

Assembly Bill 289 Guidance

Nevada Department of Education

Read by Grade 3 Act

Note: This document is intended to assist Local Education Agencies (LEAs),¹ administrators,² and literacy specialists³ to understand and implement the provisions of Assembly Bill 289 as approved during the 80th Session (2019) of the Nevada State Legislature.

Priorities

- Supporting schools with resources for early literacy instruction;
- Supporting schools with the use of formative assessment strategies for students in their progress toward early literacy attainment; and
- Improving student outcomes in early literacy.

Contacts

- Dr. Kevin Marie Laxalt, Education Programs Professional
Office of Standards and Instructional Support
klaxalt@doe.nv.gov
(775) 687-5932
- Darrin Hardman, Education Programs Professional
Office of Standards and Instructional Support
dhardman@doe.nv.gov
(702) 486-6602
- Dave Brancamp, Director
Office of Standards and Instructional Support
dbrancamp@doe.nv.gov
(775) 687-5930

¹ In this document, the term “LEA(s)” includes the board of trustees of each school district and the governing body of an elementary charter school.

² In this document, the term “administrator(s)” may include administrator of elementary schools or district personnel who provide oversight of elementary schools.

³ In this document, the term “literacy specialist(s)” refers only to a licensed teacher at an elementary school who helps support school-based efforts to improve elementary reading proficiency and provisions of Assembly Bill 289 as approved in the 80th Session (2019) of the Nevada State Legislature.

Program Overview

Nevada’s Ready by Grade 3 (RBG3) Act provides noncompetitive grants across the state, utilizing a weighted funding formula. The primary intent is to support school-based efforts to ensure that all students are proficient readers by the end of third grade. Total recommended funding for this program is \$31.7 million in each year of the 2019-21 biennium, representing a 54.5% increase from the prior biennium. This ensures that all elementary schools will have an assigned literacy specialist to work with the school administrator and teachers, serve as a resource for professional development, and build master reading teachers to improve student reading achievement. In addition to funding literacy specialists and school-based professional development, RBG3 requires each LEA to:

- Develop a plan to improve literacy in elementary schools;
- Participate in statewide professional development for literacy specialists and elementary reading teachers;
- Implement intervention services and intensive instruction for students reading below grade level;⁴ and
- Monitor the reading growth of students receiving intervention services and intensive instruction.

⁴ In this document, the term “reading below grade level” includes students who do not meet the passing score prescribed by the State Board on state assessments (MAP Growth Reading and/or Smarter Balanced ELA Summative) and the observations of the student’s teacher.

Shallow Dive: Changes for 2019

Section 1

- Expands LEA literacy plans to include all elementary grades.
- Requires LEA literacy plans to identify reading intervention services and intensive instruction provided to any student who reading below grade level.
- Requires that intervention services and intensive instruction must target areas of a student’s reading deficiency, including phonological and phonemic awareness, decoding, reading fluency, vocabulary, and comprehension strategies.

Section 2

- Stipulates that the literacy specialist is a licensed teacher with specific qualifications.
- Requires the State Board of Education to update regulations that specify the training and professional development for literacy specialists, elementary teachers who teach reading, and the duties and responsibilities of the literacy specialist.

Section 4

- Clarifies charter school requirements.

Section 5

- Stipulates that the required written notification to the parent/legal guardian of a student reading below grade level shall also include a plan to monitor growth and adjust interventions and intensive instruction, to the extent possible, in a language the parent or legal guardian can understand.

Section 6

- Clarifies that plans to monitor students who are reading below grade level will regularly assess reading growth to ensure that programs and services are effective.

Section 7

- Requires that the administrator, literacy specialist, teacher, and other experts in intervention or intensive instruction shall ensure services continue for as long as it is determined necessary while the student is enrolled in the school.
- Removes the grade 3 retention requirement and replaces it with mandatory intervention and intensive instruction.

- Allows administrators to retain a student based on prescribed circumstances and in consultation with the literacy specialist and other individuals who work with the student.

Section 8

- Extends intervention services and intensive instruction to include **all grades** in an elementary school.

