
ASSEMBLY BILL NO. 352—ASSEMBLYMEN D’SILVA;
AND BILBRAY-AXELROD

MARCH 20, 2023

Referred to Committee on Education

SUMMARY—Revises provisions governing academic standards for certain pupils. (BDR 34-732)

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

CONTAINS UNFUNDED MANDATE (§§ 3, 6-8)
(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 appropriation of certain weighted funding to fund the additional needs of certain pupils with low academic achievement in the English language; establishing limitations on the use of weighted funding appropriated for the needs of certain pupils with low academic achievement in the English language; imposing on the Department of Education and the board of trustees of each school district in this State certain duties relating to the achievement of pupils in the English language; authorizing a pupil with limited proficiency in English to enroll in a public school outside the zone of attendance in which the pupil resides under certain circumstances; authorizing the Department of Education to adopt certain regulations; establishing certain rights for the parents and legal guardians of pupils with limited proficiency in English; requiring the board of trustees of a school district to collect and report to the Department certain data relating to pupils with limited proficiency in English; requiring the principals of certain public schools that demonstrate low achievement for pupils with limited proficiency in English to develop a corrective action plan; and providing other matters properly relating thereto.



Legislative Counsel's Digest:

1 **Section 3** of this bill imposes on the Department of Education and the board of
2 trustees of each school district in this State certain duties relating to pupils who
3 perform in the lowest 25th percentile of academic achievement in the English
4 language but who are not English learners.

5 Existing law requires certain money in the State Education Fund to be
6 appropriated to public schools based on certain base per pupil funding for each
7 pupil estimated to be enrolled in those schools. Existing law also requires an
8 amount to be appropriated to public schools to provide funding to meet the
9 additional educational needs of English learners, at-risk pupils and gifted and
10 talented pupils through additional weighted funding for each such pupil. (NRS
11 387.1214) **Section 1** of this bill requires the appropriation of additional weighted
12 funding for the additional needs of pupils who perform in the lowest 25th percentile
13 of academic achievement in the English language but who are not English learners.

14 Existing law limits the use of weighted funding for at-risk pupils and English
15 learners for certain services. (NRS 387.12445) **Section 2** of this bill similarly
16 requires the weighted funding for pupils who perform in the lowest 25th percentile
17 of academic achievement in the English language but who are not English learners
18 to be used only to improve the English proficiency of those pupils.

19 Existing law requires the principals of certain schools that demonstrate low
20 achievement for pupils who are English learners to adopt a corrective action plan.
21 (NRS 388.408) Existing law authorizes a pupil who is an English learner to attend a
22 public school outside the zone of attendance that the pupil is otherwise required to
23 attend if: (1) the pupil wishes to transfer because the school demonstrates low
24 levels of achievement for pupils who are English learners or because of the
25 adoption of a corrective action plan; and (2) the public school that the pupil wishes
26 to attend has adequate capacity after enrolling all pupils who reside in the zone of
27 attendance of the school and wish to attend the school. (NRS 388.040, 388.408)

28 **Sections 4 and 8** of this bill similarly authorize a pupil with limited proficiency in
29 English to attend a public school outside the zone of attendance that the pupil is
30 otherwise required to attend if: (1) the pupil wishes to transfer because the school
31 demonstrates low levels of achievement for pupils with limited proficiency in
32 English or because of the adoption of a corrective action plan to address low
33 achievement by pupils with limited proficiency in English; and (2) the public
34 school that the pupil wishes to attend has adequate capacity after enrolling all
35 pupils who reside in the zone of attendance of the school and wish to attend the
36 school.

37 Existing law establishes various rights of the parent or legal guardian of a pupil
38 who is an English learner. (NRS 388.406) **Section 6** of this bill: (1) extends to the
39 parent or legal guardian of a pupil with limited proficiency in English certain rights,
40 including, without limitation, the right to receive information related to the
41 placement and development of the pupil in a program for pupils with limited
42 proficiency in English; (2) requires the board of trustees of a school district to
43 disseminate a copy of these rights to the parent or legal guardian of a pupil with
44 limited proficiency in English; and (3) requires the board of trustees of a school
45 district and each school that enrolls pupils with limited proficiency in English to
46 post a copy of these rights on their respective Internet websites.

