

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 623

Introduced by Vargas, 7; Day, 49.

Read first time January 20, 2021

Committee: Education

1 A BILL FOR AN ACT relating to education; to amend sections 48-818.01,
2 79-101, 79-209, 79-10,110.02, and 79-1204, Revised Statutes
3 Cumulative Supplement, 2020; to adopt the Remote Instruction Act; to
4 change collective-bargaining requirements; to define and redefine
5 terms; to provide duties for attendance officers and school
6 districts; to change provisions relating to tax levies as
7 prescribed; to harmonize provisions; and to repeal the original
8 sections.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 11 of this act shall be known and may be
2 cited as the Remote Instruction Act.

3 Sec. 2. For purposes of the Remote Instruction Act:

4 (1) Asynchronous instruction means instruction directed and overseen
5 by a certificated teacher and received by a student in a separate
6 physical location from such certificated teacher and which may be
7 received at times of the day that are not linked to a specific schedule.
8 Asynchronous instruction may include, but is not limited to, reading
9 content, viewing media, completing assignments, or taking a quiz or
10 examination;

11 (2) In-person learning option means instruction delivered where a
12 student is under the immediate physical supervision and control of a
13 certificated teacher;

14 (3) Remote learning option means any instruction that is not an in-
15 person learning option;

16 (4) Synchronous instruction means instruction provided by a
17 certificated teacher and received by a student in a physical location
18 that is separate from such certificated teacher while such student is
19 participating in a class that also has students participating in an in-
20 person learning option. A student engaged in synchronous instruction is
21 not considered to be engaged in an in-person learning option;

22 (5) Technology-facilitated instruction means any instruction where
23 the use of the Internet is necessitated and required of students in order
24 to engage in the instruction; and

25 (6) Web-based live instruction means instruction provided by a
26 certificated teacher and received by a class while each student is
27 participating from a physical location that is separate from such
28 certificated teacher.

29 Sec. 3. (1) On or before August 1, 2022, each school board shall
30 adopt a remote learning plan pursuant to this section, which shall
31 include the school district's rules and procedures for offering remote

1 instruction and describe the specific remote learning options offered by
2 the school district to students for enrollment and the rights of students
3 concerning enrollment in such remote learning options. Such plan, rules,
4 and procedures shall be clear and definite so as to provide clear notice
5 to all interested parties of the rights and obligations created by the
6 plan.

7 (2) The remote learning plan shall be developed by each school board
8 through a process that includes consultation with representatives of
9 stakeholder groups including, but not limited to, the teachers'
10 bargaining unit, school district administrators, students with limited
11 English proficiency, under-resourced students and families, and students
12 with disabilities. Each such stakeholder group shall select one or more
13 representatives to consult with the school board.

14 (3) Prior to the adoption of a remote learning plan, each school
15 board shall cause to be published a notice informing the public that the
16 school board shall solicit recommendations and comments from members of
17 the general public regarding the proposed contents of the remote learning
18 plan. The school board shall cause notice of such public meeting to be
19 given by publication once a week for two successive weeks in a newspaper
20 in general circulation in the school district prior to such meeting. The
21 school board shall make a draft copy of the remote learning plan
22 available for public inspection at the same time the first notice is
23 published.

24 (4) The school board shall adopt the remote learning plan in a
25 public meeting. Such meeting shall be held after, but not on the same day
26 as, the public hearing pursuant to subsection (3) of this section.

27 (5) Not later than five days after adoption of a remote learning
28 plan, each school board shall file the remote learning plan with the
29 Commissioner of Education. The commissioner shall establish a process for
30 receiving and approving remote learning plans that conform to the Remote
31 Instruction Act. If the commissioner determines that a remote learning

1 plan does not conform to the act, or is too vague to be enforced, then
2 the commissioner shall reject such plan and return it to the school board
3 with recommendations to cure any deficiencies. The school board shall
4 consider such recommendations in a public meeting within twenty-one days
5 after receiving the recommendations pursuant to the procedure described
6 in subsection (3) of this section.

7 (6) Remote learning plans which have been approved by both the
8 school board and the commissioner shall be posted on the school district
9 web site, and a copy shall be provided to parents of students at the
10 beginning of each school year or at the time of enrollment if during the
11 school year.

