

SENATE BILL NO. 405—SENATORS DENIS, WOODHOUSE, MANENDO,
HARRIS, KIHUEN; ATKINSON, FORD, ROBERSON,
SEGERBLOM, SMITH AND SPEARMAN

MARCH 17, 2015

JOINT SPONSORS: ASSEMBLYMEN DIAZ, FLORES, ELLIOT
ANDERSON; BUSTAMANTE ADAMS AND STEWART

Referred to Committee on Education

SUMMARY—Expands the program of Zoom schools and the provision of programs and services to children who are limited English proficient in certain other schools. (BDR S-887)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Contains Appropriation included in Executive Budget.

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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; making an appropriation to provide certain programs and services at Zoom elementary, middle, junior high and high schools and at other schools that enroll children who are limited English proficient or who are eligible for such a designation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 The 77th Session of the Nevada Legislature appropriated money for the Clark
2 County School District and the Washoe County School District to carry out a
3 program of Zoom elementary schools during the 2013-2015 biennium to provide a
4 comprehensive package of programs and services for children who are limited
5 English proficient or eligible for such a designation. The other school districts and
6 the State Public Charter School Authority were authorized to apply for a grant of
7 money from the appropriation to provide programs and services to children who are
8 limited English proficient or eligible for such a designation. (Section 16.2 of
9 chapter 515, Statutes of Nevada 2013, p. 3418) This bill makes an appropriation for
10 the Clark County School District and the Washoe County School District to
11 continue to carry out a program of Zoom elementary schools and to expand the
12 program to middle schools, junior high schools and high schools during the



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2015-2017 biennium. This bill also authorizes the other school districts and the State Public Charter School Authority to apply to the Department of Education for a grant of money from the appropriation to provide programs and services during the 2015-2017 biennium for children who are limited English proficient or eligible for such a designation. In addition, this bill requires the State Board of Education to prescribe statewide performance levels and outcome indicators to measure the effectiveness of the programs and services for which money is allocated from the appropriation to the school districts and charter schools. Finally, this bill requires the Department to contract for an independent evaluation of the effectiveness of the programs and services provided by the school districts and charter schools that received an allocation of money from the appropriation.

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

Section 1. 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..... \$49,950,000
- (b) For the Fiscal Year 2016-2017..... \$49,950,000

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.....	\$39,035,925	\$39,035,925
Washoe County School District.....	\$6,743,250	\$6,743,250

3. The Board of Trustees of the Clark County School District and the Board of Trustees of the Washoe County School District shall identify the elementary schools within the School District to operate as Zoom elementary schools based upon which elementary schools within the School District:

- (a) Have the highest percentage of pupils who are limited English proficient or eligible for designation as limited English proficient; and
- (b) Are the lowest performing academically.

4. The Board of Trustees of the Clark County School District and the Board of Trustees of the Washoe County School District shall allocate from the money appropriated by subsection 1 for each Zoom elementary school to:

- (a) Provide prekindergarten programs free of charge;



1 (b) Expand full-day kindergarten classes;
2 (c) Operate reading skills centers;
3 (d) Provide, free of charge, a summer academy or an
4 intersession academy for those schools that do not operate on a
5 traditional school calendar, including, without limitation, the
6 provision of transportation to attend the summer academy or
7 intersession academy;

8 (e) Provide professional development for teachers and other
9 licensed educational personnel regarding effective instructional
10 practices and strategies for children who are limited English
11 proficient;

12 (f) Offer recruitment and retention incentives for the teachers
13 and other licensed educational personnel who provide any of the
14 programs and services set forth in this subsection from the list of
15 incentives prescribed by the State Board of Education pursuant to
16 subsection 11; and

17 (g) Engage and involve parents and families of children who are
18 limited English proficient, including, without limitation, increasing
19 effective communication with and outreach to parents and families
20 to support the academic achievement of those children.

21 5. A Zoom elementary school that receives an allocation of
22 money pursuant to subsection 4 shall offer each of the programs and
23 services prescribed in paragraphs (a) to (g), inclusive, of that
24 subsection so that the Zoom elementary school may offer a
25 comprehensive package of programs and services for pupils who are
26 limited English proficient. A Zoom elementary school shall not use
27 the money for any other purpose. A reading skills center must
28 provide:

29 (a) Support at the Zoom elementary school in the assessment of
30 reading and literacy problems and language acquisition barriers for
31 pupils; and

32 (b) Instructional intervention to enable pupils to overcome such
33 problems and barriers by the completion of grade 3.

