

ASSEMBLY BILL NO. 290—ASSEMBLYWOMAN DIAZ

MARCH 13, 2015

Referred to Committee on Education

**SUMMARY**—Revises provisions governing certain pupils who are limited English proficient and provides funding for programs and services for such pupils at Zoom and other middle schools and junior high schools. (BDR 34-909)

**FISCAL NOTE:** Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Contains Appropriation not included in Executive Budget.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~for mitted-ma terial~~ is material to be omitted.

AN ACT relating to education; revising provisions governing the annual reports of accountability concerning pupil achievement and school performance relating to certain pupils who are limited English proficient; requiring the State Board of Education to develop a list of supplemental instructional materials for pupils who are limited English proficient; revising provisions governing the policies of school districts for the instruction to teach English to certain pupils who are limited English proficient; making an appropriation to provide certain programs and services at Zoom middle schools and junior high schools and other middle schools and junior high schools; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law defines certain terms for purposes of existing law governing education, including a definition of "limited English proficient." (NRS 385.007) **Section 1** of this bill defines the related terms "pupil who is limited English proficient at risk of becoming long-term limited English proficient" and "pupil who is long-term limited English proficient."

Existing law requires the board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school to prepare an annual report of accountability concerning certain information relating to pupil achievement and school performance, including information regarding the



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progression of pupils who are limited English proficient and the number and percentage of pupils identified as limited English proficient. Existing law also requires the State Board of Education to prepare an annual report of accountability with similar information relating to all the public schools in the State. (NRS 385.347, 385.3487, 385.3572, 385.3587) **Sections 2 and 3** of this bill require the annual reports of accountability to report separately the number and percentage of pupils who are identified as limited English proficient at risk of becoming long-term limited English proficient and the number and percentage of pupils who are identified as long-term limited English proficient.

Existing law requires the State Board to adopt regulations prescribing criteria for a policy of instruction to teach English to pupils who are limited English proficient and the board of trustees of each school district is required to develop such a policy. (NRS 388.405, 388.407) **Section 4** of this bill requires the State Board to develop a list of supplemental instructional materials for pupils who are limited English proficient which is in addition to the textbooks and other instructional materials used to provide instruction in English and to post the list on its Internet website. **Section 5** of this bill requires the policy developed by the board of trustees of each school district to specifically address the needs of pupils who are limited English proficient at risk of becoming long-term limited English proficient and pupils who are long-term limited English proficient.

The 77th Session of the Nevada Legislature appropriated money for the Clark County School District and the Washoe County School District to carry out a program of Zoom schools to provide a comprehensive package of programs and services for pupils who were limited English proficient during the 2013-2015 biennium. The other school districts and the State Public Charter School Authority were authorized to apply for a grant of money from the appropriation to provide programs and services to pupils who were limited English proficient. (Section 16.2 of chapter 515, Statutes of Nevada 2013, p. 3418) **Section 6** of this bill makes an appropriation to the Clark County School District and the Washoe County School District to provide certain programs and services at a middle school or junior high school identified by the School District as a Zoom middle school or junior high school to pupils who are long-term limited English proficient and pupils who are limited English proficient at risk of becoming long-term limited English proficient during the 2015-2017 biennium. **Section 6** also authorizes the other school districts and the State Public Charter School Authority to apply for a grant of money from the appropriation to provide programs and services at a middle school or junior high school for pupils who are long-term limited English proficient and pupils who are limited English proficient at risk of becoming long-term limited English proficient.

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

**Section 1.** NRS 385.007 is hereby amended to read as follows:  
385.007 As used in this title, unless the context otherwise requires:

1. "Charter school" means a public school that is formed pursuant to the provisions of NRS 386.490 to 386.649, inclusive.

2. "Department" means the Department of Education.



3. "Homeschooled child" means a child who receives instruction at home and who is exempt from compulsory attendance pursuant to NRS 392.070.

4. "Limited English proficient" has the meaning ascribed to it in 20 U.S.C. § 7801(25).

5. "Public schools" means all kindergartens and elementary schools, junior high schools and middle schools, high schools, charter schools and any other schools, classes and educational programs which receive their support through public taxation and, except for charter schools, whose textbooks and courses of study are under the control of the State Board.

