

SENATE BILL NO. 390—SENATORS DENIS AND WOODHOUSE

MARCH 20, 2017

JOINT SPONSORS: ASSEMBLYMEN DIAZ AND THOMPSON

Referred to Committee on Education

SUMMARY—Extending and revising the Zoom schools program for the 2017-2019 biennium. (BDR S-788)

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; extending the duration of the Zoom schools program; authorizing a Zoom elementary school to use money distributed to the school to provide an extended school day or summer academy or intersession; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

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

11 The 78th Session of the Nevada Legislature continued and expanded the Zoom
12 schools program to middle schools, junior high schools and high schools in the
13 Clark County School District and the Washoe County School District for the 2015-
14 2017 biennium through the enactment of Senate Bill No. 405. (Chapter 335,
15 Statutes of Nevada 2015, p. 1869) S.B. 405 (2015) also authorized the other school
16 districts and the governing bodies of charter schools to apply to the Department of
17 Education for a grant of money from the appropriation made by the 2015
18 Legislature to the Account for Programs for Innovation and the Prevention of
19 Remediation for Zoom schools to provide programs and services during the 2015-
20 2017 biennium for children who were limited English proficient or eligible for such



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a designation. S.B. 405 (2015) required the school districts and charter schools that received money for Zoom schools to submit a report to the Department at the beginning of the biennium to identify the plan of the Zoom schools in the districts or charter schools to carry out the programs and services required by the bill. The Department of Education was then required to submit a report to the State Board of Education and to the Legislature with such information. S.B. 405 (2015) required the State Board of Education to prescribe statewide performance levels and outcome indicators to measure the effectiveness of the programs and services for which grant money was received by the school districts and charter schools. S.B. 405 (2015) required the Department of Education to contract for an independent evaluation of the effectiveness of the programs and services provided by the school districts and charter schools that received money. S.B. 405 (2015) also required the Clark County School District and the Washoe County School District to prepare annual reports for submission to the Department of Education and further required the Department of Education to prepare an annual report with the information for submission to the State Board of Education and the Legislature

This bill extends the Zoom schools program for the 2017-2019 biennium. The provisions of this bill largely mirror the provisions of S.B. 405 (2015), but revises the manner in which a certain amount of money received by an elementary Zoom school must be used.

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

Section 1. 1. 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 English learners or eligible for designation as English learners; and

(b) Are the lowest performing academically.

2. The Board of Trustees of the Clark County School District and the Board of Trustees of the Washoe County School District shall distribute the money appropriated by the 2017 Legislature to the Account for Programs for Innovation and the Prevention of Remediation created by NRS 387.1247 for each Zoom elementary school of those school districts to:

(a) Provide prekindergarten programs free of charge;

(b) Expand full-day kindergarten classes;

(c) Operate reading skills centers;

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

(e) 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



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

(f) Engage and involve parents and families of children who are English learners, including, without limitation, increasing effective, culturally appropriate communication with and outreach to parents and families to support the academic achievement of those children; and

(g) 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 or provide for an extended school day.

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 (f), inclusive, of that subsection, and one of the programs prescribed in paragraph (g) of that subsection, so the Zoom elementary school may offer a comprehensive package of programs and services for pupils who are English learners. 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 (d), (e) and (f) 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 English learners; 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 2017 Legislature to the Account for Programs for Innovation and the Prevention of Remediation for each Zoom middle school, junior



1 high school and high school of those school districts to carry out one
2 or more of the following:

3 (a) Reduce class sizes for pupils who are English learners and
4 provide English language literacy based classes;

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

8 (c) Provide professional development for teachers and other
9 licensed educational personnel regarding effective instructional
10 practices and strategies for pupils who are English learners;

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

16 (e) Engage and involve parents and families of pupils who are
17 English learners, including, without limitation, increasing effective,
18 culturally appropriate communication with and outreach to parents
19 and families to support the academic achievement of those pupils;

20 (f) Provide other evidence-based programs and services that are
21 approved by the Department of Education and that are designed to
22 meet the specific needs of pupils enrolled in the school who are
23 English learners;

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

29 (h) Provide for an extended school day.

30 ➤ The Clark County School District and the Washoe County School
31 District shall not use more than 2 percent of the money for the
32 purposes described in paragraphs (c), (d) and (e).

33 7. On or before August 1, 2017, the Clark County School
34 District and the Washoe County School District shall each provide a
35 report to the Department of Education which includes the:

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

40 (b) Zoom middle schools, junior high schools and high schools
41 identified by the School District pursuant to subsection 5 and the
42 plan of each school for carrying out the programs and services
43 described in paragraphs (a) to (h), inclusive, of subsection 6.

44 8. From the money appropriated by the 2017 Legislature to the
45 Account for Programs for Innovation and the Prevention of



1 Remediation for Zoom schools or charter schools or school districts
2 other than the Clark County School District or Washoe County
3 School District, the Department of Education shall provide grants of
4 money to the sponsors of such charter schools and the school
5 districts. The sponsor of such a charter school and the board of
6 trustees of such a school district may submit an application to the
7 Department on a form prescribed by the Department that includes,
8 without limitation:

9 (a) The number of pupils in the school district or charter school,
10 as applicable, who are English learners or eligible for designation as
11 English learners; and

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

15 (1) The creation or expansion of high-quality,
16 developmentally appropriate prekindergarten programs, free of
17 charge, that will increase enrollment of children who are English
18 learners;

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

24 (3) Professional development for teachers and other
25 educational personnel regarding effective instructional practices and
26 strategies for children who are English learners;

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

33 (5) Engaging and involving parents and families of children
34 who are English learners, including, without limitation, increasing
35 effective, culturally appropriate communication with and outreach
36 to parents and families to support the academic achievement of
37 those children;

38 (6) Offering recruitment and retention incentives for the
39 teachers and other licensed educational personnel who provide any
40 of the programs and services set forth in this subsection from the list
41 of incentives prescribed by the State Board of Education pursuant to
42 subsection 12; and

43 (7) Provide other evidence-based programs and services that
44 are approved by the Department and that are designed to meet the



1 specific needs of pupils enrolled in the school who are English
2 learners.

