

ASSEMBLY BILL NO. 294—ASSEMBLYMEN ANGLE, NOLAN, CARPENTER,
VON TOBEL, GUSTAVSON, MCCLAIN, MORTENSON, PRICE, TIFFANY,
CLABORN, LEE, CEGAVSKE, HETTRICK, MANENDO, COLLINS, SEGERBLOM,
ARBERRY, GIBBONS AND HUMKE

FEBRUARY 22, 1999

JOINT SPONSORS: SENATORS WASHINGTON, RAWSON AND JACOBSEN

Referred to Committee on Education

SUMMARY—Revises provisions regarding literacy in public schools. (BDR 34-1051)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: Yes.

~

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

AN ACT relating to education; prohibiting the state board of education and the boards of trustees of school districts from adopting courses of study in reading that are not based upon scientific research and that do not include explicit systematic phonics instruction; revising provisions governing the approval of certain courses of study and training for teachers; requiring the governor and the department of education to comply with the Federal Act that provides grants of money for literacy programs; providing a penalty; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 385.110 is hereby amended to read as follows:
2 385.110 1. Except as otherwise provided in subsections ~~[2 and 3,]~~ **3**
3 **and 4,** the state board shall prescribe and cause to be enforced the courses
4 of study for the public schools of this state.
5 2. ***The state board shall not prescribe or cause to be enforced a***
6 ***course of study in reading unless:***
7 ***(a) The decision to prescribe the course of study is supported by***
8 ***scientifically-based reading research that the instruction included in the***
9 ***course of study is successful; and***

1 *(b) If the course of study is prescribed:*

2 *(1) For kindergarten or grade 1 or 2, the course of study includes*
3 *instruction in the awareness of phonemes, the application of explicit*
4 *systematic phonics to reading and the acquisition of skills to read fluently*
5 *and comprehend reading material; or*

6 *(2) As a remedial course for any grade in grades 3 to 12, inclusive,*
7 *the course of study includes instruction in the awareness of phonemes,*
8 *the application of explicit systematic phonics to reading and the*
9 *acquisition of skills to read fluently and comprehend reading material.*

10 **3.** For those courses of study prescribed by the state board:

11 (a) High schools may have modified courses of study, subject to the
12 approval of the state board; and

13 (b) Any high school offering courses normally accredited as being
14 beyond the level of the 12th grade shall, before offering such courses, have
15 them approved by the state board.

16 ~~13.1~~ **4.** A charter school is not required to offer the courses of study
17 prescribed by the state board except for those courses of study which are
18 required for promotion to the next grade or graduation from high school.

19 **5.** *A member of the state board who violates the provisions of*
20 *subsection 2:*

21 *(a) Is guilty of malfeasance in office; and*

22 *(b) In addition to any other penalty provided by law, shall be punished*
23 *for a misdemeanor.*

24 **6.** *As used in this section:*

25 *(a) "Reading" has the meaning ascribed to it in the Reading*
26 *Excellence Act, Title VIII of Public Law 105-277.*

27 *(b) "Scientifically-based reading research" has the meaning ascribed*
28 *to it in the Reading Excellence Act, Title VIII of Public Law 105-277.*

29 **Sec. 2.** NRS 386.350 is hereby amended to read as follows:

30 386.350 **1.** Each board of trustees is hereby given such reasonable
31 and necessary powers, not conflicting with the constitution and the laws of
32 the State of Nevada, as may be requisite to attain the ends for which the
33 public schools are established and to promote the welfare of school
34 children, including the establishment and operation of schools and classes
35 deemed necessary and desirable.

36 **2.** *The board of trustees of a school district shall not prescribe or*
37 *cause to be enforced a course of study in reading unless:*

38 *(a) The decision to prescribe the course of study is supported by*
39 *scientifically-based reading research that the instruction included in the*
40 *course of study is successful; and*

41 *(b) If the course of study is prescribed:*

42 *(1) For kindergarten or grade 1 or 2, the course of study includes*
43 *instruction in the awareness of phonemes, the application of explicit*

1 *systematic phonics to reading and the acquisition of skills to read fluently*
2 *and comprehend reading material; or*

3 *(2) As a remedial course for any grade in grades 3 to 12, inclusive,*
4 *the course of study includes instruction in the awareness of phonemes,*
5 *the application of explicit systematic phonics to reading and the*
6 *acquisition of skills to read fluently and comprehend reading material.*

