

Amendment No. 989

Assembly Amendment to Senate Bill No. 391 Third Reprint	(BDR 34-644)
Proposed by: Assemblyman Hansen	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No	

ASSEMBLY ACTION		Initial and Date	SENATE ACTION		Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	Adopted	<input type="checkbox"/>
				Lost	<input type="checkbox"/>
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	Concurred In	<input type="checkbox"/>
				Not	<input type="checkbox"/>
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	Receded	<input type="checkbox"/>
				Not	<input type="checkbox"/>

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

JLW/BJE



Date: 5/27/2015

S.B. No. 391—Revises provisions governing educational instruction in the subject of reading. (BDR 34-644)



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

JOINT SPONSOR: ASSEMBLYMAN ELLIOT ANDERSON

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; providing for a competitive grants program to assist schools in paying for certain literacy programs; 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 governing
2 body of a charter school to prepare a plan to improve the literacy of pupils enrolled in
3 kindergarten and grades 1, 2 and 3 and submit the plan to the Department of Education for its
4 approval.
5 **Section 6** of this bill requires the principal of a public elementary school, including,
6 without limitation, a charter school, to designate a licensed teacher employed by the school
7 who has demonstrated leadership abilities to serve as a learning strategist to train and assist
8 teachers in providing intensive instruction to pupils who have been identified as deficient in
9 the subject area of reading. **Section 6** also: (1) authorizes a school district or charter school to

10 provide additional compensation to learning strategists and teachers whose overall
11 performance is determined to be “highly effective” under the statewide performance
12 evaluation system; and (2) requires each teacher employed by a school district or charter
13 school to teach kindergarten or grade 1, 2, 3 or 4 to complete professional development
14 prescribed by the State Board of Education concerning the subject area of reading.

15 **Section 8** of this bill requires the principal of a school to provide notice that a pupil
16 exhibits a deficiency in the subject area of reading to the parent or guardian of a pupil enrolled
17 in kindergarten or grade 1, 2 or 3. **Section 9** of this bill requires a public elementary school to:
18 (1) establish a plan to monitor the progress of a pupil enrolled in kindergarten or grade 1, 2 or
19 3 who has a deficiency in the subject area of reading; and (2) assess the proficiency in reading
20 of a pupil for whom such a plan is established at the beginning of the next school year.

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

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

50 **Section 12** of this bill requires the principal of a school to offer the parent or legal
51 guardian of a pupil who is retained in grade 3 certain additional instructional options. **Sections**
52 **3 and 13** of this bill require the board of trustees of each school district and the governing
53 body of a charter school to prepare a report concerning the number and percentage of pupils
54 who are: (1) retained in grade 3 for deficiency in reading, including whether or not a pupil was
55 previously retained in kindergarten or grade 1 or 2; and (2) not retained in grade 3 because a
56 good cause exemption was approved but who were previously retained in kindergarten or
57 grade 1 or 2 for a total of 2 years. **Sections 3 and 13** also require the board of trustees of each
58 school district and the governing body of a charter school to submit the report to the
59 Department and post the report on the Internet website maintained by the school district or
60 charter school, as applicable.

61 **Section 15** of this bill provides for the Department of Education to distribute money that
62 is appropriated to the Other State Education Programs Account through a competitive grants
63 program. **Section 15** requires schools that receive a grant of money to use the money for the
64 literacy programs in kindergarten and grades 1, 2 and 3 to support school-based efforts to
65 ensure all pupils are proficient in reading by the end of the third grade. **Section 15** requires the
66 board of trustees of a school district and the governing body of a charter school that receives a
67 grant of money to prepare and submit to the Department a report that includes: (1) a
68 description of the programs or services for which the money was used; and (2) the number of

69 pupils who participated in a program or received services. **Section 15** also requires the
70 Department of Education to prepare a report concerning the programs for which the money is
71 used and submit the report and certain recommendations to the Director of the Legislative
72 Counsel Bureau for transmittal to the 79th Session of the Nevada Legislature and to the
73 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 follows:

2 385.3481 1. The annual report of accountability prepared pursuant to NRS
3 385.347 must include information on the attendance, truancy and transiency of
4 pupils, including, without limitation:

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

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

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

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

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

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

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

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

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

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

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

39 (b) The State Public Charter School Authority and each college or university
40 within the Nevada System of Higher Education that sponsors a charter school shall
41 submit to each advisory board to review school attendance created in a county
42 pursuant to NRS 392.126 the information regarding the records of the attendance
43 and truancy of pupils enrolled in the charter school located in that county, if any, in

1 accordance with the regulations prescribed by the Department pursuant to
2 subsection 3 of NRS 385.347.

