

SENATE BILL NO. 149—SENATORS BUCK, TITUS, HANSEN, STONE,
KRASNER; GOICOECHEA AND SEEVERS GANSERT

FEBRUARY 14, 2023

Referred to Committee on Education

SUMMARY—Revises provisions governing reading and mathematics education. (BDR 34-647)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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

AN ACT relating to education; requiring the board of trustees of each school district and the governing body of each charter school to prepare a plan to improve the proficiency of pupils in the subject area of mathematics; requiring the principal of each public elementary school to designate at least one teacher as a mathematics specialist; requiring certain interventions for pupils enrolled in elementary school to achieve adequate proficiency in mathematics; prohibiting a public school from promoting a pupil to certain grades if the pupil does not achieve proficiency in reading or mathematics unless a good-cause exemption is granted; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of trustees of each school district and the governing body of each charter school to prepare a plan to improve the literacy of pupils enrolled in an elementary school. (NRS 388.157) **Section 1** of this bill requires the board of trustees of each school district and the governing body of each charter school to also prepare a plan to improve the proficiency in mathematics of pupils enrolled in an elementary school. **Sections 1 and 2** of this bill additionally require the assessment of a pupil's proficiency in mathematics and reading: (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 each grade level of elementary school.

Existing law requires the principal of a public elementary school to designate a licensed teacher employed by the school with certain qualifications related to improving the literacy of pupils to serve as a literacy specialist. (NRS 388.159)



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Section 3 of this bill: (1) requires the principal of a public elementary school to additionally designate a licensed teacher employed by the school with certain qualifications related to improving the mathematics proficiency of pupils to serve as a mathematics specialist; and (2) authorizes such a principal to designate more than one literacy specialist and more than one mathematics specialist.

Existing law requires an elementary school to provide intervention services and intensive instruction to a pupil during the time a pupil attends the school if the pupil does not obtain the passing score prescribed by the State Board of Education on the criterion-referenced examination in reading. (NRS 392.760) **Section 8** of this bill also requires an elementary school to provide such services and instruction to a pupil if the pupil does not obtain the passing score prescribed by the State Board on the criterion-referenced examination in mathematics. **Section 8** additionally requires an elementary school to: (1) retain a pupil in grade 3 if the pupil does not obtain the passing score prescribed by the State Board on the criterion-referenced examination in reading unless the pupil receives a good-cause exemption; and (2) retain a pupil in grade 5 if the pupil does not obtain the passing score prescribed by the State Board on the criterion-referenced examination in mathematics unless the pupil receives a good-cause exemption. **Section 8** prescribes the requirements and procedure to obtain a good-cause exemption.

Existing law requires the principal of an elementary school to notify the parent or guardian of a pupil who exhibits a deficiency in reading of the deficiency and provide the parent or guardian with certain information concerning: (1) the steps that will be taken to monitor the progress of the pupil; and (2) the consequences of the pupil remaining deficient in reading. (NRS 392.750) **Section 5** of this bill requires the principal of an elementary school to similarly notify the parent or guardian if a pupil exhibits a deficiency in mathematics. **Sections 5 and 6** of this bill require such notice to include an explanation that the pupil may be retained in grade 3 or 5 pursuant to **section 8** if the pupil is deficient in reading before completing grade 3 or deficient in mathematics before completing grade 5.

Section 9 of this bill requires: (1) the board of trustees of each school district and the governing body of each charter school to adopt a policy governing the promotion of a pupil retained in grade 3 or 5 pursuant to **section 8**; and (2) the principal of a school to consult with the parent or guardian of a pupil about additional alternative learning methods for a pupil who was retained in grade 3 or 5 and is still not academically ready to be promoted at the end of the school year.

Section 4 of this bill requires the governing body of a charter school that operates as an elementary school to adopt rules concerning pupils retained in grades 3 and 5 pursuant to **section 8**. **Sections 4 and 11** of this bill require the governing body of a charter school that operates as an elementary school or the board of trustees of a school district, respectively, to publish and submit to certain entities an annual report consisting of certain information relating to pupils retained in grade 3 or 5.

Existing law requires: (1) an elementary school to take certain measures to monitor the progress of a pupil who demonstrates a deficiency in the subject area of reading; and (2) the principal of an elementary school to offer to the parent or guardian of such a pupil certain instructional options to improve the proficiency of the pupil. (NRS 392.755, 392.770) **Sections 7 and 10** of this bill also apply those requirements to a pupil who demonstrates a deficiency in mathematics.



