

ASSEMBLY BILL NO. 161—COMMITTEE ON EDUCATION

FEBRUARY 21, 2013

Referred to Committee on Education

SUMMARY—Revises provisions governing the advancement of certain pupils to higher grade levels. (BDR 34-722)

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

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to education; requiring schools to identify pupils enrolled in kindergarten or grade 1, 2 or 3 who do not achieve proficiency in reading; requiring school districts and charter schools to develop certain programs which are designed to improve the proficiency in reading of certain pupils; requiring certain pupils to enroll in such a program; prohibiting the promotion of certain pupils to grade 4; requiring school districts to prescribe intensive instructional services in reading for certain pupils; making various other changes relating to the advancement of certain pupils to higher grade levels; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, a pupil may be retained in the same grade rather than
2 promoted to the next higher grade for the succeeding school year upon joint
3 agreement by the teacher and the principal. (NRS 392.125) Existing law also
4 exempts the governing body of a charter school from the requirements governing
5 promotion to the next higher grade and instead requires the governing body to
6 adopt its own rules for the academic retention of the pupils enrolled in the charter
7 school. (NRS 386.583)
8 **Section 7** of this bill prohibits a pupil enrolled in grade 3 from being promoted
9 to grade 4 unless the pupil obtains the score prescribed by the Teachers and Leaders
10 Council of Nevada in the subject area of reading on the criterion-referenced
11 examination. **Section 3** of this bill imposes a related prohibition on the promotion
12 of pupils enrolled in grade 3 for pupils enrolled in charter schools. **Section 7** also
13 sets forth certain good-cause exemptions pursuant to which certain pupils who do
14 not receive the prescribed score on the criterion-referenced examination in reading
15 may be promoted to grade 4.



16 **Section 8** of this bill requires the principal of the school to provide notice to the
17 parent or legal guardian of a pupil if the pupil will be retained in grade 3. **Section 8**
18 also requires the principal to ensure such pupils are provided with intensive
19 instructional services in reading, as prescribed by the board of trustees of the school
20 district.

21 **Section 5** of this bill requires the principal of a public school to provide notice
22 to the parent or legal guardian of a pupil enrolled in kindergarten or grade 1, 2 or 3
23 who does not achieve proficiency in reading at the pupil's grade level. **Section 5**
24 also requires the principal to provide certain intensive instructional services in
25 reading for such pupils. **Section 6** of this bill requires the board of trustees of each
26 school district and the governing body of each charter school to develop a program
27 which is offered during the summer, or between sessions if the school operates on a
28 year-round calendar, and which is designed to improve the proficiency in reading of
29 pupils who have completed grade 2 or 3 and have not achieved proficiency in
30 reading. **Section 6** also requires a pupil who has completed grade 2 or 3 and who
31 does not achieve proficiency in reading to be enrolled in the program.

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

1 **Section 1.** NRS 385.3469 is hereby amended to read as
2 follows:

3 385.3469 1. The State Board shall prepare an annual report
4 of accountability that includes, without limitation:

5 (a) Information on the achievement of all pupils based upon the
6 results of the examinations administered pursuant to NRS 389.015
7 and 389.550, reported for each school district, including, without
8 limitation, each charter school in the district, and for this State as a
9 whole.

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

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

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

17 (3) Pupils with disabilities;

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

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

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

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



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

4 (f) The most recent 3-year trend in the achievement of pupils in
5 each subject area tested and each grade level tested pursuant to NRS
6 389.015 and 389.550, reported for each school district, including,
7 without limitation, each charter school in the district, and for this
8 State as a whole, which may include information regarding the trend
9 in the achievement of pupils for more than 3 years, if such
10 information is available.

11 (g) Information on whether each school district has made
12 adequate yearly progress, including, without limitation, the name of
13 each school district, if any, designated as demonstrating need for
14 improvement pursuant to NRS 385.377 and the number of
15 consecutive years that the school district has carried that
16 designation.

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

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

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

26 (i) Information on the results of pupils who participated in the
27 examinations of the National Assessment of Educational Progress
28 required pursuant to NRS 389.012.

29 (j) The ratio of pupils to teachers in kindergarten and at each
30 grade level for all elementary schools, reported for each school
31 district, including, without limitation, each charter school in the
32 district, and for this State as a whole, and the average class size for
33 each core academic subject, as set forth in NRS 389.018, for each
34 secondary school, reported for each school district and for this State
35 as a whole.

36 (k) The total number of persons employed by each school
37 district in this State, including without limitation, each charter
38 school in the district. Each such person must be reported as either an
39 administrator, a teacher or other staff and must not be reported in
40 more than one category. In addition to the total number of persons
41 employed by each school district in each category, the report must
42 include the number of employees in each of the three categories
43 expressed as a percentage of the total number of persons employed
44 by the school district. As used in this paragraph:



1 (1) "Administrator" means a person who spends at least 50
2 percent of his or her work year supervising other staff or licensed
3 personnel, or both, and who is not classified by the board of trustees
4 of a school district as a professional-technical employee.

5 (2) "Other staff" means all persons who are not reported as
6 administrators or teachers, including, without limitation:

7 (I) School counselors, school nurses and other employees
8 who spend at least 50 percent of their work year providing
9 emotional support, noninstructional guidance or medical support to
10 pupils;

11 (II) Noninstructional support staff, including, without
12 limitation, janitors, school police officers and maintenance staff; and

13 (III) Persons classified by the board of trustees of a school
14 district as professional-technical employees, including, without
15 limitation, technical employees and employees on the professional-
16 technical pay scale.

17 (3) "Teacher" means a person licensed pursuant to chapter
18 391 of NRS who is classified by the board of trustees of a school
19 district:

20 (I) As a teacher and who spends at least 50 percent of his
21 or her work year providing instruction or discipline to pupils; or

22 (II) As instructional support staff, who does not hold a
23 supervisory position and who spends not more than 50 percent of
24 his or her work year providing instruction to pupils. Such
25 instructional support staff includes, without limitation, librarians
26 and persons who provide instructional support.

