
ASSEMBLY BILL NO. 289—ASSEMBLYMEN THOMPSON, PETERS,
SPIEGEL, CARRILLO; FUMO, GORELOW, MCCURDY, TORRES
AND WATTS

MARCH 18, 2019

JOINT SPONSORS: SENATORS DENIS; DONDERO LOOP,
D. HARRIS AND WOODHOUSE

Referred to Committee on Education

SUMMARY—Revises provisions relating to the subject area of reading. (BDR 34-93)

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; revising provisions relating to the retention of certain pupils enrolled in grade 3; revising provisions relating to plans to improve the literacy of pupils; revising provisions relating to teachers who teach in a public elementary school; revising provisions relating to reports concerning pupil performance in the subject area of reading; revising provisions relating to notices concerning pupils who exhibit a deficiency in the subject area of reading; requiring certain interventions and services for pupils who exhibit a deficiency in the subject area of reading and the parent or legal guardian of such a pupil; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law to become effective on July 1, 2019, provides that, unless a pupil
2 receives a good-cause exemption, a pupil enrolled in grade 3 must be retained in
3 grade 3 rather than promoted to grade 4 if the pupil does not obtain the
4 score prescribed by the State Board of Education on the criterion-referenced
5 examination in reading. (NRS 388A.487, 392.760) **Section 7** of this bill: (1)
6 removes this requirement and instead provides that a pupil must be retained in
7 grade 3 if the pupil does not obtain the score prescribed by the State Board on the



8 criterion-referenced examination in reading and his or her parent or legal guardian
9 provides informed written consent, in consultation with the teacher of the pupil and
10 the principal of the school; and (2) includes additional good-cause exemptions.

11 Existing law requires the board of trustees of each school district or the
12 governing body of a charter school to prepare a plan to improve the literacy of
13 pupils enrolled in kindergarten and grades 1, 2 and 3. (NRS 388.157) **Section 1** of
14 this bill instead requires this plan to address pupils enrolled in all grades of an
15 elementary school.

16 Existing law requires that a plan to improve the literacy of pupils include a
17 program to provide intensive instruction to pupils who have been identified as
18 deficient in the subject area of reading to ensure that those pupils achieve adequate
19 proficiency in that subject area. (NRS 388.157) **Section 1** provides that in order to
20 achieve adequate proficiency in reading, a pupil must perform at a level considered
21 by the school district or charter school to be within the average range for a pupil
22 enrolled in the same grade in which the pupil is enrolled.

23 Under existing law, the principal of a public elementary school, including,
24 without limitation, a charter school, is required to designate a licensed teacher
25 employed by the school who has demonstrated leadership abilities to serve as a
26 learning strategist to train and assist teachers in providing intensive instruction to
27 pupils who have been identified as deficient in the subject area of reading. (NRS
28 388.159) **Section 2** of this bill instead requires the principal to designate a licensed
29 teacher to serve as a literacy specialist and prescribes the qualifications and duties
30 of the literacy specialist. Existing law authorizes a school district or charter school
31 to provide additional compensation to: (1) a licensed teacher designated as a
32 learning strategist or to a teacher who teaches kindergarten; or (2) a licensed
33 teacher who teaches grade 1, 2, 3 or 4 whose overall performance is determined to
34 be highly effective. (NRS 388.159) **Section 2** expands the list of licensed teachers
35 who are eligible for additional compensation, to include any teacher who teaches in
36 an elementary school whose overall performance is determined to be highly
37 effective.

38 Existing law, which becomes effective on July 1, 2019, requires the board of
39 trustees of each school district and the governing body of a charter school to
40 prepare a report concerning the number and percentage of pupils who are retained
41 in grade 3 for deficiency in reading. (NRS 388A.487, 392.775) **Sections 3 and 10**
42 of this bill additionally require the board of trustees of each school district and the
43 governing body of a charter school to include in a report certain information
44 concerning pupils who received educational programs or services in the subject
45 area of reading.

