

LEGISLATURE OF NEBRASKA  
 ONE HUNDRED THIRD LEGISLATURE  
 FIRST SESSION  
**LEGISLATIVE BILL 410**

Final Reading

Introduced by Sullivan, 41.

Read first time January 22, 2013

Committee: Education

A BILL

1 FOR AN ACT relating to education; to amend sections 43-2507.02,  
 2 79-241, 79-1104.02, 79-1118.01, 79-1336, 85-1603,  
 3 85-1644, and 85-1656, Reissue Revised Statutes of  
 4 Nebraska, and sections 79-214, 79-234, 79-237, 79-527,  
 5 79-527.01, 79-611, 79-1007.20, 79-1028.01, 79-1204,  
 6 79-2104.02, 79-2118, 84-712.05, and 85-1604, Revised  
 7 Statutes Cumulative Supplement, 2012; to change  
 8 provisions relating to rules and regulations under the  
 9 Early Intervention Act, kindergarten admission, the  
 10 enrollment option program, access to school files,  
 11 reporting on attendance, transportation, the Tax Equity  
 12 and Educational Opportunities Support Act, early  
 13 childhood education, the Special Education Act,  
 14 educational service units, distance education  
 15 reimbursement, learning community reporting, disclosure  
 16 of certain records, and private postsecondary career

1 schools; to redefine terms; to harmonize provisions; to  
2 eliminate provisions relating to certain student  
3 organizations and obsolete references to a fund; to  
4 repeal the original sections; to outright repeal sections  
5 79-297, 79-298, 79-299, 79-2,100, and 79-756, Reissue  
6 Revised Statutes of Nebraska; and to declare an  
7 emergency.

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

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

3           43-2507.02 The State Department of Education shall  
4 maintain its responsibility under the Special Education Act regarding  
5 special education and related services and may adopt and promulgate  
6 rules and regulations pursuant to section 43-2516 that meet the  
7 requirements of subchapter III of the federal Individuals with  
8 Disabilities Education Act, 20 U.S.C. 1431 to 1445, as such act and  
9 sections existed on January 1, 2013, and the regulations adopted  
10 thereunder. The department shall provide grants for the costs of such  
11 programs to the school district of residence as provided in section  
12 79-1132.

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

15           79-214 ~~(1) For school years before school year 2012-13:~~

16           ~~(a) Except as provided in subdivision (1)(b) of this~~  
17 ~~section, the school board of any school district shall not admit any~~  
18 ~~child into the kindergarten of any school of such school district~~  
19 ~~unless such child has reached the age of five years or will reach~~  
20 ~~such age on or before October 15 of the current year; and~~

21           ~~(b) The board may admit a child who will reach the age of~~  
22 ~~five between October 16 and February 1 of the current school year if~~  
23 ~~the parent or guardian requests such entrance and provides an~~  
24 ~~affidavit stating that (i) the child attended kindergarten in another~~  
25 ~~jurisdiction in the current school year, (ii) the family anticipates~~

1 relocation to another jurisdiction that would allow admission within  
2 the current year, or (iii) the child has demonstrated through  
3 recognized assessment procedures approved by the board that he or she  
4 is capable of carrying the work of kindergarten.

5 (2) For school year 2012-13 and each school year  
6 thereafter:

7 (a) ~~(1)(a)~~ Except as provided in subdivision ~~(2)(b)~~ (1)  
8 (b) of this section, the school board of any school district shall  
9 not admit any child into the kindergarten of any school of such  
10 school district unless such child has reached the age of five years  
11 on or before July 31 of the calendar year in which the school year  
12 for which the child is seeking admission begins. ~~;~~ ~~and~~

13 (b) The board ~~may~~ shall admit a child who will reach the  
14 age of five years on or after August 1 and on or before October 15 of  
15 such school year if the parent or guardian requests such entrance and  
16 provides an affidavit stating that (i) the child attended  
17 kindergarten in another jurisdiction in the current school year, (ii)  
18 the family anticipates relocation to another jurisdiction that would  
19 allow admission within the current year, or (iii) the child ~~has~~  
20 ~~demonstrated through a recognized assessment procedure approved by~~  
21 ~~the board that he or she is capable of carrying the work of~~  
22 ~~kindergarten. On or before January 1, 2012, each~~ which can be  
23 demonstrated through a recognized assessment procedure approved by  
24 the board. Each school board shall, for purposes of this subdivision,  
25 approve and make available a recognized assessment procedure for

1 determining if a child is capable of carrying the work of  
2 kindergarten. The school board shall update approved procedures as  
3 the board deems appropriate.

