

E AND R AMENDMENTS TO LB 333

Introduced by Larson, 40, Chairperson Enrollment and Review

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 Section 1. Section 9-812, Revised Statutes Cumulative
4 Supplement, 2010, is amended to read:

5 9-812 (1) All money received from the operation of
6 lottery games conducted pursuant to the State Lottery Act in
7 Nebraska shall be credited to the State Lottery Operation Trust
8 Fund, which fund is hereby created. All payments of the costs
9 of establishing and maintaining the lottery games shall be made
10 from the State Lottery Operation Cash Fund. In accordance with
11 legislative appropriations, money for payments for expenses of the
12 division shall be transferred from the State Lottery Operation
13 Trust Fund to the State Lottery Operation Cash Fund, which fund
14 is hereby created. All money necessary for the payment of lottery
15 prizes shall be transferred from the State Lottery Operation Trust
16 Fund to the State Lottery Prize Trust Fund, which fund is hereby
17 created. The amount used for the payment of lottery prizes shall
18 not be less than forty percent of the dollar amount of the lottery
19 tickets which have been sold.

20 (2) Beginning October 1, 2003, a portion of the dollar
21 amount of the lottery tickets which have been sold on an annualized
22 basis shall be transferred from the State Lottery Operation Trust
23 Fund to the Education Innovation Fund, the Nebraska Opportunity

1 Grant Fund, the Nebraska Environmental Trust Fund, the Nebraska
2 State Fair Board, and the Compulsive Gamblers Assistance Fund. The
3 dollar amount transferred pursuant to this subsection shall equal
4 the greater of (a) the dollar amount transferred to the funds
5 in fiscal year 2002-03 or (b) any amount which constitutes at
6 least twenty-two percent and no more than twenty-five percent of
7 the dollar amount of the lottery tickets which have been sold on
8 an annualized basis. To the extent that funds are available, the
9 Tax Commissioner and director may authorize a transfer exceeding
10 twenty-five percent of the dollar amount of the lottery tickets
11 sold on an annualized basis.

12 (3) Of the money available to be transferred to the
13 Education Innovation Fund, the Nebraska Opportunity Grant Fund, the
14 Nebraska Environmental Trust Fund, the Nebraska State Fair Board,
15 and the Compulsive Gamblers Assistance Fund:

16 (a) The first five hundred thousand dollars shall be
17 transferred to the Compulsive Gamblers Assistance Fund to be used
18 as provided in section 71-817;

19 (b) Nineteen and three-fourths percent of the money
20 remaining after the payment of prizes and operating expenses and
21 the initial transfer to the Compulsive Gamblers Assistance Fund
22 shall be transferred to the Education Innovation Fund;

23 (c) Twenty-four and three-fourths percent of the money
24 remaining after the payment of prizes and operating expenses and
25 the initial transfer to the Compulsive Gamblers Assistance Fund
26 shall be transferred to the Nebraska Opportunity Grant Fund;

27 (d) Forty-four and one-half percent of the money

1 remaining after the payment of prizes and operating expenses and
2 the initial transfer to the Compulsive Gamblers Assistance Fund
3 shall be transferred to the Nebraska Environmental Trust Fund to be
4 used as provided in the Nebraska Environmental Trust Act;

5 (e) Ten percent of the money remaining after the payment
6 of prizes and operating expenses and the initial transfer to
7 the Compulsive Gamblers Assistance Fund shall be transferred to
8 the Nebraska State Fair Board if the most populous city within
9 the county in which the fair is located provides matching funds
10 equivalent to ten percent of the funds available for transfer. Such
11 matching funds may be obtained from the city and any other private
12 or public entity, except that no portion of such matching funds
13 shall be provided by the state. If the Nebraska State Fair ceases
14 operations, ten percent of the money remaining after the payment
15 of prizes and operating expenses and the initial transfer to the
16 Compulsive Gamblers Assistance Fund shall be transferred to the
17 General Fund; and

18 (f) One percent of the money remaining after the payment
19 of prizes and operating expenses and the initial transfer to the
20 Compulsive Gamblers Assistance Fund shall be transferred to the
21 Compulsive Gamblers Assistance Fund to be used as provided in
22 section 71-817.

23 (4) (a) The Education Innovation Fund is created. At least
24 seventy-five percent of the lottery proceeds allocated to the
25 Education Innovation Fund shall be available for disbursement.

26 ~~(b) For fiscal year 2005-06, the Education Innovation~~
27 ~~Fund shall be allocated as follows: The first one million dollars~~

1 shall be transferred to the School District Reorganization Fund,
2 and the remaining amount shall be allocated to the General Fund
3 after operating expenses for the Excellence in Education Council
4 are deducted.

