

ASSEMBLY BILL NO. 164—ASSEMBLYMEN KIRNER, HICKEY;
DUNCAN, FIORE, GRADY, HAMBRICK, HEALEY,
KIRKPATRICK, MUNFORD AND STEWART

FEBRUARY 25, 2013

JOINT SPONSORS: SENATORS HAMMOND AND KIECKHEFER

Referred to Committee on Education

SUMMARY—Revises provisions governing education.
(BDR 34-410)

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; requiring the State Board of Education to prescribe an assessment to determine the proficiency in reading of pupils enrolled in grades 1, 2 and 3; requiring the board of trustees of each school district and the governing body of each charter school that enrolls pupils in grade 1, 2 or 3 to administer the assessment; requiring the development of an academic plan for certain pupils who exhibit a substantial deficiency in reading; prescribing the contents of the academic plan; requiring, with certain limited exceptions, the academic retention of a pupil in grade 3 if the pupil does not demonstrate reading proficiency on the assessment prescribed by the State Board; requiring the principal of a school or a person designated by the governing body of a charter school in which certain pupils are retained in the same grade to provide intervention services; requiring the board of trustees of each school district and the governing body of each charter school to submit certain reports to the Department of Education; and providing other matters properly relating thereto.



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Legislative Counsel's Digest:

Section 6 of this bill requires the State Board of Education to prescribe an assessment to determine the proficiency in reading of pupils enrolled in grades 1, 2 and 3. **Section 6** additionally requires the State Board to prescribe the score which a pupil must obtain on the assessment to demonstrate proficiency in reading and the criteria by which it is determined that a pupil exhibits a substantial deficiency in reading. **Section 6** requires the board of trustees of each school district and the governing body of each charter school simultaneously to administer the assessment at the time and in accordance with procedures adopted by the State Board. **Section 6** also requires the board of trustees of each school district and the governing body of each charter school to designate at least one reading specialist who is responsible for working with certain pupils who exhibit a substantial deficiency in reading.

Section 7 of this bill provides that, upon a determination that a pupil enrolled in grade 1, 2 or 3 exhibits a substantial deficiency in reading: (1) written notice must be provided to the parent or legal guardian of the pupil; and (2) the pupil's teacher, in consultation with certain persons, is required to develop an academic plan to improve the pupil's proficiency in reading not later than 30 days after the determination that the pupil exhibits a substantial deficiency in reading is made. **Section 7** provides for the contents of such an academic plan.

Existing law generally provides that a pupil may be retained in the same grade rather than promoted to the next higher grade for the succeeding school year upon joint agreement by the pupil's teacher and principal. Existing law requires the governing body of a charter school to adopt rules for the academic retention of pupils who are enrolled in the charter school. (NRS 386.583, 392.125) **Section 7** authorizes, under certain circumstances, the academic retention of a pupil who is enrolled in grade 1, 2 or 3 and who exhibits a substantial deficiency in reading. **Section 8** of this bill requires the academic retention of a pupil who is enrolled in grade 3 and who does not obtain on the assessment prescribed by the State Board a score which demonstrates proficiency in reading. **Section 8** provides limited exceptions to the mandatory academic retention of a pupil, and authorizes the parent or legal guardian of a pupil to appeal the academic retention of the pupil. **Section 9** of this bill requires the principal of a school or the person designated by the governing body of a charter school to appoint a placement committee to review appeals submitted by the parent or legal guardian of a pupil who is retained in his or her current grade pursuant to **section 7 or 8**. Additionally, **section 9** authorizes the board of trustees of a school district or the governing body of a charter school to hear appeals from the decisions of the placement committee. The decision of the board of trustees of a school district or the governing body of a charter school concerning the academic retention of a pupil is final.

Section 10 of this bill requires the principal of the school or a person designated by the governing body of the charter school in which a pupil enrolled in grade 1, 2 or 3 is retained in the same grade to provide intervention services which are designed to improve the pupil's proficiency in reading.

Section 11 of this bill requires the board of trustees of each school district and the governing body of each charter school to prepare and submit to the Department of Education an annual report concerning the number and percentage of pupils at each public school and charter school who were retained in grade 3 pursuant to **section 8**.



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

Section 1. NRS 385.3469 is hereby amended to read as follows:

385.3469 1. The State Board shall prepare an annual report of accountability that includes, without limitation:

(a) Information on the achievement of all pupils based upon the results of the examinations administered pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(b) Except as otherwise provided in subsection 2, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

(5) Pupils who are migratory children, as defined by the State Board.

(c) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(d) The percentage of all pupils who were not tested, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(e) Except as otherwise provided in subsection 2, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in paragraph (b).

(f) The most recent 3-year trend in the achievement of pupils in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(g) Information on whether each school district has made adequate yearly progress, including, without limitation, the name of each school district, if any, designated as demonstrating need for improvement pursuant to NRS 385.377 and the number of consecutive years that the school district has carried that designation.



(h) Information on whether each public school, including, without limitation, each charter school, has made:

(1) Adequate yearly progress, including, without limitation, the name of each public school, if any, designated as demonstrating need for improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(2) Progress based upon the model adopted by the Department pursuant to NRS 385.3595, if applicable for the grade level of pupils enrolled at the school.

(i) Information on the results of pupils who participated in the examinations of the National Assessment of Educational Progress required pursuant to NRS 389.012.