4 ~~(3)~~(2) The board shall comply with the requirements of  
5 subsection (2) of section 43-2007 and shall require evidence of: (a)  
6 A physical examination by a physician, a physician assistant, or an  
7 advanced practice registered nurse, practicing under and in  
8 accordance with his or her respective certification act, within six  
9 months prior to the entrance of a child into the beginner grade and  
10 the seventh grade or, in the case of a transfer from out of state, to  
11 any other grade of the local school; and (b) ~~for school year 2006-07~~  
12 ~~and each school year thereafter,~~ a visual evaluation by a physician,  
13 a physician assistant, an advanced practice registered nurse, or an  
14 optometrist within six months prior to the entrance of a child into  
15 the beginner grade or, in the case of a transfer from out of state,  
16 to any other grade of the local school, which consists of testing for  
17 amblyopia, strabismus, and internal and external eye health, with  
18 testing sufficient to determine visual acuity, except that no such  
19 physical examination or visual evaluation shall be required of any  
20 child whose parent or guardian objects in writing. The cost of such  
21 physical examination and visual evaluation shall be borne by the  
22 parent or guardian of each child who is examined.

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

25 79-234 (1) An enrollment option program is hereby

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

25 (2) The program shall not apply to any student who

1 resides in a district which has entered into an annexation agreement  
2 pursuant to section 79-473, except that such student may transfer to  
3 another district which accepts option students.

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

6           79-237 (1) For a student to begin attendance as an option  
7 student in an option school district which is not in a learning  
8 community in which the student resides, the student's parent or legal  
9 guardian shall submit an application to the school board of the  
10 option school district between September 1 and March 15 for  
11 attendance during the following and subsequent school years.  
12 ~~Applications~~ Except as provided in subsection (2) of this section,  
13 applications submitted after March 15 shall contain a release  
14 approval from the resident school district on the application form  
15 prescribed and furnished by the State Department of Education  
16 pursuant to subsection ~~(7)~~ (8) of this section. A district may not  
17 accept or approve any applications submitted after such date without  
18 such a release approval. The option school district shall provide the  
19 resident school district with the name of the applicant on or before  
20 April 1 or, in the case of an application submitted after March 15,  
21 within sixty days after submission. The option school district shall  
22 notify, in writing, the parent or legal guardian of the student, and  
23 the resident school district, ~~and the State Department of Education~~  
24 whether the application is accepted or rejected on or before April 1  
25 or, in the case of an application submitted after March 15, within

1 sixty days after submission.

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

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

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

25 ~~(4)-(5)~~ (5) No option student shall attend an option school

1 district for less than one school year unless the student relocates  
2 to a different resident school district, completes requirements for  
3 graduation prior to the end of his or her senior year, transfers to a  
4 private or parochial school, or upon mutual agreement of the resident  
5 and option school districts cancels the enrollment option and returns  
6 to the resident school district.

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

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

19 ~~(7)~~(8) The application and cancellation forms shall be  
20 prescribed and furnished by the State Department of Education.

21 ~~(8)~~(9) An option student who subsequently chooses to  
22 attend a private or parochial school shall be automatically accepted  
23 to return to either the resident school district or option school  
24 district upon the completion of the grade levels offered at the  
25 private or parochial school. If such student chooses to return to the

1 option school district, the student's parent or legal guardian shall  
2 submit another application to the school board of the option school  
3 district which shall be automatically accepted, and the deadlines  
4 prescribed in this section shall be waived.

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

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

16           (2) Parents or guardians of option students who qualify  
17 for free lunches shall be eligible for transportation reimbursement  
18 as described in section 79-611, except that they shall be reimbursed  
19 at the rate of one hundred forty-two and one-half percent of the  
20 mandatorily established mileage rate provided in section 81-1176 for  
21 each mile actually and necessarily traveled on each day of attendance  
22 by which the distance traveled one way from the residence of such  
23 student to the schoolhouse exceeds three miles. ~~The State Department~~  
24 ~~of Education shall reimburse the option school district for~~  
25 ~~transportation expenses paid to the parents of qualifying option~~

1 ~~students or incurred in actual transportation of qualifying option~~  
2 ~~students. If a parent or guardian of a qualifying option student has~~  
3 ~~an agreement with the option school district for the provision of~~  
4 ~~transportation, the department shall reimburse the option school~~  
5 ~~district only if option students who are not eligible for~~  
6 ~~transportation reimbursement are charged fees for transportation, and~~  
7 ~~reimbursement shall be only for the actual miles traveled one way~~  
8 ~~beyond the normal transportation route at the rate described in this~~  
9 ~~subsection. Reimbursement shall be made on or before June 30 for~~  
10 ~~expenses incurred during the current school year. If sufficient funds~~  
11 ~~are not appropriated to fully fund the provisions of this section,~~  
12 ~~the department shall make a proportionate reduction in each payment~~  
13 ~~made pursuant to this section.~~

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

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

22           79-527 (1) The superintendent or head administrator of a  
23 public school district or a nonpublic school system shall annually  
24 report to the Commissioner of Education in such detail and on such  
25 date as required by the commissioner the number of students who have

1 dropped out of school. School districts that are members of learning  
2 communities shall also provide the learning community coordinating  
3 council with a copy of such report on or before the date the report  
4 is due to the commissioner.

