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MEMORANDUM

DATE: May 14, 2014

TO: Superintendent of Public Instruction, Dale A.R. Erquiaga

FROM: Carrie Parker, Deputy Attorney General *Carrie L. Parker*

SUBJECT: Federal Requirements Related to Data in System of Accountability Information in Nevada

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The following analysis contains my legal opinion and does not represent a formal Attorney General Opinion.

I. Introduction

You have requested a memo or letter opinion from the Attorney General's Office regarding the Federal Educational Rights and Privacy Act (FERPA). As you know, the Department of Education (NDE) has been dealing with a parent request for student information. Specifically, the parent has requested an opportunity to view his children's data in the System of Accountability Information in Nevada (SAIN) or Nevada State Longitudinal Data System (SLDS). In response to the parent's request, NDE has explained that no such records exist and that NDE stated that it has no tool or visual application that allows for individual student data to be viewed in a readable format. If anything, the manner in which NDE holds the information maintains and protects student privacy. The data in question is coded in such a way that a special program would be required to be created to allow identification and extraction of any data specifically related to a particular child. The estimated cost of developing this program and creating such a record is \$10,000.

NDE believes, and NDE history would seem to confirm, that this request belongs with the local school or school district – and that a request for individual student data would require NDE to create a record that does not exist. NDE also believes that under Nevada public

records law, NDE is not required to create a new document and that it could charge a fee for doing so.

You seek guidance on whether NDE is required to produce individual student records. Further, if NDE is not required to do so, you have requested my opinion as to the legal factors to consider in decided whether to do so.

II. Questions Presented

A. Do the requirements of FERPA related to access to individual education records apply to NDE? If so, to what extent?

B. Is NDE required to create a record that does not exist? If so, may it charge a fee in relation to such creation?

C. If NDE is not required to produce data contained in the SAIN, what legal factors should it consider when deciding whether to do so?

III. Short Answers

A. FERPA does not apply to state educational agencies (SEAs) in general. The only provision in FERPA that applies directly to SEAs is the requirement that SEAs provide parents and eligible students access to education records when requested. The SEA may make education records available to the parents, guardians, or eligible students (a) directly, (b) by sending them to the local education agency (LEA), or (c) by making other appropriate arrangements.

B. No. Neither FERPA nor Nevada's public records law requires an agency to create a document in response to a records request.

C. Legal factors to consider include how to identify whether the requestor is an eligible student, parent, or guardian, and whether production would pose a threat to student confidentiality. Of course, the ultimate decision as to whether to create a record to produce the data lies with NDE. Even without creating a new record, NDE could work with the parents regarding what it can provide and encourage the LEA to work with parents as well.

IV. Legal Analysis

A. Do the requirements of FERPA related to access to individual education records apply to the Nevada Department of Education (NDE)? If so, to what extent?

Pursuant to 20 U.S.C. §1232g(a)(1)(B), federal funds may be denied "to any State educational agency (whether or not that agency is an educational agency or institution under this section) that has a policy of denying, or effectively prevents, the parents of students the right to inspect and review the education records maintained by the State educational agency on their children who are or have been in attendance at any school of an educational agency or institution that is subject to the provisions of this section." As a whole, FERPA does not apply to SEAS, "which provide supervision of, not no

administrative control or direction of, public elementary and secondary schools.” Family Educational Rights & Privacy, 61 Fed. Reg. 10,664-01,10,664, 1996 WL 108618 (March 14, 1996) (to be codified at 34 C.F.R. pt. 99). The “right of access to records is the only right parents are afforded by FERPA with regard to education records maintained by SEAs.” *Id.*

FERPA regulations provide that the “SEA or its component, shall comply with a request for access to records within a reasonable period of time, but not more than 45 days after it has received the request.” 34 C.F.R. §99.10(b). An example of an education record that the SEA may maintain would be a state assessment administered by the LEAs and maintained by the SEA. Memorandum from Dale King, Director of the Family Policy Compliance Office at the U.S. Department of Education, to Chief State School Officers 2 (October 2012), *available at* <http://www2.ed.gov/policy/gen/guid/fpco/pdf/csso-notice.pdf>.

“If circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the student’s education records, the ... SEA or its component, shall-- (1) [p]rovide the parent or eligible student with a copy of the records requested; or (2) [m]ake other arrangements for the parent or eligible student to inspect and review the requested records.” 34 C.F.R. §99.10(d). Such other arrangements may include directing the parent or eligible student to the local educational agency (LEA) for inspection and review. See Memorandum from Dale King, Director of the Family Policy Compliance Office at the U.S. Department of Education, to Chief State School Officers 2 (October 2012), *available at* <http://www2.ed.gov/policy/gen/guid/fpco/pdf/csso-notice.pdf>. This seems particularly logical when the LEA is the creator and/or the original custodian of such records and circumstances prevent the SEA from extracting any individual-level data upon request.

It is noted that the requirement for an SEA to respond to a request for access to education records applies only to “reasonable requests.” 34 C.F.R. §99.10(c). It is my understanding that for NDE to be able to extract the data specific to a particular student, a new software program would be required. The estimated cost of developing such program is \$10,000. While there is no case law interpreting the meaning of a reasonable request in this context, it is doubtful that a court would conclude that requiring the educational agency or institution to expend approximately \$10,000 in public money to create an education record not already required by law would be reasonable. In any event, per 34 C.F.R. §99.10(d), NDE may direct the parent to the LEA.

B. Is NDE required to create a record that does not exist? If so, may it charge a fee in relation to such creation?

Some have argued that FERPA, specifically 34 C.F.R. §99.10(b), requires NDE to create a program to enable it to identify and extract individual-level data. A review of FERPA, its corresponding regulations, and associated case law reveals no such requirement. Additionally, no such requirement exists in state law. Because creation of a document is not required, whether a fee could be charged is not addressed.

