

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 1071

Introduced by Adams, 24.

Read first time January 21, 2010

Committee: Education

A BILL

1 FOR AN ACT relating to schools; to amend sections 79-201,
2 79-215, 79-1003.01, 79-1007.04, 79-1007.05, 79-1013, and
3 79-1030, Reissue Revised Statutes of Nebraska, sections
4 13-509, 79-8,137.01, 79-8,137.03, 79-8,137.04, and
5 79-1014, Revised Statutes Supplement, 2009, and sections
6 79-1003 and 79-1007.23, Revised Statutes Supplement,
7 2009, as amended by sections 3 and 9, respectively,
8 Legislative Bill 5, One Hundred First Legislature, First
9 Special Session, 2009; to change provisions relating to
10 certification of property valuations, attendance age,
11 admissions, the Enhancing Excellence in Teaching Program,
12 and the Tax Equity and Educational Opportunities Support
13 Act; to redefine terms; to harmonize provisions; to
14 provide operative dates; to repeal the original sections;

LB 1071

LB 1071

1 and to declare an emergency.

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

1 Section 1. Section 13-509, Revised Statutes Supplement,
2 2009, is amended to read:

3 13-509 (1) On or before August 20 of each year, the
4 county assessor shall ~~(a)~~ certify to each governing body or board
5 empowered to levy or certify a tax levy the current taxable
6 value of the taxable real and personal property subject to the
7 applicable levy, and ~~(b)~~ certify to the State Department of
8 Education the current taxable value of the taxable real and
9 personal property subject to the applicable levy for all school
10 districts. Current taxable value for real property shall mean
11 the value established by the county assessor and equalized by
12 the county board of equalization and the Tax Equalization and
13 Review Commission. Current taxable value for tangible personal
14 property shall mean the net book value reported by the taxpayer and
15 certified by the county assessor.

16 (2) The valuation of any real and personal property
17 annexed by a political subdivision on or after August 1 shall
18 be considered in the taxable valuation of the annexing political
19 subdivision the following year.

20 Sec. 2. Section 79-201, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 79-201 (1) For purposes of this section, ~~(a)~~ Prior to
23 July 1, 2005, a child is of mandatory attendance age if the child
24 ~~(i)~~ has reached seven years of age, ~~(ii)~~ did not reach sixteen
25 years of age prior to July 16, 2004, and ~~(iii)~~ has not reached

1 ~~eighteen years of age, and (b) On and after July 1, 2005, a child~~
2 is of mandatory attendance age if the child ~~(i)~~ (a) will reach six
3 years of age prior to January 1 of the then-current school year,
4 ~~(ii) did not reach sixteen years of age prior to July 16, 2004, and~~
5 ~~(iii) and (b)~~ has not reached eighteen years of age.

6 (2) Except as provided in subsection (3) of this section,
7 every person residing in a school district within the State of
8 Nebraska who has legal or actual charge or control of any child
9 who is of mandatory attendance age or is enrolled in a public
10 school shall cause such child to enroll in, if such child is not
11 enrolled, and attend regularly a public, private, denominational,
12 or parochial day school which meets the requirements for legal
13 operation prescribed in Chapter 79, or a school which elects
14 pursuant to section 79-1601 not to meet accreditation or approval
15 requirements, each day that such school is open and in session,
16 except when excused by school authorities or when illness or severe
17 weather conditions make attendance impossible or impracticable.

18 (3) Subsection (2) of this section does not apply in the
19 case of any child who:

20 (a) Has obtained a high school diploma by meeting the
21 graduation requirements established in section 79-729;

22 (b) Has completed the program of instruction offered by
23 a school which elects pursuant to section 79-1601 not to meet
24 accreditation or approval requirements;

25 ~~(c) Has reached the age of eighteen years;~~

1 ~~(d)~~ (c) Has reached the age of sixteen years and
2 such child's parent or guardian has signed a notarized release
3 discontinuing the enrollment of the child on a form provided by the
4 school;

5 ~~(e)(i)~~ (d)(i) Will reach six years of age prior to
6 January 1 of the then-current school year, but will not reach seven
7 years of age prior to January 1 of such school year, (ii) such
8 child's parent or guardian has signed an affidavit stating that the
9 child is participating in an education program that the parent or
10 guardian believes will prepare the child to enter grade one for the
11 following school year, and (iii) such affidavit has been filed by
12 the parent or guardian with the school district in which the child
13 resides;

14 ~~(f)(i)~~ (e)(i) Will reach six years of age prior to
15 January 1 of the then-current school year but has not reached
16 seven years of age, (ii) such child's parent or guardian has signed
17 an affidavit stating that the parent or guardian intends for the
18 child to participate in a school which has elected or will elect
19 pursuant to section 79-1601 not to meet accreditation or approval
20 requirements and the parent or guardian intends to provide the
21 Commissioner of Education with a statement pursuant to subsection
22 (3) of section 79-1601 on or before the child's seventh birthday,
23 and (iii) such affidavit has been filed by the parent or guardian
24 with the school district in which the child resides; or

25 ~~(g)~~ (f) Will not reach six years of age prior to January

1 1 of the then-current school year and such child was enrolled in a
2 public school and has discontinued the enrollment according to the
3 policy of the school board adopted pursuant to subsection (4) of
4 this section.

5 (4) The board shall adopt policies allowing
6 discontinuation of the enrollment of students who will not
7 reach six years of age prior to January 1 of the then-current
8 school year and specifying the procedures therefor.

9 (5) Each school district that is a member of a learning
10 community shall report to the learning community coordinating
11 council on or before September 1 of each year for the immediately
12 preceding school year the following information:

13 (a) All reports of violations of this section made to
14 the attendance officer of any school in the district pursuant to
15 section 79-209;

16 (b) The results of all investigations conducted pursuant
17 to section 79-209, including the attendance record that is the
18 subject of the investigation and a list of services rendered in the
19 case;

20 (c) The district's policy on excessive absenteeism; and

21 (d) Records of all notices served and reports filed
22 pursuant to section 79-209 and the district's policy on habitual
23 truancy.

