

## Amendment No. 262

Assembly Amendment to Assembly Bill No. 161

(BDR 34-722)

Proposed by: Assembly Committee on Education

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/> _____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/> _____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/> _____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/> _____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/> _____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/> _____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

KCR/EGO



Date: 4/21/2013

A.B. No. 161—Revises provisions governing the advancement of certain pupils to higher grade levels. (BDR 34-722)



## ASSEMBLY BILL NO. 161—COMMITTEE ON EDUCATION

FEBRUARY 21, 2013

Referred to Committee on Education

SUMMARY—Revises provisions governing the advancement of certain pupils to higher grade levels. (BDR 34-722)

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; **creating the Task Force on Reading Proficiency within the Department of Education;** requiring ~~schools~~ school districts and charter schools to administer the assessments prescribed by the Task Force to identify pupils enrolled in kindergarten or grade 1, 2 or 3 who ~~do not achieve~~ achieved proficiency in reading; requiring the development of an academic plan for a pupil who has not achieved proficiency in reading; requiring school districts and charter schools to develop certain programs which are designed to improve the proficiency in reading of certain pupils; requiring certain pupils to enroll in such a program; prohibiting the promotion of ~~certain pupils~~ a pupil to grade 4 ~~if requiring school districts to prescribe intensive instructional services in reading for certain pupils;~~ if the pupil has not achieved proficiency in reading unless the pupil is granted a good-cause exemption; making various other changes relating to the advancement of certain pupils to higher grade levels; and providing other matters properly relating thereto.

## Legislative Counsel's Digest:

Section 4.5 of this bill creates the Task Force on Reading Proficiency within the Department of Education and prescribes the membership of the Task Force. Section 4.7 of this bill prescribes the duties of the Task Force, including prescribing an assessment for administration to pupils enrolled in kindergarten and grades 1, 2 and 3 to determine proficiency in reading and to prescribe certain other requirements relating to proficiency in reading.

Section 5 of this bill provides that: (1) commencing with the 2013-2014 school year, if a pupil enrolled in kindergarten or grade 1 does not achieve proficiency in reading based upon the assessment prescribed by the Task Force, the parent or legal guardian of the pupil must be given written notice of that fact; (2) commencing with the 2014-2015 school year, written notice must be provided to the parent or legal guardian of such a pupil enrolled in grade 2; and (3) commencing with the 2015-2016 school year, written notice must be provided to the parent or legal guardian of such a pupil enrolled in grade 3. Section 5.5 of this bill requires that an academic plan be developed for those pupils

who have not achieved proficiency in reading and section 5.7 of this bill prescribes the requirements for the development of the academic plan.

Under existing law, 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 teacher and the principal. (NRS 392.125) Existing law also exempts the governing body of a charter school from the requirements governing promotion to the next higher grade and instead requires the governing body to adopt its own rules for the academic retention of the pupils enrolled in the charter school. (NRS 386.583)

~~[Section]~~ Commencing with the 2015-2016 school year, section 7 of this bill prohibits a pupil enrolled in grade 3 from being promoted to grade 4 unless the pupil obtains the score prescribed by the ~~[Teachers and Leaders Council of Nevada in the subject area of reading on the criterion referenced examination]~~ Task Force on Reading Proficiency on the assessment prescribed by the Task Force. Section 3 of this bill imposes a related prohibition on the promotion of pupils enrolled in grade 3 for pupils enrolled in charter schools. Section 7 also sets forth certain good-cause exemptions pursuant to which certain pupils who do not ~~[receive]~~ obtain the prescribed score on the ~~[criterion referenced examination in reading]~~ assessment may be promoted to grade 4.

~~[Section 8 of this bill requires the principal of the school to provide notice to the parent or legal guardian of a pupil if the pupil will be retained in grade 2. Section 8 also requires the principal to ensure such pupils are provided with intensive instructional services in reading, as prescribed by the board of trustees of the school district.]~~

~~[Section 5 of this bill requires the principal of a public school to provide notice to the parent or legal guardian of a pupil enrolled in kindergarten or grade 1, 2 or 3 who does not achieve proficiency in reading at the pupil's grade level. Section 5 also requires the principal to provide certain intensive instructional services in reading for such pupils.]~~ Section 6 of this bill requires the board of trustees of each school district and the governing body of each charter school to develop a program which is offered during the summer ~~[,]~~ or between sessions ~~[if the]~~ of school ~~[operates on a year round calendar]~~, and which is designed to improve the proficiency in reading of pupils who have completed grade 2 or 3 and have not achieved proficiency in reading. Section 6 also requires a pupil who has completed grade 2 or 3 and who does not achieve proficiency in reading to ~~[be enrolled]~~ enroll in the program.

