

LEGISLATIVE BILL 653

Approved by the Governor May 31, 2007

Introduced by Raikes, 25

FOR AN ACT relating to the Quality Education Accountability Act; to amend sections 79-757, 79-760.01, and 79-760.02, Reissue Revised Statutes of Nebraska, and section 79-760, Revised Statutes Cumulative Supplement, 2006; to require the implementation of a statewide assessment and reporting system, grade level standards and assessments, and the tracking of individual student achievement; to define terms; to provide duties for the State Department of Education, the State Board of Education, a coordinator, learning communities, educational service units, and school districts; to harmonize provisions; and to repeal the original sections.

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

Section 1. Section 79-757, Reissue Revised Statutes of Nebraska, is amended to read:

79-757 Sections 79-757 to 79-762 and sections 2, 4, 7, and 8 of this act shall be known and may be cited as the Quality Education Accountability Act.

Sec. 2. For purposes of the Quality Education Accountability Act:

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

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

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

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

Sec. 3. Section 79-760, Revised Statutes Cumulative Supplement, 2006, is amended to read:

79-760 ~~(1)~~ The (1)(a) For school years prior to 2009-10, the State Board of Education shall implement a statewide system for the assessment of student learning and for reporting the performance of school districts and learning communities pursuant to this section. The assessment and reporting system shall test student knowledge of subject matter materials covered by the measurable model academic content standards approved by the state board. The state board shall adopt an assessment and reporting plan and begin implementation of the assessment and reporting system in the 2000-01 school year beginning with the assessment of reading and writing. The state board shall prescribe statewide assessments of writing that rely on writing samples beginning in the spring of 2001 with students in each of three grades selected by the state board. For each academic year thereafter, one of the three selected grades shall participate in the statewide writing assessment. The state board shall develop an assessment system and prescribe statewide assessments for the subject areas of reading, mathematics, science, social studies, and history. The assessment and reporting system for each subject area, except writing, shall be based on locally developed assessments the first year.

(b) Following the first assessment in each subject area, except writing, the State Department of Education shall contract with independent, recognized assessment experts to review and rate locally developed assessments. The department shall identify the criteria for rating the model assessments. The assessment experts shall identify not more than four model assessments receiving the highest ratings. Districts shall thereafter adopt one of the four model assessments and may, in addition, adapt their locally developed assessments.

(c) The aggregate results of any assessments required by the state board pursuant to this section shall be reported by the district on a building basis to the public in that district, to the learning community coordinating council if such district is a member of a learning community, and to the department. Each learning community shall also report the aggregate results of any assessments required by the state board pursuant to this section to the public in that learning community and to the department.

(d) The department shall report the aggregate results of any assessments required by the state board pursuant to this section on a learning community, district, and building basis as part of the statewide assessment

and reporting system.

(2) The purposes of the assessment and reporting system described in subsection (1) of this section are to:

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

(b) Report the performance of public schools based upon the results of the assessment;

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

(d) Provide for the comparison ~~of~~ among Nebraska public schools to their peers and to school systems of other states and other countries, and the comparison of Nebraska public schools to public schools in the nation and the world.

~~(3)~~ (3) (a) The assessment and reporting plan described in subsection (1) of this section shall:

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

(ii) ~~include~~ Include all public schools and all public school students.

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

~~(4) The assessment and reporting plan shall provide for the confidentiality of the individual students.~~

~~(5) The state board shall adopt and promulgate rules and regulations to carry out this section.~~

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

(2) The state board shall adopt a plan for an assessment and reporting system and implement and maintain the assessment and reporting system. The state board shall select three grade levels for assessment and reporting. The purposes of the system are to:

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

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

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

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

(3) The state board shall prescribe a statewide assessment of writing that relies on writing samples in each of three grades selected by the state board. Each year at least one of the three selected grades shall participate in the statewide writing assessment with each selected grade level participating at least once every three years.

(4) For school year 2009-10 and for each school year thereafter, the state board shall prescribe a statewide assessment of reading that is based on model assessments developed pursuant to section 79-760. The reading assessment instruments shall be developed in collaboration with educational service units and be approved by a majority of the educational service unit administrators. The statewide assessment of reading shall include assessment instruments for each of the grade levels and standards selected by the state board.

