

E AND R AMENDMENTS TO LB 653

Introduced by Enrollment and Review Committee: McGill, 26,
Chairperson

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 Section 1. Section 79-757, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 79-757 Sections 79-757 to 79-762 and sections 2, 4, 7,
6 and 8 of this act shall be known and may be cited as the Quality
7 Education Accountability Act.

8 Sec. 2. For purposes of the Quality Education
9 Accountability Act:

10 (1) Assessment means the process of measuring student
11 achievement and progress on state and locally adopted standards;

12 (2) Assessment instrument means a test aligned with state
13 and local standards that is designed to measure student progress
14 and achievement;

15 (3) Assessment portfolio means the compilation of
16 assessment practices and procedures, assessment instruments, and
17 national assessment instruments used by a school district in
18 meeting assessment and reporting requirements; and

19 (4) National assessment instrument means a nationally
20 norm-referenced test developed and scored by a national testing
21 service.

22 Sec. 3. Section 79-760, Revised Statutes Cumulative
23 Supplement, 2006, is amended to read:

1 79-760 ~~(1)~~ The (1)(a) For school years prior to 2009-10,
2 the State Board of Education shall implement a statewide system
3 for the assessment of student learning and for reporting the
4 performance of school districts and learning communities pursuant
5 to this section. The assessment and reporting system shall test
6 student knowledge of subject matter materials covered by the
7 measurable model academic content standards approved by the state
8 board. The state board shall adopt an assessment and reporting
9 plan and begin implementation of the assessment and reporting
10 system in the 2000-01 school year beginning with the assessment
11 of reading and writing. The state board shall prescribe statewide
12 assessments of writing that rely on writing samples beginning in
13 the spring of 2001 with students in each of three grades selected
14 by the state board. For each academic year thereafter, one of the
15 three selected grades shall participate in the statewide writing
16 assessment. The state board shall develop an assessment system and
17 prescribe statewide assessments for the subject areas of reading,
18 mathematics, science, social studies, and history. The assessment
19 and reporting system for each subject area, except writing, shall
20 be based on locally developed assessments the first year.

21 (b) Following the first assessment in each subject area,
22 except writing, the State Department of Education shall contract
23 with independent, recognized assessment experts to review and rate
24 locally developed assessments. The department shall identify the
25 criteria for rating the model assessments. The assessment experts
26 shall identify not more than four model assessments receiving
27 the highest ratings. Districts shall thereafter adopt one of the

1 four model assessments and may, in addition, adapt their locally
2 developed assessments.

3 (c) The aggregate results of any assessments required
4 by the state board pursuant to this section shall be reported by
5 the district on a building basis to the public in that district,
6 to the learning community coordinating council if such district
7 is a member of a learning community, and to the department. Each
8 learning community shall also report the aggregate results of any
9 assessments required by the state board pursuant to this section to
10 the public in that learning community and to the department.

11 (d) The department shall report the aggregate results
12 of any assessments required by the state board pursuant to this
13 section on a learning community, district, and building basis as
14 part of the statewide assessment and reporting system.

15 (2) The purposes of the assessment and reporting system
16 described in subsection (1) of this section are to:

17 (a) Determine how well public schools are performing in
18 terms of achievement of public school students related to the model
19 state academic content standards;

20 (b) Report the performance of public schools based upon
21 the results of the assessment;

22 (c) Provide information for the public and policymakers
23 on the performance of public schools; and

24 (d) Provide for the comparison of among Nebraska public
25 schools to their peers and to school systems of other states and
26 other countries, and the comparison of Nebraska public schools to
27 public schools in the nation and the world.

1 (3) (a) The assessment and reporting plan described in
2 subsection (1) of this section shall:

3 (i) Provide for the confidentiality of the results of
4 individual students; and

5 (ii) Include ~~include~~ all public schools and all public
6 school students.

7 (b) The state board shall adopt criteria for the
8 inclusion of students with disabilities, students entering the
9 school for the first time, and students with limited English
10 proficiency.

11 ~~(4) The assessment and reporting plan shall provide for~~
12 ~~the confidentiality of the individual students.~~

13 ~~(5) The state board shall adopt and promulgate rules and~~
14 ~~regulations to carry out this section.~~

15 Sec. 4. (1) For school year 2009-10 and each school
16 year thereafter, the State Board of Education shall implement
17 a statewide system for the assessment of student learning and
18 for reporting the performance of school districts and learning
19 communities pursuant to this section.

