

E AND R AMENDMENTS TO LB 410

Introduced by Murante, 49, Chairman Enrollment and Review

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 Section 1. Section 43-2507.02, Reissue Revised Statutes
4 of Nebraska, is amended to read:

5 43-2507.02 The State Department of Education shall
6 maintain its responsibility under the Special Education Act
7 regarding special education and related services and may adopt and
8 promulgate rules and regulations pursuant to section 43-2516 that
9 meet the requirements of subchapter III of the federal Individuals
10 with Disabilities Education Act, 20 U.S.C. 1431 to 1445, as such
11 act and sections existed on January 1, 2013, and the regulations
12 adopted thereunder. The department shall provide grants for the
13 costs of such programs to the school district of residence as
14 provided in section 79-1132.

15 Sec. 2. Section 79-214, Revised Statutes Cumulative
16 Supplement, 2012, is amended to read:

17 79-214 (1) For school years before school year 2012-13:
18 (a) Except as provided in subdivision (1)(b) of this
19 section, the school board of any school district shall not admit
20 any child into the kindergarten of any school of such school
21 district unless such child has reached the age of five years or
22 will reach such age on or before October 15 of the current year;
23 and

1 (b) The board may admit a child who will reach the age
2 of five between October 16 and February 1 of the current school
3 year if the parent or guardian requests such entrance and provides
4 an affidavit stating that (i) the child attended kindergarten
5 in another jurisdiction in the current school year, (ii) the
6 family anticipates relocation to another jurisdiction that would
7 allow admission within the current year, or (iii) the child has
8 demonstrated through recognized assessment procedures approved by
9 the board that he or she is capable of carrying the work of
10 kindergarten.

11 (2) For school year 2012-13 and each school year
12 thereafter:

13 (a) (1)(a) Except as provided in subdivision (2)(b)
14 (1)(b) of this section, the school board of any school district
15 shall not admit any child into the kindergarten of any school of
16 such school district unless such child has reached the age of five
17 years on or before July 31 of the calendar year in which the school
18 year for which the child is seeking admission begins. ; and

19 (b) The board may shall admit a child who will reach
20 the age of five years on or after August 1 and on or before
21 October 15 of such school year if the parent or guardian
22 requests such entrance and provides an affidavit stating that
23 (i) the child attended kindergarten in another jurisdiction in
24 the current school year, (ii) the family anticipates relocation to
25 another jurisdiction that would allow admission within the current
26 year, or (iii) the child has demonstrated through a recognized
27 assessment procedure approved by the board that he or she is

1 capable of carrying the work of kindergarten. On or before January
2 1, 2012, each which can be demonstrated through a recognized
3 assessment procedure approved by the board. Each school board
4 shall, for purposes of this subdivision, approve and make available
5 a recognized assessment procedure for determining if a child is
6 capable of carrying the work of kindergarten. The school board
7 shall update approved procedures as the board deems appropriate.

8 ~~(3) (2)~~ The board shall comply with the requirements of
9 subsection (2) of section 43-2007 and shall require evidence of:
10 (a) A physical examination by a physician, a physician assistant,
11 or an advanced practice registered nurse, practicing under and in
12 accordance with his or her respective certification act, within
13 six months prior to the entrance of a child into the beginner
14 grade and the seventh grade or, in the case of a transfer from
15 out of state, to any other grade of the local school; and (b)
16 ~~for school year 2006-07 and each school year thereafter,~~ a visual
17 evaluation by a physician, a physician assistant, an advanced
18 practice registered nurse, or an optometrist within six months
19 prior to the entrance of a child into the beginner grade or, in the
20 case of a transfer from out of state, to any other grade of the
21 local school, which consists of testing for amblyopia, strabismus,
22 and internal and external eye health, with testing sufficient to
23 determine visual acuity, except that no such physical examination
24 or visual evaluation shall be required of any child whose parent or
25 guardian objects in writing. The cost of such physical examination
26 and visual evaluation shall be borne by the parent or guardian of
27 each child who is examined.

1 Sec. 3. Section 79-234, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 79-234 (1) An enrollment option program is hereby
4 established to enable any kindergarten through twelfth grade
5 Nebraska student to attend a school in a Nebraska public school
6 district in which the student does not reside subject to the
7 limitations prescribed in section 79-238. The option shall be
8 available only once to each student prior to graduation, except
9 that the option does not count toward such limitation if such
10 option meets, or met at the time of the option, one of the
11 following criteria: (a) The unless (a) the student relocates to a
12 different resident school district, (b) the option school district
13 merges with another district, (c) the option school district is
14 a Class I district, (d) the student will have completed either
15 the grades offered in the school building originally attended in
16 the option school district or the grades immediately preceding the
17 lowest grade offered in the school building for which a new option
18 is sought, (e) the option would allow the student to continue
19 current enrollment in a school district, or (e) (f) the option
20 would allow the student to enroll in a school district in which the
21 student was previously enrolled as a resident student. In the case
22 of an event described in subdivision (1)(a) or (b) of this section,
23 the student's parent or guardian shall submit an application to the
24 new option school district within thirty days after the date of
25 relocation or the effective date of the merger. This subsection
26 does Sections 79-232 to 79-246 do not relieve a parent or guardian
27 from the compulsory attendance requirements in section 79-201.

1 during the pendency of such application or approval.

2 (2) The program shall not apply to any student who
3 resides in a district which has entered into an annexation
4 agreement pursuant to section 79-473, except that such student
5 may transfer to another district which accepts option students.

6 Sec. 4. Section 79-237, Revised Statutes Cumulative
7 Supplement, 2012, is amended to read:

8 79-237 (1) For a student to begin attendance as an option
9 student in an option school district which is not in a learning
10 community in which the student resides, the student's parent or
11 legal guardian shall submit an application to the school board
12 of the option school district between September 1 and March 15
13 for attendance during the following and subsequent school years.

14 Applications Except as provided in subsection (2) of this section,
15 applications submitted after March 15 shall contain a release
16 approval from the resident school district on the application
17 form prescribed and furnished by the State Department of Education
18 pursuant to subsection ~~(7)~~ (8) of this section. A district may
19 not accept or approve any applications submitted after such date
20 without such a release approval. The option school district shall
21 provide the resident school district with the name of the applicant
22 on or before April 1 or, in the case of an application submitted
23 after March 15, within sixty days after submission. The option
24 school district shall notify, in writing, the parent or legal
25 guardian of the student, and the resident school district, and the
26 State Department of Education whether the application is accepted
27 or rejected on or before April 1 or, in the case of an application

1 submitted after March 15, within sixty days after submission.

2 (2) A student who relocates to a different resident
3 school district after February 1, whose option school district
4 merges with another district effective after February 1, or whose
5 qualification for the option for school year 2013-14 is changed
6 pursuant to the changes made to subsection (1) of section 79-234 by
7 this legislative bill may submit an application to the school board
8 of an option school district for attendance during the immediately
9 following and subsequent school years. Such application does not
10 require the release approval of the resident school district. The
11 option school district shall accept or reject such application
12 within forty-five days.