1. FERPA

The U.S. Department of Education has provided guidance that “[u]nder FERPA, a school is not required to provide information that is not maintained or to create education records in response to an eligible student’s request.” U.S. Dep’t of Educ., *FERPA General Guidance for Students*, <http://www2.ed.gov/policy/gen/guid/fpco/ferpa/students.html>. The right to inspect and review education records does not provide for requiring creation of records, but refers to education records already in existence and currently maintained. See 34 C.F.R. §99.10.

It is noted that FERPA regulations permit an educational agency or institution to charge a fee for a copy of an education record already in existence, “[u]nless the imposition of a fee effectively prevents a parent or eligible student from exercising the right to inspect and review the student’s education records.” 34 C.F.R. §99.1(a). The fee may be imposed for the copies, but “[a]n educational agency or institution may not charge a fee to search for or to retrieve the education records of a student.” 34 C.F.R. §99.1(b). If the educational agency or institution were actually required to create an education record in response to a reasonable request, because a fee may be charged for a copy, it naturally follows that a fee would be authorized for creation of an education record. The absence of such a in the Code of Federal Regulations is further support that there is no requirement to create an education record in response to a request.

2. Nevada Public Records Law

Under Nevada’s public records law, if a record does not already exist, there is generally no duty to create a record in response to a public records request. *Public Employees’ Ret. Sys. v. Reno Newspapers, Inc.*, 129 Nev. ___, ___, 313 P.3d 221, 225 (Adv. Op. 88, Nov. 14, 2013); Letter to Ms. Lockard, Op. Nev. Att’y. Gen. No. 2000-12 (April 28, 2000). The Nevada Supreme Court recently recognized that a public agency is not required “to create new documents or customized reports by searching for and compiling information from individuals’ files or other records.” *Public Employees’ Ret. Sys.*, 129 NRS at ___, 313 P.3d at 225 (citing NRS 239.010(1), NRS 239.055(1), and *State ex rel. Kerner v. State Teachers Ret. Bd.*, 695 N.E.2d 256, 258 (Ohio 1998)). NRS 239.010 requires that a public record shall be open for inspection and makes no mention of creating a record in response to a request for information. Unlike the federal Freedom of Information Act (FOIA), Nevada’s public records law is not a public *information* law.

Similarly to FERPA, Nevada public records law provides for fees for copies. NRS 239.055 provides that “if a request for a copy of a public record would require a governmental entity to make extraordinary use of its personnel or technological resources, the governmental entity may, in addition to any other fee authorized pursuant to this chapter, charge a fee not to exceed 50 cents per page for such extraordinary use.” There is no mention in the public records law of fees for creation of a record in response to a request. It seems that if an agency were required to create a record in response to a request, there would be a provision in the law for assessing a fee.

3. NRS 386.650

In relation to the SAIN, NRS 386.650(4) provides the following:

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

NRS 386.650(4) (emphases added).

This statute is limited to what is authorized by FERPA. As explained more fully above, FERPA does not authorize the type of data request at issue in this matter. While FERPA and NRS 386.650(4) both address the rights of parents and guardians to have a type of access to certain information, the overarching goal is not to pose “a threat to the confidentiality of an individual pupil.” NRS 386.650(4). To require coded data to become personally identifiable could pose a threat to the confidentiality of such student and therefore likely is not required under NRS 386.650.

C. Legal Factors to Consider when Deciding whether to Create the Document and Provide Access

Whether NDE should develop a program to identify and extract information on an individual level, thus creating a new document, and then provide access to such documents, is a question that raises both policy and legal concerns. The following discussion focuses on the legal issues related to (1) verifying a person’s identity as a student, parent, or guardian, and (2) NDE’s responsibility not to increase the likelihood of threats to a student’s confidentiality.

1. How to identify whether the requestor is an eligible student, parent, or guardian

An SEA does not have any students, as no students are in attendance at an SEA. 20 U.S.C. § 1232g(a)(6) (“For the purposes of this section, the term ‘student’ includes any person with respect to whom an educational agency or institution maintains education records or personally identifiable information, but does not include a person who has not been in attendance at such agency or institution.”); 34 C.F.R. § 99.3 (defining student as “any individual who is or has been in attendance at an educational agency or institution and regarding whom the agency or institution maintains education records” and defining “attendance to include “in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunications technologies for students who are not physically present in the class-room” and “[t]he period during which a person

is working under a work-study program”). As explained by Dale King, Director of the Family Compliance Office at the U.S. Department of Education, the fact that an SEA has no students in attendance is the primary reason that FERPA does not generally apply to SEAs. Memorandum from Dale King, Director of the Family Policy Compliance Office at the U.S. Department of Education, to Chief State School Officers 2 (October 2012), available at <http://www2.ed.gov/policy/gen/guid/fpco/pdf/csso-notice.pdf>; accord Family Educational Rights & Privacy, 61 Fed. Reg. at 10,664.

As explained more fully above, FERPA provides parents and guardians certain rights with respect to their children’s educational records. *E.g.* 34 C.F.R. §99.10. However, a review of NDE’s Data Dictionary (available at www.doe.nv.gov/DataCenter/-DataDictionary04292014 and attached hereto) reveals that NDE does not include data as to the identity of a child’s parents in the SAIN system or SLDS. Any data regarding parent name collected from LEAs in data uploads is not distinguished as to guardian status, and does not make its way into SAIN. Thus, NDE does not have sufficient data in SAIN to verify a person’s claimed status as a parent.

