

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 987**

Introduced by Raikes, 25; Adams, 24; Ashford, 20; Avery, 28; Flood,  
19.

Read first time January 15, 2008

Committee: Education

A BILL

1 FOR AN ACT relating to schools; to amend section 79-762, Reissue  
2 Revised Statutes of Nebraska, and sections 79-757,  
3 79-758, 79-760.02, and 79-760.03, Revised Statutes  
4 Supplement, 2007; to change provisions relating to the  
5 Quality Education Accountability Act; to define terms; to  
6 create a commission and an office; to change and provide  
7 powers and duties; to harmonize provisions; and to repeal  
8 the original sections.  
9 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 79-757, Revised Statutes Supplement,  
2 2007, is amended to read:

3           79-757 Sections 79-757 to 79-762 and sections 4 and 6  
4 to 9 of this act shall be known and may be cited as the Quality  
5 Education Accountability Act.

6           Sec. 2. Section 79-758, Revised Statutes Supplement,  
7 2007, is amended to read:

8           79-758 For purposes of the Quality Education  
9 Accountability Act:

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

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

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

19           (4) Commission means the Quality Education Accountability  
20 Commission;

21           ~~(4)~~ (5) National assessment instrument means a nationally  
22 norm-referenced test developed and scored by a national testing  
23 service; and -

24           (6) Office means the Quality Education Accountability  
25 Office.

1           Sec. 3. Section 79-760.02, Revised Statutes Supplement,  
2 2007, is amended to read:

3           79-760.02 In accordance with timelines that are adopted  
4 by the State Board of Education, but in no event later than one  
5 year following the adoption or modification of state standards,  
6 each school district shall adopt measurable quality academic  
7 content standards in the subject areas of reading, writing,  
8 mathematics, science, and social studies. The standards may be  
9 the same as, or may be equal to or exceed in rigor, the measurable  
10 model academic content standards adopted by the state board and  
11 shall cover at least the same grade levels. School districts  
12 may work collaboratively with educational service units, with  
13 learning communities, or through interlocal agreements to develop  
14 such standards. Educational service units and learning communities  
15 shall develop a composite set of standards shared by member school  
16 districts. ~~The State Department of Education shall adopt and~~  
17 ~~promulgate appropriate rules and regulations to insure the rigor of~~  
18 ~~the measurable quality academic content standards.~~

19           Sec. 4. The commission shall prioritize essential  
20 standards adopted by the State Board of Education and school  
21 districts pursuant to section 79-760.02 and other standards  
22 appropriate for statewide assessment. The commission shall identify  
23 such standards to be used in assessment for state and federal  
24 accountability. Such standards shall be the only standards required  
25 for statewide assessment.

1           Sec. 5. Section 79-760.03, Revised Statutes Supplement,  
2 2007, is amended to read:

3           79-760.03 (1) For school year 2009-10 and each school  
4 year thereafter, the ~~State Board of Education~~ commission shall  
5 implement a statewide system for the assessment of student learning  
6 and for reporting the performance of school districts and learning  
7 communities pursuant to this section. The assessment and reporting  
8 system shall measure student knowledge of subject matter materials  
9 covered by ~~measurable academic content~~ standards selected by the  
10 ~~state board.~~ commission.

11           (2) The ~~state board~~ commission shall adopt a plan  
12 for an assessment and reporting system, and the state board  
13 shall implement and maintain the assessment and reporting system  
14 according to such plan. The ~~state board~~ shall select three  
15 commission shall select grade levels for assessment and reporting  
16 consistent with state and federal requirements. The purposes of the  
17 system are to:

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

21           (b) Report the performance of public schools based upon  
22 the results of state assessment instruments and national assessment  
23 instruments;

24           (c) Provide information for the public and policymakers  
25 on the performance of public schools, consistent with state and

1 federal requirements; and

2 (d) Provide for the comparison among Nebraska public  
3 schools and the comparison of Nebraska public schools to public  
4 schools elsewhere.

5 (3) The state board commission shall prescribe a  
6 statewide assessment of writing that relies on writing samples  
7 in each of three grades selected by the state board. Each year  
8 at least one of the three selected grades shall participate in  
9 the statewide writing assessment with each selected grade level  
10 participating at least once every three years. commission.

11 (4) For school year 2009-10 and for each school year  
12 thereafter, the state board commission shall prescribe a statewide  
13 assessment of reading, that is based on model assessments developed  
14 pursuant to section 79-760. The reading assessment instruments  
15 shall be developed in collaboration with educational service units  
16 and be approved by a majority of the educational service unit  
17 administrators. The statewide assessment of reading shall include  
18 assessment instruments for each of the grade levels and standards  
19 selected by the state board. commission.

20 (5) For school year ~~2010-11~~ 2009-10 and for each school  
21 year thereafter, the state board commission shall prescribe a  
22 statewide assessment of mathematics, that is based on model  
23 assessments developed pursuant to section 79-760. The mathematics  
24 assessment instruments shall be developed in collaboration with  
25 educational service units and be approved by a majority of the

1 ~~educational service unit administrators.~~ The statewide assessment  
2 of mathematics shall include assessment instruments for each of the  
3 grade levels and standards selected by the ~~state board,~~ commission.

