

LEGISLATURE OF NEBRASKA  
ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 789**

Introduced by Bolz, 29.

Read first time January 10, 2014

Committee: Education

A BILL

1 FOR AN ACT relating to schools; to amend section 9-812, Revised  
2 Statutes Supplement, 2013; to state findings; to provide  
3 duties for the State Department of Education; to provide  
4 for a survey; and to state intent relating to  
5 appropriations.  
6 Be it enacted by the people of the State of Nebraska,

1           Section 1. The Legislature finds that:

2           (1) In 1991, the University of Nebraska-Lincoln College  
3 of Education and Human Sciences Project PARA collaborated with the  
4 State Department of Education to release a guide for school  
5 administrators to facilitate the use of paraeducators in public  
6 schools which (a) provides information on training, supervising, and  
7 evaluating paraeducators in the classroom, (b) outlines the  
8 appropriate roles of paraeducators in the classroom, and (c) details  
9 the ethical and legal issues that can arise under the requirements  
10 for a paraeducator established by the United States and the  
11 department;

12           (2) Project PARA and the department developed the guide  
13 after extensive research in the 1980s based primarily on a survey  
14 conducted in 1980 and 1981 that provided a census of paraeducators  
15 and their roles in Nebraska schools. Such data is more than thirty  
16 years old, and the subsequent guidelines in use are more than twenty  
17 years old;

18           (3) There is a need for updated guidelines that address  
19 the growing utilization of paraeducators in schools and for thorough  
20 data collection to ensure that future policy decisions are based on  
21 accurate information; and

22           (4) It is important to collect and analyze statewide data  
23 on the distribution of paraeducator positions from grades  
24 kindergarten through eight, the number of paraeducators in the fields  
25 of English as a second language and special needs, salaries,

1 supervision of paraeducators, and the average time of completion of  
2 paraeducator training requirements.

3           Sec. 2. Project PARA at The University of Nebraska-  
4 Lincoln College of Education and Human Sciences Project PARA shall  
5 create a systematic picture of the current number and roles of  
6 paraeducators in Nebraska's schools. Project PARA shall:

7           (1) Design and implement a survey of paraeducators  
8 similar to the survey described in section 1 of this act;

9           (2) Conduct the survey;

10           (3) Evaluate the survey data and generate a report; and

11           (4) Develop a new set of guidelines for school  
12 administrators, in cooperation with the State Department of  
13 Education, focusing on:

14           (a) Methods for ensuring successful completion of the  
15 paraeducator training requirements established by the department; and

16           (b) A framework for supervision of paraeducators by  
17 school district personnel.

18           Sec. 3. The University of Nebraska-Lincoln College of  
19 Education and Human Sciences Project PARA and the State Department of  
20 Education shall utilize the data collected pursuant to the survey  
21 described in section 2 of this act to conduct relevant research which  
22 may include, but need not be limited to, assessment of future  
23 coursework needs of paraeducators and accelerated teacher  
24 certification for paraeducators.

25           Sec. 4. It is the intent of the Legislature to

1 appropriate \$132,800 for FY2014-15 and \$103,700 for FY2015-16 from  
2 the Education Innovation Fund to the State Department of Education to  
3 provide a grant to at the University of Nebraska-Lincoln College of  
4 Education and Human Sciences Project PARA to carry out the  
5 requirements of sections 2 and 3 of this act, including, but not  
6 limited to, survey development and implementation, computer hardware  
7 and software, travel expenses related to the survey, and salaries for  
8 graduate assistants conducting the survey.

9           Sec. 5. Section 9-812, Revised Statutes Supplement, 2013,  
10 is amended to read:

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

25           (2) A portion of the dollar amount of the lottery tickets

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

15 (3) Of the money available to be transferred to the  
16 Education Innovation Fund, the Nebraska Opportunity Grant Fund, the  
17 Nebraska Education Improvement Fund, the Nebraska Environmental Trust  
18 Fund, the Nebraska State Fair Board, and the Compulsive Gamblers  
19 Assistance Fund:

20 (a) The first five hundred thousand dollars shall be  
21 transferred to the Compulsive Gamblers Assistance Fund to be used as  
22 provided in section 9-1006;

23 (b) Beginning July 1, 2016, forty-four and one-half  
24 percent of the money remaining after the payment of prizes and  
25 operating expenses and the initial transfer to the Compulsive

1 Gamblers Assistance Fund shall be transferred to the Nebraska  
2 Education Improvement Fund;

3 (c) Through June 30, 2016, nineteen and three-fourths  
4 percent of the money remaining after the payment of prizes and  
5 operating expenses and the initial transfer to the Compulsive  
6 Gamblers Assistance Fund shall be transferred to the Education  
7 Innovation Fund;

