



NEBRASKA DEPARTMENT OF EDUCATION

TO: Roger Breed, Ed.D.
Commissioner of Education

FROM: Margaret Worth, General Counsel

SUBJECT: Policy Review Information Item

Proposed Board Action:

State Board Policies G11, G12 and D1 for review.

Background Information:

State Board Bylaw B8 requires that all State Board Policies, including Bylaws, Internal Policy Directives and General Education Policies, be reviewed by the Board every four years. Pursuant to the review schedule implemented by the State Board's Policy Committee, State Board Policies G11, G12 and D1 are submitted for review.

If the Commissioner, Board President or any Board member believes that action or referral to the Policy Committee is necessary in connection with these Policies, an appropriate motion may be placed on the Agenda for the August Board meeting.

Pursuant to B8, Policies G11 and G12 will expire on October 6, 2012, unless revised or reaffirmed prior to that date. Policy D1 will remain in effect indefinitely until revised or rescinded.

Estimated Cost:

N/A

Supporting Documentation Included:

Board Policies B8, G11, G12 and D1.

For Additional Information on this item:

Call Margaret Worth (402) 471-0310 or email Margaret.Worth@nebraska.gov

Policy, Bylaw, and Position Statement Development

The State Board may change its existing policies, bylaws or position statements or adopt new policies, bylaws, or position statements at any time, on its own motion or upon recommendation by the Commissioner.

All State Board policies, bylaws and position statements shall be included on the State board's webpage.

All State Board policies, bylaws and position statement are to be reviewed by the Board every four years and the Commissioner will recommend a subsequent review date when each new policy is proposed.

The State Board's general education policies or position statements (designated by the letter "G") shall expire four years after their adoption unless revised or reaffirmed by the State Board prior to expiration. Starting on October 6, 2010, general education policies or position statements that are more than four years old shall expire on October 6, 2012, unless revised or reaffirmed prior to that date.

The State Board's procedural bylaws (designated by the letter "B") and the State Board's internal policy directives (designated by the letter "D") shall remain in full force and effect until amended or rescinded by the State board.

The General Counsel will review all Board policies, bylaws and position statements annually for compliance with state law.

All State Board resolutions, except those honoring an individual, shall contain an expiration date.

Board Action History

- 12/10/76
Prior BD-1 (Statement of Board authority and foremost consideration.)
Prior BDA-2 (Systematic procedures for policy adoption.)
Prior BDE-2 (Annual policy review.)
- 12/7/84 – Prior 9311 BOP
(Replace 1976 policies with statement that Board can change or adopt policies at any time.)
- 12/8/95 – Prior B8
(Added 5-vote requirement and 3-year minimum review.)
- 6/7/02 – Prior B8
(5-vote requirement deleted.)
- 9/7/06 – B8
(Added references to bylaws and position statements, changed 3 to 2 year reviews, added annual General Counsel law review.)
- 10/6/10 – B8
(Changed 2 to 4 year reviews and clarified expiration dates of policies, bylaws and position statements approved by the State Board.)

Cross-References

- 79-301(2) – The State Board's duty to form policy.
- 79-315 – The State Board's power to organize itself.

Nebraska State Board of Education Policy: Anti-Bullying

The State Board of Education believes that Nebraska schools should provide physically safe and emotionally secure environments for all students and staff. It is the goal of the State Board of Education, through this policy, to create such positive learning and teaching environments.

For purposes of this policy, the State Board defines positive behaviors as those, which evoke non-violence, cooperation, teamwork, understanding, and acceptance, toward all students and staff in the learning and teaching environment.

The State Board of Education encourages local school districts to establish policies and strategies to emphasize and recognize positive behaviors that promote a safe and secure learning environment for all students and staff. Local school policies should assist school personnel in identifying bullying, intimidation, and harassment; and provide a framework for an appropriate response that reinforces and encourages positive conduct.

The Department of Education will disseminate information in regard to model strategies and practices for assisting the implementation of local policies. The department will also disseminate programs that promote state level efforts to assist schools in achieving positive behavior environments, including anti-bullying programs. This assistance may include, but is not limited to, help with student, teacher, and administrator in-service, and pre-service courses.

The Department of Education will design a plan and process for evaluating the effects of this policy.

Board Action History

- Policy statement adopted 2/7/2003 and reaffirmed 12/9/05

Cross-References

- 92 NAC 10
- Neb. Rev. Stat. 79-2,137
- Neb. Rev. Stat. 79-267(8)

Nebraska State Board of Education Policy: Using School Performance Information for Improving Learning

I. USE OF SCHOOL PERFORMANCE DATA

It is the policy of the State Board of Education that the information available from the Nebraska standards, assessment, and reporting system should be used primarily to promote school improvement for improving learning. The information should assist educators, patrons, and policy leaders in reviewing and analyzing successes and needs of Nebraska schools and in developing plans, strategies, and models for improved learning opportunities in schools and improved learning by all students. In addition, the information should be used to present a comprehensive report of the work in progress in Nebraska schools and the results that are achieved. The State Board believes that:

At the Local District Level

- The staff and community of each school district should study local school information on the State of the Schools Report to help identify areas of strength and areas for improvement. (The study should especially focus on the ratings assigned for assessment quality and student performance at each grade level, information from data disaggregated for groups of students, learning opportunities provided through the curriculum, and unique demographic circumstances.)
- School districts should also identify other kinds of information which will further assist in determining areas of strength and areas for improvement.
- The information should be used to identify or modify school improvement goals and/or plans to improve learning for all students.
- School districts should, over time, demonstrate improvement in student performance on academic standards and in other areas of local priority.