5 (2) The superintendent ~~or head administrator~~ of a public  
6 school district ~~or a nonpublic school system~~ shall report on a  
7 ~~monthly~~ quarterly basis to the Commissioner of Education as directed  
8 by the commissioner regarding individual student information on  
9 attendance. ~~the number of and reason for any long term suspension,~~  
10 ~~expulsion, or excessive absenteeism of a student; referral of a~~  
11 ~~student to the office of the county attorney for excessive~~  
12 ~~absenteeism; or contacting of law enforcement officials, other than~~  
13 ~~law enforcement officials employed by or contracted with the school~~  
14 ~~district as school resource officers, by the district or system~~  
15 ~~relative to a student enrolled in the district or system. A school~~  
16 ~~district that is a member of a learning community shall also provide~~  
17 ~~the learning community coordinating council with a copy of such~~  
18 ~~report on or before the date the report is due to the commissioner.~~

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

21 79-527.01 (1) The Truancy Intervention Task Force is  
22 created. The task force shall consist of:

23 (a) The probation administrator or his or her designee;

24 (b) The Commissioner of Education or his or her designee;

25 and

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

3                   (2) The task force shall study and evaluate the data  
4 contained in the reports required by subsection (2) of section 79-527  
5 and shall develop recommendations to reduce incidents of excessive  
6 absenteeism. The task force may contact a school district or a county  
7 attorney for additional information. The task force shall report  
8 electronically to the Legislature on or before ~~July 1, 2011, and each~~  
9 ~~July 1 thereafter.~~ October 1 of each year.

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

12                   79-611 (1) The school board of any school district shall  
13 provide free transportation, partially provide free transportation,  
14 or pay an allowance for transportation in lieu of free transportation  
15 as follows:

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

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

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

9           (d) When a student, other than a student in grades ten  
10 through twelve in a Class V district, attends an elementary or junior  
11 high school in his or her own Class V district and lives more than  
12 four miles from the public schoolhouse in such district as measured  
13 by the shortest route that must actually and necessarily be traveled  
14 by motor vehicle to reach the student's residence.

15           (2)(a) The school board of any school district that is a  
16 member of a learning community shall provide free transportation for  
17 a student who resides in such learning community and attends school  
18 in such school district if (i) the student is transferring pursuant  
19 to the open enrollment provisions of section 79-2110, qualifies for  
20 free or reduced-price lunches, and lives more than one mile from the  
21 school to which he or she transfers, (ii) the student is transferring  
22 pursuant to such open enrollment provisions, is a student who  
23 contributes to the socioeconomic diversity of enrollment at the  
24 school building he or she attends, and lives more than one mile from  
25 the school to which he or she transfers, (iii) the student is

1 attending a focus school or program and lives more than one mile from  
2 the school building housing the focus school or program, or (iv) the  
3 student is attending a magnet school or program and lives more than  
4 one mile from the magnet school or the school housing the magnet  
5 program.

6 (b) For purposes of this subsection, student who  
7 contributes to the socioeconomic diversity of enrollment at the  
8 school building he or she attends has the definition found in section  
9 79-2110. This subsection does not prohibit a school district that is  
10 a member of a learning community from providing transportation to any  
11 intradistrict student.

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

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

25 (a) To the parent, custodial parent, or guardian

1 providing transportation for students from other families, one  
2 hundred percent of the amount prescribed in subsection (3) of this  
3 section for the transportation of students of such parent's,  
4 custodial parent's, or guardian's own family and an additional five  
5 percent for students of each other family not to exceed a maximum of  
6 one hundred twenty-five percent of the amount determined pursuant to  
7 subsection (3) of this section; and

8 (b) To the parent, custodial parent, or guardian not  
9 providing transportation for students of other families, two hundred  
10 eighty-five percent of the mileage rate provided in section 81-1176  
11 multiplied by each mile actually and necessarily traveled, on each  
12 day of attendance, from the residence of the student to the pick-up  
13 point at which students transfer to the vehicle of a parent,  
14 custodial parent, or guardian described in subdivision (a) of this  
15 subsection.

16 (5) When a student who qualifies under the mileage  
17 requirements of subsection (1) of this section lives more than three  
18 miles from the location where the student must be picked up and  
19 dropped off in order to access school-provided free transportation,  
20 as measured by the shortest route that must actually and necessarily  
21 be traveled by motor vehicle between his or her residence and such  
22 location, such school-provided transportation shall be deemed  
23 partially provided free transportation. School districts partially  
24 providing free transportation shall pay an allowance to the student's  
25 parent or guardian equal to two hundred eighty-five percent of the

1 mileage rate provided in section 81-1176 multiplied by each mile  
2 actually and necessarily traveled, on each day of attendance, beyond  
3 which the one-way distance from the residence of the student to the  
4 location where the student must be picked up and dropped off exceeds  
5 three miles.