5 (c) For fiscal year 2006-07, the Education Innovation
6 Fund shall be allocated as follows: The first two hundred fifty
7 thousand dollars shall be transferred to the Attracting Excellence
8 to Teaching Program Cash Fund to fund the Attracting Excellence
9 to Teaching Program Act, the next one million dollars shall
10 be transferred to the School District Reorganization Fund, and
11 the amount remaining in the Education Innovation Fund shall be
12 allocated, after administrative expenses, for distance education
13 equipment and incentives pursuant to sections 79-1336 and 79-1337.

14 (d) For fiscal year 2007-08, the Education Innovation
15 Fund shall be allocated as follows: The first five hundred thousand
16 dollars shall be transferred to the Attracting Excellence to
17 Teaching Program Cash Fund to fund the Attracting Excellence to
18 Teaching Program Act, and the amount remaining in the Education
19 Innovation Fund shall be allocated, after administrative expenses,
20 for distance education equipment and incentives pursuant to
21 sections 79-1336 and 79-1337.

22 (e) For fiscal year 2008-09, the Education Innovation
23 Fund shall be allocated as follows: The first seven hundred
24 fifty thousand dollars shall be transferred to the Attracting
25 Excellence to Teaching Program Cash Fund to fund the Attracting
26 Excellence to Teaching Program Act, and the amount remaining in the
27 Education Innovation Fund shall be allocated, after administrative

1 ~~expenses, for distance education equipment and incentives pursuant~~
2 ~~to sections 79-1336 and 79-1337.~~

3 ~~(f) For fiscal year 2009-10, the Education Innovation~~
4 ~~Fund shall be allocated as follows: Any amounts transferred to the~~
5 ~~Education Innovation Fund from the School District Reorganization~~
6 ~~Fund shall be returned to the School District Reorganization Fund~~
7 ~~first, the next one million dollars shall be transferred to the~~
8 ~~Excellence in Teaching Cash Fund to fund the Excellence in Teaching~~
9 ~~Act, and the amount remaining in the Education Innovation Fund~~
10 ~~shall be allocated, after administrative expenses, for distance~~
11 ~~education equipment and incentives pursuant to sections 79-1336 and~~
12 ~~79-1337.~~

13 ~~(g) (b) For fiscal years year 2010-11, through 2015-16,~~
14 ~~the Education Innovation Fund shall be allocated as follows: The~~
15 ~~first one million dollars shall be transferred to the Excellence~~
16 ~~in Teaching Cash Fund to fund the Excellence in Teaching Act, and~~
17 ~~the amount remaining in the Education Innovation Fund shall be~~
18 ~~allocated, after administrative expenses, for distance education~~
19 ~~equipment and incentives pursuant to sections 79-1336 and 79-1337.~~

20 ~~(c) For fiscal year 2011-12, the Education Innovation~~
21 ~~Fund shall be allocated as follows: (i) The first two hundred~~
22 ~~twenty-five thousand dollars shall be transferred to the Excellence~~
23 ~~in Teaching Cash Fund to fund the Attracting Excellence to Teaching~~
24 ~~Program; (ii) the next three million three hundred sixty-five~~
25 ~~thousand nine hundred sixty-two dollars shall be distributed~~
26 ~~to school districts as grants pursuant to the Early Childhood~~
27 ~~Education Grant Program; (iii) the next two million one hundred~~

1 seventy-five thousand six hundred seventy-three dollars shall be
2 distributed to local systems as grants for approved accelerated
3 or differentiated curriculum programs for students identified as
4 learners with high ability pursuant to section 79-1108.02; (iv)
5 the next four hundred ninety-one thousand five hundred forty-one
6 dollars shall be used by the State Department of Education for
7 the development of an integrated early childhood, elementary,
8 secondary, and postsecondary student information system; (v) the
9 next four hundred fifty thousand dollars shall fund the Center
10 for Student Leadership and Extended Learning Act; (vi) the next
11 one hundred fourteen thousand six hundred twenty-nine dollars
12 shall fund the multicultural education program created under
13 section 79-720; and (vii) the amount remaining shall be allocated,
14 after administrative expenses, for distance education equipment and
15 incentives pursuant to sections 79-1336 and 79-1337.

