

AMENDMENTS TO LB525

Introduced by Education.

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

3 Section 1. Section 71-1962, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:

5 71-1962 (1) Not later than March 1, 2014, the State Department of
6 Education shall create and operate the Nebraska Early Childhood
7 Professional Record System. The system shall be designed in order to:

8 (a) Establish a data base of Nebraska's early childhood education
9 workforce;

10 (b) Verify educational degrees and professional credentials held and
11 relevant training completed by employees of participating applicable
12 child care and early childhood education programs; and

13 (c) Provide such information to the Department of Health and Human
14 Services for use in evaluating applications to be rated at a step above
15 step one under section 71-1959.

16 (2) When an applicable child care or early childhood education
17 program participating in the quality rating and improvement system
18 developed pursuant to section 71-1955 applies under section 71-1959 to be
19 rated at a step above step one, the child care or early childhood
20 education program shall report the educational degrees and professional
21 credentials held and relevant training completed by its child care and
22 early childhood education employees to the Nebraska Early Childhood
23 Professional Record System for the program to be eligible for a quality
24 scale rating above step one.

25 (3) Any child care or early childhood education provider residing or
26 working in Nebraska may report his or her educational degrees and
27 professional credentials held, relevant training completed, and work

1 history to the Nebraska Early Childhood Professional Record System.

2 Sec. 2. Section 73-106, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 73-106 Whenever any public school district in the state expends
5 public funds for the construction, remodeling, or repair of any school-
6 owned building or for site improvements, other than those expenditures
7 authorized by section 79-10,104 for facilities which are not to be owned
8 by the district following their completion, the school board or its
9 representative shall advertise for bids in the regular manner established
10 by the board and accept or reject bids pursuant to section 73-101, except
11 that nothing in this section applies to such construction, remodeling,
12 repair, or site improvements when the contemplated expenditure for the
13 complete project does not exceed forty thousand dollars. This section
14 does not apply to (1) the acquisition of existing buildings, purchase of
15 new sites, or site expansions by the school district or (2) situations
16 where a certificate has been issued under the Emergency Management Act
17 that immediate action is needed to secure any school-owned building from
18 further damage, injury, or potential loss of life due to a natural or
19 manmade disaster.

20 Sec. 3. Section 79-101, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 79-101 For purposes of Chapter 79:

23 (1) School district means the territory under the jurisdiction of a
24 single school board authorized by Chapter 79;

25 (2) School means a school under the jurisdiction of a school board
26 authorized by Chapter 79;

27 (3) Legal voter means a registered voter as defined in section
28 32-115 who is domiciled in a precinct or ward in which he or she is
29 registered to vote and which precinct or ward lies in whole or in part
30 within the boundaries of a school district for which the registered voter
31 chooses to exercise his or her right to vote at a school district

1 election or at an annual or special meeting of a Class I school district;

2 (4) Prekindergarten programs means all early childhood programs
3 provided for children who have not reached the age of five by the date
4 provided in section 79-214 for kindergarten entrance;

5 (5) Elementary grades means grades kindergarten through eight,
6 inclusive;

7 (6) High school grades means all grades above the eighth grade;

8 (7) School year means (a) for elementary grades other than
9 kindergarten, the time equivalent to at least one thousand thirty-two
10 instructional hours and (b) for high school grades, the time equivalent
11 to at least one thousand eighty instructional hours;

12 (8) Instructional hour means a period of time, at least sixty
13 minutes, which is actually used for the instruction of students;

14 (9) Teacher means any certified employee who is regularly employed
15 for the instruction of pupils in the public schools;

16 (10) Administrator means any certified employee such as
17 superintendent, assistant superintendent, principal, assistant principal,
18 school nurse, or other supervisory or administrative personnel who do not
19 have as a primary duty the instruction of pupils in the public schools;

20 (11) School board means the governing body of any school district.
21 Board of education has the same meaning as school board;

22 (12) Teach means and includes, but is not limited to, the following
23 responsibilities: (a) The organization and management of the classroom or
24 the physical area in which the learning experiences of pupils take place;
25 (b) the assessment and diagnosis of the individual educational needs of
26 the pupils; (c) the planning, selecting, organizing, prescribing, and
27 directing of the learning experiences of pupils; (d) the planning of
28 teaching strategies and the selection of available materials and
29 equipment to be used; and (e) the evaluation and reporting of student
30 progress;

31 (13) Permanent school fund means the fund described in section

1 79-1035.01;

2 (14) Temporary school fund means the fund described in section
3 79-1035.02; ~~and~~

4 (15) School lands means the lands described in section 79-1035.03.
5 Educational lands has the same meaning as school lands; ~~-~~

6 (16) Community Eligibility Provision means the alternative to
7 household applications for free and reduced-price meals in high-poverty
8 schools enacted in section 104(a) of the federal Healthy, Hunger-Free
9 Kids Act of 2010, section 11(a)(1) of the Richard B. Russell National
10 School Lunch Act, 42 U.S.C. 1759a(a)(1), as such act and section existed
11 on January 1, 2015, and administered by the United States Department of
12 Agriculture; and

13 (17) Certificate, certificated, or certified, when referring to an
14 individual holding a certificate to teach, administer, or provide special
15 services, also includes an individual who holds a permit issued by the
16 Commissioner of Education pursuant to sections 79-806 to 79-815.

17 The State Board of Education may adopt and promulgate rules and
18 regulations to define school day and other appropriate units of the
19 school calendar.

20 Sec. 4. A parent or guardian of any student enrolled in, or in the
21 process of enrolling in, any school district in the state may voluntarily
22 provide information on any application submitted pursuant to Nebraska
23 law, rules, and regulations regarding the applicant's potential to meet
24 the qualifications for free or reduced-price lunches without regard to
25 whether the school the child attends, or will attend, is a school that
26 uses such information to qualify students for free or reduced-price meals
27 or a school that provides free meals to all students pursuant to the
28 Community Eligibility Provision. Each school district shall process
29 information provided pursuant to this section for students who attend a
30 school that provides free meals to all students pursuant to the Community
31 Eligibility Provision in the same manner to determine the qualification

1 status of the student as the information for students who attend school
2 in a school building that uses such information to qualify students for
3 free or reduced-price meals. Each school district shall comply with the
4 federal Family Educational Rights and Privacy Act of 1974, 20 U.S.C.
5 1232g, as such act and section existed on January 1, 2015, and
6 regulations adopted thereunder with regard to any information collected
7 pursuant to this section. If no such information is provided, the student
8 shall be presumed not to qualify for free or reduced-price lunches for
9 the purposes of the application.

10 Sec. 5. Section 79-215, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 79-215 (1) Except as otherwise provided in this section, a student
13 is a resident of the school district where he or she resides and shall be
14 admitted to any such school district upon request without charge.

15 (2) A school board shall admit a student upon request without charge
16 if at least one of the student's parents resides in the school district.

17 (3) A school board shall admit any homeless student upon request
18 without charge if the district is the district in which the student (a)
19 is currently located, (b) attended when permanently housed, or (c) was
20 last enrolled.

21 (4) A school board may allow a student whose residency in the
22 district ceases during a school year to continue attending school in such
23 district for the remainder of that school year.

24 (5) A school board may admit nonresident students to the school
25 district pursuant to a contract with the district where the student is a
26 resident and shall collect tuition pursuant to the contract.

27 (6) A school board may admit nonresident students to the school
28 district pursuant to the enrollment option program as authorized by
29 sections 79-232 to 79-246, and such admission shall be without charge.

30 (7) A school board of any school district that is a member of a
31 learning community shall admit nonresident students to the school

1 district pursuant to the open enrollment provisions of a diversity plan
2 in a learning community as authorized by section 79-2110, and such
3 admission shall be without charge.

4 (8) A school board may admit a student who is a resident of another
5 state to the school district and collect tuition in advance at a rate
6 determined by the school board.

7 (9) When a student as a ward of the state or as a ward of any court
8 (a) has been placed in a school district other than the district in which
9 he or she resided at the time he or she became a ward and such ward does
10 not reside in a foster family home licensed or approved by the Department
11 of Health and Human Services or a foster home maintained or used pursuant
12 to section 83-108.04 or (b) has been placed in any institution which
13 maintains a special education program which has been approved by the
14 State Department of Education and such institution is not owned or
15 operated by the district in which he or she resided at the time he or she
16 became a ward, the cost of his or her education and the required
17 transportation costs associated with the student's education shall be
18 paid by the state, but not in advance, to the receiving school district
19 or approved institution under rules and regulations prescribed by the
20 Department of Health and Human Services and the student shall remain a
21 resident of the district in which he or she resided at the time he or she
22 became a ward. Any student who is a ward of the state or a ward of any
23 court who resides in a foster family home licensed or approved by the
24 Department of Health and Human Services or a foster home maintained or
25 used pursuant to section 83-108.04 shall be deemed a resident of the
26 district in which he or she resided at the time he or she became a foster
27 child, unless it is determined under section 43-1311 or 43-1312 that he
28 or she will not attend such district in which case he or she shall be
29 deemed a resident of the district in which the foster family home or
30 foster home is located.

31 (10)(a) When a student is not a ward of the state or a ward of any

1 court and is residing in a residential setting located in Nebraska for
2 reasons other than to receive an education and the residential setting is
3 operated by a service provider which is certified or licensed by the
4 Department of Health and Human Services or is enrolled in the medical
5 assistance program established pursuant to the Medical Assistance Act and
6 Title XIX or XXI of the federal Social Security Act, as amended, the
7 student shall remain a resident of the district in which he or she
8 resided immediately prior to residing in such residential setting. The
9 resident district for a student who is not a ward of the state or a ward
10 of any court does not change when the student moves from one residential
11 setting to another.

12 (b) If a student is residing in a residential setting as described
13 in subdivision (10)(a) of this section and such residential setting does
14 not maintain an interim-program school as defined in section 79-1119.01
15 or an approved or accredited school, the resident school district shall
16 contract with the district in which such residential setting is located
17 for the provision of all educational services, including all special
18 education services and support services as defined in section 79-1125.01,
19 unless a parent or guardian and the resident school district agree that
20 an appropriate education will be provided by the resident school district
21 while the student is residing in such residential setting. If the
22 resident school district is required to contract, the district in which
23 such residential setting is located shall contract with the resident
24 district and provide all educational services, including all special
25 education services, to the student. If the two districts cannot agree on
26 the amount of the contract, the State Department of Education shall
27 determine the amount to be paid by the resident district to the district
28 in which such residential setting is located based on the needs of the
29 student, approved special education rates, the department's general
30 experience with special education budgets, and the cost per student in
31 the district in which such residential setting is located. Once the

1 contract has been entered into, all legal responsibility for special
2 education and related services shall be transferred to the school
3 district in which the residential setting is located.

4 (c) If a student is residing in a residential setting as described
5 in subdivision (10)(a) of this section and such residential setting
6 maintains an interim-program school as defined in section 79-1119.01 or
7 an approved or accredited school, the department shall reimburse such
8 residential setting for the provision of all educational services,
9 including all special education services and support services, with the
10 amount of payment for all educational services determined pursuant to the
11 average per pupil cost of the service agency as defined in section
12 79-1116. The resident school district shall retain responsibility for
13 such student's individualized education plan, if any. The educational
14 services may be provided through (i) such interim-program school or
15 approved or accredited school, (ii) a contract between the residential
16 setting and the school district in which such residential setting is
17 located, (iii) a contract between the residential setting and another
18 service agency as defined in section 79-1124, or (iv) a combination of
19 such educational service providers.

20 (d) If a school district pays a school district in which a
21 residential setting is located for educational services provided pursuant
22 to subdivision (10)(b) of this section and it is later determined that a
23 different school district was the resident school district for such
24 student at the time such educational services were provided, the school
25 district that was later determined to be the resident school district
26 shall reimburse the school district that initially paid for the
27 educational services one hundred ten percent of the amount paid.