46 **Section 6** of this bill requires that the plan to assess the proficiency of a pupil
47 who is deficient in the subject area of reading be established by a licensed teacher.
48 **Section 6** also removes the requirement that a school assess the proficiency of a
49 pupil who is receiving services to correct a deficiency in the subject area of reading
50 at the beginning of the school year and instead requires the school frequently to
51 assess the progress of the pupil in any areas of deficiency in the subject area of
52 reading.

53 Existing law requires the principal of a school to offer the parent or legal
54 guardian of a pupil who is retained in grade 3 certain additional instructional
55 options. (NRS 392.770) **Section 9** of this bill additionally requires the principal of a
56 school to offer these options to the parent or legal guardian of a pupil who exhibits
57 a deficiency in the subject area of reading.

58 Existing law requires the Department of Education to distribute money that is
59 appropriated to the Other State Education Programs Account through a competitive
60 grants program. (Section 15 of chapter 334, Statutes of Nevada 2015, p. 1867)
61 **Section 11** of this bill revises the program to: (1) distribute the money through a
62 noncompetitive grants program; and (2) authorize schools that receive a grant of



63 money to use the money for literacy programs, additional staff or both, to support
64 school-based efforts to ensure that all pupils are proficient in reading by the end of
65 elementary school.

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

1 **Section 1.** NRS 388.157 is hereby amended to read as follows:

2 388.157 1. The board of trustees of each school district and
3 the governing body of each charter school shall prepare a plan to
4 improve the literacy of pupils enrolled in ~~kindergarten and grades~~
5 ~~1, 2 and 3.~~ *an elementary school.* Such a plan must include,
6 without limitation:

7 (a) A program to provide intensive instruction to pupils who
8 have been identified as deficient in the subject area of reading to
9 ensure that those pupils achieve adequate proficiency in ~~that subject~~
10 ~~area.~~ *the requisite reading skills and reading comprehension*
11 *skills necessary to perform at a level considered by the school*
12 *district or charter school to be within the average range for a pupil*
13 *enrolled in the same grade in which the pupil is enrolled.* Such a
14 program must include, without limitation, regularly scheduled
15 reading sessions in small groups and specific instruction ~~on~~
16 *designed to target any area of reading in which the pupil*
17 *demonstrates a deficiency, including, without limitation,*
18 *phonological and phonemic awareness, decoding skills ,* ~~and~~
19 *reading fluency* ~~;~~ *and vocabulary and reading comprehension*
20 *strategies;*

21 (b) Procedures for assessing a pupil's proficiency in the subject
22 area of reading using valid and reliable *curriculum-based*
23 assessments that have been approved by the State Board by
24 regulation:

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

28 (2) During ~~grades 1, 2 and 3;~~ *each grade level in*
29 *elementary school;*

30 (c) A program to improve the proficiency in reading of pupils
31 who are English learners; and

32 (d) Procedures for facilitating collaboration between ~~Learning~~
33 ~~strategists~~ *licensed teachers designated as literacy specialists* and
34 classroom teachers.

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



1 (a) Submit its plan to the Department for approval on or before
2 the date prescribed by the Department on a form prescribed by the
3 Department; and

4 (b) Make such revisions to the plan as the Department
5 determines are necessary.

6 **Sec. 2.** NRS 388.159 is hereby amended to read as follows:

7 388.159 1. The principal of a public elementary school,
8 including, without limitation, a charter school, shall designate a
9 licensed teacher employed by the school who has demonstrated
10 ~~leadership abilities~~ *the ability to improve the literacy of pupils* to
11 serve as a ~~learning strategist~~ *literacy specialist* to ~~train~~ *provide*
12 *professional development to* and assist teachers at the school to
13 *implement a system of support which includes various methods to*
14 provide intensive ~~instruction to~~ *intervention for* pupils who have
15 been identified as deficient in the subject area of reading.

