

ASSEMBLY BILL NO. 76—COMMITTEE ON EDUCATION

(ON BEHALF OF THE GOVERNOR)

PREFILED DECEMBER 20, 2014

Referred to Committee on Education

SUMMARY—Makes various changes relating to the education of veterans and their dependents. (BDR 34-296)

FISCAL NOTE: Effect on Local Government: No.
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 share certain aggregate data concerning certain pupils with the Interagency Council on Veterans Affairs; revising provisions concerning the assessment of tuition charges against veterans of the Armed Forces of the United States who were honorably discharged within a certain period; requiring the Board of Regents of the University of Nevada to submit certain reports to the Legislature; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Education to establish and maintain an automated system of accountability information for Nevada. In part, existing law requires the system, to the extent money is available for this purpose, to include a unique identifier for each pupil whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard. (NRS 386.650) **Section 1** of this bill requires the Department to share with the Interagency Council on Veterans Affairs, on an annual basis, aggregate data collected under the system concerning those pupils.

Section 2 of this bill requires the Board of Regents to submit an annual report to the Legislature, or to the Legislative Committee on Education when the Legislature is not in regular session, which includes: (1) the number of students who are veterans or who are receiving payments or benefits from the United States Department of Veterans Affairs; (2) information about how policy changes may have affected the number of students who are veterans enrolled in the Nevada System of Higher Education; (3) the number of students who are veterans who graduated during the immediately preceding academic year; and (4) the efforts



undertaken by each institution within the System to retain and graduate students who are veterans.

Under existing law, any provision of state legislation enacted on or after July 1, 2013, which adds or revises a requirement to submit a report to the Legislature must: (1) expire by limitation 5 years after the effective date of the addition or revision; or (2) contain a statement justifying the extension of the requirement for more than 5 years. (NRS 218D.380) Pursuant to that requirement, **section 5** of this act expires **section 2** by limitation on July 1, 2020.

Existing law encourages the Board of Regents to implement measures pursuant to which the educational needs of students and prospective students will be met. (NRS 396.504) **Section 3** of this bill encourages the Board of Regents to implement measures pursuant to which the educational needs of students and prospective students who are veterans will be met by fostering a culture that recognizes the unique challenges of those students.

Existing law authorizes the Board of Regents to assess charges against students who are not residents of Nevada at all campuses of the System. The charges are in addition to registration fees and other fees assessed against students who are residents of Nevada. Existing law also provides that a veteran of the Armed Forces of the United States who has been honorably discharged within the 2 years immediately preceding the date of the veteran's matriculation is eligible for free tuition at a university, state college or community college within the System. (NRS 396.540) **Section 4** of this bill extends that period from 2 years to 5 years. (NRS 396.540)

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 385.347 and 385.3572; and

(2) In a separate reporting for each group of pupils identified in the statewide system of accountability for public schools;

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

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

(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; and

(3) Which must, to the extent money is available for this purpose, include, without limitation, a unique identifier for each



1 pupil whose parent or guardian is a member of the Armed Forces of
2 the United States, a reserve component thereof or the National
3 Guard in a manner that will allow for the disaggregation of each
4 category;

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

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

12 (e) Have the capacity to identify which teachers are assigned to
13 individual pupils;

14 (f) Have the capacity to provide other information concerning
15 schools and school districts that is not linked to individual pupils,
16 including, without limitation, the ratings of schools and, if available,
17 school districts pursuant to the statewide system of accountability
18 for public schools and an identification of which schools, if any, are
19 persistently dangerous;

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

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

29 ➤ The information maintained pursuant to paragraphs (c), (d) and
30 (e) must be used for the purpose of improving the achievement of
31 pupils and improving classroom instruction. Except as otherwise
32 provided in subsection 9 of NRS 391.3125 and subsection 8 of NRS
33 391.3127, information on pupil achievement data, as prescribed by
34 the State Board pursuant to NRS 391.465, must account for at least
35 50 percent, but must not be used as the sole criterion, in evaluating
36 the performance of or taking disciplinary action against an
37 individual teacher or other employee.

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

39 (a) Adopt and maintain the program prescribed by the
40 Superintendent of Public Instruction pursuant to subsection 3 for the
41 collection, maintenance and transfer of data from the records of
42 individual pupils to the automated system of information, including,
43 without limitation, the development of plans for the educational
44 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;

(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



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information may be made available to the general public without posing a threat to the confidentiality of an individual pupil.

