

AMENDMENTS TO LB705

Introduced by Education.

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

3           Section 1. (1) For fiscal years through fiscal year 2023-24, the  
4 money available to be used for education pursuant to subdivision (3)(b)  
5 of section 9-812 shall be transferred to the Nebraska Education  
6 Improvement Fund.

7           (2) For fiscal years 2024-25 through 2028-29, the money available to  
8 be used for education pursuant to subdivision (3)(b) of section 9-812  
9 shall be transferred as follows:

10           (a) Eight percent to the Behavioral Training Cash Fund;

11           (b) Two percent to the College Pathway Program Cash Fund;

12           (c) Seven percent to the Community College Gap Assistance Program  
13 Fund;

14           (d) Ten percent to the Department of Education Innovative Grant  
15 Fund;

16           (e) Three percent to fund distance education incentives pursuant to  
17 section 79-1337;

18           (f) One percent to the Door to College Scholarship Fund;

19           (g) Eight percent to the Excellence in Teaching Cash Fund;

20           (h) One and one-half percent to the Expanded Learning Opportunity  
21 Grant Fund;

22           (i) One and one-half percent to the Mental Health Training Cash  
23 Fund; and

24           (j) Fifty-eight percent to the Nebraska Opportunity Grant Fund.

25           (3) For fiscal year 2029-30 and each fiscal year thereafter, the  
26 money available to be used for education pursuant to subdivision (3)(b)  
27 of section 9-812 shall be transferred as the Legislature may direct.

1           (4)(a) The Nebraska Education Improvement Fund is created. The fund  
2 shall consist of money transferred pursuant to subsection (1) of this  
3 section and any other funds transferred by the Legislature. The fund  
4 shall be allocated, after actual and necessary administrative expenses,  
5 as provided in this subsection for fiscal years 2016-17 through 2023-24.  
6 A portion of each allocation for fiscal year 2023-24 may be retained by  
7 the agency to which the allocation is made or the agency administering  
8 the fund to which the allocation is made for actual and necessary  
9 expenses incurred by such agency for administration, evaluation, and  
10 technical assistance related to the purposes of the allocation, except  
11 that no amount of the allocation to the Nebraska Opportunity Grant Fund  
12 may be used for such purposes.

13           (b) For fiscal years 2017-18 through 2023-24, an amount equal to ten  
14 percent of the revenue received by the Nebraska Education Improvement  
15 Fund in the prior fiscal year shall be retained in the fund at all times  
16 plus any interest earned during the current fiscal year. The balance of  
17 the fund on July 26, 2024, less three percent of the money received for  
18 the fourth quarter of fiscal year 2023-24, shall be transferred to the  
19 Behavioral Training Cash Fund.

20           (c) For fiscal year 2023-24, the Nebraska Education Improvement Fund  
21 shall be allocated as follows:

22           (i) One percent of the allocated funds to the Expanded Learning  
23 Opportunity Grant Fund to carry out the Expanded Learning Opportunity  
24 Grant Program Act;

25           (ii) Seventeen percent of the allocated funds to the Department of  
26 Education Innovative Grant Fund to be used for competitive innovation  
27 grants pursuant to section 79-1054;

28           (iii) Nine percent of the allocated funds to the Community College  
29 Gap Assistance Program Fund to carry out the community college gap  
30 assistance program;

31           (iv) Eight percent of the allocated funds to the Excellence in

1 Teaching Cash Fund to carry out the Excellence in Teaching Act;  
2 (v) Sixty-two percent of the allocated funds to the Nebraska  
3 Opportunity Grant Fund to carry out the Nebraska Opportunity Grant Act in  
4 conjunction with appropriations from the General Fund; and

5 (vi) Three percent of the allocated funds to fund distance education  
6 incentives pursuant to section 79-1337.

7 (d) For fiscal year 2029-30 and each fiscal year thereafter, the  
8 Nebraska Education Improvement Fund shall be allocated as the Legislature  
9 may direct.

10 (e) Any money in the fund available for investment shall be invested  
11 by the state investment officer pursuant to the Nebraska Capital  
12 Expansion Act and the Nebraska State Funds Investment Act.

13 (5) A portion of each transfer pursuant to subdivisions (2)(c), (e),  
14 (f), (g), (h), and (i) of this section may be retained by the agency  
15 administering the fund to which such transfer is made for actual and  
16 necessary expenses incurred by such agency for administration,  
17 evaluation, and technical assistance related to the purposes of the  
18 transfer.

19 (6)(a) On or before September 20, 2022, and on or before each  
20 September 20 thereafter, (i) any department or agency receiving a  
21 transfer or acting as the administrator for a fund receiving a transfer  
22 pursuant to subsection (2) or (4) of this section, (ii) any recipient or  
23 subsequent recipient of money from any such fund, and (iii) any service  
24 contractor responsible for managing any portion of any such fund or any  
25 money disbursed from any such fund on behalf of any entity shall prepare  
26 and submit an annual report to the Auditor of Public Accounts in a manner  
27 prescribed by the auditor for the immediately preceding July 1 through  
28 June 30 fiscal year detailing information regarding the use of such fund  
29 or such money.

30 (b) The Auditor of Public Accounts shall annually compile a summary  
31 of the annual reports received pursuant to subdivision (6)(a) of this

1 section, any audits related to transfers pursuant to subsection (2) or  
2 (4) of this section conducted by the Auditor of Public Accounts, and any  
3 findings or recommendations related to such transfers into a consolidated  
4 annual report and shall submit such consolidated annual report  
5 electronically to the Legislature on or before January 1, 2023, and on or  
6 before each January 1 thereafter.

7 (c) For purposes of this subsection, recipient, subsequent  
8 recipient, or service contractor means a nonprofit entity that expends  
9 funds transferred pursuant to subsection (2) or (4) of this section to  
10 carry out a state program or function, but does not include an individual  
11 who is a direct beneficiary of such a program or function.

12 (7) On or before December 31, 2027, the Education Committee of the  
13 Legislature shall electronically submit recommendations to the Clerk of  
14 the Legislature regarding how the money used for education from the State  
15 Lottery Operation Trust Fund should be allocated to best advance the  
16 educational priorities of the state for the five-year period beginning  
17 with fiscal year 2029-30.

18 Sec. 2. Sections 2 to 5 of this act shall be known and may be cited  
19 as the Behavioral Intervention Training and Teacher Support Act.

20 Sec. 3. (1)(a) Beginning in school year 2024-25, the Educational  
21 Service Unit Coordinating Council shall (i) ensure annual behavioral  
22 awareness training is available statewide and (ii) develop, implement,  
23 and administer an ongoing statewide teacher support system.

24 (b) Beginning in school year 2026-27, each school district shall  
25 ensure that each administrator, teacher, paraprofessional, school nurse,  
26 and counselor receives behavioral awareness training. Each administrator,  
27 teacher, paraprofessional, school nurse, and counselor who has received  
28 such training shall receive a behavioral awareness training review at  
29 least once every three years. Each school district may offer such  
30 training, or similar training, to any other school employees at the  
31 discretion of the school district. In addition, all school employees

1 shall have a basic awareness of the goals, strategies, and schoolwide  
2 plans included in such training.