12 (7) Any amendment to a previously adopted and approved remote
13 learning plan made by a school board shall only be adopted after the
14 school board has published notice of the proposed change and held a
15 public hearing in accordance with subsections (3) and (4) of this
16 section. Any such amendments approved by the board shall be submitted for
17 approval by the commissioner in accordance with subsection (5) of this
18 section. Any changes to a remote learning plan, rules, or procedures
19 shall not take effect until reasonable efforts have been made to
20 distribute such changes to each student and his or her parent or
21 guardian.

22 (8) The commissioner, in consultation with the State Board of
23 Education, may develop and distribute a remote learning plan template
24 that school districts may use to create remote learning plans.

25 Sec. 4. (1) Each remote learning plan shall provide:

26 (a) Students who are unable to attend school in-person with a choice
27 to enroll in a remote learning option through the school district in
28 which the student resides. For purposes of this subdivision, unable to
29 attend means that illness, adverse weather, or other emergency condition
30 makes attendance impossible or impracticable or a student has otherwise
31 been excused by school authorities;

1 (b) Professional development for certificated teachers, which shall
2 be approved by the Department of Education, focus on the pedagogy and
3 instructional skills necessary to carry out remote instruction, and,
4 include, but not be limited to, the appropriate use of technology-
5 facilitated instruction and privacy laws;

6 (c) Virtual office hours for all teachers providing remote
7 instruction, shall describe the manner in which students are to make
8 contact with teachers during such times including the ability for one-to-
9 one meetings between teachers and students, and shall ensure training for
10 students and parents or guardians on the utilization of any technology
11 necessary for accessing such office hours; and

12 (d) At least one remote learning option that does not rely
13 exclusively on synchronous instruction.

14 (2) A school district may choose to provide more than one remote
15 learning option. Each such remote learning option shall be fully
16 explained and defined in the school district's remote learning plan and
17 meet the requirements of the Remote Instruction Act.

18 Sec. 5. Each remote learning option shall:

19 (1) Be provided at no cost to the student, and no fees may be
20 assessed for enrollment and attendance in a remote learning option except
21 as provided in the Public Elementary and Secondary Student Fee
22 Authorization Act;

23 (2) Align with the curriculum of the school district approved by the
24 school board for in-person learning options and shall be substantially
25 similar to such curriculum;

26 (3) Offer a robust curriculum, including, but not limited to, art,
27 music, physical education, science, technology, mathematics, and foreign
28 languages. Nothing in this section shall be construed to mean that a
29 remote learning option shall offer an identical curriculum to the
30 curriculum offered through in-person learning options;

31 (4) State with specificity the attendance and grading practices to

1 be used for such remote learning option, including, but not limited to,
2 what courses are available on a pass or fail basis and how examinations
3 shall be performed and proctored. Attendance policies for remote learning
4 options shall be distinguished from those of in-person learning options
5 based on evidence-based practices tied to remote instruction;

6 (5) Require regular interaction between students and instructors,
7 whether by electronic mail, telephone, or two-way interactive video; and

8 (6) Include web-based live instruction or synchronous learning each
9 day for a minimum of forty-five minutes for kindergarten and grade one,
10 one hour for grades two and three, one and one-half hours for grades four
11 and five, and two hours for grades six through twelve.

12 Sec. 6. (1) Any parent or legal guardian of a student enrolled in a
13 school district shall have the right to enroll such student in any remote
14 learning option offered by the school district, provided that the student
15 has not been removed from the remote learning option due to discipline
16 related to misuse of technology-facilitated instruction. A school
17 district shall not limit the number of students who choose to use remote
18 learning options. Nothing in this section shall be construed to prohibit
19 a school district from setting enrollment opening and closing dates for
20 in-person and remote learning options, except that such limits shall not
21 prevent a student from switching between an in-person and a remote
22 learning option at least once per semester or otherwise impair a
23 student's rights under state or federal or law.

24 (2) No student enrolled in a remote learning option shall be
25 precluded, solely due to such enrollment, from participating in any
26 extracurricular activity. Nothing in this section shall be construed to
27 mean that a school district is required to offer any extracurricular
28 activity.