Section 9.5 of this bill requires the board of trustees of each school district to adopt a procedure for the parent or legal guardian of a pupil to appeal a decision: (1) to retain the pupil in grade 3 pursuant to section 7; (2) whether to grant a good-cause exemption for the pupil to be promoted to grade 4 pursuant to section 7; and (3) to promote the pupil to any grade level if the parent or legal guardian wishes for the pupil to be retained. Section 3 requires the governing body of the charter school that enrolls pupils in grade 3 to adopt a similar appeal process for a decision to retain a pupil or whether to grant a good-cause exemption and all charter schools to adopt an appeal process on a decision to promote a pupil at any grade level.

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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;

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

3 (3) Pupils with disabilities;

4 (4) Pupils who are limited English proficient; and

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

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

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

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

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

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

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

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

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

33 (i) Information on the results of pupils who participated in the examinations of  
34 the National Assessment of Educational Progress required pursuant to NRS  
35 389.012.

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

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

49 (1) "Administrator" means a person who spends at least 50 percent of his  
50 or her work year supervising other staff or licensed personnel, or both, and who is  
51 not classified by the board of trustees of a school district as a professional-technical  
52 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

(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 386.583, 392.033 or 392.125, or, commencing with the 2015-2016 school year, pursuant to section 7 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

1 the zone of attendance by the board of trustees of the school district pursuant to  
2 NRS 388.040.

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

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

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

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

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

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

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

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

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

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

29 (2) An adult diploma.

30 (3) An adjusted diploma.

31 (4) A certificate of attendance.

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

35 (dd) The number of habitual truants who are reported to a school police officer  
36 or local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS  
37 392.144 and the number of habitual truants who are referred to an advisory board to  
38 review school attendance pursuant to paragraph (b) of subsection 2 of NRS  
39 392.144, reported for each school district, including, without limitation, each  
40 charter school in the district, and for this State as a whole.

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

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

47 (2) For each school district, including, without limitation, each charter  
48 school in the district, and for this State as a whole, the number and percentage of all  
49 paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. §  
50 6319(c). The reporting requirements of this subparagraph apply to  
51 paraprofessionals who are employed in programs supported with Title I money and  
52 to paraprofessionals who are not employed in programs supported with Title I  
53 money.

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

(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 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

(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.

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

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

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

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

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

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, 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 386.583, 392.033 or 392.125, or commencing with the 2015-2016 school year, pursuant to section 7 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

1 pursuant to NRS 385.377, the report must include a statement indicating the  
2 number of consecutive years the school district has carried that designation.

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

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

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

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

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

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

20 (dd) For each high school in the district, including, without limitation, each  
21 charter school sponsored by the district that operates as a high school, information  
22 that provides a comparison of the rate of graduation of pupils enrolled in the high  
23 school with the rate of graduation of pupils throughout the district and throughout  
24 this State. The information required by this paragraph must be provided in  
25 consultation with the Department to ensure the accuracy of the comparison.

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

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

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

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

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

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

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

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

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

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

52 3. The State Public Charter School Authority and each college or university  
53 within the Nevada System of Higher Education that sponsors a charter school shall,

on or before September 30 of each year, prepare an annual report of accountability of the charter schools sponsored by the State Public Charter School Authority or institution, as applicable, concerning the accountability information prescribed by the Department pursuant to this section. The Department, in consultation with the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school, shall prescribe by regulation the information that must be prepared by the State Public Charter School Authority and institution, as applicable, which must include, without limitation, the information contained in paragraphs (a) to (hh), inclusive, of subsection 2, as applicable to charter schools. The Department shall provide for public dissemination of the annual report of accountability prepared pursuant to this section 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 Department.

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

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

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

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

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

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

6. The Superintendent of Public Instruction shall:

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

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

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

(5) Budget Division of the Department of Administration;

(6) Legislative Counsel Bureau; and

(7) Charter School Association of Nevada,

↳ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the

1 program and consider any advice or recommendations submitted by the  
2 representatives with respect to the program.

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

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

7 (b) The State Public Charter School Authority and each college or university  
8 within the Nevada System of Higher Education that sponsors a charter school shall  
9 submit to each advisory board to review school attendance created in a county  
10 pursuant to NRS 392.126 the information regarding the records of the attendance  
11 and truancy of pupils enrolled in the charter school located in that county, if any, in  
12 accordance with the regulations prescribed by the Department pursuant to  
13 subsection 3.

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

15 (a) The board of trustees of each school district, the State Public Charter  
16 School Authority and each college or university within the Nevada System of  
17 Higher Education that sponsors a charter school shall provide written notice that the  
18 report required pursuant to subsection 2 or 3, as applicable, is available on the  
19 Internet website maintained by the school district, State Public Charter School  
20 Authority or institution, if any, or otherwise provide written notice of the  
21 availability of the report. The written notice must be provided to the:

- 22 (1) Governor;  
23 (2) State Board;  
24 (3) Department;  
25 (4) Committee; and  
26 (5) Bureau.