(j) The ratio of pupils to teachers in kindergarten and at each grade level for all elementary schools, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school, reported for each school district and for this State as a whole.

(k) The total number of persons employed by each school district in this State, including without limitation, each charter school in the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by each school district in each category, the report must include the number of employees in each of the three categories expressed as a percentage of the total number of persons employed by the school district. As used in this paragraph:

(1) "Administrator" means a person who spends at least 50 percent of his or her work year supervising other staff or licensed personnel, or both, and who is not classified by the board of trustees of a school district as a professional-technical employee.

(2) "Other staff" means all persons who are not reported as administrators or teachers, including, without limitation:

(I) School counselors, school nurses and other employees who spend at least 50 percent of their work year providing emotional support, noninstructional guidance or medical support to pupils;

(II) Noninstructional support staff, including, without limitation, janitors, school police officers and maintenance staff; and

(III) Persons classified by the board of trustees of a school district as professional-technical employees, including, without limitation, technical employees and employees on the professional-technical pay scale.



(3) "Teacher" means a person licensed pursuant to chapter 391 of NRS who is classified by the board of trustees of a school district:

(I) As a teacher and who spends at least 50 percent of his or her work year providing instruction or discipline to pupils; or

(II) As instructional support staff, who does not hold a supervisory position and who spends not more than 50 percent of his or her work year providing instruction to pupils. Such instructional support staff includes, without limitation, librarians and persons who provide instructional support.

(I) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, information on the professional qualifications of teachers employed by the school districts and charter schools, including, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and



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(5) For each elementary school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(m) The total expenditure per pupil for each school district in this State, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(n) The total statewide expenditure per pupil. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(o) For all elementary schools, junior high schools and middle schools, the rate of attendance, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(p) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(q) The attendance of teachers who provide instruction, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.



(r) Incidents involving weapons or violence, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(s) Incidents involving the use or possession of alcoholic beverages or controlled substances, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(t) The suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(u) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(v) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, *or section 7, 8 or 9 of this act*, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(w) The transiency rate of pupils, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. For the purposes of this paragraph, a pupil is not a transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(x) Each source of funding for this State to be used for the system of public education.

(y) A compilation of the programs of remedial study purchased in whole or in part with money received from this State that are used in each school district, including, without limitation, each charter school in the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study.

(2) An identification of each program of remedial study, listed by subject area.

(z) The percentage of pupils who graduated from a high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.



1 (aa) The technological facilities and equipment available for
2 educational purposes, reported for each school district, including,
3 without limitation, each charter school in the district, and for this
4 State as a whole.

5 (bb) For each school district, including, without limitation, each
6 charter school in the district, and for this State as a whole, the
7 number and percentage of pupils who received:

8 (1) A standard high school diploma, reported separately for
9 pupils who received the diploma pursuant to:

10 (I) Paragraph (a) of subsection 1 of NRS 389.805; and

11 (II) Paragraph (b) of subsection 1 of NRS 389.805.

12 (2) An adult diploma.

13 (3) An adjusted diploma.

14 (4) A certificate of attendance.

15 (cc) For each school district, including, without limitation, each
16 charter school in the district, and for this State as a whole, the
17 number and percentage of pupils who failed to pass the high school
18 proficiency examination.

19 (dd) The number of habitual truants who are reported to a school
20 police officer or local law enforcement agency pursuant to
21 paragraph (a) of subsection 2 of NRS 392.144 and the number of
22 habitual truants who are referred to an advisory board to review
23 school attendance pursuant to paragraph (b) of subsection 2 of NRS
24 392.144, reported for each school district, including, without
25 limitation, each charter school in the district, and for this State as a
26 whole.

27 (ee) Information on the paraprofessionals employed at public
28 schools in this State, including, without limitation, the charter
29 schools in this State. The information must include:

30 (1) The number of paraprofessionals employed, reported for
31 each school district, including, without limitation, each charter
32 school in the district, and for this State as a whole; and

33 (2) For each school district, including, without limitation,
34 each charter school in the district, and for this State as a whole, the
35 number and percentage of all paraprofessionals who do not satisfy
36 the qualifications set forth in 20 U.S.C. § 6319(c). The reporting
37 requirements of this subparagraph apply to paraprofessionals who
38 are employed in programs supported with Title I money and to
39 paraprofessionals who are not employed in programs supported with
40 Title I money.

41 (ff) An identification of appropriations made by the Legislature
42 to improve the academic achievement of pupils and programs
43 approved by the Legislature to improve the academic achievement
44 of pupils.



(gg) A compilation of the special programs available for pupils at individual schools, listed by school and by school district, including, without limitation, each charter school in the district.

(hh) For each school district, including, without limitation, each charter school in the district and for this State as a whole, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(ii) The number of incidents resulting in suspension or expulsion for bullying, cyber-bullying, harassment or intimidation, reported for each school district, including, without limitation, each charter school in the district, and for the State as a whole.

2. A separate reporting for a group of pupils must not be made pursuant to this section if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe a mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The annual report of accountability must:

(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

4. On or before October 15 of each year, the State Board shall:



(a) Provide for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department; and

(b) Provide written notice that the report is available on the Internet website maintained by the Department. The written notice must be provided to the:

(1) Governor;

(2) Committee;

(3) Bureau;

(4) Board of Regents of the University of Nevada;

(5) Board of trustees of each school district; and

(6) Governing body of each charter school.

