

AMENDMENTS TO LB343

Introduced by Education.

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

3 Section 1. The Legislature finds that:

4 (1) In order for Nebraska's students to adequately prepare for
5 postsecondary education and careers, public schools in conjunction with
6 educational service units in Nebraska should offer courses of increased
7 educational rigor and relevancy, including, but not limited to, programs
8 of excellence, dual-enrollment courses, and career academies;

9 (2) The startup costs of implementing and the ongoing costs of
10 offering such programs, courses, and academies, including, but not
11 limited to, curricula, textbooks, testing fees, postsecondary tuition,
12 technology, equipment, staffing, staff training, and other related
13 expenses, can often exceed the resources available to a school district
14 or an educational service unit; and

15 (3) It is in the best interests of the state to provide a dedicated
16 source of funding to public schools in Nebraska through educational
17 service units for such programs, courses, and academies.

18 Sec. 2. For purposes of sections 1 to 6 of this act:

19 (1) Career academy means a career academy established pursuant to
20 section 79-777;

21 (2) Dual-enrollment course means a course taught to students for
22 credit at both a high school and a postsecondary educational institution
23 accredited by an accrediting organization recognized by the United States
24 Department of Education; and

25 (3) Program of excellence means a nationally recognized program,
26 offered in the high school grades that includes a curriculum and
27 pedagogy, professional development for teachers, and a rigorous

1 assessment external to the school system.

2 Sec. 3. (1) Educational service units shall apply on behalf of
3 member school districts to the State Department of Education for
4 reimbursement calculated pursuant to section 4 of this act. School
5 districts seeking reimbursement pursuant to such section shall provide
6 documentation to the appropriate educational service unit of the number
7 of students in each program, course, or academy for which reimbursement
8 is requested and the number of students successfully completing such
9 program, course, or academy.

10 (2) Reimbursement shall be available based on students who
11 successfully complete a program of excellence, a dual-enrollment course,
12 or a career academy. Applications shall be submitted based on completions
13 during the immediately preceding fiscal year not later than August 1,
14 2016, and on or before August 1 of each year thereafter. The department
15 shall award the reimbursements provided for in this section and
16 distribute such reimbursements after September 1 and no later than
17 October 1 of every year beginning in 2016.

18 Sec. 4. (1) For each student who successfully completes a program
19 of excellence, a dual-enrollment course, or a career academy, the
20 department shall approve and reimburse the school district through its
21 educational service unit as provided in this section if the school
22 district through its educational service unit has applied pursuant to
23 section 3 of this act.

24 (2) The reimbursement for each qualifying school district shall be
25 determined by (a) dividing the statewide aggregate number of approved
26 students completing programs of excellence, dual enrollment courses, and
27 career academies into the total funds appropriated for such purpose and
28 (b) multiplying the result by the district's number of such approved
29 students.

30 (3) For purposes of the general fund budget of expenditures as
31 defined in section 79-1003, funds received pursuant to this section shall

1 be considered special grant funds.

2 Sec. 5. The State Board of Education shall adopt and promulgate
3 rules and regulations to carry out sections 1 to 6 of this act. Such
4 rules and regulations shall include, but not be limited to, mechanisms to
5 determine successful student completion of a program of excellence, dual-
6 enrollment course, or career academy for purposes of reimbursement
7 authorized by section 4 of this act.

8 Sec. 6. It is the intent of the Legislature to appropriate from the
9 General Fund two million dollars for fiscal year 2016-17, five million
10 dollars for fiscal year 2017-18, seven million dollars for fiscal year
11 2018-19, and ten million dollars for fiscal year 2019-20 to carry out the
12 purposes of section 4 of this act.

13 Sec. 7. Section 79-1007.13, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 79-1007.13 The department shall calculate a special receipts
16 allowance for each district equal to the amount of special education,
17 state ward, ~~and~~ accelerated or differentiated curriculum program, and
18 distance education funding receipts included in local system formula
19 resources under subdivisions (7), (8), (16), ~~and~~ (17), and (19) of
20 section 79-1018.01 and reimbursements under subdivision (20) of section
21 79-1018.01 attributable to the school district.