13 {2} (3) For a student who resides in a learning community
14 to begin attendance in an option school district which is a member
15 of such learning community, the student's parent or legal guardian
16 shall submit an application to the school board of the option
17 school district (a) for any learning community established prior
18 to February 13, 2009, between February 13, 2009, and April 1,
19 2009, or (b) for any learning community established thereafter,
20 between September 1 and March 15. Applications submitted after
21 such deadlines shall be accompanied by a written release from
22 the resident school district. Students who reside in a learning
23 community shall only begin attendance in an option school district
24 which is a member of such learning community prior to the end
25 of the first full school year for which the option school
26 district is a member of such learning community. The option
27 school district shall provide the resident school district with

1 the name of the applicant within five days after the applicable
2 deadline. The option school district shall notify, in writing,
3 the parent or legal guardian of the student, and the resident
4 school district, and the State Department of Education whether
5 the application is accepted or rejected on or before April 10
6 ~~for applications submitted for school year 2009-10 and on or~~
7 ~~before April 1 for applications submitted for any school year~~
8 ~~thereafter.~~ 1. A parent or guardian may provide information on
9 the application regarding the applicant's potential qualification
10 for free or reduced-price lunches. Any such information provided
11 shall be subject to verification and shall only be used for
12 the purposes of subsection (4) of section 79-238. Nothing in
13 this subsection requires a parent or guardian to provide such
14 information. Determinations about an applicant's qualification for
15 free or reduced-price lunches for purposes of subsection (4) of
16 section 79-238 shall be based on any verified information provided
17 on the application. If no such information is provided, the student
18 shall be presumed not to qualify for free or reduced-price lunches
19 for the purposes of subsection (4) of section 79-238.

20 ~~(3)~~ (4) Applications for students who do not actually
21 attend the option school district may be withdrawn in good standing
22 upon mutual agreement by both the resident and option school
23 districts.

24 ~~(4)~~ (5) No option student shall attend an option school
25 district for less than one school year unless the student relocates
26 to a different resident school district, completes requirements for
27 graduation prior to the end of his or her senior year, transfers

1 to a private or parochial school, or upon mutual agreement of the
2 resident and option school districts cancels the enrollment option
3 and returns to the resident school district.

4 (5) (6) Except as provided in subsection (4) (5) of this
5 section, the option student shall attend the option school district
6 until graduation unless the student relocates in a different
7 resident school district, transfers to a private or parochial
8 school, or chooses to return to the resident school district.

9 (6) (7) In each case of cancellation pursuant to
10 subsections (4) and (5) and (6) of this section, the student's
11 parent or legal guardian shall provide written notification to the
12 school board of the option school district, and the resident school
13 district, and the department on forms prescribed and furnished by
14 the department under subsection (7) (8) of this section in advance
15 of such cancellation.

16 (7) (8) The application and cancellation forms shall be
17 prescribed and furnished by the State Department of Education.

18 (8) (9) An option student who subsequently chooses to
19 attend a private or parochial school shall be automatically
20 accepted to return to either the resident school district or
21 option school district upon the completion of the grade levels
22 offered at the private or parochial school. If such student chooses
23 to return to the option school district, the student's parent
24 or legal guardian shall submit another application to the school
25 board of the option school district which shall be automatically
26 accepted, and the deadlines prescribed in this section shall be
27 waived.

1 Sec. 5. Section 79-241, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 79-241 (1) Except as provided in subsection (2) of this
4 section, section 79-611 does not apply to the transportation of an
5 option student. The parent or legal guardian of the option student
6 shall be responsible for required transportation. A school district
7 may, upon mutual agreement with the parent or legal guardian of an
8 option student, provide transportation to the option student on the
9 same basis as provided for resident students. The school district
10 may charge the parents of each option student transported a fee
11 sufficient to recover the additional costs of such transportation.

12 (2) Parents or guardians of option students who qualify
13 for free lunches shall be eligible for transportation reimbursement
14 as described in section 79-611, except that they shall be
15 reimbursed at the rate of one hundred forty-two and one-half
16 percent of the mandatorily established mileage rate provided in
17 section 81-1176 for each mile actually and necessarily traveled
18 on each day of attendance by which the distance traveled one way
19 from the residence of such student to the schoolhouse exceeds three
20 miles. The State Department of Education shall reimburse the option
21 school district for transportation expenses paid to the parents of
22 qualifying option students or incurred in actual transportation of
23 qualifying option students. If a parent or guardian of a qualifying
24 option student has an agreement with the option school district
25 for the provision of transportation, the department shall reimburse
26 the option school district only if option students who are not
27 eligible for transportation reimbursement are charged fees for

1 transportation, and reimbursement shall be only for the actual
2 miles traveled one way beyond the normal transportation route at
3 the rate described in this subsection. Reimbursement shall be made
4 on or before June 30 for expenses incurred during the current
5 school year. If sufficient funds are not appropriated to fully
6 fund the provisions of this section, the department shall make
7 a proportionate reduction in each payment made pursuant to this
8 section.

9 (3) For option students verified as having a disability
10 as defined in section 79-1118.01, the transportation services
11 set forth in section 79-1129 shall be provided by the resident
12 school district. The department State Department of Education
13 shall reimburse the resident school district for the cost of
14 transportation in accordance with section 79-1144.

15 Sec. 6. Section 79-527, Revised Statutes Cumulative
16 Supplement, 2012, is amended to read:

17 79-527 (1) The superintendent or head administrator of a
18 public school district or a nonpublic school system shall annually
19 report to the Commissioner of Education in such detail and on
20 such date as required by the commissioner the number of students
21 who have dropped out of school. School districts that are members
22 of learning communities shall also provide the learning community
23 coordinating council with a copy of such report on or before the
24 date the report is due to the commissioner.

25 (2) The superintendent or head administrator of a
26 public school district or a nonpublic school system shall report
27 on a monthly quarterly basis to the Commissioner of Education

1 as directed by the commissioner regarding individual student
2 information on attendance. the number of and reason for any
3 long-term suspension, expulsion, or excessive absenteeism of a
4 student; referral of a student to the office of the county attorney
5 for excessive absenteeism; or contacting of law enforcement
6 officials, other than law enforcement officials employed by or
7 contracted with the school district as school resource officers,
8 by the district or system relative to a student enrolled in
9 the district or system. A school district that is a member of
10 a learning community shall also provide the learning community
11 coordinating council with a copy of such report on or before the
12 date the report is due to the commissioner.

13 Sec. 7. Section 79-527.01, Revised Statutes Cumulative
14 Supplement, 2012, is amended to read:

15 79-527.01 (1) The Truancy Intervention Task Force is
16 created. The task force shall consist of:

17 (a) The probation administrator or his or her designee;
18 (b) The Commissioner of Education or his or her designee;
19 and

20 (c) The chief executive officer of the Department of
21 Health and Human Services or his or her designee.

22 (2) The task force shall study and evaluate the data
23 contained in the reports required by subsection (2) of section
24 79-527 and shall develop recommendations to reduce incidents of
25 excessive absenteeism. The task force may contact a school district
26 or a county attorney for additional information. The task force
27 shall report electronically to the Legislature on or before July 1,

1 2011, and each July 1 thereafter. October 1 of each year.