27 (b) The board of trustees of each school district, the State Public Charter  
28 School Authority and each college or university within the Nevada System of  
29 Higher Education that sponsors a charter school shall provide for public  
30 dissemination of the annual report of accountability prepared pursuant to subsection  
31 2 or 3, as applicable, in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by  
32 posting a copy of the report on the Internet website maintained by the school  
33 district, the State Public Charter School Authority or the institution, if any. If a  
34 school district does not maintain a website, the district shall otherwise provide for  
35 public dissemination of the annual report by providing a copy of the report to the  
36 schools in the school district, including, without limitation, each charter school  
37 sponsored by the district, the residents of the district, and the parents and guardians  
38 of pupils enrolled in schools in the district, including, without limitation, each  
39 charter school sponsored by the district. If the State Public Charter School  
40 Authority or the institution does not maintain a website, the State Public Charter  
41 School Authority or the institution, as applicable, shall otherwise provide for public  
42 dissemination of the annual report by providing a copy of the report to each charter  
43 school it sponsors and the parents and guardians of pupils enrolled in each charter  
44 school it sponsors.

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

51 11. As used in this section:

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

53 (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 386.583 is hereby amended to read as follows:

386.583 **1.** 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~~:

(a) *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. *If the parent or legal guardian of a pupil wishes that the pupil be retained and the teacher and the principal believe the pupil should be promoted to the next grade, the parent or legal guardian may appeal that decision in accordance with the procedure adopted by the governing body of the charter school pursuant to subsection 4.*

(b) ~~Prohibit~~ *Commencing with the 2015-2016 school year and each school year thereafter, prohibit a pupil enrolled in grade 3 from being promoted to grade 4 if the pupil does not achieve proficiency in reading ~~by~~ by the end of the school year based upon the results of the pupil on the assessment administered pursuant to paragraph (a) of subsection 1 of section 4.7 of this act, unless the pupil is granted a good-cause exemption pursuant to section 7 of this act. The rules prescribed pursuant to this subsection must be consistent with the provisions of sections 5 to ~~10~~ 9, inclusive, of this act.*

**2.** ~~On~~ *The governing body of a charter school that enrolls pupils in grade 3 shall adopt a policy that authorizes the principal of a school to promote a pupil who is retained in grade 3 pursuant to section 7 of this act on or before November 1 of the school year if the pupil demonstrates proficiency in reading. The policy must include specific criteria that a pupil must satisfy to be eligible for promotion, including, without limitation, the requirements for demonstrating proficiency in reading at the appropriate grade 4 level. The policy must prohibit the principal from promoting a pupil who is retained in grade 3 after November 1 of the school year unless the pupil demonstrates proficiency in reading in accordance with the requirements prescribed by the Task Force on Reading Proficiency pursuant to paragraph (c) of subsection 1 of section 4.7 of this act.*

**3.** *Commencing with the 2016-2017 school year, on or before September 1 of each year, the governing body of ~~each~~ a charter school that enrolls pupils in grade 3 shall:*

(a) *Prepare a report concerning the number and percentage of pupils at the charter school who were retained in grade 3 pursuant to this section, 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; and*

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

↪ *A separate reporting of a group of pupils must not be made pursuant to this paragraph if the results would reveal personally identifiable information about an individual pupil.*

(b) *Submit a copy of the report to the Department.*

(c) *Post the report on the Internet website maintained by the charter school, if any, and otherwise make the report available to the parents and legal guardians of pupils enrolled in the charter school and the general public.*

**4.** *The governing body of each charter school shall adopt a procedure for the parent or legal guardian of a pupil to appeal:*

(a) If the charter school enrolls pupils in grade 3;  
(1) A decision to retain the pupil in grade 3 pursuant to section 7 of this act; and

(2) A decision whether to grant a good-cause exemption for the pupil to be promoted to grade 4 pursuant to section 7 of this act.

(b) A decision to promote the pupil to any grade level if the parent or legal guardian wishes for the pupil to be retained.

Sec. 4. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~4.4~~ 4.5 to 11, inclusive, of this act.

Sec. 4.5. 1. There is hereby created within the Department the Task Force on Reading Proficiency consisting of seven members as follows:

(a) One representative of the Nevada State Education Association, appointed by that Association;

(b) One representative of the Nevada Association of School Superintendents and the Nevada Association of School Administrators, appointed jointly by those Associations;

(c) One representative of the Parent Teacher Association, appointed by that Association;

(d) One representative of the Nevada Association of School Boards, appointed by that Association;

(e) One representative of the Colleges of Education within the Nevada System of Higher Education, appointed by the Board of Regents of the University of Nevada;

(f) One staff member of the Department, appointed by the Department; and

(g) One person appointed by the Governor.

2. Each person appointed to the Task Force pursuant to subsection 1 must possess knowledge and experience in diagnostic tools for assessing the reading proficiency of pupils in kindergarten through grade 3 or in teaching reading at those grade levels.

3. Members of the Task Force serve a term of 2 years and may be reappointed to additional terms of 2 years in the same manner as the original appointment.

