

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 287

Introduced by Adams, 24.

Read first time January 12, 2011

Committee: Education

A BILL

1 FOR AN ACT relating to education; to amend section 79-536, Reissue
2 Revised Statutes of Nebraska, and sections 79-1003.01 and
3 79-1103, Revised Statutes Cumulative Supplement, 2010; to
4 change provisions relating to summer school and early
5 childhood education summer sessions; to harmonize
6 provisions; and to repeal the original sections.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-536, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 79-536 (1) Summer school means educational opportunities
4 that, except as otherwise provided in this section, are undertaken on
5 a voluntary basis by students who will be entering any of grades one
6 through twelve in the next school year and are offered during the
7 period of time between two school years.

8 (2) Summer school may be offered by any school district.

9 (3) The board of education of any school district may
10 require children between and including the ages of six and fifteen
11 years, regularly enrolled within the system and deemed by the school
12 administration to be making unsatisfactory progress, to attend summer
13 school for up to one-half of a regular school day if in the opinion
14 of the administration they would benefit from the experience. Chief
15 emphasis in such summer classes shall be on reading, language arts,
16 and arithmetic and those areas of personality development especially
17 in need of development. Teachers shall be encouraged to design new
18 and imaginative techniques and curricula not usually used during the
19 regular school year which in the opinion of such teachers will offer
20 new incentives towards learning, with special emphasis on those
21 techniques that seek to develop the students' personalities in a
22 wholesome manner, especially developing pride, self-confidence, and
23 self-control. Teachers of such classes shall not be assigned more
24 than fifteen students, or more than twenty-five students if assisted
25 full time by an aide or paraprofessional. Such students shall be

1 graded at the end of the course upon their relative degree of
2 striving to improve their skills, attitudes, and personalities.

3 Sec. 2. Section 79-1003.01, Revised Statutes Cumulative
4 Supplement, 2010, is amended to read:

5 79-1003.01 ~~(1) For school fiscal year 2008-09, the~~
6 ~~department shall calculate a summer school allowance for each~~
7 ~~district equal to two and one-half percent of the summer school~~
8 ~~student units for such district multiplied by eighty-five percent of~~
9 ~~the statewide average general fund operating expenditures per formula~~
10 ~~student. For purposes of this subsection, summer school student unit~~
11 ~~means one student enrolled in summer school in a school district,~~
12 ~~whether or not the student is in the membership of the school~~
13 ~~district, for (a) at least three hours but fewer than six hours per~~
14 ~~day and (b) at least twelve days but fewer than twenty-four days.~~
15 ~~Each school district shall receive a summer school student unit for~~
16 ~~each qualified time period for which a student is enrolled, up to six~~
17 ~~units per student per summer.~~

18 ~~(2) For school fiscal year 2009-10 and each school fiscal~~
19 ~~year thereafter, the~~ (1) The department shall calculate a summer
20 school allowance for each district which submits the information
21 required for the calculation on a form prescribed by the department
22 on or before October 15 of the school fiscal year preceding the
23 school fiscal year for which aid is being calculated. A summer school
24 allowance shall be equal to two and one-half percent of the summer
25 school student units for such district multiplied by eighty-five

1 percent of the statewide average general fund operating expenditures
2 per formula student.

3 (2) Summer school student units shall be calculated for
4 each student enrolled in summer school as defined in section 79-536
5 in a school district who attends such summer school for at least
6 twelve days in the most recently available complete data year,
7 whether or not the student is in the membership of the school
8 district. The initial number of units for each such student shall
9 equal the sum of the ratios, each rounded down to the nearest whole
10 number, of the number of days for which the student attended summer
11 school classes in such district for at least three hours and less
12 than six hours per day divided by twelve days and of two times the
13 number of days for which the student attended summer school classes
14 in such district for six or more hours per day divided by twelve
15 days.

16 (3) Each school district shall receive an additional
17 summer school student unit for each summer school student unit
18 attributed to remedial math or reading programs. Each school district
19 shall also receive an additional summer school student unit for each
20 summer school student unit attributed to a free lunch and free milk
21 student.