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

15 ~~(7) The department shall identify criteria for rating~~  
16 ~~assessment instruments and assessment portfolios.~~ The department  
17 shall establish statewide minimum proficiency levels for local  
18 assessments and shall include proficiency levels in the rating of  
19 assessment instruments and assessment portfolios. The department  
20 shall contract with independent, recognized assessment experts  
21 to review and rate locally developed assessment instruments and  
22 portfolios according to such criteria and proficiency levels.

23 (7) The commission shall prescribe statewide assessments  
24 consistent with state and federal law in the areas of science and  
25 social studies.

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

7           (9) The ~~State Board of Education~~ commission shall  
8 recommend national assessment instruments for the purpose of  
9 national comparison. Each school district shall ~~include national~~  
10 ~~assessment instruments in its assessment portfolio.~~ report  
11 individual student data for scores and sub-scores according to  
12 procedures established by the state board and the State Department  
13 of Education pursuant to section 79-760.05.

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

- 1 (11) (a) The assessment and reporting plan shall:
- 2 (i) Provide for the confidentiality of the results of
- 3 individual students; and
- 4 (ii) Include all public schools and all public school
- 5 students.
- 6 (b) The ~~state board~~ commission shall adopt criteria for
- 7 the inclusion of students with disabilities, students entering
- 8 the school for the first time, and students with limited
- 9 English proficiency, consistent with state and federal reporting
- 10 requirements.

11 Sec. 6. The Quality Education Accountability Commission

12 is created. The commission shall consist of five members as

13 follows:

14 (1) Two members with expertise in educational assessment

15 at the elementary, secondary, or postsecondary level, appointed by

16 the Governor and confirmed by the Legislature; and

17 (2) Three members from the citizenry of the state at

18 large who have experience in education or a demonstrated interest

19 in educational assessment and accountability appointed by the

20 Governor and confirmed by the Legislature.

21 The State Board of Education may select up to three of

22 its members to serve as ex officio members of the commission.

23 Sec. 7. The commission shall:

24 (1) Establish standards and assessment procedures to meet

25 the requirements of state and federal law;

1           (2) Adopt a plan for the assessment and reporting system  
2 provided in section 79-760.03;

3           (3) Establish standards for statewide assessment. Other  
4 state and local standards may be established but are not to be  
5 required for state and federal reporting; and

6           (4) Hire a director of statewide assessment who may hire  
7 such staff as necessary to carry out the duties of the commission.

8           The commission may contract with public or private  
9 entities to carry out the responsibilities of the commission  
10 and the requirements of the Quality Education Accountability Act.

11           Sec. 8. (1) The Quality Education Accountability Office  
12 is created. The office shall be an agency of state government. The  
13 office may be a separate division within an existing department of  
14 the executive branch of government.

15           (2) The chief executive officer of the office shall be  
16 known as the Director of Quality Education Accountability and shall  
17 be appointed by the Governor and confirmed by the Legislature.  
18 The director shall serve as the primary staff for the commission  
19 and shall serve at the pleasure of the Governor. The director may  
20 employ such assistants, professional staff, and other employees as  
21 may be deemed necessary to effectively carry out the provisions  
22 of the Quality Education Accountability Act. The salary of the  
23 director shall be fixed by the Governor unless otherwise expressly  
24 provided for by law.

25           Sec. 9. The Quality Education Accountability Office shall

1 have the following powers and duties:

2 (1) To serve as staff for the commission;

3 (2) To officially represent the State of Nebraska to the  
4 United States Department of Education on all matters dealing with  
5 statewide assessment and state accountability;

6 (3) To develop guidelines for local and state reporting  
7 for educational assessment;

8 (4) To develop and implement a statewide assessment  
9 transition plan with the State Department of Education;

10 (5) To make contracts pursuant to the act and to do  
11 all things necessary to cooperate with the federal government to  
12 qualify for, accept, expend, and dispense funds intended for the  
13 implementation of the act;

14 (6) To contract for services if such services cannot be  
15 satisfactorily performed by employees of the office or by any other  
16 agency of state government;

17 (7) To enter into such agreements as are necessary to  
18 carry out accountability research and development of assessments;

19 (8) To carry out duties and responsibilities relating to  
20 assessment and quality education accountability as may be requested  
21 or required of the state by the federal government; and

22 (9) To form advisory citizen committees consistent with  
23 the duties of the commission and the office.

24 Sec. 10. Section 79-762, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

1                   79-762 The State Board of Education and the office shall  
2 adopt and promulgate rules and regulations to carry out the Quality  
3 Education Accountability Act.

4                   Sec. 11. Original section 79-762, Reissue Revised  
5 Statutes of Nebraska, and sections 79-757, 79-758, 79-760.02, and  
6 79-760.03, Revised Statutes Supplement, 2007, are repealed.