S.B. 504

SENATE BILL NO. 504–COMMITTEE ON FINANCE

(ON BEHALF OF THE OFFICE OF FINANCE
IN THE OFFICE OF THE GOVERNOR)

MARCH 27, 2017

Referred to Committee on Education

SUMMARY—Extends and revises the Zoom schools program for the 2017-2019 biennium. (BDR S-1098)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Executive Budget.

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

AN ACT relating to education; extending the duration of the Zoom schools program; authorizing the board of trustees of certain school districts to distribute the money appropriated to implement the program to middle schools, junior high schools and high schools that do not operate as Zoom schools but have a high percentage of pupils who are English learners, to the extent that money is available for this purpose; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

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

The 78th Session of the Nevada Legislature continued and expanded the Zoom schools program to middle schools, junior high schools and high schools in the Clark County School District and the Washoe County School District for the 2015-2017 biennium through the enactment of Senate Bill No. 405. (Chapter 335, Statutes of Nevada 2015, p. 1869) S.B. 405 (2015) also authorized the other school districts and the governing bodies of charter schools to apply to the Department of
Education for a grant of money from the appropriation made by the 2015 Legislature to the Account for Programs for Innovation and the Prevention of Remediation for Zoom schools to provide programs and services during the 2015-2017 biennium for children who were limited English proficient or eligible for such designation. S.B. 405 (2015) required the school districts and charter schools that received money for Zoom schools to submit a report to the Department at the beginning of the biennium to identify the plan of the Zoom schools in the districts or charter schools to carry out the programs and services required by S.B. 405 (2015). The Department of Education was then required to submit a report to the State Board of Education and to the Legislature with such information. S.B. 405 (2015) required the State Board of Education to prescribe statewide performance levels and outcome indicators to measure the effectiveness of the programs and services for which a grant money was received by the school districts and charter schools. S.B. 405 (2015) required the Department of Education to contract for an independent evaluation of the effectiveness of the programs and services provided by the school districts and charter schools that received money. S.B. 405 (2015) also required the Clark County School District and the Washoe County School District to prepare annual reports for submission to the Department of Education and further required the Department to prepare an annual report with the information for submission to the State Board of Education and the Legislature.

This bill largely mirrors the provisions of S.B. 405 (2015) and extends the Zoom schools program for the 2017-2019 biennium. This bill requires the elementary schools, middle schools, junior high schools and high schools that were identified to operate as Zoom schools for the 2015-2017 biennium to continue to operate as Zoom schools for the 2017-2019 biennium. This bill also authorizes the Board of Trustees of Clark County School District and the Board of Trustees of the Washoe County School District to distribute the money appropriated by the 2017 Legislature to implement the Zoom schools program in middle schools, junior high schools or high schools within the school district that do not operate as Zoom schools but have a high percentage of pupils who are English learners, to the extent that money is available for this purpose.

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

Section 1. 1. The elementary schools identified to operate as Zoom elementary schools by the Board of Trustees of the Clark County School District and the Board of Trustees of the Washoe County School District for the 2015-2017 biennium shall continue to operate as Zoom elementary schools for the 2017-2019 biennium. 2. The Board of Trustees of the Clark County School District and the Board of Trustees of the Washoe County School District shall distribute the money appropriated by the 2017 Legislature to the Account for Programs for Innovation and the Prevention of Remediation created by NRS 387.1247 for each Zoom elementary school of those school districts to:
   (a) Provide prekindergarten programs free of charge;
   (b) Expand full-day kindergarten classes;
   (c) Operate reading skills centers;
(d) Provide, free of charge, a summer academy or an intersession academy for those schools that do not operate on a traditional school calendar, including, without limitation, the provision of transportation to attend the summer academy or intersession academy;

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

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

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

(h) Provide evidence-based integrated student support systems that are designed to reduce barriers to the academic achievement of low-income pupils, including, without limitation, academic and non-academic support services; and

(i) Provide other evidence-based programs and services that are approved by the Department of Education and are designed to reduce barriers to the academic achievement of low-income pupils, including, without limitation, academic and non-academic supports.

3. A Zoom elementary school that receives money pursuant to subsection 2 shall offer each of the programs and services prescribed in paragraphs (a) to (i), inclusive, of that subsection so that the Zoom elementary school may offer a comprehensive package of programs and services for pupils who are English learners. A Zoom elementary school shall not use the money for any other purpose and shall use a majority of the money distributed pursuant to subsection 2 for the purposes described in paragraphs (a) to (d), inclusive, (h) and (i) of subsection 2.

4. A reading skills center operated by a Zoom elementary school must provide:

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

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

5. The middle schools, junior high schools or high schools identified to operate as Zoom middle schools, junior high schools or high schools by the Board of Trustees of the Clark County School District and the Board of Trustees of the Washoe County School
District for the 2015-2017 biennium shall continue to operate as Zoom middle schools, junior high schools or high schools, as applicable, for the 2017-2019 biennium.

