
SENATE BILL NO. 35—COMMITTEE ON EDUCATION
(ON BEHALF OF THE DEPARTMENT OF EDUCATION)

PREFILED DECEMBER 14, 2010

Referred to Committee on Education

SUMMARY—Revises provisions governing the automated system of accountability information for Nevada and the reporting of test scores by charter schools. (BDR 34-440)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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; removing the requirement that certain information concerning paraprofessionals be maintained in the automated system of accountability information for Nevada; revising the manner in which the results of pupils on certain examinations are reported by charter schools to the Department of Education; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, the Department of Education is required to establish and
2 maintain an automated system of accountability information for Nevada that must,
3 in part, have the capacity to identify which teachers and paraprofessionals are
4 assigned to individual pupils. (NRS 386.650) **Section 1** of this bill removes the
5 requirement that the automated system of accountability information have the
6 capacity to identify which paraprofessionals are assigned to provide services to
7 individual pupils and also removes the requirement that the information on pupil
8 achievement maintained in the system be used to evaluate paraprofessionals.
9 Under existing law, the board of trustees of each school district and the
10 governing body of each charter school are required to administer certain
11 examinations to determine the achievement and proficiency of pupils and to report
12 the results of those examinations to the Department. (NRS 389.015, 389.017,
13 389.550, 389.560) **Sections 2 and 3** of this bill revise the manner in which the
14 results of pupils on those examinations are reported by requiring the governing
15 body of each charter school to submit the results and other required information
16 through the sponsor of the charter school.



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;
 - 20 (c) Have the capacity to provide longitudinal comparisons of the
21 academic achievement, rate of attendance and rate of graduation of
22 pupils over time throughout this State;
 - 23 (d) Have the capacity to perform a variety of longitudinal
24 analyses of the results of individual pupils on assessments,
25 including, without limitation, the results of pupils by classroom and
26 by school;
 - 27 (e) Have the capacity to identify which teachers are assigned to
28 individual pupils ; ~~and which paraprofessionals, if any, are assigned
29 to provide services to individual pupils;~~
 - 30 (f) Have the capacity to provide other information concerning
31 schools and school districts that is not linked to individual pupils,
32 including, without limitation, the designation of schools and school
33 districts pursuant to NRS 385.3623 and 385.377, respectively, and
34 an identification of which schools, if any, are persistently
35 dangerous;
 - 36 (g) Have the capacity to access financial accountability
37 information for each public school, including, without limitation,
38 each charter school, for each school district and for this State as a
39 whole; and
 - 40 (h) Be designed to improve the ability of the Department, school
41 districts and the public schools in this State, including, without
42 limitation, charter schools, to account for the pupils who are



1 enrolled in the public schools, including, without limitation, charter
2 schools.

3 ➔ The information maintained pursuant to paragraphs (c), (d) and
4 (e) must be used for the purpose of improving the achievement of
5 pupils and improving classroom instruction. The information must
6 be considered, but must not be used as the sole criterion, in
7 evaluating the performance of or taking disciplinary action against
8 an individual teacher ~~[-, paraprofessional]~~ or other employee.

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

10 (a) Adopt and maintain the program prescribed by the
11 Superintendent of Public Instruction pursuant to subsection 3 for the
12 collection, maintenance and transfer of data from the records of
13 individual pupils to the automated system of information, including,
14 without limitation, the development of plans for the educational
15 technology which is necessary to adopt and maintain the program;

16 (b) Provide to the Department electronic data concerning pupils
17 as required by the Superintendent of Public Instruction pursuant to
18 subsection 3; and

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

21 3. The Superintendent of Public Instruction shall:

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

25 (b) Prescribe the data to be collected and reported to the
26 Department by each school district and each sponsor of a charter
27 school pursuant to subsection 2 and by each university school for
28 profoundly gifted pupils;

29 (c) Prescribe the format for the data;

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

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

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

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

39 (1) Individual pupils;

40 (2) Individual teachers ; ~~[-and paraprofessionals;-]~~

41 (3) Individual schools and school districts; and

42 (4) Programs and financial information;

43 (h) Provide technical assistance to each school district to ensure
44 that the data from each public school in the school district,
45 including, without limitation, each charter school and university



1 school for profoundly gifted pupils located within the school
2 district, is compatible with the automated system of information and
3 comparable to the data reported by other school districts; and

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

6 4. The Department shall establish, to the extent authorized by
7 the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. §
8 1232g, and any regulations adopted pursuant thereto, a mechanism
9 by which persons or entities, including, without limitation, state
10 officers who are members of the Executive or Legislative Branch,
11 administrators of public schools and school districts, teachers and
12 other educational personnel, and parents and guardians, will have
13 different types of access to the accountability information contained
14 within the automated system to the extent that such information is
15 necessary for the performance of a duty or to the extent that such
16 information may be made available to the general public without
17 posing a threat to the confidentiality of an individual pupil.

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

24 **Sec. 2.** NRS 389.017 is hereby amended to read as follows:

25 389.017 1. The State Board shall adopt regulations
26 ~~requiring~~ that ~~each~~ *require the* board of trustees of ~~a~~ *each*
27 school district and ~~each~~ *the* governing body of ~~a~~ *each*
28 school, *through the sponsor of the charter school, to* submit to the
29 Superintendent of Public Instruction and the Department, in the
30 form and manner prescribed by the Superintendent, the results of
31 achievement and proficiency examinations administered pursuant to
32 NRS 389.015 to public school pupils of the district and charter
33 schools. The State Board shall not include in the regulations any
34 provision which would violate the confidentiality of the test scores
35 of any individual pupil.