Additionally, parents’ FERPA rights are limited where “the agency or institution has been provided with evidence that there is a court order, State statute, or legally binding document relating to such matters as divorce, separation, or custody that specifically revokes these rights.” 34 C.F.R. § 99.4. For example, if a divorce decree provided that all legal rights over education lie with one of the parents, it revokes the other parent’s FERPA rights. *Taylor v. Vermont Dept. of Educ.*, 313 F.3d 768, 792 (2d Cir. 2002). While an LEA may be aware of such a divorce decree because of its day-to-day relationship and interaction with its students, NDE would not be aware unless such decree were brought to its attention. Production of education records that it does have to a person it cannot verify as a parent or guardian entitled to these records would subject NDE to legal risk.

2. Threats to Student Confidentiality

As explained above, the primary purpose behind FERPA is to maintain confidentiality of students’ educational records. With that in mind, the statutes related to the SAIN requires that when NDE establishes a mechanism for parents and guardians to access the SAIN, there may be “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 information may be made available to the general public *without posing a threat to the confidentiality of an individual pupil.*” NRS 386.650(4) (emphasis added). In deciding whether to develop a program to extract individual-level data, NDE must keep this requirement in mind.

V. Conclusion

In conclusion, while NDE has a responsibility under FERPA related to education records, its legal options include that it may make education records available to the parent (a) directly, (b) by sending the parent to the LEA, or (c) by making other appropriate arrangements. Neither FERPA nor the Nevada public records law requires creation of a document in response to a request under those laws. Additionally, to decode the data and create a program to extract it on an individual basis may pose a threat to its confidentiality. Further, because NDE does not have information related to whether the data requestor is

a parent with access to educational records, directing the person to the LEA would reduce the risk of disclosing data to a person prohibited by law from having access to educational records.

Accordingly, it is my legal opinion that NDE may fulfill any duties it may have under 34 C.F.R. §99.10 related to the data in the SAIN by providing the parent with a copy of the Data Dictionary, which contains the data points found in the SAIN, and directing the parent to the LEA regarding what student-related information the LEA has submitted for those data points. In this way, NDE would meet its duties under FERPA and also work with the parents and LEAs to address the parents' concerns.

Nevada Department of Education Data Dictionary
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The Student Accountability Information Network (SAIN) is designed to be a longitudinal information warehouse. This warehouse is divided into aggregate data-marts used for public, State and Federal reporting. All student level data contained in the SAIN system is derived from local student information systems at the district and charter school level and is used for internal identification purposes only. Since the SAIN system is NOT a student information system but rather an aggregate reporting warehouse, reports that display student level data are not inherently available. All student or guardian requests for student level data should be made through the local district or charter school. (Although the SSN field is not listed in the data dictionary SAIN does contain some social security numbers as some districts collect this information on an optional basis. These numbers are encrypted and the Department is further masking these numbers so no one has access to the whole number. Social Security number is not collected as a regular matter.)

| Field Name | Definition |
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| Academic_Disadvantaged | "Y", or "N" 1) Whose standardized test of academic achievement is in the lower three stanines, or the equivalent 2) Who fails all of part of the Nevada Proficiency Examination 3) Who is enrolled in a grade below the 9th grade, and enrolled in 7th or 8th grade, and has failed one or more classes. 4) Who is a dropout or potential dropout from secondary school which is identified as a person who a) has failed two or more courses equal to one Carnegie unit, grades 9-12; b) has been absent from school 9 or more days in a given semester, grades 9-12 c) is under age 18, has not earned a high school diploma are parents or expectant parents; or d) are under age 18, have not earned a high school diploma, and who are unable to attend a regular classes of instruction in his/her high school because of his/her misconduct in school or as a consequence of legal action taken by a court of competent jurisdiction; or 5) who is enrolled in remedial academic courses such as development English or math. Values: Yes/No |
| Alternative Test Taker | Indicator that this student is taking the Alternative test in place of the state mandated tests. Usually based on student's IEP. |
| Appointment Code | Identify school by type |
| As Of Date | As of date |
| At_Risk_Status | "Y" or "N" Alternative programs for pupils at risk of dropping out of school. See NRS 388.537 |
| Attendance Category Desc | Description of Element "Ratio", "nominal", "ordinal" |
| Attendance Type Code | "P" and "D" |
| Birth Date | Students birthdate |

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| Birth Place | Students birth place |
| Braille Flag | Flag identifying that student took Braille version of test |
| Certificate Available | A flag indicating whether or not a Certificate of Completion is available for the terminal course taken |
| Certificate Issued | Determination of whether or not an ORS certificate of completion was issued to a student for a course upon completion. |
| CIP Code | Classification of Instructional Programs. This number os provided for CTE course by the CTE office at NDE after districts submit a course catalog for each high school. |
| CIP Type Code | One of three types of courses: Introductory: A course which introduces students to an career & technical education program area and should be a preparatory prerequisite course for one or more occupational-specific courses. Occupational-Specific: A course that provides specific preparation for entry-level employment. Instruction is focused on a specific occupation and is usually taught in either the 11th or 12th grades. Terminal: An occupational specific course which is taken at the end of a sequential course of study and each school district has the responsibility of identifying the district's terminal courses. |
| Community College Credit | Determination of whether or not a course taken was awarded Community College credit for a student. |
| Completion Type | Type of diploma or certificate earned. Permitted values have their root in NAC and or NRS. For example, B25 relates to NRS 385.410 |
| Completion Date | Date and time Pupil earned diploma type. The date on which a student completes high school or earns a GED. Each Completion Date requires a Completion Type. |
| Concurrent_Enrollment_Flag | "Y" or "N" flagged at the local level based on pupil second enrollment at school |
| Count_Absent_Full_Flag | is "0" if the student is present or half day absent or tardy. is "1" if the student is absent |
| Count_Absent_Period_Flag | is "0" if the student is present or half day absent or tardy. is "1" if the student is absent |
| CountDay | The date that students are counted at the school |