5. *On or before December 31 of each year, the Department shall share with the Interagency Council on Veterans Affairs aggregate data collected pursuant to subsection 1 concerning each pupil whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard.*

6. 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. Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Board of Regents shall, not later than November 30 of each year, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature or to the Legislative Committee on Education when the Legislature is not in regular session, a report concerning the participation of students who are veterans in the System. The report must cover the immediately preceding academic year.*

2. *The report must include, without limitation:*

(a) *The number of students who:*

(1) *Identify themselves as veterans.*

(2) *Are receiving payments or benefits from the United States Department of Veterans Affairs.*

(b) *The number of students who are veterans divided by gender.*

(c) *The rate of retention and average age of the students who are veterans.*

(d) *The most common areas of study among the students who are veterans.*

(e) *Any information necessary to determine the impact of policy changes on the number of students who are veterans who are enrolled in the System.*

(f) *The number of students who are veterans who graduated during the immediately preceding academic year.*

(g) *The efforts of each institution to retain and graduate students who are veterans through retention and other related programs.*

Sec. 3. NRS 396.504 is hereby amended to read as follows:

396.504 1. The Legislature hereby encourages the Board of Regents to:



(a) Examine and audit the function, strengths and most efficient use of the facilities, resources and staff of each institution to address the needs of the students of the System.

(b) Review periodically their mission for higher education, as the number of institutions within the System expands and the focus of each institution is defined and further redefined, to determine whether there is unnecessary duplication of programs or courses within the System which might be more appropriate for a different institution.

(c) Examine and audit the educational opportunities, programs and services offered by the institutions within the System to ensure that those opportunities, programs and services are tailored appropriately to:

(1) The different categories of students and prospective students having varied aptitudes, aspirations and educational needs ~~to~~, *including, without limitation, students who are veterans;*

(2) The jobs and industries likely to be employing the students; and

(3) The state economic development plan.

(d) Insofar as is practicable to achieve the goals set forth in paragraphs (a), (b) and (c), implement measures pursuant to which the educational needs of students and prospective students will be met by : ~~providing:~~

(1) *Providing:*

(I) Programs of remedial education, continuing education and entry-level higher education at community colleges.

~~(2)~~ (II) Programs of baccalaureate-level higher education at state colleges.

~~(3)~~ (III) Programs of baccalaureate-level higher education in other disciplines and graduate-level higher education and research at universities and the Desert Research Institute.

(2) Fostering a culture that recognizes the unique challenges of students who are veterans and works to accommodate the transition of those students to higher education by collecting, tracking and sharing data concerning those students.

(e) On or before September 1 of each year, provide a report of its findings and any adjustments made and actions taken as a result of those findings to the Director of the Legislative Counsel Bureau for transmission to the Interim Finance Committee and the next regular session of the Nevada Legislature.

2. The System is encouraged to review the core curriculum at each institution to determine whether there is parity among the institutions of the System.



Sec. 4. NRS 396.540 is hereby amended to read as follows:

396.540 1. For the purposes of this section:

(a) "Bona fide resident" shall be construed in accordance with the provisions of NRS 10.155 and policies established by the Board of Regents, to the extent that those policies do not conflict with any statute. The qualification "bona fide" is intended to ensure that the residence is genuine and established for purposes other than the avoidance of tuition.

(b) "Matriculation" has the meaning ascribed to it in regulations adopted by the Board of Regents.

(c) "Tuition charge" means a charge assessed against students who are not residents of Nevada and which is in addition to registration fees or other fees assessed against students who are residents of Nevada.

2. The Board of Regents may fix a tuition charge for students at all campuses of the System, but tuition charges must not be assessed against:

(a) All students whose families have been bona fide residents of the State of Nevada for at least 12 months before the matriculation of the student at a university, state college or community college within the System;

(b) All students whose families reside outside of the State of Nevada, providing such students have themselves been bona fide residents of the State of Nevada for at least 12 months before their matriculation at a university, state college or community college within the System;

(c) All public school teachers who are employed full-time by school districts in the State of Nevada;

(d) All full-time teachers in private elementary, secondary and postsecondary educational institutions in the State of Nevada whose curricula meet the requirements of chapter 394 of NRS;

(e) Employees of the System who take classes other than during their regular working hours;

(f) Members of the Armed Forces of the United States who are on active duty and stationed at a military installation in the State of Nevada; and

(g) Except as otherwise provided in subsection 3, veterans of the Armed Forces of the United States who were honorably discharged within the ~~12~~ 5 years immediately preceding the date of matriculation of the veteran at a university, state college or community college within the System.

3. The Board of Regents may grant more favorable exemptions from tuition charges for veterans of the Armed Forces of the United States who were honorably discharged than the exemption provided



1 pursuant to paragraph (g) of subsection 2, if required for the receipt
2 of federal money.

3 4. The Board of Regents may grant exemptions from tuition
4 charges each semester to other worthwhile and deserving students
5 from other states and foreign countries, in a number not to exceed a
6 number equal to 3 percent of the total matriculated enrollment of
7 students for the last preceding fall semester.

8 **Sec. 5.** 1. This act becomes effective on July 1, 2015.

9 2. Section 2 of this act expires by limitation on July 1, 2020.