16 2. A school district or charter school may provide additional
17 compensation to:

18 (a) A licensed teacher designated as a ~~learning strategist~~
19 *literacy specialist* pursuant to this section; or

20 (b) A *licensed* teacher who is employed by a school district or
21 charter school ~~to teach kindergarten or grade 1, 2, 3 or 4~~ *in an*
22 *elementary school* whose overall performance is determined to be
23 highly effective under the statewide performance evaluation system
24 established by the State Board pursuant to NRS 391.465.

25 3. Each *licensed* teacher employed by a school district or
26 charter school to teach ~~kindergarten or grade 1, 2, 3 or 4~~ *in an*
27 *elementary school* shall complete professional development
28 provided by a ~~learning strategist designated~~ *licensed teacher*
29 *designated as a literacy specialist* pursuant to subsection 1 in the
30 subject area of reading.

31 4. The State Board shall prescribe by regulation:

32 (a) Any training or professional development that a ~~learning~~
33 ~~strategist~~ *licensed teacher designated as a literacy specialist* is
34 required to successfully complete;

35 (b) Any professional development that a teacher employed by a
36 school district or charter school to teach ~~kindergarten or grade 1, 2,~~
37 ~~3 or 4~~ *in an elementary school* is required to receive from a
38 ~~learning strategist~~ *licensed teacher designated as a literacy*
39 *specialist* in the subject area of reading; and

40 (c) The duties and responsibilities of a ~~learning strategist~~
41 *licensed teacher designated as a literacy specialist*.

42 **Sec. 3.** Chapter 388A of NRS is hereby amended by adding
43 thereto a new section to read as follows:

44 *On or before September 1 of each year, the governing body of a*
45 *charter school that operates as an elementary school shall:*



1 *1. Prepare a report concerning the number and percentage of*
2 *pupils at each grade level at the charter school who received*
3 *educational programs and services identified pursuant to*
4 *subsection 1 of NRS 392.750 and whose proficiency in the subject*
5 *area of reading:*

6 *(a) Did not improve at a rate prescribed by the governing body*
7 *of the charter school, indicating a need for more intensive or*
8 *different interventions;*

9 *(b) Improved at a rate prescribed by the governing body of the*
10 *charter school, indicating progress toward performing at a level*
11 *considered by the charter school to be within the average range*
12 *for pupils enrolled in the same grade level in which the pupils are*
13 *enrolled; and*

14 *(c) Is considered by the charter school to be within the average*
15 *range for pupils in the same grade level in which the pupils are*
16 *enrolled.*

17 *2. Submit a copy of the report to the Department, the*
18 *Legislature and the sponsor of the charter school.*

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

23 **Sec. 4.** NRS 388A.487 is hereby amended to read as follows:

24 388A.487 1. The governing body of a charter school shall
25 adopt rules for the academic retention of pupils who are enrolled in
26 the charter school that are consistent with NRS 392.750, 392.760
27 and 392.765. The rules must:

28 (a) Prescribe the conditions under which a pupil may be retained
29 in the same grade rather than promoted to the next higher grade for
30 the immediately succeeding school year.

31 (b) Require a pupil enrolled in grade 3 to be retained in the same
32 grade rather than promoted to grade 4 when required pursuant to
33 NRS 392.760.

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

36 (a) Prepare a report concerning the number and percentage of
37 pupils at the charter school who were:

38 (1) Retained in grade 3 pursuant to NRS 392.760 for a
39 deficiency in the subject area of reading, including whether or not
40 any such pupils were previously retained in kindergarten or grade 1
41 or 2; and

42 (2) Not retained in grade 3 because a good cause exemption
43 was approved pursuant to NRS 392.760 but who were previously
44 retained in kindergarten or grade 1 or 2 for a total of 2 years;



1 (b) Submit a copy of the report to the Department ~~§~~, *the*
2 *Legislature and the sponsor of the charter school*; and

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

7 **Sec. 5.** NRS 392.750 is hereby amended to read as follows:

8 392.750 If a pupil enrolled at a public elementary school ~~§~~
9 ~~kindergarten or grade 1, 2 or 3~~ exhibits a deficiency in the subject
10 area of reading based upon state or local assessments and the
11 observations of the pupil's teacher, the principal of the school must
12 provide written notice of the deficiency to the parent or legal
13 guardian of the pupil within 30 days after the date on which the
14 deficiency is discovered. The written notice must, without
15 limitation:

16 1. Identify the educational programs and services that the pupil
17 will receive to improve the pupil's proficiency in the subject area of
18 reading, including, without limitation, the programs and services
19 included in the plan to improve the literacy of pupils enrolled in
20 ~~§~~ ~~kindergarten and grades 1, 2 and 3~~ *elementary school* that has
21 been approved by the Department pursuant to NRS 388.157;

22 2. Explain that if the pupil does not achieve adequate
23 proficiency in the subject area of reading before the completion of
24 grade 3, the pupil will be retained in grade 3 rather than promoted to
25 grade 4, unless the pupil receives a good-cause exemption pursuant
26 to NRS 392.760;

27 3. Describe, explain and, if appropriate, demonstrate the
28 strategies which the parent or legal guardian may use at home to
29 help improve the proficiency of the pupil in the subject area of
30 reading;

31 4. Explain that the criterion-referenced examination in the
32 subject area of reading administered pursuant to NRS 390.105 is not
33 the only factor used to determine whether the pupil will be retained
34 in grade 3 and that other options are available for the pupil to
35 demonstrate proficiency if the pupil is eligible for a good-cause
36 exemption pursuant to NRS 392.760;

37 5. Describe the policy and specific criteria adopted by the
38 board of trustees of the school district or governing body of a
39 charter school, as applicable, pursuant to NRS 392.765 regarding
40 the promotion of a pupil to grade 4 at any time during the school
41 year if the pupil is retained in grade 3 pursuant to NRS 392.760;

42 6. Include information regarding the English literacy
43 development of a pupil who is an English learner; and

44 7. Describe, explain and, if appropriate, demonstrate the
45 strategies which the parent or legal guardian may use at home to



1 help improve the English literacy of a pupil who is an English
2 learner.

3 **Sec. 6.** NRS 392.755 is hereby amended to read as follows:

4 392.755 1. A public elementary school that has notified the
5 parent or legal guardian of a pupil that, based upon the results of
6 state or local assessments, it has been determined that the pupil has a
7 deficiency in the subject area of reading pursuant to NRS 392.750
8 shall, within 30 days after providing such notice, establish a plan to
9 monitor the progress of the pupil in the subject area of reading.

10 2. A plan to monitor the progress of a pupil in the subject area
11 of reading must be established by ~~{the}~~ *a licensed* teacher ~~{of the~~
12 ~~pupil}~~ and any other relevant *licensed* school personnel and
13 approved by the principal of the school and the parent or legal
14 guardian of the pupil. The plan must include a description of any
15 intervention services that will be provided to the pupil to correct the
16 *area of* deficiency and must include that the pupil will receive
17 intensive instruction in reading ~~{to ensure}~~ *until* the pupil achieves
18 adequate proficiency in *the requisite* reading ~~{}~~ *skills and reading*
19 *comprehension skills necessary to perform at a level considered by*
20 *the school to be within the average range for a pupil enrolled in*
21 *the same grade in which the pupil is enrolled.* Such instruction
22 must include, without limitation, the programs and services included
23 in the plan to improve the literacy of pupils enrolled in ~~{kindergarten~~
24 ~~and grades 1, 2 and 3}~~ *elementary school* approved by the
25 Department pursuant to NRS 388.157.

