

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1094

Introduced by Hilgers, 21.

Read first time January 18, 2018

Committee: Education

1 A BILL FOR AN ACT relating to schools; to amend sections 79-760.01,
2 79-760.02, and 79-760.03, Revised Statutes Cumulative Supplement,
3 2016; to change provisions for academic content standards; to
4 provide for model measurable academic content standards covering
5 financial literacy and entrepreneurship; to change school district
6 duties; to harmonize provisions; and to repeal the original
7 sections.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-760.01, Revised Statutes Cumulative
2 Supplement, 2016, is amended to read:

3 79-760.01 (1) The State Board of Education shall adopt measurable
4 academic content standards for at least the grade levels required for
5 statewide assessment pursuant to section 79-760.03. The standards shall
6 cover the subject areas of reading, writing, mathematics, science, and
7 social studies. The standards adopted shall be sufficiently clear and
8 measurable to be used for testing student performance with respect to
9 mastery of the content described in the state standards. The State Board
10 of Education shall develop a plan to review and update standards for each
11 subject area every seven years. The state board plan shall include a
12 review of commonly accepted standards adopted by school districts.

13 (2) The State Board of Education shall adopt model measurable
14 academic content standards covering financial literacy and
15 entrepreneurship for either the elementary, middle, and high school grade
16 ranges or a selected grade in each of such grade ranges at a minimum.
17 Such model standards shall include, but not be limited to, budgeting,
18 investing, insurance, taxes, debt management, and interest for the
19 financial literacy standards and business planning, financing, and
20 operations for the entrepreneurship standards. The model standards
21 adopted pursuant to this subsection shall be sufficiently clear and
22 measurable to be used for testing student performance with respect to
23 mastery of the content described in such standards. The State Board of
24 Education shall develop a plan to review and update such model standards
25 every seven years.

26 Sec. 2. Section 79-760.02, Revised Statutes Cumulative Supplement,
27 2016, is amended to read:

28 79-760.02 (1) In accordance with timelines that are adopted by the
29 State Board of Education, but in no event later than one year following
30 the adoption or modification of state standards pursuant to subsection
31 (1) of section 79-760.01, each school district shall adopt measurable

1 quality academic content standards in the subject areas of reading,
2 writing, mathematics, science, and social studies. The standards may be
3 the same as, or may be equal to or exceed in rigor, the measurable
4 academic content standards adopted by the state board and shall cover at
5 least the same grade levels. School districts may work collaboratively
6 with educational service units, with learning communities, or through
7 interlocal agreements to develop such standards.

8 (2) Each school district may adopt measurable quality academic
9 content standards in subject areas and grade levels not included in
10 subsection (1) of this section. Such standards may be, but are not
11 required to be, the same as any model measurable academic content
12 standards adopted by the State Board of Education. School districts may
13 work collaboratively with educational service units, with learning
14 communities, or through interlocal agreements to develop measurable
15 quality academic content standards for adoption pursuant to this section.

16 Sec. 3. Section 79-760.03, Revised Statutes Cumulative Supplement,
17 2016, is amended to read:

18 79-760.03 (1) For school year 2009-10 and each school year
19 thereafter, the State Board of Education shall implement a statewide
20 system for the assessment of student learning based on the measurable
21 academic content standards adopted pursuant to subsection (1) of section
22 79-760.01 and for reporting the performance of school districts and
23 learning communities pursuant to this section. The assessment and
24 reporting system shall measure student knowledge of subject matter
25 materials covered by measurable academic content standards selected by
26 the state board.

27 (2) The state board shall adopt a plan for an assessment and
28 reporting system and implement and maintain the assessment and reporting
29 system according to such plan. The plan shall be submitted annually to
30 the State Department of Education, the Governor, the chairperson of the
31 Education Committee of the Legislature, and the Clerk of the Legislature.