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| County | County of District |
| Course | Number approved by the NDE to identify the course in which the student is enrolled or has completed. The standard national secondary course classification system (NCES 95-480) was approved by the NDE. The course is described by a 13-digit number (recorded as 14 characters including a decimal point in the credit area). The following describes what is contained in each position of the code: Classification Title Character 1-2 for Subject Area Character 3-4 for Course Title Common Fields Character 5 for Level Character 6-9 for Credit with a decimal point between the 6th and 8th character Character 10 for Term in a Sequence Character 11 for Year in a Sequence Subject Fields Character 12 for #1 Subject Field – Occupational Program Character 13 for #2 Subject Field – Applied Experience Character 14 for #3 Subject Field – Academic Integration A full description of the system is available from the National Center for Education Statistics, publication NCES 95-480. |
| Course Category | Indication of whether a course in which the student is enrolled or has completed is for middle or high school credit. |
| Course Grade_1 | Grade awarded to a student for first semester of a course taken |
| Course Grade_2 | Grade awarded to a student for second semester of a course taken |
| Credit_Earned | The number of credit hours awarded for completion of a middle or high school course, expressed in Carnegie Units. |
| CTE_Course_Level | The course level determines the order in which courses will be taught |

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| Date Entered USA | Date student immigrated into the United States. |
| Date Loaded | Date and time the record was created |
| Date_Loaded_District | date entered in table Date and time the record was created Date and time the record was created by district |
| Date_Loaded_State | date entered in table Date and time the record was created Date and time the record was last seen by state |
| Date Of Entry | Date that a student entered into a specific program |
| Discipline Consequences | For each offense, what was the consequence. This is for offenses for which students are suspended or expelled. |
| Discipline Incident Identifier | A sequence of numbers and/or text that uniquely identifies a Discipline Incident. The Discipline Identifier will be used to associate all participants involved in a unique Discipline Incident. |
| Discipline Injury | Identifies whether the Discipline Event resulted in an injury. |
| Discipline Number of Incidents | For each offense type, the number of times student has committed the offense type. This is for offenses for which students are suspended or expelled. |

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| Discipline Offense Type | <p>to NRS 392.4655:</p> <p>1. Except as otherwise provided in this section, a principal of a school shall deem a pupil enrolled in the school a habitual disciplinary problem if the school has written evidence which documents that in 1 school year:</p> <p>(a) The pupil has threatened or extorted, or attempted to threaten or extort, another pupil or a teacher or other personnel employed by the school;</p> <p>(b) The pupil has been suspended for initiating at least two fights on school property, at an activity sponsored by a public school, on a school bus or, if the fight occurs within 1 hour of the beginning or end of a school day, on his way to or from school; or</p> <p>(c) The pupil has a record of five suspensions from the school for any reason. At least one teacher of a pupil who is enrolled in elementary school and at least two teachers of a pupil who is enrolled in junior high, middle school or high school may request that the principal of the school deem a pupil a habitual disciplinary problem.</p> <p>Upon such a request, the principal of the school shall meet with each teacher who made the request to review the pupil's record of discipline. If, after the review, the principal of the school determines that the provisions of subsection 1 do not apply to the pupil, a teacher who submitted a request pursuant to this subsection may appeal that determination to the board of trustees of the school district. Upon receipt of such a request, the board of trustees shall review the initial request and determination pursuant to the</p> |
| Discipline Suspension Duration | The length of a student's suspension level as a Discipline Consequence. |
| Discipline Suspension Time Units | The units of time for the Discipline Suspension Duration. |
| Discipline Weapon | The Type of Weapon |
| District Address | Physical and Mailing Address |

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| District Number | Unique identification number for school district (2 digit, numeric), as assigned by the NDE Fiscal Division. Note: The district identification numbers used for state mandated testing are the same except numbers 40-49, 50-59, 60-77, and 81-97 are reserved for state schools, private schools, alternative schools, and special education programs within districts, respectively. |
| District Fax | District business Fax number |
| District_Name | District Name -Churchill, Clark, Douglas, Elko, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Lyon, Mineral, Nye, Carson City, Pershing, Storey, Washoe, White Pine, State Public Schools, Bureau of Indian Education (BLE), Private, Government Agencies, Community Based Organizations (CBOS) |
| District Phone | District Phone number |
| District_Type | Description of School Type |

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| Economically Disadvantaged | <p>An individual</p> <ol style="list-style-type: none"> 1) who is eligible for: <ol style="list-style-type: none"> a) free or reduced-price meals under the National School Lunch Act; b) the program for aid to families with dependent children under part A of Title IV of the Social Security Act; c) benefits under the Food Stamp Act of 1977; d) services under Chapter 1 of Title 1 of the Elementary and Secondary Education Act of 1965; or e) participation in programs assisted under Title II of the JTPA. 2) who is identified as low income according to other indices of economic status including estimates of indices; if the State demonstrates to the satisfaction of the Secretary that such indices are more representative of the number of economically disadvantaged students attending vocational education programs. 3) whose family income is at or below the official poverty line established by the Director of the Office of Management and Budget or the Department of Health and Human Services Poverty Guidelines or 4) who is in receipt of a Pell Grant. |
| ELPA_Tier_Level | Pupil assigned ELL tier level for Assessment testing "A","B","C","K","T" |
| Ending_Status_Category | Code that identifies whether the student has graduated, completed, transfer out, drop out, unknown/not reported. The codes are G, C, T, D Or N |
| Ending_Status_CD | Code that describes the diploma. (Std diploma = B18, Adv Diploma = B19...) |
| Ending_Status_Desc | Description that describes the diploma (standard diploma, advanced diploma) |

