

LEGISLATURE OF NEBRASKA
ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 635

Introduced by Adams, 24.

Read first time January 19, 2011

Committee: Education

A BILL

1 FOR AN ACT relating to schools; to amend sections 79-703, 79-757, and
2 79-2104.01, Reissue Revised Statutes of Nebraska, and
3 section 79-318, Revised Statutes Cumulative Supplement,
4 2010; to change duties of the State Board of Education;
5 to provide for performance measures and priority schools
6 pursuant to the Quality Education Accountability Act; to
7 harmonize provisions; and to repeal the original
8 sections.

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

1 Section 1. Section 79-318, Revised Statutes Cumulative
2 Supplement, 2010, 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 to
15 perform all its proper functions and to render maximum service to the
16 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 staff
21 may carry out their duties, the board shall, through the
22 commissioner: (a) Provide supervisory and consultation services to
23 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 all
2 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 Quality
5 Education Accountability Act, this section, and section 79-703, and
6 all private, denominational, or parochial schools shall either comply
7 with the accreditation or approval requirements prescribed in this
8 section and section 79-703 or, for those schools which elect not to
9 meet accreditation or approval requirements, the requirements
10 prescribed in subsections (2) through (6) of section 79-1601.
11 Standards and procedures for approval and accreditation shall be
12 based upon the program of studies, guidance services, the number and
13 preparation of teachers in relation to the curriculum and enrollment,
14 instructional materials and equipment, science facilities and
15 equipment, library facilities and materials, and health and safety
16 factors in buildings and grounds. Rules and regulations which govern
17 standards and procedures for private, denominational, and parochial
18 schools which elect, pursuant to the procedures prescribed in
19 subsections (2) through (6) of section 79-1601, not to meet state
20 accreditation or approval requirements shall be as described in such
21 section; (d) institute a statewide system of testing to determine the
22 degree of achievement and accomplishment of all the students within
23 the state's school systems ~~if it determines such testing would be~~
24 advisable; as required by the Quality Education Accountability Act;
25 (e) prescribe a uniform system of records and accounting for keeping

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

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

1 goals assigned to the educational service units by section 79-1204.
2 The State Board of Education shall establish procedures to encourage
3 the coordination of activities among educational service units and to
4 encourage effective and efficient educational service delivery on a
5 statewide basis;

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

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

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

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

22 (11) Submit to the Governor and the Legislature a budget
23 necessary to finance the state school program under its jurisdiction,
24 including the internal operation and maintenance of the State
25 Department of Education;

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

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

22 (14) Accept, on behalf of the Nebraska Center for the
23 Education of Children who are Blind or Visually Impaired, devises of
24 real property or donations or bequests of other property, or both, if
25 in its judgment any such devise, donation, or bequest is for the best

1 interest of the center or the students receiving services from the
2 center, or both, and irrigate or otherwise improve any such real
3 estate when in the board's judgment it would be advisable to do so;
4 and

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

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

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

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

23 79-703 (1) To ensure both equality of opportunity and
24 quality of programs offered, all ~~public schools~~ school districts in
25 the state shall be required to meet quality and performance-based

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

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

19 (3) The accreditation committee shall be responsible for:
20 (a) Recommending appropriate standards and policies with respect to
21 the accreditation and classification of schools; and (b) making
22 recommendations annually to the commissioner relative to the
23 accreditation and classification of individual schools. No school
24 shall be considered for accreditation status which has not first
25 fulfilled all requirements for an approved school.

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

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

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

9 79-757 Sections 79-757 to 79-762 and section 4 of this
10 act shall be known and may be cited as the Quality Education
11 Accountability Act.

12 Sec. 4. (1) On or before December 1, 2011, the State
13 Board of Education shall establish an index to be used to measure the
14 performance of individual public schools beginning with school year
15 2012-13. The index shall combine multiple measures, including, but
16 not limited to, graduation rates, student growth and performance on
17 the assessments provided in section 79-760.03, and other school
18 performance indicators as established by the board. The measures
19 selected by the board for the index may be combined into a school
20 performance score and district performance score.

21 (2) The board shall establish levels of performance for
22 the index in order to classify school performance. Any school that
23 does not meet the minimum level of performance established by the
24 board shall be designated as a priority school. The Commissioner of
25 Education shall establish an intervention team for each priority

1 school. For priority schools within a learning community, the
2 intervention team shall be the advisory committee established
3 pursuant to section 79-2104.01 and such intervention team shall
4 consult with the commissioner and other persons designated by the
5 commissioner at the time the intervention team is established. The
6 school board of a school district containing a priority school shall
7 permit the intervention team and any person performing duties on
8 behalf of the intervention team full access to the priority school,
9 school personnel of the priority school, the school district, school
10 district personnel, academic information, financial information, and
11 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 Education.
14 The progress plan shall include specific actions required by the
15 school and the district in order to remove its classification as a
16 priority school. Compliance with progress plans shall be a
17 requirement to maintain accreditation for any school district that
18 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 Board of
21 Education shall annually review any progress plans and determine
22 whether any modifications are needed. If a school has been designated
23 as a priority school for the fifth consecutive year, the State Board
24 of Education shall determine whether further steps should be taken or
25 whether the school district shall lose its accreditation and be

1 subject to dissolution by the State Committee for the Reorganization
2 of School Districts pursuant to section 79-498.

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

11 Sec. 5. Section 79-2104.01, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 79-2104.01 Each learning community coordinating council
14 shall have an advisory committee composed of the superintendent from
15 each member school district or his or her representative. The
16 advisory committee shall meet at least four times each year to review
17 issues related to open enrollment and proposals for focus programs,
18 focus schools, magnet schools, and pathways, to provide
19 recommendations for improving academic achievement across the
20 learning community, and to provide input to the learning community
21 coordinating council on other issues as requested. The advisory
22 committee shall also act as the intervention team for priority
23 schools within its learning community pursuant to section 4 of this
24 act.

25 Sec. 6. Original sections 79-703, 79-757, and 79-2104.01,

- 1 Reissue Revised Statutes of Nebraska, and section 79-318, Revised
- 2 Statutes Cumulative Supplement, 2010, are repealed.