34 6. The Board of Trustees of the Clark County School District
35 shall identify two middle schools or junior high schools and two
36 high schools within the school district to operate as Zoom middle
37 schools or junior high schools and Zoom high schools. The Board of
38 Trustees of the Washoe County School District shall identify one
39 middle school or junior high school and one high school within the
40 school district to operate as a Zoom middle school or junior high
41 school and a Zoom high school. Each such board of trustees shall
42 identify those schools based upon which middle schools, junior high
43 schools and high schools within the school district:

44 (a) Have the highest percentage of pupils who are limited
45 English proficient; and



(b) Are the lowest performing academically.

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

(a) Reduce class sizes for pupils who are limited English proficient and provide English language literacy based classes;

(b) Provide direct instructional intervention to each pupil who is limited English proficient using the data available from applicable assessments of that pupil;

(c) Provide for an extended school day;

(d) Provide, free of charge, a summer academy or an intersession academy for those schools that do not operate on a traditional school calendar, including, without limitation, the provision of transportation to attend the summer academy or intersession academy;

(e) Provide professional development for teachers and other licensed educational personnel regarding effective instructional practices and strategies for pupils who are limited English proficient;

(f) Offer recruitment and retention incentives for teachers and other licensed educational personnel who provide any of the programs and services set forth in this subsection from the list of incentives prescribed by the State Board of Education pursuant to subsection 11; and

(g) Engage and involve parents and families of pupils who are limited English proficient, including, without limitation, increasing effective communication with and outreach to parents and families to support the academic achievement of those pupils.

➤ Each Zoom middle school or junior high school and each Zoom high school that receives an allocation of money pursuant to this subsection shall offer each of the programs and services prescribed in paragraphs (a) to (g), inclusive, so that the Zoom middle school or junior high school or Zoom high school offers a comprehensive package of programs and services for pupils who are limited English proficient.

8. On or before August 17, 2015, the Clark County School District and the Washoe County School District shall each provide a report to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee which includes the:

(a) Zoom elementary schools identified by the School District pursuant to subsection 3 and the plan of each such school for carrying out the programs and services prescribed by paragraphs (a) to (g), inclusive, of subsection 4; and



(b) Zoom middle schools or junior high schools and high schools identified by the School District pursuant to subsection 6 and the plan of each school for carrying out the programs and services prescribed by paragraphs (a) to (g), inclusive, of subsection 7.

9. From the appropriation made by subsection 1, the Department of Education shall use not more than \$4,170,825 in Fiscal Year 2015-2016 and \$4,170,825 in Fiscal Year 2016-2017 to provide grants of money to the State Public Charter School Authority and the school districts, other than the Clark County School District or the Washoe County School District. The board of trustees of such a school district and the State Public Charter School Authority may submit an application to the Department on a form prescribed by the Department that includes, without limitation:

(a) The number of pupils in the school district or charter schools, as applicable, who are limited English proficient or eligible for designation as limited English proficient; and

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

(1) The creation or expansion of high-quality, developmentally appropriate prekindergarten programs, free of charge, that will increase enrollment of children who are limited English proficient;

(2) The acquisition and implementation of empirically proven assessment tools to determine the reading level of pupils who are limited English proficient and technology-based tools, such as software, designed to support the learning of pupils who are limited English proficient;

(3) Professional development for teachers and other educational personnel regarding effective instructional practices and strategies for children who are limited English proficient;

(4) The provision of programs and services for pupils who are 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, including, without limitation, the provision of transportation to attend the summer academy or intersession academy;

(5) Engaging and involving parents and families of children who are limited English proficient, including, without limitation, increasing effective communication with and outreach to parents and families to support the academic achievement of those children; and

(6) Offering recruitment and retention incentives for the teachers and other licensed educational personnel who provide any



1 of the programs and services set forth in this subsection from the list
2 of incentives prescribed by the State Board of Education pursuant to
3 subsection 11.

4 10. The Department of Education shall distribute the money
5 appropriated by subsection 1 to school districts and the State Public
6 Charter School Authority that submit applications pursuant to
7 subsection 9 based upon the number of pupils enrolled in each such
8 school district or charter school, as applicable, who are limited
9 English proficient or eligible for designation as limited English
10 proficient, and not on a competitive basis. A school district and the
11 State Public Charter School Authority that receives a grant of
12 money pursuant to this subsection shall provide a report to the
13 Department in the form prescribed by the Department with the
14 information required for the Department's report pursuant to
15 subsection 14.