47 Existing law requires the board of trustees of each school district to: (1)
48 determine certain information about the number of pupils in various categories,
49 including, without limitation, English learners, enrolled within the school district;
50 and (2) report that data to the Department of Education. Existing law also
51 authorizes the Department to make recommendations to the board of trustees of a
52 school district to improve programs for English learners based on such a report.
53 (NRS 388.4073) **Section 7** of this bill: (1) requires such reports to include the
54 number of pupils with limited proficiency in English; and (2) authorizes the



55 Department to make recommendations to the board of trustees of a school district to
56 improve programs for pupils with limited proficiency in English.

57 **Section 5** of this bill authorizes the Department to adopt regulations to carry
58 out provisions relating to pupils with limited proficiency in English.

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

1 **Section 1.** NRS 387.1214 is hereby amended to read as
2 follows:

3 387.1214 1. After a direct legislative appropriation is made to
4 the State Education Fund from the State General Fund pursuant to
5 NRS 387.1212, the Legislature shall determine the statewide base
6 per pupil funding amount for each fiscal year of the biennium,
7 which is the amount of money expressed on a per pupil basis for the
8 projected enrollment of the public schools in this State, determined
9 to be sufficient by the Legislature to fund the costs of all public
10 schools in this State to operate and provide general education to all
11 pupils for any purpose for which specific funding is not
12 appropriated pursuant to paragraph (a), (b) or (e) of subsection 2 or
13 NRS 387.122. It is the intent of the Legislature that the statewide
14 base per pupil funding amount for any fiscal year, to the extent
15 practicable, be not less than the statewide base per pupil funding
16 amount for the immediately preceding fiscal year, adjusted by
17 inflation, unless the amount of money contained in the State
18 Education Fund, excluding the Education Stabilization Account,
19 decreases from the preceding fiscal year. If the amount of money
20 contained in the State Education Fund, excluding the Education
21 Stabilization Account, decreases from the preceding fiscal year, it is
22 the intent of the Legislature that a proportional reduction be made in
23 both the statewide base per pupil funding amount and the weighted
24 funding appropriated pursuant to paragraph (e) of subsection 2.

25 2. After a direct legislative appropriation is made to the State
26 Education Fund from the State General Fund pursuant to NRS
27 387.1212, the money in the State Education Fund, excluding any
28 amount of money in the Education Stabilization Account, must be
29 appropriated as established by law for each fiscal year of the
30 biennium for the following purposes:

31 (a) To each school district, an amount of money determined to
32 be sufficient by the Legislature, when combined with any other
33 resources available for this purpose, to provide food services and
34 transportation for pupils and any other similar service that the
35 Legislature deems appropriate.

36 (b) To each school district, charter school or university school
37 for profoundly gifted pupils, an amount of money determined to be



1 sufficient by the Legislature, when combined with any other
2 resources available for this purpose, to provide local funding to
3 support pupils with disabilities.

4 (c) To each school district, an amount of money determined to
5 be sufficient by the Legislature, when combined with any other
6 resources available for this purpose, to provide adjusted base per
7 pupil funding for each pupil estimated to be enrolled in the school
8 district.

9 (d) To each charter school or university school for profoundly
10 gifted pupils, an amount of money determined to be sufficient by the
11 Legislature, when combined with any other resources available for
12 this purpose, to provide:

13 (1) The statewide base per pupil funding amount for each
14 pupil estimated to be enrolled full-time in a program of distance
15 education provided by the charter school or university school for
16 profoundly gifted pupils; and

17 (2) Adjusted base per pupil funding for each pupil estimated
18 to be enrolled in the charter school or university school for
19 profoundly gifted pupils other than a pupil identified in
20 subparagraph (1).

