

Amendment No. 337

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| Assembly Amendment to Assembly Bill No. 289 | (BDR 34-93) |
| 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) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.



ASSEMBLY BILL NO. 289—ASSEMBLYMEN THOMPSON, PETERS, SPIEGEL, CARRILLO;
FUMO, GORELOW, MCCURDY, TORRES AND WATTS

MARCH 18, 2019

JOINT SPONSORS: SENATORS DENIS; DONDERO LOOP,
D. HARRIS AND WOODHOUSE

Referred to Committee on Education

SUMMARY—Revises provisions relating to the subject area of reading.
(BDR 34-93)

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; revising provisions relating to the retention of certain pupils enrolled in grade 3 ~~to require the provision of certain services and instruction~~; revising provisions relating to plans to improve the literacy of pupils; revising provisions relating to teachers who teach in a public elementary school; revising provisions relating to reports concerning pupil performance in the subject area of reading; revising provisions relating to notices concerning pupils who exhibit a deficiency in the subject area of reading; requiring certain interventions and services for pupils who exhibit a deficiency in the subject area of reading and the parent or legal guardian of such a pupil; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law to become effective on July 1, 2019, provides that, unless a pupil receives a good-cause exemption, a pupil enrolled in grade 3 must be retained in grade 3 rather than promoted to grade 4 if the pupil does not obtain the score prescribed by the State Board of Education on the criterion-referenced examination in reading. (NRS 388A.487, 392.760) **Section 7** of this bill ~~to~~ removes this requirement and instead provides that a pupil must be ~~retained in grade 3~~ **provided intervention services and intensive instruction** if the pupil does not obtain the score prescribed by the State Board on the criterion-referenced examination in reading and his or her parent or legal guardian provides informed written consent, in consultation with the teacher of the pupil and the principal of the school. ~~and (2) includes additional good-cause exemptions.~~

Existing law requires the board of trustees of each school district or the governing body of a charter school to prepare a plan to improve the literacy of pupils enrolled in kindergarten and grades 1, 2 and 3. (NRS 388.157) **Section 1** of this bill instead requires this plan to address pupils enrolled in all grades of an elementary school.

Existing law requires that a plan to improve the literacy of pupils include a program to provide intensive instruction to pupils who have been identified as deficient in the subject area of reading to ensure that those pupils achieve adequate proficiency in that subject area. (NRS 388.157) **Section 1** provides that in order to achieve adequate proficiency in reading, a pupil must perform at a level ~~[considered]~~ **determined** by ~~[the school district or charter school]~~ **a statewide assessment** to be within ~~[the average range]~~ **the level established by the State Board** for a pupil enrolled in the same grade in which the pupil is enrolled.

Under existing law, the principal of a public elementary school, including, without limitation, a charter school, is required to designate a licensed teacher employed by the school who has demonstrated leadership abilities to serve as a learning strategist to train and assist teachers in providing intensive instruction to pupils who have been identified as deficient in the subject area of reading. (NRS 388.159) **Section 2** of this bill instead requires the principal to designate a licensed teacher to serve as a literacy specialist and prescribes the qualifications and duties of the literacy specialist. Existing law authorizes a school district or charter school to provide additional compensation to: (1) a licensed teacher designated as a learning strategist or to a teacher who teaches kindergarten; or (2) a licensed teacher who teaches grade 1, 2, 3 or 4 whose overall performance is determined to be highly effective. (NRS 388.159) **Section 2** ~~[expands]~~ **revises** the list of licensed teachers who are eligible for additional compensation ~~[]~~ to include any teacher who teaches in an elementary school ~~[whose overall performance is determined to be highly effective.]~~ **who provides instruction in reading.**

Existing law, which becomes effective on July 1, 2019, requires the board of trustees of each school district and the governing body of a charter school to prepare a report concerning the number and percentage of pupils who are retained in grade 3 for deficiency in reading. (NRS 388A.487, 392.775) **Sections 3 and 10** of this bill additionally require the board of trustees of each school district and the governing body of a charter school to include in a report certain information concerning pupils who received educational programs or services in the subject area of reading.