(5) For school year 2010-11 and for each school year thereafter, the state board shall prescribe a statewide assessment of mathematics that is based on model assessments developed pursuant to section 79-760. The mathematics assessment instruments shall be developed in collaboration with educational service units and be approved by a majority of the educational service unit administrators. The statewide assessment of mathematics shall include assessment instruments for each of the grade levels and standards selected by the state board.

(6) School districts shall develop assessment portfolios. Such assessment portfolios may be developed through school district collaboration with educational service units and learning communities or through interlocal agreements. Educational service units shall conduct a peer review of local district assessments annually. Educational service units shall submit

documentation of the district portfolios for review by the State Department of Education not more than once every three years. Assessment portfolios shall include all assessment instruments required by the state board and by the Quality Education Accountability Act.

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

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

(9) The State Board of Education shall recommend national assessment instruments for the purpose of national comparison. Each school district shall include national assessment instruments in its assessment portfolio.

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

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

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

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

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

Sec. 5. Section 79-760.01, Reissue Revised Statutes of Nebraska, is amended to read:

79-760.01 The State Board of Education shall adopt measurable model academic content standards for at least three grade levels, no later than July 1, 2001. The standards for each subject area shall be adopted prior to the implementation of the assessment and reporting system under section 79-760 for that subject area, beginning with writing and reading. The standards shall cover the subject areas of reading, writing, mathematics, science, and social studies, and history. The standards adopted shall be sufficiently clear and measurable to be used for testing student performance with respect to mastery of the content described in the state standards. The State Board of Education shall develop a plan to review and update standards for each subject area every five years. The state board shall review and update the standards in reading by July 1, 2009, the standards in mathematics by July 1, 2010, and the standards in all other subject areas by July 1, 2013. The state board plan shall include a review of commonly accepted standards adopted by school districts.

Sec. 6. Section 79-760.02, Reissue Revised Statutes of Nebraska, is amended to read:

79-760.02 In accordance with timelines that are adopted by the State Board of Education, but in no event later than July 1, 2003, one year following the adoption or modification of state standards, each school district shall adopt measurable quality academic content standards in the subject areas of reading, writing, mathematics, science, and social studies, and history. The standards may be the same as, or may be equal to or exceed in rigor, the measurable model academic content standards adopted by the state board and shall cover at least the same grade levels. School districts may work collaboratively with educational service units, with learning communities, or through interlocal agreements to develop such standards. Educational service units and learning communities shall develop a composite set of standards shared by member school districts. The State Department of Education shall adopt and promulgate appropriate rules and regulations to insure the rigor of the measurable quality academic content standards.

Sec. 7. (1) For each learning community, any educational service units that have member school districts that are part of such learning

community shall develop and implement a joint plan to establish grade level standards and provide for developmentally appropriate assessment of students in grades kindergarten through three. The joint plan shall include, but not be limited to, the subject areas of reading and mathematics and shall be developed to measure student progress toward such standards.

(2) The coordinator appointed pursuant to section 79-11,150 and the State Department of Education shall provide assistance in the development of the standards and assessment described in subsection (1) of this section.

(3) School districts shall report data collected pursuant to the plan described in subsection (1) of this section to such educational service units. The data shall conform with the data collection procedures established for the student identifier system pursuant to section 8 of this act.

Sec. 8. (1) The State Board of Education shall implement a statewide system for tracking individual student achievement, using the student identifier system of the State Department of Education, that can be aggregated to track student progress by demographic characteristics, including, but not limited to, race, poverty, high mobility, attendance, and limited English proficiency, on available measures of student achievement which include, but need not be limited to, national assessment instruments, state assessment instruments, local assessment instruments, and other similar measures. Such a system shall be designed so as to aggregate student data by available educational input characteristics, which may include class size, teacher education, teacher experience, special education, early childhood programs, federal programs, and other targeted education programs. School districts shall provide the department with individual student achievement data as requested in order to implement the statewide system.

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

Sec. 9. Original sections 79-757, 79-760.01, and 79-760.02, Reissue Revised Statutes of Nebraska, and section 79-760, Revised Statutes Cumulative Supplement, 2006, are repealed.