

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.

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



a 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 the bill. 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 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 of Education 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 revises the manner in which a certain amount of money received by a Zoom school must be used.

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. Except as otherwise provided in subsection 3, 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) Operate reading skills centers;
- (c) Provide professional development for teachers and other licensed educational personnel regarding effective instructional practices and strategies for children who are English learners;
- (d) 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 12;

(e) 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; and

(f) 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 or provide for an extended school day.

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

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

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

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;

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

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

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 and 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 professional development for teachers and other licensed educational personnel regarding effective instructional practices and strategies for pupils who are English learners;

(d) 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 12;

(e) 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;

(f) 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;

(g) 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; and

(h) Provide for an extended school day.

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

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



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1 for carrying out the programs and services prescribed by paragraphs
2 (a) to (f), inclusive, of subsection 2;

3 (b) The names of the middle schools, junior high schools and
4 high schools operating as Zoom schools pursuant to subsection 5
5 and the plan of each school for carrying out the programs and
6 services described in paragraphs (a) to (h), inclusive, of subsection
7 6; and

8 (c) Evidence of the progress of pupils at each Zoom school, as
9 measured by common standards and assessments, including, without
10 limitation, interim assessments identified by the State Board of
11 Education, if the State Board has identified such assessments.

12 8. From the money appropriated by the 2017 Legislature to the
13 Account for Programs for Innovation and the Prevention of
14 Remediation for Zoom schools or charter schools or school districts
15 other than the Clark County School District or Washoe County
16 School District, the Department of Education shall provide grants of
17 money to the sponsors of such charter schools and the school
18 districts. The sponsor of such a charter school and the board of
19 trustees of such a school district may submit an application to the
20 Department on a form prescribed by the Department that includes,
21 without 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

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

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

32 (2) The acquisition and implementation of empirically
33 proven assessment tools to determine the reading level of pupils
34 who are English learners and technology-based tools, such as
35 software, designed to support the learning of pupils who are English
36 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;

40 (4) The provision of programs and services for pupils who
41 are English learners, free of charge, before and after school, during
42 the summer or intersession for those schools that do not operate on a
43 traditional school calendar, including, without limitation, the
44 provision of transportation to attend the summer academy or
45 intersession academy;



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(5) Engaging and involving 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;

(6) Offering 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 12; and

(7) Provide other evidence-based programs and services that are approved by the Department and that are designed to meet the specific needs of pupils enrolled in the school who are 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, and not on a competitive basis.

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

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

(b) Shall 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 15.

11. 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 includes:

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

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



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

20. 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.

21. 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, 2015 **H**, *and expires by limitation on June 30, 2017.*

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



