

**ONE HUNDRED FOURTH LEGISLATURE - FIRST SESSION - 2015**  
**COMMITTEE STATEMENT**  
**LB525**

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**Hearing Date:** Monday March 16, 2015  
**Committee On:** Education  
**Introducer:** Sullivan  
**One Liner:** Change provisions relating to education

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**

**Aye:** 8 Senators Baker, Cook, Groene, Kolowski, Morfeld, Pansing Brooks, Schnoor, Sullivan

**Nay:**

**Absent:**

**Present Not Voting:**

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**Verbal Testimony:**

**Proponents:**

Senator Kate Sullivan  
Brian Halstead

Jay Sears

**Representing:**

Introducer  
Nebraska State Board of Education and Nebraska  
Department of Education  
Nebraska State Education Association

**Opponents:**

**Representing:**

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

Legislative Bill 525 is the annual technical bill for education. The measure would allow early childhood professionals to report their credentials, modify the construction expenditures that are outside of competitive bidding requirements, clarify when homeless students must be admitted into a school district, modify timelines and deadlines, allow for the use of videoconferencing for the meeting of the State Council on Educational Opportunity for Military Children, and allow more than one Deputy Commissioner of Education to be appointed.

Section 71-1962 would be amended by allowing child care and early childhood education providers who reside or work in Nebraska to report their educational degrees and professional credentials, relevant training, and work history to the Nebraska Early Childhood Professional Record System.

Section 73-106 would be amended to increase the amount that can be spent for construction, remodeling, or repair of school buildings, or for site improvements without being required to advertise for bids as required under section 73-101, from \$40,000 to \$140,000. A new exemption would also be added for situations where a certificate has been issued under the Emergency Management Act and immediate action is needed to secure any school-owned building from further damage, injury, or potential loss of life due to a natural or manmade disaster.

Section 79-215 would be amended by clarifying when a school board is required to admit a homeless student. A school

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board would be required to admit a homeless student if the district is the district in which the student:

- a. Is currently located;
- b. Attended when permanently housed; or
- c. Was last enrolled.

Section 79-301 would be amended by allowing for the possibility of more than one Deputy Commissioner of Education.

Section 79-318 would be amended by modifying the State Board of Education responsibility for appointing and fixing the compensation for the deputy commissioner and other professional employees. The current language allows for only one deputy commissioner and includes all professional employees of the board. The new language would require the board to appoint and fix the compensation for all new professional positions in the department, including any deputy commissioners.

Section 79-420 would be amended by moving the deadline for newly reorganized school districts to be formed, organized, and have a governing board from April 1 to June 1 following the last necessary legal action. Annual school meetings would be eliminated as an alternative to elections for choosing the successors to the initial school board members.

Section 79-760.01 would be amended by increasing the length of time between required reviews of academic content standards from 5 years to 7. Language regarding the initial, expired deadlines to review reading, mathematics and other subject areas would be deleted.

Section 79-760.02 would be amended by eliminating the requirement for educational service units and learning communities to develop a composite set of standards shared by member school districts.

Section 79-760.06 would be amended by moving the deadline for approval of progress plans for the initial priority schools from August 1, 2016 to August 15, 2016.

Section 79-1205 would be amended by moving the deadline for the State Board to annually adjust the boundaries of educational service units to align with the boundaries of member school districts.

Section 79-1315 would be amended by modifying the provisions for a designee to attend meetings of the Nebraska Educational Telecommunications Commission when Commissioner of Education is unable to attend. Currently, the deputy commissioner, or the deputy's designee, is authorized to attend and act on behalf of the deputy if the Commissioner is unable to attend. The revision would remove the designation of the deputy commissioner and authorize a designee of the Commissioner to attend and act on behalf of the Commissioner.

Section 79-2204 would be amended to allow the State Council on Educational Opportunity for Military Children use videoconferencing if there is only one meeting held in a calendar year. Section 84-1411(2)(e) otherwise generally prohibits the use of videoconferencing for more than half of the meetings of public bodies.

Section 79-2205 would be amended by modifying the designation of the compact commissioner for the Interstate Compact on Educational Opportunity for Military Children. Currently, the deputy commissioner of education serves as the compact commissioner. The revised provisions would allow the Commissioner of Education to designate a deputy commissioner to serve.