6           (6) The board may authorize school-provided  
7 transportation to any student who does not qualify under the mileage  
8 requirements of subsection (1) of this section and may charge a fee  
9 to the parent or guardian of the student for such service. An  
10 affiliated high school district may provide free transportation or  
11 pay the allowance described in this section for high school students  
12 residing in an affiliated Class I district. No transportation  
13 payments shall be made to a family for mileage not actually traveled  
14 by such family. The number of days the student has attended school  
15 shall be reported monthly by the teacher to the board of such public  
16 school district.

17           (7) No more than one allowance shall be made to a family  
18 irrespective of the number of students in a family being transported  
19 to school. If a family resides in a Class I district which is part of  
20 a Class VI district and has students enrolled in any of the grades  
21 offered by the Class I district and in any of the non-high-school  
22 grades offered by the Class VI district, such family shall receive  
23 not more than one allowance for the distance actually traveled when  
24 both districts are on the same direct travel route with one district  
25 being located a greater distance from the residence than the other.

1 In such cases, the travel allowance shall be prorated among the  
2 school districts involved.

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

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

7 79-1007.20 (1) ~~For school fiscal year 2009-10 and each~~  
8 ~~school fiscal year thereafter, school~~ School districts may apply to  
9 the department for a student growth adjustment, on a form prescribed  
10 by the department, on or before October 15 of the school fiscal year  
11 immediately preceding the school fiscal year for which aid is being  
12 calculated. Such form shall require an estimate of the average daily  
13 membership for the school fiscal year for which aid is being  
14 calculated, the estimated student growth calculated by subtracting  
15 the fall membership of the current school fiscal year from the  
16 estimated average daily membership for the school fiscal year for  
17 which aid is being calculated, and evidence supporting the estimates.  
18 On or before the immediately following December 1, the department  
19 shall approve the estimated student growth, approve a modified  
20 student growth, or deny the application based on the requirements of  
21 this section, the evidence submitted on the application, and any  
22 other information provided by the department. The state board shall  
23 establish procedures for appeal of decisions of the department to the  
24 state board for final determination.

25 (2) The student growth adjustment for each approved

1 district shall equal the sum of the product of the school district's  
2 basic funding per formula student multiplied by the difference of the  
3 approved student growth minus the greater of twenty-five students or  
4 one percent of the fall membership for the school fiscal year  
5 immediately preceding the school fiscal year for which aid is being  
6 calculated plus the product of fifty percent of the school district's  
7 basic funding per formula student multiplied by the greater of  
8 twenty-five students or one percent of the fall membership for the  
9 school fiscal year immediately preceding the school fiscal year for  
10 which aid is being calculated.

11 (3) For school fiscal year 2011-12 and each school fiscal  
12 year thereafter, the department shall calculate a student growth  
13 adjustment correction for each district that received a student  
14 growth adjustment for aid distributed in the most recently available  
15 complete data year. Such student growth correction shall equal the  
16 product of the difference of the average daily membership for such  
17 school fiscal year minus ~~the sum of the formula students and the~~  
18 ~~approved student growth~~ the estimated average daily membership for  
19 such school fiscal year used to calculate the student growth  
20 adjustment for such school fiscal year multiplied by the school  
21 district's basic funding per formula student used in the final  
22 calculation of aid pursuant to section 79-1065 for such school fiscal  
23 year, except that the absolute value of a negative correction shall  
24 not exceed the original adjustment.

25 Sec. 10. Section 79-1028.01, Revised Statutes Cumulative

1 Supplement, 2012, is amended to read:

2 79-1028.01 (1) For each school fiscal year, a school  
3 district may exceed its budget authority for the general fund budget  
4 of expenditures as calculated pursuant to section 79-1023 for such  
5 school fiscal year by a specific dollar amount for the following  
6 exclusions:

7 (a) Expenditures for repairs to infrastructure damaged by  
8 a natural disaster which is declared a disaster emergency pursuant to  
9 the Emergency Management Act;

10 (b) Expenditures for judgments, except judgments or  
11 orders from the Commission of Industrial Relations, obtained against  
12 a school district which require or obligate a school district to pay  
13 such judgment, to the extent such judgment is not paid by liability  
14 insurance coverage of a school district;

15 (c) Expenditures pursuant to the Retirement Incentive  
16 Plan authorized in section 79-855 or the Staff Development Assistance  
17 authorized in section 79-856;

18 (d) Expenditures of amounts received from educational  
19 entities as defined in section 79-1201.01 for providing distance  
20 education courses through the Educational Service Unit Coordinating  
21 Council to such educational entities;

22 ~~(e) Expenditures to pay another school district for the~~  
23 ~~transfer of land from such other school district;~~

24 ~~(f)~~ (e) Expenditures in school fiscal years 2009-10  
25 through 2016-17 to pay for employer contributions pursuant to

1 subsection (2) of section 79-958 to the School Employees Retirement  
2 System of the State of Nebraska to the extent that such expenditures  
3 exceed the employer contributions under such subsection that would  
4 have been made at a contribution rate of seven and thirty-five  
5 hundredths percent;

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

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

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

22 ~~(j)~~ (i) The special education budget of expenditures; and

23 ~~(k)~~ (j) Expenditures of special grant funds.

