

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 651

Introduced by Raikes, 25

Read first time January 17, 2007

Committee: Education

A BILL

1 FOR AN ACT relating to schools; to amend sections 43-2007, 60-658,  
2 79-234, 79-239, 79-240, 79-2,104, 79-2,105, 79-313,  
3 79-318, 79-569, 79-598, 79-606, 79-608, 79-809, 79-810,  
4 79-10,110, 79-1110, 79-1162, 79-1212, 79-1601, 79-1606,  
5 and 85-607, Reissue Revised Statutes of Nebraska,  
6 sections 79-215, 79-233, 79-237, 79-238, 79-528, 79-1084,  
7 and 79-1086, Revised Statutes Cumulative Supplement,  
8 2006, and sections 79-611, 79-1003, and 79-1028, Revised  
9 Statutes Cumulative Supplement, 2006, as affected by  
10 Referendum 2006, No. 422; to change provisions relating  
11 to exempt schools and students, residency, the enrollment  
12 option program, student files, qualifications of members  
13 of the State Board of Education, transportation, reports,  
14 contracts for instruction, certificate fees, the Tax

1 Equity and Educational Opportunities Support Act, school  
2 tax levies, modifications, the Special Education Act,  
3 educational service units, and certain college admissions  
4 as prescribed; to harmonize provisions; to eliminate  
5 the Nebraska Equal Opportunity for Displaced Homemakers  
6 Act and provisions relating to the Diagnostic Resources  
7 Center at Cozad; to repeal the original sections; and  
8 to outright repeal sections 48-1301, 48-1302, 48-1303,  
9 48-1304, 48-1305 48-1306, 48-1309, 79-1168, 79-1169,  
10 79-1170, 79-1171, 79-1172, 79-1173, 79-1174, 79-1175,  
11 79-1176, 79-1177, and 79-1178, Reissue Revised Statutes  
12 of Nebraska.

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

1           Section 1. Section 43-2007, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           43-2007 (1) Upon notification by the patrol of a missing  
4 person, any school in which the missing person is currently or was  
5 previously enrolled shall flag the school records of such person  
6 in such school's possession. The school shall report immediately  
7 any request concerning a flagged record or any knowledge of the  
8 whereabouts of the missing person.

9           (2) Upon enrollment of a student for the first time  
10 in a public school district or private school system, the school  
11 of enrollment shall notify in writing the person enrolling the  
12 student that within thirty days he or she must provide either (a)  
13 a certified copy of the student's birth certificate or (b) other  
14 reliable proof of the student's identity and age accompanied by an  
15 affidavit explaining the inability to produce a copy of the birth  
16 certificate.

17           (3) ~~The parent or guardian of a child~~ Upon enrollment  
18 of a student who is receiving his or her education in a home  
19 an exempt school subject to sections 79-1601 to 79-1607, the  
20 parent or guardian of such student shall ~~shall, not later than~~  
21 ~~October 1 of the first year of the child's attendance at the~~  
22 ~~home school,~~ provide to the Commissioner of Education either (a)  
23 a certified copy of the ~~child's~~ student's birth certificate or  
24 (b) other reliable proof of the ~~child's~~ student's identity and age  
25 accompanied by an affidavit explaining the inability to produce a

1 copy of the birth certificate.

2 (4) Upon failure of the person, parent, or guardian to  
3 comply with subsection (2) or (3) of this section, the school  
4 or Commissioner of Education shall notify such person, parent, or  
5 guardian in writing that unless he or she complies within ten  
6 days the matter shall be referred to the local law enforcement  
7 agency for investigation. If compliance is not obtained within  
8 such ten-day period, the school or commissioner shall immediately  
9 report such matter. Any affidavit received pursuant to subsection  
10 (2) or (3) of this section that appears inaccurate or suspicious  
11 in form or content shall be reported immediately to the local law  
12 enforcement agency by the school or commissioner.

13 (5) Any school requested to forward a copy of a  
14 transferred student's record shall not forward a copy of such  
15 record to the requesting school if the record has been flagged  
16 pursuant to subsection (1) of this section. If such record has been  
17 flagged, the school to whom such request is made shall notify the  
18 local law enforcement agency of the request and that such student  
19 is a reported missing person.

20 Sec. 2. Section 60-658, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22 60-658 School bus shall mean any motor vehicle which  
23 complies with the color and identification requirements as provided  
24 in the laws of this state or set forth in the 1990 Revised Edition  
25 of the National Standards for School Buses and National Standards

1 ~~for School Bus Operations,~~ available from the National Safety  
2 ~~Council,~~ and general design, equipment, and color requirements  
3 adopted and promulgated pursuant to subdivision (13) of section  
4 79-318 which is used to transport ~~children~~ students to or from  
5 school or in connection with school activities but shall not  
6 include buses operated by common carriers in urban transportation  
7 of school ~~children.~~ students.

8           Sec. 3. Section 79-215, Revised Statutes Cumulative  
9 Supplement, 2006, is amended to read:

10           79-215 (1) Except as otherwise provided in this section,  
11 a student is a resident of the school district where he or she  
12 resides or any school district where at least one of his or her  
13 parents reside and shall be admitted to any such school district  
14 upon request without charge.

15           (2) A school board shall admit any homeless student that  
16 requests admission without charge.

17           (3) A school board may allow a student whose residency  
18 in the district ceases during a school year to continue attending  
19 school in such district for the remainder of that school year.

20           (4) A school board may admit nonresident students to the  
21 school district pursuant to a contract with the district where the  
22 student is a resident and shall collect tuition pursuant to the  
23 contract.

24           (5) A school board may admit nonresident students to  
25 the school district pursuant to the enrollment option program as

1 authorized by sections 79-232 to 79-246, and such admission shall  
2 be without charge.

3 (6) A school board may admit a student who is a resident  
4 of another state to the school district and collect tuition in  
5 advance at a rate determined by the school board.

6 (7) When a student as a ward of the state or as a  
7 ward of any court (a) ~~has been placed~~ is placed by the state  
8 or court in a school district other than the district in which  
9 he or she resided at the time he or she became a ward and such  
10 ward does not reside in a foster family home licensed or approved  
11 by the Department of Health and Human Services or a foster home  
12 maintained or used pursuant to section 83-108.04 or (b) ~~has been~~  
13 ~~placed~~ is placed by the state or court in any institution which  
14 maintains a special education program which has been approved by  
15 the State Department of Education and such institution is not owned  
16 or operated by the district in which he or she resided at the  
17 time he or she became a ward, the cost of his or her education  
18 and the required transportation costs associated with the student's  
19 education shall be paid by the state, but not in advance, to  
20 the receiving school district or approved institution under rules  
21 and regulations prescribed by the Department of Health and Human  
22 Services and the student shall remain a resident of the district in  
23 which he or she resided at the time he or she became a ward until  
24 he or she is no longer a ward. Any student who is a ward of the  
25 state or a ward of any court who resides in a foster family home

1 licensed or approved by the Department of Health and Human Services  
2 or a foster home maintained or used pursuant to section 83-108.04  
3 shall be deemed a resident of the district in which the foster  
4 family home or foster home is located.

5 (8) When a student is not a ward of the state or  
6 a ward of any court and is residing in a residential setting  
7 located in Nebraska for reasons other than to receive an education  
8 and the residential setting is operated by a service provider  
9 which is certified or licensed by the Department of Health and  
10 Human Services or is enrolled in the medical assistance program  
11 established pursuant to the Medical Assistance Act and Title XIX  
12 or XXI of the federal Social Security Act, as amended, the student  
13 shall remain a resident of the district in which he or she  
14 resided immediately prior to residing in such residential setting.  
15 Upon request by a parent or legal guardian, the resident school  
16 district shall contract with the district in which such residential  
17 setting is located for the provision of all educational services,  
18 including all special education services. If the parent or legal  
19 guardian has requested that the resident school district contract  
20 with the district in which such residential setting is located,  
21 the district in which such residential setting is located shall  
22 contract with the resident district and provide all educational  
23 services, including all special education services, to the student.  
24 If the two districts cannot agree on the amount of the contract,  
25 the State Department of Education shall determine the amount

1 to be paid by the resident district to the district in which  
2 such residential setting is located based on the needs of the  
3 student, approved special education rates, the department's general  
4 experience with special education budgets, and the cost per student  
5 in the district in which such residential setting is located. Once  
6 the contract has been entered into, all legal responsibility for  
7 special education and related services shall be transferred to the  
8 school district in which the residential setting is located. The  
9 resident district for a student who is not a ward of the state or a  
10 ward of any court does not change when the student moves from one  
11 residential setting to another.

12 (9) In the case of any individual eighteen years of  
13 age or younger who is a ward of the state or any court and who  
14 is placed in a county detention home established under section  
15 43-2,110, the cost of his or her education shall be paid by the  
16 state, regardless of the district in which he or she resided at  
17 the time he or she became a ward, to the agency or institution  
18 which: (a) Is selected by the county board with jurisdiction over  
19 such detention home; (b) has agreed or contracted with such county  
20 board to provide educational services; and (c) has been approved by  
21 the State Department of Education pursuant to rules and regulations  
22 prescribed by the State Board of Education.

23 (10) No tuition shall be charged for students who may be  
24 by law allowed to attend the school without charge.

25 (11) On a form prescribed by the State Department of



1 Education, an adult with legal or actual charge or control of a  
2 student shall provide the name of the student, the name of the  
3 adult with legal or actual charge or control of the student, the  
4 address where the student is residing, and the telephone number  
5 and address where the adult may generally be reached during the  
6 school day. If the student is homeless or if the adult does not  
7 have a telephone number and address where he or she may generally  
8 be reached during the school day, those parts of the form may be  
9 left blank and a box may be marked acknowledging that these are the  
10 reasons these parts of the form were left blank. The adult with  
11 legal or actual charge or control of the student shall also sign  
12 the form.

13 (12) The department shall adopt and promulgate rules and  
14 regulations to carry out the department's responsibilities under  
15 this section.

16 Sec. 4. Section 79-233, Revised Statutes Cumulative  
17 Supplement, 2006, is amended to read:

18 79-233 For purposes of sections 79-232 to 79-246:

19 (1) Enrollment option program means the program  
20 established in section 79-234;

21 (2) Option school district means the public school  
22 district that a student chooses to attend instead of his or  
23 her resident school district, except when a student chooses to  
24 attend another school district in a learning community in which the  
25 student resides pursuant to section 79-2110;

1           (3) Option student means a student that has chosen to  
2 attend an option school district;

3           (4) Resident school district means the public school  
4 district in which a student resides or the school district in  
5 which the student is admitted as a resident of the school district  
6 pursuant to section 79-215; and

7           (5) Siblings means all children residing in the same  
8 household on a permanent basis who have the same mother or father  
9 or who are stepbrother or stepsister to each other.

10           Sec. 5. Section 79-234, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12           79-234 (1) An enrollment option program is hereby  
13 established to enable any kindergarten through twelfth grade  
14 Nebraska student to attend a school in a Nebraska public school  
15 district in which the student does not reside subject to the  
16 limitations prescribed in section 79-238. The option shall be  
17 available only once to each student prior to graduation unless  
18 (a) the student relocates in a different resident school district,  
19 or (b) the option school district merges with another district.  
20 In the case of an event described in subdivision (1)(a) or (b)  
21 of this section, the student's parent or guardian shall submit  
22 an application to the new option school district within thirty  
23 days after the date of relocation or the effective date of the  
24 merger. This subsection does not relieve a parent or guardian from  
25 the compulsory attendance requirements in section 79-201 during

1 the pendency of such application or approval. ~~7 or (c) the option~~  
2 ~~school district is a Class I district. The option student shall be~~  
3 ~~given the option to attend school in another district at the time~~  
4 ~~of relocation or merger or upon completion of the grades offered at~~  
5 ~~the Class I district.~~

6 (2) The program shall not apply to ~~(a) any student~~  
7 ~~who resides in a Class I district which has not affiliated and~~  
8 ~~which contracts or has contracted in either or both of the two~~  
9 ~~prior school years with another district or districts in such~~  
10 ~~student's grade level pursuant to section 79-598 or (b) any student~~  
11 ~~who resides in a district which has entered into an annexation~~  
12 ~~agreement pursuant to section 79-473, except that such student may~~  
13 ~~transfer to another district which accepts option students.~~

14 Sec. 6. Section 79-237, Revised Statutes Cumulative  
15 Supplement, 2006, is amended to read:

16 79-237 (1) For a student to attend school in an option  
17 school district, the student's parent or legal guardian shall  
18 submit an application to the school board of the option school  
19 district between September 1 and March 15 for enrollment during  
20 the following and subsequent school years. Applications submitted  
21 after March 15 shall be accompanied by a written release contain  
22 a release approval from the resident school district on the  
23 application form prescribed and furnished by the State Department  
24 of Education pursuant to subsection (6) of this section. A district  
25 may not accept or approve any applications submitted after such

1 date without such a release approval. The option school district  
2 shall provide the resident school district with the name of the  
3 applicant on or before April 1 or, in the case of an application  
4 submitted after March 15, within sixty days after submission. The  
5 option school district shall notify, in writing, the parent or  
6 legal guardian of the student, ~~and~~ the resident school district,  
7 and the State Department of Education whether the application is  
8 accepted or rejected on or before April 1 or, in the case of  
9 an application submitted after March 15, within sixty days after  
10 submission.

