

LEGISLATIVE BILL 154

Approved by the Governor May 5, 2021

Introduced by Wayne, 13; Hansen, M., 26; Hunt, 8.

A BILL FOR AN ACT relating to the Quality Education Accountability Act; to amend section 79-760.05, Reissue Revised Statutes of Nebraska, and section 79-760.06, Revised Statutes Cumulative Supplement, 2020; to require tracking of student discipline as prescribed; to provide duties; to harmonize provisions; and to repeal the original sections.
Be it enacted by the people of the State of Nebraska,

Section 1. Section 79-760.05, Reissue Revised Statutes of Nebraska, is amended to read:

79-760.05 (1) The State Board of Education shall implement a statewide system for tracking individual student achievement, using the student identifier system of the State Department of Education, that can be aggregated to track student progress by demographic characteristics, including, but not limited to, race, poverty, high mobility, attendance, and limited English proficiency, on available measures of student achievement which include, but need not be limited to, national assessment instruments, state assessment instruments, and the indicators used in the accountability system required pursuant to section 79-760.06. Such a system shall be designed so as to aggregate student data by available educational input characteristics, which may include class size, teacher education, teacher experience, special education, early childhood programs, federal programs, and other targeted education programs. School districts shall provide the department with individual student achievement data from assessment instruments required pursuant to section 79-760.03 in order to implement the statewide system.

(2)(a) On or before August 1, 2022, the state board shall also implement a statewide system for tracking individual student discipline, using the student identifier system of the department, that can be aggregated to track student discipline by type of discipline and demographic characteristics, including, but not limited to, race, poverty, high mobility, attendance, disability, and limited English proficiency. The state board shall cause each school district to report, by individual student, any:

(i) Act resulting in an in-school suspension, a short-term suspension, a long-term suspension, a one-semester expulsion, a two-semester expulsion, an assignment to an alternative school or alternative-learning program, the use of physical intervention with such student, or the restraint or seclusion of such student;

(ii) Offense constituting grounds for a long-term suspension, an expulsion, or a mandatory reassignment pursuant to section 79-267, regardless of consequences assigned; and

(iii) Act resulting in law enforcement involvement, including any incident reported to law enforcement or to an onsite school resource officer, and any school-related citation or arrest.

(b) For purposes of this subsection, school-related citation or arrest shall include a citation or arrest of a student for any activity conducted on school grounds; in a vehicle owned, leased, or contracted by a school being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or by such employee's designee; or at a school-sponsored activity or athletic event.

(c) The system for tracking individual student discipline may also be used to record other disciplinary incidents.

(d) Each school shall designate at least one discipline data coordinator for the purposes of gathering and reporting the discipline data required pursuant to this subsection.

(3) (2) The department shall annually analyze and report on student achievement and on student discipline for the state, each school district, each public school, and each learning community aggregated by the demographic characteristics described in subsection (1) of this section. The department shall report the findings to the Governor, the Legislature, school districts, educational service units, and each learning community. The report submitted to the Legislature shall be submitted electronically. Such analysis shall include aggregated data that would indicate differences in achievement and differences in student discipline due to available educational input characteristics described in subsection (1) of this section. Such analysis shall include indicators of progress toward state achievement goals for students in poverty, limited English proficient students, students with disabilities, and highly mobile students.

Sec. 2. Section 79-760.06, Revised Statutes Cumulative Supplement, 2020, is amended to read:

79-760.06 (1) ~~The On or before August 1, 2012,~~ the State Board of Education shall establish an accountability system to be used 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, student discipline, and other indicators of the performance of public schools and school districts as established by the state board.

(2) ~~The 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 annually 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 annually classify and report the performance of public schools and school districts beginning with the reporting of data from school year 2014-15. The department shall classify and report the performance of public schools and school districts annually on or before December 31 of each calendar year.

(3) 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 less 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. 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.

Sec. 3. Original section 79-760.05, Reissue Revised Statutes of Nebraska, and section 79-760.06, Revised Statutes Cumulative Supplement, 2020, are repealed.