At the State Level

- Districts achieving high performance and those making significant gains should be recognized and encouraged to model effective strategies.
- Districts with areas of low performance should be assisted in implementing strategies and procedures to make needed changes to improve assessment quality and student performance.
- School improvement should be a partnership of local districts, educational service units, institutions of higher education, the Nebraska Department of Education, and other organizations or agencies.

- The Department should provide statewide leadership and support in developing and implementing school improvement processes and plans to improve learning opportunities, experiences, and performance.

II. PROCEDURES FOR SUPPORTING QUALITY AND IMPROVING STUDENT PERFORMANCE

State level procedures should be established to support quality learning strategies and practices, encourage continued improvement in each school district, recognize quality assessment and quality performance and practices. Procedures should also be established to implement appropriate interventions for any schools not demonstrating actions that result in improvement of the quality of assessment and/or student learning. The Department shall annually issue a State of the Schools Report showing ratings of quality of assessment and of student proficiency on standards.

A. Using Assessment Quality Information

Assessment quality refers to the degree that local assessments meet six recognized criteria for technical quality. In order to use effectively the information from the Nebraska system of assessments, the assessment measures and the measurements procedures must be of high technical quality. This is necessary to determine needed improvements and to document results.

Therefore, all Nebraska school districts will be rated on the quality of the local assessment for the grade levels and standards reported to the Department using ratings of "Not Acceptable," "Acceptable but Needs Improvement," "Good," "Very Good," and "Exemplary." The ratings will be based on reviews by assessment experts, external to the Department of Education, who have received training in the Nebraska assessment process, assessment quality criteria, and the assessment portfolio review process.

It is essential that the quality of assessment of Nebraska school districts be rated as at least "Good." Schools having a rating of "Good" are encouraged to continue to refine local assessment procedures to reach a rating of "Very Good" or "Exemplary."

Recognizing Schools With a High Assessment Quality Rating

Ratings of "Very Good" or "Exemplary" are considered high quality. Recognition should be given to schools receiving a high assessment quality rating through practices such as the following:

- Special recognition in the State of the Schools Report and other documents
- Involvement in leadership opportunities to model quality practices
- Reduction in requirements for annual submission of assessment quality documentation to the Department of Education.

Addressing Schools with a Low Assessment Quality Rating

Ratings of “Not Acceptable” or “Acceptable, but Needs Improvement” are considered low quality. Schools having a low quality assessment rating will be provided support and assistance and should participate in activities or procedures to annually improve to a rating of at least “Good.” These combined local and statewide efforts would include one or more of the following, as appropriate:

- District-wide staff development sessions focused on the topics that have been challenging to the district.
- Designation of a local team to coordinate development of quality assessment practices.
- Work with mentor schools or educators to improve assessment practices.
- Continued submission of assessment quality documentation to NDE for review and responses to strengthen local practices.
- Visitation to the district by other Nebraska educators having experience and expertise in assessment to review local assessment plans and procedures and to advise in areas of difficulty.

Beginning with the Fall 2003 State of the Schools Report, schools with a low Assessment Quality rating (“Not Acceptable” or “Acceptable, but Needs Improvement”) should implement procedures to reach at least the next higher rating. Schools with a low assessment quality rating not showing improvement in assessment quality on the next State of the Schools Report will be subject to penalties or additional procedures related to school accreditation. (Note: This will require revision of Rule 10, *Regulations and Procedures for the Accreditation of Schools.*)

B. Student Performance Rating Information

Student performance refers to the level of student achievement as it relates to the state or district standards. Student performance or achievement is reported at a level

of “proficiency.” “Proficiency” is defined as having fully met the standard or standard. Student performance or proficiency shall be reported for each public school building and each public school district.

All Nebraska school districts will be rated on the level of student performance on standards using ratings of “Not Acceptable,” “Acceptable, but Needs Improvement,” “Good,” “Very Good,” or “Exemplary.” The ratings will be determined through procedures conducted by assessment experts external to the Department of Education. The procedures will include training based upon the Nebraska standards. Rating criteria will apply to all districts.

The Department shall annually issue a State of the Schools Report to include district student performance ratings for grades 4, 8, and 11 for the academic content area assessed the previous school year. (Districts having local standards for grades other than 4, 8 and 11 approved by the Department may assess and report performance for the approved standards.) This information should contribute to identification of areas of strength and areas of concern to be used in improvement efforts.