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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of each school district and the governing body of each charter school shall prepare a plan to improve the proficiency in mathematics of pupils enrolled in 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 mathematics to ensure that those pupils achieve adequate proficiency in the requisite mathematics 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 sessions in which mathematics is taught in small groups and specific instruction designed to target any area of mathematics in which the pupil demonstrates a deficiency.

(b) Procedures for assessing a pupil's proficiency in the subject area of mathematics using valid and reliable 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 if the pupil enrolls after that period; and

(2) During each grade level of the elementary school at which the pupil is enrolled.

(c) Procedures for facilitating collaboration between licensed teachers designated as mathematics 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 388.157 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 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 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 designed to target any area of reading in which the pupil demonstrates a deficiency, including, without limitation, phonological and phonemic awareness, decoding skills, 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 standards-based assessments that have been approved by the State Board by regulation ~~{during}~~ :

(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 each grade level 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 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.

3. The Department shall adopt regulations that prescribe procedures for assessing the development across early learning domains of a pupil enrolled in kindergarten within the first 45 days of school in a school year.

Sec. 3. 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}~~ *at least one* licensed teacher employed by the school to serve as a literacy specialist ~~{The}~~ *and at least one licensed teacher employed by the school to serve as a mathematics specialist.*

2. A licensed teacher so designated must:

(a) Demonstrate the ability to improve the literacy *or mathematics proficiency* of pupils ~~{;}~~ *, as applicable;*



(b) Demonstrate competency in effective instruction in literacy **or mathematics, as applicable**, 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 by implementing a system of support which includes various methods to provide intervention services and intensive instruction for pupils who have been identified as deficient in the subject area of reading **or mathematics, as applicable**.

~~12-1~~ 3. A school district or charter school may provide additional compensation to:

(a) A licensed teacher designated as a literacy **or mathematics** specialist pursuant to this section; or

(b) A licensed teacher who is employed by a school district or charter school to teach at an elementary school and provides instruction in reading **or mathematics**.

~~13-1~~ 4. Each licensed teacher employed by a school district or charter school to teach at an elementary school and who is responsible for providing instruction in reading **or mathematics** shall complete professional development developed by a licensed teacher designated as a literacy **or mathematics** specialist pursuant to subsection 1 in the subject area of reading **or mathematics, as applicable**.

~~14-1~~ 5. The State Board shall prescribe by regulation:

(a) Any training or professional development that a licensed teacher designated as a literacy **or mathematics** specialist is required to successfully complete;

(b) Any professional development that a teacher employed by a school district or charter school to teach at an elementary school is required to receive as developed by a licensed teacher designated as a literacy **or mathematics** specialist in the subject area of reading **or mathematics, as applicable**; and

(c) The duties and responsibilities of a licensed teacher designated as a literacy **or mathematics** specialist.

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

388A.487 1. The governing body of a charter school that operates as an elementary school shall adopt rules for the provision of intervention services and intensive instruction to pupils **and the academic retention of pupils** who are enrolled in the charter school that are consistent with NRS 392.750, 392.760 and 392.765 **and section 5 of this act**. The rules must:



(a) Prescribe ~~the~~ :

(1) *The* programs and instruction which will be provided to a pupil who has been identified as deficient in the subject area of reading *or mathematics* in accordance with the plan established pursuant to NRS 388.157 ~~or~~ *section 1 of this act; and*

(2) *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.*

(b) Require the school to provide to a pupil who has been identified as deficient in the subject area of reading *or mathematics* with intervention services and intensive instruction in accordance with the plan established pursuant to NRS 388.157 ~~or~~ *section 1 of this act.*

(c) *Require a pupil enrolled in grade 3 or 5 be retained in that grade rather than promoted to grade 4 or 6 when required by NRS 392.760.*

2. On or before October 15 of each year, the governing body of each charter school that operates as an elementary school shall:

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

(1) ~~Designated~~ *Were designated* in grade 3 *or 5* 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 ~~or~~ *mathematics*, including whether or not any such pupils were previously provided intervention services and intensive instruction while enrolled in an elementary school of a charter school; ~~and~~

(2) *Were retained in grade 3 or 5 pursuant to NRS 392.760 for a deficiency in the subject area of reading or mathematics, as applicable, including whether or not any such pupils were previously retained in kindergarten or grades 1, 2, 3 or 4;*

(3) *Were not retained in grade 3 or 5 because a good-cause exemption was approved pursuant to NRS 392.760 but who were previously retained in kindergarten or grades 1, 2, 3 or 4; and*

(4) Received educational programs or services identified pursuant to subsection 1 of NRS 392.750 *or subsection 1 of section 5 of this act* at each grade level and whose proficiency in the subject area of reading ~~or~~ *mathematics:*

