

## SENATE BILL NO. 390—SENATORS DENIS AND WOODHOUSE

MARCH 20, 2017

JOINT SPONSORS: ASSEMBLYMEN DIAZ AND THOMPSON

Referred to Committee on Education

**SUMMARY**—Extending and revising the Zoom schools program for the 2017-2019 biennium. (BDR S-788)

**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.

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AN ACT relating to education; extending the duration of the Zoom schools program; authorizing a Zoom elementary school to use money distributed to the school to provide an extended school day or summer academy or intersession; 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



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21 a designation. S.B. 405 (2015) required the school districts and charter schools that  
22 received money for Zoom schools to submit a report to the Department at the  
23 beginning of the biennium to identify the plan of the Zoom schools in the districts  
24 or charter schools to carry out the programs and services required by the bill. The  
25 Department of Education was then required to submit a report to the State Board of  
26 Education and to the Legislature with such information. S.B. 405 (2015) required  
27 the State Board of Education to prescribe statewide performance levels and  
28 outcome indicators to measure the effectiveness of the programs and services for  
29 which grant money was received by the school districts and charter schools. S.B.  
30 405 (2015) required the Department of Education to contract for an independent  
31 evaluation of the effectiveness of the programs and services provided by the school  
32 districts and charter schools that received money. S.B. 405 (2015) also required the  
33 Clark County School District and the Washoe County School District to prepare  
34 annual reports for submission to the Department of Education and further required  
35 the Department of Education to prepare an annual report with the information for  
36 submission to the State Board of Education and the Legislature

37 This bill largely mirrors the provisions of S.B. 405 (2015) and extends the  
38 Zoom schools program for the 2017-2019 biennium. This bill requires the  
39 elementary schools, middle schools, junior high schools and high schools that were  
40 identified to operate as Zoom schools for the 2015-2017 biennium to continue to  
41 operate as Zoom schools for the 2017-2019 biennium. This bill also revises the  
42 manner in which a certain amount of money received by a Zoom school must be  
43 used.

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

1       **Section 1.** 1. The elementary schools identified to operate as  
2 Zoom elementary schools by the Board of Trustees of the Clark  
3 County School District and the Board of Trustees of the Washoe  
4 County School District for the 2015-2017 biennium shall continue  
5 to operate as Zoom elementary schools for the 2017-2019 biennium.  
6       2. Except as otherwise provided in subsection 3, the Board of  
7 Trustees of the Clark County School District and the Board of  
8 Trustees of the Washoe County School District shall distribute the  
9 money appropriated by the 2017 Legislature to the Account for  
10 Programs for Innovation and the Prevention of Remediation created  
11 by NRS 387.1247 for each Zoom elementary school of those school  
12 districts to:  
13       (a) Provide prekindergarten programs free of charge;  
14       (b) Operate reading skills centers;  
15       (c) Provide professional development for teachers and other  
16 licensed educational personnel regarding effective instructional  
17 practices and strategies for children who are English learners;  
18       (d) Offer recruitment and retention incentives for the teachers  
19 and other licensed educational personnel who provide any of the  
20 programs and services set forth in this subsection from the list of



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1 incentives prescribed by the State Board of Education pursuant to  
2 subsection 12;

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

8 (f) Provide, free of charge, a summer academy or an intersession  
9 academy for those schools that do not operate on a traditional school  
10 calendar, including, without limitation, the provision of  
11 transportation to attend the summer academy or intersession  
12 academy or provide for an extended school day.

13 3. A Zoom elementary school that receives money pursuant to  
14 subsection 2 shall offer each of the programs and services  
15 prescribed in paragraphs (a) and (b) of that subsection, and one of  
16 the programs prescribed in paragraph (f) of that subsection, so the  
17 Zoom elementary school may offer a comprehensive package of  
18 programs and services for pupils who are English learners. A Zoom  
19 elementary school:

20 (a) Shall not use the money for any other purpose or use more  
21 than 5 percent of the money for the purposes described in  
22 paragraphs (c), (d) and (e) of subsection 2; and

23 (b) May only use the money for the purposes described in  
24 paragraphs (c), (d) and (e) of subsection 2 if the board of trustees of  
25 the school district determines that such a use will not negatively  
26 impact the services provided to pupils enrolled in a Zoom  
27 elementary school.

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

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

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

35 (c) Instructional intervention to enable pupils enrolled in grade 4  
36 or 5 who were not able to overcome such problems and barriers by  
37 the completion of grade 3 to overcome them as soon as practicable.

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



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1       6. The Clark County School District and the Washoe County  
2 School District shall distribute the money appropriated by the 2017  
3 Legislature to the Account for Programs for Innovation and the  
4 Prevention of Remediation for each Zoom middle school, junior  
5 high school and high school of those school districts to carry out one  
6 or more of the following:

7       (a) Reduce class sizes for pupils who are English learners and  
8 provide English language literacy based classes;

9       (b) Provide direct instructional intervention to each pupil who is  
10 an English learner using the data available from applicable  
11 assessments of that pupil;

12       (c) Provide professional development for teachers and other  
13 licensed educational personnel regarding effective instructional  
14 practices and strategies for pupils who are English learners;

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

20       (e) Engage and involve parents and families of pupils who are  
21 English learners, including, without limitation, increasing effective,  
22 culturally appropriate communication with and outreach to parents  
23 and families to support the academic achievement of those pupils;

24       (f) Provide other evidence-based programs and services that are  
25 approved by the Department of Education and that are designed to  
26 meet the specific needs of pupils enrolled in the school who are  
27 English learners;

28       (g) Provide, free of charge, a summer academy or an  
29 intersession academy for those schools that do not operate on a  
30 traditional school calendar, including, without limitation, the  
31 provision of transportation to attend the summer academy or  
32 intersession academy; and

33       (h) Provide for an extended school day.

