

LEGISLATURE OF NEBRASKA  
 ONE HUNDRED THIRD LEGISLATURE  
 SECOND SESSION  
**LEGISLATIVE BILL 438**

Final Reading

(Second)

Introduced by Adams, 24.

Read first time January 22, 2013

Committee: Education

A BILL

1 FOR AN ACT relating to the Quality Education Accountability Act; to  
 2 amend sections 79-757 and 79-760.06, Revised Statutes  
 3 Cumulative Supplement, 2012; to change provisions  
 4 relating to the accountability system for schools and  
 5 school districts; to provide for designation of priority  
 6 schools, appointment of intervention teams, and  
 7 development of progress plans; to require reports; to  
 8 harmonize provisions; to repeal the original sections;  
 9 and to declare an emergency.  
 10 Be it enacted by the people of the State of Nebraska,

1                   Section 1. Section 79-757, Revised Statutes Cumulative  
2 Supplement, 2012, is amended to read:

3                   79-757 Sections 79-757 to 79-762 and section 3 of this  
4 act shall be known and may be cited as the Quality Education  
5 Accountability Act.

6                   Sec. 2. Section 79-760.06, Revised Statutes Cumulative  
7 Supplement, 2012, is amended to read:

8                   79-760.06 (1) On or before August 1, 2012, the State  
9 Board of Education shall establish an accountability system to be  
10 used to measure the performance of individual public schools and  
11 school districts. The accountability system shall combine multiple  
12 ~~measures, indicators,~~ including, but not limited to, graduation  
13 rates, student growth and student improvement on the assessment  
14 instruments provided in section 79-760.03, and other indicators of  
15 the performance of public schools and school districts as established  
16 by the state board.

17                   (2) Beginning with the reporting of data from school year  
18 2014-15, the indicators ~~The measures~~ selected by the state board for  
19 the accountability system ~~may~~ shall be combined into a school  
20 performance score and district performance score. The state board ~~may~~  
21 shall establish levels of performance ~~for the indicators used in the~~  
22 ~~accountability system~~ based upon school performance scores and  
23 district performance scores in order to classify the performance of  
24 public schools and school districts beginning with the reporting of  
25 data from school year 2013-14. 2014-15. The state board shall

1 designate priority schools based on such classification. Schools  
2 designated as priority schools shall be at the lowest performance  
3 level at the time of the initial priority school designation. Schools  
4 designated as priority schools shall remain priority schools until  
5 such designation is removed by the state board. No more than three  
6 schools may have a priority school designation at one time. Schools  
7 designated as priority schools shall be subject to the requirements  
8 of section 3 of this act. Progress plans for the initial schools  
9 designated as priority schools shall be approved by the state board  
10 no later than August 1, 2016. The State Department of Education shall  
11 annually report any the performance levels established by the board  
12 regarding the performance level of individual public schools and  
13 school districts as part of the statewide assessment and reporting  
14 system.

15           Sec. 3. (1) For each school designated as a priority  
16 school, the Commissioner of Education shall appoint an intervention  
17 team. The intervention team shall assist the school district with  
18 diagnosing issues that negatively affect student achievement in the  
19 priority school, designing and implementing strategies to address  
20 such issues through the progress plan, and developing measurable  
21 indicators of progress.

22           (2) The intervention team shall be composed of up to five  
23 people with the education and experience to carry out the  
24 responsibilities of the team. Any member of the intervention team may  
25 receive pay for work performed in conjunction with his or her duties

1 as a member of such team. Such pay shall be determined and provided  
2 (a) by the State Department of Education for any member of the  
3 intervention team who is not an employee of the school district  
4 containing the priority school for which such intervention team is  
5 appointed or (b) by the school district containing the priority  
6 school for which the intervention team is appointed for any member of  
7 the intervention team who is an employee of such school district. Any  
8 member of the intervention team who is eligible to receive pay from  
9 the department pursuant to subdivision (a) of this subsection shall  
10 also be eligible for reimbursement of actual and necessary expenses  
11 incurred in carrying out his or her duties as a member of such team  
12 as provided in sections 81-1174 to 81-1177. Reimbursement of actual  
13 and necessary expenses for any member of the intervention team who is  
14 an employee of the school district containing the priority school for  
15 which the intervention team is appointed shall be provided in  
16 accordance with the policies and procedures of such school district.

17 (3) The intervention team, in collaboration with the  
18 priority school staff and the administration and school board of the  
19 school district with control of the priority school, shall develop a  
20 progress plan for approval by the State Board of Education. Any  
21 progress plan shall include specific actions required by the school  
22 and the district in order to remove its classification as a priority  
23 school, including any required level of progress as indicated by the  
24 measurable indicators.

25 (4) Compliance with progress plans shall be a requirement

1 to maintain accreditation for any school district that contains a  
2 priority school. The state board shall annually review any progress  
3 plans and determine whether any modifications are needed. If a school  
4 has been designated as a priority school for the fifth consecutive  
5 school year, the state board shall reevaluate the progress plan to  
6 determine if (a) a significant revision of the progress plan is  
7 necessary, (b) an entirely new progress plan is developed, or (c) an  
8 alternative administrative structure is warranted.

9 (5) The school board of a school district containing a  
10 priority school as designated pursuant to section 79-760.06 shall  
11 provide the intervention team with full access to the priority  
12 school, priority school staff, the school district, school district  
13 staff, academic information, financial information, and any other  
14 requested information.

15 (6) The Commissioner of Education shall annually report  
16 to the Governor and electronically to the Clerk of the Legislature  
17 and the chairperson of the Education Committee of the Legislature on  
18 all schools designated as priority schools. The report shall include  
19 the name of the school, the grades included in the priority school  
20 designation, the name of the school district, the years for which the  
21 school was designated a priority school, a summary of the progress  
22 plan, and the level of progress as indicated by the measurable  
23 indicators.

24 Sec. 4. Original sections 79-757 and 79-760.06, Revised  
25 Statutes Cumulative Supplement, 2012, are repealed.

1                   Sec. 5. Since an emergency exists, this act takes effect  
2   when passed and approved according to law.