27 (I) For each school district, including, without limitation, each
28 charter school in the district, and for this State as a whole,
29 information on the professional qualifications of teachers employed
30 by the school districts and charter schools, including, without
31 limitation:

32 (1) The percentage of teachers who are:

33 (I) Providing instruction pursuant to NRS 391.125;

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

37 (III) Otherwise providing instruction without an
38 endorsement for the subject area in which the teachers are
39 employed;

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

43 (3) The percentage of classes in the core academic subjects,
44 as set forth in NRS 389.018, in this State that are not taught by
45 highly qualified teachers, in the aggregate and disaggregated by



1 high-poverty compared to low-poverty schools, which for the
2 purposes of this subparagraph means schools in the top quartile of
3 poverty and the bottom quartile of poverty in this State;

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

6 (I) The number of persons employed as substitute
7 teachers for 20 consecutive days or more in the same classroom or
8 assignment, designated as long-term substitute teachers, including
9 the total number of days long-term substitute teachers were
10 employed at each school, identified by grade level and subject area;
11 and

12 (II) The number of persons employed as substitute
13 teachers for less than 20 consecutive days, designated as short-term
14 substitute teachers, including the total number of days short-term
15 substitute teachers were employed at each school, identified by
16 grade level and subject area; and

17 (5) For each elementary school:

18 (I) The number of persons employed as substitute
19 teachers for 20 consecutive days or more in the same classroom or
20 assignment, designated as long-term substitute teachers, including
21 the total number of days long-term substitute teachers were
22 employed at each school, identified by grade level; and

23 (II) The number of persons employed as substitute
24 teachers for less than 20 consecutive days, designated as short-term
25 substitute teachers, including the total number of days short-term
26 substitute teachers were employed at each school, identified by
27 grade level.

28 (m) The total expenditure per pupil for each school district in
29 this State, including, without limitation, each charter school in the
30 district. If this State has a financial analysis program that is designed
31 to track educational expenditures and revenues to individual
32 schools, the State Board shall use that statewide program in
33 complying with this paragraph. If a statewide program is not
34 available, the State Board shall use the Department's own financial
35 analysis program in complying with this paragraph.

36 (n) The total statewide expenditure per pupil. If this State has a
37 financial analysis program that is designed to track educational
38 expenditures and revenues to individual schools, the State Board
39 shall use that statewide program in complying with this paragraph.
40 If a statewide program is not available, the State Board shall use the
41 Department's own financial analysis program in complying with
42 this paragraph.

43 (o) For all elementary schools, junior high schools and middle
44 schools, the rate of attendance, reported for each school district,



- 1 including, without limitation, each charter school in the district, and
2 for this State as a whole.
- 3 (p) The annual rate of pupils who drop out of school in grade 8
4 and a separate reporting of the annual rate of pupils who drop out of
5 school in grades 9 to 12, inclusive, reported for each school district,
6 including, without limitation, each charter school in the district, and
7 for this State as a whole. The reporting for pupils in grades 9 to 12,
8 inclusive, excludes pupils who:
- 9 (1) Provide proof to the school district of successful
10 completion of the examinations of general educational development.
- 11 (2) Are enrolled in courses that are approved by the
12 Department as meeting the requirements for an adult standard
13 diploma.
- 14 (3) Withdraw from school to attend another school.
- 15 (q) The attendance of teachers who provide instruction, reported
16 for each school district, including, without limitation, each charter
17 school in the district, and for this State as a whole.
- 18 (r) Incidents involving weapons or violence, reported for each
19 school district, including, without limitation, each charter school in
20 the district, and for this State as a whole.
- 21 (s) Incidents involving the use or possession of alcoholic
22 beverages or controlled substances, reported for each school district,
23 including, without limitation, each charter school in the district, and
24 for this State as a whole.
- 25 (t) The suspension and expulsion of pupils required or
26 authorized pursuant to NRS 392.466 and 392.467, reported for each
27 school district, including, without limitation, each charter school in
28 the district, and for this State as a whole.
- 29 (u) The number of pupils who are deemed habitual disciplinary
30 problems pursuant to NRS 392.4655, reported for each school
31 district, including, without limitation, each charter school in the
32 district, and for this State as a whole.
- 33 (v) The number of pupils in each grade who are retained in the
34 same grade pursuant to NRS **386.583**, 392.033 or 392.125, *or*
35 *section 7 of this act*, reported for each school district, including,
36 without limitation, each charter school in the district, and for this
37 State as a whole.
- 38 (w) The transiency rate of pupils, reported for each school
39 district, including, without limitation, each charter school in the
40 district, and for this State as a whole. For the purposes of this
41 paragraph, a pupil is not a transient if the pupil is transferred to a
42 different school within the school district as a result of a change in
43 the zone of attendance by the board of trustees of the school district
44 pursuant to NRS 388.040.



1 (x) Each source of funding for this State to be used for the
2 system of public education.

3 (y) A compilation of the programs of remedial study purchased
4 in whole or in part with money received from this State that are used
5 in each school district, including, without limitation, each charter
6 school in the district. The compilation must include:

7 (1) The amount and sources of money received for programs
8 of remedial study.

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

11 (z) The percentage of pupils who graduated from a high school
12 or charter school in the immediately preceding year and enrolled in
13 remedial courses in reading, writing or mathematics at a university,
14 state college or community college within the Nevada System of
15 Higher Education, reported for each school district, including,
16 without limitation, each charter school in the district, and for this
17 State as a whole.

18 (aa) The technological facilities and equipment available for
19 educational purposes, reported for each school district, including,
20 without limitation, each charter school in the district, and for this
21 State as a whole.

22 (bb) For each school district, including, without limitation, each
23 charter school in the district, and for this State as a whole, the
24 number and percentage of pupils who received:

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

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

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

29 (2) An adult diploma.

30 (3) An adjusted diploma.

31 (4) A certificate of attendance.

32 (cc) For each school district, including, without limitation, each
33 charter school in the district, and for this State as a whole, the
34 number and percentage of pupils who failed to pass the high school
35 proficiency examination.

36 (dd) The number of habitual truants who are reported to a school
37 police officer or local law enforcement agency pursuant to
38 paragraph (a) of subsection 2 of NRS 392.144 and the number of
39 habitual truants who are referred to an advisory board to review
40 school attendance pursuant to paragraph (b) of subsection 2 of NRS
41 392.144, reported for each school district, including, without
42 limitation, each charter school in the district, and for this State as a
43 whole.