21 (e) To each school district, charter school or university school
22 for profoundly gifted pupils, an amount of money determined to be
23 sufficient by the Legislature, when combined with any other
24 resources available for this purpose, to provide additional weighted
25 funding for each pupil estimated to be enrolled in the school district,
26 charter school or university school for profoundly gifted pupils who
27 is:

28 (1) An English learner;

29 (2) An at-risk pupil; ~~for~~

30 (3) A gifted and talented pupil ~~for~~; or

31 (4) *A pupil who performs in the lowest 25th percentile of*
32 *academic achievement in the English language and is not an*
33 *English learner.*

34 3. The adjusted base per pupil funding appropriated pursuant to
35 paragraph (c) of subsection 2 for each school district must be
36 determined by applying the cost adjustment factor established
37 pursuant to NRS 387.1215 which applies to the school district and
38 the attendance area adjustment established pursuant to NRS
39 387.1218 which applies to each applicable area of the school district
40 to the statewide base per pupil funding amount.

41 4. The adjusted base per pupil funding appropriated pursuant to
42 subparagraph (2) of paragraph (d) of subsection 2 for each charter
43 school or university school for profoundly gifted pupils must be
44 determined by applying the cost adjustment factor established
45 pursuant to NRS 387.1215 which applies to the charter school or



1 university school and, if applicable, the attendance area adjustment
2 established pursuant to NRS 387.1218 to the statewide base per
3 pupil funding amount.

4 5. The weighted funding appropriated pursuant to paragraph (e)
5 of subsection 2 must be established separately for each category of
6 pupils identified in that paragraph and expressed as a multiplier to
7 be applied to the statewide base per pupil funding amount
8 determined pursuant to subsection 1. A pupil who belongs to more
9 than one category of pupils or for whom a school district, charter
10 school or university school for profoundly gifted pupils is eligible to
11 receive the statewide multiplier pursuant to NRS 387.122 must
12 receive only the weighted funding for the single category to which
13 the pupil belongs which has the largest multiplier or the statewide
14 multiplier, whichever is larger. It is the intent of the Legislature that,
15 to the extent practicable:

16 (a) The multiplier for each category of pupils for any fiscal year
17 be not less than the multiplier for the immediately preceding fiscal
18 year unless:

19 (1) The amount of money contained in the State Education
20 Fund, excluding the Education Stabilization Account, decreases
21 from the preceding fiscal year, in which event it is the intent of the
22 Legislature that a proportional reduction be made in both the
23 statewide base per pupil funding amount and the weighted funding
24 appropriated pursuant to paragraph (e) of subsection 2; or

25 (2) The amount of money contained in the State Education
26 Fund, excluding the Education Stabilization Account, increases
27 from the preceding fiscal year but in an amount which, after funding
28 the appropriations required by paragraphs (a) to (d), inclusive, of
29 subsection 2, is insufficient to fund the multiplier for each category
30 of pupils, in which event it is the intent of the Legislature that the
31 remaining money in the State Education Fund be used to provide a
32 multiplier for each category of pupils which is as close as
33 practicable to the multiplier for the preceding fiscal year;

34 (b) The recommendations of the Commission for the multiplier
35 for each category of pupils be considered and the multiplier for one
36 category of pupils may be changed by an amount that is not
37 proportional to the change in the multiplier for one or more other
38 categories of pupils if the Legislature determines that a
39 disproportionate need to serve the pupils in the affected category
40 exists; and

41 (c) If the multipliers for all categories of pupils in a fiscal year
42 are increased from the multipliers in the immediately preceding
43 fiscal year, a proportional increase is considered for the statewide
44 base per pupil funding amount.



1 6. For any money identified in subsection 4 of NRS 362.170
2 which is deposited to the credit of the State Education Fund:

3 (a) The amount of such money for the county from which the
4 money was collected that does not exceed the total amount of
5 money appropriated pursuant to subsection 2 to the county school
6 district is deemed to be the first money appropriated pursuant to
7 subsection 2 for that county school district.

8 (b) The amount of such money for the county from which the
9 money was collected which exceeds the total amount of money
10 appropriated pursuant to subsection 2 to the county school district
11 must be transferred to the county school district and is hereby
12 authorized for expenditure as a continuing appropriation for the
13 purpose of mitigating the adverse effects of the cyclical nature of the
14 industry of extracting and processing minerals on the ability of
15 the county school district to offer its pupils a reasonably equal
16 educational opportunity.