3 (c) Behavioral awareness training shall include, but not be limited  
4 to, evidence-based training on a continuum that includes:

5 (i) Recognition of detrimental factors impacting student behavior,  
6 including, but not limited to, signs of trauma;

7 (ii) Positive behavior support and proactive teaching strategies,  
8 including, but not limited to, expectations and boundaries; and

9 (iii) Verbal intervention and de-escalation techniques.

10 (2)(a) On or before July 1, 2025, and on or before July 1 of each  
11 year thereafter, each school district shall submit a behavioral awareness  
12 training report to the Educational Service Unit Coordinating Council.  
13 Such report shall include the school district behavioral awareness  
14 training plan and summarize how such plan fulfills the requirements of  
15 this section.

16 (b) On or before December 31, 2025, and each December 31 thereafter,  
17 the Educational Service Unit Coordinating Council shall submit a report  
18 electronically to the Education Committee of the Legislature summarizing  
19 the behavioral awareness training reports received by school districts,  
20 the various trainings provided across the state, the teacher support  
21 system, and a financial report of funding received and expended in  
22 accordance with the Behavioral Intervention Training and Teacher Support  
23 Act.

24 (3)(a) Behavioral awareness training and the teacher support system  
25 required pursuant to this section shall be funded from the Behavioral  
26 Training Cash Fund.

27 (b) Any funding received by a school district for behavioral  
28 awareness training under the Behavioral Intervention Training and Teacher  
29 Support Act shall be considered special grant funds under section  
30 79-1003.

31 Sec. 4. (1) Each school district shall designate one or more school

1 employees as a behavioral awareness point of contact for each school  
2 building or other division as determined by such school district. Each  
3 behavioral awareness point of contact shall be trained in behavioral  
4 awareness and shall have knowledge of community service providers and  
5 other resources that are available for the students and families in such  
6 school district.

7 (2) Each school district shall maintain or have access to a registry  
8 of local mental health and counseling resources. The registry shall  
9 include resource services that can be accessed by families and  
10 individuals outside of school. Each behavioral awareness point of contact  
11 shall coordinate access to support services for students whenever  
12 possible. Except as provided in section 43-2101, if information for an  
13 external support service is provided to an individual student, school  
14 personnel shall notify a parent or guardian of such student in writing  
15 unless such recommendation involves law enforcement or child protective  
16 services. Each school district shall indicate each behavioral awareness  
17 point of contact for such school district on the website of the school  
18 district and in any school directory for the school that the behavioral  
19 awareness point of contact serves.

20 Sec. 5. The Behavioral Training Cash Fund is created. The fund  
21 shall be administered by the State Department of Education, shall consist  
22 of money transferred pursuant to section 1 of this act and any money  
23 transferred by the Legislature, and shall be used for the purposes of  
24 coordinating training and administering the teacher support system in  
25 compliance with the Behavioral Intervention Training and Teacher Support  
26 Act. Any money in the fund available for investment shall be invested by  
27 the state investment officer pursuant to the Nebraska Capital Expansion  
28 Act and the Nebraska State Funds Investment Act.

29 Sec. 6. (1) The State Department of Education shall establish a  
30 mental health training grant program. The department shall award mental  
31 health training grants from any money available in the Mental Health

1 Training Cash Fund. A grantee shall be a school district or an  
2 educational service unit.

3 (2) Each applicant for a mental health training grant shall describe  
4 in the application the training to be provided under the grant on:

5 (a) The skills, resources, and knowledge necessary to assist  
6 students in crisis to connect with appropriate local mental health  
7 services;

8 (b) Mental health resources, including, but not limited to, the  
9 location of local community mental health centers; and

10 (c) Action plans and protocols for referral to such resources.

11 (3) Each application for a mental health training grant shall also  
12 include in the application a description of how the training to be  
13 provided under the grant will prepare recipients of such training to:

14 (a) Safely de-escalate crisis situations;

15 (b) Recognize the signs and symptoms of mental illness, including,  
16 but not limited to, schizophrenia, bipolar disorder, major clinical  
17 depression, and anxiety disorders; and

18 (c) Timely refer a student to available mental health services in  
19 the early stages of the development of a mental disorder to avoid the  
20 need for subsequent behavioral health care and to enhance the  
21 effectiveness of mental health services.

22 (4) The State Board of Education may adopt and promulgate rules and  
23 regulations to carry out this section, including, but not limited to,  
24 application procedures, selection procedures, and annual reporting  
25 procedures.

26 (5) Grants received pursuant to this section shall be considered  
27 special grant funds under section 79-1003.

28 Sec. 7. The Mental Health Training Cash Fund is created. The fund  
29 shall be administered by the State Department of Education and shall  
30 consist of money transferred pursuant to section 1 of this act and any  
31 money transferred by the Legislature. The department shall use money in

1 the fund for mental health training grants pursuant to section 6 of this  
2 act. Any money in the fund available for investment shall be invested by  
3 the state investment officer pursuant to the Nebraska Capital Expansion  
4 Act and the Nebraska State Funds Investment Act.

5 Sec. 8. Sections 8 to 12 of this act shall be known and may be cited  
6 as the College Pathway Program Act.

7 Sec. 9. For purposes of the College Pathway Program Act:

8 (1) Eligible provider means a provider who meets the requirements of  
9 section 10 of this act;

10 (2) Low-income student means a student eligible for free or reduced-  
11 price lunches in high school or a student whose family's taxable income  
12 for the preceding year did not exceed one hundred fifty percent of the  
13 federal poverty level; and

14 (3) Underrepresented student means a student whose race is not  
15 proportionately represented at the institution at which the student is  
16 enrolled or applying for admission as the representation of such race in  
17 the population of Nebraska.

18 Sec. 10. (1) The State Department of Education shall develop and  
19 administer the College Pathway Program to provide grants on or after July  
20 1, 2024, to eligible providers to provide services in accordance with  
21 subsection (2) of this section to underrepresented and low-income  
22 students in high school and postsecondary education.

23 (2) A provider is eligible for a grant pursuant to the College  
24 Pathway Program Act if the provider offers, exclusively to  
25 underrepresented and low-income students, educational services that  
26 provide materials, services, and supports to help a student graduate from  
27 high school, apply for admission to a postsecondary institution, and  
28 complete the requirements to receive an associate degree or a  
29 baccalaureate degree. Such educational services may include:

30 (a) Assistance and tutorials which help students in completing  
31 applications for a college or university, including applying for aid



1 through the Free Application for Federal Student Aid or other  
2 scholarships;

3 (b) Assistance and materials which help students take the  
4 appropriate high school classes in an area or field of study a student is  
5 interested in and any classes necessary for a student to gain acceptance  
6 at a postsecondary institution or complete the requirements and take the  
7 appropriate postsecondary education classes to receive an associate  
8 degree or a baccalaureate degree; and

9 (c) Any other services specified pursuant to rules and regulations  
10 adopted and promulgated by the State Board of Education.