4. A vacancy on the Task Force must be filled in the same manner as the original appointment.

5. The Task Force shall, at its first meeting and annually thereafter, elect a Chair from among its members.

6. Members of the Task Force serve without compensation.

7. The Task Force may apply for and accept gifts, grants, donations and contributions from any source for the purpose of carrying out its duties pursuant to section 4.7 of this act.

8. The Department shall provide administrative support to the Task Force.

Sec. 4.7. 1. The Task Force on Reading Proficiency created by section 4.5 of this act shall prescribe by regulation:

(a) An assessment to determine the proficiency in reading of pupils enrolled in kindergarten and grades 1, 2 and 3 which measures a pupil's proficiency in phonemics, phonological awareness, fluency, vocabulary and comprehension;

(b) An assessment for administration to a pupil who was enrolled in grade 3 and participates in the program which is offered during the summer or between sessions of school developed pursuant to section 6 of this act to determine whether the pupil is eligible for a good-cause exemption pursuant to section 7 of this act, which may be the same assessment prescribed for grade 3 pursuant to paragraph (a);

(c) The requirements for a pupil who is retained in grade 3 pursuant to section 7 of this act to demonstrate proficiency in reading if the principal of the school believes the pupil should be promoted to grade 4 after November 1 of the school year, which may include, without limitation, a prescribed assessment;

(d) The score which a pupil must obtain on the assessments prescribed pursuant to paragraphs (a) and (b) to demonstrate proficiency in reading; and

(e) Requirements for the administration of the assessments.

2. The board of trustees of each school district and the governing body of each charter school shall administer the assessment prescribed by the Task Force pursuant to paragraph (a) of subsection 1 at the time prescribed by the Task Force and in accordance with the procedures adopted by the Task Force as follows:

(a) Commencing with the 2013-2014 school year and each school year thereafter, to pupils enrolled in kindergarten and grade 1;

(b) Commencing with the 2014-2015 school year and each school year thereafter, to pupils enrolled in grade 2; and

(c) Commencing with the 2015-2016 school year and each school year thereafter, to pupils enrolled in grade 3.

3. The assessment prescribed pursuant to paragraph (b) of subsection 1 must be administered by the board of trustees of each school district and the governing body of each charter school at the time prescribed by the Task Force.

Sec. 5. 1. ~~For~~ Commencing with the 2013-2014 school year and each school year thereafter, if a pupil enrolled in kindergarten or grade 1 ~~1, 2 or 3~~ does not achieve proficiency in reading ~~1~~ based upon ~~state or local assessments or upon the observations of the pupil's teacher,~~ the results of the pupil on the assessment administered pursuant to paragraph (a) of subsection 1 of section 4.7 of this act, the principal of the school, or the principal's designee, shall provide written notice of that fact to the parent or legal guardian of the pupil.

2. Commencing with the 2014-2015 school year and each school year thereafter, if a pupil enrolled in grade 2 does not achieve proficiency in reading based upon the results of the pupil on the assessment administered pursuant to paragraph (a) of subsection 1 of section 4.7 of this act, the principal of the school, or the principal's designee, shall provide written notice of that fact to the parent or legal guardian of the pupil.

3. Commencing with the 2015-2016 school year, and each school year thereafter, if a pupil enrolled in grade 3 does not achieve proficiency in reading based upon the results of the pupil on the assessment administered pursuant to paragraph (a) of subsection 1 of section 4.7 of this act, the principal of the school, or the principal's designee, shall provide written notice of that fact to the parent or legal guardian of the pupil.

4. The written notice required by subsection 1, 2 or 3, as applicable, must be provided in a language that the parent or legal guardian of the pupil can understand and must include, without limitation:

(a) An identification of the educational programs and services that the pupil will receive to improve the pupil's proficiency in reading ~~1~~, including, without limitation, the development of an academic plan for the pupil pursuant to section 5.7 of this act;

(b) An explanation that if the pupil does not ~~obtain a passing score in the subject area of reading on the criterion referenced examination administered pursuant to NRS 390.550,~~ achieve proficiency in reading in grade 3 based upon the results of the assessment administered pursuant to paragraph (a) of subsection 1 of section 4.7 of this act, the pupil will not be promoted to grade 4

1 unless the pupil is granted a good-cause exemption pursuant to section 7 of this  
2 act;

3 (c) An explanation of the factors that will determine whether the pupil will be  
4 retained in grade 3, including, without limitation, an explanation of the good-  
5 cause exemptions set forth in section 7 of this act; and

6 (d) ~~1. A description of the strategies which the parent or legal guardian may~~  
7 ~~use at home to help improve the pupil's proficiency in reading;~~

8 ~~(e) A description of the programs and services available in the community to~~  
9 ~~the pupil and the parent or legal guardian of the pupil to help improve the pupil's~~  
10 ~~proficiency in readings; and~~

