

ONE HUNDRED SEVENTH LEGISLATURE - FIRST SESSION - 2021
COMMITTEE STATEMENT
LB528

Hearing Date: Tuesday February 02, 2021
Committee On: Education
Introducer: Walz
One Liner: Provide, change, and eliminate provisions relating to education

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

Vote Results:
Aye: 8 Senators Day, Linehan, McKinney, Morfeld, Murman, Pansing Brooks, Sanders, Walz
Nay:
Absent:
Present Not Voting:

Oral Testimony:

Proponents:
Nicole Barrett
John Murante
Allen Hager
Mike Baumgartner
Bryce Wilson

Representing:
Education Committee
State Treasurer
Learning Community of Douglas & Sarpy Counties
Coordinating Commission for Postsecondary Education
NDE

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

Legislative Bill 528 is the technical bill introduced to update statutes primarily due to outdated language with some changes deemed to be minor and noncontroversial. It incorporates changes related to education brought to the Committee's attention from the Nebraska Department of Education (NDE), the Coordinating Commission for Postsecondary Education (CCPE), the Board of Educational Lands and Funds (BELF), and the State Treasurer's Office, as well as updates identified by this Committee.

Sections 1-8:

LB528 updates references to "regionally accredited" postsecondary institutions to simply "accredited" in order to reflect recent changes made by the U.S. Department of Education.

Section 9:

Amends Neb. Rev. Stat. 72-232 to remove the 640 acre limit per renter on school lands.

Section 10:

Amends Neb. Rev. Stat. 72-233 to remove the requirement that lease sales of school lands must happen in the office of the county treasurer, and allows for the transaction to take place elsewhere in the respective county.

Sections 11-12:

Updates Neb. Rev. Stat. 72-234 and 72-235 to change the default period for leases on school lands from 6 months to 60 days.

Section 13:

Continues the updates of statutory references from "regionally accredited" to "accredited" postsecondary institutions.

Section 14:

Harmonizes language in Neb. Rev. Stat. 77-1601.02 related to property tax requests because total budgeted operating expenditures sometimes decrease at some districts; however, current statutory language only references how much total budgeted operating expenditures will exceed the prior year's budget.

Section 15:

Continues the updates of statutory references from "regionally accredited" to "accredited" postsecondary institutions.

Section 16:

LB528 amends Neb. Rev. Stat. 77-27,119 to conform school district references to current law. "High school district" is changed to "school district" because all school districts now have high schools.

Section 17:

It amends Neb. Rev. Stat. 79-202 relating to the withdrawal of a child at least 16 years old from school so that it no longer requires forms filed with the Commissioner of Education to be notarized.

Section 18:

It removes outdated language from Neb. Rev. Stat. 79-308 related to the now sunsetted Effective Educator Program.

Sections 19-22:

Strikes language no longer needed due to enactment of LB377 in 2018, which eliminated three school classifications.

Sections 23-24:

Continues the updates of statutory references from "regionally accredited" to "accredited" postsecondary institutions.

Sections 25-26:

Updates sections of the Tax Equity and Educational Opportunities Support Act (TEEOSA) to eliminate outdated language, as well as updated provisions as follows:

- Changing "vocational" to "career and technical" education
- Correcting "Education Innovation Fund" to "Nebraska Education Improvement Fund"
- Clarify in the general fund operating expenditures definition that "tuition paid" means "tuition paid to other school districts" and "tuition paid to postsecondary institutions for college credit"
- Changes "attendance center" to "schools such students attend" and "school attendance center" to "school"

Section 27:

LB528 amends Neb. Rev. Stat. 79-1065.02 to provide similar procedures for adjustment of valuation of educational service units (ESU) due to annexations as currently exists for adjustment of valuation of school districts due to annexation. When property is transferred after valuations are certified ESU's taxing ability and core service aid amounts do not accurately reflect current valuations; this change corrects the difference.

Sections 28-30:

Continues striking language no longer needed due to enactment of LB377 in 2018.

Section 31:

Clarifies terminology in Neb. Rev. Stat. 79-1241.03 related to the distribution of funds to ESUs and the ESU Coordinating Council for core services and technology infrastructure, as well as shifts payment dates to the last business day of the month instead of first business day to be consistent with TEEOSA payments.

Section 32:

Continues striking language no longer needed due to enactment of LB377 in 2018.

Sections 33-34:

LB528 changes the dates for two reports to be filed with the Legislature by a learning community from January 1st to February 1st of each year and eliminates language no longer needed in statute related to the Learning Community.

Sections 35-37:

Amends the Nebraska Reading Improvement Act to harmonize and clarify statutory provisions.

Sections 38-40:

Continues the updates of statutory references from "regionally accredited" to "accredited" postsecondary institutions.