29 Sec. 7. (1) Each remote learning plan shall:

30 (a) Provide student access to counselors, school psychologists,
31 administrators, school social workers, and any other appropriate

1 personnel designated by the school district to ensure that a student who
2 elects to use a remote learning option has access to the same spectrum of
3 school resources offered to a student who uses an in-person learning
4 option; and

5 (b) Ensure that remote learning options meet the needs of English
6 language learners and state how those needs shall be met.

7 (2) Nothing in the Remote Instruction Act shall be interpreted to
8 supersede the rights of a student pursuant to the federal Individuals
9 with Disabilities Education Act, 20 U.S.C. 1400 et seq., the federal
10 Americans with Disabilities Act, 42 U.S.C. 12131 to 12165, the federal
11 Rehabilitation Act of 1973, 29 U.S.C. 794, or any state law related to
12 servicing students with disabilities.

13 (3) Nothing in the Remote Instruction Act shall be interpreted as
14 precluding the Nebraska Student Discipline Act from applying to students
15 enrolled in a remote learning option.

16 Sec. 8. (1) Any parent or legal guardian of a student denied rights
17 granted to such student by a remote learning plan or by the Remote
18 Instruction Act may request a hearing before the school board by a
19 written request which shall be filed with the secretary of the school
20 board or with the superintendent. The superintendent or the
21 superintendent's designee shall be available prior to any hearing held
22 pursuant to this act to answer any questions from the parties regarding
23 the nature and conduct of the hearing.

24 (2) Any hearing conducted pursuant to this section shall be attended
25 by the requesting parent or legal guardian. Legal counsel or another
26 representative, if any, for the parent or legal guardian and for the
27 school district may also attend. The school board may exclude an
28 individual from the hearing if such individual's actions substantially
29 disrupt the hearing.

30 (3) At such hearing, the school board may accept statements, in
31 affidavit form, of any person having information about the facts giving

1 rise to the hearing if such statements have been made available to all
2 parties at least twenty-four hours prior to the hearing. Testimony may
3 also be taken under oath. The school board shall be authorized to
4 administer the oath. Each party has the right to question any witnesses
5 at such hearing.

6 (4) After such hearing, a report shall be made by the school board
7 of its findings and what action, if any, should be taken to redress the
8 issue. The report shall explain, in terms of the needs of both student
9 and the school district, the reasons for any recommended action. The
10 report shall be provided to the student's parent or legal guardian and
11 the school district superintendent by certified or registered mail or
12 personal delivery.

13 (5) Any person aggrieved by a final decision of the school board
14 made pursuant to this section shall be entitled to judicial review. Such
15 action may be initiated by filing a petition in the district court of the
16 county where the school district is located within thirty days after the
17 service of the final decision by the school board. All parties of record
18 shall be made parties to the proceedings for review. The court, at its
19 discretion, may permit other interested parties to intervene. Summons
20 shall be served as in other actions, except that a copy of the petition
21 shall be served upon the school board together with the summons. Service
22 of summons upon the secretary of the school board shall constitute notice
23 of service on the school board. Within fifteen days after service of the
24 petition on the school board, the school board shall prepare and transmit
25 to the court a certified transcript of the record of the proceeding that
26 took place pursuant to this section, which shall include a copy of the
27 school district's remote learning plan. No responsive pleading shall be
28 required.

29 (6) The judicial review shall be conducted by the court without a
30 jury. The court may affirm the decision of the school board, remand the
31 case for further proceedings, or reverse or modify the decision of the

1 school board if the court finds that the decision of the school board is:
2 (a) In violation of constitutional provisions; (b) in excess of the
3 statutory authority or jurisdiction of the board; (c) made upon unlawful
4 procedure; (d) affected by other error of law; (e) unsupported by
5 competent, material, and substantial evidence in view of the entire
6 record as made on review; (f) arbitrary or capricious; or (g) violates
7 any provision of the Remote Instruction Act.

8 Sec. 9. (1) Remote learning plans shall ensure that student privacy
9 guidelines as set forth by the federal Family Educational Rights and
10 Privacy Act of 1974, 20 U.S.C. 1232g, and the federal Children's Online
11 Privacy Protection Act of 1998, 15 U.S.C. 6501, et. seq., are followed.