Section 9

- Requires that the parent or legal guardian of any student receiving intervention services or intensive instruction in reading must be offered one instructional option (evidence-based supplemental tutoring, a home reading plan, or a specifically-trained mentor or tutor), to the extent possible, in a language the parent or legal guardian can understand.

Section 10

- Expands LEA reporting requirements to include the number and percentage of students at each school who did and did not improve at the rate prescribed by the LEA.
- Requires the LEA to also provide a report to the Legislature and the sponsors of the charter schools.

Section 11

- Requires noncompetitive funding that awards grants to LEAs to support school-based efforts that ensure elementary students are reading at grade level.

Deep Dive: Requirements for 2019

Section 1

What is the emphasis?

LEA Literacy Plans

Who is required to act?

- Local Education Agencies
- Nevada Department of Education

What are they required to do?

- All LEAs shall prepare a plan to improve literacy in elementary schools that includes:
 1. Intervention services and intensive instruction to students reading below grade level, including regularly scheduled, small-group, and targeted instruction in areas of reading deficiency, including phonological and phonemic awareness, decoding, reading fluency, vocabulary and comprehension;
 2. Procedures for assessing reading;
 - Within the first 30 days of school, upon enrollment in the school if the student has not been previously assessed; and
 - During each grade level at the elementary school as determined necessary;
 3. Programs to improve reading proficiency of student who are English learners; and
 4. Procedures for facilitating collaboration between classroom teachers and the school's literacy specialist.
- Submit to plans and make revisions determined necessary by NDE.

Section 2

What is the emphasis?

Literacy Specialists

Who is required to act?

- Nevada State Board of Education
- Local Education Agencies
- Elementary School Administrators
- Elementary Literacy Specialists
- Elementary Teachers Who Provide Reading Instruction

What are they required to do?

- Administrators shall designate a licensed teacher to serve as a literacy specialist who must:
 1. Demonstrate the ability to improve the literacy of pupils;
 2. Demonstrate competency in effective instruction in literacy and the administration of assessments;
 3. Demonstrate an understanding of building relationships with teachers and other adults;
 4. Collaborate with the administrator of the public elementary school to develop a schedule of professional development and assist in providing such professional development; and
 5. 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
- LEAs may provide additional compensation to a literacy specialist or elementary teacher who provides reading instruction.
- Elementary teachers shall complete the professional development provided by a literacy specialist.
- The State Board shall prescribe by regulation the training or professional development that a literacy specialist is required to successfully complete.
- The State Board shall prescribe by regulation the professional development that elementary teachers are required to receive.
- The State Board shall prescribe by regulation the duties and responsibilities of a literacy specialist.

Section 3

Deleted by amendment.

Section 4

What is the emphasis?

Specific Provisions for Charter Schools

Who is required to act?

- Governing Body of an Elementary Charter School

What are they required to do?

- The governing body of an elementary charter school shall adopt rules for providing intervention and intensive instruction to students reading below grade level that:
 1. Prescribe the programs and instruction that will be provided; and
 2. Require the school to provide intervention services and intensive reading instruction to students reading below grade level.
- LEAs shall submit a report to NDE and post that report on the school's website that states:
 1. The number and percentage of grade 3 students who received intervention services and intensive instruction in reading, including whether or not these students were previously provided intervention services and intensive instruction in reading; and
 2. The number and percentage of students whose parents received written notice of deficiency in reading, including the number and percentage of students who:
 - Did not improve at the rate prescribed by the governing body and required more intensive or different interventions; and
 - Improved at a rate prescribed by the governing body, indicating growth toward reading at grade level.

Section 5

What is the emphasis?

Written Notification to Parent/Legal Guardian of a Student Reading Below Grade Level

Who is required to act?

- Elementary School Administrators
- Local Education Agencies

What are they required to do?

