STATE *of* NEBRASKA

OFFICE OF THE GOVERNOR

LINCOLN

EXECUTIVE ORDER No. 20-20

CORONAVIRUS – EDUCATIONAL ASSESSMENT WAIVERS

WHEREAS, a state of emergency was proclaimed in Nebraska on March 13, 2020, to control the spread of the coronavirus known as COVID-19;

WHEREAS, social distancing and deliberately increasing the physical space between people decreases the likelihood of transmitting COVID-19;

WHEREAS, Nebraska schools are conducting remote learning to prevent the spread of COVID-19 and are not able to resume in-person classroom instruction through May 31, 2020;

WHEREAS, on March 25, 2020, the U.S. Secretary of Education granted Nebraska a waiver of the assessment requirements in § 1111(b)(2) of the Elementary and Secondary Education Act, the accountability and school identification requirements in § 1111(c)(4) and § 1111(d)(2)(C)-(D), and certain reporting requirements related to assessments and accountability in § 1111(h) for the 2019-20 school year due to COVID-19;

WHEREAS, not having students in classrooms limits the ability of schools to administer educational assessments to students;

WHEREAS, the state accountability system is largely dependent on student assessment data;

WHEREAS, all school districts were required to administer at least one of the required reading assessments, but may not have administered three reading assessments to all students in kindergarten through third grade during the 2019-20 school year; and

WHEREAS, reliable assessment is the cornerstone of the Nebraska Reading Improvement Act.

NOW THEREFORE, I, Pete Ricketts, Governor of the State of Nebraska, by virtue of the authority vested in me by the Constitution and laws of Nebraska, do hereby waive specific statutory provisions pertaining to the education assessments, reporting, and classification.

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Pursuant to this declaration, I hereby order the following:

1. The provisions of Neb. Rev. Stat. § 79-760.03(1) and § 79-760.05(1) requiring the annual administration of a system of assessments of student learning and the reporting of school performance based on such assessment data are waived for the 2019-20 school year;

2. The provisions of Neb. Rev. Stat. §760.06(2) and (3) are waived for the 2019-20 school year only to the extent that the statutes require the State Board of Education to annually calculate a school performance and district performance score on which to classify and report the performance of public schools and school districts on or before December 31, 2020. The requirement for the State Board to designate priority schools under Neb. Rev. Stat. §760.06(3) shall continue and shall be based on data reported prior to the 2019-20 school year.

3. The provisions of Neb. Rev. Stat. § 79-2603(1) are waived only to the extent that those provisions require a school district to administer an approved reading assessment three times during the 2019-20 school year. Assessments administered prior to March 13, 2020, shall continue to be used for purposes of the Nebraska Reading Improvement Act. Nothing in this order shall prohibit a school district from administering an approved reading assessment in accordance with the Nebraska Reading Improvement Act; and

4. This Executive Order shall become effective immediately and shall remain in effect through the 2019-20 school year.

IN WITNESS THEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nebraska to be affixed on this 20th day of April, 2020.

Pete Ricketts, Governor
State of Nebraska

Attest:

Robert B. Evnen,
Secretary of State
State of Nebraska