11 (2) Applications for students who do not actually attend  
12 the option school district may be withdrawn in good standing upon  
13 mutual agreement by both the resident and option school districts.

14 (3) No option student shall attend an option school  
15 district for less than one school year unless the student relocates  
16 to a different resident school district, completes requirements for  
17 graduation prior to the end of his or her senior year, transfers  
18 to a private or parochial school, or upon mutual written agreement  
19 of the resident and option school districts cancels the enrollment  
20 option and returns to the resident school district.

21 (4) Except as provided in subsection (3) of this section,  
22 the option student shall attend the option school district until  
23 graduation unless the student relocates in a different resident  
24 school district, transfers to a private or parochial school, or  
25 chooses to return to the resident school district.

1           (5) In each case of cancellation pursuant to subsections  
2 (3) and (4) of this section, the student's parent or legal guardian  
3 shall ~~notify~~ provide written notification to the school board  
4 of the option school district, ~~and~~ the resident school district,  
5 and the department ~~by March 15 for automatic approval for the~~  
6 ~~following school year,~~ on forms prescribed and furnished by the  
7 department under subsection (6) of this section in advance of such  
8 cancellation.

9           (6) The application and cancellation forms shall be  
10 prescribed and furnished by the State Department of Education.

11           (7) An option student who subsequently chooses to attend  
12 a private or parochial school shall be automatically accepted to  
13 return to either the resident school district or option school  
14 district upon the completion of the grade levels offered at the  
15 private or parochial school. If such student chooses to return to  
16 the option school district, the student's parent or legal guardian  
17 shall submit another application to the school board of the option  
18 school district which shall be automatically accepted, and the  
19 deadlines prescribed in this section shall be waived.

20           Sec. 7. Section 79-238, Revised Statutes Cumulative  
21 Supplement, 2006, is amended to read:

22           79-238 (1) Except as provided in section 79-240, the  
23 school board of the option school district shall adopt by  
24 resolution specific standards for acceptance and rejection of  
25 applications. Standards may include the capacity of a program,

1 class, grade level, or school building or the availability of  
2 appropriate special education programs operated by the option  
3 district. Capacity shall be determined by setting a maximum number  
4 of option students that a district will accept in any program,  
5 class, grade level, or school building, based upon available  
6 staff, facilities, projected enrollment of resident students,  
7 projected number of students with which the option district  
8 will contract based on existing contractual arrangements, and  
9 availability of appropriate special education programs. The school  
10 board of the option school district may by resolution declare  
11 a program, a class, or a school unavailable to option students  
12 due to lack of capacity. Standards shall not include previous  
13 academic achievement, athletic or other extracurricular ability,  
14 disabilities, proficiency in the English language, or previous  
15 disciplinary proceedings except as provided in section 79-266.01.  
16 False or substantively misleading information submitted by a parent  
17 or guardian on an application to an option school district may  
18 be cause for the option school district to reject a previously  
19 accepted application if the rejection occurs prior to the student's  
20 attendance as an option student.

21 (2) The school board of every school district shall also  
22 adopt standards and conditions for acceptance or rejection of a  
23 request for release of a resident student submitting an application  
24 to an option district after March 15 under subdivision (1) of  
25 section 79-237.

1           ~~(2)~~ (3) Any option school district shall give first  
 2 priority for enrollment to siblings of option students, except that  
 3 the option school district shall not be required to accept the  
 4 sibling of an option student if the district is at capacity except  
 5 as provided in ~~subsections (2) and (4)~~ subsection (1) of section  
 6 79-240.

7           Sec. 8. Section 79-239, Reissue Revised Statutes of  
 8 Nebraska, is amended to read:

9           79-239 If an application is rejected by the option school  
 10 district or ~~by~~ if the resident school district rejects a request  
 11 for release under subdivision (1) of section 79-237, the rejecting  
 12 school district shall ~~state in the notification the reason for the~~  
 13 ~~rejection.~~ provide written notification to the parent or guardian  
 14 stating the reasons for the rejection and the process for appealing  
 15 such rejection to the State Board of Education. Such notification  
 16 shall be sent by certified mail. The parent or legal guardian may  
 17 appeal a rejection to the State Board of Education by filing a  
 18 written request, together with a copy of the rejection notice,  
 19 with the State Board of Education. Such request and copy of the  
 20 notice must be received by the board within thirty days after the  
 21 date the notification of the rejection was received by the parent  
 22 or legal guardian. Such hearing shall be held in accordance with  
 23 the Administrative Procedure Act and shall determine whether the  
 24 procedures of sections 79-234 to 79-241 have been followed.

25           Sec. 9. Section 79-240, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2           79-240 ~~(1)~~ Upon agreement of the school boards or boards  
3 of education of the resident school district and the option school  
4 district, the deadlines for application and approval or rejection  
5 prescribed in section 79-237 may be waived.

6           ~~(2)~~ (1) The application of a student who relocates in a  
7 different school district but wants to continue attending his or  
8 her original resident school district and who has been enrolled in  
9 his or her original resident school district for the immediately  
10 preceding two years shall be automatically accepted, and the  
11 deadlines prescribed in section 79-237 shall be waived.

12           ~~(3)~~ (2) The application of an option student who  
13 relocates in a different school district but wants to continue  
14 attending the option school district shall be automatically  
15 accepted, and the deadlines prescribed in section 79-237 shall be  
16 waived.

17           ~~(4)~~ The sibling of any option student who has, before  
18 April 6, 1996, been accepted as an option student in the district  
19 in which the option student is enrolled shall be eligible to  
20 continue attending the option school district as an option student  
21 as provided in section 79-234.

22           Sec. 10. Section 79-2,104, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24           79-2,104 (1) Any student in any public school or  
25 his or her parents, guardians, teachers, counselors, or school



1 administrators shall have access to the school's files or records  
2 maintained concerning such student, including the right to inspect,  
3 review, and obtain copies of such files or records. No other person  
4 shall have access to such files or records, ~~and the~~ except (a) when  
5 a parent, guardian, or student of majority age provides written  
6 consent or (b) as provided in subsection (3) of this section. The  
7 contents of such files or records shall not be divulged in any  
8 manner to any unauthorized person. All such files or records shall  
9 be maintained so as to separate academic and disciplinary matters,  
10 and all disciplinary material shall be removed and destroyed after  
11 a student's continuous absence from the school for a period of  
12 three years.

13 (2) Each public school may establish a schedule of fees  
14 representing a reasonable cost of reproduction for copies of a  
15 student's files or records for the parents or guardians of such  
16 student, except that the imposition of a fee shall not prevent  
17 parents of students from exercising their right to inspect and  
18 review the students' files or records and no fee shall be charged  
19 to search for or retrieve any student's files or records.

20 ~~(3)~~ (3)(a) This section does not preclude authorized  
21 representatives of ~~(a)~~ (i) auditing officials of the United  
22 States, ~~(b)~~ (ii) auditing officials of this state, or ~~(e)~~  
23 (iii) state educational authorities from having access to student  
24 or other records which are necessary in connection with the  
25 audit and evaluation of federally supported or state-supported

1 education programs or in connection with the enforcement of  
2 legal requirements which relate to such programs, except that,  
3 when collection of personally identifiable data is specifically  
4 authorized by law, any data collected by such officials with  
5 respect to individual students shall be protected in a manner  
6 which shall not permit the personal identification of students  
7 and their parents by other than the officials listed in this  
8 subsection. Personally identifiable data shall be destroyed when no  
9 longer needed for such audit, evaluation, or enforcement of legal  
10 requirements.

11 (b) This section does not preclude or prohibit the  
12 disclosure of student records to any other person or entity which  
13 may be allowed to have access pursuant to the federal Family  
14 Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g,  
15 as such act existed on January 1, 2007, and regulations adopted  
16 thereunder.

17 Sec. 11. Section 79-2,105, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19 79-2,105 A copy of a public or private school's files  
20 or records concerning a student, including academic and any  
21 disciplinary material, shall be provided at no charge, upon  
22 request, to any public or private school to which the student  
23 transfers.

24 Sec. 12. Section 79-313, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

1           79-313 No person shall be eligible to membership on  
 2 the State Board of Education (1) who is actively engaged in the  
 3 teaching profession, (2) who is a holder of any state office~~7~~  
 4 or a member of a state board or commission unless the board or  
 5 commission is limited to an advisory capacity~~7~~ ~~or~~ a candidate  
 6 ~~for any state office~~7~~ or board or commission unless the board or~~  
 7 ~~commission is limited to an advisory capacity,~~ or (3) unless he or  
 8 she is a citizen of the United States, a resident of the state for  
 9 a period of at least six months, and a resident of the district  
 10 from which he or she is elected for a period of at least six months  
 11 immediately preceding his or her election.

12           Sec. 13. Section 79-318, Reissue Revised Statutes of  
 13 Nebraska, is amended to read:

14           79-318 The State Board of Education shall:

15           (1) Appoint and fix the compensation of the Commissioner  
 16 of Education;

17           (2) Remove the commissioner from office at any time for  
 18 conviction of any crime involving moral turpitude or felonious act,  
 19 for inefficiency, or for willful and continuous disregard of his or  
 20 her duties as commissioner or of the directives of the board;

21           (3) Upon recommendation of the commissioner, appoint and  
 22 fix the compensation of a deputy commissioner and all professional  
 23 employees of the board;

24           (4) Organize the State Department of Education into such  
 25 divisions, branches, or sections as may be necessary or desirable

1 to perform all its proper functions and to render maximum service  
2 to the board and to the state school system;

3 (5) Provide, through the commissioner and his or her  
4 professional staff, enlightened professional leadership, guidance,  
5 and supervision of the state school system, including educational  
6 service units. In order that the commissioner and his or her  
7 staff may carry out their duties, the board shall, through the  
8 commissioner: (a) Provide supervisory and consultation services  
9 to the schools of the state; (b) issue materials helpful in the  
10 development, maintenance, and improvement of educational facilities  
11 and programs; (c) establish rules and regulations which govern  
12 standards and procedures for the approval and legal operation  
13 of all schools in the state and for the accreditation of all  
14 schools requesting state accreditation. All public, private,  
15 denominational, or parochial schools shall either comply with  
16 the accreditation or approval requirements prescribed in this  
17 section and section 79-703 or, for those schools which elect not  
18 to meet accreditation or approval requirements, the requirements  
19 prescribed in subsections (2) through (6) of section 79-1601.  
20 Standards and procedures for approval and accreditation shall  
21 be based upon the program of studies, guidance services, the  
22 number and preparation of teachers in relation to the curriculum  
23 and enrollment, instructional materials and equipment, science  
24 facilities and equipment, library facilities and materials, and  
25 health and safety factors in buildings and grounds. Rules and

1 regulations which govern standards and procedures for private,  
2 denominational, and parochial schools which elect, pursuant to the  
3 procedures prescribed in subsections (2) through (6) of section  
4 79-1601, not to meet state accreditation or approval requirements  
5 shall be as described in such section; (d) institute a statewide  
6 system of testing to determine the degree of achievement and  
7 accomplishment of all the students within the state's school  
8 systems if it determines such testing would be advisable;  
9 (e) prescribe a uniform system of records and accounting for  
10 keeping adequate educational and financial records, for gathering  
11 and reporting necessary educational data, and for evaluating  
12 educational progress; (f) cause to be published laws, rules, and  
13 regulations governing the schools and the school lands and funds  
14 with explanatory notes for the guidance of those charged with the  
15 administration of the schools of the state; (g) approve teacher  
16 education programs conducted in Nebraska postsecondary educational  
17 institutions designed for the purpose of certificating teachers  
18 and administrators; (h) approve teacher evaluation policies and  
19 procedures developed by school districts and educational service  
20 units; and (i) approve general plans and adopt educational  
21 policies, standards, rules, and regulations for carrying out the  
22 board's responsibilities and those assigned to the State Department  
23 of Education by the Legislature;

24 (6) Adopt and promulgate rules and regulations for  
25 the guidance, supervision, accreditation, and coordination of

1 educational service units. Such rules and regulations for  
2 accreditation shall include, but not be limited to, (a) a  
3 requirement that programs and services offered to school districts  
4 by each educational service unit shall be evaluated on a regular  
5 basis, but not less than every seven years, to assure that  
6 educational service units remain responsive to school district  
7 needs and (b) guidelines for the use and management of funds  
8 generated from the property tax levy and from other sources of  
9 revenue as may be available to the educational service units,  
10 to assure that public funds are used to accomplish the purposes  
11 and goals assigned to the educational service units by section  
12 79-1204. The State Board of Education shall establish procedures to  
13 encourage the coordination of activities among educational service  
14 units and to encourage effective and efficient educational service  
15 delivery on a statewide basis;

