

Amendment No. 557

Assembly Amendment to Assembly Bill No. 219	(BDR 34-673)
Proposed by: Assembly 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.



ASSEMBLY BILL NO. 219—ASSEMBLYMEN TORRES, FLORES; ASSEFA, CARRILLO, DALY, DURAN, FUMO, GORELOW, JAUREGUI, MARTINEZ, MCCURDY, MUNK, NGUYEN, PETERS AND WATTS

FEBRUARY 18, 2019

Referred to Committee on Education

SUMMARY—Makes various changes relating to education. (BDR 34-673)

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; revising provisions ~~related to~~ governing the reporting of certain information concerning the achievement of pupils who are English learners pursuant to the statewide system of accountability for public schools; requiring the principals of certain public schools that demonstrate low achievement for pupils who are English learners to develop a corrective action plan; authorizing a pupil who is an English learner to enroll in a public high school outside the zone of attendance in which the pupil resides under certain circumstances; requiring the adoption of a plan to ensure that a policy of instruction to teach English to pupils who are English learners ~~to~~ achieves certain objectives; revising eligible teaching programs for which the Teach Nevada Scholarship Program awards scholarships; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the boards of trustees of school districts, the sponsors of charter schools and the State Board of Education to prepare and publicly disseminate annual reports of accountability for the quality of schools and the educational achievement of pupils. (NRS 385A.070) Existing law requires the State Board to: (1) prescribe criterion-referenced examinations to measure the achievement and proficiency of pupils; and (2) select a college and career readiness assessment for pupils who are enrolled in grade 11 in public high schools. (NRS 390.105, 390.610) Existing law requires the annual reports of accountability to include a comparison of the performance of pupils who are English learners and pupils who are proficient in the English language on the criterion-referenced examinations and the college and career readiness assessment. (NRS 385A.280, 385A.490) Sections 1 and 1.1 of this bill require such data to be reported separately according to subject area, the length of time that pupils who are English learners have been learning the English language and any identified trends in the performance of pupils in middle school, junior high school and high school who are English learners over the immediately preceding 3 years. Section 1 requires the board of trustees of each school district and the governing body of each charter school to publish

and submit to the Department of Education and the Legislature a report of certain information concerning the achievement of pupils who are English learners on or before October 1 of each year. Sections 1.6 and 1.8 of this bill require the Department of Education to ensure the availability of authorized supports to pupils who are English learners on the criterion-referenced examinations and the college and career readiness assessment.

Section 1.2 of this bill requires the principals of certain schools that demonstrate low achievement for pupils who are English learners to establish a corrective action plan. Sections 1.2 and 1.3 of this bill authorize a pupil who is an English learner and attends a high school that has adopted a corrective action plan to enroll in a public school outside the zone of attendance in which the pupil resides if: (1) the pupil wishes to transfer because the school demonstrates low levels of achievement for pupils who are English learners or because of the adoption of the corrective action plan; and (2) the public school that the pupil wishes to attend has adequate capacity after enrolling all pupils who reside in the zone of attendance of the school and wish to attend the school.

Existing law requires each board of trustees of a school district to develop a policy of instruction to teach English to pupils who are English learners and sets forth the requirements for the policy. ~~Such a policy is required to be designed to eliminate gaps in achievement between pupils who are English learners and pupils who are proficient in English.~~ (NRS 388.407) ~~Section 1 of this bill revises the requirements of such a policy by requiring each school district to adopt a protocol which includes providing transportation to a pupil who is an English learner to another school if: (1) the public school in which the pupil is enrolled does not provide a program to teach English to pupils who are English learners; or (2) if certain persons determine such a program is not adequate.~~ 1.4 of this bill requires the board of trustees of a school district to adopt a plan to ensure that the policy achieves those objectives.

Under existing law, the Teach Nevada Scholarship Program provides scholarships to students pursuing a teaching degree at a university, college or other provider of an alternative licensure program that offers an eligible teaching program. Such eligible teaching programs include a program to: (1) make a student eligible to obtain a license to teach kindergarten, any grade from grades 1 through 12 or in the subject area of special education in this State; or (2) specialize in the subject area of early childhood education. (NRS 391A.580) **Section 2** of this bill revises such eligible programs by including a program which allows a student to obtain an endorsement to teach: (1) English as a second language; or (2) special education.

