

ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009
COMMITTEE STATEMENT
LB549

Hearing Date: Tuesday March 10, 2009
Committee On: Education
Introducer: Adams
One Liner: Change provisions relating to schools

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye: 8 Senators Adams, Ashford, Avery, Cornett, Giese, Haar, Howard, Sullivan

Nay:

Absent:

Present Not Voting:

Proponents:

Senator Greg Adams
Russ Inbody
John Bonaiuto

Representing:

Introducer
Nebraska Department of Education
Nebraska Association of School Boards

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

Legislative Bill 549 is the K-12 education technical bill for 2009. Substantive changes would include reducing the time a district would be allowed to contract for the instruction of all students from 3 years to 2 years, adding a requirement for districts to provide transportation allowances to parents of students who live more than 3 miles from the pick up point for transportation provided by the school, authorizing statewide regional networks for the provision of services to children with disabilities, and revising procedures for appointing surrogate parents for children with disabilities. A public hearing requirement would also be eliminated for itemized estimates for environmental hazards, accessibility barrier elimination, or modifications for life safety code violations, indoor air quality, or mold abatement and prevention. The measure would clarify or make minor revisions to provisions for exempt schools, student transportation, option enrollment, student records, school district reporting requirements, school board meetings, school finance, reorganization of educational service units, and veteran education. The sections regarding the Nebraska Equal Opportunity for Displaced Homemakers Act, the Diagnostic Resource Center in Cozad, and the obsolete distribution formula for core service funding would be outright repealed.

Section 13-518 would be amended by updating the section references regarding state aid for educational service units. The state aid provisions were modified with LB 603 in 2007.

Section 43-2007 would be amended by requiring the parents and guardians of students enrolled in exempt schools to provide a certified copy of the student's birth certificate or other reliable proof of the student's identity and age upon enrollment, instead of by October 1st of the first year of the child's attendance.

Section 60-658 would be amended by modifying the definition of school bus by replacing a reference to the 1990 Revised Edition of the National Standards for School Buses and National Standards for School Bus Operations from the National Safety Council with a reference to requirements adopted and promulgated pursuant to section 79-318(13), which requires the State Board of Education to adopt and promulgate rules and regulations for vehicles used to transport students. The definition would also be amended by referring to requirements for general design, equipment, and color, instead of the current color and identification requirements. This change makes the definition consistent with the State Board of Education requirement in section 79-318(13).

Section 79-233 would be amended by broadening the definition of resident school district for purposes of the enrollment option program to include the school district in which the student is admitted as a resident of the school district pursuant to section 79-215. Section 79-215 provides for students to be considered resident students in certain circumstances when they do not reside in the school district. Some of those circumstances include the school district in which a state ward lived prior to becoming a ward and being placed in a setting other than a foster family home and the school district in which a non-custodial parent lives.

Section 79-234 would be amended by providing procedures for students who are allowed to option for a second time due to relocation or merger of the option school district. The student's parent or guardian would be required to submit an application to the new option school district within 30 days of the date of a relocation or the effective date of a merger. Parents and guardians would not be relieved from the compulsory attendance requirements in section 79-201 while waiting for approval. The opportunity for a second option for option students who attend a Class I school district would be removed. An exclusion from the option program for students residing in a Class I district that has not affiliated would also be eliminated.

Section 79-237 would be amended by requiring applications submitted after March 15th to have a release approval from the resident school district to be approved by the option school district. A deadline of 60 days following submission of the application is added for the option school district to notify the resident school district and the parents or guardians of the acceptance or rejection for applications submitted after March 15th. For cancellations, the parent or guardian would be required to provide the notification in writing to the option and resident school districts on a form prescribed by the department in advance of the cancellation. A requirement that the notification be provided by March 15th for automatic approval is removed.

Section 79-238 would be amended by allowing an option school district to reject a previously accepted option application if false or substantively misleading information is submitted by a parent or guardian on the application and the rejection occurs prior to the student's attendance as an option student. The section would also be amended to require school boards to adopt standards and conditions for the approval or disapproval of a release of a resident student submitting an application after March 15th.