5. Upon the request of the Governor, an entity described in paragraph (b) of subsection 4 or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.

6. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Harassment" has the meaning ascribed to it in NRS 388.125.

(d) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(e) "Intimidation" has the meaning ascribed to it in NRS 388.129.

(f) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 2. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools sponsored by the school district. The board of trustees of each school district shall report the information required by subsection 2 for each charter school sponsored by the school district. The information for charter schools must be reported separately.

2. The board of trustees of each school district shall, on or before September 30 of each year, prepare an annual report of accountability concerning:

(a) The educational goals and objectives of the school district.



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(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school sponsored by the district, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations.

(2) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school.

(3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(I) Pupils who are economically disadvantaged, as defined by the State Board;

(II) Pupils from major racial and ethnic groups, as defined by the State Board;

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

(V) Pupils who are migratory children, as defined by the State Board.

(4) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(5) The percentage of pupils who were not tested.

(6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in subparagraph (3).

(7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(8) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools sponsored by the district, with the results of pupils throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.



(9) For each school in the district, including, without limitation, each charter school sponsored by the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(10) Information on whether each school in the district, including, without limitation, each charter school sponsored by the district, has made progress based upon the model adopted by the Department pursuant to NRS 385.3595.

➤ A separate reporting for a group of pupils must not be made pursuant to this paragraph if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(d) The total number of persons employed for each elementary school, middle school or junior high school, and high school in the district, including, without limitation, each charter school sponsored by the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by each school in each category, the report must include the number of employees in each of the three categories for each school expressed as a percentage of the total number of persons employed by the school. As used in this paragraph:

(1) "Administrator" means a person who spends at least 50 percent of his or her work year supervising other staff or licensed personnel, or both, and who is not classified by the board of trustees of the school district as a professional-technical employee.

(2) "Other staff" means all persons who are not reported as administrators or teachers, including, without limitation:

(I) School counselors, school nurses and other employees who spend at least 50 percent of their work year providing emotional support, noninstructional guidance or medical support to pupils;



(II) Noninstructional support staff, including, without limitation, janitors, school police officers and maintenance staff; and

(III) Persons classified by the board of trustees of the school district as professional-technical employees, including, without limitation, technical employees and employees on the professional-technical pay scale.

(3) "Teacher" means a person licensed pursuant to chapter 391 of NRS who is classified by the board of trustees of the school district:

(I) As a teacher and who spends at least 50 percent of his or her work year providing instruction or discipline to pupils; or

(II) As instructional support staff, who does not hold a supervisory position and who spends not more than 50 percent of his or her work year providing instruction to pupils. Such instructional support staff includes, without limitation, librarians and persons who provide instructional support.

(e) The total number of persons employed by the school district, including without limitation, each charter school sponsored by the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by the school district in each category, the report must include the number of employees in each of the three categories expressed as a percentage of the total number of persons employed by the school district. As used in this paragraph, "administrator," "other staff" and "teacher" have the meanings ascribed to them in paragraph (d).

(f) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The information must include, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty



1 compared to low-poverty schools, which for the purposes of this
2 subparagraph means schools in the top quartile of poverty and the
3 bottom quartile of poverty in this State;

4 (4) For each middle school, junior high school and high
5 school:

6 (I) The number of persons employed as substitute
7 teachers for 20 consecutive days or more in the same classroom or
8 assignment, designated as long-term substitute teachers, including
9 the total number of days long-term substitute teachers were
10 employed at each school, identified by grade level and subject area;
11 and

12 (II) The number of persons employed as substitute
13 teachers for less than 20 consecutive days, designated as short-term
14 substitute teachers, including the total number of days short-term
15 substitute teachers were employed at each school, identified by
16 grade level and subject area; and

17 (5) For each elementary school:

18 (I) The number of persons employed as substitute
19 teachers for 20 consecutive days or more in the same classroom or
20 assignment, designated as long-term substitute teachers, including
21 the total number of days long-term substitute teachers were
22 employed at each school, identified by grade level; and

23 (II) The number of persons employed as substitute
24 teachers for less than 20 consecutive days, designated as short-term
25 substitute teachers, including the total number of days short-term
26 substitute teachers were employed at each school, identified by
27 grade level.

28 (g) The total expenditure per pupil for each school in the district
29 and the district as a whole, including, without limitation, each
30 charter school sponsored by the district. If this State has a financial
31 analysis program that is designed to track educational expenditures
32 and revenues to individual schools, each school district shall use that
33 statewide program in complying with this paragraph. If a statewide
34 program is not available, each school district shall use its own
35 financial analysis program in complying with this paragraph.

36 (h) The curriculum used by the school district, including:

37 (1) Any special programs for pupils at an individual school;
38 and

39 (2) The curriculum used by each charter school sponsored by
40 the district.

41 (i) Records of the attendance and truancy of pupils in all grades,
42 including, without limitation:

43 (1) The average daily attendance of pupils, for each school in
44 the district and the district as a whole, including, without limitation,
45 each charter school sponsored by the district.



