

SENATE BILL NO. 383—SENATORS CEGAVSKE,
BEERS AND WASHINGTON

MARCH 19, 2007

Referred to Committee on Finance

SUMMARY—Requires the Department of Education to establish a program to provide payments of financial incentives to persons employed at certain public schools. (BDR 34-698)

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 the Department of Education to establish a program to provide payments of financial incentives to persons employed at certain public schools that demonstrate improvement in pupil achievement; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 **Section 2** of this bill requires the Department of Education to establish a
2 program to provide payments of financial incentives to all persons employed at a
3 public school if that public school demonstrates a level of improvement in the
4 academic achievement of pupils prescribed by the Department. **Section 1** of this
5 bill specifically authorizes the use of certain information maintained by the
6 automated system of accountability information for Nevada to determine the
7 eligibility of employees for the program. (NRS 386.650)

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:



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(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 subgroup 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 *and determining the eligibility of employees for the program to provide payments of financial incentives established pursuant to section 2 of this act*



1 but must not be used for the purpose of evaluating an individual
2 teacher or paraprofessional.

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

4 (a) Adopt and maintain the program prescribed by the
5 Superintendent of Public Instruction pursuant to subsection 3 for the
6 collection, maintenance and transfer of data from the records of
7 individual pupils to the automated system of information, including,
8 without limitation, the development of plans for the educational
9 technology which is necessary to adopt and maintain the program;

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

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

15 3. The Superintendent of Public Instruction shall:

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

19 (b) Prescribe the data to be collected and reported to the
20 Department by each school district and each sponsor of a charter
21 school pursuant to subsection 2;

22 (c) Prescribe the format for the data;

23 (d) Prescribe the date by which each school district shall report
24 the data;

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

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

30 (1) Individual pupils;

31 (2) Individual teachers and paraprofessionals;

32 (3) Individual schools and school districts; and

33 (4) Programs and financial information;

34 (g) Provide technical assistance to each school district to ensure
35 that the data from each public school in the school district,
36 including, without limitation, each charter school located within the
37 school district, is compatible with the automated system of
38 information and comparable to the data reported by other school
39 districts; and

40 (h) Provide for the analysis and reporting of the data in the
41 automated system of information.

42 4. The Department shall establish, to the extent authorized by
43 the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. §
44 1232g, and any regulations adopted pursuant thereto, a mechanism
45 by which persons or entities, including, without limitation, state



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1 officers who are members of the Executive or Legislative Branch,
2 administrators of public schools and school districts, teachers and
3 other educational personnel, and parents and guardians, will have
4 different types of access to the accountability information contained
5 within the automated system to the extent that such information is
6 necessary for the performance of a duty or to the extent that such
7 information may be made available to the general public without
8 posing a threat to the confidentiality of an individual pupil.

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

15 **Sec. 2.** Chapter 391 of NRS is hereby amended by adding
16 thereto a new section to read as follows:

17 *1. The Department shall establish a program to provide*
18 *payments of financial incentives to employees of public schools if*
19 *those public schools demonstrate improvement in the academic*
20 *achievement of pupils. The Department may accept gifts and*
21 *grants from any source to assist with the provision of financial*
22 *incentives pursuant to this section.*

23 *2. The program must, within the limits of available money*
24 *and except as otherwise provided in subsection 4, provide for*
25 *payments of financial incentives to the employees of a public*
26 *school, including, without limitation, teachers, school*
27 *administrators, paraprofessionals and support staff, if that public*
28 *school attains the level of improvement prescribed by the*
29 *Department pursuant to subsection 6. The employees of a public*
30 *school that attained the level of improvement established by the*
31 *Department may continue to be eligible for payments of financial*
32 *incentives if the public school continues to meet or exceed that*
33 *level of improvement.*

34 *3. The Department shall assess annually whether each public*
35 *school in this State has attained the level of improvement in the*
36 *academic achievement of pupils necessary for the employees of the*
37 *public school to be eligible to receive payments of financial*
38 *incentives.*

39 *4. Payments of financial incentives must:*

40 *(a) Be provided to:*

41 *(1) Not more than 10 percent of the teachers employed in*
42 *this State for the fiscal year in which the payments are made; and*

43 *(2) Each person who is employed at a school at which the*
44 *teachers who receive payments of financial incentives pursuant to*
45 *subparagraph (1) are employed.*



(b) Not exceed:

(1) For each person who holds a license to teach or a license as a school administrator, \$5,000; and

(2) For any other person eligible to receive a payment of an incentive, \$2,500.

5. The receipt of a payment of a financial incentive pursuant to this section must not:

(a) Replace or otherwise affect the base salary of an employee of a school district.

(b) Affect the record of employment of an employee, including, without limitation, the discipline, promotion and annual evaluation of the employee.

6. The Department shall adopt regulations:

(a) Prescribing the level of improvement in the academic achievement of pupils that must be attained at a public school for the purpose of receiving payments of financial incentives pursuant to this section.

(b) To carry out the provisions of this section.

7. The Department shall prepare and transmit to the Legislative Committee on Education on or before June 30 of each year a report on the program for payments of financial incentives. The report must include, without limitation:

(a) The amount of money expended for payments of financial incentives;

(b) An evaluation of the effectiveness of the program, including, without limitation, any improvement in the academic achievement of pupils; and

(c) The number of schools that meet or exceed the level of improvement established by the Department, including, without limitation, the number of schools that meet or exceed that level for more than 1 year.

Sec. 3. This act becomes effective on July 1, 2007.

