

E AND R AMENDMENTS TO LB 675

Introduced by Slama, 1, Chairman Enrollment and Review

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

3 Section 1. Section 77-3446, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 77-3446 Base limitation means the budget limitation rate applicable
6 to school districts and the limitation on growth of restricted funds
7 applicable to other political subdivisions prior to any increases in the
8 rate as a result of special actions taken by a supermajority of any
9 governing board or of any exception allowed by law. The base limitation
10 is two and one-half percent until adjusted, except that the base
11 limitation for school districts for school fiscal years 2017-18 and
12 2018-19 is one and one-half percent and for school fiscal year 2019-20 is
13 two percent. The base limitation may be adjusted annually by the
14 Legislature to reflect changes in the prices of services and products
15 used by school districts and political subdivisions.

16 Sec. 2. Section 79-318, Revised Statutes Cumulative Supplement,
17 2018, is amended to read:

18 79-318 The State Board of Education shall:

19 (1) Appoint and fix the compensation of the Commissioner of
20 Education;

21 (2) Remove the commissioner from office at any time for conviction
22 of any crime involving moral turpitude or felonious act, for
23 inefficiency, or for willful and continuous disregard of his or her
24 duties as commissioner or of the directives of the board;

25 (3) Upon recommendation of the commissioner, appoint and fix the
26 compensation of all new professional positions in the department,
27 including any deputy commissioners;

1 (4) Organize the State Department of Education into such divisions,
2 branches, or sections as may be necessary or desirable to perform all its
3 proper functions and to render maximum service to the board and to the
4 state school system;

5 (5) Provide, through the commissioner and his or her professional
6 staff, enlightened professional leadership, guidance, and supervision of
7 the state school system, including educational service units. In order
8 that the commissioner and his or her staff may carry out their duties,
9 the board shall, through the commissioner: (a) Provide supervisory and
10 consultation services to the schools of the state; (b) issue materials
11 helpful in the development, maintenance, and improvement of educational
12 facilities and programs; (c) establish rules and regulations which govern
13 standards and procedures for the approval and legal operation of all
14 schools in the state and for the accreditation of all schools requesting
15 state accreditation. All public, private, denominational, or parochial
16 schools shall either comply with the accreditation or approval
17 requirements prescribed in this section and section 79-703 or, for those
18 schools which elect not to meet accreditation or approval requirements,
19 the requirements prescribed in subsections (2) through (6) of section
20 79-1601. Standards and procedures for approval and accreditation shall be
21 based upon the program of studies, guidance services, the number and
22 preparation of teachers in relation to the curriculum and enrollment,
23 instructional materials and equipment, science facilities and equipment,
24 library facilities and materials, and health and safety factors in
25 buildings and grounds. Rules and regulations which govern standards and
26 procedures for private, denominational, and parochial schools which
27 elect, pursuant to the procedures prescribed in subsections (2) through
28 (6) of section 79-1601, not to meet state accreditation or approval
29 requirements shall be as described in such section; (d) institute a
30 statewide system of testing to determine the degree of achievement and
31 accomplishment of all the students within the state's school systems if

1 it determines such testing would be advisable; (e) prescribe a uniform
2 system of records and accounting for keeping adequate educational and
3 financial records, for gathering and reporting necessary educational
4 data, and for evaluating educational progress; (f) cause to be published
5 laws, rules, and regulations governing the schools and the school lands
6 and funds with explanatory notes for the guidance of those charged with
7 the administration of the schools of the state; (g) approve teacher
8 education programs conducted in Nebraska postsecondary educational
9 institutions designed for the purpose of certificating teachers and
10 administrators; (h) approve certificated-employee evaluation policies and
11 procedures developed by school districts and educational service units;
12 and (i) approve general plans and adopt educational policies, standards,
13 rules, and regulations for carrying out the board's responsibilities and
14 those assigned to the State Department of Education by the Legislature;

15 (6) Adopt and promulgate rules and regulations for the guidance,
16 supervision, accreditation, and coordination of educational service
17 units. Such rules and regulations for accreditation shall include, but
18 not be limited to, (a) a requirement that programs and services offered
19 to school districts by each educational service unit shall be evaluated
20 on a regular basis, but not less than every seven years, to assure that
21 educational service units remain responsive to school district needs and
22 (b) guidelines for the use and management of funds generated from the
23 property tax levy and from other sources of revenue as may be available
24 to the educational service units, to assure that public funds are used to
25 accomplish the purposes and goals assigned to the educational service
26 units by section 79-1204. The State Board of Education shall establish
27 procedures to encourage the coordination of activities among educational
28 service units and to encourage effective and efficient educational
29 service delivery on a statewide basis;

30 (7) Prepare and distribute reports designed to acquaint school
31 district officers, teachers, and patrons of the schools with the

1 conditions and needs of the schools;

2 (8) Provide for consultation with professional educators and lay
3 leaders for the purpose of securing advice deemed necessary in the
4 formulation of policies and in the effectual discharge of its duties;

5 (9) Make studies, investigations, and reports and assemble
6 information as necessary for the formulation of policies, for making
7 plans, for evaluating the state school program, and for making essential
8 and adequate reports;

9 (10) Submit to the Governor and the Legislature a budget necessary
10 to finance the state school program under its jurisdiction, including the
11 internal operation and maintenance of the State Department of Education;

12 (11) Interpret its own policies, standards, rules, and regulations
13 and, upon reasonable request, hear complaints and disputes arising
14 therefrom;

15 (12) With the advice of the Department of Motor Vehicles, adopt and
16 promulgate rules and regulations containing reasonable standards, not
17 inconsistent with existing statutes, governing: (a) The general design,
18 equipment, color, operation, and maintenance of any vehicle with a
19 manufacturer's rated seating capacity of eleven or more passengers used
20 for the transportation of public, private, denominational, or parochial
21 school students; and (b) the equipment, operation, and maintenance of any
22 vehicle with a capacity of ten or less passengers used for the
23 transportation of public, private, denominational, or parochial school
24 students, when such vehicles are owned, operated, or owned and operated
25 by any public, private, denominational, or parochial school or privately
26 owned or operated under contract with any such school in this state,
27 except for vehicles owned by individuals operating a school which elects
28 pursuant to section 79-1601 not to meet accreditation or approval
29 requirements. Similar rules and regulations shall be adopted and
30 promulgated for operators of such vehicles as provided in section 79-607;

31 (13) Accept, on behalf of the Nebraska Center for the Education of

1 Children who are Blind or Visually Impaired, devises of real property or
2 donations or bequests of other property, or both, if in its judgment any
3 such devise, donation, or bequest is for the best interest of the center
4 or the students receiving services from the center, or both, and irrigate
5 or otherwise improve any such real estate when in the board's judgment it
6 would be advisable to do so; and

7 ~~(14) Accept, in order to administer the Interstate Compact on~~
8 ~~Educational Opportunity for Military Children, any devise, donation, or~~
9 ~~bequest received by the State Department of Education pursuant to section~~
10 ~~79-2206; and~~

11 (14) ~~(15)~~ Upon acceptance of any devise, donation, or bequest as
12 provided in this section, administer and carry out such devise, donation,
13 or bequest in accordance with the terms and conditions thereof. If not
14 prohibited by the terms and conditions of any such devise, donation, or
15 bequest, the board may sell, convey, exchange, or lease property so
16 devised, donated, or bequeathed upon such terms and conditions as it
17 deems best and remit all money derived from any such sale or lease to the
18 State Treasurer for credit to the State Department of Education Trust
19 Fund.

20 None of the duties prescribed in this section shall prevent the
21 board from exercising such other duties as in its judgment may be
22 necessary for the proper and legal exercise of its obligations.

23 Sec. 3. Section 79-515, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 79-515 The school board or board of education of any school district
26 may enter into contracts under such terms and conditions as the board
27 deems appropriate, for periods not to exceed seven ~~four~~ years, for the
28 provision of utility services, refuse disposal, transportation services,
29 maintenance services, financial services, insurance, security services,
30 and instructional materials, supplies, and equipment and, for periods not
31 to exceed four years, for collective-bargaining agreements with employee

1 groups. This section does not permit multiyear contracts with individual
2 school district employees.

3 Sec. 4. Section 79-807, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 79-807 For purposes of sections 79-806 to 79-815, unless the context
6 otherwise requires:

7 (1) Basic skills competency means either (a) proficiency in (i) the
8 written use of the English language, (ii) reading, comprehending, and
9 interpreting professional writing and other written materials, and (iii)
10 working with fundamental mathematical computations as demonstrated by
11 successful completion of an examination designated by the board ~~taken by~~
12 ~~teacher education students at a standard institution of higher education~~
13 or (b) successful employment experiences;

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

15 (3) Certificate means an authorization issued by the commissioner to
16 an individual who meets the qualifications to engage in teaching,
17 providing special services, or administering in prekindergarten through
18 grade twelve in the elementary and secondary schools in this state;

19 (4) Commissioner means the Commissioner of Education;

20 (5) Department means the State Department of Education;

21 (6) Human relations training means course work or employment
22 experiences that lead to (a) an awareness and understanding of the
23 values, lifestyles, contributions, and history of a pluralistic society,
24 (b) the ability to recognize and deal with dehumanizing biases,
25 including, but not limited to, sexism, racism, prejudice, and
26 discrimination, and an awareness of the impact such biases have on
27 interpersonal relations, (c) the ability to translate knowledge of human
28 relations into attitudes, skills, and techniques which result in
29 favorable experiences for students, (d) the ability to recognize the ways
30 in which dehumanizing biases may be reflected in instructional materials,
31 (e) respect for human dignity and individual rights, and (f) the ability

1 to relate effectively to other individuals and to groups in a pluralistic
2 society other than the applicant's own;

3 (7) Special education training means course work or employment
4 experiences that provide an individual with the knowledge of (a) the
5 exceptional needs of the disabilities defined under the Special Education
6 Act, (b) the major characteristics of each disability in order to
7 recognize its existence in children, (c) the various alternatives for
8 providing the least restrictive environment for children with
9 disabilities, (d) methods of teaching children with disabilities in the
10 regular classroom, and (e) prereferral alternatives, referral systems,
11 multidisciplinary team responsibilities, the individualized education
12 plan process, and the placement process;

13 (8) Special services means supportive services provided to students
14 that do not primarily involve teaching, including, but not limited to,
15 (a) audiology, psychology, and physical or occupational therapy, (b) the
16 coaching of extracurricular activities, and (c) subject areas for which
17 endorsement programs are not offered by a standard institution of higher
18 education; and

19 (9) Standard institution of higher education means any college or
20 university, the teacher education programs of which are fully approved by
21 the board or approved in another state pursuant to standards which are
22 comparable and equivalent to those set by the board.