36 2. The results of examinations must be reported for each
37 school, including, without limitation, each charter school, school
38 district and this State, as follows:

39 (a) The average score, as defined by the Department, of pupils
40 who took the examinations under regular testing conditions; and

41 (b) The average score, as defined by the Department, of pupils
42 who took the examinations with modifications or accommodations,
43 if such reporting does not violate the confidentiality of the test
44 scores of any individual pupil.



1 3. Not later than 10 days after the Department receives the
2 results of the achievement and proficiency examinations, the
3 Department shall transmit a copy of the results of the examinations
4 administered pursuant to NRS 389.015 to the Legislative Bureau of
5 Educational Accountability and Program Evaluation in a manner
6 that does not violate the confidentiality of the test scores of any
7 individual pupil.

8 4. On or before July 1 of each year, *the board of trustees of*
9 *each school district and the governing body of each charter school,*
10 *through the sponsor of the charter school,* shall report to the
11 Department the following information for each examination
12 administered in the public schools in the school district or charter
13 school:

14 (a) The examination administered;

15 (b) The grade level or levels of pupils to whom the examination
16 was administered;

17 (c) The costs incurred by the school district or charter school in
18 administering each examination; and

19 (d) The purpose, if any, for which the results of the examination
20 are used by the school district or charter school.

21 ➔ On or before September 1 of each year, the Department shall
22 transmit to the Budget Division of the Department of
23 Administration and the Fiscal Analysis Division of the Legislative
24 Counsel Bureau the information submitted to the Department
25 pursuant to this subsection.

26 5. The superintendent of schools of each school district and the
27 governing body of each charter school, *through the sponsor of the*
28 *charter school,* shall certify that the number of pupils who took the
29 examinations required pursuant to NRS 389.015 is equal to the
30 number of pupils who are enrolled in each school in the school
31 district or in the charter school who are required to take the
32 examinations.

33 6. In addition to the information required by subsection 4, the
34 Superintendent of Public Instruction shall:

35 (a) Report the number of pupils who were absent from school on
36 the day that the examinations were administered; and

37 (b) Reconcile the number of pupils who were required to take
38 the examinations with the number of pupils who were absent from
39 school on the day that the examinations were administered.

40 **Sec. 3.** NRS 389.560 is hereby amended to read as follows:

41 389.560 1. The State Board shall adopt regulations that
42 require the board of trustees of each school district and the
43 governing body of each charter school, *through the sponsor of the*
44 *charter school,* to submit to the Superintendent of Public
45 Instruction, the Department and the Council, in the form and manner



1 prescribed by the Superintendent, the results of the examinations
2 administered pursuant to NRS 389.550. The State Board shall not
3 include in the regulations any provision that would violate the
4 confidentiality of the test scores of an individual pupil.

5 2. The results of the examinations must be reported for each
6 school, including, without limitation, each charter school, school
7 district and this State, as follows:

8 (a) The percentage of pupils who have demonstrated
9 proficiency, as defined by the Department, and took the
10 examinations under regular testing conditions; and

11 (b) The percentage of pupils who have demonstrated
12 proficiency, as defined by the Department, and took the
13 examinations with modifications or accommodations, if such
14 reporting does not violate the confidentiality of the test scores of any
15 individual pupil.

16 3. Not later than 10 days after the Department receives the
17 results of the examinations, the Department shall transmit a copy of
18 the results to the Legislative Bureau of Educational Accountability
19 and Program Evaluation in a manner that does not violate the
20 confidentiality of the test scores of any individual pupil.

21 4. On or before July 1 of each year, *the board of trustees of*
22 *each school district and the governing body of each charter school,*
23 *through the sponsor of the charter school,* shall report to the
24 Department the following information for each examination
25 administered in the public schools in the school district or charter
26 school:

27 (a) The examination administered;

28 (b) The grade level or levels of pupils to whom the examination
29 was administered;

30 (c) The costs incurred by the school district or charter school in
31 administering each examination; and

32 (d) The purpose, if any, for which the results of the examination
33 are used by the school district or charter school.

34 ➔ On or before September 1 of each year, the Department shall
35 transmit to the Budget Division of the Department of
36 Administration and the Fiscal Analysis Division of the Legislative
37 Counsel Bureau the information submitted to the Department
38 pursuant to this subsection.

39 5. The superintendent of schools of each school district and the
40 governing body of each charter school, *through the sponsor of the*
41 *charter school,* shall certify that the number of pupils who took the
42 examinations is equal to the number of pupils who are enrolled in
43 each school in the school district or in the charter school who are
44 required to take the examinations.



- 1 6. In addition to the information required by subsection 4, the
2 Superintendent of Public Instruction shall:
- 3 (a) Report the number of pupils who were not exempt from
4 taking the examinations but were absent from school on the day that
5 the examinations were administered; and
- 6 (b) Reconcile the number of pupils who were required to take
7 the examinations with the number of pupils who were exempt from
8 taking the examinations or absent from school on the day that the
9 examinations were administered.
- 10 **Sec. 4.** This act becomes effective on July 1, 2011.

