

CHAPTER.....

AN ACT relating to education; eliminating the prohibition on the use of certain accountability information concerning pupils for the evaluation of teachers and paraprofessionals; revising provisions governing the use of such information for the evaluation and discipline of teachers, paraprofessionals and other employees; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

As part of Title XIV of the federal American Recovery and Reinvestment Act of 2009, \$4.35 billion was set aside for the Race to the Top Fund to award competitive grants to states to implement educational reform with the goal of improving the quality of public education. (Pub. L. No. 111-5) Existing federal regulations prescribe the criteria for a state’s eligibility to submit an application for a grant from the Race to the Top Fund. Those regulations provide that “[a]t the time the State submits its application, there must not be any legal, statutory, or regulatory barriers at the State level to linking data on student achievement . . . or student growth . . . to teachers and principals for the purpose of teacher and principal evaluation.” (Overview Information, Race to the Top Fund, 74 Fed. Reg. 59841 (Nov. 18, 2009)) The United States Department of Education has developed nonbinding budget ranges which place each state into one of five categories with an estimated range of money that such a state may be eligible to receive if it is awarded a competitive grant. Nevada has been placed in Category 4, which has a budget range of \$60 million-\$175 million.

Existing state law requires Nevada’s Department of Education to establish and maintain an automated system of accountability information that tracks the achievement of pupils over time and that has the capacity to identify which teachers are assigned to individual pupils. However, existing law prohibits the use of this information concerning pupils to evaluate an individual teacher or paraprofessional. (NRS 386.650) This prohibition renders Nevada ineligible to apply for a grant from the Race to the Top Fund.

This bill removes the prohibition on the use of certain information concerning pupils to evaluate an individual teacher or paraprofessional and instead provides that such information must be considered, but must not be the sole criterion, for evaluating the performance of or taking disciplinary action against an individual teacher, paraprofessional or other employee. The effect of removing this prohibition would make Nevada eligible to apply for a competitive grant from the Race to the Top Fund.

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 . ~~but must not be used~~



~~for the purpose of evaluating an individual teacher or paraprofessional.]~~ *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. This act becomes effective upon passage and approval.