23 Sec. 5. Section 79-1003, Revised Statutes Cumulative Supplement,
24 2018, is amended to read:

25 79-1003 For purposes of the Tax Equity and Educational Opportunities
26 Support Act:

27 (1) Adjusted general fund operating expenditures means (a) for
28 school fiscal years 2013-14 through 2015-16, the difference of the
29 general fund operating expenditures as calculated pursuant to subdivision
30 (23) of this section increased by the cost growth factor calculated
31 pursuant to section 79-1007.10, minus the transportation allowance,

1 special receipts allowance, poverty allowance, limited English
2 proficiency allowance, distance education and telecommunications
3 allowance, elementary site allowance, summer school allowance,
4 instructional time allowance, teacher education allowance, and focus
5 school and program allowance, (b) for school fiscal years 2016-17 through
6 2018-19, the difference of the general fund operating expenditures as
7 calculated pursuant to subdivision (23) of this section increased by the
8 cost growth factor calculated pursuant to section 79-1007.10, minus the
9 transportation allowance, special receipts allowance, poverty allowance,
10 limited English proficiency allowance, distance education and
11 telecommunications allowance, elementary site allowance, summer school
12 allowance, and focus school and program allowance, and (c) for school
13 fiscal year 2019-20 and each school fiscal year thereafter, the
14 difference of the general fund operating expenditures as calculated
15 pursuant to subdivision (23) of this section increased by the cost growth
16 factor calculated pursuant to section 79-1007.10, minus the
17 transportation allowance, special receipts allowance, poverty allowance,
18 limited English proficiency allowance, distance education and
19 telecommunications allowance, elementary site allowance, summer school
20 allowance, community achievement plan allowance, and focus school and
21 program allowance;

22 (2) Adjusted valuation means the assessed valuation of taxable
23 property of each local system in the state, adjusted pursuant to the
24 adjustment factors described in section 79-1016. Adjusted valuation means
25 the adjusted valuation for the property tax year ending during the school
26 fiscal year immediately preceding the school fiscal year in which the aid
27 based upon that value is to be paid. For purposes of determining the
28 local effort rate yield pursuant to section 79-1015.01, adjusted
29 valuation does not include the value of any property which a court, by a
30 final judgment from which no appeal is taken, has declared to be
31 nontaxable or exempt from taxation;

1 (3) Allocated income tax funds means the amount of assistance paid
2 to a local system pursuant to section 79-1005.01 ~~as adjusted, for school~~
3 ~~fiscal years prior to school fiscal year 2017-18, by the minimum levy~~
4 ~~adjustment pursuant to section 79-1008.02;~~

5 (4) Average daily membership means the average daily membership for
6 grades kindergarten through twelve attributable to the local system, as
7 provided in each district's annual statistical summary, and includes the
8 proportionate share of students enrolled in a public school instructional
9 program on less than a full-time basis;

10 (5) Base fiscal year means the first school fiscal year following
11 the school fiscal year in which the reorganization or unification
12 occurred;

13 (6) Board means the school board of each school district;

14 (7) Categorical funds means funds limited to a specific purpose by
15 federal or state law, including, but not limited to, Title I funds, Title
16 VI funds, federal vocational education funds, federal school lunch funds,
17 Indian education funds, Head Start funds, and funds from the Education
18 Innovation Fund;

19 (8) Consolidate means to voluntarily reduce the number of school
20 districts providing education to a grade group and does not include
21 dissolution pursuant to section 79-498;

22 (9) Converted contract means an expired contract that was in effect
23 for at least fifteen school years beginning prior to school year 2012-13
24 for the education of students in a nonresident district in exchange for
25 tuition from the resident district when the expiration of such contract
26 results in the nonresident district educating students, who would have
27 been covered by the contract if the contract were still in effect, as
28 option students pursuant to the enrollment option program established in
29 section 79-234;

30 (10) Converted contract option student means a student who will be
31 an option student pursuant to the enrollment option program established

1 in section 79-234 for the school fiscal year for which aid is being
2 calculated and who would have been covered by a converted contract if the
3 contract were still in effect and such school fiscal year is the first
4 school fiscal year for which such contract is not in effect;

5 (11) Department means the State Department of Education;

6 (12) District means any school district or unified system as defined
7 in section 79-4,108;

8 (13) Ensuing school fiscal year means the school fiscal year
9 following the current school fiscal year;

10 (14) Equalization aid means the amount of assistance calculated to
11 be paid to a local system pursuant to section ~~sections 79-1007.11 to~~
12 ~~79-1007.23, 79-1007.25, 79-1008.01 to 79-1022, and 79-1022.02;~~

13 (15) Fall membership means the total membership in kindergarten
14 through grade twelve attributable to the local system as reported on the
15 fall school district membership reports for each district pursuant to
16 section 79-528;

17 (16) Fiscal year means the state fiscal year which is the period
18 from July 1 to the following June 30;

19 (17) Formula students means:

20 (a) For state aid certified pursuant to section 79-1022, the sum of
21 the product of fall membership from the school fiscal year immediately
22 preceding the school fiscal year in which the aid is to be paid
23 multiplied by the average ratio of average daily membership to fall
24 membership for the second school fiscal year immediately preceding the
25 school fiscal year in which the aid is to be paid and the prior two
26 school fiscal years plus sixty percent of the qualified early childhood
27 education fall membership plus tuitioned students from the school fiscal
28 year immediately preceding the school fiscal year in which aid is to be
29 paid minus the product of the number of students enrolled in kindergarten
30 that is not full-day kindergarten from the fall membership multiplied by
31 0.5; and

1 (b) For the final calculation of state aid pursuant to section
2 79-1065, the sum of average daily membership plus sixty percent of the
3 qualified early childhood education average daily membership plus
4 tuitioned students minus the product of the number of students enrolled
5 in kindergarten that is not full-day kindergarten from the average daily
6 membership multiplied by 0.5 from the school fiscal year immediately
7 preceding the school fiscal year in which aid was paid;

8 (18) Free lunch and free milk calculated students means, using the
9 most recent data available on November 1 of the school fiscal year
10 immediately preceding the school fiscal year in which aid is to be paid,
11 (a) for schools that did not provide free meals to all students pursuant
12 to the community eligibility provision, students who individually
13 qualified for free lunches or free milk pursuant to the federal Richard
14 B. Russell National School Lunch Act, 42 U.S.C. 1751 et seq., and the
15 federal Child Nutrition Act of 1966, 42 U.S.C. 1771 et seq., as such acts
16 and sections existed on January 1, 2015, and rules and regulations
17 adopted thereunder, plus (b) for schools that provided free meals to all
18 students pursuant to the community eligibility provision, (i) for school
19 fiscal year 2016-17, the product of the students who attended such school
20 multiplied by the identified student percentage calculated pursuant to
21 such federal provision or (ii) for school fiscal year 2017-18 and each
22 school fiscal year thereafter, the greater of the number of students in
23 such school who individually qualified for free lunch or free milk using
24 the most recent school fiscal year for which the school did not provide
25 free meals to all students pursuant to the community eligibility
26 provision or one hundred ten percent of the product of the students who
27 qualified for free meals at such school pursuant to the community
28 eligibility provision multiplied by the identified student percentage
29 calculated pursuant to such federal provision, except that the free lunch
30 and free milk students calculated for any school pursuant to subdivision
31 (18)(b)(ii) of this section shall not exceed one hundred percent of the

1 students qualified for free meals at such school pursuant to the
2 community eligibility provision;

3 (19) Free lunch and free milk student means, for school fiscal years
4 prior to school fiscal year 2016-17, a student who qualified for free
5 lunches or free milk from the most recent data available on November 1 of
6 the school fiscal year immediately preceding the school fiscal year in
7 which aid is to be paid;

8 (20) Full-day kindergarten means kindergarten offered by a district
9 for at least one thousand thirty-two instructional hours;

10 (21) General fund budget of expenditures means the total budget of
11 disbursements and transfers for general fund purposes as certified in the
12 budget statement adopted pursuant to the Nebraska Budget Act, except that
13 for purposes of the limitation imposed in section 79-1023, the general
14 fund budget of expenditures does not include any special grant funds,
15 exclusive of local matching funds, received by a district;

16 (22) General fund expenditures means all expenditures from the
17 general fund;

18 (23) General fund operating expenditures means for state aid
19 calculated for school fiscal years 2012-13 and each school fiscal year
20 thereafter, as reported on the annual financial report for the second
21 school fiscal year immediately preceding the school fiscal year in which
22 aid is to be paid, the total general fund expenditures minus (a) the
23 amount of all receipts to the general fund, to the extent that such
24 receipts are not included in local system formula resources, from early
25 childhood education tuition, summer school tuition, educational entities
26 as defined in section 79-1201.01 for providing distance education courses
27 through the Educational Service Unit Coordinating Council to such
28 educational entities, private foundations, individuals, associations,
29 charitable organizations, the textbook loan program authorized by section
30 79-734, federal impact aid, and levy override elections pursuant to
31 section 77-3444, (b) the amount of expenditures for categorical funds,

1 tuition paid, transportation fees paid to other districts, adult
2 education, community services, redemption of the principal portion of
3 general fund debt service, retirement incentive plans authorized by
4 section 79-855, and staff development assistance authorized by section
5 79-856, (c) the amount of any transfers from the general fund to any bond
6 fund and transfers from other funds into the general fund, (d) any legal
7 expenses in excess of fifteen-hundredths of one percent of the formula
8 need for the school fiscal year in which the expenses occurred, (e)(i)
9 for state aid calculated for school fiscal years prior to school fiscal
10 year 2018-19, expenditures to pay for sums agreed to be paid by a school
11 district to certificated employees in exchange for a voluntary
12 termination occurring prior to July 1, 2009, occurring on or after the
13 last day of the 2010-11 school year and prior to the first day of the
14 2013-14 school year, or, to the extent that a district has demonstrated
15 to the State Board of Education pursuant to section 79-1028.01 that the
16 agreement will result in a net savings in salary and benefit costs to the
17 school district over a five-year period, occurring on or after the first
18 day of the 2013-14 school year or (ii) for state aid calculated for
19 school fiscal year 2018-19 and each school fiscal year thereafter,
20 expenditures to pay for incentives agreed to be paid by a school district
21 to certificated employees in exchange for a voluntary termination of
22 employment for which the State Board of Education approved an exclusion
23 pursuant to subdivision (1)(h), (i), (j), or (k) of section 79-1028.01,
24 (f)(i) expenditures to pay for employer contributions pursuant to
25 subsection (2) of section 79-958 to the School Employees Retirement
26 System of the State of Nebraska to the extent that such expenditures
27 exceed the employer contributions under such subsection that would have
28 been made at a contribution rate of seven and thirty-five hundredths
29 percent or (ii) expenditures to pay for school district contributions
30 pursuant to subdivision (1)(c)(i) or (1)(d)(i) of section 79-9,113 to the
31 retirement system established pursuant to the Class V School Employees

1 Retirement Act to the extent that such expenditures exceed the school
2 district contributions under such subdivision that would have been made
3 at a contribution rate of seven and thirty-seven hundredths percent, and
4 (g) any amounts paid by the district for lobbyist fees and expenses
5 reported to the Clerk of the Legislature pursuant to section 49-1483.