17 7. The weighted funding appropriated pursuant to paragraph (e)
18 of subsection 2:

19 (a) May not be used to settle or arbitrate disputes between a
20 recognized organization representing employees of a school district
21 or the governing body of a charter school and the school district or
22 governing body or to settle any negotiations; and

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

25 **Sec. 2.** NRS 387.12445 is hereby amended to read as follows:

26 387.12445 1. Except as otherwise provided in subsection 2,
27 each school district shall ensure that all adjusted base per pupil
28 funding received by the school district pursuant to paragraph (c) of
29 subsection 2 of NRS 387.1214 is accounted for separately and, after
30 a deduction for the administrative expenses of the school district in
31 an amount which does not exceed the amount prescribed by the
32 Department by regulation for each school district, be distributed and
33 used as described in this subsection. The adjusted base per pupil
34 funding provided to each school district must:

35 (a) Be distributed by each school district to its public schools in
36 a manner that ensures each pupil in the school district receives a
37 reasonably equal educational opportunity.

38 (b) Be used to support the educational needs of all pupils in the
39 school district, including, without limitation, operating each public
40 school in the school district, training and supporting educational
41 personnel and carrying out any program or service established by, or
42 requirement imposed pursuant to, this title for any purpose for
43 which specific funding is not appropriated pursuant to paragraph (a),
44 (b) or (e) of subsection 2 of NRS 387.1214 or NRS 387.122.



1 2. If a school district determines that an additional amount of
2 money is necessary to satisfy requirements for maintenance of effort
3 or any other requirement under federal law for pupils with
4 disabilities enrolled in the school district, the school district may
5 transfer the necessary amount of money from the adjusted base per
6 pupil funding received by the school district for that purpose.

7 3. Each school district shall ensure that all weighted funding
8 received by the school district pursuant to paragraph (e) of
9 subsection 2 of NRS 387.1214 is accounted for separately and
10 distributed directly to each school in which the relevant pupils are
11 estimated to be enrolled.

12 4. Each public school shall account separately for the local
13 funding for pupils with disabilities received by the public school
14 pursuant to paragraph (b) of subsection 2 of NRS 387.1214, for the
15 adjusted base per pupil funding received by the public school
16 pursuant to paragraph (c) of subsection 2 of NRS 387.1214, for each
17 category of weighted funding received by the public school pursuant
18 to paragraph (e) of subsection 2 of NRS 387.1214 and for money
19 received from the statewide multiplier pursuant to NRS 387.122.
20 Unless the provisions of subsection 7 or 8 impose greater
21 restrictions on the use of weighted funding by a public school, the
22 public school must use the weighted funding received for each
23 relevant pupil:

24 (a) As a supplement to the adjusted base per pupil funding
25 received for the pupil; and

26 (b) Solely for the purpose of providing such additional
27 educational programs, services or support as are necessary to ensure
28 the pupil receives a reasonably equal educational opportunity.

29 5. Except as otherwise provided in subsection 6, the separate
30 accounting required by subsection 4 for pupils with disabilities and
31 gifted and talented pupils must include:

32 (a) The amount of money provided to the public school for
33 special education; and

34 (b) The cost of:

35 (1) Instruction provided by licensed special education
36 teachers and supporting staff;

37 (2) Related services, including, without limitation, services
38 provided by psychologists, therapists and health-related personnel;

39 (3) Transportation of the pupils with disabilities and gifted
40 and talented pupils to and from school;

41 (4) The direct supervision of educational and supporting
42 programs; and

43 (5) The supplies and equipment needed for providing special
44 education.



1 6. Money received from federal sources must be accounted for
2 separately and excluded from the accounting required pursuant to
3 subsection 5.

4 7. A public school that receives weighted funding for one or
5 more at-risk pupils must use that weighted funding only to provide
6 Victory services and, if one or more at-risk pupils for whom the
7 school received weighted funding in the at-risk pupil category also
8 belong to one or more other categories of pupils who receive
9 weighted funding, the additional services for each such at-risk pupil
10 which are appropriate for each category to which the at-risk pupil
11 belongs.

12 8. A public school that receives weighted funding for one or
13 more pupils who are English learners must use that weighted
14 funding only to provide Zoom services and, if one or more English
15 learners for whom the school received weighted funding in the
16 English learner category also belong to one or more other categories
17 of pupils who receive weighted funding, the additional services for
18 each such English learner which are appropriate for each category to
19 which the English learner belongs.