28 (e) A student residing in a residential setting described in this
29 subsection shall be defined as a student with a handicap pursuant to
30 Article VII, section 11, of the Constitution of Nebraska, and as such the
31 state and any political subdivision may contract with institutions not

1 wholly owned or controlled by the state or any political subdivision to
2 provide the educational services to the student if such educational
3 services are nonsectarian in nature.

4 (11) In the case of any individual eighteen years of age or younger
5 who is a ward of the state or any court and who is placed in a county
6 detention home established under section 43-2,110, the cost of his or her
7 education shall be paid by the state, regardless of the district in which
8 he or she resided at the time he or she became a ward, to the agency or
9 institution which: (a) Is selected by the county board with jurisdiction
10 over such detention home; (b) has agreed or contracted with such county
11 board to provide educational services; and (c) has been approved by the
12 State Department of Education pursuant to rules and regulations
13 prescribed by the State Board of Education.

14 (12) No tuition shall be charged for students who may be by law
15 allowed to attend the school without charge.

16 (13) On a form prescribed by the State Department of Education, an
17 adult with legal or actual charge or control of a student shall provide
18 the name of the student, the name of the adult with legal or actual
19 charge or control of the student, the address where the student is
20 residing, and the telephone number and address where the adult may
21 generally be reached during the school day. If the student is homeless or
22 if the adult does not have a telephone number and address where he or she
23 may generally be reached during the school day, those parts of the form
24 may be left blank and a box may be marked acknowledging that these are
25 the reasons these parts of the form were left blank. The adult with legal
26 or actual charge or control of the student shall also sign the form.

27 (14) The department may adopt and promulgate rules and regulations
28 to carry out the department's responsibilities under this section.

29 Sec. 6. Section 79-2,144, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 79-2,144 The state school security director appointed pursuant to

1 section 79-2,143 shall be responsible for providing leadership and
2 support for safety and security for the public schools. Duties of the
3 director include, but are not limited to:

4 (1) Collecting safety and security plans, required pursuant to rules
5 and regulations of the State Department of Education relating to
6 accreditation of schools, and other school security information from each
7 school system in Nebraska. School districts shall provide the state
8 school security director with the safety and security plans of the school
9 district and any other security information requested by the director,
10 but any plans or information submitted by a school district may be
11 withheld by the department pursuant to subdivision (8) of section
12 84-712.05;

13 (2) Recommending minimum standards for school security on or before
14 January 1, 2016, to the State Board of Education;

15 (3) Conducting an assessment of the security of each public school
16 building, which assessment shall be completed by August 31, 2017;

17 (4) Identifying deficiencies in school security based on the minimum
18 standards adopted by the State Board of Education and making
19 recommendations to school boards for remedying such deficiencies;

20 (5) Establishing security awareness and preparedness tools and
21 training programs for public school staff;

22 (6) Establishing research-based model instructional programs for
23 staff, students, and parents to address the underlying causes for violent
24 attacks on schools;

25 (7) Overseeing suicide awareness and prevention training in public
26 schools pursuant to section 79-2,146;

27 (8) Establishing tornado preparedness standards which shall include,
28 but not be limited to, ensuring that every school conduct at least two
29 tornado drills per year;~~and~~

30 (9) Responding to inquiries and requests for assistance relating to
31 school security from private, denominational, and parochial schools;

1 and -

2 (10) Recommending curricular and extracurricular materials to assist
3 school districts in preventing and responding to cyberbullying and
4 digital citizenship issues.

5 Sec. 7. Section 79-301, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 79-301 (1) The State Department of Education provided for in Article
8 VII, section 2, of the Constitution of Nebraska shall consist of a State
9 Board of Education and a Commissioner of Education. The State Department
10 of Education shall have general supervision and administration of the
11 school system of the state and of such other activities as the
12 Legislature may direct.

13 (2) The State Board of Education, acting as a unit, shall be the
14 policy-forming, planning, and evaluative body for the state school
15 program. Except in the appointment of a Commissioner of Education, the
16 board shall deliberate and take action with the professional advice and
17 counsel of the Commissioner of Education.

18 (3) The Commissioner of Education shall be the executive officer of
19 the State Board of Education and the administrative head of the
20 professional, technical, and clerical staff of the State Department of
21 Education. The commissioner shall act under the authority of the State
22 Board of Education. The commissioner shall have the responsibility for
23 carrying out the requirements of law and of board policies, standards,
24 rules, and regulations and for providing the educational leadership and
25 services deemed necessary by the board for the proper conduct of the
26 state school program. In the event of vacancy in office or the absence or
27 incapacity of the Commissioner of Education, a ~~the~~ deputy commissioner
28 shall carry out any ~~all~~ the duties imposed by law upon the commissioner.

29 Sec. 8. Section 79-308, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 79-308 (1) The Commissioner of Education shall organize institutes

1 and conferences at such times and places as he or she deems practicable.
2 He or she shall, as far as practicable, attend such institutes and
3 conferences, provide proper instructors for the same, and in other ways
4 seek to improve the efficiency of teachers and advance the cause of
5 education in the state.

6 (2) The Legislature finds that (a) an educator effectiveness system
7 includes a quality evaluation system with the primary goal of improving
8 instruction and learning in every school district and (b) school
9 districts have an opportunity to receive training on the quality
10 evaluation models.

11 (3) Beginning with the 2016-17 school year through the 2019-20
12 school year, school districts may apply to the State Department of
13 Education for grant funding for a period of up to two years to implement
14 an evaluation model for effective educators and to obtain the necessary
15 training for administrators and teachers for such model.

16 (4) The State Board of Education may adopt and promulgate rules and
17 regulations to carry out this section.

18 Sec. 9. Section 79-309.01, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 ~~79-309.01 (1)(a) Beginning in 2016, the Commissioner of Education~~
21 ~~shall annually collect data from each school district prior to February~~
22 ~~25 and determine whether at least seventy-five percent of the school~~
23 ~~districts have included a system for distributing apportionment funds~~
24 ~~attributable to income from solar or wind agreements on school lands for~~
25 ~~teacher performance pay within such districts' local collective-~~
26 ~~bargaining agreements for the ensuing school fiscal year.~~

27 ~~The (b)(i) If the seventy-five percent requirement has been met for~~
28 ~~the year, the Commissioner of Education shall use the separate accounting~~
29 ~~provided by the State Treasurer under subdivision (1)(b) of section~~
30 ~~79-1035 to determine the amount of the apportionment to each school~~
31 ~~district under section 79-1035 that is attributable to income from solar~~

1 or wind agreements on school lands. This amount shall provide funds for
2 the grants described in section 79-308 through the 2019-20 school year
3 ~~The commissioner shall notify each school district of such amount within~~
4 ~~five days after certification of the apportionment required pursuant to~~
5 ~~subsection (3) of section 79-1035. Each school district shall use the~~
6 ~~amount of apportionment funds specified in the notice provided by the~~
7 ~~commissioner for the purpose of teacher performance pay. Such amount~~
8 ~~shall be used as a supplement to the salary schedule as provided in local~~
9 ~~collective-bargaining agreements. For purposes of distribution of such~~
10 ~~funds only, the Legislature finds that teacher performance pay~~
11 ~~measurements, criteria, and payout amounts are mandatory topics of~~
12 ~~collective bargaining. If a school district has not included a system for~~
13 ~~distributing apportionment funds attributable to income from solar or~~
14 ~~wind agreements on school lands for teacher performance pay within its~~
15 ~~local collective-bargaining agreement, the amount of apportionment funds~~
16 ~~specified in the notice provided by the commissioner shall be returned to~~
17 ~~the State Treasurer within one month of receipt of such funds. The State~~
18 ~~Treasurer shall immediately credit any funds returned under this section~~
19 ~~to the temporary school fund. Any funds returned under this section shall~~
20 ~~be redistributed from the temporary school fund in the following year and~~
21 ~~shall no longer be designated as income attributable to solar or wind~~
22 ~~agreements on school lands.~~

23 (ii) ~~If the seventy five percent requirement has not been met for~~
24 ~~the year, then subdivision (1)(b)(i) of this section shall not apply for~~
25 ~~that year.~~

26 (2) ~~If the seventy five percent requirement has not been met in~~
27 ~~2016, 2017, or 2018, then this section shall not apply in 2019 or any~~
28 ~~year thereafter.~~

29 (3) For purposes of this section, agreement ÷

30 (a) ~~Agreement~~ means any lease, easement, covenant, or other such
31 contractual arrangement. ÷ and

1 ~~(b) Teacher performance pay means a systematic process for measuring~~
2 ~~teachers' performance and linking the measurements to changes in teacher~~
3 ~~pay. Indicators of teacher performance may include improving professional~~
4 ~~skills and knowledge, classroom performance or instructional behavior,~~
5 ~~and instructional outcomes. Teacher performance pay may include~~
6 ~~predetermined bonus amounts and payout criteria.~~

7 Sec. 10. Section 79-318, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 79-318 The State Board of Education shall:

10 (1) Appoint and fix the compensation of the Commissioner of
11 Education;

12 (2) Remove the commissioner from office at any time for conviction
13 of any crime involving moral turpitude or felonious act, for
14 inefficiency, or for willful and continuous disregard of his or her
15 duties as commissioner or of the directives of the board;

16 (3) Upon recommendation of the commissioner, appoint and fix the
17 compensation of all new professional positions in the department,
18 including any deputy commissioners ~~a deputy commissioner and all~~
19 ~~professional employees of the board;~~

20 (4) Organize the State Department of Education into such divisions,
21 branches, or sections as may be necessary or desirable to perform all its
22 proper functions and to render maximum service to the board and to the
23 state school system;

24 (5) Provide, through the commissioner and his or her professional
25 staff, enlightened professional leadership, guidance, and supervision of
26 the state school system, including educational service units. In order
27 that the commissioner and his or her staff may carry out their duties,
28 the board shall, through the commissioner: (a) Provide supervisory and
29 consultation services to the schools of the state; (b) issue materials
30 helpful in the development, maintenance, and improvement of educational
31 facilities and programs; (c) establish rules and regulations which govern

1 standards and procedures for the approval and legal operation of all
2 schools in the state and for the accreditation of all schools requesting
3 state accreditation. All public, private, denominational, or parochial
4 schools shall either comply with the accreditation or approval
5 requirements prescribed in this section and section 79-703 or, for those
6 schools which elect not to meet accreditation or approval requirements,
7 the requirements prescribed in subsections (2) through (6) of section
8 79-1601. Standards and procedures for approval and accreditation shall be
9 based upon the program of studies, guidance services, the number and
10 preparation of teachers in relation to the curriculum and enrollment,
11 instructional materials and equipment, science facilities and equipment,
12 library facilities and materials, and health and safety factors in
13 buildings and grounds. Rules and regulations which govern standards and
14 procedures for private, denominational, and parochial schools which
15 elect, pursuant to the procedures prescribed in subsections (2) through
16 (6) of section 79-1601, not to meet state accreditation or approval
17 requirements shall be as described in such section; (d) institute a
18 statewide system of testing to determine the degree of achievement and
19 accomplishment of all the students within the state's school systems if
20 it determines such testing would be advisable; (e) prescribe a uniform
21 system of records and accounting for keeping adequate educational and
22 financial records, for gathering and reporting necessary educational
23 data, and for evaluating educational progress; (f) cause to be published
24 laws, rules, and regulations governing the schools and the school lands
25 and funds with explanatory notes for the guidance of those charged with
26 the administration of the schools of the state; (g) approve teacher
27 education programs conducted in Nebraska postsecondary educational
28 institutions designed for the purpose of certificating teachers and
29 administrators; (h) approve certificated-employee evaluation policies and
30 procedures developed by school districts and educational service units;
31 and (i) approve general plans and adopt educational policies, standards,

1 rules, and regulations for carrying out the board's responsibilities and
2 those assigned to the State Department of Education by the Legislature;