16 (d) For fiscal year 2012-13, the Education Innovation
17 Fund shall be allocated as follows: (i) The first forty-five
18 thousand dollars shall be transferred to the Excellence in Teaching
19 Cash Fund to fund the Attracting Excellence to Teaching Program;
20 (ii) the next three million three hundred sixty-five thousand
21 nine hundred sixty-two dollars shall be distributed to school
22 districts as grants pursuant to the Early Childhood Education
23 Grant Program; (iii) the next two million one hundred seventy-five
24 thousand six hundred seventy-three dollars shall be distributed to
25 local systems as grants for approved accelerated or differentiated
26 curriculum programs for students identified as learners with
27 high ability pursuant to section 79-1108.02; (iv) the next one

1 hundred eight thousand one hundred thirty-six dollars shall be
2 used by the department for the development of an integrated
3 early childhood, elementary, secondary, and postsecondary student
4 information system; (v) the next four hundred fifty thousand
5 dollars shall fund the Center for Student Leadership and Extended
6 Learning Act; (vi) the next one hundred fourteen thousand six
7 hundred twenty-nine dollars shall be used by the department to
8 fund the multicultural education program created under section
9 79-720; and (vii) the amount remaining shall be allocated,
10 after administrative expenses, for distance education equipment
11 and incentives pursuant to sections 79-1336 and 79-1337.

12 (e) For fiscal years 2013-14 through 2015-16, the
13 Education Innovation Fund shall be allocated as follows: (i) The
14 first one million dollars shall be transferred to the Excellence in
15 Teaching Cash Fund to fund the Excellence in Teaching Act; (ii)
16 the next allocation shall be distributed to local systems as grants
17 for approved accelerated or differentiated curriculum programs
18 for students identified as learners with high ability pursuant
19 to section 79-1108.02 in an aggregated amount up to the amount
20 distributed in the prior fiscal year for such purposes increased
21 by the basic allowable growth rate pursuant to section 79-1025;
22 (iii) the next allocation shall be used by the State Department
23 of Education for the integrated early childhood, elementary,
24 secondary, and postsecondary student information system in an
25 aggregated amount up to the amount used in the prior fiscal year
26 for such purposes increased by the basic allowable growth rate
27 pursuant to section 79-1025; (iv) the next allocation shall fund

1 the Center for Student Leadership and Extended Learning Act in
2 an aggregated amount up to the amount used in the prior fiscal
3 year for such purposes increased by the basic allowable growth
4 rate pursuant to section 79-1025; (v) the next allocation shall be
5 used by the department to fund the multicultural education program
6 created under section 79-720 in an aggregated amount up to the
7 amount used in the prior fiscal year for such purposes increased by
8 the basic allowable growth rate pursuant to section 79-1025; and
9 (vi) the amount remaining shall be allocated, after administrative
10 expenses, for distance education equipment and incentives pursuant
11 to sections 79-1336 and 79-1337.

12 ~~(h)~~ (f) For fiscal year 2016-17 and each fiscal year
13 thereafter, the Education Innovation Fund shall be allocated, after
14 administrative expenses, for education purposes as provided by the
15 Legislature.

16 ~~(i)~~ The State Treasurer shall transfer ten million
17 dollars from the Education Innovation Fund to the University
18 Cash Fund on or before December 31, 2009, as directed by the
19 budget administrator of the budget division of the Department of
20 Administrative Services.

21 (5) Any money in the State Lottery Operation Trust
22 Fund, the State Lottery Operation Cash Fund, the State Lottery
23 Prize Trust Fund, or the Education Innovation Fund available
24 for investment shall be invested by the state investment officer
25 pursuant to the Nebraska Capital Expansion Act and the Nebraska
26 State Funds Investment Act.

27 (6) Unclaimed prize money on a winning lottery ticket

1 shall be retained for a period of time prescribed by rules and
2 regulations. If no claim is made within such period, the prize
3 money shall be used at the discretion of the Tax Commissioner for
4 any of the purposes prescribed in this section.

5 Sec. 2. Section 79-720, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 79-720 (1) Each school district, in consultation with the
8 State Department of Education, shall develop for incorporation into
9 all phases of the curriculum of grades kindergarten through twelve
10 a multicultural education program.

11 (2) The department shall create and distribute
12 recommended multicultural education curriculum guidelines to all
13 school districts. Each district shall create its own multicultural
14 education program based on such recommended guidelines. Each
15 program shall be reviewed and, if within the guidelines, approved
16 by the department, and a copy of each such program shall be on file
17 with the department.

18 ~~(3) The process of implementation of the multicultural~~
19 ~~education program shall begin in school year 1993-94, and~~
20 ~~such process shall be completed in school year 1994-95. The~~
21 ~~multicultural education program shall be integrated into the~~
22 ~~curriculum of each district each school year thereafter.~~

23 ~~(4)~~ (3) The incorporation of the multicultural education
24 program into the curriculum of each district shall not change
25 (a) the number of instructional hours prescribed for elementary
26 and high school students or (b) the number of instructional hours
27 dedicated to the existing curriculum of each district.