1 The plan submitted to the committee and the Clerk of the Legislature
2 shall be submitted electronically. The state board shall select grade
3 levels for assessment and reporting required pursuant to subsections (4)
4 through (7) of this section. The purposes of the system are to:

5 (a) Determine how well public schools are performing in terms of
6 achievement of public school students related to the measurable state
7 academic content standards adopted pursuant to subsection (1) of section
8 79-760.01;

9 (b) Report the performance of public schools based upon the results
10 of state assessment instruments and national assessment instruments;

11 (c) Provide information for the public and policymakers on the
12 performance of public schools; and

13 (d) Provide for the comparison among Nebraska public schools and the
14 comparison of Nebraska public schools to public schools elsewhere.

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

31 (4) Through school year 2016-17, the state board shall prescribe a

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

6 (5) For school year 2009-10 and for each school year thereafter, the
7 state board shall prescribe a statewide assessment of reading. The
8 statewide assessment of reading shall include assessment instruments for
9 each of the grade levels three through eight and for one grade in high
10 school and shall measure student performance based on the measurable
11 academic content standards adopted by the state board pursuant to section
12 79-760.01. For school year 2017-18 and each school year thereafter, the
13 statewide assessment of reading shall include a component of writing as
14 determined by the state board.

15 (6) For no later than school year 2010-11 and for each school year
16 thereafter, the state board shall prescribe a statewide assessment of
17 mathematics. The statewide assessment of mathematics shall include
18 assessment instruments for each of the grade levels three through eight
19 and for one grade in high school and shall measure student performance
20 based on the measurable academic content standards adopted by the state
21 board pursuant to section 79-760.01.

22 (7) For no later than school year 2011-12 and each school year
23 thereafter, the state board shall prescribe a statewide assessment of
24 science. The statewide assessment of science shall include assessment
25 instruments for each of the grade levels selected by the state board and
26 shall measure student performance based on the measurable academic
27 content standards adopted by the state board pursuant to section
28 79-760.01. The grade levels shall include at least one grade in
29 elementary school, one grade in middle school or junior high school, and
30 one grade in high school.

31 (8) The department shall conduct studies to verify the technical

1 quality of assessment instruments and demonstrate the comparability of
2 assessment instrument results required by the act. The department shall
3 annually report such findings to the Governor, the Legislature, and the
4 state board. The report submitted to the Legislature shall be submitted
5 electronically.

6 (9) The state board shall recommend national assessment instruments
7 for the purpose of national comparison. Beginning with school year
8 2017-18, the state board shall select a national assessment instrument
9 that is also used as a standard college admission test which shall be
10 administered to students in the eleventh grade in every public high
11 school in each school district. Each school district shall report
12 individual student data for scores and sub-scores according to procedures
13 established by the state board and the department pursuant to section
14 79-760.05.

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

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

27 (i) Provide for the confidentiality of the results of individual
28 students; and

29 (ii) Include all public schools and all public school students.

30 (b) The state board shall adopt criteria for the inclusion of
31 students with disabilities, students entering the school for the first

1 time, and students with limited English proficiency.

2 The department may determine appropriate accommodations for the
3 assessment of students with disabilities or any student receiving special
4 education programs and services pursuant to section 79-1139. Alternate
5 academic achievement standards in reading, mathematics, and science and
6 alternate assessment instruments aligned with the standards may be among
7 the accommodations for students with severe cognitive disabilities.

8 (12) The state board may select additional grade levels, subject
9 areas, or assessment instruments for statewide assessment consistent with
10 federal requirements.

11 (13) The state board shall not require school districts to
12 administer assessments or assessment instruments which are not consistent
13 with the act.

14 (14) The state board may appoint committees of teachers, from each
15 appropriate subject area, and administrators to assist in the development
16 of statewide assessment instruments required by the act.

17 Sec. 4. Original sections 79-760.01, 79-760.02, and 79-760.03,
18 Revised Statutes Cumulative Supplement, 2016, are repealed.