3 (6) Adopt and promulgate rules and regulations for the guidance,
4 supervision, accreditation, and coordination of educational service
5 units. Such rules and regulations for accreditation shall include, but
6 not be limited to, (a) a requirement that programs and services offered
7 to school districts by each educational service unit shall be evaluated
8 on a regular basis, but not less than every seven years, to assure that
9 educational service units remain responsive to school district needs and
10 (b) guidelines for the use and management of funds generated from the
11 property tax levy and from other sources of revenue as may be available
12 to the educational service units, to assure that public funds are used to
13 accomplish the purposes and goals assigned to the educational service
14 units by section 79-1204. The State Board of Education shall establish
15 procedures to encourage the coordination of activities among educational
16 service units and to encourage effective and efficient educational
17 service delivery on a statewide basis;

18 (7) Prepare and distribute reports designed to acquaint school
19 district officers, teachers, and patrons of the schools with the
20 conditions and needs of the schools;

21 (8) Provide for consultation with professional educators and lay
22 leaders for the purpose of securing advice deemed necessary in the
23 formulation of policies and in the effectual discharge of its duties;

24 (9) Make studies, investigations, and reports and assemble
25 information as necessary for the formulation of policies, for making
26 plans, for evaluating the state school program, and for making essential
27 and adequate reports;

28 (10) Submit to the Governor and the Legislature a budget necessary
29 to finance the state school program under its jurisdiction, including the
30 internal operation and maintenance of the State Department of Education;

31 (11) Interpret its own policies, standards, rules, and regulations

1 and, upon reasonable request, hear complaints and disputes arising
2 therefrom;

3 (12) With the advice of the Department of Motor Vehicles, adopt and
4 promulgate rules and regulations containing reasonable standards, not
5 inconsistent with existing statutes, governing: (a) The general design,
6 equipment, color, operation, and maintenance of any vehicle with a
7 manufacturer's rated seating capacity of eleven or more passengers used
8 for the transportation of public, private, denominational, or parochial
9 school students; and (b) the equipment, operation, and maintenance of any
10 vehicle with a capacity of ten or less passengers used for the
11 transportation of public, private, denominational, or parochial school
12 students, when such vehicles are owned, operated, or owned and operated
13 by any public, private, denominational, or parochial school or privately
14 owned or operated under contract with any such school in this state,
15 except for vehicles owned by individuals operating a school which elects
16 pursuant to section 79-1601 not to meet accreditation or approval
17 requirements. Similar rules and regulations shall be adopted and
18 promulgated for operators of such vehicles as provided in section 79-607;

19 (13) Accept, on behalf of the Nebraska Center for the Education of
20 Children who are Blind or Visually Impaired, devise of real property or
21 donations or bequests of other property, or both, if in its judgment any
22 such devise, donation, or bequest is for the best interest of the center
23 or the students receiving services from the center, or both, and irrigate
24 or otherwise improve any such real estate when in the board's judgment it
25 would be advisable to do so;

26 (14) Accept, in order to administer the Interstate Compact on
27 Educational Opportunity for Military Children, any devise, donation, or
28 bequest received by the State Department of Education pursuant to section
29 79-2206; and

30 (15) Upon acceptance of any devise, donation, or bequest as provided
31 in this section, administer and carry out such devise, donation, or

1 bequest in accordance with the terms and conditions thereof. If not
2 prohibited by the terms and conditions of any such devise, donation, or
3 bequest, the board may sell, convey, exchange, or lease property so
4 devised, donated, or bequeathed upon such terms and conditions as it
5 deems best and remit all money derived from any such sale or lease to the
6 State Treasurer for credit to the State Department of Education Trust
7 Fund.

8 None of the duties prescribed in this section shall prevent the
9 board from exercising such other duties as in its judgment may be
10 necessary for the proper and legal exercise of its obligations.

11 Sec. 11. Section 79-420, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 79-420 Within thirty days after the creation of a new school
14 district pursuant to sections 79-413 to 79-419, the State Committee for
15 the Reorganization of School Districts shall appoint from among the legal
16 voters of the new school district created the number of members necessary
17 to constitute a school board of the class in which the new school
18 district has been classified. Members of the first board shall be
19 appointed so that their terms will expire in accord with provisions of
20 law governing school districts of the class involved. The board so
21 appointed shall organize at once in the manner prescribed by law. A
22 reorganized school district shall be formed, organized, and have a
23 governing board not later than June ~~April~~ 1 following the last legal
24 action, as prescribed in section 79-413, necessary to effect the changes
25 in boundaries as set forth in the petition, although the physical
26 reorganization of such reorganized school district may not take effect
27 until the commencement of the following school year. At the next ~~annual~~
28 ~~school meeting or~~ election following the establishment of the new school
29 district and at subsequent ~~annual meetings or~~ elections, successors shall
30 be elected in the manner provided by law for election of board members of
31 the class to which the school district belongs.

1 Sec. 12. Section 79-760.01, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 79-760.01 The State Board of Education shall adopt measurable
4 academic content standards for at least the grade levels required for
5 statewide assessment pursuant to section 79-760.03. The standards shall
6 cover the subject areas of reading, writing, mathematics, science, and
7 social studies. The standards adopted shall be sufficiently clear and
8 measurable to be used for testing student performance with respect to
9 mastery of the content described in the state standards. The State Board
10 of Education shall develop a plan to review and update standards for each
11 subject area every seven five years. ~~The state board shall review and~~
12 ~~update the standards in reading by July 1, 2009, the standards in~~
13 ~~mathematics by July 1, 2010, and the standards in all other subject areas~~
14 ~~by July 1, 2013.~~ The state board plan shall include a review of commonly
15 accepted standards adopted by school districts.

16 Sec. 13. Section 79-760.02, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 79-760.02 In accordance with timelines that are adopted by the State
19 Board of Education, but in no event later than one year following the
20 adoption or modification of state standards, each school district shall
21 adopt measurable quality academic content standards in the subject areas
22 of reading, writing, mathematics, science, and social studies. The
23 standards may be the same as, or may be equal to or exceed in rigor, the
24 measurable academic content standards adopted by the state board and
25 shall cover at least the same grade levels. School districts may work
26 collaboratively with educational service units, with learning
27 communities, or through interlocal agreements to develop such standards.
28 ~~Educational service units and learning communities shall develop a~~
29 ~~composite set of standards shared by member school districts.~~

30 Sec. 14. Section 79-760.06, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 79-760.06 (1) On or before August 1, 2012, the State Board of
2 Education shall establish an accountability system to be used to measure
3 the performance of individual public schools and school districts. The
4 accountability system shall combine multiple indicators, including, but
5 not limited to, graduation rates, student growth and student improvement
6 on the assessment instruments provided in section 79-760.03, and other
7 indicators of the performance of public schools and school districts as
8 established by the state board.

9 (2) Beginning with the reporting of data from school year 2014-15,
10 the indicators selected by the state board for the accountability system
11 shall be combined into a school performance score and district
12 performance score. The state board shall establish levels of performance
13 based upon school performance scores and district performance scores in
14 order to classify the performance of public schools and school districts
15 beginning with the reporting of data from school year 2014-15. The state
16 board shall designate priority schools based on such classification.
17 Schools designated as priority schools shall be at the lowest performance
18 level at the time of the initial priority school designation. Schools
19 designated as priority schools shall remain priority schools until such
20 designation is removed by the state board. No more than three schools may
21 have a priority school designation at one time. Schools designated as
22 priority schools shall be subject to the requirements of section
23 79-760.07. Progress plans for the initial schools designated as priority
24 schools shall be approved by the state board no later than August 15 ~~1~~,
25 2016. The State Department of Education shall annually report the
26 performance level of individual public schools and school districts as
27 part of the statewide assessment and reporting system.

28 Sec. 15. Section 79-761, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 79-761 The State Board of Education shall develop guidelines for
31 mentor teacher programs in local systems in order to provide ongoing

1 support for individuals entering the teaching profession. Mentor teachers
2 shall not participate in the formal evaluation of beginning teachers
3 which shall be the responsibility of school administrators. Local systems
4 ~~The mentor teacher programs~~ shall identify criteria for selecting
5 excellent, experienced, and qualified teachers to be participants in the
6 local system mentor teacher program which are consistent with the
7 guidelines developed by the State Board of Education.

8 Sec. 16. Section 79-8,137, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 79-8,137 (1)(a) Prior to receiving any money from a loan pursuant to
11 the Attracting Excellence to Teaching Program, an eligible student shall
12 enter into a contract with the department. Such contract shall provide
13 notice to the eligible student that funding for loans pursuant to the
14 Attracting Excellence to Teaching Program terminates on June 30, 2016.
15 Such contract shall be exempt from the requirements of sections 73-501 to
16 73-510.

17 (b) For eligible students who applied for the first time prior to
18 April 23, 2009, the contract shall require that if (i) the borrower is
19 not employed as a teacher in Nebraska for a time period equal to the
20 number of years required for loan forgiveness pursuant to subsection (2)
21 of this section and is not enrolled as a full-time student in a graduate
22 program within six months after obtaining an undergraduate degree for
23 which a loan from the program was obtained or (ii) the borrower does not
24 complete the requirements for graduation within five consecutive years
25 after receiving the initial loan under the program, then the loan must be
26 repaid, with interest at the rate fixed pursuant to section 45-103
27 accruing as of the date the borrower signed the contract, and an
28 appropriate penalty as determined by the department may be assessed. If a
29 borrower fails to remain enrolled at an eligible institution or otherwise
30 fails to meet the requirements of an eligible student, repayment of the
31 loan shall commence within six months after such change in eligibility.

1 The State Board of Education may by rules and regulations provide for
2 exceptions to the conditions of repayment pursuant to this subdivision
3 based upon mitigating circumstances.

4 (c) For eligible students who apply for the first time on or after
5 April 23, 2009, the contract shall require that if (i) the borrower is
6 not employed as a full-time teacher teaching in an approved or accredited
7 school in Nebraska and teaching at least a portion of the time in the
8 shortage area for which the loan was received for a time period equal to
9 the number of years required for loan forgiveness pursuant to subsection
10 (3) of this section and is not enrolled as a full-time student in a
11 graduate program within six months after obtaining an undergraduate
12 degree for which a loan from the program was obtained or (ii) the
13 borrower does not complete the requirements for graduation within five
14 consecutive years after receiving the initial loan under the program,
15 then the loan shall be repaid with interest at the rate fixed pursuant to
16 section 45-103 accruing as of the date the borrower signed the contract
17 and actual collection costs as determined by the department. If a
18 borrower fails to remain enrolled at an eligible institution or otherwise
19 fails to continue to be an eligible student, repayment of the loan shall
20 commence within six months after such change in eligibility. The State
21 Board of Education may by rule and regulation provide for exceptions to
22 the conditions of repayment pursuant to this subdivision based upon
23 mitigating circumstances.

24 (2) If the borrower applied for the first time prior to April 23,
25 2009, and (a) successfully completes the teacher education program and
26 becomes certified pursuant to sections 79-806 to 79-815, (b) becomes
27 employed as a teacher in this state within six months of becoming
28 certified, and (c) otherwise meets the requirements of the contract,
29 payments shall be suspended for the number of years that the borrower is
30 required to remain employed as a teacher in this state under the
31 contract. For each year that the borrower teaches in Nebraska pursuant to

1 the contract, payments shall be forgiven in an amount equal to the amount
2 borrowed for one year, except that if the borrower teaches in a school
3 district that is in a local system classified as very sparse as defined
4 in section 79-1003 or teaches in a school district in which at least
5 forty percent of the students are poverty students as defined in section
6 79-1003, payments shall be forgiven each year in an amount equal to the
7 amount borrowed for two years.