Section 79-239 would be amended by requiring written notifications of rejections and the appeals procedure by either an option or resident school district to be sent by certified mail. A written request and copy of the rejection notice would be required for a parent or guardian to appeal a rejection to the State Board of Education.

Section 79-240 would be amended by deleting a provision allowing the resident and option school district to agree to waive deadlines for applications and for approvals or rejections. The agreement would be achieved if both districts waive the deadlines. A provision for siblings of option students to continue attending the option school district is also deleted.

Section 79-2,104 would be amended by allowing a parent, guardian, or student of majority age to provide written consent for someone other than a parent guardian, teacher, counselor, or school administrator to have access to school files. The subsection currently authorizing access to auditing officials and state educational authorities would be cross referenced in the subsection generally regulating access to such records. A new provision would allow disclosure to anyone allowed to have access pursuant to the federal Family Educational Rights and Privacy Act as it existed on January 1, 2007.

Section 79-319 would be amended by clarifying that the State Board of Education has jurisdiction over the administration and supervision of on-the-job and apprenticeship training, on-the-farm training, and flight training programs for veterans as part of the Board's existing authority for the approval of all types of veterans educational programs.

Section 79-528 would be amended by eliminating the requirement to identify the number of boys and the number of girls in each age category on the census report. For the census report, annual statistical summary, annual financial report, and fall school district membership report, the oath requirement would be eliminated, as would the authorization for the head administrator to do the filing. The fall school district membership report would be filed with the Commissioner of Education, instead of being delivered to the department.

Section 79-569 would be amended by limiting the requirement for the legal voters present to elect someone to preside when the school board president is absent to Class I school districts.

Section 79-598 would be amended by reducing the amount of time a school district may contract out all of their students from 3 years to 2 years. A provision would be removed requiring an enrollment of at least 5 pupils and an application to the state committee before reopening a school district that has contracted for instruction for 2 or more years.

Section 79-606 would be amended by replacing the terms "children" and "school children" with "students" in designating the type of passengers to be transported in vehicles required to meet the specifications.

Section 79-608 would be amended by replacing a requirement for a special school bus operator's permit to be obtained before the opening of a school term or before operating a school bus with a requirement for special school bus operator's permits to expire each year on the birth date of the holder.

Section 79-611 would be amended by recognizing that a school board may partially provide free transportation to students. The determination of whether or not a student qualifies for transportation would be measured by the shortest route that must actually and necessarily be traveled by motor vehicle to reach the student's residence. When a student qualifies for free transportation or the allowance for transportation and lives more than 3 miles from the location where the student must be picked up and dropped off for school-provided free transportation, the school-provided transportation would be deemed partially provided free transportation. Schools partially providing free transportation shall pay an allowance to the student's parent or guardian equal to 285% of the mileage rate provided in section 81-1176 multiplied by each mile actually and necessarily traveled beyond which the one-way distance from the residence to the pick up and drop off location off exceeds 3 miles. This rate is the same as the general transportation allowance paid when no free transportation is provided.

Section 79-1003 would be amended by clarifying in the definition of "general fund operating expenditures" that the annual financial report used for data in the calculation would be the report for the second school fiscal year immediately preceding the school fiscal year in which aid is to be paid. The current language refers to the report submitted prior to December 1 of the school fiscal year immediately preceding the school fiscal year in which aid is to be paid, which should be the same report.

Section 79-1007.06 would be amended by extending the deadline for school districts to designate their maximum poverty allowance from October 10th to October 15th.

Section 79-1007.08 would be amended by extending the deadline for school districts to designate their maximum limited English proficiency allowance from October 10th to October 15th.

Section 79-1007.16 would be amended by clarifying that the formula students, not the adjusted formula students would be used in the calculation of basic funding. With the passage of LB 988 in 2008, adjusted formula students are no longer determined for the purpose of calculation of state aid.

Section 79-1007.20 would be amended by extending the deadline for school districts to apply for a student growth adjustment from October 10th to October 15th.

Section 79-1007.21 would be amended by extending the deadline for school districts to apply for a new school adjustment from October 10th to October 15th.

Section 79-1007.22 would be amended by extending the deadline for school districts to apply for a new learning community transportation adjustment from October 10th to October 15th.