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

4 385.3583 The annual report of accountability prepared by the State Board
5 pursuant to NRS 385.3572 must include information on the attendance, truancy and
6 transiency of pupils, including, without limitation:

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

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

14 3. The transiency rate of pupils, reported for each school district, including,
15 without limitation, each charter school in the district, and for this State as a whole.
16 For the purposes of this subsection, a pupil is not a transient if the pupil is
17 transferred to a different school within the school district as a result of a change in
18 the zone of attendance by the board of trustees of the school district pursuant to
19 NRS 388.040.

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

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

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

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

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

30 386.583 1. The governing body of a charter school shall adopt rules for the
31 academic retention of pupils who are enrolled in the charter school ~~to~~ *that are*
32 *consistent with sections 8, 10 and 11 of this act*. The rules must ~~prescribe~~ :

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

36 (b) *Require a pupil enrolled in grade 3 to be retained in the same grade*
37 *rather than promoted to grade 4 when required pursuant to section 10 of this act.*

38 2. *On or before September 1 of each year, the governing body of each*
39 *charter school shall:*

40 (a) *Prepare a report concerning the number and percentage of pupils at the*
41 *charter school who were:*

42 (1) *Retained in grade 3 pursuant to section 10 of this act for a deficiency*
43 *in the subject area of reading, including whether or not any such pupils were*
44 *previously retained in kindergarten or grade 1 or 2; and*

45 (2) *Not retained in grade 3 because a good cause exemption was*
46 *approved pursuant to section 10 of this act but who were previously retained in*
47 *kindergarten or grade 1 or 2 for a total of 2 years;*

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

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

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

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

7 *(a) A program to provide intensive instruction to pupils who have been*
8 *identified as deficient in the subject area of reading to ensure that those pupils*
9 *achieve adequate proficiency in that subject area. Such a program must include,*
10 *without limitation, regularly scheduled reading sessions in small groups and*
11 *specific instruction on phonological and phonemic awareness, decoding skills*
12 *and reading fluency;*

13 *(b) Procedures for assessing a pupil's proficiency in the subject area of*
14 *reading using valid and reliable assessments that have been approved by the State*
15 *Board by regulation:*

16 *(1) Within the first 30 days of school after the pupil enters kindergarten*
17 *or upon enrollment in kindergarten if the pupil enrolls after that period; and*

18 *(2) During grades 1, 2 and 3;*

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

21 *(d) Procedures for facilitating collaboration between learning strategists and*
22 *classroom teachers.*

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

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

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

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

34 **2.** *A school district or charter school may provide additional compensation*
35 *to:*

36 *(a) A licensed teacher designated as a learning strategist pursuant to this*
37 *section; or*

38 *(b) A teacher who is employed by a school district or charter school to teach*
39 *kindergarten or grade 1, 2, 3 or 4 whose overall performance is determined to be*
40 *highly effective under the statewide performance evaluation system established by*
41 *the State Board pursuant to NRS 391.465.*

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

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

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

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

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

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

3 **Sec. 8.** *If a pupil enrolled at a public elementary school in kindergarten or*
4 *grade 1, 2 or 3 exhibits a deficiency in the subject area of reading based upon*
5 *state or local assessments and the observations of the pupil's teacher, the*
6 *principal of the school must provide written notice of the deficiency to the parent*
7 *or legal guardian of the pupil within 30 days after the date on which the*
8 *deficiency is discovered. The written notice must, without limitation:*

9 1. *Identify the educational programs and services that the pupil will receive*
10 *to improve the pupil's proficiency in the subject area of reading, including,*
11 *without limitation, the programs and services included in the plan to improve the*
12 *literacy of pupils enrolled in kindergarten and grades 1, 2 and 3 that has been*
13 *approved by the Department pursuant to section 5 of this act;*

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

18 3. *Describe, explain and, if appropriate, demonstrate the strategies which*
19 *the parent or legal guardian may use at home to help improve the proficiency of*
20 *the pupil in the subject area of reading;*