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| English_Proficiency_Desc | Language Proficiency code descriptions "A-Beginner"; "B-Emergent"; "C-intermediate"; "D-Advanced intermediate"; "1-English only"; "2-Fluent English Proficient"; "5-Status unknown"; "6-Exited ESL"; "7-exited ESL out of District" |
| Enrollment | Description that identifies student enrollment method/exit method |
| Enrollment Date | The date on which a student enrolls in a school. |
| Enrollment Reason | An indication as to whether a student's name was, is, or will be officially registered on the roll of a school or schools; code table indicating eligibility of student as of the reporting date for counting for state funding and other categories. Also note that in order for the pre-programmed fiscal reports (monthly attendance and ethnic) to calculate correctly |

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| <p>Enrollment Status</p> | <p>Student's latest enrollment status. A dropout is defined as a former student who is no longer enrolled who meets this state definition as in the accountability system Note: An individual who was:</p> <ul style="list-style-type: none"> a. enrolled in school at some time during the previous school year (or was expected to return to school during the previous school year from summer. b. not enrolled by December 1 of the current school year c. not a graduate from high school or completed a state- or district-approved instructional program d. not categorized into any one of the Student's latest enrollment status. <p>A dropout is defined as a former student who is no longer enrolled who meets this state definition as in the accountability system Note: An individual who was:</p> <ul style="list-style-type: none"> a. enrolled in school at some time during the previous school year (or was expected to return to school during the previous school year from summer. b. not enrolled by December 1 of the current school year c. not a graduate from high school or completed a state- or district-approved instructional program d. not categorized into any one of the exclusionary conditions— <ul style="list-style-type: none"> i. transfer to another public school district, private school, or state- or district-approved education program ii. temporary absence due to suspension or school-approved illness iii. death e. exclusionary conditions— <ul style="list-style-type: none"> i. transfer to another public school district, private school, or state- or district-approved education program |
| <p>Enrollment Category</p> | <p>Category includes E=Enrollment and W=Withdrawn</p> |

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| Enrollment_Status | Enrollment description "Actively Enrolled", "Withdrawn", "Graduated", "Transported Out To Other State - California", "Transported In From Other District - California", "Transported In From Other District - New York", "Transported In From Other District - Michigan", "Dropout", "Transported In From Other State - California" |
| Entry Date | Pupil Date and time enrolled |
| Entry Update Date | Date timestamp when the student's entry was updated |
| Ethnicity/Race | The general racial or ethnic heritage category which most clearly reflects the individual's recognition of his or her community or with which the individual most identifies. Categories for Federal reporting are identified in the Equal Employment Opportunity Commission School Reporting Form (EEO-5). Categories do not denote scientific definitions of anthropological origins. Based on OMB Directive 15 of 1977. Pupil ethnicity description "Asian", "Black/African American", "White", "Hispanic/Latino", "Native Hawaiian or Pacific Islander", "Two or more races", "American Indian/Alaskan Native" |
| Exit Date | The date of the first day after the date of an individual's last attendance in school (if known), the day on which an individual was graduated, or the date on which it becomes known officially that an individual left school. Note: Each Exit/Withdrawal Date requires a Withdrawal Reason |
| Exit Reason | The reason a student left school. According to NAC 387.215 (NRS 385.080 and 387.123), the reason listed in the master register of enrollment and attendance for the withdrawal of a pupil must be stated as one of the codes noted here. According to NAC 387.117, withdrawal means the removal of a pupil from the instructional program of a school before the completion of the program so that the pupil is no longer considered enrolled at that school. |
| Exit Status | The final status of all students |

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| Expected_Year_of_Graduation | Graduation date entered during pupil first ninth grade enrollment record |
| Foreign Exchange Student | Indicator that this student is a foreign exchange student. |
| Former_IEP | Pupils exited Program 96 or Program 5 last date service was provided to a pupil by program. |
| Former_IEP_GT2_Flag | Pupils exited from Program 96 or 5 greater than two years and no longer receiving services |
| Former_IEP_LTE2_Flag | Pupils exited from Program 96 or 5 less then or equal to two years and no longer receiving services |
| Former_LEP | "Y" or "N" Last date service was provided to a pupil by program |
| Former_LEP_1to2_Flag | Pupils exited from Program 11 greater then one and less then two years and no longer receiving services |
| Former_LEP_GT1_LTE2_Flag | "1" or "0" 1=Pupils exited from Program 11 greater then one and less then two years and no longer receiving services or 0=Not identified |
| Former_LEP_GT2_Flag | Pupils exited from Program 11 greater then two years and no longer receiving services |
| Former_LEP_LTE1_Flag | Pupils exited from Program 11 less then equal to one year and no longer receiving services |
| Former_LEP_LTE2_Flag | Pupils exited from Program 11 less then two years and no longer receiving services |
| Foster_Child_Flag | "Y" or "N" Program 79 pupil identified as receiving services in the Foster Child program |
| Free_Reduced_Lunch_Desc | FRL Description indicating pupil "Free Meal" or "Reduced Price Meal" or "Paid Meal" |
| FRL | "Y" or "No" Program 95 = National School Lunch/Breakfast Programs: A student who qualifies for the Free or Reduced Lunch Program or Paid |
| FRL_SubCategory | Pupil identified based on application certification: "F-A"(Free Application), "F-DC"(Free Direct Certified), "F-H"(Free Homeless), "F-M(Free Migrant)", "F-R(Free Runaway)", "F-FC"(Free Foster child) |
| Gender | A person's gender. (Male or Female) |
| Gifted_Flag | Program 02 pupils are identified as Gifted |