8 (d) Through June 30, 2016, twenty-four and three-fourths  
9 percent of the money remaining after the payment of prizes and  
10 operating expenses and the initial transfer to the Compulsive  
11 Gamblers Assistance Fund shall be transferred to the Nebraska  
12 Opportunity Grant Fund;

13 (e) Forty-four and one-half 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 Nebraska Environmental Trust Fund to be used as  
17 provided in the Nebraska Environmental Trust Act;

18 (f) Ten 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 Nebraska State Fair Board if the most populous city within the county  
22 in which the fair is located provides matching funds equivalent to  
23 ten percent of the funds available for transfer. Such matching funds  
24 may be obtained from the city and any other private or public entity,  
25 except that no portion of such matching funds shall be provided by

1 the state. If the Nebraska State Fair ceases operations, ten percent  
2 of the money remaining after the payment of prizes and operating  
3 expenses and the initial transfer to the Compulsive Gamblers  
4 Assistance Fund shall be transferred to the General Fund; and

5 (g) One percent of the money remaining after the payment  
6 of prizes and operating expenses and the initial transfer to the  
7 Compulsive Gamblers Assistance Fund shall be transferred to the  
8 Compulsive Gamblers Assistance Fund to be used as provided in section  
9 9-1006.

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

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

1 for the development of an integrated early childhood, elementary,  
2 secondary, and postsecondary student information system; (v) the next  
3 four hundred fifty thousand dollars shall fund the Center for Student  
4 Leadership and Extended Learning Act; (vi) the next one hundred  
5 fourteen thousand six hundred twenty-nine dollars shall be used by  
6 the department to fund the multicultural education program created  
7 under section 79-720; (vii) the next one hundred twenty-three  
8 thousand four hundred sixty-eight dollars shall be used by the  
9 department to employ persons to investigate and prosecute alleged  
10 violations as provided in section 79-868; (viii) up to the next one  
11 hundred sixty thousand dollars shall be used by the department to  
12 implement section 79-759; (ix) the next twenty-seven thousand two  
13 hundred dollars shall be used to fund the Interstate Compact on  
14 Educational Opportunity for Military Children; (x) the next two  
15 hundred thousand dollars shall be used to provide grants to establish  
16 bridge programs pursuant to sections 79-1189 to 79-1195; and (xi) the  
17 amount remaining shall be allocated, after administrative expenses,  
18 for distance education equipment and incentives pursuant to sections  
19 79-1336 and 79-1337. No funds received as allocations from the  
20 Education Innovation Fund pursuant to this subdivision may be  
21 obligated for payment to be made after June 30, 2016.

22 (c) For fiscal year 2013-14, the Education Innovation  
23 Fund shall be allocated as follows: (i) The first one million dollars  
24 shall be transferred to the Excellence in Teaching Cash Fund to fund  
25 the Excellence in Teaching Act; (ii) the next allocation shall be



1 distributed to local systems as grants for approved accelerated or  
2 differentiated curriculum programs for students identified as  
3 learners with high ability pursuant to section 79-1108.02 in an  
4 aggregated amount up to the amount distributed in the prior fiscal  
5 year for such purposes increased by the basic allowable growth rate  
6 pursuant to section 79-1025; (iii) up to the next one hundred sixty  
7 thousand dollars shall be used by the State Department of Education  
8 to implement section 79-759; (iv) the next one million seven hundred  
9 fifty thousand dollars shall be allocated to early childhood  
10 education grants awarded by the department pursuant to section  
11 79-1103; (v) the next one million dollars shall be transferred to the  
12 Early Childhood Education Endowment Cash Fund for use pursuant to  
13 section 79-1104.02; (vi) the next two hundred thousand dollars shall  
14 be used to provide grants to establish bridge programs pursuant to  
15 sections 79-1189 to 79-1195; (vii) the next ten thousand dollars  
16 shall be used to fund the Interstate Compact on Educational  
17 Opportunity for Military Children; (viii) the next eighty-five  
18 thousand five hundred fifty dollars shall be allocated to the State  
19 Department of Education for distribution pursuant to section 79-2306;  
20 and (ix) the amount remaining shall be allocated, after  
21 administrative expenses, for distance education equipment and  
22 incentives pursuant to sections 79-1336 and 79-1337. No funds  
23 received as allocations from the Education Innovation Fund pursuant  
24 to this subdivision may be obligated for payment to be made after  
25 June 30, 2016.