11 (3) Eligible providers may apply to the State Department of  
12 Education for a grant on forms and in a manner prescribed by the  
13 department.

14 Sec. 11. (1) On or before December 1, 2024, and each December 1  
15 thereafter, the State Department of Education shall electronically submit  
16 a report to the Clerk of the Legislature regarding the College Pathway  
17 Program Act, including, but not limited to, the recipients of grants and  
18 evaluations of the effectiveness of the grant program.

19 (2) The State Board of Education may adopt and promulgate rules and  
20 regulations to carry out the College Pathway Program Act.

21 Sec. 12. The College Pathway Program Cash Fund is created. The fund  
22 shall be administered by the State Department of Education and shall  
23 consist of money transferred pursuant to section 1 of this act and any  
24 money transferred by the Legislature. The department shall use the fund  
25 to carry out the College Pathway Program Act. Any money in the fund  
26 available for investment shall be invested by the state investment  
27 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
28 State Funds Investment Act.

29 Sec. 13. Section 79-8,132, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 ~~79-8,132~~ Sections 13 to 27 of this act ~~79-8,132 to 79-8,140~~ shall be

1 known and may be cited as the Excellence in Teaching Act and shall  
2 include the Attracting Excellence to Teaching Program, ~~and~~ the Enhancing  
3 Excellence in Teaching Program, and the Career-Readiness and Dual-Credit  
4 Education Grant Program.

5 Sec. 14. (1) On and after July 1, 2024, all powers, duties, and  
6 functions that the State Department of Education had pursuant to the  
7 Excellence in Teaching Act prior to such date are transferred to the  
8 Coordinating Commission for Postsecondary Education.

9 (2) Any financial obligations of the State Department of Education  
10 relating to the Excellence in Teaching Act that remain unpaid as of July  
11 1, 2024, and that are subsequently certified as valid encumbrances to the  
12 accounting division of the Department of Administrative Services pursuant  
13 to sections 81-138.01 to 81-138.04, shall be paid by the commission from  
14 any unexpended balance in the Excellence in Teaching Cash Fund.

15 (3) On and after July 1, 2024, whenever the State Department of  
16 Education is referred to or designated by any contract or other document  
17 in connection with any duties and functions under the Excellence in  
18 Teaching Act, such reference or designation shall apply to the  
19 commission. All contracts entered into by the State Department of  
20 Education prior to July 1, 2024, in connection with any duties and  
21 functions under the Excellence in Teaching Act are hereby recognized,  
22 with the commission succeeding to all rights and obligations under such  
23 contracts. Any cash funds, custodial funds, gifts, trusts, and grants and  
24 any appropriations of funds from prior fiscal years available to satisfy  
25 obligations incurred under such contracts shall be transferred and  
26 appropriated to the commission for the payment of such obligations. All  
27 documents and records transferred, or copies of the same, may be  
28 authenticated or certified by the commission for all legal purposes.

29 (4) No suit, action, or other proceeding, judicial or  
30 administrative, lawfully commenced prior to July 1, 2024, or which could  
31 have been commenced prior to such date, by or against the State

1 Department of Education, the Commissioner of Education, or any employee  
2 of the State Department of Education, in relation to the discharge of  
3 duties under the Excellence in Teaching Act, shall abate by reason of the  
4 transfer of duties and functions under the Excellence in Teaching Act  
5 from the State Department of Education to the commission.

6 (5) On July 1, 2024, all documents and records of the State  
7 Department of Education pertaining to duties and functions under the  
8 Excellence in Teaching Act shall be transferred to the commission and  
9 shall become the property of the commission.

10 Sec. 15. Section 79-8,133, Revised Statutes Cumulative Supplement,  
11 2022, is amended to read:

12 ~~79-8,133~~ The Attracting Excellence to Teaching Program is created.  
13 For purposes of the Attracting Excellence to Teaching Program:

14 (1) Commission means the Coordinating Commission for Postsecondary  
15 ~~Department means the State Department of Education;~~

16 (2) Eligible institution means a not-for-profit college or  
17 university which (a) is located in Nebraska, (b) is accredited by an  
18 accrediting agency recognized by the United States Department of  
19 Education as determined to be acceptable by the State Board of Education,  
20 (c) has a teacher education program, and (d) if a privately funded  
21 college or university, has not opted out of the program pursuant to rules  
22 and regulations;

23 (3) Eligible student means an individual who (a) is a full-time  
24 student, (b) is enrolled in an eligible institution in an undergraduate  
25 or a graduate teacher education program working toward his or her initial  
26 certificate to teach in Nebraska, (c) if enrolled at a state-funded  
27 eligible institution, is a resident student as described in section  
28 85-502 or, if enrolled in a privately funded eligible institution, would  
29 be deemed a resident student if enrolled in a state-funded eligible  
30 institution, and (d) ~~for applicants applying for the first time on or~~  
31 ~~after April 23, 2009,~~ is a student majoring in a shortage area, ~~and~~ (e)

1 ~~for applicants applying to receive a loan during fiscal year 2011-12 or~~  
2 ~~2012-13, is a student who previously received a loan pursuant to the~~  
3 ~~Attracting Excellence to Teaching Program in the fiscal year immediately~~  
4 ~~preceding the fiscal year in which the new loan would be received;~~

5 (4) Full-time student means, in the aggregate, the equivalent of a  
6 student who in a twelve-month period is enrolled in twenty-four semester  
7 credit hours for undergraduate students or eighteen semester credit hours  
8 for graduate students of classroom, laboratory, clinical, practicum, or  
9 independent study course work;

10 (5) Majoring in a shortage area means pursuing a degree which will  
11 allow an individual to be properly endorsed to teach in a shortage area;

12 (6) Shortage area means a secular field of teaching for which there  
13 is a shortage, as determined by the State Department of Education  
14 ~~department~~, of properly endorsed teachers at the time the borrower first  
15 receives funds pursuant to the program; and

16 (7) Teacher education program means a program of study approved by  
17 the State Board of Education pursuant to subdivision (5)(g) of section  
18 79-318.

19 Sec. 16. Section 79-8,134, Revised Statutes Cumulative Supplement,  
20 2022, is amended to read:

21 ~~79-8,134~~ The purposes of the Attracting Excellence to Teaching  
22 Program are to:

23 (1) Attract outstanding students to major in shortage areas at the  
24 teacher education programs of Nebraska's postsecondary educational  
25 institutions;

26 (2) Retain resident students and graduates as teachers in the  
27 accredited school districts, educational service units, and private  
28 schools or approved private schools of Nebraska; and

29 (3) Establish a loan contract that requires a borrower to obtain  
30 employment as a teacher in this state after graduation.

31 Sec. 17. Section 79-8,135, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 ~~79-8,135~~ (1) The commission ~~department~~ shall administer the  
3 Attracting Excellence to Teaching Program either directly or by  
4 contracting with public or private entities.

