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GUIDANCE MEMORANDUM #22-07

To: School District Superintendents, Charter Leaders, and Principals
From: Jhone M. Ebert, Superintendent of Public Instruction
Subject: Assembly Bill 219 – Corrective Action Plans

A handwritten signature in black ink, appearing to read "Jhone M. Ebert".

This memorandum provides information regarding the school-level Corrective Action Plan and state assessment requirements outlined in Assembly Bill (AB) 219 from the 2019 Legislative Session.

Overview

NRS 388.408, Section 1 requires principals of public schools which demonstrate low academic achievement of English learner (EL) pupils to establish a corrective action plan (CAP). Specifically, the law states that based on the most recent annual report of the statewide system of accountability for public schools, schools rated in the lowest 30 percent of academic achievement for English learners are to fulfill the CAP requirement.

Process for Determining Schools

The Nevada Department of Education (NDE) has taken the following steps in determining which schools are subject to the CAP requirement based on the Nevada Report Card data released September 30, 2022:

1. Calculated the pooled proficiency¹ of EL students for schools with at least 10 EL students assessed in each of the English Language Arts (ELA) and Mathematics (Math) content areas, using the spring 2022 assessment results:
 - a. Elementary Schools: Smarter Balanced ELA and Math proficiency of EL students
 - b. Middle Schools: Smarter Balanced ELA and Math proficiency of EL students
 - c. High Schools: ACT ELA and Math proficiency of EL students
2. Rank ordered, by level (elementary, middle, and high school), the pooled proficiency rates for each school within the Nevada School Performance Framework (NSPF) and determined the EL pooled proficiency rate corresponding to the lowest 30 percent of achievement.

¹ Pooled Proficiency is defined as: (# ELA proficient + # Math proficient) / (# ELA assessed + # Math assessed)

- a. **Elementary schools** were identified if they had an EL pooled proficiency rate equal to or less than **11.53%**.
- b. **Middle schools** were identified if they had an EL pooled proficiency rate equal to or less than **2.42%**.
- c. **High schools** were identified if they had an EL pooled proficiency rate equal to or less than **0.46%**.

List of AB 219 CAP Schools by District

In accordance with NRS 388.408 requirements, NDE has provided a list of public schools required to complete the CAP process. Please see **Appendix A**.

Note: To avoid the potential release of confidential information regarding individual student performance, the Nevada Department of Education has not included specific school-level data regarding actual student proficiency in this document.

AB 219 Corrective Action Plan – Required Components

1. CAP Components: For those schools identified for AB 219 CAP, the principal shall adopt, submit to the Department, and publish on an Internet website maintained by the school a corrective action plan which must include, without limitation:
 - (a) Identification of the root causes of the low levels of achievement among pupils who are English learners.
 - (b) Plans to address those root causes.
 - (c) Attainable quantitative goals for improvement in the achievement of pupils who are English learners and timelines for meeting those goals.
 - (d) Identification of specific actions to improve the achievement of pupils who are English learners, plans to monitor those actions and identification of persons responsible for taking and monitoring those actions; and
 - (e) Plans to provide professional development designed to address the needs of pupils who are English learners to administrators, teachers, and other educational staff.
2. Avoiding Multiple School Corrective Action Plans:

NRS 388.408, section 3 allows schools that have already developed a Corrective Action Plan related to school improvement/student achievement to incorporate the AB 219 CAP components into the existing school improvement plan. NDE strongly encourages schools to incorporate the essential AB 219 CAP components related to English learner academic achievement into their annual School Performance Plan (SPP). More information on the SPP can be found here: [Nevada's SPP Padlet](#).
3. CAP Timeline:
 - (a) Designated schools are to develop and submit their SPP with the required AB 219 CAP components by January 20, 2023 through the ePAGE LEA Document Library > 2023 > AB 219 CAP Submissions Folder.

(b) NDE will review and provide feedback on CAPs by February 24, 2023.