1 (ee) Information on the paraprofessionals employed at public
2 schools in this State, including, without limitation, the charter
3 schools in this State. The information must include:

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

7 (2) For each school district, including, without limitation,
8 each charter school in the district, and for this State as a whole, the
9 number and percentage of all paraprofessionals who do not satisfy
10 the qualifications set forth in 20 U.S.C. § 6319(c). The reporting
11 requirements of this subparagraph apply to paraprofessionals who
12 are employed in programs supported with Title I money and to
13 paraprofessionals who are not employed in programs supported with
14 Title I money.

15 (ff) An identification of appropriations made by the Legislature
16 to improve the academic achievement of pupils and programs
17 approved by the Legislature to improve the academic achievement
18 of pupils.

19 (gg) A compilation of the special programs available for pupils
20 at individual schools, listed by school and by school district,
21 including, without limitation, each charter school in the district.

22 (hh) For each school district, including, without limitation, each
23 charter school in the district and for this State as a whole,
24 information on pupils enrolled in career and technical education,
25 including, without limitation:

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

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

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

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

35 (5) The number and percentage of pupils who completed a
36 program of career and technical education and who received a
37 standard high school diploma, an adjusted diploma or a certificate of
38 attendance; and

39 (6) The number and percentage of pupils who completed a
40 program of career and technical education and who did not receive a
41 high school diploma because the pupils failed to pass the high
42 school proficiency examination.

43 (ii) The number of incidents resulting in suspension or expulsion
44 for bullying, cyber-bullying, harassment or intimidation, reported



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

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

10 3. The annual report of accountability must:

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

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

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

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

18 (a) Provide for public dissemination of the annual report of
19 accountability by posting a copy of the report on the Internet
20 website maintained by the Department; and

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

24 (1) Governor;

25 (2) Committee;

26 (3) Bureau;

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

28 (5) Board of trustees of each school district; and

29 (6) Governing body of each charter school.

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

34 6. As used in this section:

35 (a) "Bullying" has the meaning ascribed to it in NRS 388.122.

36 (b) "Cyber-bullying" has the meaning ascribed to it in
37 NRS 388.123.

38 (c) "Harassment" has the meaning ascribed to it in
39 NRS 388.125.

40 (d) "Highly qualified" has the meaning ascribed to it in 20
41 U.S.C. § 7801(23).

42 (e) "Intimidation" has the meaning ascribed to it in
43 NRS 388.129.

44 (f) "Paraprofessional" has the meaning ascribed to it in
45 NRS 391.008.



1 **Sec. 2.** NRS 385.347 is hereby amended to read as follows:

2 385.347 1. The board of trustees of each school district in
3 this State, in cooperation with associations recognized by the State
4 Board as representing licensed educational personnel in the district,
5 shall adopt a program providing for the accountability of the school
6 district to the residents of the district and to the State Board for the
7 quality of the schools and the educational achievement of the pupils
8 in the district, including, without limitation, pupils enrolled in
9 charter schools sponsored by the school district. The board of
10 trustees of each school district shall report the information required
11 by subsection 2 for each charter school sponsored by the school
12 district. The information for charter schools must be reported
13 separately.

14 2. The board of trustees of each school district shall, on or
15 before September 30 of each year, prepare an annual report of
16 accountability concerning:

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

18 (b) Pupil achievement for each school in the district and the
19 district as a whole, including, without limitation, each charter school
20 sponsored by the district. The board of trustees of the district shall
21 base its report on the results of the examinations administered
22 pursuant to NRS 389.015 and 389.550 and shall compare the results
23 of those examinations for the current school year with those of
24 previous school years. The report must include, for each school in
25 the district, including, without limitation, each charter school
26 sponsored by the district, and each grade in which the examinations
27 were administered:

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

29 (2) A record of attendance for the period in which the
30 examinations were administered, including an explanation of any
31 difference in the number of pupils who took the examinations and
32 the number of pupils who are enrolled in the school.

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

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

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

40 (III) Pupils with disabilities;

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

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



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

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

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

9 (7) The most recent 3-year trend in pupil achievement in
10 each subject area tested and each grade level tested pursuant to NRS
11 389.015 and 389.550, which may include information regarding the
12 trend in the achievement of pupils for more than 3 years, if such
13 information is available.

14 (8) Information that compares the results of pupils in the
15 school district, including, without limitation, pupils enrolled in
16 charter schools sponsored by the district, with the results of pupils
17 throughout this State. The information required by this subparagraph
18 must be provided in consultation with the Department to ensure the
19 accuracy of the comparison.

20 (9) For each school in the district, including, without
21 limitation, each charter school sponsored by the district, information
22 that compares the results of pupils in the school with the results of
23 pupils throughout the school district and throughout this State. The
24 information required by this subparagraph must be provided in
25 consultation with the Department to ensure the accuracy of the
26 comparison.

27 (10) Information on whether each school in the district,
28 including, without limitation, each charter school sponsored by the
29 district, has made progress based upon the model adopted by the
30 Department pursuant to NRS 385.3595.

31 ➤ A separate reporting for a group of pupils must not be made
32 pursuant to this paragraph if the number of pupils in that group is
33 insufficient to yield statistically reliable information or the results
34 would reveal personally identifiable information about an individual
35 pupil. The State Board shall prescribe the mechanism for
36 determining the minimum number of pupils that must be in a group
37 for that group to yield statistically reliable information.

38 (c) The ratio of pupils to teachers in kindergarten and at each
39 grade level for each elementary school in the district and the district
40 as a whole, including, without limitation, each charter school
41 sponsored by the district, and the average class size for each core
42 academic subject, as set forth in NRS 389.018, for each secondary
43 school in the district and the district as a whole, including, without
44 limitation, each charter school sponsored by the district.



1 (d) The total number of persons employed for each elementary
2 school, middle school or junior high school, and high school in the
3 district, including, without limitation, each charter school sponsored
4 by the district. Each such person must be reported as either an
5 administrator, a teacher or other staff and must not be reported in
6 more than one category. In addition to the total number of persons
7 employed by each school in each category, the report must include
8 the number of employees in each of the three categories for each
9 school expressed as a percentage of the total number of persons
10 employed by the school. As used in this paragraph:

11 (1) "Administrator" means a person who spends at least
12 50 percent of his or her work year supervising other staff or licensed
13 personnel, or both, and who is not classified by the board of trustees
14 of the school district as a professional-technical employee.