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| Grade_Earned | Grade awarded for a middle or high school course completed. Grades are reported as letter grades, including plus or minus if used, according to local grade scales. Interpretation of grades reported must consider differences across districts in their grade scale. |
| Grade_Level | The grade level in which a student is enrolled. |
| Grade_Numeric | Numeric value of Student's Grade in a course |
| Graduate_Calc_Group | Graduated, Non-Graduated, Ignore |
| High_Grade | School highest grade level |
| Home_Language | Home Language descriptions "Afrikaans"; "Albanian"; "American Sign Language"; "Apache"; "Armenian - Hayeren"; "Basque - Euskara"; "Bengali - Bangla"; "Bulgarian"; "Cantonese Chinese"; "Chinese - Zhongwen"; "Croatian - Hrvatski"; "Dakota"; "Danish"; "Dutch - Netherlands"; "English Only"; "Ethiopian"; "French"; "German"; "Gujarati"; "Hebrew - Iwrit"; "Hindi"; "Hopi"; "Igbo - Nigerian"; "Ilocano"; "Indonesian - Bahasa Indonesia"; "Italian"; "Japanese - Nihongo"; "Korean - Chosen-o"; "Lakota"; "Laotian - Pha Xa Lao"; "Mandarin Chinese"; "NA"; "Navajo"; "Northern Paiute"; "Other"; "Persian - Farsi"; "Polish"; "Portugese"; "Pueblo"; "Punjabi - Panjabi"; "Romanian"; "Russian"; "Samoan"; "Serbian - Srpski"; "Signed Exact English"; "Slovakian"; "Southern Paiute"; "Southern Shoshone"; "Spanish"; "Tagalog"; "Thai"; "Tonga"; "Ukranian"; "Urdu"; "Ute"; "Vietnamese"; "Washoe"; "Western Shoshone" |
| Homeless_Flag | "Y" or "N" Pupils identified receiving services for Program 82 |

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| IEP Flag or Disabled | <p>Individuals who are mentally retarded, hard of hearing, deaf, speech or language impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, other health impaired, deaf-blind, multi-handicapped, or persons with specific learning disabilities, who by reason thereof require special education and related services, and who, because of their handicapped condition, cannot succeed in the regular occupational education program without special education assistance. For local education agencies, the term handicapped is also defined and explained in NRS 388.440 and the Nevada Administrative Code Chapter 388, and these definitions are hereby incorporated and made a part of this definition. This definition also includes individuals with any disability as defined in section 3(2) of the Americans with Disabilities Act of 1990. "Y" or "N" Program 96 = Special Education Program: A student who is identified as having a disability and is provided placement and services consistent with the Individual with Disabilities Education Act (IDEA). A former IEP is A student was identified in the past as having a disability and was provided placement and services consistent with the Individual with Disabilities Education Act (IDEA). The student was determined no longer eligible for special education services and an IEP is NOT currently in effect-2nd order cal based off Program 5 and 96 data</p> |
| Immigrant Flag | "Y" or "N" |
| Last Completion Date | Date timestamp when the student's completed his/her diploma last. |
| Last Withdrawal Date | The date the student has withdrawn from the school |

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| LEP | <p>"Y", or "N" Program 11 = Title III, Limited English Based Proficiency Program: A student who speaks a language other than English or has another language other than English spoken in the home and participates in an English language instructional program. A student is considered former LEP is the student who speaks a language other than English or has another language other than English spoken in the home and has previously participated in an English language instructional program. The student has exited from the program by achieving an exit score on the current assessment of English language proficiency and the "approaching proficiency" designation on any one state mandated assessment Clark County Only. All others See Title III, Limited English Based Proficiency Program in Program Participation</p> <p>An individual's adeptness at English as indicated by the results of the English Language Proficiency Assessment in the following areas:</p> <ol style="list-style-type: none"> listening skills (the ability to understand verbal expressions of the language); speaking skills (the ability to use oral language appropriately and effectively); reading skills (the ability to comprehend and interpret text); writing skills (the ability to produce written text with content and format); and comprehension |
| LEP TESTING | "Y" or "N" used by Clark to identify ELL pupil for testing |
| Load Flag | used to verify valid record Identify record as "1" or "0" |
| LoadDate | The date when the assessment delivery data is loaded |
| Low Grade | School lowest grade level |
| Migrant | "Y" or "N" based on Migrant Status date |
| Migrant Flag | "1" or "0" 1=identified in Program 95 or 0= not identified |

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| Migratory Status Date | A date that indicates when an individual, or a parent/guardian accompanying an individual, maintained primary employment in one or more agricultural or fishing activities on a seasonal or other temporary basis and established a temporary residence for the purposes of such employment. This is a date, not a program participation code. This element represents "Last Qualifying Move Date." This indicates the date for the family's last move that qualifies the student for 48 months of service. This date may also be identified as the Qualifying Arrival Date (QAD). |
| Month Earned | "01"- "12" |
| Month_Name | "January", "February", "March", "April", "May", "June", "July", "August", "September", "October", "November", "December" |
| Name_Suffix | Pupil Name Suffix on the birth certificate or on a legal document or stating legal name change. Reference NRS 392.165 |
| NASAA_Flag | "1" or "0" pupil identified Nevada Alternative Assessment formally known as NASAA |
| New_Immigrant | "Y" or "N" New in County Student is an immigrant and is LEP and is enrolled for the first time in a US School |
| New_In_Country_Flag | An immigrant student identified as Limited English Proficient who is enrolled for the first time in a U.S. school. |
| Number_Years_District | Students will be coded YID=1 unless, 1. A student enrolls (not re-enrolls) in a school in the district after count day. 2. A student has a break in enrollment (i.e. is not enrolled) for 6 or more school days AFTER count day. The break in enrollment will be calculated by counting the number of school days that occurred at the student's new school subsequent to the withdrawal from the student's old school AND prior to the re-enrollment in the new school. Note: In calculating this rule, district sponsored charter schools should not be considered a part of the sponsoring district. All withdrawals, enrollments, and re-enrollments for Concurrent student records should be ignored when calculating this rule. |

