

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 1007

Introduced by Adams, 24.

Read first time January 20, 2010

Committee: Education

A BILL

1 FOR AN ACT relating to schools; to amend sections 79-703 and
2 79-757, Reissue Revised Statutes of Nebraska, and section
3 79-318, Revised Statutes Supplement, 2009; to change
4 duties of the State Board of Education; to provide for
5 performance measures and priority schools pursuant to
6 the Quality Education Accountability Act; 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 79-318, Revised Statutes Supplement,
2 2009, is amended to read:

3 79-318 The State Board of Education shall:

4 (1) Appoint and fix the compensation of the Commissioner
5 of Education;

6 (2) Remove the commissioner from office at any time for
7 conviction of any crime involving moral turpitude or felonious act,
8 for inefficiency, or for willful and continuous disregard of his or
9 her duties as commissioner or of the directives of the board;

10 (3) Upon recommendation of the commissioner, appoint and
11 fix the compensation of a deputy commissioner and all professional
12 employees of the board;

13 (4) Organize the State Department of Education into such
14 divisions, branches, or sections as may be necessary or desirable
15 to perform all its proper functions and to render maximum service
16 to the board and to the state school system;

17 (5) Provide, through the commissioner and his or her
18 professional staff, enlightened professional leadership, guidance,
19 and supervision of the state school system, including educational
20 service units. In order that the commissioner and his or her
21 staff may carry out their duties, the board shall, through the
22 commissioner: (a) Provide supervisory and consultation services
23 to the schools of the state; (b) issue materials helpful in the
24 development, maintenance, and improvement of educational facilities
25 and programs; (c) establish rules and regulations which govern

1 standards and procedures for the approval and legal operation of
2 all schools in the state and for the accreditation of all schools
3 requesting state accreditation. All ~~public,~~ school districts shall
4 comply with the accreditation requirements prescribed in the
5 Quality Education Accountability Act, this section, and section
6 79-703, and all private, denominational, or parochial schools shall
7 either comply with the accreditation or approval requirements
8 prescribed in this section and section 79-703 or, for those schools
9 which elect not to meet accreditation or approval requirements, the
10 requirements prescribed in subsections (2) through (6) of section
11 79-1601. Standards and procedures for approval and accreditation
12 shall be based upon the program of studies, guidance services, the
13 number and preparation of teachers in relation to the curriculum
14 and enrollment, instructional materials and equipment, science
15 facilities and equipment, library facilities and materials, and
16 health and safety factors in buildings and grounds. Rules and
17 regulations which govern standards and procedures for private,
18 denominational, and parochial schools which elect, pursuant to
19 the procedures prescribed in subsections (2) through (6) of
20 section 79-1601, not to meet state accreditation or approval
21 requirements shall be as described in such section; (d) institute
22 a statewide system of testing to determine the degree of
23 achievement and accomplishment of all the students within the
24 state's school systems ~~if it determines such testing would be~~
25 ~~advisable,~~ as required by the Quality Education Accountability

1 Act; (e) prescribe a uniform system of records and accounting for
2 keeping adequate educational and financial records, for gathering
3 and reporting necessary educational data, and for evaluating
4 educational progress; (f) cause to be published laws, rules, and
5 regulations governing the schools and the school lands and funds
6 with explanatory notes for the guidance of those charged with the
7 administration of the schools of the state; (g) approve teacher
8 education programs conducted in Nebraska postsecondary educational
9 institutions designed for the purpose of certificating teachers
10 and administrators; (h) approve ~~teacher~~ certificated employee
11 evaluation policies and procedures developed by school districts
12 and educational service units; and (i) approve general plans and
13 adopt educational policies, standards, rules, and regulations for
14 carrying out the board's responsibilities and those assigned to the
15 State Department of Education by the Legislature;