12 (2) The name of a student enrolled in a remote learning option shall
13 not be published without the consent of a student's parent or legal
14 guardian.

15 Sec. 10. (1) Remote learning plans shall ensure that students
16 receiving remote instruction have access to appropriate electronic
17 devices and Internet connectivity sufficient to allow the student to
18 fully participate in remote instruction.

19 (2) School districts may meet such requirements by offering remote
20 learning options with other school districts through an interlocal
21 agreement under the Interlocal Cooperation Act or by working with an
22 educational service unit or other outside provider. A student that is
23 enrolled in a remote learning option through an interlocal remote
24 learning option shall be considered a student of the school district in
25 which the student resides. No student shall be compelled to attend a
26 remote learning option at a physical location mandated by the school
27 district.

28 (3) Each remote learning plan shall provide students and instructors
29 with access to the services of an information technology officer or help
30 desk that shall provide assistance to students, instructors, and
31 administrators who experience technical issues relating to remote

1 learning options.

2 Sec. 11. The State Board of Education may adopt and promulgate
3 rules and regulations to carry out the Remote Instruction Act.

4 Sec. 12. Section 48-818.01, Revised Statutes Cumulative Supplement,
5 2020, is amended to read:

6 48-818.01 (1) The Legislature finds that it is in the public's
7 interest that collective bargaining involving school districts,
8 educational service units, and community colleges and their certificated
9 and instructional employees commence and conclude in a timely fashion
10 consistent with school district budgeting and financing requirements. To
11 that end, the timelines in this section shall apply when the public
12 employer is a school district, educational service unit, or community
13 college.

14 (2) On or before September 1 of the year preceding the contract year
15 in question, the certificated and instructional employees' collective-
16 bargaining agent shall request recognition as bargaining agent. The
17 governing board shall respond to such request not later than the
18 following October 1. A request for recognition need not be filed if the
19 certificated and instructional employees' bargaining agent has been
20 certified by the commission as the exclusive collective-bargaining agent.
21 On or before November 1 of the year preceding the contract year in
22 question, negotiations shall begin. There shall be no fewer than four
23 negotiations meetings between the certificated and instructional
24 employees' collective-bargaining agent and the governing board's
25 bargaining agent. Either party may seek a bargaining order pursuant to
26 subsection (1) of section 48-816 at any stage in the negotiations. If an
27 agreement is not reached on or before the following February 8, the
28 parties shall submit to mandatory mediation or factfinding as ordered by
29 the commission pursuant to sections 48-811 and 48-816 unless the parties
30 mutually agree in writing to forgo mandatory mediation or factfinding.

31 (3)(a) The mediator or factfinder as ordered by the commission under

1 subsection (2) of this section shall be a resolution officer. The
2 commission shall provide the parties with the names of five individuals
3 qualified to serve as the resolution officer. If the parties cannot agree
4 on an individual, each party shall alternately strike names. The
5 remaining individual shall serve as the resolution officer.

6 (b) The resolution officer may:

7 (i) Determine whether the issues are ready for adjudication;

8 (ii) Identify for resolution terms and conditions of employment that
9 are in dispute and which were negotiated in good faith but upon which no
10 agreement was reached;

11 (iii) Accept stipulations;

12 (iv) Schedule hearings;

13 (v) Prescribe rules of conduct for conferences;

14 (vi) Order additional mediation if necessary;

15 (vii) Take any other action which may aid in resolution of the
16 industrial dispute; and

17 (viii) Consult with a party ex parte only with the concurrence of
18 all parties.

19 (c) The resolution officer shall choose the most reasonable final
20 offer on each issue in dispute. In making such choice, he or she shall
21 consider factors relevant to collective bargaining between public
22 employers and public employees, including comparable rates of pay and
23 conditions of employment as described in subsection (1) of section
24 48-818. The resolution officer shall not apply strict rules of evidence.
25 Persons who are not attorneys may present cases to the resolution
26 officer.