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| Number_Years_School | If a student enrolls between the beginning of school and Count Day and there is no withdrawal following the enrollment date: or If a student enrolls between the beginning of school and Count Day then withdraws sometime before Pre-ID labels are pulled with a withdrawal code indicating change of grade (WIA) or change of track (WIB), re-enrolls in the same school within the District within the same school year. If true, value = 1. If false, value = 0 |
| Occurrence | 1 when enrollment; -1 when withdrawal |
| OE_Barriers_Disadvantaged | "Y" or "N" |
| Original Year of Graduation | Based upon a student's first year entry into the 9th grade. This value will NOT change once the student's first time entry into 9th grade is determined. To derive a student's OYOG, add three years to the year in which the student entered 9th grade for the first time. For example, if a student was a first time 9th grader in 2007-2008, the value in this field would be 2011. If a student was a first time 9th grader in 2006-2007, the OYOG value would be 2010. |
| Period Code | Period Abbreviation |
| Period Desc | Period Name |
| Phone Number | Pupil telephone number |
| Physical Injury | Incidents with injury include those in which one or more students, school personnel, or other persons on school grounds require professional medical attention. Examples include stab or bullet wounds, concussions, fractured or broken bones, or cuts requiring stitches. |
| Previous Location Desc | Null, " ", School name that student enrolled previous |
| Principal Email | Principal email address |
| Principal Name | Principal first and last name |

| Program_Subtype_Desc | |
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| | <p>05 = Subcategories for Program 5 The disability of a student. The codes are used by the Nevada Department of Education Special Education Division. This field only applies to special education (program participation code 96) and special education prekindergarten (program participation code 5).</p> <p>96 = Subcategories for Program 96 The disability of a student. The codes are used by the Nevada Department of Education Special Education Division. This field only applies to special education (program participation code 96) and special education prekindergarten (program participation code 5).</p> <p>97 = Subcategories for Program 97 The grade level that the student was retained in. For dates of program participation, use the year in which the student is being retained.</p> |

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| Program_Type_Desc | <p>02= Gifted Program: 04 = Title I Part C (Migrant Education Program): 05 = Prekindergarten (Special Education) 06 = Prekindergarten (Nevada Early Childhood Education) 11 = Title III, Limited English Based Proficiency Program: A student who speaks a language other than English or has another language other than English spoken in the home and participates in an English language instructional program. A student is considered former LEP if the student who speaks a language other than English or has another language other than English spoken in the home and has previously participated in an English language instructional program. The student has exited from the program by achieving an exit score on the current assessment of English language proficiency and the "approaching proficiency" designation on any one state mandated assessment 12 = Bilingual Based Education Program 13 = Title III Immigrant Program: An individual (age 3 -21) enrolled in a school who was not born in the United States and who has not been attending schools in the United States for more than three (3) full academic years. (In Nevada, an academic year is from count day to testing day). 14 = Adult High School Diploma Program 17 = Title VII, Indian Education Program 20 = Title I, Targeted Assistance: A student who has been identified for services in a school receiving Title I Targeted Assistance funding. Note: In Nevada, most Title I students are enrolled in a school-wide programs and are not included in the category. 40 = Gear Up Program 41 = Distance Learning Program</p> |
| Provision_II_Base_Flag | School flag for base year for calculating FRL based on pupil level reporting |
| Provision_II_Flag | Identify as Provision II status by the Nutrition office- all pupils are flagged FRL =Y for school level reporting |
| Residence_district | State Charter schools identify pupils enrolled in their district for Count Day |
| Residence_State | Two digit number identify pupil state |

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| Result_Score_Num | The student's score in a school on an assessment. (example 2.0, 3.0...) |
| Result_Score_Text | The student's score in text format in a school on an assessment. |
| Rule_Category_CD | Currently the only category code we have is 'EDS' = Ending Status |
| Rule_Category_Desc | Currently the only category description we have is Ending Status |
| Rule_CD | "4YR","5YR" rules for Ending Status |
| Rule_Desc | "4 Year Rule","5 Year Rule" for Ending Status |
| Rule_ID | This identifies the rule |
| Scale_of_Measurement_Code | Code values "Ratio","nominal","ordinal" |
| Scale_of_Measurement_Desc | Description of Element "Ratio","nominal","ordinal" |
| School_Number/Code | Unique identification number as assigned by the NDE and used for financial reporting. Combined with the district identification number, this number is unique across the state. This identification code consists of three numeric digits that represent the school. The official school code table is maintained by the NDE Finance and Accountability Team. (State school number. Five digit number. 1st and 2nd numeral is the district number, 3rd, 4th, and 5th is the number assigned to the school by the state.) |
| School_Reporting_Period | Month for which enrollment data are being reported as per NAC 387.100, NAC 387.120, and NRS 387.123.2a. School month means one of the ten divisions of a school year. Each school month should contain 20 or fewer school days of potential attendance. |
| School_Abbr | School Short Name |
| School_Address | School Physical and Mailing Address |
| School_Fax | School fax machine number |
| School_Level_Desc | school description by school level code "Senior High","Other Combination","Pre-Kindergarten","Adult High School","Elementary School","Secondary" |
| School_Name | School Name assigned by District |
| School_Name_Suffix | Identified school level "MS","SCH","ALT","ES","JHS","SEC" |
| School_Phone | School Telephone number |
| School_Type_Desc | School type description "Regular","Alternative","Charter School" |

