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GUIDANCE MEMORANDUM 20-04

To: All School District Superintendents
State Public Charter School Authority
All Public and Charter School Principals

From: Jhone M. Ebert
Superintendent of Public Instruction

Date: June 12, 2020

Subject: **Assembly Bill 219 – Corrective Action Plans**

This memorandum provides supplemental information regarding the school-level Corrective Action Plan requirements outlined in Assembly Bill 219 (AB 219) and adjustments that the Nevada Department of Education (NDE) has made based on modifications to assessment and accountability procedures resulting from the COVID-19 pandemic.

Historical Context

October 10, 2019, NDE published [Guidance Memorandum #19-07](#) that outlined specific requirements defined in AB 219 (2019). AB 219, Section 1.2 requires the principals of public schools that demonstrate low achievement of English learner (EL) pupils to establish Corrective Action Plans (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 achievement for English learners are to fulfill the CAP requirement. That Guidance Memorandum also included a list of the schools identified for CAP requirements under AB 219 for the 2019-20 school year.

In accordance with AB 219 requirements and NDE-established procedures, school principals developed and submitted their school CAP to NDE through the ePAGE LEA Document Library.

Impact of COVID-19 on Annual Assessments

On March 20, 2020, Governor Steve Sisolak issued Declaration of Emergency Directive 005 that suspended the requirements to conduct criterion referenced examinations pursuant to Nevada Revised Statutes section 390.105 and college and career readiness assessments pursuant to

Nevada Revised Statutes section 390.610 and all related reporting requirements.

On the same day, the Nevada Department of Education (NDE) submitted a request to the U.S. Department of Education (USDOE) for a waiver of various requirements related to assessments and accountability. The waiver request was subsequently approved. In summary, Nevada was not required to administer its statewide assessments to all students, make annual accountability determinations, identify schools for support and improvement, or provide data on State and local report cards regarding assessment and accountability information for the 2019-20 school year.

Impact of COVID-19 on the Annual Determination of AB 219 CAP Schools

The annual WIDA English language proficiency assessment was administered statewide during the scheduled testing window for the 2019-2020 school year. As previously stated, Nevada is not required to make accountability determinations at the state or federal level as a result of Declaration of Emergency Directive 005 and an approved waiver from the USDOE. Therefore, NDE will suspend the identification of new AB 219 CAP schools for the 2020-21 school year.

Any school that was identified for AB 219 Corrective Action in the 2019-2020 school year will maintain that identification status in the 2020-2021 school year. This is consistent with Nevada's implementation of the federal requirements regarding the identification of schools for Comprehensive Support and Improvement (CSI), Targeted Support and Improvement (TSI) and Additional Targeted Support and Improvement (TSI/ATSI) which was suspended for the 2019-2020 school year.

Implementation Requirements for AB 219 CAP Schools

For the 2020-21 school year, schools identified under AB 219 for Corrective Action during the 2019-20 school year are to:

1. Publish the school's CAP to the Internet website maintained by the school.
2. Implement the specific strategies to address the learning needs of English learners that are outlined in the school's adopted CAP.
3. Based on the academic progress of English learners, update the school CAP, as needed.
4. For High Schools, implement the parent/guardian notification requirement outlined below.

Continuing Requirement for High Schools – School Year 2020-21

In accordance with statutory requirements, 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 a 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 a 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.*

For questions related to assessment and accountability, please contact Peter Zutz, Director of the Office of Assessment, Data, and Accountability Management, at pzutz@doe.nv.gov .

For questions related to AB 219 Corrective Action Plan requirements, please contact Karl Wilson, Education Programs Supervisor – English Learner Services, at karlwilson@doe.nv.gov .

cc: Nevada School District Governing Board Members
Dr. Jonathan Moore, Deputy Superintendent of Student Achievement
Dr. Seng-Dao Keo, Director of the Office of Student and School Supports
Peter Zutz, Director of the Office of Assessment, Data, and Accountability Management