

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 1157

FINAL READING

Introduced by Raikes, 25.

Read first time January 23, 2008

Committee: Education

A BILL

1 FOR AN ACT relating to education; to amend sections 79-758,
2 79-760.01, 79-760.02, 79-760.03, and 79-760.05, Revised
3 Statutes Supplement, 2007; to change provisions relating
4 to statewide assessment and reporting; and to repeal the
5 original sections.

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

1 Section 1. Section 79-758, Revised Statutes Supplement,
2 2007, is amended to read:

3 79-758 For purposes of the Quality Education
4 Accountability Act:

5 (1) Assessment means the process of measuring student
6 achievement and progress on state and locally adopted state-adopted
7 standards;

8 (2) Assessment instrument means a test aligned with state
9 and local standards that is designed to measure student progress
10 and achievement; and

11 ~~(3) Assessment portfolio means the compilation of~~
12 ~~assessment practices and procedures, assessment instruments, and~~
13 ~~national assessment instruments used by a school district in~~
14 ~~meeting assessment and reporting requirements, and~~

15 ~~(4)~~ (3) National assessment instrument means a nationally
16 norm-referenced test developed and scored by a national testing
17 service.

18 Sec. 2. Section 79-760.01, Revised Statutes Supplement,
19 2007, is amended to read:

20 79-760.01 The State Board of Education shall adopt
21 measurable ~~model~~ academic content standards for at least ~~three~~
22 the grade levels required for statewide assessment pursuant to
23 section 79-760.03. The standards shall cover the subject areas of
24 reading, writing, mathematics, science, and social studies. The
25 standards adopted shall be sufficiently clear and measurable to be

1 used for testing student performance with respect to mastery of
2 the content described in the state standards. The State Board of
3 Education shall develop a plan to review and update standards for
4 each subject area every five years. The state board shall review
5 and update the standards in reading by July 1, 2009, the standards
6 in mathematics by July 1, 2010, and the standards in all other
7 subject areas by July 1, 2013. The state board plan shall include a
8 review of commonly accepted standards adopted by school districts.

9 Sec. 3. Section 79-760.02, Revised Statutes Supplement,
10 2007, is amended to read:

11 79-760.02 In accordance with timelines that are adopted
12 by the State Board of Education, but in no event later than one
13 year following the adoption or modification of state standards,
14 each school district shall adopt measurable quality academic
15 content standards in the subject areas of reading, writing,
16 mathematics, science, and social studies. The standards may be
17 the same as, or may be equal to or exceed in rigor, the measurable
18 ~~model~~ academic content standards adopted by the state board and
19 shall cover at least the same grade levels. School districts
20 may work collaboratively with educational service units, with
21 learning communities, or through interlocal agreements to develop
22 such standards. Educational service units and learning communities
23 shall develop a composite set of standards shared by member school
24 districts. ~~The State Department of Education shall adopt and~~
25 ~~promulgate appropriate rules and regulations to insure the rigor of~~

1 ~~the measurable quality academic content standards.~~

2 Sec. 4. Section 79-760.03, Revised Statutes Supplement,
3 2007, is amended to read:

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

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

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

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

1 instruments;

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

4 (d) Provide for the comparison among Nebraska public
5 schools and the comparison of Nebraska public schools to public
6 schools elsewhere.

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

24 ~~(3)~~ (4) The state board shall prescribe a statewide
25 assessment of writing that relies on writing samples in each of

1 three grades selected by the state board. Each year at least one
2 of the three selected grades shall participate in the statewide
3 writing assessment with each selected grade level participating at
4 least once every three years.

5 ~~(4)~~ (5) For school year 2009-10 and for each school
6 year thereafter, the state board shall prescribe a statewide
7 assessment of reading, ~~that is based on model assessments developed~~
8 ~~pursuant to section 79-760.~~ The reading assessment instruments
9 shall be developed in collaboration with educational service units
10 and be approved by a majority of the educational service unit
11 ~~administrators.~~ The statewide assessment of reading shall include
12 assessment instruments for each of the grade levels three through
13 eight and for one grade in high school and standards selected
14 adopted by the state board pursuant to section 79-760.01.

15 ~~(5)~~ (6) For no later than school year 2010-11 and for
16 each school year thereafter, the state board shall prescribe
17 a statewide assessment of mathematics, ~~that is based on model~~
18 ~~assessments developed pursuant to section 79-760.~~ The mathematics
19 assessment instruments shall be developed in collaboration with
20 educational service units and be approved by a majority of the
21 educational service unit administrators. The statewide assessment
22 of mathematics shall include assessment instruments for each of
23 the grade levels three through eight and for one grade in high
24 school and standards ~~selected~~ adopted by the state board pursuant
25 to section 79-760.01. If no statewide assessment of mathematics

1 is administered in school year 2009-10, school districts shall
2 report mathematics assessment results in the same manner as such
3 information was reported in school year 2008-09.