5 (2) To be eligible for the program, an eligible student shall:

6 (a) Graduate in the top quarter of his or her high school class or  
7 have a minimum cumulative grade-point average of 3.0 on a four-point  
8 scale in an eligible institution;

9 (b) Agree to complete a teacher education program at an eligible  
10 institution and, ~~for applicants applying for the first time on or after~~  
11 ~~April 23, 2009,~~ to complete the major on which the applicant's  
12 eligibility is based; and

13 (c) Commit to teach in an accredited or approved public or private  
14 school in Nebraska upon (i) successful completion of the teacher  
15 education program for which the applicant is applying to the Attracting  
16 Excellence to Teaching Program and (ii) becoming certified pursuant to  
17 sections 79-806 to 79-815.

18 (3) Except as otherwise provided in this subsection, eligible  
19 ~~Eligible~~ students may apply on an annual basis for loans in an amount of  
20 not more than three thousand dollars per year. A loan recipient may also  
21 apply on a one-time basis for a loan to cover the cost of taking each  
22 test required to meet the basic skills competency requirement in section  
23 79-809. Loans awarded to individual students shall not exceed a  
24 cumulative period exceeding five consecutive years. Loans shall only be  
25 awarded through an eligible institution. Loans shall be funded pursuant  
26 to section 24 of this act ~~79-8,137.05~~.

27 Sec. 18. Section 79-8,137, Revised Statutes Cumulative Supplement,  
28 2022, is amended to read:

29 ~~79-8,137~~ (1)(a) Prior to receiving any money from a loan pursuant to  
30 the Attracting Excellence to Teaching Program, an eligible student shall  
31 enter into a contract with the commission ~~department~~. Such contract shall

1 be exempt from the requirements of sections 73-501 to 73-510.

2 (b) For eligible students who applied for the first time prior to  
3 April 23, 2009, the contract shall require that if (i) the borrower is  
4 not employed as a teacher in Nebraska for a time period equal to the  
5 number of years required for loan forgiveness pursuant to subsection (2)  
6 of this section and is not enrolled as a full-time student in a graduate  
7 program within six months after obtaining an undergraduate degree for  
8 which a loan from the program was obtained or (ii) the borrower does not  
9 complete the requirements for graduation within five consecutive years  
10 after receiving the initial loan under the program, then the loan must be  
11 repaid, with interest at the rate fixed pursuant to section 45-103  
12 accruing as of the date the borrower signed the contract, and an  
13 appropriate penalty as determined by the commission ~~department~~ may be  
14 assessed. If a borrower fails to remain enrolled at an eligible  
15 institution or otherwise fails to meet the requirements of an eligible  
16 student, repayment of the loan shall commence within six months after  
17 such change in eligibility. The commission ~~State Board of Education~~ may  
18 by rules and regulations provide for exceptions to the conditions of  
19 repayment pursuant to this subdivision based upon mitigating  
20 circumstances.

21 (c) For eligible students who apply for the first time on or after  
22 April 23, 2009, the contract shall require that if (i) the borrower is  
23 not employed as a full-time teacher teaching in an approved or accredited  
24 school in Nebraska and teaching at least a portion of the time in the  
25 shortage area for which the loan was received for a time period equal to  
26 the number of years required for loan forgiveness pursuant to subsection  
27 (3) of this section or is not enrolled as a full-time student in a  
28 graduate program within six months after obtaining an undergraduate  
29 degree for which a loan from the program was obtained or (ii) the  
30 borrower does not complete the requirements for graduation within five  
31 consecutive years after receiving the initial loan under the program,

1 then the loan shall be repaid with interest at the rate fixed pursuant to  
2 section 45-103 accruing as of the date the borrower signed the contract  
3 and actual collection costs as determined by the commission ~~department~~.  
4 If a borrower fails to remain enrolled at an eligible institution or  
5 otherwise fails to continue to be an eligible student, repayment of the  
6 loan shall commence within six months after such change in eligibility.  
7 The commission ~~State Board of Education~~ may by rule and regulation  
8 provide for exceptions to the conditions of repayment pursuant to this  
9 subdivision based upon mitigating circumstances.

10 (2) If the borrower applied for the first time prior to April 23,  
11 2009, and (a) successfully completes the teacher education program and  
12 becomes certified pursuant to sections 79-806 to 79-815, (b) becomes  
13 employed as a teacher in this state within six months of becoming  
14 certified, and (c) otherwise meets the requirements of the contract,  
15 payments shall be suspended for the number of years that the borrower is  
16 required to remain employed as a teacher in this state under the  
17 contract. For each year that the borrower teaches in Nebraska pursuant to  
18 the contract, payments shall be forgiven in an amount equal to the amount  
19 borrowed for one year, except that if the borrower teaches in a school  
20 district that is in a local system classified as very sparse as defined  
21 in section 79-1003 or teaches in a school district in which at least  
22 forty percent of the students are poverty students as defined in section  
23 79-1003, payments shall be forgiven each year in an amount equal to the  
24 amount borrowed for two years.

25 (3)(a) If the borrower applies for the first time on or after April  
26 23, 2009, and (i) successfully completes the teacher education program  
27 and major for which the borrower is receiving a forgivable loan pursuant  
28 to the program and becomes certified pursuant to sections 79-806 to  
29 79-815 with an endorsement in the shortage area for which the loan was  
30 received, (ii) becomes employed as a full-time teacher teaching at least  
31 a portion of the time in the shortage area for which the loan was

1 received in an approved or accredited school in this state within six  
2 months of becoming certified, and (iii) otherwise meets the requirements  
3 of the contract, payments shall be suspended for the number of years that  
4 the borrower is required to remain employed as a teacher in this state  
5 under the contract.

6 (b) Beginning after the first two years of teaching full-time in  
7 Nebraska following graduation for the degree for which the loan was  
8 received, for each year that the borrower teaches full-time in Nebraska  
9 pursuant to the contract, the loan shall be forgiven in an amount equal  
10 to three thousand dollars, except that if the borrower teaches full-time  
11 in a school district that is in a local system classified as very sparse  
12 as defined in section 79-1003, teaches in a school building that provides  
13 free meals to all students pursuant to the community eligibility  
14 provision, teaches in a school building in which at least forty percent  
15 of the formula students are poverty students as defined in section  
16 79-1003, or teaches in an accredited or approved private school in  
17 Nebraska in which at least forty percent of the enrolled students  
18 qualified for free lunches as determined by the most recent data  
19 available from the commission department, payments shall be forgiven each  
20 year in an amount equal to six thousand dollars.

21 (4) Beginning on August 1, 2022, if the borrower provides service as  
22 a pre-service teacher intern for a full academic semester as part of a  
23 clinical experience within an accredited or approved public, private,  
24 denominational, or parochial school in Nebraska and subsequently passes  
25 all related semester requirements, then the loan shall be forgiven in an  
26 amount equal to one thousand dollars for such borrower.