6 For purposes of this subdivision (23) of this section, receipts from
7 levy override elections shall equal ninety-nine percent of the difference
8 of the total general fund levy minus a levy of one dollar and five cents
9 per one hundred dollars of taxable valuation multiplied by the assessed
10 valuation for school districts that have voted pursuant to section
11 77-3444 to override the maximum levy provided pursuant to section
12 77-3442;

13 (24) Income tax liability means the amount of the reported income
14 tax liability for resident individuals pursuant to the Nebraska Revenue
15 Act of 1967 less all nonrefundable credits earned and refunds made;

16 (25) Income tax receipts means the amount of income tax collected
17 pursuant to the Nebraska Revenue Act of 1967 less all nonrefundable
18 credits earned and refunds made;

19 (26) Limited English proficiency students means the number of
20 students with limited English proficiency in a district from the most
21 recent data available on November 1 of the school fiscal year preceding
22 the school fiscal year in which aid is to be paid plus the difference of
23 such students with limited English proficiency minus the average number
24 of limited English proficiency students for such district, prior to such
25 addition, for the three immediately preceding school fiscal years if such
26 difference is greater than zero;

27 (27) Local system means a unified system or a school district;

28 (28) Low-income child means (a) for school fiscal years prior to
29 2016-17, a child under nineteen years of age living in a household having
30 an annual adjusted gross income for the second calendar year preceding
31 the beginning of the school fiscal year for which aid is being calculated

1 equal to or less than the maximum household income that would allow a
2 student from a family of four people to be a free lunch and free milk
3 student during the school fiscal year immediately preceding the school
4 fiscal year for which aid is being calculated and (b) for school fiscal
5 year 2016-17 and each school fiscal year thereafter, a child under
6 nineteen years of age living in a household having an annual adjusted
7 gross income for the second calendar year preceding the beginning of the
8 school fiscal year for which aid is being calculated equal to or less
9 than the maximum household income pursuant to sections 9(b)(1) and 17(c)
10 (4) of the Richard B. Russell National School Lunch Act, 42 U.S.C.
11 1758(b)(1) and 42 U.S.C. 1766(c)(4), respectively, and sections 3(a)(6)
12 and 4(e)(1)(A) of the Child Nutrition Act of 1966, 42 U.S.C. 1772(a)(6)
13 and 42 U.S.C. 1773(e)(1)(A), respectively, as such acts and sections
14 existed on January 1, 2015, for a household of that size that would have
15 allowed the child to meet the income qualifications for free meals during
16 the school fiscal year immediately preceding the school fiscal year for
17 which aid is being calculated;

18 (29) Low-income students means the number of low-income children
19 within the district multiplied by the ratio of the formula students in
20 the district divided by the total children under nineteen years of age
21 residing in the district as derived from income tax information;

22 (30) Most recently available complete data year means the most
23 recent single school fiscal year for which the annual financial report,
24 fall school district membership report, annual statistical summary,
25 Nebraska income tax liability by school district for the calendar year in
26 which the majority of the school fiscal year falls, and adjusted
27 valuation data are available;

28 (31) Poverty students means (a) for school fiscal years prior to
29 2016-17, the number of low-income students or the number of students who
30 are free lunch and free milk students in a district plus the difference
31 of the number of low-income students or the number of students who are

1 free lunch and free milk students in a district, whichever is greater,
2 minus the average number of poverty students for such district, prior to
3 such addition, for the three immediately preceding school fiscal years if
4 such difference is greater than zero and (b) for school fiscal year
5 2016-17 and each school fiscal year thereafter, the unadjusted poverty
6 students plus the difference of such unadjusted poverty students minus
7 the average number of poverty students for such district, prior to such
8 addition, for the three immediately preceding school fiscal years if such
9 difference is greater than zero;

10 (32) Qualified early childhood education average daily membership
11 means the product of the average daily membership for school fiscal year
12 2006-07 and each school fiscal year thereafter of students who will be
13 eligible to attend kindergarten the following school year and are
14 enrolled in an early childhood education program approved by the
15 department pursuant to section 79-1103 for such school district for such
16 school year multiplied by the ratio of the actual instructional hours of
17 the program divided by one thousand thirty-two if: (a) The program is
18 receiving a grant pursuant to such section for the third year; (b) the
19 program has already received grants pursuant to such section for three
20 years; or (c) the program has been approved pursuant to subsection (5) of
21 section 79-1103 for such school year and the two preceding school years,
22 including any such students in portions of any of such programs receiving
23 an expansion grant;

24 (33) Qualified early childhood education fall membership means the
25 product of membership on October 1 of each school year of students who
26 will be eligible to attend kindergarten the following school year and are
27 enrolled in an early childhood education program approved by the
28 department pursuant to section 79-1103 for such school district for such
29 school year multiplied by the ratio of the planned instructional hours of
30 the program divided by one thousand thirty-two if: (a) The program is
31 receiving a grant pursuant to such section for the third year; (b) the

1 program has already received grants pursuant to such section for three
2 years; or (c) the program has been approved pursuant to subsection (5) of
3 section 79-1103 for such school year and the two preceding school years,
4 including any such students in portions of any of such programs receiving
5 an expansion grant;

6 (34) Regular route transportation means the transportation of
7 students on regularly scheduled daily routes to and from the attendance
8 center;

9 (35) Reorganized district means any district involved in a
10 consolidation and currently educating students following consolidation;

11 (36) School year or school fiscal year means the fiscal year of a
12 school district as defined in section 79-1091;

13 (37) Sparse local system means a local system that is not a very
14 sparse local system but which meets the following criteria:

15 (a)(i) Less than two students per square mile in the county in which
16 each high school is located, based on the school district census, (ii)
17 less than one formula student per square mile in the local system, and
18 (iii) more than ten miles between each high school attendance center and
19 the next closest high school attendance center on paved roads;

20 (b)(i) Less than one and one-half formula students per square mile
21 in the local system and (ii) more than fifteen miles between each high
22 school attendance center and the next closest high school attendance
23 center on paved roads;

24 (c)(i) Less than one and one-half formula students per square mile
25 in the local system and (ii) more than two hundred seventy-five square
26 miles in the local system; or

27 (d)(i) Less than two formula students per square mile in the local
28 system and (ii) the local system includes an area equal to ninety-five
29 percent or more of the square miles in the largest county in which a high
30 school attendance center is located in the local system;

31 (38) Special education means specially designed kindergarten through

1 grade twelve instruction pursuant to section 79-1125, and includes
2 special education transportation;

3 (39) Special grant funds means the budgeted receipts for grants,
4 including, but not limited to, categorical funds, reimbursements for
5 wards of the court, short-term borrowings including, but not limited to,
6 registered warrants and tax anticipation notes, interfund loans,
7 insurance settlements, and reimbursements to county government for
8 previous overpayment. The state board shall approve a listing of grants
9 that qualify as special grant funds;

10 (40) State aid means the amount of assistance paid to a district
11 pursuant to the Tax Equity and Educational Opportunities Support Act;

12 (41) State board means the State Board of Education;

13 (42) State support means all funds provided to districts by the
14 State of Nebraska for the general fund support of elementary and
15 secondary education;

16 (43) Statewide average basic funding per formula student means the
17 statewide total basic funding for all districts divided by the statewide
18 total formula students for all districts;

19 (44) Statewide average general fund operating expenditures per
20 formula student means the statewide total general fund operating
21 expenditures for all districts divided by the statewide total formula
22 students for all districts;

23 (45) Teacher has the definition found in section 79-101;

24 (46) Temporary aid adjustment factor means (a) for school fiscal
25 years before school fiscal year 2007-08, one and one-fourth percent of
26 the sum of the local system's transportation allowance, the local
27 system's special receipts allowance, and the product of the local
28 system's adjusted formula students multiplied by the average formula cost
29 per student in the local system's cost grouping and (b) for school fiscal
30 year 2007-08, one and one-fourth percent of the sum of the local system's
31 transportation allowance, special receipts allowance, and distance

1 education and telecommunications allowance and the product of the local
2 system's adjusted formula students multiplied by the average formula cost
3 per student in the local system's cost grouping;

4 (47) Tuition receipts from converted contracts means tuition
5 receipts received by a district from another district in the most
6 recently available complete data year pursuant to a converted contract
7 prior to the expiration of the contract;

8 (48) Tuitioned students means students in kindergarten through grade
9 twelve of the district whose tuition is paid by the district to some
10 other district or education agency;

11 (49) Unadjusted poverty students means, for school fiscal year
12 2016-17 and each school fiscal year thereafter, the greater of the number
13 of low-income students or the free lunch and free milk calculated
14 students in a district; and

15 (50) Very sparse local system means a local system that has:

16 (a)(i) Less than one-half student per square mile in each county in
17 which each high school attendance center is located based on the school
18 district census, (ii) less than one formula student per square mile in
19 the local system, and (iii) more than fifteen miles between the high
20 school attendance center and the next closest high school attendance
21 center on paved roads; or

22 (b)(i) More than four hundred fifty square miles in the local
23 system, (ii) less than one-half student per square mile in the local
24 system, and (iii) more than fifteen miles between each high school
25 attendance center and the next closest high school attendance center on
26 paved roads.

27 Sec. 6. Section 79-1005.01, Revised Statutes Cumulative Supplement,
28 2018, is amended to read:

29 79-1005.01 (1) Not later than November 15 of each year, the Tax
30 Commissioner shall certify to the department for the preceding tax year
31 the income tax liability of resident individuals for each local system.

1 (2) For school fiscal years prior to 2017-18, one hundred two
2 million two hundred eighty-nine thousand eight hundred seventeen dollars
3 which is equal to the amount appropriated to the School District Income
4 Tax Fund for distribution in school fiscal year 1992-93 shall be
5 disbursed as option payments as determined under section 79-1009 and as
6 allocated income tax funds as determined in this section and sections
7 79-1008.01, 79-1015.01, 79-1017.01, and 79-1018.01, ~~except as provided in~~
8 ~~section 79-1008.02 for school fiscal years prior to school fiscal year~~
9 ~~2017-18~~. For school fiscal years prior to school fiscal year 2017-18,
10 funds not distributed as allocated income tax funds due to minimum levy
11 adjustments shall not increase the amount available to local systems for
12 distribution as allocated income tax funds.

