

SENATE BILL NO. 405—SENATORS DENIS, WOODHOUSE, MANENDO,
HARRIS, KIHUEN; ATKINSON, FORD, ROBERSON,
SEGERBLOM, SMITH AND SPEARMAN

MARCH 17, 2015

JOINT SPONSORS: ASSEMBLYMEN DIAZ, FLORES, ELLIOT
ANDERSON; BUSTAMANTE ADAMS AND STEWART

Referred to Committee on Education

SUMMARY—Expands the program of Zoom schools and the provision of programs and services to children who are limited English proficient in certain other schools. (BDR S-887)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Contains Appropriation included in Executive Budget.

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

AN ACT relating to education; making an appropriation to provide certain programs and services at Zoom elementary, middle, junior high and high schools and at other schools that enroll children who are limited English proficient or who are eligible for such a designation; requiring the State Board of Education to develop for recommendation as proposed legislation a definition of and procedure for reporting pupils who are identified as long-term limited English proficient; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 The 77th Session of the Nevada Legislature appropriated money for the Clark
2 County School District and the Washoe County School District to carry out a
3 program of Zoom elementary schools during the 2013-2015 biennium to provide a
4 comprehensive package of programs and services for children who are limited
5 English proficient or eligible for such a designation. The other school districts and
6 the State Public Charter School Authority were authorized to apply for a grant of
7 money from the appropriation to provide programs and services to children who are



8 limited English proficient or eligible for such a designation. (Section 16.2 of
 9 chapter 515, Statutes of Nevada 2013, p. 3418) **Section 1** of this bill makes an
 10 appropriation for the Clark County School District and the Washoe County School
 11 District to continue to carry out a program of Zoom elementary schools and to
 12 expand the program to middle schools, junior high schools and high schools during
 13 the 2015-2017 biennium. **Section 1** also authorizes the other school districts and the
 14 State Public Charter School Authority to apply to the Department of Education for
 15 a grant of money from the appropriation to provide programs and services during
 16 the 2015-2017 biennium for children who are limited English proficient or eligible
 17 for such a designation. In addition, **section 1** requires the State Board of Education
 18 to prescribe statewide performance levels and outcome indicators to measure the
 19 effectiveness of the programs and services for which money is allocated from the
 20 appropriation to the school districts and charter schools. Finally, **section 1** requires
 21 the Department to contract for an independent evaluation of the effectiveness of the
 22 programs and services provided by the school districts and charter schools that
 23 received an allocation of money from the appropriation.

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

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

1 **Section 1.** 1. There is hereby appropriated from the State
 2 General Fund to the Account for Programs for Innovation and the
 3 Prevention of Remediation created by NRS 387.031 the following
 4 sums:

- 5 (a) For the Fiscal Year 2015-2016..... \$49,950,000
- 6 (b) For the Fiscal Year 2016-2017..... \$49,950,000

7 2. The Department of Education shall transfer from the
 8 Account for Programs for Innovation and the Prevention of
 9 Remediation to the school districts specified in this subsection the
 10 following sums for Fiscal Year 2015-2016 and Fiscal Year
 11 2016-2017:

<u>School District:</u>	<u>2015-2016</u>	<u>2016-2017</u>
Clark County School		
District.....	\$39,035,925	\$39,035,925
Washoe County School		
District.....	\$6,743,250	\$6,743,250

18 3. The Board of Trustees of the Clark County School District
 19 and the Board of Trustees of the Washoe County School District
 20 shall identify the elementary schools within the School District to
 21 operate as Zoom elementary schools based upon which elementary
 22 schools within the School District:



1 (a) Have the highest percentage of pupils who are limited
2 English proficient or eligible for designation as limited English
3 proficient; and

4 (b) Are the lowest performing academically.

5 4. The Board of Trustees of the Clark County School District
6 and the Board of Trustees of the Washoe County School District
7 shall allocate from the money appropriated by subsection 1 for each
8 Zoom elementary school to:

9 (a) Provide prekindergarten programs free of charge;

10 (b) Expand full-day kindergarten classes;

11 (c) Operate reading skills centers;

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

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

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

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

31 5. A Zoom elementary school that receives an allocation of
32 money pursuant to subsection 4 shall offer each of the programs and
33 services prescribed in paragraphs (a) to (g), inclusive, of that
34 subsection so that the Zoom elementary school may offer a
35 comprehensive package of programs and services for pupils who are
36 limited English proficient. A Zoom elementary school shall not use
37 the money for any other purpose. A reading skills center must
38 provide:

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

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

44 6. The Board of Trustees of the Clark County School District
45 shall identify at least three middle schools, junior high schools or



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

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

11 (b) Are the lowest performing academically.

