

SENATE BILL NO. 2—COMMITTEE OF THE WHOLE

FEBRUARY 24, 2010

Referred to Committee of the Whole

SUMMARY—Eliminates the prohibition on the use of pupil achievement data for the evaluation of teachers and certain other educational personnel. (BDR 34-29)

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; 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:

1 As part of Title XIV of the federal American Recovery and Reinvestment Act
2 of 2009, \$4.35 billion was set aside for the Race to the Top Fund to award
3 competitive grants to states to implement educational reform with the goal of
4 improving the quality of public education. (Pub. L. No. 111-5) Existing federal
5 regulations prescribe the criteria for a state’s eligibility to submit an application for
6 a grant from the Race to the Top Fund. Those regulations provide that “[a]t the time
7 the State submits its application, there must not be any legal, statutory, or
8 regulatory barriers at the State level to linking data on student achievement . . . or
9 student growth . . . to teachers and principals for the purpose of teacher and
10 principal evaluation.” (Overview Information, Race to the Top Fund, 74 Fed. Reg.
11 59841 (Nov. 18, 2009)) The United States Department of Education has developed
12 nonbinding budget ranges which place each state into one of five categories with an
13 estimated range of money that such a state may be eligible to receive if it is
14 awarded a competitive grant. Nevada has been placed in Category 4, which has a
15 budget range of \$60 million-\$175 million.

16 Existing state law requires Nevada’s Department of Education to establish and
17 maintain an automated system of accountability information that tracks the
18 achievement of pupils over time and that has the capacity to identify which teachers
19 are assigned to individual pupils. However, existing law prohibits the use of this
20 information concerning pupils to evaluate an individual teacher or paraprofessional.



21 (NRS 386.650) This prohibition renders Nevada ineligible to apply for a grant from
22 the Race to the Top Fund.

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

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



1 an identification of which schools, if any, are persistently
2 dangerous;

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

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

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

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

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

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

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

32 3. The Superintendent of Public Instruction shall:

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

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

40 (c) Prescribe the format for the data;

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

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



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

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

6 (1) Individual pupils;

7 (2) Individual teachers and paraprofessionals;

8 (3) Individual schools and school districts; and

9 (4) Programs and financial information;

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

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

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

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

36 **Sec. 2.** This act becomes effective upon passage and approval.

