

CHAPTER.....

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:**

Under existing law, the Department of Education is required to establish and maintain an automated system of accountability information for Nevada that must, in part, have the capacity to identify which teachers and paraprofessionals are assigned to individual pupils. (NRS 386.650) **Section 1** of this bill removes the requirement that the automated system of accountability information have the capacity to identify which paraprofessionals are assigned to provide services to individual pupils and also removes the requirement that the information on pupil achievement maintained in the system be used to evaluate paraprofessionals.

Under existing law, the board of trustees of each school district and the governing body of each charter school are required to administer certain examinations to determine the achievement and proficiency of pupils and to report the results of those examinations to the Department. (NRS 389.015, 389.017, 389.550, 389.560) **Sections 2 and 3** of this bill revise the manner in which the results of pupils on those examinations are reported by requiring the governing body of each charter school to submit the results and other required information through the sponsor of the charter school.

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

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

**Section 1.** NRS 386.650 is hereby amended to read as follows:

386.650 1. The Department shall establish and maintain an automated system of accountability information for Nevada. The system must:

(a) Have the capacity to provide and report information, including, without limitation, the results of the achievement of pupils:

(1) In the manner required by 20 U.S.C. §§ 6301 et seq., and the regulations adopted pursuant thereto, and NRS 385.3469 and 385.347; and

(2) In a separate reporting for each group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361;

(b) Include a system of unique identification for each pupil:



(1) To ensure that individual pupils may be tracked over time throughout this State; and

(2) That, to the extent practicable, may be used for purposes of identifying a pupil for both the public schools and the Nevada System of Higher Education, if that pupil enrolls in the System after graduation from high school;

(c) Have the capacity to provide longitudinal comparisons of the academic achievement, rate of attendance and rate of graduation of pupils over time throughout this State;

(d) Have the capacity to perform a variety of longitudinal analyses of the results of individual pupils on assessments, including, without limitation, the results of pupils by classroom and by school;

(e) Have the capacity to identify which teachers are assigned to individual pupils ; ~~and which paraprofessionals, if any, are assigned to provide services to individual pupils;~~

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

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

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

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

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

(a) Adopt and maintain the program prescribed by the Superintendent of Public Instruction pursuant to subsection 3 for the collection, maintenance and transfer of data from the records of individual pupils to the automated system of information, including,



without limitation, the development of plans for the educational technology which is necessary to adopt and maintain the program;

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

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

3. The Superintendent of Public Instruction shall:

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

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

(c) Prescribe the format for the data;

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

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

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

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

(1) Individual pupils;

(2) Individual teachers ; ~~and paraprofessionals;~~

(3) Individual schools and school districts; and

(4) Programs and financial information;

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

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

4. The Department shall establish, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, a mechanism by which persons or entities, including, without limitation, state officers who are members of the Executive or Legislative Branch, administrators of public schools and school districts, teachers and



other educational personnel, and parents and guardians, will have different types of access to the accountability information contained within the automated system to the extent that such information is necessary for the performance of a duty or to the extent that such information may be made available to the general public without posing a threat to the confidentiality of an individual pupil.

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

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

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

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

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

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

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

4. On or before July 1 of each year, *the board of trustees of* each school district and *the governing body of* each charter school, *through the sponsor of the charter school,* shall report to the



Department the following information for each examination administered in the public schools in the school district or charter school:

- (a) The examination administered;
- (b) The grade level or levels of pupils to whom the examination was administered;
- (c) The costs incurred by the school district or charter school in administering each examination; and
- (d) The purpose, if any, for which the results of the examination are used by the school district or charter school.

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

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

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

- (a) Report the number of pupils who were absent from school on the day that the examinations were administered; and
- (b) Reconcile the number of pupils who were required to take the examinations with the number of pupils who were absent from school on the day that the examinations were administered.

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

389.560 1. The State Board shall adopt regulations that require the board of trustees of each school district and the governing body of each charter school, *through the sponsor of the charter school*, to submit to the Superintendent of Public Instruction, the Department and the Council, in the form and manner prescribed by the Superintendent, the results of the examinations administered pursuant to NRS 389.550. The State Board shall not include in the regulations any provision that would violate the confidentiality of the test scores of an individual pupil.

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



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

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

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

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

(a) The examination administered;

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

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

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

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

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

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

(a) Report the number of pupils who were not exempt from taking the examinations but were absent from school on the day that the examinations were administered; and



(b) Reconcile the number of pupils who were required to take the examinations with the number of pupils who were exempt from taking the examinations or absent from school on the day that the examinations were administered.

**Sec. 4.** This act becomes effective on July 1, 2011.

