

ASSEMBLY BILL NO. 405—ASSEMBLYMEN ANGLE, GIBBONS, BEERS,
BROWN, CARPENTER, CEGAVSKE, CLABORN, COLLINS,
GUSTAVSON, HETTRICK, MARVEL, NOLAN, PRICE, TIFFANY AND
VON TOBEL

MARCH 16, 2001

JOINT SPONSORS: SENATORS RAWSON, NEAL, COFFIN,
WASHINGTON, O'DONNELL AND SHAFFER

Referred to Committee on Education

SUMMARY—Revises provisions governing literacy in public schools. (BDR 34-652)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: Yes.

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

AN ACT relating to education; requiring the boards of trustees of school districts and the governing bodies of charter schools to administer certain examinations in reading to pupils who are enrolled in certain grade levels; requiring the department of education to prepare a list of approved examinations to determine the reading level of certain pupils; revising the provisions governing the standards of content and performance established by the council to establish academic standards for public schools for English in the subject area of reading; revising the provisions governing the selection of textbooks by the state board of education; revising the provisions governing the approval of certain courses of study and training for teachers; 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.** Chapter 389 of NRS is hereby amended by adding thereto
- 2 the provisions set forth as sections 2 and 3 of this act.
- 3 **Sec. 2. 1. *The legislature declares that:***
- 4 ***(a) It is essential to the educational success of the children who are***
- 5 ***enrolled in Nevada's public schools that they learn to read with***
- 6 ***proficiency at an early grade level;***
- 7 ***(b) The intended goal of the legislature is that by the year 2004 and***
- 8 ***each year thereafter, at least 90 percent of all children who are enrolled***



1 *in the third grade in public schools throughout this state will read at or*
2 *above the third-grade reading level; and*

3 *(c) An educational system that is enhanced by the inclusion of:*

4 *(1) Instruction in reading that is based upon scientifically based*
5 *reading research;*

6 *(2) Instruction in reading that uses a balanced approach, as*
7 *described in the report "Teaching Children to Read" of the National*
8 *Reading Panel issued in April 2000, which finds that a combination of*
9 *explicit and systematic instruction in phonemic awareness and phonics,*
10 *development of vocabulary, fluency in reading and strategies to develop*
11 *reading comprehension produces the maximum educational benefits for*
12 *pupils; and*

13 *(3) Examinations to determine the reading level of children who are*
14 *enrolled in certain grade levels in elementary school,*
15 *will greatly improve the reading level of children who are enrolled in*
16 *public elementary schools throughout this state.*

17 *2. As used in this section:*

18 *(a) "Reading" has the meaning ascribed to it in 20 U.S.C. § 6661a(4).*

19 *(b) "Scientifically based reading research" has the meaning ascribed*
20 *to it in 20 U.S.C. § 6661a(5).*

21 **Sec. 3. 1. In the spring semester of each school year:**

22 *(a) The board of trustees of each school district shall administer to all*
23 *pupils enrolled in public schools of the school district in grades 1, 2 and*
24 *3, an examination to determine the reading level of pupils enrolled in*
25 *those grades.*

26 *(b) The governing body of a charter school that provides instruction to*
27 *pupils enrolled in grades 1, 2 and 3 shall administer to all pupils enrolled*
28 *in those grades at the charter school an examination to determine the*
29 *reading level of those pupils.*

30 *The board of trustees of a school district or the governing body of a*
31 *charter school, as applicable, shall select the examination that is*
32 *administered for each grade level pursuant to this subsection from the*
33 *list of approved examinations prepared by the department pursuant to*
34 *subsection 2.*

35 *2. On or before October 1 of each year, the department shall prepare*
36 *and publish a list of examinations to determine the reading level of*
37 *pupils enrolled in grades 1, 2 and 3 that have been approved by the*
38 *department for administration by the board of trustees of each school*
39 *district and the governing body of each charter school pursuant to*
40 *subsection 1. The examinations selected by the department must be*
41 *examinations that have been proven successful in determining the*
42 *achievement of pupils in phonics-based instruction. The list must contain*
43 *the name of each examination that is approved for each grade level, the*
44 *vendor, if any, of the examination and the entity from which the*
45 *examination may be obtained. In addition, the department shall include*
46 *on the list an identification of tests and quizzes that the department*
47 *recommends for use by school districts and charter schools pursuant to*
48 *subsection 5. On or before October 15 of each year, the department shall*