8 (3) If the borrower applies for the first time on or after April 23,
9 2009, and (a) successfully completes the teacher education program and
10 major for which the borrower is receiving a forgivable loan pursuant to
11 the program and becomes certified pursuant to sections 79-806 to 79-815
12 with an endorsement in the shortage area for which the loan was received,
13 (b) becomes employed as a full-time teacher teaching at least a portion
14 of the time in the shortage area for which the loan was received in an
15 approved or accredited school in this state within six months of becoming
16 certified, and (c) otherwise meets the requirements of the contract,
17 payments shall be suspended for the number of years that the borrower is
18 required to remain employed as a teacher in this state under the
19 contract. Beginning after the first two years of teaching full-time in
20 Nebraska following graduation for the degree for which the loan was
21 received, for each year that the borrower teaches full-time in Nebraska
22 pursuant to the contract, the loan shall be forgiven in an amount equal
23 to three thousand dollars, except that if the borrower teaches full-time
24 in a school district that is in a local system classified as very sparse
25 as defined in section 79-1003, teaches in a school building in which at
26 least forty percent of the formula students are poverty students as
27 defined in section 79-1003, teaches in a school building that provides
28 free meals to all students pursuant to the Community Eligibility
29 Provision, or teaches in an accredited or approved private school in
30 Nebraska in which at least forty percent of the enrolled students
31 qualified for free lunches as determined by the most recent data

1 available from the department, payments shall be forgiven each year in an
2 amount equal to six thousand dollars.

3 Sec. 17. Section 79-8,137.04, Reissue Revised Statutes of Nebraska,
4 is amended to read:

5 79-8,137.04 (1) Prior to receiving any money from a loan pursuant to
6 the Enhancing Excellence in Teaching Program, an eligible student shall
7 enter into a contract with the department. Such contract shall provide
8 notice to the eligible student that funding for loans pursuant to the
9 Enhancing Excellence in Teaching Program terminates on June 30, 2016.
10 Such contract shall be exempt from the requirements of sections 73-501 to
11 73-510. The contract shall require that if (a) the borrower is not
12 employed as a full-time teacher teaching in an approved or accredited
13 school in Nebraska for a time period equal to the number of years
14 required for loan forgiveness pursuant to subsection (2) of this section
15 or (b) the borrower does not complete the requirements for graduation
16 within five consecutive years after receiving the initial loan under the
17 program, then the loan shall be repaid, with interest at the rate fixed
18 pursuant to section 45-103 accruing as of the date the borrower signed
19 the contract and actual collection costs as determined by the department.
20 If a borrower fails to remain enrolled at an eligible institution or
21 otherwise fails to meet the requirements of an eligible student,
22 repayment of the loan shall commence within six months after such change
23 in eligibility. The State Board of Education may by rules and regulations
24 provide for exceptions to the conditions of repayment pursuant to this
25 subsection based upon mitigating circumstances.

26 (2) If the borrower (a) successfully completes the eligible graduate
27 program and major for which the borrower is receiving a forgivable loan
28 pursuant to the Enhancing Excellence in Teaching Program and maintains
29 certification pursuant to sections 79-806 to 79-815, (b) maintains
30 employment as a teacher in an approved or accredited school in this
31 state, and (c) otherwise meets the requirements of the contract, payments

1 shall be suspended for the number of years that the borrower is required
2 to remain employed as a teacher in this state under the contract.
3 Beginning after the first two years of teaching full-time in Nebraska
4 following graduation for the degree for which the loan was received, for
5 each year that the borrower teaches full-time in Nebraska pursuant to the
6 contract, the loan shall be forgiven in an amount equal to three thousand
7 dollars, except that if the borrower teaches full-time in a school
8 district that is in a local system classified as very sparse as defined
9 in section 79-1003, teaches in a school building in which at least forty
10 percent of the students are poverty students as defined in section
11 79-1003, teaches in a school building that provides free meals to all
12 students pursuant to the Community Eligibility Provision, or teaches in
13 an accredited or approved private school in Nebraska in which at least
14 forty percent of the enrolled students qualified for free lunches as
15 determined by the most recent data available from the department,
16 payments shall be forgiven each year in an amount equal to six thousand
17 dollars.

18 Sec. 18. Section 79-1003, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 79-1003 For purposes of the Tax Equity and Educational Opportunities
21 Support Act:

22 (1) Adjusted general fund operating expenditures means (a) for
23 school fiscal years 2013-14 through 2015-16, the difference of the
24 general fund operating expenditures as calculated pursuant to subdivision
25 (23 22) of this section increased by the cost growth factor calculated
26 pursuant to section 79-1007.10, minus the transportation allowance,
27 special receipts allowance, poverty allowance, limited English
28 proficiency allowance, distance education and telecommunications
29 allowance, elementary site allowance, summer school allowance,
30 instructional time allowance, teacher education allowance, and focus
31 school and program allowance, and (b) for school fiscal year 2016-17 and

1 each school fiscal year thereafter, the difference of the general fund
2 operating expenditures as calculated pursuant to subdivision (~~23~~ 22) of
3 this section increased by the cost growth factor calculated pursuant to
4 section 79-1007.10, minus the transportation allowance, special receipts
5 allowance, poverty allowance, limited English proficiency allowance,
6 distance education and telecommunications allowance, elementary site
7 allowance, summer school allowance, and focus school and program
8 allowance;

9 (2) Adjusted valuation means the assessed valuation of taxable
10 property of each local system in the state, adjusted pursuant to the
11 adjustment factors described in section 79-1016. Adjusted valuation means
12 the adjusted valuation for the property tax year ending during the school
13 fiscal year immediately preceding the school fiscal year in which the aid
14 based upon that value is to be paid. For purposes of determining the
15 local effort rate yield pursuant to section 79-1015.01, adjusted
16 valuation does not include the value of any property which a court, by a
17 final judgment from which no appeal is taken, has declared to be
18 nontaxable or exempt from taxation;

19 (3) Allocated income tax funds means the amount of assistance paid
20 to a local system pursuant to section 79-1005.01 as adjusted by the
21 minimum levy adjustment pursuant to section 79-1008.02;

22 (4) Average daily membership means the average daily membership for
23 grades kindergarten through twelve attributable to the local system, as
24 provided in each district's annual statistical summary, and includes the
25 proportionate share of students enrolled in a public school instructional
26 program on less than a full-time basis;

27 (5) Base fiscal year means the first school fiscal year following
28 the school fiscal year in which the reorganization or unification
29 occurred;

30 (6) Board means the school board of each school district;

31 (7) Categorical funds means funds limited to a specific purpose by

1 federal or state law, including, but not limited to, Title I funds, Title
2 VI funds, federal vocational education funds, federal school lunch funds,
3 Indian education funds, Head Start funds, and funds from the Education
4 Innovation Fund. Categorical funds does not include funds received
5 pursuant to section 79-1028.02 or 79-1028.04;

6 (8) Consolidate means to voluntarily reduce the number of school
7 districts providing education to a grade group and does not include
8 dissolution pursuant to section 79-498;

9 (9) Converted contract means an expired contract that was in effect
10 for at least fifteen school years beginning prior to school year 2012-13
11 for the education of students in a nonresident district in exchange for
12 tuition from the resident district when the expiration of such contract
13 results in the nonresident district educating students, who would have
14 been covered by the contract if the contract were still in effect, as
15 option students pursuant to the enrollment option program established in
16 section 79-234;

17 (10) Converted contract option student means a student who will be
18 an option student pursuant to the enrollment option program established
19 in section 79-234 for the school fiscal year for which aid is being
20 calculated and who would have been covered by a converted contract if the
21 contract were still in effect and such school fiscal year is the first
22 school fiscal year for which such contract is not in effect;

23 (11) Department means the State Department of Education;

24 (12) District means any Class I, II, III, IV, V, or VI school
25 district and, beginning with the calculation of state aid for school
26 fiscal year 2011-12 and each school fiscal year thereafter, a unified
27 system as defined in section 79-4,108;

28 (13) Ensuing school fiscal year means the school fiscal year
29 following the current school fiscal year;

30 (14) Equalization aid means the amount of assistance calculated to
31 be paid to a local system pursuant to sections 79-1007.11 to 79-1007.23,

1 79-1007.25, 79-1008.01 to 79-1022, 79-1022.02, 79-1028.02, and
2 79-1028.04;

3 (15) Fall membership means the total membership in kindergarten
4 through grade twelve attributable to the local system as reported on the
5 fall school district membership reports for each district pursuant to
6 section 79-528;

7 (16) Fiscal year means the state fiscal year which is the period
8 from July 1 to the following June 30;

9 (17) Formula students means:

10 (a) For state aid certified pursuant to section 79-1022, the sum of
11 the product of fall membership from the school fiscal year immediately
12 preceding the school fiscal year in which the aid is to be paid
13 multiplied by the average ratio of average daily membership to fall
14 membership for the second school fiscal year immediately preceding the
15 school fiscal year in which the aid is to be paid and the prior two
16 school fiscal years plus sixty percent of the qualified early childhood
17 education fall membership plus tuitioned students from the school fiscal
18 year immediately preceding the school fiscal year in which aid is to be
19 paid minus the product of the number of students enrolled in kindergarten
20 that is not full-day kindergarten from the fall membership multiplied by
21 0.5; and

22 (b) For the final calculation of state aid pursuant to section
23 79-1065, the sum of average daily membership plus sixty percent of the
24 qualified early childhood education average daily membership plus
25 tuitioned students minus the product of the number of students enrolled
26 in kindergarten that is not full-day kindergarten from the average daily
27 membership multiplied by 0.5 from the school fiscal year immediately
28 preceding the school fiscal year in which aid was paid;

29 (18) Free lunch and free milk calculated student means, for school
30 fiscal year 2016-17 and each school fiscal year thereafter, using most
31 recent data available on November 1 of the school fiscal year immediately

1 preceding the school fiscal year in which aid is to be paid, (a) a
2 student who qualified for free lunches or free milk and attended a school
3 that uses information collected from parents and guardians pursuant to
4 section 4 of this act to determine such qualifications pursuant to the
5 federal Richard B. Russell National School Lunch Act, 42 U.S.C 1751 et
6 seq., and the federal Child Nutrition Act of 1966, 42 U.S.C. 1771 et
7 seq., as such acts and sections existed on January 1, 2015, and rules and
8 regulations adopted thereunder, plus (b) the product of the students who
9 attend a school that provides free meals to all students pursuant to the
10 Community Eligibility Provision multiplied by the identified student
11 percentage calculated pursuant to such federal provision;

12 (19) Free lunch and free milk student means, for school fiscal years
13 prior to school fiscal year 2016-17, a student who qualified for free
14 lunches or free milk from the most recent data available on November 1 of
15 the school fiscal year immediately preceding the school fiscal year in
16 which aid is to be paid;

17 (20 19) Full-day kindergarten means kindergarten offered by a
18 district for at least one thousand thirty-two instructional hours;

19 (21 20) General fund budget of expenditures means the total budget
20 of disbursements and transfers for general fund purposes as certified in
21 the budget statement adopted pursuant to the Nebraska Budget Act, except
22 that for purposes of the limitation imposed in section 79-1023 and the
23 calculation pursuant to subdivision (2) of section 79-1027.01, the
24 general fund budget of expenditures does not include any special grant
25 funds, exclusive of local matching funds, received by a district;

26 (22 21) General fund expenditures means all expenditures from the
27 general fund;

28 (23 22) General fund operating expenditures means for state aid
29 calculated for school fiscal years 2012-13 and each school fiscal year
30 thereafter, as reported on the annual financial report for the second
31 school fiscal year immediately preceding the school fiscal year in which

1 aid is to be paid, the total general fund expenditures minus (a) the
2 amount of all receipts to the general fund, to the extent that such
3 receipts are not included in local system formula resources, from early
4 childhood education tuition, summer school tuition, educational entities
5 as defined in section 79-1201.01 for providing distance education courses
6 through the Educational Service Unit Coordinating Council to such
7 educational entities, private foundations, individuals, associations,
8 charitable organizations, the textbook loan program authorized by section
9 79-734, federal impact aid, and levy override elections pursuant to
10 section 77-3444, (b) the amount of expenditures for categorical funds,
11 tuition paid, transportation fees paid to other districts, adult
12 education, community services, redemption of the principal portion of
13 general fund debt service, retirement incentive plans authorized by
14 section 79-855, and staff development assistance authorized by section
15 79-856, (c) the amount of any transfers from the general fund to any bond
16 fund and transfers from other funds into the general fund, (d) any legal
17 expenses in excess of fifteen-hundredths of one percent of the formula
18 need for the school fiscal year in which the expenses occurred, (e)
19 expenditures to pay for sums agreed to be paid by a school district to
20 certificated employees in exchange for a voluntary termination occurring
21 prior to July 1, 2009, occurring on or after the last day of the 2010-11
22 school year and prior to the first day of the 2013-14 school year, or, to
23 the extent that a district has demonstrated to the State Board of
24 Education pursuant to section 79-1028.01 that the agreement will result
25 in a net savings in salary and benefit costs to the school district over
26 a five-year period, occurring on or after the first day of the 2013-14
27 school year, (f)(i) expenditures to pay for employer contributions
28 pursuant to subsection (2) of section 79-958 to the School Employees
29 Retirement System of the State of Nebraska to the extent that such
30 expenditures exceed the employer contributions under such subsection that
31 would have been made at a contribution rate of seven and thirty-five

1 hundredths percent or (ii) expenditures to pay for school district
2 contributions pursuant to subdivision (1)(c)(i) of section 79-9,113 to
3 the retirement system established pursuant to the Class V School
4 Employees Retirement Act to the extent that such expenditures exceed the
5 school district contributions under such subdivision that would have been
6 made at a contribution rate of seven and thirty-seven hundredths percent,
7 and (g) any amounts paid by the district for lobbyist fees and expenses
8 reported to the Clerk of the Legislature pursuant to section 49-1483.

