

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 333**

Final Reading

Introduced by Education Committee: Adams, 24, Chairperson; Avery, 28; Cornett, 45; Haar, 21; Howard, 9; Sullivan, 41.

Read first time January 12, 2011

Committee: Education

A BILL

1 FOR AN ACT relating to schools; to amend sections 79-720, 79-722,  
2 79-760.04, 79-760.05, 79-1044, 79-1047, 79-1051, 79-1108,  
3 and 79-1108.02, Reissue Revised Statutes of Nebraska, and  
4 sections 9-812, 79-8,133, 79-8,137.01, 79-8,137.05,  
5 79-8,139, 79-1012, and 79-2104.02, Revised Statutes  
6 Cumulative Supplement, 2010; to change and eliminate  
7 allocation provisions relating to the Education  
8 Innovation Fund; to change provisions relating to  
9 multicultural education, the Attracting Excellence to  
10 Teaching Program, the Enhancing Excellence in Teaching  
11 Program, and allocation and transfer of certain funds as  
12 prescribed; to eliminate provisions relating to a student  
13 achievement coordinator; to harmonize provisions; to  
14 repeal the original sections; to outright repeal section  
15 79-11,150, Reissue Revised Statutes of Nebraska; and to  
16 declare an emergency.

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

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

3           9-812 (1) All money received from the operation of  
4 lottery games conducted pursuant to the State Lottery Act in Nebraska  
5 shall be credited to the State Lottery Operation Trust Fund, which  
6 fund is hereby created. All payments of the costs of establishing and  
7 maintaining the lottery games shall be made from the State Lottery  
8 Operation Cash Fund. In accordance with legislative appropriations,  
9 money for payments for expenses of the division shall be transferred  
10 from the State Lottery Operation Trust Fund to the State Lottery  
11 Operation Cash Fund, which fund is hereby created. All money  
12 necessary for the payment of lottery prizes shall be transferred from  
13 the State Lottery Operation Trust Fund to the State Lottery Prize  
14 Trust Fund, which fund is hereby created. The amount used for the  
15 payment of lottery prizes shall not be less than forty percent of the  
16 dollar amount of the lottery tickets which have been sold.

17           (2) Beginning October 1, 2003, a portion of the dollar  
18 amount of the lottery tickets which have been sold on an annualized  
19 basis shall be transferred from the State Lottery Operation Trust  
20 Fund to the Education Innovation Fund, the Nebraska Opportunity Grant  
21 Fund, the Nebraska Environmental Trust Fund, the Nebraska State Fair  
22 Board, and the Compulsive Gamblers Assistance Fund. The dollar amount  
23 transferred pursuant to this subsection shall equal the greater of  
24 (a) the dollar amount transferred to the funds in fiscal year 2002-03  
25 or (b) any amount which constitutes at least twenty-two percent and

1 no more than twenty-five percent of the dollar amount of the lottery  
2 tickets which have been sold on an annualized basis. To the extent  
3 that funds are available, the Tax Commissioner and director may  
4 authorize a transfer exceeding twenty-five percent of the dollar  
5 amount of the lottery tickets sold on an annualized basis.

6 (3) Of the money available to be transferred to the  
7 Education Innovation Fund, the Nebraska Opportunity Grant Fund, the  
8 Nebraska Environmental Trust Fund, the Nebraska State Fair Board, and  
9 the Compulsive Gamblers Assistance Fund:

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

13 (b) Nineteen and three-fourths percent of the money  
14 remaining after the payment of prizes and operating expenses and the  
15 initial transfer to the Compulsive Gamblers Assistance Fund shall be  
16 transferred to the Education Innovation Fund;

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

21 (d) Forty-four and one-half percent of the money  
22 remaining after the payment of prizes and operating expenses and the  
23 initial transfer to the Compulsive Gamblers Assistance Fund shall be  
24 transferred to the Nebraska Environmental Trust Fund to be used as  
25 provided in the Nebraska Environmental Trust Act;

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

13           (f) One percent of the money remaining after the payment  
14 of prizes and operating expenses and the initial transfer to the  
15 Compulsive Gamblers Assistance Fund shall be transferred to the  
16 Compulsive Gamblers Assistance Fund to be used as provided in section  
17 71-817.