27 Sec. 19. Section 79-8,137.01, Revised Statutes Cumulative  
28 Supplement, 2022, is amended to read:

29 ~~79-8,137.01~~ The Enhancing Excellence in Teaching Program is created.  
30 For purposes of the Enhancing Excellence in Teaching Program:

31 (1) Approval to teach postsecondary courses by a Nebraska



1 postsecondary institution means official documentation issued by a  
2 Nebraska postsecondary institution declaring that an individual has met  
3 the graduate degree or course requirements necessary to teach courses in  
4 a specific subject or subjects offered by the Nebraska postsecondary  
5 institution for postsecondary degree credit;

6 (2) Commission ~~(1) Department~~ means the Coordinating Commission for  
7 Postsecondary State Department of Education;

8 (3) (2) Eligible graduate program means (a) a program of study  
9 offered by an eligible institution which results in obtaining a graduate  
10 degree, (b) or a graduate course of study leading to an endorsement in a  
11 shortage area specified by the State Department Board of Education, or  
12 (c) a graduate course of study leading to approval to teach postsecondary  
13 courses by a Nebraska postsecondary institution;

14 (4) (3) Eligible institution means a not-for-profit college or  
15 university which (a) is located in Nebraska, (b) is accredited by an  
16 accrediting agency recognized by the United States Department of  
17 Education as determined to be acceptable by the State Board of Education,  
18 (c) has a teacher education program, and (d) if a privately funded  
19 college or university, has not opted out of the Enhancing Excellence in  
20 Teaching Program pursuant to rules and regulations;

21 (5) (4) Eligible student means an individual who (a) is a  
22 certificated teacher employed to teach in an approved or accredited  
23 school in Nebraska, (b) is enrolled in an eligible graduate program, (c)  
24 if enrolled at a state-funded eligible institution, is a resident student  
25 as described in section 85-502 or, if enrolled in a privately funded  
26 eligible institution, would be deemed a resident student if enrolled in a  
27 state-funded eligible institution, (d)(i) (d) is majoring in a shortage  
28 area, curriculum and instruction, a subject area in which the individual  
29 already holds a secular teaching endorsement, or a subject area that will  
30 result in an additional secular teaching endorsement or (ii) is applying  
31 for approval to teach postsecondary courses by a Nebraska postsecondary

1 institution, which the superintendent of the school district or head  
2 administrator of the private, denominational, or parochial school  
3 employing the individual believes will be beneficial to the students of  
4 such school district or school as evidenced by a statement signed by the  
5 superintendent or head administrator, and (e) is applying for a loan  
6 pursuant to the Enhancing Excellence in Teaching Program to be received  
7 at a time other than during fiscal year 2011-12 or 2012-13;

8 (6) ~~(5)~~ Majoring in a shortage area or subject area means pursuing a  
9 degree or course of study which will allow an individual to be properly  
10 endorsed to teach in such shortage area or subject area;~~and~~

11 (7) Nebraska postsecondary institution means any Nebraska public  
12 postsecondary institution as defined in section 85-2403 and any private,  
13 nonprofit postsecondary institution with a principal facility in Nebraska  
14 that is exempt from the Private Postsecondary Career School Act; and

15 (8) ~~(6)~~ Shortage area means a secular field of teaching or  
16 endorsement area for which there is a shortage, as determined by the  
17 State Department of Education ~~department~~, of properly endorsed teachers  
18 at the time the borrower first receives funds pursuant to the Enhancing  
19 Excellence in Teaching Program.

20 Sec. 20. Section 79-8,137.02, Revised Statutes Cumulative  
21 Supplement, 2022, is amended to read:

22 ~~79-8,137.02~~ The purposes of the Enhancing Excellence in Teaching  
23 Program are to:

24 (1) Retain teachers in the accredited school districts, educational  
25 service units, and private schools or approved private schools of  
26 Nebraska;

27 (2) Improve the skills of existing teachers in Nebraska through the  
28 graduate education or endorsement programs of Nebraska's postsecondary  
29 educational institutions; and

30 (3) Establish a loan contract that requires a borrower to continue  
31 employment as a teacher in this state after graduation from an eligible

1 graduate or endorsement program.

2 Sec. 21. Section 79-8,137.03, Revised Statutes Cumulative  
3 Supplement, 2022, is amended to read:

4 ~~79-8,137.03~~ (1) The commission ~~department~~ shall administer the  
5 Enhancing Excellence in Teaching Program either directly or by  
6 contracting with public or private entities.

7 (2) To be eligible for the program, an eligible student shall:

8 (a) Agree to complete an eligible graduate program at an eligible  
9 institution and to complete the program on which the applicant's  
10 eligibility is based as determined by the State Department of Education  
11 ~~department~~; and

12 (b) Commit to teach in an accredited or approved public or private  
13 school in Nebraska upon successful completion of the eligible graduate  
14 program for which the applicant is applying to the Enhancing Excellence  
15 in Teaching Program and to maintaining certification pursuant to sections  
16 79-806 to 79-815.

17 (3) Eligible students may apply on an annual basis for loans in an  
18 amount of not more than one hundred seventy-five dollars per credit hour.  
19 Loans awarded to individual students shall not exceed a cumulative period  
20 exceeding five consecutive years. Loans shall only be awarded through the  
21 commission ~~department~~. Loans shall be funded pursuant to section 24 of  
22 this act ~~79-8,137.05~~.

23 Sec. 22. Section 79-8,137.04, Revised Statutes Cumulative  
24 Supplement, 2022, is amended to read:

25 ~~79-8,137.04~~ (1) Prior to receiving any money from a loan pursuant to  
26 the Enhancing Excellence in Teaching Program, an eligible student shall  
27 enter into a contract with the commission ~~department~~. Such contract shall  
28 be exempt from the requirements of sections 73-501 to 73-510. The  
29 contract shall require that if (a) the borrower is not employed as a  
30 full-time teacher teaching in an approved or accredited school in  
31 Nebraska for a time period equal to the number of years required for loan

1 forgiveness pursuant to subsection (2) of this section or (b) the  
2 borrower does not complete the requirements for graduation, for the  
3 additional secular teaching endorsement, or for the approval to teach  
4 postsecondary courses by a Nebraska postsecondary educational institution  
5 within five consecutive years after receiving the initial loan under the  
6 program, then the loan shall be repaid, with interest at the rate fixed  
7 pursuant to section 45-103 accruing as of the date the borrower signed  
8 the contract and actual collection costs as determined by the commission  
9 ~~department~~. If a borrower fails to remain enrolled at an eligible  
10 institution or otherwise fails to meet the requirements of an eligible  
11 student, repayment of the loan shall commence within six months after  
12 such change in eligibility. The commission ~~State Board of Education~~ may  
13 by rules and regulations provide for exceptions to the conditions of  
14 repayment pursuant to this subsection based upon mitigating  
15 circumstances.

16 (2)(a) If the borrower (i) successfully completes the eligible  
17 graduate program for which the borrower is receiving a forgivable loan  
18 pursuant to the Enhancing Excellence in Teaching Program and maintains  
19 certification pursuant to sections 79-806 to 79-815, (ii) maintains  
20 employment as a teacher in an approved or accredited school in this  
21 state, and (iii) otherwise meets the requirements of the contract,  
22 payments shall be suspended for the number of years that the borrower is  
23 required to remain employed as a teacher in this state under the  
24 contract.