11 ~~(f) A description of the policy and specific criteria adopted by the board of~~  
12 ~~trustees of the school district pursuant to subsection 1.2 of section 9.5 of this~~  
13 ~~act or the governing body of the charter school pursuant to subsection 2 of NRS~~  
14 ~~386.583, as applicable, regarding the promotion of a pupil to grade 4 during the~~  
15 ~~school year if the pupil is retained in grade 3 pursuant to section 7 of this act.~~

16 1.2. 5. A pupil enrolled in kindergarten or grade 1, 2 or 3 who does not  
17 achieve proficiency in reading based upon the results of the pupil on the  
18 assessment administered pursuant to paragraph (a) of subsection 1 of section 4.7  
19 of this act must:

20 ~~(a) Receive intensive instruction in reading; and~~

21 ~~(b) Have~~ have his or her proficiency in reading assessed at the beginning of  
22 the school year following any school year in which the pupil receives intensive  
23 instruction in reading pursuant to paragraph (a); ~~has an academic plan~~  
24 developed pursuant to section 5.7 of this act.

25 Sec. 5.5. 1. Commencing with the 2013-2014 school year and each school  
26 year thereafter, if a pupil enrolled in kindergarten or grade 1 does not achieve  
27 proficiency in reading based upon the results of the pupil on the assessment  
28 administered pursuant to paragraph (a) of subsection 1 of section 4.7 of this act,  
29 an academic plan must be developed for the pupil pursuant to section 5.7 of this  
30 act.

31 2. Commencing with the 2014-2015 school year and each school year  
32 thereafter, if a pupil enrolled in grade 2 does not achieve proficiency in reading  
33 based upon the results of the pupil on the assessment administered pursuant to  
34 paragraph (a) of subsection 1 of section 4.7 of this act, an academic plan must be  
35 developed for the pupil pursuant to section 5.7 of this act.

36 3. Commencing with the 2015-2016 school year and each school year  
37 thereafter, if a pupil enrolled in grade 3 does not achieve proficiency in reading  
38 based upon the results of the pupil on the assessment administered pursuant to  
39 paragraph (a) of subsection 1 of section 4.7 of this act, an academic plan must be  
40 developed for the pupil pursuant to section 5.7 of this act. An academic plan must  
41 also be developed for a pupil who is retained in grade 3 pursuant to section 7 of  
42 this act.

43 Sec. 5.7. 1. An academic plan required by section 5.5 of this act must be  
44 developed by the pupil's teacher in consultation with:

45 (a) Another teacher at the school;

46 (b) A reading specialist appointed by the principal of the school or the  
47 principal's designee;

48 (c) An instructional coach appointed by the principal of the school or the  
49 principal's designee;

50 (d) An administrator of the school;

51 (e) A person with knowledge of scientifically based reading research; or

52 (f) Any combination of the persons described in paragraphs (a) to (e),  
53 inclusive.

1     ↪ The parent or legal guardian of the pupil must be given an opportunity to  
2     participate in the development of the academic plan.

3     2. An academic plan developed pursuant to subsection 1 must:

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

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

8     (c) Prescribe intensive instructional services which are targeted for the pupil  
9     and based upon scientifically based reading research and any other educational  
10    programs or services that will be implemented to improve the pupil's proficiency  
11    in reading, which may include, without limitation:

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

14    (2) Programs to improve the pupil's proficiency in reading which are  
15    offered during summer school or between sessions of school;

16    (3) Instruction that is provided to the pupil in an extended school day,  
17    school week or school year;

18    (4) Instruction that is provided in a small group setting;

19    (5) Instruction that is provided in a class with a reduced pupil-teacher  
20    ratio;

21    (6) Tutoring and mentoring of the pupil that includes supplemental  
22    instruction in reading provided during the regular school day and before or after  
23    school;

24    (7) Supplemental instruction in reading provided by a reading specialist  
25    appointed by the principal of the school or the principal's designee; and

26    (8) Assignment to a different teacher.

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

30    (e) Describe the programs and services available in the community to the  
31    pupil and the parent or legal guardian of the pupil to help improve the pupil's  
32    proficiency in reading.

33    (f) Describe the method by which the progress of the pupil will be monitored,  
34    including, without limitation:

35    (1) A requirement that a portfolio of the pupil's work be developed and  
36    updated as necessary to track the progress of the pupil in achieving proficiency in  
37    reading;

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

40    (3) Methods for summarizing the data collected.

41    3. The academic plan for a pupil developed pursuant to this section must be  
42    provided to the parent or legal guardian of the pupil not later than 10 days after  
43    the academic plan is developed in a language that the parent or legal guardian  
44    can understand. The academic plan must be updated annually for a pupil who  
45    completes the academic plan but does not demonstrate proficiency in reading.

46    4. To the extent practicable, the intensive instructional services that are  
47    prescribed pursuant to paragraph (c) of subsection 2 must be provided by a  
48    teacher whose overall performance has been determined to be highly effective  
49    pursuant to the evaluation of the employee conducted pursuant to NRS 391.3125.