22 Sec. 8. Section 79-1018.01, Reissue Revised Statutes of Nebraska, is
23 amended to read:

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

30 (1) Public power district sales tax revenue;

31 (2) Fines and license fees;

1 (3) Tuition receipts from individuals, other districts, or any other
2 source except receipts derived from adult education, receipts derived
3 from summer school tuition, receipts derived from early childhood
4 education tuition, tuition receipts from converted contracts beginning
5 with the calculation of state aid to be distributed in school fiscal year
6 2011-12, and receipts from educational entities as defined in section
7 79-1201.01 for providing distance education courses through the
8 Educational Service Unit Coordinating Council to such educational
9 entities;

10 (4) Transportation receipts;

11 (5) Interest on investments;

12 (6) Other miscellaneous noncategorical local receipts, not including
13 receipts from private foundations, individuals, associations, or
14 charitable organizations;

15 (7) Special education receipts;

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

18 (9) All receipts from the temporary school fund. Receipts from the
19 temporary school fund shall only include (a) receipts pursuant to section
20 79-1035, to the extent that such receipts for the calculation of aid for
21 school fiscal year 2018-19 and each school fiscal year thereafter are not
22 returned to the temporary school fund pursuant to section 79-309.01, and
23 (b) the receipt of funds pursuant to section 79-1036 for property leased
24 for a public purpose as set forth in subdivision (1)(a) of section
25 77-202;

26 (10) Motor vehicle tax receipts received;

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

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

30 (13) Impact aid entitlements for the school fiscal year which have
31 actually been received by the district to the extent allowed by federal

1 law;

2 (14) All other noncategorical federal receipts;

3 (15) All receipts pursuant to the enrollment option program under
4 sections 79-232 to 79-246;

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

11 (17) Receipts for accelerated or differentiated curriculum programs
12 pursuant to sections 79-1106 to 79-1108.03; ~~and~~

13 (18) Revenue received from the nameplate capacity tax distributed
14 pursuant to section 77-6204; ~~and~~

15 (19) Receipts for distance education funding pursuant to section 11
16 of this act; and

17 (20) Reimbursements pursuant to sections 1 to 6 of this act.

18 Sec. 9. Section 79-1028.01, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 79-1028.01 (1) For each school fiscal year, a school district may
21 exceed its budget authority for the general fund budget of expenditures
22 as calculated pursuant to section 79-1023 for such school fiscal year by
23 a specific dollar amount for the following exclusions:

24 (a) Expenditures for repairs to infrastructure damaged by a natural
25 disaster which is declared a disaster emergency pursuant to the Emergency
26 Management Act;

27 (b) Expenditures for judgments, except judgments or orders from the
28 Commission of Industrial Relations, obtained against a school district
29 which require or obligate a school district to pay such judgment, to the
30 extent such judgment is not paid by liability insurance coverage of a
31 school district;

1 (c) Expenditures pursuant to the Retirement Incentive Plan
2 authorized in section 79-855 or the Staff Development Assistance
3 authorized in section 79-856;

4 (d) Expenditures of amounts received from educational entities as
5 defined in section 79-1201.01 for providing distance education courses
6 through the Educational Service Unit Coordinating Council to such
7 educational entities;

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

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

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

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

1 (i) The special education budget of expenditures; and

2 (j) Expenditures of special grant funds.

3 (2) For each school fiscal year, a school district may exceed its
4 budget authority for the general fund budget of expenditures as
5 calculated pursuant to section 79-1023 for such school fiscal year by a
6 specific dollar amount and include such dollar amount in the budget of
7 expenditures used to calculate budget authority for the general fund
8 budget of expenditures pursuant to section 79-1023 for future years for
9 the following exclusions:

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

12 (b) The first school fiscal year the district will receive distance
13 education funding pursuant to section 11 of this act ~~be participating in~~
14 ~~Network Nebraska for the full school fiscal year, for the difference of~~
15 ~~the estimated expenditures for such school fiscal year for~~
16 ~~telecommunications services, access to data transmission networks that~~
17 ~~transmit data to and from the school district, and the transmission of~~
18 ~~data on such networks as such expenditures are defined by the department~~
19 ~~for purposes of the distance education and telecommunications allowance~~
20 ~~minus the dollar amount of such expenditures for the second school fiscal~~
21 ~~year preceding the first full school fiscal year the district~~
22 ~~participates in Network Nebraska;~~

23 (c) Expenditures for new elementary attendance sites in the first
24 year of operation or the first year of operation after being closed for
25 at least one school year if such elementary attendance site will most
26 likely qualify for the elementary site allowance in the immediately
27 following school fiscal year as determined by the state board; and

28 (d) For the first school fiscal year for which early childhood
29 education membership is included in formula students for the calculation
30 of state aid, expenditures for early childhood education equal to the
31 amount the school district received in early childhood education grants

1 pursuant to section 79-1103 for the prior school fiscal year, increased
2 by the basic allowable growth rate, ~~;~~ and

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

6 (3) The state board shall approve, deny, or modify the amount
7 allowed for any exclusions to the budget authority for the general fund
8 budget of expenditures pursuant to this section.