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#### **Explanation of amendments:**

The Committee Amendments incorporate the original provisions Legislative Bill 525 (the annual education technical bill), except the current maximum exemption from bidding requirements pursuant to section 73-106 was increased in LB 431 and is therefore not changed in this amendment. In addition, the amendment incorporates concepts from Legislative Bills 524 (community eligibility provisions), 528 (permits to teach), 239 (educator evaluation models), 572 (provide a duty for state school security director, pertaining to cyberbullying) and 410 (expand eligibility under the Access College Early

Scholarship Program Act).

The provisions from LB 525 would allow early childhood professionals to report their credentials, allow construction expenditures to prevent further damage or injury in response to a disaster to be outside competitive bidding requirements, clarify when homeless students must be admitted into a school district, modify timelines and deadlines, allow for the use of videoconferencing for the meeting of the State Council on Educational Opportunity for Military Children, and allow more than one Deputy Commissioner of Education to be appointed.

The provisions from LB 524 address issues related to the new federal Community Eligibility Provision (CEP) that allows qualifying schools to provide free breakfasts and lunches to all students without collecting applications from families. With the amendment, parents and guardians of students in those schools would be allowed to voluntarily provide information to determine qualification for other provisions of state law that are contingent on qualifying for free or reduced-price meals. Where school data is required that is based on qualifying students, the identified student percentage calculated pursuant to the federal provision is applied. Where the poverty status of the school is determined based on poverty related data, CEP schools would be considered high-poverty schools. In addition, the alternative calculation would be refined for measuring poverty based on income tax returns for the Tax Equity and Educational Opportunities Support Act.

The provisions from LB 526 would clarify that certificate, certificated, or certified, when referring to an individual holding a certificate to teach, administer, or provide special services, also includes an individual who holds a permit issued by the Commission of Education pursuant to sections 79-806 through 79-815.

The provisions from LB 239 would create a grant fund to assist schools in implementing an evaluation model for effective educators; and provides funding for the newly created grant fund by re-purposing dollars generated by solar and wind agreements on school lands. LB 239 also eliminates a data collection requirement for the Commissioner of Education.

The provisions from LB 572 amends section 79-2,144 of the Nebraska Revised Statutes, which section provides duties for the State School Security Director, to require the state security director to recommend curricular and extracurricular information designed to prevent cyber-bullying.

The provisions from LB 410 would expand eligibility for the Access College Early Scholarship Program Act, which program provides scholarship dollars to high school students taking post-secondary education courses. The expansion of eligibility would be made for students participating in a career academy or career path of study.

Section 71-1962 would be amended by allowing child care and early childhood education providers who reside or work in Nebraska to report their educational degrees and professional credentials, relevant training, and work history to the Nebraska Early Childhood Professional Record System.

Section 73-106 would be amended to provide an exemption from the bidding requirements for construction, remodeling, or repair of school buildings, or for site improvements for situations where a certificate has been issued under the Emergency Management Act and immediate action is needed to secure any school-owned building from further damage, injury, or potential loss of life due to a natural or manmade disaster.

Section 79-101 would be amended by adding a definition for Community Eligibility Provision (CEP) to the education statutes. Community Eligibility Provision would mean the alternative to household applications for free and reduced-price meals in high-poverty schools enacted by federal law and administered by the U.S. Department of Agriculture.

The section would also be amended by clarifying that certificate, certificated, or certified, when referring to an individual holding a certificate to teach, administer, or provide special services, also includes an individual who holds a permit issued by the Commission of Education pursuant to sections 79-806 through 79-815.

Section 4 would add new provisions allowing parents and guardians to voluntarily provide information on any application submitted pursuant to Nebraska law, rules, and regulations regarding the applicant's potential to meet the qualifications for free or reduced-price lunches without regard to whether the school the child attends, or will attend, uses the information to qualify students to receive free or reduced-price meals or the school provides free meals to all students pursuant to CEP. School districts would be required to process the information for CEP students in the same manner to determine the qualification status of the student. Each district would be required to comply with the Family Educational Rights and Privacy Act of 1974 with regard to any information collected. If the information is not provided by a parent or guardian, the student would be presumed not to qualify for the purposes of the application.