16 (6) Adopt and promulgate rules and regulations for
17 the guidance, supervision, accreditation, and coordination of
18 educational service units. Such rules and regulations for
19 accreditation shall include, but not be limited to, (a) a
20 requirement that programs and services offered to school districts
21 by each educational service unit shall be evaluated on a regular
22 basis, but not less than every seven years, to assure that
23 educational service units remain responsive to school district
24 needs and (b) guidelines for the use and management of funds
25 generated from the property tax levy and from other sources of

1 revenue as may be available to the educational service units,
2 to assure that public funds are used to accomplish the purposes
3 and goals assigned to the educational service units by section
4 79-1204. The State Board of Education shall establish procedures to
5 encourage the coordination of activities among educational service
6 units and to encourage effective and efficient educational service
7 delivery on a statewide basis;

8 (7) Submit a biennial report to the Governor and the
9 Clerk of the Legislature covering the actions of the board, the
10 operations of the State Department of Education, and the progress
11 and needs of the schools and recommend such legislation as may be
12 necessary to satisfy these needs;

13 (8) Prepare and distribute reports designed to acquaint
14 school district officers, teachers, and patrons of the schools with
15 the conditions and needs of the schools;

16 (9) Provide for consultation with professional educators
17 and lay leaders for the purpose of securing advice deemed necessary
18 in the formulation of policies and in the effectual discharge of
19 its duties;

20 (10) Make studies, investigations, and reports and
21 assemble information as necessary for the formulation of policies,
22 for making plans, for evaluating the state school program, and for
23 making essential and adequate reports;

24 (11) Submit to the Governor and the Legislature a
25 budget necessary to finance the state school program under its

1 jurisdiction, including the internal operation and maintenance of
2 the State Department of Education;

3 (12) Interpret its own policies, standards, rules, and
4 regulations and, upon reasonable request, hear complaints and
5 disputes arising therefrom;

6 (13) With the advice of the Department of Motor Vehicles,
7 adopt and promulgate rules and regulations containing reasonable
8 standards, not inconsistent with existing statutes, governing: (a)
9 The general design, equipment, color, operation, and maintenance
10 of any vehicle with a manufacturer's rated seating capacity of
11 eleven or more passengers used for the transportation of public,
12 private, denominational, or parochial school students; and (b)
13 the equipment, operation, and maintenance of any vehicle with a
14 capacity of ten or less passengers used for the transportation of
15 public, private, denominational, or parochial school students, when
16 such vehicles are owned, operated, or owned and operated by any
17 public, private, denominational, or parochial school or privately
18 owned or operated under contract with any such school in this
19 state, except for vehicles owned by individuals operating a school
20 which elects pursuant to section 79-1601 not to meet accreditation
21 or approval requirements. Similar rules and regulations shall be
22 adopted and promulgated for operators of such vehicles as provided
23 in section 79-607;

24 (14) Accept, on behalf of the Nebraska Center for the
25 Education of Children who are Blind or Visually Impaired, devises

1 of real property or donations or bequests of other property, or
2 both, if in its judgment any such devise, donation, or bequest
3 is for the best interest of the center or the students receiving
4 services from the center, or both, and irrigate or otherwise
5 improve any such real estate when in the board's judgment it would
6 be advisable to do so; and

7 (15) Upon acceptance of any devise, donation, or bequest
8 as provided in this section, administer and carry out such devise,
9 donation, or bequest in accordance with the terms and conditions
10 thereof. If not prohibited by the terms and conditions of any such
11 devise, donation, or bequest, the board may sell, convey, exchange,
12 or lease property so devised, donated, or bequeathed upon such
13 terms and conditions as it deems best and remit all money derived
14 from any such sale or lease to the State Treasurer for credit to
15 the State Department of Education Trust Fund.

16 Each member of the Legislature shall receive a copy of
17 the report required by subdivision (7) of this section by making a
18 request for it to the commissioner.

19 None of the duties prescribed in this section shall
20 prevent the board from exercising such other duties as in its
21 judgment may be necessary for the proper and legal exercise of its
22 obligations.