9 Sec. 10. Section 79-1201.01, Reissue Revised Statutes of Nebraska,
10 is amended to read:

11 79-1201.01 For purposes of the Educational Service Units Act and
12 sections 79-1336 and 79-1337 and section 11 of this act:

13 (1) Distance education course means a course with at least one
14 student in any of grades kindergarten through twelve who is in a
15 different location than the teacher and taught by a teacher employed by
16 an educational entity utilizing either two-way interactive video or the
17 Internet without two-way interactive video. Distance education course
18 includes a dual-enrollment course with at least one student who is in a
19 different location than the teacher and taught by a teacher employed by
20 an educational entity utilizing either two-way interactive video or the
21 Internet without two-way interactive video;

22 (2) Dual-enrollment course means a course taught to students for
23 credit at both a high school and a postsecondary educational institution;

24 (3) Educational entity means a school district, a private,
25 denominational, or parochial school, an educational service unit, a
26 community college, a state college, the University of Nebraska, or a
27 nonprofit private postsecondary educational institution;

28 (4) Elementary distance education course means a distance education
29 course which is delivered utilizing two-way interactive video to students
30 who are enrolled in any of grades kindergarten through eight;

31 (5) Network Nebraska means the network created pursuant to section

1 86-5,100;

2 (6) Qualified distance education course means a distance education
3 course which meets any applicable rules and regulations of the State
4 Department of Education, is offered for one semester of high school
5 credit or the equivalent, and for which all of the participating
6 educational entities are required to have access to Network Nebraska;

7 (7) Technical training means training to equip educators with
8 knowledge about the skills and tools necessary to infuse technological
9 resources and software applications into the curriculum to be used in
10 classrooms with and by students and includes, but is not limited to,
11 computer workstation troubleshooting, distance education, educational
12 software, Internet resources, local area network management, multimedia
13 presentation tools, and strategic planning;

14 (8) Technology includes technical training and technology
15 infrastructure;

16 (9) Technology infrastructure means hardware-related items necessary
17 for schools to interact electronically throughout the state, including,
18 but not limited to, physical connections, wiring, servers, routers,
19 switches, domain name service, and operating systems and human resources
20 necessary to maintain infrastructure, including, but not limited to,
21 systems engineers, programmers, webmasters, and help desk staff; and

22 (10) Two-way interactive video distance education course means a
23 distance education course in which a teacher delivers instruction to
24 students in a different location than the teacher using two-way
25 interactive video on at least two different days per week during the
26 course.

27 Sec. 11. (1) Beginning with school fiscal year 2016-17, the State
28 Department of Education shall provide distance education funding to
29 school districts and educational service units for qualified distance
30 education courses, including, but not limited to, two-way interactive
31 video distance education courses, coordinated through the Educational

1 Service Unit Coordinating Council as provided in this section.

2 (2) School districts and educational service units shall apply for
3 distance education funding annually to the department on or before August
4 1 on a form specified by the department. The application shall specify
5 (a) the qualified distance education courses which were received by
6 students in the membership of the district in the then-current school
7 fiscal year and which were not taught by a teacher employed by the school
8 district and (b) for each such course (i) the number of students in the
9 membership of the district who received the course and (ii) the
10 educational entity employing the teacher.

11 (3) On or before September 1 of each year, the department shall
12 certify the distance education funding for each school district and
13 educational service unit which shall be paid on or before October 1 of
14 such year. The funding for each district shall be calculated as follows:

15 (a) Each district shall receive one distance education unit for each
16 qualified distance education course sent as reported in this section;

17 (b) The amount available for distribution shall be divided by the
18 number of distance education units to determine the value per distance
19 education unit, except that the value per distance education unit shall
20 not equal an amount greater than one thousand dollars; and

21 (c) The distance education funding for each school district or
22 educational service unit shall equal the number of distance education
23 units calculated for the school district multiplied by the incentive per
24 distance education unit.

25 (4) The department may verify any or all application information
26 using annual curriculum reports and may request such verification from
27 the council.

28 (5) On or before October 1 of each year, a school district or
29 educational service unit may appeal the denial of distance education
30 funding for any course by the department to the State Board of Education.
31 The board shall allow a representative of the school district or

1 educational service unit an opportunity to present information concerning
2 the appeal to the board at the November board meeting. If the board finds
3 that the course meets the requirements of this section, the department
4 shall pay the district or educational service unit as soon as practical
5 in an amount for which the district or educational service unit should
6 have qualified based on the value per distance education unit used in the
7 original certification of distance education funding pursuant to this
8 section.

9 (6) The State Board of Education shall adopt and promulgate rules
10 and regulations to carry out this section.

11 (7) It is the intent of the Legislature to appropriate from the
12 General Fund five hundred thousand dollars for fiscal year 2016-17 and
13 such amount as determined by the Legislature for each fiscal year
14 thereafter to carry out this section.

15 Sec. 12. Original sections 79-1007.13, 79-1018.01, 79-1028.01, and
16 79-1201.01, Reissue Revised Statutes of Nebraska, are repealed.