2 Sec. 8. Section 79-611, Revised Statutes Cumulative
3 Supplement, 2012, is amended to read:

4 79-611 (1) The school board of any school district
5 shall provide free transportation, partially provide free
6 transportation, or pay an allowance for transportation in lieu of
7 free transportation as follows:

8 (a) When a student attends an elementary school in his
9 or her own district and lives more than four miles from the public
10 schoolhouse in such district as measured by the shortest route that
11 must actually and necessarily be traveled by motor vehicle to reach
12 the student's residence;

13 (b) When a student is required to attend an elementary
14 school outside of his or her own district and lives more than four
15 miles from such elementary school as measured by the shortest route
16 that must actually and necessarily be traveled by motor vehicle to
17 reach the student's residence;

18 (c) When a student attends a secondary school in his or
19 her own Class II or Class III school district and lives more than
20 four miles from the public schoolhouse as measured by the shortest
21 route that must actually and necessarily be traveled by motor
22 vehicle to reach the student's residence. This subdivision does not
23 apply when one or more Class I school districts merge with a Class
24 VI school district to form a new Class II or III school district on
25 or after January 1, 1997; and

26 (d) When a student, other than a student in grades
27 ten through twelve in a Class V district, attends an elementary

1 or junior high school in his or her own Class V district and
2 lives more than four miles from the public schoolhouse in such
3 district as measured by the shortest route that must actually and
4 necessarily be traveled by motor vehicle to reach the student's
5 residence.

6 (2) (a) The school board of any school district that is
7 a member of a learning community shall provide free transportation
8 for a student who resides in such learning community and attends
9 school in such school district if (i) the student is transferring
10 pursuant to the open enrollment provisions of section 79-2110,
11 qualifies for free or reduced-price lunches, and lives more than
12 one mile from the school to which he or she transfers, (ii)
13 the student is transferring pursuant to such open enrollment
14 provisions, is a student who contributes to the socioeconomic
15 diversity of enrollment at the school building he or she attends,
16 and lives more than one mile from the school to which he or she
17 transfers, (iii) the student is attending a focus school or program
18 and lives more than one mile from the school building housing the
19 focus school or program, or (iv) the student is attending a magnet
20 school or program and lives more than one mile from the magnet
21 school or the school housing the magnet program.

22 (b) For purposes of this subsection, student who
23 contributes to the socioeconomic diversity of enrollment at the
24 school building he or she attends has the definition found in
25 section 79-2110. This subsection does not prohibit a school
26 district that is a member of a learning community from providing
27 transportation to any intradistrict student.

1 (3) The transportation allowance which may be paid to
2 the parent, custodial parent, or guardian of students qualifying
3 for free transportation pursuant to subsection (1) or (2) of this
4 section shall equal two hundred eighty-five percent of the mileage
5 rate provided in section 81-1176, multiplied by each mile actually
6 and necessarily traveled, on each day of attendance, beyond which
7 the one-way distance from the residence of the student to the
8 schoolhouse exceeds three miles. Such transportation allowance does
9 not apply to students residing in a learning community who qualify
10 for free or reduced-price lunches.

11 (4) Whenever students from more than one family travel to
12 school in the same vehicle, the transportation allowance prescribed
13 in subsection (3) of this section shall be payable as follows:

14 (a) To the parent, custodial parent, or guardian
15 providing transportation for students from other families, one
16 hundred percent of the amount prescribed in subsection (3) of
17 this section for the transportation of students of such parent's,
18 custodial parent's, or guardian's own family and an additional
19 five percent for students of each other family not to exceed a
20 maximum of one hundred twenty-five percent of the amount determined
21 pursuant to subsection (3) of this section; and

22 (b) To the parent, custodial parent, or guardian not
23 providing transportation for students of other families, two
24 hundred eighty-five percent of the mileage rate provided in section
25 81-1176 multiplied by each mile actually and necessarily traveled,
26 on each day of attendance, from the residence of the student to
27 the pick-up point at which students transfer to the vehicle of a

1 parent, custodial parent, or guardian described in subdivision (a)
2 of this subsection.

3 (5) When a student who qualifies under the mileage
4 requirements of subsection (1) of this section lives more
5 than three miles from the location where the student must be
6 picked up and dropped off in order to access school-provided
7 free transportation, as measured by the shortest route
8 that must actually and necessarily be traveled by motor
9 vehicle between his or her residence and such location, such
10 school-provided transportation shall be deemed partially provided
11 free transportation. School districts partially providing free
12 transportation shall pay an allowance to the student's parent or
13 guardian equal to two hundred eighty-five percent of the mileage
14 rate provided in section 81-1176 multiplied by each mile actually
15 and necessarily traveled, on each day of attendance, beyond which
16 the one-way distance from the residence of the student to the
17 location where the student must be picked up and dropped off
18 exceeds three miles.

19 (6) The board may authorize school-provided
20 transportation to any student who does not qualify under the
21 mileage requirements of subsection (1) of this section and may
22 charge a fee to the parent or guardian of the student for such
23 service. An affiliated high school district may provide free
24 transportation or pay the allowance described in this section for
25 high school students residing in an affiliated Class I district. No
26 transportation payments shall be made to a family for mileage not
27 actually traveled by such family. The number of days the student

1 has attended school shall be reported monthly by the teacher to the
2 board of such public school district.

3 (7) No more than one allowance shall be made to a
4 family irrespective of the number of students in a family being
5 transported to school. If a family resides in a Class I district
6 which is part of a Class VI district and has students enrolled in
7 any of the grades offered by the Class I district and in any of
8 the non-high-school grades offered by the Class VI district, such
9 family shall receive not more than one allowance for the distance
10 actually traveled when both districts are on the same direct travel
11 route with one district being located a greater distance from the
12 residence than the other. In such cases, the travel allowance shall
13 be prorated among the school districts involved.

14 (8) No student shall be exempt from school attendance on
15 account of distance from the public schoolhouse.

16 Sec. 9. Section 79-1007.20, Revised Statutes Cumulative
17 Supplement, 2012, is amended to read:

18 79-1007.20 (1) For school fiscal year 2009-10 and each
19 school fiscal year thereafter, school School districts may apply
20 to the department for a student growth adjustment, on a form
21 prescribed by the department, on or before October 15 of the school
22 fiscal year immediately preceding the school fiscal year for which
23 aid is being calculated. Such form shall require an estimate of
24 the average daily membership for the school fiscal year for which
25 aid is being calculated, the estimated student growth calculated by
26 subtracting the fall membership of the current school fiscal year
27 from the estimated average daily membership for the school fiscal

1 year for which aid is being calculated, and evidence supporting
2 the estimates. On or before the immediately following December
3 1, the department shall approve the estimated student growth,
4 approve a modified student growth, or deny the application based
5 on the requirements of this section, the evidence submitted on the
6 application, and any other information provided by the department.
7 The state board shall establish procedures for appeal of decisions
8 of the department to the state board for final determination.

9 (2) The student growth adjustment for each approved
10 district shall equal the sum of the product of the school
11 district's basic funding per formula student multiplied by the
12 difference of the approved student growth minus the greater of
13 twenty-five students or one percent of the fall membership for the
14 school fiscal year immediately preceding the school fiscal year for
15 which aid is being calculated plus the product of fifty percent of
16 the school district's basic funding per formula student multiplied
17 by the greater of twenty-five students or one percent of the fall
18 membership for the school fiscal year immediately preceding the
19 school fiscal year for which aid is being calculated.

20 (3) For school fiscal year 2011-12 and each school
21 fiscal year thereafter, the department shall calculate a student
22 growth adjustment correction for each district that received a
23 student growth adjustment for aid distributed in the most recently
24 available complete data year. Such student growth correction
25 shall equal the product of the difference of the average daily
26 membership for such school fiscal year minus the sum of the formula
27 students and the approved student growth the estimated average

1 daily membership for such school fiscal year used to calculate the
2 student growth adjustment for such school fiscal year multiplied
3 by the school district's basic funding per formula student used in
4 the final calculation of aid pursuant to section 79-1065 for such
5 school fiscal year, except that the absolute value of a negative
6 correction shall not exceed the original adjustment.

