

AMENDMENTS TO LB 366

Introduced by Education

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

3 Section 1. Sections 1 to 7 of this act shall be known and
4 may be cited as the Diploma of High School Equivalency Assistance
5 Act.

6 Sec. 2. The purpose of the Diploma of High School
7 Equivalency Assistance Act is to provide assistance to institutions
8 which offer high school equivalency programs in order to defray the
9 costs borne by participants in such programs.

10 Sec. 3. For purposes of the Diploma of High School
11 Equivalency Assistance Act:

12 (1) Fiscal year means a time period commencing on July 1
13 and ending on June 30 of the following year;

14 (2) High school equivalency program shall mean a program
15 which is offered by an institution and provides participants with
16 training and examinations for a diploma of high school equivalency;
17 and

18 (3) Institution shall mean a state agency, a school
19 district as defined in section 79-101, or a community college area
20 as defined in section 85-1503.

21 Sec. 4. (1) It is the intent of the Legislature
22 to appropriate \$750,000 from the General Fund for FY2013-14
23 and FY2014-15, and any amount determined by the Legislature

1 for any fiscal year thereafter, to the State Department of
2 Education. Such funds shall be used by the department to provide
3 assistance to institutions that offer high school equivalency
4 programs. Assistance shall be provided based on participation in an
5 institution's high school equivalency program as follows:

6 (a) Each such institution shall receive one assistance
7 payment for each participant who enrolled in its high school
8 equivalency program in the most recently completed fiscal year;

9 (b) Each such institution shall receive one assistance
10 payment for each enrolled participant who took an initial
11 examination for a diploma of high school equivalency in the most
12 recently completed fiscal year; and

13 (c) Each such institution shall receive one assistance
14 payment for each participant not enrolled in the institution's high
15 school equivalency program who took the examination for a diploma
16 of high school equivalency in the most recently completed fiscal
17 year.

18 (2) An institution shall receive no additional assistance
19 for any participant who failed his or her initial examination for a
20 diploma of high school equivalency and requires additional training
21 and testing.

22 Sec. 5. Each institution receiving assistance pursuant to
23 section 4 of this act shall report annually to the State Department
24 of Education. The report shall give a description of the operation
25 of the high school equivalency program for which assistance was
26 provided and shall include information on the following for the
27 most recently completed fiscal year:

1 (1) The number of diplomas of high school equivalency
2 awarded pursuant to such high school equivalency program;

3 (2) The number of participants in the high school
4 equivalency program who moved successfully through the continuum of
5 literacy skill levels offered by the program;

6 (3) The number of participants completing the high school
7 equivalency program who secured entry-level career path employment;

8 (4) The number of participants completing the high school
9 equivalency program who went on to postsecondary education or
10 additional career training; and

11 (5) The number of participants in the high school
12 equivalency program who were Nebraska residents or enrolled in
13 a postsecondary educational institution located in Nebraska.

14 Sec. 6. Using the funds allocated from the Education
15 Innovation Fund pursuant to subdivision (4)(c)(ix) of section
16 9-812, the State Department of Education shall provide each
17 institution offering a high school equivalency program a one-time
18 payment for the acquisition and upgrade of equipment and software
19 necessary to administer examinations for diplomas of high school
20 equivalency.

21 Sec. 7. The State Department of Education may adopt
22 and promulgate rules and regulations to carry out the Diploma of
23 High School Equivalency Assistance Act. Such rules and regulations
24 shall include, but not be limited to, provisions related to the
25 collection of information necessary to provide the assistance
26 provided for in section 4 of this act.

27 Sec. 8. Section 9-812, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 9-812 (1) All money received from the operation of
3 lottery games conducted pursuant to the State Lottery Act in
4 Nebraska shall be credited to the State Lottery Operation Trust
5 Fund, which fund is hereby created. All payments of the costs
6 of establishing and maintaining the lottery games shall be made
7 from the State Lottery Operation Cash Fund. In accordance with
8 legislative appropriations, money for payments for expenses of the
9 division shall be transferred from the State Lottery Operation
10 Trust Fund to the State Lottery Operation Cash Fund, which fund
11 is hereby created. All money necessary for the payment of lottery
12 prizes shall be transferred from the State Lottery Operation Trust
13 Fund to the State Lottery Prize Trust Fund, which fund is hereby
14 created. The amount used for the payment of lottery prizes shall
15 not be less than forty percent of the dollar amount of the lottery
16 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
21 Grant Fund, the Nebraska Environmental Trust Fund, the Nebraska
22 State Fair Board, and the Compulsive Gamblers Assistance Fund. The
23 dollar amount transferred pursuant to this subsection shall equal
24 the greater of (a) the dollar amount transferred to the funds
25 in fiscal year 2002-03 or (b) any amount which constitutes at
26 least twenty-two percent and no more than twenty-five percent of
27 the dollar amount of the lottery tickets which have been sold on

1 an annualized basis. To the extent that funds are available, the
2 Tax Commissioner and director may authorize a transfer exceeding
3 twenty-five percent of the dollar amount of the lottery tickets
4 sold on an annualized basis.