16 (7) Submit a biennial report to the Governor and the  
17 Clerk of the Legislature covering the actions of the board, the  
18 operations of the State Department of Education, and the progress  
19 and needs of the schools and recommend such legislation as may be  
20 necessary to satisfy these needs;

21 (8) Prepare and distribute reports designed to acquaint  
22 school district officers, teachers, and patrons of the schools with  
23 the conditions and needs of the schools;

24 (9) Provide for consultation with professional educators  
25 and lay leaders for the purpose of securing advice deemed necessary

1 in the formulation of policies and in the effectual discharge of  
2 its duties;

3 (10) Make studies, investigations, and reports and  
4 assemble information as necessary for the formulation of policies,  
5 for making plans, for evaluating the state school program, and for  
6 making essential and adequate reports;

7 (11) Submit to the Governor and the Legislature a  
8 budget necessary to finance the state school program under its  
9 jurisdiction, including the internal operation and maintenance of  
10 the State Department of Education;

11 (12) Interpret its own policies, standards, rules, and  
12 regulations and, upon reasonable request, hear complaints and  
13 disputes arising therefrom;

14 (13) With the advice of the Department of Motor Vehicles,  
15 adopt and promulgate rules and regulations containing reasonable  
16 standards, not inconsistent with existing statutes, governing: (a)  
17 The general design, equipment, color, operation, and maintenance of  
18 any vehicle with a manufacturer's rated seating capacity of eleven  
19 or more passengers used for the transportation of ~~school children,~~  
20 public, private, denominational, or parochial school students; and  
21 (b) the equipment, operation, and maintenance of any vehicle with a  
22 capacity of ten or less passengers used for the transportation of  
23 school students, when such vehicles are owned, operated, or owned  
24 and operated by any public, private, denominational, or parochial  
25 school ~~district~~ or privately owned or operated under contract

1 with any such school district in this state, except for vehicles  
2 owned by individuals operating a school which elects pursuant to  
3 section 79-1601 not to meet accreditation or approval requirements.

4 Similar rules and regulations shall be adopted and promulgated for  
5 operators of such vehicles as provided in section 79-607;

6 (14) Accept, on behalf of the Nebraska Center for the  
7 Education of Children who are Blind or Visually Impaired, ~~formerly~~  
8 ~~the Nebraska School for the Visually Handicapped,~~ devise of real  
9 property or donations or bequests of other property, or both, if in  
10 its judgment any such devise, donation, or bequest is for the best  
11 interest of the center or the students receiving services from the  
12 center, or both, and irrigate or otherwise improve any such real  
13 estate when in the board's judgment it would be advisable to do so;  
14 and

15 (15) Upon acceptance of any devise, donation, or bequest  
16 as provided in this section, administer and carry out such devise,  
17 donation, or bequest in accordance with the terms and conditions  
18 thereof. If not prohibited by the terms and conditions of any such  
19 devise, donation, or bequest, the board may sell, convey, exchange,  
20 or lease property so devised, donated, or bequeathed upon such  
21 terms and conditions as it deems best and remit all money derived  
22 from any such sale or lease to the State Treasurer for credit to  
23 the State Department of Education Trust Fund.

24 Each member of the Legislature shall receive a copy of  
25 the report required by subdivision (7) of this section by making a



1 request for it to the commissioner.

2           None of the duties prescribed in this section shall  
3 prevent the board from exercising such other duties as in its  
4 judgment may be necessary for the proper and legal exercise of its  
5 obligations.

6           Sec. 14. Section 79-528, Revised Statutes Cumulative  
7 Supplement, 2006, is amended to read:

8           79-528 (1)(a) On or before July 20 in all school  
9 districts, the superintendent or head administrator shall file  
10 with the State Department of Education a report under oath showing  
11 the number of children from five through eighteen years of age  
12 belonging to the school district according to the census taken as  
13 provided in sections 79-524 and 79-578. ~~The report shall identify~~  
14 ~~the number of boys and the number of girls in each of the~~  
15 ~~respective age categories.~~ On or before July 20, school districts  
16 that are members of learning communities shall provide the learning  
17 community coordinating council with a copy of the report filed  
18 with the department. On or before August 1, each learning community  
19 coordinating council shall file with the department a report  
20 showing the number of children from five through eighteen years  
21 of age belonging to the member school districts according to the  
22 school district reports filed with the department.

23           (b) Each Class I school district which is part of a Class  
24 VI school district offering instruction (i) in grades kindergarten  
25 through five shall report children from five through ten years

1 of age, (ii) in grades kindergarten through six shall report  
2 children from five through eleven years of age, and (iii) in grades  
3 kindergarten through eight shall report children from five through  
4 thirteen years of age.

5 (c) Each Class VI school district offering instruction  
6 (i) in grades six through twelve shall report children who are  
7 eleven through eighteen years of age, (ii) in grades seven through  
8 twelve shall report children who are twelve through eighteen years  
9 of age, and (iii) in grades nine through twelve children who are  
10 fourteen through eighteen years of age.

11 (d) Each Class I district which has affiliated in whole  
12 or in part shall report children from five through thirteen years  
13 of age.

14 (e) Each Class II, III, IV, or V district shall report  
15 children who are fourteen through eighteen years of age residing in  
16 Class I districts or portions thereof which have affiliated with  
17 such district.

18 (f) The board of any district neglecting to take and  
19 report the enumeration shall be liable to the school district for  
20 all school money which such district may lose by such neglect.

21 (2) On or before June 30 the superintendent or head  
22 administrator of each school district shall file with the  
23 Commissioner of Education a report under oath described as an  
24 end-of-the-school-year annual statistical summary showing (a) the  
25 number of children attending school during the year under five

1 years of age, (b) the length of time the school has been taught  
2 during the year by a qualified teacher, (c) the length of time  
3 taught by each substitute teacher, and (d) such other information  
4 as the Commissioner of Education directs. On or before June 30,  
5 school districts that are members of learning communities shall  
6 also provide the learning community coordinating council with a  
7 copy of the report filed with the commissioner. On or before July  
8 15, each learning community coordinating council shall file with  
9 the commissioner a report ~~showing the number of children from~~  
10 ~~five through eighteen years of age belonging to the member school~~  
11 ~~districts according to the school district reports filed with~~  
12 ~~the commissioner.~~ described as an end-of-the-school year annual  
13 statistical summary showing (a) the number of children attending  
14 school during the year under five years of age, (b) the length of  
15 time the school has been taught during the year by a qualified  
16 teacher, (c) the length of time taught by each substitute teacher,  
17 and (d) such other information as the Commissioner of Education  
18 directs.

19 (3) (a) On or before November 1 the superintendent ~~or~~  
20 ~~head administrator~~ of each school district shall submit to the  
21 Commissioner of Education, ~~to be filed in his or her office,~~  
22 ~~a report under oath~~ a report described as the annual financial  
23 report showing (i) the amount of money received from all sources  
24 during the year and the amount of money expended by the school  
25 district during the year, (ii) the amount of bonded indebtedness,

1 (iii) such other information as shall be necessary to fulfill  
2 the requirements of the Tax Equity and Educational Opportunities  
3 Support Act and section 79-1114, and (iv) such other information as  
4 the Commissioner of Education directs.

5 (b) On or before November 1, school districts that are  
6 members of learning communities shall also provide the learning  
7 community coordinating council with a copy of the report submitted  
8 to the commissioner. On or before November 15, each learning  
9 community coordinating council shall submit to the commissioner,  
10 to be filed in his or her office, a report described as the  
11 annual financial report showing (i) the aggregate amount of money  
12 received from all sources during the year for all member school  
13 districts and the aggregate amount of money expended by member  
14 school districts during the year, (ii) the aggregate amount of  
15 bonded indebtedness for all member school districts, (iii) such  
16 other aggregate information as shall be necessary to fulfill  
17 the requirements of the Tax Equity and Educational Opportunities  
18 Support Act and section 79-1114 for all member school districts,  
19 and (iv) such other aggregate information as the Commissioner of  
20 Education directs for all member school districts.

21 (4) (a) On or before October 15 of each year, the  
22 superintendent ~~or head administrator~~ of each school district shall  
23 ~~deliver to the department~~ file with the commissioner the fall  
24 school district membership report, which report shall include the  
25 number of children from birth through twenty years of age enrolled

1 in the district on the last Friday in September of a given school  
2 year. The report shall enumerate (i) students by grade level, (ii)  
3 school district levies and total assessed valuation for the current  
4 fiscal year, and (iii) such other information as the Commissioner  
5 of Education directs.

6 (b) On or before October 15 of each year, school  
7 districts that are members of learning communities shall also  
8 provide the learning community coordinating council with a copy of  
9 the report delivered to the department. On or before October 31  
10 of each year, each learning community coordinating council shall  
11 deliver to the department the fall learning community membership  
12 report, which report shall include the aggregate number of children  
13 from birth through twenty years of age enrolled in the member  
14 school districts on the last Friday in September of a given  
15 school year for all member school districts. The report shall  
16 enumerate (i) the aggregate students by grade level for all member  
17 school districts, (ii) learning community levies and total assessed  
18 valuation for the current fiscal year, and (iii) such other  
19 information as the Commissioner of Education directs.

20 (c) When any school district or learning community  
21 fails to submit its fall membership report by November 1, the  
22 commissioner shall, after notice to the district and an opportunity  
23 to be heard, direct that any state aid granted pursuant to the  
24 Tax Equity and Educational Opportunities Support Act be withheld  
25 until such time as the report is received by the department. In

1 addition, the commissioner shall direct the county treasurer to  
2 withhold all school money belonging to the school district or  
3 learning community until such time as the commissioner notifies the  
4 county treasurer of receipt of such report. The county treasurer  
5 shall withhold such money. For school districts that are members  
6 of learning communities, a determination of school money belonging  
7 to the district shall be based on the proportionate share of state  
8 aid and property tax receipts allocated to the school district  
9 by the learning community coordinating council, and the treasurer  
10 of the learning community coordinating council shall withhold any  
11 such school money in the possession of the learning community from  
12 the school district. If a school district that is a member of  
13 a learning community fails to provide a copy of the report to  
14 the learning community coordinating council on or before October  
15 15, the learning community coordinating council shall complete the  
16 fall learning community membership report with information from the  
17 reports received from other member school districts.

18           Sec. 15. Section 79-569, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20           79-569 The president of the school board of a Class I,  
21 II, III, IV, or VI school district shall: (1) Preside at all  
22 meetings of the district; (2) countersign all orders upon the  
23 treasury for money to be disbursed by the district and all warrants  
24 of the secretary on the county treasurer for money raised for  
25 district purposes or apportioned to the district by the county

1 treasurer; (3) administer the oath to the secretary and treasurer  
2 of the district when such an oath is required by law in the  
3 transaction of the business of the district; and (4) perform such  
4 other duties as may be required by law of the president of the  
5 board. He or she is entitled to vote on any issue that may come  
6 before any meeting. If the president of the school board of a  
7 Class I school district is absent from any district meeting, the  
8 legal voters present may elect a suitable person to preside at the  
9 meeting.

10           Sec. 16. Section 79-598, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12           79-598 (1) The school board of any public school district  
13 in this state, when authorized by a majority of the votes cast  
14 at any annual or special meeting, shall (a) contract with the  
15 board of any neighboring public school district or districts for  
16 the instruction of all or any part of the pupils residing in the  
17 first named district in the school or schools maintained by the  
18 neighboring public school district or districts for a period of  
19 time not to exceed ~~three~~ two years and (b) make provision for  
20 the transportation of such pupils to the school or schools of the  
21 neighboring public school district or districts.

22           (2) The school board of any public school district may  
23 also, when petitioned to do so by at least two-thirds of the  
24 parents residing in the district having children of school age  
25 who will attend school under the contract plan, (a) contract with

1 the board of any neighboring public school district or districts  
2 for the instruction of all or any part of the pupils residing in  
3 the first named district in the school or schools maintained by  
4 the neighboring public school district or districts for a period  
5 of time not to exceed ~~three~~ two years and (b) make provision for  
6 the transportation of such pupils to the school or schools of the  
7 neighboring public school district or districts.

8 (3) The contract price for instruction referred to in  
9 subsections (1) and (2) of this section shall be the cost per  
10 pupil for the immediately preceding school year or the current  
11 year, whichever appears more practical as determined by the board  
12 of the district which accepts the pupils for instruction. The  
13 cost per pupil shall be determined by dividing the sum of  
14 the operational cost and debt service expense of the accepting  
15 district, except retirement of debt principal, plus three percent  
16 of the insurable or present value of the school plant and equipment  
17 of the accepting district, by the average daily membership of  
18 pupils in the accepting district. Payment of the contract price  
19 shall be made in equal installments at the beginning of the first  
20 and second semesters.

