

E AND R AMENDMENTS TO LB 495

Introduced by Murante, 49, Chairman 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, Reissue Revised Statutes of  
4 Nebraska, 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 2010-11, the Education Innovation~~  
27 ~~Fund shall be allocated as follows: The first one million~~

1 dollars shall be transferred to the Excellence in Teaching Cash  
2 Fund to fund the Excellence in Teaching Act, and the amount  
3 remaining in the Education Innovation Fund shall be allocated,  
4 after administrative expenses, for distance education equipment and  
5 incentives pursuant to sections 79-1336 and 79-1337.

6 (c) For fiscal year 2011-12, the Education Innovation  
7 Fund shall be allocated as follows: (i) The first two hundred  
8 twenty-five thousand dollars shall be transferred to the Excellence  
9 in Teaching Cash Fund to fund the Attracting Excellence to Teaching  
10 Program; (ii) the next three million three hundred sixty-five  
11 thousand nine hundred sixty-two dollars shall be distributed  
12 to school districts as grants pursuant to the Early Childhood  
13 Education Grant Program; (iii) the next two million one hundred  
14 seventy-five thousand six hundred seventy-three dollars shall be  
15 distributed to local systems as grants for approved accelerated  
16 or differentiated curriculum programs for students identified as  
17 learners with high ability pursuant to section 79-1108.02; (iv)  
18 the next four hundred ninety-one thousand five hundred forty-one  
19 dollars shall be used by the State Department of Education for  
20 the development of an integrated early childhood, elementary,  
21 secondary, and postsecondary student information system; (v) the  
22 next four hundred fifty thousand dollars shall fund the Center  
23 for Student Leadership and Extended Learning Act; (vi) the next  
24 one hundred fourteen thousand six hundred twenty-nine dollars shall  
25 fund the multicultural education program created under section  
26 79-720; (vii) the next one hundred twenty-three thousand four  
27 hundred sixty-eight dollars shall be used by the department to

1 employ persons to investigate and prosecute alleged violations as  
2 provided in section 79-868; ~~(viii)~~ up to the next one hundred  
3 sixty thousand dollars shall be used by the department to implement  
4 section 79-759; and ~~(ix)~~ the amount remaining shall be allocated,  
5 after administrative expenses, for distance education equipment and  
6 incentives pursuant to sections 79-1336 and 79-1337.

7 ~~(d)~~ (b) For fiscal year 2012-13, the Education Innovation  
8 Fund shall be allocated as follows: (i) The first forty-five  
9 thousand dollars shall be transferred to the Excellence in  
10 Teaching Cash Fund to fund the Attracting Excellence to Teaching  
11 Program; (ii) the next three million three hundred sixty-five  
12 thousand nine hundred sixty-two dollars shall be distributed  
13 to school districts as grants pursuant to the Early Childhood  
14 Education Grant Program; (iii) the next two million one hundred  
15 seventy-five thousand six hundred seventy-three dollars shall be  
16 distributed to local systems as grants for approved accelerated  
17 or differentiated curriculum programs for students identified as  
18 learners with high ability pursuant to section 79-1108.02; (iv)  
19 the next one hundred eight thousand one hundred thirty-six dollars  
20 shall be used by the ~~department~~ State Department of Education  
21 for the development of an integrated early childhood, elementary,  
22 secondary, and postsecondary student information system; (v) the  
23 next four hundred fifty thousand dollars shall fund the Center  
24 for Student Leadership and Extended Learning Act; (vi) the next  
25 one hundred fourteen thousand six hundred twenty-nine dollars shall  
26 be used by the department to fund the multicultural education  
27 program created under section 79-720; (vii) the next one hundred

1 twenty-three thousand four hundred sixty-eight dollars shall be  
2 used by the department to employ persons to investigate and  
3 prosecute alleged violations as provided in section 79-868; (viii)  
4 up to the next one hundred sixty thousand dollars shall be used  
5 by the department to implement section 79-759; (ix) the next  
6 twenty-seven thousand two hundred dollars shall be used to fund  
7 the Interstate Compact on Educational Opportunity for Military  
8 Children; (x) the next two hundred thousand dollars shall be  
9 used to provide grants to establish bridge programs pursuant to  
10 sections 79-1189 to 79-1195; and (xi) the amount remaining shall  
11 be allocated, after administrative expenses, for distance education  
12 equipment and incentives pursuant to sections 79-1336 and 79-1337.