1 Sec. 3. Section 79-722, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 79-722 In conjunction with the multicultural education
4 program prescribed in section 79-720, the State Department of
5 Education shall design a process for evaluating the implementation
6 and effectiveness of each multicultural education program,
7 including the collection of baseline data. The collection of
8 baseline data for evaluating the implementation and effectiveness
9 of each multicultural education program shall not include the
10 testing, assessment, or evaluation of individual students'
11 attitudes or beliefs. An evaluation of the implementation and
12 effectiveness of each multicultural education program shall be
13 conducted during the first quarter of the 1997-98 school year and
14 every five school years. On or before November 1, 2013, and on or
15 before November 1 every five years thereafter, the thereafter. The
16 department shall report the results of each evaluation to the Clerk
17 of the Legislature, the Education Committee of the Legislature,
18 and the State Board of Education, and each school district. publish
19 such report on a web site established by the department.

20 Sec. 4. Section 79-760.04, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 79-760.04 (1) For each learning community, any
23 educational service units that have member school districts that
24 are part of such learning community shall develop and implement
25 a joint plan to establish grade level standards and provide
26 for developmentally appropriate assessment of students in grades
27 kindergarten through three. The joint plan shall include, but

1 not be limited to, the subject areas of reading and mathematics
2 and shall be developed to measure student progress toward such
3 standards.

4 (2) The ~~coordinator~~ appointed pursuant to section
5 ~~79-11,150~~ and the State Department of Education shall provide
6 assistance in the development of the standards and assessment
7 described in subsection (1) of this section.

8 (3) School districts shall report data collected pursuant
9 to the plan described in subsection (1) of this section to such
10 educational service units. The data shall conform with the data
11 collection procedures established for the student identifier system
12 pursuant to section 79-760.05.

13 Sec. 5. Section 79-760.05, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 79-760.05 (1) The State Board of Education shall
16 implement a statewide system for tracking individual student
17 achievement, using the student identifier system of the State
18 Department of Education, that can be aggregated to track student
19 progress by demographic characteristics, including, but not
20 limited to, race, poverty, high mobility, attendance, and limited
21 English proficiency, on available measures of student achievement
22 which include, but need not be limited to, national assessment
23 instruments and state assessment instruments. Such a system
24 shall be designed so as to aggregate student data by available
25 educational input characteristics, which may include class size,
26 teacher education, teacher experience, special education, early
27 childhood programs, federal programs, and other targeted education

1 programs. School districts shall provide the department with
2 individual student achievement data from assessment instruments
3 required pursuant to section 79-760.03 in order to implement the
4 statewide system.

5 (2) The department ~~and the coordinator appointed pursuant~~
6 ~~to section 79-11,150~~ shall annually analyze and report on student
7 achievement for the state, each school district, and each learning
8 community aggregated by the demographic characteristics described
9 in subsection (1) of this section. The department shall report
10 the findings to the Governor, the Legislature, school districts,
11 educational service units, and each learning community. Such
12 analysis shall include aggregated data that would indicate
13 differences in achievement due to available educational input
14 characteristics described in subsection (1) of this section.
15 Such analysis shall include indicators of progress toward state
16 achievement goals for students in poverty, limited English
17 proficient students, and highly mobile students, ~~according to the~~
18 ~~plan developed by the coordinator pursuant to section 79-11,150.~~

19 Sec. 6. Section 79-810, Revised Statutes Cumulative
20 Supplement, 2010, is amended to read:

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

25 (2) Each certificate or permit issued by the commissioner
26 shall indicate the area of authorization to teach, provide special
27 services, or administer and any areas of endorsement for which

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

6 (3) The Certification Fund is created. Any fee received
7 by the department under sections 79-806 to 79-815 shall be remitted
8 to the State Treasurer for credit to the fund. The fund shall
9 be used by the department in paying the costs of certifying
10 educators pursuant to such sections and to carry out subsection
11 (3) of section 79-808 and by the commissioner to employ persons
12 to investigate and prosecute alleged violations as provided in
13 section 79-868. For issuance of a certificate or permit valid in
14 all schools, the nonrefundable fee shall be ~~fifty-five~~ seventy
15 dollars, except that thirteen dollars of the ~~fifty-five-dollar~~
16 seventy-dollar fee shall be credited to the Professional Practices
17 Commission Fund which is created for use by the department to
18 pay for the provisions of sections 79-859 to 79-871, except that
19 transfers may be made from the fund to the General Fund at the
20 direction of the Legislature. For issuance of a certificate or
21 permit valid only in nonpublic schools, the nonrefundable fee shall
22 be ~~forty~~ fifty-five dollars. Any money in the Certification Fund or
23 the Professional Practices Commission Fund available for investment
24 shall be invested by the state investment officer pursuant to
25 the Nebraska Capital Expansion Act and the Nebraska State Funds
26 Investment Act.