15 (2) "Other staff" means all persons who are not reported as
16 administrators or teachers, including, without limitation:

17 (I) School counselors, school nurses and other employees
18 who spend at least 50 percent of their work year providing
19 emotional support, noninstructional guidance or medical support to
20 pupils;

21 (II) Noninstructional support staff, including, without
22 limitation, janitors, school police officers and maintenance staff; and

23 (III) Persons classified by the board of trustees of the
24 school district as professional-technical employees, including,
25 without limitation, technical employees and employees on the
26 professional-technical pay scale.

27 (3) "Teacher" means a person licensed pursuant to chapter
28 391 of NRS who is classified by the board of trustees of the school
29 district:

30 (I) As a teacher and who spends at least 50 percent of his
31 or her work year providing instruction or discipline to pupils; or

32 (II) As instructional support staff, who does not hold a
33 supervisory position and who spends not more than 50 percent of
34 his or her work year providing instruction to pupils. Such
35 instructional support staff includes, without limitation, librarians
36 and persons who provide instructional support.

37 (e) The total number of persons employed by the school district,
38 including without limitation, each charter school sponsored by the
39 district. Each such person must be reported as either an
40 administrator, a teacher or other staff and must not be reported in
41 more than one category. In addition to the total number of persons
42 employed by the school district in each category, the report must
43 include the number of employees in each of the three categories
44 expressed as a percentage of the total number of persons employed
45 by the school district. As used in this paragraph, "administrator,"



1 “other staff” and “teacher” have the meanings ascribed to them in
2 paragraph (d).

3 (f) Information on the professional qualifications of teachers
4 employed by each school in the district and the district as a whole,
5 including, without limitation, each charter school sponsored by the
6 district. The information must include, without limitation:

7 (1) The percentage of teachers who are:

8 (I) Providing instruction pursuant to NRS 391.125;

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

12 (III) Otherwise providing instruction without an
13 endorsement for the subject area in which the teachers are
14 employed;

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

18 (3) The percentage of classes in the core academic subjects,
19 as set forth in NRS 389.018, that are not taught by highly qualified
20 teachers, in the aggregate and disaggregated by high-poverty
21 compared to low-poverty schools, which for the purposes of this
22 subparagraph means schools in the top quartile of poverty and the
23 bottom quartile of poverty in this State;

24 (4) For each middle school, junior high school and high
25 school:

26 (I) The number of persons employed as substitute
27 teachers for 20 consecutive days or more in the same classroom or
28 assignment, designated as long-term substitute teachers, including
29 the total number of days long-term substitute teachers were
30 employed at each school, identified by grade level and subject area;
31 and

32 (II) The number of persons employed as substitute
33 teachers for less than 20 consecutive days, designated as short-term
34 substitute teachers, including the total number of days short-term
35 substitute teachers were employed at each school, identified by
36 grade level and subject area; and

37 (5) For each elementary school:

38 (I) The number of persons employed as substitute
39 teachers for 20 consecutive days or more in the same classroom or
40 assignment, designated as long-term substitute teachers, including
41 the total number of days long-term substitute teachers were
42 employed at each school, identified by grade level; and

43 (II) The number of persons employed as substitute
44 teachers for less than 20 consecutive days, designated as short-term
45 substitute teachers, including the total number of days short-term



1 substitute teachers were employed at each school, identified by
2 grade level.

3 (g) The total expenditure per pupil for each school in the district
4 and the district as a whole, including, without limitation, each
5 charter school sponsored by the district. If this State has a financial
6 analysis program that is designed to track educational expenditures
7 and revenues to individual schools, each school district shall use that
8 statewide program in complying with this paragraph. If a statewide
9 program is not available, each school district shall use its own
10 financial analysis program in complying with this paragraph.

11 (h) The curriculum used by the school district, including:

12 (1) Any special programs for pupils at an individual school;
13 and

14 (2) The curriculum used by each charter school sponsored by
15 the district.

16 (i) Records of the attendance and truancy of pupils in all grades,
17 including, without limitation:

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

21 (2) For each elementary school, middle school and junior
22 high school in the district, including, without limitation, each charter
23 school sponsored by the district that provides instruction to pupils
24 enrolled in a grade level other than high school, information that
25 compares the attendance of the pupils enrolled in the school with the
26 attendance of pupils throughout the district and throughout this
27 State. The information required by this subparagraph must be
28 provided in consultation with the Department to ensure the accuracy
29 of the comparison.

30 (j) The annual rate of pupils who drop out of school in grade 8
31 and a separate reporting of the annual rate of pupils who drop out of
32 school in grades 9 to 12, inclusive, for each such grade, for each
33 school in the district and for the district as a whole. The reporting
34 for pupils in grades 9 to 12, inclusive, excludes pupils who:

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

37 (2) Are enrolled in courses that are approved by the
38 Department as meeting the requirements for an adult standard
39 diploma.

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

41 (k) Records of attendance of teachers who provide instruction,
42 for each school in the district and the district as a whole, including,
43 without limitation, each charter school sponsored by the district.



1 (l) Efforts made by the school district and by each school in the
2 district, including, without limitation, each charter school sponsored
3 by the district, to increase:

4 (1) Communication with the parents of pupils enrolled in the
5 district;

6 (2) The participation of parents in the educational process
7 and activities relating to the school district and each school,
8 including, without limitation, the existence of parent organizations
9 and school advisory committees; and

10 (3) The involvement of parents and the engagement of
11 families of pupils enrolled in the district in the education of their
12 children.

13 (m) Records of incidents involving weapons or violence for
14 each school in the district, including, without limitation, each
15 charter school sponsored by the district.

16 (n) Records of incidents involving the use or possession of
17 alcoholic beverages or controlled substances for each school in the
18 district, including, without limitation, each charter school sponsored
19 by the district.

20 (o) Records of the suspension and expulsion of pupils required
21 or authorized pursuant to NRS 392.466 and 392.467.

22 (p) The number of pupils who are deemed habitual disciplinary
23 problems pursuant to NRS 392.4655, for each school in the district
24 and the district as a whole, including, without limitation, each
25 charter school sponsored by the district.