7 Sec. 10. Section 79-1028.01, Revised Statutes Cumulative
8 Supplement, 2012, is amended to read:

9 79-1028.01 (1) For each school fiscal year, a school
10 district may exceed its budget authority for the general fund
11 budget of expenditures as calculated pursuant to section 79-1023
12 for such school fiscal year by a specific dollar amount for the
13 following exclusions:

14 (a) Expenditures for repairs to infrastructure damaged by
15 a natural disaster which is declared a disaster emergency pursuant
16 to the Emergency Management Act;

17 (b) Expenditures for judgments, except judgments or
18 orders from the Commission of Industrial Relations, obtained
19 against a school district which require or obligate a school
20 district to pay such judgment, to the extent such judgment is not
21 paid by liability insurance coverage of a school district;

22 (c) Expenditures pursuant to the Retirement Incentive
23 Plan authorized in section 79-855 or the Staff Development
24 Assistance authorized in section 79-856;

25 (d) Expenditures of amounts received from educational
26 entities as defined in section 79-1201.01 for providing distance
27 education courses through the Educational Service Unit Coordinating

1 Council to such educational entities;

2 (e) Expenditures to pay another school district for the
3 transfer of land from such other school district;

4 (f) (e) Expenditures in school fiscal years 2009-10
5 through 2016-17 to pay for employer contributions pursuant
6 to subsection (2) of section 79-958 to the School Employees
7 Retirement System of the State of Nebraska to the extent that
8 such expenditures exceed the employer contributions under such
9 subsection that would have been made at a contribution rate of
10 seven and thirty-five hundredths percent;

11 (g) (f) Expenditures in school fiscal years 2009-10
12 through 2016-17 to pay for school district contributions pursuant
13 to subdivision (1)(c)(i) of section 79-9,113 to the retirement
14 system established pursuant to the Class V School Employees
15 Retirement Act to the extent that such expenditures exceed the
16 school district contributions under such subdivision that would
17 have been made at a contribution rate of seven and thirty-seven
18 hundredths percent;

19 (h) (g) Expenditures for sums agreed to be paid by
20 a school district to certificated employees in exchange for a
21 voluntary termination occurring prior to July 1, 2009, or occurring
22 on or after the last day of the 2010-11 school year and prior to
23 the first day of the 2013-14 school year;

24 (i) (h) Any expenditures in school fiscal years 2016-17
25 and 2017-18 of amounts specified in the notice provided by the
26 Commissioner of Education pursuant to section 79-309.01 for teacher
27 performance pay;

1 ~~(j)~~ (i) The special education budget of expenditures; and
2 ~~(k)~~ (j) Expenditures of special grant funds.

3 (2) For each school fiscal year, a school district
4 may exceed its budget authority for the general fund budget of
5 expenditures as calculated pursuant to section 79-1023 for such
6 school fiscal year by a specific dollar amount and include such
7 dollar amount in the budget of expenditures used to calculate
8 budget authority for the general fund budget of expenditures
9 pursuant to section 79-1023 for future years for the following
10 exclusions:

11 (a) Expenditures of incentive payments or base fiscal
12 year incentive payments to be received in such school fiscal year
13 pursuant to section 79-1011;

14 (b) The first school fiscal year the district will
15 be participating in Network Nebraska for the full school fiscal
16 year, for the difference of the estimated expenditures for such
17 school fiscal year for telecommunications services, access to
18 data transmission networks that transmit data to and from the
19 school district, and the transmission of data on such networks as
20 such expenditures are defined by the department for purposes of
21 the distance education and telecommunications allowance minus the
22 dollar amount of such expenditures for the second school fiscal
23 year preceding the first full school fiscal year the district
24 participates in Network Nebraska; and

25 (c) Expenditures for new elementary attendance sites in
26 the first year of operation or the first year of operation after
27 being closed for at least one school year if such elementary

1 attendance site will most likely qualify for the elementary site
2 allowance in the immediately following school fiscal year as
3 determined by the state board.

4 (3) The state board shall approve, deny, or modify the
5 amount allowed for any exclusions to the budget authority for the
6 general fund budget of expenditures pursuant to this section.

7 Sec. 11. Section 79-1104.02, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 79-1104.02 (1) The Early Childhood Education Endowment
10 Cash Fund, consisting of the interest, earnings, and proceeds from
11 the Early Childhood Education Endowment Fund and the earnings from
12 the private endowment created by the endowment provider, and any
13 additional private donations made directly thereto, shall be used
14 exclusively to provide funds for the Early Childhood Education
15 Grant Program for at-risk children from birth to age three as set
16 forth in this section.

17 (2) Grants provided by this section shall be to school
18 districts and cooperatives of school districts for early childhood
19 education programs for at-risk children from birth to age three,
20 as determined by the board of trustees pursuant to criteria set
21 forth by the board of trustees. School districts and cooperatives
22 of school districts may establish agreements with other public and
23 private entities to provide services or operate programs.

24 (3) Each program selected for a grant pursuant to this
25 section may be provided a grant for up to one-half of the total
26 budget of such program per year. Programs selected for grant awards
27 may receive continuation grants subject to the availability of

1 funding and the submission of a continuation plan which meets the
2 requirements of the board of trustees.

3 (4) Programs shall be funded across the state and in
4 urban and rural areas to the fullest extent possible.

5 (5) Each program selected for a grant pursuant to this
6 section shall meet the requirements described in subsection (2)
7 of section 79-1103, except that the periodic evaluations of the
8 program are to be specified by the board of trustees and the
9 programs need not include continuity with programs in kindergarten
10 and elementary grades and need not include instructional hours
11 that are similar to or less than the instructional hours for
12 kindergarten. The programs may continue to serve at-risk children
13 who turn three years of age during the program year until the end
14 of the program year, as specified by the board of trustees.

15 (6) Up to ten percent of the total amount deposited
16 in the Early Childhood Education Endowment Cash Fund each fiscal
17 year may be reserved by the board of trustees for evaluation
18 and technical assistance for the Early Childhood Education Grant
19 Program with respect to programs for at-risk children from birth to
20 age three.

21 Sec. 12. Section 79-1118.01, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 79-1118.01 Disability means an impairment which causes
24 a child to be classified as mentally retarded, intellectually
25 disabled, hard of hearing, deaf, speech and language impaired,
26 blind and visually impaired, behaviorally disordered, emotionally
27 disturbed, orthopedically impaired, other health impaired,

1 deaf-blind, or developmentally delayed or as having multiple
2 disabilities or specific learning disabilities, traumatic brain
3 injury, or autism and causes such child to need special education
4 and related services. For purposes of this section:

5 (1) Autism means a developmental disability significantly
6 affecting verbal and nonverbal communication and social
7 interaction, generally evident before age three, that adversely
8 affects a child's educational performance. Other characteristics
9 often associated with autism are engagement in repetitive
10 activities and stereotyped movements, resistance to environmental
11 change or change in daily routines, and unusual responses to
12 sensory experiences. Autism does not apply if a child's educational
13 performance is adversely affected primarily because the child has
14 a serious emotional disturbance;

15 (2) Behaviorally disordered means a condition in which a
16 child exhibits one or more of the following characteristics over a
17 long period of time and to a marked degree which adversely affects
18 educational performance:

19 (a) An inability to learn which cannot be explained by
20 intellectual, sensory, or health factors;

21 (b) An inability to build or maintain satisfactory
22 interpersonal relationships with peers and teachers;

23 (c) Inappropriate types of behavior or feelings under
24 normal circumstances;

25 (d) A general pervasive mood of unhappiness or
26 depression; or

27 (e) A tendency to develop physical symptoms or fears

1 associated with personal or school problems.