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

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

22 (7) For no later than school year 2011-12 and each
23 school year thereafter, the state board shall prescribe a statewide
24 assessment of science. The statewide assessment of science shall
25 include assessment instruments for each of the grade levels

1 selected by the state board and standards adopted by the state
2 board pursuant to section 79-760.01. The grade levels shall include
3 at least one grade in elementary school, one grade in middle school
4 or junior high school, and one grade in high school.

5 (8) The department shall conduct studies to verify the
6 technical quality of assessment instruments and demonstrate the
7 comparability of assessment instrument results required by the
8 ~~Quality Education Accountability Act, act.~~ The department shall
9 annually report such findings to the Governor, the Legislature, and
10 the ~~State Board of Education,~~ state board.

11 (9) The ~~State Board of Education~~ state board shall
12 recommend national assessment instruments for the purpose of
13 national comparison. Each school district shall ~~include national~~
14 ~~assessment instruments in its assessment portfolio,~~ report
15 individual student data for scores and sub-scores according to
16 procedures established by the state board and the department
17 pursuant to section 79-760.05.

18 (10) The aggregate results of assessment instruments
19 and national assessment instruments shall be reported by the
20 district on a building basis to the public in that district, to
21 the learning community coordinating council if such district is
22 a member of a learning community, and to the department. Each
23 learning community shall also report the aggregate results of
24 any assessment instruments and national assessment instruments to
25 the public in that learning community and to the department. The

1 department shall report the aggregate results of any assessment
2 instruments and national assessment instruments on a learning
3 community, district, and building basis as part of the statewide
4 assessment and reporting system.

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

6 (i) Provide for the confidentiality of the results of
7 individual students; and

8 (ii) Include all public schools and all public school
9 students.

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

14 The department may determine appropriate accommodations
15 for the assessment of students with disabilities or any student
16 receiving special education programs and services pursuant
17 to section 79-1139. Alternate academic achievement standards
18 in reading, mathematics, and science and alternate assessment
19 instruments aligned with the standards may be among the
20 accommodations for students with severe cognitive disabilities.

21 (12) The state board may select additional grade levels
22 and additional subject areas for statewide assessment instruments
23 to comply with federal requirements.

24 (13) The state board shall not require school districts
25 to administer assessments or assessment instruments other than as

1 prescribed by the act.

2 (14) The state board shall appoint committees of
3 teachers, from each appropriate subject area, and administrators
4 to assist in the development of statewide assessment instruments
5 required by the act.

6 Sec. 5. Section 79-760.05, Revised Statutes Supplement,
7 2007, is amended to read:

8 79-760.05 (1) The State Board of Education shall
9 implement a statewide system for tracking individual student
10 achievement, using the student identifier system of the State
11 Department of Education, that can be aggregated to track student
12 progress by demographic characteristics, including, but not
13 limited to, race, poverty, high mobility, attendance, and limited
14 English proficiency, on available measures of student achievement
15 which include, but need not be limited to, national assessment
16 instruments, and state assessment instruments. ~~local assessment~~
17 ~~instruments, and other similar measures.~~ Such a system shall be
18 designed so as to aggregate student data by available educational
19 input characteristics, which may include class size, teacher
20 education, teacher experience, special education, early childhood
21 programs, federal programs, and other targeted education programs.
22 School districts shall provide the department with individual
23 student achievement data as ~~requested~~ from assessment instruments
24 required pursuant to section 79-760.03 in order to implement the
25 statewide system.

1 (2) The department and the coordinator appointed pursuant
2 to section 79-11,150 shall annually analyze and report on student
3 achievement for the state, each school district, and each learning
4 community aggregated by the demographic characteristics described
5 in subsection (1) of this section. The department shall report
6 the findings to the Governor, the Legislature, school districts,
7 educational service units, and each learning community. Such
8 analysis shall include aggregated data that would indicate
9 differences in achievement due to available educational input
10 characteristics described in subsection (1) of this section.
11 Such analysis shall include indicators of progress toward state
12 achievement goals for students in poverty, limited English
13 proficient students, and highly mobile students according to the
14 plan developed by the coordinator pursuant to section 79-11,150.

15 Sec. 6. Original sections 79-758, 79-760.01, 79-760.02,
16 79-760.03, and 79-760.05, Revised Statutes Supplement, 2007, are
17 repealed.