26 (q) The number of pupils in each grade who are retained in the
27 same grade pursuant to NRS **386.583**, 392.033 or 392.125, *or*
28 **section 7 of this act**, for each school in the district and the district as
29 a whole, including, without limitation, each charter school
30 sponsored by the district.

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

38 (s) Each source of funding for the school district.

39 (t) A compilation of the programs of remedial study that are
40 purchased in whole or in part with money received from this State,
41 for each school in the district and the district as a whole, including,
42 without limitation, each charter school sponsored by the district. The
43 compilation must include:

44 (1) The amount and sources of money received for programs
45 of remedial study for each school in the district and the district as a



1 whole, including, without limitation, each charter school sponsored
2 by the district.

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

5 (u) For each high school in the district, including, without
6 limitation, each charter school sponsored by the district, the
7 percentage of pupils who graduated from that high school or charter
8 school in the immediately preceding year and enrolled in remedial
9 courses in reading, writing or mathematics at a university, state
10 college or community college within the Nevada System of Higher
11 Education.

12 (v) The technological facilities and equipment available at each
13 school, including, without limitation, each charter school sponsored
14 by the district, and the district's plan to incorporate educational
15 technology at each school.

16 (w) For each school in the district and the district as a whole,
17 including, without limitation, each charter school sponsored by the
18 district, the number and percentage of pupils who received:

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

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

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

23 (2) An adult diploma.

24 (3) An adjusted diploma.

25 (4) A certificate of attendance.

26 (x) For each school in the district and the district as a whole,
27 including, without limitation, each charter school sponsored by the
28 district, the number and percentage of pupils who failed to pass the
29 high school proficiency examination.

30 (y) The number of habitual truants who are reported to a school
31 police officer or law enforcement agency pursuant to paragraph (a)
32 of subsection 2 of NRS 392.144 and the number of habitual truants
33 who are referred to an advisory board to review school attendance
34 pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each
35 school in the district and for the district as a whole.

36 (z) The amount and sources of money received for the training
37 and professional development of teachers and other educational
38 personnel for each school in the district and for the district as a
39 whole, including, without limitation, each charter school sponsored
40 by the district.

41 (aa) Whether the school district has made adequate yearly
42 progress. If the school district has been designated as demonstrating
43 need for improvement pursuant to NRS 385.377, the report must
44 include a statement indicating the number of consecutive years the
45 school district has carried that designation.



1 (bb) Information on whether each public school in the district,
2 including, without limitation, each charter school sponsored by the
3 district, has made adequate yearly progress, including, without
4 limitation:

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

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

12 (cc) Information on the paraprofessionals employed by each
13 public school in the district, including, without limitation, each
14 charter school sponsored by the district. The information must
15 include:

16 (1) The number of paraprofessionals employed at the school;
17 and

18 (2) The number and percentage of all paraprofessionals who
19 do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The
20 reporting requirements of this subparagraph apply to
21 paraprofessionals who are employed in positions supported with
22 Title I money and to paraprofessionals who are not employed in
23 positions supported with Title I money.

24 (dd) For each high school in the district, including, without
25 limitation, each charter school sponsored by the district that operates
26 as a high school, information that provides a comparison of the rate
27 of graduation of pupils enrolled in the high school with the rate of
28 graduation of pupils throughout the district and throughout this
29 State. The information required by this paragraph must be provided
30 in consultation with the Department to ensure the accuracy of the
31 comparison.

32 (ee) An identification of the appropriations made by the
33 Legislature that are available to the school district or the schools
34 within the district and programs approved by the Legislature to
35 improve the academic achievement of pupils.

36 (ff) For each school in the district and the district as a whole,
37 including, without limitation, each charter school sponsored by the
38 district, information on pupils enrolled in career and technical
39 education, including, without limitation:

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

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

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



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

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

8 (6) The number and percentage of pupils who completed a
9 program of career and technical education and who did not receive a
10 high school diploma because the pupils failed to pass the high
11 school proficiency examination.

12 (gg) The number of incidents resulting in suspension or
13 expulsion for bullying, cyber-bullying, harassment or intimidation,
14 for each school in the district and the district as a whole, including,
15 without limitation, each charter school sponsored by the district.

16 (hh) Such other information as is directed by the Superintendent
17 of Public Instruction.

18 3. The State Public Charter School Authority and each college
19 or university within the Nevada System of Higher Education that
20 sponsors a charter school shall, on or before September 30 of each
21 year, prepare an annual report of accountability of the charter
22 schools sponsored by the State Public Charter School Authority or
23 institution, as applicable, concerning the accountability information
24 prescribed by the Department pursuant to this section. The
25 Department, in consultation with the State Public Charter School
26 Authority and each college or university within the Nevada System
27 of Higher Education that sponsors a charter school, shall prescribe
28 by regulation the information that must be prepared by the State
29 Public Charter School Authority and institution, as applicable,
30 which must include, without limitation, the information contained in
31 paragraphs (a) to (hh), inclusive, of subsection 2, as applicable to
32 charter schools. The Department shall provide for public
33 dissemination of the annual report of accountability prepared
34 pursuant to this section in the manner set forth in 20 U.S.C. §
35 6311(h)(2)(E) by posting a copy of the report on the Internet website
36 maintained by the Department.

37 4. The records of attendance maintained by a school for
38 purposes of paragraph (k) of subsection 2 or maintained by a charter
39 school for purposes of the reporting required pursuant to subsection
40 3 must include the number of teachers who are in attendance at
41 school and the number of teachers who are absent from school. A
42 teacher shall be deemed in attendance if the teacher is excused from
43 being present in the classroom by the school in which the teacher is
44 employed for one of the following reasons:



1 (a) Acquisition of knowledge or skills relating to the
2 professional development of the teacher; or

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

5 5. The annual report of accountability prepared pursuant to
6 subsection 2 or 3, as applicable, must:

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

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

12 6. The Superintendent of Public Instruction shall:

13 (a) Prescribe forms for the reports required pursuant to
14 subsections 2 and 3 and provide the forms to the respective school
15 districts, the State Public Charter School Authority and each college
16 or university within the Nevada System of Higher Education that
17 sponsors a charter school.

18 (b) Provide statistical information and technical assistance to the
19 school districts, the State Public Charter School Authority and each
20 college or university within the Nevada System of Higher Education
21 that sponsors a charter school to ensure that the reports provide
22 comparable information with respect to each school in each district,
23 each charter school and among the districts and charter schools
24 throughout this State.