9 For purposes of this subdivision (23 22) of this section, receipts
10 from levy override elections shall equal ninety-nine percent of the
11 difference of the total general fund levy minus a levy of one dollar and
12 five cents per one hundred dollars of taxable valuation multiplied by the
13 assessed valuation for school districts that have voted pursuant to
14 section 77-3444 to override the maximum levy provided pursuant to section
15 77-3442;

16 (24 23) High school district means a school district providing
17 instruction in at least grades nine through twelve;

18 (25 24) Income tax liability means the amount of the reported income
19 tax liability for resident individuals pursuant to the Nebraska Revenue
20 Act of 1967 less all nonrefundable credits earned and refunds made;

21 (26 25) Income tax receipts means the amount of income tax collected
22 pursuant to the Nebraska Revenue Act of 1967 less all nonrefundable
23 credits earned and refunds made;

24 (27 26) Limited English proficiency students means the number of
25 students with limited English proficiency in a district from the most
26 recent data available on November 1 of the school fiscal year preceding
27 the school fiscal year in which aid is to be paid plus the difference of
28 such students with limited English proficiency minus the average number
29 of limited English proficiency students for such district, prior to such
30 addition, for the three immediately preceding school fiscal years if such
31 difference is greater than zero;

1 (28 27) Local system means a learning community for purposes of
2 calculation of state aid for the second full school fiscal year after
3 becoming a learning community and each school fiscal year thereafter, a
4 unified system, a Class VI district and the associated Class I districts,
5 or a Class II, III, IV, or V district and any affiliated Class I
6 districts or portions of Class I districts. The membership, expenditures,
7 and resources of Class I districts that are affiliated with multiple high
8 school districts will be attributed to local systems based on the percent
9 of the Class I valuation that is affiliated with each high school
10 district;

11 (29 28) Low-income child means (a) for school fiscal years prior to
12 2016-17, a child under nineteen years of age living in a household having
13 an annual adjusted gross income for the second calendar year preceding
14 the beginning of the school fiscal year for which aid is being calculated
15 equal to or less than the maximum household income that would allow a
16 student from a family of four people to be a free lunch and free milk
17 student during the school fiscal year immediately preceding the school
18 fiscal year for which aid is being calculated; and (b) for school fiscal
19 year 2016-17 and each school fiscal year thereafter, a child under
20 nineteen years of age living in a household having an annual adjusted
21 gross income for the second calendar year preceding the beginning of the
22 school fiscal year for which aid is being calculated equal to or less
23 than the maximum household income pursuant to sections 9(b)(1) and 17(c)
24 (4) of the Richard B. Russell National School Lunch Act, 42 U.S.C.
25 1758(b)(1) and 42 U.S.C. 1766(c)(4), respectively, and sections 3(a)(6)
26 and 4(e)(1)(A) of the Child Nutrition Act of 1966, 42 U.S.C. 1772(a)(6)
27 and 42 U.S.C. 1773(e)(1)(A), respectively, as such acts and sections
28 existed on January 1, 2015, for a household of that size that would have
29 allowed the child to meet the income qualifications during the school
30 fiscal year immediately preceding the school fiscal year for which aid is
31 being calculated;

1 (~~30~~ 29) Low-income students means the number of low-income children
2 within the district multiplied by the ratio of the formula students in
3 the district divided by the total children under nineteen years of age
4 residing in the district as derived from income tax information;

5 (~~31~~ 30) Most recently available complete data year means the most
6 recent single school fiscal year for which the annual financial report,
7 fall school district membership report, annual statistical summary,
8 Nebraska income tax liability by school district for the calendar year in
9 which the majority of the school fiscal year falls, and adjusted
10 valuation data are available;

11 (~~32~~ 31) Poverty students (a) for school fiscal years prior to
12 2016-17, means the number of low-income students or the number of
13 students who are free lunch and free milk students in a district plus the
14 difference of the number of low-income students or the number of students
15 who are free lunch and free milk students in a district, whichever is
16 greater, minus the average number of poverty students for such district,
17 prior to such addition, for the three immediately preceding school fiscal
18 years if such difference is greater than zero; and (b) for school fiscal
19 year 2016-17 and each school fiscal year thereafter, the unadjusted
20 poverty students plus the difference of such unadjusted poverty students
21 minus the average number of poverty students for such district, prior to
22 such addition, for the three immediately preceding school fiscal years if
23 such difference is greater than zero;

24 (~~33~~ 32) Qualified early childhood education average daily membership
25 means the product of the average daily membership for school fiscal year
26 2006-07 and each school fiscal year thereafter of students who will be
27 eligible to attend kindergarten the following school year and are
28 enrolled in an early childhood education program approved by the
29 department pursuant to section 79-1103 for such school district for such
30 school year multiplied by the ratio of the actual instructional hours of
31 the program divided by one thousand thirty-two if: (a) The program is

1 receiving a grant pursuant to such section for the third year; (b) the
2 program has already received grants pursuant to such section for three
3 years; or (c) the program has been approved pursuant to subsection (5) of
4 section 79-1103 for such school year and the two preceding school years,
5 including any such students in portions of any of such programs receiving
6 an expansion grant;

7 (34 33) Qualified early childhood education fall membership means
8 the product of membership on the last Friday in September 2006 and each
9 year thereafter of students who will be eligible to attend kindergarten
10 the following school year and are enrolled in an early childhood
11 education program approved by the department pursuant to section 79-1103
12 for such school district for such school year multiplied by the ratio of
13 the planned instructional hours of the program divided by one thousand
14 thirty-two if: (a) The program is receiving a grant pursuant to such
15 section for the third year; (b) the program has already received grants
16 pursuant to such section for three years; or (c) the program has been
17 approved pursuant to subsection (5) of section 79-1103 for such school
18 year and the two preceding school years, including any such students in
19 portions of any of such programs receiving an expansion grant;

20 (35 34) Regular route transportation means the transportation of
21 students on regularly scheduled daily routes to and from the attendance
22 center;

23 (36 35) Reorganized district means any district involved in a
24 consolidation and currently educating students following consolidation;

25 (37 36) School year or school fiscal year means the fiscal year of a
26 school district as defined in section 79-1091;

27 (38 37) Sparse local system means a local system that is not a very
28 sparse local system but which meets the following criteria:

29 (a)(i) Less than two students per square mile in the county in which
30 each high school is located, based on the school district census, (ii)
31 less than one formula student per square mile in the local system, and

1 (iii) more than ten miles between each high school attendance center and
2 the next closest high school attendance center on paved roads;

3 (b)(i) Less than one and one-half formula students per square mile
4 in the local system and (ii) more than fifteen miles between each high
5 school attendance center and the next closest high school attendance
6 center on paved roads;

7 (c)(i) Less than one and one-half formula students per square mile
8 in the local system and (ii) more than two hundred seventy-five square
9 miles in the local system; or

10 (d)(i) Less than two formula students per square mile in the local
11 system and (ii) the local system includes an area equal to ninety-five
12 percent or more of the square miles in the largest county in which a high
13 school attendance center is located in the local system;

14 (~~39 38~~) Special education means specially designed kindergarten
15 through grade twelve instruction pursuant to section 79-1125, and
16 includes special education transportation;

17 (~~40 39~~) Special grant funds means the budgeted receipts for grants,
18 including, but not limited to, categorical funds, reimbursements for
19 wards of the court, short-term borrowings including, but not limited to,
20 registered warrants and tax anticipation notes, interfund loans,
21 insurance settlements, and reimbursements to county government for
22 previous overpayment. The state board shall approve a listing of grants
23 that qualify as special grant funds;

24 (~~41 40~~) State aid means the amount of assistance paid to a district
25 pursuant to the Tax Equity and Educational Opportunities Support Act;

26 (~~42 41~~) State board means the State Board of Education;

27 (~~43 42~~) State support means all funds provided to districts by the
28 State of Nebraska for the general fund support of elementary and
29 secondary education;

30 (~~44 43~~) Statewide average basic funding per formula student means
31 the statewide total basic funding for all districts divided by the

1 statewide total formula students for all districts;

2 (45 44) Statewide average general fund operating expenditures per
3 formula student means the statewide total general fund operating
4 expenditures for all districts divided by the statewide total formula
5 students for all districts;

6 (46 45) Teacher has the definition found in section 79-101;

7 (47 46) Temporary aid adjustment factor means (a) for school fiscal
8 years before school fiscal year 2007-08, one and one-fourth percent of
9 the sum of the local system's transportation allowance, the local
10 system's special receipts allowance, and the product of the local
11 system's adjusted formula students multiplied by the average formula cost
12 per student in the local system's cost grouping and (b) for school fiscal
13 year 2007-08, one and one-fourth percent of the sum of the local system's
14 transportation allowance, special receipts allowance, and distance
15 education and telecommunications allowance and the product of the local
16 system's adjusted formula students multiplied by the average formula cost
17 per student in the local system's cost grouping;

18 (48 47) Tuition receipts from converted contracts means tuition
19 receipts received by a district from another district in the most
20 recently available complete data year pursuant to a converted contract
21 prior to the expiration of the contract;

22 (49 48) Tuitioned students means students in kindergarten through
23 grade twelve of the district whose tuition is paid by the district to
24 some other district or education agency;~~and~~

25 (50) Unadjusted poverty students means, for school fiscal year
26 2016-17 and each school fiscal year thereafter, the greater of the number
27 of low-income students or the free lunch and free milk calculated
28 students in a district; and

29 (51 49) Very sparse local system means a local system that has:

30 (a)(i) Less than one-half student per square mile in each county in
31 which each high school attendance center is located based on the school

1 district census, (ii) less than one formula student per square mile in
2 the local system, and (iii) more than fifteen miles between the high
3 school attendance center and the next closest high school attendance
4 center on paved roads; or

5 (b)(i) More than four hundred fifty square miles in the local
6 system, (ii) less than one-half student per square mile in the local
7 system, and (iii) more than fifteen miles between each high school
8 attendance center and the next closest high school attendance center on
9 paved roads.

10 Sec. 19. Section 79-1003.01, Reissue Revised Statutes of Nebraska,
11 is amended to read:

12 79-1003.01 (1) The department shall calculate a summer school
13 allowance for each district which submits the information required for
14 the calculation on a form prescribed by the department on or before
15 October 15 of the school fiscal year preceding the school fiscal year for
16 which aid is being calculated. For aid calculated for school fiscal years
17 through school fiscal year 2013-14, the summer school allowance shall be
18 equal to two and one-half percent of the summer school student units for
19 such district multiplied by eighty-five percent of the statewide average
20 general fund operating expenditures per formula student. For aid
21 calculated for school fiscal year 2014-15 and each school fiscal year
22 thereafter, the summer school allowance shall be equal to the lesser of
23 two and one-half percent of the product of the summer school student
24 units for such district multiplied by eighty-five percent of the
25 statewide average general fund operating expenditures per formula student
26 or the summer school and early childhood summer school expenditures that
27 are paid for with noncategorical funds generated by state or local taxes
28 as reported on the annual financial report for the most recently
29 available data year and that are not included in other allowances.