Section 6 of this bill requires that the plan to assess the proficiency of a pupil who is deficient in the subject area of reading be established by a licensed teacher. **Section 6** also removes the requirement that a school assess the proficiency of a pupil who is receiving services to correct a deficiency in the subject area of reading at the beginning of the school year and instead requires the school ~~[frequently to]~~ **regularly** assess the ~~[progress]~~ **growth** of the pupil in any areas of deficiency in the subject area of reading.

Existing law requires the principal of a school to offer the parent or legal guardian of a pupil who is retained in grade 3 certain additional instructional options. (NRS 392.770) **Section 9** of this bill ~~[additionally]~~ **instead** requires the principal of a school to offer these options to the parent or legal guardian of a pupil who exhibits a deficiency in the subject area of reading.

Existing law requires the Department of Education to distribute money that is appropriated to the Other State Education Programs Account through a competitive grants program. (Section 15 of chapter 334, Statutes of Nevada 2015, p. 1867) **Section 11** of this bill revises the program to: (1) distribute the money through a noncompetitive grants program ~~[]~~ **using a weighted formula;** and (2) authorize schools that receive a grant of money to use the money for literacy programs, additional staff or both, to support school-based efforts to ensure that all pupils are proficient in reading by the end of elementary school. **Section 11 also prohibits schools that receive a grant of money from using the money to supplant other budgets of the school.**

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

Section 1. NRS 388.157 is hereby amended to read as follows:

388.157 1. The board of trustees of each school district and the governing body of each charter school shall prepare a plan to improve the literacy of pupils enrolled in ~~[kindergarten and grades 1, 2 and 3.]~~ **an elementary school.** Such a plan must include, without limitation:

(a) A program to provide intervention services and intensive instruction to pupils who have been identified as deficient in the subject area of reading to ensure that those pupils achieve adequate proficiency in ~~[that subject area.]~~ the requisite reading skills and reading comprehension skills necessary to perform at a level [considered by the school district or charter school] determined by a statewide assessment to be within [the average range] a level determined by the State Board for a pupil enrolled in the same grade in which the pupil is enrolled. Such a program must include, without limitation, regularly scheduled reading sessions in small groups and specific instruction ~~[on]~~ designed to target any area of reading in which the pupil demonstrates a deficiency, including, without limitation, phonological and phonemic awareness, decoding skills , [and] reading fluency [;] and vocabulary and reading comprehension strategies;

(b) Procedures for assessing a pupil's proficiency in the subject area of reading using valid and reliable curriculum-based assessments that have been approved by the State Board by regulation:

(1) Within the first 30 days of school after the pupil enters kindergarten or upon enrollment in kindergarten if the pupil enrolls after that period; and

(2) During ~~[grades 1, 2 and 3;]~~ each grade level in elementary school;

(c) A program to improve the proficiency in reading of pupils who are English learners; and

(d) Procedures for facilitating collaboration between ~~[learning strategists]~~ licensed teachers designated as literacy specialists and classroom teachers.

2. The board of trustees of each school district or the governing body of a charter school, as applicable, shall:

(a) Submit its plan to the Department for approval on or before the date prescribed by the Department on a form prescribed by the Department; and

(b) Make such revisions to the plan as the Department determines are necessary.

Sec. 2. NRS 388.159 is hereby amended to read as follows:

388.159 1. The principal of a public elementary school, including, without limitation, a charter school, shall designate a licensed teacher employed by the school ~~[who has demonstrated leadership abilities the ability to improve the literacy of pupils]~~ to serve as a ~~[learning strategist]~~ literacy specialist. ~~[to train provide]~~ The licensed teacher so designated must:

(a) Demonstrate the ability to improve the literacy of pupils;

(b) Demonstrate competency in effective instruction in literacy and the administration of assessments;

(c) Demonstrate an understanding of building relationships with teachers and other adults;

(d) Collaborate with the principal of the public elementary school to develop a schedule of professional development [to] and assist in providing such professional development; and

(e) Assist teachers at the school [to implement] by implementing a system of support which includes various methods to provide intervention services and intensive instruction [to intervention] for pupils who have been identified as deficient in the subject area of reading.