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1 *transmit a copy of the list to the board of trustees of each school district*
2 *and the governing body of each charter school.*

3 *3. The results of the examinations administered in the spring*
4 *semester pursuant to subsection 1 must be used by school districts and*
5 *charter schools to determine the reading level of pupils who take the*
6 *examinations.*


7 *4. The board of trustees of each school district and the governing*
8 *body of each charter school shall submit to the department the results of*
9 *the examinations administered in the spring semester pursuant to*
10 *subsection 1 in the form and manner prescribed by the superintendent of*
11 *public instruction. The results of the examinations administered in the*
12 *spring semester must be reported for each school in which the*
13 *examinations were administered. Not later than 10 days after the*
14 *department receives the results of the examinations administered in the*
15 *spring semester, the department shall transmit a copy of the results to the*
16 *legislative bureau of educational accountability and program evaluation.*

17 *5. The board of trustees of a school district and the governing body*
18 *of a charter school that is required to administer the examinations in the*
19 *spring semester pursuant to subsection 1 may also administer to pupils*
20 *enrolled in grades 1, 2 and 3, tests or quizzes to be scored by individual*
21 *teachers that are aligned to the examinations administered in the spring*
22 *semester. The tests and quizzes may be administered throughout the*
23 *school year before the date of the administration of the examinations*
24 *administered in the spring semester to provide a preliminary indication*
25 *of the progress of pupils in reading. The results of the tests or quizzes*
26 *must be used to provide appropriate remediation in reading to each pupil*
27 *whose results indicate that he is reading below grade level.*

28 **Sec. 4.** NRS 389.520 is hereby amended to read as follows:

29 389.520 1. The council shall:

30 (a) Establish standards of content and performance, including, without
31 limitation, a prescription of the resulting level of achievement, for the
32 grade levels set forth in subsection 2, based upon the content of each
33 course, that is expected of pupils for the following courses of study:

34 (1) English, including reading, composition and writing  , *in*
35 *accordance with subsection 2;*

36 (2) Mathematics;

37 (3) Science;

38 (4) Social studies, which includes only the subjects of history,
39 geography, economics and government;

40 (5) The arts;

41 (6) Computer education and technology;

42 (7) Health; and

43 (8) Physical education.

44 (b) Establish a schedule for the periodic review and, if necessary,
45 revision of the standards of content and performance. The review must
46 include, without limitation, the review required pursuant to NRS 389.570
47 of the results of pupils on the examinations administered pursuant to NRS
48 389.550.



- 1 (c) Assign priorities to the standards of content and performance
2 relative to importance and degree of emphasis and revise the standards, if
3 necessary, based upon the priorities.
- 4 2. The council shall establish standards of content and performance for
5 each grade level in kindergarten and grades 1 to 8, inclusive, for English
6 and mathematics. The council shall establish standards of content and
7 performance for the grade levels selected by the council for the other
8 courses of study prescribed in subsection 1. *The standards of content and*
9 *performance established for English in the subject area of reading must:*
- 10 (a) *For each grade level in kindergarten and grades 1 to 8, inclusive,*
11 *be supported by scientifically based reading research;*
12 (b) *For kindergarten and grades 1, 2 and 3, include direct, systematic,*
13 *intensive and explicit phonics; and*
14 (c) *If standards are established for any other grade for instruction in*
15 *reading, including, without limitation, remedial instruction in reading,*
16 *include direct, systematic, intensive and explicit phonics.*
- 17 3. The state board shall adopt the standards of content and
18 performance established by the council.
- 19 4. The council shall work in cooperation with the state board to
20 prescribe the examinations required by NRS 389.550.
- 21 5. *As used in this section:*
- 22 (a) *“Direct, systematic, intensive and explicit phonics” means direct*
23 *instruction in:*
- 24 (1) *The awareness of phonemes by teaching each sound-spelling*
25 *correspondence explicitly;*
26 (2) *The application of phonemic decoding skills;*
27 (3) *Spelling patterns by teaching frequent, highly regular sound-*
28 *spelling relationships systematically;*
29 (4) *Recognition of words using letter-sound skills by teaching*
30 *pupils how to sound out words directly; and*
31 (5) *The intensive application of the subjects listed in subparagraphs*
32 *(1) to (4), inclusive, to provide pupils with the skills necessary to read*
33 *fluently and comprehend reading material.*
- 34 (b) *“Reading” has the meaning ascribed to it in 20 U.S.C. § 6661a(4).*
35 (c) *“Scientifically based reading research” has the meaning ascribed*
36 *to it in 20 U.S.C. § 6661a(5).*
- 37 **Sec. 5.** NRS 390.140 is hereby amended to read as follows:
38 390.140 1. The state board shall make the final selection of all
39 textbooks to be used in the public schools in this state, except for charter
40 schools. If a textbook proposed for selection is in a subject area for which
41 standards of content have been established by the council to establish
42 academic standards for public schools pursuant to NRS 389.520, the state
43 board shall not select the textbook unless the state board determines that
44 the textbook adequately supports the standards for that subject area. *Each*
45 *textbook that is selected by the state board to provide instruction in*
46 *reading in kindergarten and grades 1 and 2, must be at least 80 percent*
47 *phonetically decodable. For each textbook that is approved by the state*
48 *board to provide instruction in reading in any grade level, the state board*