21 4. *Explain that the criterion-referenced examination in the subject area of*
22 *reading administered pursuant to NRS 389.550 is not the only factor used to*
23 *determine whether the pupil will be retained in grade 3 and that other options are*
24 *available for the pupil to demonstrate proficiency if the pupil is eligible for a*
25 *good-cause exemption pursuant to section 10 of this act;*

26 5. *Describe the policy and specific criteria adopted by the board of trustees*
27 *of the school district or governing body of a charter school, as applicable,*
28 *pursuant to section 11 of this act regarding the promotion of a pupil to grade 4 at*
29 *any time during the school year if the pupil is retained in grade 3 pursuant to*
30 *section 10 of this act;*

31 6. *Include information regarding the English literacy development of a*
32 *pupil who is limited English proficient; and*

33 7. *Describe, explain and, if appropriate, demonstrate the strategies which*
34 *the parent or legal guardian may use at home to help improve the English*
35 *literacy of a pupil who is limited English proficient.*

36 **Sec. 9.** 1. *A public elementary school that has notified the parent or legal*
37 *guardian of a pupil that, based upon the results of state or local assessments, it*
38 *has been determined that the pupil has a deficiency in the subject area of reading*
39 *pursuant to section 8 of this act shall, within 30 days after providing such notice,*
40 *establish a plan to monitor the progress of the pupil in the subject area of*
41 *reading.*

42 2. *A plan to monitor the progress of a pupil in the subject area of reading*
43 *must be established by the teacher of the pupil and any other relevant school*
44 *personnel and approved by the principal of the school and the parent or legal*
45 *guardian of the pupil. The plan must include a description of any intervention*
46 *services that will be provided to the pupil to correct the deficiency and must*
47 *include that the pupil will receive intensive instruction in reading to ensure the*
48 *pupil achieves adequate proficiency in reading. Such instruction must include,*
49 *without limitation, the programs and services included in the plan to improve the*
50 *literacy of pupils enrolled in kindergarten and grades 1, 2 and 3 approved by the*
51 *Department pursuant to section 5 of this act.*

52 3. *A school that establishes a plan to monitor the progress of a pupil in the*
53 *subject area of reading shall assess the proficiency of the pupil in the subject area*

1 *of reading at the beginning of the next school year after the plan is established*
2 *pursuant to this section.*

3 **Sec. 10. 1.** *Except as otherwise provided in this section, a pupil enrolled*
4 *in grade 3 must be retained in grade 3 rather than promoted to grade 4 if the*
5 *pupil does not obtain a score in the subject area of reading on the criterion-*
6 *referenced examination administered pursuant to NRS 389.550 that meets the*
7 *passing score prescribed by the State Board pursuant to subsection 7.*

8 **2.** *The superintendent of schools of a school district or the governing body*
9 *of a charter school, as applicable, may authorize the promotion of a pupil to*
10 *grade 4 who would otherwise be retained in grade 3 only if the superintendent or*
11 *governing body, as applicable, approves a good-cause exemption for the pupil*
12 *upon a determination by the principal of the school pursuant to subsection 4 that*
13 *the pupil is eligible for such an exemption.*

14 **3.** *A good-cause exemption must be approved for a pupil who previously*
15 *was retained in grade 3. Any other pupil is eligible for a good-cause exemption if*
16 *the pupil:*

17 *(a) Demonstrates an acceptable level of proficiency in reading on an*
18 *alternate standardized reading assessment approved by the State Board;*

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

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

25 *(d) Received intensive remediation in the subject area of reading for 2 or*
26 *more years but still demonstrates a deficiency in reading and was previously*
27 *retained in kindergarten or grade 1 or 2 for a total of 2 years;*

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

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

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

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

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

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

1 *recommendation of the principal and provide written notice of the approval or*
2 *denial to the principal.*

3 5. *A principal who determines that a pupil is eligible for a good-cause*
4 *exemption shall notify the parent or legal guardian of the pupil whether the*
5 *superintendent of schools of the school district or the governing body of the*
6 *charter school, as applicable, approves the good-cause exemption.*

7 6. *The principal of a school in which a pupil for whom a good-cause*
8 *exemption is approved and who is promoted to grade 4 must ensure that the pupil*
9 *continues to receive intensive instruction in the subject area of reading. Such*
10 *instruction must include, without limitation, strategies based upon scientifically*
11 *based research that will improve proficiency in the subject area of reading.*