27 (d) If either party to a resolution officer proceeding is
28 dissatisfied with the resolution officer's decision, such party shall
29 have the right to file an action with the commission seeking a
30 determination of terms and conditions of employment pursuant to
31 subsection (1) of section 48-818. Such action shall not constitute an

1 appeal of the resolution officer's decision, but rather shall be heard by
2 the commission as an action brought pursuant to subsection (1) of section
3 48-818. The commission shall resolve, pursuant to the mandates of such
4 section, all of the issues identified by either party and which were
5 recognized by the resolution officer as an industrial dispute. If parties
6 have not filed with the commission pursuant to subsection (6) of this
7 section, the decision of the resolution officer shall be deemed final and
8 binding.

9 (4) For purposes of this section, issue means broad subjects of
10 negotiation which are presented to the resolution officer pursuant to
11 this section. All aspects of wages are a single issue, all aspects of
12 insurance are a single issue, and all other subjects of negotiations
13 classified in broad categories are single issues.

14 (5) On or before March 25 of the year preceding the contract year in
15 question or within twenty-five days after the certification of the
16 amounts to be distributed to each local system and each school district
17 pursuant to the Tax Equity and Educational Opportunities Support Act as
18 provided in section 79-1022 for the contract year in question, whichever
19 occurs last in time, negotiations, mediation, and factfinding shall end.

20 (6) If an agreement for the contract year in question has not been
21 achieved on or before the date for negotiation, mediation, or factfinding
22 to end in subsection (5) of this section, either party may, within
23 fourteen days after such date, file a petition with the commission
24 pursuant to section 48-811 and subsection (1) of section 48-818 to
25 resolve the industrial dispute for the contract year in question. The
26 commission shall render a decision on such industrial dispute on or
27 before September 15 of the contract year in question.

28 (7) Any existing collective-bargaining agreement will continue in
29 full force and effect until superseded by further agreement of the
30 parties or by an order of the commission. The parties may continue to
31 negotiate unresolved issues by mutual agreement while the matter is

1 pending with the commission.

2 (8) All collective-bargaining agreements shall be written and
3 executed by representatives of the governing board and representatives of
4 the certificated and instructional employees' bargaining unit. The
5 agreement shall contain at a minimum the following:

6 (a) A salary schedule or objective method of determining salaries;

7 (b) A description of benefits being provided or agreed upon
8 including a specific level of coverage provided in any group insurance
9 plan, a dollar amount, or percentage of premiums to be paid, and by whom;
10 and

11 (c) A provision that the existing agreement will continue until
12 replaced by a successor agreement or as amended by a final order of the
13 commission; and -

14 (d) For school districts, provisions for the placement of a
15 certificated teacher into an environment where the certificated teacher
16 is required to provide instruction through a remote learning option as
17 defined in the Remote Instruction Act and any professional development
18 outside of school hours required for teachers who provide such
19 instruction. Certificated teachers shall not be required to provide
20 synchronous instruction as defined in the Remote Instruction Act without
21 explicit provision in the collective-bargaining agreement, unless a
22 certificated teacher otherwise consents to provide synchronous
23 instruction in writing.

24 Sec. 13. Section 79-101, Revised Statutes Cumulative Supplement,
25 2020, is amended to read:

26 79-101 For purposes of Chapter 79:

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

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

31 (3) Legal voter means a registered voter as defined in section

1 32-115 who is domiciled in a precinct or ward in which he or she is
2 registered to vote and which precinct or ward lies in whole or in part
3 within the boundaries of a school district for which the registered voter
4 chooses to exercise his or her right to vote at a school district
5 election;

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

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

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

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

16 (8) Instructional hour means a period of time, at least sixty
17 minutes, which is actually used for the instruction of students. For
18 remote instruction provided under the Remote Instruction Act, such period
19 of time includes, but is not limited to, time when students are engaged
20 in academic work through synchronous instruction, web-based live
21 instruction, or asynchronous instruction, not to exceed seven and one-
22 half hours in a day in total;

