

LEGISLATIVE BILL 870

Approved by the Governor April 6, 2012

Introduced by Adams, 24.

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

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

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

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

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

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

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

79-760.05 (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, and state assessment instruments, and the indicators used in the accountability system required pursuant to section 2 of this act. 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 from assessment instruments required pursuant to section 79-760.03 in order to implement the statewide system.

(2) The department shall annually analyze and report on student achievement for the state, each school district, each public school, 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.

Sec. 4. (1) Any school district, with the approval of the State

Department of Education, may establish and operate a career academy. The purpose of a career academy is to provide students with a career-based educational curriculum. A school district may partner with another school district, an educational service unit, a learning community, a postsecondary educational institution, or a private entity in the establishment and operation of a career academy.

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

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

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

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

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

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

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

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

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

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

All probationary certificated employees employed by ~~Class I, II, III, and VI school districts~~ any class of school district shall, during each year of probationary employment, be evaluated at least once each semester, unless the probationary certificated employee is a superintendent, in accordance with the procedures outlined below:

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

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

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

(3) If the school board or the superintendent or superintendent's designee determines that it is appropriate to consider whether the contract of a probationary certificated employee or the superintendent should be amended or not renewed for the next school year, such certificated employee shall be given written notice that the school board will consider the amendment or nonrenewal of such certificated employee's contract for the ensuing school year. Upon request of the certificated employee, notice shall be provided which shall contain the written reasons for such proposed amendment or nonrenewal and shall be sufficiently specific so as to provide such employee the opportunity to prepare a response and the reasons set forth in the notice shall be employment related.

(4) The school board may elect to amend or not renew the contract of a probationary certificated employee for any reason it deems sufficient if such nonrenewal is not for constitutionally impermissible reasons, and such nonrenewal shall be in accordance with sections 79-824 to 79-842. Amendment

or nonrenewal for reason of reduction in force shall be subject to sections 79-824 to 79-842 and 79-846 to 79-849.

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

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

(7) At any time prior to the holding of a hearing or prior to final determination by the school board to amend or not renew the contract involved, the probationary certificated employee may submit a letter of resignation for the ensuing year, which resignation shall be accepted by the school board.

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

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

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