Additional Requirement for High Schools

In accordance with NRS 388.408, Section 4, a public high school that has adopted a corrective action plan pursuant to AB 219 shall notify the parent or guardian of each pupil receiving services for English learners at the high school, in English and any language that is the primary language of at least 10 percent of the English learners enrolled in the high school, that the school has adopted a corrective action plan. The notice must include, without limitation:

- (a) A list of each high school in the same school district that has not adopted an AB 219 corrective action plan.
- (b) A statement that the parent or guardian may request that the pupil be transferred to a public high school that has not adopted an AB 219 corrective action plan:
and
- (c) A statement of the provisions of AB 219, section 1.2, subsection 5, which states:

The board of trustees of a school district shall allow a pupil who is an English learner and attends school that has adopted a corrective action plan to enroll in a public school outside the zone of attendance in which the pupil resides if:

- a. The pupil wishes to transfer because of the adoption of the corrective action plan; and*
- b. The public school in which the pupil wishes to enroll has adequate capacity to enroll the pupil after enrolling all pupils who reside in the zone of attendance of the school and wish to attend the school.*

State Assessments

AB 219 outlines specific requirements related to the availability of assessments in languages other than English and the provision of authorized supports in the administration of academic assessments. **Appendix B** provides information related to those requirements.

Training & Technical Assistance

To support schools and districts in the implementation of AB 219 requirements, the NDE has scheduled informational webinars to assist in the implementation of AB 219:

- Webinar 1: Wednesday, December 14th 1:30 – 2:30 PM
- Webinar 2: Friday, December 16th 10:00 – 11:00 AM

For additional information regarding AB 219, please contact Karl Wilson at karlwilson@doe.nv.gov.

Appendix A
List of AB 219 CAP Schools by
District School Year 2022-2023

Carson City School District

Elementary Schools (Pooled proficiency SBAC ELA and Math for EL less than 11.53%)	Middle Schools (Pooled proficiency SBAC ELA and Math for EL less than 2.424%)	High Schools (Pooled proficiency ACT ELA and Math for EL less than 0.459%)
Bordewich Bray ES	Carson MS	Carson HS
Fritsch ES		
Empire ES		

Churchill County School District

Elementary Schools (Pooled proficiency SBAC ELA and Math for EL less than 11.53%)	Middle Schools (Pooled proficiency SBAC ELA and Math for EL less than 2.424%)	High Schools (Pooled proficiency ACT ELA and Math for EL less than 0.459%)
	Churchill MS	

Clark County School District

Elementary Schools (Pooled proficiency SBAC ELA and Math for EL less than 11.53%)	Middle Schools (Pooled proficiency SBAC ELA and Math for EL less than 2.424%)	High Schools (Pooled proficiency ACT ELA and Math for EL less than 0.459%)
Adams ES	100 Academy 6-8 MS	Basic ACAD HS
Beatty J ES	Bridger MS	Bonanza HS
Bell ES	Cadwallader MS	Cheyenne HS
Bowler Joseph ES	Findlay MS	Cimarron Mem HS
Carl ES	Garside MS	Eldorado HS
Connors ES	Harney MS	Global Community HS
Cortez ES	Innovations SEC MS	Silverado HS
Cox C ES	Johnston MS	Virgin Valley HS
Craig ES	Keller MS	West Prep JSHS HS
Crestwood ES	Leavitt MS	
Cunningham ES	Martin MS	
Dearing ES	Molasky JHS MS	
Detwiler ES	Robison MS	
Dondero ES	Saville MS	

Clark County School District (cont.)

Elementary Schools (Pooled proficiency SBAC ELA and Math for EL less than 11.53%)	Middle Schools (Pooled proficiency SBAC ELA and Math for EL less than 2.424%)	High Schools (Pooled proficiency ACT ELA and Math for EL less than 0.459%)
Duncan ES	Sedway MS	
Earl I ES	Smith MS	
Edwards ES	Swainston MS	
Garehime ES	Woodbury MS	
Gray ES		
Griffith ES		
Guy ES		
Hayden ES		
Hewetson ES		
Hummel ES		
Innovations ES		
Iverson ES		
Jeffers ES		
Kim ES		
King Martin ES		
Lincoln ES		
Long ES		
Lunt ES		
Lynch ES		
Mack ES		
McCall ES		
McMillan ES		
Mountain View ES		
Neal ES		
Ober ES		
Perkins C ES		
Reed ES		
Scott ES		
Smith Hal ES		
Tartan ES		
Taylor R ES		
Thomas ES		
Thorpe ES		

Clark County School District (cont.)