2 Behaviorally disordered includes schizophrenia but does
3 not include social maladjustment unless the characteristics defined
4 in subdivision (a) or (b) of this subdivision are also present;

5 (3) (2) Blind and visually impaired means partially
6 seeing or blind, which visual impairment, even with correction,
7 adversely affects a child's educational performance;

8 (4) (3) Deaf means a hearing impairment which is so
9 severe that processing linguistic information through hearing,
10 with or without amplification, is impaired to the extent that
11 educational performance is adversely affected;

12 (5) (4) Deaf-blind means concomitant hearing and
13 visual impairments, the combination of which causes such severe
14 communication and other developmental and educational problems
15 that such impairments cannot be accommodated in special education
16 programs solely for children who are deaf or blind;

17 (6) (5) Developmental delay means either a significant
18 delay in function in one or more of the following areas: (a)
19 Cognitive development; (b) physical development; (c) communication
20 development; (d) social or emotional development; or (e) adaptive
21 behavior or skills development, or a diagnosed physical or mental
22 condition that has a high probability of resulting in a substantial
23 delay in function in one or more of such areas;

24 (6) (a) Emotionally disturbed means a condition in which a
25 child exhibits one or more of the following characteristics over a
26 long period of time and to a marked degree which adversely affects
27 educational performance:

1 (i) An inability to learn which cannot be explained by
2 intellectual, sensory, or health factors;
3 (ii) An inability to build or maintain satisfactory
4 interpersonal relationships with peers and teachers;
5 (iii) Inappropriate types of behavior or feelings under
6 normal circumstances;
7 (iv) A general pervasive mood of unhappiness or
8 depression; or
9 (v) A tendency to develop physical symptoms or fears
10 associated with personal or school problems.

11 (b) Emotionally disturbed includes schizophrenia but does
12 not include social maladjustment unless the characteristics defined
13 in subdivision (a)(i) or (ii) of this subdivision are also present;

14 (7) Hard of hearing means a hearing impairment, whether
15 permanent or fluctuating, which adversely affects educational
16 performance but is not included under the term deaf in subdivision
17 (4) (3) of this section;

18 (8) Intellectually disabled means a condition in which
19 a child exhibits significantly subaverage general intellectual
20 functioning existing concurrently with deficits in adaptive
21 behavior and manifested during the developmental period which
22 adversely affects educational performance;

23 (8) Mentally retarded means a condition in which a child
24 exhibits significantly subaverage general intellectual functioning
25 existing concurrently with deficits in adaptive behavior and
26 manifested during the developmental period which adversely affects
27 educational performance;

1 (9) Multiple disabilities means concomitant impairments,
2 such as ~~mentally retarded-blind or mentally retarded-orthopedically~~
3 impaired, intellectually disabled-blind or intellectually
4 disabled-orthopedically impaired, the combination of which causes
5 such severe educational problems that a child with such impairments
6 cannot be accommodated in special education programs for one of the
7 impairments. Multiple disabilities does not include deaf-blind;

8 (10) Orthopedically impaired means a severe orthopedic
9 impairment which adversely affects a child's educational
10 performance. Severe orthopedic impairments include impairments
11 caused by (a) congenital anomaly, including, but not limited to,
12 clubfoot or absence of a member, (b) disease, including, but
13 not limited to, poliomyelitis or bone tuberculosis, or (c) other
14 causes, including, but not limited to, cerebral palsy, amputations,
15 and fractures and burns which cause contractures;

16 (11) Other health impaired means having limited strength,
17 vitality, or alertness due to chronic or acute health problems,
18 including, but not limited to, a heart condition, tuberculosis,
19 rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia,
20 epilepsy, lead poisoning, leukemia, or diabetes, which adversely
21 affects a child's educational performance;

22 (12) Specific learning disability means a disorder in
23 one or more of the basic psychological processes involved in
24 understanding or in using language, spoken or written, which may
25 manifest itself in an imperfect ability to listen, think, speak,
26 read, write, spell, or do mathematical calculations. Specific
27 learning disability includes, but is not limited to, perceptual

1 disabilities, brain injury, minimal brain dysfunction, dyslexia,
2 and developmental aphasia;

3 (13) Speech-and-language-impaired means having a
4 communication disorder such as stuttering, impaired articulation,
5 language impairments, or voice impairment which adversely affects a
6 child's educational performance; and

7 (14) Traumatic brain injury means an acquired injury
8 to the brain caused by an external physical force, resulting
9 in total or partial functional disability or psychosocial
10 impairment, or both, that adversely affects a child's educational
11 performance. Traumatic brain injury applies to open or closed
12 head injuries resulting in impairments in one or more areas,
13 including cognition; language; memory; attention; reasoning;
14 abstract thinking; judgment; problem solving; sensory, perceptual,
15 and motor abilities; psychosocial behavior; physical functions;
16 information processing; and speech. Traumatic brain injury does not
17 include brain injuries that are congenital or degenerative or brain
18 injuries induced by birth trauma.

19 The State Department of Education may group or subdivide
20 the classifications of children with disabilities for the purpose
21 of program description and reporting. The department shall
22 establish eligibility criteria and age ranges for the disability
23 classification of developmental delay.

24 Sec. 13. Section 79-1204, Revised Statutes Cumulative
25 Supplement, 2012, is amended to read:

26 79-1204 (1) The role and mission of the educational
27 service units is to serve as educational service providers in the

1 state's system of elementary and secondary education.

2 (2) Educational service units shall:

3 (a) Act primarily as service agencies in providing core

4 services and services identified and requested by member school

5 districts;

6 (b) Provide for economy, efficiency, and

7 cost-effectiveness in the cooperative delivery of educational

8 services;

9 (c) Provide educational services through leadership,

10 research, and development in elementary and secondary education;

11 (d) Act in a cooperative and supportive role with the

12 State Department of Education and school districts in development

13 and implementation of long-range plans, strategies, and goals for

14 the enhancement of educational opportunities in elementary and

15 secondary education; and

16 (e) Serve, when appropriate and as funds become

17 available, as a repository, clearinghouse, and administrator of

18 federal, state, and private funds on behalf of school districts

19 which choose to participate in special programs, projects, or

20 grants in order to enhance the quality of education in Nebraska

21 schools.

22 (3) Core services shall be provided by educational

23 service units to all member school districts. Core services shall

24 be defined by each educational service unit as follows:

25 (a) Core services shall be within the following service

26 areas in order of priority: (i) Staff development which shall

27 include access to staff development related to improving the

1 achievement of students in poverty and students with diverse
2 backgrounds; (ii) technology, including distance education
3 services; and (iii) instructional materials services;

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

8 (c) Core services shall provide schools with access to
9 services that:

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

12 (ii) Are difficult, if not impossible, for most
13 individual school districts to effectively and efficiently provide
14 with their own personnel and financial resources;

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

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

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

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

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

1 (a) Provide for accountability to taxpayers;
2 (b) Assure that educational service units are assisting
3 and cooperating with school districts to provide for equitable and
4 adequate educational opportunities statewide; and

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

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

10 (a) Nonmember public school districts;
11 (b) Nonpublic school systems;
12 (c) Other educational service units; and
13 (d) Other political subdivisions, public agencies, under
14 the Interlocal Cooperation Act and the Joint Public Agency Act.

