

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 662

Introduced by Linehan, 39; Briese, 41.

Read first time January 18, 2017

Committee:

- 1 A BILL FOR AN ACT relating to schools; to amend section 79-760.06,
- 2 Revised Statutes Cumulative Supplement, 2016; to establish a grading
- 3 system for schools and school districts; and to repeal the original
- 4 section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-760.06, Revised Statutes Cumulative
2 Supplement, 2016, is amended to read:

3 79-760.06 (1)(a) ~~The (1) On or before August 1, 2012,~~ the State
4 Board of Education shall establish an accountability system to be used
5 pursuant to this subsection until August 1, 2020, to measure the
6 performance of individual public schools and school districts. The
7 accountability system shall combine multiple indicators, including, but
8 not limited to, graduation rates, student growth and student improvement
9 on the assessment instruments provided in section 79-760.03, and other
10 indicators of the performance of public schools and school districts as
11 established by the state board.

12 (b) ~~(2)~~ Beginning with the reporting of data from school year
13 2014-15, the indicators selected by the state board for the
14 accountability system shall be combined into a school performance score
15 and district performance score. The state board shall establish levels of
16 performance based upon school performance scores and district performance
17 scores in order to classify the performance of public schools and school
18 districts beginning with the reporting of data from school year 2014-15.
19 The state board shall designate priority schools based on such
20 classification. Schools designated as priority schools shall be at the
21 lowest performance level at the time of the initial priority school
22 designation. Schools designated as priority schools shall remain priority
23 schools until such designation is removed by the state board. No more
24 than three schools may have a priority school designation at one time.
25 Schools designated as priority schools shall be subject to the
26 requirements of section 79-760.07. Progress plans for the initial schools
27 designated as priority schools shall be approved by the state board no
28 later than August 15, 2016. The State Department of Education shall
29 annually report the performance level of individual public schools and
30 school districts as part of the statewide assessment and reporting
31 system.

1 (2) On or before August 1, 2020, the State Board of Education shall
2 establish an accountability system with a scale measuring performance for
3 schools and districts and awarding a grade of an A, B, C, D, or F as
4 follows:

5 (a) Each school shall earn one of the following grades except a
6 school shall not earn a school grade if the percent of students tested is
7 greater than ninety-five percent but the number of students tested is
8 less than ten to ensure accuracy and prevent the unlawful release of
9 personally identifiable student data under 20 U.S.C. 1232g and similar
10 state privacy laws:

11 (i) A school grade of A means the school is producing excellent
12 student achievement and progress;

13 (ii) A school grade of B means the school is producing above average
14 student achievement and progress;

15 (iii) A school grade of C means the school is producing satisfactory
16 student achievement and progress;

17 (iv) A school grade of D means the school is producing less than
18 satisfactory student achievement and progress; and

19 (v) A school grade of F means the school is failing to produce
20 adequate student achievement and progress.

21 (b) A school's grade shall be based on a combination of:

22 (i) The percent of students scoring at proficient or higher on the
23 statewide assessments for all students in English language arts,
24 mathematics, and science;

25 (ii) The percent of students making growth to proficiency, or
26 advanced proficiency for students already proficient, for all students as
27 measured by the statewide assessments in reading and mathematics;

28 (iii) The percent of students making growth to proficiency for the
29 lowest performing twenty-five percent of students in the school on the
30 statewide assessments in reading and mathematics;

31 (iv) For high schools, the percent of students earning a high school

1 diploma in four years; and

2 (v) The department shall assign school grades based on a balance of
3 overall student achievement and growth with growth divided evenly between
4 the growth of all students and the growth of the lowest performing
5 twenty-five percent of students in the school. For high schools, the
6 graduation rate should be a factor of no more than twenty percent of the
7 overall calculation.

8 (c) Student assessment data used in determining school grades shall
9 include:

10 (i) The scores of all students enrolled in the school for a full
11 academic year with scores on the statewide assessments;

12 (ii) The growth scores of all students enrolled in the school for
13 the current full academic year with scores on the statewide assessments
14 in the current and prior years;

15 (iii) The growth scores of the lowest performing twenty-five percent
16 of students based on prior year scores in reading and mathematics
17 enrolled in the school for the current full academic year with scores on
18 the state annual accountability assessment in the current and prior
19 years; and

20 (iv) Students attending an alternative school who are subject to
21 district school board policies for expulsion for repeated or serious
22 offenses or in dropout retrieval programs serving students who have
23 officially been designated as dropouts shall not be included in the
24 school grade determination.

25 (d) Schools that do not test ninety-five percent of their students
26 will have the school grade lowered by one letter.

27 (e) In any year in which sixty-five percent or more of the statewide
28 aggregate of elementary, middle, or high schools earn a grade of A or B,
29 the department shall raise the scale required to earn a school grade for
30 that level of school by five percent.

31 (f) The department shall develop school awards for schools that

1 improve at least one grade level or earn a school grade of A.

2 (g) The annual report shall include a district grade, which follow
3 the same method used for calculating a school grade except at the
4 district level.

5 (h) Each school earning a school grade of an A or having improved at
6 least two grade levels shall have greater authority over the allocation
7 of the school's total budget, state categorical funds, grants, and local
8 funds, as specified by the State Board of Education or the department and
9 such authority shall remain in effect until the school's grade declines.

10 (i) The department shall prepare annual reports of the results of
11 the statewide accountability program to describe student achievement in
12 individual schools and school districts and in the state as a whole. The
13 department, with input from the school districts, parents, and community
14 stakeholders, shall design the reports, which must include, without
15 limitation, the school's grade, an explanation of school performance,
16 descriptions of the performance of all schools participating in the
17 assessment program and all of their major student populations as
18 determined by the department, and any information regarding school
19 improvement. The provisions of Family Educational Rights and Privacy Act,
20 20 U.S.C. 1232g pertaining to student records and any similar state
21 legislation apply to this section. The department, on its web site, shall
22 publish each district and school's report card annually, and the district
23 shall provide the school report card to each parent no later than one
24 month prior to the beginning of the next school year.

25 Sec. 2. Original section 79-760.06, Revised Statutes Cumulative
26 Supplement, 2016, is repealed.