

Amendment No. 1071

Senate Amendment to Assembly Bill No. 289 Second Reprint (BDR 34-93)

Proposed by: Senate Committee on Education

Amends: Summary: No Title: No 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.

RBL



Date: 5/31/2019

A.B. No. 289—Revises provisions relating to the subject area of reading.  
(BDR 34-93)





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

MARCH 18, 2019

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

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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.

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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 for 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 removes this requirement and instead provides that ~~a pupil~~ **an elementary school must ~~be provided~~ provide intervention services and intensive instruction to a pupil during the time the pupil attends the school** if the pupil does not obtain the score prescribed by the State Board on the criterion-referenced examination in reading. **Section 7 also authorizes the principal to retain a pupil rather than allow the pupil to move to the next grade in certain circumstances in consultation with the literacy specialist and certain other persons.** Sections 4, 5 and 8 of this bill make conforming changes. **Section 5**

also revises requirements concerning the notice that must be provided to the parent or legal guardian of a pupil who exhibits a deficiency in the subject area of reading.

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 determined by a statewide assessment to be within 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** revises the list of licensed teachers who are eligible for additional compensation to include any teacher who teaches in an elementary school 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 4 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 ~~to~~ 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 regularly assess the 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 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.

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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 determined by a statewide assessment to be within 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]~~ *standards-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]~~ *the elementary school* if the pupil enrolls after that period ~~[and has not previously been assessed];~~ and

(2) During ~~[grades 1, 2 and 3;]~~ *each grade level* ~~[in]~~ *of the elementary school* ~~[at which the pupil is enrolled as determined necessary];~~

(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]~~ to serve as a ~~[learning strategist]~~ *literacy specialist. [to train] 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* and assist *in providing such professional development; and*

(e) *Assist teachers at the school [to] by implementing a system of support which includes various methods to* provide *intervention services and* intensive instruction ~~[to]~~ *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]~~ *to teach at an elementary school* ~~[whose overall performance is determined to be highly effective under the~~

1 statewide performance evaluation system established by the State Board pursuant to  
2 ~~NRS 391.465.~~ and 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]~~ *at an elementary school and who 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]~~ *at 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. (Deleted by amendment.)

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

21 388A.487 1. The governing body of a charter school *that operates as an*  
22 *elementary school* shall adopt rules for ~~[the academic retention of]~~ *the provision of*  
23 *intervention services and intensive instruction to* pupils who are enrolled in the  
24 charter school that are consistent with NRS 392.750, 392.760 and 392.765. The  
25 rules must:

26 (a) Prescribe the ~~[conditions under]~~ *programs and instruction* which *will be*  
27 *provided to* a pupil ~~[may be retained in the same grade rather than promoted to the~~  
28 ~~next higher grade for the immediately succeeding school year.]~~ *who has been*  
29 *identified as deficient in the subject area of reading in accordance with the plan*  
30 *established pursuant to NRS 388.157.*

31 (b) Require *the school to provide to* a pupil ~~[enrolled in grade 3 to be retained~~  
32 ~~in the same grade rather than promoted to grade 4 when required provided]~~ *who*  
33 *has been identified as deficient in the subject area of reading with intervention*  
34 *services and intensive instruction [while the pupil is enrolled in an elementary*  
35 *school pursuant to NRS 392.760.] in accordance with the plan established*  
36 *pursuant to NRS 388.157.*

37 2. On or before ~~[September 1]~~ *October 15* of each year, the governing body of  
38 each charter school *that operates as an elementary school* shall:

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

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

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

52 (I) *Did not improve at a rate prescribed by the governing body of a*  
53 *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 ~~{,}~~, *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 *or who newly enrolls in a public elementary school* 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 *school will provide 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, with intervention services and intensive instruction {while} each year that the pupil is enrolled in {an} the elementary school {,}, unless it is determined that such services and instruction are no longer necessary;~~