26 3. A school that establishes a plan to monitor the progress of a
27 pupil in the subject area of reading shall *frequently* assess the
28 ~~{proficiency}~~ *progress* of the pupil in ~~{the subject}~~ *any* area of
29 *deficiency in the subject area of* reading ~~{at the beginning of the~~
30 ~~next school year after the plan is established pursuant to this~~
31 ~~section.}~~ *to ensure that the programs and services provided to the*
32 *pupil pursuant to subsection 1 of NRS 392.750 continue to*
33 *increase the proficiency of the pupil in the subject area of reading*
34 *until the pupil performs at a level considered by the school to be*
35 *within the average range for a pupil enrolled in the same grade in*
36 *which the pupil is enrolled.*

37 **Sec. 7.** NRS 392.760 is hereby amended to read as follows:

38 392.760 1. Except as otherwise provided in this section, a
39 pupil enrolled in grade 3 must be retained in grade 3 rather than
40 promoted to grade 4 if the ~~{pupil}~~:

41 (a) *Pupil* does not obtain a score in the subject area of reading
42 on the criterion-referenced examination administered pursuant to
43 NRS 390.105 that meets the passing score prescribed by the State
44 Board pursuant to subsection 7 ~~{}~~; and



1 *(b) Parent or legal guardian of the pupil provides informed*
2 *written consent, in consultation with the teacher of the pupil and*
3 *principal of the school, that the pupil must be retained.*

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

11 3. A good-cause exemption must be approved for a pupil who
12 previously was retained in *kindergarten or grade 1, 2 or 3*. Any
13 other pupil is eligible for a good-cause exemption if the pupil:

14 (a) Demonstrates an acceptable level of proficiency in reading
15 on an alternative standardized reading assessment approved by the
16 State Board;

17 (b) Demonstrates ~~[,] progress in reading~~ through a *growth*
18 portfolio of the pupil's work, ~~[proficiency]~~ *which demonstrates*
19 *improvement at a rate indicating the pupil is making progress* in
20 *the subject of* reading ~~[at grade level, as evidenced by~~
21 ~~demonstration of mastery of the academic standards in reading~~
22 ~~beyond the retention level;]~~ *towards performing at a level*
23 *considered to be within the average range for a pupil enrolled in*
24 *the same grade in which the pupil is enrolled;*

25 (c) Is an English learner and has received less than 2 years of
26 instruction in a program of instruction that teaches English as a
27 second language;

28 (d) Received intensive remediation in the subject area of reading
29 for 2 or more years but still demonstrates a deficiency in reading *at*
30 *his or her level of instruction* and was previously retained in
31 kindergarten or grade 1 or 2 for a total of 2 years;

32 (e) Is a pupil with a disability and his or her individualized
33 education program indicates that the pupil's participation in the
34 criterion-referenced examinations administered pursuant to NRS
35 390.105 is not appropriate; ~~[or]~~

36 (f) *Received instruction pursuant to paragraph (b) of*
37 *subsection 2 of NRS 392.765; or*

38 (g) Is a pupil with a disability and:

39 (1) He or she participates in the criterion-referenced
40 examinations administered pursuant to NRS 390.105;

41 (2) His or her individualized education program or plan
42 developed in accordance with section 504 of the Rehabilitation Act
43 of 1973, 29 U.S.C. § 794, documents that the pupil ~~[has received~~
44 ~~intensive remediation in reading for more than 2 years, but he or she~~



1 ~~still~~ demonstrates a deficiency in reading ~~[]~~ *which requires*
2 *intensive remediation;* and

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

5 4. The principal of a school in which a pupil who may be
6 retained in grade 3 pursuant to subsection 1 is enrolled shall
7 consider the factors set forth in subsection 3 and determine whether
8 the pupil is eligible for a good-cause exemption. In making the
9 determination, the principal must consider documentation provided
10 by the pupil's teacher indicating whether the promotion of the pupil
11 is appropriate based upon the record of the pupil. Such
12 documentation must ~~[only]~~ consist of the existing plan for
13 monitoring the progress of the pupil, the pupil's individualized
14 education program, if applicable, *data collected relating to the*
15 *progress of the pupil* and the pupil's plan in accordance with section
16 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, if
17 applicable. If the principal determines that promotion of the pupil to
18 grade 4 is appropriate, the principal must submit a written
19 recommendation to the superintendent of schools of the school
20 district or to the governing body of the charter school, as applicable
21 ~~[]~~, *or to a designee*. The superintendent of schools or the governing
22 body of the charter school, as applicable, *or the designee* shall
23 approve or deny the recommendation of the principal and provide
24 written notice of the approval or denial to the principal.