Section 79-1014 would be amended by including decisions of learning community coordinating councils in the appeals to the State Board of Education for the approval of limited English proficiency plans. This change harmonizes with the appeal procedures for the approval of poverty plans.

Section 79-1065.01 would be amended by clarifying that a district that would receive a monthly payment of less than \$1,000 will receive any prior year corrections as a lump sum. Other districts may request a lump-sum payment for any amount up to 100% of the prior year correction.

Sections 79-1084 and 79-1086 would be amended by removing the requirement that budgets be reported to the county board be in the form of a resolution. Clarification is also added by requiring the listing of the funds required for the "purchase" of school sites, rather than the "purpose" of school sites.

Section 79-10,110 would be amended by eliminating a requirement for school boards to conduct a public hearing on the itemized estimates for environmental hazards, accessibility barrier elimination, or modifications for life safety code violations, indoor air quality, or mold abatement and prevention prior to presenting such estimate to the county clerk.

Section 79-1110 would be amended by eliminating sections from the Special Education Act that would be outright repealed by the bill.

Section 79-1127 would be amended by requiring the provision of special education programs and transportation to be in accordance with the Special Education Act and all applicable requirements of the federal Individual With Disabilities Education Act.

Section 79-1148 would be amended to authorize the Department to set up statewide regional networks for children with disabilities. The requirement would be eliminated for schools or centers set up by the Department for children with disabilities to offer residential facilities. Such schools and centers, and newly authorized regional networks, would be allowed to offer residential facilities, or a new alternative of residential services, under the control and supervision of the Department.

Section 79-1149 would be amended to restrict admission rules and regulations to schools and centers authorized by section 79-1148. Admission to regional networks would not be regulated by the Department.

Section 79-1150 would be amended to include regional networks and centers in the provisions directing money derived from sources other than the state General Fund to be credited to the Department and to be made available for education, training, or maintenance of students. The provisions currently apply to schools authorized pursuant to section 79-1148.

Section 79-1161 would be amended by modifying the process for appointing a surrogate parent for children with disabilities. School districts would be required to establish and maintain procedures for children with disabilities when (a) no parents can be identified, (b) the district cannot, after reasonable efforts, locate a parent, (c) the child is a ward of the state, or (d) the child is an unaccompanied homeless youth as defined by the McKinney-Vento Homeless Assistance Act. The procedures would include appointment of an individual to act as a surrogate for the parents within 30 days of determining the child needs a surrogate. The overseeing judges may appoint the surrogate for a state ward. Clarification is added that a surrogate parent is not considered an employee of an agency simply because they are paid

to serve as a surrogate parent.

Section 79-1204 would be amended to harmonize with the outright repeal of section 79-1241.

Section 79-1212 would be amended by replacing a requirement for the Commissioner of Education to call a meeting of the board members of each educational service units (E.S.U.'s) that is being reorganized with a requirement for a meeting of each of the boards of those E.S.U.'s called by the president of the respective boards. The timeline for E.S.U. reorganizations would also be modified to begin operation of the new E.S.U. following approval of the plan of reorganization, rather than one year later.

Sections 79-1241.01 and 79-1241.03 would be amended to harmonize with the outright repeal of section 79-1241.

Section 79-1601 would be amended by replacing the terms "pupils" and "children" with "students." Clarification is also added that individuals utilized by exempt schools, in addition to those employed by exempt schools, are not required to meet certification requirements.

Section 79-1606 would be amended by replacing the term "pupils" with "students."

Section 85-607 would be amended by replacing the term "child" with "student."

Outright Repeals

Sections 48-1301 to 48-1306 and 48-1309 would be outright repealed. These sections provide for the Nebraska Equal Opportunity for Displaced Homemakers Act. The Act requires the Commissioner of Education to establish multipurpose service centers for displaced homemakers.

Sections 79-1168 to 79-1178 would be outright repealed. These sections provide for the Diagnostic Resource Center in Cozad.

Section 79-1241 would be outright repealed. The section provided for the distribution of core services funding to educational service units prior to 2008-09.

Explanation of amendments:

The Committee Amendments replace the original provisions and include modified provisions from Legislative Bills 549 (technical bill), 257 (eliminate completed Seamless Delivery System Pilot Project), 530 (eligibility for early childhood programs), 548 (student records and transportations), and 461 (duties of Commissioner of Education and State Board of Education).

