

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 512

Introduced by Scheer, 19.

Read first time January 23, 2013

Committee: Education

A BILL

1 FOR AN ACT relating to the Quality Education Accountability Act; to
2 amend sections 79-760.01 and 79-760.02, Reissue Revised
3 Statutes of Nebraska, and section 79-760.03, Revised
4 Statutes Cumulative Supplement, 2012; to change
5 provisions relating to academic content standards and a
6 statewide assessment and reporting system; to harmonize
7 provisions; and to repeal the original sections.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-760.01, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 79-760.01 The State Board of Education shall adopt
4 measurable academic content standards for at least the grade levels
5 required for statewide assessment pursuant to section 79-760.03. The
6 standards shall cover the subject areas of reading, writing,
7 mathematics, science, and social studies. The standards adopted shall
8 be sufficiently clear and measurable to be used for testing student
9 performance with respect to mastery of the content described in the
10 state standards. The State Board of Education shall develop a plan to
11 review ~~and update~~ the standards for each subject area not less than
12 every five years and may modify the standards as it deems
13 appropriate. The state board shall review and update the standards in
14 reading by July 1, 2009, the standards in mathematics by July 1,
15 2010, and the standards in all other subject areas by July 1, 2013.
16 The state board plan shall include a review of commonly accepted
17 standards adopted by school districts.

18 Sec. 2. Section 79-760.02, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 79-760.02 In accordance with timelines that are adopted
21 by the State Board of Education, but in no event later than one year
22 following the adoption or modification of state standards, each
23 school district shall adopt measurable quality academic content
24 standards in the subject areas of reading, writing, mathematics,
25 science, and social studies. The standards may be the same as, or may

1 be equal to or exceed in rigor, the measurable academic content
2 standards adopted by the state board pursuant to section 79-760.01
3 and shall cover at least the same grade levels. School districts may
4 work collaboratively with educational service units, with learning
5 communities, or through interlocal agreements to develop such
6 standards. Educational service units and learning communities shall
7 develop a composite set of standards shared by member school
8 districts.

9 Sec. 3. Section 79-760.03, Revised Statutes Cumulative
10 Supplement, 2012, is amended to read:

11 79-760.03 (1) For school year 2009-10 and each school
12 year thereafter, the State Board of Education shall implement a
13 statewide system for the assessment of student learning and for
14 reporting the performance of school districts and learning
15 communities pursuant to this section. The assessment and reporting
16 system shall measure student knowledge of subject matter materials
17 covered by measurable academic content standards selected by the
18 state board pursuant to section 79-760.01.

19 (2) The state board shall adopt a plan for an assessment
20 and reporting system and implement and maintain the assessment and
21 reporting system according to such plan. The plan shall be submitted
22 annually to the State Department of Education, the Governor, the
23 chairperson of the Education Committee of the Legislature, and the
24 Clerk of the Legislature. The plan submitted to the committee and the
25 Clerk of the Legislature shall be submitted electronically. The state

1 board shall select grade levels for assessment and reporting required
2 pursuant to subsections (4) through (7) of this section. The purposes
3 of the system are to:

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

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

10 (c) Provide information for the public and policymakers
11 on the performance of public schools; and

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

15 (3) The Governor shall appoint a technical advisory
16 committee to review the statewide assessment plan and state
17 assessment instruments developed under the Quality Education
18 Accountability Act. The technical advisory committee shall consist of
19 three nationally recognized experts in educational assessment and
20 measurement, one administrator from a school in Nebraska, and one
21 teacher from a school in Nebraska. The members shall serve terms of
22 three years, except that two of the members shall be appointed for
23 initial terms of two years. Any vacancy shall be filled by the
24 Governor for the remainder of the term. One of the members shall be
25 designated as chairperson by the Governor. Members shall be

1 reimbursed for their actual and necessary expenses as provided in
2 sections 81-1174 to 81-1177. The committee shall advise the Governor,
3 the state board, and the State Department of Education on the
4 development of statewide assessment instruments and the statewide
5 assessment plan. The appointments to the committee shall be confirmed
6 by the Legislature.

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

13 (5) For school year 2009-10 and for each school year
14 thereafter, the state board shall prescribe a statewide assessment of
15 reading. The statewide assessment of reading shall include assessment
16 instruments for each of the grade levels three through eight and for
17 one grade in high school and standards adopted by the state board
18 pursuant to section 79-760.01.

19 (6) For no later than school year 2010-11 and for each
20 school year thereafter, the state board shall prescribe a statewide
21 assessment of mathematics. The statewide assessment of mathematics
22 shall include assessment instruments for each of the grade levels
23 three through eight and for one grade in high school and standards
24 adopted by the state board pursuant to section 79-760.01. If no
25 statewide assessment of mathematics is administered in school year

1 2009-10, school districts shall report mathematics assessment results
2 in the same manner as such information was reported in school year
3 2008-09.

4 (7) For no later than school year 2011-12 and each school
5 year thereafter, the state board shall prescribe a statewide
6 assessment of science. The statewide assessment of science shall
7 include assessment instruments for each of the grade levels selected
8 by the state board and standards adopted by the state board pursuant
9 to section 79-760.01. The grade levels shall include at least one
10 grade in elementary school, one grade in middle school or junior high
11 school, and one grade in high school.

12 (8) The department shall conduct studies to verify the
13 technical quality of assessment instruments and demonstrate the
14 comparability of assessment instrument results required by the act.
15 The department shall annually report such findings to the Governor,
16 the Legislature, and the state board. The report submitted to the
17 Legislature shall be submitted electronically.

18 (9) The state board shall recommend national assessment
19 instruments for the purpose of national comparison. Each school
20 district shall report individual student data for scores and sub-
21 scores according to procedures established by the state board and the
22 department pursuant to section 79-760.05.

23 (10) The aggregate results of assessment instruments and
24 national assessment instruments shall be reported by the district on
25 a building basis to the public in that district, to the learning

1 community coordinating council if such district is a member of a
2 learning community, and to the department. Each learning community
3 shall also report the aggregate results of any assessment instruments
4 and national assessment instruments to the public in that learning
5 community and to the department. The department shall report the
6 aggregate results of any assessment instruments and national
7 assessment instruments on a learning community, district, and
8 building basis as part of the statewide assessment and reporting
9 system.

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

11 (i) Provide for the confidentiality of the results of
12 individual students; and

13 (ii) Include all public schools and all public school
14 students.

15 (b) The state board shall adopt criteria for the
16 inclusion of students with disabilities, students entering the school
17 for the first time, and students with limited English proficiency.

18 The department may determine appropriate accommodations
19 for the assessment of students with disabilities or any student
20 receiving special education programs and services pursuant to section
21 79-1139. Alternate academic achievement standards in reading,
22 mathematics, and science and alternate assessment instruments aligned
23 with the standards may be among the accommodations for students with
24 severe cognitive disabilities.

25 (12) The state board may select additional grade levels

1 and additional subject areas for statewide assessment instruments to
2 (a) comply with federal requirements or (b) administer assessment
3 instruments that measure student knowledge relative to common
4 academic content standards adopted by a consortium of states in
5 particular subject areas.

6 (13) The state board shall not require school districts
7 to administer assessments or assessment instruments other than as
8 prescribed by the act.

9 (14) The state board shall appoint committees of
10 teachers, from each appropriate subject area, and administrators to
11 assist in the development or identification of statewide assessment
12 instruments required by the act.

13 Sec. 4. Original sections 79-760.01 and 79-760.02,
14 Reissue Revised Statutes of Nebraska, and section 79-760.03, Revised
15 Statutes Cumulative Supplement, 2012, are repealed.