27 Sec. 7. Section 79-8,133, Revised Statutes Cumulative

1 Supplement, 2010, is amended to read:

2 79-8,133 The Attracting Excellence to Teaching Program
3 is created. For purposes of the Attracting Excellence to Teaching
4 Program:

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

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

12 (3) Eligible student means an individual who (a) is a
13 full-time student, (b) is enrolled in an eligible institution in
14 an undergraduate or a graduate teacher education program working
15 toward his or her initial certificate to teach in Nebraska, (c)
16 if enrolled at a state-funded eligible institution, is a resident
17 student as described in section 85-502 or, if enrolled in a
18 privately funded eligible institution, would be deemed a resident
19 student if enrolled in a state-funded eligible institution, and
20 (d) for applicants applying for the first time on or after April
21 23, 2009, is a student majoring in a shortage area, and (e) for
22 applicants applying to receive a loan during fiscal year 2011-12 or
23 2012-13, is a student who previously received a loan pursuant to
24 the Attracting Excellence to Teaching Program in the fiscal year
25 immediately preceding the fiscal year in which the new loan would
26 be received;

27 (4) Full-time student means, in the aggregate, the

1 equivalent of a student who in a twelve-month period is enrolled
2 in twenty-four semester credit hours for undergraduate students or
3 eighteen semester credit hours for graduate students of classroom,
4 laboratory, clinical, practicum, or independent study course work;

5 (5) Majoring in a shortage area means pursuing a degree
6 which will allow an individual to be properly endorsed to teach in
7 a shortage area;

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

12 (7) Teacher education program means a program of study
13 approved by the State Board of Education pursuant to subdivision
14 (5)(g) of section 79-318.

15 Sec. 8. Section 79-8,137.01, Revised Statutes Cumulative
16 Supplement, 2010, is amended to read:

17 79-8,137.01 The Enhancing Excellence in Teaching Program
18 is created. For purposes of the Enhancing Excellence in Teaching
19 Program:

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

21 (2) Eligible graduate program means a program of study
22 offered by an eligible institution which results in obtaining a
23 graduate degree;

24 (3) Eligible institution means a not-for-profit college
25 or university which (a) is located in Nebraska, (b) is accredited
26 by the North Central Association of Colleges and Schools, (c) has
27 a teacher education program, and (d) if a privately funded college

1 or university, has not opted out of the Enhancing Excellence in
2 Teaching Program pursuant to rules and regulations;

3 (4) Eligible student means an individual who (a) is a
4 certificated teacher employed to teach in an approved or accredited
5 school in Nebraska, (b) is enrolled in an eligible graduate
6 program, (c) if enrolled at a state-funded eligible institution,
7 is a resident student as described in section 85-502 or, if
8 enrolled in a privately funded eligible institution, would be
9 deemed a resident student if enrolled in a state-funded eligible
10 institution, ~~and~~ (d) is majoring in a shortage area, curriculum
11 and instruction, a subject area in which the individual already
12 holds a secular teaching endorsement, or a subject area that
13 will result in an additional secular teaching endorsement which
14 the superintendent of the school district or head administrator
15 of the private, denominational, or parochial school employing the
16 individual believes will be beneficial to the students of such
17 school district or school as evidenced by a statement signed by
18 the superintendent or head administrator, and (e) is applying for
19 a loan pursuant to the Enhancing Excellence in Teaching Program
20 to be received at a time other than during fiscal year 2011-12 or
21 2012-13;

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

25 (6) Shortage area means a secular field of teaching for
26 which there is a shortage, as determined by the department, of
27 properly endorsed teachers at the time the borrower first receives

1 funds pursuant to the Enhancing Excellence in Teaching Program.

