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SECOND REPRINT

A.B. 289

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 to require the provision of certain services and instruction; 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 for 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 score
4 prescribed by the State Board of Education on the criterion-referenced examination
5 in reading. (NRS 388A.487, 392.760) **Section 7** of this bill removes this
6 requirement and instead provides that a pupil must be provided intervention



7 services and intensive instruction if the pupil does not obtain the score prescribed
8 by the State Board on the criterion-referenced examination in reading. **Sections 4, 5**
9 **and 8** of this bill make conforming changes. **Section 5** also revises requirements
10 concerning the notice that must be provided to the parent or legal guardian of a
11 pupil who exhibits a deficiency in the subject area of reading.

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

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

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

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 4 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 regularly assess
51 the growth of the pupil in any areas of deficiency in the subject area of reading.

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

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



62 that receive a grant of money to use the money for literacy programs, additional
63 staff or both, to support school-based efforts to ensure that all pupils are proficient
64 in reading by the end of elementary school. **Section 11** also prohibits schools that
65 receive a grant of money from using the money to supplant other budgets of the
66 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 *intervention services and* intensive
8 instruction to pupils who have been identified as deficient in the
9 subject area of reading to ensure that those pupils achieve adequate
10 proficiency in ~~that subject area.~~ *the requisite reading skills and*
11 *reading comprehension skills necessary to perform at a level*
12 *determined by a statewide assessment to be within a level*
13 *determined by the State Board for a pupil enrolled in the same*
14 *grade in which the pupil is enrolled.* Such a program must include,
15 without limitation, regularly scheduled reading sessions in small
16 groups and specific instruction ~~on~~ *designed to target any area of*
17 *reading in which the pupil demonstrates a deficiency, including,*
18 *without limitation,* phonological and phonemic awareness, decoding
19 skills, ~~and~~ *reading fluency* ~~;~~ *and vocabulary and reading*
20 *comprehension 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}~~ to serve as a ~~{learning strategist}~~ *literacy*
11 *specialist.* ~~{to train}~~ *The licensed teacher so designated must:*

12 (a) *Demonstrate the ability to improve the literacy of pupils;*

13 (b) *Demonstrate competency in effective instruction in literacy*
14 *and the administration of assessments;*

15 (c) *Demonstrate an understanding of building relationships*
16 *with teachers and other adults;*

17 (d) *Collaborate with the principal of the public elementary*
18 *school to develop a schedule of professional development* and
19 *assist in providing such professional development; and*

20 (e) *Assist* teachers at the school ~~{to}~~ *by implementing a system*
21 *of support which includes various methods to provide intervention*
22 *services and* intensive instruction ~~{to}~~ *for* pupils who have been
23 identified as deficient in the subject area of reading.

24 2. A school district or charter school may provide additional
25 compensation to:

26 (a) A licensed teacher designated as a ~~{learning strategist}~~
27 *literacy specialist* pursuant to this section; or

28 (b) A *licensed* teacher who is employed by a school district or
29 charter school ~~{to teach kindergarten or grade 1, 2, 3 or 4}~~ *in an*
30 *elementary school* ~~{whose overall performance is determined to be~~
31 ~~highly effective under the statewide performance evaluation system~~
32 ~~established by the State Board pursuant to NRS 391.465.}~~ *and*
33 *provides instruction in reading.*

34 3. Each *licensed* teacher employed by a school district or
35 charter school to teach ~~{kindergarten or grade 1, 2, 3 or 4}~~ *in an*
36 *elementary school and is responsible for providing instruction in*
37 *reading* shall complete professional development ~~{provided}~~
38 *developed* by a ~~{learning strategist-designated}~~ *licensed teacher*
39 *designated as a literacy specialist* pursuant to subsection 1 in the
40 subject area of reading.

41 4. The State Board shall prescribe by regulation:

42 (a) Any training or professional development that a ~~{learning~~
43 ~~strategist}~~ *licensed teacher designated as a literacy specialist* is
44 required to successfully complete;



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

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

Sec. 3. (Deleted by amendment.)