(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school sponsored by the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(j) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(k) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(l) Efforts made by the school district and by each school in the district, including, without limitation, each charter school sponsored by the district, to increase:

(1) Communication with the parents of pupils enrolled in the district;

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees; and

(3) The involvement of parents and the engagement of families of pupils enrolled in the district in the education of their children.

(m) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school sponsored by the district.

(n) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school sponsored by the district.

(o) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.



(p) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(q) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, *or section 7, 8 or 9 of this act*, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(r) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. For the purposes of this paragraph, a pupil is not transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(s) Each source of funding for the school district.

(t) A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(2) An identification of each program of remedial study, listed by subject area.

(u) For each high school in the district, including, without limitation, each charter school sponsored by the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education.

(v) The technological facilities and equipment available at each school, including, without limitation, each charter school sponsored by the district, and the district's plan to incorporate educational technology at each school.

(w) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

(I) Paragraph (a) of subsection 1 of NRS 389.805; and



(II) Paragraph (b) of subsection 1 of NRS 389.805.

(2) An adult diploma.

(3) An adjusted diploma.

(4) A certificate of attendance.

(x) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, the number and percentage of pupils who failed to pass the high school proficiency examination.

(y) The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

(z) The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school sponsored by the district.

(aa) Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.

(bb) Information on whether each public school in the district, including, without limitation, each charter school sponsored by the district, has made adequate yearly progress, including, without limitation:

(1) The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and

(2) The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(cc) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school sponsored by the district. The information must include:

(1) The number of paraprofessionals employed at the school; and

(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with



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1 Title I money and to paraprofessionals who are not employed in
2 positions supported with Title I money.

3 (dd) For each high school in the district, including, without
4 limitation, each charter school sponsored by the district that operates
5 as a high school, information that provides a comparison of the rate
6 of graduation of pupils enrolled in the high school with the rate of
7 graduation of pupils throughout the district and throughout this
8 State. The information required by this paragraph must be provided
9 in consultation with the Department to ensure the accuracy of the
10 comparison.

11 (ee) An identification of the appropriations made by the
12 Legislature that are available to the school district or the schools
13 within the district and programs approved by the Legislature to
14 improve the academic achievement of pupils.

15 (ff) For each school in the district and the district as a whole,
16 including, without limitation, each charter school sponsored by the
17 district, information on pupils enrolled in career and technical
18 education, including, without limitation:

19 (1) The number of pupils enrolled in a course of career and
20 technical education;

21 (2) The number of pupils who completed a course of career
22 and technical education;

23 (3) The average daily attendance of pupils who are enrolled
24 in a program of career and technical education;

25 (4) The annual rate of pupils who dropped out of school and
26 were enrolled in a program of career and technical education before
27 dropping out;

28 (5) The number and percentage of pupils who completed a
29 program of career and technical education and who received a
30 standard high school diploma, an adjusted diploma or a certificate of
31 attendance; and

32 (6) The number and percentage of pupils who completed a
33 program of career and technical education and who did not receive a
34 high school diploma because the pupils failed to pass the high
35 school proficiency examination.

36 (gg) The number of incidents resulting in suspension or
37 expulsion for bullying, cyber-bullying, harassment or intimidation,
38 for each school in the district and the district as a whole, including,
39 without limitation, each charter school sponsored by the district.

40 (hh) Such other information as is directed by the Superintendent
41 of Public Instruction.

42 3. The State Public Charter School Authority and each college
43 or university within the Nevada System of Higher Education that
44 sponsors a charter school shall, on or before September 30 of each
45 year, prepare an annual report of accountability of the charter



1 schools sponsored by the State Public Charter School Authority or
2 institution, as applicable, concerning the accountability information
3 prescribed by the Department pursuant to this section. The
4 Department, in consultation with the State Public Charter School
5 Authority and each college or university within the Nevada System
6 of Higher Education that sponsors a charter school, shall prescribe
7 by regulation the information that must be prepared by the State
8 Public Charter School Authority and institution, as applicable,
9 which must include, without limitation, the information contained in
10 paragraphs (a) to (hh), inclusive, of subsection 2, as applicable to
11 charter schools. The Department shall provide for public
12 dissemination of the annual report of accountability prepared
13 pursuant to this section in the manner set forth in 20 U.S.C. §
14 6311(h)(2)(E) by posting a copy of the report on the Internet website
15 maintained by the Department.

16 4. The records of attendance maintained by a school for
17 purposes of paragraph (k) of subsection 2 or maintained by a charter
18 school for purposes of the reporting required pursuant to subsection
19 3 must include the number of teachers who are in attendance at
20 school and the number of teachers who are absent from school. A
21 teacher shall be deemed in attendance if the teacher is excused from
22 being present in the classroom by the school in which the teacher is
23 employed for one of the following reasons:

24 (a) Acquisition of knowledge or skills relating to the
25 professional development of the teacher; or

26 (b) Assignment of the teacher to perform duties for cocurricular
27 or extracurricular activities of pupils.

28 5. The annual report of accountability prepared pursuant to
29 subsection 2 or 3, as applicable, must:

30 (a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations
31 adopted pursuant thereto; and

32 (b) Be presented in an understandable and uniform format and,
33 to the extent practicable, provided in a language that parents can
34 understand.

35 6. The Superintendent of Public Instruction shall:

36 (a) Prescribe forms for the reports required pursuant to
37 subsections 2 and 3 and provide the forms to the respective school
38 districts, the State Public Charter School Authority and each college
39 or university within the Nevada System of Higher Education that
40 sponsors a charter school.