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

18 Sec. 14. Section 79-1336, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 79-1336 (1) For fiscal years 2007-08 through 2013-14,
21 the State Department of Education shall provide distance education
22 equipment reimbursement to school districts and educational service
23 units from the Education Innovation Fund as provided in this
24 section. Such reimbursements shall be for hardware or software
25 purchased either by, or on behalf of, the school district or
26 educational service unit seeking reimbursement after July 14, 2006,
27 for use in distance education and shall be limited to a total

1 through fiscal year 2013-14 of twenty thousand dollars multiplied
2 by the number of high school buildings for each school district and
3 twenty thousand dollars for each educational service unit office
4 with a distance education classroom, except that no educational
5 service unit shall count more than one office with a distance
6 education classroom for each four thousand square miles within the
7 boundaries of the educational service unit. If a school district
8 has one or more former high school buildings that are no longer
9 being used as high school buildings due to a school district
10 merger and such buildings have distance education classrooms at the
11 time of application, such buildings shall be deemed high school
12 buildings for the purposes of this subsection. The reimbursements
13 may include installation costs for such hardware or software.
14 Applications shall be accepted by the department beginning in
15 the first year that To qualify for distance education equipment
16 reimbursement, the school district or the educational service
17 unit accesses Network Nebraska and ending June 30,
18 prior to the application for reimbursement. Applications for
19 distance education equipment reimbursement shall be submitted on or
20 before July 1 of each year July 1, 2013, for reimbursements to be
21 made in fiscal year 2013-14 on a form specified by the department
22 and shall include:
23 (a) A description of the hardware or software purchased
24 and how the hardware or software will be used for distance
25 education;
26 (b) Copies of receipts for the purchases to be
27 reimbursed;

1 (c) For purchases made on behalf of a school district or
2 educational service unit, evidence that such purchase was made on
3 behalf of such school district or educational service unit and that
4 such school district or educational service unit paid directly or
5 indirectly for such purchase; and

6 (d) For school districts, a commitment to either send
7 or receive two-way interactive video distance education courses
8 through the Distance Education Council until July 1, 2008, and the
9 Educational Service Unit Coordinating Council on and after July
10 1, 2008, each semester, or the equivalent of two semester courses
11 each year, for four consecutive years and to apply for distance
12 education incentives pursuant to section 79-1337 or to provide
13 any other evidence required by the department to show that the
14 commitment was met.

15 (2) On or before August 1 of each year, the department
16 shall certify the reimbursements to be paid to each school district
17 or educational service unit on or before September 1 of each year.

18 (3) The department shall use the applications for
19 distance education incentives submitted pursuant to section 79-1337
20 and any other information requested by the department pursuant to
21 rules and regulations of the department to verify that each school
22 district that received a reimbursement completes the commitment
23 to either send or receive two-way interactive video distance
24 education courses through the council for four years. Any school
25 district failing to complete such commitment shall repay the
26 Education Innovation Fund for the amount of any reimbursements
27 received pursuant to this section. On or before September 1 of each

1 year, the department shall notify any school district failing to
2 complete the commitment for the prior school year that repayment
3 of the reimbursement is required and the amount of such repayment.
4 Repayments shall be due on or before the immediately following
5 December 31. Late repayments shall accrue interest at the rate
6 prescribed in section 45-104.02 from the date of the initial
7 reimbursement.

8 (4) On or before October 1 of each year, a school
9 district or educational service unit may appeal the denial of
10 reimbursements or a school district may appeal the requirement to
11 repay reimbursements to the State Board of Education. The board
12 shall allow a representative of the school district or educational
13 service unit an opportunity to present information concerning the
14 appeal to the board at the November board meeting. If the board
15 finds that the department denied the reimbursement in error, the
16 department shall pay the district or educational service unit from
17 the Education Innovation Fund as soon as practical the amount which
18 was denied in error. If the board finds that the department erred
19 in notifying a school district that a reimbursement is required to
20 be repaid, such notification shall be void.

21 (5) The State Board of Education shall adopt and
22 promulgate rules and regulations to carry out this section.

23 Sec. 15. Section 79-2104.02, Revised Statutes Cumulative
24 Supplement, 2012, is amended to read:

25 79-2104.02 Each learning community coordinating council
26 shall use any funds received after January 15, 2011, pursuant
27 to section 79-1241.03 for evaluation and research pursuant to

1 plans developed by the learning community coordinating council
2 with assistance from the Educational Service Unit Coordinating
3 Council and adjusted on an ongoing basis. The evaluation shall
4 be conducted by one or more other entities or individuals who
5 are not employees of the learning community and shall measure
6 progress toward the goals and objectives of the learning community,
7 which goals and objectives shall include reduction of excessive
8 absenteeism of students in the member school districts of the
9 learning community and closing academic achievement gaps based on
10 socioeconomic status, and the effectiveness of the approaches used
11 by the learning community or pilot project to reach such goals and
12 objectives. Any research conducted pursuant to this section shall
13 also be related to such goals and objectives. After the first full
14 year of operation, each learning community shall report evaluation
15 and research results electronically to the Education Committee of
16 the Legislature on or before ~~December~~ January 1 of each year.

17 Sec. 16. Section 79-2118, Revised Statutes Cumulative
18 Supplement, 2012, is amended to read:

19 79-2118 (1) Each learning community, together with its
20 member school districts, shall develop a diversity plan to provide
21 educational opportunities pursuant to sections 79-769 and 79-2110
22 in each subcouncil district designed to attract students from
23 diverse backgrounds, which plan may be revised from time to time.
24 The initial diversity plan shall be completed by December 31 of
25 the year the initial learning community coordinating council for
26 the learning community takes office. The goal of the diversity
27 plan shall be to annually increase the socioeconomic diversity

1 of enrollment at each grade level in each school building within
2 the learning community until such enrollment reflects the average
3 socioeconomic diversity of the entire enrollment of the learning
4 community.

5 (2) Each diversity plan for a learning community shall
6 include specific provisions relating to each subcouncil district
7 within such learning community. The specific provisions relating
8 to each subcouncil district shall be approved by both the
9 achievement subcouncil for such district and by the learning
10 community coordinating council.

11 (3) The learning community coordinating council shall
12 report electronically to the Education Committee of the Legislature
13 on or before December January 1 of each even-numbered odd-numbered
14 year on the diversity and changes in diversity at each grade
15 level in each school building within the learning community and on
16 the academic achievement for different demographic groups in each
17 school building within the learning community.