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

1 pursuant to section 79-1025; ~~(iv)~~ the next allocation shall fund  
2 the Center for Student Leadership and Extended Learning Act in  
3 an aggregated amount up to the amount used in the prior fiscal  
4 year for such purposes increased by the basic allowable growth  
5 rate pursuant to section 79-1025; ~~(v)~~ the next allocation shall be  
6 used by the department to fund the multicultural education program  
7 created under section 79-720 in an aggregated amount up to the  
8 amount used in the prior fiscal year for such purposes increased  
9 by the basic allowable growth rate pursuant to section 79-1025;  
10 ~~(vi)~~ the next allocation shall be used by the department to employ  
11 persons to investigate and prosecute alleged violations as provided  
12 in section 79-868 in an aggregated amount up to the amount used  
13 in the prior fiscal year for such purposes increased by the basic  
14 allowable growth rate pursuant to section 79-1025; ~~(vii)~~ (iii) up  
15 to the next one hundred sixty thousand dollars shall be used by  
16 the department State Department of Education to implement section  
17 79-759; ~~(viii)~~ (iv) the next one million seven hundred fifty  
18 thousand dollars shall be allocated to early childhood education  
19 grants awarded by the department pursuant to section 79-1103; (v)  
20 the next one million dollars shall be transferred to the Early  
21 Childhood Education Endowment Cash Fund for use pursuant to section  
22 79-1104.02; (vi) the next two hundred thousand dollars shall be  
23 used to provide grants to establish bridge programs pursuant to  
24 sections 79-1189 to 79-1195; and ~~(ix)~~ (vii) the amount remaining  
25 shall be allocated, after administrative expenses, for distance  
26 education equipment and incentives pursuant to sections 79-1336 and  
27 79-1337.

1           ~~(f)~~ (d) For fiscal year 2014-15, the Education Innovation  
2 Fund shall be allocated as follows: (i) The first one million  
3 dollars shall be transferred to the Excellence in Teaching Cash  
4 Fund to fund the Excellence in Teaching Act; (ii) the next  
5 allocation shall be distributed to local systems as grants for  
6 approved accelerated or differentiated curriculum programs for  
7 students identified as learners with high ability pursuant to  
8 section 79-1108.02 in an aggregated amount up to the amount  
9 distributed in the prior fiscal year for such purposes increased  
10 by the basic allowable growth rate pursuant to section 79-1025;  
11 ~~(iii)~~ the next allocation shall be used by the State Department  
12 of Education for the integrated early childhood, elementary,  
13 secondary, and postsecondary student information system in an  
14 aggregated amount up to the amount used in the prior fiscal year  
15 for such purposes increased by the basic allowable growth rate  
16 pursuant to section 79-1025; ~~(iv)~~ the next allocation shall fund  
17 the Center for Student Leadership and Extended Learning Act in  
18 an aggregated amount up to the amount used in the prior fiscal  
19 year for such purposes increased by the basic allowable growth  
20 rate pursuant to section 79-1025; ~~(v)~~ the next allocation shall be  
21 used by the department to fund the multicultural education program  
22 created under section 79-720 in an aggregated amount up to the  
23 amount used in the prior fiscal year for such purposes increased  
24 by the basic allowable growth rate pursuant to section 79-1025;  
25 ~~(vi)~~ the next allocation shall be used by the department to employ  
26 persons to investigate and prosecute alleged violations as provided  
27 in section 79-868 in an aggregated amount up to the amount used



1 in the prior fiscal year for such purposes increased by the basic  
2 allowable growth rate pursuant to section 79-1025; ~~(vii)~~ (iii)  
3 the next one million eight hundred fifty thousand dollars shall  
4 be allocated to early childhood education grants awarded by the  
5 State Department of Education pursuant to section 79-1103; (iv)  
6 the next one million dollars shall be transferred to the Early  
7 Childhood Education Endowment Cash Fund for use pursuant to section  
8 79-1104.02; (v) the next two hundred thousand dollars shall be used  
9 to provide grants to establish bridge programs pursuant to sections  
10 79-1189 to 79-1195; and ~~(viii)~~ (vi) the amount remaining shall be  
11 allocated, after administrative expenses, for distance education  
12 equipment and incentives pursuant to sections 79-1336 and 79-1337.