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

21           ~~(b) For fiscal year 2005-06, the Education Innovation~~  
22 ~~Fund shall be allocated as follows: The first one million dollars~~  
23 ~~shall be transferred to the School District Reorganization Fund, and~~  
24 ~~the remaining amount shall be allocated to the General Fund after~~  
25 ~~operating expenses for the Excellence in Education Council are~~

1     ~~deducted.~~

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

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

19                    ~~(e) For fiscal year 2008-09, the Education Innovation~~  
20    ~~Fund shall be allocated as follows: The first seven hundred fifty~~  
21    ~~thousand dollars shall be transferred to the Attracting Excellence to~~  
22    ~~Teaching Program Cash Fund to fund the Attracting Excellence to~~  
23    ~~Teaching Program Act, and the amount remaining in the Education~~  
24    ~~Innovation Fund shall be allocated, after administrative expenses,~~  
25    ~~for distance education equipment and incentives pursuant to sections~~

1 ~~79-1336 and 79-1337.~~

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

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

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

1 thousand six hundred seventy-three dollars shall be distributed to  
2 local systems as grants for approved accelerated or differentiated  
3 curriculum programs for students identified as learners with high  
4 ability pursuant to section 79-1108.02; (iv) the next four hundred  
5 ninety-one thousand five hundred forty-one dollars shall be used by  
6 the State Department of Education for the development of an  
7 integrated early childhood, elementary, secondary, and postsecondary  
8 student information system; (v) the next four hundred fifty thousand  
9 dollars shall fund the Center for Student Leadership and Extended  
10 Learning Act; (vi) the next one hundred fourteen thousand six hundred  
11 twenty-nine dollars shall fund the multicultural education program  
12 created under section 79-720; (vii) the next one hundred twenty-three  
13 thousand four hundred sixty-eight dollars shall be used by the  
14 department to employ persons to investigate and prosecute alleged  
15 violations as provided in section 79-868; and (viii) the amount  
16 remaining shall be allocated, after administrative expenses, for  
17 distance education equipment and incentives pursuant to sections  
18 79-1336 and 79-1337.

19 (d) For fiscal year 2012-13, the Education Innovation  
20 Fund shall be allocated as follows: (i) The first forty-five thousand  
21 dollars shall be transferred to the Excellence in Teaching Cash Fund  
22 to fund the Attracting Excellence to Teaching Program; (ii) the next  
23 three million three hundred sixty-five thousand nine hundred sixty-  
24 two dollars shall be distributed to school districts as grants  
25 pursuant to the Early Childhood Education Grant Program; (iii) the



1 next two million one hundred seventy-five thousand six hundred  
2 seventy-three dollars shall be distributed to local systems as grants  
3 for approved accelerated or differentiated curriculum programs for  
4 students identified as learners with high ability pursuant to section  
5 79-1108.02; (iv) the next one hundred eight thousand one hundred  
6 thirty-six dollars shall be used by the department for the  
7 development of an integrated early childhood, elementary, secondary,  
8 and postsecondary student information system; (v) the next four  
9 hundred fifty thousand dollars shall fund the Center for Student  
10 Leadership and Extended Learning Act; (vi) the next one hundred  
11 fourteen thousand six hundred twenty-nine dollars shall be used by  
12 the department to fund the multicultural education program created  
13 under section 79-720; (vii) the next one hundred twenty-three  
14 thousand four hundred sixty-eight dollars shall be used by the  
15 department to employ persons to investigate and prosecute alleged  
16 violations as provided in section 79-868; and (viii) the amount  
17 remaining shall be allocated, after administrative expenses, for  
18 distance education equipment and incentives pursuant to sections  
19 79-1336 and 79-1337.

20 (e) For fiscal years 2013-14 through 2015-16, the  
21 Education Innovation Fund shall be allocated as follows: (i) The  
22 first one million dollars shall be transferred to the Excellence in  
23 Teaching Cash Fund to fund the Excellence in Teaching Act; (ii) the  
24 next allocation shall be distributed to local systems as grants for  
25 approved accelerated or differentiated curriculum programs for

