

ASSEMBLY BILL NO. 272—ASSEMBLYMEN DIAZ, HORNE, KIRKPATRICK; BENITEZ-THOMPSON, BUSTAMANTE ADAMS, CARRILLO, DONDERO LOOP, FLORES, FRIERSON, MUNFORD, NEAL, PIERCE AND SWANK

MARCH 15, 2013

Referred to Committee on Education

SUMMARY—Revises provisions governing education. (BDR 34-791)

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

CONTAINS UNFUNDED MANDATE (§§ 5, 11)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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

AN ACT relating to education; creating the English Mastery Council; prescribing the membership and duties of the Council; requiring the board of trustees of each school district to develop a program to teach English to pupils who are limited English proficient; prescribing certain requirements for those programs; requiring a teacher who is employed by a school with a certain percentage of pupils who are limited English proficient to hold an endorsement to teach English as a second language; amending provisions relating to certain courses of study required to obtain an endorsement to teach English as a second language; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 **Section 3** of this bill creates and sets forth the membership of the English
- 2 Mastery Council, and **section 4** of this bill sets forth the duties of the Council.
- 3 Existing law requires the State Board of Education to establish a program to
- 4 teach the English language to pupils who are limited English proficient. (NRS
- 5 388.405) **Section 7** of this bill eliminates that requirement, and **section 5** of this bill
- 6 requires instead that the board of trustees of each school district establish a program
- 7 to teach English to pupils who are limited English proficient and sets forth certain
- 8 requirements for the program. **Section 6** of this bill requires the board of trustees to



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submit an annual report to the Department of Education and to the English Mastery Council related to the program.

Section 9 of this bill provides that a teacher must hold an endorsement to teach English as a second language to be employed by a public school where more than 25 percent of the pupils are limited English proficient. **Section 16** of this bill provides that this requirement goes into effect on July 1, 2016.

Section 10 of this bill requires the Commission on Professional Standards in Education to prescribe by regulation the educational requirements for obtaining an endorsement to teach English as a second language. **Section 10** also requires that the educational requirements include, without limitation, the completion of 15 semester hours of credit in a course of study.

Section 11 of this bill requires the board of trustees of each school district to provide professional development to teachers and other educational personnel which is designed to improve the instruction of pupils who are limited English proficient.

Section 13 of this bill provides that if the Nevada System of Higher Education offers a course of study for obtaining an endorsement to teach English as a second language, the Board of Regents of the University of Nevada must consider the recommendations submitted by the English Mastery Council in establishing the curriculum and standards for the course of study.

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 the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *The Legislature finds and declares that:*

1. It is the public policy of this State to provide every child enrolled in a public school with high-quality instruction.

2. Children who are limited English proficient benefit from instruction that is designed to address the academic needs of those children.

3. It is the intent of the Legislature that children who are limited English proficient be provided with instruction which is designed to address the academic needs of such children so that those children attain proficiency in the English language and improve their overall academic achievement and proficiency.

Sec. 3. 1. *The English Mastery Council is hereby created. The English Mastery Council consists of the following:*

(a) The Superintendent of Public Instruction, or his or her designee, who serves as an ex officio member of the English Mastery Council.

(b) Two members who have knowledge and expertise in language acquisition and who represent the Nevada System of Higher Education, appointed by the Majority Leader of the Senate.



(c) Three members who are teachers at public schools in this State, hold an endorsement to teach English as a second language and have knowledge and expertise in providing instruction to pupils who are limited English proficient, appointed by the Speaker of the Assembly. The Speaker of the Assembly shall ensure that the members appointed pursuant to this paragraph represent the geographic diversity of this State.

(d) Two members who are parents or legal guardians of pupils who are limited English proficient, appointed by the Governor from a list of nominees submitted by the Nevada Parent Teacher Association. The Governor shall ensure that the members appointed pursuant to this paragraph represent the geographic diversity of this State.

(e) Two members who are administrators of public schools in this State, appointed by the Chair of the Senate Standing Committee on Education from a list of nominees submitted by the Nevada Association of School Administrators.

(f) Two members who are representatives of the public or business and industry in this State and who have been leaders in education reform related to pupils who are limited English proficient, appointed by the Chair of the Assembly Standing Committee on Education.

2. Each appointed member of the English Mastery Council serves at the pleasure of the person who appointed the member.

3. A vacancy on the English Mastery Council must be filled in the same manner as the original appointment.

4. The English Mastery Council shall, at its first meeting and annually thereafter, elect a Chair from among its members.

5. The English Mastery Council shall meet at least semiannually and may meet at other times upon the call of the Chair.

6. Members of the English Mastery Council serve without compensation, except that for each day or portion of a day during which a member of the Council attends a meeting of the Council or is otherwise engaged in the business of the Council, the member is entitled to receive the per diem allowances and travel expenses provided for state officers and employees generally.