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

1 pursuant to section 79-1025; ~~(iv)~~ the next allocation shall fund  
2 the Center for Student Leadership and Extended Learning Act in  
3 an aggregated amount up to the amount used in the prior fiscal  
4 year for such purposes increased by the basic allowable growth  
5 rate pursuant to section 79-1025; ~~(v)~~ the next allocation shall  
6 be used by the department to fund the multicultural education  
7 program created under section 79-720 in an aggregated amount up  
8 to the amount used in the prior fiscal year for such purposes  
9 increased by the basic allowable growth rate pursuant to section  
10 79-1025; ~~(vi)~~ the next allocation shall be used by the department  
11 to employ persons to investigate and prosecute alleged violations  
12 as provided in section 79-868 in an aggregated amount up to the  
13 amount used in the prior fiscal year for such purposes increased  
14 by the basic allowable growth rate pursuant to section 79-1025;  
15 and ~~(vii)~~ (iii) the next one million nine hundred fifty thousand  
16 dollars shall be allocated to early childhood education grants  
17 awarded by the State Department of Education pursuant to section  
18 79-1103; (iv) the next one million dollars shall be transferred  
19 to the Early Childhood Education Endowment Cash Fund for use  
20 pursuant to section 79-1104.02; and (v) the amount remaining shall  
21 be allocated, after administrative expenses, for distance education  
22 equipment and incentives pursuant to sections 79-1336 and 79-1337.

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

27 (5) Any money in the State Lottery Operation Trust

1 Fund, the State Lottery Operation Cash Fund, the State Lottery  
2 Prize Trust Fund, or the Education Innovation Fund available  
3 for investment shall be invested by the state investment officer  
4 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
5 State Funds Investment Act.

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

11 (7) It is the intent of the Legislature to replace  
12 funding from the Education Innovation Fund with General Fund  
13 appropriations to the State Department of Education beginning  
14 with FY2013-14 for (a) the integrated early childhood, elementary,  
15 secondary, and postsecondary student information system, (b) the  
16 Center for Student Leadership and Extended Learning Act, (c) the  
17 multicultural education program created under section 79-720, and  
18 (d) the employment of persons to investigate and prosecute alleged  
19 violations as provided in section 79-868.

20 Sec. 2. Section 79-1103, Revised Statutes Cumulative  
21 Supplement, 2012, is amended to read:

22 79-1103 (1)(a) The State Department of Education shall  
23 establish and administer the Early Childhood Education Grant  
24 Program. Upon the effective date of an endowment agreement,  
25 administration of the Early Childhood Education Grant Program  
26 with respect to programs for children from birth to age three  
27 shall transfer to the board of trustees. If there is no endowment

1 agreement in effect, the department shall request proposals in  
2 accordance with this section for all early childhood education  
3 programs from school districts, individually or in cooperation  
4 with other school districts or educational service units, working  
5 in cooperation with existing nonpublic programs which meet the  
6 requirements of subsection (2) of section 79-1104. If there is  
7 an endowment agreement in effect, the board of trustees shall  
8 administer the Early Childhood Education Grant Program with respect  
9 to programs for children from birth to age three pursuant to  
10 section 79-1104.02 and the department shall continue to administer  
11 the Early Childhood Education Grant Program with respect to  
12 other prekindergarten programs pursuant to sections 79-1101 to  
13 79-1104.05. All administrative procedures of the board of trustees,  
14 including, but not limited to, rules, grant applications, and  
15 funding mechanisms, shall harmonize with those established by the  
16 department for other prekindergarten programs.

17 (b) The first priority shall be for (i) continuation  
18 grants for programs that received grants in the prior school  
19 fiscal year and for which the state aid calculation pursuant to  
20 the Tax Equity and Educational Opportunities Support Act does not  
21 include early childhood education students, in an amount equal  
22 to the amount of such grant, except that if the grant was a  
23 first-year grant the amount shall be reduced by thirty-three  
24 percent, (ii) continuation grants for programs for which the  
25 state aid calculation pursuant to the act includes early childhood  
26 education students, in an amount equal to the amount of the grant  
27 for the school fiscal year prior to the first school fiscal year

1 for which early childhood education students were included in the  
2 state aid calculation for the school district's local system minus  
3 the calculated state aid amount, and (iii) for school fiscal year  
4 2007-08, continuation grants for programs for which the state aid  
5 calculation pursuant to the act includes early childhood education  
6 students, but such state aid calculation does not result in the  
7 school district receiving any equalization aid, in an amount equal  
8 to the amount of the grant received in school fiscal year 2006-07.  
9 The calculated state aid amount shall be calculated by multiplying  
10 the basic funding per formula student for the school district by  
11 the formula students attributed to the early childhood education  
12 programs pursuant to the Tax Equity and Educational Opportunities  
13 Support Act.

