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FIRST REPRINT

A.B. 224

ASSEMBLY BILL NO. 224—ASSEMBLYMEN ELLIOT ANDERSON,
BUSTAMANTE ADAMS; AND DONDERO LOOP

MARCH 8, 2013

JOINT SPONSORS: SENATORS WOODHOUSE,
SPEARMAN, PARKS; AND ATKINSON

Referred to Committee on Education

SUMMARY—Revises provisions governing the collection and maintenance of certain data relating to public education. (BDR 34-269)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to education; requiring, to the extent money is available, that the automated system of accountability information for Nevada established and maintained by the Department of Education include a unique identifier for each pupil whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard; requiring the board of trustees of each school district to take the actions necessary during the 2013-2014 school year to implement a data system which includes a unique identifier for those pupils; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires the Department of Education to establish and maintain an
2 automated system of accountability information for Nevada. In part, existing law
3 requires that the system have: (1) a system of unique identification of each pupil;
4 (2) the capacity to track and compare the academic achievement, rate of attendance
5 and rate of graduation of pupils over time throughout the State; and (3) the capacity
6 to perform analyses of the results of individual pupils on assessments. (NRS
7 386.650) **Section 1** of this bill requires, to the extent money is available for this
8 purpose, that the system include a unique identifier for each pupil whose parent or



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9 guardian is a member of the Armed Forces of the United States, a reserve
10 component thereof or the National Guard. **Section 2** of this bill requires the board
11 of trustees of each school district during the 2013-2014 school year to: (1) take the
12 actions necessary to implement a data system which includes a unique identifier to
13 track those pupils; and (2) submit a report on the status of the implementation of
14 such a data system to the Legislative Committee on Education. In addition, **section**
15 **2** requires the Department of Education to submit a report to the Legislative
16 Committee on Education and the 78th Session of the Nevada Legislature on the
17 status of the implementation of the data system required by **section 1**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 386.650 is hereby amended to read as follows:
2 386.650 1. The Department shall establish and maintain an
3 automated system of accountability information for Nevada. The
4 system must:
5 (a) Have the capacity to provide and report information,
6 including, without limitation, the results of the achievement of
7 pupils:
8 (1) In the manner required by 20 U.S.C. §§ 6301 et seq., and
9 the regulations adopted pursuant thereto, and NRS 385.3469 and
10 385.347; and
11 (2) In a separate reporting for each group of pupils identified
12 in paragraph (b) of subsection 1 of NRS 385.361;
13 (b) Include a system of unique identification for each pupil:
14 (1) To ensure that individual pupils may be tracked over time
15 throughout this State; ~~and~~
16 (2) That, to the extent practicable, may be used for purposes
17 of identifying a pupil for both the public schools and the Nevada
18 System of Higher Education, if that pupil enrolls in the System after
19 graduation from high school; *and*
20 (3) *Which must, to the extent money is available for this*
21 *purpose, include, without limitation, a unique identifier for each*
22 *pupil whose parent or guardian is a member of the Armed Forces*
23 *of the United States, a reserve component thereof or the National*
24 *Guard in a manner that will allow for the disaggregation of each*
25 *category;*
26 (c) Have the capacity to provide longitudinal comparisons of the
27 academic achievement, rate of attendance and rate of graduation of
28 pupils over time throughout this State;
29 (d) Have the capacity to perform a variety of longitudinal
30 analyses of the results of individual pupils on assessments,
31 including, without limitation, the results of pupils by classroom and
32 by school;



1 (e) Have the capacity to identify which teachers are assigned to
2 individual pupils;

3 (f) Have the capacity to provide other information concerning
4 schools and school districts that is not linked to individual pupils,
5 including, without limitation, the designation of schools and school
6 districts pursuant to NRS 385.3623 and 385.377, respectively, and
7 an identification of which schools, if any, are persistently
8 dangerous;

9 (g) Have the capacity to access financial accountability
10 information for each public school, including, without limitation,
11 each charter school, for each school district and for this State as a
12 whole; and

13 (h) Be designed to improve the ability of the Department, the
14 sponsors of charter schools, the school districts and the public
15 schools in this State, including, without limitation, charter schools,
16 to account for the pupils who are enrolled in the public schools,
17 including, without limitation, charter schools.