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

388A.487 1. The governing body of a charter school shall adopt rules for ~~[the academic retention of]~~ *the provision of intervention services and intensive instruction* to pupils who are enrolled in the charter school that are consistent with NRS 392.750, 392.760 and 392.765. The rules must:

(a) Prescribe the ~~[conditions under]~~ *programs and instruction* which *will be provided to* a pupil. ~~[may be retained in the same grade rather than promoted to the next higher grade for the immediately succeeding school year.]~~

(b) Require a pupil enrolled in grade 3 to be ~~[retained in the same grade rather than promoted to grade 4 when required]~~ *provided intervention services and intensive instruction while the pupil is enrolled in an elementary school* pursuant to NRS 392.760.

2. On or before ~~[September 1]~~ *October 15* of each year, the governing body of each charter school shall:

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

(1) ~~[Retained]~~ *Designated* in grade 3 *to be provided intervention services and intensive instruction while enrolled in an elementary school of a charter school* pursuant to NRS 392.760 for a deficiency in the subject area of reading, including whether or not any such pupils were previously ~~[retained in kindergarten or grade 1 or 2;]~~ *provided intervention services and intensive instruction while enrolled in an elementary school of a charter school;* and

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

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

(II) Improved at a rate prescribed by the governing body of a charter school, indicating growth toward performing at a level determined by a statewide assessment to be within the level



1 *established by the State Board for pupils enrolled in the same*
2 *grade in which the pupils are enrolled; and*

3 (b) Submit a copy of the report to the Department ~~{ }~~, *the*
4 *Legislature and the sponsor of the charter school; and*

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

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

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

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

24 2. Explain that if the pupil does not achieve adequate
25 proficiency in the subject area of reading before the completion of
26 grade 3, the pupil will be ~~{ retained in grade 3 rather than promoted~~
27 ~~{ to grade 4, unless the pupil receives a good cause exemption~~
28 ~~{ pursuant to NRS 392.760; }~~ *provided intervention services and*
29 *intensive instruction while the pupil is enrolled in an elementary*
30 *school;*

31 3. Describe, explain and, if appropriate, demonstrate the
32 strategies which the parent or legal guardian may use at home to
33 help improve the proficiency of the pupil in the subject area of
34 reading;

35 4. Explain that the criterion-referenced examination in *only* the
36 subject area of reading administered pursuant to NRS 390.105 is not
37 the only factor used to determine whether the pupil will be ~~{ retained~~
38 ~~{ in grade 3 and that other options are available for the pupil to~~
39 ~~{ demonstrate proficiency if the pupil is eligible for a good cause~~
40 ~~{ exemption pursuant to NRS 392.760; }~~ *provided intervention*
41 *services and intensive instruction while the pupil is enrolled in an*
42 *elementary school;*

43 5. Describe the policy and specific criteria adopted by the
44 board of trustees of the school district or governing body of a
45 charter school, as applicable, pursuant to NRS 392.765 regarding



1 the ~~[promotion]~~ *provision* of *intervention services and intensive*
2 *instruction* to a pupil ~~[to grade 4 at any time during the school year~~
3 ~~if the pupil is retained in grade 3 pursuant to NRS 392.760;]~~
4 *enrolled in an elementary school;*

5 6. Include information regarding the English literacy
6 development of a pupil who is an English learner; ~~[and]~~

7 7. Describe, explain and, if appropriate, demonstrate the
8 strategies which the parent or legal guardian may use at home to
9 help improve the English literacy of a pupil who is an English
10 learner ~~[;]~~;

11 8. *To the extent practicable, be provided in a language that*
12 *the parent or legal guardian can understand;*

13 9. *Explain that a plan to monitor the growth of the pupil in*
14 *the subject area of reading will regularly assess the pupil and the*
15 *elementary school will provide notice to the parent or legal*
16 *guardian the status of the growth of the pupil; and*

17 10. *Explain that services and the programs provided to the*
18 *pupil will be adjusted to improve the deficiency in the subject area*
19 *of reading.*

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

21 392.755 1. A public elementary school that has notified the
22 parent or legal guardian of a pupil that, based upon the results of
23 state or local assessments, it has been determined that the pupil has a
24 deficiency in the subject area of reading pursuant to NRS 392.750
25 shall, within 30 days after providing such notice, establish a plan to
26 monitor the ~~[progress]~~ *growth* of the pupil in the subject area of
27 reading.