20 9. *A public school that receives weighted funding for one or*
21 *more pupils with limited proficiency in English must use that*
22 *weighted funding only to improve the English proficiency of those*
23 *pupils and, if one or more of the pupils with limited proficiency in*
24 *English for whom the school received weighted funding in the*
25 *pupils with limited proficiency in English category also belong to*
26 *one or more other categories of pupils who receive weighted*
27 *funding, the additional services for each such pupil with limited*
28 *proficiency in English which are appropriate for each category to*
29 *which the pupil with limited proficiency in English belongs.*

30 10. The Department shall adopt regulations prescribing the
31 maximum amount of money that each school district may deduct for
32 its administrative expenses from the adjusted base per pupil funding
33 received by the school district. When adopting such regulations, the
34 Department may express the maximum amount of money that may
35 be deducted as a percentage of the adjusted base per pupil funding
36 received by the school district.

37 ~~H0.1~~ 11. As used in this section:

38 (a) *“Pupil with limited proficiency in English” has the*
39 *meaning ascribed to it in section 3 of this act.*

40 (b) “Victory services” means any one or more of the following
41 services:

42 (1) A prekindergarten program provided free of charge.

43 (2) A summer academy or other instruction for pupils
44 provided free of charge at times during the year when school is not
45 in session.



1 (3) Additional instruction or other learning opportunities
2 provided free of charge at times of day when school is not in
3 session.

4 (4) Professional development for teachers and other
5 educational personnel concerning instructional practices and
6 strategies that have proven to be an effective means to increase pupil
7 achievement in populations of at-risk pupils.

8 (5) Incentives for hiring and retaining teachers and other
9 licensed educational personnel who provide Victory services.

10 (6) Employment of paraprofessionals, other educational
11 personnel and other persons who provide Victory services.

12 (7) A reading skills center.

13 (8) Integrated student supports, wrap-around services and
14 evidence-based programs designed to meet the needs of at-risk
15 pupils.

16 (9) Any other service or program that has a demonstrated
17 record of success for similarly situated pupils in comparable school
18 districts and has been reviewed and approved as a Victory service
19 by the Superintendent of Public Instruction.

20 ~~(b)~~ (c) "Zoom services" means any one or more of the
21 following services:

22 (1) A prekindergarten program provided free of charge.

23 (2) A reading skills center.

24 (3) Professional development for teachers and other licensed
25 educational personnel regarding effective instructional practices and
26 strategies for pupils who are English learners.

27 (4) Incentives for hiring and retaining teachers and other
28 licensed educational personnel who provide Zoom services.

29 (5) Engagement and involvement with parents and families
30 of pupils who are English learners, including, without limitation,
31 increasing effective, culturally appropriate communication with and
32 outreach to parents and families to support the academic
33 achievement of those pupils.

34 (6) A summer academy or, for those schools that do not
35 operate on a traditional school calendar, an intersession academy
36 provided free of charge, including, without limitation, the provision
37 of transportation to attend the summer academy or intersession
38 academy.

39 (7) An extended school day.

40 (8) Any other service or program that has a demonstrated
41 record of success for similarly situated pupils in comparable school
42 districts and has been reviewed and approved as a Zoom service by
43 the Superintendent of Public Instruction.



1 **Sec. 3.** Chapter 388 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 ***1. The Department shall:***

4 ***(a) Research national trends relating to pupil achievement and***
5 ***language development.***

6 ***(b) Explore how language identification for pupils who are***
7 ***both African American and pupils with limited proficiency in***
8 ***English impacts the achievement of such pupils.***

9 ***(c) Make recommendations:***

10 ***(1) To address disparities in the academic achievement of***
11 ***pupils in the English language and lack of progress by pupils.***

12 ***(2) For various groups of pupils with limited proficiency in***
13 ***English.***

14 ***2. The board of trustees of each school district shall:***

15 ***(a) Develop a policy to meet the needs of pupils with limited***
16 ***proficiency in English.***

17 ***(b) Adopt and implement a plan to meet the needs of pupils***
18 ***with limited proficiency in English. A plan adopted pursuant to***
19 ***this paragraph must include, without limitation:***