Section 41:

Removes a 2009-2010 date restriction in Neb. Rev. Stat. 85-1802 that makes the purchase of computer technology, equipment, Internet access, and related services a qualified higher education expense from College Savings Plans indefinitely.

Sections 42-49:

Amends Neb. Rev. Stat. 85-2002 through 85-2010, related to the Community College Gap Assistance Program, to include other eligible institutions including Nebraska's four tribal colleges. Other eligible institutions means an accredited college, which is further specified for purposes of this act as a not-for-profit, two-year postsecondary institution with a physical presence in Nebraska. Strikes the annual award restriction from the Community College Gap Assistance Program Fund during any fiscal year of \$1.5 million.

Section 50:

Revises Neb. Rev. Stat. 85-2104 related to the eligibility provisions for the Access College Early Scholarship Program. It allows the Commissioner of Education to verify an applicant's eligibility upon request of CCPE, while retaining all of the existing eligibility criteria in statute.

Sections 51-52:

Corrects inaccurate and confusing statutory language in the Meadowlark Act changing "qualified private contributions" to "contributions".

Sections 53-54:

Adds language that, beginning in school year 2022-23, requires all newly-issued school identification cards to include any one of the following phone numbers: a national suicide prevention hotline, a local suicide prevention hotline, a crisis text line. In middle schools or high schools, school boards are responsible for requiring this to take place. Postsecondary institutions are also required to include the above phone numbers on newly-issued school identification cards.

Section 55:

Repeals original sections of statute that are amended as identified above.

Section 56:

Outright repeals the following two sections of statute.

- Neb. Rev. Stat. 72-234.01 School lands; lease; nonresidents, when permitted; persons excepted.
- Neb. Rev. Stat. 85-9,140 Federal education loan; information provided to student; liability of eligible institution.

Explanation of amendments:

The Committee considered and adopted AM556 which substitutes for the bill and revises the language of LB528 as introduced. It adds amended provisions of LB3 and LB558.

The original provisions of LB528 are amended as follows:

Section 14:

The change made in the original bill was reworded to better articulate that a total operating budget can increase or decrease as compared to the prior year's budget.

Section 18:

In the original bill three subsections of Neb. Rev. Stat. 79-308 were stricken related to the Effective Educators program. AM556 restores subsections (2) and (3) and changes the final year of grants from school year 2019-20 to 2020-21.

Section 41:

Clarification was added to specify that the purchase of computer technology, equipment, Internet access, and related services is a qualified higher education expense from College Savings Plans after January 1, 2022.

The change of sunset date for the Effective Educators program in Section 18 required changes to two sections of statute not previously included in LB528, as follows:

Neb. Rev. Stat. 79-309.01:

Clarifies that the income from solar and wind agreements on school lands through 2019 (reported to NDE by the State Treasurer in 2020) shall be used for the Effective Educator grants through school year 2020-21. A new subsection requires that, on or before June 30, 2022, any unencumbered and unspent funds allocated for the Effective Educators grants shall be transferred to the temporary school fund. This change is found in AM556 Sec. 21.

Neb. Rev. Stat. 79-1035:

Sunsets the separate reporting requirement of income from solar and wind agreements on school lands with the income earned through 2020 (reported to NDE by the State Treasurer in 2021). It changes the date of the State Treasurer report from the third Monday in January (a federal and state holiday) to January 25 of each year, and requires that such report shall also be certified to the chairperson of the Education Committee of the Legislature.

Finally, AM556 strikes the requirement that the Commissioner of Education separate the income from solar and wind agreements on school lands from the apportionment of the temporary school fund made to each school district.

These changes are found in AM556 Sec. 33.

Some original sections of LB528 have been moved in AM556 as follows:

- LB528 Sec. 1 remains the same in AM556 Sec. 1
- Sec. 2-8, updating references to accredited postsecondary institutions, are in AM556 Sec. 4-10
- Sec. 9-12, related to school lands, are in AM556 Sec. 11-14
- Sec. 13, updating references to accredited postsecondary institutions, is in AM556 Sec. 15
- Sec. 14, harmonizing property tax requests, is in AM556 Sec. 16
- Sec. 15, updating references to accredited postsecondary institutions, is in AM556 Sec. 17
- Sec. 16, updating references to high school districts, is in AM556 Sec. 18
- Sec. 17, related to the withdrawal of a child from school, is in AM556 Sec. 19
- Sec. 18, related to the Effective Educator Program, is in AM556 Sec. 20
- Sec. 19-22, harmonizing language related to school classifications, are in AM556 Sec. 22-25
- Sec. 23-24, updating references to accredited postsecondary institutions, are in AM556 Sec. 29-30
- Sec. 25-26, related to TEEOSA, are in AM556 Sec. 31-32
- Sec. 27, related to educational service units, is in AM556 Sec. 34
- Sec. 28-30, harmonizing language related to school classifications, are in AM556 Sec. 35-37
- Sec. 31, related to educational service units, is in AM556 Sec. 38
- Sec. 32, harmonizing language related to school classifications, is in AM556 Sec. 39