2. A school district or charter school may provide additional compensation to:

(a) A licensed teacher designated as a ~~[learning strategist]~~ literacy specialist pursuant to this section; ~~[or]~~

(b) A licensed teacher who is employed by a school district or charter school ~~[to teach kindergarten or grade 1, 2, 3 or 4] in an elementary school [whose overall performance is determined to be highly effective under the statewide performance~~

1 ~~evaluation system established by the State Board pursuant to NRS 391.465.] and~~
2 provides instruction in reading.

3 3. Each licensed teacher employed by a school district or charter school to
4 teach ~~[kindergarten or grade 1, 2, 3 or 4] in an elementary school and is~~
5 responsible for providing instruction in reading shall complete professional
6 development ~~[provided]~~ developed by a ~~[learning strategist designated]~~ licensed
7 teacher designated as a literacy specialist pursuant to subsection 1 in the subject
8 area of reading.

9 4. The State Board shall prescribe by regulation:

10 (a) Any training or professional development that a ~~[learning strategist]~~
11 licensed teacher designated as a literacy specialist is required to successfully
12 complete;

13 (b) Any professional development that a teacher employed by a school district
14 or charter school to teach ~~[kindergarten or grade 1, 2, 3 or 4] in an elementary~~
15 school is required to receive ~~[from]~~ as developed by a [learning strategist] licensed
16 teacher designated as a literacy specialist in the subject area of reading; and

17 (c) The duties and responsibilities of a ~~[learning strategist.] licensed teacher~~
18 designated as a literacy specialist.

19 **Sec. 3.** Chapter 388A of NRS is hereby amended by adding thereto a new
20 section to read as follows:

21 On or before [September 1] October 15 of each year, the governing body of a
22 charter school that operates as an elementary school shall:

23 1. Prepare a report concerning the number and percentage of pupils at each
24 grade level at the charter school who received educational programs and services
25 identified pursuant to subsection 1 of NRS 392.750 and whose proficiency in the
26 subject area of reading:

27 (a) Did not improve at a rate prescribed by the governing body of the charter
28 school, indicating a need for more intensive or different interventions;

29 (b) Improved at a rate prescribed by the governing body of the charter
30 school, indicating progress toward performing at a level [considered by the
31 charter school] determined by a statewide assessment to be within [the average
32 range] a level established by the State Board for pupils enrolled in the same grade
33 level in which the pupils are enrolled; and

34 (c) Is considered by the charter school to be within the [average range] level
35 established by the State Board for pupils in the same grade level in which the
36 pupils are enrolled.

37 2. Submit a copy of the report to the Department, the Legislature and the
38 sponsor of the charter school.

39 3. Post the report on the Internet website maintained by the charter school
40 and otherwise make the report available to the parents and legal guardians of
41 pupils enrolled in the charter school and the general public.

42 **Sec. 4.** NRS 388A.487 is hereby amended to read as follows:

43 388A.487 1. The governing body of a charter school shall adopt rules for
44 ~~[the academic retention of]~~ the provision of intervention services and intensive
45 instruction to pupils who are enrolled in the charter school that are consistent with
46 NRS 392.750, 392.760 and 392.765. The rules must:

47 (a) Prescribe the ~~[conditions under]~~ programs and instruction which will be
48 provided to a pupil. ~~[may be retained in the same grade rather than promoted to the~~
49 ~~next higher grade for the immediately succeeding school year.]~~

50 (b) Require a pupil enrolled in ~~[grade 3]~~ an elementary school to be ~~[retained~~
51 ~~in the same grade rather than promoted to grade 4 when required]~~ provided
52 intervention services and intensive instruction while the pupil is enrolled in an
53 elementary school pursuant to NRS 392.760.

2. On or before ~~[September 1]~~ October 15 of each year, the governing body of each charter school shall:

(a) Prepare a report concerning the number and percentage of pupils at the charter school who were:

(1) ~~[Retained]~~ Designated in grade 3 to be provided intervention services and intensive instruction while enrolled in an elementary school of a charter school pursuant to NRS 392.760 for a deficiency in the subject area of reading, including whether or not any such pupils were previously ~~[retained in kindergarten or grade 1 or 2]~~ provided intervention services and intensive instruction while enrolled in an elementary school of a charter school; and

