Clark County School District

Nevada Revised Statutes 388.406

English Language Learner Division

Nevada Revised Statutes 388.406 *Overview*

Nevada Revised Statutes 388.406 revised provisions relating to extending the rights of English learner pupils and parental rights.

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;
   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.

3. Notwithstanding the provisions of paragraphs (b) and (c) of subsection 2, the board of trustees of each school district shall provide information to the parent or legal guardian of a pupil who is an English learner in a language and format that the parent or legal guardian can understand.
4. To the extent practicable, the board of trustees of each school district shall, in writing and in both English and the primary language of the parent or legal guardian of a pupil who is an English learner, inform the parent or legal guardian of the rights described in this section at the time of the registration of the pupil in a school within the school district or at the time the pupil is identified as an English learner. The school district shall provide a copy of the rights described in this section at the annual registration of a pupil in a school within the school district to the parent or legal guardian of a pupil who is an English learner.
5. The Department shall provide translated copies of the rights described in this section in the five most common languages other than English primarily spoken in the households within each school district, which may include, without limitation, Spanish and Tagalog. The board of trustees of each school district and each school that enrolls pupils who are English learners shall post a copy of the rights described in this section on their respective Internet websites in as many languages as possible, which may include, without limitation, and as applicable for the school district, the languages translated by the Department pursuant to this subsection.