25 (c) Consult with a representative of the:

26 (1) Nevada State Education Association;

27 (2) Nevada Association of School Boards;

28 (3) Nevada Association of School Administrators;

29 (4) Nevada Parent Teacher Association;

30 (5) Budget Division of the Department of Administration;

31 (6) Legislative Counsel Bureau; and

32 (7) Charter School Association of Nevada,

33 ↪ concerning the program and consider any advice or
34 recommendations submitted by the representatives with respect to
35 the program.

36 7. The Superintendent of Public Instruction may consult with
37 representatives of parent groups other than the Nevada Parent
38 Teacher Association concerning the program and consider any
39 advice or recommendations submitted by the representatives with
40 respect to the program.

41 8. On or before September 30 of each year:

42 (a) The board of trustees of each school district shall submit to
43 each advisory board to review school attendance created in the
44 county pursuant to NRS 392.126 the information required in
45 paragraph (i) of subsection 2.



1 (b) The State Public Charter School Authority and each college
2 or university within the Nevada System of Higher Education that
3 sponsors a charter school shall submit to each advisory board to
4 review school attendance created in a county pursuant to NRS
5 392.126 the information regarding the records of the attendance and
6 truancy of pupils enrolled in the charter school located in that
7 county, if any, in accordance with the regulations prescribed by the
8 Department pursuant to subsection 3.

9 9. On or before September 30 of each year:

10 (a) The board of trustees of each school district, the State Public
11 Charter School Authority and each college or university within the
12 Nevada System of Higher Education that sponsors a charter school
13 shall provide written notice that the report required pursuant to
14 subsection 2 or 3, as applicable, is available on the Internet website
15 maintained by the school district, State Public Charter School
16 Authority or institution, if any, or otherwise provide written notice
17 of the availability of the report. The written notice must be provided
18 to the:

- 19 (1) Governor;
- 20 (2) State Board;
- 21 (3) Department;
- 22 (4) Committee; and
- 23 (5) Bureau.

24 (b) The board of trustees of each school district, the State Public
25 Charter School Authority and each college or university within the
26 Nevada System of Higher Education that sponsors a charter school
27 shall provide for public dissemination of the annual report of
28 accountability prepared pursuant to subsection 2 or 3, as applicable,
29 in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a
30 copy of the report on the Internet website maintained by the school
31 district, the State Public Charter School Authority or the institution,
32 if any. If a school district does not maintain a website, the district
33 shall otherwise provide for public dissemination of the annual report
34 by providing a copy of the report to the schools in the school
35 district, including, without limitation, each charter school sponsored
36 by the district, the residents of the district, and the parents and
37 guardians of pupils enrolled in schools in the district, including,
38 without limitation, each charter school sponsored by the district. If
39 the State Public Charter School Authority or the institution does not
40 maintain a website, the State Public Charter School Authority or the
41 institution, as applicable, shall otherwise provide for public
42 dissemination of the annual report by providing a copy of the report
43 to each charter school it sponsors and the parents and guardians of
44 pupils enrolled in each charter school it sponsors.



1 10. Upon the request of the Governor, an entity described in
2 paragraph (a) of subsection 9 or a member of the general public, the
3 board of trustees of a school district, the State Public Charter School
4 Authority or a college or university within the Nevada System of
5 Higher Education that sponsors a charter school, as applicable, shall
6 provide a portion or portions of the report required pursuant to
7 subsection 2 or 3, as applicable.

8 11. As used in this section:

9 (a) "Bullying" has the meaning ascribed to it in NRS 388.122.

10 (b) "Cyber-bullying" has the meaning ascribed to it in
11 NRS 388.123.

12 (c) "Harassment" has the meaning ascribed to it in
13 NRS 388.125.

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

16 (e) "Intimidation" has the meaning ascribed to it in
17 NRS 388.129.

18 (f) "Paraprofessional" has the meaning ascribed to it in
19 NRS 391.008.

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

21 386.583 **1.** The governing body of a charter school shall
22 adopt rules for the academic retention of pupils who are enrolled in
23 the charter school. The rules must ~~prescribe~~ :

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

27 (b) *Prohibit a pupil enrolled in grade 3 from being promoted to*
28 *grade 4 if the pupil does not achieve proficiency in reading, unless*
29 *the pupil is granted a good-cause exemption pursuant to section 7*
30 *of this act. The rules prescribed pursuant to this subsection must*
31 *be consistent with the provisions of sections 5 to 10, inclusive, of*
32 *this act.*

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

35 (a) *Prepare a report concerning the number and percentage of*
36 *pupils at the charter school who were retained in grade 3 pursuant*
37 *to this section, reported separately by gender and reported*
38 *separately for the following groups of pupils:*

39 (1) *Pupils who are economically disadvantaged, as defined*
40 *by the State Board; and*

41 (2) *Pupils from major racial and ethnic groups, as defined*
42 *by the State Board.*

43 ↪ *A separate reporting of a group of pupils must not be made*
44 *pursuant to this paragraph if the results would reveal personally*
45 *identifiable information about an individual pupil.*



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

2 (c) *Post the report on the Internet website maintained by the*
3 *charter school, if any, and otherwise make the report available to*
4 *the parents and legal guardians of pupils enrolled in the charter*
5 *school and the general public.*

6 **Sec. 4.** Chapter 392 of NRS is hereby amended by adding
7 thereto the provisions set forth as sections 5 to 11, inclusive, of this
8 act.