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| school_year | 4-digit year code (0910)- Identified year-School year description "2009-2010", "2010-2011" |
| School_Year_Leav | 4-digit year code (0910)- Identified year when student complete or withdraw. |
| Section504_Flag | "Y" or "N" pupil identified receiving services for Program 84 / |
| Service Setting (NDE Placement Code) | Program 5 and 96. The setting and circumstance in which a student is served. Reserved for federal reporting of educational placement of children with disabilities. This field only applies to special education (program participation code 96) and special education prekindergarten (program participation code 5). |
| Service Setting, Duplicated Counts | These special education service settings are reported as counts that may be duplicated with the counts reported for Service Setting. This field only applies to special education (program participation code 96) and special education prekindergarten (program participation code 5). |
| Special Education Exit Reason | Program 5 and 96. Reason for exiting the special education program. This field only applies to special education (program participation code 96) and special education prekindergarten (program participation code 5). |
| Status | District Status |
| Student Address | Mailing and Physical |
| Student Legal First Name | Legal first name. as printed on the birth certificate, or on legal document that states legal name change. Reference NRS 392.165 |
| Student Legal Last/Surname | Legal last name as printed on the birth certificate, or on legal document that states legal name change. Reference: NRS 392.165 |
| Student Legal Middle Initial (Name) | Legal middle name(s) as printed on birth certificate or on legal document that states legal name change. Reference: NRS 392.165 |
| Student Number | Student's district identification number. |
| Student Transaction Entry Date | date this transaction seq for this student was loaded |
| Student Transaction Expired Date | date and time the pupil record changed |

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| Student_Unique_ID | Ten digit unique assigned number to pupil based on first time enrollment in Nevada |
| Subject Area for Credits Earned | Subject areas as defined in NAC 389.445, 389.659, 389.663, and 389.664. |
| Subject_Area_Code | Subject areas as defined in NAC 389.445, 389.659, 389.663, and 389.664. |
| Subject_Area_Desc | AG = American Government AH = American History AR = Art/Humanities EL = Elective EN = English HE = Health Education LA = Language Arts MA = Mathematics PE = Physical Education SC = Science SS = Social Studies UC = Use of Computers Subject Description "Mathematics", "Reading", "Science", "Writing" Subject Test Name "Mathematics", "Reading", "Science", "Writing" Subject Test Name "MATH", "READ", "SCIE", "WRIT" Description of Code values from Sublevel name short Description of Code values from Sublevel name short ACC,ACM,AYP,DOK1,DOK2,DOK3,MC1,MC2,MC3,MC4,MC5,R1DATE,R1ID,R1LOC,R2DAT,ER2ID,R2LOC,R3DATER3ID,R3LOC,RACM,RC1,RC2,RC3,RC4,SC1,SC2,SC3,SC4,SCAN,TEST,TLCR,TOPA,TOPAR1,TOPAR2, TOPAR3, TOPB, TOPBR1, TOPBR2, TOPBR3, TOTL, |
| Super_Email | District superintendent email address |
| Super_Name | District superintendent Name |
| Teacher_First_Name | Legal first name of the teacher teaching the course. |
| Teacher_Last_Name | The legal last name of the teacher teaching the course. |

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| Teacher_Middle_Name | Legal middle name. The middle part of a name given an individual at birth, baptism, or during another naming ceremony, or through legal change. |
| TechPrep | Any CTE course that has been articulated with a college or a community college that, when satisfactorily completed by an 11th or 12th grader, makes that student eligible to earn college credit. |
| Test Date | Test Date |
| Test_Desc | Description of test "Nevada High School Proficiency Exam (Writing)" or "Nevada High School Proficiency Exam (RMS)" |
| Test_Director | District testing Coordinator |
| test_type | "Census" or "retest" |
| Title1_Flag | Program 20 = Title I, Targeted Assistance: A student who has been identified for services in a school receiving Title I Targeted Assistance funding. Note: In Nevada, most Title I students are enrolled in a school-wide programs and are not included in the category. School flagged in Dim school as Title 1=Y |
| Track | Track in which student is or was enrolled. A numeric character indicating the track in which the student is enrolled, where applicable. Note: 1) all tracks within schools that have tracks must be represented 2) must match NDE codes 3) numeric not alpha |
| Transaction Update Date | The date that a student's program record was updated |
| Transient Student* | Student meeting Nevada's definition of a transient student for accountability purposes. A transient student in Nevada is defined as one who does not enroll for an entire school year in the same school starting Count Day Note: Students are not considered transient if they are transferred to another school in the district because of a change in school zoning. If a student were transferred to a different track in a year-round school, his/her transfer wouldn't be counted as transient at that school. Students changing grade level during the same school year at the same school will not be counted as transient. |

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| UCCSN_Remedial_Flag | "Y" or "N" For each high school in the district, the percentage of students who graduated from that school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university or community college with UCCSN. |
| Website | District website |
| Withdrawal CD | Code to identify the withdrawal (GR = Graduated, PR = Promoted) |
| Withdrawal Desc | Description to identify the withdrawal |
| Year | YEAR |
| Year Earned | Year the student earned the credit in a particular course |
| Yrs_In_District_Flag | <p>Students will be coded YID=1 unless,</p> <p style="text-align: center;">1. A</p> <p>student enrolls (not re-enrolls) in a school in the district after count day. 2. A student has a break in enrollment (i.e. is not enrolled) for 6 or more school days AFTER count day. The break in enrollment will be calculated by counting the number of school days that occurred at the student's new school subsequent to the withdrawal from the student's old school AND prior to the re-enrollment in the new school. Note: In calculating this rule, district sponsored charter schools should not be considered a part of the sponsoring district. All withdrawals, enrollments, and reenrollments for Concurrent student records should be ignored when calculating this rule.</p> |
| Yrs_In_School_Flag | The number of years a student was enrolled in the present school. |