

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:

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

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



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

19 Under existing law, any provision of state legislation enacted on or after July 1,
20 2013, which adds or revises a requirement to submit a report to the Legislature
21 must: (1) expire by limitation 5 years after the effective date of the addition or
22 revision; or (2) contain a statement justifying the extension of the requirement for
23 more than 5 years. (NRS 218D.380) Pursuant to that requirement, **section 5** of this
24 act expires **section 2** by limitation on July 1, 2020.

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

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

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 385.347 and
10 385.3572; and

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

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;

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; and

20 (3) Which must, to the extent money is available for this
21 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;



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

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

6 3. The Superintendent of Public Instruction shall:

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

10 (b) Prescribe the data to be collected and reported to the
11 Department by each school district and each sponsor of a charter
12 school pursuant to subsection 2 and by each university school for
13 profoundly gifted pupils;

14 (c) Prescribe the format for the data;

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

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

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

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

24 (1) Individual pupils;

25 (2) Individual teachers;

26 (3) Individual schools and school districts; and

27 (4) Programs and financial information;

28 (h) Provide technical assistance to each school district to ensure
29 that the data from each public school in the school district,
30 including, without limitation, each charter school and university
31 school for profoundly gifted pupils located within the school
32 district, is compatible with the automated system of information and
33 comparable to the data reported by other school districts; and

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

36 4. The Department shall establish, to the extent authorized by
37 the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. §
38 1232g, and any regulations adopted pursuant thereto, a mechanism
39 by which persons or entities, including, without limitation, state
40 officers who are members of the Executive or Legislative Branch,
41 administrators of public schools and school districts, teachers and
42 other educational personnel, and parents and guardians, will have
43 different types of access to the accountability information contained
44 within the automated system to the extent that such information is
45 necessary for the performance of a duty or to the extent that such



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

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

9 6. 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 396 of NRS is hereby amended by adding
16 thereto a new section to read as follows:

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

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

25 (a) *The number of students who:*

26 (1) *Identify themselves as veterans.*

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

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

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

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

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

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

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

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

44 396.504 1. The Legislature hereby encourages the Board of
45 Regents to:



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

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

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

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

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

19 (3) The state economic development plan.

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

24 (1) ***Providing:***

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

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

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

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

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

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



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

2 396.540 1. For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

42 3. The Board of Regents may grant more favorable exemptions
43 from tuition charges for veterans of the Armed Forces of the United
44 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.

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