41 (b) Provide statistical information and technical assistance to the
42 school districts, the State Public Charter School Authority and each
43 college or university within the Nevada System of Higher Education
44 that sponsors a charter school to ensure that the reports provide
45 comparable information with respect to each school in each district,



1 each charter school and among the districts and charter schools
2 throughout this State.

3 (c) Consult with a representative of the:

- 4 (1) Nevada State Education Association;
- 5 (2) Nevada Association of School Boards;
- 6 (3) Nevada Association of School Administrators;
- 7 (4) Nevada Parent Teacher Association;
- 8 (5) Budget Division of the Department of Administration;
- 9 (6) Legislative Counsel Bureau; and
- 10 (7) Charter School Association of Nevada,

11 ↪ concerning the program and consider any advice or
12 recommendations submitted by the representatives with respect to
13 the program.

14 7. The Superintendent of Public Instruction may consult with
15 representatives of parent groups other than the Nevada Parent
16 Teacher Association concerning the program and consider any
17 advice or recommendations submitted by the representatives with
18 respect to the program.

19 8. On or before September 30 of each year:

20 (a) The board of trustees of each school district shall submit to
21 each advisory board to review school attendance created in the
22 county pursuant to NRS 392.126 the information required in
23 paragraph (i) of subsection 2.

24 (b) The State Public Charter School Authority and each college
25 or university within the Nevada System of Higher Education that
26 sponsors a charter school shall submit to each advisory board to
27 review school attendance created in a county pursuant to NRS
28 392.126 the information regarding the records of the attendance and
29 truancy of pupils enrolled in the charter school located in that
30 county, if any, in accordance with the regulations prescribed by the
31 Department pursuant to subsection 3.

32 9. On or before September 30 of each year:

33 (a) The board of trustees of each school district, the State Public
34 Charter School Authority and each college or university within the
35 Nevada System of Higher Education that sponsors a charter school
36 shall provide written notice that the report required pursuant to
37 subsection 2 or 3, as applicable, is available on the Internet website
38 maintained by the school district, State Public Charter School
39 Authority or institution, if any, or otherwise provide written notice
40 of the availability of the report. The written notice must be provided
41 to the:

- 42 (1) Governor;
- 43 (2) State Board;
- 44 (3) Department;
- 45 (4) Committee; and



(5) Bureau.

(b) The board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 or 3, as applicable, in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the school district, the State Public Charter School Authority or the institution, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school sponsored by the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school sponsored by the district. If the State Public Charter School Authority or the institution does not maintain a website, the State Public Charter School Authority or the institution, as applicable, shall otherwise provide for public dissemination of the annual report by providing a copy of the report to each charter school it sponsors and the parents and guardians of pupils enrolled in each charter school it sponsors.

10. Upon the request of the Governor, an entity described in paragraph (a) of subsection 9 or a member of the general public, the board of trustees of a school district, the State Public Charter School Authority or a college or university within the Nevada System of Higher Education that sponsors a charter school, as applicable, shall provide a portion or portions of the report required pursuant to subsection 2 or 3, as applicable.

11. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Harassment" has the meaning ascribed to it in NRS 388.125.

(d) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(e) "Intimidation" has the meaning ascribed to it in NRS 388.129.

(f) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 3. NRS 386.550 is hereby amended to read as follows:

386.550 1. A charter school shall:

(a) Comply with all laws and regulations relating to discrimination and civil rights.



(b) Remain nonsectarian, including, without limitation, in its educational programs, policies for admission and employment practices.

(c) Refrain from charging tuition or fees, levying taxes or issuing bonds.

(d) Comply with any plan for desegregation ordered by a court that is in effect in the school district in which the charter school is located.

(e) Comply with the provisions of chapter 241 of NRS.

(f) Except as otherwise provided in this paragraph, schedule and provide annually at least as many days of instruction as are required of other public schools located in the same school district as the charter school is located. The governing body of a charter school may submit a written request to the Superintendent of Public Instruction for a waiver from providing the days of instruction required by this paragraph. The Superintendent of Public Instruction may grant such a request if the governing body demonstrates to the satisfaction of the Superintendent that:

(1) Extenuating circumstances exist to justify the waiver; and

(2) The charter school will provide at least as many hours or minutes of instruction as would be provided under a program consisting of 180 days.

(g) Cooperate with the board of trustees of the school district in the administration of the achievement and proficiency examinations administered pursuant to NRS 389.015 , ~~and~~ the examinations required pursuant to NRS 389.550 *and the assessment prescribed and administered pursuant to section 6 of this act* to the pupils who are enrolled in the charter school.

(h) Comply with applicable statutes and regulations governing the achievement and proficiency of pupils in this State.

(i) Provide instruction in the core academic subjects set forth in subsection 1 of NRS 389.018, as applicable for the grade levels of pupils who are enrolled in the charter school, and provide at least the courses of study that are required of pupils by statute or regulation for promotion to the next grade or graduation from a public high school and require the pupils who are enrolled in the charter school to take those courses of study. This paragraph does not preclude a charter school from offering, or requiring the pupils who are enrolled in the charter school to take, other courses of study that are required by statute or regulation.