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

Section 1. NRS 385A.280 is hereby amended to read as follows:

385A.280 1. The annual report of accountability prepared pursuant to NRS 385A.070 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 English learners in attaining proficiency in the English language, including, without limitation:

~~1.1~~ (a) The number and percentage of pupils who were identified as English learners 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;

~~1.2~~ (b) The achievement and proficiency of pupils who are English learners in comparison to the pupils who are proficient in English;

~~1.3~~ (c) A comparison of pupils who are English learners and pupils who are proficient in the English language in the following areas:

~~(1)~~ (1) Retention rates;

~~(2)~~ (2) Graduation rates;

~~(3)~~ (3) Dropout rates;

~~(4)~~ (4) Grade point averages; and
~~(5)~~ (5) Scores on the examinations administered pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610; and

~~(4)~~ (d) Results of the assessments and reassessments of pupils who are English learners, 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.

2. The data reported pursuant to subparagraph (5) of paragraph (c) of subsection 1 must be reported separately:

(1) According to subject matter areas measured using the examinations administered pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.160;

(2) For pupils who are newcomers to the English language, pupils who are short-term English learners and pupils who are long-term English learners, as designated by regulation of the State Board; and

(3) For middle schools, junior high schools and high schools, according to any identified trends in the proficiency in the English language of pupils who are English learners over the immediately preceding 3 years.

3. In addition to including the information prescribed by this section in the annual report of accountability prepared pursuant to NRS 385A.070, the board of trustees of each school district and the governing body of each charter school shall, on or before October 1 of each year:

(a) Submit a report of the information prescribed by this section to the Department of Education and the Director of the Legislative Counsel Bureau for transmittal to:

(1) In odd-numbered years, the Legislative Committee on Education; and

(2) In even-numbered years, the next regular session of the Legislature; and

(b) Post the report on an Internet website maintained by the school district or charter school, as applicable.

Sec. 1.1. NRS 385A.490 is hereby amended to read as follows:

385A.490 1. The annual report of accountability prepared by the State Board pursuant to NRS 385A.400 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 English learners in attaining proficiency in the English language, including, without limitation:

~~(a)~~ (a) The number and percentage of pupils who were identified as English learners 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;

~~(b)~~ (b) The achievement and proficiency of pupils who are English learners in comparison to the pupils who are proficient in English;

~~(c)~~ (c) A comparison of pupils who are English learners and pupils who are proficient in the English language in the following areas:

~~(1)~~ (1) Retention rates;

~~(2)~~ (2) Graduation rates;

~~(3)~~ (3) Dropout rates;

~~(4)~~ (4) Grade point averages; and

~~(5)~~ (5) Scores on the examinations administered pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610; and

~~14~~ (d) Results of the assessments and reassessments of pupils who are English learners, 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.

2. The data reported pursuant to subparagraph (5) of paragraph (c) of subsection 1 must be reported separately:

(a) According to subject matter areas measured using the examinations administered pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.160;

(b) For pupils who are newcomers to the English language, pupils who are short-term English learners and pupils who are long-term English learners, as designated by regulation of the State Board; and

(c) For middle schools, junior high schools and high schools, according to any identified trends in the proficiency in the English language of pupils who are English learners over the immediately preceding 3 years.

Sec. 1.2. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The principal of each public school which, based upon the most recent annual report of the statewide system of accountability for public schools, was rated in the lowest 30 percent of public schools in this State in the achievement of pupils who are English learners, shall adopt, submit to the Department and publish on an Internet website maintained by the school a corrective action plan which must include, without limitation:

(a) Identification of the root causes of the low levels of achievement among pupils who are English learners;

(b) Plans to address those root causes;

(c) Attainable quantitative goals for improvement in the achievement of pupils who are English learners and timelines for meeting those goals;

(d) Identification of specific actions to improve the achievement of pupils who are English learners, plans to monitor those actions and identification of persons responsible for taking and monitoring those actions; and

(e) Plans to provide professional development designed to address the needs of pupils who are English learners to administrators, teachers and other educational staff.