13 (3) Using the data certified by the Tax Commissioner pursuant to
14 subsection (1) of this section, the department shall calculate the
15 allocation percentage and each local system's allocated income tax funds.
16 The allocation percentage shall be the amount stated in subsection (2) of
17 this section minus the total amount paid for option students pursuant to
18 section 79-1009, with the difference divided by the aggregate statewide
19 income tax liability of all resident individuals certified pursuant to
20 subsection (1) of this section. Each local system's allocated income tax
21 funds shall be calculated by multiplying the allocation percentage times
22 the local system's income tax liability certified pursuant to subsection
23 (1) of this section.

24 (4) For school fiscal year 2017-18 and each school fiscal year
25 thereafter, each local system's allocated income tax funds shall be
26 calculated by multiplying the local system's income tax liability
27 certified pursuant to subsection (1) of this section by two and twenty-
28 three hundredths percent.

29 Sec. 7. Section 79-1007.07, Revised Statutes Cumulative Supplement,
30 2018, is amended to read:

31 79-1007.07 (1)(a) The annual financial report required pursuant to

1 section 79-528 shall include:

2 (i) The amount of the poverty allowance used in the certification of
3 state aid pursuant to section 79-1022 for such school fiscal year;

4 (ii) The amount of federal funds received based on poverty as
5 defined by the federal program providing the funds; and

6 (iii) The expenditures and sources of funding for each program
7 related to poverty, ~~the method used to allocate money to the program and~~
8 ~~within the program,~~ and the expenditures and sources of funding for
9 support costs directly attributable to poverty.

10 (b) The department shall set up accounting codes for the receipts
11 and expenditures required to be reported on the annual financial report
12 pursuant to this subsection.

13 (2) The department shall determine the poverty allowance
14 expenditures using the reported expenditures on the annual financial
15 report for the most recently available complete data year that would
16 include in the poverty allowance expenditures only those expenditures
17 that are not included in other allowances, that were used to specifically
18 address issues related to the education of students living in poverty,
19 that do not replace expenditures that would have occurred if the students
20 involved in the program did not live in poverty, and that are paid for
21 with noncategorical funds generated by state or local taxes.

22 (3) If the poverty allowance expenditures do not equal 117.65
23 percent or more of the poverty allowance for the most recently available
24 complete data year, the department shall calculate a poverty allowance
25 correction. The poverty allowance correction shall equal the poverty
26 allowance minus eighty-five percent of the poverty allowance
27 expenditures.

28 (4) The department may request additional information from any
29 school district to assist with calculations and determinations pursuant
30 to this section. If the school district does not provide information upon
31 the request of the department pursuant to this section, the school

1 district shall be disqualified from receiving a poverty allowance for the
2 school fiscal year for which aid is being calculated.

3 Sec. 8. Section 79-1007.09, Revised Statutes Cumulative Supplement,
4 2018, is amended to read:

5 79-1007.09 (1)(a) The annual financial report required pursuant to
6 section 79-528 shall include:

7 (i) The amount of the limited English proficiency allowance used in
8 the certification of state aid pursuant to section 79-1022 for such
9 school fiscal year;

10 (ii) The amount of federal funds received based on students who are
11 limited English proficient as defined by the federal program providing
12 the funds; and

13 (iii) The expenditures and sources of funding for each program
14 related to limited English proficiency, ~~the method used to allocate money~~
15 ~~to the program and within the program,~~ and the expenditures and sources
16 of funding for support costs directly attributable to limited English
17 proficiency.

18 (b) The department shall set up accounting codes for the receipts
19 and expenditures required to be reported on the annual financial report
20 pursuant to this subsection.

21 (2) The department shall determine the limited English proficiency
22 allowance expenditures using the reported expenditures on the annual
23 financial report for the most recently available complete data year that
24 would only include in the limited English proficiency allowance
25 expenditures those expenditures that are not included in other
26 allowances, that were used to specifically address issues related to the
27 education of students with limited English proficiency, that do not
28 replace expenditures that would have occurred if the students involved in
29 the program did not have limited English proficiency, and that are paid
30 for with noncategorical funds generated by state or local taxes.

31 (3) If the limited English proficiency allowance expenditures do not

1 equal 117.65 percent or more of the limited English proficiency allowance
2 for the most recently available complete data year, the department shall
3 calculate a limited English proficiency allowance correction. The limited
4 English proficiency allowance correction shall equal the limited English
5 proficiency allowance minus eighty-five percent of the limited English
6 proficiency allowance expenditures. If the limited English proficiency
7 allowance expenditures do not equal fifty percent or more of the
8 allowance for such school fiscal year, the school district shall also be
9 disqualified from receiving a limited English proficiency allowance for
10 the school fiscal year for which aid is being calculated.

11 (4) The department may request additional information from any
12 school district to assist with calculations and determinations pursuant
13 to this section. If the school district does not provide information upon
14 the request of the department pursuant to this section, the school
15 district shall be disqualified from receiving a limited English
16 proficiency allowance for the school fiscal year for which aid is being
17 calculated.

18 Sec. 9. Section 79-1008.01, Revised Statutes Cumulative Supplement,
19 2018, is amended to read:

20 79-1008.01 ~~Each Except as provided in section 79-1008.02 for school~~
21 ~~fiscal years prior to school fiscal year 2017-18 and section 79-1009,~~
22 ~~each~~ local system shall receive equalization aid in the amount that the
23 total formula need ~~of each local system~~, as determined pursuant to
24 section 79-1007.11 sections 79-1007.04 to 79-1007.23 and 79-1007.25,
25 exceeds its total formula resources, as determined pursuant to section
26 79-1017.01. The equalization aid for a local system shall be zero if the
27 total formula resources equals or exceeds the total formula need for such
28 local system sections 79-1015.01 to 79-1018.01.

29 Sec. 10. Section 79-1017.01, Revised Statutes Cumulative Supplement,
30 2018, is amended to read:

31 79-1017.01 (1) ~~For state aid calculated for school fiscal years~~

1 ~~2014-15 and 2015-16, local system formula resources includes other actual~~
2 ~~receipts determined pursuant to section 79-1018.01, net option funding~~
3 ~~determined pursuant to section 79-1009, teacher education aid determined~~
4 ~~pursuant to section 79-1007.25, instructional time aid determined~~
5 ~~pursuant to subsection (2) of section 79-1007.23, allocated income tax~~
6 ~~funds determined pursuant to section 79-1005.01, and minimum levy~~
7 ~~adjustments determined pursuant to section 79-1008.02 and is reduced by~~
8 ~~amounts paid by the district in the most recently available complete data~~
9 ~~year as property tax refunds pursuant to or in the manner prescribed by~~
10 ~~section 77-1736.06.~~

11 ~~(2) For state aid calculated for each school fiscal year 2016-17 and~~
12 ~~each school fiscal year thereafter, local system formula resources~~
13 ~~includes other actual receipts determined pursuant to section 79-1018.01,~~
14 ~~net option funding determined pursuant to section 79-1009, allocated~~
15 ~~income tax funds determined pursuant to section 79-1005.01, and community~~
16 ~~achievement plan aid determined pursuant to section 79-1005, and minimum~~
17 ~~levy adjustments determined pursuant to section 79-1008.02 for school~~
18 ~~fiscal years prior to school fiscal year 2017-18, and is reduced by~~
19 ~~amounts paid by the district in the most recently available complete data~~
20 ~~year as property tax refunds pursuant to or in the manner prescribed by~~
21 ~~section 77-1736.06.~~

22 Sec. 11. Section 79-1022, Revised Statutes Cumulative Supplement,
23 2018, is amended to read:

24 79-1022 (1) ~~On or before June 1, 2017, and on or before March 1 of~~
25 ~~each year thereafter, for each ensuing fiscal year, the department shall~~
26 ~~determine the amounts to be distributed to each local system and each~~
27 ~~district for the ensuing school fiscal year pursuant to the Tax Equity~~
28 ~~and Educational Opportunities Support Act and shall certify the amounts~~
29 ~~to the Director of Administrative Services, the Auditor of Public~~
30 ~~Accounts, each learning community for school fiscal years prior to school~~
31 ~~fiscal year 2017-18, and each local system district. Except as otherwise~~

1 ~~provided in this section, the amount to be distributed to each district~~
2 ~~from the amount certified for a local system shall be proportional based~~
3 ~~on the formula students attributed to each district in the local system.~~
4 ~~For school fiscal years prior to school fiscal year 2017-18, the amount~~
5 ~~to be distributed to each district that is a member of a learning~~
6 ~~community from the amount certified for the local system shall be~~
7 ~~proportional based on the formula needs calculated for each district in~~
8 ~~the local system. On or before June 1, 2017, and on or before March 1 of~~
9 ~~each year thereafter, for each ensuing fiscal year, the department shall~~
10 report the necessary funding level for the ensuing school fiscal year to
11 the Governor, the Appropriations Committee of the Legislature, and the
12 Education Committee of the Legislature. The report submitted to the
13 committees of the Legislature shall be submitted electronically. Except
14 as otherwise provided in this subsection, certified state aid amounts,
15 including adjustments pursuant to section 79-1065.02, shall be shown as
16 budgeted non-property-tax receipts and deducted prior to calculating the
17 property tax request in the local system's ~~district's~~ general fund budget
18 statement as provided to the Auditor of Public Accounts pursuant to
19 section 79-1024.

20 (2) Except as provided in this subsection, subsection (8) of section
21 79-1016, and sections 79-1005, 79-1033, and 79-1065.02, the amounts
22 certified pursuant to subsection (1) of this section shall be distributed
23 in ten as nearly as possible equal payments on the last business day of
24 each month beginning in September of each ensuing school fiscal year and
25 ending in June of the following year, except that when a local system
26 ~~school district~~ is to receive a monthly payment of less than one thousand
27 dollars, such payment shall be one lump-sum payment on the last business
28 day of December during the ensuing school fiscal year.

29 Sec. 12. Section 79-1110, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 79-1110 Sections 79-1110 to 79-1167 and section 17 of this act shall

1 be known and may be cited as the Special Education Act.

2 Sec. 13. Section 79-1113, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 79-1113 For purposes of the Special Education Act, unless the
5 context otherwise requires, the definitions found in sections 79-1114 to
6 79-1125.01 and section 17 of this act shall be used.