24 Sec. 3. Section 79-215, Reissue Revised Statutes of
25 Nebraska, is amended to read:

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

6 (2) A school board shall admit a student upon request
7 without charge if at least one of the student's parents resides in
8 the school district.

9 ~~(2)~~ (3) A school board shall admit any homeless student
10 ~~that requests admission upon request~~ without charge.

11 ~~(3)~~ (4) A school board may allow a student whose
12 residency in the district ceases during a school year to continue
13 attending school in such district for the remainder of that school
14 year.

15 ~~(4)~~ (5) A school board may admit nonresident students to
16 the school district pursuant to a contract with the district where
17 the student is a resident and shall collect tuition pursuant to the
18 contract.

19 ~~(5)~~ (6) A school board may admit nonresident students to
20 the school district pursuant to the enrollment option program as
21 authorized by sections 79-232 to 79-246, and such admission shall
22 be without charge.

23 (7) A school board of any school district that is a
24 member of a learning community shall admit nonresident students to
25 the school district pursuant to the open enrollment provisions of

1 a diversity plan in a learning community as authorized by section
2 79-2110, and such admission shall be without charge.

3 ~~(6)~~ (8) A school board may admit a student who is a
4 resident of another state to the school district and collect
5 tuition in advance at a rate determined by the school board.

6 ~~(7)~~ (9) When a student as a ward of the state or as
7 a ward of any court (a) has been placed in a school district
8 other than the district in which he or she resided at the time he
9 or she became a ward and such ward does not reside in a foster
10 family home licensed or approved by the Department of Health and
11 Human Services or a foster home maintained or used pursuant to
12 section 83-108.04 or (b) has been placed in any institution which
13 maintains a special education program which has been approved by
14 the State Department of Education and such institution is not owned
15 or operated by the district in which he or she resided at the
16 time he or she became a ward, the cost of his or her education
17 and the required transportation costs associated with the student's
18 education shall be paid by the state, but not in advance, to
19 the receiving school district or approved institution under rules
20 and regulations prescribed by the Department of Health and Human
21 Services and the student shall remain a resident of the district
22 in which he or she resided at the time he or she became a ward.
23 Any student who is a ward of the state or a ward of any court
24 who resides in a foster family home licensed or approved by the
25 Department of Health and Human Services or a foster home maintained

1 or used pursuant to section 83-108.04 shall be deemed a resident
2 of the district in which he or she resided at the time he or
3 she became a foster child, unless it is determined under section
4 43-1311 or 43-1312 that he or she will not attend such district in
5 which case he or she shall be deemed a resident of the district in
6 which the foster family home or foster home is located.

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

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

14 ~~(9)~~ (11) In the case of any individual eighteen years
15 of age or younger who is a ward of the state or any court and
16 who is placed in a county detention home established under section
17 43-2,110, the cost of his or her education shall be paid by the
18 state, regardless of the district in which he or she resided at
19 the time he or she became a ward, to the agency or institution
20 which: (a) Is selected by the county board with jurisdiction over
21 such detention home; (b) has agreed or contracted with such county
22 board to provide educational services; and (c) has been approved by
23 the State Department of Education pursuant to rules and regulations
24 prescribed by the State Board of Education.

25 ~~(10)~~ (12) No tuition shall be charged for students who

1 may be by law allowed to attend the school without charge.

2 ~~(11)~~ (13) On a form prescribed by the State Department
3 of Education, an adult with legal or actual charge or control of
4 a student shall provide the name of the student, the name of the
5 adult with legal or actual charge or control of the student, the
6 address where the student is residing, and the telephone number
7 and address where the adult may generally be reached during the
8 school day. If the student is homeless or if the adult does not
9 have a telephone number and address where he or she may generally
10 be reached during the school day, those parts of the form may be
11 left blank and a box may be marked acknowledging that these are the
12 reasons these parts of the form were left blank. The adult with
13 legal or actual charge or control of the student shall also sign
14 the form.

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

18 Sec. 4. Section 79-8,137.01, Revised Statutes Supplement,
19 2009, is amended to read:

20 79-8,137.01 The Enhancing Excellence in Teaching Program
21 is created. For purposes of the Enhancing Excellence in Teaching
22 Program:

23 (1) Department means the State Department of Education;

24 (2) Eligible graduate program means a program of study
25 offered by an eligible institution which results in obtaining a

1 graduate degree;

2 ~~(2)~~ (3) Eligible institution means a not-for-profit
3 college or university which (a) is located in Nebraska, (b)
4 is accredited by the North Central Association of Colleges and
5 Schools, (c) has a teacher education program, and (d) if a
6 privately funded college or university, has not opted out of the
7 program pursuant to rules and regulations;

8 ~~(3)~~ (4) Eligible student means an individual who (a) is a
9 certificated teacher employed to teach in an approved or accredited
10 school in Nebraska, (b) is enrolled in an eligible ~~institution~~
11 ~~in a graduate teacher education~~ graduate program, (c) if enrolled
12 at a state-funded eligible institution, is a resident student
13 as described in section 85-502 or, if enrolled in a privately
14 funded eligible institution, would be deemed a resident student
15 if enrolled in a state-funded eligible institution, and (d) is
16 majoring in a shortage area, curriculum and instruction, a subject
17 area in which the individual already holds a secular teaching
18 endorsement, or a subject area that will result in an additional
19 secular teaching endorsement which the superintendent of the school
20 district or head administrator of the private, denominational,
21 or parochial school employing the individual believes will be
22 beneficial to the students of such school district or school as
23 evidenced by a statement signed by the superintendent or head
24 administrator;

25 ~~(4)~~ Graduate teacher education program means a program

1 of study approved by the State Board of Education pursuant to
2 subdivision ~~(5)(g)~~ of section 79-318 which results in obtaining a
3 graduate degree;

4 (5) Majoring in a shortage area or subject area means
5 pursuing a degree which will allow an individual to be properly
6 endorsed to teach in such shortage area or subject area; and

7 (6) Shortage area means a secular field of teaching for
8 which there is a shortage, as determined by the department, of
9 properly endorsed teachers at the time the borrower first receives
10 funds pursuant to the program.