7 *3. A member of the board of trustees of a school district who violates*
8 *the provisions of subsection 2:*

9 *(a) Is guilty of malfeasance in office; and*

10 *(b) In addition to any other penalty provided by law, shall be punished*
11 *for a misdemeanor.*

12 *4. As used in this section:*

13 *(a) "Reading" has the meaning ascribed to it in the Reading*
14 *Excellence Act, Title VIII of Public Law 105-277.*

15 *(b) "Scientifically-based reading research" has the meaning ascribed*
16 *to it in the Reading Excellence Act, Title VIII of Public Law 105-277.*

17 **Sec. 3.** NRS 391.038 is hereby amended to read as follows:

18 391.038 1. The state board, in consultation with educational
19 institutions in this state which offer courses of study and training for the
20 education of teachers and other educational personnel, shall review and
21 evaluate a course of study and training offered by an educational
22 institution which is designed to provide the education required for:

23 (a) The licensure of teachers or other educational personnel;

24 (b) The renewal of licenses of teachers or other educational personnel;
25 or

26 (c) An endorsement in a field of specialization.

27 If the course of study and training meets the requirements established by
28 the state board, it must be approved by the state board. *If a course of study*
29 *or training is designed to prepare persons to teach elementary education,*
30 *the state board shall not approve the course of study or training unless*
31 *the course of study or training provides instruction or training in the*
32 *methods to teach basic reading skills, including, without limitation, the*
33 *use of explicit systematic phonics.*

34 2. The state board may review and evaluate such courses of study and
35 training itself or may recognize a course of study and training approved by
36 a national agency for accreditation acceptable to the board.

37 3. The state board shall adopt regulations establishing fees for the
38 review by the board of a course of study and training submitted to the
39 board by an educational institution.

40 4. The state board, in consultation with educational institutions in this
41 state which offer courses of study and training for the education of teachers
42 and other educational personnel, and the Nevada Association of Colleges
43 for Teacher Education and the Nevada Association of Teacher Educators,

1 shall adopt regulations governing the approval by the state board of
2 courses of study and training which are accredited by the National Council
3 of Accreditation of Teacher Education, and those which are not so
4 accredited.

5 5. If the state board denies or withdraws its approval of a course of
6 study or training, the educational institution is entitled to a hearing and
7 judicial review of the decision of the state board.

8 **Sec. 4.** On or before July 1, 1999, the governor shall, in consultation
9 with the department of education, establish an advisory partnership on
10 reading and literacy in accordance with the Reading Excellence Act, Title
11 VIII of Public Law 105-277.

12 **Sec. 5.** On or before October 1, 1999, the department of education
13 shall:

14 1. Take such action as is necessary to comply with the Reading
15 Excellence Act, Title VIII of Public Law 105-277.

16 2. Apply for a grant of money pursuant to the Reading Excellence Act,
17 Title VIII of Public Law 105-277.

18 **Sec. 6.** On or before January 1, 2002, the state board of education
19 shall review the courses of study in reading that are prescribed and
20 enforced by the state board to determine whether the courses of study
21 comply with the amendatory provisions of section 1 of this act. If the state
22 board determines that a course of study does not comply with the
23 amendatory provisions of section 1 of this act, the state board shall take
24 appropriate action to ensure compliance on or before July 1, 2002.

25 **Sec. 7.** On or before January 1, 2002, the board of trustees of each
26 school district shall review the courses of study in reading that are
27 prescribed and enforced by the board of trustees to determine whether the
28 courses of study comply with the amendatory provisions of section 2 of
29 this act. If the board of trustees determines that a course of study does not
30 comply with the amendatory provisions of section 2 of this act, the board
31 of trustees shall take appropriate action to ensure compliance on or before
32 July 1, 2002.

33 **Sec. 8.** The amendatory provisions of sections 1 and 2 of this act do
34 not apply to offenses that were committed before July 1, 2002.

35 **Sec. 9.** 1. This section and sections 4 and 5 of this act become
36 effective upon passage and approval.

37 2. Sections 3, 6 and 7 of this act become effective on July 1, 1999.

38 3. Sections 1, 2 and 8 of this act become effective on July 1, 2002.