

ONE HUNDRED THIRD LEGISLATURE - FIRST SESSION - 2013
COMMITTEE STATEMENT
LB410

Hearing Date: Monday February 25, 2013
Committee On: Education
Introducer: Sullivan
One Liner: 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 Avery, Cook, Davis, Haar, Kolowski, Scheer, Seiler, Sullivan
Nay:
Absent:
Present Not Voting:

Proponents: Senator Kate Sullivan Brian Halstead	Representing: Introducer Nebraska Department of Education
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Opponents:	Representing:
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Neutral:	Representing:
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Summary of purpose and/or changes:

Legislative Bill 410 is the annual technical bill for preschool through high school education. In addition to harmonizing changes and the elimination of obsolete provisions, substantive modifications include:

1. Requiring the admission of children who turn 5 between August 1 and October 15th who meet current eligibility requirements;
 2. Modifying enrollment option for students affected by a change in residency or a merger;
 3. Clarifying that the enrollment option program does not relieve parents of compulsory attendance obligations;
 4. Eliminating the requirement for the Department of Education to reimburse school districts for transportation expenses for qualifying option students;
 5. Modifying reporting requirements related to student absences;
 6. Require districts to charge fees sufficient to cover the cost for transporting option students;
 7. Adding tuition paid and transportation fees paid to other districts into general fund operating expenditures for calculating state aid;
 8. Eliminating an exception to spending limitations for payments for the transfer of land;
 9. Allow programs funded by the Early Childhood Education Endowment Cash Fund to continue serving at-risk children who turn three until the end of the program year;
 10. Replacing the terms "mentally retarded" with "intellectually disabled" and "behaviorally disordered" with "emotionally disturbed";
 11. Clarifying that the final deadline for distance education equipment reimbursement applications is July 1, 2013 and that the final reimbursements will be made in fiscal year 2013-14;
 12. Moving reporting deadlines for learning communities;
 13. Redefining private postsecondary career schools;
 14. Increasing the required fund balance for the Tuition Recovery Cash Fund; and
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15. Authorizing the use of the prior year annual financial report for the calculation of state aid when the report is not filed by the deadline.

Section 43-2507.02 would be amended by specifically authorizing the Department of Education to adopt rules and regulations pursuant to the Early Intervention Act that meet the requirements of subchapter III of the federal Individuals with Disabilities Education Act as it existed on January 1, 2013.

Section 79-214 would be amended by requiring school boards to admit children who turn 5 on or after August 1st and on or before October 15th at the request of a parent or guardian if an affidavit is provided stating that:

1. The child attended kindergarten in another jurisdiction in the current school year;
2. The family anticipates relocation to another jurisdiction that would allow admission within the current year; or
3. The child is capable of carrying the work of kindergarten which can be demonstrated through a recognized assessment procedure approved by the board.

Currently, children meeting these criteria are eligible for admission, but the board is not required to allow it. Language regarding the assessment procedure is moved within the provisions for clarity. Obsolete language is eliminated throughout the section.

Section 79-234 would be amended by removing a requirement for parents and guardians of option students to apply within 30 days if the student relocates to a different resident school district or the original option school district merging with another district. These situations would be addressed by new provisions in section 79-237. The current provision prohibiting parents and guardians from being relieved of compulsory attendance requirements while an option application is pending is clarified by stating that parents and guardians are not relieved of compulsory attendance under any enrollment option provisions.

Section 79-237 would be amended by allowing students who relocate to a different resident school district after February 1st or whose option school district merges with another school district effective after February 1st to submit an application to an option school district for attendance during the immediately following and subsequent school years. The application would not require the release of the resident school district. The option school district would have 45 days to accept or reject the application. Requirements for school districts to notify the Department of Education regarding the acceptance or rejection of applications and for parents and guardians to notify the Department regarding option enrollment cancellations would be eliminated. Obsolete language would also be eliminated.

Section 79-241 would be amended by eliminating the provisions for the Department of Education to reimburse school districts for transportation expenses for qualifying option students. Reimbursement for transportation expenses for option students verified as having a disability would continue.

Section 79-527 would be amended by revising the requirements for reporting on attendance related issues. The new requirement would be for reporting regarding individual student information on attendance. The existing requirement is for reporting regarding the number of and reason for any:

1. Long term suspensions, expulsions, and excessive absenteeism;
2. Referrals to the county attorney for excessive absenteeism; and
3. Contacts with law enforcement officials, other than school resource officers, by the district relative to a student.

Nonpublic schools would be removed from the reporting requirements. The requirement would also be eliminated for learning community districts to provide a copy of the report to the coordinating council. The frequency of reporting would be reduced from monthly to quarterly.

Section 79-527.01 would be amended by moving the deadline for the annual reports of the Truancy Intervention Task Force from July 1st to October 1st of each year.

Section 79-605 would be amended by to apply the requirements to charge a fee sufficient to pay the additional costs of transportation to agreements between option school districts and the parents of the option students. Those agreements are currently exempt from the requirement, which applies to all other children residing outside the district that are transported on the district's buses.

