LEGISLATIVE BILL 662

Introduced by Linehan, 39; Briese, 41.

Read first time January 18, 2017

Committee: Education

A BILL FOR AN ACT relating to schools; to amend section 79-760.06, Revised Statutes Cumulative Supplement, 2016; to establish a grading system for schools and school districts; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,
Section 1. Section 79-760.06, Revised Statutes Cumulative Supplement, 2016, is amended to read:

79-760.06  (1)(a) On or before August 1, 2012, the State Board of Education shall establish an accountability system to be used pursuant to this subsection until August 1, 2020, to measure the performance of individual public schools and school districts. The accountability system shall combine multiple indicators, including, but not limited to, graduation rates, student growth and student improvement on the assessment instruments provided in section 79-760.03, and other indicators of the performance of public schools and school districts as established by the state board.

(b) (2) Beginning with the reporting of data from school year 2014-15, the indicators selected by the state board for the accountability system shall be combined into a school performance score and district performance score. The state board shall establish levels of performance based upon school performance scores and district performance scores in order to classify the performance of public schools and school districts beginning with the reporting of data from school year 2014-15. The state board shall designate priority schools based on such classification. Schools designated as priority schools shall be at the lowest performance level at the time of the initial priority school designation. Schools designated as priority schools shall remain priority schools until such designation is removed by the state board. No more than three schools may have a priority school designation at one time. Schools designated as priority schools shall be subject to the requirements of section 79-760.07. Progress plans for the initial schools designated as priority schools shall be approved by the state board no later than August 15, 2016. The State Department of Education shall annually report the performance level of individual public schools and school districts as part of the statewide assessment and reporting system.
(2) On or before August 1, 2020, the State Board of Education shall establish an accountability system with a scale measuring performance for schools and districts and awarding a grade of an A, B, C, D, or F as follows:

(a) Each school shall earn one of the following grades except a school shall not earn a school grade if the percent of students tested is greater than ninety-five percent but the number of students tested is less than ten to ensure accuracy and prevent the unlawful release of personally identifiable student data under 20 U.S.C. 1232g and similar state privacy laws:

(i) A school grade of A means the school is producing excellent student achievement and progress;

(ii) A school grade of B means the school is producing above average student achievement and progress;

(iii) A school grade of C means the school is producing satisfactory student achievement and progress;

(iv) A school grade of D means the school is producing less than satisfactory student achievement and progress; and

(v) A school grade of F means the school is failing to produce adequate student achievement and progress.

(b) A school's grade shall be based on a combination of:

(i) The percent of students scoring at proficient or higher on the statewide assessments for all students in English language arts, mathematics, and science;

(ii) The percent of students making growth to proficiency, or advanced proficiency for students already proficient, for all students as measured by the statewide assessments in reading and mathematics;

(iii) The percent of students making growth to proficiency for the lowest performing twenty-five percent of students in the school on the statewide assessments in reading and mathematics;

(iv) For high schools, the percent of students earning a high school
diploma in four years; and

(v) The department shall assign school grades based on a balance of overall student achievement and growth divided evenly between the growth of all students and the growth of the lowest performing twenty-five percent of students in the school. For high schools, the graduation rate should be a factor of no more than twenty percent of the overall calculation.

(c) Student assessment data used in determining school grades shall include:

(i) The scores of all students enrolled in the school for a full academic year with scores on the statewide assessments;

(ii) The growth scores of all students enrolled in the school for the current full academic year with scores on the statewide assessments in the current and prior years;

(iii) The growth scores of the lowest performing twenty-five percent of students based on prior year scores in reading and mathematics enrolled in the school for the current full academic year with scores on the state annual accountability assessment in the current and prior years; and

(iv) Students attending an alternative school who are subject to district school board policies for expulsion for repeated or serious offenses or in dropout retrieval programs serving students who have officially been designated as dropouts shall not be included in the school grade determination.

(d) Schools that do not test ninety-five percent of their students will have the school grade lowered by one letter.

(e) In any year in which sixty-five percent or more of the statewide aggregate of elementary, middle, or high schools earn a grade of A or B, the department shall raise the scale required to earn a school grade for that level of school by five percent.

(f) The department shall develop school awards for schools that
improve at least one grade level or earn a school grade of A.

(g) The annual report shall include a district grade, which follows the same method used for calculating a school grade except at the district level.

(h) Each school earning a school grade of an A or having improved at least two grade levels shall have greater authority over the allocation of the school's total budget, state categorical funds, grants, and local funds, as specified by the State Board of Education or the department and such authority shall remain in effect until the school's grade declines.

(i) The department shall prepare annual reports of the results of the statewide accountability program to describe student achievement in individual schools and school districts and in the state as a whole. The department, with input from the school districts, parents, and community stakeholders, shall design the reports, which must include, without limitation, the school's grade, an explanation of school performance, descriptions of the performance of all schools participating in the assessment program and all of their major student populations as determined by the department, and any information regarding school improvement. The provisions of Family Educational Rights and Privacy Act, 20 U.S.C. 1232g pertaining to student records and any similar state legislation apply to this section. The department, on its web site, shall publish each district and school's report card annually, and the district shall provide the school report card to each parent no later than one month prior to the beginning of the next school year.

Sec. 2. Original section 79-760.06, Revised Statutes Cumulative Supplement, 2016, is repealed.