6. *"Pupil who is limited English proficient at risk of becoming long-term limited English proficient" means a pupil who is limited English proficient and who:*

(a) *Is enrolled in any grade from 5 to 11, inclusive;*

(b) *Has been enrolled in school in the United States for 4 years or more;*

(c) *Scores at the intermediate level or below, as determined by the results of the assessment of proficiency in the English language administered pursuant to NRS 389.011 to identify pupils who are limited English proficient; and*

(d) *Scores below the level of proficiency on the examination in English administered pursuant to NRS 389.550 or the end-of-course examination in English administered pursuant to NRS 389.805, as applicable to the grade level of the pupil.*

7. *"Pupil who is long-term limited English proficient" means a pupil who is limited English proficient and who:*

(a) *Is enrolled in any grade from 6 to 12, inclusive;*

(b) *Has been enrolled in school in the United States for 6 years or more;*

(c) *Has remained at the same English language proficiency level for 2 or more consecutive years, as determined by the results of the assessment of proficiency in the English language administered pursuant to NRS 389.011 to identify pupils who are limited English proficient; and*

(d) *Scores below the level of proficiency on the examination in English administered pursuant to NRS 389.550 or the end-of-course examination in English administered pursuant to NRS 389.805, as applicable to the grade level of the pupil.*

8. "State Board" means the State Board of Education.

~~17.1~~ 9. "University school for profoundly gifted pupils" has the meaning ascribed to it in NRS 392A.040.

**Sec. 2.** NRS 385.3487 is hereby amended to read as follows:

385.3487 The annual report of accountability prepared pursuant to NRS 385.347 must include, for each school in the



district and the district as a whole, including, without limitation, each charter school sponsored by the district, information regarding the progression of pupils who are limited English proficient in attaining proficiency in the English language, including, without limitation:

1. The number and percentage of pupils who were identified as limited English proficient , *which is disaggregated by the number and percentage of pupils who are identified as pupils who are limited English proficient at risk of becoming long-term limited English proficient and the number and percentage of pupils who are identified as pupils who are long-term limited English proficient*, at the beginning of the school year, were continually enrolled throughout the school year and were identified as proficient in English by the completion of the school year;

2. The achievement and proficiency of pupils who are limited English proficient in comparison to the pupils who are proficient in English;

3. A comparison of pupils who are limited English proficient and pupils who are proficient in the English language in the following areas:

- (a) Retention rates;
- (b) Graduation rates;
- (c) Dropout rates;
- (d) Grade point averages; and

(e) Scores on the examinations administered pursuant to NRS 389.550 and 389.805 and the college and career readiness assessment administered pursuant to NRS 389.807; and

4. Results of the assessments and reassessments of pupils who are limited English proficient, reported separately by the primary language of the pupils, pursuant to the policy developed by the board of trustees of the school district pursuant to NRS 388.407.

**Sec. 3.** NRS 385.3587 is hereby amended to read as follows:

385.3587 The annual report of accountability prepared by the State Board pursuant to NRS 385.3572 must include for each school district, including, without limitation, each charter school in the district, and for this State as a whole, information regarding the progression of pupils who are limited English proficient in attaining proficiency in the English language, including, without limitation:

1. The number and percentage of pupils who were identified as limited English proficient , *which is disaggregated by the number and percentage of pupils who are identified as pupils who are limited English proficient at risk of becoming long-term limited English proficient and the number and percentage of pupils who are identified as pupils who are long-term limited English proficient*, at the beginning of the school year, were continually



enrolled throughout the school year and were identified as proficient in English by the completion of the school year;

2. The achievement and proficiency of pupils who are limited English proficient in comparison to the pupils who are proficient in English;

3. A comparison of pupils who are limited English proficient and pupils who are proficient in the English language in the following areas:

(a) Retention rates;

(b) Graduation rates;

(c) Dropout rates;

(d) Grade point averages; and

(e) Scores on the examinations administered pursuant to NRS 389.550 and 389.805 and the college and career readiness assessment administered pursuant to NRS 389.807; and

4. Results of the assessments and reassessments of pupils who are limited English proficient, reported separately by the primary language of the pupils, pursuant to the policies developed by the boards of trustees of school districts pursuant to NRS 388.407.

**Sec. 4.** NRS 388.405 is hereby amended to read as follows:

388.405 1. The Legislature finds and declares that:

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

(b) Children who are limited English proficient benefit from instruction that is designed to address the academic and linguistic needs of those children.

(c) It is the intent of the Legislature that children who are limited English proficient be provided with services and 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 and linguistic achievement and proficiency.

