Assembly Bill No. 335–Assemblymembers Torres-Fossett, Watts, D'Silva; Dalia, Koenig and Moore

Joint Sponsors: Senators Buck, Doñate, Nguyen; and Taylor

CHAPTER.....

AN ACT relating to education; revising requirements for a plan to improve the achievement of pupils enrolled in a public school; requiring the superintendent of each school district to appoint an administrator to serve in a role supporting pupils who are English learners; requiring the board of trustees of a school district to ensure that each licensed teacher receives training concerning English language acquisition; requiring the Department of Education to provide certain guidance to the board of trustees of a school district; revising provisions governing certain data collected and maintained in the statewide system of accountability for public schools; prohibiting certain pupil achievement data from negatively impacting the performance rating of certain schools, school districts and employees; requiring the Department to establish an English Learner Advisory Council during the 2025-2026 interim to study policies to support English language acquisition, development and literacy; prescribing the membership and duties of the Advisory Council; repealing provisions relating to certain corrective action plans; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 4 of this bill requires the superintendent of each school district to designate an administrator to serve in a role supporting pupils who are English learners for the school district. **Section 4** also prescribes the qualifications and duties of any such person.

Existing law requires the principal of each school, in consultation with the employees of the school, to prepare a plan to improve the achievement of pupils enrolled in the school. (NRS 385A.650) **Section 2** of this bill requires the principal of a school to consult with the administrator designated pursuant to **section 4** in preparing or revising the plan. **Section 2** requires such a plan to include methods for closing gaps in achievement, if any, between different demographics of pupils enrolled in the school. If at least 10 percent of the pupils enrolled in the school are English learners, **section 2** requires such a plan to: (1) make closing gaps in achievement, if any, between pupils who are English learners and pupils who are proficient in English the primary goal of the plan; and (2) include certain quantitative goals and specific actions for improvement in the achievement of pupils who are English learners. **Section 1** of this bill makes a conforming change to reflect the renumbering of subsections by **section 2**.

Section 5 of this bill requires the board of trustees of each school district to ensure that each licensed teacher employed by the school district receives training concerning English language acquisition. **Section 5** also requires the Department of

Education to develop and provide guidance to each school district concerning the training required by **section 5**. **Section 12** of this bill requires a teacher employed by a school district to submit proof of completion of the training required by **section 5** on or before October 1, 2030, as a condition of continued employment after that date.

Section 6 of this bill requires data collected and maintained in the statewide system of accountability for public schools concerning pupils who are English learners to be disaggregated into certain subcategories, as designated by regulation of the State Board of Education. **Section 6** also provides that, notwithstanding any other provision of law, any pupil achievement data concerning a pupil who is a newcomer to the English language, as designated by regulation of the State Board, must not negatively impact the performance rating of: (1) the school in which the pupil is enrolled; (2) the school district in which the school is located; or (3) any employee of the school in which the pupil is enrolled or school district in which the school is located.

Existing law requires the board of trustees of each school district to: (1) develop a policy to teach English to pupils who are English learners; and (2) adopt a plan to ensure that the policy achieves certain objectives. (NRS 388.407) **Section 10** of this bill requires the policy to provide that a pupil who is a newcomer to the English language, as designated by regulation of the State Board, may remain in high school for not more than 10 semesters after the date on which the pupil was otherwise scheduled to graduate or until the pupil is 21 years of age, whichever is earlier. **Section 10** also requires the Department to consult with the administrator designated pursuant to **section 4** in monitoring the implementation of the policy and plan.

Section 11 of this bill requires the Department to establish an English Learner Advisory Council in the 2025-2026 interim to study policies to support English language acquisition, development and literacy. **Section 11** also: (1) prescribes the membership and duties of the Advisory Council; (2) requires the Department to submit a written report describing the activities, findings, conclusions and recommendations of the Advisory Council for transmittal to the 84th Session of the Legislature; and (3) authorizes the Advisory Council to request the drafting of not more than 1 legislative measure for prefiling on or before the first day of the regular session of the Legislature in 2027.

Section 14 of this bill repeals an existing law which requires the principals of certain schools that demonstrate low achievement for pupils who are English learners to establish a corrective action plan. (NRS 388.408) **Sections 7-9** of this bill make conforming changes by removing references to the statute repealed by **section 14**.

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

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

Section 1. NRS 385.113 is hereby amended to read as follows:

385.113 The State Board shall:

1. In developing the plan to improve the achievement of pupils enrolled in public schools pursuant to NRS 385.111, establish

clearly defined goals and benchmarks for improving the achievement of pupils, including, without limitation, goals for:

(a) Improving proficiency results in core academic subjects;

(b) Increasing the number of pupils enrolled in public middle schools and junior high schools, including, without limitation, charter schools, who enter public high schools with the skills necessary to succeed in high school;

(c) Improving the percentage of pupils who enroll in grade 9 and who graduate from a public high school, including, without limitation, a charter school, with a standard or higher diploma upon completion;

(d) Improving the performance of pupils on standardized college entrance examinations;