50    5. The principal of the school or the principal's designee shall, for each  
51    pupil enrolled in the school with an academic plan developed pursuant to this  
52    section:



(a) Review the progress of the pupil to determine the effectiveness of the interventions and any other educational programs or services that were implemented to improve the pupil's proficiency in reading; and

(b) Provide written notice not less than three times per school year to the parent or legal guardian of the pupil concerning the progress of the pupil in improving his or her proficiency in reading. The notice must be provided in a language that the parent or legal guardian can understand.

6. If a principal is required to develop one or more academic plans pursuant to this section, the principal of the school, or the principal's designee, shall provide for professional development for the teachers and other educational personnel at the school in developing and implementing academic plans based upon scientifically based reading research.

7. If the board of trustees of a school district or the governing body of a charter school, as applicable, determines that a pupil enrolled in kindergarten or grade 1 or 2 does not demonstrate proficiency in reading based upon the results of the pupil on the assessment administered pursuant to paragraph (a) of subsection 1 of section 4.7 of this act, the parent or legal guardian of the pupil must be provided an opportunity to meet with the pupil's teacher and a reading specialist appointed by the principal, or the principal's designee, to determine whether the pupil should be retained in the same grade rather than promoted to the next higher grade for the succeeding school year. If the pupil's teacher and the reading specialist recommend that the pupil be retained in the same grade, the pupil's teacher shall provide written notice of the recommendation to the principal of the school or the principal's designee. Upon receipt of such a written recommendation, the principal, or the principal's designee, shall:

(a) Review the recommendation and make a determination; and

(b) Provide to the parent or legal guardian of the pupil notice of his or her determination not later than 10 working days after making the determination in a language that the parent or legal guardian can understand.

8. The parent or legal guardian of a pupil may appeal a determination made pursuant to subsection 7 in accordance with the appeal process prescribed pursuant to NRS 386.583 or section 9.5 of this act, as applicable.

Sec. 6. 1. The board of trustees of each school district and the governing body of each charter school shall develop a program which is offered during the summer ~~or~~ or between sessions ~~if the school or charter school, as applicable, operates on a year-round calendar,~~ of school and which is designed to improve the proficiency in reading of pupils who have completed grade 2 or 3 and have not achieved proficiency in reading.

2. ~~For~~ Commencing with the 2014-2015 school year and each school year thereafter, a pupil who ~~has completed~~ is enrolled in grade 2 ~~for 3~~ and who has not achieved proficiency in reading by the end of the school year, based upon the results of the pupil on the assessment administered pursuant to paragraph (a) of subsection 1 of section 4.7 of this act, shall enroll in the program developed pursuant to subsection 1.

3. Commencing with the 2015-2016 school year and each school year thereafter, a pupil who is enrolled in grade 3 and who has not achieved proficiency in reading by the end of the school year, based upon the results of the pupil on the assessment administered pursuant to paragraph (a) of subsection 1 of section 4.7 of this act, shall enroll in the program developed pursuant to subsection 1. Upon completion of the program developed pursuant to subsection 1, ~~such a pupil who was required to enroll in the program because he or she completed grade 3 and had not achieved proficiency in reading,~~ shall take the ~~alternative examination~~ assessment prescribed pursuant to paragraph (b) of

subsection 1 of section 4.7 of this act. If the pupil obtains a passing score on the alternative examination, demonstrating proficiency in reading, the pupil may be granted a good-cause exemption pursuant to section 7 of this act and be promoted to grade 4.

Sec. 7. 1. ~~Except~~ Commencing with the 2015-2016 school year and each school year thereafter, except as otherwise provided in this section, and NRS 392.125, a pupil enrolled in grade 3 must not be promoted to grade 4 if the pupil does not obtain a score in the subject area of reading on the criterion-referenced examination administered pursuant to NRS 390.550 that meets the passing score prescribed by the Teachers and Leaders Council of Nevada has not achieved proficiency in reading by the end of the school year based upon the results of the pupil on the assessment administered pursuant to paragraph (a) of subsection 1 of section 4.7 of this act.

2. The superintendent of schools of a school district or the superintendent's designee, or the governing body of a charter school, or the governing body's designee, as applicable, may grant a good-cause exemption to allow the promotion of a pupil to grade 4 who would otherwise be retained in grade 3 because the pupil did not obtain a passing score on the criterion-referenced examination pursuant to subsection 1. A pupil may be granted a good-cause exemption pursuant to subsection 3 if the pupil:

(a) Obtains a ~~passing~~ demonstrating proficiency in reading on the alternative examination prescribed by the Teachers and Leaders Council of Nevada assessment administered pursuant to paragraph (a) or (b) of subsection 1 of section 4.7 of this act as applicable;

(b) Demonstrates through a portfolio of the pupil's work, proficiency in reading at grade level;

(c) Is limited English proficient and has received less than 2 years of instruction in a program of instruction that teaches English as a second language;