14 (c) The second priority shall be for new grants and  
15 expansion grants for programs that will serve at-risk children who  
16 will be eligible to attend kindergarten the following school year.  
17 New grants may be given for up to three years in an amount up to  
18 one-half of the total budget of the program per year. Expansion  
19 grants may be given for one year in an amount up to one-half  
20 of the budget for expanding the capacity of the program to serve  
21 additional children.

22 (d) The third priority shall be for new grants, expansion  
23 grants, and continuation grants for programs serving children  
24 younger than those who will be eligible to attend kindergarten  
25 the following school year. New grants may be given for up to  
26 three years in an amount up to one-half the total budget of the  
27 program per year. Expansion grants may be given for one year in

1 an amount up to one-half the budget for expanding the capacity of  
2 the program to serve additional children. Continuation grants under  
3 this priority may be given annually in an amount up to one-half the  
4 total budget of the program per year minus any continuation grants  
5 received under the first priority.

6 (e) Programs serving children who will be eligible to  
7 attend kindergarten the following school year shall be accounted  
8 for separately for grant purposes from programs serving younger  
9 children, but the two types of programs may be combined within the  
10 same classroom to serve multi-age children. Programs that receive  
11 grants for school fiscal years prior to school fiscal year 2005-06  
12 to serve both children who will be eligible to attend kindergarten  
13 the following school year and younger children shall account for  
14 the two types of programs separately for grant purposes beginning  
15 with school year 2005-06 and shall be deemed to have received  
16 grants prior to school fiscal year 2005-06 for each year that  
17 grants were received for the types of programs representing the age  
18 groups of the children served.

19 (2) Each program proposal which is approved by the  
20 department shall include (a) a planning period, (b) an agreement  
21 to participate in periodic evaluations of the program to be  
22 specified by the department, (c) evidence that the program will be  
23 coordinated or contracted with existing programs, including those  
24 listed in subdivision (d) of this subsection and nonpublic programs  
25 which meet the requirements of subsection (2) of section 79-1104,  
26 (d) a plan to coordinate and use a combination of local, state, and  
27 federal funding sources, including, but not limited to, programs

1 for children with disabilities below five years of age funded  
2 through the Special Education Act, the Early Intervention Act,  
3 funds available through the flexible funding provisions under the  
4 Special Education Act, the federal Head Start program, 42 U.S.C.  
5 9831 et seq., the federal Even Start Family Literacy Program, 20  
6 U.S.C. 6361 et seq., Title I of the federal Improving America's  
7 Schools Act of 1994, 20 U.S.C. 6301 et seq., and child care  
8 assistance through the Department of Health and Human Services,  
9 (e) a plan to use sliding fee scales and the funding sources  
10 included in subdivision (d) of this subsection to maximize the  
11 participation of economically and categorically diverse groups  
12 and to ensure that participating children and families have  
13 access to comprehensive services, (f) the establishment of an  
14 advisory body which includes families and community members,  
15 (g) the utilization of appropriately qualified staff, (h) an  
16 appropriate child-to-staff ratio, (i) appropriate group size,  
17 (j) compliance with minimum health and safety standards, (k)  
18 appropriate facility size and equipment, (l) a strong family  
19 development and support component recognizing the central role of  
20 parents in their children's development, (m) developmentally and  
21 culturally appropriate curriculum, practices, and assessment, (n)  
22 sensitivity to the economic and logistical needs and circumstances  
23 of families in the provision of services, (o) integration of  
24 children of diverse social and economic characteristics, (p)  
25 a sound evaluation component, including at least one objective  
26 measure of child performance and progress, (q) continuity with  
27 programs in kindergarten and elementary grades, (r) instructional

1 hours that are similar to or less than the instructional hours  
2 for kindergarten except that a summer session may be offered,  
3 (s) well-defined language development and early literacy emphasis,  
4 including the involvement of parents in family literacy activities,  
5 (t) a plan for ongoing professional development of staff, and (u)  
6 inclusion of children with disabilities as defined in the Special  
7 Education Act, all as specified by rules and regulations of the  
8 department in accordance with sound early childhood educational  
9 practice.

10 (3) The department shall make an effort to fund programs  
11 widely distributed across the state in both rural and urban areas.

12 (4) ~~A report evaluating the programs shall be made~~ The  
13 department, in collaboration with the board of trustees if an  
14 endowment agreement is in effect, shall provide a report evaluating  
15 the programs to the State Board of Education and the Legislature  
16 by January 1 of each odd-numbered year. The report submitted to  
17 the Legislature shall be submitted electronically. The Education  
18 Committee of the Legislature shall hold a public hearing regarding  
19 the report. Up to five percent of the total appropriation for the  
20 Early Childhood Education Grant Program for grants administered by  
21 the department may be reserved by the department for evaluation and  
22 technical assistance for the programs.