9 **Sec. 5. 1.** *If a pupil enrolled in kindergarten or grade 1, 2*
10 *or 3 does not achieve proficiency in reading, based upon state or*
11 *local assessments or upon the observations of the pupil's teacher,*
12 *the principal of the school shall provide written notice of that fact*
13 *to the parent or legal guardian of the pupil. The written notice*
14 *must include, without limitation:*

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

18 (b) *An explanation that if the pupil does not obtain a passing*
19 *score in the subject area of reading on the criterion-referenced*
20 *examination administered pursuant to NRS 389.550, the pupil will*
21 *not be promoted to grade 4 unless the pupil is granted a good-*
22 *cause exemption pursuant to section 7 of this act;*

23 (c) *An explanation of the factors that will determine whether*
24 *the pupil will be retained in grade 3, including, without limitation,*
25 *an explanation of the good-cause exemptions set forth in section 7*
26 *of this act;*

27 (d) *A description of the strategies which the parent or legal*
28 *guardian may use at home to help improve the pupil's proficiency*
29 *in reading;*

30 (e) *A description of the programs and services available in the*
31 *community to the pupil and the parent or legal guardian of the*
32 *pupil to help improve the pupil's proficiency in reading; and*

33 (f) *A description of the policy and specific criteria adopted by*
34 *the board of trustees of the school district pursuant to subsection 4*
35 *of section 8 of this act regarding the promotion of a pupil to grade*
36 *4 during the school year if the pupil is retained in grade 3*
37 *pursuant to section 7 of this act.*

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

40 (a) *Receive intensive instruction in reading; and*

41 (b) *Have his or her proficiency in reading assessed at the*
42 *beginning of the school year following any school year in which*
43 *the pupil receives intensive instruction in reading pursuant to*
44 *paragraph (a).*



1 **Sec. 6. 1.** *The board of trustees of each school district and*
2 *the governing body of each charter school shall develop a program*
3 *which is offered during the summer, or between sessions if the*
4 *school or charter school, as applicable, operates on a year-round*
5 *calendar, and which is designed to improve the proficiency in*
6 *reading of pupils who have completed grade 2 or 3 and have not*
7 *achieved proficiency in reading.*

8 2. *A pupil who has completed grade 2 or 3 and has not*
9 *achieved proficiency in reading shall enroll in the program*
10 *developed pursuant to subsection 1.*

11 3. *Upon completion of the program developed pursuant to*
12 *subsection 1, a pupil who was required to enroll in the program*
13 *because he or she completed grade 3 and had not achieved*
14 *proficiency in reading shall take the alternative examination*
15 *prescribed pursuant to section 10 of this act. If the pupil obtains a*
16 *passing score on the alternative examination, the pupil may be*
17 *granted a good-cause exemption pursuant to section 7 of this act*
18 *and be promoted to grade 4.*

19 **Sec. 7. 1.** *Except as otherwise provided in this section and*
20 *NRS 392.125, a pupil enrolled in grade 3 must not be promoted to*
21 *grade 4 if the pupil does not obtain a score in the subject area of*
22 *reading on the criterion-referenced examination administered*
23 *pursuant to NRS 389.550 that meets the passing score prescribed*
24 *by the Teachers and Leaders Council of Nevada pursuant to*
25 *section 10 of this act.*

26 2. *The superintendent of schools of a school district or the*
27 *governing body of a charter school, as applicable, may grant a*
28 *good-cause exemption to allow the promotion of a pupil to grade 4*
29 *who would otherwise be retained in grade 3 because the pupil did*
30 *not obtain a passing score on the criterion-referenced*
31 *examination. A pupil may be granted a good-cause exemption*
32 *pursuant to subsection 3 if the pupil:*

33 (a) *Obtains a passing score on the alternative examination*
34 *prescribed by the Teachers and Leaders Council of Nevada*
35 *pursuant to section 10 of this act;*

36 (b) *Demonstrates through a portfolio of work proficiency in*
37 *reading at grade level;*

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

41 (d) *Received intensive remediation in reading for 2 or more*
42 *years but still demonstrates a deficiency in reading and was*
43 *previously retained in kindergarten or grade 1, 2 or 3;*

44 (e) *Is a pupil with a disability and his or her individualized*
45 *education program indicates that the pupil's participation in the*



1 *criterion-referenced examination administered pursuant to NRS*
2 *389.550 is not appropriate; or*

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

4 *(1) He or she participates in the criterion-referenced*
5 *examination administered pursuant to NRS 389.550;*

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

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

13 *3. A good-cause exemption must be granted only in*
14 *accordance with the following procedures:*

15 *(a) The teacher of a pupil described in subsection 2 shall*
16 *submit a recommendation to the principal of the school as to*
17 *whether the pupil should be promoted to grade 4. The*
18 *recommendation must:*

19 *(1) Be in writing;*

20 *(2) Indicate whether promotion of the pupil to grade 4 is*
21 *appropriate; and*

22 *(3) Include documentation to support the teacher's*
23 *recommendation. The documentation must only consist of:*

24 *(I) The existing plan for monitoring the progress of the*
25 *pupil in achieving reading proficiency, if any.*

26 *(II) The pupil's individualized education program, if*
27 *applicable.*

28 *(III) The plan developed for the pupil in accordance*
29 *with section 504 of the Rehabilitation Act of 1973, 29 U.S.C.*
30 *§ 794, if applicable.*

31 *(IV) The pupil's report card.*

32 *(V) The pupil's portfolio of work.*

33 *(b) Upon receipt of the recommendation and documentation*
34 *pursuant to paragraph (a), the principal shall review the*
35 *documentation, discuss the recommendation with the pupil's*
36 *teacher and determine whether the pupil should be promoted to*
37 *grade 4.*

38 *(c) If the principal determines that the pupil should be*
39 *promoted to grade 4, the principal shall submit a written*
40 *recommendation of that determination to the superintendent of*
41 *schools of the school district or to the governing body of the*
42 *charter school, as applicable.*

43 *(d) The superintendent of schools or the governing body of the*
44 *charter school, as applicable, shall accept or deny the*
45 *recommendation of a principal submitted pursuant to paragraph*



1 (c) and provide written notice of the acceptance or denial of the
2 recommendation to the principal and the parent or legal guardian
3 of the pupil.

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

7 **Sec. 8. 1. If a pupil is retained in grade 3 pursuant to**
8 **section 7 of this act, the principal of the school shall:**

9 (a) Provide written notice to the parent or legal guardian of
10 the pupil that the pupil will be retained in grade 3 and the reasons
11 why the pupil was not granted a good-cause exemption. The
12 written notice must include, without limitation, a description of the
13 intensive instructional services in reading that will be provided to
14 the pupil pursuant to paragraph (d).

15 (b) Develop a plan to monitor the progress of the pupil in
16 achieving proficiency in reading and provide the parent or legal
17 guardian of the pupil with a report each week on the progress of
18 the pupil in achieving proficiency in reading.