Elementary Schools (Pooled proficiency SBAC ELA and Math for EL less than 11.53%)	Middle Schools (Pooled proficiency SBAC ELA and Math for EL less than 2.424%)	High Schools (Pooled proficiency ACT ELA and Math for EL less than 0.459%)
Twitchell ES		
Warren ES		
West Prep ES		
Williams T ES		
Wynn ES		

Douglas County School District

Elementary Schools (Pooled proficiency SBAC ELA and Math for EL less than 11.53%)	Middle Schools (Pooled proficiency SBAC ELA and Math for EL less than 2.424%)	High Schools (Pooled proficiency ACT ELA and Math for EL less than 0.459%)
Gardnerville ES	Carson Valley MS	
Meneley ES	Pau-Wa-Lu MS	

Elko County School District

Elementary Schools (Pooled proficiency SBAC ELA and Math for EL less than 11.53%)	Middle Schools (Pooled proficiency SBAC ELA and Math for EL less than 2.424%)	High Schools (Pooled proficiency ACT ELA and Math for EL less than 0.459%)
Flagview Intermediate ES		W Wendover HS
Southside ES		
W Wendover ES		

Humboldt County School District

Elementary Schools (Pooled proficiency SBAC ELA and Math for EL less than 11.53%)	Middle Schools (Pooled proficiency SBAC ELA and Math for EL less than 2.424%)	High Schools (Pooled proficiency ACT ELA and Math for EL less than 0.459%)
French Ford ES		Lowry HS
Grass Valley ES		
Winnemucca GS ES		

Lander County School District

Elementary Schools (Pooled proficiency SBAC ELA and Math for EL less than 11.53%)	Middle Schools (Pooled proficiency SBAC ELA and Math for EL less than 2.424%)	High Schools (Pooled proficiency ACT ELA and Math for EL less than 0.459%)
	Lemaire JHS	

Lyon County School District

Elementary Schools (Pooled proficiency SBAC ELA and Math for EL less than 11.53%)	Middle Schools (Pooled proficiency SBAC ELA and Math for EL less than 2.424%)	High Schools (Pooled proficiency ACT ELA and Math for EL less than 0.459%)
Dayton ES	Dayton Intermediate MS	
Fernley ES		
Fernley Intermediate ES		
Sutro ES		

Mineral County School District

Elementary Schools (Pooled proficiency SBAC ELA and Math for EL less than 11.53%)	Middle Schools (Pooled proficiency SBAC ELA and Math for EL less than 2.424%)	High Schools (Pooled proficiency ACT ELA and Math for EL less than 0.459%)
Schurz ES		

Nye County School District

Elementary Schools (Pooled proficiency SBAC ELA and Math for EL less than 11.53%)	Middle Schools (Pooled proficiency SBAC ELA and Math for EL less than 2.424%)	High Schools (Pooled proficiency ACT ELA and Math for EL less than 0.459%)
Armargosa Valley ES	Rosemary Clarke MS	
Floyd ES		
J G Johnson ES		

Pershing County School District

Elementary Schools (Pooled proficiency SBAC ELA and Math for EL less than 11.53%)	Middle Schools (Pooled proficiency SBAC ELA and Math for EL less than 2.424%)	High Schools (Pooled proficiency ACT ELA and Math for EL less than 0.459%)
Lovelock ES		

Washoe County School District

Elementary Schools (Pooled proficiency SBAC ELA and Math for EL less than 11.53%)	Middle Schools (Pooled proficiency SBAC ELA and Math for EL less than 2.424%)	High Schools (Pooled proficiency ACT ELA and Math for EL less than 0.459%)
Allen ES	Billingshurst MS	Incline HS
Anderson ES	Cold Springs MS	Reed HS
Bailey CH ES	Desert Skies MS	Wooster HS
Beasley ES	Incline MS	
Bennett ES	O'Brien MS	
Desert Heights ES	Sparks MS	
Dodson ES	Traner MS	
Donner Springs ES	Vaughn MS	
Dunn ES		
Elmcrest ES		
Gomes ES		
Hidden Valley ES		
Hunter Lake ES		
Lemmon Valley ES		
Lemelson STEM ES		
Loder ES		
Mathews ES		
Mitchell ES		
Risley ES		
Smith, Alice ES		
Stead ES		
Sun Valley ES		
Veterans Memorial STEM ES		
Warner ES		
Whitehead ES		