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 determined by a statewide assessment to be within 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 **regularly** assess the ~~[proficiency]~~ **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 determined by a statewide assessment to be within 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, **an elementary school must provide to** a pupil enrolled in ~~[grade 3 must be retained in grade 3 rather than promoted to grade 4 if the pupil be provided]~~ **the school intervention services and intensive instruction if the 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.]~~

2. ~~[The superintendent of schools of a school district or the governing body of a charter school, as applicable, 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 grade 3. Any other pupil is eligible for a good cause exemption if the pupil:~~



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

3 — (b) Demonstrates, through a portfolio of the pupil's work, proficiency in  
4 reading at grade level, as evidenced by demonstration of mastery of the academic  
5 standards in reading beyond the retention level;

6 — (c) Is an English learner and has received less than 2 years of instruction in a  
7 program of instruction that teaches English as a second language;

8 — (d) Received intensive remediation in the subject area of reading for 2 or more  
9 years but still demonstrates a deficiency in reading and was previously retained in  
10 kindergarten or grade 1 or 2 for a total of 2 years;

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

14 — (f) Is a pupil with a disability and:

15 — (1) He or she participates in the criterion referenced examinations  
16 administered pursuant to NRS 390.105;

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

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

22 — 4. The principal of a school in which a pupil who may be retained in grade 3  
23 pursuant to subsection 1 is enrolled shall consider the factors set forth in subsection  
24 3 and determine whether the pupil is eligible for a good cause exemption. In  
25 making the determination, the principal must consider documentation provided by  
26 the pupil's teacher indicating whether the promotion of the pupil is appropriate  
27 based upon the record of the pupil. Such documentation must only consist of the  
28 existing plan for monitoring the progress of the pupil, the pupil's individualized  
29 education program, if applicable, and the pupil's plan in accordance with section  
30 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, if applicable. If the  
31 principal determines that promotion of the pupil to grade 4 is appropriate, the  
32 principal must submit a written recommendation to the superintendent of schools of  
33 the school district or to the governing body of the charter school, as applicable. The  
34 superintendent of schools or the governing body of the charter school, as  
35 applicable, shall approve or deny the recommendation of the principal and provide  
36 written notice of the approval or denial to the principal.

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

41 — 6. The principal of a school [in which a pupil for whom a good cause  
42 exemption is approved and who is promoted to grade 4 must], *in consultation with  
43 the literacy specialist designated pursuant to NRS 388.159 and any teacher or  
44 other person with knowledge and expertise related to providing intervention  
45 services and intensive instruction to the pupil:*

46 (a) Shall ensure that the pupil continues to *[receive] be provided intervention  
47 services and* intensive instruction in the subject area of reading *[+] for as long as it  
48 is determined to be necessary while the pupil is enrolled [in an] at the elementary  
49 school.* Such instruction must include, without limitation, strategies based upon  
50 evidence-based research that will improve proficiency in the subject area of  
51 reading.

52 {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 the pupil in grade 3 rather than promote the pupil to grade 4 when authorized pursuant to NRS 392.125.*

**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 to improve the pupil’s proficiency in the subject area of reading, including, without limitation:

(1) 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;

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

(3) 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 or the governing body of a charter school, as applicable, shall:

(a) Review and evaluate the plans for monitoring the ~~progress~~ *growth* of pupils developed pursuant to subsection 1.

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

(1) Instruction that is provided in small groups;

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

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

(4) Tutoring and mentoring;

(5) Classes which are designed to increase the ability of pupils to transition from grade 3 to grade 4. ~~and to each subsequent grade level at the school;~~

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

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

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

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

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

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

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

(a) Has an individualized education program; or

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

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

*(2) Improved at a rate prescribed by the board of trustees of the school district, indicating progress 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.*

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 ~~[(1)]~~; 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 ~~[(3)]~~ *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)]~~ *81st* Session of the Nevada Legislature.

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

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

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

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

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

15       **Sec. 13.** This act becomes effective:

16           1. Upon passage and approval for the purpose of adopting any regulations and  
17 performing any other preparatory administrative tasks necessary to carry out the  
18 provisions of this act; and

19           2. On July 1, 2019, for all other purposes.