21 (e) *Strategies that a pupil may use for decoding, encoding,*
22 *word recognition, fluency and comprehension.*

23 7. No apportionment of state money may be made to any
24 school district or charter school for the instruction of pupils with
25 disabilities and gifted and talented pupils until the program of
26 instruction maintained therein for such pupils is approved by the
27 Superintendent of Public Instruction as meeting the minimum
28 standards prescribed by the State Board.

29 ~~7.7~~ 8. The Department shall, upon the request of the board of
30 trustees of a school district, provide information to the board of
31 trustees concerning the identification and evaluation of pupils with
32 disabilities in accordance with the standards prescribed by the State
33 Board.

34 ~~8.7~~ 9. The Department shall post on the Internet website
35 maintained by the Department the data that is submitted to the
36 United States Secretary of Education pursuant to 20 U.S.C. § 1418
37 within 30 days after submission of the data to the Secretary in a
38 manner that does not result in the disclosure of data that is
39 identifiable to an individual pupil.

40 **Sec. 17.** NRS 391.037 is hereby amended to read as follows:

41 391.037 1. The State Board shall:

42 (a) Prescribe by regulation the standards for approval of a course
43 of study or training offered by an educational institution to qualify a
44 person to be a teacher or administrator or to perform other
45 educational functions. *The regulations prescribed pursuant to this*



1 *paragraph must include, without limitation, training on how to*
2 *identify a pupil who is at risk for dyslexia or related disorders.*

3 (b) Maintain descriptions of the approved courses of study
4 required to qualify for endorsements in fields of specialization and
5 provide to an applicant, upon request, the approved course of study
6 for a particular endorsement.

7 2. Except for an applicant who submits an application for the
8 issuance of a license pursuant to subparagraph (1) of paragraph (a)
9 or paragraph (g) or (j) of subsection 1 of NRS 391.019, an applicant
10 for a license as a teacher or administrator or to perform some other
11 educational function must submit with his or her application, in the
12 form prescribed by the Superintendent of Public Instruction, proof
13 that the applicant has satisfactorily completed a course of study and
14 training approved by the State Board pursuant to subsection 1.

15 **Sec. 18.** The provisions of NRS 354.599 do not apply to any
16 additional expenses of a local government that are related to the
17 provisions of this act.

18 **Sec. 19.** This act becomes effective on July 1, 2015.

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