20 (2) The state board shall adopt a plan for an assessment
21 and reporting system and implement and maintain the assessment and
22 reporting system. The state board shall select three grade levels
23 for assessment and reporting. The purposes of the system are to:

24 (a) Determine how well public schools are performing in
25 terms of achievement of public school students related to the state
26 academic content standards;

27 (b) Report the performance of public schools based upon

1 the results of state assessment instruments and national assessment
2 instruments;

3 (c) Provide information for the public and policymakers
4 on the performance of public schools; and

5 (d) Provide for the comparison among Nebraska public
6 schools and the comparison of Nebraska public schools to public
7 schools in the nation and the world.

8 (3) The state board shall prescribe a statewide
9 assessment of writing that relies on writing samples in each of
10 three grades selected by the state board. Each year at least one
11 of the three selected grades shall participate in the statewide
12 writing assessment with each selected grade level participating at
13 least once every three years.

14 (4) For school year 2009-10 and for each school year
15 thereafter, the state board shall prescribe a statewide assessment
16 of reading that is based on model assessments developed pursuant
17 to section 79-760. The reading assessment instruments shall be
18 developed in collaboration with educational service units and
19 be approved by a majority of the educational service unit
20 administrators. The statewide assessment of reading shall include
21 assessment instruments for each of the grade levels selected by the
22 state board.

23 (5) For school year 2010-11 and for each school year
24 thereafter, the state board shall prescribe a statewide assessment
25 of mathematics that is based on model assessments developed
26 pursuant to section 79-760. The mathematics assessment instruments
27 shall be developed in collaboration with educational service units

1 and be approved by a majority of the educational service unit
2 administrators. The statewide assessment of mathematics shall
3 include assessment instruments for each of the grade levels
4 selected by the state board.

5 (6) School districts shall develop or adopt assessment
6 portfolios. Such assessment portfolios may be developed through
7 school district collaboration with educational service units and
8 learning communities or through interlocal agreements. Educational
9 service units shall conduct a peer review of local district
10 assessments annually. Educational service units shall submit
11 documentation of the district portfolios for review by the State
12 Department of Education not more than once every three years.
13 Assessment portfolios shall include all assessment instruments
14 required by the state board and by the Quality Education
15 Accountability Act.

16 (7) The department shall identify criteria for rating
17 assessment instruments and assessment portfolios. The department
18 shall establish statewide minimum proficiency levels for local
19 assessments and shall include proficiency levels in the rating of
20 assessment instruments and assessment portfolios. The department
21 shall contract with independent, recognized assessment experts
22 to review and rate locally developed assessment instruments and
23 portfolios according to such criteria and proficiency levels.

24 (8) The department shall annually conduct studies
25 to verify the technical quality of assessment instruments and
26 demonstrate the comparability of assessment instrument results
27 required by the Quality Education Accountability Act. The

1 department shall annually report such findings to the Governor, the
2 Legislature, and the State Board of Education.

3 (9) The State Board of Education shall recommend national
4 assessment instruments for the purpose of national comparison. Each
5 school district shall include national assessment instruments in
6 its assessment portfolio.

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

19 (11) (a) The assessment and reporting plan shall:

20 (i) Provide for the confidentiality of the results of
21 individual students; and

22 (ii) Include all public schools and all public school
23 students.

24 (b) The state board shall adopt criteria for the
25 inclusion of students with disabilities, students entering the
26 school for the first time, and students with limited English
27 proficiency.

1 Sec. 5. Section 79-760.01, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 79-760.01 The State Board of Education shall adopt
4 measurable model academic content standards for at least three
5 grade levels, ~~no later than July 1, 2001.~~ The standards for
6 each subject area shall be adopted prior to the implementation
7 of the assessment and reporting system under section 79-760
8 for that subject area, ~~beginning with writing and reading.~~ The
9 standards shall cover the subject areas of reading, writing,
10 mathematics, science, and social studies. ~~and history.~~ The
11 standards adopted shall be sufficiently clear and measurable to
12 be used for testing student performance with respect to mastery
13 of the content described in the state standards. The State Board
14 of Education shall develop a plan to review and update standards
15 for each subject area every five years, beginning with reading in
16 school year 2009-10, mathematics in school year 2010-11, and all
17 other subject areas by July 1, 2013. The state board plan should
18 include a review of commonly accepted standards adopted by school
19 districts, educational service units, and learning communities.