(2) ~~[Not retained in grade 3 because a good cause exemption was approved pursuant to NRS 392.760 but who were previously retained in kindergarten or grade 1 or 2 for a total of 2 years.]~~ Received educational programs or services identified pursuant to subsection 1 of NRS 392.750 at each grade level and whose proficiency in the subject area of reading:

(I) Did not improve at a rate prescribed by the governing body of a charter school, indicating a need for more intensive or different interventions;

(II) Improved at a rate prescribed by the governing body of a charter school, indicating growth toward performing at a level determined by a statewide assessment to be within the level established by the State Board for pupils enrolled in the same grade in which the pupils are enrolled; and

(b) Submit a copy of the report to the Department ~~[H]~~, the Legislature and the sponsor of the charter school; and

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

Sec. 5. NRS 392.750 is hereby amended to read as follows:

392.750 If a pupil enrolled at a public elementary school ~~[in kindergarten or grade 1, 2 or 3]~~ exhibits a deficiency in the subject area of reading based upon state or local assessments and the observations of the pupil's teacher, the principal of the school must provide written notice of the deficiency to the parent or legal guardian of the pupil within 30 days after the date on which the deficiency is discovered. The written notice must, without limitation:

1. Identify the educational programs and services that the pupil will receive to improve the pupil's proficiency in the subject area of reading, including, without limitation, the programs and services included in the plan to improve the literacy of pupils enrolled in ~~[kindergarten and grades 1, 2 and 3]~~ elementary school that has been approved by the Department pursuant to NRS 388.157;

2. Explain that if the pupil does not achieve adequate proficiency in the subject area of reading before the completion of grade 3, the pupil will be ~~[retained in grade 3 rather than promoted to grade 4, unless the pupil receives a good cause exemption pursuant to NRS 392.760.]~~ provided intervention services and intensive instruction while the pupil is enrolled in an elementary school;

3. Describe, explain and, if appropriate, demonstrate the strategies which the parent or legal guardian may use at home to help improve the proficiency of the pupil in the subject area of reading;

4. Explain that the criterion-referenced examination in only the subject area of reading administered pursuant to NRS 390.105 is not the only factor used to determine whether the pupil will be ~~[retained in grade 3 and that other options are available for the pupil to demonstrate proficiency if the pupil is eligible for a good cause exemption pursuant to NRS 392.760.]~~ provided intervention services and intensive instruction while the pupil is enrolled in an elementary school;

5. Describe the policy and specific criteria adopted by the board of trustees of the school district or governing body of a charter school, as applicable, pursuant to NRS 392.765 regarding the ~~[promotion]~~ provision of intervention services and intensive instruction to a pupil ~~[to grade 4 at any time during the school year if the pupil is retained in grade 3 pursuant to NRS 392.760;]~~ enrolled in an elementary school;

6. Include information regarding the English literacy development of a pupil who is an English learner; ~~[and]~~

7. Describe, explain and, if appropriate, demonstrate the strategies which the parent or legal guardian may use at home to help improve the English literacy of a pupil who is an English learner ~~[;]~~;

8. To the extent practicable, be provided in a language that the parent or legal guardian can understand;

9. Explain that a plan to monitor the growth of the pupil in the subject area of reading will regularly assess the pupil and the elementary school will provide notice to the parent or legal guardian the status of the growth of the pupil; and

10. Explain that services and the programs provided to the pupil will be adjusted to improve the deficiency in the subject area of reading.

Sec. 6. NRS 392.755 is hereby amended to read as follows:

392.755 1. A public elementary school that has notified the parent or legal guardian of a pupil that, based upon the results of state or local assessments, it has been determined that the pupil has a deficiency in the subject area of reading pursuant to NRS 392.750 shall, within 30 days after providing such notice, establish a plan to monitor the ~~[progress]~~ growth of the pupil in the subject area of reading.