25 (b) For recipients who received funds for the first time prior to  
26 July 1, 2016, beginning after the first two years of teaching full-time  
27 in Nebraska following graduation for the degree for which the loan was  
28 received, for each year that the borrower teaches full-time in Nebraska  
29 pursuant to the contract, the loan shall be forgiven in an amount equal  
30 to three thousand dollars, except that if the borrower teaches full-time  
31 in a school district that is in a local system classified as very sparse

1 as defined in section 79-1003, teaches in a school building that provides  
2 free meals to all students pursuant to the community eligibility  
3 provision, teaches in a school building in which at least forty percent  
4 of the students are poverty students as defined in section 79-1003, or  
5 teaches in an accredited or approved private school in Nebraska in which  
6 at least forty percent of the enrolled students qualified for free  
7 lunches as determined by the most recent data available from the State  
8 Department of Education ~~department~~, payments shall be forgiven each year  
9 in an amount equal to six thousand dollars.

10 (c) For recipients who received funds for the first time on or after  
11 July 1, 2016, beginning after the first two years of teaching full-time  
12 in Nebraska following completion of the eligible graduate program for  
13 which the loan was received, for each year that the borrower teaches  
14 full-time in Nebraska pursuant to the contract, the loan shall be  
15 forgiven in an amount equal to one thousand five hundred dollars, except  
16 that if the borrower teaches full-time in a school district that is in a  
17 local system classified as very sparse as defined in section 79-1003,  
18 teaches in a school building in which at least forty percent of the  
19 students are poverty students as defined in section 79-1003, teaches in a  
20 school building that provides free meals to all students pursuant to the  
21 community eligibility provision, or teaches in an accredited private  
22 school or educational service unit or an approved private school in  
23 Nebraska in which at least forty percent of the enrolled students  
24 qualified for free lunches as determined by the most recent data  
25 available from the State Department of Education ~~department~~, payments  
26 shall be forgiven each year in an amount equal to one thousand five  
27 hundred dollars for the first year of loan forgiveness and three thousand  
28 dollars for each year of loan forgiveness thereafter.

29 Sec. 23. (1) The Career-Readiness and Dual-Credit Education Grant  
30 Program is established. The program shall be administered by the  
31 Coordinating Commission for Postsecondary Education. The commission, in

1 consultation with the State Department of Education, the Department of  
2 Labor, and any advisory committee established by the commission for such  
3 purpose, shall:

4 (a) Create and establish teacher education pathways enabling the  
5 instruction of dual-credit courses and career and technical education  
6 courses;

7 (b) Correlate and prioritize teacher education pathways with  
8 Nebraska workforce demand;

9 (c) Establish a grant program beginning on or after July 1, 2024, to  
10 distribute money from the Excellence in Teaching Cash Fund to teachers  
11 enrolled in education pathways leading to qualification to teach dual-  
12 credit courses and career and technical education courses;

13 (d) Establish a directory of available teacher education pathways in  
14 Nebraska identified by sequence and location; and

15 (e) On December 31, 2025, and each December 31 thereafter,  
16 electronically submit an annual report on grants awarded pursuant to the  
17 Career-Readiness and Dual-Credit Education Grant Program to the Clerk of  
18 the Legislature. The report shall include, but not be limited to, the  
19 number and amount of grants awarded, the postsecondary educational  
20 institutions attended by grant recipients, and information regarding the  
21 completion of instructor requirements to teach dual-credit courses and  
22 career and technical education courses.

23 (2) The Coordinating Commission for Postsecondary Education may  
24 adopt and promulgate rules and regulations to carry out the Career-  
25 Readiness and Dual-Credit Education Grant Program.

26 Sec. 24. Section 79-8,137.05, Revised Statutes Cumulative  
27 Supplement, 2022, is amended to read:

28 ~~79-8,137.05~~ (1) The Excellence in Teaching Cash Fund is created. The  
29 fund shall consist of transfers ~~appropriations~~ by the Legislature,  
30 transfers pursuant to section 1 of this act ~~9-812~~, and loan repayments,  
31 penalties, and interest payments received in the course of administering

1 the Attracting Excellence to Teaching Program and the Enhancing  
2 Excellence in Teaching Program.

3 ~~(2)~~ (2)(a) For all fiscal years beginning on and after July 1, 2024,  
4 the commission shall allocate on an annual basis up to two hundred fifty  
5 thousand dollars of the funds transferred pursuant to section 1 of this  
6 act for grants to teachers pursuant to the Career-Readiness and Dual-  
7 Credit Education Grant Program.

8 (b) Of the funds remaining in the Excellence in Teaching Cash Fund  
9 after the distribution pursuant to subdivision (a) of this subsection,  
10 for For all fiscal years, the commission department shall allocate on an  
11 annual basis up to four hundred thousand dollars in the aggregate of the  
12 funds to be distributed for the Attracting Excellence to Teaching Program  
13 to all eligible institutions according to the distribution formula as  
14 determined by rule and regulation. The eligible institutions shall act as  
15 agents of the commission department in the distribution of the funds for  
16 the Attracting Excellence to Teaching Program to eligible students. The  
17 commission department shall allocate on an annual basis up to eight  
18 hundred thousand dollars of the remaining available funds to be  
19 distributed to eligible students for the Enhancing Excellence in Teaching  
20 Program. Funding amounts granted in excess of one million two hundred  
21 thousand dollars shall be evenly divided for distribution between the two  
22 programs.

23 (3) Any money in the Excellence in Teaching Cash Fund available for  
24 investment shall be invested by the state investment officer pursuant to  
25 the Nebraska Capital Expansion Act and the Nebraska State Funds  
26 Investment Act.

27 Sec. 25. Section 79-8,138, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 ~~79-8,138~~ The commission department has the administrative  
30 responsibility to track borrowers and to develop repayment tracking and  
31 collection mechanisms for the Attracting Excellence to Teaching Program

1 and the Enhancing Excellence in Teaching Program. The commission  
2 ~~department~~ may contract for such services. When a loan has been forgiven  
3 pursuant to section 18 79-8,137 or 22 of this act 79-8,137.04, the amount  
4 forgiven may be taxable income to the borrower and the commission  
5 ~~department~~ shall provide notification of the amount forgiven to the  
6 borrower, the Department of Revenue, and the United States Internal  
7 Revenue Service if required by the Internal Revenue Code.

8 Sec. 26. Section 79-8,139, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 ~~79-8,139~~ (1) Each eligible institution shall file an annual report  
11 with the commission ~~department~~ for the Attracting Excellence to Teaching  
12 Program and the Enhancing Excellence in Teaching Program for any fiscal  
13 year in which the eligible institution receives funding to distribute to  
14 students pursuant to either or both of such programs containing such  
15 information as required by rule and regulation. On or before December 31  
16 of each even-numbered year, the commission ~~department~~ shall submit a  
17 report to the Governor, the Clerk of the Legislature, and the Education  
18 Committee of the Legislature on the status of the programs, the status of  
19 the borrowers, and the impact of the programs on the number of teachers  
20 in shortage areas in Nebraska and on the number of teachers receiving  
21 graduate degrees in teaching endorsement areas in Nebraska or receiving  
22 approval to teach postsecondary courses by a Nebraska postsecondary  
23 educational institution. The report submitted to the Clerk of the  
24 Legislature and the committee shall be submitted electronically. Each  
25 report shall include information on an institution-by-institution basis,  
26 the status of borrowers, and a financial statement with a description of  
27 the activity of the Excellence in Teaching Cash Fund.