11 Sec. 5. Section 79-8,137.03, Revised Statutes Supplement,
12 2009, is amended to read:

13 79-8,137.03 (1) The department shall administer the
14 Enhancing Excellence in Teaching Program either directly or by
15 contracting with public or private entities.

16 (2) To be eligible for the program, an eligible student
17 shall:

18 (a) Agree to complete a an eligible graduate teacher
19 education program at an eligible institution and to complete the
20 major on which the applicant's eligibility is based as determined
21 by the department; and

22 (b) Commit to teach in an accredited or approved public
23 or private school in Nebraska upon successful completion of the
24 eligible graduate teacher education program for which the applicant
25 is applying to the Enhancing Excellence in Teaching Program and to

1 maintaining certification pursuant to sections 79-806 to 79-815.

2 (3) Eligible students may apply on an annual basis for
3 loans in an amount of not more than one hundred seventy-five
4 dollars per credit hour. Loans awarded to individual students shall
5 not exceed a cumulative period exceeding five consecutive years.
6 Loans shall only be awarded through the department. Loans shall be
7 funded pursuant to section 79-8,137.05.

8 Sec. 6. Section 79-8,137.04, Revised Statutes Supplement,
9 2009, is amended to read:

10 79-8,137.04 (1) Prior to receiving any money from a
11 loan pursuant to the Enhancing Excellence in Teaching Program, an
12 eligible student shall enter into a contract with the department.
13 Such contract shall be exempt from the requirements of sections
14 73-501 to 73-509. The contract shall require that if (a) the
15 borrower is not employed as a full-time teacher teaching in an
16 approved or accredited school in Nebraska for a time period equal
17 to the number of years required for loan forgiveness pursuant
18 to subsection (2) of this section or (b) the borrower does not
19 complete the requirements for graduation within five consecutive
20 years after receiving the initial loan under the program, then the
21 loan shall be repaid, with interest at the rate fixed pursuant
22 to section 45-103 accruing as of the date the borrower signed
23 the contract and actual collection costs as determined by the
24 department. If a borrower fails to remain enrolled at an eligible
25 institution or otherwise fails to meet the requirements of an

1 eligible student, repayment of the loan shall commence within
2 six months after such change in eligibility. The State Board of
3 Education may by rules and regulations provide for exceptions to
4 the conditions of repayment pursuant to this subsection based upon
5 mitigating circumstances.

6 (2) If the borrower (a) successfully completes the
7 ~~teacher education~~ eligible graduate program and major for which
8 the borrower is receiving a forgivable loan pursuant to the program
9 and maintains certification pursuant to sections 79-806 to 79-815,
10 (b) maintains employment as a teacher in an approved or accredited
11 school in this state, and (c) otherwise meets the requirements of
12 the contract, payments shall be suspended for the number of years
13 that the borrower is required to remain employed as a teacher
14 in this state under the contract. Beginning after the first two
15 years of teaching full-time in Nebraska following graduation for
16 the degree for which the loan was received, for each year that the
17 borrower teaches full-time in Nebraska pursuant to the contract,
18 the loan shall be forgiven in an amount equal to three thousand
19 dollars, except that if the borrower teaches full-time in a school
20 district that is in a local system classified as very sparse as
21 defined in section 79-1003, teaches in a school building in which
22 at least forty percent of the students are poverty students as
23 defined in section 79-1003, or teaches in an accredited or approved
24 private school in Nebraska in which at least forty percent of the
25 enrolled students qualified for free lunches as determined by the

1 most recent data available from the department, payments shall be
2 forgiven each year in an amount equal to six thousand dollars.

3 Sec. 7. Section 79-1003, Revised Statutes Supplement,
4 2009, as amended by section 3, Legislative Bill 5, One Hundred
5 First Legislature, First Special Session, 2009, is 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 (21) 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 (21) of this section minus the sum of
15 the transportation, special receipts, and distance education
16 and telecommunications allowances, (c) for school fiscal year
17 2008-09, the difference of the product of the general fund
18 operating expenditures as calculated pursuant to subdivision (21)
19 of this section multiplied by the cost growth factor calculated
20 pursuant to section 79-1007.10 minus the transportation allowance,
21 special receipts allowance, poverty allowance, limited English
22 proficiency allowance, distance education and telecommunications
23 allowance, elementary site allowance, elementary class size
24 allowance, summer school allowance, and focus school and program
25 allowance, (d) for school fiscal year 2009-10, the difference

1 of the product of the general fund operating expenditures
2 as calculated pursuant to subdivision (21) of this section
3 multiplied by the cost growth factor calculated pursuant to
4 section 79-1007.10 minus the transportation allowance, special
5 receipts allowance, poverty allowance, limited English proficiency
6 allowance, distance education and telecommunications allowance,
7 elementary site allowance, elementary class size allowance, summer
8 school allowance, instructional time allowance, and focus school
9 and program allowance, (e) for school fiscal years 2010-11 through
10 2012-13, the difference of the product of the general fund
11 operating expenditures as calculated pursuant to subdivision (21)
12 of this section multiplied by the cost growth factor calculated
13 pursuant to section 79-1007.10 minus the transportation allowance,
14 special receipts allowance, poverty allowance, limited English
15 proficiency allowance, distance education and telecommunications
16 allowance, elementary site allowance, elementary class size
17 allowance, summer school allowance, instructional time allowance,
18 teacher education allowance, and focus school and program
19 allowance, and (f) for school fiscal year 2013-14 and each
20 school fiscal year thereafter, the difference of the product of
21 the general fund operating expenditures as calculated pursuant
22 to subdivision (21) of this section multiplied by the cost
23 growth factor calculated pursuant to section 79-1007.10 minus
24 the transportation allowance, special receipts allowance, poverty
25 allowance, limited English proficiency allowance, distance

1 education and telecommunications allowance, elementary site
2 allowance, summer school allowance, instructional time allowance,
3 teacher education allowance, and focus school and program
4 allowance;