28 2. A plan to monitor the ~~[progress]~~ *growth* of a pupil in the
29 subject area of reading must be established by ~~[the]~~ *a licensed*
30 teacher ~~[of the pupil]~~ and any other relevant *licensed* school
31 personnel and approved by the principal of the school and the parent
32 or legal guardian of the pupil. The plan must include a description of
33 any intervention services *and intensive instruction* that will be
34 provided to the pupil to correct the *area of* deficiency and must
35 include that the pupil will receive intensive instruction in reading ~~[to~~
36 ~~ensure]~~ *until* the pupil achieves adequate proficiency in *the*
37 *requisite* reading ~~[;]~~ *skills and reading comprehension skills*
38 *necessary to perform at a level determined by a statewide*
39 *assessment to be within a level established by the State Board of*
40 *Education for a pupil enrolled in the same grade in which the*
41 *pupil is enrolled.* Such instruction must include, without limitation,
42 the programs and services included in the plan to improve the
43 literacy of pupils enrolled in ~~[kindergarten and grades 1, 2 and 3]~~
44 *elementary school* approved by the Department pursuant to
45 NRS 388.157.



1 3. A school that establishes a plan to monitor the ~~[progress]~~
2 *growth* of a pupil in the subject area of reading shall *regularly*
3 assess the ~~[proficiency]~~ *growth* of the pupil in ~~[the subject]~~ *any* area
4 of *deficiency in the subject area of* reading ~~[at the beginning of the~~
5 ~~next school year after the plan is established pursuant to this~~
6 ~~section.] to ensure that the programs and services provided to the~~
7 *pupil pursuant to subsection 1 of NRS 392.750 continue to*
8 *increase the proficiency of the pupil in the subject area of reading*
9 *until the pupil performs at a level determined by a statewide*
10 *assessment to be within a level established by the State Board for a*
11 *pupil enrolled in the same grade in which the pupil is enrolled.*

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

13 392.760 1. Except as otherwise provided in this section, a
14 pupil enrolled in grade 3 must ~~[be retained in grade 3 rather than~~
15 ~~promoted to grade 4 if the pupil]~~ *be provided intervention services*
16 *and intensive instruction if the pupil* does not obtain a score in *only*
17 the subject area of reading on the criterion-referenced examination
18 administered pursuant to NRS 390.105 that meets the passing score
19 prescribed by the State Board. ~~[pursuant to subsection 7.]~~

20 2. ~~[The superintendent of schools of a school district or the~~
21 ~~governing body of a charter school, as applicable, may authorize the~~
22 ~~promotion of a pupil to grade 4 who would otherwise be retained in~~
23 ~~grade 3 only if the superintendent or governing body, as applicable,~~
24 ~~approves a good cause exemption for the pupil upon a determination~~
25 ~~by the principal of the school pursuant to subsection 4 that the pupil~~
26 ~~is eligible for such an exemption.]~~

27 ~~—3.— A good cause exemption must be approved for a pupil who~~
28 ~~previously was retained in grade 3. Any other pupil is eligible for a~~
29 ~~good cause exemption if the pupil:~~

30 ~~—(a) Demonstrates an acceptable level of proficiency in reading~~
31 ~~on an alternative standardized reading assessment approved by the~~
32 ~~State Board;~~

33 ~~—(b) Demonstrates, through a portfolio of the pupil's work,~~
34 ~~proficiency in reading at grade level, as evidenced by demonstration~~
35 ~~of mastery of the academic standards in reading beyond the~~
36 ~~retention level;~~

37 ~~—(c) Is an English learner and has received less than 2 years of~~
38 ~~instruction in a program of instruction that teaches English as a~~
39 ~~second language;~~

40 ~~—(d) Received intensive remediation in the subject area of reading~~
41 ~~for 2 or more years but still demonstrates a deficiency in reading~~
42 ~~and was previously retained in kindergarten or grade 1 or 2 for a~~
43 ~~total of 2 years;~~

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 examinations administered pursuant to NRS
2 390.105 is not appropriate; or~~