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

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

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

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

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

25 (e) Ten percent of the money remaining after the payment
26 of prizes and operating expenses and the initial transfer to
27 the Compulsive Gamblers Assistance Fund shall be transferred to

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

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

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

19 ~~(b) For fiscal year 2010-11, the Education Innovation~~
20 ~~Fund shall be allocated as follows: The first one million~~
21 ~~dollars shall be transferred to the Excellence in Teaching Cash~~
22 ~~Fund to fund the Excellence in Teaching Act, and the amount~~
23 ~~remaining in the Education Innovation Fund shall be allocated,~~
24 ~~after administrative expenses, for distance education equipment and~~
25 ~~incentives pursuant to sections 79-1336 and 79-1337.~~

26 ~~(c) For fiscal year 2011-12, the Education Innovation~~
27 ~~Fund shall be allocated as follows: (i) The first two hundred~~

1 ~~twenty-five thousand dollars shall be transferred to the Excellence~~
2 ~~in Teaching Cash Fund to fund the Attracting Excellence to Teaching~~
3 ~~Program; (ii) the next three million three hundred sixty-five~~
4 ~~thousand nine hundred sixty-two dollars shall be distributed~~
5 ~~to school districts as grants pursuant to the Early Childhood~~
6 ~~Education Grant Program; (iii) the next two million one hundred~~
7 ~~seventy-five thousand six hundred seventy-three dollars shall be~~
8 ~~distributed to local systems as grants for approved accelerated~~
9 ~~or differentiated curriculum programs for students identified as~~
10 ~~learners with high ability pursuant to section 79-1108.02; (iv)~~
11 ~~the next four hundred ninety-one thousand five hundred forty-one~~
12 ~~dollars shall be used by the State Department of Education for~~
13 ~~the development of an integrated early childhood, elementary,~~
14 ~~secondary, and postsecondary student information system; (v) the~~
15 ~~next four hundred fifty thousand dollars shall fund the Center~~
16 ~~for Student Leadership and Extended Learning Act; (vi) the next~~
17 ~~one hundred fourteen thousand six hundred twenty-nine dollars shall~~
18 ~~fund the multicultural education program created under section~~
19 ~~79-720; (vii) the next one hundred twenty-three thousand four~~
20 ~~hundred sixty-eight dollars shall be used by the department to~~
21 ~~employ persons to investigate and prosecute alleged violations as~~
22 ~~provided in section 79-868; (viii) up to the next one hundred~~
23 ~~sixty thousand dollars shall be used by the department to implement~~
24 ~~section 79-759; and (ix) the amount remaining shall be allocated,~~
25 ~~after administrative expenses, for distance education equipment and~~
26 ~~incentives pursuant to sections 79-1336 and 79-1337.~~

27 ~~(d) (b) For fiscal year 2012-13, the Education Innovation~~

1 Fund shall be allocated as follows: (i) The first forty-five
2 thousand dollars shall be transferred to the Excellence in Teaching
3 Cash Fund to fund the Attracting Excellence to Teaching Program;
4 (ii) the next three million three hundred sixty-five thousand
5 nine hundred sixty-two dollars shall be distributed to school
6 districts as grants pursuant to the Early Childhood Education
7 Grant Program; (iii) the next two million one hundred seventy-five
8 thousand six hundred seventy-three dollars shall be distributed to
9 local systems as grants for approved accelerated or differentiated
10 curriculum programs for students identified as learners with
11 high ability pursuant to section 79-1108.02; (iv) the next one
12 hundred eight thousand one hundred thirty-six dollars shall be
13 used by the department for the development of an integrated
14 early childhood, elementary, secondary, and postsecondary student
15 information system; (v) the next four hundred fifty thousand
16 dollars shall fund the Center for Student Leadership and Extended
17 Learning Act; (vi) the next one hundred fourteen thousand six
18 hundred twenty-nine dollars shall be used by the department to fund
19 the multicultural education program created under section 79-720;
20 (vii) the next one hundred twenty-three thousand four hundred
21 sixty-eight dollars shall be used by the department to employ
22 persons to investigate and prosecute alleged violations as provided
23 in section 79-868; (viii) up to the next one hundred sixty thousand
24 dollars shall be used by the department to implement section
25 79-759; (ix) the next twenty-seven thousand two hundred dollars
26 shall be used to fund the Interstate Compact on Educational
27 Opportunity for Military Children; (x) the next two hundred

1 thousand dollars shall be used to provide grants to establish
2 bridge programs pursuant to sections 79-1189 to 79-1195; and (xi)
3 the amount remaining shall be allocated, after administrative
4 expenses, for distance education equipment and incentives pursuant
5 to sections 79-1336 and 79-1337.