21 (4) All the contracts referred to in subsections (1) and  
22 (2) of this section shall be in writing, and copies of all such  
23 contracts shall be filed in the office of the superintendent of the  
24 primary high school district on or before August 15 of each year.  
25 School districts thus providing instruction for their children in



1 neighboring districts shall be considered as maintaining a school  
2 as required by law. The teacher of the school providing the  
3 instruction shall keep a separate record of the attendance of all  
4 pupils from the first named district and make a separate report to  
5 the secretary of that district. The board of every sending district  
6 contracting under this section shall enter into contracts with  
7 school districts of the choice of the parents of the children to  
8 be educated under the contract plan. Any school district failing to  
9 comply with this section shall not be paid any funds from the state  
10 apportionment of school funds while such violation continues.

11 (5) The State Committee for the Reorganization of School  
12 Districts may dissolve any district (a) failing to comply with  
13 this section, (b) in which the votes cast at an annual or  
14 special election on the question of contracting with a neighboring  
15 district are evenly divided, or (c) in which the governing body  
16 of the district is evenly divided in its vote on the question  
17 of contracting pursuant to subsection (2) of this section. The  
18 state committee shall dissolve and attach to a neighboring district  
19 or districts any school district which, for ~~five~~ two consecutive  
20 years, contracts for the instruction of its pupils, except that  
21 when such dissolution will create extreme hardships on the pupils  
22 or the district affected, the State Board of Education may,  
23 on application by the school board of the district, waive the  
24 requirements of this subsection. The dissolution of any school  
25 district pursuant to this section shall be effected in the manner

1 prescribed in section 79-498. ~~School districts that have contracted~~  
2 ~~for instruction for two or more consecutive years shall, before~~  
3 ~~reopening the schoolhouse within the district, have an enrollment~~  
4 ~~of at least five pupils whose parents or legal guardians are~~  
5 ~~legal voters of the school district and shall apply to the state~~  
6 ~~committee for approval to reopen that schoolhouse for school use.~~

7           Sec. 17. Section 79-606, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9           79-606 When any vehicle with a manufacturer's rated  
10 seating capacity of eleven or more passengers used for  
11 transportation of ~~children~~ students is sold and used for any other  
12 purpose than for transportation of ~~school children,~~ students,  
13 such vehicle shall be painted a distinct color other than that  
14 prescribed by the State Board of Education and the stop arms  
15 and system of alternately flashing warning signal lights on  
16 such vehicle shall be removed. It shall be the purchaser's  
17 responsibility to see that the modifications required by this  
18 section are made. Any person violating this section shall be guilty  
19 of a Class V misdemeanor and, upon conviction thereof, be fined not  
20 less than twenty-five dollars nor more than one hundred dollars.

21           Sec. 18. Section 79-608, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23           79-608 (1) Any person, before operating a school bus,  
24 including any school bus which transports ~~pupils~~ students by  
25 direct contract with the ~~pupils~~ students or their parents and not

1 owned by or under contract with the school district or nonpublic  
2 school, ~~before the opening of a school term or before operating~~  
3 ~~a school bus,~~ shall each year shall submit himself or herself  
4 to (a) an examination, to be conducted by a driver's license  
5 examiner of the Department of Motor Vehicles, to determine his  
6 or her qualifications to operate such bus and (b) an examination  
7 by a licensed physician to determine whether or not he or she  
8 meets the physical and mental standards established pursuant to  
9 section 79-607 and shall furnish to the school board ~~or board of~~  
10 ~~education~~ or the governing authority of a nonpublic school and  
11 to the Director of Motor Vehicles a written report of each such  
12 examination on standard forms prescribed by the State Department  
13 of Education, signed by the person conducting the same, showing  
14 that he or she is qualified to operate a school bus and that he  
15 or she meets the physical and mental standards. If the Director  
16 of Motor Vehicles determines that the person is so qualified and  
17 meets such standards, a special school bus operator's permit, which  
18 shall expire each year on the date of birth of the holder, shall  
19 be issued in such form as the director prescribes, ~~shall be issued~~  
20 ~~to him or her.~~ No contract shall be entered into until such permit  
21 has been received and exhibited to the school board ~~or board of~~  
22 ~~education~~ or the governing authority of a nonpublic school. The  
23 holder of such permit shall have it on his or her person at all  
24 times while operating a school bus.

25 (2) It shall be unlawful for any person operating a

1 school bus to be or remain on duty for a longer period than  
 2 sixteen consecutive hours. When any person operating a bus has been  
 3 continuously on duty for sixteen hours, he or she shall be relieved  
 4 and not be permitted or required to again go on duty without  
 5 having at least ten consecutive hours' rest off duty, and no such  
 6 operator, who has been on duty sixteen hours in the aggregate  
 7 in any twenty-four-hour period, shall be required or permitted to  
 8 continue or again go on duty without having had at least eight  
 9 consecutive hours off duty.

10 (3) Any person violating this section shall be guilty of  
 11 a Class V misdemeanor. His or her contract with the school district  
 12 shall be canceled as provided in section 79-607.

13 Sec. 19. Section 79-611, Revised Statutes Cumulative  
 14 Supplement, 2006, as affected by Referendum 2006, No. 422, is  
 15 amended to read:

16 79-611 (1) The school board of any school district  
 17 that is not subject to subsection (2) of this section shall  
 18 ~~either~~ provide free transportation, partially provide free  
 19 transportation, or pay an allowance for transportation in lieu of  
 20 free transportation as follows:

21 (a) When a student attends an elementary school in his  
 22 or her own district and lives more than four miles from the public  
 23 schoolhouse in such district as measured by the shortest route that  
 24 must actually and necessarily be traveled by motor vehicle to reach  
 25 the student's residence;

1           (b) When a student is required to attend an elementary  
2 school outside of his or her own district and lives more than four  
3 miles from such elementary school as measured by the shortest route  
4 that must actually and necessarily be traveled by motor vehicle to  
5 reach the student's residence;

6           (c) When a student attends a secondary school in his or  
7 her own Class II or Class III school district and lives more than  
8 four miles from the public schoolhouse as measured by the shortest  
9 route that must actually and necessarily be traveled by motor  
10 vehicle to reach the student's residence. This subdivision does not  
11 apply when one or more Class I school districts merge with a Class  
12 VI school district to form a new Class II or III school district on  
13 or after January 1, 1997; and

14           (d) When a student, other than a student in grades  
15 ten through twelve in a Class V district, attends an elementary  
16 or junior high school in his or her own Class V district and  
17 lives more than four miles from the public schoolhouse in such  
18 district as measured by the shortest route that must actually and  
19 necessarily be traveled by motor vehicle to reach the student's  
20 residence.

21           (2) The school board of any school district that is a  
22 member of a learning community subject to the enrollment provisions  
23 of section 79-2110 shall provide free transportation for a student  
24 if (a) the student is a resident of any school district that is  
25 a member of such learning community, (b) the student is attending

1 a school in the school district under the control of such school  
2 board, and (c) the student does not reside in the attendance area  
3 for such school. Transportation shall be provided from the school  
4 building providing education in at least kindergarten through grade  
5 three in the attendance area in which the student resides to  
6 the school building the student attends. This subsection does not  
7 prohibit a school district from providing additional transportation  
8 to any student.

9 (3) The transportation allowance which may be paid to  
10 the parent, custodial parent, or guardian of students qualifying  
11 for free transportation pursuant to subsection (1) or (2) of this  
12 section shall equal two hundred eighty-five percent of the mileage  
13 rate provided in section 81-1176, multiplied by each mile actually  
14 and necessarily traveled, on each day of attendance, beyond which  
15 the one-way distance from the residence of the student to the  
16 schoolhouse exceeds three miles.

17 (4) Whenever students from more than one family travel to  
18 school in the same vehicle, the transportation allowance prescribed  
19 in subsection (3) of this section shall be payable as follows:

20 (a) To the parent, custodial parent, or guardian  
21 providing transportation for students from other families, one  
22 hundred percent of the amount prescribed in subsection (3) of  
23 this section for the transportation of students of such parent's,  
24 custodial parent's, or guardian's own family and an additional  
25 five percent for students of each other family not to exceed a

1 maximum of one hundred twenty-five percent of the amount determined  
2 pursuant to subsection (3) of this section; and

3 (b) To the parent, custodial parent, or guardian not  
4 providing transportation for students of other families, two  
5 hundred eighty-five percent of the mileage rate provided in section  
6 81-1176 multiplied by each mile actually and necessarily traveled,  
7 on each day of attendance, from the residence of the student to  
8 the pick-up point at which students transfer to the vehicle of a  
9 parent, custodial parent, or guardian described in subdivision (a)  
10 of this subsection.

11 (5) When a student who qualifies under the mileage  
12 requirements of subsection (1) of this section lives more  
13 than three miles from the location where the student must be  
14 picked up and dropped off in order to access school-provided  
15 free transportation, as measured by the shortest route  
16 that must actually and necessarily be traveled by motor  
17 vehicle between his or her residence and such location,  
18 such school-provided transportation shall be deemed partially  
19 provided free transportation. Schools partially providing free  
20 transportation shall pay an allowance to the student's parent or  
21 guardian equal to two hundred eighty-five percent of the mileage  
22 rate provided in section 81-1176 multiplied by each mile actually  
23 and necessarily traveled on each day of attendance, beyond which  
24 the one-way distance from the residence of the student to the  
25 location where the student must be picked up and dropped off

1 exceeds three miles.

2           ~~(6)~~ The board may authorize school-provided  
3 transportation to any student who does not qualify under the  
4 mileage requirements of subsection (1) of this section and may  
5 charge a fee to the parent or guardian of the student for such  
6 service. An affiliated high school district may provide free  
7 transportation or pay the allowance described in this section for  
8 high school students residing in an affiliated Class I district. No  
9 transportation payments shall be made to a family for mileage not  
10 actually traveled by such family. The number of days the student  
11 has attended school shall be reported monthly by the teacher to the  
12 board of such public school district.

13           ~~(6)~~ (7) No more than one allowance shall be made to a  
14 family irrespective of the number of students in a family being  
15 transported to school. If a family resides in a Class I district  
16 which is part of a Class VI district and has students enrolled in  
17 any of the grades offered by the Class I district and in any of  
18 the non-high-school grades offered by the Class VI district, such  
19 family shall receive not more than one allowance for the distance  
20 actually traveled when both districts are on the same direct travel  
21 route with one district being located a greater distance from the  
22 residence than the other. In such cases, the travel allowance shall  
23 be prorated among the school districts involved.

24           ~~(7)~~ (8) No student shall be exempt from school attendance  
25 on account of distance from the public schoolhouse.



1           Sec. 20. Section 79-809, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           79-809 In addition to the requirements in section 79-808,  
4 the maximum which the board may require for the issuance of any  
5 entry-level certificate or permit shall be that the applicant (1)  
6 has a baccalaureate degree that qualifies for a certificate to  
7 teach, (2) has satisfactorily completed, within two years of the  
8 date of application, an approved program at a standard institution  
9 of higher education, (3) has satisfactorily demonstrated basic  
10 skills competency, (4) has special education training, (5) has  
11 earned college credit in an approved program, at a standard  
12 institution of higher education, for which endorsement is sought,  
13 and (6) has paid a nonrefundable fee to the department as provided  
14 in section 79-810. ~~of up to forty-five dollars for issuance of a~~  
15 ~~certificate or permit valid in all schools or up to thirty dollars~~  
16 ~~for issuance of a certificate or permit valid only in nonpublic~~  
17 ~~schools.~~

18           Sec. 21. Section 79-810, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20           79-810 (1) Certificates and permits shall be issued by  
21 the commissioner upon application on forms prescribed and provided  
22 by him or her which shall include the applicant's social security  
23 number.

24           (2) Each certificate or permit issued by the commissioner  
25 shall indicate the area of authorization to teach, provide special

1 services, or administer and any areas of endorsement for which  
2 the holder qualifies. During the term of any certificate or permit  
3 issued by the commissioner, additional endorsements may be made on  
4 the certificate or permit if the holder submits an application,  
5 meets the requirements for issuance of the additional endorsements,  
6 and pays a nonrefundable fee of ~~thirty~~ forty dollars.