~~3 —(f) Is a pupil with a disability and:~~

~~4 —(1) He or she participates in the criterion-referenced
5 examinations administered pursuant to NRS 390.105;~~

~~6 —(2) His or her individualized education program or plan
7 developed in accordance with section 504 of the Rehabilitation Act
8 of 1973, 29 U.S.C. § 794, documents that the pupil has received
9 intensive remediation in reading for more than 2 years, but he or she
10 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 —4. The principal of a school in which a pupil who may be
14 retained in grade 3 pursuant to subsection 1 is enrolled shall
15 consider the factors set forth in subsection 3 and determine whether
16 the pupil is eligible for a good cause exemption. In making the
17 determination, the principal must consider documentation provided
18 by the pupil's teacher indicating whether the promotion of the pupil
19 is appropriate based upon the record of the pupil. Such
20 documentation must only consist of the existing plan for monitoring
21 the progress of the pupil, the pupil's individualized education
22 program, if applicable, and the pupil's plan in accordance with
23 section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, if
24 applicable. If the principal determines that promotion of the pupil to
25 grade 4 is appropriate, the principal must submit a written
26 recommendation to the superintendent of schools of the school
27 district or to the governing body of the charter school, as applicable.
28 The superintendent of schools or the governing body of the charter
29 school, as applicable, shall approve or deny the recommendation of
30 the principal and provide written notice of the approval or denial to
31 the principal.~~

~~32 —5. A principal who determines that a pupil is eligible for a
33 good cause exemption shall notify the parent or legal guardian of
34 the pupil whether the superintendent of schools of the school district
35 or the governing body of the charter school, as applicable, approves
36 the good cause exemption.~~

~~37 —6.] The principal of a school [in which a pupil for whom a
38 good cause exemption is approved and who is promoted to grade 4
39 must] , *in consultation with the literacy specialist designated
40 pursuant to NRS 388.159 and any teacher or other person with
41 knowledge and expertise related to providing intervention services
42 and intensive instruction to the pupil:*~~

~~43 (a) Shall ensure that the pupil continues to **[receive]** *be provided*
44 *intervention services and* intensive instruction in the subject area of
45 reading **[.]** *while the pupil is enrolled in an elementary school.*~~



1 Such instruction must include, without limitation, strategies based
2 upon evidence-based research that will improve proficiency in the
3 subject area of reading.

4 ~~[7.—The State Board shall prescribe by regulation:~~

5 ~~—(a) The score which a pupil enrolled in grade 3 must obtain in~~
6 ~~the subject area of reading on the criterion referenced examination~~
7 ~~administered pursuant to NRS 390.105 to be promoted to grade 4~~
8 ~~without a good cause exemption; and~~

9 ~~—(b) An alternate examination for administration to pupils~~
10 ~~enrolled in grade 3 who do not obtain the passing score in the~~
11 ~~subject area of reading on the criterion referenced examination~~
12 ~~administered pursuant to NRS 390.105 and the passing score such a~~
13 ~~pupil must obtain on the alternate examination to be promoted to~~
14 ~~grade 4 without a good cause exemption.~~

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

17 *(b) May retain the pupil in grade 3 rather than promote the*
18 *pupil to grade 4 when authorized pursuant to NRS 392.125.*

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

20 392.765 1. If a pupil will be ~~[retained in grade 3]~~ *provided*
21 *intervention services and intensive instruction* pursuant to NRS
22 392.760, the principal of the school must:

23 (a) Provide written notice to the parent or legal guardian of the
24 pupil *confirming* that the pupil will be ~~[retained in grade 3.]~~
25 *provided intervention services and intensive instruction while the*
26 *pupil is enrolled in an elementary school.* The written notice must
27 include, without limitation, a description of the *intervention*
28 *services and intensive* ~~[instructional services]~~ *instruction* in the
29 subject area of reading that the pupil will ~~[receive]~~ *be provided* to
30 improve the proficiency of the pupil in that subject area.

31 (b) Develop a plan to monitor the ~~[progress]~~ *growth* of the pupil
32 in the subject area of reading.

