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SECOND REPRINT

S.B. 405

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; providing for the use of certain money to establish or continue 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; requiring the State Board of Education to develop for recommendation as proposed legislation a definition of and procedure for reporting pupils who are identified as long-term limited English proficient; 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) **Section 1** of this bill requires the
10 Clark County School District and the Washoe County School District to continue to
11 carry out a program of Zoom elementary schools and to expand the program to
12 middle schools, junior high schools and high schools during the 2015-2017
13 biennium. **Section 1** also authorizes the other school districts and the governing
14 body of a charter school to apply to the Department of Education for a grant of
15 money from the appropriation by the 2015 Legislature to the Account for Programs
16 for Innovation and the Prevention of Remediation for Zoom schools to provide
17 programs and services during the 2015-2017 biennium for children who are limited
18 English proficient or eligible for such a designation. In addition, **section 1** requires
19 the State Board of Education to prescribe statewide performance levels and
20 outcome indicators to measure the effectiveness of the programs and services for
21 which money is received by the school districts and charter schools. Finally,
22 **section 1** requires the Department to contract for an independent evaluation of the
23 effectiveness of the programs and services provided by the school districts and
24 charter schools that received money.

25 **Section 2** of this bill requires the State Board to develop for recommendation as
26 proposed legislation to the 79th Session of the Nevada Legislature a definition of
27 and procedure for reporting pupils who are identified as long-term limited English
28 proficient.

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

1 **Section 1.** 1. The Board of Trustees of the Clark County
2 School District and the Board of Trustees of the Washoe County
3 School District shall identify the elementary schools within
4 the School District to operate as Zoom elementary schools based
5 upon which elementary schools within the School District:

6 (a) Have the highest percentage of pupils who are limited
7 English proficient or eligible for designation as limited English
8 proficient; and

9 (b) Are the lowest performing academically.

10 2. The Board of Trustees of the Clark County School District
11 and the Board of Trustees of the Washoe County School District
12 shall distribute the money appropriated by the 2015 Legislature to
13 the Account for Programs for Innovation and the Prevention of
14 Remediation created by NRS 387.031 for each Zoom elementary
15 school of those school districts to:

16 (a) Provide prekindergarten programs free of charge;

17 (b) Expand full-day kindergarten classes;

18 (c) Operate reading skills centers;

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



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

(f) Offer recruitment and retention incentives for the 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 children who are limited English proficient, including, without limitation, increasing effective, culturally appropriate communication with and outreach to parents and families to support the academic achievement of those children.

3. A Zoom elementary school that receives money pursuant to subsection 2 shall offer each of the programs and services prescribed in paragraphs (a) to (g), inclusive, of that subsection so that the Zoom elementary school may offer a comprehensive package of programs and services for pupils who are limited English proficient. A Zoom elementary school shall not use the money for any other purpose or use more than 2 percent of the money for the purposes described in paragraphs (e), (f) and (g) of subsection 2.

4. A reading skills center operated by a Zoom elementary school must provide:

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

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

5. The Board of Trustees of the Clark County School District shall identify at least three middle schools, junior high schools or high schools within the school district to operate as Zoom middle schools, junior high schools or high schools. The Board of Trustees of the Washoe County School District shall identify at least one middle school, junior high school or high school within the school district to operate as a Zoom middle school, junior high school or high school. Each such board of trustees shall identify those schools based upon which middle schools, junior high schools and high schools within the school district:

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

(b) Are the lowest performing academically.

6. The Clark County School District and the Washoe County School District shall distribute the money appropriated by the 2015 Legislature to the Account for Programs for Innovation and the



1 Prevention of Remediation for each Zoom middle school, junior
2 high school and high school of those school districts to carry out one
3 or more of the following:

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

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

9 (c) Provide for an extended school day;

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

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

19 (f) Offer recruitment and retention incentives for teachers and
20 other licensed educational personnel who provide any of the
21 programs and services set forth in this subsection from the list of
22 incentives prescribed by the State Board of Education pursuant to
23 subsection 12;

24 (g) Engage and involve parents and families of pupils who are
25 limited English proficient, including, without limitation, increasing
26 effective, culturally appropriate communication with and outreach
27 to parents and families to support the academic achievement of
28 those pupils; and

29 (h) Provide other evidence-based programs and services that are
30 approved by the Department of Education and that are designed to
31 meet the specific needs of pupils enrolled in the school who are
32 limited English proficient.

33 ➤ The Clark County School District and the Washoe County School
34 District shall not use more than 2 percent of the money for the
35 purposes described in paragraphs (e), (f) and (g).

36 7. On or before August 1, 2015, the Clark County School
37 District and the Washoe County School District shall each provide a
38 report to the Department of Education which includes the:

39 (a) Zoom elementary schools identified by the School District
40 pursuant to subsection 1 and the plan of each such school for
41 carrying out the programs and services prescribed by paragraphs (a)
42 to (g), inclusive, of subsection 2; and

43 (b) Zoom middle schools, junior high schools and high schools
44 identified by the School District pursuant to subsection 5 and the



1 plan of each school for carrying out the programs and services
2 described in paragraphs (a) to (h), inclusive, of subsection 6.