2. The Department shall assist principals who are required by subsection 1 to adopt a corrective action plan with the development of the plan.

3. A corrective action plan adopted pursuant to subsection 1 may be incorporated into any other relevant corrective action plan adopted by the school.

4. A public high school that has adopted a corrective action plan pursuant to subsection 1 shall notify the parent or guardian of each pupil receiving services for English learners at the high school, in English and any language that is the primary language of at least 10 percent of the English learners enrolled in the high school, that the school has adopted a corrective action plan. The notice must include, without limitation:

(a) A list of each high school within 5 miles of the school that has not adopted a corrective action plan;

(b) A statement that the parent or guardian may request that the pupil be transferred to a public high school that has not adopted a corrective action plan; and

(c) A statement of the provisions of subsection 5.

5. The board of trustees of a school district shall allow a pupil who is an English learner and attends a school that has adopted a corrective action plan to

enroll in a public school outside the zone of attendance in which the pupil resides if:

(a) The pupil wishes to transfer because the school meets the criteria prescribed in subsection 1 or because of the adoption of the corrective action plan; and

(b) The public school in which the pupil wishes to enroll has adequate capacity to enroll the pupil after enrolling all pupils who reside in the zone of attendance of the school and wish to attend the school.

6. On or before July 1 of each year, the Department shall submit to the Legislative Committee on Education a report that includes:

(a) The number of public schools in this State that have adopted a corrective action plan pursuant to subsection 1;

(b) A description of any progress or lack of progress in closing gaps in achievement between pupils who are English learners and pupils who are proficient in English; and

(c) An evaluation of the success of the corrective action plans.

7. As used in this section, "zone of attendance" means the zone established by the board of trustees of a school district pursuant to NRS 388.040 to designate which school within the district a pupil must attend.

Sec. 1.3. NRS 388.040 is hereby amended to read as follows:

388.040 1. Except as otherwise provided in subsection 2, the board of trustees of a school district that includes more than one school which offers instruction in the same grade or grades may zone the school district and determine which pupils must attend each school.

2. The establishment of zones pursuant to subsection 1 does not preclude a pupil from attending a:

(a) Charter school;

(b) University school for profoundly gifted pupils;

(c) Public school outside the zone of attendance that the pupil is otherwise required to attend if the pupil is a child in foster care who is remaining in his or her school of origin pursuant to NRS 388E.105; ~~for~~

(d) Public school outside the zone of attendance that the pupil is otherwise required to attend if the pupil has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive, or the parent or legal guardian with whom the pupil resides has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive ~~for~~; or

(e) Public school outside the zone of attendance that the pupil is otherwise required to attend if the pupil is an English learner enrolling in the school pursuant to subsection 5 of section 1.2 of this act.

~~[Section 1.1]~~ Sec. 1.4. 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 English learners. The policy must be designed to provide pupils enrolled in each public school located in the school district who are English learners 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 English learners through the use of an appropriate assessment;

(b) Provide for the periodic reassessment of each pupil who is classified as an English learner;

(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 English learners and pupils who are proficient in English;

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

(e) Provide the parents and legal guardians of pupils who are English learners with information regarding other programs that are designed to improve the language acquisition and academic achievement and proficiency of pupils who are English learners and assist those parents and legal guardians in enrolling those pupils in such programs. ~~It and~~

~~(f) Establish a protocol which provides transportation to attend another school for certain pupils who are English learners. Such a protocol must provide:~~

~~(1) Transportation to attend the nearest public school which provides an appropriate and adequate program of instruction to teach English to pupils who are English learners;~~

~~(1) If the pupil is enrolled in a public school which does not provide such a program at the grade level of the pupil; or~~

~~(II) Upon the request of either a pupil who is at least 18 years of age or an emancipated minor or the parent or legal guardian of a pupil if the pupil is less than 18 years of age who determines such a program is not adequate; and~~

~~(2) A process for appealing a determination made pursuant to subparagraph (II) of whether a program of instruction to teach English to pupils who are English learners is adequate.}~~