- Sec. 33-34, related to the Learning Community, are in AM556 Sec. 40-41
- Sec. 35-37, related to the Reading Improvement Act, are in AM556 Sec. 42-44
- Sec. 38-40, updating references to accredited postsecondary institutions, are in AM556 Sec. 45-47
- Sec. 41, related to educational expenses from the College Savings Plans, is in AM556 Sec. 48
- Sec. 42-49, related to the Community College Gap Assistance Program, are in AM556 Sec. 49-56
- Sec. 50, related to the Access College Early Scholarship Program, is in AM556 Sec. 57
- Sec. 51-52, related to the Meadowlark Act, are in AM556 Sec. 58-59
- Sec. 53-54, related to school identification cards, are in AM556 Sec. 60-61
- Sec. 55, repealing original sections of statute that are amended in the bill, is in AM556 Sec. 62
- Sec. 56, outright repealing two sections of statute, is in AM556 Sec. 63

LB3 (Briese) Change notice requirements for school district budget hearings and require access to school district data

Requires the Nebraska Department of Education (NDE) to establish and maintain a website that allows the public to access, at a minimum, the following data on a statewide and school district level:

- Total receipts
- Receipts classified by source as local, county, state, federal or other
- Total expenditures
- Expenditures classified by functions as determined by NDE
- Cost per pupil as determined pursuant to Neb. Rev. Stat. 79-598
- Performance as reported pursuant to Neb. Rev. Stat. 79-760.06, which requires an accountability system that measures the performance of individual schools and school districts based upon multiple indicators, including but not limited to, graduation rates, student growth, student improvement on the statewide assessments, other indicators of performance as established by the State Board of Education, an established level of performance that classifies and reports the performance of each public school and school district, and designation of priority schools based upon such classification

LB3 requires that each school district include the following statement with its required budget hearing notification, "For more information on statewide receipts and expenditures, and to compare cost per pupil and performance to other school districts, go to: [Insert Internet address for the website established by NDE]." Finally, as amended, LB3 requires each school district to electronically publish this statement prominently on its website with an active link to the NDE website providing access to the required information.

The amended provisions of LB3 can be found in AM556 Sections 2-3.

Testifiers for LB3 (February 2, 2021)

Proponents:

- Senator Tom Briese, Introducer

Opponents:

- none

Neutral:

- none

Submitted Written Testimony:

Proponents:

- Connie Knoche, Open Sky Policy Institute

Opponents:

- none

Neutral:

- none

The Committee vote to incorporate the amended provisions of LB3 into LB528 was:

AYE: 8 Day, Linehan, McKinney, Morfeld, Murman, Pansing Brooks, Sanders, Walz

NAY: 0

PRESENT NOT VOTING: 0

ABSENT: 0

LB558 (Vargas) Adopt the Alternative Certification for Quality Teachers Act

Allows for certificated teachers from another state to receive a temporary certificate to teach in Nebraska. It establishes seven legislative findings declaring the reasons for the act.

As amended, LB558 requires the Commissioner of Education to grant a two-year, temporary certificate to teach on a full-time basis to any person in good standing who:

- Has completed a teacher education program at a standard institution of higher education, and
- Possesses a valid teaching certificate from another state

As amended, LB558 allows the Commissioner to grant a temporary certificate to teach on a full-time basis to any applicant who:

- Has earned and been awarded a bachelor's degree, graduate degree, or professional degree from an accredited college or university, and
- Has satisfactorily demonstrated basic skills competency and passed any appropriate subject area examination as designated by the State Board of Education

The holder of a temporary certificate must obtain a certificate to teach pursuant to statute during the two-year period.

Such issuance of a temporary certificate shall be subject to a criminal history record information check in compliance with current statute, payment of required fees, and compliance with any rules and regulations adopted and promulgated by the State Board of Education.

The amended provisions of LB558 can be found in AM556 Sections 26-28

Testifiers for LB558 (February 2, 2021)

Proponents:

- Senator Tony Vargas, Introducer
- Laura Ebke, Platte Institute
- Jeremy Ekeler, Nebraska Catholic Conference

Opponents:

- none

Neutral:

- none

Submitted Written Testimony:

Proponents:

- Jason Hayes, NSEA

Opponents:

- none

Neutral:

- none

The Committee vote to incorporate the amended provisions of LB558 into LB528 was:

AYE: 8 Day, Linehan, McKinney, Morfeld, Murman, Pansing Brooks, Sanders, Walz

NAY: 0

PRESENT NOT VOTING: 0

ABSENT: 0

Lynne Walz, Chairperson