State Public Charter School Authority

Elementary Schools (Pooled proficiency SBAC ELA and Math for EL less than 11.53%)	Middle Schools (Pooled proficiency SBAC ELA and Math for EL less than 2.424%)	High Schools (Pooled proficiency ACT ELA and Math for EL less than 0.459%)
	Legacy Cadence MS	Nevada Virtual ACAD HS
	Somerset Aliante MS	SLAM HS
	Somerset NLV MS	Somerset Losee HS

The following LEAs do not have schools identified for AB 219 Corrective Action Plan:

- Esmeralda County School District
- Eureka County School District
- Lincoln County School District
- Storey County School District
- White Pine County School District

Appendix B

AB 219 - State Assessments

AB 219 changes Nevada Revised Statutes by adding language to 390.105 and 390.610 regarding access to general academic assessments:

390.105.3 *The Department shall ensure the availability of: (a) The examinations prescribed pursuant to subsections 1 and 2 to pupils in any language in which those examinations are published; and (b) Authorized supports to pupils who are English learners for the examinations prescribed pursuant to subsections 1 and 2.*

Additionally, the bill addresses the Nevada College and Career Ready (CCR) assessment (currently the ACT):

390.610.6 *The Department shall ensure the availability of authorized supports to pupils who are English learners for the assessment selected pursuant to subsection 1.”*

Languages in which Nevada assessments are published:

- The Smarter Balanced Summative Assessment offers Dual Language Spanish for Math only. The assessment is not translated into any other languages.
- The Nevada Science Assessment offers Dual Language Spanish. The assessment is not translated into any other languages.
- Smarter Balanced offers embedded glossaries for construct-irrelevant terms (words that do not influence outcome or performance) in the following languages: Spanish, Tagalog, and Cantonese
- Smarter Balanced and Nevada Science allow the use of approved word-to-word dictionaries.
- The Smarter Balanced and Nevada Science define *Accommodations* as those supports that require an Individualized Education Plan (IEP) or 504 plan. Language supports do not require IEPs or 504s.
- ACT allows use of approved word-to-word dictionaries and offers only test directions in Arabic, Chinese (Simplified), Chinese (Traditional), French, German, Haitian Creole, Korean, Russian, Somali, Spanish, Tagalog, Vietnamese.

Assessment	Translations	Designated Supports
Smarter Balanced	<p>Dual Language Spanish Math tests with directions, test questions, and answer options presented in English and Spanish (Human Voice Audio in Spanish is available as an option)</p> <p>Tests are available online or paper/pencil format</p>	<p>Embedded Glossing for Math tests Selected construct-irrelevant terms are presented in a pop-up window in the student’s selected language. This designated support is available in Spanish, Tagalog, or Cantonese. Available only for online testing.</p> <p>Bilingual Glossary (non-embedded) Students may use a word-to-word bilingual glossary or content-specific bilingual glossary for math items and science items. Glossaries must be in a paper-based format.</p>
NV Science	<p>Dual Language Spanish Science tests with directions, test questions, and answer options presented in English and Spanish (Human Voice Audio in Spanish is available as an option)</p> <p>Tests are available online or paper/pencil format</p>	<p>Bilingual Glossary (non-embedded) Students may use a word-to-word bilingual glossary or content-specific bilingual glossary for math items and science items. Glossaries must be in a paper-based format.</p>

Assessment	Translations	Language-based Accommodations	Designated Supports
ACT	None	<p>Test Directions only in: Arabic Chinese (Simplified) Chinese (Traditional) French German Haitian Creole Korean Russian Somali Spanish Tagalog Vietnamese</p> <p>Extended testing time (up to 50% added)</p>	Approved word-to-word dictionaries in many languages