12 7. The Clark County School District and the Washoe County
13 School District shall allocate from the money appropriated by
14 subsection 1 for each Zoom middle school, junior high school and
15 high school to:

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

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

21 (c) Provide for an extended school day;

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

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

31 (f) Offer recruitment and retention incentives for teachers and
32 other licensed educational personnel who provide any of the
33 programs and services set forth in this subsection from the list of
34 incentives prescribed by the State Board of Education pursuant to
35 subsection 12;

36 (g) Engage and involve parents and families of pupils who are
37 limited English proficient, including, without limitation, increasing
38 effective, culturally appropriate communication with and outreach
39 to parents and families to support the academic achievement of
40 those pupils; and

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



1 ↪ Each Zoom middle school, junior high school and high school
2 that receives an allocation of money pursuant to this subsection shall
3 offer each of the programs and services prescribed in paragraphs (a)
4 to (h), inclusive, so that the Zoom middle school, junior high school
5 or high school offers a comprehensive package of programs and
6 services for pupils who are limited English proficient.

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

10 (a) Zoom elementary schools identified by the School District
11 pursuant to subsection 3 and the plan of each such school for
12 carrying out the programs and services prescribed by paragraphs (a)
13 to (g), inclusive, of subsection 4; and

14 (b) Zoom middle schools, junior high schools and high schools
15 identified by the School District pursuant to subsection 6 and the
16 plan of each school for carrying out the programs and services
17 prescribed by paragraphs (a) to (h), inclusive, of subsection 7.

18 9. From the appropriation made by subsection 1, the
19 Department of Education shall use not more than \$4,170,825 in
20 Fiscal Year 2015-2016 and \$4,170,825 in Fiscal Year 2016-2017 to
21 provide grants of money to the State Public Charter School
22 Authority and the school districts, other than the Clark County
23 School District or the Washoe County School District. The board of
24 trustees of such a school district and the State Public Charter School
25 Authority may submit an application to the Department on a form
26 prescribed by the Department that includes, without limitation:

27 (a) The number of pupils in the school district or charter
28 schools, as applicable, who are limited English proficient or eligible
29 for designation as limited English proficient; and

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

33 (1) The creation or expansion of high-quality,
34 developmentally appropriate prekindergarten programs, free of
35 charge, that will increase enrollment of children who are limited
36 English proficient;

37 (2) The acquisition and implementation of empirically
38 proven assessment tools to determine the reading level of pupils
39 who are limited English proficient and technology-based tools, such
40 as software, designed to support the learning of pupils who are
41 limited English proficient;

42 (3) Professional development for teachers and other
43 educational personnel regarding effective instructional practices and
44 strategies for children who are limited English proficient;



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

7 (5) Engaging and involving parents and families of children
8 who are limited English proficient, including, without limitation,
9 increasing effective, culturally appropriate communication with and
10 outreach to parents and families to support the academic
11 achievement of those children;

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

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

21 10. The Department of Education shall distribute the money
22 appropriated by subsection 1 to school districts and the State Public
23 Charter School Authority that submit applications pursuant to
24 subsection 9 based upon the number of pupils enrolled in each such
25 school district or charter school, as applicable, who are limited
26 English proficient or eligible for designation as limited English
27 proficient, and not on a competitive basis. A school district and the
28 State Public Charter School Authority that receives a grant of
29 money pursuant to this subsection shall provide a report to the
30 Department in the form prescribed by the Department with the
31 information required for the Department's report pursuant to
32 subsection 15.

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

37 (a) The information reported by the Clark County School
38 District and the Washoe County School District pursuant to
39 subsection 8; and

40 (b) The school districts and charter schools for which an
41 allocation of money is approved pursuant to subsection 10 and the
42 plan of each such school district and charter school for carrying out
43 the programs and services prescribed by subparagraphs (1) to (7),
44 inclusive, of paragraph (b) of subsection 9.