7 (3) The Certification Fund is created. Any fee received  
8 by the department under sections 79-806 to 79-815 shall be remitted  
9 to the State Treasurer for credit to the fund. The fund shall  
10 be used by the department in paying the costs of certifying  
11 educators pursuant to such sections and to carry out subsection  
12 (3) of section 79-808. For issuance of a certificate or permit  
13 valid in all schools, the nonrefundable fee shall be fifty-five  
14 dollars, except that thirteen dollars of the ~~forty-five-dollar~~ fee  
15 ~~specified in subdivision (6) of section 79-809 for certificates~~  
16 ~~or permits valid in all schools~~ fifty-five-dollar fee shall be  
17 credited to the Professional Practices Commission Fund which is  
18 created for use by the department to pay for the provisions  
19 of sections 79-859 to 79-871. For issuance of a certificate or  
20 permit valid only in nonpublic schools, the nonrefundable fee  
21 shall be forty dollars. Any money in the Certification Fund or  
22 the Professional Practices Commission Fund available for investment  
23 shall be invested by the state investment officer pursuant to  
24 the Nebraska Capital Expansion Act and the Nebraska State Funds  
25 Investment Act. ~~The State Treasurer shall transfer any money in the~~

1 ~~Teachers' Certification Fund on May 27, 2003, to the Certification~~  
2 ~~Fund on such date.~~

3           Sec. 22. Section 79-1003, Revised Statutes Cumulative  
4 Supplement, 2006, as affected by Referendum 2006, No. 422, is  
5 amended to read:

6           79-1003 For purposes of the Tax Equity and Educational  
7 Opportunities Support Act:

8           (1) Adjusted general fund operating expenditures means  
9 (a) for school fiscal years before school fiscal year 2007-08,  
10 general fund operating expenditures as calculated pursuant to  
11 subdivision (24) of this section minus the transportation allowance  
12 and minus the special receipts allowance, (b) for school fiscal  
13 year 2007-08, general fund operating expenditures as calculated  
14 pursuant to subdivision (24) of this section minus the sum of  
15 the transportation, special receipts, and distance education and  
16 telecommunications allowances, and (c) for school fiscal year  
17 2008-09 and each school fiscal year thereafter, the difference  
18 of the product of the general fund operating expenditures as  
19 calculated pursuant to subdivision (24) of this section multiplied  
20 by the cost growth factor for the school district's cost grouping  
21 calculated pursuant to section 79-1007.10 minus the transportation  
22 allowance, special receipts allowance, poverty allowance, limited  
23 English proficiency allowance, elementary class size allowance, and  
24 focus school and program allowance;

25           (2) Adjusted valuation means the assessed valuation of

1 taxable property of each local system in the state, adjusted  
2 pursuant to the adjustment factors described in section 79-1016.  
3 Adjusted valuation means the adjusted valuation for the property  
4 tax year ending during the school fiscal year immediately preceding  
5 the school fiscal year in which the aid based upon that value is  
6 to be paid. For purposes of determining the local effort rate yield  
7 pursuant to section 79-1015.01, adjusted valuation does not include  
8 the value of any property which a court, by a final judgment from  
9 which no appeal is taken, has declared to be nontaxable or exempt  
10 from taxation;

11 (3) Allocated income tax funds means the amount of  
12 assistance paid to a local system pursuant to section 79-1005.01 or  
13 79-1005.02 as adjusted by the minimum levy adjustment pursuant to  
14 section 79-1008.02;

15 (4) Average daily attendance of a student who resides on  
16 Indian land means average daily attendance of a student who resides  
17 on Indian land from the most recent data available on November 1  
18 preceding the school fiscal year in which aid is to be paid;

19 (5) Average daily membership means the average daily  
20 membership for grades kindergarten through twelve attributable to  
21 the local system, as provided in each district's annual statistical  
22 summary, and includes the proportionate share of students enrolled  
23 in a public school instructional program on less than a full-time  
24 basis;

25 (6) Base fiscal year means the first school fiscal year

1 following the school fiscal year in which the reorganization or  
2 unification occurred;

3 (7) Board means the school board of each school district;

4 (8) Categorical funds means funds limited to a specific  
5 purpose by federal or state law, including, but not limited to,  
6 Title I funds, Title VI funds, federal vocational education funds,  
7 federal school lunch funds, Indian education funds, Head Start  
8 funds, and funds from the Education Innovation Fund;

9 (9) Consolidate means to voluntarily reduce the number of  
10 school districts providing education to a grade group and does not  
11 include dissolution pursuant to section 79-498;

12 (10) Converted contract means an expired contract that  
13 was in effect for at least fifteen years for the education of  
14 students in a nonresident district in exchange for tuition from  
15 the resident district when the expiration of such contract results  
16 in the nonresident district educating students who would have been  
17 covered by the contract if the contract were still in effect  
18 as option students pursuant to the enrollment option program  
19 established in section 79-234;

20 (11) Converted contract option students means students  
21 who will be option students pursuant to the enrollment option  
22 program established in section 79-234 for the school fiscal year  
23 for which aid is being calculated and who would have been covered  
24 by a converted contract if the contract were still in effect and  
25 such school fiscal year is the first school fiscal year for which

1 such contract is not in effect;

2 (12) Department means the State Department of Education;

3 (13) Distance education and telecommunications allowance  
4 means, for state aid calculated for school fiscal year 2007-08  
5 and each school fiscal year thereafter, eighty-five percent of  
6 the difference of the costs for (a) telecommunications services,  
7 (b) access to data transmission networks that transmit data to  
8 and from the school district, and (c) the transmission of data  
9 on such networks paid by the school districts in the local  
10 system as reported on the annual financial report for the most  
11 recently available complete data year minus the receipts from the  
12 federal Universal Service Fund pursuant to section 254 of the  
13 Telecommunications Act of 1996, 47 U.S.C. 254, as such section  
14 existed on January 1, 2006, for the school districts in the local  
15 system as reported on the annual financial report for the most  
16 recently available complete data year;

17 (14) District means any Class I, II, III, IV, V, or VI  
18 school district;

19 (15) Ensuing school fiscal year means the school fiscal  
20 year following the current school fiscal year;

21 (16) Equalization aid means the amount of assistance  
22 calculated to be paid to a local system pursuant to sections  
23 79-1008.01 to 79-1022 and 79-1022.02;

24 (17) Fall membership means the total membership in  
25 kindergarten through grade twelve attributable to the local system

1 as reported on the fall school district membership reports for each  
2 district pursuant to section 79-528;

3 (18) Fiscal year means the state fiscal year which is the  
4 period from July 1 to the following June 30;

5 (19) Formula students means (a) for state aid certified  
6 pursuant to section 79-1022, the sum of fall membership from the  
7 school fiscal year immediately preceding the school fiscal year in  
8 which the aid is to be paid, multiplied by the average ratio of  
9 average daily membership to fall membership for the second school  
10 fiscal year immediately preceding the school fiscal year in which  
11 aid is to be paid and the prior two school fiscal years, plus  
12 qualified early childhood education fall membership plus tuitioned  
13 students from the school fiscal year immediately preceding the  
14 school fiscal year in which the aid is to be paid, ~~and~~ (b) for  
15 final calculation of state aid pursuant to section 79-1065, the  
16 sum of average daily membership plus qualified early childhood  
17 education average daily membership plus tuitioned students from the  
18 school fiscal year immediately preceding the school fiscal year in  
19 which the aid was paid, and (c) for purposes of subsection (2) of  
20 section 79-1028, the sum of average daily membership plus tuitioned  
21 students from the school fiscal year immediately preceding the  
22 school fiscal year in which budget authority is calculated;

23 (20) Free lunch and free milk student means a student  
24 who qualified for free lunches or free milk from the most recent  
25 data available on November 1 of the school fiscal year immediately

1 preceding the school fiscal year in which aid is to be paid;

2 (21) Full-day kindergarten means kindergarten offered by  
3 a district for at least one thousand thirty-two instructional  
4 hours;

5 (22) General fund budget of expenditures means the total  
6 budget of disbursements and transfers for general fund purposes as  
7 certified in the budget statement adopted pursuant to the Nebraska  
8 Budget Act, except that for purposes of the limitation imposed in  
9 section 79-1023, the calculation of Class I total allowable general  
10 fund budget of expenditures minus the special education budget of  
11 expenditures pursuant to section 79-1083.03, and the calculation  
12 pursuant to subdivision (2) of section 79-1027.01, the general fund  
13 budget of expenditures does not include any special grant funds,  
14 exclusive of local matching funds, received by a district subject  
15 to the approval of the department;

16 (23) General fund expenditures means all expenditures  
17 from the general fund;

18 (24) General fund operating expenditures means the total  
19 general fund expenditures minus categorical funds, tuition paid,  
20 transportation fees paid to other districts, adult education,  
21 summer school, community services, redemption of the principal  
22 portion of general fund debt service, retirement incentive plans,  
23 staff development assistance, and transfers from other funds into  
24 the general fund for the second school fiscal year immediately  
25 preceding the school fiscal year in which aid is to be paid;



1           (25) High school district means a school district  
2 providing instruction in at least grades nine through twelve;

3           (26) Income tax liability means the amount of the  
4 reported income tax liability for resident individuals pursuant  
5 to the Nebraska Revenue Act of 1967 less all nonrefundable credits  
6 earned and refunds made;

7           (27) Income tax receipts means the amount of income tax  
8 collected pursuant to the Nebraska Revenue Act of 1967 less all  
9 nonrefundable credits earned and refunds made;

10           (28) Limited English proficiency student means a student  
11 with limited English proficiency from the most recent data  
12 available on November 1 of the school fiscal year preceding  
13 the school fiscal year in which aid is to be paid;

14           (29) Local system means a Class VI district and the  
15 associated Class I districts or a Class II, III, IV, or V district  
16 and any affiliated Class I districts or portions of Class I  
17 districts and for school fiscal year 2008-09 and each school fiscal  
18 year thereafter, a learning community or a Class II, III, IV,  
19 or V district that is not a member of a learning community.  
20 The membership, expenditures, and resources of Class I districts  
21 that are affiliated with multiple high school districts will be  
22 attributed to local systems based on the percent of the Class I  
23 valuation that is affiliated with each high school district;

24           (30) Low-income child means (a) for school fiscal years  
25 prior to 2008-09, a child under nineteen years of age living in

1 a household having an annual adjusted gross income of fifteen  
2 thousand dollars or less for the second calendar year preceding  
3 the beginning of the school fiscal year for which aid is being  
4 calculated and (b) for school fiscal year 2008-09 and each school  
5 fiscal year thereafter, a child under nineteen years of age living  
6 in a household having an annual adjusted gross income for the  
7 second calendar year preceding the beginning of the school fiscal  
8 year for which aid is being calculated equal to or less than the  
9 maximum household income that would allow a student from a family  
10 of four people to be a free lunch and free milk student during the  
11 school fiscal year immediately preceding the school fiscal year for  
12 which aid is being calculated;

13 (31) Low-income students means the number of low-income  
14 children within the local system multiplied by the ratio of the  
15 formula students in the local system divided by the total children  
16 under nineteen years of age residing in the local system as derived  
17 from income tax information;

18 (32) Most recently available complete data year means  
19 the most recent single school fiscal year for which the annual  
20 financial report, fall school district membership report, annual  
21 statistical summary, Nebraska income tax liability by school  
22 district for the calendar year in which the majority of the school  
23 fiscal year falls, and adjusted valuation data are available;

24 (33) Poverty students means the number of low-income  
25 students or the number of ~~formula~~ students who are free lunch and

1 free milk students in a local system, whichever is greater;

2 (34) Qualified early childhood education average daily  
3 membership means the product of the average daily membership for  
4 school fiscal year 2006-07 and each school fiscal year thereafter  
5 of students who will be eligible to attend kindergarten the  
6 following school year and are enrolled in an early childhood  
7 education program approved by the department pursuant to section  
8 79-1103 for such school district for such school year if: (a)  
9 The program is receiving a grant pursuant to such section for the  
10 third year; (b) the program has already received grants pursuant to  
11 such section for three years; or (c) the program has been approved  
12 pursuant to subsection (5) of section 79-1103 for such school year  
13 and the two preceding school years, including any such students  
14 in portions of any of such programs receiving an expansion grant,  
15 multiplied by the ratio of the actual instructional hours of the  
16 program divided by one thousand thirty-two;

17 (35) Qualified early childhood education fall membership  
18 means the product of membership on the last Friday in September  
19 2006 and each year thereafter of students who will be eligible  
20 to attend kindergarten the following school year and are enrolled  
21 in an early childhood education program approved by the department  
22 pursuant to section 79-1103 for such school district for such  
23 school year if: (a) The program is receiving a grant pursuant  
24 to such section for the third year; (b) the program has already  
25 received grants pursuant to such section for three years; or (c)

1 the program has been approved pursuant to subsection (5) of section  
2 79-1103 for such school year and the two preceding school years,  
3 including any such students in portions of any of such programs  
4 receiving an expansion grant, multiplied by the ratio of the  
5 planned instructional hours of the program divided by one thousand  
6 thirty-two;

7 (36) Regular route transportation means the  
8 transportation of students on regularly scheduled daily routes to  
9 and from the attendance center;

10 (37) Reorganized district means any district involved  
11 in a consolidation and currently educating students following  
12 consolidation;

13 (38) School year or school fiscal year means the fiscal  
14 year of a school district as defined in section 79-1091;

15 (39) Special education means specially designed  
16 kindergarten through grade twelve instruction pursuant to section  
17 79-1125, and includes special education transportation;