2. *The State Board shall develop a list of supplemental instructional materials for pupils who are limited English proficient which are in addition to the textbooks and other instructional materials used to provide instruction in the English language. A school district or charter school may use the supplemental instructional materials to address the academic needs of pupils who are limited English proficient so that those pupils attain proficiency in the English language and improve their overall academic and linguistic achievement and proficiency. The State Board shall maintain the list on its Internet website and annually review and, if necessary, update the list.*

3. The State Board shall:



(a) Adopt regulations prescribing criteria for a policy for the instruction to teach English to pupils who are limited English proficient which is developed by the board of trustees of each school district pursuant to NRS 388.407. The Superintendent of Public Instruction shall monitor each school district's compliance with the criteria prescribed by the State Board pursuant to this paragraph.

(b) 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:

- (1) Governor;
- (2) Legislative Committee on Education;
- (3) Director of the Legislative Counsel Bureau for transmittal to the Senate and Assembly Standing Committees on Education; and

(4) Board of trustees of each school district.

**Sec. 5.** NRS 388.407 is hereby amended to read as follows:

**388.407** 1. The board of trustees of each school district shall develop a policy for the instruction to teach English to pupils who are limited English proficient. The policy 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 policy 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, including, without limitation, in the core academic subjects and in high school graduation rates, between those pupils who are limited English proficient and pupils who are proficient in English;

(d) *Be designed to address the needs of pupils who are limited English proficient at risk of becoming long-term limited English proficient and pupils who are long-term limited English proficient;*

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

~~(f)~~ (f) Provide the parents and legal guardians of pupils who are limited English proficient with information regarding other programs that are designed to improve the language acquisition and academic achievement and proficiency of pupils who are limited



English proficient and assist those parents and legal guardians in enrolling those pupils in such programs.

**Sec. 6.** 1. There is hereby appropriated from the State General Fund to the Account for Programs for Innovation and the Prevention of Remediation created by NRS 387.031 the following sums:

- (a) For the Fiscal Year 2015-2016..... \$1,000,000
- (b) For the Fiscal Year 2016-2017..... \$1,000,000

2. The Department of Education shall transfer from the Account for Programs for Innovation and the Prevention of Remediation to the school districts specified in this subsection the following sums for Fiscal Year 2015-2016 and Fiscal Year 2016-2017:

| <u>School District:</u>             | <u>2015-2016</u> | <u>2016-2017</u> |
|-------------------------------------|------------------|------------------|
| Clark County School District .....  | \$375,000        | \$375,000        |
| Washoe County School District ..... | \$375,000        | \$375,000        |

3. The Board of Trustees of the Clark County School District and the Board of Trustees of the Washoe County School District shall each identify one middle school or junior high school in the School District to operate as a Zoom middle school or junior high school based upon which middle school or junior high school within the School District:

(a) Has the highest percentage of pupils who are long-term limited English proficient or pupils who are limited English proficient at risk of becoming long-term limited English proficient; and

(b) Is the lowest performing academically.

4. The Clark County School District and the Washoe County School District shall each allocate the money appropriated by subsection 1 for the Zoom middle school or junior high school identified by the School District pursuant to subsection 3 to:

(a) Reduce class sizes for pupils who are long-term limited English proficient or pupils who are limited English proficient at risk of becoming long-term limited English proficient at a ratio of not more than 20 pupils per teacher;

(b) Provide block scheduling that includes data-driven instruction for pupils who are long-term limited English proficient or pupils who are limited English proficient at risk of becoming long-term limited English proficient;

(c) Provide, free of charge, a summer academy or intersession academy if the middle school or junior high school does not operate on a traditional school calendar; and

(d) Provide for an extended school day.

5. A Zoom middle school or junior high school that receives an allocation of money pursuant to subsection 4 shall offer each of the



1 programs and services prescribed in paragraphs (a) to (d), inclusive,  
2 of that subsection so that the Zoom middle school or junior high  
3 school may offer a comprehensive package of programs and  
4 services for pupils who are long-term limited English proficient or  
5 pupils who are limited English proficient at risk of becoming long-  
6 term limited English proficient. A Zoom middle school or junior  
7 high school shall not use the money for any other purpose.

8 6. On or before August 15, 2015, the Clark County School  
9 District and the Washoe County School District shall each provide a  
10 report to the Director of the Legislative Counsel Bureau for  
11 transmittal to the Interim Finance Committee which includes the  
12 Zoom middle school or junior high school identified by the School  
13 District pursuant to subsection 3 and the plan for that middle school  
14 or junior high school to carry out the programs and services  
15 prescribed by paragraphs (a) to (d), inclusive, of subsection 4.