18 ➤ The information maintained pursuant to paragraphs (c), (d) and
19 (e) must be used for the purpose of improving the achievement of
20 pupils and improving classroom instruction. The information must
21 account for at least 50 percent, but must not be used as the sole
22 criterion, in evaluating the performance of or taking disciplinary
23 action against an individual teacher or other employee.

24 2. The board of trustees of each school district shall:

25 (a) Adopt and maintain the program prescribed by the
26 Superintendent of Public Instruction pursuant to subsection 3 for the
27 collection, maintenance and transfer of data from the records of
28 individual pupils to the automated system of information, including,
29 without limitation, the development of plans for the educational
30 technology which is necessary to adopt and maintain the program;

31 (b) Provide to the Department electronic data concerning pupils
32 as required by the Superintendent of Public Instruction pursuant to
33 subsection 3; and

34 (c) Ensure that an electronic record is maintained in accordance
35 with subsection 3 of NRS 386.655.

36 3. The Superintendent of Public Instruction shall:

37 (a) Prescribe a uniform program throughout this State for the
38 collection, maintenance and transfer of data that each school district
39 must adopt, which must include standardized software;

40 (b) Prescribe the data to be collected and reported to the
41 Department by each school district and each sponsor of a charter
42 school pursuant to subsection 2 and by each university school for
43 profoundly gifted pupils;

44 (c) Prescribe the format for the data;



1 (d) Prescribe the date by which each school district shall report
2 the data to the Department;

3 (e) Prescribe the date by which each charter school shall report
4 the data to the sponsor of the charter school;

5 (f) Prescribe the date by which each university school for
6 profoundly gifted pupils shall report the data to the Department;

7 (g) Prescribe standardized codes for all data elements used
8 within the automated system and all exchanges of data within the
9 automated system, including, without limitation, data concerning:

10 (1) Individual pupils;

11 (2) Individual teachers;

12 (3) Individual schools and school districts; and

13 (4) Programs and financial information;

14 (h) Provide technical assistance to each school district to ensure
15 that the data from each public school in the school district,
16 including, without limitation, each charter school and university
17 school for profoundly gifted pupils located within the school
18 district, is compatible with the automated system of information and
19 comparable to the data reported by other school districts; and

20 (i) Provide for the analysis and reporting of the data in the
21 automated system of information.

22 4. The Department shall establish, to the extent authorized by
23 the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. §
24 1232g, and any regulations adopted pursuant thereto, a mechanism
25 by which persons or entities, including, without limitation, state
26 officers who are members of the Executive or Legislative Branch,
27 administrators of public schools and school districts, teachers and
28 other educational personnel, and parents and guardians, will have
29 different types of access to the accountability information contained
30 within the automated system to the extent that such information is
31 necessary for the performance of a duty or to the extent that such
32 information may be made available to the general public without
33 posing a threat to the confidentiality of an individual pupil.

34 5. The Department may, to the extent authorized by the Family
35 Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g,
36 and any regulations adopted pursuant thereto, enter into an
37 agreement with the Nevada System of Higher Education to provide
38 access to data contained within the automated system for research
39 purposes.

40 **Sec. 2.** 1. During the 2013-2014 school year:

41 (a) The board of trustees of each school district shall take the
42 actions necessary to implement a data system which includes fields
43 that will allow for a unique identifier to track pupils whose parent or
44 guardian is a member of the Armed Forces of the United States, a



1 reserve component thereof or the National Guard in a manner that
2 will allow for the disaggregation of each category.

3 (b) The board of trustees of each school district shall submit a
4 report to the Legislative Committee on Education concerning the
5 status of implementing a data system as set forth in paragraph (a).

6 (c) The Department of Education shall submit a report to the
7 Legislative Committee on Education concerning the status of
8 implementing a data system which includes a unique identifier to
9 track pupils whose parent or guardian is a member of the Armed
10 Forces of the United States, a reserve component thereof or the
11 National Guard in a manner that will allow for the disaggregation of
12 each category.

13 2. On or before February 1, 2015, the Department of Education
14 shall submit a report on the status of implementing the data system
15 set forth in NRS 386.650, as amended by section 1 of this act, to the
16 Director of the Legislative Counsel Bureau for transmittal to the
17 78th Session of the Nevada Legislature.

18 **Sec. 3.** 1. This section and section 2 of this act become
19 effective upon passage and approval.

20 2. Section 1 of this act becomes effective on July 1, 2014.



