

ASSEMBLY BILL NO. 195—ASSEMBLYMEN TORRES, NGUYEN, FLORES, WATTS; BROWN-MAY, DURAN, GONZÁLEZ, MARTINEZ, C.H. MILLER AND PETERS

MARCH 4, 2021

JOINT SPONSORS: SENATORS DENIS AND DONATE

Referred to Committee on Education

SUMMARY—Revises provisions relating to pupils who are English learners. (BDR 34-174)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§§ 2-4, 6)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to education; requiring the board of trustees of a school district to collect certain data relating to pupils who are English learners; establishing certain rights for pupils who are English learners and the parents or legal guardians of pupils who are English learners; requiring the board of trustees of each school district to post certain information on its Internet website authorizing the Department of Education to adopt certain regulations; requiring the board of trustees of each school district to identify the primary language of each pupil; requiring a pupil who is an English learner to remain in a program for English learners until the pupil obtains language proficiency, with certain exceptions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law requires the board of trustees of each school district to develop a
- 2 policy to teach English to pupils who are English learners. Under existing law, the
- 3 policy must, without limitation, be designed to eliminate any gaps in achievement
- 4 between pupils who are English learners and pupils who are proficient in English.



* A B 1 9 5 R 1 *

(NRS 388.407) **Section 6** of this bill requires the policy to identify the primary language of each pupil enrolled in the school district to assist in the identification of pupils who are English learners. **Section 6** also requires the policy to provide that a pupil who is an English learner shall be placed in a program for English learners until the pupil obtains language proficiency based on an appropriate assessment for English learners unless the parent or guardian of the pupil declines for the pupil to participate in a program for English learners.

Section 2 of this bill requires the board of trustees of each school district to determine the number of pupils enrolled in a school within the school district who are: (1) immigrants; (2) refugees; (3) new, short-term and long-term English learners; and (4) English learners who participate in various programs, courses or activities, receive a high school diploma and go on to attend an institution of higher education after receiving a high school diploma. **Section 2** also requires the board of trustees of each school district to determine the number of teachers who are qualified to teach English as a second language and are trained in a program of language instruction. **Section 2** requires the data collected by the board of trustees of each school district to be disaggregated by certain categories. **Section 2** authorizes the Department of Education to make recommendations to the board of trustees of a school district to improve programs for English learners based on a report submitted by the board of trustees of each school district. Finally, **section 2** requires the Department to submit the reports it receives from the board of trustees of each school district to the Director of the Legislative Counsel Bureau for transmittal to the Legislature or the Legislative Committee on Education, as appropriate.

Section 3 of this bill establishes various rights of a pupil who is an English learner and the parent or legal guardian of a pupil who is an English learner. **Section 3** generally provides to a pupil who is an English learner, without limitation, the right to equal access to public education, academic instruction, extracurricular programs or activities and other support services provided by the school or school district in which the pupil is enrolled. **Section 3** generally provides to the parent or legal guardian of a pupil who is an English learner, without limitation, the right to receive information related to the placement and development of the pupil in a program for English learners in both English and the primary language of the parent or legal guardian. **Section 3** requires the board of trustees of a school district to disseminate a copy of these rights to the parent or legal guardian of a pupil who is an English learner. **Section 3** also requires the board of trustees of a school district, the Department of Education and each school to post a copy of these rights on their respective Internet websites.

Under Title III of the Every Student Succeeds Act of 2015, a state that receives certain money is required to provide for language instruction for English learners and immigrant students. (20 U.S.C. §§ 6812 et seq.) **Section 4** of this bill requires the board of trustees of each school district to post on its Internet website by category the manner in which the school district uses money received under the Act.

Section 5 of this bill authorizes the Department to adopt regulations to carry out provisions relating to pupils who are English learners.



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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. 1. *The board of trustees of each school district shall determine the number of pupils enrolled in schools within the school district who are:*

- (a) Immigrants;*
- (b) Refugees;*
- (c) Newcomers to the English language and short-term and long-term English learners; and*
- (d) English learners who:*

(1) Are pupils with an individualized education program or a plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and are enrolled, placed or participating in:

- (I) A special program, including, without limitation, a special program for gifted and talented pupils;*
- (II) A program for career and technical education;*
- (III) A magnet school or program;*
- (IV) An advanced placement course;*
- (V) An international baccalaureate course;*
- (VI) A dual credit course; or*
- (VII) An extracurricular or athletic activity, if known;*

(2) Receive a high school diploma, disaggregated by type of diploma; and

(3) Attend an institution of higher education after receiving a high school diploma and, if known, receive a scholarship to attend an institution of higher education.

2. The data collected pursuant to subsection 1 must be disaggregated by grade and pupils who are English learners.

3. The board of trustees of each school district shall determine the number of teachers:

(a) Employed by the school district who have an endorsement to teach pupils in a program of bilingual education or who have an endorsement to teach English as a second language; and

(b) Who are trained in a program for language instruction adopted by the board of trustees of the school district, to the extent practicable.

↪ The data collected pursuant to this subsection must be disaggregated by teachers who are licensed to teach elementary education, middle school or junior high school education or secondary education.



4. On or before August 1 of each year, the board of trustees of a school district shall review the data collected pursuant to subsections 1 and 3, compile a report of the data and submit the report to the Department. The Department may make recommendations to the board of trustees of each school district to improve programs for English learners based on the reports it receives pursuant to this subsection.