16 7. From the appropriation made by subsection 1, the  
17 Department of Education shall use not more than \$250,000 in Fiscal  
18 Year 2015-2016 and \$250,000 in Fiscal Year 2016-2017 to provide  
19 grants of money to the State Public Charter School Authority and  
20 the school districts other than the Clark County School District or  
21 the Washoe County School District. The board of trustees of such a  
22 school district and the State Public Charter School Authority may  
23 submit an application to the Department on a form prescribed by the  
24 Department that includes, without limitation:

25 (a) The number of pupils who are long-term limited English  
26 proficient or pupils who are limited English proficient at risk of  
27 becoming long-term limited English proficient in middle schools or  
28 junior high schools within the school district or in charter schools,  
29 as applicable; and

30 (b) A description of the programs and services the school district  
31 or charter schools, as applicable, will provide with a grant of money,  
32 which may include, without limitation:

33 (1) The acquisition and implementation of empirically  
34 proven assessment tools to determine the reading level of pupils  
35 who are long-term limited English proficient or pupils who are  
36 limited English proficient at risk of becoming long-term limited  
37 English proficient and technology-based tools, such as software,  
38 designed to support the learning of those pupils;

39 (2) The reduction of class sizes for pupils who are long-term  
40 limited English proficient or pupils who are limited English  
41 proficient at risk of becoming long-term limited English proficient  
42 at a ratio of not more than 20 pupils per teacher;

43 (3) The provision of block scheduling that includes data-  
44 driven instruction for pupils who are long-term limited English





proficient or pupils who are limited English proficient at risk of becoming long-term limited English proficient;

(4) Professional development for teachers and other educational personnel regarding effective instructional practices and strategies for pupils who are long-term limited English proficient or pupils who are limited English proficient at risk of becoming long-term limited English proficient; and

(5) The provision of programs and services for pupils who are long-term limited English proficient or pupils who are limited English proficient at risk of becoming long-term limited English proficient, free of charge, before and after school, during the summer or intersession for those schools that do not operate on a traditional school calendar.

8. The Department of Education shall distribute the money appropriated by subsection 1 to school districts and the State Public Charter School Authority that submit applications pursuant to subsection 7 based upon the number of pupils who are long-term limited English proficient or pupils who are limited English proficient at risk of becoming long-term limited English proficient enrolled in middle schools or junior high schools of such school district or charter schools, as applicable, and not on a competitive basis. A school district and the State Public Charter School Authority that receives a grant of money pursuant to this subsection shall provide a report to the Department in the form prescribed by the Department with the information required for the Department's report pursuant to subsection 9.

9. The Clark County School District, the Washoe County School District and the Department of Education shall each prepare an annual report that includes, without limitation:

(a) An identification of the schools that received an allocation of money by the School Districts or a grant of money from the Department, as applicable;

(b) How much money each such school received;

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

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

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

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

(g) Any recommendations for legislation, including, without limitation, for the continuation or expansion of programs and



services that are identified as effective in improving the academic and linguistic achievement and proficiency of pupils who are long-term limited English proficient and pupils who are limited English proficient at risk of becoming long-term limited English proficient.

10. The annual report prepared pursuant to subsection 9 must be submitted:

(a) On or before June 15, 2016, to the Legislative Committee on Education.

(b) On or before February 1, 2017, to the Director of the Legislative Counsel Bureau for transmittal to the 79th Session of the Nevada Legislature.

11. The sums appropriated by subsection 1:

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

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

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

12. Upon request of the Legislative Commission, the Clark County School District and the Washoe County School District shall make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money transferred pursuant to subsection 2.

13. Any remaining balance of the transfers made by subsection 2 for Fiscal Year 2015-2016 must be added to the money transferred for Fiscal Year 2016-2017 and may be expended as that money is expended. Any remaining balance of the transfers made by subsection 2 for Fiscal Year 2016-2017, including any money added from the previous fiscal year, must not be committed for expenditure after June 30, 2017, and must be reverted to the State General Fund on or before September 15, 2017.

14. Any remaining balance of the allocations made by subsection 8 for Fiscal Year 2015-2016 must be added to the allocations for Fiscal Year 2016-2017 and may be expended as that money is expended. Any remaining balance of the allocations made by subsection 8 for Fiscal Year 2016-2017, including any money added from the previous fiscal year, must not be committed for expenditure after June 30, 2017, and must be reverted to the State General Fund on or before September 15, 2017.

15. As used in this section:

(a) “Limited English proficient”;



- 1 (b) “Pupil who is limited English proficient at risk of becoming  
2 long-term limited English proficient”; and  
3 (c) “Pupil who is long-term limited English proficient,”  
4 ➤ have the meanings ascribed to them in NRS 385.007 as amended  
5 by section 1 of this act.  
6 **Sec. 7.** This act becomes effective on July 1, 2015.