(d) Received intensive remediation in reading for 2 or more years but still demonstrates a deficiency in reading and was previously retained in kindergarten or grade 1, 2 or 3;

(e) Is a pupil with a disability and his or her individualized education program indicates that the pupil's participation in the ~~criterion-referenced examination administered pursuant to NRS 390.550~~ assessments administered pursuant to section 4.7 of this act is not appropriate; or

(f) Is a pupil with a disability and:

(1) He or she participates in the ~~criterion-referenced examination~~ assessments administered pursuant to NRS 390.550 section 4.7 of this act;

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

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

3. A good-cause exemption must be granted only in accordance with the following procedures:

(a) The teacher of a pupil described in subsection 2 shall submit a recommendation to the principal of the school, or the principal's designee, as to whether the pupil should be promoted to grade 4. The recommendation must:

(1) Be in writing;

(2) Indicate whether promotion of the pupil to grade 4 is appropriate;

and

(3) Include documentation to support the teacher's recommendation. The documentation must only consist of:

(I) ~~[(The existing) Each academic plan for monitoring the progress of the pupil in achieving reading proficiency, if any.]~~ developed pursuant to section 5.7 of this act.

(II) The pupil's individualized education program, if applicable.

(III) The plan developed for the pupil in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, if applicable.

(IV) The pupil's report card.

(V) The pupil's portfolio of work.

(b) Upon receipt of the recommendation and documentation pursuant to paragraph (a), the principal, or the principal's designee, shall review the documentation, discuss the recommendation with the pupil's teacher and determine whether the pupil should be promoted to grade 4.

(c) If the principal, or the principal's designee, determines that the pupil should be promoted to grade 4, the principal, or the principal's designee, shall submit a written recommendation of that determination to the superintendent of schools of the school district, or the superintendent's designee, or to the governing body of the charter school, or the governing body's designee, as applicable.

(d) The superintendent of schools, or the superintendent's designee, or the governing body of the charter school, or the governing body's designee, as applicable, shall accept or deny the recommendation of a principal, or the principal's designee, submitted pursuant to paragraph (c) and provide written notice of the acceptance or denial of the recommendation to the principal, or the principal's designee, and the parent or legal guardian of the pupil.

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

Sec. 8. 1. If a pupil is retained in grade 3 pursuant to section 7 of this act, the principal of the school, or the principal's designee, shall ~~+~~

~~—(a) Provide~~ provide written notice to the parent or legal guardian of the pupil, in a language that the parent or legal guardian can understand, that the pupil will be retained in grade 3 and the reasons why the pupil was not granted a good-cause exemption. ~~[(The written notice must include, without limitation, a description of the intensive instructional services in reading that will be provided to the pupil pursuant to paragraph (d).)]~~

~~—(b) Develop a plan to monitor the progress of the pupil in achieving proficiency in reading and provide the parent or legal guardian of the pupil with a report each week on the progress of the pupil in achieving proficiency in reading.~~

~~—(c) Develop a portfolio of the pupil's work, which must be updated as necessary to reflect the progress made by the pupil in achieving proficiency in reading.~~

~~—(d) Ensure that the pupil is provided intensive instructional services in reading which are designed to improve the pupil's proficiency in reading and which must include, without limitation:~~

~~—(1) Uninterrupted reading instruction that is based upon scientifically based reading instruction research for at least 90 minutes each school day; and~~

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

~~—2. The board of trustees of each school district shall:~~



~~(a) Review and evaluate the plan for monitoring the progress of a pupil developed pursuant to subsection 1.~~

~~(b) Prescribe intensive instructional services in reading which the principal of a school must implement for each pupil who is retained in grade 3 pursuant to section 7 of this act, including, without limitation:~~

~~(1) Instruction that is provided in a small group setting;~~

~~(2) Instruction provided in a class with a reduced pupil teacher ratio;~~

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

~~(4) Tutoring and mentoring of the pupil;~~

~~(5) Classes which are designed to increase the ability of the pupil to transition from grade 3 to grade 4; or~~

~~(6) Instruction that is provided to the pupil in an extended school day, school week or school year.~~

~~3. The intensive instructional services that are prescribed pursuant to paragraph (b) of subsection 2 must be provided by a teacher whose overall performance has been determined to be highly effective pursuant to the evaluation conducted pursuant to NRS 391.3125.~~

~~4. The board of trustees of each school district shall develop a policy by which the principal of a school may, except as otherwise provided in subsection 5, promote a pupil who is retained in grade 3 pursuant to section 7 of this act to grade 4 at any time during the school year if the pupil demonstrates proficiency in reading. The policy must include the specific criteria a pupil must satisfy to be eligible for promotion, including, without limitation, the requirements for demonstrating proficiency in reading at the appropriate grade 4 level.~~

~~5. A principal shall not promote a pupil who is retained in grade 3 during the school year after November 1, if the school operates on a traditional school year, or after 60 days from the start of the school year, if the school operates on a year round calendar, unless the pupil demonstrates proficiency in reading at a level prescribed by the State Board.~~