2 Sec. 9. Section 79-8,137.05, Revised Statutes Cumulative
3 Supplement, 2010, is amended to read:

4 79-8,137.05 (1) The Excellence in Teaching Cash Fund
5 is created. The fund shall consist of appropriations by the
6 Legislature, transfers pursuant to section 9-812, and loan
7 repayments, penalties, and interest payments received in the course
8 of administering the Attracting Excellence to Teaching Program and
9 the Enhancing Excellence in Teaching Program. ~~The~~

10 (2) For all fiscal years except fiscal years 2011-12 and
11 2012-13, the department shall allocate on an annual basis up to
12 four hundred thousand dollars in the aggregate of the funds to
13 be distributed for the Attracting Excellence to Teaching Program
14 to all eligible institutions according to the distribution formula
15 as determined by rule and regulation. The eligible institutions
16 shall act as agents of the department in the distribution of the
17 funds for the Attracting Excellence to Teaching Program to eligible
18 students. The remaining available funds shall be distributed by
19 the department to eligible students for the Enhancing Excellence in
20 Teaching Program.

21 (3) For fiscal years 2011-12 and 2012-13, the department
22 shall allocate on an annual basis funds to be distributed for
23 the Attracting Excellence to Teaching Program to all eligible
24 institutions receiving applications from eligible students for
25 loans to be received during such fiscal years. The distribution
26 for each of fiscal years 2011-12 and 2012-13 shall be proportional
27 based on the amounts applied for by eligible students at each

1 institution, except that no more than one hundred percent of such
2 amounts shall be distributed. The eligible institutions shall act
3 as agents of the department in the distribution of the funds for
4 the Attracting Excellence to Teaching Program to eligible students.

5 (4) Any money in the fund available for investment
6 shall be invested by the state investment officer pursuant to
7 the Nebraska Capital Expansion Act and the Nebraska State Funds
8 Investment Act.

9 Sec. 10. Section 79-8,139, Revised Statutes Cumulative
10 Supplement, 2010, is amended to read:

11 79-8,139 (1) Each eligible institution shall file an
12 annual report with the department for the Attracting Excellence to
13 Teaching Program and the Enhancing Excellence in Teaching Program
14 for any fiscal year in which the eligible institution receives
15 funding to distribute to students pursuant to either or both
16 of such programs with the department containing such information
17 as required by rule and regulation. On or before ~~December 31,~~
18 ~~2010,~~ and ~~on or before~~ December 31 of each even-numbered year,
19 ~~thereafter,~~ the department shall submit a report to the Governor,
20 the Clerk of the Legislature, and the Education Committee of
21 the Legislature on the status of the programs, the status of
22 the borrowers, and the impact of the programs on the number
23 of teachers in shortage areas in Nebraska and on the number
24 of teachers receiving graduate degrees in teaching endorsement
25 areas in Nebraska. Each report shall include information on an
26 institution-by-institution basis, the status of borrowers, and a
27 financial statement with a description of the activity of the

1 Excellence in Teaching Cash Fund.

2 (2) Any report pursuant to this section which includes
3 information about borrowers shall exclude confidential information
4 or any other information which specifically identifies a borrower.

5 Sec. 11. Section 79-1012, Revised Statutes Cumulative
6 Supplement, 2010, is amended to read:

7 79-1012 The School District Reorganization Fund is
8 created. The fund shall be administered by the department. The fund
9 shall consist of money transferred from the Education Innovation
10 Fund and shall be used to provide payments to reorganized school
11 districts pursuant to section 79-1011. Any unencumbered money
12 remaining in the School District Reorganization Fund on July 1,
13 2011, shall be transferred to the Education Innovation Fund on such
14 date. Any money remaining in the School District Reorganization
15 Fund on July 1, 2013, shall be transferred to the Education
16 Innovation Fund on such date. Any money in the School District
17 Reorganization Fund available for investment shall be invested
18 by the state investment officer pursuant to the Nebraska Capital
19 Expansion Act and the Nebraska State Funds Investment Act.

20 Sec. 12. Section 79-1044, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 79-1044 The forest reserve funds, annually paid into the
23 state treasury by the United States Government under an act of
24 Congress approved June 30, 1906, shall be distributed among the
25 counties of the state entitled to the same for the benefit of
26 the public schools and the public roads of such counties, based
27 upon information provided by the United States Department of the

1 Interior under the direction of the Commissioner of Education, in
2 the following manner:

3 (1) The State Treasurer shall annually on the first
4 Monday in July certify to the commissioner the amount of
5 money received from the United States Government as Nebraska's
6 proportionate share of the income from the forest reserves within
7 the state for the most recent complete fiscal year; and

8 ~~(2) The Board of Educational Lands and Funds shall~~
9 ~~annually on the first Monday in July make and deliver to the~~
10 ~~commissioner a certificate showing the counties entitled to share~~
11 ~~in the Forest Reserve Fund, together with the number of acres of~~
12 ~~forest reserves in each county; and~~

13 ~~(3) (2)~~ The commissioner shall, on or before August 5,
14 make apportionment of such funds to such counties according to the
15 number of acres of forest reserve in each county and certify the
16 apportionment of each county to the county treasurer of the proper
17 county and to the Director of Administrative Services. The director
18 shall draw a warrant on the State Treasurer in favor of the various
19 counties for the amount specified by the commissioner.

