

LEGISLATURE OF NEBRASKA
 ONE HUNDREDTH LEGISLATURE
 FIRST SESSION
LEGISLATIVE BILL 653

FINAL READING

Introduced by Raikes, 25

Read first time January 17, 2007

Committee: Education

A BILL

1 FOR AN ACT relating to the Quality Education Accountability Act; to
 2 amend sections 79-757, 79-760.01, and 79-760.02, Reissue
 3 Revised Statutes of Nebraska, and section 79-760, Revised
 4 Statutes Cumulative Supplement, 2006; to require the
 5 implementation of a statewide assessment and reporting
 6 system, grade level standards and assessments, and the
 7 tracking of individual student achievement; to define
 8 terms; to provide duties for the State Department of
 9 Education, the State Board of Education, a coordinator,
 10 learning communities, educational service units, and
 11 school districts; to harmonize provisions; and to repeal
 12 the original sections.

13 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-757, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 79-757 Sections 79-757 to 79-762 and sections 2, 4, 7,
4 and 8 of this act shall be known and may be cited as the Quality
5 Education Accountability Act.

6 Sec. 2. For purposes of the Quality Education
7 Accountability Act:

8 (1) Assessment means the process of measuring student
9 achievement and progress on state and locally adopted standards;

10 (2) Assessment instrument means a test aligned with state
11 and local standards that is designed to measure student progress
12 and achievement;

13 (3) Assessment portfolio means the compilation of
14 assessment practices and procedures, assessment instruments, and
15 national assessment instruments used by a school district in
16 meeting assessment and reporting requirements; and

17 (4) National assessment instrument means a nationally
18 norm-referenced test developed and scored by a national testing
19 service.

20 Sec. 3. Section 79-760, Revised Statutes Cumulative
21 Supplement, 2006, is amended to read:

22 79-760 ~~(1)~~ The (1)(a) For school years prior to 2009-10,
23 the State Board of Education shall implement a statewide system
24 for the assessment of student learning and for reporting the
25 performance of school districts and learning communities pursuant

1 to this section. The assessment and reporting system shall test
2 student knowledge of subject matter materials covered by the
3 measurable model academic content standards approved by the state
4 board. The state board shall adopt an assessment and reporting
5 plan and begin implementation of the assessment and reporting
6 system in the 2000-01 school year beginning with the assessment
7 of reading and writing. The state board shall prescribe statewide
8 assessments of writing that rely on writing samples beginning in
9 the spring of 2001 with students in each of three grades selected
10 by the state board. For each academic year thereafter, one of the
11 three selected grades shall participate in the statewide writing
12 assessment. The state board shall develop an assessment system and
13 prescribe statewide assessments for the subject areas of reading,
14 mathematics, science, social studies, and history. The assessment
15 and reporting system for each subject area, except writing, shall
16 be based on locally developed assessments the first year.

17 **(b)** Following the first assessment in each subject area,
18 except writing, the State Department of Education shall contract
19 with independent, recognized assessment experts to review and rate
20 locally developed assessments. The department shall identify the
21 criteria for rating the model assessments. The assessment experts
22 shall identify not more than four model assessments receiving
23 the highest ratings. Districts shall thereafter adopt one of the
24 four model assessments and may, in addition, adapt their locally
25 developed assessments.

1 (c) The aggregate results of any assessments required
2 by the state board pursuant to this section shall be reported by
3 the district on a building basis to the public in that district,
4 to the learning community coordinating council if such district
5 is a member of a learning community, and to the department. Each
6 learning community shall also report the aggregate results of any
7 assessments required by the state board pursuant to this section to
8 the public in that learning community and to the department.

9 (d) The department shall report the aggregate results
10 of any assessments required by the state board pursuant to this
11 section on a learning community, district, and building basis as
12 part of the statewide assessment and reporting system.

13 (2) The purposes of the assessment and reporting system
14 described in subsection (1) of this section are to:

15 (a) Determine how well public schools are performing in
16 terms of achievement of public school students related to the model
17 state academic content standards;

18 (b) Report the performance of public schools based upon
19 the results of the assessment;

20 (c) Provide information for the public and policymakers
21 on the performance of public schools; and

22 (d) Provide for the comparison ~~of~~ among Nebraska public
23 schools ~~to their peers and to school systems of other states and~~
24 ~~other countries,~~ and the comparison of Nebraska public schools to
25 public schools in the nation and the world.

1 ~~(3)~~ (3) (a) The assessment and reporting plan described in
2 subsection (1) of this section shall:

3 (i) Provide for the confidentiality of the results of
4 individual students; and

5 (ii) Include ~~include~~ all public schools and all public
6 school students.