(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; *and*

(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



1 established by the State Board for pupils enrolled in the same grade
2 in which the pupils are enrolled; and

3 (b) Submit a copy of the report to the Department, the
4 Legislature and the sponsor of the charter school; and

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

9 **Sec. 5.** Chapter 392 of NRS is hereby amended by adding
10 thereto a new section to read as follows:

11 *If a pupil enrolled at a public elementary school, including,*
12 *without limitation, a pupil who newly enrolls in a public*
13 *elementary school, exhibits a deficiency in the subject area of*
14 *mathematics based upon state or local assessments and the*
15 *observations of the pupil's teacher, the principal of the school*
16 *must provide written notice of the deficiency to the parent or legal*
17 *guardian of the pupil within 30 days after the date on which the*
18 *deficiency is discovered. The written notice must:*

19 1. *Identify the educational programs and services that the*
20 *pupil will receive to improve the pupil's proficiency in the subject*
21 *area of mathematics, including, without limitation, the programs*
22 *and services included in the plan to improve the proficiency in*
23 *mathematics of pupils enrolled in elementary school that has been*
24 *approved by the Department pursuant to section 1 of this act;*

25 2. *Explain that if the pupil does not achieve adequate*
26 *proficiency in the subject area of mathematics before the*
27 *completion of grade 5, the school will:*

28 (a) *Retain the pupil in grade 5 rather than promote the pupil to*
29 *grade 6, unless the pupil receives a good-cause exemption*
30 *pursuant to NRS 392.760; and*

31 (b) *Provide the pupil with intervention services and intensive*
32 *instruction each year that the pupil is enrolled in the elementary*
33 *school, unless it is determined that such services and instruction*
34 *are no longer necessary;*

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

39 4. *Explain that the criterion-referenced examination in only*
40 *the subject area of mathematics administered pursuant to NRS*
41 *390.105 is not the only factor used to determine whether the pupil*
42 *will be:*

43 (a) *Retained in grade 5 and that other options are available for*
44 *the pupil to demonstrate proficiency if the pupil is eligible for a*
45 *good-cause exemption pursuant to NRS 392.760; and*



(b) *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 the charter school, as applicable, pursuant to NRS 392.765 regarding the:*

(a) *Promotion of a pupil to grade 6 at any time during the school year if the pupil is retained in grade 5 pursuant to NRS 392.760; and*

(b) *Provision of intervention services and intensive instruction to a pupil enrolled in an elementary school;*

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

7. *Explain that a plan to monitor the growth of the pupil in the subject area of mathematics 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*

8. *Explain that services and the programs provided to the pupil will be adjusted to improve the deficiency in the subject area of mathematics.*

Sec. 6. 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 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~~ :

(a) *Retain the pupil in grade 3 rather than promote the pupil to grade 4, unless the pupil receives a good-cause exemption pursuant to NRS 392.760; and*

(b) *Provide the pupil with intervention services and intensive instruction each year that the pupil is enrolled in 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 ~~provided~~ :

(a) 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; and

(b) 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 ~~provision~~ :

(a) Promotion of 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; and

(b) Provision of intervention services and intensive instruction to a pupil enrolled in an elementary school;

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

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. 7. 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 *or mathematics pursuant to section 5 of this act* shall, within 30 days after providing such notice, establish a plan to monitor the



growth of the pupil in the subject area of reading ~~§~~ **or mathematics, as applicable.**

2. A plan to monitor the growth of a pupil in the subject area of reading **or mathematics** must be established by a licensed teacher 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 **or mathematics, as applicable**, until the pupil achieves adequate proficiency in the requisite reading skills and reading comprehension skills **or mathematics 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 **proficiency in literacy or mathematics** of pupils enrolled in elementary school approved by the Department pursuant to NRS 388.157 ~~§~~ **or section 1 of this act, as applicable.**

3. A school that establishes a plan to monitor the growth of a pupil in the subject area of reading **or mathematics** shall regularly assess the growth of the pupil in any area of deficiency in the subject area of reading **or mathematics, as applicable**, to ensure that the programs and services provided to the pupil pursuant to subsection 1 of NRS 392.750 **or subsection 1 of section 5 of this act, as applicable**, continue to increase the proficiency of the pupil in the subject area of reading **or mathematics, as applicable**, 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. 8. 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 the school intervention services and intensive instruction if the pupil does not obtain a score in ~~{only}~~ the subject area of reading **or mathematics** on the criterion-referenced examination administered pursuant to NRS 390.105 that meets the passing score prescribed by the State Board.