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

16 (3) Allocated income tax funds means the amount of
17 assistance paid to a local system pursuant to section 79-1005.01 or
18 79-1005.02 as adjusted by the minimum levy adjustment pursuant to
19 section 79-1008.02;

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

24 (5) Average daily membership means the average daily
25 membership for grades kindergarten through twelve attributable to

1 the local system, as provided in each district's annual statistical
2 summary, and includes the proportionate share of students enrolled
3 in a public school instructional program on less than a full-time
4 basis;

5 (6) Base fiscal year means the first school fiscal year
6 following the school fiscal year in which the reorganization or
7 unification occurred;

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

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

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

17 (10) Department means the State Department of Education;

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

20 (12) Ensuing school fiscal year means the school fiscal
21 year following the current school fiscal year;

22 (13) Equalization aid means the amount of assistance
23 calculated to be paid to a local system pursuant to sections
24 79-1007.11 to 79-1007.23, 79-1008.01 to 79-1022, and 79-1022.02 and
25 section 8 of this act;

1 (14) Fall membership means the total membership in
2 kindergarten through grade twelve attributable to the local system
3 as reported on the fall school district membership reports for each
4 district pursuant to section 79-528;

5 (15) Fiscal year means the state fiscal year which is the
6 period from July 1 to the following June 30;

7 (16) Formula students means:

8 (a) For school fiscal years prior to school fiscal year
9 2008-09, (i) for state aid certified pursuant to section 79-1022,
10 the sum of fall membership from the school fiscal year immediately
11 preceding the school fiscal year in which the aid is to be paid,
12 multiplied by the average ratio of average daily membership to fall
13 membership for the second school fiscal year immediately preceding
14 the school fiscal year in which aid is to be paid and the prior
15 two school fiscal years, plus qualified early childhood education
16 fall membership plus tuitioned students from the school fiscal year
17 immediately preceding the school fiscal year in which the aid is
18 to be paid and (ii) for final calculation of state aid pursuant to
19 section 79-1065, the sum of average daily membership plus qualified
20 early childhood education average daily membership plus tuitioned
21 students from the school fiscal year immediately preceding the
22 school fiscal year in which the aid was paid; and

23 (b) For school fiscal year 2008-09 and each school fiscal
24 year thereafter, (i) for state aid certified pursuant to section
25 79-1022, the sum of the product of fall membership from the school

1 fiscal year immediately preceding the school fiscal year in which
2 the aid is to be paid multiplied by the average ratio of average
3 daily membership to fall membership for the second school fiscal
4 year immediately preceding the school fiscal year in which the aid
5 is to be paid and the prior two school fiscal years plus sixty
6 percent of the qualified early childhood education fall membership
7 plus tuitioned students from the school fiscal year immediately
8 preceding the school fiscal year in which aid is to be paid minus
9 the product of the number of students enrolled in kindergarten that
10 is not full-day kindergarten from the fall membership multiplied by
11 0.5 and (ii) for final calculation of state aid pursuant to section
12 79-1065, the sum of average daily membership plus sixty percent of
13 the qualified early childhood education average daily membership
14 plus tuitioned students minus the product of the number of students
15 enrolled in kindergarten that is not full-day kindergarten from the
16 average daily membership multiplied by 0.5 from the school fiscal
17 year immediately preceding the school fiscal year in which aid was
18 paid;

19 (17) Free lunch and free milk student means a student
20 who qualified for free lunches or free milk from the most recent
21 data available on November 1 of the school fiscal year immediately
22 preceding the school fiscal year in which aid is to be paid;

23 (18) Full-day kindergarten means kindergarten offered by
24 a district for at least one thousand thirty-two instructional
25 hours;

1 (19) General fund budget of expenditures means the total
2 budget of disbursements and transfers for general fund purposes as
3 certified in the budget statement adopted pursuant to the Nebraska
4 Budget Act, except that for purposes of the limitation imposed in
5 section 79-1023 and the calculation pursuant to subdivision (2) of
6 section 79-1027.01, the general fund budget of expenditures does
7 not include any special grant funds, exclusive of local matching
8 funds, received by a district;

9 (20) General fund expenditures means all expenditures
10 from the general fund;

11 (21) General fund operating expenditures means:

12 (a) For state aid calculated for school fiscal years
13 prior to school fiscal year 2008-09, the total general fund
14 expenditures minus categorical funds, tuition paid, transportation
15 fees paid to other districts, adult education, summer school,
16 community services, redemption of the principal portion of general
17 fund debt service, retirement incentive plans, staff development
18 assistance, and transfers from other funds into the general fund
19 for the second school fiscal year immediately preceding the school
20 fiscal year in which aid is to be paid as reported on the annual
21 financial report prior to December 1 of the school fiscal year
22 immediately preceding the school fiscal year in which aid is to be
23 paid;

24 (b) For state aid calculated for school fiscal year
25 2008-09, as reported for the second school fiscal year immediately

1 preceding the school fiscal year in which aid is to be paid
2 on the annual financial report submitted prior to December
3 1 of the school fiscal year immediately preceding the school
4 fiscal year in which aid is to be paid, the total general
5 fund expenditures minus (i) the amount of all receipts to
6 the general fund, to the extent that such receipts are not
7 included in local system formula resources, from early childhood
8 education tuition, summer school tuition, educational entities as
9 defined in section 79-1201.01 for providing distance education
10 courses through the Educational Service Unit Coordinating Council
11 to such educational entities, private foundations, individuals,
12 associations, charitable organizations, the textbook loan program
13 authorized by section 79-734, and federal impact aid, (ii)
14 the amount of expenditures for categorical funds, tuition paid,
15 transportation fees paid to other districts, adult education,
16 community services, redemption of the principal portion of general
17 fund debt service, retirement incentive plans authorized by section
18 79-855, and staff development assistance authorized by section
19 79-856, and (iii) the amount of any transfers from the general fund
20 to any bond fund and transfers from other funds into the general
21 fund;

22 (c) For state aid calculated for school fiscal year
23 2009-10, as reported on the annual financial report for the second
24 school fiscal year immediately preceding the school fiscal year
25 in which aid is to be paid, the total general fund expenditures