30 (2) Summer school student units shall be calculated for each student
31 enrolled in summer school as defined in section 79-536 in a school

1 district who attends such summer school for at least twelve days in the
2 most recently available complete data year, whether or not the student is
3 in the membership of the school district. The initial number of units for
4 each such student shall equal the sum of the ratios, each rounded down to
5 the nearest whole number, of the number of days for which the student
6 attended summer school classes in such district for at least three hours
7 and less than six hours per day divided by twelve days and of two times
8 the number of days for which the student attended summer school classes
9 in such district for six or more hours per day divided by twelve days.

10 (3) Each school district shall receive an additional summer school
11 student unit for each summer school student unit attributed to remedial
12 math or reading programs. Each school district shall also receive an
13 additional summer school student unit for each summer school student unit
14 attributed to a ~~free lunch and free milk~~ student who in the school year
15 immediately preceding summer school either (a) qualified for free lunches
16 or free milk and attended a school that uses information collected from
17 parents and guardians to determine such qualifications or (b) attended a
18 school that provides free meals to all students pursuant to the Community
19 Eligibility Provision.

20 (4) Beginning with state aid calculated for school fiscal year
21 2012-13, summer school student units shall be calculated for each student
22 who was both enrolled in the most recently available complete data year
23 in a summer session of an early childhood education program for which a
24 qualified early childhood education fall membership greater than zero has
25 been calculated for the school fiscal year for which aid is being
26 calculated and eligible to attend kindergarten in the fall immediately
27 following such summer session. The initial number of units for each such
28 early childhood education student shall equal the sum of the ratios, each
29 rounded down to the nearest whole number, of the number of days for which
30 the student attended the summer session in such district for at least
31 three hours and less than six hours per day divided by twelve days and of

1 two times the number of days for which the student attended the summer
2 session in such district for six or more hours per day divided by twelve
3 days. The initial summer school student units for early childhood
4 education students shall be multiplied by six-tenths. Instructional hours
5 included in the calculation of the qualified early childhood education
6 fall membership or the qualified early childhood education average daily
7 membership shall not be included in the calculation of the summer school
8 allowance.

9 (5) Each school district shall receive an additional six-tenths of a
10 summer school student unit for each early childhood education student
11 unit attributed to an a free lunch and free milk early childhood
12 education student who is either qualified for free lunches or free milk
13 based on information collected from parents and guardians to determine
14 such qualifications or is registered to attend a school in the school
15 year immediately following such summer that provides free meals to all
16 students pursuant to the Community Eligibility Provision.

17 (6) This section does not prevent school districts from requiring
18 and collecting fees for summer school or summer sessions of early
19 childhood education programs, except that summer school student units
20 shall not be calculated for school districts which collect fees for
21 summer school from students who qualify for free or reduced-price lunches
22 under United States Department of Agriculture child nutrition programs or
23 who attended, or are registered to attend, a school in the school year
24 immediately following such summer that provides free meals to all
25 students pursuant to the Community Eligibility Provision.

26 Sec. 20. Section 79-1013, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 79-1013 (1) On or before October 15 of each year, each school
29 district designating a maximum poverty allowance greater than zero
30 dollars shall submit a poverty plan for the next school fiscal year to
31 the department and to the learning community coordinating council of any

1 learning community of which the school district is a member. On or before
2 the immediately following December 1, (a) the department shall approve or
3 disapprove such plan for school districts that are not members of a
4 learning community based on the inclusion of the elements required
5 pursuant to this section and (b) the learning community coordinating
6 council and, as to the applicable portions thereof, each achievement
7 subcouncil, shall approve or disapprove such plan for school districts
8 that are members of such learning community based on the inclusion of
9 such elements. On or before the immediately following December 5, each
10 learning community coordinating council shall certify to the department
11 the approval or disapproval of the poverty plan for each member school
12 district.

13 (2) In order to be approved pursuant to this section, a poverty plan
14 shall include an explanation of how the school district will address the
15 following issues for such school fiscal year:

16 (a) Attendance, including absence followup and transportation for
17 students qualifying for free or reduced-price lunches, regardless of the
18 method of qualification, who reside more than one mile from the
19 attendance center;

20 (b) Student mobility, including transportation to allow a student to
21 continue attendance at the same school if the student moves to another
22 attendance area within the same school district or within the same
23 learning community;

24 (c) Parental involvement at the school-building level with a focus
25 on the involvement of parents in poverty and from other diverse
26 backgrounds;

27 (d) Parental involvement at the school-district level with a focus
28 on the involvement of parents in poverty and from other diverse
29 backgrounds;

30 (e) Class size reduction or maintenance of small class sizes in
31 elementary grades;

1 (f) Scheduled teaching time on a weekly basis that will be free from
2 interruptions;

3 (g) Access to early childhood education programs for children in
4 poverty;

5 (h) Student access to social workers;

6 (i) Access to summer school, extended-school-day programs, or
7 extended-school-year programs;

8 (j) Mentoring for new and newly reassigned teachers;

9 (k) Professional development for teachers and administrators,
10 focused on addressing the educational needs of students in poverty and
11 students from other diverse backgrounds;

12 (l) Coordination with elementary learning centers if the school
13 district is a member of a learning community; and

14 (m) An evaluation to determine the effectiveness of the elements of
15 the poverty plan.

16 (3) The state board shall establish a procedure for appeal of
17 decisions of the department and of learning community coordinating
18 councils to the state board for a final determination.

19 Sec. 21. Section 79-1018.01, Reissue Revised Statutes of Nebraska,
20 is amended to read:

21 79-1018.01 Except as otherwise provided in this section, local
22 system formula resources include other actual receipts available for the
23 funding of general fund operating expenditures as determined by the
24 department for the second school fiscal year immediately preceding the
25 school fiscal year in which aid is to be paid. Other actual receipts
26 include:

27 (1) Public power district sales tax revenue;

28 (2) Fines and license fees;

29 (3) Tuition receipts from individuals, other districts, or any other
30 source except receipts derived from adult education, receipts derived
31 from summer school tuition, receipts derived from early childhood

1 education tuition, tuition receipts from converted contracts beginning
2 with the calculation of state aid to be distributed in school fiscal year
3 2011-12, and receipts from educational entities as defined in section
4 79-1201.01 for providing distance education courses through the
5 Educational Service Unit Coordinating Council to such educational
6 entities;

7 (4) Transportation receipts;

8 (5) Interest on investments;

9 (6) Other miscellaneous noncategorical local receipts, not including
10 receipts from private foundations, individuals, associations, or
11 charitable organizations;

12 (7) Special education receipts;

13 (8) Special education receipts and non-special education receipts
14 from the state for wards of the court and wards of the state;

15 (9) All receipts from the temporary school fund. Receipts from the
16 temporary school fund shall only include (a) receipts pursuant to section
17 79-1035, ~~to the extent that such receipts for the calculation of aid for~~
18 ~~school fiscal year 2018-19 and each school fiscal year thereafter are not~~
19 ~~returned to the temporary school fund pursuant to section 79-309.01,~~ and
20 (b) the receipt of funds pursuant to section 79-1036 for property leased
21 for a public purpose as set forth in subdivision (1)(a) of section
22 77-202;

23 (10) Motor vehicle tax receipts received;

24 (11) Pro rata motor vehicle license fee receipts;

25 (12) Other miscellaneous state receipts excluding revenue from the
26 textbook loan program authorized by section 79-734;

27 (13) Impact aid entitlements for the school fiscal year which have
28 actually been received by the district to the extent allowed by federal
29 law;

30 (14) All other noncategorical federal receipts;

31 (15) All receipts pursuant to the enrollment option program under

1 sections 79-232 to 79-246;

2 (16) Receipts under the federal Medicare Catastrophic Coverage Act
3 of 1988, as such act existed on January 1, 2014, as authorized pursuant
4 to sections 43-2510 and 43-2511 for services to school-age children,
5 excluding amounts designated as reimbursement for costs associated with
6 the implementation and administration of the billing system pursuant to
7 section 43-2511;

8 (17) Receipts for accelerated or differentiated curriculum programs
9 pursuant to sections 79-1106 to 79-1108.03; and

10 (18) Revenue received from the nameplate capacity tax distributed
11 pursuant to section 77-6204.

12 Sec. 22. Section 79-1028.01, Reissue Revised Statutes of Nebraska,
13 is amended to read:

14 79-1028.01 (1) For each school fiscal year, a school district may
15 exceed its budget authority for the general fund budget of expenditures
16 as calculated pursuant to section 79-1023 for such school fiscal year by
17 a specific dollar amount for the following exclusions:

18 (a) Expenditures for repairs to infrastructure damaged by a natural
19 disaster which is declared a disaster emergency pursuant to the Emergency
20 Management Act;

21 (b) Expenditures for judgments, except judgments or orders from the
22 Commission of Industrial Relations, obtained against a school district
23 which require or obligate a school district to pay such judgment, to the
24 extent such judgment is not paid by liability insurance coverage of a
25 school district;

26 (c) Expenditures pursuant to the Retirement Incentive Plan
27 authorized in section 79-855 or the Staff Development Assistance
28 authorized in section 79-856;

29 (d) Expenditures of amounts received from educational entities as
30 defined in section 79-1201.01 for providing distance education courses
31 through the Educational Service Unit Coordinating Council to such

1 educational entities;

2 (e) Expenditures to pay for employer contributions pursuant to
3 subsection (2) of section 79-958 to the School Employees Retirement
4 System of the State of Nebraska to the extent that such expenditures
5 exceed the employer contributions under such subsection that would have
6 been made at a contribution rate of seven and thirty-five hundredths
7 percent;

8 (f) Expenditures to pay for school district contributions pursuant
9 to subdivision (1)(c)(i) of section 79-9,113 to the retirement system
10 established pursuant to the Class V School Employees Retirement Act to
11 the extent that such expenditures exceed the school district
12 contributions under such subdivision that would have been made at a
13 contribution rate of seven and thirty-seven hundredths percent;

14 (g) Expenditures for sums agreed to be paid by a school district to
15 certificated employees in exchange for a voluntary termination occurring
16 prior to July 1, 2009, occurring on or after the last day of the 2010-11
17 school year and prior to the first day of the 2013-14 school year, or, to
18 the extent that a district demonstrates to the State Board of Education
19 pursuant to subsection (3) of this section that the agreement will result
20 in a net savings in salary and benefit costs to the school district over
21 a five-year period, occurring on or after the first day of the 2013-14
22 school year;

23 ~~(h) Any expenditures in school fiscal years 2016-17 and 2017-18 of~~
24 ~~amounts specified in the notice provided by the Commissioner of Education~~
25 ~~pursuant to section 79-309.01 for teacher performance pay;~~

26 (h ~~i~~) The special education budget of expenditures; and

27 (i ~~j~~) Expenditures of special grant funds.