2. The principal of a school, in consultation with the literacy **or mathematics** specialist designated pursuant to NRS 388.159 , **as applicable**, and any teacher or other person with knowledge and expertise related to providing intervention services and intensive instruction to the pupil ~~§~~



~~(a) Shall~~ *shall* ensure that the pupil continues to be provided intervention services and intensive instruction in the subject area of reading *or mathematics, as applicable*, for as long as it is determined to be necessary while the pupil is enrolled at the elementary school ~~†~~, *even if a pupil is promoted to the next grade*. Such instruction must include, without limitation, strategies based upon evidence-based research that will improve proficiency in the subject area of reading ~~†~~.

~~(b) May retain the pupil in grade 3 rather than promote the pupil to grade 4 when authorized pursuant to NRS 392.125.† or mathematics.~~

3. Except as otherwise provided in this section, an elementary school must retain a pupil in the current grade of the pupil and not promote the pupil to the next grade if the pupil is enrolled in:

(a) Grade 3 and does not obtain a score in 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; or

(b) Grade 5 and does not obtain a score in the subject area of mathematics on the criterion-referenced examination administered pursuant to NRS 390.105 that meets the passing score prescribed by the State Board.

4. 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 or grade 6 who would otherwise be retained in grade 3 or grade 5 pursuant to subsection 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 7 that the pupil is eligible for such an exemption.

5. A good-cause exemption must be approved for a pupil who previously was retained in grade 3 pursuant to subsection 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, through a portfolio of the pupil's work, proficiency in reading at grade level, as evidenced by demonstration of mastery of the academic standards in reading beyond the retention level;

(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 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) Is a pupil with a disability and:

(1) He or she participates in the criterion-referenced examination 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; and

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

6. A good-cause exemption must be approved for a pupil who previously was retained in grade 5 pursuant to subsection 3. Any other pupil is eligible for a good-cause exemption if the pupil:

(a) Demonstrates an acceptable level of proficiency in mathematics on an alternative standardized mathematics assessment prescribed by the State Board;

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

(c) Received intensive remediation in the subject area of mathematics for 2 or more years but still demonstrates a deficiency in mathematics and was previously retained in kindergarten or grade 1, 2, 3 or 4 for a total of 2 years;

(d) 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

(e) Is a pupil with a disability and:

(1) He or she participates in the criterion-referenced examination 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 mathematics for more than 2 years, but he or she still demonstrates a deficiency in mathematics; and

(3) He or she was previously retained in kindergarten or grade 1, 2, 3, 4 or 5.



7. The principal of a school in which a pupil who may be retained in grade 3 or 5 pursuant to subsection 3 is enrolled shall consider the factors set forth in subsection 5 or 6, as applicable, and determine whether the pupil is eligible for a good-cause exemption. In making the determination, the principal must consider documentation provided by the teacher of the pupil 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, 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 or 6, as applicable, 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. The superintendent of schools or the governing body of the charter school, as applicable, shall approve or deny the recommendations of the principal and provide written notice of the approval or denial to the principal.

8. 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, approves the good-cause exemption.

9. 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 392.765 is hereby amended to read as follows:

392.765 1. If a pupil will be 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 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 instruction in the subject area of reading **or mathematics, as applicable**, that the pupil will be provided to improve the proficiency of the pupil in ~~that~~ **the applicable** subject area.

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

(c) Require the teacher of the pupil to develop a portfolio of the pupil's work in the subject area of reading **or mathematics**,



which must be updated as necessary to reflect growth made by the pupil.

(d) Ensure that the pupil receives intervention services and intensive instruction in the subject area of reading *or mathematics* that are designed to improve the pupil's proficiency in the subject area of reading ~~H~~ *or mathematics*, including, without limitation:

(1) Programs and services included in the plan to improve the *proficiency in* literacy *or mathematics, as applicable*, of pupils enrolled in elementary school approved by the Department pursuant to NRS 388.157 ~~H~~ *or section 1 of this act*;

(2) Instruction for at least 90 minutes each school day based upon evidence-based research concerning reading *or mathematics* instruction ~~H~~, *as applicable*; and

(3) Intensive instructional services prescribed by the board of trustees of the school district pursuant to subsection ~~f2~~ 3, as determined appropriate for the pupil.

2. *If a pupil described in subsection 1 will be retained in grade 3 or 5 pursuant to NRS 392.760, the notice provided pursuant to paragraph (a) of subsection 1 must additionally include notice that the pupil will be retained in grade 3 or 5, as applicable.*

3. 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 growth of pupils developed pursuant to subsection 1.