24 (2) For each school fiscal year, a school district may  
25 exceed its budget authority for the general fund budget of

1 expenditures as calculated pursuant to section 79-1023 for such  
2 school fiscal year by a specific dollar amount and include such  
3 dollar amount in the budget of expenditures used to calculate budget  
4 authority for the general fund budget of expenditures pursuant to  
5 section 79-1023 for future years for the following exclusions:

6 (a) Expenditures of incentive payments or base fiscal  
7 year incentive payments to be received in such school fiscal year  
8 pursuant to section 79-1011;

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

20 (c) Expenditures for new elementary attendance sites in  
21 the first year of operation or the first year of operation after  
22 being closed for at least one school year if such elementary  
23 attendance site will most likely qualify for the elementary site  
24 allowance in the immediately following school fiscal year as  
25 determined by the state board.

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

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

6                   79-1104.02 (1) The Early Childhood Education Endowment  
7 Cash Fund, consisting of the interest, earnings, and proceeds from  
8 the Early Childhood Education Endowment Fund and the earnings from  
9 the private endowment created by the endowment provider, and any  
10 additional private donations made directly thereto, shall be used  
11 exclusively to provide funds for the Early Childhood Education Grant  
12 Program for at-risk children from birth to age three as set forth in  
13 this section.

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

21                   (3) Each program selected for a grant pursuant to this  
22 section may be provided a grant for up to one-half of the total  
23 budget of such program per year. Programs selected for grant awards  
24 may receive continuation grants subject to the availability of  
25 funding and the submission of a continuation plan which meets the

1 requirements of the board of trustees.

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

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

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

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

21 79-1118.01 Disability means an impairment which causes a  
22 child to be classified as ~~mentally retarded, intellectually disabled,~~  
23 hard of hearing, deaf, speech and language impaired, blind and  
24 visually impaired, ~~behaviorally disordered, emotionally disturbed,~~  
25 orthopedically impaired, other health impaired, deaf-blind, or

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

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

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

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

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

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

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

1           ~~(e) A tendency to develop physical symptoms or fears~~  
2 ~~associated with personal or school problems.~~

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

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

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

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

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

25           (6)(a) Emotionally disturbed means a condition in which a

1 child exhibits one or more of the following characteristics over a  
2 long period of time and to a marked degree which adversely affects  
3 educational performance:

4 (i) An inability to learn which cannot be explained by  
5 intellectual, sensory, or health factors;

6 (ii) An inability to build or maintain satisfactory  
7 interpersonal relationships with peers and teachers;

8 (iii) Inappropriate types of behavior or feelings under  
9 normal circumstances;

10 (iv) A general pervasive mood of unhappiness or  
11 depression; or

12 (v) A tendency to develop physical symptoms or fears  
13 associated with personal or school problems.

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

17 (7) Hard of hearing means a hearing impairment, whether  
18 permanent or fluctuating, which adversely affects educational  
19 performance but is not included under the term deaf in subdivision  
20 ~~(4)~~(3) of this section;

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

1           ~~(8) Mentally retarded means a condition in which a child~~  
2 ~~exhibits significantly subaverage general intellectual functioning~~  
3 ~~existing concurrently with deficits in adaptive behavior and~~  
4 ~~manifested during the developmental period which adversely affects~~  
5 ~~educational performance;~~

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

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

21           (11) Other health impaired means having limited strength,  
22 vitality, or alertness due to chronic or acute health problems,  
23 including, but not limited to, a heart condition, tuberculosis,  
24 rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia,  
25 epilepsy, lead poisoning, leukemia, or diabetes, which adversely

1 affects a child's educational performance;

2           (12) Specific learning disability means a disorder in one  
3 or more of the basic psychological processes involved in  
4 understanding or in using language, spoken or written, which may  
5 manifest itself in an imperfect ability to listen, think, speak,  
6 read, write, spell, or do mathematical calculations. Specific  
7 learning disability includes, but is not limited to, perceptual  
8 disabilities, brain injury, minimal brain dysfunction, dyslexia, and  
9 developmental aphasia;

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

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

25           The State Department of Education may group or subdivide

1 the classifications of children with disabilities for the purpose of  
2 program description and reporting. The department shall establish  
3 eligibility criteria and age ranges for the disability classification  
4 of developmental delay.

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

7 79-1204 (1) The role and mission of the educational  
8 service units is to serve as educational service providers in the  
9 state's system of elementary and secondary education.

10 (2) Educational service units shall:

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

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

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

18 (d) Act in a cooperative and supportive role with the  
19 State Department of Education and school districts in development and  
20 implementation of long-range plans, strategies, and goals for the  
21 enhancement of educational opportunities in elementary and secondary  
22 education; and

23 (e) Serve, when appropriate and as funds become  
24 available, as a repository, clearinghouse, and administrator of  
25 federal, state, and private funds on behalf of school districts which

1 choose to participate in special programs, projects, or grants in  
2 order to enhance the quality of education in Nebraska schools.