18 Sec. 17. Section 84-712.05, Revised Statutes Cumulative
19 Supplement, 2012, is amended to read:

20 84-712.05 The following records, unless publicly
21 disclosed in an open court, open administrative proceeding, or open
22 meeting or disclosed by a public entity pursuant to its duties, may
23 be withheld from the public by the lawful custodian of the records:

24 (1) Personal information in records regarding a student,
25 prospective student, or former student of any educational
institution or exempt school that has effectuated an election
not to meet state approval or accreditation requirements pursuant

1 to section 79-1601 when such records are maintained by and in
2 the possession of a public entity, other than routine directory
3 information specified and made public consistent with 20 U.S.C.
4 1232g, as such section existed on January 1, 2003, February 1,
5 2013, and regulations adopted thereunder;

6 (2) Medical records, other than records of births and
7 deaths and except as provided in subdivision (5) of this section,
8 in any form concerning any person; records of elections filed under
9 section 44-2821; and patient safety work product under the Patient
10 Safety Improvement Act;

11 (3) Trade secrets, academic and scientific research work
12 which is in progress and unpublished, and other proprietary or
13 commercial information which if released would give advantage to
14 business competitors and serve no public purpose;

15 (4) Records which represent the work product of an
16 attorney and the public body involved which are related to
17 preparation for litigation, labor negotiations, or claims made by
18 or against the public body or which are confidential communications
19 as defined in section 27-503;

20 (5) Records developed or received by law enforcement
21 agencies and other public bodies charged with duties of
22 investigation or examination of persons, institutions, or
23 businesses, when the records constitute a part of the examination,
24 investigation, intelligence information, citizen complaints or
25 inquiries, informant identification, or strategic or tactical
26 information used in law enforcement training, except that this
27 subdivision shall not apply to records so developed or received

1 relating to the presence of and amount or concentration of alcohol
2 or drugs in any body fluid of any person;

3 (6) Appraisals or appraisal information and negotiation
4 records concerning the purchase or sale, by a public body, of any
5 interest in real or personal property, prior to completion of the
6 purchase or sale;

7 (7) Personal information in records regarding personnel
8 of public bodies other than salaries and routine directory
9 information;

10 (8) Information solely pertaining to protection of the
11 security of public property and persons on or within public
12 property, such as specific, unique vulnerability assessments or
13 specific, unique response plans, either of which is intended
14 to prevent or mitigate criminal acts the public disclosure of
15 which would create a substantial likelihood of endangering public
16 safety or property; computer or communications network schema,
17 passwords, and user identification names; guard schedules; lock
18 combinations; or public utility infrastructure specifications or
19 design drawings the public disclosure of which would create a
20 substantial likelihood of endangering public safety or property,
21 unless otherwise provided by state or federal law;

22 (9) The security standards, procedures, policies, plans,
23 specifications, diagrams, access lists, and other security-related
24 records of the Lottery Division of the Department of Revenue and
25 those persons or entities with which the division has entered into
26 contractual relationships. Nothing in this subdivision shall allow
27 the division to withhold from the public any information relating

1 to amounts paid persons or entities with which the division has
2 entered into contractual relationships, amounts of prizes paid, the
3 name of the prize winner, and the city, village, or county where
4 the prize winner resides;

5 (10) With respect to public utilities and except as
6 provided in sections 43-512.06 and 70-101, personally identified
7 private citizen account payment and customer use information,
8 credit information on others supplied in confidence, and customer
9 lists;

10 (11) Records or portions of records kept by a publicly
11 funded library which, when examined with or without other records,
12 reveal the identity of any library patron using the library's
13 materials or services;

14 (12) Correspondence, memoranda, and records of telephone
15 calls related to the performance of duties by a member of
16 the Legislature in whatever form. The lawful custodian of the
17 correspondence, memoranda, and records of telephone calls, upon
18 approval of the Executive Board of the Legislative Council, shall
19 release the correspondence, memoranda, and records of telephone
20 calls which are not designated as sensitive or confidential in
21 nature to any person performing an audit of the Legislature. A
22 member's correspondence, memoranda, and records of confidential
23 telephone calls related to the performance of his or her
24 legislative duties shall only be released to any other person with
25 the explicit approval of the member;

26 (13) Records or portions of records kept by public
27 bodies which would reveal the location, character, or ownership

1 of any known archaeological, historical, or paleontological site
2 in Nebraska when necessary to protect the site from a reasonably
3 held fear of theft, vandalism, or trespass. This section shall not
4 apply to the release of information for the purpose of scholarly
5 research, examination by other public bodies for the protection of
6 the resource or by recognized tribes, the Unmarked Human Burial
7 Sites and Skeletal Remains Protection Act, or the federal Native
8 American Graves Protection and Repatriation Act;

9 (14) Records or portions of records kept by public
10 bodies which maintain collections of archaeological, historical, or
11 paleontological significance which reveal the names and addresses
12 of donors of such articles of archaeological, historical, or
13 paleontological significance unless the donor approves disclosure,
14 except as the records or portions thereof may be needed to carry
15 out the purposes of the Unmarked Human Burial Sites and Skeletal
16 Remains Protection Act or the federal Native American Graves
17 Protection and Repatriation Act;

18 (15) Job application materials submitted by applicants,
19 other than finalists, who have applied for employment by any
20 public body as defined in section 84-1409. For purposes of
21 this subdivision, (a) job application materials means employment
22 applications, resumes, reference letters, and school transcripts
23 and (b) finalist means any applicant (i) who reaches the final pool
24 of applicants, numbering four or more, from which the successful
25 applicant is to be selected, (ii) who is an original applicant
26 when the final pool of applicants numbers less than four, or (iii)
27 who is an original applicant and there are four or fewer original

1 applicants;

2 (16) Records obtained by the Public Employees Retirement
3 Board pursuant to section 84-1512;

4 (17) Social security numbers; credit card, charge card,
5 or debit card numbers and expiration dates; and financial account
6 numbers supplied to state and local governments by citizens; and

7 (18) Information exchanged between a jurisdictional
8 utility and city pursuant to section 66-1867.

9 Sec. 18. Section 85-1603, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 85-1603 For purposes of the Private Postsecondary Career
12 School Act:

13 (1) Agent means any person who owns any interest in, is
14 employed by, or regularly represents for remuneration a private
15 postsecondary career school located within or outside this state
16 who (a) by solicitation made in this state enrolls or seeks
17 to enroll a resident of this state for education offered by
18 such school, (b) offers to award educational credentials for
19 remuneration on behalf of any such school, or (c) holds himself
20 or herself out to residents of this state as representing such a
21 school;

22 (2) Agent's permit means a nontransferable, written
23 authorization issued to a natural person by the department which
24 allows that person to solicit or enroll any resident of this state
25 for education in a private postsecondary career school;

26 (3) Authorization to operate means approval by the
27 department to operate a private postsecondary career school in

1 this state;

2 (4) Board means the State Board of Education;

3 (5) Branch facility means a facility (a) which is
4 separate from a principal facility, (b) which offers a full program
5 and full student services, (c) which is under the supervision of
6 an onsite director or administrator, and (d)(i) the ownership,
7 management, and control of which are the same as the principal
8 facility, which principal facility is responsible for the delivery
9 of all services, or (ii) at which education is offered by a
10 franchisee of a franchisor authorized to operate as a private
11 postsecondary career school pursuant to the act if the franchisor
12 establishes the course curriculum and guidelines for teaching at
13 the franchisee's facility;

14 (6) Commission means the Coordinating Commission for
15 Postsecondary Education;

16 (7) Commissioner means the Commissioner of Education;

17 (8) Course of study or instruction means a program of
18 study, training, or instruction consisting of a series of lessons
19 or classes which are coordinated as a curriculum or program of
20 instruction to prepare or qualify individuals or improve or upgrade
21 the skills needed for employment, career opportunities, or any
22 specific occupation;

23 (9) Department means the State Department of Education;

24 (10) Education or educational services means any class,
25 course, or program of occupational training, instruction, or study;

26 (11) Entity means any individual, company, firm, society,
27 group, association, partnership, limited liability company,

1 corporation, trust, or other person;

2 (12) Grant, with respect to educational credentials,
3 means award, sell, confer, bestow, or give;

4 (13) Home study school means a school which provides
5 correspondence lesson materials prepared in a sequential and
6 logical order for study and completion by a student on his
7 or her own, with completed lessons returned by the student to
8 the school for evaluation and subsequent return to the student,
9 including those schools which offer instruction by home study in
10 combination with in-residence training;

