

ASSEMBLY BILL NO. 195—ASSEMBLYMEN TORRES, NGUYEN,  
FLORES, WATTS; BROWN-MAY, DURAN, GONZÁLEZ,  
MARTINEZ, C.H. MILLER AND PETERS

MARCH 4, 2021

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JOINT SPONSORS: SENATORS DENIS AND DONATE

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Referred to Committee on Education

**SUMMARY**—Revises provisions relating to pupils who are English learners. (BDR 34-174)

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

CONTAINS UNFUNDED MANDATE (§§ 2-4, 6)  
(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.

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**AN ACT** relating to education; requiring the board of trustees of a school district to collect certain data relating to pupils who are English learners; establishing certain rights for pupils who are English learners and the parents or legal guardians of pupils who are English learners; requiring the board of trustees of each school district and the Department of Education to submit certain reports; authorizing the Department to adopt certain regulations; requiring the board of trustees of each school district to identify the primary language of each pupil; requiring a pupil who is an English learner to remain in a program for English learners until the pupil passes an appropriate assessment; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

- 1 Existing law requires the board of trustees of each school district to develop a
- 2 policy to teach English to pupils who are English learners. Under existing law, the
- 3 policy must, without limitation, be designed to eliminate any gaps in achievement
- 4 between pupils who are English learners and pupils who are proficient in English.



5 (NRS 388.407) **Section 6** of this bill requires the policy to identify the primary  
6 language of each pupil enrolled in the school district to assist in the identification of  
7 pupils who are English learners. **Section 6** also requires the policy to provide that a  
8 pupil who is an English learner shall be placed in a program for English learners  
9 until the pupil receives a passing score on an appropriate assessment for English  
10 learners.

11 **Section 2** of this bill requires the board of trustees of each school district to  
12 determine the number of pupils enrolled in a school within the school district who  
13 are: (1) immigrants; (2) refugees; (3) pupils whose formal education has been  
14 interrupted or delayed for a certain period of time; (4) long-term English learners;  
15 and (5) English learners who participate in various programs, courses or activities,  
16 receive a high school diploma and go on to attend an institution of higher education  
17 after receiving a high school diploma. **Section 2** also requires the board of trustees  
18 of each school district to determine the number of teachers who are qualified to  
19 teach English as a second language. **Section 2** requires the data collected by the  
20 board of trustees of each school district to be disaggregated by certain categories.  
21 **Section 2** authorizes the Department of Education to make recommendations to the  
22 board of trustees of a school district to improve programs for English learners based  
23 on a report submitted by the board of trustees of each school district. Finally,  
24 **section 2** requires the Department to submit the reports it receives from the board  
25 of trustees of each school district to the Director of the Legislative Counsel Bureau  
26 for transmittal to the Legislature or the Legislative Committee on Education, as  
27 appropriate.

28 **Section 3** of this bill establishes various rights of a pupil who is an English  
29 learner and the parent or legal guardian of a pupil who is an English learner.  
30 **Section 3** generally provides to a pupil who is an English learner, without  
31 limitation, the right to equal access to public education, academic instruction,  
32 extracurricular programs or activities and other support services provided by the  
33 school or school district in which the pupil is enrolled. **Section 3** generally provides  
34 to the parent or legal guardian of a pupil who is an English learner, without  
35 limitation, the right to receive information related to the placement and  
36 development of the pupil in a program for English learners in both English and the  
37 primary language of the parent or legal guardian. **Section 3** requires the board of  
38 trustees of a school district to disseminate a copy of these rights to the parent or  
39 legal guardian of a pupil who is an English learner. **Section 3** also requires the  
40 board of trustees of a school district, the Department of Education and each school  
41 to post a copy of these rights on their respective Internet websites.

42 Under Title III of the Every Student Succeeds Act of 2015, a state that receives  
43 certain money is required to provide for language instruction for English learners  
44 and immigrant students. (20 U.S.C. §§ 6301 et seq.) **Section 4** of this bill requires  
45 the board of trustees of each school district to report by category the manner in  
46 which the school district uses money received under the Act.

47 **Section 5** of this bill authorizes the Department to adopt regulations to carry  
48 out provisions relating to pupils who are English learners.



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

1       **Section 1.** Chapter 388 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 to 5, inclusive, of this  
3 act.