20 ***(1) Professional development for teachers and other***
21 ***educational personnel;***

22 ***(2) Standards and criteria for curriculum;***

23 ***(3) Social and emotional learning;***

24 ***(4) Evidence-based instructional strategies;***

25 ***(5) Meaningful engagement of parents and families of***
26 ***pupils with limited proficiency in English; and***

27 ***(6) A requirement that schools with pupils with limited***
28 ***proficiency in English develop a corrective action plan. A***
29 ***corrective action plan must:***

30 ***(I) Identify root causes for underachievement; and***

31 ***(II) Include specific actions to meet the needs of those***
32 ***pupils.***

33 ***(c) Conduct testing to identify pupils whose difficulties with***
34 ***the English language are similar to the difficulties of English***
35 ***learners. Such testing must be conducted:***

36 ***(1) At regular intervals; or***

37 ***(2) Within the first year of the enrollment of the pupil in***
38 ***the district and in the third grade, sixth grade and ninth grade.***

39 ***(d) Through the testing described in paragraph (c), identify***
40 ***pupils with limited proficiency in English and specify a time limit***
41 ***to:***

42 ***(1) Establish a plan to improve English proficiency for***
43 ***each such pupils; and***

44 ***(2) Notify and engage with the parents and families of***
45 ***those pupils.***



1 **3.** *As used in this section, “pupil with limited proficiency in*
2 *English” means a pupil who performs in the lowest 25th percentile*
3 *of academic achievement in the English language but who is not*
4 *an English learner.*

5 **Sec. 4.** NRS 388.040 is hereby amended to read as follows:

6 388.040 1. Except as otherwise provided in subsection 2, the
7 board of trustees of a school district that includes more than one
8 school which offers instruction in the same grade or grades may
9 zone the school district and determine which pupils must attend
10 each school.

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

13 (a) Charter school;

14 (b) University school for profoundly gifted pupils;

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

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

25 (e) Public school outside the zone of attendance that the pupil is
26 otherwise required to attend if the pupil is an English learner *or a*
27 *pupil with limited proficiency in English* enrolling in the school
28 pursuant to subsection ~~5~~ 7 of NRS 388.408.

29 **Sec. 5.** NRS 388.4055 is hereby amended to read as follows:

30 388.4055 The Department may adopt regulations as necessary
31 to carry out the provisions of NRS 388.405 to 388.408, inclusive ~~H~~
32 *, and section 3 of this act.*

33 **Sec. 6.** NRS 388.406 is hereby amended to read as follows:

34 388.406 1. A pupil who is an English learner has the right to:

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

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

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



1 (d) Equal access to participate in extracurricular activities;
2 (e) Receive appropriate services for academic support provided
3 by the school or school district to pupils enrolled in the school or
4 school district who are not English learners;

5 (f) Be evaluated each year to determine the progress of the pupil
6 in learning the English language and to obtain information about the
7 academic performance of the pupil, including, without limitation,
8 the results of an examination administered pursuant to NRS
9 390.105; and

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

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

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

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

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

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

30 (e) At the request of the parent or legal guardian, meet with staff
31 of the school in which the pupil is enrolled at least once a year, in
32 addition to any other required meetings, to discuss the overall
33 progress of the pupil in learning the English language;

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

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

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

43 3. *The parent or legal guardian of a pupil with limited*
44 *proficiency in English has the right to:*



1 (a) Receive written notice that the pupil has been identified as
2 a pupil with limited proficiency in English and will be placed in a
3 program for pupils with limited proficiency in English;

4 (b) Receive information about the progress of the pupil in
5 developing proficiency in English;

6 (c) At the request of the parent or legal guardian, meet with
7 staff of the school in which the pupil is enrolled at least once a
8 year, in addition to any other required meetings, to discuss the
9 overall progress of the pupil in developing proficiency in English;

10 (d) Transfer the pupil to another school within the school
11 district if the school in which the pupil is currently enrolled does
12 not offer a program for pupils with limited proficiency in English
13 or has been placed on a corrective action plan pursuant to NRS
14 388.408; and