28 (2) For each school fiscal year, a school district may exceed its
29 budget authority for the general fund budget of expenditures as
30 calculated pursuant to section 79-1023 for such school fiscal year by a
31 specific dollar amount and include such dollar amount in the budget of

1 expenditures used to calculate budget authority for the general fund
2 budget of expenditures pursuant to section 79-1023 for future years for
3 the following exclusions:

4 (a) Expenditures of support grants to be received in such school
5 fiscal year pursuant to section 79-1011;

6 (b) The first school fiscal year the district will be participating
7 in Network Nebraska for the full school fiscal year, for the difference
8 of the estimated expenditures for such school fiscal year for
9 telecommunications services, access to data transmission networks that
10 transmit data to and from the school district, and the transmission of
11 data on such networks as such expenditures are defined by the department
12 for purposes of the distance education and telecommunications allowance
13 minus the dollar amount of such expenditures for the second school fiscal
14 year preceding the first full school fiscal year the district
15 participates in Network Nebraska;

16 (c) Expenditures for new elementary attendance sites in the first
17 year of operation or the first year of operation after being closed for
18 at least one school year if such elementary attendance site will most
19 likely qualify for the elementary site allowance in the immediately
20 following school fiscal year as determined by the state board;

21 (d) For the first school fiscal year for which early childhood
22 education membership is included in formula students for the calculation
23 of state aid, expenditures for early childhood education equal to the
24 amount the school district received in early childhood education grants
25 pursuant to section 79-1103 for the prior school fiscal year, increased
26 by the basic allowable growth rate; and

27 (e) For school fiscal year 2013-14, an amount not to exceed two
28 percent over the previous school year if such increase is approved by a
29 seventy-five percent majority vote of the school board of such district.

30 (3) The state board shall approve, deny, or modify the amount
31 allowed for any exclusions to the budget authority for the general fund

1 budget of expenditures pursuant to this section.

2 Sec. 23. Section 79-1035, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 79-1035 (1)(a) The State Treasurer shall, each year on or before the
5 third Monday in January, make a complete exhibit of all money belonging
6 to the permanent school fund and the temporary school fund as returned to
7 him or her from the several counties, together with the amount derived
8 from other sources, and deliver such exhibit duly certified to the
9 Commissioner of Education.

10 (b) Beginning in 2016 and each year thereafter, the exhibit required
11 in subdivision (1)(a) of this section shall include a separate
12 accounting, not to exceed an amount of ten million dollars, of the income
13 from solar and wind agreements on school lands. The amount of income from
14 solar and wind agreements on school lands shall be used to fund the
15 grants described in section 79-308. The Board of Educational Lands and
16 Funds shall provide the State Treasurer with the information necessary to
17 make the exhibit required by this subsection. Separate accounting shall
18 not be made for income from solar or wind agreements on school lands that
19 exceeds the sum of ten million dollars.

20 (2) On or before February 25 following receipt of the exhibit from
21 the State Treasurer pursuant to subsection (1) of this section, the
22 Commissioner of Education shall make the apportionment of the temporary
23 school fund to each school district as follows: From the whole amount,
24 less the amount of income from solar and wind agreements on school lands,
25 there shall be paid to those districts in which there are school or
26 saline lands, which lands are used for a public purpose, an amount in
27 lieu of tax money that would be raised if such lands were taxable, to be
28 fixed in the manner prescribed in section 79-1036; and the remainder
29 shall be apportioned to the districts according to the pro rata
30 enumeration of children who are five through eighteen years of age in
31 each district last returned from the school district. The calculation of

1 apportionment for each school fiscal year shall include any corrections
2 to the prior school fiscal year's apportionment.

3 (3) The Commissioner of Education shall certify the amount of the
4 apportionment of the temporary school fund as provided in subsection (2)
5 of this section to the Director of Administrative Services. The Director
6 of Administrative Services shall draw a warrant on the State Treasurer in
7 favor of the various districts for the respective amounts so certified by
8 the Commissioner of Education.

9 (4) For purposes of this section, agreement means any lease,
10 easement, covenant, or other such contractual arrangement.

11 Sec. 24. Section 79-1205, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 79-1205 On or before August 1 ~~July 31, 2007, and on or before July~~
14 ~~31~~ of each year ~~thereafter~~, the State Board of Education shall adjust the
15 boundaries of any educational service unit the boundaries of which do not
16 align with the boundaries of the member school districts on August ~~July~~ 1
17 of such year. Such boundary adjustments shall align the boundaries of the
18 educational service unit with the boundaries of the member school
19 districts as the boundaries of the member school districts existed on
20 August ~~July~~ 1 of such year. Such boundary adjustments shall be referred
21 to the appropriate county and educational service unit officials, and
22 such officials shall implement the adjustments and make the necessary
23 changes in the educational service unit maps and tax records.

24 Sec. 25. Section 79-1315, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 79-1315 (1) The Nebraska Educational Telecommunications Commission
27 shall be composed of eleven members, as follows: (a) The Commissioner of
28 Education or his or her designee; (b) the President of the University of
29 Nebraska or his or her designee; (c) a representative of the state
30 colleges; (d) a representative of the community colleges; (e) a
31 representative of private educational institutions of the State of

1 Nebraska; and (f) six members of the general public, none of whom shall
2 be associated with any of the institutions listed in subdivisions (a)
3 through (e) of this subsection and two of whom shall be from each
4 congressional district. No more than four of the members shall be
5 actively engaged in the teaching profession or administration of an
6 educational institution.

7 (2) The members described in subdivisions (1)(c) through (1)(f) of
8 this section shall be appointed by the Governor with the approval of the
9 Legislature for terms of four years, and the term of the member described
10 in subdivision (1)(d) of this section shall be the same as the term of
11 the member described in subdivision (1)(c) of this section. Vacancies
12 shall be filled by the Governor for the unexpired term. The commission
13 shall be nonpolitical in character, and selection of the members of the
14 commission shall be made on a nonpolitical basis. No member of the
15 commission shall receive any compensation for his or her services.
16 Reimbursement shall be provided for reasonable and necessary expenses
17 incurred in attending scheduled meetings of the commission as provided in
18 sections 81-1174 to 81-1177.

19 If the Commissioner of Education is unable to attend a commission
20 meeting, ~~the deputy commissioner of education or~~ his or her designee is
21 authorized to act on ~~his or her~~ his or her behalf of the commissioner, and if the
22 President of the University of Nebraska or his or her designee is unable
23 to attend a commission meeting, the Executive Vice President and Provost
24 for academic affairs is authorized to act on his or her behalf.

25 Sec. 26. Section 79-2110, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 79-2110 (1)(a) Each diversity plan shall provide for open enrollment
28 in all school buildings in the learning community, subject to specific
29 limitations necessary to bring about diverse enrollments in each school
30 building in the learning community. Such limitations, for school
31 buildings other than focus schools and programs other than focus

1 programs, shall include giving preference at each school building first
2 to siblings of students who will be enrolled as continuing students in
3 such school building or program for the first school year for which
4 enrollment is sought in such school building and then to students that
5 contribute to the socioeconomic diversity of enrollment at each building
6 and may include establishing zone limitations in which students may
7 access several schools other than their home attendance area school.
8 Notwithstanding the limitations necessary to bring about diversity, open
9 enrollment shall include providing access to students who do not
10 contribute to the socioeconomic diversity of a school building, if,
11 subsequent to the open enrollment selection process that is subject to
12 limitations necessary to bring about diverse enrollments, capacity
13 remains in a school building. In such a case, students who have applied
14 to attend such school building shall be selected to attend such school
15 building on a random basis up to the remaining capacity of such building.
16 A student who has otherwise been disqualified from the school building
17 pursuant to the school district's code of conduct or related school
18 discipline rules shall not be eligible for open enrollment pursuant to
19 this section. Any student who attended a particular school building in
20 the prior school year and who is seeking education in the grades offered
21 in such school building shall be allowed to continue attending such
22 school building as a continuing student.

23 (b) To facilitate the open enrollment provisions of this subsection,
24 each school year each member school district in a learning community
25 shall establish a maximum capacity for each school building under such
26 district's control pursuant to procedures and criteria established by the
27 learning community coordinating council. Each member school district
28 shall also establish attendance areas for each school building under the
29 district's control, except that the school board shall not establish
30 attendance areas for focus schools or focus programs. The attendance
31 areas shall be established such that all of the territory of the school

1 district is within an attendance area for each grade. Students residing
2 in a school district shall be allowed to attend a school building in such
3 school district.

4 (c) For purposes of this section and sections 79-238 and 79-611,
5 student who contributes to the socioeconomic diversity of enrollment
6 means (i) a student who does not qualify for free or reduced-price
7 lunches when, based upon the certification pursuant to section 79-2120,
8 the school building the student will attend either has more students
9 qualifying for free or reduced-price lunches than the average percentage
10 of such students in all school buildings in the learning community or
11 provides free meals to all students pursuant to the Community Eligibility
12 Provision or (ii) a student who qualifies for free or reduced-price
13 lunches based on information collected from parents and guardians when,
14 based upon the certification pursuant to section 79-2120, the school
15 building the student will attend has fewer students qualifying for free
16 or reduced-price lunches than the average percentage of such students in
17 all school buildings in the learning community and does not provide free
18 meals to all students pursuant to the Community Eligibility Provision.

19 (2)(a) On or before March 15 of each year beginning with the year
20 immediately following the year in which the initial coordinating council
21 for the learning community takes office, a parent or guardian of a
22 student residing in a member school district in a learning community may
23 submit an application to any school district in the learning community on
24 behalf of a student who is applying to attend a school building for the
25 following school year that is not in an attendance area where the
26 applicant resides or a focus school, focus program, or magnet school as
27 such terms are defined in section 79-769. On or before April 1 of each
28 year beginning with the year immediately following the year in which the
29 initial coordinating council for the learning community takes office, the
30 school district shall accept or reject such applications based on the
31 capacity of the school building, the eligibility of the applicant for the

1 school building or program, the number of such applicants that will be
2 accepted for a given school building, and whether or not the applicant
3 contributes to the socioeconomic diversity of the school or program to
4 which he or she has applied and for which he or she is eligible. The
5 school district shall notify such parent or guardian in writing of the
6 acceptance or rejection.

7 (b) A parent or guardian may provide information on the application
8 regarding the applicant's potential qualification for free or reduced-
9 price lunches. Any such information provided shall be subject to
10 verification and shall only be used for the purposes of this section.
11 Nothing in this section requires a parent or guardian to provide such
12 information. Determinations about an applicant's qualification for free
13 or reduced-price lunches for purposes of this section shall be based on
14 any verified information provided on the application. If no such
15 information is provided the student shall be presumed not to qualify for
16 free or reduced-price lunches for the purposes of this section.

17 (c) A student may not apply to attend a school building in the
18 learning community for any grades that are offered by another school
19 building for which the student had previously applied and been accepted
20 pursuant to this section, absent a hardship exception as established by
21 the individual school district. On or before September 1 of each year
22 beginning with the year immediately following the year in which the
23 initial coordinating council for the learning community takes office,
24 each school district shall provide to the learning community coordinating
25 council a complete and accurate report of all applications received,
26 including the number of students who applied at each grade level at each
27 building, the number of students accepted at each grade level at each
28 building, the number of such students that contributed to the
29 socioeconomic diversity that applied and were accepted, the number of
30 applicants denied and the rationales for denial, and other such
31 information as requested by the learning community coordinating council.

1 (3) Each diversity plan may also include establishment of one or
2 more focus schools or focus programs and the involvement of every member
3 school district in one or more pathways across member school districts.
4 Enrollment in each focus school or focus program shall be designed to
5 reflect the socioeconomic diversity of the learning community as a whole.
6 School district selection of students for focus schools or focus programs
7 shall be on a random basis from two pools of applicants, those who
8 qualify for free and reduced-price lunches and those who do not qualify
9 for free and reduced-price lunches. The percentage of students selected
10 for focus schools from the pool of applicants who qualify for free and
11 reduced-price lunches shall be as nearly equal as possible to the
12 percentage of the student body of the learning community who qualify for
13 free and reduced-price lunches. The percentage of students selected for
14 focus schools from the pool of applicants who do not qualify for free and
15 reduced-price lunches shall be as nearly equal as possible to the
16 percentage of the student body of the learning community who do not
17 qualify for free and reduced-price lunches. If more capacity exists in a
18 focus school or program than the number of applicants for such focus
19 school or program that contribute to the socioeconomic diversity of the
20 focus school or program, the school district shall randomly select
21 applicants up to the number of applicants that will be accepted for such
22 building. A student who will complete the grades offered at a focus
23 program, focus school, or magnet school that is part of a pathway shall
24 be allowed to attend the focus program, focus school, or magnet school
25 offering the next grade level as part of the pathway as a continuing
26 student. A student who completes the grades offered at a focus program,
27 focus school, or magnet school shall be allowed to attend a school
28 offering the next grade level in the school district responsible for the
29 focus program, focus school, or magnet school as a continuing student. A
30 student who attended a program or school in the school year immediately
31 preceding the first school year for which the program or school will

1 operate as a focus program or focus school approved by the learning
2 community and meeting the requirements of section 79-769 and who has not
3 completed the grades offered at the focus program or focus school shall
4 be a continuing student in the program or school.