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

30 6. The principal of a school in which a pupil for whom a good-
31 cause exemption is approved and who is promoted to grade 4 must
32 ensure that the pupil continues to receive intensive instruction in the
33 subject area of reading. Such instruction must include, without
34 limitation, strategies based upon evidence-based research that will
35 improve proficiency in the subject area of reading.

36 7. The State Board shall prescribe by regulation:

37 (a) The score which a pupil enrolled in grade 3 must obtain in
38 the subject area of reading on the criterion-referenced examination
39 administered pursuant to NRS 390.105 to be promoted to grade 4
40 without a good-cause exemption; and

41 (b) An alternate examination for administration to pupils
42 enrolled in grade 3 who do not obtain the passing score in the
43 subject area of reading on the criterion-referenced examination
44 administered pursuant to NRS 390.105 and the passing score such a



1 pupil must obtain on the alternate examination to be promoted to
2 grade 4 without a good-cause exemption.

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

5 **Sec. 8.** NRS 392.765 is hereby amended to read as follows:

6 392.765 1. If a pupil will be retained in grade 3 pursuant to
7 NRS 392.760, the principal of the school must:

8 (a) Provide written notice to the parent or legal guardian of the
9 pupil *confirming* that the pupil will be retained in grade 3. The
10 written notice must include, without limitation, a description of the
11 intensive instructional services in the subject area of reading that the
12 pupil will receive to improve the proficiency of the pupil in that
13 subject area.

14 (b) Develop a plan to monitor the progress of the pupil in the
15 subject area of reading.

16 (c) Require the teacher of the pupil to develop a portfolio of the
17 pupil’s work in the subject area of reading, which must be updated
18 as necessary to reflect progress made by the pupil.

19 (d) Ensure that the pupil receives intensive instructional services
20 in the subject area of reading that are designed to improve the
21 pupil’s proficiency in the subject area of reading, including, without
22 limitation:

23 (1) Programs and services included in the plan to improve
24 the literacy of pupils enrolled in ~~kindergarten and grades 1, 2 and 3~~
25 *elementary school* approved by the Department pursuant to
26 NRS 388.157;

27 (2) Instruction for at least 90 minutes each school day based
28 upon evidence-based research concerning reading instruction; and

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

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

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

36 (b) Prescribe the intensive instructional services in the subject
37 area of reading which the principal of a school must implement as
38 determined appropriate for a pupil who is retained in grade 3
39 pursuant to NRS 392.760, which may include, without limitation:

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

41 (2) Instruction provided in classes with reduced pupil-teacher
42 ratios;

43 (3) A timeline for frequently monitoring the progress of the
44 pupil;

45 (4) Tutoring and mentoring;



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

3 (6) Instruction provided through an extended school day,
4 school week or school year;

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

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

9 3. Except as otherwise provided in subsection 4, the intensive
10 instructional services in the subject area of reading required by this
11 section must be provided to the pupil by a teacher:

12 (a) Who is different than the teacher who provided instructional
13 services to the pupil during the immediately preceding school year;
14 and

15 (b) Who has been determined to be highly effective, as
16 demonstrated by pupil performance data and performance
17 evaluations.

18 4. The intensive instructional services in the subject area of
19 reading required by this section may be provided to the pupil by the
20 same teacher who provided instructional services to the pupil during
21 the immediately preceding school year if a different teacher who
22 meets the requirements of paragraph (b) of subsection 3 is not
23 reasonably available and the pupil:

24 (a) Has an individualized education program; or

25 (b) Is enrolled in a school district in a county whose population
26 is less than 100,000.