6 ~~(e)~~ (c) For fiscal year 2013-14, the Education Innovation
7 Fund shall be allocated as follows: (i) The first one million
8 dollars shall be transferred to the Excellence in Teaching Cash
9 Fund to fund the Excellence in Teaching Act; (ii) the next
10 allocation shall be distributed to local systems as grants for
11 approved accelerated or differentiated curriculum programs for
12 students identified as learners with high ability pursuant to
13 section 79-1108.02 in an aggregated amount up to the amount
14 distributed in the prior fiscal year for such purposes increased
15 by the basic allowable growth rate pursuant to section 79-1025;
16 (iii) the next allocation shall be used by the State Department
17 of Education for the integrated early childhood, elementary,
18 secondary, and postsecondary student information system in an
19 aggregated amount up to the amount used in the prior fiscal year
20 for such purposes increased by the basic allowable growth rate
21 pursuant to section 79-1025; (iv) the next allocation shall fund
22 the Center for Student Leadership and Extended Learning Act in
23 an aggregated amount up to the amount used in the prior fiscal
24 year for such purposes increased by the basic allowable growth
25 rate pursuant to section 79-1025; (v) the next allocation shall be
26 used by the department to fund the multicultural education program
27 created under section 79-720 in an aggregated amount up to the

1 amount used in the prior fiscal year for such purposes increased
2 by the basic allowable growth rate pursuant to section 79-1025;
3 (vi) the next allocation shall be used by the department to employ
4 persons to investigate and prosecute alleged violations as provided
5 in section 79-868 in an aggregated amount up to the amount used
6 in the prior fiscal year for such purposes increased by the basic
7 allowable growth rate pursuant to section 79-1025; (vii) up to
8 the next one hundred sixty thousand dollars shall be used by the
9 department to implement section 79-759; (viii) the next two hundred
10 thousand dollars shall be used to provide grants to establish
11 bridge programs pursuant to sections 79-1189 to 79-1195; ~~and (ix)~~
12 the next eighty-five thousand five hundred fifty dollars shall be
13 allocated to the State Department of Education for distribution
14 pursuant to section 6 of this act; and (x) the amount remaining
15 shall be allocated, after administrative expenses, for distance
16 education equipment and incentives pursuant to sections 79-1336 and
17 79-1337.

18 ~~(f)~~ (d) For fiscal year 2014-15, the Education Innovation
19 Fund shall be allocated as follows: (i) The first one million
20 dollars shall be transferred to the Excellence in Teaching Cash
21 Fund to fund the Excellence in Teaching Act; (ii) the next
22 allocation shall be distributed to local systems as grants for
23 approved accelerated or differentiated curriculum programs for
24 students identified as learners with high ability pursuant to
25 section 79-1108.02 in an aggregated amount up to the amount
26 distributed in the prior fiscal year for such purposes increased
27 by the basic allowable growth rate pursuant to section 79-1025;

1 (iii) the next allocation shall be used by the State Department
2 of Education for the integrated early childhood, elementary,
3 secondary, and postsecondary student information system in an
4 aggregated amount up to the amount used in the prior fiscal year
5 for such purposes increased by the basic allowable growth rate
6 pursuant to section 79-1025; (iv) the next allocation shall fund
7 the Center for Student Leadership and Extended Learning Act in
8 an aggregated amount up to the amount used in the prior fiscal
9 year for such purposes increased by the basic allowable growth
10 rate pursuant to section 79-1025; (v) the next allocation shall
11 be used by the department to fund the multicultural education
12 program created under section 79-720 in an aggregated amount up
13 to the amount used in the prior fiscal year for such purposes
14 increased by the basic allowable growth rate pursuant to section
15 79-1025; (vi) the next allocation shall be used by the department
16 to employ persons to investigate and prosecute alleged violations
17 as provided in section 79-868 in an aggregated amount up to the
18 amount used in the prior fiscal year for such purposes increased by
19 the basic allowable growth rate pursuant to section 79-1025; (vii)
20 the next two hundred thousand dollars shall be used to provide
21 grants to establish bridge programs pursuant to sections 79-1189
22 to 79-1195; and (viii) the amount remaining shall be allocated,
23 after administrative expenses, for distance education equipment and
24 incentives pursuant to sections 79-1336 and 79-1337.

25 ~~(g)~~ (e) For fiscal year 2015-16, the Education Innovation
26 Fund shall be allocated as follows: (i) The first one million
27 dollars shall be transferred to the Excellence in Teaching Cash

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

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

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

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

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

18 Sec. 9. Original section 9-812, Reissue Revised Statutes
19 of Nebraska, is repealed.

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