19 (c) Develop a portfolio of the pupil's work, which must be
20 updated as necessary to reflect the progress made by the pupil in
21 achieving proficiency in reading.

22 (d) Ensure that the pupil is provided intensive instructional
23 services in reading which are designed to improve the pupil's
24 proficiency in reading and which must include, without limitation:

25 (1) Uninterrupted reading instruction that is based upon
26 scientifically based reading instruction research for at least 90
27 minutes each school day; and

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

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

32 (a) Review and evaluate the plan for monitoring the progress
33 of a pupil developed pursuant to subsection 1.

34 (b) Prescribe intensive instructional services in reading which
35 the principal of a school must implement for each pupil who is
36 retained in grade 3 pursuant to section 7 of this act, including,
37 without limitation:

38 (1) Instruction that is provided in a small group setting;

39 (2) Instruction provided in a class with a reduced pupil-
40 teacher ratio;

41 (3) A timeline for frequently monitoring the progress of the
42 pupil;

43 (4) Tutoring and mentoring of the pupil;

44 (5) Classes which are designed to increase the ability of the
45 pupil to transition from grade 3 to grade 4; or



1 (6) *Instruction that is provided to the pupil in an extended*
2 *school day, school week or school year.*

3 3. *The intensive instructional services that are prescribed*
4 *pursuant to paragraph (b) of subsection 2 must be provided by a*
5 *teacher whose overall performance has been determined to be*
6 *highly effective pursuant to the evaluation conducted pursuant to*
7 *NRS 391.3125.*

8 4. *The board of trustees of each school district shall develop a*
9 *policy by which the principal of a school may, except as otherwise*
10 *provided in subsection 5, promote a pupil who is retained in*
11 *grade 3 pursuant to section 7 of this act to grade 4 at any time*
12 *during the school year if the pupil demonstrates proficiency in*
13 *reading. The policy must include the specific criteria a pupil must*
14 *satisfy to be eligible for promotion, including, without limitation,*
15 *the requirements for demonstrating proficiency in reading at the*
16 *appropriate grade 4 level.*

17 5. *A principal shall not promote a pupil who is retained in*
18 *grade 3 during the school year after November 1, if the school*
19 *operates on a traditional school year, or after 60 days from the*
20 *start of the school year, if the school operates on a year round*
21 *calendar, unless the pupil demonstrates proficiency in reading at a*
22 *level prescribed by the State Board.*

23 6. *If a principal of a school determines that a pupil has not*
24 *achieved proficiency in reading after the pupil repeated grade 3:*

25 (a) *The pupil must be promoted to grade 4; and*

26 (b) *The school district in which the pupil is enrolled shall*
27 *provide the parent or legal guardian of the pupil with an option*
28 *for the pupil to be placed in a transitional instructional setting in*
29 *the next school year which is designed to:*

30 (1) *Produce learning gains sufficient for the pupil to meet*
31 *the performance standards required for grade 4; and*

32 (2) *Continue to provide the pupil with remediation in the*
33 *area of his or her reading deficiency.*

34 **Sec. 9.** *In addition to the intensive instructional services*
35 *provided to a pupil who is retained in grade 3 pursuant to*
36 *section 7 of this act, the principal of the school must offer the*
37 *parent or legal guardian of such pupil at least one of the following*
38 *instructional options:*

39 1. *Providing the parent or legal guardian with a plan for*
40 *reading with the pupil at home and participating in any workshops*
41 *that may be available in the school district to assist the parent or*
42 *guardian with reading with his or her child at home; or*

43 2. *Providing the pupil with a mentor or tutor who is qualified*
44 *to provide instruction in reading.*



1 **Sec. 10.** *The Teachers and Leaders Council of Nevada shall*
2 *prescribe by regulation:*

3 1. *The score which a pupil enrolled in grade 3 must obtain in*
4 *the subject area of reading on the criterion-referenced*
5 *examination administered pursuant to NRS 389.550 to be*
6 *promoted to grade 4;*

7 2. *An alternative examination for administration to pupils*
8 *enrolled in grade 3 who do not obtain the passing score prescribed*
9 *pursuant to paragraph (a) in the subject area of reading on the*
10 *criterion-referenced examination administered pursuant to NRS*
11 *389.550 and the passing score such a pupil must obtain on the*
12 *alternative examination to be promoted to grade 4; and*

13 3. *Requirements for administration of the alternative*
14 *examination, including, without limitation, when the board of*
15 *trustees of a school district or the governing body of a charter*
16 *school must administer the alternative examination.*

17 **Sec. 11.** *On or before September 1 of each year, the board of*
18 *trustees of each school district shall:*

19 1. *Prepare a report concerning the number and percentage of*
20 *pupils at each public school within the school district who were*
21 *retained in grade 3 pursuant to section 7 of this act, reported*
22 *separately by gender and reported separately for the following*
23 *groups of pupils:*

24 (a) *Pupils who are economically disadvantaged, as defined by*
25 *the State Board; and*

26 (b) *Pupils from major racial and ethnic groups, as defined by*
27 *the State Board.*

28 ↪ *A separate reporting of a group of pupils must not be made*
29 *pursuant to this subsection if the results would reveal personally*
30 *identifiable information about an individual pupil.*

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

32 3. *Post the report on the Internet website maintained by the*
33 *school district, if any, and otherwise make the report available to*
34 *the parents and legal guardians of pupils enrolled in the school*
35 *district and the general public.*

36 **Sec. 12.** NRS 392.125 is hereby amended to read as follows:

37 392.125 1. Except as otherwise provided in subsection 4,
38 before any pupil enrolled in a public school may be retained in the
39 same grade rather than promoted to the next higher grade for the
40 succeeding school year, the pupil's teacher and principal must make
41 a reasonable effort to arrange a meeting and to meet with the pupil's
42 parents or guardian to discuss the reasons and circumstances.

43 2. ~~{The}~~ *Except as otherwise provided in sections 5 to 10,*
44 *inclusive, of this act, the teacher and the principal in joint*



1 agreement have the final authority to retain a pupil in the same
2 grade for the succeeding school year.

3 3. Except as otherwise provided in subsection 2 of NRS
4 392.033 for the promotion of a pupil to high school, no pupil may
5 be retained more than one time in the same grade.

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

9 **Sec. 13.** This act becomes effective on July 1, 2014.

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