12 7. *The State Board shall prescribe by regulation:*

13 (a) *The score which a pupil enrolled in grade 3 must obtain in the subject*
14 *area of reading on the criterion-referenced examination administered pursuant*
15 *to NRS 389.550 to be promoted to grade 4 without a good-cause exemption; and*

16 (b) *An alternate examination for administration to pupils enrolled in grade 3*
17 *who do not obtain the passing score in the subject area of reading on the*
18 *criterion-referenced examination administered pursuant to NRS 389.550 and the*
19 *passing score such a pupil must obtain on the alternate examination to be*
20 *promoted to grade 4 without a good-cause exemption.*

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

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

25 (a) *Provide written notice to the parent or legal guardian of the pupil that the*
26 *pupil will be retained in grade 3. The written notice must include, without*
27 *limitation, a description of the intensive instructional services in the subject area*
28 *of reading that the pupil will receive to improve the proficiency of the pupil in*
29 *that subject area.*

30 (b) *Develop a plan to monitor the progress of the pupil in the subject area of*
31 *reading.*

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

35 (d) *Ensure that the pupil receives intensive instructional services in the*
36 *subject area of reading that are designed to improve the pupil's proficiency in the*
37 *subject area of reading, including, without limitation:*

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

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

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

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

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

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

- 1 (1) *Instruction that is provided in small groups;*
- 2 (2) *Instruction provided in classes with reduced pupil-teacher ratios;*
- 3 (3) *A timeline for frequently monitoring the progress of the pupil;*
- 4 (4) *Tutoring and mentoring;*
- 5 (5) *Classes which are designed to increase the ability of pupils to*
- 6 *transition from grade 3 to grade 4;*
- 7 (6) *Instruction provided through an extended school day, school week or*
- 8 *school year;*
- 9 (7) *Programs to improve a pupil's proficiency in reading which are*
- 10 *offered during the summer; or*
- 11 (8) *Any combination of the services set forth in subparagraphs (1) to (7),*
- 12 *inclusive.*

13 3. *Except as otherwise provided in subsection 4, the intensive instructional*

14 *services in the subject area of reading required by this section must be provided to*

15 *the pupil by a teacher:*

16 (a) *Who is different than the teacher who provided instructional services to*

17 *the pupil during the immediately preceding school year; and*

18 (b) *Who has been determined to be highly effective, as demonstrated by pupil*

19 *performance data and performance evaluations.*

20 4. *The intensive instructional services in the subject area of reading*

21 *required by this section may be provided to the pupil by the same teacher who*

22 *provided instructional services to the pupil during the immediately preceding*

23 *school year if a different teacher who meets the requirements of paragraph (b) of*

24 *subsection 3 is not reasonably available and the pupil:*

25 (a) *Has an individualized education program; or*

26 (b) *Is enrolled in a school district in a county whose population is less than*

27 *100,000.*

28 5. *The board of trustees of each school district and the governing body of a*

29 *charter school, as applicable, shall develop a policy by which the principal of a*

30 *school may promote a pupil who is retained in grade 3 pursuant to section 10 of*

31 *this act to grade 4 at any time during the school year if the pupil demonstrates*

32 *adequate proficiency in the subject area of reading. The policy must include the*

33 *specific criteria a pupil must satisfy to be eligible for promotion, including,*

34 *without limitation, a reasonable expectation that the pupil's progress will allow*

35 *him or her to sufficiently master the requirements for a fourth-grade reading*

36 *level. If a pupil is promoted after November 1 of a school year, he or she must*

37 *demonstrate proficiency in reading at a level prescribed by the State Board.*

38 6. *If a principal of a school determines that a pupil is not academically*

39 *ready for promotion to grade 4 after being retained in grade 3 and the pupil*

40 *received intensive instructional services pursuant to this section, the school*

41 *district in which the pupil is enrolled must allow the parent or legal guardian of*

42 *the pupil to decide, in consultation with the principal of the school, whether to*

43 *place the pupil in a transitional instructional setting which is designed to produce*

44 *learning gains sufficient for the pupil to meet the performance standards*

45 *required for grade 4 while continuing to receive remediation in the subject area*