1 students identified as learners with high ability pursuant to section  
2 79-1108.02 in an aggregated amount up to the amount distributed in  
3 the prior fiscal year for such purposes increased by the basic  
4 allowable growth rate pursuant to section 79-1025; (iii) the next  
5 allocation shall be used by the State Department of Education for the  
6 integrated early childhood, elementary, secondary, and postsecondary  
7 student information system in an aggregated amount up to the amount  
8 used in the prior fiscal year for such purposes increased by the  
9 basic allowable growth rate pursuant to section 79-1025; (iv) the  
10 next allocation shall fund the Center for Student Leadership and  
11 Extended Learning Act in an aggregated amount up to the amount used  
12 in the prior fiscal year for such purposes increased by the basic  
13 allowable growth rate pursuant to section 79-1025; (v) the next  
14 allocation shall be used by the department to fund the multicultural  
15 education program created under section 79-720 in an aggregated  
16 amount up to the amount used in the prior fiscal year for such  
17 purposes increased by the basic allowable growth rate pursuant to  
18 section 79-1025; (vi) the next allocation shall be used by the  
19 department to employ persons to investigate and prosecute alleged  
20 violations as provided in section 79-868 in an aggregated amount up  
21 to the amount used in the prior fiscal year for such purposes  
22 increased by the basic allowable growth rate pursuant to section  
23 79-1025; and (vii) the amount remaining shall be allocated, after  
24 administrative expenses, for distance education equipment and  
25 incentives pursuant to sections 79-1336 and 79-1337.

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

5           ~~(i) The State Treasurer shall transfer ten million~~  
6 ~~dollars from the Education Innovation Fund to the University Cash~~  
7 ~~Fund on or before December 31, 2009, as directed by the budget~~  
8 ~~administrator of the budget division of the Department of~~  
9 ~~Administrative Services.~~

10           (5) Any money in the State Lottery Operation Trust Fund,  
11 the State Lottery Operation Cash Fund, the State Lottery Prize Trust  
12 Fund, or the Education Innovation Fund available for investment shall  
13 be invested by the state investment officer pursuant to the Nebraska  
14 Capital Expansion Act and the Nebraska State Funds Investment Act.

15           (6) Unclaimed prize money on a winning lottery ticket  
16 shall be retained for a period of time prescribed by rules and  
17 regulations. If no claim is made within such period, the prize money  
18 shall be used at the discretion of the Tax Commissioner for any of  
19 the purposes prescribed in this section.

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

22           79-720 (1) Each school district, in consultation with the  
23 State Department of Education, shall develop for incorporation into  
24 all phases of the curriculum of grades kindergarten through twelve a  
25 multicultural education program.

1           (2) The department shall create and distribute  
2 recommended multicultural education curriculum guidelines to all  
3 school districts. Each district shall create its own multicultural  
4 education program based on such recommended guidelines. ~~Each program~~  
5 ~~shall be reviewed and, if within the guidelines, approved by the~~  
6 ~~department, and a copy of each such program shall be on file with the~~  
7 ~~department.~~

8           ~~(3) The process of implementation of the multicultural~~  
9 ~~education program shall begin in school year 1993-94, and such~~  
10 ~~process shall be completed in school year 1994-95. The multicultural~~  
11 ~~education program shall be integrated into the curriculum of each~~  
12 ~~district each school year thereafter.~~

13           ~~(4)-(3)~~ The incorporation of the multicultural education  
14 program into the curriculum of each district shall not change (a) the  
15 number of instructional hours prescribed for elementary and high  
16 school students or (b) the number of instructional hours dedicated to  
17 the existing curriculum of each district.

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

20           79-722 In conjunction with the multicultural education  
21 program prescribed in section 79-720, the State Department of  
22 Education shall design a process for evaluating the implementation  
23 and effectiveness of each multicultural education program, including  
24 the collection of baseline data. The collection of baseline data for  
25 evaluating the implementation and effectiveness of each multicultural

1 education program shall not include the testing, assessment, or  
2 evaluation of individual students' attitudes or beliefs. An  
3 evaluation of the implementation and effectiveness of each  
4 multicultural education program shall be conducted ~~during the first~~  
5 ~~quarter of the 1997-98 school year and every five school years.~~ On or  
6 before November 1, 2013, and on or before November 1 every five years  
7 thereafter, the thereafter. The department shall report the results  
8 of each evaluation to the Clerk of the Legislature, the Education  
9 Committee of the Legislature, and the State Board of Education, and  
10 ~~each school district.~~ publish such report on a web site established  
11 by the department.

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

14           79-760.04 (1) For each learning community, any  
15 educational service units that have member school districts that are  
16 part of such learning community shall develop and implement a joint  
17 plan to establish grade level standards and provide for  
18 developmentally appropriate assessment of students in grades  
19 kindergarten through three. The joint plan shall include, but not be  
20 limited to, the subject areas of reading and mathematics and shall be  
21 developed to measure student progress toward such standards.