45 12. The State Board of Education shall prescribe:



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1 (a) A list of recruitment and retention incentives for the school
2 districts and the State Public Charter School Authority that receive
3 an allocation of money pursuant to this section to offer to teachers
4 and other licensed educational personnel pursuant to paragraph (f)
5 of subsection 4, paragraph (f) of subsection 7 and subparagraph (6)
6 of paragraph (b) of subsection 9; and

7 (b) Criteria and procedures to notify a school district or a charter
8 school that receives an allocation of money pursuant to this section
9 if the school district or charter school is not implementing the
10 programs and services for which the allocation was made in
11 accordance with the applicable requirements of this section or in
12 accordance with the performance levels prescribed by the State
13 Board pursuant to subsection 13, including, without limitation, a
14 plan of corrective action for the school district or charter school to
15 follow to meet the requirements of this section or the performance
16 levels.

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

27 (a) The number of children who participated;

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

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

39 14. The Department of Education shall contract for an
40 independent evaluation of the effectiveness of the programs and
41 services offered by each Zoom elementary school pursuant to
42 subsection 4, each Zoom middle school, junior high school and high
43 school pursuant to subsection 7 and the programs and services
44 offered by the other school districts and the charter schools pursuant
45 to subsection 9.



1 15. The Clark County School District, the Washoe County
2 School District and the Department of Education shall each prepare
3 an annual report that includes, without limitation:

4 (a) An identification of the schools that received an allocation of
5 money by the School District or a grant of money from the
6 Department, as applicable.

7 (b) How much money each such school received.

8 (c) A description of the programs or services for which the
9 money was used by each such school.

10 (d) The number of children who participated in a program or
11 received services.

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

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

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

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

25 (2) A plan for transitioning the funding for providing the
26 programs and services set forth in this section to pupils who are
27 limited English proficient from categorical funding to a weighted
28 per pupil formula within the Nevada Plan.

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

32 (1) The results of the independent evaluation required by
33 subsection 14 of the effectiveness of the programs and services,
34 including, without limitation, data regarding the academic and
35 linguistic achievement and proficiency of children who participated
36 in a program or received a service;

37 (2) Whether a school district or charter school was notified
38 that it was not implementing the programs and services for which an
39 allocation of money was made pursuant to this section in accordance
40 with the applicable requirements of this section or in accordance
41 with the performance levels prescribed by the State Board of
42 Education pursuant to subsection 13 and the status of such a school
43 district or charter school, if any, in complying with a plan for
44 corrective action; and



1 (3) Whether each school district or charter school that
2 received an allocation of money pursuant to this section met the
3 performance levels prescribed by the State Board of Education
4 pursuant to subsection 13.

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

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

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

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

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

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

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

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

30 18. The sums appropriated by subsection 1:

31 (a) Must be accounted for separately from any other money
32 received by school districts or charter schools of this State and used
33 only for the purposes specified in this section.

34 (b) May not be used to settle or arbitrate disputes between a
35 recognized organization representing employees of a school district
36 and the school district, or to settle any negotiations.

37 (c) May not be used to adjust the district-wide schedules of
38 salaries and benefits of the employees of a school district.

39 19. Upon request of the Legislative Commission, the Clark
40 County School District and the Washoe County School District shall
41 make available to the Legislative Auditor any of the books,
42 accounts, claims, reports, vouchers or other records of information,
43 confidential or otherwise, regardless of their form or location, that
44 the Legislative Auditor deems necessary to conduct an audit of the
45 use of the money transferred pursuant to subsection 2.



1 20. Any remaining balance of the transfers made by subsection
2 2 for Fiscal Year 2015-2016 must be added to the money transferred
3 for Fiscal Year 2016-2017 and may be expended as that money is
4 expended. Any remaining balance of the transfers made by
5 subsection 2 for Fiscal Year 2016-2017, including any money added
6 from the previous fiscal year, must not be committed for
7 expenditure after June 30, 2017, and must be reverted to the State
8 General Fund on or before September 15, 2017.

9 21. Any remaining balance of the allocations made by
10 subsection 9 for Fiscal Year 2015-2016 must be added to the
11 allocations for Fiscal Year 2016-2017 and may be expended as that
12 money is expended. Any remaining balance of the allocations made
13 by subsection 9 for Fiscal Year 2016-2017, including any money
14 added from the previous fiscal year, must not be committed for
15 expenditure after June 30, 2017, and must be reverted to the State
16 General Fund on or before September 15, 2017.

17 22. As used in this section:

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

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

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

26 1. A definition of "long-term limited English proficient"; and

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

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