Section 79-215 would be amended by clarifying when a school board is required to admit a homeless student. A school board would be required to admit a homeless student if the district is the district in which the student:

- a. Is currently located;
- b. Attended when permanently housed; or
- c. Was last enrolled.

Section 79-2,144 would be amended to require the state school security director to recommend cyberbullying and digital citizenship information to school districts.

Section 79-301 would be amended by allowing for the possibility of more than one Deputy Commissioner of Education.

Section 79-308 would be amended to provide that beginning with the 2016-17 school year, school districts may apply to the State Department of Education for grants for up to two years, to assist with the implementation of an evaluation model for effective educators. These grants sunset after the 2019-20 school year.

Section 79-309.01 would be amended to remove the requirement that the Commissioner of Education collect data to determine if seventy-five percent of school districts have implemented a system for the distribution of solar or wind energy apportionment income which was to be used for the purpose of teacher performance pay.

Section 79-318 would be amended by modifying the State Board of Education responsibility for appointing and fixing the compensation for the deputy commissioner and other professional employees. The current language allows for only one deputy commissioner and includes all professional employees of the board. The new language would require the board to appoint and fix the compensation for all new professional positions in the department, including any deputy commissioners.

Section 79-420 would be amended by moving the deadline for newly reorganized school districts to be formed, organized, and have a governing board from April 1 to June 1 following the last necessary legal action. Annual school meetings would be eliminated as an alternative to elections for choosing the successors to the initial school board members.

Section 79-760.01 would be amended by increasing the length of time between required reviews of academic content standards from 5 years to 7. Language regarding the initial, expired deadlines to review reading, mathematics and other subject areas would be deleted.

Section 79-760.02 would be amended by eliminating the requirement for educational service units and learning communities to develop a composite set of standards shared by member school districts.

Section 79-760.06 would be amended by moving the deadline for approval of progress plans for the initial priority schools from August 1, 2016 to August 15, 2016.

Section 79-761 would be amended to provide that mentor teachers will be prohibited from participating in the formal evaluation of beginning teachers, which responsibility shall fall on school administrators.

Section 79-8,137 would be amended to include teaching in a school that provides free meals to all students pursuant to CEP as a teaching experience that qualifies for accelerated loan forgiveness under the Attracting Excellence to Teaching Program. The Program provides forgivable loans to postsecondary education students seeking their initial degree in education. Loan forgiveness is currently accelerated for teaching in a school building in which at least 40% of the formula students are poverty students, in an accredited or approved private school in Nebraska with 40% of the enrolled students qualifying for free lunches, or in a local public school system that is classified as very sparse.

Section 79-8,137.04 would be amended to include teaching in a school that provides free meals to all students pursuant to CEP as a teaching experience that qualifies for accelerated loan forgiveness under the Enhancing Excellence in Teaching Program. The Program provides forgivable loans to current teachers enrolled in qualifying graduate degree programs. Loan forgiveness is currently accelerated for teaching in a school building in which at least 40% of the formula students are poverty students, in an accredited or approved private school in Nebraska with 40% of the enrolled students qualifying for free lunches, or in a local public school system that is classified as very sparse.

Section 79-1003 would be amended to modify the calculation of poverty students by recognizing CEP schools in the calculation and by refining calculations under the definition of low-income child beginning with school fiscal year 2016-17.

The definition for free lunch and free milk students would be replaced with a definition for free lunch and free milk calculated students. The current definition includes students qualified for free lunches or free milk from the most recent data available on November 1 preceding the school fiscal year when the aid is to be paid. The new definition would add students who attend CEP schools by including the product of the students who attend a CEP school multiplied by the identified student percentage calculated pursuant to the federal provision. The new definition also clarifies the qualifications for free lunches or free milk by including citations to specific federal laws.

The definition of low-income child would also be amended to count children who live in a household that meets the income qualifications for a household of that size. The current income qualification is based on a family of four regardless of the household size. The definition would also be clarified by including citations to specific federal laws. The low-income child definition provides an alternative measure of poverty for school districts.

The definition of poverty students would be amended to incorporate the new provision for unadjusted poverty students. The adjustment to reflect growth in poverty students would continue to be calculated pursuant to the definition for poverty students.