1 minus (i) the amount of all receipts to the general fund, to the
2 extent that such receipts are not included in local system formula
3 resources, from early childhood education tuition, summer school
4 tuition, educational entities as defined in section 79-1201.01
5 for providing distance education courses through the Educational
6 Service Unit Coordinating Council to such educational entities,
7 private foundations, individuals, associations, charitable
8 organizations, the textbook loan program authorized by section
9 79-734, and federal impact aid, (ii) the amount of expenditures
10 for categorical funds, tuition paid, transportation fees paid to
11 other districts, adult education, community services, redemption
12 of the principal portion of general fund debt service, retirement
13 incentive plans authorized by section 79-855, and staff development
14 assistance authorized by section 79-856, (iii) the amount of any
15 transfers from the general fund to any bond fund and transfers from
16 other funds into the general fund, and (iv) any legal expenses in
17 excess of fifteen-hundredths of one percent of the formula need for
18 the school fiscal year in which the expenses occurred; and

19 (d) For state aid calculated for school fiscal year
20 2010-11 and each school fiscal year thereafter, as reported on
21 the annual financial report for the second school fiscal year
22 immediately preceding the school fiscal year in which aid is to be
23 paid, the total general fund expenditures minus (i) the amount of
24 all receipts to the general fund, to the extent that such receipts
25 are not included in local system formula resources, from early

1 childhood education tuition, summer school tuition, educational
2 entities as defined in section 79-1201.01 for providing distance
3 education courses through the Educational Service Unit Coordinating
4 Council to such educational entities, private foundations,
5 individuals, associations, charitable organizations, the textbook
6 loan program authorized by section 79-734, federal impact aid,
7 and levy override elections pursuant to section 77-3444, (ii)
8 the amount of expenditures for categorical funds, tuition paid,
9 transportation fees paid to other districts, adult education,
10 community services, redemption of the principal portion of general
11 fund debt service, retirement incentive plans authorized by section
12 79-855, and staff development assistance authorized by section
13 79-856, (iii) the amount of any transfers from the general fund
14 to any bond fund and transfers from other funds into the general
15 fund, (iv) any legal expenses in excess of fifteen-hundredths of
16 one percent of the formula need for the school fiscal year in which
17 the expenses occurred, (v) expenditures to pay for sums agreed to
18 be paid by a school district to certificated employees in exchange
19 for a voluntary termination occurring prior to July 1, 2009, and
20 (vi) (A) expenditures in school fiscal years 2009-10 through 2013-14
21 to pay for employer contributions pursuant to subsection (2) of
22 section 79-958 to the School Retirement System of the State of
23 Nebraska to the extent that such expenditures exceed the employer
24 contributions under such subsection that would have been made at a
25 contribution rate of seven and thirty-five hundredths percent or

1 (B) expenditures in school fiscal years 2009-10 through 2013-14
2 to pay for school district contributions pursuant to subdivision
3 (1)(c)(i) of section 79-9,113 to the Class V School Employees
4 Retirement System to the extent that such expenditures exceed the
5 school district contributions under such subdivision that would
6 have been made at a contribution rate of seven and thirty-seven
7 hundredths percent.

8 For purposes of this subdivision (21) of this section,
9 receipts from levy override elections shall equal ninety-nine
10 percent of the difference of the total general fund levy minus
11 a levy of one dollar and five cents per one hundred dollars of
12 taxable valuation multiplied by the assessed valuation for school
13 districts that have voted pursuant to section 77-3444 to override
14 the maximum levy provided pursuant to section 77-3442;

15 (22) High school district means a school district
16 providing instruction in at least grades nine through twelve;

17 (23) Income tax liability means the amount of the
18 reported income tax liability for resident individuals pursuant
19 to the Nebraska Revenue Act of 1967 less all nonrefundable credits
20 earned and refunds made;

21 (24) Income tax receipts means the amount of income tax
22 collected pursuant to the Nebraska Revenue Act of 1967 less all
23 nonrefundable credits earned and refunds made;

24 (25) Limited English proficiency students means (a) for
25 school fiscal years prior to school fiscal year 2009-10, the number

1 of students with limited English proficiency in a district from
2 the most recent data available on November 1 of the school fiscal
3 year preceding the school fiscal year in which aid is to be paid
4 and (b) for school fiscal year 2009-10 and each school fiscal year
5 thereafter, the number of students with limited English proficiency
6 in a district from the most recent data available on November 1 of
7 the school fiscal year preceding the school fiscal year in which
8 aid is to be paid plus the difference of such students with limited
9 English proficiency minus the average number of limited English
10 proficiency students for such district, prior to such addition,
11 for the three immediately preceding school fiscal years if such
12 difference is greater than zero;

13 (26) Local system means a learning community for purposes
14 of calculation of state aid for the second full school fiscal
15 year after becoming a learning community and each school fiscal
16 year thereafter, a unified system, a Class VI district and the
17 associated Class I districts, or a Class II, III, IV, or V
18 district and any affiliated Class I districts or portions of
19 Class I districts. The membership, expenditures, and resources of
20 Class I districts that are affiliated with multiple high school
21 districts will be attributed to local systems based on the percent
22 of the Class I valuation that is affiliated with each high school
23 district;

24 (27) 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 (28) Low-income students means the number of low-income
14 children within the district multiplied by the ratio of the formula
15 students in the district divided by the total children under
16 nineteen years of age residing in the district as derived from
17 income tax information;

18 (29) 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 (30) Poverty students means (a) for school fiscal years
25 prior to school fiscal year 2009-10, the number of low-income

1 students or the number of students who are free lunch and free milk
2 students in a district, whichever is greater, and (b) for school
3 fiscal year 2009-10 and each school fiscal year thereafter, the
4 number of low-income students or the number of students who are
5 free lunch and free milk students in a district plus the difference
6 of the number of low-income students or the number of students
7 who are free lunch and free milk students in a district, whichever
8 is greater, minus the average number of poverty students for
9 such district, prior to such addition, for the three immediately
10 preceding school fiscal years if such difference is greater than
11 zero;