The substantive changes from LB 549 would include reducing the time a district would be allowed to contract for the instruction of all students from 3 years to 2 years, adding a requirement for districts to provide transportation allowances to parents of students who live more than 3 miles from the pick up point for transportation provided by the school, authorizing statewide regional networks for the provision of services to children with disabilities, and revising procedures for appointing surrogate parents for children with disabilities. A public hearing requirement would also be eliminated for itemized estimates for environmental hazards, accessibility barrier elimination, or modifications for life safety code violations, indoor air quality, or mold abatement and prevention. The measure would clarify or make minor revisions to provisions for exempt schools, student transportation, option enrollment, student records, school district reporting requirements, school board meetings, school finance, reorganization of educational service units, and veteran education. The sections regarding the Nebraska Equal Opportunity for Displaced Homemakers Act, the Diagnostic Resource Center in Cozad, and the obsolete distribution formula for core service funding would be outright repealed. One of the two changes from the original provisions would be in section 79-598 where the requirement for the State Committee for the Reorganization of School Districts to dissolve districts would be initiated at the end of two years of

contracting instead of two. This change is consistent with other changes contained in the measure. The second modification would be to streamline and clarify the changes in section 79-1065.01, which would require school districts to receive a lump-sum payment for prior year corrections if their state aid is less than \$1,000 per month.

The provisions from LB 257 would repeal the Seamless Delivery System Pilot Project by outright repealing sections 79-11,136 to 79-11,141. The Seamless Delivery Pilot Project was located at Western Nebraska Community College and Scottsbluff Schools and provided a seamless delivery system for educational continuity between secondary education, postsecondary education, and business. The four year project began with the 1997-98 school year and a report by the Department of Education and the Coordinating Commission for Postsecondary Education was due on November 30, 2001.

The provisions from LB 530 are modified to be consistent with the Committee Amendments for the measure. The amendments would amend section 79-1102.01 by extending the authorization for school districts and educational service units to enroll students in early childhood education programs that are kindergarten eligible, but not of mandatory attendance age. The authorization does not apply to early childhood education programs that receive state grants or funding through the Tax Equity and Educational Opportunities Support Act. The extension would apply to the 2009-10 school year.

The provisions from LB 548 would amend provisions regarding the transfer of student records and school vehicle requirements in sections 79-2,105 and 79-318. The student records provisions would be amended by clarifying that the student records to be provided when a student transfers include academic and disciplinary material. A change from the original provisions would limit the disciplinary materials to be transferred to materials related to suspensions or expulsions. The transportation provisions would be amended by expanding the application of requirements for vehicles used to transport school children to include vehicles owned, operated, or contracted by any public, private, denominational, or parochial school.

The committee amendments insert the provisions of LB 461, a bill which amends provisions related to the Commissioner of Education and the State Board of Education in sections 79-304, 79-305, 79-306, 79-310, 79-313, and 79-317. The original provisions of the measure were modified by amending section 79-304 to provide an alternate set of qualifications for the Commissioner of Education. Section 79-306 would also be further amended to alter existing language that appears to give the Commissioner discretion in carrying out the duties contained in this section. Current language that provides the Commissioner with the authority to carry out the specified duties would apply only to delegation of administrative and supervisory functions to department staff. The Commissioner would be required to perform the remaining duties.

Section 13-518 would be amended by updating the section references regarding state aid for educational service units. The state aid provisions were modified with LB 603 in 2007.

Section 43-2007 would be amended by requiring the parents and guardians of students enrolled in exempt schools to provide a certified copy of the student's birth certificate or other reliable proof of the student's identity and age upon enrollment, instead of by October 1st of the first year of the child's attendance.

Section 60-658 would be amended by modifying the definition of school bus by replacing a reference to the 1990 Revised Edition of the National Standards for School Buses and National Standards for School Bus Operations from the National Safety Council with a reference to requirements adopted and promulgated pursuant to section 79-318(13), which requires the State Board of Education to adopt and promulgate rules and regulations for vehicles used to transport students. The definition would also be amended by referring to requirements for general design, equipment, and color, instead of the current color and identification requirements. This change makes the definition consistent with the State Board of Education requirement in section 79-318(13).