23 Sec. 2. Section 79-703, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 79-703 (1) To ensure both equality of opportunity

1 and quality of programs offered, all ~~public schools~~ school
2 districts in the state shall be required to meet quality and
3 performance-based ~~approval or~~ accreditation standards as prescribed
4 by the State Board of Education and shall comply with the
5 requirements of the Quality Education Accountability Act. The board
6 shall establish a core curriculum standard, which shall include
7 multicultural education and vocational education courses, for all
8 public schools in the state. Accreditation ~~and approval~~ standards
9 shall be designed to assure effective schooling and quality of
10 instructional programs regardless of school size, wealth, or
11 geographic location. The board shall recognize and encourage the
12 maximum use of cooperative programs and may provide for ~~approval~~
13 ~~or~~ accreditation of programs on a cooperative basis, including the
14 sharing of administrative and instructional staff, between school
15 districts for the purpose of meeting the ~~approval and~~ accreditation
16 requirements established pursuant to this section and section
17 79-318.

18 (2) The Commissioner of Education shall appoint an
19 accreditation committee which shall be representative of the
20 educational institutions and agencies of the state and shall
21 include as a member the director of admissions of the University of
22 Nebraska.

23 (3) The accreditation committee shall be responsible
24 for: (a) Recommending appropriate standards and policies with
25 respect to the accreditation and classification of schools; and (b)

1 making recommendations annually to the commissioner relative to the
2 accreditation and classification of individual schools. No school
3 shall be considered for accreditation status which has not first
4 fulfilled all requirements for an approved school.

5 ~~(4) By school year 1993-94 all public schools in the~~
6 ~~state shall be accredited.~~

7 ~~(5) It is the intent of the Legislature that all (4)~~
8 All public school students shall have access to all educational
9 services required of accredited schools. Such services may be
10 provided through cooperative programs or alternative methods of
11 delivery.

12 Sec. 3. Section 79-757, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 79-757 Sections 79-757 to 79-762 and section 4 of this
15 act shall be known and may be cited as the Quality Education
16 Accountability Act.

17 Sec. 4. (1) On or before December 1, 2010, the State
18 Board of Education shall establish an index to be used to
19 measure the performance of individual public schools beginning with
20 school year 2012-13. The index shall combine multiple measures,
21 including, but not limited to, graduation rates, student growth and
22 performance on the assessments as provided in section 79-760.03,
23 and other school performance indicators as established by the
24 board. The measures selected by the board for the index shall be
25 combined into a school performance score and district performance

1 score.

2 (2) The board shall establish levels for the index in
3 order to classify school performance, and the Commissioner of
4 Education shall establish an intervention team. Any school that
5 does not meet the minimum level of performance established by the
6 board shall be designated as a priority school. The school board
7 of a school district containing a priority school shall permit
8 the intervention team full access to the priority school, school
9 personnel of the priority school, the school district, school
10 district personnel, academic information, financial information,
11 and any other requested information. The intervention team, in
12 collaboration with the priority school and the district, shall
13 develop a progress plan for approval by the State Board of
14 Education. The progress plan shall include specific actions
15 required by the school and the district in order to remove its
16 classification as a priority school. Compliance with progress plans
17 shall be a requirement to maintain accreditation for any school
18 district that has at least one priority school.

19 (3) A progress plan is required for a school for each
20 year that it is classified as a priority school. The State
21 Board of Education shall annually review any progress plans and
22 determine whether any modifications are needed. If a school has
23 been designated as a priority school for the fifth consecutive
24 year, the State Board of Education shall determine whether further
25 steps should be taken.

1 (4) The Commissioner of Education shall annually report
2 to the Governor, the Clerk of the Legislature, and the chairperson
3 of the Education Committee of the Legislature on all schools
4 designated as priority schools. The report shall include the
5 name of the school, the grades included in the priority school
6 designation, the name of the school district, the years for which
7 the school was designated a priority school, a summary of the
8 progress plan, and the measurement of progress.

9 Sec. 5. Original sections 79-703 and 79-757, Reissue
10 Revised Statutes of Nebraska, and section 79-318, Revised Statutes
11 Supplement, 2009, are repealed.