

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 870

Final Reading

Introduced by Adams, 24.

Read first time January 06, 2012

Committee: Education

A BILL

1 FOR AN ACT relating to schools; to amend section 79-828, Reissue
2 Revised Statutes of Nebraska, and sections 79-757 and
3 79-760.05, Revised Statutes Supplement, 2011; to provide
4 duties for the State Board of Education and the State
5 Department of Education; to provide for an accountability
6 system to measure school performance pursuant to the
7 Quality Education Accountability Act; to change
8 provisions for tracking and reporting on individual
9 student achievement and for evaluation of probationary
10 certificated employees; to provide for establishment of
11 career academies; to eliminate requirements for a prior
12 assessment and reporting system and a joint plan for a
13 learning community; to harmonize provisions; to repeal
14 the original sections; and to outright repeal section
15 79-760, Reissue Revised Statutes of Nebraska, and section
16 79-760.04, Revised Statutes Supplement, 2011.

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

1 Section 1. Section 79-757, Revised Statutes Supplement,
2 2011, is amended to read:

3 79-757 Sections 79-757 to 79-762 and section 2 of this
4 act shall be known and may be cited as the Quality Education
5 Accountability Act.

6 Sec. 2. On or before August 1, 2012, the State Board of
7 Education shall establish an accountability system to be used to
8 measure the performance of individual public schools and school
9 districts. The accountability system shall combine multiple measures,
10 including, but not limited to, graduation rates, student growth and
11 student improvement on the assessment instruments provided in section
12 79-760.03, and other indicators of the performance of public schools
13 and school districts as established by the board. The measures
14 selected by the board for the accountability system may be combined
15 into a school performance score and district performance score.

16 The board may establish levels of performance for the
17 indicators used in the accountability system in order to classify the
18 performance of public schools and school districts beginning with
19 school year 2013-14. The State Department of Education shall annually
20 report any performance levels established by the board regarding the
21 performance of individual public schools and school districts as part
22 of the statewide assessment and reporting system.

23 Sec. 3. Section 79-760.05, Revised Statutes Supplement,
24 2011, is amended to read:

25 79-760.05 (1) The State Board of Education shall

1 implement a statewide system for tracking individual student
2 achievement, using the student identifier system of the State
3 Department of Education, that can be aggregated to track student
4 progress by demographic characteristics, including, but not limited
5 to, race, poverty, high mobility, attendance, and limited English
6 proficiency, on available measures of student achievement which
7 include, but need not be limited to, national assessment instruments,
8 ~~and state assessment instruments, and the indicators used in the~~
9 accountability system required pursuant to section 2 of this act.
10 Such a system shall be designed so as to aggregate student data by
11 available educational input characteristics, which may include class
12 size, teacher education, teacher experience, special education, early
13 childhood programs, federal programs, and other targeted education
14 programs. School districts shall provide the department with
15 individual student achievement data from assessment instruments
16 required pursuant to section 79-760.03 in order to implement the
17 statewide system.

18 (2) The department shall annually analyze and report on
19 student achievement for the state, each school district, each public
20 school, and each learning community aggregated by the demographic
21 characteristics described in subsection (1) of this section. The
22 department shall report the findings to the Governor, the
23 Legislature, school districts, educational service units, and each
24 learning community. Such analysis shall include aggregated data that
25 would indicate differences in achievement due to available

1 educational input characteristics described in subsection (1) of this
2 section. Such analysis shall include indicators of progress toward
3 state achievement goals for students in poverty, limited English
4 proficient students, and highly mobile students.

5 Sec. 4. (1) Any school district, with the approval of the
6 State Department of Education, may establish and operate a career
7 academy. The purpose of a career academy is to provide students with
8 a career-based educational curriculum. A school district may partner
9 with another school district, an educational service unit, a learning
10 community, a postsecondary educational institution, or a private
11 entity in the establishment and operation of a career academy.

12 (2) A career academy established pursuant to subsection
13 (1) of this section shall:

14 (a) Recruit students who seek a career-based curriculum,
15 which curriculum shall be based on criteria determined by the
16 department;

17 (b) Recruit and hire instructors based on their expertise
18 in career-based education; and

19 (c) Provide a rigorous academic curriculum with a
20 transition component to prepare students for the workforce,
21 including, but not limited to, internships, job training, and skills
22 training.

23 (3) In addition to funding from the establishing school
24 district or any of the district's partners, a career academy may also
25 receive private donations for operating expenses.