22 (4) Beginning with state aid calculated for school fiscal
23 year 2012-13, summer school student units shall be calculated for
24 each student enrolled in the most recently available complete data
25 year in a summer session of an early childhood education program for

1 which a qualified early childhood education membership greater than
2 zero has been calculated for the school fiscal year for which aid is
3 being calculated. The initial number of units for each such early
4 childhood education student shall equal the sum of the ratios, each
5 rounded down to the nearest whole number, of the number of days for
6 which the student attended the summer session in such district for at
7 least three hours and less than six hours per day divided by twelve
8 days and of two times the number of days for which the student
9 attended the summer session in such district for six or more hours
10 per day divided by twelve days. The initial summer school student
11 units for early childhood education students shall be multiplied by
12 six-tenths. Instructional hours included in the calculation of
13 qualified early childhood membership shall not be included in the
14 calculation of the summer school allowance.

15 (5) Each school district shall receive an additional six-
16 tenths of a summer school student unit for each early childhood
17 education student unit attributed to a free lunch and free milk early
18 childhood education student.

19 (6) This section does not prevent school districts from
20 requiring and collecting fees for summer school or summer sessions of
21 early childhood education programs, except that summer school student
22 units shall not be calculated for school districts which collect fees
23 for summer school from students who qualify for free or reduced-price
24 lunches under United States Department of Agriculture child nutrition
25 programs.

1 Sec. 3. Section 79-1103, Revised Statutes Cumulative
2 Supplement, 2010, is amended to read:

3 79-1103 (1)(a) The State Department of Education shall
4 establish and administer the Early Childhood Education Grant Program.
5 Upon the effective date of an endowment agreement, administration of
6 the Early Childhood Education Grant Program with respect to programs
7 for children from birth to age three shall transfer to the board of
8 trustees. If there is no endowment agreement in effect, the
9 department shall request proposals in accordance with this section
10 for all early childhood education programs from school districts,
11 individually or in cooperation with other school districts or
12 educational service units, working in cooperation with existing
13 nonpublic programs which meet the requirements of subsection (2) of
14 section 79-1104. If there is an endowment agreement in effect, the
15 board of trustees shall administer the Early Childhood Education
16 Grant Program with respect to programs for children from birth to age
17 three pursuant to section 79-1104.02 and the department shall
18 continue to administer the Early Childhood Education Grant Program
19 with respect to other prekindergarten programs pursuant to sections
20 79-1101 to 79-1104.05. All administrative procedures of the board of
21 trustees, including, but not limited to, rules, grant applications,
22 and funding mechanisms, shall harmonize with those established by the
23 department for other prekindergarten programs.

24 (b) The first priority shall be for (i) continuation
25 grants for programs that received grants in the prior school fiscal

1 year and for which the state aid calculation pursuant to the Tax
2 Equity and Educational Opportunities Support Act does not include
3 early childhood education students, in an amount equal to the amount
4 of such grant, except that if the grant was a first-year grant the
5 amount shall be reduced by thirty-three percent, (ii) continuation
6 grants for programs for which the state aid calculation pursuant to
7 the act includes early childhood education students, in an amount
8 equal to the amount of the grant for the school fiscal year prior to
9 the first school fiscal year for which early childhood education
10 students were included in the state aid calculation for the school
11 district's local system minus the calculated state aid amount, and
12 (iii) for school fiscal year 2007-08, continuation grants for
13 programs for which the state aid calculation pursuant to the act
14 includes early childhood education students, but such state aid
15 calculation does not result in the school district receiving any
16 equalization aid, in an amount equal to the amount of the grant
17 received in school fiscal year 2006-07. The calculated state aid
18 amount shall be calculated by multiplying the basic funding per
19 formula student for the school district by the formula students
20 attributed to the early childhood education programs pursuant to the
21 Tax Equity and Educational Opportunities Support Act.

22 (c) The second priority shall be for new grants and
23 expansion grants for programs that will serve at-risk children who
24 will be eligible to attend kindergarten the following school year.
25 New grants may be given for up to three years in an amount up to one-

1 half of the total budget of the program per year. Expansion grants
2 may be given for one year in an amount up to one-half of the budget
3 for expanding the capacity of the program to serve additional
4 children.

5 (d) The third priority shall be for new grants, expansion
6 grants, and continuation grants for programs serving children younger
7 than those who will be eligible to attend kindergarten the following
8 school year. New grants may be given for up to three years in an
9 amount up to one-half the total budget of the program per year.
10 Expansion grants may be given for one year in an amount up to one-
11 half the budget for expanding the capacity of the program to serve
12 additional children. Continuation grants under this priority may be
13 given annually in an amount up to one-half the total budget of the
14 program per year minus any continuation grants received under the
15 first priority.