1                   (d) For fiscal year 2014-15, the Education Innovation  
2 Fund shall be allocated as follows: (i) The first one million dollars  
3 shall be transferred to the Excellence in Teaching Cash Fund to fund  
4 the Excellence in Teaching Act; (ii) the next allocation shall be  
5 distributed to local systems as grants for approved accelerated or  
6 differentiated curriculum programs for students identified as  
7 learners with high ability pursuant to section 79-1108.02 in an  
8 aggregated amount up to the amount distributed in the prior fiscal  
9 year for such purposes increased by the basic allowable growth rate  
10 pursuant to section 79-1025; (iii) the next one million eight hundred  
11 fifty thousand dollars shall be allocated to early childhood  
12 education grants awarded by the State Department of Education  
13 pursuant to section 79-1103; (iv) the next one million dollars shall  
14 be transferred to the Early Childhood Education Endowment Cash Fund  
15 for use pursuant to section 79-1104.02; (v) the next two hundred  
16 thousand dollars shall be used to provide grants to establish bridge  
17 programs pursuant to sections 79-1189 to 79-1195; (vi) the next ten  
18 thousand dollars shall be used to fund the Interstate Compact on  
19 Educational Opportunity for Military Children; (vii) the next one  
20 hundred thirty-two thousand eight hundred dollars to the State  
21 Department of Education to provide a grant to the University of  
22 Nebraska College of Education and Human Sciences Project PARA for the  
23 purposes described in section 4 of this act; and ~~(vii)~~-(viii) the  
24 amount remaining shall be allocated, after administrative expenses,  
25 for distance education equipment and incentives pursuant to sections

1 79-1336 and 79-1337. No funds received as allocations from the  
2 Education Innovation Fund pursuant to this subdivision may be  
3 obligated for payment to be made after June 30, 2016.

4 (e) For fiscal year 2015-16, the Education Innovation  
5 Fund shall be allocated as follows: (i) The first one million dollars  
6 shall be transferred to the Excellence in Teaching Cash Fund to fund  
7 the Excellence in Teaching Act; (ii) the next allocation shall be  
8 distributed to local systems as grants for approved accelerated or  
9 differentiated curriculum programs for students identified as  
10 learners with high ability pursuant to section 79-1108.02 in an  
11 aggregated amount up to the amount distributed in the prior fiscal  
12 year for such purposes increased by the basic allowable growth rate  
13 pursuant to section 79-1025; (iii) the next one million nine hundred  
14 fifty thousand dollars shall be allocated to early childhood  
15 education grants awarded by the State Department of Education  
16 pursuant to section 79-1103; (iv) the next one million dollars shall  
17 be transferred to the Early Childhood Education Endowment Cash Fund  
18 for use pursuant to section 79-1104.02; (v) the next ten thousand  
19 dollars shall be used to fund the Interstate Compact on Educational  
20 Opportunity for Military Children; (vi) the next one hundred three  
21 thousand seven hundred dollars to the State Department of Education  
22 to provide a grant to the University of Nebraska College of Education  
23 and Human Sciences Project PARA for the purposes described in section  
24 4 of this act; and ~~(vi)~~—~~(vii)~~ the amount remaining shall be  
25 allocated, after administrative expenses, for distance education

1 equipment and incentives pursuant to sections 79-1336 and 79-1337. No  
2 funds received as allocations from the Education Innovation Fund  
3 pursuant to this subdivision may be obligated for payment to be made  
4 after June 30, 2016.

5 (f) The Education Innovation Fund terminates on June 30,  
6 2016. Any money in the fund on such date shall be transferred to the  
7 Nebraska Education Improvement Fund on such date.

8 (5) The Nebraska Education Improvement Fund is created.  
9 The fund shall consist of money transferred pursuant to subsections  
10 (3) and (4) of this section, money transferred pursuant to section  
11 85-1920, and any other funds appropriated by the Legislature. Any  
12 money in the fund available for investment shall be invested by the  
13 state investment officer pursuant to the Nebraska Capital Expansion  
14 Act and the Nebraska State Funds Investment Act.

15 (6) Any money in the State Lottery Operation Trust Fund,  
16 the State Lottery Operation Cash Fund, the State Lottery Prize Trust  
17 Fund, or the Education Innovation Fund available for investment shall  
18 be invested by the state investment officer pursuant to the Nebraska  
19 Capital Expansion Act and the Nebraska State Funds Investment Act.

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

25 (8) It is the intent of the Legislature to replace

1 funding from the Education Innovation Fund with General Fund  
2 appropriations to the State Department of Education beginning with  
3 FY2013-14 for (a) the integrated early childhood, elementary,  
4 secondary, and postsecondary student information system, (b) the  
5 Center for Student Leadership and Extended Learning Act, (c) the  
6 multicultural education program created under section 79-720, and (d)  
7 the employment of persons to investigate and prosecute alleged  
8 violations as provided in section 79-868.

9                   Sec. 6. Original section 9-812, Revised Statutes  
10 Supplement, 2013, is repealed.