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

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

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

31 (12) Teach means and includes, but is not limited to, the following

1 responsibilities: (a) The organization and management of the classroom or
2 the physical area in which the learning experiences of pupils take place;
3 (b) the assessment and diagnosis of the individual educational needs of
4 the pupils; (c) the planning, selecting, organizing, prescribing, and
5 directing of the learning experiences of pupils; (d) the planning of
6 teaching strategies and the selection of available materials and
7 equipment to be used; and (e) the evaluation and reporting of student
8 progress;

9 (13) Permanent school fund means the fund described in section
10 79-1035.01;

11 (14) Temporary school fund means the fund described in section
12 79-1035.02;

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

15 (16) Community eligibility provision means the alternative to
16 household applications for free and reduced-price meals in high-poverty
17 schools enacted in section 104(a) of the federal Healthy, Hunger-Free
18 Kids Act of 2010, section 11(a)(1) of the Richard B. Russell National
19 School Lunch Act, 42 U.S.C. 1759a(a)(1), as such act and section existed
20 on January 1, 2015, and administered by the United States Department of
21 Agriculture; and

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

26 The State Board of Education may adopt and promulgate rules and
27 regulations to define school day and other appropriate units of the
28 school calendar.

29 Sec. 14. Section 79-209, Revised Statutes Cumulative Supplement,
30 2020, is amended to read:

31 79-209 (1) In all school districts in this state, any

1 superintendent, principal, teacher, or member of the school board who
2 knows of any violation of subsection (2) of section 79-201 shall within
3 three days report such violation to the attendance officer of the school,
4 who shall immediately investigate the case. When of his or her personal
5 knowledge or by report or complaint from any resident of the district,
6 the attendance officer believes that there is a violation of subsection
7 (2) of section 79-201, the attendance officer shall immediately
8 investigate such alleged violation.

9 (2) All school boards shall have a written policy on attendance
10 developed and annually reviewed in collaboration with the county attorney
11 of the county in which the principal office of the school district is
12 located. The policy shall include a provision indicating how the school
13 district will handle cases in which excessive absences are due to
14 illness. The policy shall also state the circumstances and number of
15 absences or the hourly equivalent upon which the school shall render all
16 services to address barriers to attendance. Such services shall include,
17 but not be limited to:

18 (a) Verbal or written communication by school officials with the
19 person or persons who have legal or actual charge or control of any
20 child; and

21 (b) One or more meetings between, at a minimum, a school attendance
22 officer, a school social worker, or a school administrator or his or her
23 designee, the person who has legal or actual charge or control of the
24 child, and the child, when appropriate, to attempt to address the
25 barriers to attendance. The result of the meeting or meetings shall be to
26 develop a collaborative plan to reduce barriers identified to improve
27 regular attendance. The plan shall consider, but not be limited to:

28 (i) The physical, mental, or behavioral health of the child;

29 (ii) Educational counseling;

30 (iii) Educational evaluation;

31 (iv) Referral to community agencies for economic services;

- 1 (v) Family or individual counseling;
- 2 (vi) Assisting the family in working with other community services;
- 3 and
- 4 (vii) Referral to restorative justice practices or services.

5 (3) The school may report to the county attorney of the county in
6 which the person resides when the school has documented the efforts it
7 has made as required by subsection (2) of this section that the
8 collaborative plan to reduce barriers identified to improve regular
9 attendance has not been successful and that the child has been absent
10 more than twenty days per year. The school shall notify the child's
11 family in writing prior to referring the child to the county attorney.
12 Failure by the school to document the efforts required by subsection (2)
13 of this section is a defense to prosecution under section 79-201 and
14 adjudication for educational neglect under subdivision (3)(a) of section
15 43-247 and habitual truancy under subdivision (3)(b) of section 43-247.
16 Illness that makes attendance impossible or impracticable shall not be
17 the basis for referral to the county attorney.

18 (4) For students enrolled in a remote learning option pursuant to
19 the Remote Instruction Act, the attendance officers shall ensure that any
20 lack of attendance by a student is not related to technology issues. If a
21 technology issue is discovered to be the cause of such lack of
22 attendance, such attendance officer shall ensure that the technology
23 issue has been corrected prior to reporting such student to the county
24 attorney for a lack of attendance pursuant to subsection (3) of this
25 section. Students who demonstrate that a bona fide technology issue has
26 prevented attendance shall not be reported to the county attorney for
27 such lack of attendance.