16 (e) Programs serving children who will be eligible to
17 attend kindergarten the following school year shall be accounted for
18 separately for grant purposes from programs serving younger children,
19 but the two types of programs may be combined within the same
20 classroom to serve multi-age children. Programs that receive grants
21 for school fiscal years prior to school fiscal year 2005-06 to serve
22 both children who will be eligible to attend kindergarten the
23 following school year and younger children shall account for the two
24 types of programs separately for grant purposes beginning with school
25 year 2005-06 and shall be deemed to have received grants prior to

1 school fiscal year 2005-06 for each year that grants were received
2 for the types of programs representing the age groups of the children
3 served.

4 (2) Each program proposal which is approved by the
5 department shall include (a) a planning period, (b) an agreement to
6 participate in periodic evaluations of the program to be specified by
7 the department, (c) evidence that the program will be coordinated or
8 contracted with existing programs, including those listed in
9 subdivision (d) of this subsection and nonpublic programs which meet
10 the requirements of subsection (2) of section 79-1104, (d) a plan to
11 coordinate and use a combination of local, state, and federal funding
12 sources, including, but not limited to, programs for children with
13 disabilities below five years of age funded through the Special
14 Education Act, the Early Intervention Act, funds available through
15 the flexible funding provisions under the Special Education Act, the
16 federal Head Start program, 42 U.S.C. 9831 et seq., the federal Even
17 Start Family Literacy Program, 20 U.S.C. 6361 et seq., Title I of the
18 federal Improving America's Schools Act of 1994, 20 U.S.C. 6301 et
19 seq., and child care assistance through the Department of Health and
20 Human Services, (e) a plan to use sliding fee scales and the funding
21 sources included in subdivision (d) of this subsection to maximize
22 the participation of economically and categorically diverse groups
23 and to ensure that participating children and families have access to
24 comprehensive services, (f) the establishment of an advisory body
25 which includes families and community members, (g) the utilization of

1 appropriately qualified staff, (h) an appropriate child-to-staff
2 ratio, (i) appropriate group size, (j) compliance with minimum health
3 and safety standards, (k) appropriate facility size and equipment,
4 (l) a strong family development and support component recognizing the
5 central role of parents in their children's development, (m)
6 developmentally and culturally appropriate curriculum, practices, and
7 assessment, (n) sensitivity to the economic and logistical needs and
8 circumstances of families in the provision of services, (o)
9 integration of children of diverse social and economic
10 characteristics, (p) a sound evaluation component, including at least
11 one objective measure of child performance and progress, (q)
12 continuity with programs in kindergarten and elementary grades, (r)
13 instructional hours that are similar to or less than the
14 instructional hours for kindergarten except that a summer session may
15 be offered, (s) well-defined language development and early literacy
16 emphasis, including the involvement of parents in family literacy
17 activities, (t) a plan for ongoing professional development of staff,
18 and (u) inclusion of children with disabilities as defined in the
19 Special Education Act, all as specified by rules and regulations of
20 the department in accordance with sound early childhood educational
21 practice.

22 (3) The department shall make an effort to fund programs
23 widely distributed across the state in both rural and urban areas.

24 (4) A report evaluating the programs shall be made to the
25 State Board of Education and the Legislature by January 1 of each

1 odd-numbered year. Up to five percent of the total appropriation for
2 the Early Childhood Education Grant Program may be reserved by the
3 department for evaluation and technical assistance for the programs.

4 (5) Early childhood education programs, whether
5 established pursuant to this section or section 79-1104, may be
6 approved for purposes of the Tax Equity and Educational Opportunities
7 Support Act, expansion grants, and continuation grants on the
8 submission of a continuation plan demonstrating that the program will
9 meet the requirements of subsection (2) of this section and a
10 proposed operating budget demonstrating that the program will receive
11 resources from other sources equal to or greater than the sum of any
12 grant received pursuant to this section for the prior school year
13 plus any calculated state aid as calculated pursuant to subsection
14 (1) of this section for the prior school year.

15 (6) The State Board of Education may adopt and promulgate
16 rules and regulations to implement the Early Childhood Education
17 Grant Program, except that if there is an endowment agreement in
18 effect, the board of trustees shall recommend any rules and
19 regulations relating specifically to the Early Childhood Education
20 Grant Program with respect to programs for children from birth to age
21 three. It is the intent of the Legislature that the rules and
22 regulations for programs for children from birth to age three be
23 consistent to the greatest extent possible with those established for
24 other prekindergarten programs.

25 Sec. 4. Original section 79-536, Reissue Revised Statutes

1 of Nebraska, and sections 79-1003.01 and 79-1103, Revised Statutes
2 Cumulative Supplement, 2010, are repealed.