7 Sec. 14. Section 79-1115, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 79-1115 Allowable costs means:~~(1) For school fiscal years prior to~~
10 ~~school fiscal year 1999-00, salaries, wages, benefits, and maintenance,~~
11 ~~supplies, travel, and other expenses essential to carry out the~~
12 ~~provisions for special education and support services; and(2) For school~~
13 ~~fiscal year 1999-00 and each school fiscal year thereafter, salaries,~~
14 wages, benefits, any medical expenditure by a school district for
15 purposes of providing individualized education plan services for a
16 special education student and health protection to the provider of the
17 services, and maintenance, supplies, travel, and other expenses essential
18 to carry out the provisions for special education and support services.

19 Sec. 15. Section 79-1115.01, Reissue Revised Statutes of Nebraska,
20 is amended to read:

21 79-1115.01 Assistive technology device means any item, piece of
22 equipment, or product system, whether acquired commercially off-the-shelf
23 or modified or customized, that is used to increase, maintain, or improve
24 functional capabilities of a child with a disability ~~children with~~
25 ~~disabilities~~.

26 Sec. 16. Section 79-1117, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 79-1117 Child with a disability means any person ~~a child~~ having a
29 disability listed in section 79-1118.01 that has been ~~and~~ verified
30 pursuant to sections 79-1137 to 79-1139 from the date of such
31 verification until he or she is twenty-one years of age or, if his or her

1 twenty-first birthday occurs during a school year, until the end of such
2 school year.

3 Sec. 17. Department means the State Department of Education.

4 Sec. 18. Section 79-1119, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 79-1119 ~~Excess For aid distributed in school fiscal years prior to~~
7 ~~2015-16, excess cost means the difference between the total cost of the~~
8 ~~special education program excluding residential care and the number of~~
9 ~~students in the special education program multiplied by the adjusted~~
10 ~~average per pupil cost of the preceding year for the school district of~~
11 ~~residence of each child. For aid distributed in school fiscal year~~
12 ~~2015-16 and each school fiscal year thereafter, excess cost means the~~
13 difference between the total cost of the special education program
14 excluding residential care minus federal medicaid funds received pursuant
15 to section 43-2511 for services to school-age children excluding amounts
16 designated as reimbursement for costs associated with the implementation
17 and administration of the billing system pursuant to section 43-2511 and
18 minus the product of the number of students in the special education
19 program multiplied by the adjusted average per pupil cost of the
20 preceding year for the school district of residence of each child.

21 Sec. 19. Section 79-1119.01, Reissue Revised Statutes of Nebraska,
22 is amended to read:

23 79-1119.01 Interim-program school means a school approved by the
24 State Board of Education and located in or operated by (1) a county
25 detention home established under section 43-2,110, (2) a juvenile
26 emergency shelter, or (3) any institution which is a public or private
27 facility, not owned or operated by a school district, which provides a
28 residential program and regular educational or special education services
29 ~~with a special education rate approved by the State Department of~~
30 Education.

31 Sec. 20. Section 79-1124, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 79-1124 Service agency means the school district, educational
3 service unit, local or regional office of intellectual disability,
4 interim-program school, or some combination thereof or such other agency
5 as may provide a special education program approved by the State
6 Department of Education, including an institution not wholly owned or
7 controlled by the state or any political subdivision to the extent that
8 it provides educational or other services for the benefit of a child with
9 a disability ~~children from the age of five to the age of twenty-one years~~
10 ~~with disabilities~~ if such services are nonsectarian in nature.

11 Sec. 21. Section 79-1125.01, Reissue Revised Statutes of Nebraska,
12 is amended to read:

13 79-1125.01 Support services means preventive services for a student
14 that is those children from birth to age twenty one years and, if the
15 child's twenty-first birthday occurs during the school year, until the
16 end of that school year, not identified or verified as ~~children with~~
17 ~~disabilities~~ pursuant to sections 79-1118.01, 79-1138, and 79-1139 but
18 demonstrating a need for specially designed assistance in order to
19 benefit from the school district's general education curriculum and to
20 avoid the need for potentially expensive special education placement and
21 services. Support services include the educational services provided to a
22 child pursuant to subdivision (10)(c) of section 79-215 by an interim-
23 program school or an approved or accredited school maintained by a
24 residential setting if such child has not been identified or verified as
25 a child with a disability pursuant to sections 79-1118.01 and 79-1138 but
26 demonstrates a need for specially designed assistance by residing in a
27 residential setting described in subdivision (10)(a) of section 79-215.

28 Sec. 22. Section 79-1126, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 79-1126 The Special Education Act applies to a child with a
31 disability until the child no longer meets the definition of a child with

1 ~~a disability from the date of diagnosis or the date of notification of~~
2 ~~the school district of residence to age twenty-one and, if the child's~~
3 ~~twenty-first birthday occurs during a school year, until the end of that~~
4 ~~school year. All provisions of state law related to special education~~
5 ~~which apply to a child with a disability who is age twenty shall apply to~~
6 ~~a child with a disability whose twenty-first birthday occurs during a~~
7 ~~school year until the end of that school year. The Division of Vocational~~
8 ~~Rehabilitation of the department State Department of Education shall, in~~
9 ~~compliance with federal guidelines, assume responsibility for the~~
10 ~~training of those individuals whose education or training under the~~
11 ~~Special Education Act is terminated and for whom additional supportive~~
12 ~~services are required.~~

13 Sec. 23. Section 79-1127, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 79-1127 The school board of education of every school district shall
16 provide or contract for special education programs and transportation for
17 all resident children with disabilities who would benefit from such
18 programs in accordance with the Special Education Act and all applicable
19 requirements of the federal Individuals with Disabilities Education Act,
20 20 U.S.C. 1400 ~~1401~~ et seq., as such sections existed on January 1, 2019
21 ~~2009~~, and the regulations adopted thereunder.

22 Sec. 24. Section 79-1128, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 79-1128 ~~The special education programs required by section 79-1127~~
25 ~~may be provided by any school district, by contracting with another~~
26 ~~school district or service agency, or by some combination of school~~
27 ~~districts, an educational service unit, combination of educational~~
28 ~~service units, the local or regional office of intellectual disability,~~
29 ~~any program approved by the State of Nebraska, or any combination~~
30 ~~thereof, except that only nonsectarian services shall be considered for~~
31 ~~approval by the State of Nebraska. Any program receiving funds under the~~

1 Special Education Act shall not use such funds to match state funds under
2 the provisions of other programs. The members of the school board of any
3 school district not offering continuous special education programs
4 acceptable to the State Board of Education shall be in violation of the
5 law. No state funds shall be paid to any school district as long as such
6 violation exists, but no deduction shall be made from any funds required
7 by the Constitution of Nebraska to be paid to such district.

8 Sec. 25. Section 79-1129, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 79-1129 (1) The school board of the resident school district ~~or~~
11 ~~board of education~~ shall provide one of the following types of services
12 to children with disabilities ~~for whom the school district is the school~~
13 ~~district of residence~~:

14 (a) Provide for the transportation expenses for children with
15 disabilities who are forced to leave the school district temporarily
16 because of lack of educational services. A parent or guardian
17 transporting such a child shall be paid for each day of attendance at the
18 mileage rate provided in section 81-1176 for each actual mile or fraction
19 thereof traveled between the place of residence and the program of
20 attendance, and when any parent or guardian transports more than one
21 child with a disability in his or her custody or control enrolled in
22 programs at the same location, the amount of payments to such parent or
23 guardian shall be based upon the transportation of one such child. No
24 transportation payments shall be made to a parent or guardian for mileage
25 not actually traveled by such parent or guardian;

26 (b) Provide for the transportation expenses within the school
27 district of any child with a disability who is enrolled in a special
28 educational program of the district when either (i) the child is required
29 to attend a facility other than what would be the normal school or
30 attendance facility of the child to receive appropriate special
31 educational services or (ii) the nature of the child's disability is such

1 that special transportation is required. A parent or guardian
2 transporting such child shall be paid for each day of attendance at the
3 mileage rate provided in section 81-1176 for each actual mile or fraction
4 thereof traveled between the place of residence and the program of
5 attendance, and when any parent or guardian transports more than one
6 child with a disability in his or her custody or control enrolled in
7 programs at the same location, the amount of payments to such parent or
8 guardian shall be based upon the transportation of one such child. No
9 transportation payments shall be made to a parent or guardian for mileage
10 not actually traveled by such parent or guardian;

11 (c) Provide visiting teachers for homebound children with
12 disabilities. Such teachers shall be certified and qualified in the same
13 manner as required for other teachers in Nebraska;

14 (d) Provide correspondence instruction approved by the Commissioner
15 of Education; or

16 (e) Provide any other method of instruction approved by the
17 Commissioner of Education.

18 (2) When a child with a disability resides in or attends a preschool
19 or child care program in a school district other than the school district
20 of residence of his or her parents or guardian, the nonresident school
21 district may, upon mutual agreement with the school district of
22 residence, provide for the transportation expenses of the child.

23 Sec. 26. Section 79-1130, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 79-1130 (1) It is the intent of the Legislature that transportation
26 services for children with disabilities prescribed in section 79-1129
27 shall be provided in the most cost-efficient manner consistent with the
28 goal of providing free appropriate special education to all such
29 children. The Legislature finds that educational service units and
30 special education cooperatives created by school districts and recognized
31 by the department ~~State Department of Education~~ are in a unique position

1 to improve the coordination and efficiency of transportation services in
2 all areas of the state. It is the intent of the Legislature to authorize
3 and encourage school districts, educational service units, and special
4 education cooperatives to jointly plan, coordinate, and, where feasible,
5 provide transportation services for children with disabilities. The
6 department ~~State Department of Education~~ shall review and approve,
7 approve with modifications, or disapprove all transportation applications
8 to ensure the implementation of the most cost-efficient transportation
9 system, consistent with the goal of providing free appropriate special
10 education to all children.

11 (2) School districts, educational service units, and special
12 education cooperatives created by school districts and recognized by the
13 department ~~State Department of Education~~ are authorized to jointly plan,
14 coordinate, and, where feasible, provide special education transportation
15 services prescribed in section 79-1129. Any educational service unit or
16 special education cooperative may enter into a cooperative arrangement
17 with a school board ~~or board of education of a school district~~ for the
18 provision of such transportation services. Such arrangement shall be
19 approved by the department ~~State Department of Education~~, and upon
20 approval of the arrangement the educational service unit or special
21 education cooperative providing the transportation services shall be
22 eligible to receive direct reimbursement for such services pursuant to
23 section 79-1144.