A new definition would be added for unadjusted poverty students. Unadjusted poverty students would mean the greater of the number of low-income students or the free lunch and free milk calculated students in a district. The "greater of" calculation currently occurs pursuant to the definition of poverty students.

Section 79-1003.01 would be amended to provide an additional summer school student unit for each summer school student unit attributed to a student who attended a CEP school and an additional 0.6 of a summer school student unit for each early childhood education student unit attributed an early childhood education student who is registered to attend a CEP school in the immediately following school year. These additional summer school student units are currently calculated for free lunch and free milk students and free lunch and free milk early childhood education students.

Section 79-1013 would be amended to recognize that students may qualify for free or reduced-price lunches by different methods in the poverty plan requirement to provide transportation for students qualifying for free or reduced-price lunches who live more than 1 mile from the school.

Section 79-1028.01 would be amended to remove the reference to teacher performance pay provided under subsection (h) of this section.

Section 79-1035 would be amended to provide that the funds from solar and wind energy lease agreements shall be used to provide grants for the implementation of the evaluation model for effective educators provided under 79-308.

Section 79-1205 would be amended by moving the deadline for the State Board to annually adjust the boundaries of educational service units to align with the boundaries of member school districts.

Section 79-1315 would be amended by modifying the provisions for a designee to attend meetings of the Nebraska Educational Telecommunications Commission when Commissioner of Education is unable to attend. Currently, the deputy commissioner, or the deputy's designee, is authorized to attend and act on behalf of the deputy if the Commissioner is unable to attend. The revision would remove the designation of the deputy commissioner and authorize a designee of the Commissioner to attend and act on behalf of the Commissioner.

Section 79-2110 would be amended by giving learning community CEP schools the same status regarding socioeconomic diversity as other learning community schools that have more students qualifying for free or reduced-price lunches than the learning community average. Students who do not qualify for free or reduced-price lunches are considered to contribute to the socioeconomic diversity of those schools. Student who would contribute to the socioeconomic diversity of a school because the student qualifies for free or reduced-price lunches would have to meet the qualifications based on information collected from a parent or guardian.

Section 79-2113 would be amended to give learning community CEP elementary schools the same status regarding determinations for elementary learning centers as other learning community elementary school that have at least 35% of the students who reside in the attendance area and attend the school qualifying for free or reduced price lunches. Learning communities are currently required to establish at least one elementary learning center for each 25 elementary schools meeting the criteria.

Section 79-2115 would be amended by recognizing CEP in the provisions for which the learning community appropriation may be used. CEP schools would be included in the authorization for supplements for extended hours for teachers in elementary schools in which at least 35% of the students who reside in the attendance area and attend the school qualifying for free or reduced price lunches. The parents of CEP elementary students would be included in the authorization for transportation to elementary school functions.

Section 79-2120 would be amended to use the identified student percentage calculated pursuant to federal provisions for including CEP students in the calculation of the average percentage of students qualifying for free or reduced-price lunches in a learning community.

Section 79-2204 would be amended to allow the State Council on Educational Opportunity for Military Children use videoconferencing if there is only one meeting held in a calendar year. Section 84-1411(2) (e) otherwise generally prohibits the use of videoconferencing for more than half of the meetings of public bodies.

Section 79-2205 would be amended by modifying the designation of the compact commissioner for the Interstate Compact on Educational Opportunity for Military Children. Currently, the deputy commissioner of education serves as the compact commissioner. The revised provisions would allow the Commissioner of Education to designate a deputy commissioner to serve.

Section 85-2102 would be amended to provide that students participating in a career plan of study qualify can qualify for financial assistance under the Access College Early Scholarship Program Act, upon meeting all stated requirements.

Section 85-2104 would be amended to provide that the Access College Early Scholarship Program Act shall be prioritized for those students demonstrating economic hardship under subsections (1) and (2) of this section, before students eligible under subsection (3) of this section may receive an award. Subsection (1) and (2) identify hardship as being evidenced by the student the student's parent or legal guardian being eligible to receive:

Supplemental Security Income;

Supplemental Nutrition Assistance Program benefits;

Free or reduced-price lunches under United States Department of Agriculture child nutrition programs;

Aid to families with dependent children; or

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Kate Sullivan, Chairperson