18 (40) Special grant funds means the budgeted receipts for  
19 grants, including, but not limited to, Title I funds, Title VI  
20 funds, funds from the Education Innovation Fund, reimbursements  
21 for wards of the court, short-term borrowings including, but  
22 not limited to, registered warrants and tax anticipation notes,  
23 interfund loans, insurance settlements, and reimbursements to  
24 county government for previous overpayment. The state board shall  
25 approve a listing of grants that qualify as special grant funds;

1           (41) Special receipts allowance means the amount of  
2 special education, state ward, and accelerated or differentiated  
3 curriculum program receipts included in local system formula  
4 resources under subdivisions (7), (8), (16), and (17) of section  
5 79-1018.01 attributable to the school district;

6           (42) State aid means the amount of assistance paid to a  
7 district pursuant to the Tax Equity and Educational Opportunities  
8 Support Act;

9           (43) State board means the State Board of Education;

10           (44) State support means all funds provided to districts  
11 by the State of Nebraska for the general fund support of elementary  
12 and secondary education;

13           (45) Temporary aid adjustment factor means (a) for school  
14 fiscal years before school fiscal year 2007-08, one and one-fourth  
15 percent of the sum of the local system's transportation allowance,  
16 the local system's special receipts allowance, and the product  
17 of the local system's adjusted formula students multiplied by  
18 the average formula cost per student in the local system's cost  
19 grouping and (b) for school fiscal year 2007-08 and each school  
20 fiscal year thereafter, one and one-fourth percent of the sum  
21 of the local system's transportation allowance, special receipts  
22 allowance, and distance education and telecommunications allowance  
23 and the product of the local system's adjusted formula students  
24 multiplied by the average formula cost per student in the local  
25 system's cost grouping;

1           (46) Transportation allowance means the lesser of (a)  
2 each local system's general fund expenditures for regular route  
3 transportation and in lieu of transportation expenditures pursuant  
4 to section 79-611 in the second school fiscal year immediately  
5 preceding the school fiscal year in which aid is to be paid,  
6 but not including special education transportation expenditures or  
7 other expenditures previously excluded from general fund operating  
8 expenditures, or (b) the number of miles traveled in the second  
9 school fiscal year immediately preceding the school fiscal year in  
10 which aid is to be paid by vehicles owned, leased, or contracted  
11 by the district or the districts in the local system for the  
12 purpose of regular route transportation multiplied by four hundred  
13 percent of the mileage rate established by the Department of  
14 Administrative Services pursuant to section 81-1176 as of January 1  
15 of the most recently available complete data year added to in lieu  
16 of transportation expenditures pursuant to section 79-611 from the  
17 same data year;

18           (47) Tuition receipts from converted contracts means  
19 tuition receipts received by a district from another district  
20 in the most recently available complete data year pursuant to a  
21 converted contract prior to the expiration of the contract; and

22           (48) Tuitioned students means students in kindergarten  
23 through grade twelve of the district whose tuition is paid by the  
24 district to some other district or education agency.

25           Sec. 23. Section 79-1028, Revised Statutes Cumulative

1 Supplement, 2006, as affected by Referendum 2006, No. 422, is  
2 amended to read:

3           79-1028 (1) A Class II, III, IV, V, or VI school  
4 district may exceed its applicable allowable growth rate for (a)  
5 expenditures in support of a service which is the subject of  
6 an agreement or a modification of an existing agreement whether  
7 operated by one of the parties to the agreement or an independent  
8 joint entity or joint public agency, (b) expenditures to pay for  
9 repairs to infrastructure damaged by a natural disaster which is  
10 declared a disaster emergency pursuant to the Emergency Management  
11 Act, (c) expenditures to pay for judgments, except judgments  
12 or orders from the Commission of Industrial Relations, obtained  
13 against a school district which require or obligate a school  
14 district to pay such judgment, to the extent such judgment is not  
15 paid by liability insurance coverage of a school district, (d)  
16 expenditures to pay for sums agreed to be paid by a school district  
17 to certificated employees in exchange for a voluntary termination  
18 of employment, or (e) expenditures to pay for lease-purchase  
19 contracts approved on or after July 1, 1997, and before July  
20 1, 1998, to the extent the lease payments were not budgeted  
21 expenditures for fiscal year 1997-98.

22           (2) A Class II, III, IV, V, or VI district may exceed its  
23 applicable allowable growth rate by a specific dollar amount if the  
24 district projects an increase in formula students in the district  
25 over the current school year greater than twenty-five students

1 or greater than those listed in the schedule provided in this  
 2 subsection, whichever is less. Districts shall project increases  
 3 in formula students on forms prescribed by the department. The  
 4 department shall approve, deny, or modify the projected increases.

5	Average daily	Projected increase
6	membership of	of formula students
7	district	by percentage
8	0 - 50	10
9	50.01 - 250	5
10	250.01 - 1,000	3
11	1,000.01 and over	1

12 The department shall compute the district's estimated  
 13 allowable budget per pupil using the budgeted general fund  
 14 expenditures found on the budget statement for the current school  
 15 year divided by the number of formula students in the current  
 16 school year and multiplied by the district's applicable allowable  
 17 growth rate. The resulting allowable budget per pupil shall be  
 18 multiplied by the projected formula students to arrive at the  
 19 estimated budget needs for the ensuing year. The department  
 20 shall allow the district to increase its general fund budget  
 21 of expenditures for the ensuing school year by the amount  
 22 necessary to fund the estimated budget needs of the district  
 23 as computed pursuant to this subsection. On or before July  
 24 1, the department shall make available to districts which have  
 25 been allowed additional growth pursuant to this subsection the



1 necessary document to recalculate the actual formula students of  
2 such district. Such document shall be filed with the department  
3 under subsection (1) of section 79-1024.

4 (3) A Class II, III, IV, V, or VI district may exceed  
5 its applicable allowable growth rate by a specific dollar amount  
6 if construction, expansion, or alteration of district buildings  
7 will cause an increase in building operation and maintenance  
8 costs of at least five percent. The department shall document  
9 the projected increase in building operation and maintenance costs  
10 and may allow a Class II, III, IV, V, or VI district to exceed  
11 its applicable allowable growth rate by the amount necessary to  
12 fund such increased costs. The department shall compute the actual  
13 increased costs for the school year and shall notify the district  
14 on or before July 1 of the recovery of the additional growth  
15 pursuant to this subsection.

16 (4) A Class II, III, IV, V, or VI district may exceed its  
17 applicable allowable growth rate by a specific dollar amount if the  
18 district demonstrates to the satisfaction of the department that  
19 it will exceed its applicable allowable growth rate as a result  
20 of costs pursuant to the Retirement Incentive Plan authorized  
21 in section 79-855 or the Staff Development Assistance authorized  
22 in section 79-856. The department shall compute the amount by  
23 which the increased cost of such program or programs exceeds the  
24 district's applicable allowable growth rate and shall allow the  
25 district to increase its general fund expenditures by such amount

1 for that fiscal year.

2 (5) A Class II, III, IV, or V district may exceed its  
3 applicable allowable growth rate by the specific dollar amount of  
4 incentive payments or base fiscal year incentive payments to be  
5 received in such school fiscal year pursuant to section 79-1011.

6 (6) A Class II, III, IV, V, or VI district may exceed  
7 its applicable allowable growth rate by a specific dollar amount  
8 in any year for which the state aid calculation for the local  
9 system includes students in the qualified early childhood education  
10 fall membership of the district for the first time or for a year  
11 in which an early childhood education program of the district is  
12 receiving an expansion grant. The department shall compute the  
13 amount by which the district may exceed the district's applicable  
14 allowable growth rate by multiplying the cost grouping cost  
15 per student for the applicable cost grouping by the district's  
16 adjusted formula students attributed to early childhood education  
17 programs if students are included in the district's qualified  
18 early childhood education fall membership for the first time or by  
19 the district's adjusted formula students attributed to such early  
20 childhood education programs minus the district's adjusted formula  
21 students attributed to such early childhood education programs for  
22 the prior school fiscal year if a program is receiving an expansion  
23 grant in the school fiscal year for which the fall membership is  
24 measured. The department shall allow the district to increase its  
25 general fund expenditures by such amount for such school fiscal

1 year.

2 (7) For school fiscal year 2005-06, a Class II, III, IV,  
3 V, or VI district may exceed its applicable allowable growth rate  
4 by a specific dollar amount not to exceed seventy-four hundredths  
5 percent of the amount budgeted for employee salaries for such  
6 school fiscal year. For school fiscal year 2006-07, a Class II,  
7 III, IV, V, or VI district may exceed its applicable allowable  
8 growth rate by a specific dollar amount not to exceed fifty-nine  
9 hundredths percent of the amount budgeted for employee salaries for  
10 such school fiscal year.

11 (8) A Class II, III, IV, or V district that is a  
12 member of a learning community may exceed its applicable allowable  
13 growth rate for the first school fiscal year in which the school  
14 district will be a member of a learning community for the full  
15 school fiscal year by an amount equal to anticipated increases in  
16 transportation expenditures necessary to meet the requirements of  
17 subsection (2) of section 79-611 as approved by the department. The  
18 department shall approve, deny, or modify the amount allowed  
19 for anticipated increases in transportation expenditures. The  
20 department shall compute the actual increase in transportation  
21 expenditures necessary to meet the requirements of subsection (2)  
22 of section 79-611 for such school fiscal year and shall, ~~if needed,~~  
23 ~~modify the district's applicable allowable growth rate for the~~  
24 ~~ensuing school fiscal year, notify the district on or before July 1~~  
25 ~~of the recovery of the additional growth pursuant to this section.~~

1           (9) For school fiscal year 2008-09, a Class II, III,  
2 IV, or V district may exceed its applicable allowable growth  
3 rate by a specific dollar amount if the sum of the poverty  
4 allowance, elementary class size allowance, focus school and  
5 program allowance, and limited English proficiency allowance for  
6 the school district for school fiscal year 2008-09 exceeds the  
7 poverty weightings plus limited English proficiency weightings  
8 multiplied by the cost grouping cost per student for the school  
9 district for school fiscal year 2007-08. The department shall  
10 compute the amount by which the district may exceed the applicable  
11 allowable growth rate by subtracting the product of the sum of  
12 the poverty weightings and limited English proficiency weightings  
13 for school fiscal year 2007-08 multiplied by the average formula  
14 cost per student in the school district's cost grouping for school  
15 fiscal year 2007-08 from the sum of the school fiscal year 2008-09  
16 poverty allowance, elementary class size allowance, focus school  
17 and program allowance, and limited English proficiency allowance  
18 for the school district. The department shall allow the district to  
19 increase its general fund expenditures by such amount for school  
20 fiscal year 2008-09.

21           (10) For school fiscal year 2009-10 and each school  
22 fiscal year thereafter, a Class II, III, IV, or V district may  
23 exceed its applicable allowable growth rate by a specific dollar  
24 amount if the sum of the poverty allowance, elementary class size  
25 allowance, focus school and program allowance, and limited English

1 proficiency allowance for the school district has grown at a rate  
2 higher than the applicable allowable growth rate of the district.  
3 The department shall compute the amount by which the district  
4 may exceed the applicable allowable growth rate by subtracting  
5 the product of the sum of the poverty allowance, elementary class  
6 size allowance, focus school and program allowance, and limited  
7 English proficiency allowance for the immediately preceding school  
8 fiscal year multiplied by the sum of one plus the applicable  
9 allowable growth rate to be exceeded from the sum of the poverty  
10 allowance, elementary class size allowance, focus school and  
11 program allowance, and limited English proficiency allowance for  
12 the district for the school fiscal year for which the applicable  
13 allowable growth rate would be exceeded. The department shall allow  
14 the district to increase its general fund expenditures by such  
15 amount for the applicable school fiscal year.

16 (11) A Class II, III, IV, or V school district may  
17 exceed its applicable allowable growth rate by a specific dollar  
18 amount not to exceed the amount received during such school fiscal  
19 year from educational entities as defined in section 79-1332 for  
20 providing distance education courses through the Distance Education  
21 Council to such educational entities.

22 (12) A Class II, III, IV, or V school district may exceed  
23 its applicable allowable growth rate for school fiscal year 2007-08  
24 by a specific dollar amount equal to the amount paid in school  
25 fiscal year 2006-07 to any distance education consortium in which

1 the school district was participating pursuant to an interlocal  
2 agreement.

