

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 101**

Introduced by Sullivan, 41; Cook, 13; Kolowski, 31.

Read first time January 08, 2015

Committee: Education

- 1 A BILL FOR AN ACT relating to education; to amend section 79-760.03,
- 2 Reissue Revised Statutes of Nebraska; to change provisions relating
- 3 to a statewide assessment and reporting system; to harmonize
- 4 provisions; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-760.03, Reissue Revised Statutes of Nebraska,  
2 is amended to read:

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

11 (2) The state board shall adopt a plan for an assessment and  
12 reporting system and implement and maintain the assessment and reporting  
13 system according to such plan. The plan shall be submitted annually to  
14 the State Department of Education, the Governor, the chairperson of the  
15 Education Committee of the Legislature, and the Clerk of the Legislature.  
16 The plan submitted to the committee and the Clerk of the Legislature  
17 shall be submitted electronically. The state board shall select grade  
18 levels for assessment and reporting required pursuant to subsections (4)  
19 through (7) of this section. The purposes of the system are to:

20 (a) Determine how well public schools are performing in terms of  
21 achievement of public school students related to the state academic  
22 content standards and academic preparedness for postsecondary education  
23 and careers;

24 (b) Report the performance of public schools based upon the results  
25 of state assessment instruments and national assessment instruments;

26 (c) Provide information for the public and policymakers on the  
27 performance of public schools; and

28 (d) Provide for the comparison among Nebraska public schools and the  
29 comparison of Nebraska public schools to public schools elsewhere.

30 (3) The Governor shall appoint a technical advisory committee to  
31 review the statewide assessment plan and state assessment instruments

1 developed under the Quality Education Accountability Act. The technical  
2 advisory committee shall consist of three nationally recognized experts  
3 in educational assessment and measurement, one administrator from a  
4 school in Nebraska, and one teacher from a school in Nebraska. The  
5 members shall serve terms of three years, except that two of the members  
6 shall be appointed for initial terms of two years. Any vacancy shall be  
7 filled by the Governor for the remainder of the term. One of the members  
8 shall be designated as chairperson by the Governor. Members shall be  
9 reimbursed for their actual and necessary expenses as provided in  
10 sections 81-1174 to 81-1177. The committee shall advise the Governor, the  
11 state board, and the State Department of Education on the development of  
12 statewide assessment instruments and the statewide assessment plan. The  
13 appointments to the committee shall be confirmed by the Legislature.

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

19 (5) For school year 2009-10 and for each school year thereafter, the  
20 state board shall prescribe a statewide assessment of reading. The  
21 statewide assessment of reading shall include assessment instruments for  
22 each of the grade levels three through eight and for one grade in high  
23 school and standards adopted by the state board pursuant to section  
24 79-760.01.

25 (6) For no later than school year 2010-11 and for each school year  
26 thereafter, the state board shall prescribe a statewide assessment of  
27 mathematics. The statewide assessment of mathematics shall include  
28 assessment instruments for each of the grade levels three through eight  
29 and for one grade in high school and standards adopted by the state board  
30 pursuant to section 79-760.01. If no statewide assessment of mathematics  
31 is administered in school year 2009-10, school districts shall report

1 mathematics assessment results in the same manner as such information was  
2 reported in school year 2008-09.

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

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

17 (9) For school year 2016-17 and each school year thereafter, the  
18 state board shall prescribe a statewide assessment system to evaluate  
19 student progress toward academic preparedness for postsecondary education  
20 and careers. The state board shall collaborate with public postsecondary  
21 educational institutions as defined in Article VII, section 14, of the  
22 Constitution of Nebraska and with the Coordinating Commission for  
23 Postsecondary Education in the identification of such assessment system.  
24 Such assessment system shall serve as a consensus indicator of student  
25 progress toward academic preparedness for postsecondary education and  
26 careers and shall consist of multiple assessment administrations in order  
27 to evaluate progress. The assessment system required by this subsection  
28 may be realized through the assessment instruments required by  
29 subsections (4) through (7) of this section or national assessment  
30 instruments required by subsection (10) of this section on the condition  
31 that the requirements of this subsection are met.

1           (10 9) The state board shall recommend national assessment  
2 instruments for the purpose of national comparison. Each school district  
3 shall report individual student data for scores and sub-scores according  
4 to procedures established by the state board and the department pursuant  
5 to section 79-760.05.

6           (11 ~~10~~) The aggregate results of assessment instruments and national  
7 assessment instruments shall be reported by the district on a building  
8 basis to the public in that district, to the learning community  
9 coordinating council if such district is a member of a learning  
10 community, and to the department. Each learning community shall also  
11 report the aggregate results of any assessment instruments and national  
12 assessment instruments to the public in that learning community and to  
13 the department. The department shall report the aggregate results of any  
14 assessment instruments and national assessment instruments on a learning  
15 community, district, and building basis as part of the statewide  
16 assessment and reporting system.

17           (12 ~~11~~)(a) The assessment and reporting plan shall:

18           (i) Provide for the confidentiality of the results of individual  
19 students; and

20           (ii) Include all public schools and all public school students.

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

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

30           (13 ~~12~~) The state board may select additional grade levels and  
31 additional subject areas for statewide assessment instruments to comply

1 with federal requirements.

2       (~~14 13~~) The state board shall not require school districts to  
3 administer assessments or assessment instruments other than as prescribed  
4 by the act.

5       (~~15 14~~) The state board shall appoint committees of teachers, from  
6 each appropriate subject area, and administrators to assist in the  
7 development or identification of statewide assessment instruments  
8 required by the act.

9       Sec. 2. Original section 79-760.03, Reissue Revised Statutes of  
10 Nebraska, is repealed.