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

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

23 ~~[4.]~~ 5. To the extent practicable, the board of trustees of each
24 school district shall, in writing and in both English and the primary
25 language of the parent or legal guardian of a pupil who is an English
26 learner ~~[.]~~ *or a pupil with limited proficiency in English*, inform the
27 parent or legal guardian *of a pupil who is an English learner or a*
28 *pupil with limited proficiency in English* of the rights described in
29 this section at the time of the registration of the pupil in a school
30 within the school district or at the time the pupil is identified as an
31 English learner ~~[.]~~ *or a pupil with limited proficiency in English*.
32 The school district shall provide a copy of the rights described in
33 this section at the annual registration of a pupil in a school within
34 the school district to the parent or legal guardian of a pupil who is
35 an English learner ~~[.]~~

36 ~~—5.]~~ *or a pupil with limited proficiency in English.*

37 6. The Department shall provide translated copies of the rights
38 described in this section in the five most common languages other
39 than English primarily spoken in the households within each school
40 district, which may include, without limitation, Spanish and
41 Tagalog. The board of trustees of each school district and each
42 school that enrolls pupils who are English learners *or pupils with*
43 *limited proficiency in English* shall post a copy of the rights
44 described in this section on their respective Internet websites in as
45 many languages as possible, which may include, without limitation,



1 and as applicable for the school district, the languages translated by
2 the Department pursuant to this subsection.

3 **7. As used in this section, "pupil with limited proficiency in**
4 **English" has the meaning ascribed to it in section 3 of this act.**

5 **Sec. 7.** NRS 388.4073 is hereby amended to read as follows:

6 388.4073 1. The board of trustees of each school district shall
7 determine the number of pupils enrolled in schools within the school
8 district who are:

9 (a) Immigrants;

10 (b) Refugees;

11 (c) Newcomers to the English language and short-term and
12 long-term English learners; ~~and~~

13 (d) English learners, in total and disaggregated by English
14 learners who:

15 (1) Are pupils with an individualized education program or a
16 plan developed in accordance with section 504 of the Rehabilitation
17 Act of 1973, 29 U.S.C. § 794;

18 (2) Are enrolled, placed or participating in:

19 (I) A special program, including, without limitation, a
20 special program for gifted and talented pupils;

21 (II) A program for career and technical education;

22 (III) A magnet school or program;

23 (IV) An advanced placement course;

24 (V) An international baccalaureate course;

25 (VI) A dual credit course; or

26 (VII) An extracurricular or athletic activity, if known;

27 (3) Receive a high school diploma, disaggregated by type of
28 diploma; and

29 (4) Attend an institution of higher education after receiving a
30 high school diploma and, if known, receive a scholarship to attend
31 an institution of higher education ~~and~~; **and**

32 **(e) Pupils with limited proficiency in English.**

33 2. The data collected pursuant to subsection 1 must be
34 disaggregated by grade, ~~and~~ pupils who are English learners ~~and~~
35 **and pupils with limited proficiency in English.**

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

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

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

44 ↪ The data collected pursuant to this subsection must be
45 disaggregated by teachers who are licensed to teach elementary



1 education, middle school or junior high school education or
2 secondary education.

3 4. On or before August 1 of each year, the board of trustees of
4 a school district shall review the data collected pursuant to
5 subsections 1 and 3, compile a report of the data and submit the
6 report to the Department. The Department may make
7 recommendations to the board of trustees of each school district to
8 improve programs for English learners *and programs for pupils*
9 *with limited proficiency in English* based on the reports it receives
10 pursuant to this subsection.

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

16 6. As used in this section ~~[, “long-term”]~~ :

17 (a) *“Long-term English learner”* means a pupil who is an
18 English learner who has lived in the United States for at least 6
19 consecutive years.