(j) If the parent or legal guardian of a child submits an application to enroll in kindergarten, first grade or second grade at the charter school, comply with NRS 392.040 regarding the ages for enrollment in those grades.



(k) Refrain from using public money to purchase real property or buildings without the approval of the sponsor.

(l) Hold harmless, indemnify and defend the sponsor of the charter school against any claim or liability arising from an act or omission by the governing body of the charter school or an employee or officer of the charter school. An action at law may not be maintained against the sponsor of a charter school for any cause of action for which the charter school has obtained liability insurance.

(m) Provide written notice to the parents or legal guardians of pupils in grades 9 to 12, inclusive, who are enrolled in the charter school of whether the charter school is accredited by the Commission on Schools of the Northwest Association of Schools and of Colleges and Universities.

(n) Adopt a final budget in accordance with the regulations adopted by the Department. A charter school is not required to adopt a final budget pursuant to NRS 354.598 or otherwise comply with the provisions of chapter 354 of NRS.

(o) If the charter school provides a program of distance education pursuant to NRS 388.820 to 388.874, inclusive, comply with all statutes and regulations that are applicable to a program of distance education for purposes of the operation of the program.

2. A charter school shall not provide instruction through a program of distance education to children who are exempt from compulsory attendance authorized by the State Board pursuant to subsection 1 of NRS 392.070. As used in this subsection, "distance education" has the meaning ascribed to it in NRS 388.826.

Sec. 4. NRS 386.583 is hereby amended to read as follows:

386.583 The governing body of a charter school shall adopt rules for the academic retention of pupils who are enrolled in the charter school. The rules must prescribe the conditions under which a pupil may be retained in the same grade rather than promoted to the next higher grade for the immediately succeeding school year. *The rules adopted by the governing body of a charter school pursuant to this section are in addition to the requirements for academic retention of a pupil set forth in sections 6 to 10, inclusive, of this act.*

Sec. 5. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections 6 to 11, inclusive, of this act.

Sec. 6. 1. The State Board shall prescribe:

(a) An assessment to determine the proficiency in reading of pupils enrolled in grades 1, 2 and 3, which:

(1) May be administered to a pupil individually, depending on the grade in which the pupil is enrolled;



(2) Measures a pupil's achievement and proficiency in phonics, fluency, vocabulary and comprehension;

(3) Monitors the pupil's progress in reading; and

(4) Uses methods to identify a pupil's proficiency in language acquisition;

(b) The score which a pupil enrolled in grade 1, 2 or 3 must obtain on the assessment prescribed pursuant to paragraph (a) to demonstrate proficiency in reading; and

(c) The criteria, including, without limitation, the score obtained by a pupil in grade 1, 2 or 3 on the assessment prescribed pursuant to paragraph (a), by which it is determined that a pupil enrolled in grade 1, 2 or 3 exhibits a substantial deficiency in reading.

2. The board of trustees of each school district and the governing body of each charter school that enrolls pupils in grade 1, 2 or 3 shall:

(a) Simultaneously administer the assessment prescribed pursuant to paragraph (a) of subsection 1 at the time prescribed by the State Board and in accordance with uniform procedures adopted by the State Board; and

(b) Designate at least one reading specialist who is responsible for working with pupils for whom an academic plan is developed pursuant to paragraph (b) of subsection 1 of section 7 of this act.

Sec. 7. 1. If the board of trustees of a school district or the governing body of a charter school, as applicable, determines pursuant to the criteria prescribed by the State Board pursuant to paragraph (c) of subsection 1 of section 6 of this act that a pupil enrolled in grade 1, 2 or 3 exhibits a substantial deficiency in reading:

(a) The principal of the school or the person designated by the governing body of the charter school, as applicable, shall provide written notice of the determination to the parent or legal guardian of the pupil and ensure that the parent or legal guardian has an opportunity to participate in the development of the academic plan pursuant to paragraph (b); and

(b) Not later than 30 days after the determination is made, the pupil's teacher shall develop an academic plan to improve the pupil's proficiency in reading. The plan must be developed in consultation with:

(1) Another teacher at the school;

(2) A reading specialist designated by the board of trustees of the school district or the governing body of the charter school, as applicable, pursuant to paragraph (b) of subsection 2 of section 6 of this act;



(3) *An instructional coach appointed by the principal of the school or the person designated by the governing body of the charter school, as applicable;*

(4) *An administrator of the school;*

(5) *A person with knowledge of scientifically based reading research; or*

(6) *Any combination of the persons described in subparagraphs (1) to (5), inclusive.*

2. *An academic plan developed pursuant to paragraph (b) of subsection 1 must:*

(a) *Set forth the specific fundamental reading skills in which the pupil exhibits a deficiency.*

(b) *Set forth the goals that the pupil must achieve in the fundamental reading skills in which the pupil exhibits a deficiency.*

(c) *Describe the interventions which are targeted to the pupil and based upon scientifically based reading research and any other educational programs or services that will be implemented to improve the pupil's proficiency in reading, which may include, without limitation:*

(1) *Strategies or programs which the parent or legal guardian may implement at home to improve the pupil's proficiency in reading;*

(2) *Programs to improve the pupil's proficiency in reading which are offered during summer school or intersession school;*

(3) *Supplemental instruction in reading provided before or after school;*

(4) *Supplemental instruction in reading provided during the regular school day;*

(5) *Supplemental instruction in reading provided by a person designated as a reading specialist by the board of trustees of the school district or the governing body of the charter school pursuant to paragraph (b) of subsection 2 of section 6 of this act;*

(6) *Tutoring or mentoring; and*

(7) *Assignment to a different teacher.*

(d) *Identify the setting in which the interventions or educational programs or services will be implemented for the pupil and each person who will be implementing the interventions or educational programs or services.*

(e) *Describe the method by which the progress of the pupil will be monitored, which must include, without limitation:*

(1) *A requirement that the progress of the pupil be measured not less than three times per school year; and*

(2) *Methods for summarizing the data collected.*



1 (f) Be provided to the parent or legal guardian of the pupil not
2 later than 10 days after the plan has been developed.