- The administrator must provide written notification to parent/legal guardian of a student in grades K-3 who is reading below grade level within 30 days after the deficiency is discovered, and must:
 - Explain the programs and services the school will provide, including programs and services that have been approved by NDE and included in the LEA literacy plan;
 - Explain that if the student does not achieve adequate proficiency in reading by the end of third grade, the school will provide intervention services and intensive instruction each year that the student is enrolled in the school, unless it is determined that such services are no longer necessary;
 - Explain strategies the parent/legal guardian may use at home to improve reading proficiency;
 - Explain that the criterion-referenced examination in reading is not the only factor used to determine if the student will receive intervention services and intensive instruction;
 - Describe the policies and criteria adopted by the LEA for providing intervention services and intensive instruction;
 - Include information about the English literacy development of a student who is an English learner;
 - Explain strategies the parent/legal guardian may use at home to improve the English literacy of a student who is an English learner;
 - To the extent possible, provide such information in a language the parent/legal guardian can understand;
 - Explain the plan to monitor the reading proficiency growth; and
 - Explain how services and programs will be adjusted to improve reading proficiency.

Section 6

What is the emphasis?

Plans for Monitoring Student Growth

Who is required to act?

- Local Education Agencies
- Elementary School Administrators
- Elementary Literacy Specialists
- Elementary Teachers Who Provide Reading Instruction

What are they required to do?

- Elementary schools shall establish a plan to monitor the growth of a student who is reading below grade level.
- The plan shall:
 1. Be established by a licensed teacher and other licensed school personnel;
 2. Approved by the administrator and the parent/legal guardian;
 3. Describe the intervention and intensive instruction that will be provided to improve reading proficiency;
 4. Include provisions that intervention and intensive instruction will be provided until the student reads at grade level; and
 5. Include programs and services approved by NDE and included in the LEA literacy plan.
- Plans to monitor growth shall regularly assess student growth toward reading at grade level.

Section 7

What is the emphasis?

Intervention, Intensive Instruction, and Retention of Grade 3 Students Reading Below Grade Level on the Smarter Balanced Summative Assessment for English Language Arts

Who is required to act?

- Elementary School Administrators
- Elementary Literacy Specialists
- Elementary Teachers Who Provide Reading Instruction

What are they required to do?

- Elementary schools must provide intervention services and intensive instruction to students who do not perform at levels determined by the State Board of Education on statewide CRT assessment (Smarter) for the student's grade;
- The elementary administrator, in consultation with the literacy specialist and any teacher with knowledge and expertise in providing intervention services and intensive instruction:
 1. Shall continue to provide reading intervention services and intensive instruction while the student is enrolled in the elementary school and such instruction must include strategies based on evidence-based research to improve reading proficiency; and
 2. May retain the pupil in grade 3 when authorized pursuant to NRS 392.125.

Section 8

What is the emphasis?

Provisions for Students Receiving Intervention Services and Intensive Instruction

Who is required to act?

- Nevada Department of Education
- District Boards of Trustees and the Governing Bodies of Elementary Charter Schools
- Elementary School Administrators
- Elementary Literacy Specialists
- Elementary Teachers Who Provide Reading Instruction

What are they required to do?

- The administrator must:
 1. Provide written confirmation to the parent or legal guardian of the student who will be provided intervention services and intensive instruction while the student is enrolled in the elementary school, and a description of such reading services that will be provided;
 2. Develop a plan to monitor student reading growth;
 3. Require the student's teacher to develop and update a portfolio of the student's reading growth; and
 4. Ensure that the student receives reading intervention services and intensive instruction that includes, without limitation;
 - Programs and services in the plan that have been approved by NDE and included in the LEA literacy plan;
 - Instruction for at least 90 minutes each school day based on evidence-based reading instruction; and
 - Programs and services that appropriate for the student.
- The LEA shall:
 1. Review and evaluate plans for monitor growth of students receiving reading intervention services and intensive instruction;
 2. Prescribe intensive reading instructional services administrators must implement as determined appropriate for a student reviving such services, which may include:
 - Small group reading instruction;
 - Classes with a reduced student-teacher ratio;
 - A timeline for frequently monitoring student progress;
 - Tutoring or mentoring;

- Classes designed to transition from grade 3 to grade 4, and to each subsequent grade at the school;
 - Instruction through extended day, week, or year;
 - Instruction offered during the summer; or
 - Any combination of services listed above.
3. Provide intensive reading instruction by a teacher:
- Who is different than the teacher who provided services during the previous school year; and
 - Who has been determined to be highly effective, as determined by student performance data and performance evaluations.
4. Intensive reading services may be provided by the same teacher who provided such services during the preceding school year if the teacher has been determined to be highly effective, as determined by student performance data and performance evaluations, and:
- The student has an individualized education program (IEP) as defined in the Individuals with Disabilities Education Act; or
 - The student is enrolled in a school district in a county with a population less than 100,000.