24 Sec. 27. Section 79-1132, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 79-1132 The department ~~State Department of Education~~ shall provide
27 grants for the costs of the special education programs approved by the
28 department ~~State Department of Education~~ to the school district of
29 residence for children with disabilities who are less than five years of
30 age. ~~Educational service units or cooperatives of school districts~~
31 ~~recognized as regional planning entities by the State Board of Education~~

1 ~~pursuant to section 79-1135 shall be eligible to receive grants for~~
2 ~~cooperative programs for such children with disabilities who are less~~
3 ~~than five years of age if such educational service units or cooperatives~~
4 ~~have complied with the reporting and approval requirements of such~~
5 ~~section. The grants shall be one hundred percent of the costs of such~~
6 ~~programs and shall continue to be one hundred percent as long as the~~
7 ~~funding for such grants comes from federal funds. For special education~~
8 ~~programs and transportation provided to children with disabilities who~~
9 ~~are less than five years of age in fiscal year 1995-96 and each fiscal~~
10 ~~year thereafter, if federal funding pursuant to the federal Individuals~~
11 ~~with Disabilities Education Act, as such act existed on May 8, 2001, Part~~
12 ~~B and section 619 base year allocation flow-through funds is inadequate~~
13 ~~at any time to pay one hundred percent of the allowable costs of such~~
14 ~~programs and transportation, the amount of the grant payments provided by~~
15 ~~the department shall be a pro rata amount as determined by the State~~
16 ~~Board of Education from appropriations for special education approved by~~
17 ~~the Legislature and based on such allowable costs for all special~~
18 ~~education programs and transportation to children with disabilities who~~
19 ~~are less than five years of age. The grant payments based upon claims~~
20 ~~submitted shall be made by the State Department of Education to the~~
21 ~~school district of residence, educational service unit, or regional~~
22 ~~planning entity recognized by the State Board of Education pursuant to~~
23 ~~section 79-1135 each year.~~

24 Sec. 28. Section 79-1135, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 79-1135 Each school district shall demonstrate participation in a
27 plan of services for children with disabilities who are less than five
28 years of age. Such plans shall be prepared on a regional basis as
29 determined by the department ~~State Department of Education~~ and updated
30 annually.

31 The content of plans shall be prescribed by the department.

1 Supplementary amendments to any program plans may be submitted on
2 dates specified by the department during the same school year and shall
3 be subject to the same review as the initial plans.

4 Sec. 29. Section 79-1136, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 79-1136 Sections ~~79-1126~~ and 79-1131 to 79-1136 do not prevent
7 funding from sources other than the public schools for the program for
8 children with disabilities who are less than five years of age.

9 Sec. 30. Section 79-1138, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 79-1138 (1) The State Board of Education shall adopt and promulgate
12 rules and regulations establishing criteria for the assessment,
13 identification, and verification of all disabilities defined in section
14 79-1118.01 to the extent that such disabilities are consistent with
15 federal law and regulation.

16 (2) The Commissioner ~~State Board~~ of Education shall develop
17 guidelines to assist school districts, educational service units, and
18 approved cooperatives with the assessment, identification, and
19 verification of the need for related services defined in section 79-1121.

20 Sec. 31. Section 79-1139, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 79-1139 Each school district shall include only students identified
23 and verified pursuant to sections 79-1137 and 79-1138 in special
24 education programs and shall not provide special education services
25 pursuant to the Special Education Act to any child who has not been so
26 identified and verified, ~~except that the verification requirements~~
27 ~~established by rules and regulations adopted and promulgated by the State~~
28 ~~Board of Education shall not apply to students who have been included in~~
29 ~~special education programs pursuant to the special education statutes and~~
30 ~~rules and regulations adopted and promulgated pursuant thereto in effect~~
31 ~~immediately prior to July 17, 1986, until such time as such children are~~

1 ~~required to be reverified for special education.~~

2 Sec. 32. Section 79-1142, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 79-1142 (1) Level I services refers to services provided to children
5 with disabilities who require an aggregate of not more than three hours
6 per week of special education services and support services and includes
7 all administrative, diagnostic, consultative, and vocational-adjustment
8 counselor services.

9 (2) The total allowable reimbursable cost for support services shall
10 not exceed a percentage, established by the State Board of Education, of
11 the school district's or approved cooperative's total allowable
12 reimbursable cost for all special education programs and support
13 services. The percentage established by the ~~board~~ State Board of
14 ~~Education~~ for support services shall not exceed the difference of ten
15 percent minus the percentage of the appropriations for special education
16 approved by the Legislature set aside for reimbursements for support
17 services pursuant to subsection (5) of this section.

18 (3) For special education and support services provided in each
19 school fiscal year, the ~~department~~ State Department of Education shall
20 reimburse each school district in the following school fiscal year a pro
21 rata amount determined by the department. The reimbursement percentage
22 shall be the ratio of the difference of the appropriations for special
23 education approved by the Legislature minus the amounts set aside
24 pursuant to subsection (5) of this section divided by the total allowable
25 excess costs for all special education programs and support services.

26 (4) Cooperatives of school districts or educational service units
27 shall also be eligible for reimbursement for cooperative programs
28 pursuant to this section if such cooperatives or educational service
29 units have complied with the reporting and approval requirements of
30 section 79-1155 for cooperative programs which were offered the preceding
31 year. The payments shall be made by the department to the school district

1 of residence, cooperative of school districts, or educational service
2 unit each year in a minimum of seven payments between the fifth and
3 twentieth day of each month beginning in December. Additional payments
4 may be made based upon additional valid claims submitted. The State
5 Treasurer shall, between the fifth and twentieth day of each month,
6 notify the Director of Administrative Services of the amount of funds
7 available in the General Fund for payment purposes. The director shall,
8 upon receiving such certification, draw warrants against funds
9 appropriated.

10 (5) Residential ~~On and after August 1, 2010,~~ residential settings
11 described in subdivision (10)(c) of section 79-215 shall be reimbursed
12 for the educational services, including special education services and
13 support services, ~~provided pursuant to such subdivision on or after~~
14 ~~August 1, 2010,~~ in an amount determined pursuant to the average per pupil
15 cost of the service agency. Reimbursements pursuant to this section shall
16 be made from funds set aside for such purpose within sixty days after
17 receipt of a reimbursement request submitted in the manner required by
18 the department and including any documentation required by the department
19 for educational services that have been provided, except that if there
20 are not any funds available for the remainder of the state fiscal year
21 for such reimbursements, the reimbursement shall occur within thirty days
22 after the beginning of the immediately following state fiscal year. The
23 department may audit any required documentation and subtract any payments
24 made in error from future reimbursements. The department ~~State Board of~~
25 ~~Education~~ shall set aside separate amounts from the appropriations for
26 special education approved by the Legislature for reimbursements pursuant
27 to this subsection for students receiving special education services and
28 for students receiving support services for each state fiscal year. The
29 amounts set aside for each purpose shall be based on estimates of the
30 reimbursements to be requested during the state fiscal year and shall not
31 be less than the total amount of reimbursements requested in the prior

1 state fiscal year plus any unpaid requests from the prior state fiscal
2 year.

3 Sec. 33. Section 79-1144, Revised Statutes Cumulative Supplement,
4 2018, is amended to read:

5 79-1144 (1) Funds shall be appropriated by the Legislature to carry
6 out sections 79-1142 to 79-1144 and 79-1147 and included in the budget
7 of . ~~Such funds shall be channeled through the department State~~
8 ~~Department of Education.~~ The department is authorized to expend such
9 funds upon proper vouchers approved by the department and warrants issued
10 by the Director of Administrative Services for financial reimbursement to
11 school districts, educational service units, special education
12 cooperatives created by school districts, agencies, and parents or
13 guardians, including (a) reimbursement pursuant to section 79-1129 for
14 actual transportation expenses per year for children with disabilities a
15 pro rata amount which shall be determined by the department State Board
16 ~~of Education~~ from appropriations for special education approved by the
17 Legislature based on all actual allowable transportation costs, (b)
18 reimbursement for instructional aids and consultative, supervisory,
19 research, and testing services to school districts, and (c) reimbursement
20 for salaries, wages, maintenance, supplies, travel, and other expenses
21 essential to carrying out the provisions for special education programs.
22 Minor building modifications shall not be eligible for state
23 reimbursement as an allowable expense. Applications for state
24 reimbursement for actual transportation expenses shall be submitted to
25 the department annually on a date and on forms prescribed by the
26 department. Amendments to applications for actual transportation expenses
27 shall be submitted on dates prescribed by the department ~~during the~~
28 ~~school year in which the original application was made.~~

29 (2) Any adjustment of payments pursuant to section 79-1065 caused by
30 the failure of a school district to meet federal spending requirements
31 under the federal Individuals with Disabilities Education Act as such act

1 existed on January 1, ~~2019~~ 2017, may be used by the department to
2 reimburse the United States Department of Education in the amount of the
3 federal funds awarded to such school district or the amount of such
4 adjustment, whichever is less.

5 Sec. 34. Section 79-1145, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 79-1145 ~~(1) For each fiscal year prior to fiscal year 2014-15, the~~
8 ~~aggregate amount of General Funds appropriated for special education~~
9 ~~programs and support services pursuant to sections 79-1129, 79-1132, and~~
10 ~~79-1144 shall not exceed the aggregate amount of General Funds~~
11 ~~appropriated pursuant to such sections for the previous fiscal year,~~
12 ~~increased by five percent.(2) For each fiscal year 2014-15 and each~~
13 ~~fiscal year thereafter, the aggregate amount of General Funds~~
14 ~~appropriated for special education programs and support services pursuant~~
15 ~~to sections 79-1129, 79-1132, and 79-1144 shall not exceed the aggregate~~
16 ~~amount of General Funds appropriated pursuant to such sections for the~~
17 ~~previous fiscal year, increased by ten percent. For purposes of this~~
18 ~~section, for fiscal year 2016-17 the aggregate amount of General Funds~~
19 ~~appropriated for special education programs and support services pursuant~~
20 ~~to sections 79-1129, 79-1132, and 79-1144 for the previous fiscal year~~
21 ~~shall be the net amount after any decrease required pursuant to section~~
22 ~~43-2515.~~

23 Sec. 35. Section 79-1147, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 79-1147 Whenever a child with a disability must temporarily reside
26 in a residential facility, boarding home, or foster home in order to
27 receive an appropriate special education program, the State of Nebraska
28 shall provide for the ordinary and reasonable cost of the residential
29 care during the duration of the special education program. The state
30 shall not be required to pay such cost unless placement of the child in a
31 special education program requiring residential care was made by the

1 school district of residence with the prior approval of the department
2 ~~State Department of Education~~ or was made pursuant to sections 79-1162 to
3 79-1167.