16 11. The State Board of Education shall prescribe:

17 (a) A list of recruitment and retention incentives for the school
18 districts and the State Public Charter School Authority that receive
19 an allocation of money pursuant to this section to offer to teachers
20 and other licensed educational personnel pursuant to paragraph (f)
21 of subsection 4, paragraph (f) of subsection 7 and subparagraph (6)
22 of paragraph (b) of subsection 9; and

23 (b) Criteria and procedures to notify a school district or a charter
24 school that receives an allocation of money pursuant to this section
25 if the school district or charter school is not implementing the
26 programs and services for which the allocation was made in
27 accordance with the applicable requirements of this section or in
28 accordance with the performance levels prescribed by the State
29 Board pursuant to subsection 12, including, without limitation, a
30 plan of corrective action for the school district or charter school to
31 follow to meet the requirements of this section or the performance
32 levels.

33 12. The State Board of Education shall prescribe statewide
34 performance levels and outcome indicators to measure the
35 effectiveness of the programs and services for which money is
36 allocated to the school districts and charter schools pursuant to this
37 section. The performance levels must establish minimum expected
38 levels of performance on a yearly basis based upon the performance
39 results of children who participate in the programs and services. The
40 outcome indicators must be designed to track short-term and long-
41 term impacts on the progress of children who participate in the
42 programs and services, including, without limitation:

43 (a) The number of children who participated;

44 (b) The extent to which the children who participated improved
45 their English language proficiency and literacy levels compared to



1 other children who are limited English proficient or eligible for such
2 a designation who did not participate in the programs and services;
3 and

4 (c) To the extent that a valid comparison may be established, a
5 comparison of the academic achievement and growth in the subject
6 areas of English language arts and mathematics of children who
7 participated in the programs and services to other children who are
8 limited English proficient or eligible for such a designation who did
9 not participate in the programs and services.

10 13. The Department of Education shall contract for an
11 independent evaluation of the effectiveness of the programs and
12 services offered by each Zoom elementary school pursuant to
13 subsection 4, each Zoom middle school or junior high school and
14 each Zoom high school pursuant to subsection 7 and the programs
15 and services offered by the other school districts and the charter
16 schools pursuant to subsection 9.

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

20 (a) An identification of the schools that received an allocation of
21 money by the School District or a grant of money from the
22 Department, as applicable.

23 (b) How much money each such school received.

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

26 (d) The number of children who participated in a program or
27 received services.

28 (e) The average per-child expenditure per program or service
29 that was funded.

30 (f) For the report prepared by the School Districts, an evaluation
31 of the effectiveness of such programs and services, including,
32 without limitation, data regarding the academic and linguistic
33 achievement and proficiency of children who participated in the
34 programs or received services.

35 (g) Any recommendations for legislation, including, without
36 limitation:

37 (1) For the continuation or expansion of programs and
38 services that are identified as effective in improving the academic
39 and linguistic achievement and proficiency of children who are
40 limited English proficient.

41 (2) A plan for transitioning the funding for providing the
42 programs and services set forth in this section to pupils who are
43 limited English proficient from categorical funding to a weighted
44 per pupil formula within the Nevada Plan.



(h) For the report prepared by the Department, in addition to the information reported for paragraphs (a) to (e), inclusive, and paragraph (g):

(1) The results of the independent evaluation required by subsection 13 of the effectiveness of the programs and services, including, without limitation, data regarding the academic and linguistic achievement and proficiency of children who participated in a program or received a service;

(2) Whether a school district or charter school was notified that it was not implementing the programs and services for which an allocation of money was made pursuant to this section in accordance with the applicable requirements of this section or in accordance with the performance levels prescribed by the State Board of Education pursuant to subsection 12 and the status of such a school district or charter school, if any, in complying with a plan for corrective action; and

(3) Whether each school district or charter school that received an allocation of money pursuant to this section met the performance levels prescribed by the State Board of Education pursuant to subsection 12.

15. The annual report prepared pursuant to subsection 14 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.

16. 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.

17. 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.

18. Any remaining balance of the transfers made by subsection 2 for Fiscal Year 2015-2016 must be added to the money transferred



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

7 19. Any remaining balance of the allocations made by
8 subsection 9 for Fiscal Year 2015-2016 must be added to the
9 allocations for Fiscal Year 2016-2017 and may be expended as that
10 money is expended. Any remaining balance of the allocations made
11 by subsection 9 for Fiscal Year 2016-2017, including any money
12 added from the previous fiscal year, must not be committed for
13 expenditure after June 30, 2017, and must be reverted to the State
14 General Fund on or before September 15, 2017.

15 20. As used in this section, “limited English proficient” has the
16 meaning ascribed to it in NRS 385.007.

17 **Sec. 2.** This act becomes effective on July 1, 2015.