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

6 (a) Core services shall be within the following service  
7 areas in order of priority: (i) Staff development which shall include  
8 access to staff development related to improving the achievement of  
9 students in poverty and students with diverse backgrounds; (ii)  
10 technology, including distance education services; and (iii)  
11 instructional materials services;

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

16 (c) Core services shall provide schools with access to  
17 services that:

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

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

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

25 (iv) Can be adequately funded to ensure that the service

1 is provided equitably to the state's public school districts;

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

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

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

11 (a) Provide for accountability to taxpayers;

12 (b) Assure that educational service units are assisting  
13 and cooperating with school districts to provide for equitable and  
14 adequate educational opportunities statewide; and

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

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

20 (a) Nonmember public school districts;

21 (b) Nonpublic school systems;

22 (c) Other educational service units; and

23 (d) Other ~~political subdivisions,~~ public agencies, under  
24 the Interlocal Cooperation Act and the Joint Public Agency Act.

25 (6) Educational service units shall not regulate school

1 districts unless specifically provided pursuant to another section of  
2 law.

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

5 79-1336 (1) For fiscal years 2007-08 through 2013-14, the  
6 State Department of Education shall provide distance education  
7 equipment reimbursement to school districts and educational service  
8 units from the Education Innovation Fund as provided in this section.  
9 Such reimbursements shall be for hardware or software purchased  
10 either by, or on behalf of, the school district or educational  
11 service unit seeking reimbursement after July 14, 2006, for use in  
12 distance education and shall be limited to a total through fiscal  
13 year 2013-14 of twenty thousand dollars multiplied by the number of  
14 high school buildings for each school district and twenty thousand  
15 dollars for each educational service unit office with a distance  
16 education classroom, except that no educational service unit shall  
17 count more than one office with a distance education classroom for  
18 each four thousand square miles within the boundaries of the  
19 educational service unit. If a school district has one or more former  
20 high school buildings that are no longer being used as high school  
21 buildings due to a school district merger and such buildings have  
22 distance education classrooms at the time of application, such  
23 buildings shall be deemed high school buildings for the purposes of  
24 this subsection. The reimbursements may include installation costs  
25 for such hardware or software. ~~Applications shall be accepted by the~~

1 ~~department beginning in the first year that~~ To qualify for distance  
2 education equipment reimbursement, the school district or the  
3 educational service unit ~~accesses~~ shall access Network Nebraska ~~and~~  
4 ~~ending June 30, 2013.~~ prior to the application for reimbursement.  
5 Applications for distance education equipment reimbursement shall be  
6 submitted on or before ~~July 1 of each year~~ July 1, 2013, for  
7 reimbursements to be made in fiscal year 2013-14 on a form specified  
8 by the department and shall include:

9 (a) A description of the hardware or software purchased  
10 and how the hardware or software will be used for distance education;

11 (b) Copies of receipts for the purchases to be  
12 reimbursed;

13 (c) For purchases made on behalf of a school district or  
14 educational service unit, evidence that such purchase was made on  
15 behalf of such school district or educational service unit and that  
16 such school district or educational service unit paid directly or  
17 indirectly for such purchase; and

18 (d) For school districts, a commitment to either send or  
19 receive two-way interactive video distance education courses through  
20 ~~the Distance Education Council until July 1, 2008,~~ and the  
21 Educational Service Unit Coordinating Council ~~on and after July 1,~~  
22 ~~2008,~~ each semester, or the equivalent of two semester courses each  
23 year, for four consecutive years and to apply for distance education  
24 incentives pursuant to section 79-1337 or to provide any other  
25 evidence required by the department to show that the commitment was

1 met.

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

5 (3) The department shall use the applications for  
6 distance education incentives submitted pursuant to section 79-1337  
7 and any other information requested by the department pursuant to  
8 rules and regulations of the department to verify that each school  
9 district that received a reimbursement completes the commitment to  
10 either send or receive two-way interactive video distance education  
11 courses through the council for four years. Any school district  
12 failing to complete such commitment shall repay the Education  
13 Innovation Fund for the amount of any reimbursements received  
14 pursuant to this section. On or before September 1 of each year, the  
15 department shall notify any school district failing to complete the  
16 commitment for the prior school year that repayment of the  
17 reimbursement is required and the amount of such repayment.  
18 Repayments shall be due on or before the immediately following  
19 December 31. Late repayments shall accrue interest at the rate  
20 prescribed in section 45-104.02 from the date of the initial  
21 reimbursement.