28 (2) Any report pursuant to this section which includes information  
29 about borrowers shall exclude confidential information or any other  
30 information which specifically identifies a borrower.

31 Sec. 27. Section 79-8,140, Reissue Revised Statutes of Nebraska, is



1 amended to read:

2 ~~79-8,140~~ The State Board of Education may adopt and promulgate rules  
3 and regulations to determine teacher shortage areas. The commission may  
4 adopt and promulgate rules and regulations and to carry out the  
5 Excellence in Teaching Act.

6 Sec. 28. Sections 28 to 38 of this act shall be known and may be  
7 cited as the Door to College Scholarship Act.

8 Sec. 29. For purposes of the Door to College Scholarship Act:

9 (1) Award means a grant of money under the act by the commission in  
10 the form of a Door to College Scholarship to an eligible student for  
11 educational expenses;

12 (2) Award year means the period beginning on July 1 through the  
13 following June 30;

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

16 (4) Educational expenses means student costs for tuition, mandatory  
17 fees, other education-related fees, room and board, books, and other  
18 costs related to a student's education;

19 (5) Eligible postsecondary educational institution means a public or  
20 private postsecondary educational institution:

21 (a) Located in Nebraska;

22 (b) Primarily engaged in the instruction of students;

23 (c) Satisfying state statutory requirements relating to the approval  
24 and licensure of schools, colleges, and universities and maintaining  
25 accreditation by an accrediting organization recognized by the United  
26 States Department of Education;

27 (d) Offering courses of instruction in regularly scheduled classes  
28 to regularly enrolled undergraduate students who reside in Nebraska and  
29 have received a high school diploma or the equivalent; and

30 (e) Which has adopted, and has available for inspection, award  
31 refund and repayment policies;

1           (6) Eligible student means an undergraduate student who:

2           (a) Graduated from high school from an accredited education program  
3 at a youth rehabilitation and treatment center operated and utilized in  
4 compliance with state law or graduated from an approved or accredited  
5 public, private, denominational, or parochial school within one year  
6 after being discharged from a youth rehabilitation and treatment center  
7 operated and utilized in compliance with state law;

8           (b) Is enrolled in an eligible postsecondary educational  
9 institution;

10           (c) Has applied for federal financial aid through the Free  
11 Application for Federal Student Aid for the applicable award year;

12           (d) Is a resident student who is domiciled in Nebraska as provided  
13 by section 85-502; and

14           (e) Complies with all other provisions of the Door to College  
15 Scholarship Act and any rules and regulations adopted and promulgated  
16 pursuant to the act;

17           (7) Full-time status means enrollment in at least twenty-four  
18 semester credit hours, thirty-six quarter credit hours, or nine hundred  
19 clock hours per award year;

20           (8) Part-time status means enrollment in at least twelve semester  
21 credit hours, eighteen quarter credit hours, or four hundred fifty clock  
22 hours per award year; and

23           (9) Undergraduate student means an individual who has not earned a  
24 first baccalaureate or professional degree and is enrolled in a  
25 postsecondary educational program which leads to, or is creditable  
26 toward, a first baccalaureate degree, associate degree, certificate,  
27 diploma, or the equivalent.

28           Sec. 30. The commission shall, as provided in the Door to College  
29 Scholarship Act, provide for awards to be made directly to eligible  
30 students beginning with the 2024-25 school year. An award shall not  
31 exceed a maximum of five thousand dollars annually to an eligible student

1 with a full-time status and shall be prorated for eligible students with  
2 a part-time status. The commission may adjust the value of awards  
3 annually to make awards to all eligible applicants who apply by the  
4 application deadline set by the commission.

5 Sec. 31. (1) Eligible postsecondary educational institutions,  
6 acting as agents of the commission, shall:

7 (a) Receive and process applications for awards under the Door to  
8 College Scholarship Act;

9 (b) Determine eligibility of students based on criteria set forth in  
10 the act; and

11 (c) No later than the application deadline set by the commission,  
12 make recommendations to the commission for awards to eligible students,  
13 including the name and social security number of each eligible student.

14 (2) An award under the Door to College Scholarship Act shall not be  
15 used by a postsecondary educational institution to reduce institutional  
16 scholarships, grants, or tuition or fee waivers that a student would  
17 otherwise be eligible to receive if such student did not receive an award  
18 under the act.

19 Sec. 32. (1) Within thirty days after receiving recommendations  
20 pursuant to section 31 of this act, the commission shall review the  
21 recommended awards for compliance with the Door to College Scholarship  
22 Act and any rules and regulations adopted and promulgated pursuant to the  
23 act and notify each eligible postsecondary educational institution of the  
24 approval or disapproval of recommended awards.

25 (2) The commission shall distribute to each eligible postsecondary  
26 educational institution the total award amount approved for eligible  
27 students at such institution. The eligible postsecondary educational  
28 institution shall act as an agent of the commission to disburse the  
29 awards directly to eligible students during the award year.

30 Sec. 33. An award may be granted to an eligible student for  
31 attendance at an eligible postsecondary educational institution if:

1           (1) The eligible student is accepted for enrollment as follows:

2           (a) In the case of an eligible student beginning the first year in  
3 attendance at an eligible postsecondary educational institution, such  
4 eligible student has satisfied requirements for admission and has  
5 enrolled or indicated an intent to enroll in an eligible postsecondary  
6 educational institution; or

7           (b) In the case of an eligible student enrolled in an eligible  
8 postsecondary educational institution following the successful completion  
9 of the student's first year in attendance, such eligible student  
10 continues to meet the requirements of the Door to College Scholarship Act  
11 and has maintained the minimum standards of performance as required by  
12 the eligible postsecondary educational institution in which the eligible  
13 student is enrolled;

14           (2) The eligible student receiving such award certifies that the  
15 award will be used only for educational expenses; and

16           (3) The eligible student has complied with the act and any rules and  
17 regulations adopted and promulgated pursuant to the act.

18           Sec. 34. (1) A recipient of an award shall:

19           (a) Attend all required courses regularly;

20           (b) Meet with an assigned advisor at regular intervals to discuss  
21 academic progress and to develop a job-search plan; and

22           (c) Maintain good academic standing at the eligible postsecondary  
23 educational institution without any disciplinary action by such  
24 institution.

25           (2) An award may be terminated if such person fails to meet the  
26 requirements of this section.

27           Sec. 35. If an award recipient discontinues attendance before the  
28 end of the award year or the award is terminated pursuant to section 34  
29 of this act, the award recipient shall remit any award balance allowable  
30 to the eligible postsecondary educational institution in accordance with  
31 such institution's withdrawal policy. The institution shall remit such

1 award balance to the commission in accordance with such institution's  
2 refund policy.