4 Sec. 36. Section 79-1148, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 79-1148 The department ~~State Department of Education~~ is authorized
7 to set up one or more statewide regional networks, approved schools, or
8 centers for children with disabilities. Any such regional network,
9 school, or center may offer residential facilities or services for such
10 children, and such services shall be under the control and supervision of
11 the department ~~State Department of Education~~.

12 Sec. 37. Section 79-1149, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 79-1149 The admission to any regional network, school, or center, as
15 provided by section 79-1148, shall be by rules and regulations ~~to be~~
16 adopted and , promulgated, ~~and administered~~ by the State Board ~~Department~~
17 of Education.

18 Sec. 38. Section 79-1154, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 79-1154 The department ~~State Board of Education~~ shall review special
21 training and educational programs offered by or in conjunction with any
22 public school district, combination of public school districts,
23 educational service unit, or combination of educational service units
24 subject to the following:

25 (1) Each teacher in any such special program shall be qualified;

26 (2) Teacher aides working with any such program shall have such
27 qualifications as the governing body of the school district, educational
28 service unit, or combination shall prescribe and shall participate in
29 appropriate inservice activities; and

30 (3) Each qualified teacher shall be responsible for the direct
31 supervision of teacher aides, whose duties shall be limited to those

1 prescribed in section 79-802.

2 For purposes of this section, qualified teacher means an individual
3 holding a valid State of Nebraska teaching or special services
4 certificate with an endorsement appropriate to the disabilities served.
5 If such teacher is serving children with more than one disability,
6 qualified teacher means an individual holding a valid State of Nebraska
7 teaching or special services certificate with an endorsement in at least
8 one of the disabilities served.

9 Sec. 39. Section 79-1155, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 79-1155 All school districts shall, on a date prescribed by the
12 department ~~State Department of Education~~, file with the department
13 application information for special education programs and support
14 services. Cooperatives of school districts or educational service units
15 applying for grants or reimbursement for programs pursuant to section
16 79-1132, 79-1142, or 79-1144 shall also file application information
17 pursuant to this section. The application forms shall conform to
18 reporting requirements provided in section 79-1156. The department shall
19 review and take action to approve, approve with modifications, or
20 disapprove the application for special education programs of the school
21 district, cooperative of school districts, or educational service unit.
22 Supplementary amendments to any program application previously approved
23 by the department may be submitted on dates specified by the department
24 during the same school year and shall be subject to the same review and
25 approval as the initial application. The department shall approve,
26 approve with modifications, or disapprove all supplementary amendments to
27 the program application. All final financial reports on special education
28 and support services costs shall be reported to the department by October
29 31 of each year for the preceding school year on forms prescribed by the
30 department. Any program that provides residential care shall show the
31 costs of such care separately from the costs of the education program.

1 Sec. 40. Section 79-1156, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 79-1156 The department ~~State Department of Education~~ shall
4 coordinate information reporting requirements for special education and
5 support services programs with other educational data reporting
6 requirements of the department to the extent possible. The application
7 for programs shall contain the information required by the department.

8 Sec. 41. Section 79-1157, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 79-1157 All special education programs shall be reviewed by the
11 department ~~State Department of Education~~.

12 To ~~enable the State Department of Education to~~ determine the
13 effectiveness of the programs and services being provided, the department
14 shall conduct a program of continuing evaluations of the different types
15 of programs and services being provided for each of the service groups.
16 In conducting these evaluations, the department shall take into account
17 such factors as numbers and types of children with disabilities, class
18 sizes, qualifications of staff, and other factors which the department
19 deems appropriate. The department shall conduct evaluations of all
20 programs and services and shall conduct these evaluations in such a
21 manner as to enable the department to compare the relative effectiveness
22 of the same or similar programs or services provided in different
23 locations.

24 Evaluation studies shall be designed to provide the Legislature, the
25 department ~~State Department of Education~~, the school districts, and other
26 service agencies with the following information:

- 27 (1) A detailed description of groups served;
28 (2) A detailed description of the kind of programs or services
29 provided and their cost per unit of service as well as the cost of each
30 service; and
31 (3) A detailed description of the effectiveness of the programs or

1 services.

2 Sec. 42. Section 79-1158, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 79-1158 No reimbursement for special education and support services
5 programs shall be allowed unless the program meets the standards
6 established by the department ~~State Department of Education~~.

7 Sec. 43. Section 79-1159, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 79-1159 The department ~~State Department of Education~~, upon the
10 request of any school district, shall provide technical assistance in the
11 promulgation of any plan, program, or report required by the Special
12 Education Act. Such assistance shall be given only in an advisory
13 capacity and shall not be designed or construed to transfer, either in
14 whole or in part, the responsibility for or actual development or
15 implementation of such plan, program, or report.

16 Sec. 44. Section 79-1159.01, Reissue Revised Statutes of Nebraska,
17 is amended to read:

18 79-1159.01 The department ~~State Department of Education~~ shall
19 establish a registry for assistive technology devices to encourage and
20 facilitate cooperation and shared usage of assistive technology devices.
21 Participation by school districts, educational service units, and
22 approved cooperatives shall be voluntary.

23 Sec. 45. Section 79-1160, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 79-1160 The State Board ~~Department of Education~~ may ~~shall~~ adopt,
26 promulgate, and publish rules and regulations necessary to carry out the
27 Special Education Act. ~~Such rules and regulations shall include, but not~~
28 ~~be limited to, the regulation of costs under section 79-1152, limitation~~
29 ~~of the program to children with disabilities who require residential care~~
30 ~~in order to receive an appropriate special education program, and~~
31 ~~provisions for contracts with the Department of Health and Human Services~~

1 ~~to assist in the administration of the act.~~

2 Sec. 46. Section 79-1161, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 79-1161 (1) School districts shall establish and maintain procedures
5 to protect the rights of a child with a disability whenever (a) no
6 parents of the child can be identified, (b) the school district cannot,
7 after reasonable efforts, locate a parent of the child, (c) the child is
8 a ward of the state, or (d) the child is an unaccompanied or homeless
9 youth as defined in ~~the McKinney-Vento Homeless Assistance Act,~~ 42 U.S.C.
10 11434a ~~11434a(6)~~, as such section existed on January 1, 2019 ~~2009~~. Such
11 procedures shall include the assignment of an individual to act as a
12 surrogate for the parents. The school district shall make reasonable
13 efforts to ensure the assignment of a surrogate not more than thirty days
14 after there is a determination by the district that the child needs a
15 surrogate. In the case of a child who is a ward of the state, such
16 surrogate may alternatively be appointed by the judge overseeing the
17 child's care if the surrogate meets the requirements of subdivision (2)
18 (c) of this section.

19 (2) The surrogate parent shall (a) have no interest which conflicts
20 with the interest of the child, (b) have knowledge and skills that insure
21 adequate representation, and (c) not be an employee of any agency
22 involved in the care or education of the child. A person otherwise
23 qualified to be a surrogate parent under this subsection is not an
24 employee of the agency solely because he or she is paid by the agency to
25 serve as a surrogate parent. The surrogate parent appointed under this
26 section may represent the child in all matters relating to the
27 identification, evaluation, and educational placement of the child and
28 the provision of a free appropriate public education to the child.

29 (3) The services of the surrogate parent shall be terminated when
30 (a) the child is no longer eligible under subsection (1) of this section,
31 (b) a conflict of interest develops between the interest of the child and

1 the interest of the surrogate parent, or (c) the surrogate parent fails
2 to fulfill his or her duties as a surrogate parent. Issues arising from
3 the selection, appointment, or removal of a surrogate parent by a school
4 district shall be resolved through hearings established under sections
5 79-1162 to 79-1167. The surrogate parent and the school district which
6 appointed the surrogate parent shall not be liable in civil actions for
7 damages for acts of the surrogate parent unless such acts constitute
8 willful and wanton misconduct.

9 Sec. 47. Section 79-1162, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 79-1162 A parent, guardian, competent student of the age of
12 majority, or school district may initiate a hearing on matters related to
13 the initiation, change, or termination or the refusal to initiate,
14 change, or terminate the identification, evaluation, or educational
15 placement of a child with a disability or the provision of a free
16 appropriate public education or records relating thereto. A copy of the
17 procedures specified in rules and regulations of the department State
18 ~~Department of Education~~ for complaints and hearings under this section
19 shall be provided by school districts to all parents and guardians of
20 children with disabilities upon initial consideration of the provision of
21 services for their children with disabilities. Such hearing shall be
22 initiated by filing a petition with the department State ~~Department of~~
23 ~~Education~~.

24 Sec. 48. Section 79-1163, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 79-1163 The department State ~~Department of Education~~ shall conduct
27 hearings initiated under section 79-1162 using hearing officers and ~~—~~The
28 ~~State Department of Education~~ may employ, retain, or approve such
29 qualified hearing officers as are necessary to conduct hearings provided
30 by sections ~~79-1152 and~~ 79-1162 to 79-1167. The hearing officers shall
31 not be persons who are employees or officers of a state or local public

1 agency which is involved in the education or care of the child with a
2 disability on whose behalf the hearing is being held. A person who
3 otherwise qualifies to conduct a hearing under such sections is not an
4 employee of the agency solely because the person is paid by the agency to
5 serve as a hearing officer. No hearing officer shall participate in any
6 way in any hearing or matter in which the hearing officer may have a
7 conflict of interest. Hearing officers appointed and assigned by the
8 department ~~State Department of Education~~ shall have exclusive original
9 jurisdiction over cases arising under such sections, and juvenile courts
10 shall not in any event have jurisdiction over such matters.

11 Sec. 49. Section 79-1164, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 79-1164 Upon the receipt of a petition filed under section 79-1162,
14 the department ~~State Department of Education~~ shall assign it to a hearing
15 officer. The hearing officer shall receive all subsequent pleadings and
16 shall conduct the hearing. At the hearing the parties shall present
17 evidence on the issues raised in the pleadings. At the completion of the
18 proceedings, the hearing officer shall prepare a report based on the
19 evidence presented containing findings of fact and conclusions of law.
20 Within forty-five days after the receipt of a request for a hearing, the
21 hearing officer shall prepare a final decision and order directing such
22 action as may be necessary. At the request of either party for good cause
23 shown, the hearing officer may grant specific extensions of time beyond
24 this period. The report and the final decision and order shall be
25 delivered via certified mail to each party or attorney of record and to
26 the Commissioner of Education.

27 Sec. 50. Section 79-1167, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 79-1167 (1) Any party to a hearing conducted under sections 79-1162
30 to 79-1166 aggrieved by the findings, conclusions, or final decision and
31 order of the hearing officer is entitled to judicial review under this

1 section. Any party of record also may seek enforcement of the final
2 decision and order of the hearing officer pursuant to this section.