1 *shall provide an indication of the approximate percentage of decodable*
2 *words within the textbook that can be read phonetically.*

3 2. A textbook must not be selected by the state board pursuant to
4 subsection 1 for use in the public schools in classes in literature, history or
5 social sciences unless it accurately portrays the cultural and racial diversity
6 of our society, including lessons on the contributions made to our society
7 by men and women from various racial and ethnic backgrounds.

8 **Sec. 6.** NRS 391.038 is hereby amended to read as follows:

9 391.038 1. The state board, in consultation with educational
10 institutions in this state which offer courses of study and training for the
11 education of teachers, the board of trustees of each school district in this
12 state and other educational personnel, shall review and evaluate a course of
13 study and training offered by an educational institution which is designed
14 to provide the education required for:

- 15 (a) The licensure of teachers or other educational personnel;
16 (b) The renewal of licenses of teachers or other educational personnel;
17 or
18 (c) An endorsement in a field of specialization.

19 If the course of study and training meets the requirements established by
20 the state board, it must be approved by the state board.

21 2. The state board shall not approve a course of study or training
22 unless the course of study and training provides instruction, to the extent
23 deemed necessary by the state board, in the standards of content and
24 performance prescribed by the council to establish academic standards for
25 public schools pursuant to NRS 389.520.

26 ~~12-1~~ 3. *The state board may approve a course of study or training*
27 *that is designed to prepare persons to teach elementary education only if*
28 *the course of study or training includes, without limitation:*

29 (a) *Methods to teach basic reading skills based upon scientifically*
30 *based reading research, including, without limitation, the use of direct,*
31 *systematic, intensive and explicit phonics;*

32 (b) *The study of literature, oral and written language, and reading*
33 *comprehension;*

34 (c) *Diagnostic techniques that are designed to provide information to*
35 *teachers regarding the achievement of pupils in reading;*

36 (d) *Techniques that are designed to provide appropriate remediation*
37 *to pupils who are designated as below their grade level for reading; and*

38 (e) *Clinical practice in applying the items listed in paragraphs (a) to*
39 *(d), inclusive.*

40 4. The state board may review and evaluate such courses of study and
41 training itself or may recognize a course of study and training approved by
42 a national agency for accreditation acceptable to the board.

43 ~~13-1~~ 5. The state board shall adopt regulations establishing fees for the
44 review by the board of a course of study and training submitted to the
45 board by an educational institution.

46 ~~14-1~~ 6. The state board, in consultation with educational institutions in
47 this state which offer courses of study and training for the education of
48 teachers and other educational personnel, and the Nevada Association of
49 Colleges ~~for~~ of Teacher Education and the Nevada Association of



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

5 ~~§-1~~ 7. If the state board denies or withdraws its approval of a course
6 of study or training, the educational institution is entitled to a hearing and
7 judicial review of the decision of the state board.