20 (b) *“Pupil with limited proficiency in English” has the*
21 *meaning ascribed to it in section 3 of this act.*

22 **Sec. 8.** NRS 388.408 is hereby amended to read as follows:

23 388.408 1. The principal of each public school which, based
24 upon the most recent annual report of the statewide system of
25 accountability for public schools, was rated in the lowest 30 percent
26 of public schools in this State in the achievement of pupils who are
27 English learners ~~[,]~~ *or pupils with limited proficiency in English*
28 shall adopt, submit to the Department and publish on an Internet
29 website maintained by the school a corrective action plan which
30 must include, without limitation:

31 (a) Identification of the root causes of the low levels of
32 achievement among pupils who are English learners ~~[,]~~ *or pupils*
33 *with limited proficiency in English, or both, as applicable;*

34 (b) Plans to address those root causes;

35 (c) Attainable quantitative goals for improvement in the
36 achievement of pupils who are English learners *or pupils with*
37 *limited proficiency in English, or both, as applicable,* and timelines
38 for meeting those goals;

39 (d) Identification of specific actions to improve the achievement
40 of pupils who are English learners ~~[,]~~ *or pupils with limited*
41 *proficiency in English, or both, as applicable,* plans to monitor
42 those actions and identification of persons responsible for taking and
43 monitoring those actions; and

44 (e) Plans to provide professional development designed to
45 address the needs of pupils who are English learners *or pupils with*



1 *limited proficiency in English, or both, as applicable,* to
2 administrators, teachers and other educational staff.

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

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

9 4. A public high school that *was rated in the lowest 30 percent*
10 *of public schools in this State in the achievement of pupils who are*
11 *English learners and* has adopted a corrective action plan pursuant
12 to subsection 1 shall notify , *in accordance with subsection 6,* the
13 parent or guardian of each pupil receiving services for English
14 learners at the high school, in English and any language that is the
15 primary language of at least 10 percent of the English learners
16 enrolled in the high school, that the school has adopted a corrective
17 action plan. ~~[The]~~

18 5. *A public high school that was rated in the lowest 30*
19 *percent of public schools in this State in the achievement of pupils*
20 *with limited proficiency in English and has adopted a corrective*
21 *action plan pursuant to subsection 1 shall notify the parent or*
22 *guardian of each pupil receiving services for pupils with limited*
23 *proficiency in English at the high school that the school has*
24 *adopted a corrective action plan.*

25 6. A notice *provided to a parent or guardian pursuant to*
26 *subsection 4 or 5* must include, without limitation:

27 (a) A list of each high school in the same school district as the
28 school that has not adopted a corrective action plan;

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

32 (c) A statement of the provisions of subsection ~~[5.~~
33 ~~—5.]~~ 7.

34 7. The board of trustees of a school district shall allow a pupil
35 who is an English learner and attends a school that *was rated in the*
36 *lowest 30 percent of public schools in the achievement of pupils*
37 *who are English learners and* has adopted a corrective action plan
38 *pursuant to subsection 1 as a result of that rating or a pupil with*
39 *limited proficiency in English who attends a school that was rated*
40 *in the lowest 30 percent of public schools in the achievement of*
41 *pupils with limited proficiency in English and has adopted a*
42 *corrective action plan pursuant to subsection 1 as a result of that*
43 *rating* to enroll in a public school outside the zone of attendance in
44 which the pupil resides if:



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

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

8 ~~6.~~ 8. On or before July 1 of each year, the Department shall
9 submit to the Joint Interim Standing Committee on Education a
10 report that includes:

11 (a) The number of public schools in this State that have adopted
12 a corrective action plan pursuant to subsection 1. ~~6.~~

13 (b) A description of any progress or lack of progress in closing
14 gaps in achievement between ~~pupils~~:

15 (1) *Pupils* who are English learners and pupils who are
16 proficient in English; and

17 (2) *Pupils with limited proficiency in English and pupils*
18 *who are proficient in English.*

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

20 ~~7.~~ 9. As used in this section ~~[-,"zone]~~

21 (a) *"Pupil with limited proficiency in English" has the*
22 *meaning ascribed to it in section 3 of this act.*

23 (b) *"Zone* of attendance" means the zone established by the
24 board of trustees of a school district pursuant to NRS 388.040 to
25 designate which school within the district a pupil must attend.

26 **Sec. 9.** The provisions of NRS 354.599 do not apply to any
27 additional expenses of a local government that are related to the
28 provisions of this act.

29 **Sec. 10.** 1. This section becomes effective upon passage and
30 approval.

31 2. Sections 1 to 9, inclusive, of this act become effective:

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

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