7. A member of the English Mastery Council who is a public employee must be granted administrative leave from the member's duties to engage in the business of the Council without loss of his or her regular compensation. Such leave does not reduce the amount of the member's other accrued leave.

8. The English Mastery Council may apply for and accept gifts, grants, donations and contributions from any source for the purpose of carrying out its duties pursuant to section 4 of this act.



Sec. 4. The English Mastery Council created by section 3 of this act shall:

1. Make recommendations to the State Board for the adoption of regulations concerning standards, policies and procedures for the programs to teach English to pupils who are limited English proficient that are established pursuant to section 5 of this act.

2. Review annually each program to teach English to pupils who are limited English proficient that is established pursuant to section 5 of this act and make recommendations for improvement to each board of trustees.

3. Make recommendations to the Commission on Professional Standards in Education concerning the requirements for an endorsement to teach English as a second language.

4. Make recommendations to the Teachers and Leaders Council of Nevada regarding its recommendations submitted to the State Board pursuant to NRS 391.460 concerning the statewide performance evaluation system for teachers and administrators.

5. Develop standards and criteria for a curriculum for pupils who are limited English proficient and submit those standards and criteria to the State Board for consideration.

6. Review any course of study offered by the Nevada System of Higher Education for training to teach English as a second language to determine if the course of study is sufficiently rigorous to provide teachers with the tools necessary to improve the English proficiency and academic achievement and proficiency of pupils who are limited English proficient.

7. Make recommendations to the Board of Regents of the University of Nevada for the improvement of any course of study described in subsection 6.

Sec. 5. 1. The board of trustees of each school district shall establish a program of instruction to teach English to pupils who are limited English proficient. The program must be designed to provide pupils enrolled in each public school located in the school district who are limited English proficient with instruction that enables those pupils to attain proficiency in the English language and improve their overall academic achievement and proficiency.

2. The program developed pursuant to subsection 1 must:

(a) Provide for the identification of pupils who are limited English proficient through the use of an appropriate assessment;

(b) Provide for the periodic reassessment of each pupil who is classified as limited English proficient;

(c) Be designed to eliminate any gaps in achievement between those pupils who are limited English proficient and pupils who are proficient in English;



(d) Provide opportunities for the parents or legal guardians of pupils who are limited English proficient to participate in the program; and

(e) Provide to each pupil who is limited English proficient and whose academic achievement and proficiency is two or more grade levels below the grade level in which he or she is enrolled:

(1) A special program of instruction for language acquisition;

(2) One or more instructional aides who speak the primary language of the pupil, if any such aide is available; and

(3) Language materials which allow the pupil to interact with the materials.

3. The board of trustees shall:

(a) Provide teachers who are providing instruction to pupils who are limited English proficient with the instructional materials that are designed to improve the language acquisition and academic achievement and proficiency of such pupils; and

(b) Provide the parents or guardians of pupils who are limited English proficient with information on other programs which are designed to improve the language acquisition and academic achievement and proficiency of pupils who are limited English proficient and assist those parents or guardians in enrolling those pupils in such programs.

Sec. 6. 1. The board of trustees of each school district shall submit to the Department and to the English Mastery Council, and post on an Internet website maintained by the board of trustees, an annual report at the end of each school year on the program to teach English to pupils who are limited English proficient that is established pursuant to section 5 of this act. The report must include, without limitation:

(a) Information regarding the progression of pupils who are limited English proficient in attaining proficiency in the English language;

(b) Information regarding the achievement and proficiency of pupils who are limited English proficient in comparison to the pupils who are proficient in English;

(c) The number of pupils who were identified as limited English proficient at the beginning of the school year and who were identified as being proficient in English by the completion of the school year;

(d) A comparison of pupils who are limited English proficient and pupils who are proficient in the English language in the following areas:

(1) Retention rates;

(2) Graduation rates;



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(3) Dropout rates;
(4) Grade point averages; and
(5) Scores on the examinations administered pursuant to NRS 389.015 and 389.550; and

(e) Results of reassessments of pupils who are limited English proficient reported separately by the primary language of the pupils.

2. The information reported pursuant to subsection 1 must be reported in the aggregate, must not disclose the identity of a pupil and must be reported separately by:

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

(b) Pupils who are eligible for free or reduced-priced lunches pursuant to 42 U.S.C. §§ 1751 et seq.; and

(c) The national origin of pupils.

