

SENATE BILL NO. 458—COMMITTEE ON FINANCE

(ON BEHALF OF THE LEGISLATIVE COMMITTEE
ON EDUCATION)

MARCH 27, 2017

Referred to Committee on Education

SUMMARY—Revises provisions relating to the development and operation of the statewide longitudinal data system. (BDR 34-331)

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; abolishing the P-20W Advisory Council; creating the P-20W Research Data System Advisory Committee; prescribing the membership and duties of the Committee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

In 2007, the P-16 Advisory Council was created to assist in the coordination between elementary, secondary and higher education in this State. (Section 6 of chapter 522, Statutes of Nevada 2007, pp. 3156-57) In 2013, the membership of the P-16 Advisory Council was revised and the Council was renamed the P-20W Advisory Council. (Section 1 of chapter 139, Statutes of Nevada 2013, pp. 475-76)

Existing law requires the P-20W Advisory Council to address, in part: (1) methods to ensure the successful transition of children from early childhood education programs to elementary school; (2) the development and oversight of a statewide longitudinal data system that links data relating to early childhood education programs and K-12 public education with data relating to postsecondary education and the State's workforce; and (3) a plan for collaborative research using data from the statewide longitudinal data system. (NRS 400.040)

Section 9 of this bill abolishes the Council and repeals provisions relating to the meetings and duties of the Council. **Section 3** of this bill instead creates the P-20W Research Data System Advisory Committee, consisting of three ex officio members and such additional members as the Governor determines are necessary or desirable. **Section 4** of this bill requires the Committee to: (1) develop and oversee a statewide longitudinal data system that links data relating to early childhood education programs and K-12 public education with data relating to postsecondary



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education and the workforce in this State; (2) develop a plan for collaborative research using data from the statewide longitudinal data system; and (3) advise and assist certain entities with certain duties relating to the operation of the statewide longitudinal data system and the work of the Committee. **Section 6** of this bill requires the Committee to: (1) prepare and post a biennial report of its activities and any recommendations on the Internet website maintained by the Department of Employment, Training and Rehabilitation; and (2) submit the written report to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature and the Governor. **Section 7** of this bill makes a conforming change.

Senate Bill No. 516 of this session, if enacted, would require the Executive Director of the Office of Workforce Innovation in the Office of the Governor to maintain and oversee the statewide longitudinal data system that links data relating to early childhood education programs and K-12 public education with data relating to postsecondary education and the State's workforce. **Sections 6.5, 7.3 and 7.7** of this bill, which become effective only if Senate Bill No. 516 is enacted and becomes effective, make conforming changes to this bill to require: (1) the Office of Workforce Innovation to provide any necessary administrative support for the P-20W Research Data System Advisory Committee; (2) the Committee to support and advise the Executive Director of the Office of Workforce Innovation as he or she maintains and oversees the statewide longitudinal data system; and (3) the Committee to post its biennial report on the website of the Office of Workforce Innovation.

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

Section 1. Chapter 400 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *"Committee" means the P-20W Research Data System Advisory Committee created by section 3 of this act.*

Sec. 3. 1. *The P-20W Research Data System Advisory Committee is hereby created to assist in the coordination and management of the statewide longitudinal data system developed pursuant to section 4 of this act. The Chancellor of the System, the Superintendent of Public Instruction and the Director of the Department of Employment, Training and Rehabilitation or their designees serve as ex officio members of the Committee.*

2. The Committee may, by a vote of the majority of the Committee, nominate additional members for consideration by the Governor to be appointed to the Committee. The Governor may appoint a nominee to the Committee if the Governor determines that the addition of the nominee to the Committee is necessary or desirable.

3. Each appointed member of the Committee serves a term of 3 years and may be reappointed.

4. The Governor shall call the first meeting of the Committee. At its first meeting and annually thereafter, the members of the



1 *Committee shall elect a Chair and a Vice Chair from among the*
2 *members of the Committee.*

3 *5. The Committee shall meet at least once each calendar year*
4 *and, after its first meeting, at the call of the Chair.*

5 *6. The Department of Employment, Training and*
6 *Rehabilitation shall provide any administrative support necessary*
7 *for the Committee to carry out its duties.*

8 **Sec. 4. The Committee shall:**

9 *1. Develop and oversee a statewide longitudinal data system*
10 *that links data relating to early childhood education programs and*
11 *K-12 public education with data relating to postsecondary*
12 *education and the workforce in this State;*

13 *2. Develop a plan for collaborative research using data from*
14 *the statewide longitudinal data system developed pursuant to*
15 *subsection 1; and*