3 Sec. 24. Section 79-1084, Revised Statutes Cumulative  
4 Supplement, 2006, is amended to read:

5 79-1084 The school board of a Class III school district  
6 shall annually, on or before September 20, report in writing to  
7 the county board and the learning community coordinating council if  
8 the school district is a member of a learning community the entire  
9 revenue raised by taxation and all other sources and received by  
10 the school board for the previous school fiscal year and a budget  
11 for the ensuing school fiscal year ~~in form of a resolution~~ broken  
12 down generally as follows: (1) The amount of funds required for the  
13 support of the schools during the ensuing school fiscal year; (2)  
14 the amount of funds required for the ~~purpose~~ purchase of school  
15 sites; (3) the amount of funds required for the erection of school  
16 buildings; (4) the amount of funds required for the payment of  
17 interest upon all bonds issued for school purposes; and (5) the  
18 amount of funds required for the creation of a sinking fund for the  
19 payment of such indebtedness. The secretary shall publish, within  
20 ten days after the filing of such budget, a copy of the fund  
21 summary pages of the budget one time at the legal rate prescribed  
22 for the publication of legal notices in a legal newspaper published  
23 in and of general circulation in such city or village or, if none  
24 is published in such city or village, in a legal newspaper of  
25 general circulation in the city or village. The secretary of the

1 school board failing or neglecting to comply with this section  
2 shall be deemed guilty of a Class V misdemeanor and, in the  
3 discretion of the court, the judgment of conviction may provide  
4 for the removal from office of such secretary for such failure  
5 or neglect. For Class III school districts that are not members  
6 of a learning community, the county board shall levy and collect  
7 such taxes as are necessary to provide the amount of revenue from  
8 property taxes as indicated by all the data contained in the budget  
9 and the certificate prescribed by this section, at the time and in  
10 the manner provided in section 77-1601.

11           Sec. 25. Section 79-1086, Revised Statutes Cumulative  
12 Supplement, 2006, is amended to read:

13           79-1086 (1) The board of education of a Class V school  
14 district that is not a member of a learning community shall  
15 annually during the month of July estimate the amount of resources  
16 likely to be received for school purposes, including the amounts  
17 available from fines, licenses, and other sources. Before the  
18 county board of equalization makes its levy each year, the board  
19 of education shall report to the county clerk the rate of tax  
20 deemed necessary to be levied upon the taxable value of all the  
21 taxable property of the district subject to taxation during the  
22 fiscal year next ensuing for (a) the support of the schools,  
23 (b) the purchase of school sites, (c) the erection, alteration,  
24 equipping, and furnishing of school buildings and additions to  
25 school buildings, (d) the payment of interest upon all bonds issued

1 for school purposes, and (e) the creation of a sinking fund for  
2 the payment of such indebtedness. The county board of equalization  
3 shall levy the rate of tax so reported and demanded by the board of  
4 education and collect the tax in the same manner as other taxes are  
5 levied and collected.

6 (2) The school board of a Class V school district that  
7 is a member of a learning community shall annually, on or before  
8 September 20, report in writing to the county board and the  
9 learning community coordinating council the entire revenue raised  
10 by taxation and all other sources and received by the school board  
11 for the previous school fiscal year and a budget for the ensuing  
12 school fiscal year ~~in form of a resolution~~ broken down generally  
13 as follows: (a) The amount of funds required for the support of  
14 the schools during the ensuing school fiscal year; (b) the amount  
15 of funds required for the ~~purpose~~ purchase of school sites; (c)  
16 the amount of funds required for the erection of school buildings;  
17 (d) the amount of funds required for the payment of interest upon  
18 all bonds issued for school purposes; and (e) the amount of funds  
19 required for the creation of a sinking fund for the payment of such  
20 indebtedness. The secretary shall publish, within ten days after  
21 the filing of such budget, a copy of the fund summary pages of the  
22 budget one time at the legal rate prescribed for the publication  
23 of legal notices in a legal newspaper published in and of general  
24 circulation in such city or village or, if none is published in  
25 such city or village, in a legal newspaper of general circulation



1 in the city or village. The secretary of the school board failing  
2 or neglecting to comply with this section shall be deemed guilty  
3 of a Class V misdemeanor and, in the discretion of the court, the  
4 judgment of conviction may provide for the removal from office of  
5 such secretary for such failure or neglect.

6 Sec. 26. Section 79-10,110, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8 79-10,110 (1) After making a determination that an actual  
9 or potential environmental hazard or accessibility barrier exists,  
10 that a life safety code violation exists, or that expenditures  
11 are needed for indoor air quality or mold abatement and prevention  
12 within the school buildings or grounds under its control, a school  
13 board may make and deliver to the county clerk of such county  
14 in which any part of the school district is situated, not later  
15 than the date provided in section 13-508, an itemized estimate of  
16 the amounts necessary to be expended for the abatement of such  
17 environmental hazard, for accessibility barrier elimination, or for  
18 modifications for life safety code violations, indoor air quality,  
19 or mold abatement and prevention in such school buildings or  
20 grounds. ~~The board shall conduct a public hearing on the itemized~~  
21 ~~estimate prior to presenting such estimate to the county clerk.~~  
22 ~~Notice of the place and time of such hearing shall, at least five~~  
23 ~~days prior to the date set for hearing, be published in a newspaper~~  
24 ~~of general circulation within the school district.~~ The board shall  
25 designate the particular environmental hazard abatement project,

1 accessibility barrier elimination project, or modification for life  
2 safety code violations, indoor air quality, or mold abatement and  
3 prevention for which the tax levy provided for by this section will  
4 be expended, the period of years, which shall not exceed ten years,  
5 for which the tax will be levied for such project, and the amount  
6 of the levy for each year of the period.

7 (2) After a public hearing, a school board may undertake  
8 any qualified capital purpose in any qualified zone academy under  
9 its control and may levy a tax as provided in this section to  
10 repay a qualified zone academy bond issued for such undertaking.  
11 The board shall designate the particular qualified capital purpose  
12 for which the qualified zone academy bond was issued and for which  
13 the tax levy provided for by this section will be expended, the  
14 period of years, not exceeding fifteen, for which the tax will be  
15 levied for such qualified zone academy bond, and the amount of the  
16 levy for each year of the period. The hearing required by this  
17 subsection shall be held only after notice of such hearing has been  
18 published for three consecutive weeks prior to the hearing in a  
19 legal newspaper published or of general circulation in the school  
20 district.

21 (3) The board may designate more than one project under  
22 subsection (1) of this section or qualified capital purpose  
23 under subsection (2) of this section and levy a tax pursuant  
24 to this section for each such project or qualified capital  
25 purpose, concurrently or consecutively, as the case may be, if

1 the aggregate levy in each year and the duration of each such  
2 levy will not exceed the limitations specified in this section.  
3 Each levy for a project or qualified capital purpose which is  
4 authorized by this section may be imposed for such duration as  
5 the board specifies, notwithstanding the contemporaneous existence  
6 or subsequent imposition of any other levy for another project  
7 or qualified capital purpose imposed pursuant to this section and  
8 notwithstanding the subsequent issuance by the district of bonded  
9 indebtedness payable from its general fund levy.

10 (4) The county clerk shall levy such taxes, not to  
11 exceed five and one-fifth cents per one hundred dollars of  
12 taxable valuation for Class II, III, IV, V, and VI districts,  
13 and not to exceed the limits set for Class I districts in section  
14 79-10,124, on the taxable property of the district necessary to (a)  
15 cover the environmental hazard abatement or accessibility barrier  
16 elimination project costs or costs for modification for life  
17 safety code violations, indoor air quality, or mold abatement and  
18 prevention itemized by the board pursuant to subsection (1) of this  
19 section and (b) repay any qualified zone academy bonds pursuant to  
20 subsection (2) of this section. Such taxes shall be collected by  
21 the county treasurer at the same time and in the same manner as  
22 county taxes are collected and when collected shall be paid to the  
23 treasurer of the district and used to cover the project costs.

24 (5) If such board operates grades nine through twelve  
25 as part of an affiliated school system, it shall designate the

1 fraction of the project or undertaking to be conducted for the  
2 benefit of grades nine through twelve. Such fraction shall be  
3 raised by a levy placed upon all of the taxable value of all  
4 taxable property in the affiliated school system pursuant to  
5 subsection (2) of section 79-1075. The balance of the project or  
6 undertaking to be conducted for the benefit of grades kindergarten  
7 through eight shall be raised by a levy placed upon all of the  
8 taxable value of all taxable property in the district which is  
9 governed by such board. The combined rate for both levies in the  
10 high school district, to be determined by such board, shall not  
11 exceed five and one-fifth cents on each one hundred dollars of  
12 taxable value.

13 (6) Each board which submits an itemized estimate shall  
14 establish an environmental hazard abatement and accessibility  
15 barrier elimination project account, a life safety code  
16 modification project account, an indoor air quality project  
17 account, or a mold abatement and prevention project account, and  
18 each board which undertakes a qualified capital purpose shall  
19 establish a qualified capital purpose undertaking account, within  
20 the qualified capital purpose undertaking fund. Taxes collected  
21 pursuant to this section shall be credited to the appropriate  
22 account to cover the project or undertaking costs. Such estimates  
23 may be presented to the county clerk and taxes levied accordingly.

24 (7) For purposes of this section:

25 (a) Abatement includes, but is not limited to, any

1 inspection and testing regarding environmental hazards, any  
2 maintenance to reduce, lessen, put an end to, diminish, moderate,  
3 decrease, control, dispose of, or eliminate environmental hazards,  
4 any removal or encapsulation of environmentally hazardous material  
5 or property, any restoration or replacement of material or  
6 property, any related architectural and engineering services, and  
7 any other action to reduce or eliminate environmental hazards in  
8 the school buildings or on the school grounds under the board's  
9 control, except that abatement does not include the encapsulation  
10 of any material containing more than one percent friable asbestos;

11 (b) Accessibility barrier means anything which impedes  
12 entry into, exit from, or use of any building or facility by all  
13 people;

14 (c) Accessibility barrier elimination includes, but is  
15 not limited to, inspection for and removal of accessibility  
16 barriers, maintenance to reduce, lessen, put an end to, diminish,  
17 control, dispose of, or eliminate accessibility barriers, related  
18 restoration or replacement of facilities or property, any related  
19 architectural and engineering services, and any other action to  
20 eliminate accessibility barriers in the school buildings or grounds  
21 under the board's control;

22 (d) Environmental hazard means any contamination of the  
23 air, water, or land surface or subsurface caused by any substance  
24 adversely affecting human health or safety if such substance has  
25 been declared hazardous by a federal or state statute, rule, or

1 regulation;

2 (e) Modification for indoor air quality includes, but  
3 is not limited to, any inspection and testing regarding indoor  
4 air quality, any maintenance to reduce, lessen, put an end to,  
5 diminish, moderate, decrease, control, dispose of, or eliminate  
6 indoor air quality problems, any restoration or replacement of  
7 material or related architectural and engineering services, and any  
8 other action to reduce or eliminate indoor air quality problems  
9 or to enhance air quality conditions in new or existing school  
10 buildings or on school grounds under the control of a school board;

11 (f) Modification for life safety code violation includes,  
12 but is not limited to, any inspection and testing regarding life  
13 safety codes, any maintenance to reduce, lessen, put an end to,  
14 diminish, moderate, decrease, control, dispose of, or eliminate  
15 life safety hazards, any restoration or replacement of material or  
16 property, any related architectural and engineering services, and  
17 any other action to reduce or eliminate life safety hazards in new  
18 or existing school buildings or on school grounds under the control  
19 of a school board;

20 (g) Modification for mold abatement and prevention  
21 includes, but is not limited to, any inspection and testing  
22 regarding mold abatement and prevention, any maintenance to  
23 reduce, lessen, put an end to, diminish, moderate, decrease,  
24 control, dispose of, or eliminate mold problems, any restoration or  
25 replacement of material or related architectural and engineering

1 services, and any other action to reduce or eliminate mold problems  
2 or to enhance air quality conditions in new or existing school  
3 buildings or on school grounds under the control of a school board;

4 (h) Qualified capital purpose means (i) rehabilitating or  
5 repairing the public school facility in which the qualified zone  
6 academy is established or (ii) providing equipment for use at such  
7 qualified zone academy;

8 (i) Qualified zone academy has the meaning found in 26  
9 U.S.C. 1397E(d)(4), as such section existed on April 6, 2001;

10 (j) Qualified zone academy allocation means the  
11 allocation of the qualified zone academy bond limitation by the  
12 State Department of Education to the qualified zone academies  
13 pursuant to 26 U.S.C. 1397E(e)(2), as such section existed on April  
14 6, 2001; and

15 (k) Qualified zone academy bond has the meaning found in  
16 26 U.S.C. 1397E(d)(1), as such section existed on May 8, 2001.

17 (8) Accessibility barrier elimination project costs  
18 includes, but is not limited to, inspection, maintenance,  
19 accounting, emergency services, consultation, or any other action  
20 to reduce or eliminate accessibility barriers.

21 (9) For the purpose of paying amounts necessary for  
22 the abatement of environmental hazards, accessibility barrier  
23 elimination, or modifications for life safety code violations,  
24 indoor air quality, or mold abatement and prevention, the board may  
25 borrow money and issue bonds and other evidences of indebtedness

1 of the district, which bonds and other evidences of indebtedness  
2 shall be secured by and payable from an irrevocable pledge by the  
3 district of amounts received in respect of the tax levy provided  
4 for by this section and any other funds of the district available  
5 therefor. Bonds and other evidences of indebtedness issued by a  
6 district pursuant to this subsection shall not constitute a general  
7 obligation of the district or be payable from any portion of its  
8 general fund levy.