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

36 (d) Ensure that the pupil receives *intervention services and*
37 *intensive* ~~[instructional services]~~ *instruction* in the subject area of
38 reading that are designed to improve the pupil’s proficiency in the
39 subject area of reading, including, without limitation:

40 (1) Programs and services included in the plan to improve
41 the literacy of pupils enrolled in ~~[kindergarten and grades 1, 2 and 3]~~
42 *elementary school* approved by the Department pursuant to
43 NRS 388.157;

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



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

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

6 (a) Review and evaluate the plans for monitoring the ~~[progress]~~
7 *growth* of pupils developed pursuant to subsection 1.

8 (b) Prescribe the intensive instructional services in the subject
9 area of reading which the principal of a school must implement as
10 determined appropriate for a pupil who ~~[is retained in grade 3]~~ *will*
11 *be provided intervention services and intensive instruction*
12 pursuant to NRS 392.760, which may include, without limitation:

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

14 (2) Instruction provided in classes with reduced pupil-teacher
15 ratios;

16 (3) A timeline for frequently monitoring the progress of the
17 pupil;

18 (4) Tutoring and mentoring;

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

21 (6) Instruction provided through an extended school day,
22 school week or school year;

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

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

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

30 (a) Who is different than the teacher who provided instructional
31 services to the pupil during the immediately preceding school year;
32 and

33 (b) Who has been determined to be highly effective, as
34 demonstrated by pupil performance data and performance
35 evaluations.

36 4. The intensive instructional services in the subject area of
37 reading required by this section may be provided to the pupil by the
38 same teacher who provided instructional services to the pupil during
39 the immediately preceding school year if a different teacher who
40 meets the requirements of paragraph (b) of subsection 3 is not
41 reasonably available and the pupil:

42 (a) Has an individualized education program; or

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



1 5. ~~[The board of trustees of each school district and the~~
2 ~~governing body of a charter school, as applicable, shall develop a~~
3 ~~policy by which the principal of a school may promote a pupil who~~
4 ~~is retained in grade 3 pursuant to NRS 392.760 to grade 4 at any~~
5 ~~time during the school year if the pupil demonstrates adequate~~
6 ~~proficiency in the subject area of reading. The policy must include~~
7 ~~the specific criteria a pupil must satisfy to be eligible for promotion,~~
8 ~~including, without limitation, a reasonable expectation that the~~
9 ~~pupil's progress will allow him or her to sufficiently master the~~
10 ~~requirements for a fourth grade reading level. If a pupil is promoted~~
11 ~~after November 1 of a school year, he or she must demonstrate~~
12 ~~proficiency in reading at a level prescribed by the State Board.~~

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

23 —7.] As used in this section, “individualized education program”
24 has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

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

26 392.770 In addition to the *intervention services and* intensive
27 ~~[instructional services]~~ *instruction* provided to a pupil who
28 *demonstrates a deficiency in the subject area of reading identified*
29 *pursuant to subsection 1 of NRS 392.750 or a pupil who [is*
30 *retained in grade 3]* *will be provided intervention services and*
31 *intensive instruction while the pupil is enrolled in an elementary*
32 *school* pursuant to NRS 392.760, the principal of the school must
33 offer the parent or legal guardian of the pupil, *to the extent*
34 *practicable, in a language that the parent or legal guardian can*
35 *understand*, at least one of the following instructional options:

36 1. Supplemental tutoring which is based upon evidence-based
37 research concerning reading instruction;

38 2. Providing the parent or legal guardian with a plan for
39 reading with the pupil at home and participating in any workshops
40 that may be available in the school district to assist the parent or
41 legal guardian with reading with his or her child at home, as set
42 forth in an agreement with the parent or legal guardian; or

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



1 **Sec. 10.** NRS 392.775 is hereby amended to read as follows:
2 392.775 On or before ~~September 1~~ **October 15** of each year,
3 the board of trustees of each school district shall:

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

7 (a) ~~[Retained]~~ ***Were designated*** in grade 3 ***to be provided***
8 ***intervention services and intensive instruction while enrolled in an***
9 ***elementary school*** pursuant to NRS 392.760 for a deficiency in the
10 subject area of reading, including whether or not any such pupils
11 were previously ~~[retained in kindergarten or grade 1 or 2;]~~ ***provided***
12 ***intervention services and intensive instruction;*** and