16 *3. Advise and assist the System, the Department of Education*
17 *and the Department of Employment, Training and Rehabilitation*
18 *in:*

19 *(a) Applying for and obtaining grants of money for the*
20 *operation of the statewide longitudinal data system developed*
21 *pursuant to subsection 1 or to carry out the work of the*
22 *Committee;*

23 *(b) Budgeting for the operation of the statewide longitudinal*
24 *data system developed pursuant to subsection 1 or to carry out the*
25 *work of the Committee;*

26 *(c) Proposing legislation relating to the statewide longitudinal*
27 *data system developed pursuant to subsection 1 or to carry out the*
28 *work of the Committee; and*

29 *(d) Matters relating to any contract for any services necessary*
30 *for the operation or utilization of the statewide longitudinal data*
31 *system developed pursuant to subsection 1 or to carry out the work*
32 *of the Committee.*

33 **Sec. 5.** NRS 400.010 is hereby amended to read as follows:

34 400.010 As used in this chapter, unless the context otherwise
35 requires, the words and terms defined in NRS ~~400.015 and~~
36 400.020 *and section 2 of this act* have the meanings ascribed to
37 them in those sections.

38 **Sec. 6.** NRS 400.045 is hereby amended to read as follows:

39 400.045 On or before June 30 of each *even-numbered* year, the
40 ~~Council~~ *Committee* shall ~~submit~~ :

41 *1. Prepare and post* a written report of its activities and any
42 recommendations *on the Internet website maintained by the*
43 *Department of Employment, Training and Rehabilitation; and*

44 *2. Submit a copy of the written report prepared pursuant to*
45 *subsection 1 to the:*



1 ~~1. Board of Regents of the University of Nevada;~~
2 ~~2. State Board;~~
3 ~~3. (a) Director of the Legislative Counsel Bureau for~~
4 ~~transmittal to the next regular session of the Legislature;~~
5 ~~4. Legislative Committee on Education; and~~
6 ~~5. and~~
7 ~~(b) Governor.~~
8 **Sec. 6.5.** NRS 400.045 is hereby amended to read as follows:
9 400.045 On or before June 30 of each even-numbered year, the
10 Committee shall:
11 1. Prepare and post a written report of its activities and any
12 recommendations on the Internet website maintained by the
13 ~~Department of Employment, Training and Rehabilitation;~~ *Office*
14 *of Workforce Innovation;* and
15 2. Submit a copy of the written report prepared pursuant to
16 subsection 1 to the:
17 (a) Director of the Legislative Counsel Bureau for transmittal to
18 the next regular session of the Legislature; and
19 (b) Governor.
20 **Sec. 7.** NRS 612.265 is hereby amended to read as follows:
21 612.265 1. Except as otherwise provided in this section and
22 NRS 239.0115 and 612.642, information obtained from any
23 employing unit or person pursuant to the administration of this
24 chapter and any determination as to the benefit rights of any person
25 is confidential and may not be disclosed or be open to public
26 inspection in any manner which would reveal the person's or
27 employing unit's identity.
28 2. Any claimant or a legal representative of a claimant is
29 entitled to information from the records of the Division, to the
30 extent necessary for the proper presentation of the claimant's claim
31 in any proceeding pursuant to this chapter. A claimant or an
32 employing unit is not entitled to information from the records of the
33 Division for any other purpose.
34 3. The Administrator may, in accordance with a cooperative
35 agreement among all participants in the statewide longitudinal data
36 system developed pursuant to ~~NRS 400.040;~~ *section 4 of this act,*
37 make the information obtained by the Division available to:
38 (a) The Board of Regents of the University of Nevada for the
39 purpose of complying with the provisions of subsection 4 of NRS
40 396.531; and
41 (b) The Director of the Department of Employment, Training
42 and Rehabilitation for the purpose of complying with the provisions
43 of paragraph (d) of subsection 1 of NRS 232.920.



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1 4. Subject to such restrictions as the Administrator may by
2 regulation prescribe, the information obtained by the Division may
3 be made available to:

4 (a) Any agency of this or any other state or any federal agency
5 charged with the administration or enforcement of laws relating to
6 unemployment compensation, public assistance, workers'
7 compensation or labor and industrial relations, or the maintenance
8 of a system of public employment offices;

9 (b) Any state or local agency for the enforcement of child
10 support;

11 (c) The Internal Revenue Service of the Department of the
12 Treasury;

13 (d) The Department of Taxation;

14 (e) The State Contractors' Board in the performance of its duties
15 to enforce the provisions of chapter 624 of NRS; and

16 (f) The Secretary of State to operate the state business portal
17 established pursuant to chapter 75A of NRS for the purposes of
18 verifying that data submitted via the portal has satisfied the
19 necessary requirements established by the Division, and as
20 necessary to maintain the technical integrity and functionality of the
21 state business portal established pursuant to chapter 75A of NRS.