34       → The Clark County School District and the Washoe County School  
35 District shall not use more than 5 percent of the money for the  
36 purposes described in paragraphs (c), (d) and (e) and may only use  
37 the money for the purposes described in paragraphs (c), (d) and (e)  
38 if the board of trustees of the school district determines that such use  
39 will not negatively impact the services provided to pupils enrolled in  
40 a Zoom middle school, junior high school or high school.

41       7. On or before August 1, 2017, the Clark County School  
42 District and the Washoe County School District shall each provide a  
43 report to the Department of Education which includes:

44       (a) The names of the elementary schools operating as Zoom  
45 schools pursuant to subsection 1 and the plan of each such school



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1 for carrying out the programs and services prescribed by paragraphs  
2 (a) to (f), 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 (h), 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:

21 with an limitation.

22 (a) The number of pupils in the school district or charter school,  
23 as applicable, who are English learners or eligible for designation as  
24 English learners; and

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

(1) The creation or expansion of high-quality, developmentally appropriate prekindergarten programs, free of charge, that will increase enrollment of children who are English learners;

(2) The acquisition and implementation of empirically proven assessment tools to determine the reading level of pupils who are English learners and technology-based tools, such as software, designed to support the learning of pupils who are English learners:

37 (3) Professional development for teachers and other  
38 educational personnel regarding effective instructional practices and  
39 strategies for children who are English learners;



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1        (5) Engaging and involving parents and families of children  
2 who are English learners, including, without limitation, increasing  
3 effective, culturally appropriate communication with and outreach  
4 to parents and families to support the academic achievement of  
5 those children;

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

11        (7) Provide other evidence-based programs and services that  
12 are approved by the Department and that are designed to meet the  
13 specific needs of pupils enrolled in the school who are English  
14 learners.

15        9. The Department of Education shall award grants of money  
16 to school districts and the sponsors of charter schools that submit  
17 applications pursuant to subsection 8 based upon the number of  
18 pupils enrolled in each such school district or charter school, as  
19 applicable, who are English learners or eligible for designation as  
20 English learners, and not on a competitive basis.

21        10. A school district and a sponsor of a charter school that  
22 receives a grant of money pursuant to subsection 8:

23        (a) Shall not use more than 5 percent of the money for the  
24 purposes described in subparagraphs (3), (5) and (6) of paragraph  
25 (b) of subsection 8 and may only use the money for the purposes  
26 described in subparagraphs (3), (5) and (6) of paragraph (b) of  
27 subsection 8 if the board of trustees of the school district or the  
28 governing body of the charter school, as applicable, determines that  
29 such a use would not negatively impact the services provided to  
30 pupils enrolled in the school.

31        (b) Shall provide a report to the Department of Education in the  
32 form prescribed by the Department with the information required for  
33 the Department's report pursuant to subsection 15.

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

38        (a) The information reported by the Clark County School  
39 District and the Washoe County School District pursuant to  
40 subsection 7; and

41        (b) The school districts and charter schools for which a grant of  
42 money is approved pursuant to subsection 9 and the plan of each  
43 such school district and charter school for carrying out programs  
44 and services with the grant money, including, without limitation,



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1 any programs and services described in subparagraphs (1) to (7),  
2 inclusive, of paragraph (b) of subsection 8.

3       12. The State Board of Education shall prescribe:

4       (a) A list of recruitment and retention incentives for the school  
5 districts and the sponsors of charter schools that receive a  
6 distribution of money pursuant to this section to offer to teachers  
7 and other licensed educational personnel pursuant to paragraph (d)  
8 of subsection 2, paragraph (d) of subsection 6 and subparagraph (6)  
9 of paragraph (b) of subsection 8; and

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

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

29       (a) The number of children who participated;

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

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

41       14. The Department of Education shall contract for an  
42 independent evaluation of the effectiveness of the programs and  
43 services offered by each Zoom elementary school pursuant to  
44 subsection 2, each Zoom middle school, junior high school and high  
45 school pursuant to subsection 6 and the programs and services



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1 offered by the other school districts and the charter schools pursuant  
2 to subsection 8.

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

6       (a) An identification of the schools that received money from  
7 the School District or a grant of money from the Department, as  
8 applicable.

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

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

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

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

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

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

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

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

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

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

39           (2) Whether a school district or charter school was notified  
40 that it was not implementing the programs and services for which it  
41 received money pursuant to this section in accordance with the  
42 applicable requirements of this section or in accordance with the  
43 performance levels prescribed by the State Board of Education  
44 pursuant to subsection 13 and the status of such a school district or



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1 charter school, if any, in complying with a plan for corrective  
2 action; and

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

7 16. The annual report prepared by the Clark County School  
8 District and the Washoe County School District pursuant to  
9 subsection 15 must be submitted to the Department of Education on  
10 or before June 1, 2018, and January 16, 2019, respectively. The  
11 Department shall submit the information reported by those school  
12 districts and the information prepared by the Department pursuant to  
13 subsection 15:

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

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

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

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

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

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

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

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

37 19. Except as otherwise provided in paragraph (d) of  
38 subsection 2, paragraph (d) of subsection 6 and subparagraph (6) of  
39 paragraph (b) of subsection 8, the money appropriated by the 2017  
40 Legislature to the Account for Programs for Innovation and the  
41 Prevention of Remediation for Zoom schools:

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



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

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

12 21. As used in this section:

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

15 (b) "Probationary employee" has the meaning ascribed to it in  
16 NRS 391.650.

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

19 Sec. 3. This act becomes effective on July 1, 2015 ~~H~~,  
20 *and expires by limitation on June 30, 2017.*

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

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