3. ~~[As used in this section, "adequate" means the school in which the pupil is enrolled;~~

~~(a) Employs a teacher on a full time basis to provide a program of instruction to teach pupils who are English learners; or~~

~~(b) Provides instruction and services specifically designed to address the first 2 years of learning English as a second language.} The board of trustees of a school district shall adopt a plan to ensure that a policy adopted pursuant to this section achieves the objectives prescribed by paragraph (c) of subsection 2.~~

4. The Department shall monitor the implementation of:

(a) The provisions of the policy developed pursuant to subsection 1 designed to achieve the objectives described in paragraph (c) of subsection 2; and

(b) The plan adopted pursuant to subsection 3.

Sec. 1.6. NRS 390.105 is hereby amended to read as follows:

390.105 1. The State Board shall, in consultation with the Council to Establish Academic Standards for Public Schools, prescribe examinations that comply with 20 U.S.C. § 6311(b)(2) and that measure the achievement and proficiency of pupils:

(a) For grades 3, 4, 5, 6, 7 and 8 in the standards of content established by the Council for the subjects of English language arts and mathematics.

(b) For grades 5 and 8, in the standards of content established by the Council for the subject of science.

(c) For grades 9, 10, 11 and 12, in the standards of content established by the Council for the subjects required to comply with 20 U.S.C. § 6311(b)(2).

➤ The examinations prescribed pursuant to this subsection must be written, developed, printed and scored by a nationally recognized testing company.

2. In addition to the examinations prescribed pursuant to subsection 1, the State Board shall, in consultation with the Council to Establish Academic Standards for Public Schools, prescribe a writing examination for grades 5 and 8.

3. The Department shall ensure the availability of:

(a) The examinations prescribed pursuant to subsections 1 and 2 to pupils in any language in which those examinations are published; and

(b) Authorized supports to pupils who are English learners for the examinations prescribed pursuant to subsections 1 and 2.

4. The State Board shall prescribe:

(a) The minimum number of school days that must take place before the examinations prescribed by the State Board pursuant to subsection 1 may be administered to pupils; and

(b) The period during which the examinations prescribed by the State Board pursuant to subsection 1 must be administered.

~~4.4~~ 5. The board of trustees of each school district and the governing body of each charter school shall administer the examinations prescribed by the State Board at such times as prescribed by the State Board pursuant to subsection ~~4.3~~ 4. The examinations must be:

(a) Administered in each school in accordance with uniform procedures adopted by the State Board. The Department shall monitor the school districts and individual schools to ensure compliance with the uniform procedures.

(b) Administered in each school in accordance with the plan adopted pursuant to NRS 390.270 by the Department and with the plan adopted pursuant to NRS 390.275 by the board of trustees of the school district in which the examinations are administered. The Department shall monitor the compliance of school districts and individual schools with:

(1) The plan adopted by the Department; and

(2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the Department.

Sec. 1.8. NRS 390.610 is hereby amended to read as follows:

390.610 1. The State Board shall select a college and career readiness assessment for administration to pupils who are enrolled in grade 11 in public high schools.

2. Except as otherwise provided in this subsection, a pupil must take the college and career readiness assessment to receive a standard high school diploma. A pupil with a disability may, in accordance with his or her individualized education program, be exempt from the requirement to take the college and career readiness assessment.

3. The results of a pupil on the college and career readiness assessment:

(a) Must not be used in the determination of whether the pupil satisfies the requirements for receipt of standard high school diploma.

(b) May be used in the determination of whether the pupil satisfies the requirements for receipt of a college and career ready high school diploma.

4. The assessment selected pursuant to subsection 1 must be:

(a) Administered at the same time during the school year by the board of trustees of each school district to pupils enrolled in grade 11 in all public high schools of the school district and by the governing body of each charter school that enrolls pupils in grade 11, as prescribed by the State Board, and in accordance with uniform procedures adopted by the State Board. The Department shall monitor the compliance of the school districts and individual schools with the uniform procedures and report to the State Board any instance of noncompliance.