46 *of reading.*

47 7. *As used in this section, "individualized education program" has the*

48 *meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).*

49 **Sec. 12.** *In addition to the intensive instructional services provided to a*

50 *pupil who is retained in grade 3 pursuant to section 10 of this act, the principal of*

51 *the school must offer the parent or legal guardian of the pupil at least one of the*

52 *following instructional options:*

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

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

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

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

11 *1. Prepare a report concerning the number and percentage of pupils at each*
12 *public school within the school district who were:*

13 *(a) Retained in grade 3 pursuant to section 10 of this act for a deficiency in*
14 *the subject area of reading, including whether or not any such pupils were*
15 *previously retained in kindergarten or grade 1 or 2; and*

16 *(b) Not retained in grade 3 because a good cause exemption was approved*
17 *pursuant to section 10 of this act but who were previously retained in*
18 *kindergarten or grade 1 or 2 for a total of 2 years.*

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

20 *3. Post the report on the Internet website maintained by the school district*
21 *and otherwise make the report available to the parents and legal guardians of*
22 *pupils enrolled in the school district and the general public.*

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

24 392.125 1. Except as otherwise provided in subsection 4, before any pupil
25 enrolled in a public school may be retained in the same grade rather than promoted
26 to the next higher grade for the succeeding school year, the pupil's teacher and
27 principal must make a reasonable effort to arrange a meeting and to meet with the
28 pupil's parents or guardian to discuss the reasons and circumstances.

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

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

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

37 **Sec. 15.** 1. The Department of Education shall distribute the money that is
38 appropriated to the Other State Education Programs Account in the State General
39 Fund to carry out the purposes of sections 1 to 14, inclusive, of this act through a
40 competitive grants program. Grants must be awarded by the Department based on
41 the demonstrated needs of the school districts and charter schools and will be
42 awarded to school districts and to charter schools that have been approved by the
43 State Public Charter School Authority. Grants must be used for literacy programs
44 for pupils enrolled in kindergarten and grades 1, 2 and 3 established pursuant to
45 section 5 of this act and to support other school-based efforts to ensure that all
46 pupils are proficient in the subject area of reading by the end of the third grade.
47 Such school-based efforts may include, without limitation:

48 (a) Hiring or training learning strategists;

49 (b) Entering into contracts with vendors for the purchase of reading
50 assessments, textbooks, computer software or other materials;

51 (c) Providing professional development for school personnel;

52 (d) Providing programs to pupils before and after school and during
53 intercessions or summer school; and

1 (e) Providing other evidence-based literacy initiatives for pupils enrolled in
2 kindergarten and grades 1, 2 and 3.

3 2. The board of trustees of a school district or the governing body of a charter
4 school that receives a grant of money pursuant to subsection 1 shall:

5 (a) Set measurable performance objectives based on aggregated pupil
6 achievement data; and

7 (b) Prepare and submit to the Department of Education, on or before July 1,
8 2016, a report that includes, without limitation:

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

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

13 3. The Department of Education shall, to the extent that money is available
14 for that purpose, hire an independent consultant to evaluate the programs or
15 services paid for by a grant of money received by a school district or charter school
16 pursuant to subsection 1.

17 4. The Department of Education shall prepare a report that includes, without
18 limitation:

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

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

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

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

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

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

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

34 5. On or before August 31, 2016, the Department of Education shall submit a
35 preliminary report prepared pursuant to subsection 4 to the State Board of
36 Education and the Legislative Committee on Education. On or before November
37 15, 2016, the Department shall submit the final report prepared pursuant to
38 subsection 4 and any recommendations made by the State Board or the Legislative
39 Committee on Education to the Governor and to the Director of the Legislative
40 Counsel Bureau for transmittal to the 79th Session of the Nevada Legislature.

41 6. Any money awarded to a school district or charter school from the money
42 appropriated to the Other State Education Programs Account in the State General
43 Fund pursuant to subsection 1:

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

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

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

52 **Sec. 16.** This act becomes effective upon passage and approval for the
53 purpose of adopting any regulations and performing any other preparatory

1 administrative tasks necessary to carry out the provisions of this act and for all
2 other purposes:

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

5 2. Sections 1, 2, 3 and 10 to 14, inclusive, of this act become effective on July
6 1, ~~2019~~, 2016.