23 (5) Early childhood education programs, whether  
24 established pursuant to this section or section 79-1104, may  
25 be approved for purposes of the Tax Equity and Educational  
26 Opportunities Support Act, expansion grants, and continuation  
27 grants on the submission of a continuation plan demonstrating



1 that the program will meet the requirements of subsection (2) of  
2 this section and a proposed operating budget demonstrating that  
3 the program will receive resources from other sources equal to  
4 or greater than the sum of any grant received pursuant to this  
5 section for the prior school year plus any calculated state aid  
6 as calculated pursuant to subsection (1) of this section for the  
7 prior school year.

8 (6) The State Board of Education may adopt and promulgate  
9 rules and regulations to implement the Early Childhood Education  
10 Grant Program, except that if there is an endowment agreement  
11 in effect, the board of trustees shall recommend any rules and  
12 regulations relating specifically to the Early Childhood Education  
13 Grant Program with respect to programs for children from birth to  
14 age three. It is the intent of the Legislature that the rules and  
15 regulations for programs for children from birth to age three be  
16 consistent to the greatest extent possible with those established  
17 for other prekindergarten programs.

18 Sec. 3. Section 79-1104.02, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20 79-1104.02 (1) The Early Childhood Education Endowment  
21 Cash Fund, consisting of the interest, earnings, and proceeds from  
22 the Early Childhood Education Endowment Fund and the earnings from  
23 the private endowment created by the endowment provider, funds  
24 transferred from the Education Innovation Fund pursuant to section  
25 9-812, and any additional private donations made directly thereto,  
26 shall be used exclusively to provide funds for the Early Childhood  
27 Education Grant Program for at-risk children from birth to age

1 three as set forth in this section.

2 (2) Grants provided by this section shall be to school  
3 districts and cooperatives of school districts for early childhood  
4 education programs for at-risk children from birth to age three,  
5 as determined by the board of trustees pursuant to criteria set  
6 forth by the board of trustees. School districts and cooperatives  
7 of school districts may establish agreements with other public and  
8 private entities to provide services or operate programs.

9 (3) Each program selected for a grant pursuant to this  
10 section may be provided a grant for up to one-half of the total  
11 budget of such program per year. Programs selected for grant awards  
12 may receive continuation grants subject to the availability of  
13 funding and the submission of a continuation plan which meets the  
14 requirements of the board of trustees.

15 (4) Programs shall be funded across the state and in  
16 urban and rural areas to the fullest extent possible.

17 (5) Each program selected for a grant pursuant to this  
18 section shall meet the requirements described in subsection (2)  
19 of section 79-1103, except that the periodic evaluations of the  
20 program are to be specified by the board of trustees and the  
21 programs need not include continuity with programs in kindergarten  
22 and elementary grades and need not include instructional hours  
23 that are similar to or less than the instructional hours for  
24 kindergarten.

25 (6) Up to ten percent of the total amount deposited  
26 in the Early Childhood Education Endowment Cash Fund each fiscal  
27 year may be reserved by the board of trustees for evaluation

1 and technical assistance for the Early Childhood Education Grant  
2 Program with respect to programs for at-risk children from birth to  
3 age three.

4           Sec. 4. Original sections 9-812 and 79-1104.02, Reissue  
5 Revised Statutes of Nebraska, and section 79-1103, Revised Statutes  
6 Cumulative Supplement, 2012, are repealed.

7           Sec. 5. The following section is outright repealed:  
8 Section 79-1102.01, Revised Statutes Cumulative Supplement, 2012.

9           Sec. 6. Since an emergency exists, this act takes effect  
10 when passed and approved according to law.

11           2. On page 1, strike beginning with "early" in line  
12 1 through line 9 and insert "education; to amend sections 9-812  
13 and 79-1104.02, Reissue Revised Statutes of Nebraska, and section  
14 79-1103, Revised Statutes Cumulative Supplement, 2012; to change  
15 allocations of the Education Innovation Fund; to state intent;  
16 to change provisions relating to the Early Childhood Education  
17 Grant Program; to eliminate obsolete provisions; to harmonize  
18 provisions; to repeal the original sections; to outright repeal  
19 section 79-1102.01, Revised Statutes Cumulative Supplement, 2012;  
20 and to declare an emergency."