3 (g) Be updated annually for a pupil who completes the
4 academic plan and continues to demonstrate a substantial
5 deficiency in reading.

6 3. The principal of the school or the person designated by the
7 governing body of the charter school, as applicable, shall:

8 (a) Review the progress of each pupil for whom an academic
9 plan is developed pursuant to paragraph (b) of subsection 1 to
10 determine the effectiveness of the interventions and any other
11 educational programs or services that were implemented to
12 improve the pupil's proficiency in reading; and

13 (b) Provide written notice not less than three times per year to
14 the parent or legal guardian of a pupil for whom an academic
15 plan is developed pursuant to paragraph (b) of subsection 1 of the
16 progress of the pupil in improving his or her proficiency in
17 reading.

18 4. The principal or the person designated by the governing
19 body of the charter school, as applicable, of each school in which
20 an academic plan is developed pursuant to paragraph (b) of
21 subsection 1 for one or more pupils enrolled in the school shall:

22 (a) Conduct a review of each academic plan to determine the
23 effectiveness of each plan in improving the pupil's proficiency in
24 reading; and

25 (b) Provide professional development for teachers in
26 developing and implementing academic plans based upon
27 scientifically based reading research.

28 5. If the board of trustees of a school district or the governing
29 body of a charter school, as applicable, determines that a pupil
30 enrolled in grade 1 or 2 exhibits a substantial deficiency in
31 reading and an academic plan has been developed for the pupil
32 pursuant to paragraph (b) of subsection 1, the parent or legal
33 guardian of the pupil must be provided an opportunity to meet
34 with the pupil's teacher and a person designated as a reading
35 specialist by the board of trustees of the school district or the
36 governing body of a charter school, as applicable, pursuant to
37 paragraph (b) of subsection 2 of section 6 of this act to determine
38 whether the pupil should be retained in the same grade rather
39 than promoted to the next higher grade for the succeeding school
40 year. If the pupil's teacher and the reading specialist recommend
41 that the pupil be retained in the same grade, the pupil's teacher
42 shall provide written notice of the recommendation to the
43 principal of the school or the person designated by the governing
44 body of the charter school, as applicable. Upon receipt of such a
45 written recommendation, the principal of the school or the person



1 *designated by the governing body of the charter school, as*
2 *applicable, shall review the recommendation and make a*
3 *determination whether the pupil should be retained. The principal*
4 *of the school or the person designated by the governing body of*
5 *the charter school, as applicable, shall provide to the parent or*
6 *legal guardian of the pupil notice of his or her determination not*
7 *later than 10 working days after making the determination. The*
8 *parent or legal guardian of a pupil may appeal a determination*
9 *made pursuant to this subsection to the placement committee*
10 *appointed pursuant to section 9 of this act.*

11 **Sec. 8. 1.** *Except as otherwise provided in this section, a*
12 *pupil enrolled in grade 3 must not be promoted to grade 4 if the*
13 *pupil does not obtain on the assessment prescribed pursuant to*
14 *paragraph (a) of subsection 1 of section 6 of this act a score that*
15 *meets or exceeds the score prescribed by the State Board pursuant*
16 *to paragraph (b) of subsection 1 of section 6 of this act.*

17 **2.** *The superintendent of schools of a school district or the*
18 *governing body of a charter school, as applicable, may authorize*
19 *the promotion of a pupil to grade 4 who would otherwise be*
20 *retained in grade 3 pursuant to subsection 1 only if:*

21 *(a) The pupil is limited English proficient and has received*
22 *less than 2 years of instruction in a program of instruction that*
23 *teaches English as a second language;*

24 *(b) The pupil was previously retained for 2 or more years in*
25 *grade 1, 2 or 3 and an academic plan has been developed for the*
26 *pupil pursuant to paragraph (b) of subsection 1 of section 7 of this*
27 *act for 2 or more years even if the pupil continues to demonstrate*
28 *a substantial deficiency in reading; or*

29 *(c) The pupil has a disability and his or her individualized*
30 *education program, as that term is defined in 20 U.S.C. §*
31 *1414(d)(1)(A), indicates that the pupil's participation in the*
32 *assessment prescribed pursuant to paragraph (a) of subsection 1*
33 *of section 6 of this act is not appropriate.*

34 **3.** *The parent or legal guardian of a pupil may appeal to the*
35 *placement committee appointed pursuant to section 9 of this act*
36 *the retention in grade 3 of a pupil pursuant to subsection 1.*

