

Amendment No. 59

Senate Amendment to Senate Bill No. 126

(BDR 34-408)

Proposed by: Senate Committee on Education

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date	
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____		Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.



SENATE BILL NO. 126—COMMITTEE ON EDUCATION

(ON BEHALF OF THE LEGISLATIVE COMMITTEE
ON EDUCATION)

FEBRUARY 9, 2015

Referred to Committee on Education

SUMMARY—Revises provisions relating to education. (BDR 34-408)

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 State Board of Education to prescribe ***standards of content and performance and*** quality and evaluation measures for ~~early childhood education programs and~~ prekindergarten programs provided at ***public*** schools; requiring the State Board to prescribe surveys and assessments to identify certain pupils whose primary language is a language other than English or who are learning to speak two languages simultaneously ~~or~~ ***sequentially***; requiring certain pupils to be assessed ~~and classified~~ ***to determine whether to classify them*** as limited English proficient or English proficient upon enrollment for kindergarten; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Nevada Early Childhood Advisory Council and requires the Council to develop recommendations for the establishment of statewide standards for early childhood education programs in this State. (NRS 432A.076) **Section 1** of this bill requires the State Board of Education to consider such recommendations and prescribe ***standards of content and performance and*** quality and evaluation measures for ~~early childhood education programs and~~ prekindergarten programs provided at ***public*** schools in this State.

Existing law requires the board of trustees of each school district to develop a policy for teaching English to pupils who are limited English proficient and sets forth certain requirements for these policies. (NRS 388.407) Existing law also requires the State Board to adopt regulations that prescribe criteria for these policies. (NRS 388.405) **Section 2** of this bill provides that, in addition to requiring the regulations adopted by the State Board to prescribe criteria for a policy for teaching English to pupils who are limited English proficient, such regulations must: (1) prescribe a survey to be ~~conducted at the home~~ ***completed by the parent or guardian*** of a pupil that provides for the identification of pupils whose primary language is a language other than English; (2) require the use of an appropriate assessment for the identification ***and evaluation*** of pupils who are learning to speak two languages simultaneously ***or sequentially*** in their homes; and (3) require any pupil in ~~an early childhood education program or~~ a prekindergarten program ***provided at a public school*** identified as a pupil who is learning to speak two languages simultaneously ***or sequentially*** in

his or her home to be assessed ~~(and classified)~~ to determine whether to classify the pupil as limited English proficient or English proficient upon enrollment for kindergarten. **Section 3** of this bill requires that the policy developed by the board of trustees of each school district that provides for the identification of pupils who are limited English proficient includes the use of the survey prescribed by the State Board to identify pupils whose primary language is a language other than English.

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

Section 1. Chapter 385 of NRS is hereby amended by adding thereto a new section to read as follows:

The State Board shall prescribe by regulation standards of content and performance and quality and evaluation measures for any ~~early childhood education program and~~ prekindergarten program provided at a ~~(private school or a)~~ public school, including, without limitation, a charter school. In prescribing such measures by regulation, the State Board shall consider the recommendations of the Nevada Early Childhood Advisory Council made pursuant to subparagraph (4) of paragraph (d) of subsection 2 of NRS 432A.076.

Sec. 2. 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:

(a) Adopt regulations ~~(prescribing)~~ :

(1) 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)~~ subparagraph;

(2) Prescribing a survey to be ~~(conducted at the home of)~~ completed by the parent or guardian of a pupil that provides for the identification of pupils whose primary language is a language other than English;

(3) Requiring the use of an appropriate assessment for the identification and evaluation of pupils who are dual language learners in:

~~(I) An early childhood education program;~~

~~(II) A prekindergarten program;~~

~~(III) provided at a public school, including, without limitation, a charter school;~~

~~(II) Kindergarten; and~~

~~(IV) Grades 1 to 12, inclusive; and~~

(4) Requiring any pupil in ~~(an early childhood education program or a prekindergarten program~~ provided at a public school, including, without limitation, a charter school, who is identified as a dual language learner to be

1 ~~assessed ~~and classified~~~~ *to determine whether to classify the pupil as limited*
2 *English proficient or English proficient upon enrollment for kindergarten.*

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

7 (1) Governor;

8 (2) Legislative Committee on Education;

9 (3) Director of the Legislative Counsel Bureau for transmittal to the Senate
10 and Assembly Standing Committees on Education; and

11 (4) Board of trustees of each school district.

12 *3. For the purposes of this section “dual language learner” means a person*
13 *who is learning to speak two languages simultaneously or sequentially in his or*
14 *her residence.*

15 **Sec. 3.** NRS 388.407 is hereby amended to read as follows:

16 388.407 1. The board of trustees of each school district shall develop a
17 policy for the instruction to teach English to pupils who are limited English
18 proficient. The policy must be designed to provide pupils enrolled in each public
19 school located in the school district who are limited English proficient with
20 instruction that enables those pupils to attain proficiency in the English language
21 and improve their overall academic achievement and proficiency.

22 2. The policy developed pursuant to subsection 1 must:

23 (a) Provide for the identification of pupils who are limited English proficient
24 through the use of ~~test~~ :

25 *(1) The survey prescribed by the State Board pursuant to subsection 2 of*
26 *NRS 388.405; and*

27 *(2) An appropriate assessment;*

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

30 (c) Be designed to eliminate any gaps in achievement, including, without
31 limitation, in the core academic subjects and in high school graduation rates,
32 between those pupils who are limited English proficient and pupils who are
33 proficient in English;

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

36 (e) Provide the parents and legal guardians of pupils who are limited English
37 proficient with information regarding other programs that are designed to improve
38 the language acquisition and academic achievement and proficiency of pupils who
39 are limited English proficient and assist those parents and legal guardians in
40 enrolling those pupils in such programs.

41 **Sec. 4.** This act becomes effective:

42 1. Upon passage and approval for the purposes of adopting regulations and
43 performing any other preparatory administrative tasks that are necessary to carry
44 out the provisions of this act; and

45 2. On January 1, 2016, for all other purposes.