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

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

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

14 (b) Shall provide a report to the Department of Education in the
15 form prescribed by the Department with the information required for
16 the Department's report pursuant to subsection 15.

17 11. On or before August 17, 2017, the Department of
18 Education shall submit a report to the State Board of Education and
19 the Director of the Legislative Counsel Bureau for transmittal to the
20 Interim Finance Committee which includes:

21 (a) The information reported by the Clark County School
22 District and the Washoe County School District pursuant to
23 subsection 7; and

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

30 12. The State Board of Education shall prescribe:

31 (a) A list of recruitment and retention incentives for the school
32 districts and the sponsors of charter schools that receive a
33 distribution of money pursuant to this section to offer to teachers
34 and other licensed educational personnel pursuant to paragraph (e)
35 of subsection 2, paragraph (d) of subsection 6 and subparagraph (6)
36 of paragraph (b) of subsection 8; and

37 (b) Criteria and procedures to notify a school district or a charter
38 school that receives money pursuant to this section if the school
39 district or charter school is not implementing the programs and
40 services for which the money was received in accordance with the
41 applicable requirements of this section or in accordance with the
42 performance levels prescribed by the State Board pursuant to
43 subsection 13, including, without limitation, a plan of corrective
44 action for the school district or charter school to follow to meet the
45 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 English learners 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 English learners 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



1 achievement and proficiency of children who participated in the
2 programs or received services.

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

5 (1) For the continuation or expansion of programs and
6 services that are identified as effective in improving the academic
7 and linguistic achievement and proficiency of children who are
8 English learners.

9 (2) A plan for transitioning the funding for providing the
10 programs and services set forth in this section to pupils who are
11 English learners from categorical funding to a weighted per pupil
12 formula within the Nevada Plan.

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

16 (1) The results of the independent evaluation required by
17 subsection 14 of the effectiveness of the programs and services,
18 including, without limitation, data regarding the academic and
19 linguistic achievement and proficiency of children who participated
20 in a program or received a service;

21 (2) Whether a school district or charter school was notified
22 that it was not implementing the programs and services for which it
23 received money pursuant to this section in accordance with the
24 applicable requirements of this section or in accordance with the
25 performance levels prescribed by the State Board of Education
26 pursuant to subsection 13 and the status of such a school district or
27 charter school, if any, in complying with a plan for corrective
28 action; and

29 (3) Whether each school district or charter school that
30 received money pursuant to this section met the performance
31 levels prescribed by the State Board of Education pursuant to
32 subsection 13.

33 16. The annual report prepared by the Clark County School
34 District and the Washoe County School District pursuant to
35 subsection 15 must be submitted to the Department of Education on
36 or before June 1, 2018, and January 16, 2019, respectively. The
37 Department shall submit the information reported by those school
38 districts and the information prepared by the Department pursuant to
39 subsection 15:

40 (a) On or before June 15, 2018, to the State Board of Education
41 and the Legislative Committee on Education.

42 (b) On or before February 1, 2019, to the State Board of
43 Education and the Director of the Legislative Counsel Bureau for
44 transmittal to the 80th Session of the Nevada Legislature.



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

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

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

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

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

14 18. The money appropriated by the 2017 Legislature to the
15 Account for Programs for Innovation and the Prevention of
16 Remediation for Zoom schools must be accounted for separately
17 from any other money received by school districts or charter schools
18 of this State and used only for the purposes specified in this section.

19 19. Except as otherwise provided in paragraph (e) of
20 subsection 2, paragraph (d) of subsection 6 and subparagraph (6) of
21 paragraph (b) of subsection 8, the money appropriated by the 2017
22 Legislature to the Account for Programs for Innovation and the
23 Prevention of Remediation for Zoom schools:

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

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

29 20. Upon request of the Legislative Commission, the Clark
30 County School District and the Washoe County School District shall
31 make available to the Legislative Auditor any of the books,
32 accounts, claims, reports, vouchers or other records of information,
33 confidential or otherwise, regardless of their form or location, that
34 the Legislative Auditor deems necessary to conduct an audit of the
35 use of the money distributed by the 2017 Legislature to the Account
36 for Programs for Innovation and the Prevention of Remediation for
37 Zoom schools.

38 21. As used in this section:

39 (a) "English learner" has the meaning ascribed to it in
40 20 U.S.C. § 7801(20).

41 (b) "Probationary employee" has the meaning ascribed to it in
42 NRS 391.650.



1 **Sec. 2.** Section 3 of chapter 335, Statutes of Nevada 2015, at
2 page 1875, is hereby amended to read as follows:

3 Sec. 3. This act becomes effective on July 1, 2015 **H** ,
4 *and expires by limitation on June 30, 2017.*

5 **Sec. 3.** This act becomes effective on July 1, 2017, and expires
6 by limitation on June 30, 2019.