2. A plan to monitor the ~~[progress]~~ growth of a pupil in the subject area of reading must be established by ~~[the]~~ a licensed teacher ~~[of the pupil]~~ and any other relevant licensed school personnel and approved by the principal of the school and the parent or legal guardian of the pupil. The plan must include a description of any intervention services and intensive instruction that will be provided to the pupil to correct the area of deficiency and must include that the pupil will receive intensive instruction in reading ~~[to ensure]~~ until the pupil achieves adequate proficiency in the requisite reading ~~[;]~~ skills and reading comprehension skills necessary to perform at a level ~~[considered]~~ determined by ~~[the school]~~ a statewide assessment to be within ~~[the average range]~~ a level established by the State Board of Education for a pupil enrolled in the same grade in which the pupil is enrolled. Such instruction must include, without limitation, the programs and services included in the plan to improve the literacy of pupils enrolled in ~~[kindergarten and grades 1, 2 and 3]~~ elementary school approved by the Department pursuant to NRS 388.157.

3. A school that establishes a plan to monitor the ~~[progress]~~ growth of a pupil in the subject area of reading shall ~~[frequently]~~ regularly assess the ~~[proficiency progress]~~ growth of the pupil in ~~[the subject]~~ any area of deficiency in the subject area of reading ~~[at the beginning of the next school year after the plan is established pursuant to this section.]~~ to ensure that the programs and services provided to the pupil pursuant to subsection 1 of NRS 392.750 continue to increase the proficiency of the pupil in the subject area of reading until the pupil performs at a level ~~[considered]~~ determined by ~~[the school]~~ a statewide assessment to be within the ~~[average range]~~ a level established by the State Board for a pupil enrolled in the same grade in which the pupil is enrolled.

Sec. 7. NRS 392.760 is hereby amended to read as follows:

392.760 1. Except as otherwise provided in this section, a pupil enrolled in grade 3 must ~~be retained in grade 3 rather than promoted to grade 4 if the pupil is~~ be provided intervention services and intensive instruction if the:

(a) Pupil does not obtain a score in only the subject area of reading on the criterion-referenced examination administered pursuant to NRS 390.105 that meets the passing score prescribed by the State Board ~~[pursuant to subsection 7-]; and~~

(b) Parent or legal guardian of the pupil provides informed written consent, in consultation with the teacher of the pupil and principal of the school, that the pupil must be ~~retained;~~ provided intervention services and intensive instruction while the pupil is enrolled in an elementary school.

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

~~3. A good-cause exemption must be approved for a pupil who previously was retained in kindergarten or grade 1, 2 or 3. Any other pupil is eligible for a good-cause exemption if the pupil:~~

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

~~(b) Demonstrates "progress in reading through a growth portfolio of the pupil's work, proficiency which demonstrates improvement at a rate indicating the pupil is making progress in the subject of reading at grade level, as evidenced by demonstration of mastery of the academic standards in reading beyond the retention level; towards performing at a level considered to be within the average range for a pupil enrolled in the same grade in which the pupil is enrolled;"~~

~~(c) Is an English learner 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 the subject area of reading for 2 or more years but still demonstrates a deficiency in reading at his or her level of instruction and was previously retained in kindergarten or grade 1 or 2 for a total of 2 years;~~

~~(e) Is a pupil with a disability and his or her individualized education program indicates that the pupil's participation in the criterion-referenced examinations administered pursuant to NRS 390.105 is not appropriate; or~~

~~(f) Received instruction pursuant to paragraph (b) of subsection 2 of NRS 392.765; or~~

~~(g) Is a pupil with a disability and:~~

~~(1) He or she participates in the criterion-referenced examinations administered pursuant to NRS 390.105;~~

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

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

4. ~~The principal of a school in which a pupil who may be retained in grade 3 pursuant to subsection 1 is enrolled shall consider the factors set forth in subsection 3 and determine whether the pupil is eligible for a good-cause exemption. In making the determination, the principal must consider documentation provided by the pupil's teacher indicating whether the promotion of the pupil is appropriate based upon the record of the pupil. Such documentation must only consist of the~~

existing plan for monitoring the progress of the pupil, the pupil's individualized education program, if applicable, ~~data collected relating to the progress of the pupil and the pupil's plan in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, if applicable. If the principal determines that promotion of the pupil to grade 4 is appropriate, the principal must submit a written recommendation to the superintendent of schools of the school district or to the governing body of the charter school, as applicable, or to a designee. The superintendent of schools or the governing body of the charter school, as applicable, or the designee shall approve or deny the recommendation of the principal and provide written notice of the approval or denial to the principal.~~

~~5. A principal who determines that a pupil is eligible for a good cause exemption shall notify the parent or legal guardian of the pupil whether the superintendent of schools of the school district or the governing body of the charter school, as applicable, or the designee approves the good cause exemption.~~

~~6. The principal of a school in which a pupil for whom a good cause exemption is approved and who is promoted to grade 4 must:~~

(a) Must ensure that the pupil continues to ~~receive~~ *be provided intervention services and* intensive instruction in the subject area of reading ~~while the pupil is enrolled in an elementary school.~~ Such instruction must include, without limitation, strategies based upon evidence-based research that will improve proficiency in the subject area of reading.

