

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

Introduced by Adams, 24.

Read first time January 22, 2013

Committee: Education

A BILL

1 FOR AN ACT relating to education; to amend sections 79-757 and  
2 79-760.06, Revised Statutes Cumulative Supplement, 2012;  
3 to provide for priority schools, operating councils, and  
4 community schools; to harmonize provisions; and to repeal  
5 the original sections.  
6 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 board.

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

1 Schools designated as priority schools shall be in the lowest  
2 performance category at the time of the initial priority school  
3 designation. Schools designated as priority schools shall remain  
4 priority schools until such designation is removed by the board. No  
5 more than five schools may have a priority school designation at one  
6 time. Schools designated as priority schools shall be subject to the  
7 requirements of section 3 of this act. The State Department of  
8 Education shall annually report ~~any~~the performance levels  
9 ~~established by the board regarding the performance of individual~~  
10 public schools and school districts as part of the statewide  
11 assessment and reporting system.

12           Sec. 3. (1) For each school designated as a priority  
13 school, the State Board of Education shall appoint an intervention  
14 team and, if the school is not already a community school pursuant to  
15 section 4 of this act, an operating council pursuant to such section.

16           (2) The intervention team shall be composed of up to five  
17 people with the education and experience to carry out the  
18 responsibilities of the team.

19           (3) The intervention team, in collaboration with the  
20 operating council, the priority school staff, and the administration  
21 and school board of the school district with control of the priority  
22 school, shall develop a progress plan for approval by the State Board  
23 of Education. The intervention team shall assist the school district  
24 with diagnosing issues that negatively affect student achievement in  
25 the priority school, designing and implementing strategies to address

1 such issues through the progress plan, and developing measurable  
2 indicators of progress. The progress plan shall include specific  
3 actions required by the school and the district in order to remove  
4 its classification as a priority school, including any required level  
5 of progress as indicated by the measurable indicators. Compliance  
6 with progress plans shall be a requirement to maintain accreditation  
7 for any school district that has at least one priority school. The  
8 State Board of Education shall annually review any progress plans and  
9 determine whether any modifications are needed. If a school has been  
10 designated as a priority school for the fifth consecutive year, the  
11 State Board of Education shall reevaluate the progress plan to  
12 determine if significant revisions or an entirely new progress plan  
13 are warranted.

14 (4) The school board of a school district containing a  
15 priority school as designated pursuant to section 79-760.06 shall  
16 permit the intervention team full access to the priority school,  
17 priority school staff, the school district, school district staff,  
18 academic information, financial information, and any other requested  
19 information.

20 (5) The Commissioner of Education shall annually report  
21 to the Governor, the Clerk of the Legislature, and the chairperson of  
22 the Education Committee of the Legislature on all schools designated  
23 as priority schools. The report shall include the name of the school,  
24 the grades included in the priority school designation, the name of  
25 the school district, the years for which the school was designated a

1 priority school, a summary of the progress plan, and the level of  
2 progress as indicated by the measurable indicators.

3           Sec. 4. (1) Any public school may become a community  
4 school through the formation of an operating council. If the school  
5 is designated as a priority school pursuant to section 3 of this act,  
6 the State Board of Education shall establish the operating council.  
7 If the school board of a Class II, III, IV, or V school district  
8 receives a request for a school controlled by the school district to  
9 become a community school, the school board shall hold an operating  
10 council organizational meeting at such school within sixty days after  
11 receiving the request, except that the school board shall not be  
12 required to hold organizational meetings at any single school more  
13 than once during a calendar year. School boards of Class II, III, IV,  
14 and V school districts shall establish procedures for the formation  
15 of operating councils on or before December 31, 2013, and shall  
16 revise such procedures from time to time following a public hearing  
17 on such proposed revisions.

18           (2) Once formed, each operating council shall determine  
19 the timing and procedures for selecting successor members. Each  
20 operating council shall be composed of not less than three and not  
21 more than six members. An operating council shall be advisory to the  
22 superintendent, the school board, and the principal of the community  
23 school on all matters affecting the community school. One or more  
24 members of the operating council shall interview and recommend staff  
25 for the community school. The superintendent of any school district

1 containing at least one community school shall provide the operating  
2 councils with copies of public information provided by the school  
3 district staff to the school board regarding the budget and staffing  
4 decisions for the community school and proposed policy changes  
5 affecting the community school. The principal of a community school  
6 shall provide an opportunity for the operating council to meet with  
7 the principal not less than once each month.

8                   Sec. 5. Original sections 79-757 and 79-760.06, Revised  
9 Statutes Cumulative Supplement, 2012, are repealed.