(b) Prescribe the intensive instructional services in the subject area of reading *or mathematics, as applicable*, which the principal of a school must implement as determined appropriate for a pupil who 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 *or from grade 5 to grade 6* 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 *or mathematics* which are offered during the summer; or

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



~~[3.]~~ 4. Except as otherwise provided in subsection ~~[4.]~~ 5, the intensive instructional services in the subject area of reading *or mathematics* 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.]~~ 5. The intensive instructional services in the subject area of reading *or mathematics* 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.]~~ 4 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.]~~ 6. *The board of trustees of each school district and the governing body of each charter school, as applicable, shall develop a policy by which the principal of a school may promote a pupil who is retained pursuant to NRS 392.760 at any time during the school year if the pupil demonstrates adequate proficiency in the subject area of reading or mathematics, as applicable. 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 or sixth-grade mathematics level, as applicable. If a pupil is promoted after November 1 of a school year, he or she must demonstrate proficiency in reading or mathematics, as applicable, at a level prescribed by the State Board.*

7. If, at the end of a school year, the principal of a school determines that a pupil is not academically ready for promotion to grade 4 or 6 after being retained in grade 3 or 5, as applicable, and the pupil received intensive instructional services pursuant to this section, the school district or charter school 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 or 6, as applicable, while continuing to receive remediation in the subject area of reading or mathematics, as applicable.



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

3 **Sec. 10.** NRS 392.770 is hereby amended to read as follows:

4 392.770 In addition to the intervention services and intensive
5 instruction provided to a pupil who demonstrates a deficiency in the
6 subject area of reading *or mathematics* identified pursuant to
7 subsection 1 of NRS 392.750 or *subsection 1 of section 5 of this act*
8 *or to* a pupil who will be provided intervention services and
9 intensive instruction while the pupil is enrolled in an elementary
10 school pursuant to NRS 392.760, the principal of the school must
11 offer the parent or legal guardian of the pupil, to the extent
12 practicable, in a language that the parent or legal guardian can
13 understand, at least one of the following instructional options:

14 1. Supplemental tutoring which is based upon evidence-based
15 research concerning reading *or mathematics* instruction ~~§~~ , *as*
16 *applicable;*

17 2. Providing the parent or legal guardian with a plan for
18 reading *or mathematics, as applicable*, with the pupil at home and
19 participating in any workshops that may be available in the school
20 district *or at the charter school* to assist the parent or legal guardian
21 with reading *or mathematics, as applicable*, with his or her child at
22 home, as set forth in an agreement with the parent or legal guardian;
23 or

24 3. Providing the pupil with a mentor or tutor who has received
25 specialized training in teaching pupils how to read ~~§~~ *or improving*
26 *the mathematics proficiency of pupils, as applicable.*

27 **Sec. 11.** NRS 392.775 is hereby amended to read as follows:

28 392.775 On or before October 15 of each year, the board of
29 trustees of each school district shall:

30 1. Prepare a report concerning the number and percentage of
31 pupils at each public elementary school within the school district
32 who:

33 (a) Were designated in grade 3 to be provided intervention
34 services and intensive instruction while enrolled in an elementary
35 school pursuant to NRS 392.760 for a deficiency in the subject area
36 of reading, including whether or not any such pupils were
37 previously provided intervention services and intensive instruction;
38 ~~and~~

39 (b) *Were retained in grade 3 pursuant to NRS 392.760 for a*
40 *deficiency in the subject area of reading, including whether or not*
41 *any such pupils were previously retained in kindergarten or grade*
42 *1 or 2;*

43 (c) *Were not retained in grade 3 because a good-cause*
44 *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;

(d) 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 ~~H~~;

(e) Were designated in grade 5 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 mathematics, including whether or not any such pupils were previously provided intervention services and intensive instruction;

(f) Were retained in grade 5 pursuant to NRS 392.760 for a deficiency in the subject area of mathematics, including whether or not any such pupils were previously retained in kindergarten or grade 1, 2, 3 or 4;

(g) Were not retained in grade 5 because a good-cause exemption was approved pursuant to NRS 392.760, but who were previously retained in kindergarten or grade 1, 2, 3 or 4 for a total of 2 years; and

(h) Received educational programs or services identified pursuant to subsection 1 of section 5 of this act at each grade level and whose proficiency in the subject area of mathematics:

(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 ~~H~~ and 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.



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

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

6 2. Sections 1 to 12, inclusive, of this act become effective:

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

10 (b) On July 1, 2024, for all other purposes.