Section 79-233 would be amended by broadening the definition of resident school district for purposes of the enrollment option program to include the school district in which the student is admitted as a resident of the school district pursuant to section 79-215. Section 79-215 provides for students to be considered resident students in certain circumstances

when they do not reside in the school district. Some of those circumstances include the school district in which a state ward lived prior to becoming a ward and being placed in a setting other than a foster family home and the school district in which a non-custodial parent lives.

Section 79-234 would be amended by providing procedures for students who are allowed to option for a second time due to relocation or merger of the option school district. The student's parent or guardian would be required to submit an application to the new option school district within 30 days of the date of a relocation or the effective date of a merger. Parents and guardians would not be relieved from the compulsory attendance requirements in section 79-201 while waiting for approval. The opportunity for a second option for option students who attend a Class I school district would be removed. An exclusion from the option program for students residing in a Class I district that has not affiliated would also be eliminated.

Section 79-237 would be amended by requiring applications submitted after March 15th to have a release approval from the resident school district to be approved by the option school district. A deadline of 60 days following submission of the application is added for the option school district to notify the resident school district and the parents or guardians of the acceptance or rejection for applications submitted after March 15th. For cancellations, the parent or guardian would be required to provide the notification in writing to the option and resident school districts on a form prescribed by the department in advance of the cancellation. A requirement that the notification be provided by March 15th for automatic approval is removed.

Section 79-238 would be amended by allowing an option school district to reject a previously accepted option application if false or substantively misleading information is submitted by a parent or guardian on the application and the rejection occurs prior to the student's attendance as an option student. The section would also be amended to require school boards to adopt standards and conditions for the approval or disapproval of a release of a resident student submitting an application after March 15th.

Section 79-239 would be amended by requiring written notifications of rejections and the appeals procedure by either an option or resident school district to be sent by certified mail. A written request and copy of the rejection notice would be required for a parent or guardian to appeal a rejection to the State Board of Education.

Section 79-240 would be amended by deleting a provision allowing the resident and option school district to agree to waive deadlines for applications and for approvals or rejections. The agreement would be achieved if both districts waive the deadlines. A provision for siblings of option students to continue attending the option school district is also deleted.

Section 79-2,104 would be amended by allowing a parent, guardian, or student of majority age to provide written consent for someone other than a parent guardian, teacher, counselor, or school administrator to have access to school files. The subsection currently authorizing access to auditing officials and state educational authorities would be cross referenced in the subsection generally regulating access to such records. A new provision would allow disclosure to anyone allowed to have access pursuant to the federal Family Educational Rights and Privacy Act as it existed on January 1, 2007.

Section 79-2,105 would be amended by clarifying that the student records to be provided when a student transfers include academic and disciplinary material related to any suspension or expulsion.

Section 79-304 would be amended to provide an alternate set of qualifications for the Commissioner of Education. The amendment would enable an individual to serve as Commissioner if he or she either meets the qualifications contained in current statute or possesses a combination of education, skills, administrative experiences in public education, and other such qualifications as determined by the State Board of Education.

Section 79-305 would be amended to eliminate the duty of the Commissioner of Education to decide disputed points of school law, which decisions shall have the force of law until changed by the courts.

Section 79-306 would be amended to include the duty to faithfully execute the policies and directives of the State Board of Education among the duties of the Commissioner as the administrative head of the State Department of Education. Section 79-306 would be further amended to alter existing language that appears to give the Commissioner discretion in carrying out the duties contained in this section. Under the amendment, current language that provides the Commissioner with the authority to carry out the specified duties would apply only to delegation of administrative and supervisory functions to department staff. The Commissioner would be required to perform the remaining duties.

Section 79-310 would be amended to specify that the Commissioner of Education shall not be a member of the State Board of Education.

Section 79-313 would be amended to eliminate language prohibiting an individual from serving on the State Board of Education if he or she is a candidate for state office.

Section 79-317 would be amended to eliminate the requirement that the State Board meet during the first full week of June and December each year, and to require all meetings of the State Board to be called in accordance with the Open Meetings Act.