3 (2) Proceedings for judicial review shall be instituted by filing a
4 petition in the district court of the county in which the main
5 administrative offices of the school district are located within two
6 years after service of the final decision and order on the party seeking
7 such review. All parties of record shall be made parties to the
8 proceedings. The court, in its discretion, may permit other interested
9 parties to intervene.

10 (3) The filing of a petition for judicial review shall operate to
11 stay the enforcement of the final decision and order of the hearing
12 officer. While judicial proceedings are pending and unless the school
13 district and the parent or guardian otherwise agree, the child with a
14 disability shall remain in his or her current educational placement or if
15 applying for initial admission to a public school such child shall, with
16 the consent of the parent or guardian, be placed in the public school
17 program until all such proceedings have been completed. If the decision
18 of the hearing officer agrees with the parent or guardian of the child
19 that a change in placement is appropriate, then that placement shall be
20 treated as an agreement between the parties for purposes of this
21 subsection.

22 (4) Within fifteen days after receiving notification that a petition
23 for judicial review has been filed or if good cause is shown within such
24 further time as the court may allow, the department ~~State Department of~~
25 ~~Education~~ shall prepare and transmit to the court a certified transcript
26 of the proceedings before the hearing officer.

27 (5) Judicial review shall be conducted by the court without a jury.
28 The court shall receive the records of the administrative proceedings,
29 hear additional evidence at the request of a party, base its decision on
30 the preponderance of the evidence, and grant such relief as the court
31 determines is appropriate.

1 (6) An aggrieved party may secure a review of any final judgment of
2 the district court under this section by appeal to the Court of Appeals.
3 Such appeal shall be taken in the manner provided by law for appeals in
4 civil cases and shall be heard de novo on the record.

5 (7) Proceedings for enforcement of a hearing officer's final
6 decision and order shall be instituted by filing a petition for
7 appropriate relief in the district court of the county in which the main
8 administrative offices of the school district are located within one year
9 after the date of the hearing officer's final decision and order.

10 Sec. 51. Section 79-1302, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 79-1302 The Legislature finds that the utilization of appropriate
13 technologies can provide enhanced educational services and broadened
14 educational opportunities for Nebraska learners. It is the intent of the
15 Legislature: (1) To utilize technology to provide effective and efficient
16 digital distance learning; (2) to provide assistance and direction in the
17 training of Nebraska teachers in uses of technology for instruction
18 through electronic means; (3) to establish and support an electronic data
19 network and data bases for Nebraska educators and learners; (4) to
20 support the evaluation and dissemination of models of successful
21 technologies which improve instruction or learning; (5) to provide
22 support for cooperative education-technology ventures in partnership with
23 public or private entities; and (6) to provide support for cooperative
24 purchase or leasing of administrative or instructional software or
25 software licenses in partnership with schools, educational service units,
26 and other states.

27 Sec. 52. Section 79-1304, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 79-1304 The Educational Technology Center has, but is not limited
30 to, the following specific duties:

31 (1) To evaluate Internet-based digital distance education courses

1 and open education resources;

2 (2) To provide clearinghouse services for information concerning
3 current technology projects as well as software and hardware development;

4 (3) To serve as a demonstration site for state-of-the-art hardware
5 appropriate to an educational setting;

6 (4) To provide technical assistance to educators in working with
7 ~~hardware and software~~ and Internet-based resources;

8 (5) To provide inservice and preservice training for educators, in
9 conjunction with other educational entities as defined in section
10 79-1201.01, in the use of digital devices, communication systems,
11 ~~computers, telecommunications,~~ and other electronic technologies
12 appropriate to an educational setting;

13 (6) To sponsor activities which promote the use of technology in the
14 classroom;

15 (7) To serve as a liaison between business and education interests
16 in technology communication;

17 (8) To support research and recommendations for digital experiment
18 ~~with various applications~~ and ~~or~~ technology in education;

19 (9) To assist schools in planning for and selecting appropriate
20 technologies;

21 (10) To design, implement, and evaluate pilot projects to assess the
22 usefulness of technologies in school management, curriculum, instruction,
23 and learning;

24 (11) To seek partnerships with the Nebraska Educational
25 Telecommunications Commission, the University of Nebraska, the state
26 colleges, community colleges, educational service units, the Nebraska
27 Library Commission, the office of the Chief Information Officer, Network
28 Nebraska, and other public and private entities in order to make
29 effective use of limited resources;

30 (12) To encourage sharing among school districts to deliver cost-
31 efficient and effective digital distance learning; and

1 (13) To identify, evaluate, and disseminate information on school
2 projects which have the potential to enhance the quality of instruction
3 or learning.

4 Sec. 53. Section 79-2202, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 79-2202 For purposes of the Interstate Compact on Educational
7 Opportunity for Military Children and sections 79-2202 to 79-2205
8 ~~79-2206~~:

9 (1) Council means the State Council on Educational Opportunity for
10 Military Children;

11 (2) Department means the State Department of Education;

12 (3) Local education agency means a school district as defined in
13 section 79-101; and

14 (4) State superintendent of education means the Commissioner of
15 Education.

16 Sec. 54. Section 83-121, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 83-121 There is hereby created the School District Reimbursement
19 Fund for use by the Department of Health and Human Services. The fund
20 shall consist of money received from school districts or the department
21 ~~pursuant to section 79-1152~~ for the operation of special education
22 programs within the department. The fund shall be used for the operation
23 of such programs pursuant to sections ~~79-1152, 79-1153, and~~ 79-1155 to
24 79-1158.

25 Any money in the fund available for investment shall be invested by
26 the state investment officer pursuant to the Nebraska Capital Expansion
27 Act and the Nebraska State Funds Investment Act.

28 Sec. 55. Section 83-1225, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 83-1225 Each school district shall provide transition services for
31 each student with a developmental disability no later than when the

1 student reaches sixteen years of age and until the student graduates from
2 a special education program or is no longer meets the definition of a
3 child with a disability pursuant to section 79-1117 eligible to receive
4 services pursuant to section 79-1126. Transition services shall consist
5 of a coordinated set of activities for a student, designed within an
6 outcome-oriented process, which promotes movement from school to
7 postschool activities, including postsecondary education, vocational
8 training, integrated employment, continuing and adult education, adult
9 services, independent living, and community participation. The
10 coordinated set of activities shall be based upon the individual
11 student's needs, taking into account the student's preferences and
12 interests, and shall include instruction, community experiences, the
13 development of employment and other postschool adult living objectives,
14 and, when appropriate, acquisition of daily living skills and functional
15 vocational evaluation. The transition team shall designate one or more
16 specialized service providers to develop a plan for the student's
17 transition to adult specialized services.

18 Sec. 56. Original sections 77-3446, 79-515, 79-807, 79-1110,
19 79-1113, 79-1115, 79-1115.01, 79-1117, 79-1119, 79-1119.01, 79-1124,
20 79-1125.01, 79-1126, 79-1127, 79-1128, 79-1129, 79-1130, 79-1132,
21 79-1135, 79-1136, 79-1138, 79-1139, 79-1142, 79-1145, 79-1147, 79-1148,
22 79-1149, 79-1154, 79-1155, 79-1156, 79-1157, 79-1158, 79-1159,
23 79-1159.01, 79-1160, 79-1161, 79-1162, 79-1163, 79-1164, 79-1167,
24 79-1302, 79-1304, 79-2202, 83-121, and 83-1225, Reissue Revised Statutes
25 of Nebraska, and sections 79-318, 79-1003, 79-1005.01, 79-1007.07,
26 79-1007.09, 79-1008.01, 79-1017.01, 79-1022, and 79-1144, Revised
27 Statutes Cumulative Supplement, 2018, are repealed.

28 Sec. 57. The following sections are outright repealed: Sections
29 79-527, 79-1007.04, 79-1007.17, 79-1007.23, 79-1007.25, 79-1028.03,
30 79-1152, 79-1153, 79-1188, and 79-2206, Reissue Revised Statutes of
31 Nebraska, and section 79-1008.02, Revised Statutes Cumulative Supplement,

1 2018.

2 Sec. 58. Since an emergency exists, this act takes effect when
3 passed and approved according to law.

4 2. On page 1, strike beginning with "79-515" in line 1 through line
5 23 and insert "77-3446, 79-515, 79-807, 79-1110, 79-1113, 79-1115,
6 79-1115.01, 79-1117, 79-1119, 79-1119.01, 79-1124, 79-1125.01, 79-1126,
7 79-1127, 79-1128, 79-1129, 79-1130, 79-1132, 79-1135, 79-1136, 79-1138,
8 79-1139, 79-1142, 79-1145, 79-1147, 79-1148, 79-1149, 79-1154, 79-1155,
9 79-1156, 79-1157, 79-1158, 79-1159, 79-1159.01, 79-1160, 79-1161,
10 79-1162, 79-1163, 79-1164, 79-1167, 79-1302, 79-1304, 79-2202, 83-121,
11 and 83-1225, Reissue Revised Statutes of Nebraska, and sections 79-318,
12 79-1003, 79-1005.01, 79-1007.07, 79-1007.09, 79-1008.01, 79-1017.01,
13 79-1022, and 79-1144, Revised Statutes Cumulative Supplement, 2018; to
14 change the base limitation for school districts; to change the authorized
15 length for specified contracts; to change basic skills competency
16 requirements as prescribed; to define and redefine terms; to change
17 provisions of the Tax Equity and Educational Opportunities Support Act;
18 to clarify state aid calculations; to change provisions relating to the
19 certification and distribution of state aid; to change provisions of the
20 Special Education Act as prescribed; to eliminate obsolete provisions
21 relating to special education; to adopt updated federal laws and
22 regulations; to change grant provisions as prescribed; to change duties
23 as prescribed; to change distance education and technology terminology;
24 to eliminate a reporting requirement, expired state aid provisions,
25 residential care placement requirements, special education waiver
26 provisions, an outdated duty regarding the Education Innovation Fund, and
27 funding provisions for the Interstate Compact on Educational Opportunity
28 for Military Children; to harmonize provisions; to repeal the original
29 sections; to outright repeal sections 79-527, 79-1007.04, 79-1007.17,
30 79-1007.23, 79-1007.25, 79-1028.03, 79-1152, 79-1153, 79-1188, and
31 79-2206, Reissue Revised Statutes of Nebraska, and section 79-1008.02,

- 1 Revised Statutes Cumulative Supplement, 2018; and to declare an
- 2 emergency.".
- 3 3. On page 2, strike lines 1 through 7.