20 Sec. 6. Section 79-760.02, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 79-760.02 In accordance with timelines that are adopted
23 by the State Board of Education, but in no event later than
24 ~~July 1, 2003,~~ one year following the adoption or modification
25 of state standards, each school district shall adopt measurable
26 quality academic content standards in the subject areas of reading,
27 writing, mathematics, science, and social studies. ~~and history.~~

1 The standards may be the same as, or may be equal to or exceed in
2 rigor, the measurable model academic content standards adopted by
3 the state board and shall cover at least the same grade levels.
4 School districts may work collaboratively with educational service
5 units, with learning communities, or through interlocal agreements
6 to develop such standards. Educational service units and learning
7 communities shall develop a composite set of standards shared by
8 member school districts. The State Department of Education shall
9 adopt and promulgate appropriate rules and regulations to insure
10 the rigor of the measurable quality academic content standards.

11 Sec. 7. (1) Educational service units consisting of
12 school districts that are also a part of a learning community shall
13 develop and implement a plan to establish grade level standards and
14 provide for assessment of students in grades kindergarten through
15 three. The standards and assessment plan should include, but not be
16 limited to, the subject areas of reading and mathematics and should
17 be developed to measure student progress toward such standards.

18 (2) The high-needs education coordinator appointed
19 pursuant to section 79-11,150 and the State Department of Education
20 shall provide assistance in the development of the standards and
21 assessment described in subsection (1) of this section.

22 (3) School districts shall report data collected pursuant
23 to the plan described in subsection (1) of this section to such
24 educational service units. The data should conform with the data
25 collection procedures established for the student identifier system
26 pursuant to section 8 of this act.

27 Sec. 8. (1) The State Board of Education shall implement

1 a statewide system for tracking individual student achievement,
2 using the student identifier system of the State Department
3 of Education, that can be aggregated to track student progress
4 by demographic characteristics, including, but not limited to,
5 race, poverty, high mobility, attendance, and limited English
6 proficiency, on available measures of student achievement which
7 include, but need not be limited to, national assessment
8 instruments, state assessment instruments, local assessment
9 instruments, and other similar measures. Such a system shall be
10 designed so as to aggregate student data by available educational
11 input characteristics, which may include class size, teacher
12 education, teacher experience, special education, early childhood
13 programs, federal programs, and other targeted education programs.
14 School districts shall provide the department with individual
15 student achievement data as requested in order to implement the
16 statewide system.

17 (2) The department and the high-needs education
18 coordinator appointed pursuant to section 79-11,150 shall annually
19 analyze and report on student achievement for the state, each
20 school district, and each learning community aggregated by the
21 demographic characteristics described in subsection (1) of this
22 section. The department shall report the findings to the Governor,
23 the Legislature, school districts, educational service units, and
24 each learning community. Such analysis shall include aggregated
25 data that would indicate differences in achievement due to
26 available educational input characteristics described in subsection
27 (1) of this section. Such analysis shall include indicators of

1 progress toward state achievement goals for students in poverty,
2 limited English proficient students, and highly mobile students
3 according to the plan developed by the high-needs education
4 coordinator pursuant to section 79-11,150.

5 Sec. 9. Original sections 79-757, 79-760.01, and
6 79-760.02, Reissue Revised Statutes of Nebraska, and section
7 79-760, Revised Statutes Cumulative Supplement, 2006, are repealed.

8 2. On page 1, strike lines 2 through 8 and insert
9 "to amend sections 79-757, 79-760.01, and 79-760.02, Reissue
10 Revised Statutes of Nebraska, and section 79-760, Revised Statutes
11 Cumulative Supplement, 2006; to require the implementation
12 of a statewide assessment and reporting system, grade level
13 standards and assessments, and the tracking of individual student
14 achievement; to define terms; to provide duties for the State
15 Department of Education, the State Board of Education, learning
16 communities, educational service units, and school districts; to
17 harmonize provisions; and to repeal the original sections."