

AMENDMENTS TO LB 870

Introduced by Education

1 1. Insert the following new sections:

2 Sec. 3. Section 79-760.05, Revised Statutes Supplement,
3 2011, is amended to read:

4 79-760.05 (1) The State Board of Education shall
5 implement a statewide system for tracking individual student
6 achievement, using the student identifier system of the State
7 Department of Education, that can be aggregated to track student
8 progress by demographic characteristics, including, but not
9 limited to, race, poverty, high mobility, attendance, and limited
10 English proficiency, on available measures of student achievement
11 which include, but need not be limited to, national assessment
12 instruments, and state assessment instruments, and the indicators
13 used in the accountability system required pursuant to section 2
14 of this act. Such a system shall be designed so as to aggregate
15 student data by available educational input characteristics, which
16 may include class size, teacher education, teacher experience,
17 special education, early childhood programs, federal programs, and
18 other targeted education programs. School districts shall provide
19 the department with individual student achievement data from
20 assessment instruments required pursuant to section 79-760.03 in
21 order to implement the statewide system.

22 (2) The department shall annually analyze and report
23 on student achievement for the state, each school district, each

1 public school, and each learning community aggregated by the
2 demographic characteristics described in subsection (1) of this
3 section. The department shall report the findings to the Governor,
4 the Legislature, school districts, educational service units, and
5 each learning community. Such analysis shall include aggregated
6 data that would indicate differences in achievement due to
7 available educational input characteristics described in subsection
8 (1) of this section. Such analysis shall include indicators of
9 progress toward state achievement goals for students in poverty,
10 limited English proficient students, and highly mobile students.

11 Sec. 4. (1) Any school district, with the approval of
12 the State Department of Education, may establish and operate a
13 career academy. The purpose of the career academy is to provide
14 holistic education to help students find a career-based educational
15 alternative to a college-bound educational curriculum. A school
16 district may partner with another school district, an educational
17 service unit, a learning community, a postsecondary educational
18 institution, or a private entity in the establishment and operation
19 of a career academy.

20 (2) A career academy established pursuant to subsection
21 (1) of this section shall:

22 (a) Recruit students who seek a career-based curriculum,
23 which curriculum shall be based on criteria determined by the
24 department;

25 (b) Recruit and hire instructors based on their expertise
26 in career-based education;

27 (c) Serve students in grades seven through twelve; and

1 (d) Provide an academic curriculum focusing on
2 mathematics, science, and technology with a transition component
3 to prepare youth for the workforce, including, but not limited to,
4 internships, job training, and skills training.

5 (3) The number of students enrolled in a career academy
6 and their grade levels shall be accounted for separately by the
7 operating school district in the reports required pursuant to
8 section 79-528.

9 In addition to funding from the establishing school
10 district or any of the district's partners, a career academy may
11 also receive private donations for operating expenses.

12 (4) The department shall define standards and criteria
13 for (a) the establishment, evaluation, and continuing approval of
14 career academies, (b) career-based curriculum utilized by career
15 academies, (c) the necessary data elements and collection of
16 data pertaining to career academies, and (d) the establishment
17 of advisory boards consisting of business and education
18 representatives to provide guidance and direction for the operation
19 of career academies.

20 Sec. 5. Section 79-828, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 79-828 (1) The contract of a probationary certificated
23 employee shall be deemed renewed and remain in full force and
24 effect unless amended or not renewed in accordance with sections
25 79-824 to 79-842.

26 (2) The purpose of the probationary period is to allow
27 the employer an opportunity to evaluate, assess, and assist the

1 employee's professional skills and work performance prior to the
2 employee obtaining permanent status.

3 All probationary certificated employees employed by Class
4 ~~I, II, III, and VI school districts~~ any class of school district
5 shall, during each year of probationary employment, be evaluated
6 at least once each semester, unless the probationary certificated
7 employee is a superintendent, in accordance with the procedures
8 outlined below:

9 The probationary certificated employee shall be observed
10 and evaluation shall be based upon actual classroom observations
11 for an entire instructional period. If deficiencies are noted in
12 the work performance of any probationary certificated employee, the
13 evaluator shall provide the ~~teacher or administrator~~ probationary
14 certificated employee at the time of the observation with a list
15 of deficiencies, and a list of suggestions for improvement and
16 assistance in overcoming the deficiencies. The evaluator shall also
17 provide the probationary certificated employee with and followup
18 evaluations and assistance when deficiencies remain.

19 If the probationary certificated employee is a
20 superintendent, he or she shall be evaluated twice during the first
21 year of employment and at least once annually thereafter.

22 Any certificated employee employed prior to September
23 1, 1982, by the school board of any Class I, II, III, or VI
24 school district shall serve the probationary period required by law
25 prior to such date and shall not be subject to any extension of
26 probation.

27 (3) If the school board or the superintendent or

1 superintendent's designee determines that it is appropriate to
2 consider whether the contract of a probationary certificated
3 employee or the superintendent should be amended or not renewed for
4 the next school year, such certificated employee shall be given
5 written notice that the school board will consider the amendment
6 or nonrenewal of such certificated employee's contract for the
7 ensuing school year. Upon request of the certificated employee,
8 notice shall be provided which shall contain the written reasons
9 for such proposed amendment or nonrenewal and shall be sufficiently
10 specific so as to provide such employee the opportunity to prepare
11 a response and the reasons set forth in the notice shall be
12 employment related.

13 (4) The school board may elect to amend or not renew
14 the contract of a probationary certificated employee for any reason
15 it deems sufficient if such nonrenewal is not for constitutionally
16 impermissible reasons, and such nonrenewal shall be in accordance
17 with sections 79-824 to 79-842. Amendment or nonrenewal for reason
18 of reduction in force shall be subject to sections 79-824 to 79-842
19 and 79-846 to 79-849.

20 (5) Within seven calendar days after receipt of
21 the notice, the probationary certificated employee may make a
22 written request to the secretary of the school board or to the
23 superintendent or superintendent's designee for a hearing before
24 the school board.

25 (6) Prior to scheduling of action or a hearing on
26 the matter, if requested, the notice of possible amendment
27 or nonrenewal and the reasons supporting possible amendment or

1 nonrenewal shall be considered a confidential employment matter as
2 provided in sections 79-539, 79-8,109, and 84-1410 and shall not be
3 released to the public or any news media.

4 (7) At any time prior to the holding of a hearing or
5 prior to final determination by the school board to amend or not
6 renew the contract involved, the probationary certificated employee
7 may submit a letter of resignation for the ensuing year, which
8 resignation shall be accepted by the school board.

9 (8) The probationary certificated employee shall be
10 afforded a hearing which shall not be required to meet the
11 requirements of a formal due process hearing as set forth in
12 section 79-832 but shall be subject to section 79-834.

13 2. On page 2, line 20, after "the" insert "level of"; in
14 line 21 after "districts" insert "on the indicators used in the
15 accountability system"; and in line 23 strike "79-757" and insert
16 "79-828, Reissue Revised Statutes of Nebraska, and sections 79-757
17 and 79-760.05".

18 3. Renumber the remaining sections and correct internal
19 references accordingly.