

CHAPTER.....

AN ACT relating to education; requiring the board of trustees of a school district to determine the percentage of certain pupils enrolled in the school district; revising the definition of pupils who are considered a “long-term English learner” for the purposes of certain reporting; revising certain factors considered in determining whether a pupil is eligible for a good-cause exemption to the requirement that the pupil be retained in grade 3 after not achieving a passing score on a uniform examination in reading; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the board of trustees of each school district to determine the number of pupils enrolled in schools within the school district who are: (1) immigrants; (2) refugees; (3) new, short-term and long-term English learners; and (4) English learners who participate in various programs, courses or activities, receive a high school diploma and attend an institution of higher education after receiving a high school diploma. Existing law requires the board of trustees of each school district to submit such information to the Department of Education in an annual report and authorizes the Department to make recommendations to the board of trustees of each school district to improve programs for English learners based on the reports. (NRS 388.4073) **Section 1** of this bill: (1) requires the board of trustees of each school district to additionally determine the percentage of such pupils enrolled in schools in the district; and (2) changes the definition of “long-term English learner” for the purposes of this report to refer to a pupil who has been classified as an English learner for more than 6 consecutive years after the pupil was first identified as an English learner.

Effective July 1, 2028, existing law generally requires a pupil enrolled in grade 3 to be retained in grade 3, rather than promoted to grade 4, if the pupil does not obtain a score in the subject area of reading on a uniform examination in reading that meets the passing score prescribed by the State Board of Education. However, existing law also authorizes a pupil to receive a good-cause exemption to allow the pupil to be promoted to grade 4 without obtaining such a score if the principal of the school which the pupil attends determines that the pupil is eligible for such an exemption and submits a recommendation to the superintendent of schools of the school district or the governing body of the charter school, as applicable, which the pupil attends. (NRS 392.780, 392.785) **Section 2** of this bill authorizes a pupil to qualify for one of the good-cause exemptions by demonstrating, through a portfolio of the pupil’s work, mastery of the academic standards in reading for grade 3 rather than mastery of the academic standards in reading beyond grade 3.



EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~for mitted-ma terial~~ is material to be omitted.

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

Section 1. NRS 388.4073 is hereby amended to read as follows:

388.4073 1. The board of trustees of each school district shall determine the number ***and percentage*** of pupils enrolled in schools within the school district who are:

- (a) Immigrants;
- (b) Refugees;
- (c) Newcomers to the English language and short-term and long-term English learners; and
- (d) English learners, in total and disaggregated by English learners who:

- (1) Are pupils with an individualized education program or a plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794;

- (2) Are enrolled, placed or participating in:

- (I) A special program, including, without limitation, a special program for gifted and talented pupils;

- (II) A program for career and technical education;

- (III) A magnet school or program;

- (IV) An advanced placement course;

- (V) An international baccalaureate course;

- (VI) A dual credit course; or

- (VII) An extracurricular or athletic activity, if known;

- (3) Receive a high school diploma, disaggregated by type of diploma; and

- (4) Attend an institution of higher education after receiving a high school diploma and, if known, receive a scholarship to attend an institution of higher education.

2. The data collected pursuant to subsection 1 must be disaggregated by grade and pupils who are English learners.

3. The board of trustees of each school district shall determine the number of teachers:

- (a) Employed by the school district who have an endorsement to teach pupils in a program of bilingual education or who have an endorsement to teach English as a second language; and

- (b) Who are trained in a program for language instruction adopted by the board of trustees of the school district, to the extent practicable.



↪ The data collected pursuant to this subsection must be disaggregated by teachers who are licensed to teach elementary education, middle school or junior high school education or secondary education.

4. On or before August 1 of each year, the board of trustees of a school district shall review the data collected pursuant to subsections 1 and 3, compile a report of the data and submit the report to the Department. The Department may make recommendations to the board of trustees of each school district to improve programs for English learners based on the reports it receives pursuant to this subsection.

5. On or before February 1 of each year, the Department shall submit the reports it receives pursuant to subsection 4 to the Director of the Legislative Counsel Bureau for transmittal to the Legislature, or if the Legislature is not in session, the Joint Interim Standing Committee on Education.

6. As used in this section, “long-term English learner” means a pupil who ~~[is]~~ *has been classified as* an English learner ~~[who has lived in the United States]~~ for ~~[at least]~~ *more than* 6 consecutive years ~~[]~~ *after the pupil was first identified as an English learner.*

Sec. 2. NRS 392.785 is hereby amended to read as follows:

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

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

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

(b) Demonstrates, through a portfolio of the pupil’s work, proficiency in reading at grade level, as evidenced by demonstration of mastery of the academic standards in reading ~~[beyond]~~ *for* grade 3;

(c) Is an English learner and has received not less than 2 years of instruction in a program of instruction that teaches English as a second language;

(d) Received intensive remediation in the subject area of reading for 2 or more years but still demonstrates a deficiency in reading



and was previously retained in kindergarten or grade 1 or 2 for a total of 2 years;

(e) Is a pupil with a disability and his or her individualized education program indicates that the pupil's participation in the uniform examination administered pursuant to paragraph (a) of subsection 5 of NRS 392.780 is not appropriate; or

(f) Is a pupil with a disability and:

(1) He or she participates in the uniform examination administered pursuant to paragraph (a) of subsection 5 of NRS 392.780;

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

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

3. The principal of a school in which a pupil who may be retained in grade 3 pursuant to subsection 1 is enrolled shall consider the factors set forth in subsection 2 and determine whether the pupil is eligible for a good-cause exemption. In making the determination, the principal must consider documentation provided by the pupil's teacher indicating whether the promotion of the pupil is appropriate based upon the record of the pupil. Such documentation must only consist of the existing plan for monitoring the progress of the pupil, the pupil's individualized education program, if applicable, and the pupil's plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, if applicable. If the principal determines that promotion of the pupil to grade 4 is appropriate, the principal must submit a written recommendation to the superintendent of schools of the school district or to the governing body of the charter school, as applicable. The superintendent of schools or the governing body of the charter school, as applicable, shall approve or deny the recommendation of the principal and provide written notice to the principal of the approval or denial.

4. A principal who determines that a pupil is eligible for a good-cause exemption pursuant to subsection 3 shall notify the parent or legal guardian of the pupil if the superintendent of schools of the school district or the governing body of the charter school, as applicable, has approved the good-cause exemption.

5. The principal of a school in which a pupil for whom a good-cause exemption is approved pursuant to subsection 3 and who is



promoted to grade 4 must ensure that the pupil continues to be provided intervention services and intensive instruction in the subject area of reading pursuant to NRS 392.760.

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

Sec. 3. 1. This section and section 1 of this act become effective on July 1, 2025.

2. Section 2 of this act becomes effective on July 1, 2028.

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