6. The Clark County School District and the Washoe County School District shall distribute the money appropriated by the 2017 Legislature to the Account for Programs for Innovation and the Prevention of Remediation for each Zoom middle school, junior high school and high school of those school districts to carry out one or more of the following:
   (a) Reduce class sizes for pupils who are English learners and provide English language literacy-based classes;
   (b) Provide direct instructional intervention to each pupil who is an English learner using the data available from applicable assessments of that pupil;
   (c) Provide for an extended school day;
   (d) Provide, free of charge, a summer academy or an intersession academy for those schools that do not operate on a traditional school calendar, including, without limitation, the provision of transportation to attend the summer academy or intersession academy;
   (e) Provide professional development for teachers and other licensed educational personnel regarding effective instructional practices and strategies for pupils who are English learners;
   (f) Offer recruitment and retention incentives for teachers and other licensed educational personnel who provide any of the programs and services set forth in this subsection from the list of incentives prescribed by the State Board of Education pursuant to subsection 13;
   (g) Engage and involve parents and families of pupils who are English learners, including, without limitation, increasing effective, culturally appropriate communication with and outreach to parents and families to support the academic achievement of those pupils;
   (h) Provide other evidence-based programs and services that are approved by the Department of Education and that are designed to meet the specific needs of pupils enrolled in the school who are English learners; and
   (i) Provide evidence-based integrated student support systems that are designed to reduce barriers to the academic achievement of low-income pupils, including, without limitation, academic and non-academic support services.

The Clark County School District and the Washoe County School District shall use a majority of the money distributed pursuant to this subsection for the purposes described in paragraphs (a) to (d), inclusive, (h) and (i).
7. On or before August 1, 2017, the Clark County School District and the Washoe County School District shall each provide a report to the Department of Education which includes:
   (a) The names of the elementary schools operating as Zoom schools pursuant to subsection 1 and the plan of each such school for carrying out the programs and services prescribed by paragraphs (a) to (i), inclusive, of subsection 2;
   (b) The names of the middle schools, junior high schools and high schools operating as Zoom schools pursuant to subsection 5 and the plan of each school for carrying out the programs and services described in paragraphs (a) to (i), inclusive, of subsection 6; and
   (c) Evidence of the progress of pupils at each Zoom school, as measured by common standards and assessments, including, without limitation, interim assessments identified by the State Board of Education, if the State Board has identified such assessments.

8. From the money appropriated by the 2017 Legislature to the Account for Programs for Innovation and the Prevention of Remediation for Zoom schools or charter schools or school districts other than the Clark County School District or Washoe County School District, the Department of Education shall provide grants of money to the sponsors of such charter schools and the school districts. The sponsor of such a charter school and the board of trustees of such a school district may submit an application to the Department on a form prescribed by the Department that includes, without limitation, the number of pupils in the school district or charter school, as applicable, who are English learners or eligible for designation as English learners.

9. The Department of Education shall award grants of money to school districts and the sponsors of charter schools that submit applications pursuant to subsection 8 based upon the number of pupils enrolled in each such school district or charter school, as applicable, who are English learners or eligible for designation as English learners.

10. A school district and a sponsor of a charter school that receives a grant of money pursuant to subsections 8 and 9 shall:
   (a) Use a majority of the money for the purposes described in paragraphs (a) to (d), inclusive, (h) and (i) of subsection 6; and
   (b) Provide a report to the Department of Education in the form prescribed by the Department with the information required for the Department’s report pursuant to subsection 16.

11. To the extent money is available for this purpose, the Board of Trustees of the Clark County School District and the Board of Trustees of the Washoe County School District may distribute the money appropriated by the 2017 Legislature to the Account for
Programs for Innovation and the Prevention of Remediation created by NRS 387.1247 to middle schools, junior high schools or high schools within each school district that have a high percentage of pupils who are English learners but do not operate as Zoom schools to implement the policy for the instruction to teach English to pupils who are English learners developed pursuant to NRS 388.407.

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

(a) Includes the information reported by the Clark County School District and the Washoe County School District pursuant to subsection 7; and

(b) Identifies the school districts and charter schools for which a grant of money is approved pursuant to subsections 8 and 9.

13. The State Board of Education shall prescribe:

(a) A list of recruitment and retention incentives for the school districts and the sponsors of charter schools that receive a distribution of money pursuant to this section to offer to teachers and other licensed educational personnel pursuant to paragraph (f) of subsection 2 and paragraph (f) of subsection 6; and

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

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

(a) The number of children who participated;

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

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

15. The Department of Education shall contract for an
independent evaluation of the effectiveness of the programs and
services offered by each Zoom elementary school pursuant to
subsection 2, each Zoom middle school, junior high school and high
school pursuant to subsection 6 and the programs and services
offered by other school districts and charter schools pursuant to
subsection 10.

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

(a) An identification of the schools that received money from
the School District or a grant of money from the Department, as
applicable, pursuant to this section.

(b) How much money each such school received.

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

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

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

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

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

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

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

(h) For the report prepared by the Department, in addition to the
information reported for paragraphs (a) to (e), inclusive, and (g):
(1) The results of the independent evaluation required by subsection 15 of the effectiveness of the programs and services, including, without limitation, data regarding the academic and linguistic achievement and proficiency of children who participated in a program or received a service;

(2) Whether a school district or charter school was notified that it was not implementing the programs and services for which it received money pursuant to this section in accordance with the applicable requirements of this section or in accordance with the performance levels prescribed by the State Board of Education pursuant to subsection 14 and the status of such a school district or charter school, if any, in complying with a plan for corrective action; and

(3) Whether each school district or charter school that received money pursuant to this section met the performance levels prescribed by the State Board of Education pursuant to subsection 14.

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

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

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

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

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

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

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

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

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

20. Except as otherwise provided in paragraph (f) of subsection 2 and paragraph (f) of subsection 6, the money appropriated by the 2017 Legislature to the Account for Programs for Innovation and the Prevention of Remediation for Zoom schools:

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

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

21. Any money awarded to a school district or charter school to carry out the provisions of this section must be accounted for separately from any other money received by the school district or charter school.

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

23. As used in this section:

(a) “English learner” has the meaning ascribed to it in 20 U.S.C. § 7801(20).

(b) “Probationary employee” has the meaning ascribed to it in NRS 391.650.

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

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