5. On or before February 1 of each year, the Department shall submit the reports it receives pursuant to subsection 4 to the Director of the Legislative Counsel Bureau for transmittal to the Legislature, or if the Legislature is not in session, the Legislative Committee on Education.

6. As used in this section, “long-term English learner” means a pupil who is an English learner who has lived in the United States for at least 6 consecutive years.

Sec. 3. 1. A pupil who is an English learner has the right to:

(a) Receive a free appropriate public education regardless of the immigration status or primary language of the pupil or the parent or legal guardian of the pupil;

(b) Equal access to all programming and services offered to pupils in the same grade level who are not English learners by the school or school district in which the pupil is enrolled;

(c) Receive instruction at the same grade level as other pupils who are of a similar age as the pupil who is an English learner, unless the school or school district in which the pupil is enrolled determines it is appropriate for the pupil who is an English learner to be placed in a different grade level;

(d) Equal access to participate in extracurricular activities;

(e) Receive appropriate services for academic support provided by the school or school district to pupils enrolled in the school or school district who are not English learners;

(f) Be evaluated each year to determine the progress of the pupil in learning the English language and to obtain information about the academic performance of the pupil, including, without limitation, the results of an examination administered pursuant to NRS 390.105; and

(g) Be continuously placed in a program for English learners for as long as the pupil is classified as an English learner unless the parent or legal guardian of the pupil declines for the pupil to be placed in a program for English learners.

2. The parent or legal guardian of a pupil who is an English learner has the right to:



(a) Enroll his or her child in a public school without disclosing the immigration status of the pupil or the parent or legal guardian;

(b) To the extent practicable, have a qualified interpreter in the primary language of the parent or legal guardian with the parent or legal guardian during significant interactions with the school district;

(c) To the extent practicable, receive written notice in both English and the primary language of the parent or legal guardian that the pupil has been identified as an English learner and will be placed in a program for English learners;

(d) Receive information about the progress of the pupil in learning the English language and, if the pupil is enrolled in a program of bilingual education, the progress of the pupil in learning the languages of that program;

(e) Meet with staff of the school in which the pupil is enrolled at least once a year, in addition to any other required meetings, to discuss the overall progress of the pupil in learning the English language;

(f) Transfer the pupil to another school within the school district if the school in which the pupil is currently enrolled does not offer a program for English learners or has been placed on a corrective action plan pursuant to NRS 388.408;

(g) Receive information related to any evaluations of the pupil pursuant to paragraph (f) of subsection 1; and

(h) Contact the Department or the school district, as applicable, if the school or school district in which the pupil is enrolled violates the provisions of this section.

3. Notwithstanding the provisions of paragraphs (b) and (c) of subsection 2, the board of trustees of each school district shall provide information to the parent or legal guardian of a pupil who is an English learner in a language and format that the parent or legal guardian can understand.

4. To the extent practicable, the board of trustees of each school district shall, in writing and in both English and the primary language of the parent or legal guardian of a pupil who is an English learner, inform the parent or legal guardian of the rights described in this section at the time of the registration of the pupil in a school within the school district or at the time the pupil is identified as an English learner. The school district shall provide a copy of the rights described in this section at the annual registration of a pupil in a school within the school district to the parent or legal guardian of a pupil who is an English learner.

5. The Department shall provide translated copies of the rights described in this section in the five most common languages



other than English primarily spoken in the households within each school district, which may include, without limitation, Spanish and Tagalog. The board of trustees of each school district and each school that enrolls pupils who are English learners shall post a copy of the rights described in this section on their respective Internet websites in as many languages as possible, which may include, without limitation, and as applicable for the school district, the languages translated by the Department pursuant to this subsection.

Sec. 4. 1. *The board of trustees of each school district shall post annually on its Internet website information on the manner in which the school district uses money received pursuant to Title III of the Every Student Succeeds Act of 2015, 20 U.S.C. §§ 6812 et seq. The information must be organized into the categories of programs and services for which the money was used, which must include, without limitation, the categories of engagement of parents and families and wrap-around services.*

2. As used in this section, “wrap-around services” means supplemental services provided to a pupil with special needs or the family of such a pupil that are not otherwise covered by any federal or state program of assistance.

Sec. 5. *The Department may adopt regulations as necessary to carry out the provisions of NRS 388.405, 388.407 and 388.408 and sections 2 to 5, inclusive, of this act.*

Sec. 6. 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 **[H]**;

(f) Provide for the identification of the primary language of each pupil enrolled in the school district at the beginning of each school year to assist in the identification of pupils who are English learners pursuant to paragraph (a); and

(g) Provide that a pupil who is an English learner remain placed in a program for English learners until the pupil obtains language proficiency based on an appropriate assessment of pupils who are English learners unless the parent or legal guardian of the pupil declines for the pupil to remain placed in a program for English learners.

3. 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.

5. The board of trustees of a school district may identify and purchase an assessment for use by the school district to measure the literacy of pupils who are English learners. Such an assessment:

(a) Must be approved by the Department; and

(b) May include tools to assist pupils who are English learners to improve their mastery of the English language.

Sec. 7. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 8. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 9. This act becomes effective on July 1, 2021.