22           (2) ~~The coordinator appointed pursuant to section~~  
23 ~~79-11,150 and the~~ State Department of Education shall provide  
24 assistance in the development of the standards and assessment  
25 described in subsection (1) of this section.

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

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

8                   79-760.05 (1) The State Board of Education shall  
9 implement a statewide system for tracking individual student  
10 achievement, using the student identifier system of the State  
11 Department of Education, that can be aggregated to track student  
12 progress by demographic characteristics, including, but not limited  
13 to, race, poverty, high mobility, attendance, and limited English  
14 proficiency, on available measures of student achievement which  
15 include, but need not be limited to, national assessment instruments  
16 and state assessment instruments. Such a system shall be designed so  
17 as to aggregate student data by available educational input  
18 characteristics, which may include class size, teacher education,  
19 teacher experience, special education, early childhood programs,  
20 federal programs, and other targeted education programs. School  
21 districts shall provide the department with individual student  
22 achievement data from assessment instruments required pursuant to  
23 section 79-760.03 in order to implement the statewide system.

24                   (2) The department ~~and the coordinator appointed pursuant~~  
25 ~~to section 79-11,150~~ shall annually analyze and report on student

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

13           Sec. 6. Section 79-8,133, Revised Statutes Cumulative  
14 Supplement, 2010, is amended to read:

15           79-8,133 The Attracting Excellence to Teaching Program is  
16 created. For purposes of the Attracting Excellence to Teaching  
17 Program:

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

19           (2) Eligible institution means a not-for-profit college  
20 or university which (a) is located in Nebraska, (b) is accredited by  
21 the North Central Association of Colleges and Schools, (c) has a  
22 teacher education program, and (d) if a privately funded college or  
23 university, has not opted out of the program pursuant to rules and  
24 regulations;

25           (3) Eligible student means an individual who (a) is a

1 full-time student, (b) is enrolled in an eligible institution in an  
2 undergraduate or a graduate teacher education program working toward  
3 his or her initial certificate to teach in Nebraska, (c) if enrolled  
4 at a state-funded eligible institution, is a resident student as  
5 described in section 85-502 or, if enrolled in a privately funded  
6 eligible institution, would be deemed a resident student if enrolled  
7 in a state-funded eligible institution, ~~and~~—(d) for applicants  
8 applying for the first time on or after April 23, 2009, is a student  
9 majoring in a shortage area, and (e) for applicants applying to  
10 receive a loan during fiscal year 2011-12 or 2012-13, is a student  
11 who previously received a loan pursuant to the Attracting Excellence  
12 to Teaching Program in the fiscal year immediately preceding the  
13 fiscal year in which the new loan would be received;

14 (4) Full-time student means, in the aggregate, the  
15 equivalent of a student who in a twelve-month period is enrolled in  
16 twenty-four semester credit hours for undergraduate students or  
17 eighteen semester credit hours for graduate students of classroom,  
18 laboratory, clinical, practicum, or independent study course work;

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

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



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

4                   Sec. 7. Section 79-8,137.01, Revised Statutes Cumulative  
5 Supplement, 2010, is amended to read:

6                   79-8,137.01 The Enhancing Excellence in Teaching Program  
7 is created. For purposes of the Enhancing Excellence in Teaching  
8 Program:

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

10                  (2) Eligible graduate program means a program of study  
11 offered by an eligible institution which results in obtaining a  
12 graduate degree;

13                  (3) Eligible institution means a not-for-profit college  
14 or university which (a) is located in Nebraska, (b) is accredited by  
15 the North Central Association of Colleges and Schools, (c) has a  
16 teacher education program, and (d) if a privately funded college or  
17 university, has not opted out of the Enhancing Excellence in Teaching  
18 Program pursuant to rules and regulations;

19                  (4) Eligible student means an individual who (a) is a  
20 certificated teacher employed to teach in an approved or accredited  
21 school in Nebraska, (b) is enrolled in an eligible graduate program,  
22 (c) if enrolled at a state-funded eligible institution, is a resident  
23 student as described in section 85-502 or, if enrolled in a privately  
24 funded eligible institution, would be deemed a resident student if  
25 enrolled in a state-funded eligible institution, ~~and~~-(d) is majoring

1 in a shortage area, curriculum and instruction, a subject area in  
2 which the individual already holds a secular teaching endorsement, or  
3 a subject area that will result in an additional secular teaching  
4 endorsement which the superintendent of the school district or head  
5 administrator of the private, denominational, or parochial school  
6 employing the individual believes will be beneficial to the students  
7 of such school district or school as evidenced by a statement signed  
8 by the superintendent or head administrator, and (e) is applying for  
9 a loan pursuant to the Enhancing Excellence in Teaching Program to be  
10 received at a time other than during fiscal year 2011-12 or 2012-13;

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

14 (6) Shortage area means a secular field of teaching for  
15 which there is a shortage, as determined by the department, of  
16 properly endorsed teachers at the time the borrower first receives  
17 funds pursuant to the Enhancing Excellence in Teaching Program.