7 (b) The state board shall adopt criteria for the
8 inclusion of students with disabilities, students entering the
9 school for the first time, and students with limited English
10 proficiency.

11 ~~(4) The assessment and reporting plan shall provide for~~
12 ~~the confidentiality of the individual students.~~

13 ~~(5) The state board shall adopt and promulgate rules and~~
14 ~~regulations to carry out this section.~~

15 Sec. 4. (1) For school year 2009-10 and each school
16 year thereafter, the State Board of Education shall implement
17 a statewide system for the assessment of student learning and
18 for reporting the performance of school districts and learning
19 communities pursuant to this section. The assessment and reporting
20 system shall measure student knowledge of subject matter materials
21 covered by measurable academic content standards selected by the
22 state board.

23 (2) The state board shall adopt a plan for an assessment
24 and reporting system and implement and maintain the assessment and
25 reporting system. The state board shall select three grade levels

1 for assessment and reporting. The purposes of the system are to:

2 (a) Determine how well public schools are performing in
3 terms of achievement of public school students related to the state
4 academic content standards;

5 (b) Report the performance of public schools based upon
6 the results of state assessment instruments and national assessment
7 instruments;

8 (c) Provide information for the public and policymakers
9 on the performance of public schools; and

10 (d) Provide for the comparison among Nebraska public
11 schools and the comparison of Nebraska public schools to public
12 schools elsewhere.

13 (3) The state board shall prescribe a statewide
14 assessment of writing that relies on writing samples in each of
15 three grades selected by the state board. Each year at least one
16 of the three selected grades shall participate in the statewide
17 writing assessment with each selected grade level participating at
18 least once every three years.

19 (4) For school year 2009-10 and for each school year
20 thereafter, the state board shall prescribe a statewide assessment
21 of reading that is based on model assessments developed pursuant
22 to section 79-760. The reading assessment instruments shall be
23 developed in collaboration with educational service units and
24 be approved by a majority of the educational service unit
25 administrators. The statewide assessment of reading shall include

1 assessment instruments for each of the grade levels and standards
2 selected by the state board.

3 (5) For school year 2010-11 and for each school year
4 thereafter, the state board shall prescribe a statewide assessment
5 of mathematics that is based on model assessments developed
6 pursuant to section 79-760. The mathematics assessment instruments
7 shall be developed in collaboration with educational service
8 units and be approved by a majority of the educational service
9 unit administrators. The statewide assessment of mathematics shall
10 include assessment instruments for each of the grade levels and
11 standards selected by the state board.

12 (6) School districts shall develop assessment portfolios.
13 Such assessment portfolios may be developed through school
14 district collaboration with educational service units and learning
15 communities or through interlocal agreements. Educational service
16 units shall conduct a peer review of local district assessments
17 annually. Educational service units shall submit documentation
18 of the district portfolios for review by the State Department
19 of Education not more than once every three years. Assessment
20 portfolios shall include all assessment instruments required by the
21 state board and by the Quality Education Accountability Act.

22 (7) The department shall identify criteria for rating
23 assessment instruments and assessment portfolios. The department
24 shall establish statewide minimum proficiency levels for local
25 assessments and shall include proficiency levels in the rating of

1 assessment instruments and assessment portfolios. The department
2 shall contract with independent, recognized assessment experts
3 to review and rate locally developed assessment instruments and
4 portfolios according to such criteria and proficiency levels.

5 (8) The department shall conduct studies to verify the
6 technical quality of assessment instruments and demonstrate the
7 comparability of assessment instrument results required by the
8 Quality Education Accountability Act. The department shall annually
9 report such findings to the Governor, the Legislature, and the
10 State Board of Education.

11 (9) The State Board of Education shall recommend national
12 assessment instruments for the purpose of national comparison. Each
13 school district shall include national assessment instruments in
14 its assessment portfolio.

15 (10) The aggregate results of assessment instruments
16 and national assessment instruments shall be reported by the
17 district on a building basis to the public in that district, to
18 the learning community coordinating council if such district is
19 a member of a learning community, and to the department. Each
20 learning community shall also report the aggregate results of
21 any assessment instruments and national assessment instruments to
22 the public in that learning community and to the department. The
23 department shall report the aggregate results of any assessment
24 instruments and national assessment instruments on a learning
25 community, district, and building basis as part of the statewide

1 assessment and reporting system.

2 (11) (a) The assessment and reporting plan shall:

3 (i) Provide for the confidentiality of the results of
4 individual students; and

5 (ii) Include all public schools and all public school
6 students.

