

AMENDMENTS TO LB438

(Amendments to Final Reading copy)

Introduced by Lautenbaugh

1           1. Insert the following new sections:

2           Sec. 4. Sections 4 to 13 of this act shall be known and  
3 may be cited as the A-Plus Accountability and Transparency Program  
4 Act.

5           Sec. 5. For purposes of the A-Plus Accountability and  
6 Transparency Program Act:

7           (1) Department means the State Department of Education or  
8 an organization chosen by the state; and

9           (2) Statewide assessment means the statewide assessment  
10 conducted pursuant to the Quality Education Accountability Act.

11          Sec. 6. The department shall prepare an annual report  
12 of the results of the statewide assessment to describe student  
13 achievement in the state as a whole, in each school district, and  
14 in each school. The annual report shall include, but not be limited  
15 to:

16          (1) Descriptions of the performance of all schools  
17 participating in the statewide assessment system and all of their  
18 major student populations as determined by the department; and

19          (2) The median scores of all eligible students who scored  
20 in the lowest twenty-fifth percentile on the statewide assessment  
21 in the previous reporting period, except that the provisions of the  
22 federal Family Educational Rights and Privacy Act, 20 U.S.C. 1232g,

1 as such act existed on January 1, 2014, pertaining to student  
2 records and any Nebraska laws pertaining to privacy of student  
3 records apply to this section.

4 Sec. 7. (1) The annual report required pursuant to  
5 section 6 of this act shall grade each public school pursuant to  
6 the grading scale in this subsection:

7 (a) A - Making excellent progress;

8 (b) B - Making above-average progress;

9 (c) C - Making satisfactory progress;

10 (d) D - Making less than satisfactory progress; and

11 (e) F - Failing to make adequate progress.

12 (2) The department shall develop school awards for  
13 schools that improve at least one grade level over the previous  
14 reporting period or maintain a grade of A.

15 (3) Each school with a grade of A or having improved  
16 at least two grade levels over the previous reporting period  
17 shall have greater authority over the allocation of the school's  
18 total budget, state categorical funds, funds from the Education  
19 Innovation Fund, grants, and local funds as specified in rules  
20 and regulations of the State Board of Education. Such rules and  
21 regulations shall provide that the increased budget authority shall  
22 remain in effect until the school's grade pursuant to subsection  
23 (1) of this section is reduced.

24 Sec. 8. (1) Each school which has students who are tested  
25 and included in the school grading system described in section 7  
26 of this act shall earn a school grade, except that a school shall  
27 not earn a school grade if the number of its students tested and

1 included in the school grading system is less than the minimum  
2 sample size necessary, based on accepted professional practice, for  
3 statistical reliability and for prevention of the unlawful release  
4 of personally identifiable student data under the federal Family  
5 Educational Rights and Privacy Act, 20 U.S.C. 1232g, as such act  
6 existed on January 1, 2014, pertaining to student records and any  
7 Nebraska laws pertaining to privacy of student records.

8 (2) A school's grade shall be based on a combination of:

9 (a) Student achievement scores on the statewide  
10 assessment for all students enrolled in the school;

11 (b) Student learning gains for all students enrolled in  
12 the school as measured by the statewide assessment; and

13 (c) Student learning gains of the students enrolled in  
14 the school scoring in the lowest twenty-fifth percentile in reading  
15 and mathematics on the statewide assessment.

16 (3) The department shall determine school grades based  
17 on the following percentages: (a) Fifty percent on overall student  
18 achievement; (b) twenty-five percent on the learning gains of all  
19 students; and (c) twenty-five percent on the learning gains of the  
20 students enrolled in the school scoring in the lowest twenty-fifth  
21 percentile in reading and mathematics.

22 (4) Student assessment data used in determining school  
23 grades shall include:

24 (a) The aggregate scores of all eligible students  
25 enrolled in the school who have been assessed on the statewide  
26 assessment;

27 (b) The learning gain scores of all eligible students

1 enrolled in the school who have been assessed on the statewide  
2 assessment and who have scored at or in the lowest twenty-fifth  
3 percentile of students in the school in reading and mathematics on  
4 such statewide assessment; and

5 (c) The learning gain scores of all eligible students.

6 For purposes of this subsection, eligible student does  
7 not include a student attending an alternative school who is  
8 subject to school board policies for expulsion for repeated or  
9 serious offenses, who is in a dropout retrieval program serving  
10 students who have officially been designated as dropouts, or who is  
11 in a program operated by the Office of Juvenile Services.