Section 9

What is the emphasis?

Instructional Options in Addition to Intervention and Intensive Instruction

Who is required to act?

- Elementary School Administrators
- Elementary Literacy Specialists
- Elementary Teachers Who Provide Reading Instruction

What are they required to do?

- In addition to intervention services and intensive instruction for students reading below grade level, the administrator of an elementary school must offer, to the extent possible, in a language the parent or legal guardian can understand, one of the following instructional options:
 - Evidence-based supplemental tutoring;
 - A home reading plan that offers the parent or legal guardian workshops that will support reading with his/her child at home; or
 - A mentor or tutor who has received specialized training in teaching students how to read.

Section 10

What is the emphasis?

Reports Prepared by Local Education Agencies

Who is required to act?

- Nevada Department of Education
- Local Education Agencies

What are they required to do?

- LEAs shall prepare a report that provides the number and percentage of students at each elementary school who:
 - Were designated in grade 3 to receive intervention services and intensive instruction while enrolled in an elementary school for a reading deficiency, including whether or not any such students were previously provided intervention services and intensive instruction; and
 - Received educational programs or services.
- Submit a copy of the report to NDE, the Legislature, and sponsor of the charter schools on or before October 15, 2020.
- Post the report on the district website, and make it available to parents and legal guardians and the general public.

Section 11

What is the emphasis?

Funding for Districts and Charter Schools

Who is required to act?

- Nevada Department of Education
- Local Education Agencies

What are they required to do?

- NDE shall award noncompetitive grants to LEAs using a weighted formula based on need and student population. Funds shall be used to improve elementary reading proficiency and school-based efforts. School-based efforts may include:
 - Hiring literacy specialists;
 - Training for literacy specialists;
 - Entering into contracts with vendors for the purchase of evidence-based reading assessments, textbooks, computer software or other materials;
 - Providing professional development;
 - Funding evidence-based programs to students (before and after school, during intercessions or summer school); and
 - Providing other evidence-based literacy initiatives for students at the elementary school.
- The LEAs that receive grants shall:
 - Set measurable performance objectives based on aggregated student achievement data;
 - Prepare and submit to NDE on or before July 1, 2020, a report that includes:
 - A description of the programs and services provided by school; and
 - The number of students who participated in a program or received services; and
 - Shall not use money to supplant other budgets in the school.
- NDE shall hire an independent consultant to evaluate the programs and services paid for with grant money received by a district or charter school if money is available.
- NDE shall prepare a report that:
 - Identifies the schools that received allocations;
 - The amount of money received by each school;
 - A description of the programs or services for which money was used by each school;
 - The number of students who participated in a program or received services;

- The average expenditure per pupil for each program or service;
- An evaluation of the effectiveness of the program or services, including academic and linguistic achievement and proficiency of students participating in programs or who received services;
- Any recommendations for legislation, including continuing or expanding programs and services that are effective in improving reading proficiency; and
- Submit a preliminary report to the State Board of Education and the Legislative Committee on Education August 31, 2020, and a final report to the Governor and the Director of the Legislative Counsel Bureau on November 15, 2020.

Section 12

What is the emphasis?

Reports Provided to the Legislature

Who is required to act?

- Nevada Department of Education
- Local Education Agencies

What are they required to do?

- Provisions of subsection 1 of NRS 218D.380 do not apply legislative reporting in this act.

Section 13

What is the emphasis?

Dates this Act Becomes Effective

Who is required to act?

- Nevada State Board of Education
- Nevada Department of Education
- Local Education Agencies
- Elementary School Administrators
- Elementary Literacy Specialists
- Elementary Teachers Who Provide Reading Instruction

What are they required to do?

- For the purpose of adopting regulations and performing administrative tasks, this act becomes effective upon passage and approval.
- For all other purposes, this act becomes effective on July 1, 2019.