12 (31) Qualified early childhood education average daily
13 membership means the product of the average daily membership for
14 school fiscal year 2006-07 and each school fiscal year thereafter
15 of students who will be eligible to attend kindergarten the
16 following school year and are enrolled in an early childhood
17 education program approved by the department pursuant to section
18 79-1103 or a prekindergarten program approved by the department
19 pursuant to section 79-1104 for such school district for such
20 school year multiplied by the ratio of the actual instructional
21 hours of the program divided by one thousand thirty-two if: (a)
22 The program is receiving a grant pursuant to such section for the
23 third year; (b) the program has already received grants pursuant to
24 such section for three years; or (c) the program has been approved
25 pursuant to subsection (5) of section 79-1103 for such school year

1 and the two preceding school years, including any such students in
2 portions of any of such programs receiving an expansion grant;

3 (32) Qualified early childhood education fall membership
4 means the product of membership on the last Friday in September
5 2006 and each year thereafter of students who will be eligible
6 to attend kindergarten the following school year and are enrolled
7 in an early childhood education program approved by the department
8 pursuant to section 79-1103 or a prekindergarten program approved
9 by the department pursuant to section 79-1104 for such school
10 district for such school year multiplied by the ratio of the
11 planned instructional hours of the program divided by one thousand
12 thirty-two if: (a) The program is receiving a grant pursuant to
13 such section for the third year; (b) the program has already
14 received grants pursuant to such section for three years; or (c)
15 the program has been approved pursuant to subsection (5) of section
16 79-1103 for such school year and the two preceding school years,
17 including any such students in portions of any of such programs
18 receiving an expansion grant;

19 (33) Regular route transportation means the
20 transportation of students on regularly scheduled daily routes to
21 and from the attendance center;

22 (34) Reorganized district means any district involved
23 in a consolidation and currently educating students following
24 consolidation;

25 (35) School year or school fiscal year means the fiscal

1 year of a school district as defined in section 79-1091;

2 (36) Sparse local system means a local system that is not
3 a very sparse local system but which meets the following criteria:

4 (a) (i) Less than two students per square mile in the
5 county in which each high school is located, based on the school
6 district census, (ii) less than one formula student per square
7 mile in the local system, and (iii) more than ten miles between
8 each high school attendance center and the next closest high school
9 attendance center on paved roads;

10 (b) (i) Less than one and one-half formula students per
11 square mile in the local system and (ii) more than fifteen miles
12 between each high school attendance center and the next closest
13 high school attendance center on paved roads;

14 (c) (i) Less than one and one-half formula students per
15 square mile in the local system and (ii) more than two hundred
16 seventy-five square miles in the local system; or

17 (d) (i) Less than two formula students per square mile in
18 the local system and (ii) the local system includes an area equal
19 to ninety-five percent or more of the square miles in the largest
20 county in which a high school attendance center is located in the
21 local system;

22 (37) Special education means specially designed
23 kindergarten through grade twelve instruction pursuant to section
24 79-1125, and includes special education transportation;

25 (38) Special grant funds means the budgeted receipts for

1 grants, including, but not limited to, Title I funds, Title VI
2 funds, funds from the Education Innovation Fund, reimbursements
3 for wards of the court, short-term borrowings including, but
4 not limited to, registered warrants and tax anticipation notes,
5 interfund loans, insurance settlements, and reimbursements to
6 county government for previous overpayment. The state board shall
7 approve a listing of grants that qualify as special grant funds;

8 (39) State aid means the amount of assistance paid to a
9 district pursuant to the Tax Equity and Educational Opportunities
10 Support Act;

11 (40) State board means the State Board of Education;

12 (41) State support means all funds provided to districts
13 by the State of Nebraska for the general fund support of elementary
14 and secondary education;

15 (42) Statewide average basic funding per formula student
16 means the statewide total basic funding for all districts divided
17 by the statewide total formula students for all districts;

18 (43) Statewide average general fund operating
19 expenditures per formula student means the statewide total
20 general fund operating expenditures for all districts divided by
21 the statewide total formula students for all districts;

22 (44) Teacher has the definition found in section 79-101;

23 (45) Temporary aid adjustment factor means (a) for school
24 fiscal years before school fiscal year 2007-08, one and one-fourth
25 percent of the sum of the local system's transportation allowance,

1 the local system's special receipts allowance, and the product
2 of the local system's adjusted formula students multiplied by
3 the average formula cost per student in the local system's
4 cost grouping and (b) for school fiscal year 2007-08, one and
5 one-fourth percent of the sum of the local system's transportation
6 allowance, special receipts allowance, and distance education and
7 telecommunications allowance and the product of the local system's
8 adjusted formula students multiplied by the average formula cost
9 per student in the local system's cost grouping;

10 (46) Tuitioned students means students in kindergarten
11 through grade twelve of the district whose tuition is paid by the
12 district to some other district or education agency; and

13 (47) Very sparse local system means a local system that
14 has:

15 (a) (i) Less than one-half student per square mile in
16 each county in which each high school attendance center is located
17 based on the school district census, (ii) less than one formula
18 student per square mile in the local system, and (iii) more than
19 fifteen miles between the high school attendance center and the
20 next closest high school attendance center on paved roads; or

21 (b) (i) More than four hundred fifty square miles in the
22 local system, (ii) less than one-half student per square mile in
23 the local system, and (iii) more than fifteen miles between each
24 high school attendance center and the next closest high school
25 attendance center on paved roads.

1 Sec. 8. Section 79-1003.01, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 79-1003.01 (1) For school fiscal year 2008-09, the
4 department shall calculate a summer school allowance for each
5 district equal to two and one-half percent of the summer school
6 student units for such district multiplied by eighty-five percent
7 of the statewide average general fund operating expenditures per
8 formula student. For purposes of this subsection, summer school
9 student unit means one student enrolled in summer school in a
10 school district, whether or not the student is in the membership
11 of the school district, for (a) at least three hours but fewer
12 than six hours per day and (b) at least twelve days but fewer
13 than twenty-four days. Each school district shall receive a summer
14 school student unit for each qualified time period for which a
15 student is enrolled, up to six units per student per summer.