20 Sec. 13. Section 79-1047, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 79-1047 The public grazing funds, annually paid to the
23 state treasury by the United States Government under the federal
24 Taylor Grazing Act, 43 U.S.C. 315i, as such act existed on May
25 8, 2001, shall be distributed among the counties of the state
26 entitled to the same for the benefit of the school districts of
27 such counties, based upon information provided by the United States

1 Department of the Interior under the direction of the Commissioner
2 of Education, in the following manner:

3 (1) The State Treasurer shall annually on the first
4 Monday in July certify to the commissioner the amount of
5 money received from the United States Government as Nebraska's
6 proportionate share of the income from the grazing lands within the
7 state for the most recent complete fiscal year; and

8 ~~(2) The Board of Educational Lands and Funds shall~~
9 ~~annually on the first Monday in July make and deliver to the~~
10 ~~commissioner a certificate showing the counties entitled to share~~
11 ~~in the grazing fund, together with the number of acres of grazing~~
12 ~~land in each county; and~~

13 ~~(3) (2)~~ The commissioner shall, on or before August 5,
14 make apportionment of such funds to such counties according to the
15 number of acres of grazing land in each county and certify the
16 apportionment of each county to the county treasurer of the proper
17 county and to the Director of Administrative Services. The director
18 shall draw a warrant on the State Treasurer in favor of the
19 various counties for the amount so specified by the Commissioner of
20 Education.

21 Sec. 14. Section 79-1051, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 79-1051 The distribution of the funds received by the
24 State Treasurer under section 79-1049 shall be made based upon
25 information provided by the United States Department of the
26 Interior under the direction of the Commissioner of Education
27 in the following manner:

1 (1) The State Treasurer shall annually on the first
2 Monday in July certify to the commissioner the amount of
3 money received from the United States Government as Nebraska's
4 proportionate share of the income from the leasing of lands
5 acquired by the United States for flood control purposes; and

6 ~~(2) The commissioner shall ascertain by appropriate~~
7 ~~inquiry in what counties the real estate on which lease rentals~~
8 ~~were paid was situated; and~~

9 ~~(3) (2)~~ The commissioner shall, on or before August 5,
10 make apportionment of such fund to the counties entitled thereto
11 in accordance with section 79-1050 and certify the apportionment of
12 each county to the county treasurer of the proper county and to
13 the Director of Administrative Services. The director shall draw a
14 warrant on the State Treasurer in favor of the various counties for
15 the amount specified by the commissioner.

16 Sec. 15. Section 79-1108, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 79-1108 ~~For school year 1997-98 and each school year~~
19 ~~thereafter, each~~ Each school district shall identify learners
20 with high ability and may provide accelerated or differentiated
21 curriculum programs that will address the educational needs of
22 the identified students at levels appropriate for the abilities
23 of those students. The accelerated or differentiated curriculum
24 programs shall meet the standards of quality established by
25 the department. Educational service units may identify learners
26 with high ability and provide accelerated or differentiated
27 curriculum programs for school districts. ~~Any school district or~~

1 educational service unit shall be eligible to apply for funds
2 from the Education Innovation Fund to be used for development
3 and improvement of the approved accelerated or differentiated
4 curriculum programs of the district or educational service unit.

5 Sec. 16. Section 79-1108.02, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 79-1108.02 (1) Beginning with school fiscal year 1998-99,
8 the Legislature shall appropriate funds to be distributed by the
9 department pursuant to subsections (2) and (3) of this section to
10 local systems as defined in section 79-1003 annually on or before
11 October 15. It is the intent of the Legislature to appropriate, for
12 FY1998-99, six million dollars and, for FY1999-00 and each fiscal
13 year thereafter, the amount of the previous year's appropriation
14 increased by the percentage growth in identified participating
15 students plus the basic allowable growth rate in section 79-1025,
16 to carry out this section. The department shall distribute amounts
17 from the Education Innovation Fund pursuant to section 9-812
18 for purposes of subsection (2) of this section to local systems
19 as defined in section 79-1003 annually on or before October
20 15. (2) For school fiscal years through 2000-01, five percent
21 of the appropriation under subsection (1) of this section shall
22 be reserved for distribution as grants to local systems for
23 startup costs as defined by the State Board of Education. The
24 funds distributed pursuant to this subsection section shall be
25 distributed based on a pro rata share of the eligible costs
26 submitted in grant applications.

