

Assembly Bill 195: Overview

Assembly Bill (AB) 195 (2021) revises provisions relating to pupils who are English learners. Approved by Governor Steve Sisolak on June 2, 2021, AB 195 extends the rights of English learner pupils and parental rights. Section three of the bill included below provides an overview of these rights.

Section Three: English Learner Pupil and Parental Rights

1. A pupil who is an English learner has the right to:
 - a. Receive a free appropriate public education regardless of the immigration status or primary language of the pupil or the parent or legal guardian of the pupil;
 - b. Equal access to all programming and services offered to pupils in the same grade level who are not English learners by the school or school district in which the pupil is enrolled;
 - c. Receive instruction at the same grade level as other pupils who are of a similar age as the pupil who is an English learner, unless the school or school district in which the pupil is enrolled determines it is appropriate for the pupil who is an English learner to be placed in a different grade level;
 - d. Equal access to participate in extracurricular activities;
 - e. Receive appropriate services for academic support provided by the school or school district to pupils enrolled in the school or school district who are not English learners;
 - f. Be evaluated each year to determine the progress of the pupil in learning the English language and to obtain information about the academic performance of the pupil, including, without limitation, the results of an examination administered pursuant to NRS 390.105; and
 - g. Be continuously placed in a program for English learners for as long as the pupil is classified as an English learner unless the parent or legal guardian of the pupil declines for the pupil to be placed in a program for English learners.

2. The parent or legal guardian of a pupil who is an English learner has the right to:
 - a. Enroll his or her child in a public school without disclosing the immigration status of the pupil or the parent or legal guardian;
 - b. To the extent practicable, have a qualified interpreter in the primary language of the parent or legal guardian with the parent or legal guardian during significant interactions with the school district;
 - c. To the extent practicable, receive written notice in both English and the primary language of the parent or legal guardian that the pupil has been identified as an English learner and will be placed in a program for English learners;
 - d. Receive information about the progress of the pupil in learning the English language and, if the pupil is enrolled in a program of bilingual education, the progress of the pupil in learning the languages of that program;
 - e. At the request of the parent or legal guardian, meet with staff of the school in which the pupil is enrolled at least once a year, in addition to any other required meetings, to discuss the overall progress of the pupil in learning the English language;

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- f. Transfer the pupil to another school within the school district if the school in which the pupil is currently enrolled does not offer a program for English learners or has been placed on a corrective action plan pursuant to NRS 388.408;
- g. Receive information related to any evaluations of the pupil pursuant to paragraph (f) of subsection 1; and
- h. Contact the Department or the school district, as applicable, if the school or school district in which the pupil is enrolled violates the provisions of this section.