27 5. The board of trustees of each school district and the
28 governing body of a charter school, as applicable, shall develop a
29 policy by which the principal of a school may promote a pupil who
30 is retained in grade 3 pursuant to NRS 392.760 to grade 4 at any
31 time during the school year if the pupil demonstrates adequate
32 proficiency in the subject area of reading. The policy must include
33 the specific criteria a pupil must satisfy to be eligible for promotion,
34 including, without limitation, a reasonable expectation that the
35 pupil's progress will allow him or her to sufficiently master the
36 requirements for a fourth-grade reading level. If a pupil is promoted
37 after November 1 of a school year, he or she must demonstrate
38 proficiency in reading at a level prescribed by the State Board.

39 6. If a principal of a school determines that a pupil is not
40 academically ready for promotion to grade 4 after being retained in
41 grade 3 and the pupil received intensive instructional services
42 pursuant to this section, the school district in which the pupil is
43 enrolled must allow the parent or legal guardian of the pupil to
44 decide, in consultation with the principal of the school, whether to
45 place the pupil in a transitional instructional setting which is



1 designed to produce learning gains sufficient for the pupil to meet
2 the performance standards required for grade 4 while continuing to
3 receive remediation in the subject area of reading.

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

6 **Sec. 9.** NRS 392.770 is hereby amended to read as follows:

7 392.770 In addition to the intensive instructional services
8 provided to a pupil who *demonstrates a deficiency in the subject*
9 *area of reading identified pursuant to subsection 1 of NRS*
10 *392.750 or a pupil who* is retained in grade 3 pursuant to NRS
11 392.760, the principal of the school must offer the parent or legal
12 guardian of the pupil at least one of the following instructional
13 options:

14 1. Supplemental tutoring which is based upon evidence-based
15 research concerning reading instruction;

16 2. Providing the parent or legal guardian with a plan for
17 reading with the pupil at home and participating in any workshops
18 that may be available in the school district to assist the parent or
19 legal guardian with reading with his or her child at home, as set
20 forth in an agreement with the parent or legal guardian; or

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

23 **Sec. 10.** NRS 392.775 is hereby amended to read as follows:

24 392.775 On or before September 1 of each year, the board of
25 trustees of each school district shall:

26 1. Prepare a report concerning the number and percentage of
27 pupils at each public *elementary* school within the school district
28 who : ~~[were:]~~

29 (a) ~~[Retained]~~ *Were retained* in grade 3 pursuant to NRS
30 392.760 for a deficiency in the subject area of reading, including
31 whether or not any such pupils were previously retained in
32 kindergarten or grade 1 or 2; and

33 (b) ~~[Not retained in grade 3 because a good cause exemption~~
34 ~~was approved pursuant to NRS 392.760 but who were previously~~
35 ~~retained in kindergarten or grade 1 or 2 for a total of 2 years.]~~
36 *Received educational programs or services identified pursuant to*
37 *subsection 1 of NRS 392.750 at each grade level and whose*
38 *proficiency in the subject area of reading:*

39 (1) *Did not improve at a rate prescribed by the board of*
40 *trustees of the school district, indicating a need for more intensive*
41 *or different interventions;*

42 (2) *Improved at a rate prescribed by the board of trustees of*
43 *the school district, indicating progress toward performing at a*
44 *level considered by the school district to be within the average*



1 *range for pupils enrolled in the same grade in which the pupils are*
2 *enrolled; and*

3 (3) *Is considered by the school district to be within the*
4 *average range for pupils enrolled in the same grade in which the*
5 *pupils are enrolled.*

6 2. Submit a copy of the report to the Department ~~{}~~, *the*
7 *Legislature and sponsor of the charter school.*

8 3. Post the report on the Internet website maintained by the
9 school district and otherwise make the report available to the parents
10 and legal guardians of pupils enrolled in the school district and the
11 general public.