3 8. From the money appropriated by the 2015 Legislature to the
4 Account for Programs for Innovation and the Prevention of
5 Remediation for Zoom schools or charter schools or school districts
6 other than the Clark County School District or Washoe County
7 School District, the Department of Education shall provide grants of
8 money to the sponsors of such charter schools and the school
9 districts. The sponsor of such a charter school and the board of
10 trustees of such a school district may submit an application to the
11 Department on a form prescribed by the Department that includes,
12 without limitation:

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

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

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

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

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

31 (4) The provision of programs and services for pupils who
32 are limited English proficient, free of charge, before and after
33 school, during the summer or intersession for those schools that do
34 not operate on a traditional school calendar, including, without
35 limitation, the provision of transportation to attend the summer
36 academy or intersession academy;

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

42 (6) Offering recruitment and retention incentives for the
43 teachers and other licensed educational personnel who provide any
44 of the programs and services set forth in this subsection from the list



1 of incentives prescribed by the State Board of Education pursuant to
2 subsection 12; and

3 (7) Provide other evidence-based programs and services that
4 are approved by the Department and that are designed to meet the
5 specific needs of pupils enrolled in the school who are limited
6 English proficient.

7 9. The Department of Education shall award grants of money
8 to school districts and the sponsors of charter schools that submit
9 applications pursuant to subsection 8 based upon the number of
10 pupils enrolled in each such school district or charter school, as
11 applicable, who are limited English proficient or eligible for
12 designation as limited English proficient, and not on a competitive
13 basis.

14 10. A school district and a sponsor of a charter school that
15 receives a grant of money pursuant to subsection 8:

16 (a) Shall not use more than 2 percent of the money for the
17 purposes described in subparagraphs (3), (5) and (6) of paragraph
18 (b) of subsection 8.

19 (b) Shall provide a report to the Department in the form
20 prescribed by the Department with the information required for the
21 Department's report pursuant to subsection 15.

22 11. On or before August 17, 2015, the Department of
23 Education shall submit a report to the State Board of Education and
24 the Director of the Legislative Counsel Bureau for transmittal to the
25 Interim Finance Committee which includes:

26 (a) The information reported by the Clark County School
27 District and the Washoe County School District pursuant to
28 subsection 7; and

29 (b) The school districts and charter schools for which a grant of
30 money is approved pursuant to subsection 9 and the plan of each
31 such school district and charter school for carrying out programs
32 and services with the grant money, including, without limitation,
33 any programs and services described in subparagraphs (1) to (7),
34 inclusive, of paragraph (b) of subsection 8.

35 12. The State Board of Education shall prescribe:

36 (a) A list of recruitment and retention incentives for the school
37 districts and the sponsors of charter schools that receive a
38 distribution of money pursuant to this section to offer to teachers
39 and other licensed educational personnel pursuant to paragraph (f)
40 of subsection 2, paragraph (f) of subsection 6 and subparagraph (6)
41 of paragraph (b) of subsection 8; and

42 (b) Criteria and procedures to notify a school district or a charter
43 school that receives money pursuant to this section if the school
44 district or charter school is not implementing the programs and
45 services for which the money was received in accordance with the



applicable requirements of this section or in accordance with the performance levels prescribed by the State Board pursuant to subsection 13, including, without limitation, a plan of corrective action for the school district or charter school to follow to meet the requirements of this section or the performance levels.

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

(a) The number of children who participated;

(b) The extent to which the children who participated improved their English language proficiency and literacy levels compared to other children who are limited English proficient or eligible for such a designation who did not participate in the programs and services; and

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

14. The Department of Education shall contract for an independent evaluation of the effectiveness of the programs and services offered by each Zoom elementary school pursuant to subsection 2, each Zoom middle school, junior high school and high school pursuant to subsection 6 and the programs and services offered by the other school districts and the charter schools pursuant to subsection 8.

15. 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 money from the School District 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 children who participated in a program or received services.



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

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

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

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

(2) A plan for transitioning the funding for providing the programs and services set forth in this section to pupils who are limited English proficient from categorical funding to a weighted 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 14 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 it received money 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 13 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 money pursuant to this section met the performance levels prescribed by the State Board of Education pursuant to subsection 13.

16. The annual report prepared by the Clark County School District and the Washoe County School District pursuant to subsection 15 must be submitted to the Department of Education on or before June 1, 2016, and January 16, 2017, respectively. The Department shall submit the information reported by those school districts and the information prepared by the Department pursuant to subsection 15:



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

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

17. The Department of Education may require a Zoom school or other public school that receives money pursuant to this section to provide a report to the Department on:

(a) The number of vacancies, if any, in full-time licensed educational personnel at the school;

(b) The number of probationary employees, if any, employed at the school;

(c) The number, if any, of persons who are employed at the school as substitute teachers for 20 consecutive days or more in the same classroom or assignment and designated as long-term substitute teachers; and

(d) Any other information relating to the personnel at the school as requested by the Department.

18. The money appropriated by the 2015 Legislature to the Account for Programs for Innovation and the Prevention of Remediation for Zoom schools:

(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.

19. 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 distributed by the 2015 Legislature to the Account for Programs for Innovation and the Prevention of Remediation for Zoom schools.

20. As used in this section:

(a) "Limited English proficient" has the meaning ascribed to it in NRS 385.007.

(b) "Probationary employee" has the meaning ascribed to it in NRS 391.311.



1 **Sec. 2.** For the purposes of NRS 385.347 and 385.3487 and
2 any related provisions, the State Board of Education shall develop
3 for recommendation as proposed legislation to the 79th Session of
4 the Nevada Legislature:

5 1. A definition of “long-term limited English proficient”; and

6 2. A procedure for the school districts and charter schools to
7 separately count and report on pupils who are identified as long-
8 term limited English proficient, including, without limitation, the
9 number of and progress made by such pupils.

10 **Sec. 3.** This act becomes effective on July 1, 2015.