(e) Increasing the percentage of pupils enrolled in high schools who enter postsecondary educational institutions or who are career and workforce ready; and

(f) Reengaging disengaged youth who have dropped out of high school or who are at risk of dropping out of high school, including, without limitation, a mechanism for tracking and maintaining communication with those youth who have dropped out of school or who are at risk of doing so;

2. Review the plan annually to evaluate the effectiveness of the plan;

3. Examine the timeline for implementing the plan and each provision of the plan to determine whether the annual goals and benchmarks have been attained;

4. Based upon the evaluation of the plan, make revisions, as necessary, to ensure that:

(a) The goals and benchmarks set forth in the plan are being attained in a timely manner; and

(b) The plan is designed to improve the academic achievement of pupils enrolled in public schools in this State; and

5. Review the plans submitted pursuant to subsection ~~[4]~~ ***5*** of NRS 385A.650 to:

(a) Determine common problems identified by the principal of each school; and

(b) Make recommendations to the Department concerning how the Department can best support the needs of schools.

Sec. 2. NRS 385A.650 is hereby amended to read as follows:

385A.650 1. The principal of each school, including, without limitation, each charter school, shall, in consultation with the employees of the school ~~[,]~~ ***and the administrator designated***

pursuant to section 4 of this act, prepare a plan to improve the achievement of the pupils enrolled in the school.

2. The plan developed pursuant to subsection 1 must:

(a) Include any information prescribed by regulation of the State Board;

(b) Be developed in accordance with the provisions of NRS 388.885;

(c) Include, without limitation, methods for ~~[~~evaluating~~]~~ ***:***

(1) Evaluating and improving the school climate in the school; and

(2) Closing gaps in achievement, if any, between different demographic groups of pupils enrolled in the school, including, without limitation:

(I) Pupils who are English learners and pupils who are proficient in English;

(II) Pupils in foster care and pupils who are not in foster care; and

(III) Pupils who are economically disadvantaged and pupils who are not economically disadvantaged; and

(d) Comply with the provisions of 20 U.S.C. § 6311(d).

3. ***If at least 10 percent of the pupils enrolled in a school are English learners:***

(a) The primary goal of the plan developed pursuant to subsection 1 must be closing gaps in achievement, if any, between pupils who are English learners and pupils who are proficient in English; and

(b) The plan developed pursuant to subsection 1 must, in addition to the requirements prescribed by subsection 2, include:

(1) Attainable quantitative goals for improvement in the achievement of 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 timelines for meeting those goals; and

(2) Specific actions to improve the achievement of pupils who are English learners and plans to monitor those actions.

4. The principal of each school shall, in consultation with the employees of the school ~~[.]~~ ***and the administrator designated pursuant to section 4 of this act:***

(a) Review the plan prepared pursuant to this section annually to evaluate the effectiveness of the plan; and

(b) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that the plan is designed to improve the academic achievement of pupils enrolled in the school.

~~[4.]~~ ***5.*** On or before the date prescribed by the Department, the principal of each school shall submit the plan or the revised plan, as applicable, to the:

(a) Department;

(b) Committee;

(c) Bureau; and

(d) Board of trustees of the school district in which the school is located or, if the school is a charter school, the sponsor of the charter school and the governing body of the charter school.

~~[5.]~~ ***6.*** As used in this section, "school climate" means the basis of which to measure the relationships between pupils and the parents or legal guardians of pupils and educational personnel, the cultural and linguistic competence of instructional materials and educational personnel, the emotional and physical safety of pupils and educational personnel and the social, emotional and academic development of pupils and educational personnel.

Sec. 3. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 4, 5 and 6 of this act.

Sec. 4. ***1. The superintendent of each school district shall designate an administrator to serve in a role supporting pupils who are English learners for the school district. The administrator must have:***

(a) Experience working with pupils who are English learners; and

(b) Demonstrated success as an effective school leader.

2. In addition to the duties set forth in NRS 385A.650 and 388.407, the administrator designated pursuant to subsection 1 shall:

(a) Oversee any assessment or reassessment of pupils who are English learners provided for pursuant to paragraphs (a) and (b) of subsection 2 of NRS 388.407; and

(b) Upon the request of the board of trustees or the superintendent of schools of the school district, provide training designed to address the needs of pupils who are English learners to administrators, teachers and other educational staff, including, without limitation, the training each licensed teacher is required to receive pursuant to section 5 of this act.

Sec. 5. ***1. The board of trustees of each school district shall ensure that each licensed teacher employed by the school district receives training concerning English language acquisition.***

2. The Department shall develop and provide guidance to each school district in this State concerning the training required by subsection 1.

Sec. 6. ***1. In addition to any other requirements prescribed by law, data collected and maintained in the statewide system of accountability for public schools concerning pupils who are English learners must be disaggregated into the following subcategories, as designated by regulation of the State Board:***

(a) Pupils who are newcomers to the English language;

(b) Pupils who are short-term English learners; and

(c) Pupils who are long-term English learners.