28 (5) For students enrolled in a remote learning option pursuant to
29 the Remote Instruction Act, chronic lack of attendance shall be
30 considered an indicator that the student may have a disability that the
31 school district may be required to verify pursuant to the Special

1 Education Act.

2 (6) ~~(4)~~ Nothing in this section shall preclude a county attorney
3 from being involved at any stage in the process to address excessive
4 absenteeism.

5 Sec. 15. Section 79-10,110.02, Revised Statutes Cumulative
6 Supplement, 2020, is amended to read:

7 79-10,110.02 (1) On and after April 19, 2016, the school board of
8 any school district may make a determination that an additional property
9 tax levy is necessary for a specific abatement project to address an
10 actual or potential environmental hazard, accessibility barrier, life
11 safety code violation, life safety hazard, or mold which exists within
12 one or more existing school buildings or the school grounds of existing
13 school buildings controlled by the school district. Such determination
14 shall not include abatement projects related to the acquisition of new
15 property, the construction of a new building, the expansion of an
16 existing building, or the remodeling of an existing building for purposes
17 other than the abatement of environmental hazards, accessibility
18 barriers, life safety code violations, life safety hazards, or mold. Upon
19 such determination, the school board may, not later than the date
20 provided in section 13-508, make and deliver to the county clerk of such
21 county in which any part of the school district is situated an itemized
22 estimate of the amounts necessary to be expended for such abatement
23 project, any insurance proceeds or other anticipated funds that will be
24 received by the school district related to the abatement project, the
25 period of years for which the property tax will be levied for such
26 project, and the estimated amount of the levy for each year of the period
27 based on the taxable valuation of the district at the time of issuance.
28 The period of years for such levy shall not exceed ten years and the levy
29 for such project when combined with all other levies pursuant to this
30 section and section 79-10,110 shall not exceed three cents per one
31 hundred dollars of taxable valuation. Nothing in this section shall

1 affect levies pursuant to section 79-10,110.

2 (2) The county clerk shall levy such taxes and such taxes shall be
3 collected by the county treasurer at the same time and in the same manner
4 as county taxes are collected and when collected shall be paid to the
5 treasurer of the district. A separate abatement project account shall be
6 established for each project by the school district. Taxes collected
7 pursuant to this section shall be credited to the appropriate account to
8 cover the project costs.

9 (3) For purposes of this section:

10 (a) Abatement includes, but is not limited to, any related
11 inspection and testing, any maintenance to reduce, lessen, put an end to,
12 diminish, moderate, decrease, control, dispose of, eliminate, or remove
13 the issue causing the need for abatement, any related restoration or
14 replacement of material or property, any related architectural and
15 engineering services, and any other action to reduce or eliminate the
16 issue causing the need for abatement in existing school buildings or on
17 the school grounds of existing school buildings under the board's
18 control;

19 (b) Accessibility barrier means anything which impedes entry into,
20 exit from, or use of any building or facility by all people, including,
21 but not limited to, any illness, adverse weather condition, lack of
22 remote learning plan, or other condition which makes in-person learning
23 options impossible or impracticable; and

24 (c) Environmental hazard means any contamination of the air, water,
25 or land surface or subsurface caused by any substance adversely affecting
26 human health or safety if such substance has been declared hazardous by a
27 federal or state statute, rule, or regulation.

28 (4) For the purpose of paying amounts necessary for the abatement
29 project, the board may borrow money, establish a sinking fund, and issue
30 bonds and other evidences of indebtedness of the district, which bonds
31 and other evidences of indebtedness shall be secured by and payable from

1 an irrevocable pledge by the district of amounts received in respect of
2 the tax levy provided for by this section and any other funds of the
3 district available therefor. Bonds and other evidences of indebtedness
4 issued by a district pursuant to this subsection shall not constitute a
5 general obligation of the district or be payable from any portion of its
6 general fund levy. The total principal amount of bonds for abatement
7 projects pursuant to this section shall not exceed the total amount
8 specified in the itemized estimate described in subsection (1) of this
9 section.