16 (2) For school fiscal year 2009-10 and each school fiscal
17 year thereafter, the department shall calculate a summer school
18 allowance for each district which submits the information required
19 for the calculation on a form prescribed by the department on
20 or before October 15 of the school fiscal year preceding the
21 school fiscal year for which aid is being calculated. A summer
22 school allowance shall equal to two and one-half percent of
23 the summer school student units for such district multiplied by
24 eighty-five percent of the statewide average general fund operating
25 expenditures per formula student. Summer school student units shall

1 be calculated for each student enrolled in summer school in a
2 school district who attends such summer school for at least twelve
3 days, whether or not the student is in the membership of the school
4 district. The initial number of units for each such student shall
5 equal the sum of the ratios, each rounded down to the nearest whole
6 number, of the number of days for which the student attended summer
7 school classes in such district for at least three hours and less
8 than six hours per day divided by twelve days and of two times the
9 number of days for which the student attended summer school classes
10 in such district for six or more hours per day divided by twelve
11 days.

12 (3) Each school district shall receive an additional
13 summer school student unit for each summer school student unit
14 attributed to remedial math or reading programs. Each school
15 district shall also receive an additional summer school student
16 unit for each summer school student unit attributed to a free
17 lunch and free milk student. This section does not prevent school
18 districts from requiring and collecting fees for summer school,
19 except that summer school student units shall not be calculated for
20 school districts which collect fees for summer school from students
21 who qualify for free or reduced-price lunches under United States
22 Department of Agriculture child nutrition programs.

23 Sec. 9. Section 79-1007.04, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 79-1007.04 (1) For school fiscal years 2008-09 through

1 2012-13, the department shall determine the elementary class size
2 allowance for each school district from information submitted by a
3 school district on a form prescribed by the department on or before
4 October 15 of the school fiscal year preceding the school fiscal
5 year for which aid is being calculated.

6 (2) For school fiscal year 2008-09, the allowance shall
7 equal the statewide average general fund operating expenditures per
8 formula student multiplied by 0.20 then multiplied by the number of
9 students in the school district in kindergarten through grade eight
10 who qualify for free or reduced-price lunches and who spend at
11 least fifty percent of the school day in a classroom with a minimum
12 of ten students and a maximum of twenty students as reported on
13 the fall membership report from the school fiscal year immediately
14 preceding the school fiscal year in which the aid is to be paid.

15 (3) For school fiscal years 2009-10 through 2012-13, the
16 allowance shall equal the statewide average general fund operating
17 expenditures per formula student multiplied by twenty percent of
18 the number of students in the school district in kindergarten
19 through grade three who spend at least fifty percent of the school
20 day in one or more classrooms with a minimum of ten students and
21 a maximum of twenty students as reported on the fall membership
22 report from the school fiscal year immediately preceding the
23 school fiscal year in which the aid is to be paid for state aid
24 certified pursuant to section 79-1022 and as reported on the annual
25 statistical summary report from the school fiscal year immediately

1 preceding the school fiscal year in which the aid was paid for the
2 final calculation of state aid pursuant to section 79-1065.

3 Sec. 10. Section 79-1007.05, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 79-1007.05 For school fiscal year 2008-09 and each
6 school fiscal year thereafter, the department shall determine
7 the focus school and program allowance for each school district
8 in a learning community which submits the information required
9 for the calculation on a form prescribed by the department on or
10 before October 15 of the school fiscal year preceding the school
11 fiscal year for which aid is being calculated. The focus school
12 and program allowance shall equal the statewide average general
13 fund operating expenditures per formula student multiplied by 0.10
14 then multiplied by the number of students participating in a focus
15 school or program as reported on the fall membership report from
16 the school fiscal year immediately preceding the school fiscal year
17 in which the aid is to be paid for state aid certified pursuant to
18 section 79-1022 and as reported on the annual statistical summary
19 report from the school fiscal year immediately preceding the school
20 fiscal year in which the aid was paid for the final calculation of
21 state aid pursuant to section 79-1065.

22 Sec. 11. Section 79-1007.23, Revised Statutes Supplement,
23 2009, as amended by section 9, Legislative Bill 5, One Hundred
24 First Legislature, First Special Session, 2009, is amended to read:

25 79-1007.23 For state aid calculated for school fiscal

1 year 2009-10 and each school fiscal year thereafter:

2 (1) The department shall calculate an instructional time
3 allowance for each district which submits the information required
4 for the calculation on a form prescribed by the department on or
5 before October 15 of the school fiscal year preceding the school
6 fiscal year for which aid is being calculated. The instructional
7 time allowance shall be equal to the product of the formula
8 students of such district multiplied by the instructional time
9 factor for such district multiplied by eighty-five percent of the
10 statewide average general fund operating expenditures per formula
11 student;

12 (2) The instructional time factor shall equal the
13 difference of the ratio of the district's average hours of
14 instruction for each full-time student during the regular school
15 year for the most recently available complete data year divided by:

16 (a) For state aid calculated for school fiscal year 2009-10, the
17 comparison group average hours of instruction for each full-time
18 student during the regular school year for the most recently
19 available complete data year minus one; or (b) for state aid
20 calculated for school fiscal year 2010-11 and each school fiscal
21 year thereafter, the statewide average hours of instruction for
22 each full-time student during the regular school year for the most
23 recently available complete data year minus one, except that if
24 the result is less than zero, the instructional time factor shall
25 equal zero;

1 (3) For school fiscal years 2009-10 and 2010-11, the
2 comparison group average hours of instruction for each full-time
3 student shall be an average of the averages for all school
4 districts in the comparison group. The average hours of instruction
5 shall be defined by the department and shall not include
6 extracurricular activities outside of the regular school day or
7 time designated for students to eat lunch. The statewide average
8 hours of instruction for each full-time student shall be an average
9 of the averages for all school districts; and

10 (4) For school fiscal year 2011-12 and each school
11 fiscal year thereafter, the average hours of instruction shall be
12 defined by the department and shall be based on scheduled time for
13 courses and the number of students participating in such courses as
14 reported to the department for the most recently available complete
15 data year. Hours of instruction shall not include extracurricular
16 activities outside of the regular school day or time designated for
17 students to eat lunch. The statewide average hours of instruction
18 for each student shall be an average of the averages for all school
19 districts.