Section 79-318 would be amended by expanding the application of requirements for vehicles used to transport school children to include vehicles owned, operated, or contracted by any public, private, denominational, or parochial school. Currently, the State Board of Education is required to adopt rules and regulations for vehicles owned, operated, or contracted by school districts. The rules and regulations would not be applicable to vehicles owned by individuals operating exempt schools. A reference to the former Nebraska School for the Visually Handicapped is deleted with the reference to the current Nebraska Center for the Education of Children who are Blind or Visually Impaired remaining.

Section 79-319 would be amended by clarifying that the State Board of Education has jurisdiction over the administration and supervision of on-the-job and apprenticeship training, on-the-farm training, and flight training programs for veterans as part of the Board's existing authority for the approval of all types of veterans educational programs.

Section 79-528 would be amended by eliminating the requirement to identify the number of boys and the number of girls in each age category on the census report. For the census report, annual statistical summary, annual financial report, and fall school district membership report, the oath requirement would be eliminated, as would the authorization for the head administrator to do the filing. The fall school district membership report would be filed with the Commissioner of Education, instead of being delivered to the department.

Section 79-569 would be amended by limiting the requirement for the legal voters present to elect someone to preside when the school board president is absent to Class I school districts.

Section 79-598 would be amended by reducing the amount of time a school district may contract out all of their students from 3 years to 2 years. The State Committee for the Reorganization of School Districts would be required to dissolve the district at such time. A provision would be removed requiring an enrollment of at least 5 pupils and an application to the state committee before reopening a school district that has contracted for instruction for 2 or more years.

Section 79-606 would be amended by replacing the terms "children" and "school children" with "students" in designating the type of passengers to be transported in vehicles required to meet the specifications.

Section 79-608 would be amended by replacing a requirement for a special school bus operator's permit to be obtained before the opening of a school term or before operating a school bus with a requirement for special school bus operator's permits to expire each year on the birth date of the holder.

Section 79-611 would be amended by recognizing that a school board may partially provide free transportation to students. The determination of whether or not a student qualifies for transportation would be measured by the shortest

route that must actually and necessarily be traveled by motor vehicle to reach the student's residence. When a student qualifies for free transportation or the allowance for transportation and lives more than 3 miles from the location where the student must be picked up and dropped off for school-provided free transportation, the school-provided transportation would be deemed partially provided free transportation. Schools partially providing free transportation shall pay an allowance to the student's parent or guardian equal to 285% of the mileage rate provided in section 81-1176 multiplied by each mile actually and necessarily traveled beyond which the one-way distance from the residence to the pick up and drop off location off exceeds 3 miles. This rate is the same as the general transportation allowance paid when no free transportation is provided.

Section 79-1003 would be amended by clarifying in the definition of "general fund operating expenditures" that the annual financial report used for data in the calculation would be the report for the second school fiscal year immediately preceding the school fiscal year in which aid is to be paid. The current language refers to the report submitted prior to December 1 of the school fiscal year immediately preceding the school fiscal year in which aid is to be paid, which should be the same report.

Section 79-1007.06 would be amended by extending the deadline for school districts to designate their maximum poverty allowance from October 10th to October 15th.

Section 79-1007.08 would be amended by extending the deadline for school districts to designate their maximum limited English proficiency allowance from October 10th to October 15th.

Section 79-1007.16 would be amended by clarifying that the formula students, not the adjusted formula students would be used in the calculation of basic funding. With the passage of LB 988 in 2008, adjusted formula students are no longer determined for the purpose of calculation of state aid.

Section 79-1007.20 would be amended by extending the deadline for school districts to apply for a student growth adjustment from October 10th to October 15th.

Section 79-1007.21 would be amended by extending the deadline for school districts to apply for a new school adjustment from October 10th to October 15th.

Section 79-1007.22 would be amended by extending the deadline for school districts to apply for a new learning community transportation adjustment from October 10th to October 15th.

Section 79-1014 would be amended by including decisions of learning community coordinating councils in the appeals to the State Board of Education for the approval of limited English proficiency plans. This change harmonizes with the appeal procedures for the approval of poverty plans.

Section 79-1065.01 would be amended to require school districts to receive a lump-sum payment for prior year corrections if their state aid is less than \$1,000 per month. Other districts are currently allowed to request a lump-sum payment for any amount up to 100% of the prior year correction.