10 (5) A district may exceed the maximum levy of three cents per one
11 hundred dollars of taxable valuation authorized by this section in any
12 year in which (a) the taxable valuation of the district is lower than the
13 taxable valuation in the year in which the district last issued bonds
14 pursuant to this section and (b) such maximum levy is insufficient to
15 meet the combined annual principal and interest obligations for all bonds
16 issued pursuant to this section and section 79-10,110. The amount
17 generated from a district's levy in excess of three cents per one hundred
18 dollars of taxable valuation shall not exceed the combined annual
19 principal and interest obligations for such bonds minus the amount
20 generated by levying three cents per one hundred dollars of taxable
21 valuation.

22 Sec. 16. Section 79-1204, Revised Statutes Cumulative Supplement,
23 2020, is amended to read:

24 79-1204 (1) The role and mission of the educational service units is
25 to serve as educational service providers in the state's system of
26 elementary and secondary education.

27 (2) Educational service units shall:

28 (a) Act primarily as service agencies in providing core services and
29 services identified and requested by member school districts;

30 (b) Provide for economy, efficiency, and cost-effectiveness in the
31 cooperative delivery of educational services;

1 (c) Provide educational services through leadership, research, and
2 development in elementary and secondary education;

3 (d) Act in a cooperative and supportive role with the State
4 Department of Education and school districts in development and
5 implementation of long-range plans, strategies, and goals for the
6 enhancement of educational opportunities in elementary and secondary
7 education; and

8 (e) Serve, when appropriate and as funds become available, as a
9 repository, clearinghouse, and administrator of federal, state, and
10 private funds on behalf of school districts which choose to participate
11 in special programs, projects, or grants in order to enhance the quality
12 of education in Nebraska schools.

13 (3) Core services shall be provided by educational service units to
14 all member school districts. Core services shall be defined by each
15 educational service unit as follows:

16 (a) Core services shall be within the following service areas in
17 order of priority: (i) Staff development which shall include access to
18 staff development related to improving the achievement of students in
19 poverty and students with diverse backgrounds; (ii) technology, including
20 distance education services; ~~and~~ (iii) the development and provision of
21 remote learning plans and remote learning options pursuant to the Remote
22 Instruction Act; and (iv) instructional materials services;

23 (b) Core services shall improve teaching and student learning by
24 focusing on enhancing school improvement efforts, meeting statewide
25 requirements, and achieving statewide goals in the state's system of
26 elementary and secondary education;

27 (c) Core services shall provide schools with access to services
28 that:

29 (i) The educational service unit and its member school districts
30 have identified as necessary services;

31 (ii) Are difficult, if not impossible, for most individual school

1 districts to effectively and efficiently provide with their own personnel
2 and financial resources;

3 (iii) Can be efficiently provided by each educational service unit
4 to its member school districts; and

5 (iv) Can be adequately funded to ensure that the service is provided
6 equitably to the state's public school districts;

7 (d) Core services shall be designed so that the effectiveness and
8 efficiency of the service can be evaluated on a statewide basis; and

9 (e) Core services shall be provided by the educational service unit
10 in a manner that minimizes the costs of administration or service
11 delivery to member school districts.

12 (4) Educational service units shall meet minimum accreditation
13 standards set by the State Board of Education that will:

14 (a) Provide for accountability to taxpayers;

15 (b) Assure that educational service units are assisting and
16 cooperating with school districts to provide for equitable and adequate
17 educational opportunities statewide; and

18 (c) Assure a level of quality in educational programs and services
19 provided to school districts by the educational service units.

20 (5) Educational service units may contract to provide services to:

21 (a) Nonmember public school districts;

22 (b) Nonpublic school systems;

23 (c) Other educational service units; and

24 (d) Other public agencies, under the Interlocal Cooperation Act and
25 the Joint Public Agency Act.

26 (6) Educational service units shall not regulate school districts
27 unless specifically provided pursuant to another section of law.

28 (7) The board of any educational service unit in this state may pay
29 from its funds an amount to be determined by the board for membership
30 dues in associations of school boards or boards of education.

31 Sec. 17. Original sections 48-818.01, 79-101, 79-209, 79-10,110.02,

1 and 79-1204, Revised Statutes Cumulative Supplement, 2020, are repealed.