8 8. *As used in this section:*

9 (a) *“Direct, systematic, intensive and explicit phonics” means direct*
10 *instruction in:*

11 (1) *The awareness of phonemes by teaching each sound-spelling*
12 *correspondence explicitly;*

13 (2) *The application of phonemic decoding skills;*

14 (3) *Spelling patterns by teaching frequent, highly regular sound-*
15 *spelling relationships systematically;*

16 (4) *Recognition of words using letter-sound skills by teaching*
17 *pupils how to sound out words directly; and*

18 (5) *The intensive application of the subjects listed in subparagraphs*
19 *(1) to (4), inclusive, to provide pupils with the skills necessary to read*
20 *fluently and comprehend reading material.*

21 (b) *“Reading” has the meaning ascribed to it in 20 U.S.C. § 6661a(4).*

22 (c) *“Scientifically based reading research” has the meaning ascribed*
23 *to it in 20 U.S.C. § 6661a(5).*

24 **Sec. 7.** 1. A school district that operates a regional training program
25 for the professional development of teachers and administrators established
26 by the school district pursuant to section 16 of chapter 559, Statutes of
27 Nevada 1999, at page 2930, shall ensure that the training for teachers in
28 methods to teach basic reading skills, which is provided pursuant to
29 paragraph (d) of subsection 9 of that section, is based upon scientifically
30 based reading research and includes direct, systematic, intensive and
31 explicit phonics.

32 2. *As used in this section:*

33 (a) *“Direct, systematic, intensive and explicit phonics” means direct*
34 *instruction in:*

35 (1) *The awareness of phonemes by teaching each sound-spelling*
36 *correspondence explicitly;*

37 (2) *The application of phonemic decoding skills;*

38 (3) *Spelling patterns by teaching frequent, highly regular sound-*
39 *spelling relationships systematically;*

40 (4) *Recognition of words using letter-sound skills by teaching pupils*
41 *how to sound out words directly; and*

42 (5) *The intensive application of the subjects listed in subparagraphs*
43 *(1) to (4), inclusive, to provide pupils with the skills necessary to read*
44 *fluently and comprehend reading material.*

45 (b) *“Reading” has the meaning ascribed to it in 20 U.S.C. § 6661a(4).*

46 (c) *“Scientifically based reading research” has the meaning ascribed to*
47 *it in 20 U.S.C. § 6661a(5).*



1 **Sec. 8.** On or before January 1, 2002, the council to establish
2 academic standards for public schools shall review the standards of content
3 and performance for English in the subject area of reading established by
4 the council to determine whether the standards of content and performance
5 comply with the amendatory provisions of section 4 of this act. If the
6 council determines that the standards of content and performance for
7 English in the subject area of reading do not comply with the amendatory
8 provisions of section 4 of this act, the council shall take appropriate action
9 to ensure compliance on or before July 1, 2002.

10 **Sec. 9.** 1. Commencing with the spring semester of 2002, each
11 board of trustees of a school district and each governing body of a charter
12 school shall administer the examinations required by section 3 of this act.

13 2. Based upon the results of the examinations that are administered in
14 the spring semester of 2002, each school in which the examinations are
15 administered shall determine the actual number of pupils enrolled in the
16 third grade at the school who read at or above the third-grade reading level.
17 For purposes of this section, the percentage of pupils enrolled in the third
18 grade at a school who read at or above the third-grade reading level shall
19 be deemed the baseline for that school. Each school shall report its baseline
20 to the board of trustees of the school district or the governing body of the
21 charter school, as applicable. The board of trustees of each school district
22 and the governing body of each charter school shall transmit a report of the
23 baseline for each school to the department of education and the legislative
24 bureau of educational accountability and program evaluation.

25 3. If the baseline for a school is less than 90 percent, the school shall:

26 (a) Determine whether the school is making satisfactory progress to
27 ensure that at least 90 percent of the pupils enrolled in third grade at the
28 school will read at or above grade level by the spring semester of 2004.

29 (b) Provide appropriate remediation in reading to pupils to ensure that at
30 least 90 percent of the pupils enrolled in third grade at the school will read
31 at or above grade level by the spring semester of 2004.

32 **Sec. 10.** 1. This section and sections 1, 2, 3, and 5 to 9, inclusive, of
33 this act become effective on July 1, 2001.

34 2. Section 4 of this act becomes effective on July 1, 2002.