9 (10) The total principal amount of bonds for  
10 modifications to correct life safety code violations, for indoor  
11 air quality problems, or for mold abatement and prevention which  
12 may be issued pursuant to this section shall not exceed the total  
13 amount specified in the itemized estimate described in subsection  
14 (1) of this section.

15 (11) The total principal amount of qualified zone academy  
16 bonds which may be issued pursuant to this section for qualified  
17 capital purposes with respect to a qualified zone academy shall  
18 not exceed the qualified zone academy allocation granted to the  
19 board by the department. The total amount that may be financed by  
20 qualified zone academy bonds pursuant to this section for qualified  
21 purposes with respect to a qualified zone academy shall not exceed  
22 seven and one-half million dollars statewide in a single year.  
23 In any year that the Nebraska qualified zone academy allocations  
24 exceed seven and one-half million dollars for qualified capital  
25 purposes to be financed with qualified zone academy bonds issued



1 pursuant to this section, (a) the department shall reduce such  
2 allocations proportionally such that the statewide total for such  
3 allocations equals seven and one-half million dollars and (b) the  
4 difference between the Nebraska allocation and seven and one-half  
5 million dollars shall be available to qualified zone academies for  
6 requests that will be financed with qualified zone academy bonds  
7 issued without the benefit of this section.

8           Nothing in this section directs the State Department of  
9 Education to give any preference to allocation requests that will  
10 be financed with qualified zone academy bonds issued pursuant to  
11 this section.

12           Sec. 27. Section 79-1110, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14           79-1110 Sections 79-1110 to ~~79-1178~~ 79-1167 shall be  
15 known and may be cited as the Special Education Act.

16           Sec. 28. Section 79-1162, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18           79-1162 A parent, guardian, competent student of the age  
19 of majority, or school district may initiate a hearing on matters  
20 related to the initiation, change, or termination or the refusal to  
21 initiate, change, or terminate the identification, evaluation, or  
22 educational placement of a child with a disability or the provision  
23 of a free appropriate public education or records relating thereto.  
24 A copy of the procedures specified in rules and regulations of  
25 the State Department of Education for complaints and hearings

1 under this section shall be provided by school districts to all  
2 parents and guardians of children with disabilities upon initial  
3 consideration of the provision of services for their children  
4 with disabilities. School districts shall provide information to  
5 parents and guardians pursuant to the procedural safeguards notice  
6 requirements set forth in the rules and regulations adopted and  
7 promulgated by the State Board of Education. Such hearing shall  
8 be initiated by filing a petition with the State Department of  
9 Education.

10           Sec. 29. Section 79-1212, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12           79-1212 Members of boards of educational service units  
13 existing prior to approval of any plan of reorganization shall  
14 serve as board members of educational service units which are  
15 reorganized pursuant to sections 79-1206 to 79-1211 until the  
16 expiration of their original terms. Such persons shall be members  
17 of the board of the reorganized educational service unit in which  
18 they reside. Within thirty days after approval of any plan of  
19 reorganization by the State Board of Education, the ~~Commissioner of~~  
20 ~~Education~~ president of the board of each educational service unit  
21 being reorganized shall call a meeting of board members of each  
22 educational service unit being reorganized pursuant to sections  
23 79-1206 to 79-1211. the educational service unit. At such meeting,  
24 members of each such board shall appoint one member from each  
25 county not having representation on such board to serve until

1 the next general election. The board shall take all necessary  
2 action to prepare for operation of the reorganized educational  
3 service unit ~~commencing one year~~ following approval of any plan of  
4 reorganization by the State Board of Education. Expenses incurred  
5 by such board prior to such times shall be prorated between the  
6 counties comprising the educational service unit on the basis of  
7 the assessed valuation of such counties.

8           Sec. 30. Section 79-1601, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10           79-1601 (1) Except as provided in subsections (2) through  
11 (6) of this section, all private, denominational, and parochial  
12 schools in the State of Nebraska and all teachers employed or  
13 giving instruction in such schools shall be subject to and governed  
14 by the provisions of the general school laws of the state so far  
15 as the same apply to grades, qualifications, and certification  
16 of teachers and promotion of ~~pupils.~~ students. All private,  
17 denominational, and parochial schools shall have adequate equipment  
18 and supplies, shall be graded the same, and shall have courses  
19 of study for each grade conducted in such schools substantially  
20 the same as those given in the public schools ~~where the children~~  
21 ~~attending~~ which the students would attend in the absence of such  
22 private, denominational, or parochial schools.

23           (2) All private, denominational, or parochial schools  
24 shall either comply with the accreditation or approval requirements  
25 prescribed in section 79-318 or, for those schools which elect not

1 to meet accreditation or approval requirements, the requirements  
2 prescribed in section 79-318 and subsections (2) through (6)  
3 of this section. Standards and procedures for approval and  
4 accreditation shall be based upon the program of studies, guidance  
5 services, the number and preparation of teachers in relation to the  
6 curriculum and enrollment, instructional materials and equipment,  
7 science facilities and equipment, library facilities and materials,  
8 and health and safety factors in buildings and grounds. Rules  
9 and regulations which govern standards and procedures for private,  
10 denominational, and parochial schools which elect, pursuant to  
11 the procedures prescribed in subsections (2) through (6) of this  
12 section, not to meet state accreditation or approval requirements  
13 shall be based upon evidence that such schools offer a program  
14 of instruction leading to the acquisition of basic skills in  
15 the language arts, mathematics, science, social studies, and  
16 health. Such rules and regulations may include a provision for  
17 the visitation of such schools and regular achievement testing  
18 of students attending such schools in order to insure that such  
19 schools are offering instruction in the basic skills listed in  
20 this subsection. Any arrangements for visitation or testing shall  
21 be made through a parent representative of each such school. The  
22 results of such testing may be used as evidence that such schools  
23 are offering instruction in such basic skills but shall not be used  
24 to measure, compare, or evaluate the competency of students at such  
25 schools.

1           (3) The provisions of subsections (3) through (6) of this  
2 section shall apply to any private, denominational, or parochial  
3 school in the State of Nebraska which elects not to meet state  
4 accreditation or approval requirements. Elections pursuant to such  
5 subsections shall be effective when a statement is received by the  
6 Commissioner of Education signed by the parents or legal guardians  
7 of all ~~children~~ students attending such private, denominational,  
8 or parochial school, stating that (a) either specifically (i) the  
9 requirements for approval and accreditation required by law and  
10 the rules and regulations adopted and promulgated by the State  
11 Board of Education violate sincerely held religious beliefs of the  
12 parents or legal guardians or (ii) the requirements for approval  
13 and accreditation required by law and the rules and regulations  
14 adopted and promulgated by the State Board of Education interfere  
15 with the decisions of the parents or legal guardians in directing  
16 their ~~child's~~ student's education, (b) an authorized representative  
17 of such parents or legal guardians will at least annually submit  
18 to the Commissioner of Education the information necessary to  
19 prove that the requirements of subdivisions (4)(a) through (c)  
20 of this section are satisfied, (c) the school offers the courses  
21 of instruction required by subsections (2), (3), and (4) of this  
22 section, and (d) the parents or legal guardians have satisfied  
23 themselves that individuals monitoring instruction at such school  
24 are qualified to monitor instruction in the basic skills as  
25 required by subsections (2), (3), and (4) of this section and that

1 such individuals have demonstrated an alternative competency to  
2 monitor instruction or supervise children pursuant to subsections  
3 (3) through (6) of this section.

4 (4) Each such private, denominational, or parochial  
5 school shall (a) meet minimum requirements relating to health,  
6 fire, and safety standards prescribed by state law and the rules  
7 and regulations of the State Fire Marshal, (b) report attendance  
8 pursuant to section 79-201, (c) maintain a sequential program  
9 of instruction designed to lead to basic skills in the language  
10 arts, mathematics, science, social studies, and health, and (d)  
11 comply with the immunization requirements in section 79-217 if  
12 the statement signed by the parents or legal guardians indicate  
13 a nonreligious reason pursuant to subdivision (3)(a)(ii) of this  
14 section for the student attending a private, denominational, or  
15 parochial school which elects not to meet state accreditation  
16 or approval requirements. The State Board of Education shall  
17 establish procedures for receiving information and reports required  
18 by subsections (3) through (6) of this section from authorized  
19 parent representatives who may act as agents for parents or legal  
20 guardians of students attending such school and for individuals  
21 monitoring instruction in the basic skills required by subsections  
22 (2), (3), and (4) of this section.

23 (5) Individuals employed or utilized by schools which  
24 elect not to meet state accreditation or approval requirements  
25 shall not be required to meet the certification requirements

1 prescribed in sections 79-801 to 79-815 but shall either (a) take  
2 appropriate subject matter components of a nationally recognized  
3 teacher competency examination designated by the State Board of  
4 Education as (i) including the appropriate subject matter areas for  
5 purposes of satisfying the requirements of subsections (3) and (4)  
6 of this section and (ii) a nationally recognized examination or (b)  
7 offer evidence of competence to provide instruction in the basic  
8 skills required by subsections (3) and (4) of this section pursuant  
9 to informal methods of evaluation which shall be developed by the  
10 State Board of Education. Such evidence may include educational  
11 transcripts, diplomas, and other information regarding the formal  
12 educational background of such individuals. Information concerning  
13 test results, transcripts, diplomas, and other evidence of formal  
14 education may be transmitted to the State Department of Education  
15 by authorized representatives of parents or legal guardians. The  
16 results of such testing or alternative evaluation of individuals  
17 who monitor the instruction of students attending such schools may  
18 be used as evidence of whether or not such schools are offering  
19 adequate instruction in the basic skills prescribed in subsections  
20 (2), (3), and (4) of this section but shall not be used to prohibit  
21 any such school from employing such individuals. Failure of a  
22 monitor, who is tested for the purpose of satisfying in whole or  
23 in part the requirements of subsections (3) through (6) of this  
24 section, to attain a score equal to or exceeding both the state  
25 or national average score or rating on appropriate subject matter

1 components of recognized teacher competency examinations designated  
2 by the State Board of Education may be by itself sufficient proof  
3 that such school does not offer adequate instruction in the basic  
4 skills prescribed in subsections (3) and (4) of this section.

5 (6) The demonstration of competency to monitor  
6 instruction in a private, denominational, or parochial school  
7 which has elected not to meet state accreditation or approval  
8 requirements shall in no way constitute or be construed to grant a  
9 license, permit, or certificate to teach in the State of Nebraska.  
10 Any school which elects not to meet state accreditation or approval  
11 requirements and does not meet the requirements of subsections  
12 (2) through (6) of this section shall not be deemed a school for  
13 purposes of section 79-201, and the parents or legal guardians of  
14 any ~~children~~ students attending such school shall be subject to  
15 prosecution pursuant to such section or any statutes relating to  
16 habitual truancy.

17 Sec. 31. Section 79-1606, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19 79-1606 In case any private, denominational, or parochial  
20 school, after a final determination by the proper authorities under  
21 sections 79-1601 to 79-1607, fails, refuses, or neglects to conform  
22 to and comply with such sections, no person shall be granted  
23 or allowed a certificate to teach in such school and the ~~pupils~~  
24 students attending such school shall be required to attend the  
25 public school of the proper district as provided by law in like



1 manner as though there were no such private, denominational, or  
2 parochial school. Full credit for certification under the law shall  
3 be given all teachers who have taught in private, denominational,  
4 or parochial schools the same as though they had taught in public  
5 schools.

6           Sec. 32. Section 85-607, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8           85-607 No publicly funded college or university in this  
9 state shall prohibit the admission of any ~~child~~ student educated in  
10 any school which elects to meet the requirements of subsections (2)  
11 through (6) of section 79-1601 if the ~~child~~ student is qualified  
12 for admission as shown by testing results.

13           Sec. 33. Original sections 43-2007, 60-658, 79-234,  
14 79-239, 79-240, 79-2,104, 79-2,105, 79-313, 79-318, 79-569, 79-598,  
15 79-606, 79-608, 79-809, 79-810, 79-10,110, 79-1110, 79-1162,  
16 79-1212, 79-1601, 79-1606, and 85-607, Reissue Revised Statutes of  
17 Nebraska, sections 79-215, 79-233, 79-237, 79-238, 79-528, 79-1084,  
18 and 79-1086, Revised Statutes Cumulative Supplement, 2006, and  
19 sections 79-611, 79-1003, and 79-1028, Revised Statutes Cumulative  
20 Supplement, 2006, as affected by Referendum 2006, No. 422, are  
21 repealed.

22           Sec. 34. The following sections are outright repealed:  
23 Sections 48-1301, 48-1302, 48-1303, 48-1304, 48-1305, 48-1306,  
24 48-1309, 79-1168, 79-1169, 79-1170, 79-1171, 79-1172, 79-1173,  
25 79-1174, 79-1175, 79-1176, 79-1177, and 79-1178, Reissue Revised

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1 Statutes of Nebraska.