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GUIDANCE MEMORANDUM 21-05

TO: School District Superintendents
Charter School Sponsors

FROM: Jhone M. Ebert, Superintendent of Public Instruction

DATE: October 22, 2021

SUBJECT: Assembly Bill 219 (2019) – Corrective Action Plans

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

This memorandum provides supplemental information regarding the school-level Corrective Action Plan (CAP) requirements outlined in [Assembly Bill 219](#) (2019) and adjustments made by the Nevada Department of Education (NDE or Department) because of the circumstances created by the COVID-19 pandemic.

Historical Context

Assembly Bill (AB) 219, Section 1.2 requires the “principals of certain schools that demonstrate low achievement for pupils who are English Learners (ELs) 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 achievement for English learners are to fulfill the CAP requirement.

On October 10, 2019, NDE published [Guidance Memorandum 19-07](#) outlining specific requirements defined in AB 219. That Guidance Memorandum also included a list of the schools identified for CAP requirements for the 2019-20 school year. In accordance with AB 219 requirements and Department-established procedures, school principals developed and submitted their school AB 219 CAPs to NDE through the ePAGE LEA Document Library for the 2019-20 school year.

Impact of COVID-19 on Statewide Assessments and the Determination of AB 219 CAP Schools

The waiver of federal Accountability, granted by the U.S. Department of Education for the 2020-21 school year removed the requirement for school districts and charter schools to ensure a minimum of 95% participation among students on statewide assessments. As a result, the participation rate on statewide assessments in school year 2020-21 was not sufficient to accurately reflect the schools that meet the criteria outlined in AB 219 and the assessment data from the 2020-21 school year cannot be used to appropriately complete the analysis. In response, NDE will suspend the identification of new AB 219 CAP schools for the 2021-22 school year. ***Any school that was identified for an AB 219 Corrective Action in the 2019-20 school year will maintain that identification status in the 2021-22 school year.***

Implementation Requirements for AB 219 CAP Schools

For the 2021-22 school year, schools identified under AB 219 for Corrective Action during the 2019-20 school year are to:

- Publish the school's CAP to the website maintained by the school.
- Implement the specific strategies outlined in the school's adopted CAP to address the learning needs of English learners.
- Based on the academic progress of English learners, update the school CAP as needed. NDE strongly recommends that all updates to the AB 219 CAP be integrated into the new School Performance Plan (SPP) format that has been implemented as of the 2021-22 school year.
- For high schools, follow the parent/guardian notification requirement outlined below.

Continuing Requirement for High Schools – School Year 2021-22

In accordance with statutory requirements, a public high school that has adopted a CAP pursuant to AB 219 shall notify the parent or guardian of each pupil receiving services for English learners that the school has adopted a CAP. The notice must be available in English and any other language determined to be the primary language of at least 10 percent of the English learners enrolled in the high school. The notice must include, without limitation:

- A list of all high schools in the same school district that have not been required to adopt a CAP related to EL achievement
- 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
- 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 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 Board of Trustee Members
Nevada Charter School Governing Board Members
Dr. Jonathan Moore, Deputy Superintendent of Student Achievement
Dr. Seng-Dao Keo, Director of the Office of Student and School Supports