5 (4) On or before February 15 of each year beginning with the year
6 immediately following the year in which the initial coordinating council
7 for the learning community takes office, a parent or guardian of a
8 student who is currently attending a school building or program, except a
9 magnet school, focus school, or focus program, outside of the attendance
10 area where the student resides and who will complete the grades offered
11 at such school building prior to the following school year shall provide
12 notice, on a form provided by the school district, to the school board of
13 the school district containing such school building if such student will
14 attend another school building within such district as a continuing
15 student and which school building such student would prefer to attend. On
16 or before March 1, such school board shall provide a notice to such
17 parent or guardian stating which school building or buildings the student
18 shall be allowed to attend in such school district as a continuing
19 student for the following school year. If the student resides within the
20 school district, the notice shall include the school building offering
21 the grade the student will be entering for the following school year in
22 the attendance area where the student resides. This subsection shall not
23 apply to focus schools or programs.

24 (5) A parent or guardian of a student who moves to a new residence
25 in the learning community after April 1 may apply directly to a school
26 board within the learning community within ninety days after moving for
27 the student to attend a school building outside of the attendance area
28 where the student resides. Such school board shall accept or reject such
29 application within fifteen days after receiving the application, based on
30 the number of applications and qualifications pursuant to subsection (2)
31 or (3) of this section for all other students.

1 (6) A parent or guardian of a student who wishes to change school
2 buildings for emergency or hardship reasons may apply directly to a
3 school board within the learning community at any time for the student to
4 attend a school building outside of the attendance area where the student
5 resides. Such application shall state the emergency or hardship and shall
6 be kept confidential by the school board. Such school board shall accept
7 or reject such application within fifteen days after receiving the
8 application. Applications shall only be accepted if an emergency or
9 hardship was presented which justifies an exemption from the procedures
10 in subsection (4) of this section based on the judgment of such school
11 board, and such acceptance shall not exceed the number of applications
12 that will be accepted for the school year pursuant to subsection (2) or
13 (3) of this section for such building.

14 Sec. 27. Section 79-2113, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 79-2113 (1) On or before the second June 1 immediately following the
17 establishment of a new learning community, the learning community
18 coordinating council shall establish at least one elementary learning
19 center for each twenty-five elementary schools in which either at least
20 thirty-five percent of the students attending the school who reside in
21 the attendance area of such school qualify for free or reduced-price
22 lunches or free meals are provided to all students pursuant to the
23 Community Eligibility Provision. The council shall determine how many of
24 the initial elementary learning centers shall be located in each
25 subcouncil district on or before September 1 immediately following the
26 establishment of a new learning community.

27 (2) Each achievement subcouncil shall submit a plan to the learning
28 community coordinating council for any elementary learning center in its
29 subcouncil district and the services to be provided by such elementary
30 learning center. In developing the plan, the achievement subcouncil shall
31 seek input from community resources and collaborate with such resources

1 in order to maximize the available opportunities and the participation of
2 elementary students and their families. An achievement subcouncil may, as
3 part of such plan, recommend services be provided through contracts with,
4 or grants to, entities other than school districts to provide some or all
5 of the services. Such entities may include collaborative groups which may
6 include the participation of a school district. An achievement subcouncil
7 may also, as part of such plan, recommend that the elementary learning
8 center serve as a clearinghouse for recommending programs provided by
9 school districts or other entities and that the elementary learning
10 center assist students in accessing such programs. The plans for the
11 initial elementary learning centers shall be submitted by the achievement
12 subcouncils to the coordinating council on or before January 1
13 immediately following the establishment of a new learning community.

14 (3) Each elementary learning center shall have at least one facility
15 that is located in an area with a high concentration of poverty. Such
16 facility may be owned or leased by the learning community, or the use of
17 the facility may be donated to the learning community. Programs offered
18 by the elementary learning center may be offered in such facility or in
19 other facilities, including school buildings.

20 Sec. 28. Section 79-2115, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 79-2115 (1) Learning community funds distributed pursuant to section
23 79-2103 may be used by the learning community coordinating council
24 receiving the funds for:

25 (a) The administration and operation of the learning community;

26 (b) The administration, operations, and programs of elementary
27 learning centers pursuant to sections 79-2112 to 79-2114;

28 (c) Supplements for extended hours to teachers in elementary schools
29 in which at least thirty-five percent of the students attending the
30 school who reside in the attendance area of such school qualify for free
31 or reduced-price lunches and elementary schools that provide free meals

1 to all students pursuant to the Community Eligibility Provision;

2 (d) Transportation to elementary school functions for parents of
3 elementary students who qualify for free or reduced-price lunches or who
4 attend an elementary school that provides free meals to all students
5 pursuant to the Community Eligibility Provision ~~to school functions of~~
6 ~~such students in elementary schools;~~

7 (e) Up to six social workers to provide services through the
8 elementary learning centers; and

9 (f) Pilot projects authorized pursuant to section 79-2104.

10 (2) Each learning community coordinating council shall adopt
11 policies and procedures for granting supplements for extended hours and
12 for providing transportation for parents if any such funds are to be used
13 for such purposes. An example of a pilot project that could receive such
14 funds would be a school designated as Jump Start Center focused on
15 providing intensive literacy services for elementary students with low
16 reading scores.

17 (3) Each learning community coordinating council shall provide for
18 financial audits of elementary learning centers and pilot projects. A
19 learning community coordinating council shall serve as the recipient of
20 private funds donated to support any elementary learning center or pilot
21 project receiving funds from such learning community coordinating council
22 and shall assure that the use of such private funds is included in the
23 financial audits required pursuant to this section.

24 Sec. 29. Section 79-2120, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 79-2120 On or before March 1, 2009, and February 1 of each year
27 thereafter, for purposes of subsection (3) of section 79-238 and sections
28 79-611 and 79-2110, the State Department of Education shall certify to
29 each learning community and each member school district the average
30 percentage of students qualifying for free or reduced-price lunches in
31 each school building in each member school district and in the aggregate

1 for all school buildings in the learning community based on the most
2 current information available to the department on the immediately
3 preceding January 1. For purposes of this section, the average percentage
4 of students qualifying for free or reduced-price lunches in school
5 buildings that provide free meals to all students pursuant to the
6 Community Eligibility Provision shall equal the identified student
7 percentage calculated pursuant to the Community Eligibility Provision.
8 The State Board of Education may adopt and promulgate rules and
9 regulations to carry out this section.

10 Sec. 30. Section 79-2204, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 79-2204 (1) The State Council on Educational Opportunity for
13 Military Children is created within the department. The council shall
14 consist of:

15 (a) The following ex officio members:

16 (i) The Commissioner of Education;

17 (ii) The chairperson of the Education Committee of the Legislature,
18 who shall serve as a nonvoting member of the council;

19 (iii) The compact commissioner appointed pursuant to section
20 79-2205; and

21 (iv) The military family education liaison, who shall serve as a
22 member of the council after his or her appointment pursuant to subsection
23 (3) of this section; and

24 (b) The following members appointed by the State Board of Education:

25 (i) The superintendent of a school district that has a high
26 concentration of children of military families; and

27 (ii) A representative of a military installation located in this
28 state.

29 (2) The members of the council appointed by the State Board of
30 Education shall serve three-year terms. Vacancies in the council shall be
31 filled in the same manner as the initial appointments. The members of the

1 council shall be reimbursed for their actual and necessary expenses as
2 provided in sections 81-1174 to 81-1177.

3 (3) The council shall have the following duties:

4 (a) To advise the department with regard to the state's
5 participation in and compliance with the Interstate Compact on
6 Educational Opportunity for Military Children; and

7 (b) To appoint a military family education liaison to assist
8 families and the state in implementing the compact.

9 (4) When the council holds a single meeting in a calendar year, that
10 meeting may be held by videoconferencing notwithstanding subdivision (2)
11 (e) of section 84-1411.

12 Sec. 31. Section 79-2205, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 79-2205 A The deputy commissioner of education as designated by the
15 Commissioner of Education shall serve as the compact commissioner and
16 shall be responsible for administering the state's participation in the
17 Interstate Compact on Educational Opportunity for Military Children.

18 Sec. 32. Section 85-2102, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 85-2102 For purposes of the Access College Early Scholarship Program
21 Act:

22 (1) Career plan of study means a sequence of at least three high
23 school courses that (a) may include dual-credit or college credit
24 courses, (b) are part of a career pathway program of study aligned with
25 (i) the rules and regulations of the State Department of Education, (ii)
26 a professional certification requirement, or (iii) the requirements for a
27 postsecondary certification or diploma, and (c) have at least one local
28 member of business or industry partnering as an official advisor to the
29 program;

30 (2) Commission means the Coordinating Commission for Postsecondary
31 Education;

1 (3 2) Extreme hardship means any event, including fire, illness,
2 accident, or job loss, that has recently resulted in a significant
3 financial difficulty for a student or the student's parent or legal
4 guardian;

5 (4 3) Postsecondary educational institution means a two-year or
6 four-year college or university which is a member institution of an
7 accrediting body recognized by the United States Department of Education;

8 (5 4) Qualified postsecondary educational institution means a
9 postsecondary educational institution located in Nebraska which has
10 agreed, on a form developed and provided by the commission, to comply
11 with the requirements of the act; and

12 (6 5) Student means a student attending a Nebraska high school with
13 a reasonable expectation that such student will meet the residency
14 requirements of section 85-502 upon graduation from a Nebraska high
15 school.

16 Sec. 33. Section 85-2104, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 85-2104 Applications for the Access College Early Scholarship
19 Program shall be prioritized for students qualifying pursuant to
20 subdivision (1) or (2) of this section, and applications for students
21 qualifying only pursuant to subdivision (3) of this section shall only be
22 considered if funds are available after fulfilling the applications for
23 students qualifying pursuant to subdivision (1) or (2) of this section.
24 Priority dates shall be determined by the commission on a term basis. A
25 student who is applying to take one or more courses for credit from a
26 qualified postsecondary educational institution is eligible for the
27 Access College Early Scholarship Program if:

28 (1) Such student or the student's parent or legal guardian is
29 eligible to receive:

30 (a) Supplemental Security Income;

31 (b) Supplemental Nutrition Assistance Program benefits;

1 (c) Free or reduced-price lunches under United States Department of
2 Agriculture child nutrition programs;

3 (d) Aid to families with dependent children; or

4 (e) Assistance under the Special Supplemental Nutrition Program for
5 Women, Infants, and Children; ~~or~~

6 (2) The student or the student's parent or legal guardian has
7 experienced an extreme hardship; or -

8 (3) Such student is requesting assistance pursuant to the program to
9 cover the cost of tuition and fees for a course that is part of a career
10 plan of study, up to two hundred fifty dollars per term, and the
11 student's family has an annual household income at or below two hundred
12 percent of the federal poverty level.

13 Sec. 34. Original sections 73-106, 79-101, 79-215, 79-2,144,
14 79-301, 79-308, 79-309.01, 79-318, 79-420, 79-760.01, 79-760.02,
15 79-760.06, 79-761, 79-8,137, 79-8,137.04, 79-1003, 79-1003.01, 79-1013,
16 79-1018.01, 79-1028.01, 79-1035, 79-1205, 79-1315, 79-2110, 79-2113,
17 79-2115, 79-2120, 79-2204, 79-2205, 85-2102, and 85-2104, Reissue Revised
18 Statutes of Nebraska, and section 71-1962, Revised Statutes Cumulative
19 Supplement, 2014, are repealed.