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

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

22 (2) ***Improved at a rate prescribed by the board of trustees of***
23 ***the school district, indicating progress toward performing at a***
24 ***level determined by a statewide assessment to be within the level***
25 ***established by the State Board for pupils enrolled in the same***
26 ***grade in which the pupils are enrolled.***

27 2. Submit a copy of the report to the Department ~~[]~~ , ***the***
28 ***Legislature and sponsor of the charter school.***

29 3. Post the report on the Internet website maintained by the
30 school district and otherwise make the report available to the parents
31 and legal guardians of pupils enrolled in the school district and the
32 general public.

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

35 Sec. 15. 1. The Department of Education shall
36 distribute the money that is appropriated to the Other State
37 Education Programs Account in the State General Fund to
38 carry out the purposes of sections 1 to 14, inclusive, of this
39 act through a ~~[competitive]~~ ***noncompetitive*** grants program.
40 Grants must be awarded by the Department based ~~[on the~~
41 ~~demonstrated needs of]~~ ***upon a weighted formula which will***
42 ***allocate funds based on need and the pupil population of***
43 ***the school district, and improving the literacy of pupils***
44 ***enrolled in elementary schools in*** the school districts and
45 charter schools and will be awarded to school districts , ***to***



1 *school districts approved to sponsor charter schools* and to
2 charter schools that have been approved by the State Public
3 Charter School Authority. Grants must be used for literacy
4 programs for pupils enrolled in ~~[kindergarten and grades 1, 2~~
5 ~~and 3]~~ *elementary school* established pursuant to ~~[section 5~~
6 ~~of this act]~~ *NRS 388.157* and to support other school-based
7 efforts to ensure that all pupils are ~~[proficient in the subject~~
8 ~~area of reading by the end of the third grade.]~~ *performing at a*
9 *level considered by the school district or charter school to be*
10 *within the average range for pupils enrolled in each grade*
11 *level.* Such school-based efforts may include, without
12 limitation:

13 (a) Hiring ~~[for training learning strategists;]~~ *literacy*
14 *specialists;*

15 (b) *Training literacy specialists;*

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

19 ~~[(e)]~~ (d) Providing professional development for school
20 personnel;

21 ~~[(d)]~~ (e) Providing *evidence-based* programs to pupils
22 before and after school and during intercessions or summer
23 school; and

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

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

30 (a) Set measurable performance objectives based on
31 aggregated pupil achievement data; ~~[and]~~

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

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

37 (2) The number of pupils who participated in a
38 program or received services ~~[;]~~ *and*

39 (c) *Not use the money to supplant other budgets in the*
40 *school.*

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



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

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

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

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

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

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

13 (f) An evaluation of the effectiveness of the program or
14 service, including, without limitation, data regarding the
15 academic and linguistic achievement and proficiency of
16 pupils who participated in such a program or received such
17 services; and

18 (g) Any recommendations for legislation, including,
19 without limitation, legislation to continue or expand programs
20 or services that are identified as effective in improving the
21 reading proficiency of pupils in kindergarten through
22 grade ~~3-5~~.

23 5. On or before August 31, ~~2016,~~ 2020, the
24 Department of Education shall submit a preliminary report
25 prepared pursuant to subsection 4 to the State Board of
26 Education and the Legislative Committee on Education. On
27 or before November 15, ~~2016,~~ 2020, the Department shall
28 submit the final report prepared pursuant to subsection 4 and
29 any recommendations made by the State Board or the
30 Legislative Committee on Education to the Governor and to
31 the Director of the Legislative Counsel Bureau for transmittal
32 to the ~~79th~~ 81st Session of the Nevada Legislature.

33 6. Any money awarded to a school district or charter
34 school from the money appropriated to the Other State
35 Education Programs Account in the State General Fund
36 pursuant to subsection 1:

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

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

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



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

4 **Sec. 13.** This act becomes effective:

5 1. Upon passage and approval for the purpose of adopting any
6 regulations and performing any other preparatory administrative
7 tasks necessary to carry out the provisions of this act; and

8 2. On July 1, 2019, for all other purposes.