~~7. The State Board shall prescribe by regulation:~~

~~(a) 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 390.105 to be promoted to grade 4 without a good cause exemption; and~~

~~(b) An alternate examination for administration to pupils enrolled in grade 3 who do not obtain the passing score in the subject area of reading on the criterion referenced examination administered pursuant to NRS 390.105 and the passing score such a pupil must obtain on the alternate examination to be promoted to grade 4 without a good cause exemption.~~

~~8. As used in this section, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).]~~

(b) *May retain a pupil in grade 3 rather than promote the pupil to grade 4 if a parent or guardian does not provide informed written consent pursuant to paragraph (b) of subsection 1.*

Sec. 8. NRS 392.765 is hereby amended to read as follows:

392.765 1. If a pupil will be ~~retained in grade 3~~ *provided intervention services and intensive instruction* pursuant to NRS 392.760, the principal of the school must:

(a) Provide written notice to the parent or legal guardian of the pupil *confirming* that the pupil will be ~~retained in grade 3~~ *provided intervention services and intensive instruction while the pupil is enrolled in an elementary school.* The written notice must include, without limitation, a description of the *intervention services and* intensive ~~instructional services~~ *instruction* in the subject area of reading that the pupil will ~~receive~~ *be provided* to improve the proficiency of the pupil in that subject area.

(b) Develop a plan to monitor the ~~progress~~ *growth* of the pupil in the subject area of reading.

(c) Require the teacher of the pupil to develop a portfolio of the pupil's work in the subject area of reading, which must be updated as necessary to reflect ~~progress~~ *growth* made by the pupil.

(d) Ensure that the pupil receives *intervention services and* intensive ~~instructional services~~ *instruction* in the subject area of reading that are designed

1 to improve the pupil's proficiency in the subject area of reading, including, without
2 limitation:

3 (1) Programs and services included in the plan to improve the literacy of
4 pupils enrolled in ~~[kindergarten and grades 1, 2 and 3]~~ **elementary school** approved
5 by the Department pursuant to NRS 388.157;

6 (2) Instruction for at least 90 minutes each school day based upon
7 evidence-based research concerning reading instruction; and

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

10 2. The board of trustees of each school district or the governing body of a
11 charter school, as applicable, shall:

12 (a) Review and evaluate the plans for monitoring the progress of pupils
13 developed pursuant to subsection 1.

14 (b) Prescribe the intensive instructional services in the subject area of reading
15 which the principal of a school must implement as determined appropriate for a
16 pupil who ~~[is retained in grade 3]~~ **will be provided intervention services and**
17 **intensive instruction** pursuant to NRS 392.760, which may include, without
18 limitation:

19 (1) Instruction that is provided in small groups;

20 (2) Instruction provided in classes with reduced pupil-teacher ratios;

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

22 (4) Tutoring and mentoring;

23 (5) Classes which are designed to increase the ability of pupils to transition
24 from grade 3 to grade 4;

25 (6) Instruction provided through an extended school day, school week or
26 school year;

27 (7) Programs to improve a pupil's proficiency in reading which are offered
28 during the summer; or

29 (8) Any combination of the services set forth in subparagraphs (1) to (7),
30 inclusive.

31 3. Except as otherwise provided in subsection 4, the intensive instructional
32 services in the subject area of reading required by this section must be provided to
33 the pupil by a teacher:

34 (a) Who is different than the teacher who provided instructional services to the
35 pupil during the immediately preceding school year; and

36 (b) Who has been determined to be highly effective, as demonstrated by pupil
37 performance data and performance evaluations.