3. The Department shall:

(a) Review and analyze the information submitted pursuant to subsection 1 and identify any problems or factors that are revealed by the review and analysis and notify the board of trustees of the problems or factors. The board of trustees shall submit to the Department within 30 days after receiving the notice a written response which identifies the actions the board of trustees will implement to address the problems or factors identified in the written notice. The Department shall monitor the implementation of the actions identified in the written response.

(b) Compile the reports submitted pursuant to subsection 1 and post the compilation on the Internet website maintained by the Department.

Sec. 7. NRS 388.405 is hereby amended to read as follows:

388.405 The State Board shall:

1. ~~Establish a program to teach the English language to pupils who are limited English proficient.~~

~~2.] Adopt regulations to carry out the program. The regulations must prescribe the procedure by which a school district may obtain a waiver from the requirements of the program.~~

~~3.] setting forth criteria for a program to teach English to pupils who are limited English proficient which is established by the board of trustees of a school district pursuant to section 5 of this act.~~

2. Submit all evaluations required pursuant to 20 U.S.C. §§ 6801 et seq. and the regulations adopted pursuant thereto regarding the programs for pupils who are limited English proficient carried out pursuant to that provision of federal law to the:

(a) Governor;

(b) Committee;



(c) Bureau; and

(d) Board of trustees of each school district.

Sec. 8. Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 9, 10 and 11 of this act.

Sec. 9. *A teacher must hold an endorsement to teach English as a second language issued by the Department to be employed by a public school where more than 25 percent of the pupils are limited English proficient.*

Sec. 10. 1. *The Commission shall, based upon the recommendations of the English Mastery Council created pursuant to section 3 of this act, prescribe by regulation the educational requirements for obtaining an endorsement to teach English as a second language.*

2. *The educational requirements for obtaining an endorsement to teach English as a second language must include, without limitation, the completion of 15 semester hours of credit in a course of study.*

Sec. 11. *The board of trustees of each school district shall provide professional development to teachers and other educational personnel employed by the school district, at no cost to the teachers and personnel, which is designed to improve the instruction of pupils who are limited English proficient.*

Sec. 12. NRS 391.125 is hereby amended to read as follows:

391.125 1. ~~HH~~ *Except as otherwise provided in section 9 of this act, if the board of trustees of a school district determines that a shortage of teachers exists within the school district in a particular subject area, the board of trustees may submit a written request to the Superintendent of Public Instruction to employ persons who are licensed teachers but who do not hold an endorsement to teach in the subject area for which there is a shortage of teachers at a public school within the school district that is not designated as demonstrating need for improvement pursuant to NRS 385.3623. The Superintendent of Public Instruction may grant such a request if the Superintendent determines that a shortage of teachers exists in the subject area. If the Superintendent of Public Instruction grants a request pursuant to this subsection, a person who holds a license to teach but not an endorsement in the subject area for which the request was granted may be employed by the school district for not more than 2 school years to teach in that subject area at a public school within the school district that is not designated as needing improvement pursuant to NRS 385.3623.*

2. *If the Superintendent of Public Instruction grants a request pursuant to subsection 1, the Superintendent shall submit a written report to the Commission that includes the name of the school district for which the request was granted and the subject area for*



1 which the request was granted. Upon receipt of such a report, the
2 Commission shall consider whether to adopt revisions to the
3 requirements for an endorsement in that subject area to address
4 the shortage of teachers.

5 **Sec. 13.** Chapter 396 of NRS is hereby amended by adding
6 thereto a new section to read as follows:

7 *If the System offers a course of study for obtaining an*
8 *endorsement to teach English as a second language, the Board of*
9 *Regents shall take into consideration the recommendations*
10 *submitted by the English Mastery Council pursuant to section 4 of*
11 *this act in developing the curriculum and standards for the course*
12 *of study.*

13 **Sec. 14.** 1. Each board of trustees of a school district shall
14 implement the program of instruction which teaches English to
15 pupils who are limited English proficient and which the board
16 establishes pursuant to section 5 of this act at the beginning of the
17 2014-2015 school year.

18 2. Not later than 60 days before the start of the 2014-2015
19 school year, the board of trustees shall submit the details of the
20 program of instruction established pursuant to section 5 of this act to
21 the State Board of Education and to the English Mastery Council
22 created pursuant to section 3 of this act.

23 **Sec. 15.** The provisions of NRS 354.599 do not apply to any
24 additional expenses of a local government that are related to the
25 provisions of this act.

26 **Sec. 16.** 1. This section and sections 5 and 7 of this act
27 become effective:

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

31 (b) On January 1, 2014, for all other purposes.

32 2. Sections 1 to 4, inclusive, 6, 8, 10, 11, 13, 14 and 15 of this
33 act become effective on January 1, 2014.

34 3. Section 9 and 12 of this act become effective on July 1,
35 2016.