11 (14) Offer includes, in addition to its usual meaning,
12 advertising, publicizing, soliciting, or encouraging any person,
13 directly or indirectly, in any form, to perform a described act;

14 (15) Out-of-state school means any private postsecondary
15 career school which has its place of instruction or its principal
16 location outside the boundaries of this state and which offers or
17 conducts courses of instruction or subjects on the premises of the
18 school, or provides correspondence or home study lesson materials,
19 or offers or provides Nebraska students with courses of instruction
20 or subjects through activities engaged in or conducted outside the
21 boundaries of Nebraska;

22 (16) Principal facility or main school means a private
23 postsecondary career school located in the State of Nebraska;

24 (17) Private postsecondary career school means any
25 organization or business enterprise which is not specifically
26 exempt under section 85-1604, and which offers ~~courses or subjects~~
27 a course of study or instruction for which tuition is charged,

1 and at the place of business of which a course of instruction is
2 available through classroom instruction, home study, or both to a
3 person for the purpose of training, preparing, or improving the
4 person for an occupation even though the organization's or business
5 enterprise's principal efforts may not be exclusively educational
6 in nature;

7 (18) Resident school means any school offering courses of
8 instruction to its students on the school's premises;

9 (19) Separate classroom means a supplemental training
10 space (a) which is located near the main school for the purpose
11 of expanding the educational offerings or for training an overflow
12 of students who cannot be accommodated at the main school, (b)
13 which is close enough to the main school to assure immediate
14 supervision and administration of all essential student services
15 by the main school and ready access by students to the student
16 services available, and (c) in which the only required onsite
17 service is teaching; and

18 (20) Short-term training means classes, courses, or
19 programs of instruction or study that are offered for the purpose
20 of training, preparing, or improving a person for an occupation
21 when (a) the total hours of instruction required for completion is
22 sixteen clock hours or less and (b) no final course grade is given
23 to persons enrolled.

24 Sec. 19. Section 85-1604, Revised Statutes Cumulative
25 Supplement, 2012, is amended to read:

26 85-1604 The following education and schools are exempted
27 from the Private Postsecondary Career School Act:

1 (1) Schools exclusively offering instruction at any or
2 all levels from preschool through the twelfth grade;

3 (2) Education sponsored by a bona fide trade, business,
4 professional, or fraternal organization which is offered solely for
5 that organization's membership or offered without charge;

6 (3) Education provided by or funded by an employer and
7 offered solely to its employees for the purpose of improving such
8 persons in such employment;

9 (4) Education solely avocational or recreational in
10 nature as determined by the department;

11 (5) Educational programs offered by a charitable
12 institution, organization, or agency as long as such education
13 or training is not advertised or promoted as leading toward
14 occupational objectives;

15 (6) Public postsecondary schools established, operated,
16 and governed by this state or its political subdivisions or similar
17 entities in other states as determined by the department;

18 (7) Schools or organizations offering education or
19 instruction that is not part of a degree program leading to an
20 associate, a baccalaureate, a graduate, or a professional degree
21 which are licensed and regulated by agencies of this state other
22 than the department, except that such schools or organizations
23 shall not be exempt from the act with respect to agents' permits
24 and the Tuition Recovery Cash Fund;

25 (8) Schools or organizations which offer education or
26 instruction and which are licensed and regulated solely by an
27 agency of the federal government with respect to curriculum and

1 qualifications of instructional staff;

2 (9) Any postsecondary institution offering or proposing

3 to offer courses or programs leading to a baccalaureate, graduate,

4 or professional degree, but whose offerings may include associate

5 degree programs, diplomas, and other certificates based on the

6 award of college credit, including any such institutions that were

7 regulated prior to May 5, 2011, as private postsecondary career

8 schools pursuant to the Private Postsecondary Career School Act;

9 and

10 (10) Entities exclusively offering short-term training.

11 Sec. 20. Section 85-1644, Reissue Revised Statutes of

12 Nebraska, is amended to read:

13 85-1644 If any private postsecondary career school now

14 or hereafter operating in this state proposes to discontinue its

15 operation, the chief administrative officer of such school shall

16 cause to be filed with the department the original or legible true

17 copies of all academic and financial aid transcripts and such other

18 records of the school as may be specified by the department. If

19 there is a change of ownership, the records shall be transferred

20 intact and in good condition to the new owner and the transfer

21 shall be verified by the department. The department shall maintain

22 or cause to be maintained a permanent file of such records coming

23 into its possession. A student requesting a copy of his or her

24 transcripts which are on file may be charged a fee of ten dollars

25 for each copy requested.

26 Sec. 21. Section 85-1656, Reissue Revised Statutes of

27 Nebraska, is amended to read:

1 85-1656 (1) The board shall annually assess each private
2 postsecondary career school one-tenth of one percent of the prior
3 school year's gross tuition revenue until the Tuition Recovery Cash
4 Fund reaches the minimum fund level. The fund shall be maintained
5 at a minimum of ~~one~~ two hundred fifty thousand dollars and a
6 maximum of ~~three~~ five hundred thousand dollars. At any time when
7 the fund drops below the minimum level, the board may resume the
8 assessment. Funds in excess of the maximum level shall be used
9 as directed by the board to provide grants or scholarships for
10 students attending private postsecondary career schools.

11 (2) The board shall require documentation from each
12 private postsecondary career school to verify the tuition revenue
13 collected by the school and to determine the amount of the
14 assessment under this section.

15 (3) Any private postsecondary career school applying for
16 authorization to operate from the commissioner or any other agency
17 after September 9, 1993, shall not be assessed under this section
18 for the first year of operation but shall be assessed each year
19 thereafter for four years or until the fund reaches the minimum
20 level required by this section, whichever occurs last, and shall
21 maintain the surety bond or other security required by section
22 85-1639 until such time.

23 (4) The authorization to operate of any private
24 postsecondary career school which fails to comply with this section
25 shall be subject to revocation.

26 Sec. 22. (1) When the superintendent of a school district
27 fails to file the annual financial report on or before the

1 date required by subdivision (3)(a) of section 79-528, the State
2 Department of Education shall use the annual financial report from
3 the immediately preceding fiscal year for purposes of the Tax
4 Equity and Educational Opportunities Support Act.

5 (2) For purposes of the final calculation of state aid
6 pursuant to section 79-1065, the annual financial report for the
7 most recently available complete data year shall be used.

8 Sec. 23. Original sections 43-2507.02, 79-241,
9 79-1104.02, 79-1118.01, 79-1336, 85-1603, 85-1644, and 85-1656,
10 Reissue Revised Statutes of Nebraska, and sections 79-214, 79-234,
11 79-237, 79-527, 79-527.01, 79-611, 79-1007.20, 79-1028.01, 79-1204,
12 79-2104.02, 79-2118, 84-712.05, and 85-1604, Revised Statutes
13 Cumulative Supplement, 2012, are repealed.

14 Sec. 24. The following sections are outright repealed:
15 Sections 79-297, 79-298, 79-299, 79-2,100, and 79-756, Reissue
16 Revised Statutes of Nebraska.

17 Sec. 25. Since an emergency exists, this act takes effect
18 when passed and approved according to law.

19 2. On page 1, line 2, strike "79-605,"; in line 5
20 strike "79-1003,"; in line 8 after "regulations" insert "under
21 the Early Intervention Act"; and in line 17 after "eliminate"
22 insert "provisions relating to certain student organizations and
23 obsolete".

24 3. On page 2, line 2, strike "section" and insert
25 "sections 79-297, 79-298, 79-299, 79-2,100, and".