2. Notwithstanding any other provision of law, any pupil achievement data concerning a pupil who is a newcomer to the English language, as designated by regulation of the State Board, including, without limitation, data collected and maintained in the statewide system of accountability for public schools and any other pupil achievement data collected and maintained by the school district, must not negatively impact the performance rating of:

(a) The school in which the pupil is enrolled;

(b) The school district in which the school is located; or

(c) Any employee of the school in which the pupil is enrolled or school district in which the school is located.

Sec. 7. 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; ***or***

(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 . ~~[, 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 NRS 388.408.]~~

Sec. 8. NRS 388.4055 is hereby amended to read as follows:

388.4055 The Department may adopt regulations as necessary to carry out the provisions of NRS 388.405 to ~~[388.408,]~~ ***388.4077,*** inclusive ~~[.]~~ ***, and sections 4, 5 and 6 of this act.***

Sec. 9. NRS 388.406 is hereby amended to read as follows:

388.406 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) At the request of the parent or legal guardian, 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. 10. 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;

(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;

(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 ~~[.]~~ ***; and***

(h) Provide that a pupil who is a newcomer to the English language, as designated by regulation of the State Board, may remain in high school for not more than 10 semesters after the date on which the pupil was otherwise scheduled to graduate or until the pupil is 21 years of age, whichever is earlier.

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 ***, in consultation with the administrator designated pursuant to section 4 of this act,*** 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. 11. 1. The Department of Education shall establish an English Learner Advisory Council during the 2025-2026 interim to study policies to support English language acquisition, development and literacy. The Advisory Council consists of the following 12 members:

(a) The Superintendent of Public Instruction, or his or her designee, who serves as an ex officio member of the Advisory Council.

(b) Two members who have knowledge and expertise in language acquisition and who represent the Nevada System of Higher Education, appointed by the Superintendent of Public Instruction.

(c) Two members who are staff members of the Department, appointed by the Superintendent of Public Instruction.

(d) One member who is an education professional, appointed by the employee organization recognized as representing the plurality of teachers employed by a large school district.

(e) One member who is an education professional, appointed by the employee organization recognized as representing the plurality of teachers employed by school districts that are not large school districts.

(f) Two members who are school-level administrators, one of whom is employed by a school district in a county whose population is 100,000 or more and one of whom is employed by a school district in a county whose population is less than 100,000, appointed by the Governor from a list of nominees submitted by the Nevada Association of School Administrators.

(g) Two members who are school-district-level administrators, one of whom is employed by a school district in a county whose population is 100,000 or more and one of whom is employed by a

school district in a county whose population is less than 100,000, appointed by the Governor from a list of nominees submitted by the Nevada Association of School Administrators.

(h) One member with expertise in the development of public policy relating to the education of pupils who have limited proficiency in English, appointed by the Superintendent of Public Instruction upon the advice and recommendation of persons who have knowledge and expertise in providing instruction to pupils who have limited proficiency in English.

2. In addition to the members appointed pursuant to subsection 1, the Executive Director of the State Public Charter School Authority may appoint one member to the Advisory Council.

3. The Advisory Council shall study policies to support English language acquisition, development and literacy.

4. The Advisory Council shall, at its first meeting, elect a Chair and a Vice Chair from among its members.

5. A majority of the member of the Advisory Council constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Advisory Council.

6. The Department shall provide administrative support to the Advisory Council.

7. The members of the Advisory Council serve without compensation generally.

8. Each member of the Advisory Council who is an officer or employee of the State or a local government must be relieved from his or her duties without loss of regular compensation so that the member may prepare for and attend meetings of the Advisory Council and perform any work necessary to carry out the duties of the Advisory Council in the most timely manner practicable. A state agency or local government shall not require an officer or employee who is a member of the Advisory Council to make up the time the member is absent from work to carry out his or her duties as a member, and shall not require the member to take annual vacation or compensatory time for the absence.

9. The Department may accept gifts, grants and donations from any source to support the work of the Advisory Council.

10. The Department shall, on or before October 31, 2026, prepare and submit a written report describing the activities, findings, conclusions and recommendations of the Advisory Council to the Director of the Legislative Counsel Bureau for transmittal to the 84th Session of the Legislature.

11. The Advisory Council may request the drafting of not more than 1 legislative measure which relates to matters within the scope of the Advisory Council. The request must be submitted to the Legislative Counsel on or before December 31, 2026, and must be on a form prescribed by the Legislative Counsel. A legislative measure requested pursuant to this subsection must be prefiled on or before the first day of the regular session of the Legislature in 2027. A legislative measure that is not prefiled on or before that day shall be deemed withdrawn.

Sec. 12. A teacher employed by a school district must, on or before October 1, 2030, submit proof that he or she has completed the training required by section 5 of this act as a condition of continued employment after that date.

Sec. 13. 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. 14. NRS 388.408 is hereby repealed.

Sec. 15. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 10, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2025, for all other purposes.

3. Section 11 of this act becomes effective:

(a) Upon passage and approval for the purpose of appointing members to the English Learner Advisory Council established pursuant to section 11 of this act and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2025, for all other purposes.

4. Sections 12, 13 and 14 of this act become effective on October 1, 2025.

20 ~~~~~ **25**