37 **Sec. 9. 1.** *The principal of a school or the person*
38 *designated by the governing body of a charter school, as*
39 *applicable, shall appoint a placement committee to review any*
40 *appeal submitted by the parent or legal guardian of a pupil*
41 *pursuant to subsection 5 of section 7 of this act or subsection 3 of*
42 *section 8 of this act.*

43 **2.** *Upon receipt of an appeal submitted pursuant to*
44 *subsection 5 of section 7 of this act or subsection 3 of section 8 of*
45 *this act, the placement committee shall review the appeal to*



1 *determine whether the pupil demonstrates adequate proficiency in*
2 *reading and should be promoted to the next higher grade. In*
3 *considering an appeal, the placement committee shall consider*
4 *any evidence submitted by the parent or guardian of the pupil that*
5 *the pupil should be promoted to the next higher grade. If the*
6 *placement committee determines that a pupil should be retained in*
7 *his or her current grade, the placement committee shall provide*
8 *written notice of its determination to the parent or legal guardian*
9 *of the pupil and to the principal of the school or the person*
10 *designated by the governing body of a charter school, as*
11 *applicable. The parent or legal guardian of a pupil may appeal to*
12 *the board of trustees of the school district or the governing body of*
13 *the charter school, as applicable, a determination by the*
14 *placement committee that the pupil should be retained in his or*
15 *her current grade.*

16 3. *The board of trustees of the school district or the governing*
17 *body of a charter school, as applicable, shall review any appeal*
18 *from a decision of a placement committee submitted by a parent or*
19 *legal guardian of a pupil pursuant to subsection 2 and determine*
20 *whether the pupil should be retained in his or her current grade.*
21 *The board of trustees of the school district or the governing body*
22 *of a charter school, as applicable, shall provide written notice of*
23 *its determination to the parent or legal guardian of the pupil and*
24 *to the principal of the school or the person designated by the*
25 *governing body of the charter school, as applicable. The*
26 *determination of the board of trustees of the school district or the*
27 *governing body of the charter school is a final decision.*

28 **Sec. 10.** *If a pupil is retained in grade 1, 2 or 3 pursuant to*
29 *section 7, 8 or 9 of this act, the principal of the school or the*
30 *person designated by the governing body of the charter school, as*
31 *applicable, shall:*

32 1. *Ensure that the pupil is assigned to a teacher whose*
33 *performance has been designated as highly effective or effective*
34 *pursuant to NRS 391.3125.*

35 2. *Provide intervention services which are designed to*
36 *improve the pupil's proficiency in reading. The intervention*
37 *services may include, without limitation:*

38 (a) *Uninterrupted reading instruction that is based upon*
39 *scientifically based reading research for at least 90 minutes each*
40 *school day;*

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

43 (c) *Instruction that is provided in a small group setting each*
44 *day;*



(d) Reading programs which are based on scientifically based reading research and which have been proven effective in improving the proficiency of pupils in reading;

(e) Instruction which is systematic and which fully explains the material in a manner the pupil can understand;

(f) The administration of assessments to monitor frequently the progress of the pupil;

(g) Placing the pupil in a transitional instructional setting designed to produce learning gains sufficient for the pupil to meet the proficiency standards required for the next higher grade level;

(h) Instruction provided to the pupil before or after school by a teacher or tutor who has specialized training in reading;

(i) Reading programs offered during summer school or intersession school;

(j) Any other intervention service which the principal or person designated by the governing body of the charter school, as applicable, determines will assist the pupil in achieving proficiency in reading; or

(k) Any combination of the intervention services described in paragraphs (a) to (j), inclusive.

3. Provide the parent or legal guardian of the pupil with a plan for reading with the pupil at home and participating in any workshops that may be available in the school district to assist the parent or legal guardian with reading with the pupil at home.

Sec. 11. On or before September 1 of each year, the board of trustees of each school district and the governing body of each charter school shall prepare a report concerning the number and percentage of pupils at each public school or charter school, as applicable, who were retained in grade 3 pursuant to subsection 1 of section 8 of this act and submit a copy of the report to the Department.

Sec. 12. NRS 392.125 is hereby amended to read as follows:

392.125 1. Except as otherwise provided in subsection 4, before any pupil enrolled in a public school may be retained in the same grade rather than promoted to the next higher grade for the succeeding school year, the pupil's teacher and principal must make a reasonable effort to arrange a meeting and to meet with the pupil's parents or guardian to discuss the reasons and circumstances.

2. ~~The~~ Except as otherwise provided in sections 7, 8 and 9 of this act, the teacher and the principal in joint agreement have the final authority to retain a pupil in the same grade for the succeeding school year.

3. Except as otherwise provided in subsection 2 of NRS 392.033 for the promotion of a pupil to high school, no pupil may be retained more than one time in the same grade.



1 4. ~~This~~ *Except as otherwise provided in sections 7, 8 and 9*
2 *of this act, this* section does not apply to the academic retention of
3 pupils who are enrolled in a charter school.

4 **Sec. 13.** The assessment prescribed by the State Board of
5 Education pursuant to paragraph (a) of subsection 1 of section 6 of
6 this act must only be administered to pupils enrolled in grade 1 in
7 the 2013-2014 school year, grades 1 and 2 in the 2014-2015 school
8 year, and grades 1, 2 and 3 in the 2015-2016 school year and each
9 subsequent school year.

10 **Sec. 14.** This act becomes effective on July 1, 2013.