20 Sec. 12. Section 79-1013, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 79-1013 (1) On or before October ~~10~~ 15 of each year, each
23 school district designating a maximum poverty allowance greater
24 than zero dollars shall submit a poverty plan for the next school
25 fiscal year to the department and to the learning community

1 coordinating council of any learning community of which the school
2 district is a member. On or before the immediately following
3 December 1, (a) the department shall approve or disapprove such
4 plan for school districts that are not members of a learning
5 community based on the inclusion of the elements required pursuant
6 to this section and (b) the learning community coordinating council
7 and, as to the applicable portions thereof, each achievement
8 subcouncil, shall approve or disapprove such plan for school
9 districts that are members of such learning community based on
10 the inclusion of such elements. On or before the immediately
11 following December 5, each learning community coordinating council
12 shall certify to the department the approval or disapproval of the
13 poverty plan for each member school district.

14 (2) In order to be approved pursuant to this section,
15 a poverty plan shall include an explanation of how the school
16 district will address the following issues for such school fiscal
17 year:

18 (a) Attendance, including absence followup and
19 transportation for students qualifying for free or reduced-price
20 lunches who reside more than one mile from the attendance center;

21 (b) Student mobility, including transportation to allow a
22 student to continue attendance at the same school if the student
23 moves to another attendance area within the same school district or
24 within the same learning community;

25 (c) Parental involvement at the school-building level

1 with a focus on the involvement of parents in poverty and from
2 other diverse backgrounds;

3 (d) Parental involvement at the school-district level
4 with a focus on the involvement of parents in poverty and from
5 other diverse backgrounds;

6 (e) Class size reduction or maintenance of small class
7 sizes in elementary grades;

8 (f) Scheduled teaching time on a weekly basis that will
9 be free from interruptions;

10 (g) Access to early childhood education programs for
11 children in poverty;

12 (h) Student access to social workers;

13 (i) Access to summer school, extended-school-day
14 programs, or extended-school-year programs;

15 (j) Mentoring for new and newly reassigned teachers;

16 (k) Professional development for teachers and
17 administrators, focused on addressing the educational needs
18 of students in poverty and students from other diverse backgrounds;

19 (l) Coordination with elementary learning centers if the
20 school district is a member of a learning community; and

21 (m) An evaluation to determine the effectiveness of the
22 elements of the poverty plan.

23 (3) The state board shall establish a procedure for
24 appeal of decisions of the department and of learning community
25 coordinating councils to the state board for a final determination.

1 Sec. 13. Section 79-1014, Revised Statutes Supplement,
2 2009, is amended to read:

3 79-1014 (1) On or before October ~~10~~ 15 of each year, each
4 school district designating a maximum limited English proficiency
5 allowance greater than zero dollars shall submit a limited English
6 proficiency plan for the next school fiscal year to the department
7 and to the learning community coordinating council of any learning
8 community of which the school district is a member. On or before
9 the immediately following December 1, (a) the department shall
10 approve or disapprove such plans for school districts that are not
11 members of a learning community, based on the inclusion of the
12 elements required pursuant to this section and (b) the learning
13 community coordinating council, and, as to the applicable portions
14 thereof, each achievement subcouncil, shall approve or disapprove
15 such plan for school districts that are members of such learning
16 community, based on the inclusion of such elements. On or before
17 the immediately following December 5, each learning community
18 coordinating council shall certify to the department the approval
19 or disapproval of the limited English proficiency plan for each
20 member school district.

21 (2) In order to be approved pursuant to this section,
22 a limited English proficiency plan must include an explanation of
23 how the school district will address the following issues for such
24 school fiscal year:

25 (a) Identification of students with limited English

1 proficiency;

2 (b) Instructional approaches;

3 (c) Assessment of such students' progress toward
4 mastering the English language; and

5 (d) An evaluation to determine the effectiveness of the
6 elements of the limited English proficiency plan.

7 (3) The state board shall establish a procedure for
8 appeal of decisions of the department and of learning community
9 coordinating councils to the state board for a final determination.

10 Sec. 14. Section 79-1030, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 79-1030 A Class II, III, IV, V, or VI district may choose
13 not to increase its general fund budget of expenditures by the full
14 amount of ~~its applicable allowable growth rate.~~ budget authority
15 as calculated pursuant to sections 79-1023 and 79-1026.01. In such
16 cases, the department shall calculate the amount of unused budget
17 authority which shall be carried forward to future budget years so
18 a Class II, III, IV, V, or VI district may increase its general
19 fund budget of expenditures in future budget years by the amount of
20 such total unused budget authority. ~~in addition to its applicable~~
21 ~~allowable growth rate for the specific budget year.~~

22 Sec. 15. Sections 4, 5, 6, and 16 of this act become
23 operative on their effective date with the emergency clause. The
24 other sections of this act become operative three calendar months
25 after adjournment of this legislative session.

1 Sec. 16. Original sections 79-8,137.01, 79-8,137.03, and
2 79-8,137.04, Revised Statutes Supplement, 2009, are repealed.

3 Sec. 17. Original sections 79-201, 79-215, 79-1003.01,
4 79-1007.04, 79-1007.05, 79-1013, and 79-1030, Reissue Revised
5 Statutes of Nebraska, sections 13-509 and 79-1014, Revised Statutes
6 Supplement, 2009, and sections 79-1003 and 79-1007.23, Revised
7 Statutes Supplement, 2009, as amended by sections 3 and 9,
8 respectively, Legislative Bill 5, One Hundred First Legislature,
9 First Special Session, 2009, are repealed.

10 Sec. 18. Since an emergency exists, this act takes effect
11 when passed and approved according to law.