22 (4) On or before October 1 of each year, a school  
23 district or educational service unit may appeal the denial of  
24 reimbursements or a school district may appeal the requirement to  
25 repay reimbursements to the State Board of Education. The board shall

1 allow a representative of the school district or educational service  
2 unit an opportunity to present information concerning the appeal to  
3 the board at the November board meeting. If the board finds that the  
4 department denied the reimbursement in error, the department shall  
5 pay the district or educational service unit from the Education  
6 Innovation Fund as soon as practical the amount which was denied in  
7 error. If the board finds that the department erred in notifying a  
8 school district that a reimbursement is required to be repaid, such  
9 notification shall be void.

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

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

14 79-2104.02 Each learning community coordinating council  
15 shall use any funds received after January 15, 2011, pursuant to  
16 section 79-1241.03 for evaluation and research pursuant to plans  
17 developed by the learning community coordinating council with  
18 assistance from the Educational Service Unit Coordinating Council and  
19 adjusted on an ongoing basis. The evaluation shall be conducted by  
20 one or more other entities or individuals who are not employees of  
21 the learning community and shall measure progress toward the goals  
22 and objectives of the learning community, which goals and objectives  
23 shall include reduction of excessive absenteeism of students in the  
24 member school districts of the learning community and closing  
25 academic achievement gaps based on socioeconomic status, and the

1 effectiveness of the approaches used by the learning community or  
2 pilot project to reach such goals and objectives. Any research  
3 conducted pursuant to this section shall also be related to such  
4 goals and objectives. After the first full year of operation, each  
5 learning community shall report evaluation and research results  
6 electronically to the Education Committee of the Legislature on or  
7 before ~~December~~ January 1 of each year.

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

10           79-2118 (1) Each learning community, together with its  
11 member school districts, shall develop a diversity plan to provide  
12 educational opportunities pursuant to sections 79-769 and 79-2110 in  
13 each subcouncil district designed to attract students from diverse  
14 backgrounds, which plan may be revised from time to time. The initial  
15 diversity plan shall be completed by December 31 of the year the  
16 initial learning community coordinating council for the learning  
17 community takes office. The goal of the diversity plan shall be to  
18 annually increase the socioeconomic diversity of enrollment at each  
19 grade level in each school building within the learning community  
20 until such enrollment reflects the average socioeconomic diversity of  
21 the entire enrollment of the learning community.

22           (2) Each diversity plan for a learning community shall  
23 include specific provisions relating to each subcouncil district  
24 within such learning community. The specific provisions relating to  
25 each subcouncil district shall be approved by both the achievement

1 subcouncil for such district and by the learning community  
2 coordinating council.

3 (3) The learning community coordinating council shall  
4 report electronically to the Education Committee of the Legislature  
5 on or before ~~December~~ January 1 of each ~~even-numbered~~ odd-numbered  
6 year on the diversity and changes in diversity at each grade level in  
7 each school building within the learning community and on the  
8 academic achievement for different demographic groups in each school  
9 building within the learning community.

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

12 84-712.05 The following records, unless publicly  
13 disclosed in an open court, open administrative proceeding, or open  
14 meeting or disclosed by a public entity pursuant to its duties, may  
15 be withheld from the public by the lawful custodian of the records:

16 (1) Personal information in records regarding a student,  
17 prospective student, or former student of any educational institution  
18 or exempt school that has effectuated an election not to meet state  
19 approval or accreditation requirements pursuant to section 79-1601  
20 when such records are maintained by and in the possession of a public  
21 entity, other than routine directory information specified and made  
22 public consistent with 20 U.S.C. 1232g, as such section existed on  
23 ~~January 1, 2003;~~ February 1, 2013, and regulations adopted  
24 thereunder;

25 (2) Medical records, other than records of births and

1 deaths and except as provided in subdivision (5) of this section, in  
2 any form concerning any person; records of elections filed under  
3 section 44-2821; and patient safety work product under the Patient  
4 Safety Improvement Act;

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

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

14 (5) Records developed or received by law enforcement  
15 agencies and other public bodies charged with duties of investigation  
16 or examination of persons, institutions, or businesses, when the  
17 records constitute a part of the examination, investigation,  
18 intelligence information, citizen complaints or inquiries, informant  
19 identification, or strategic or tactical information used in law  
20 enforcement training, except that this subdivision shall not apply to  
21 records so developed or received relating to the presence of and  
22 amount or concentration of alcohol or drugs in any body fluid of any  
23 person;

24 (6) Appraisals or appraisal information and negotiation  
25 records concerning the purchase or sale, by a public body, of any

1 interest in real or personal property, prior to completion of the  
2 purchase or sale;

3 (7) Personal information in records regarding personnel  
4 of public bodies other than salaries and routine directory  
5 information;

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

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

1 the prize winner, and the city, village, or county where the prize  
2 winner resides;

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

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

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

23 (13) Records or portions of records kept by public bodies  
24 which would reveal the location, character, or ownership of any known  
25 archaeological, historical, or paleontological site in Nebraska when

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

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

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

1 there are four or fewer original 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 who  
16 (a) by solicitation made in this state enrolls or seeks to enroll a  
17 resident of this state for education offered by such school, (b)  
18 offers to award educational credentials for remuneration on behalf of  
19 any such school, or (c) holds himself or herself out to residents of  
20 this state as representing such a school;