~~6. If a principal of a school determines that a pupil has not achieved proficiency in reading after the pupil repeated grade 3:~~

~~(a) The pupil must be promoted to grade 4; and~~

~~(b) The school district in which the pupil is enrolled or the governing body of the charter school, as applicable, shall provide the parent or legal guardian of the pupil with an option for the pupil to be placed in a transitional instructional setting in the next school year which is designed to:~~

~~(1) Produce learning gains sufficient for the pupil to meet the performance standards required for grade 4; and~~

~~(2) Continue to provide the pupil with remediation in the area of his or her reading deficiency.~~

~~Sec. 9. In addition to the intensive instructional services provided to a pupil who is retained in grade 3 pursuant to section 7 of this act, the principal of the school must offer the parent or legal guardian of such pupil at least one of the following instructional options:~~

~~1. Providing the parent or legal guardian with a plan for reading with the pupil at home and participating in any workshops that may be available in the school district and the community to assist the parent or guardian with reading with his or her child at home; or~~

~~2. Providing the pupil with a mentor or tutor who is qualified to provide instruction in reading.~~

~~Sec. 9.5. 1. The board of trustees of each school district shall adopt a procedure for the parent or legal guardian of a pupil to appeal a decision:~~

~~(a) To retain the pupil in grade 3 pursuant to section 7 of this act;~~

(b) Whether to grant a good-cause exemption for the pupil to be promoted to grade 4 pursuant to section 7 of this act; and

(c) To promote the pupil to any grade level if the parent or legal guardian wishes for the pupil to be retained.

2. The board of trustees of each school district shall adopt a policy that authorizes the principal of a school to promote a pupil who is retained in grade 3 pursuant to section 7 of this act on or before November 1 of the school year if the pupil demonstrates proficiency in reading. The policy must include specific criteria that a pupil must satisfy to be eligible for promotion, including, without limitation, the requirements for demonstrating proficiency in reading at the appropriate grade 4 level. The policy must prohibit the principal from promoting a pupil who is retained in grade 3 after November 1 of the school year unless the pupil demonstrates proficiency in reading in accordance with the requirements prescribed by the Task Force on Reading Proficiency pursuant to paragraph (c) of subsection 1 of section 4.7 of this act.

~~Sec. 10. The Teachers and Leaders Council of Nevada shall prescribe by regulation:~~

~~1. The score which a pupil enrolled in grade 3 must obtain in the subject area of reading on the criterion referenced examination administered pursuant to NRS 389.550 to be promoted to grade 4;~~

~~2. An alternative examination for administration to pupils enrolled in grade 3 who do not obtain the passing score prescribed pursuant to paragraph (a) in the subject area of reading on the criterion referenced examination administered pursuant to NRS 389.550 and the passing score such a pupil must obtain on the alternative examination to be promoted to grade 4; and~~

~~3. Requirements for administration of the alternative examination, including, without limitation, when the board of trustees of a school district or the governing body of a charter school must administer the alternative examination.~~ (Deleted by amendment.)

Sec. 11. ~~For~~ Commencing with the 2016-2017 school year and each school year thereafter, on or before September 1 of each year, the board of trustees of each school district shall:

1. Prepare a report concerning the number and percentage of pupils at each public school within the school district who were retained in grade 3 pursuant to section 7 of this act, reported separately by gender and reported separately for the following groups of pupils:

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

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

↪ A separate reporting of a group of pupils must not be made pursuant to this subsection if the results would reveal personally identifiable information about an individual pupil.

2. Submit a copy of the report to the Department.

3. Post the report on the Internet website maintained by the school district, if any, and otherwise make the report available to the parents and legal guardians of pupils enrolled in the school district and the general public.

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 this subsection and sections ~~¶5~~ 4.5 to 10, inclusive, 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. If the parent or legal guardian of a pupil wishes that the pupil be retained and the teacher and the principal believe the pupil should be promoted to the next grade, the parent or legal guardian may appeal that decision in accordance with the procedure adopted by the board of trustees pursuant to section 9.5 of this act.

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.

4. ~~¶This~~ Except as otherwise provided in NRS 386.583, this section does not apply to the academic retention of pupils who are enrolled in a charter school.

Sec. 13. On or before July 1, 2013, the members of the Task Force on Reading Proficiency created by section 4.5 of this act must be appointed to initial terms commencing on July 1, 2013, as follows:

1. Members must be appointed pursuant to paragraphs (a), (c), (e) and (g) of subsection 1 of section 4.5 of this act to initial terms of 1 year.

2. Members must be appointed pursuant to paragraphs (b), (d) and (f) of subsection 1 of section 4.5 of this act to initial terms of 2 years.

~~¶Sec. 13.~~ Sec. 14. 1. This section and section 13 of this act become effective upon passage and approval.

2. Sections 1 to 12, inclusive, of this act ~~becomes~~ become effective on July 1, ~~2014,~~ 2013.