1 (4) The department shall define standards and criteria
2 for (a) the establishment, evaluation, and continuing approval of
3 career academies, (b) career-based curriculum utilized by career
4 academies, (c) the necessary data elements and collection of data
5 pertaining to career academies, including, but not limited to, the
6 number of students enrolled in a career academy and their grade
7 levels, and (d) the establishment of advisory boards consisting of
8 business and education representatives to provide guidance and
9 direction for the operation of career academies.

10 (5) The State Board of Education may adopt and promulgate
11 rules and regulations to carry out this section.

12 Sec. 5. Section 79-828, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 79-828 (1) The contract of a probationary certificated
15 employee shall be deemed renewed and remain in full force and effect
16 unless amended or not renewed in accordance with sections 79-824 to
17 79-842.

18 (2) The purpose of the probationary period is to allow
19 the employer an opportunity to evaluate, assess, and assist the
20 employee's professional skills and work performance prior to the
21 employee obtaining permanent status.

22 All probationary certificated employees employed by ~~Class~~
23 ~~I, II, III, and VI school districts~~ any class of school district
24 shall, during each year of probationary employment, be evaluated at
25 least once each semester, unless the probationary certificated

1 employee is a superintendent, in accordance with the procedures
2 outlined below:

3 The probationary certificated employee shall be observed
4 and evaluation shall be based upon actual classroom observations for
5 an entire instructional period. If deficiencies are noted in the work
6 performance of any probationary certificated employee, the evaluator
7 shall provide the ~~teacher or administrator~~ probationary certificated
8 employee at the time of the observation with a list of deficiencies,
9 and a list of suggestions for improvement and assistance in
10 overcoming the deficiencies. The evaluator shall also provide the
11 probationary certificated employee with ~~,~~ and followup evaluations
12 and assistance when deficiencies remain.

13 If the probationary certificated employee is a
14 superintendent, he or she shall be evaluated twice during the first
15 year of employment and at least once annually thereafter.

16 Any certificated employee employed prior to September 1,
17 1982, by the school board of any Class I, II, III, or VI school
18 district shall serve the probationary period required by law prior to
19 such date and shall not be subject to any extension of probation.

20 (3) If the school board or the superintendent or
21 superintendent's designee determines that it is appropriate to
22 consider whether the contract of a probationary certificated employee
23 or the superintendent should be amended or not renewed for the next
24 school year, such certificated employee shall be given written notice
25 that the school board will consider the amendment or nonrenewal of

1 such certificated employee's contract for the ensuing school year.
2 Upon request of the certificated employee, notice shall be provided
3 which shall contain the written reasons for such proposed amendment
4 or nonrenewal and shall be sufficiently specific so as to provide
5 such employee the opportunity to prepare a response and the reasons
6 set forth in the notice shall be employment related.

7 (4) The school board may elect to amend or not renew the
8 contract of a probationary certificated employee for any reason it
9 deems sufficient if such nonrenewal is not for constitutionally
10 impermissible reasons, and such nonrenewal shall be in accordance
11 with sections 79-824 to 79-842. Amendment or nonrenewal for reason of
12 reduction in force shall be subject to sections 79-824 to 79-842 and
13 79-846 to 79-849.

14 (5) Within seven calendar days after receipt of the
15 notice, the probationary certificated employee may make a written
16 request to the secretary of the school board or to the superintendent
17 or superintendent's designee for a hearing before the school board.

18 (6) Prior to scheduling of action or a hearing on the
19 matter, if requested, the notice of possible amendment or nonrenewal
20 and the reasons supporting possible amendment or nonrenewal shall be
21 considered a confidential employment matter as provided in sections
22 79-539, 79-8,109, and 84-1410 and shall not be released to the public
23 or any news media.

24 (7) At any time prior to the holding of a hearing or
25 prior to final determination by the school board to amend or not

1 renew the contract involved, the probationary certificated employee
2 may submit a letter of resignation for the ensuing year, which
3 resignation shall be accepted by the school board.

4 (8) The probationary certificated employee shall be
5 afforded a hearing which shall not be required to meet the
6 requirements of a formal due process hearing as set forth in section
7 79-832 but shall be subject to section 79-834.

8 Sec. 6. Original section 79-828, Reissue Revised Statutes
9 of Nebraska, and sections 79-757 and 79-760.05, Revised Statutes
10 Supplement, 2011, are repealed.

11 Sec. 7. The following sections are outright repealed:
12 Section 79-760, Reissue Revised Statutes of Nebraska, and section
13 79-760.04, Revised Statutes Supplement, 2011.