(b) Administered in accordance with the plan adopted by the Department pursuant to NRS 390.270 and with the plan adopted by the board of trustees of the school district in which the assessment is administered pursuant to NRS 390.275. The Department shall monitor the compliance of the school districts and individual schools with:

(1) The plan adopted by the Department; and

(2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the Department,

➤ and shall report to the State Board any instance of noncompliance.

5. The assessment selected pursuant to subsection 1 must:

(a) Be used to provide data and information to each pupil who takes the assessment in a manner that allows the pupil to review the areas of his or her academic strengths and weaknesses, including, without limitation, areas where additional work in the subject areas tested on the assessment is necessary to prepare for college and career success without the need for remediation; and

(b) Allow teachers and other educational personnel to use the results of a pupil on the assessment to provide appropriate interventions for the pupil to prepare for college and career success.

6. The Department shall ensure the availability of authorized supports to pupils who are English learners for the assessment selected pursuant to subsection 1.

7. The State Board shall adopt regulations prescribing the manner in which the results of a college and career readiness assessment selected pursuant to subsection 1 must be used by a school district or charter school that operates as a high school to inform the instruction provided to pupils enrolled in grade 12, including, without limitation, to determine whether to provide remediation in areas of academic weakness and acceleration in areas of academic strength.

~~7.8.~~ 8. The State Board may work in consultation with the boards of trustees of school districts and, if a charter school enrolls pupils at a high school grade level, the governing body of the charter school to develop and implement appropriate plans of remediation for pupils based upon the results of the pupils on the assessment.

Sec. 2. NRS 391A.580 is hereby amended to read as follows:

391A.580 1. A public or private university, college or other provider of an alternative licensure program in this State is eligible to apply to the State Board for a grant from the Account to award scholarships to students who attend the university, college or other provider of an alternative licensure program to complete a program offered by the university, college or other provider of an alternative licensure program that has been approved by the State Board and which:

(a) Upon completion makes a student eligible to obtain a license to teach kindergarten, any grade from grades 1 through 12 or in the subject area of special education in this State; ~~or~~

(b) Allows a student to specialize in the subject area of early childhood education ~~or~~;

(c) Allows a student to obtain an endorsement to teach English as a second language; or

(d) Allows a student to obtain an endorsement to teach special education.

2. The State Board shall:

(a) Establish the number of Teach Nevada Scholarships that will be available each year based upon the amount of money available in the Account.

(b) Review all applications submitted pursuant to subsection 1 and award a grant of money from the Account to an approved university, college or other provider of an alternative licensure program to the extent that money is available in an amount determined by the State Board. The State Board shall retain 25 percent of such an award in the Account for disbursement to a scholarship recipient who meets the requirements of subsection 4 of NRS 391A.585.

3. The State Board may prioritize the award of grants from the Account to a university, college or other provider of an alternative licensure program that

1 demonstrates the university, college or other provider of an alternative licensure
2 program will provide scholarships to a greater number of recipients who:

3 (a) Are veterans or the spouses of veterans;

4 (b) Intend to teach in public schools in this State which have the highest
5 shortage of teachers;

6 (c) Have been economically disadvantaged or belong to a racial or ethnic
7 minority group; or

8 (d) Will be eligible to teach in a subject area for which there is a shortage of
9 teachers. Such a subject area may include, without limitation, science, technology,
10 engineering, mathematics, special education or English as a second language.

11 4. A student may apply for a Teach Nevada Scholarship from a university,
12 college or other provider of an alternative licensure program that receives a grant
13 from the Account only if the student attends or has been accepted to attend the
14 university, college or other provider of an alternative licensure program to complete
15 a program described in subsection 1. An application submitted by the student must
16 identify the program to be completed and the date by which the student must
17 complete the program to finish on schedule.

18 5. The State Board may adopt any regulations necessary to carry out the
19 provisions of NRS 391A.550 to 391A.590, inclusive.

20 **Sec. 2.5. The provisions of subsection 1 of NRS 218D.380 do not apply to**
21 **any provision of this act which adds or revises a requirement to submit a**
22 **report to the Legislature.**

23 **Sec. 3.** This act becomes effective upon passage and approval.