4       **Sec. 2. 1.** *The board of trustees of each school district shall*  
5 *determine the number of pupils enrolled in schools within the*  
6 *school district who are:*

- 7       (i) *Immigrants;*
- 8       (ii) *Refugees;*
- 9       (iii) *Pupils whose formal education has been interrupted or*  
10 *delayed for one or more semesters;*
- 11       (iv) *Long-term English learners; and*
- 12       (v) *English learners who:*

13       (1) *Are enrolled, placed or participating in:*  
14       (I) *A special program, including, without limitation, a*  
15 *special program for gifted and talented pupils;*

16       (II) *A program for career and technical education;*

17       (III) *A magnet school or program;*

18       (IV) *An advanced placement course;*

19       (V) *An international baccalaureate course;*

20       (VI) *A dual credit course; or*

21       (VII) *An extracurricular or athletic activity;*

22       (2) *Receive a high school diploma; and*

23       (3) *Attend an institution of higher education after receiving*  
24 *a high school diploma and, if known, receive a scholarship to*  
25 *attend an institution of higher education.*

26       2. *The data collected pursuant to subsection 1 must be*  
27 *disaggregated by grade and pupils who are English learners.*

28       3. *The board of trustees of each school district shall*  
29 *determine the number of teachers employed by the school district*  
30 *who have an endorsement to teach pupils in a program of*  
31 *bilingual education, who have an endorsement to teach English as*  
32 *a second language or who are otherwise qualified to teach English*  
33 *as a second language. The data collected pursuant to this*  
34 *subsection must be disaggregated by teachers who are licensed to*  
35 *teach elementary education, middle school or junior high school*  
36 *education or secondary education.*

37       4. *On or before August 1 of each year, the board of trustees*  
38 *of a school district shall review the data collected pursuant to*  
39 *subsections 1 and 3, compile a report of the data and submit the*  
40 *report to the Department. The Department may make*  
41 *recommendations to the board of trustees of each school district to*



1 *improve programs for English learners based on the reports it*  
2 *receives pursuant to this subsection.*

3 5. *On or before February 1 of each year, the Department*  
4 *shall submit the reports it receives pursuant to subsection 4 to the*  
5 *Director of the Legislative Counsel Bureau for transmittal to the*  
6 *Legislature, or if the Legislature is not in session, the Legislative*  
7 *Committee on Education.*

8 6. *As used in this section, "long-term English learner" means*  
9 *a pupil who is an English learner who has lived in the United*  
10 *States for at least 3 consecutive years.*

11 **Sec. 3. 1. A pupil who is an English learner has the right**  
12 **to:**

13 (a) *Receive a free appropriate public education regardless of*  
14 *the immigration status or primary language of the pupil or the*  
15 *parent or legal guardian of the pupil;*

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

19 (c) *Receive instruction at the same grade level as other pupils*  
20 *who are of a similar age as the pupil who is an English learner,*  
21 *unless the school or school district in which the pupil is enrolled*  
22 *determines it is appropriate for the pupil who is an English*  
23 *learner to be placed in a different grade level;*

24 (d) *Equal access to participate in extracurricular activities;*

25 (e) *Receive appropriate services for academic support provided*  
26 *by the school or school district to pupils enrolled in the school or*  
27 *school district who are not English learners;*

28 (f) *Be evaluated each year to determine the progress of the*  
29 *pupil in learning the English language and to obtain information*  
30 *about the academic performance of the pupil, including, without*  
31 *limitation, the results of an examination administered pursuant to*  
32 *NRS 390.105; and*

33 (g) *Be continuously placed in a program for English learners*  
34 *for as long as the pupil is classified as an English learner.*

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

37 (a) *Enroll his or her child in a public school without disclosing*  
38 *the immigration status of the pupil or the parent or legal*  
39 *guardian;*

40 (b) *Have a qualified interpreter in the primary language of the*  
41 *parent or legal guardian with the parent or legal guardian during*  
42 *significant interactions with the school district;*

43 (c) *Receive written notice in both English and the primary*  
44 *language of the parent or legal guardian that the pupil has been*



1 identified as an English learner and will be placed in a program  
2 for English learners;

3 (d) Receive information about the progress of the pupil in  
4 learning the English language and, if the pupil is enrolled in a  
5 program of bilingual education, the progress of the pupil in  
6 learning the languages of that program;

7 (e) Meet with staff of the school in which the pupil is enrolled  
8 at least once a year, in addition to any other required meetings, to  
9 discuss the overall progress of the pupil in learning the English  
10 language;

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

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

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

20 3. The board of trustees of each school district shall, in  
21 writing and in both English and the primary language of the  
22 parent or legal guardian of a pupil who is an English learner,  
23 inform the parent or legal guardian of the rights described in this  
24 section at the time of the registration of the pupil in a school  
25 within the school district or at the time the pupil is identified as an  
26 English learner. The school district shall provide a copy of the  
27 rights described in this section at the beginning of each school  
28 year to the parent or legal guardian of a pupil who is an English  
29 learner.