22 ➤ Information obtained in connection with the administration of the
23 Division may be made available to persons or agencies for purposes
24 appropriate to the operation of a public employment service or a
25 public assistance program.

26 5. Upon written request made by the State Controller or a
27 public officer of a local government, the Administrator shall furnish
28 from the records of the Division the name, address and place of
29 employment of any person listed in the records of employment of
30 the Division. The request may be made electronically and must set
31 forth the social security number of the person about whom the
32 request is made and contain a statement signed by the proper
33 authority of the State Controller or local government certifying that
34 the request is made to allow the proper authority to enforce a law to
35 recover a debt or obligation assigned to the State Controller for
36 collection or owed to the local government, as applicable. Except as
37 otherwise provided in NRS 239.0115, the information obtained by
38 the State Controller or local government is confidential and may not
39 be used or disclosed for any purpose other than the collection of a
40 debt or obligation assigned to the State Controller for collection or
41 owed to that local government. The Administrator may charge a
42 reasonable fee for the cost of providing the requested information.

43 6. The Administrator may publish or otherwise provide
44 information on the names of employers, their addresses, their type
45 or class of business or industry, and the approximate number of



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1 employees employed by each such employer, if the information
2 released will assist unemployed persons to obtain employment or
3 will be generally useful in developing and diversifying the economic
4 interests of this State. Upon request by a state agency which is able
5 to demonstrate that its intended use of the information will benefit
6 the residents of this State, the Administrator may, in addition to the
7 information listed in this subsection, disclose the number of
8 employees employed by each employer and the total wages paid by
9 each employer. The Administrator may charge a fee to cover the
10 actual costs of any administrative expenses relating to the disclosure
11 of this information to a state agency. The Administrator may require
12 the state agency to certify in writing that the agency will take all
13 actions necessary to maintain the confidentiality of the information
14 and prevent its unauthorized disclosure.

15 7. Upon request therefor, the Administrator shall furnish to any
16 agency of the United States charged with the administration of
17 public works or assistance through public employment, and may
18 furnish to any state agency similarly charged, the name, address,
19 ordinary occupation and employment status of each recipient of
20 benefits and the recipient's rights to further benefits pursuant to this
21 chapter.

22 8. To further a current criminal investigation, the chief
23 executive officer of any law enforcement agency of this State may
24 submit a written request to the Administrator that the Administrator
25 furnish, from the records of the Division, the name, address and
26 place of employment of any person listed in the records of
27 employment of the Division. The request must set forth the social
28 security number of the person about whom the request is made and
29 contain a statement signed by the chief executive officer certifying
30 that the request is made to further a criminal investigation currently
31 being conducted by the agency. Upon receipt of such a request, the
32 Administrator shall furnish the information requested. The
33 Administrator may charge a fee to cover the actual costs of any
34 related administrative expenses.

35 9. In addition to the provisions of subsection 6, the
36 Administrator shall provide lists containing the names and addresses
37 of employers, and information regarding the wages paid by each
38 employer to the Department of Taxation, upon request, for use in
39 verifying returns for the taxes imposed pursuant to chapters 363A,
40 363B and 363C of NRS. The Administrator may charge a fee to
41 cover the actual costs of any related administrative expenses.

42 10. The Division of Industrial Relations of the Department of
43 Business and Industry shall periodically submit to the
44 Administrator, from information in the index of claims established
45 pursuant to NRS 616B.018, a list containing the name of each



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1 person who received benefits pursuant to chapters 616A to 616D,
2 inclusive, or chapter 617 of NRS. Upon receipt of that information,
3 the Administrator shall compare the information so provided with
4 the records of the Employment Security Division regarding persons
5 claiming benefits pursuant to this chapter for the same period. The
6 information submitted by the Division of Industrial Relations must
7 be in a form determined by the Administrator and must contain the
8 social security number of each such person. If it appears from the
9 information submitted that a person is simultaneously claiming
10 benefits under this chapter and under chapters 616A to 616D,
11 inclusive, or chapter 617 of NRS, the Administrator shall notify the
12 Attorney General or any other appropriate law enforcement agency.