12 Sec. 9. The department shall annually develop, in  
13 collaboration with the school districts, a school report card  
14 to be delivered to parents of students enrolled in each school  
15 district. The report card shall include the school's grade pursuant  
16 to section 7 of this act, information regarding school improvement,  
17 an explanation of school performance as evaluated by the federal  
18 No Child Left Behind Act of 2001, as such act existed on January  
19 1, 2014, and indicators of return on investment. The department  
20 on its web site shall publish each school's report card annually,  
21 and the school district shall provide the school report card to  
22 each parent.

23 Sec. 10. The annual report required by section 6 of this  
24 act shall include a school district grade. Such school district  
25 grade shall be determined. A school district's grade shall be based  
26 on a combination of:

27 (a) Student achievement scores on the statewide

1 assessment for all students enrolled in the school district;

2 (b) Student learning gains for all students enrolled in  
3 the school district as measured by the statewide assessment; and

4 (c) Student learning gains of the students enrolled in  
5 the school district scoring in the lowest twenty-fifth percentile  
6 in reading and mathematics on the statewide assessment.

7 Sec. 11. In any year in which eighty percent or more in  
8 the aggregate of elementary, middle, or high schools earn a grade  
9 of A or B, the department shall raise the number of points required  
10 to earn a school grade for that level of school by five percent  
11 statewide.

12 Sec. 12. The Legislature may use the performance of  
13 schools as determined by their grade pursuant to section 7 of this  
14 act as a factor in calculating any performance-based funding.

15 Sec. 13. The State Board of Education may adopt  
16 and promulgate rules and regulations to carry out the A-Plus  
17 Accountability and Transparency Program Act.

18 Sec. 14. Sections 14 to 17 of this act shall be known and  
19 may be cited as the Alternative Teacher Certification Act.

20 Sec. 15. In addition to teachers' certificates issued  
21 pursuant to sections 79-806 to 79-815, certificates to teach in  
22 the public schools in Nebraska shall be granted by the State Board  
23 of Education, under rules and regulations prescribed by it, as  
24 follows:

25 (1) On the basis of college credit or on the basis of  
26 passage of an examination;

27 (2) To any person who presents to the state board a

1 valid doctoral degree from a postsecondary educational institution  
2 accredited by a regional accrediting agency. Such certificate shall  
3 be limited to the major area of postgraduate study of the holder;

4 (3) To any person holding a valid teaching certificate  
5 issued by a national or regional educator credentialing agency  
6 approved by the state board. Such certificate holder shall annually  
7 complete the requirements for such certification pursuant to rules  
8 and regulations of the state board;

9 (4) To any person who possesses a valid teaching  
10 certificate from another state. Such certificate holder shall  
11 annually complete the requirements for such certification pursuant  
12 to rules and regulations of the state board;

13 (5) Pursuant to an alternative certification program  
14 developed by the State Department of Education pursuant to rules  
15 and regulations of the state board; and

16 (6) To any person who has at least two years of teaching  
17 experience at the postsecondary level.

18 Issuance of a certificate under this section shall be  
19 subject to a criminal history record information check pursuant to  
20 section 79-814.01.

21 Sec. 16. The State Board of Education by rules and  
22 regulations shall provide for the issuance of an adjunct teaching  
23 certificate to any applicant who has expertise in the subject  
24 area to be taught and fulfills the requirements of the rules and  
25 regulations. An applicant shall be considered to have expertise  
26 in the subject area to be taught if the applicant demonstrates  
27 sufficient content mastery through passage of a subject area

1 examination. The adjunct teaching certificate shall only be  
2 used for a part-time teaching position. Each adjunct teaching  
3 certificate is valid for XX school years and is renewable if the  
4 applicant has received satisfactory performance evaluations during  
5 each year of teaching under the adjunct teaching certificate.

6           Sec. 17. The State Board of Education may adopt and  
7 promulgate rules and regulations to carry out the Alternative  
8 Teacher Certification Act.

9           Sec. 18. Notwithstanding any other provision of law, the  
10 transfer of a teacher under contract with a school district to  
11 another school within such district shall not take effect until  
12 such transfer is approved by the principal of the receiving school.

13           Sec. 19. If any section in this act or any part of any  
14 section is declared invalid or unconstitutional, the declaration  
15 shall not affect the validity or constitutionality of the remaining  
16 portions.

17           2. On page 1, lines 7 and 8, strike "to harmonize  
18 provisions" and insert "to adopt the A-Plus Accountability and  
19 Transparency Program Act and the Alternative Teacher Certification  
20 Act; to provide for teacher transfers; to harmonize provisions; to  
21 provide severability".

22           3. Renumber the remaining sections accordingly.