Recognizing Schools with High Student Performance Ratings

Recognition should be given to schools receiving a performance rating of “Very Good” or “Exemplary” if they also have a high quality assessment. Recognition may include processes such as:

- Special listing in the State of the Schools Report and other documents
- Involvement in leadership opportunities to model quality practices

Addressing Schools with Low Student Performance Ratings

Ratings of “Not Acceptable” or “Acceptable, but Needs Improvement” are considered low performance. School districts having a rating of “Not Acceptable” or “Acceptable, but Needs Improvement” in any grades or subject areas should participate in intensive activities or procedures to improve student learning in areas of need as determined through analysis of data. These activities and procedures should include the following as appropriate:

- Staff development sessions focused on topics such as:
 - Analysis and use of data to identify learning needs for specific areas, topics, or groups of students

- Development of school improvement plans and procedures focusing on improving learning
 - Research of effective instructional strategies
 - Improvement of content knowledge of the subject area
 - Implementation of learning experiences and strategies that will be effective for unique learning needs and specific content areas
- Work in partnership with schools with high success in the respective instructional area, and with resource staff from educational service units, institutions of higher education, NDE, etc.
 - Special assistance through targeted federal or state resources
 - Submission of school improvement plans and annual progress reports for review and input from educational service unit and/or NDE representatives
 - Research and implementation of effective instructional strategies for needs identified through disaggregation of data
 - Visitation to the school by teams of representatives with expertise in the areas of need
 - Work with on-site coaches to assist in areas of need

Beginning with the Fall 2003 State of the Schools Report, schools with a low student performance rating (“Not Acceptable” or “Acceptable, but Needs Improvement”) should immediately initiate procedures to increase student performance on standards. Schools not increasing student performance and/or the performance rating on academic standards after a three-year period of time will be subject to penalties or additional procedures related to accreditation. (Note: This will require revision of Rule 10, *Regulations and Procedures for the Accreditation of Schools*.)

C. Other Information Contributing to School Improvement Planning

Schools should consider supplemental data in addition to information in the State of the Schools Report to incorporate goals as needed to address other areas of priority within the district. This may be based upon information such as the following:

- Disaggregated data indicating that any specific populations of students are demonstrating low performance and, therefore, are in need of special assistance.

- Information available locally through other types of norm-reference or criterion-referenced assessments, interviews, surveys, etc.
- Statewide initiatives supporting needs of Nebraska students.
- Course taking patterns of students.
- Attendance.
- Graduation rates.
- Drop out rates.

Such data may further support or document local needs or may help identify circumstances to be addressed in establishing improvement strategies.

III. CONCLUSION

All schools should be continually involved in school improvement processes and strategies to address local needs and to implement plans and strategies for improving student learning. Therefore, the State Board of Education will continue to work in partnership with others to support and encourage all schools in helping all Nebraska students successfully meet Nebraska standards.

Board Action History

- Policy statement adopted 4/4/03.

Cross-References

- 92 NAC 10

Political Activities/Use of Resources

The Commissioner and Department employees shall not use or authorize the use of Department resources for the purpose of campaigning for or against the nomination or election of a candidate or the qualification, passage, or defeat of a ballot question, except as permitted by Neb. Rev. Stat. 49-14,101.02 and this Policy. "Department resources" means Department personnel, property, resources, or funds under the official care or control of the Commissioner or a Department Employee. The Commissioner and Department employees shall not engage in campaign activity for or against the qualification, passage, or defeat of a ballot question or the nomination or election of a candidate while on government work time or when otherwise engaged in official duties.

The Commissioner or a Department employee under his or her direct supervision may respond to specific inquiries by the press or the public as to his or her opinion regarding a ballot question or may provide information in response to a request for information.

The Commissioner and Department employees may, in the normal course of their duties, use public resources to research and prepare materials to assist the Department in determining the effect of a ballot question on the Department. The Commissioner and Department employees may not do mass mailings, mass duplication, or other mass communications at public expense for the purpose of qualifying, supporting, or opposing a ballot question. Mass communications shall not include placing public records demonstrating the consequences of the passage or defeat of a ballot question affecting the Department on existing Department web sites.

This Policy does not prohibit the Commissioner or Department employees from identifying themselves by their official titles.

The Commissioner and Department employees are not prohibited from campaigning for or against the qualification, passage, or defeat of a ballot question or the nomination or election of a candidate when no Department resources are used and while not on government work time or when not otherwise engaged in official duties.

The Commissioner and Department employees shall not use or authorize the use of personnel, resources, property, or funds under his or her official care and control other than in accordance with prescribed constitutional, statutory, and regulatory procedures or use such items, other than compensation provided by law, for personal gain.

Board Action History

- 8/19/77 – Prior GAHB
(Reference to statute prohibiting political activity during office hours.)
- 6/1/81 – Prior KIA
(Use of resources and votes of censure)
- 12/7/84 – Prior 1311.1 DO
(Same as KIA; GAHB not included in 1984 revisions)
- 12/8/95 – Prior D1
(Same as 1311.1 DO, except it only includes Commissioner and staff and includes disciplinary action instead of censure, and Board provisions moved to B18)
- 11/3/06 – D1
(Complete revision)
- 10/8/09 – D1
(Amended to permit certain political activities consistent with LB 626 [Laws, 2009].)

Cross-References

- 49-14,101.01
- 49-14,101.02