18 Sec. 8. Section 79-8,137.05, Revised Statutes Cumulative  
19 Supplement, 2010, is amended to read:

20 79-8,137.05 (1) The Excellence in Teaching Cash Fund is  
21 created. The fund shall consist of appropriations by the Legislature,  
22 transfers pursuant to section 9-812, and loan repayments, penalties,  
23 and interest payments received in the course of administering the  
24 Attracting Excellence to Teaching Program and the Enhancing  
25 Excellence in Teaching Program. ~~The~~

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

12           (3) For fiscal years 2011-12 and 2012-13, the department  
13 shall allocate on an annual basis funds to be distributed for the  
14 Attracting Excellence to Teaching Program to all eligible  
15 institutions receiving applications from eligible students for loans  
16 to be received during such fiscal years. The distribution for each of  
17 fiscal years 2011-12 and 2012-13 shall be proportional based on the  
18 amounts applied for by eligible students at each institution, except  
19 that no more than one hundred percent of such amounts shall be  
20 distributed. The eligible institutions shall act as agents of the  
21 department in the distribution of the funds for the Attracting  
22 Excellence to Teaching Program to eligible students.

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

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

3           79-8,139 (1) Each eligible institution shall file an  
4 annual report with the department for the Attracting Excellence to  
5 Teaching Program and the Enhancing Excellence in Teaching Program for  
6 any fiscal year in which the eligible institution receives funding to  
7 distribute to students pursuant to either or both of such programs  
8 ~~with the department~~ containing such information as required by rule  
9 and regulation. On or before ~~December 31, 2010, and on or before~~  
10 December 31 of each even-numbered year, ~~thereafter,~~ the department  
11 shall submit a report to the Governor, the Clerk of the Legislature,  
12 and the Education Committee of the Legislature on the status of the  
13 programs, the status of the borrowers, and the impact of the programs  
14 on the number of teachers in shortage areas in Nebraska and on the  
15 number of teachers receiving graduate degrees in teaching endorsement  
16 areas in Nebraska. Each report shall include information on an  
17 institution-by-institution basis, the status of borrowers, and a  
18 financial statement with a description of the activity of the  
19 Excellence in Teaching Cash Fund.

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

23           Sec. 10. Section 79-1012, Revised Statutes Cumulative  
24 Supplement, 2010, is amended to read:

25           79-1012 The School District Reorganization Fund is

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

13 Sec. 11. Section 79-1044, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15 79-1044 The forest reserve funds, annually paid into the  
16 state treasury by the United States Government under an act of  
17 Congress approved June 30, 1906, shall be distributed among the  
18 counties of the state entitled to the same for the benefit of the  
19 public schools and the public roads of such counties, based upon  
20 information provided by the United States Department of the Interior  
21 under the direction of the Commissioner of Education, in the  
22 following manner:

23 (1) The State Treasurer shall annually on the first  
24 Monday in July certify to the commissioner the amount of money  
25 received from the United States Government as Nebraska's

1 proportionate share of the income from the forest reserves within the  
2 state for the most recent complete fiscal year; and

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

8 ~~(3)~~(2) The commissioner shall, on or before August 5,  
9 make apportionment of such funds to such counties according to the  
10 number of acres of forest reserve in each county and certify the  
11 apportionment of each county to the county treasurer of the proper  
12 county and to the Director of Administrative Services. The director  
13 shall draw a warrant on the State Treasurer in favor of the various  
14 counties for the amount specified by the commissioner.