7 (b) The state board shall adopt criteria for the
8 inclusion of students with disabilities, students entering the
9 school for the first time, and students with limited English
10 proficiency.

11 Sec. 5. Section 79-760.01, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 79-760.01 The State Board of Education shall adopt
14 measurable model academic content standards for at least three
15 grade levels. ~~no later than July 1, 2001. The standards for~~
16 ~~each subject area shall be adopted prior to the implementation~~
17 ~~of the assessment and reporting system under section 79-760~~
18 ~~for that subject area, beginning with writing and reading. The~~
19 standards shall cover the subject areas of reading, writing,
20 mathematics, science, and social studies. ~~and history. The~~
21 standards adopted shall be sufficiently clear and measurable to be
22 used for testing student performance with respect to mastery of
23 the content described in the state standards. The State Board of
24 Education shall develop a plan to review and update standards for
25 each subject area every five years. The state board shall review

1 and update the standards in reading by July 1, 2009, the standards
2 in mathematics by July 1, 2010, and the standards in all other
3 subject areas by July 1, 2013. The state board plan shall include a
4 review of commonly accepted standards adopted by school districts.

5 Sec. 6. Section 79-760.02, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 79-760.02 In accordance with timelines that are adopted
8 by the State Board of Education, but in no event later than
9 July 1, 2003, one year following the adoption or modification
10 of state standards, each school district shall adopt measurable
11 quality academic content standards in the subject areas of reading,
12 writing, mathematics, science, and social studies, and history.
13 The standards may be the same as, or may be equal to or exceed in
14 rigor, the measurable model academic content standards adopted by
15 the state board and shall cover at least the same grade levels.
16 School districts may work collaboratively with educational service
17 units, with learning communities, or through interlocal agreements
18 to develop such standards. Educational service units and learning
19 communities shall develop a composite set of standards shared by
20 member school districts. The State Department of Education shall
21 adopt and promulgate appropriate rules and regulations to insure
22 the rigor of the measurable quality academic content standards.

23 Sec. 7. (1) For each learning community, any educational
24 service units that have member school districts that are part of
25 such learning community shall develop and implement a joint plan

1 to establish grade level standards and provide for developmentally
2 appropriate assessment of students in grades kindergarten through
3 three. The joint plan shall include, but not be limited to, the
4 subject areas of reading and mathematics and shall be developed to
5 measure student progress toward such standards.

6 (2) The coordinator appointed pursuant to section
7 79-11,150 and the State Department of Education shall provide
8 assistance in the development of the standards and assessment
9 described in subsection (1) of this section.

10 (3) School districts shall report data collected pursuant
11 to the plan described in subsection (1) of this section to such
12 educational service units. The data shall conform with the data
13 collection procedures established for the student identifier system
14 pursuant to section 8 of this act.

15 Sec. 8. (1) The State Board of Education shall implement
16 a statewide system for tracking individual student achievement,
17 using the student identifier system of the State Department
18 of Education, that can be aggregated to track student progress
19 by demographic characteristics, including, but not limited to,
20 race, poverty, high mobility, attendance, and limited English
21 proficiency, on available measures of student achievement which
22 include, but need not be limited to, national assessment
23 instruments, state assessment instruments, local assessment
24 instruments, and other similar measures. Such a system shall be
25 designed so as to aggregate student data by available educational

1 input characteristics, which may include class size, teacher
2 education, teacher experience, special education, early childhood
3 programs, federal programs, and other targeted education programs.
4 School districts shall provide the department with individual
5 student achievement data as requested in order to implement the
6 statewide system.

7 (2) The department and the coordinator appointed pursuant
8 to section 79-11,150 shall annually analyze and report on student
9 achievement for the state, each school district, and each learning
10 community aggregated by the demographic characteristics described
11 in subsection (1) of this section. The department shall report
12 the findings to the Governor, the Legislature, school districts,
13 educational service units, and each learning community. Such
14 analysis shall include aggregated data that would indicate
15 differences in achievement due to available educational input
16 characteristics described in subsection (1) of this section.
17 Such analysis shall include indicators of progress toward state
18 achievement goals for students in poverty, limited English
19 proficient students, and highly mobile students according to the
20 plan developed by the coordinator pursuant to section 79-11,150.

21 Sec. 9. Original sections 79-757, 79-760.01, and
22 79-760.02, Reissue Revised Statutes of Nebraska, and section
23 79-760, Revised Statutes Cumulative Supplement, 2006, are repealed.