27 (3) (2) Local systems may apply to the department for

1 base funds and matching funds pursuant to this section to be spent
2 on approved accelerated or differentiated curriculum programs. Each
3 eligible local system shall receive one-tenth of one percent of the
4 appropriation as base funds plus a pro rata share of the remainder
5 of the appropriation based on identified students participating
6 in an accelerated or differentiated curriculum program, up to ten
7 percent of the prior year's fall membership as defined in section
8 79-1003, as matching funds. Eligible local systems shall:

9 (a) Provide an approved accelerated or differentiated
10 curriculum program for students identified as learners with high
11 ability;

12 (b) Provide funds from other sources for the approved
13 accelerated or differentiated curriculum program greater than or
14 equal to fifty percent of the matching funds received pursuant to
15 this subsection;

16 (c) Provide an accounting of the funds received pursuant
17 to this section, funds required by subdivision (b) of this
18 subsection, and the total cost of the program on or before
19 August 1 of the year following the receipt of funds in a manner
20 prescribed by the department, not to exceed one report per year;

21 (d) Provide data regarding the academic progress of
22 students participating in the accelerated or differentiated
23 curriculum program in a manner prescribed by the department, not to
24 exceed one report per year; and

25 (e) Include identified students from Class I districts
26 that are part of the local system in the accelerated or
27 differentiated curriculum program.

1 If a local system will not be providing the necessary
2 matching funds pursuant to subdivision (b) of this subsection,
3 the local system shall request a reduction in the amount received
4 pursuant to this subsection such that the local system will be in
5 compliance with such subdivision. Local systems not complying with
6 the requirements of this subsection shall not be eligible local
7 systems in the following year.

8 Sec. 17. Section 79-2104.02, Revised Statutes Cumulative
9 Supplement, 2010, is amended to read:

10 79-2104.02 Each learning community coordinating council
11 shall use any funds received after January 15, 2011, pursuant
12 to section 79-1241.03 for evaluation and research pursuant to
13 plans developed by the learning community coordinating council
14 with assistance from the educational service unit coordinating
15 council ~~and the student achievement coordinator~~ and adjusted on
16 an ongoing basis. The evaluation shall be conducted by one or
17 more other entities or individuals who are not employees of
18 the learning community and shall measure progress toward the
19 goals and objectives of the learning community, which goals and
20 objectives shall include closing academic achievement gaps based on
21 socioeconomic status, and the effectiveness of the approaches used
22 by the learning community or pilot project to reach such goals and
23 objectives. Any research conducted pursuant to this section shall
24 also be related to such goals and objectives. After the first full
25 year of operation, each learning community shall report evaluation
26 and research results to the Education Committee of the Legislature
27 on or before December 1 of each year.

1 Sec. 18. Original sections 79-720, 79-722, 79-760.04,
2 79-760.05, 79-1044, 79-1047, 79-1051, 79-1108, and 79-1108.02,
3 Reissue Revised Statutes of Nebraska, and sections 9-812,
4 79-810, 79-8,133, 79-8,137.01, 79-8,137.05, 79-8,139, 79-1012,
5 and 79-2104.02, Revised Statutes Cumulative Supplement, 2010, are
6 repealed.

7 Sec. 19. The following section is outright repealed:
8 Section 79-11,150, Reissue Revised Statutes of Nebraska.

9 Sec. 20. Since an emergency exists, this act takes effect
10 when passed and approved according to law.

11 2. On page 1, strike beginning with "79-703" in
12 line 1 through line 17 and insert "79-720, 79-722, 79-760.04,
13 79-760.05, 79-1044, 79-1047, 79-1051, 79-1108, and 79-1108.02,
14 Reissue Revised Statutes of Nebraska, and sections 9-812,
15 79-810, 79-8,133, 79-8,137.01, 79-8,137.05, 79-8,139, 79-1012, and
16 79-2104.02, Revised Statutes Cumulative Supplement, 2010; to change
17 and eliminate allocation provisions relating to the Education
18 Innovation Fund; to change provisions relating to multicultural
19 education, a certification fund and fees, the Attracting Excellence
20 to Teaching Program, the Enhancing Excellence in Teaching Program,
21 and allocation and transfer of certain funds as prescribed; to
22 eliminate provisions relating to a student achievement coordinator;
23 to harmonize provisions; to repeal the original sections; to
24 outright repeal section 79-11,150, Reissue Revised Statutes of
25 Nebraska; and to declare an emergency."