Sections 79-1084 and 79-1086 would be amended by removing the requirement that budgets be reported to the county board be in the form of a resolution. Clarification is also added by requiring the listing of the funds required for the "purchase" of school sites, rather than the "purpose" of school sites.

Section 79-10,110 would be amended by eliminating a requirement for school boards to conduct a public hearing on the itemized estimates for environmental hazards, accessibility barrier elimination, or modifications for life safety code violations, indoor air quality, or mold abatement and prevention prior to presenting such estimate to the county clerk.

Section 79-1102.01 would be amended by extending the authorization for school districts and educational service units to enroll students in early childhood education programs that are kindergarten eligible, but not of mandatory attendance age. The authorization does not apply to early childhood education programs that receive state grants or funding

through the Tax Equity and Educational Opportunities Support Act. The extension would apply to the 2009-10 school year.

Section 79-1110 would be amended by eliminating sections from the Special Education Act that would be outright repealed by the bill.

Section 79-1127 would be amended by requiring the provision of special education programs and transportation to be in accordance with the Special Education Act and all applicable requirements of the federal Individual With Disabilities Education Act.

Section 79-1148 would be amended to authorize the Department to set up statewide regional networks for children with disabilities. The requirement would be eliminated for schools or centers set up by the Department for children with disabilities to offer residential facilities. Such schools and centers, and newly authorized regional networks, would be allowed to offer residential facilities, or a new alternative of residential services, under the control and supervision of the Department.

Section 79-1149 would be amended to restrict admission rules and regulations to schools and centers authorized by section 79-1148. Admission to regional networks would not be regulated by the Department.

Section 79-1150 would be amended to include regional networks and centers in the provisions directing money derived from sources other than the state General Fund to be credited to the Department and to be made available for education, training, or maintenance of students. The provisions currently apply to schools authorized pursuant to section 79-1148.

Section 79-1161 would be amended by modifying the process for appointing a surrogate parent for children with disabilities. School districts would be required to establish and maintain procedures for children with disabilities when (a) no parents can be identified, (b) the district cannot, after reasonable efforts, locate a parent, (c) the child is a ward of the state, or (d) the child is an unaccompanied homeless youth as defined by the McKinney-Vento Homeless Assistance Act. The procedures would include appointment of an individual to act as a surrogate for the parents within 30 days of determining the child needs a surrogate. The overseeing judges may appoint the surrogate for a state ward. Clarification is added that a surrogate parent is not considered an employee of an agency simply because they are paid to serve as a surrogate parent.

Section 79-1204 would be amended to harmonize with the outright repeal of section 79-1241.

Section 79-1212 would be amended by replacing a requirement for the Commissioner of Education to call a meeting of the board members of each educational service units (E.S.U.'s) that is being reorganized with a requirement for a meeting of each of the boards of those E.S.U.'s called by the president of the respective boards. The timeline for E.S.U. reorganizations would also be modified to begin operation of the new E.S.U. following approval of the plan of reorganization, rather than one year later.

Sections 79-1241.01 and 79-1241.03 would be amended to harmonize with the outright repeal of section 79-1241.

Section 79-1601 would be amended by replacing the terms "pupils" and "children" with "students." Clarification is also added that individuals utilized by exempt schools, in addition to those employed by exempt schools, are not required to meet certification requirements.

Section 79-1606 would be amended by replacing the term "pupils" with "students."

Section 85-607 would be amended by replacing the term "child" with "student."

Outright Repeals

Sections 48-1301 to 48-1306 and 48-1309 would be outright repealed. These sections provide for the Nebraska Equal Opportunity for Displaced Homemakers Act. The Act requires the Commissioner of Education to establish multipurpose service centers for displaced homemakers.

Sections 79-1168 to 79-1178 would be outright repealed. These sections provide for the Diagnostic Resource Center in Cozad.

Sections 79-11,136 to 79-11,141 would be outright repealed. These sections provide for the Seamless Delivery System Pilot Project. The final report on the project was due November 30, 2001.

Section 79-1241 would be outright repealed. The section provided for the distribution of core services funding to educational service units prior to 2008-09.

Greg Adams, Chairperson