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

25 (3) Authorization to operate means approval by the

1 department to operate a private postsecondary career school in this  
2 state;

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

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

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

17 (7) Commissioner means the Commissioner of Education;

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

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

25 (10) Education or educational services means any class,

1 course, or program of occupational training, instruction, or study;

2 (11) Entity means any individual, company, firm, society,  
3 group, association, partnership, limited liability company,  
4 corporation, trust, or other person;

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

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

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

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

25 (16) Principal facility or main school means a private

1 postsecondary career school located in the State of Nebraska;

2 (17) Private postsecondary career school means any  
3 organization or business enterprise which is not specifically exempt  
4 under section 85-1604, and which offers courses or subjects a course  
5 of study or instruction for which tuition is charged, ~~and at the~~  
6 ~~place of business of which a course of instruction is available~~  
7 ~~through classroom instruction, home study, or both to a person for~~  
8 ~~the purpose of training, preparing, or improving the person for an~~  
9 ~~occupation~~ even though the organization's or business enterprise's  
10 principal efforts may not be exclusively educational in nature;

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

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

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

1 enrolled.

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

4           85-1604 The following education and schools are exempted  
5 from the Private Postsecondary Career School Act:

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

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

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

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

16           (5) Educational programs offered by a charitable  
17 institution, organization, or agency as long as such education or  
18 training is not advertised or promoted as leading toward occupational  
19 objectives;

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

23           (7) Schools or organizations offering education or  
24 instruction that is not part of a degree program leading to an  
25 associate, a baccalaureate, a graduate, or a professional degree

1 which are licensed and regulated by agencies of this state other than  
2 the department, except that such schools or organizations shall not  
3 be exempt from the act with respect to agents' permits and the  
4 Tuition Recovery Cash Fund;

5 (8) Schools or organizations which offer education or  
6 instruction and which are licensed and regulated solely by an agency  
7 of the federal government with respect to curriculum and  
8 qualifications of instructional staff;

9 (9) Any postsecondary institution offering or proposing  
10 to offer courses or programs leading to a baccalaureate, graduate, or  
11 professional degree, but whose offerings may include associate degree  
12 programs, diplomas, and other certificates based on the award of  
13 college credit, including any such institutions that were regulated  
14 prior to May 5, 2011, as private postsecondary career schools  
15 pursuant to the Private Postsecondary Career School Act; and

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

17 Sec. 20. Section 85-1644, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19 85-1644 If any private postsecondary career school now or  
20 hereafter operating in this state proposes to discontinue its  
21 operation, the chief administrative officer of such school shall  
22 cause to be filed with the department the original or legible true  
23 copies of all academic and financial aid transcripts and such other  
24 records of the school as may be specified by the department. If there  
25 is a change of ownership, the records shall be transferred intact and

1 in good condition to the new owner and the transfer shall be verified  
2 by the department. The department shall maintain or cause to be  
3 maintained a permanent file of such records coming into its  
4 possession. A student requesting a copy of his or her transcripts  
5 ~~which are on file~~ may be charged a fee of ten dollars for each copy  
6 requested.

7           Sec. 21. Section 85-1656, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

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

19           (2) The board shall require documentation from each  
20 private postsecondary career school to verify the tuition revenue  
21 collected by the school and to determine the amount of the assessment  
22 under this section.

23           (3) Any private postsecondary career school applying for  
24 authorization to operate from the commissioner or any other agency  
25 after September 9, 1993, shall not be assessed under this section for

1 the first year of operation but shall be assessed each year  
2 thereafter for four years or until the fund reaches the minimum level  
3 required by this section, whichever occurs last, and shall maintain  
4 the surety bond or other security required by section 85-1639 until  
5 such time.

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

9 Sec. 22. (1) When the superintendent of a school district  
10 fails to file the annual financial report on or before the date  
11 required by subdivision (3)(a) of section 79-528, the State  
12 Department of Education shall use the annual financial report from  
13 the immediately preceding fiscal year for purposes of the Tax Equity  
14 and Educational Opportunities Support Act.

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

18 Sec. 23. Original sections 43-2507.02, 79-241,  
19 79-1104.02, 79-1118.01, 79-1336, 85-1603, 85-1644, and 85-1656,  
20 Reissue Revised Statutes of Nebraska, and sections 79-214, 79-234,  
21 79-237, 79-527, 79-527.01, 79-611, 79-1007.20, 79-1028.01, 79-1204,  
22 79-2104.02, 79-2118, 84-712.05, and 85-1604, Revised Statutes  
23 Cumulative Supplement, 2012, are repealed.

24 Sec. 24. The following sections are outright repealed:  
25 Sections 79-297, 79-298, 79-299, 79-2,100, and 79-756, Reissue

1 Revised Statutes of Nebraska.

2                   Sec. 25. Since an emergency exists, this act takes effect

3 when passed and approved according to law.