30 4. The Department, the board of trustees of each school  
31 district and each school that enrolls pupils who are English  
32 learners shall post a copy of the rights described in this section on  
33 their respective Internet websites in as many languages as  
34 possible.

35 **Sec. 4. 1.** The board of trustees of each school district shall  
36 report annually on the manner in which the school district uses  
37 money received pursuant to Title III of the Every Student  
38 Succeeds Act of 2015, 20 U.S.C. §§ 6301 et seq. The report must  
39 be organized into the categories of programs and services for  
40 which the money was used, which must include, without  
41 limitation, the categories of engagement of parents and families  
42 and wrap-around services.

43 2. The board of trustees of each school district shall post the  
44 report required by subsection 1 on the Internet website maintained  
45 by the school district.



1       **3. As used in this section, “wrap-around services” means**  
2 **supplemental services provided to a pupil with special needs or the**  
3 **family of such a pupil that are not otherwise covered by any**  
4 **federal or state program of assistance.**

5       **Sec. 5. The Department may adopt regulations as necessary**  
6 **to carry out the provisions of NRS 388.405, 388.407 and 388.408**  
7 **and sections 2 to 5, inclusive, of this act.**

8       **Sec. 6.** NRS 388.407 is hereby amended to read as follows:

9       388.407 1. The board of trustees of each school district shall  
10 develop a policy for the instruction to teach English to pupils who  
11 are English learners. The policy must be designed to provide pupils  
12 enrolled in each public school located in the school district who are  
13 English learners with instruction that enables those pupils to attain  
14 proficiency in the English language and improve their overall  
15 academic achievement and proficiency.

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

17       (a) Provide for the identification of pupils who are English  
18 learners through the use of an appropriate assessment;

19       (b) Provide for the periodic reassessment of each pupil who is  
20 classified as an English learner;

21       (c) Be designed to eliminate any gaps in achievement, including,  
22 without limitation, in the core academic subjects and in high school  
23 graduation rates, between those pupils who are English learners and  
24 pupils who are proficient in English;

25       (d) Provide opportunities for the parents or legal guardians of  
26 pupils who are English learners to participate in the program; ~~and~~

27       (e) Provide the parents and legal guardians of pupils who are  
28 English learners with information regarding other programs that are  
29 designed to improve the language acquisition and academic  
30 achievement and proficiency of pupils who are English learners and  
31 assist those parents and legal guardians in enrolling those pupils in  
32 such programs ~~;~~;

33       **(f) Provide for the identification of the primary language of**  
34 **each pupil enrolled in the school district at the beginning of each**  
35 **school year to assist in the identification of pupils who are English**  
36 **learners pursuant to paragraph (a); and**

37       **(g) Provide that a pupil who is an English learner shall remain**  
38 **placed in a program for English learners until the pupil receives a**  
39 **passing score on an appropriate assessment of pupils who are**  
40 **English learners.**

41       3. The board of trustees of a school district shall adopt a plan to  
42 ensure that a policy adopted pursuant to this section achieves the  
43 objectives prescribed by paragraph (c) of subsection 2.

44       4. The Department shall monitor the implementation of:



1 (a) The provisions of the policy developed pursuant to  
2 subsection 1 designed to achieve the objectives described in  
3 paragraph (c) of subsection 2; and

4 (b) The plan adopted pursuant to subsection 3.

5 5. The board of trustees of a school district may identify and  
6 purchase an assessment for use by the school district to measure the  
7 literacy of pupils who are English learners. Such an assessment:

8 (a) Must be approved by the Department; and

9 (b) May include tools to assist pupils who are English learners  
10 to improve their mastery of the English language.

11 **Sec. 7.** The provisions of subsection 1 of NRS 218D.380 do  
12 not apply to any provision of this act which adds or revises a  
13 requirement to submit a report to the Legislature.

14 **Sec. 8.** The provisions of NRS 354.599 do not apply to any  
15 additional expenses of a local government that are related to the  
16 provisions of this act.

17 **Sec. 9.** This act becomes effective on July 1, 2021.