15 Sec. 12. Section 79-1047, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17 79-1047 The public grazing funds, annually paid to the  
18 state treasury by the United States Government under the federal  
19 Taylor Grazing Act, 43 U.S.C. 315i, as such act existed on May 8,  
20 2001, shall be distributed among the counties of the state entitled  
21 to the same for the benefit of the school districts of such counties,  
22 based upon information provided by the United States Department of  
23 the Interior under the direction of the Commissioner of Education, in  
24 the following manner:

25 (1) The State Treasurer shall annually on the first

1 Monday in July certify to the commissioner the amount of money  
2 received from the United States Government as Nebraska's  
3 proportionate share of the income from the grazing lands within the  
4 state for the most recent complete fiscal year; and

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

10 ~~(3)-(2)~~ The commissioner shall, on or before August 5,  
11 make apportionment of such funds to such counties according to the  
12 number of acres of grazing land in each county and certify the  
13 apportionment of each county to the county treasurer of the proper  
14 county and to the Director of Administrative Services. The director  
15 shall draw a warrant on the State Treasurer in favor of the various  
16 counties for the amount so specified by the Commissioner of  
17 Education.

18 Sec. 13. Section 79-1051, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20 79-1051 The distribution of the funds received by the  
21 State Treasurer under section 79-1049 shall be made based upon  
22 information provided by the United States Department of the Interior  
23 under the direction of the Commissioner of Education in the following  
24 manner:

25 (1) The State Treasurer shall annually on the first

1 Monday in July certify to the commissioner the amount of money  
2 received from the United States Government as Nebraska's  
3 proportionate share of the income from the leasing of lands acquired  
4 by the United States for flood control purposes; and

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

8 ~~(3)~~(2) The commissioner shall, on or before August 5,  
9 make apportionment of such fund to the counties entitled thereto in  
10 accordance with section 79-1050 and certify the apportionment of each  
11 county to the county treasurer of the proper county and to the  
12 Director of Administrative Services. The director shall draw a  
13 warrant on the State Treasurer in favor of the various counties for  
14 the amount specified by the commissioner.

15 Sec. 14. Section 79-1108, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17 79-1108 ~~For school year 1997-98 and each school year~~  
18 ~~thereafter, each~~ Each school district shall identify learners with  
19 high ability and may provide accelerated or differentiated curriculum  
20 programs that will address the educational needs of the identified  
21 students at levels appropriate for the abilities of those students.  
22 The accelerated or differentiated curriculum programs shall meet the  
23 standards of quality established by the department. Educational  
24 service units may identify learners with high ability and provide  
25 accelerated or differentiated curriculum programs for school



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

6           Sec. 15. Section 79-1108.02, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

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

1 eligible costs submitted in grant applications.

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

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

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

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

23 (d) Provide data regarding the academic progress of  
24 students participating in the accelerated or differentiated  
25 curriculum program in a manner prescribed by the department, not to

1 exceed one report per year; and

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

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

12 Sec. 16. Section 79-2104.02, Revised Statutes Cumulative  
13 Supplement, 2010, is amended to read:

14 79-2104.02 Each learning community coordinating council  
15 shall use any funds received after January 15, 2011, pursuant to  
16 section 79-1241.03 for evaluation and research pursuant to plans  
17 developed by the learning community coordinating council with  
18 assistance from the educational service unit coordinating council ~~and~~  
19 ~~the student achievement coordinator~~ and adjusted on an ongoing basis.  
20 The evaluation shall be conducted by one or more other entities or  
21 individuals who are not employees of the learning community and shall  
22 measure progress toward the goals and objectives of the learning  
23 community, which goals and objectives shall include closing academic  
24 achievement gaps based on socioeconomic status, and the effectiveness  
25 of the approaches used by the learning community or pilot project to

1 reach such goals and objectives. Any research conducted pursuant to  
2 this section shall also be related to such goals and objectives.  
3 After the first full year of operation, each learning community shall  
4 report evaluation and research results to the Education Committee of  
5 the Legislature on or before December 1 of each year.

6           Sec. 17. Original sections 79-720, 79-722, 79-760.04,  
7 79-760.05, 79-1044, 79-1047, 79-1051, 79-1108, and 79-1108.02,  
8 Reissue Revised Statutes of Nebraska, and sections 9-812, 79-8,133,  
9 79-8,137.01, 79-8,137.05, 79-8,139, 79-1012, and 79-2104.02, Revised  
10 Statutes Cumulative Supplement, 2010, are repealed.

11           Sec. 18. The following section is outright repealed:  
12 Section 79-11,150, Reissue Revised Statutes of Nebraska.

13           Sec. 19. Since an emergency exists, this act takes effect  
14 when passed and approved according to law.