12 **Sec. 11.** Section 15 of chapter 334, Statutes of Nevada 2015,
13 at page 1867, is hereby amended to read as follows:

14 Sec. 15. 1. The Department of Education shall
15 distribute the money that is appropriated to the Other State
16 Education Programs Account in the State General Fund to
17 carry out the purposes of sections 1 to 14, inclusive, of this
18 act through a ~~{competitive}~~ *noncompetitive* grants program.
19 Grants must be awarded by the Department based on ~~{the~~
20 ~~demonstrated needs of}~~ *improving the literacy of pupils*
21 *enrolled in elementary schools in* the school districts and
22 charter schools and will be awarded to school districts and to
23 charter schools that have been approved by the State Public
24 Charter School Authority. Grants must be used for literacy
25 programs for pupils enrolled in ~~{kindergarten and grades 1, 2~~
26 ~~and 3}~~ *elementary school* established pursuant to ~~{section 5~~
27 ~~of this act}~~ *NRS 388.157* and to support other school-based
28 efforts to ensure that all pupils are ~~{proficient in the subject~~
29 ~~area of reading by the end of the third grade.}~~ *performing at a*
30 *level considered by the school district or charter school to be*
31 *within the average range for pupils enrolled in each grade*
32 *level.* Such school-based efforts may include, without
33 limitation:

34 (a) Hiring ~~{or training learning strategists;}~~ *literacy*
35 *specialists;*

36 (b) *Training literacy specialists;*

37 (c) Entering into contracts with vendors for the purchase
38 of *evidence-based* reading assessments, textbooks, computer
39 software or other materials;

40 ~~{(e)}~~ (d) Providing professional development for school
41 personnel;

42 ~~{(d)}~~ (e) Providing *evidence-based* programs to pupils
43 before and after school and during intercessions or summer
44 school; and



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

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

7 (a) Set measurable performance objectives based on
8 aggregated pupil achievement data; and

9 (b) Prepare and submit to the Department of Education,
10 on or before July 1, ~~[2016,]~~ 2020, a report that includes,
11 without limitation:

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

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

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

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

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

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

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

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

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

33 (f) An evaluation of the effectiveness of the program or
34 service, including, without limitation, data regarding the
35 academic and linguistic achievement and proficiency of
36 pupils who participated in such a program or received such
37 services; and

38 (g) Any recommendations for legislation, including,
39 without limitation, legislation to continue or expand programs
40 or services that are identified as effective in improving the
41 reading proficiency of pupils in kindergarten through grade
42 ~~[3.]~~ 5.

43 5. On or before August 31, ~~[2016,]~~ 2020, the
44 Department of Education shall submit a preliminary report
45 prepared pursuant to subsection 4 to the State Board of



1 Education and the Legislative Committee on Education. On
2 or before November 15, ~~2016,~~ 2020, the Department shall
3 submit the final report prepared pursuant to subsection 4 and
4 any recommendations made by the State Board or the
5 Legislative Committee on Education to the Governor and to
6 the Director of the Legislative Counsel Bureau for transmittal
7 to the ~~79th~~ 80th Session of the Nevada Legislature.

8 6. Any money awarded to a school district or charter
9 school from the money appropriated to the Other State
10 Education Programs Account in the State General Fund
11 pursuant to subsection 1:

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

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

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

21 **Sec. 12.** The provisions of subsection 1 of NRS 218D.380 do
22 not apply to any provision of this act which adds or revises a
23 requirement to submit a report to the Legislature.

24 **Sec. 13.** 1. This section becomes effective upon passage and
25 approval.

26 2. Sections 1, 2, 3, 6, 8, 9, 11 and 12 of this act become
27 effective:

28 (a) Upon passage and approval for the purpose of adopting any
29 regulations and performing any other preparatory administrative
30 tasks necessary to carry out the provisions of this act; and

31 (b) On July 1, 2019, for all other purposes.

32 3. Sections 4, 5, 7 and 10 of this act become effective on
33 July 1, 2021.