Section 79-611 would be amended by clarifying that provisions allowing districts to pay parents a transportation allowance in lieu of providing required transportation do not apply for students residing in a learning community who qualify for free or reduced-priced lunches.

Section 79-1003 would be amended by adding "tuition paid" and "transportation fees paid to other districts" to the definition of general fund operating expenditures beginning with the 2013-14 school fiscal year. Both categories are currently included in formula resources under section 79-1018.01 for the receiving district.

Section 79-1007.20 would be amended by replacing formula students with the estimated average daily membership for calculating the student growth adjustment correction. The correction calculation is meant to compare the estimate to the actual. Formula students do not represent the estimate correctly due to the inclusion of early childhood education students.

Section 79-1028.01 would be amended by eliminating an exception to the spending limitations for expenditures to pay another school district for the transfer of land from the other district.

Section 79-1104.02 would be amended by allowing programs funded by the Early Childhood Education Endowment Cash Fund to continue to serve at-risk children who turn three years of age during the program year until the end of the program year. Such programs are otherwise limited to serving children from birth to age three.

Section 79-1118.01 would be amended by replacing the terms "mentally retarded" with the term "intellectually disabled" and "behaviorally disordered" with "emotionally disturbed" with regard to the classifications of disabilities for special education. The definitions remain the same as for the term being replaced, but are moved within the section to allow the definitions to be in alphabetical order.

Section 79-1204 would be amended by replacing the term "political subdivisions" with the term "public agencies" with regard to the authority for educational service units to contract pursuant to the Interlocal Cooperation Act and the Joint Public Agency Act. Both of the named act use the term "public agencies".

Section 79-1336 would be amended by clarifying that the final deadline for distance education equipment reimbursement applications is July 1, 2013 and that the final reimbursements will be made in fiscal year 2013-14. Obsolete language would be eliminated.

Section 79-2104.02 would be amended by moving the deadline for learning communities to report evaluation and research reports from December 1 of each year to January 1 of each year.

Section 79-2118 would be amended by moving the deadline for learning communities to report on diversity from December 1 of each even-numbered year to January 1 of each odd-numbered year.

Section 84-712.05 would be amended by updating a reference to a portion of the federal Family Educational Rights and Privacy Act of 1974 to include changes made to the federal law through December 13, 2010.

Section 85-1603 would be amended by clarifying that the definition of out-of-state school in the Private Postsecondary Career School Act only applies to private postsecondary career schools. The definition of private postsecondary career school would be revised to apply to any organization or business enterprise which is not specifically exempt and which offers a course of study or instruction for which tuition is charged even though the organization's or business enterprise's principal efforts may not be exclusively educational in nature. Currently private postsecondary career schools are further defined as having a course of instruction available for the purpose of training, preparing, or improving the person for an occupation through classroom instruction, home study, or both.

Section 85-1604 would be amended by exempting public postsecondary schools from other states from the Private Postsecondary Career School Act.

Section 85-1656 would be amended by changing the funding level requirements for the Tuition Recovery Cash Fund. The minimum would be increased from \$150,000 to \$250,000 and the maximum would be increased from \$300,000 to \$500,000. The State Board of Education may assess each private postsecondary career school 0.1% of the prior year gross tuition revenue to reach the minimum. The fund is used to pay back tuition to students when a school terminates operations and does not refund tuition for classes that were canceled.

A new section would provide that if a superintendent of a school district fails to file the annual financial report on or before the required date, the Department of education would use the annual financial report from the immediately preceding fiscal year for purposes of the Tax Equity and Educational Opportunities Support Act.

Section 79-756 would be outright repealed. The section provides for the elimination of the Nebraska Schools Accountability Commission Cash Fund. Money in the fund was transferred to the General Fund on September 13, 1997.

This measure contains an emergency clause.

Explanation of amendments:

The Committee Amendments would further update a reference to the Federal Education Rights and Privacy Act of 1974 and remove the changes regarding option enrollment transportation and general fund operating expenditures.

Section 84-712.05 would be amended by updating a reference to a portion of the federal Family Educational Rights and Privacy Act of 1974 to include changes made to the federal law through February 1, 2013. In the original measure, the date was December 13, 2010.

Section 79-605 would not be amended by the measure if the Committee Amendments are adopted. The original provisions of the measure would amend the section by applying the requirements to charge a fee sufficient to pay the additional costs of transportation to agreements between option school districts and the parents of the option students. Those agreements are currently exempt from the requirement, which applies to all other children residing outside the district that are transported on the district's buses. With the Committee Amendments, those agreements would continue to be exempt from the requirement.

Section 79-1003 would not be amended by the measure if the Committee Amendments are adopted. The original provisions would amend the section by adding "tuition paid" and "transportation fees paid to other districts" to the definition of general fund operating expenditures for the calculation of state aid beginning with the 2013-14 school fiscal year. Both categories are currently included in formula resources under section 79-1018.01 for the receiving district. With the Committee Amendments, both categories of expenditures would continue to be excluded from general fund operating expenditures.

Kate Sullivan, Chairperson