38 4. The intensive instructional services in the subject area of reading required
39 by this section may be provided to the pupil by the same teacher who provided
40 instructional services to the pupil during the immediately preceding school year if a
41 different teacher who meets the requirements of paragraph (b) of subsection 3 is not
42 reasonably available and the pupil:

43 (a) Has an individualized education program; or

44 (b) Is enrolled in a school district in a county whose population is less than
45 100,000.

46 5. ~~[The board of trustees of each school district and the governing body of a
47 charter school, as applicable, shall develop a policy by which the principal of a
48 school may promote a pupil who is retained in grade 3 pursuant to NRS 392.760 to
49 grade 4 at any time during the school year if the pupil demonstrates adequate
50 proficiency in the subject area of reading. The policy must include the specific
51 criteria a pupil must satisfy to be eligible for promotion, including, without
52 limitation, a reasonable expectation that the pupil's progress will allow him or her
53 to sufficiently master the requirements for a fourth grade reading level. If a pupil is~~

promoted after November 1 of a school year, he or she must demonstrate proficiency in reading at a level prescribed by the State Board.

~~6. If a principal of a school determines that a pupil is not academically ready for promotion to grade 4 after being retained in grade 3 and the pupil received intensive instructional services pursuant to this section, the school district in which the pupil is enrolled must allow the parent or legal guardian of the pupil to decide, in consultation with the principal of the school, whether to place the pupil in a transitional instructional setting which is designed to produce learning gains sufficient for the pupil to meet the performance standards required for grade 4 while continuing to receive remediation in the subject area of reading.~~

~~7.} As used in this section, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).~~

Sec. 9. NRS 392.770 is hereby amended to read as follows:

392.770 In addition to the intervention services and intensive instructional services ~~instruction~~ provided to a pupil who demonstrates a deficiency in the subject area of reading identified pursuant to subsection 1 of NRS 392.750 or a pupil who ~~is retained in grade 3~~ will be provided intervention services and intensive instruction while the pupil is enrolled in an elementary school pursuant to NRS 392.760, the principal of the school must offer the parent or legal guardian of the pupil to the extent practicable, in a language that the parent or legal guardian can understand, at least one of the following instructional options:

1. Supplemental tutoring which is based upon evidence-based research concerning reading instruction;

2. 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 to assist the parent or legal guardian with reading with his or her child at home, as set forth in an agreement with the parent or legal guardian; or

3. Providing the pupil with a mentor or tutor who has received specialized training in teaching pupils how to read.

Sec. 10. NRS 392.775 is hereby amended to read as follows:

392.775 On or before ~~September 1~~ October 15 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 elementary school within the school district who ~~: ~~were:~~~~

(a) ~~Retained~~ ~~Were ~~retained~~~~ designated in grade 3 to be provided intervention services and intensive instruction while enrolled in an elementary school pursuant to NRS 392.760 for a deficiency in the subject area of reading, including whether or not any such pupils were previously ~~retained in kindergarten or grade 1 or 2;~~ provided intervention services and intensive instruction; and

(b) ~~Not retained in grade 3 because a good cause exemption was approved pursuant to NRS 392.760 but who were previously retained in kindergarten or grade 1 or 2 for a total of 2 years.~~ Received educational programs or services identified pursuant to subsection 1 of NRS 392.750 at each grade level and whose proficiency in the subject area of reading:

(1) Did not improve at a rate prescribed by the board of trustees of the school district, indicating a need for more intensive or different interventions;

(2) Improved at a rate prescribed by the board of trustees of the school district, indicating progress toward performing at a level ~~considered~~ determined by ~~the school district~~ a statewide assessment to be within ~~the average range~~ the level established by the State Board for pupils enrolled in the same grade in which the pupils are enrolled; and

(3) *Is considered by the school district to be within the ~~average range~~ level established by the State Board for pupils enrolled in the same grade in which the pupils are enrolled.*

2. Submit a copy of the report to the Department ~~{ }~~, *the Legislature and sponsor of the charter school.*

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

Sec. 11. Section 15 of chapter 334, Statutes of Nevada 2015, at page 1867, is hereby amended to read as follows:

Sec. 15. 1. The Department of Education shall distribute the money that is appropriated to the Other State Education Programs Account in the State General Fund to carry out the purposes of sections 1 to 14, inclusive, of this act through a ~~{competitive}~~ *noncompetitive* grants program. Grants must be awarded by the Department based ~~{on the demonstrated needs of}~~ *upon a weighted formula which will allocate funds based on need and the pupil population of the school district, and improving the literacy of pupils enrolled in elementary schools in* the school districts and charter schools and will be awarded to school districts *, to school districts approved to sponsor charter schools* and to charter schools that have been approved by the State Public Charter School Authority. Grants must be used for literacy programs for pupils enrolled in ~~{kindergarten and grades 1, 2 and 3}~~ *elementary school* established pursuant to ~~{section 5 of this act}~~ *NRS 388.157* and to support other school-based efforts to ensure that all pupils are ~~{proficient in the subject area of reading by the end of the third grade}~~ *performing at a level considered by the school district or charter school to be within the average range for pupils enrolled in each grade level*. Such school-based efforts may include, without limitation:

(a) Hiring ~~{for training learning strategists}~~ *literacy specialists;*

(b) *Training literacy specialists;*

(c) Entering into contracts with vendors for the purchase of *evidence-based* reading assessments, textbooks, computer software or other materials;

~~{(e)}~~ (d) Providing professional development for school personnel;

~~{(d)}~~ (e) Providing *evidence-based* programs to pupils before and after school and during intercessions or summer school; and

~~{(e)}~~ (f) Providing other evidence-based literacy initiatives for pupils enrolled in ~~{kindergarten and grades 1, 2 and 3}~~ *elementary school*.

2. The board of trustees of a school district or the governing body of a charter school that receives a grant of money pursuant to subsection 1 shall:

(a) Set measurable performance objectives based on aggregated pupil achievement data; ~~{and}~~

(b) Prepare and submit to the Department of Education, on or before July 1, ~~{2016}~~ *2020*, a report that includes, without limitation:

(1) A description of the programs or services for which the money was used by each school; and

(2) The number of pupils who participated in a program or received services ~~{ }~~; *and*

(c) Not use the money to supplant other budgets in the school.

3. The Department of Education shall, to the extent that money is available for that purpose, hire an independent consultant to evaluate the programs or services paid for by a grant of money received by a school district or charter school pursuant to subsection 1.

4. The Department of Education shall prepare a report that includes, without limitation:

(a) Identification of the schools that received an allocation of money by the school district or grant of money from the Department, as applicable;

(b) The amount of money received by each school;

(c) A description of the programs or services for which the money was used by each school;

(d) The number of pupils who participated in a program or received services;

(e) The average expenditure per pupil for each program or service;

(f) An evaluation of the effectiveness of the program or service, including, without limitation, data regarding the academic and linguistic achievement and proficiency of pupils who participated in such a program or received such services; and

(g) Any recommendations for legislation, including, without limitation, legislation to continue or expand programs or services that are identified as effective in improving the reading proficiency of pupils in kindergarten through grade ~~13~~ 5.

5. On or before August 31, ~~2016~~ 2020, the Department of Education shall submit a preliminary report prepared pursuant to subsection 4 to the State Board of Education and the Legislative Committee on Education. On or before November 15, ~~2016~~ 2020, the Department shall submit the final report prepared pursuant to subsection 4 and any recommendations made by the State Board or the Legislative Committee on Education to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the ~~79th-80th~~ 81st Session of the Nevada Legislature.

6. Any money awarded to a school district or charter school from the money appropriated to the Other State Education Programs Account in the State General Fund pursuant to subsection 1:

(a) Must be accounted for separately from any other money received by the school districts or charter school, as applicable, and used only for the purposes specified in this section.

(b) May not be used to settle or arbitrate disputes between a recognized organization representing employees of a school district and the school district, or to settle any negotiations.

(c) May not be used to adjust the district-wide schedules of salaries and benefits of the employees of a school district.

Sec. 12. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 13. 1. This section becomes effective upon passage and approval.

2. Sections 1, 2, 3, 6, 8, 9, 11 and 12 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

(b) On July 1, 2019, for all other purposes.

3. Sections 4, 5, 7 and 10 of this act become effective on July 1, 2021.