13 11. The Administrator may request the Comptroller of the
14 Currency of the United States to cause an examination of the
15 correctness of any return or report of any national banking
16 association rendered pursuant to the provisions of this chapter, and
17 may in connection with the request transmit any such report or
18 return to the Comptroller of the Currency of the United States as
19 provided in section 3305(c) of the Internal Revenue Code of 1954.

20 12. If any employee or member of the Board of Review, the
21 Administrator or any employee of the Administrator, in violation of
22 the provisions of this section, discloses information obtained from
23 any employing unit or person in the administration of this chapter,
24 or if any person who has obtained a list of applicants for work, or of
25 claimants or recipients of benefits pursuant to this chapter uses or
26 permits the use of the list for any political purpose, he or she is
27 guilty of a gross misdemeanor.

28 13. All letters, reports or communications of any kind, oral or
29 written, from the employer or employee to each other or to the
30 Division or any of its agents, representatives or employees are
31 privileged and must not be the subject matter or basis for any
32 lawsuit if the letter, report or communication is written, sent,
33 delivered or prepared pursuant to the requirements of this chapter.

34 **Sec. 7.3.** Section 3 of this act is hereby amended to read as
35 follows:

36 Sec. 3. 1. The P-20W Research Data System Advisory
37 Committee is hereby created to assist in the coordination and
38 management of the statewide longitudinal data system
39 ~~developed~~ *administered by the Office of Workforce*
40 *Innovation* pursuant to section ~~4 of this act.~~ *20 of Senate*
41 *Bill No. 516.* The Chancellor of the System, the
42 Superintendent of Public Instruction and the Director of the
43 Department of Employment, Training and Rehabilitation or
44 their designees serve as ex officio members of the
45 Committee.



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2. The Committee may, by a vote of the majority of the Committee, nominate additional members for consideration by the Governor to be appointed to the Committee. The Governor may appoint a nominee to the Committee if the Governor determines that the addition of the nominee to the Committee is necessary or desirable.

3. Each appointed member of the Committee serves a term of 3 years and may be reappointed.

4. The Governor shall call the first meeting of the Committee. At its first meeting and annually thereafter, the members of the Committee shall elect a Chair and a Vice Chair from among the members of the Committee.

5. The Committee shall meet at least once each calendar year and, after its first meeting, at the call of the Chair.

6. The ~~{Department of Employment, Training and Rehabilitation}~~ *Office of Workforce Innovation* shall provide any administrative support necessary for the Committee to carry out its duties.

Sec. 7.7. Section 4 of this act is hereby amended to read as follows:

Sec. 4. *1.* The Committee shall:

~~{1. Develop}~~

(a) Support and {oversee-a} advise the Executive Director of the Office of Workforce Innovation regarding the maintenance and oversight of the statewide longitudinal data system ; {that links data relating to early childhood education programs and K-12 public education with data relating to postsecondary education and the workforce in this State;

~~—2.}~~ *(b) Develop a plan for collaborative research using data from the statewide longitudinal data system ; {developed pursuant to subsection 1.}* and

~~{3.}~~ *(c) Advise and assist the System, the Department of Education , the Office of Workforce Innovation and the Department of Employment, Training and Rehabilitation in:*

~~{(a)}~~ *(1) Applying for and obtaining grants of money for the operation of the statewide longitudinal data system {developed pursuant to subsection 1} or to carry out the work of the Committee;*

~~{(b)}~~ *(2) Budgeting for the operation of the statewide longitudinal data system {developed pursuant to subsection 1} or to carry out the work of the Committee;*

~~{(c)}~~ *(3) Proposing legislation relating to the statewide longitudinal data system {developed pursuant to subsection 1} or to carry out the work of the Committee; and*



~~(e)~~ (4) Matters relating to any contract for any services necessary for the operation or utilization of the statewide longitudinal data system ~~developed pursuant to subsection 1~~ or to carry out the work of the Committee.

2. As used in this section, "statewide longitudinal data system" means the system administered by the Office of Workforce Innovation pursuant to section 20 of Senate Bill No. 516.

Sec. 8. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 9. NRS 400.015, 400.025, 400.030, 400.035 and 400.040 are hereby repealed.

Sec. 10. 1. This section and sections 1 to 7, inclusive, 8 and 9 of this act become effective on July 1, 2017.

2. Sections 6.5, 7.3 and 7.7 of this act become effective on July 1, 2017, if and only if, Senate Bill No. 516 is enacted by the Legislature and approved by the Governor.

LEADLINES OF REPEALED SECTIONS

400.015 "Council" defined.
400.025 Legislative declaration.
400.030 Creation; membership; terms; vacancies.
400.035 Meetings; compensation of members;
administrative support and other assistance.
400.040 Powers and duties.

