

SENATE BILL NO. 126—COMMITTEE ON EDUCATION

(ON BEHALF OF THE LEGISLATIVE COMMITTEE
ON EDUCATION)

FEBRUARY 9, 2015

Referred to Committee on Education

SUMMARY—Revises provisions relating to education.
(BDR 34-408)

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

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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 State Board of Education to prescribe standards of content and performance and quality and evaluation measures for prekindergarten programs provided at public schools; requiring the State Board to prescribe surveys and assessments to identify certain pupils whose primary language is a language other than English or who are learning to speak two languages simultaneously or sequentially; requiring certain pupils to be assessed to determine whether to classify them as limited English proficient or English proficient upon enrollment for kindergarten; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law establishes the Nevada Early Childhood Advisory Council and
2 requires the Council to develop recommendations for the establishment of
3 statewide standards for early childhood education programs in this State. (NRS
4 432A.076) **Section 1** of this bill requires the State Board of Education to consider
5 such recommendations and prescribe standards of content and performance and
6 quality and evaluation measures for prekindergarten programs provided at public
7 schools in this State.
8 Existing law requires the board of trustees of each school district to develop a
9 policy for teaching English to pupils who are limited English proficient and sets
10 forth certain requirements for these policies. (NRS 388.407) Existing law also
11 requires the State Board to adopt regulations that prescribe criteria for these



12 policies. (NRS 388.405) **Section 2** of this bill provides that, in addition to requiring
13 the regulations adopted by the State Board to prescribe criteria for a policy for
14 teaching English to pupils who are limited English proficient, such regulations
15 must: (1) prescribe a survey to be completed by the parent or guardian of a pupil
16 that provides for the identification of pupils whose primary language is a language
17 other than English; (2) require the use of an appropriate assessment for the
18 identification and evaluation of pupils who are learning to speak two languages
19 simultaneously or sequentially in their homes; and (3) require any pupil in a
20 prekindergarten program provided at a public school identified as a pupil who is
21 learning to speak two languages simultaneously or sequentially in his or her home
22 to be assessed to determine whether to classify the pupil as limited English
23 proficient or English proficient upon enrollment for kindergarten. **Section 3** of this
24 bill requires that the policy developed by the board of trustees of each school
25 district that provides for the identification of pupils who are limited English
26 proficient includes the use of the survey prescribed by the State Board to identify
27 pupils whose primary language is a language other than English.

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

1 **Section 1.** Chapter 385 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *The State Board shall prescribe by regulation standards of*
4 *content and performance and quality and evaluation measures for*
5 *any prekindergarten program provided at a public school,*
6 *including, without limitation, a charter school. In prescribing*
7 *such measures by regulation, the State Board shall consider the*
8 *recommendations of the Nevada Early Childhood Advisory*
9 *Council made pursuant to subparagraph (4) of paragraph (d) of*
10 *subsection 2 of NRS 432A.076.*

11 **Sec. 2.** NRS 388.405 is hereby amended to read as follows:

12 388.405 1. The Legislature finds and declares that:

13 (a) It is the public policy of this State to provide every child
14 enrolled in a public school with high-quality instruction.

15 (b) Children who are limited English proficient benefit from
16 instruction that is designed to address the academic and linguistic
17 needs of those children.

18 (c) It is the intent of the Legislature that children who are
19 limited English proficient be provided with services and instruction
20 which is designed to address the academic needs of such children so
21 that those children attain proficiency in the English language and
22 improve their overall academic and linguistic achievement and
23 proficiency.

24 2. The State Board shall:

25 (a) Adopt regulations ~~prescribing~~ :

26 (1) *Prescribing* criteria for a policy for the instruction to
27 teach English to pupils who are limited English proficient which is



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1 developed by the board of trustees of each school district pursuant to
2 NRS 388.407. The Superintendent of Public Instruction shall
3 monitor each school district's compliance with the criteria
4 prescribed by the State Board pursuant to this ~~paragraph~~
5 *subparagraph*;

6 (2) *Prescribing a survey to be completed by the parent or*
7 *guardian of a pupil that provides for the identification of pupils*
8 *whose primary language is a language other than English;*

9 (3) *Requiring the use of an appropriate assessment for the*
10 *identification and evaluation of pupils who are dual language*
11 *learners in:*

12 (I) *A prekindergarten program provided at a public*
13 *school, including, without limitation, a charter school;*

14 (II) *Kindergarten; and*

15 (III) *Grades 1 to 12, inclusive; and*

16 (4) *Requiring any pupil in a prekindergarten program*
17 *provided at a public school, including, without limitation, a*
18 *charter school, who is identified as a dual language learner to be*
19 *assessed to determine whether to classify the pupil as limited*
20 *English proficient or English proficient upon enrollment for*
21 *kindergarten.*

22 (b) Submit all evaluations required pursuant to 20 U.S.C. §§
23 6801 et seq. and the regulations adopted pursuant thereto regarding
24 the programs for pupils who are limited English proficient carried
25 out pursuant to that provision of federal law to the:

26 (1) Governor;

27 (2) Legislative Committee on Education;

28 (3) Director of the Legislative Counsel Bureau for transmittal
29 to the Senate and Assembly Standing Committees on Education;
30 and

31 (4) Board of trustees of each school district.

32 3. *For the purposes of this section "dual language learner"*
33 *means a person who is learning to speak two languages*
34 *simultaneously or sequentially in his or her residence.*

35 **Sec. 3.** NRS 388.407 is hereby amended to read as follows:

36 388.407 1. The board of trustees of each school district shall
37 develop a policy for the instruction to teach English to pupils who
38 are limited English proficient. The policy must be designed to
39 provide pupils enrolled in each public school located in the school
40 district who are limited English proficient with instruction that
41 enables those pupils to attain proficiency in the English language
42 and improve their overall academic achievement and proficiency.

43 2. The policy developed pursuant to subsection 1 must:

44 (a) Provide for the identification of pupils who are limited
45 English proficient through the use of ~~font~~ :



1 ***(1) The survey prescribed by the State Board pursuant to***
2 ***subsection 2 of NRS 388.405; and***

3 ***(2) An*** appropriate assessment;

4 (b) Provide for the periodic reassessment of each pupil who is
5 classified as limited English proficient;

6 (c) Be designed to eliminate any gaps in achievement, including,
7 without limitation, in the core academic subjects and in high school
8 graduation rates, between those pupils who are limited English
9 proficient and pupils who are proficient in English;

10 (d) Provide opportunities for the parents or legal guardians of
11 pupils who are limited English proficient to participate in the
12 program; and

13 (e) Provide the parents and legal guardians of pupils who are
14 limited English proficient with information regarding other
15 programs that are designed to improve the language acquisition and
16 academic achievement and proficiency of pupils who are limited
17 English proficient and assist those parents and legal guardians in
18 enrolling those pupils in such programs.

19 **Sec. 4.** This act becomes effective:

20 1. Upon passage and approval for the purposes of adopting
21 regulations and performing any other preparatory administrative
22 tasks that are necessary to carry out the provisions of this act; and

23 2. On January 1, 2016, for all other purposes.

