

ONE HUNDRED SECOND LEGISLATURE - SECOND SESSION - 2012
COMMITTEE STATEMENT
LB1105

Hearing Date: Tuesday February 07, 2012
Committee On: Education
Introducer: Adams
One Liner: Change and eliminate provisions relating to schools

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

Vote Results:

Aye: 8 Senators Adams, Avery, Cornett, Council, Haar, Howard, Seiler, Sullivan
Nay:
Absent:
Present Not Voting:

Proponents:

Senator Greg Adams
Brian Halstead

Representing:

Introducer
Nebraska Department of Education

Opponents:

Representing:

Neutral:

Ted Stilwill

Representing:

Learning Community of Douglas and Sarpy Counties

Summary of purpose and/or changes:

LB 1105 is the annual technical bill for preschool through high school education. In addition to harmonizing changes and the elimination of obsolete provisions, substantive modifications include:

1. Modifying enrollment option for students affected by a change in residency or a merger;
2. Clarifying that the enrollment option program does not relieve parents of compulsory attendance obligations;
3. Eliminating the requirement for the Department of Education to reimburse school districts for transportation expenses for qualifying option students
4. Adding tuition paid and transportation fees paid to other districts into general fund operating expenditures for calculating state aid;
5. Eliminating an exception to spending limitations for payments for the transfer of land;
6. Allow programs funded by the Early Childhood Education Endowment Cash Fund to continue serving at-risk children who turn three until the end of the program year;
7. Replacing the term "mentally retarded" with "intellectually disabled";
8. Clarifying that the final deadline for distance education equipment reimbursement applications is July 1, 2013 and that the final reimbursements will be made in fiscal year 2013-14; and
9. Moving reporting deadlines for learning communities.

Section 79-234 would be amended by removing a requirement for parents and guardians of option students to apply within 30 days if the student relocates to a different resident school district or the original option school district merging with another district. These situations would be addressed by new provisions in section 79-237. The current provision prohibiting parents and guardians from being relieved of compulsory attendance requirements while and option

application is pending is clarified by stating that parents and guardians are not relieved of compulsory attendance under any enrollment option provisions.

Section 79-237 would be amended by allowing students who relocate to a different resident school district after March 15 or whose option school district merges with another school district effective after March 15 to submit an application to an option school district for attendance during the immediately following and subsequent school years. The application would not require the release of the resident school district. The option school district would have 60 days to accept or reject the application. Requirements for school districts to notify the Department of Education regarding the acceptance or rejection of applications and for parents and guardians to notify the Department regarding option enrollment cancellations would be eliminated. Obsolete language would also be eliminated.

Section 79-241 would be amended by eliminating the provisions for the Department to reimburse school districts for transportation expenses for qualifying option students.

Section 79-1003 would be amended by adding "tuition paid" and "transportation fees paid to other districts" to the definition of general fund operating expenditures beginning with the 2013-14 school fiscal year. Both categories are currently included in formula resources under section 79-1018.01 for the receiving district.

Section 79-1007.20 would be amended by replacing formula students with fall membership for calculating the student growth adjustment correction. Fall membership is the count that is used in the calculation of the adjustment.

Section 79-1028.01 would be amended by eliminating an exception to the spending limitations for expenditures to pay another school district for the transfer of land from the other district.

Section 79-1104.02 would be amended by allowing programs funded by the Early Childhood Education Endowment Cash Fund to continue to serve at-risk children who turn three years of age during the program year until the end of the program year. Such programs are otherwise limited to serving children from birth to age three.

Section 79-1118.01 would be amended by replacing the term "mentally retarded" with the term "intellectually disabled" with regard to the classifications of disabilities for special education.

Section 79-1204 would be amended by replacing the term "political subdivisions" with the term "public agencies" with regard to the authority for educational service units to contract pursuant to the Interlocal Cooperation Act and the Joint Public Agency Act. Both of the named act use the term "public agencies".

Section 79-1336 would be amended by clarifying that the final deadline for distance education equipment reimbursement applications is July 1, 2013 and that the final reimbursements will be made in fiscal year 2013-14.

Section 79-2104.02 would be amended by moving the deadline for learning communities to report evaluation and research reports from December 1 of each year to January 1 of each year.

Section 79-2118 would be amended by moving the deadline for learning communities to report on diversity from December 1 of each even-numbered year to January 1 of each odd-numbered year.

Section 79-756 would be outright repealed. The section provides for the elimination of the Nebraska Schools Accountability Commission Cash Fund. Money in the fund was transferred to the General Fund on September 13, 1997.

This measure contains an emergency clause.

Explanation of amendments:

The Committee Amendments would revise the option enrollment changes and would add modified provisions from LB 1074 regarding the the sharing of student data between educational entities.

The option enrollment changes would be revised by requiring applications due to changes in residence and school district mergers to be filed by August 1 immediately following the change in residence or the effective date of the merger or within 30 days after the change in residence or the effective date of the merger for attendance during the current school year. The students that would be covered by these provisions would be expanded to include students who had a change in residence or who were affected by a merger after February 1, rather than March 1. The time period for districts to accept or reject these applications would be shortened from 60 to 30 days.

The modified provisions from LB 1074 would amend section 79-2,104 with legislative findings that the sharing of student data, records, and information among school districts, educational service units, learning communities, and the State Department of Education is vital to advancing education. School districts, educational service units, and learning communities would be required to share student data records, and information whenever applicable law would permit. The State Board of Education would be required to adopt and promulgate rules and regulations providing for and requiring the uniform sharing of data, records, and information. The original provisions of LB 1074 would have required the Department of Education to adopt and promulgate rules and regulations providing for a uniform interpretation of the federal Family Educational Rights and Privacy Act.

Greg Adams, Chairperson