3 Sec. 36. (1) The commission shall:

4 (a) Supervise the issuance of public information concerning the Door  
5 to College Scholarship Act; and

6 (b) Establish a reasonable and fair appeal procedure for students  
7 adversely affected by the actions of the commission or an eligible  
8 postsecondary educational institution in the distribution of funds or  
9 granting or termination of awards pursuant to the act.

10 (2) The commission may adopt and promulgate rules and regulations  
11 necessary to carry out the act.

12 Sec. 37. The Door to College Scholarship Act does not grant any  
13 authority to the commission to:

14 (1) Control or influence the policies of any eligible postsecondary  
15 educational institution because such institution accepts students who  
16 receive awards; or

17 (2) Require any eligible postsecondary educational institution to  
18 enroll any student receiving an award or, once admitted, to permit  
19 continued enrollment in such institution by any student receiving an  
20 award.

21 Sec. 38. The Door to College Scholarship Fund is created. The  
22 commission shall administer the fund, which shall consist of amounts  
23 transferred from the State Lottery Operation Trust Fund pursuant to  
24 section 1 of this act prior to July 1, 2029, as well as any money  
25 transferred by the Legislature and gifts, grants, or bequests from any  
26 source, including federal, state, public, and private sources. All  
27 amounts accruing to the Door to College Scholarship Fund shall be used to  
28 carry out the Door to College Scholarship Act. Any money in the fund  
29 available for investment shall be invested by the state investment  
30 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
31 State Funds Investment Act.

1           Sec. 39. Sections 39 to 42 of this act shall be known and may be  
2 cited as the Extraordinary Increase in Special Education Expenditures  
3 Act.

4           Sec. 40. The Legislature finds that:

5           (1) The cost to educate students with special needs has increased in  
6 recent years;

7           (2) Special education expenditures can be unpredictable for school  
8 districts, particularly for school districts with small student  
9 populations, and can change dramatically from year to year as students  
10 with varying needs join or leave the school district;

11           (3) School districts may have difficulty covering large unexpected  
12 special education expenditures; and

13           (4) Assisting school districts upfront with large, unexpected  
14 special education expenditures allows such school districts to more  
15 easily meet the needs of all students.

16           Sec. 41. (1) On or before January 15 of each school fiscal year, a  
17 school district with expected special education expenditures that total  
18 (a) at least fifty thousand dollars annually or (b) one-half percent or  
19 more of such school district's annual budget, whichever is greater, may  
20 submit an application as prescribed by the State Department of Education  
21 to the department for a payment from the Extraordinary Increase in  
22 Special Education Expenditures Fund to cover an extraordinary increase in  
23 special education expenditures pursuant to the requirements of this  
24 section. Such application shall include the special education  
25 expenditures of the applicant school district as of the immediately  
26 preceding December 31 for the school fiscal year in which the application  
27 is submitted.

28           (2) The department shall divide the special education expenditures  
29 for the school fiscal year immediately preceding the school fiscal year  
30 in which an application is submitted by two and multiply the result by  
31 one hundred seven percent for each applicant school district.

1           (3) Each applicant school district shall qualify for a maximum  
2 payment equal to the difference of the special education expenditures for  
3 the current school fiscal year submitted pursuant to subsection (1) of  
4 this section minus the amount calculated pursuant to subsection (2) of  
5 this section for such school district for such school fiscal year.

6           (4) The department shall make a payment to each applicant school  
7 district on or before January 31 for the school fiscal year in which the  
8 application is submitted. Such payment shall equal the maximum payment  
9 determined pursuant to subsection (3) of this section, except that if the  
10 sum of all maximum payments for applicant school districts for such  
11 school fiscal year exceeds the available balance in the Extraordinary  
12 Increase in Special Education Expenditures Fund, each payment shall be  
13 reduced proportionally so that the sum of all payments for applicant  
14 school districts for such school fiscal year equals the available balance  
15 in the fund.

16           Sec. 42. (1) The Extraordinary Increase in Special Education  
17 Expenditures Fund is created. The fund shall be administered by the State  
18 Department of Education and shall consist of money transferred by the  
19 Legislature. Any money in the fund available for investment shall be  
20 invested by the state investment officer pursuant to the Nebraska Capital  
21 Expansion Act and the Nebraska State Funds Investment Act.

22           (2) The department shall make a payment to each qualifying applicant  
23 school district from the Extraordinary Increase in Special Education  
24 Expenditures Fund pursuant to section 41 of this act for an extraordinary  
25 increase in special education expenditures. The department shall  
26 reimburse the fund for each such payment from the appropriation for  
27 special education and support services reimbursements pursuant to section  
28 79-1142 in the school fiscal year immediately following the school fiscal  
29 year in which each such payment was made.

30           (3) It is the intent of the Legislature to transfer two million five  
31 hundred thousand dollars from the Education Future Fund to the

1 Extraordinary Increase in Special Education Expenditures Fund for fiscal  
2 year 2023-24 to carry out the Extraordinary Increase in Special Education  
3 Expenditures Act. It is the intent of the Legislature that the  
4 Extraordinary Increase in Special Education Expenditures Fund maintain a  
5 minimum balance at the start of each fiscal year of two million five  
6 hundred thousand dollars and that the Legislature make transfers from the  
7 Education Future Fund to the Extraordinary Increase in Special Education  
8 Expenditures Fund annually to maintain such balance.

9       Sec. 43. Sections 43 to 50 of this act shall be known and may be  
10 cited as the Nebraska Teacher Recruitment and Retention Act.

11       Sec. 44. The purpose of the Nebraska Teacher Recruitment and  
12 Retention Act is to provide financial incentives to recruit and retain  
13 teachers in Nebraska classrooms.

14       Sec. 45. For purposes of the Nebraska Teacher Recruitment and  
15 Retention Act:

16       (1) Department means the State Department of Education;

17       (2) Grant means a grant for teacher recruitment and retention  
18 payments under the Nebraska Teacher Recruitment and Retention Act; and

19       (3) Teacher means a person who holds a valid certificate to teach in  
20 Nebraska issued by the Commissioner of Education and is employed in  
21 Nebraska for the instruction of students in elementary or high school  
22 grades.

23       Sec. 46. (1) A teacher may apply to the department for a grant. The  
24 department shall not prioritize a grant based upon the school where the  
25 applicant teaches.

26       (2) A teacher is eligible to apply for:

27       (a) A retention one grant of two thousand five hundred dollars if  
28 the teacher has signed a contract to complete such teacher's second  
29 complete school year of full-time employment as a teacher at a Nebraska  
30 school in school year 2023-24, 2024-25, 2025-26, or 2026-27;

31       (b) A retention two grant of two thousand five hundred dollars if



1 the teacher has signed a contract to complete such teacher's fourth  
2 complete school year of full-time employment as a teacher at a Nebraska  
3 school in school year 2023-24, 2024-25, 2025-26, or 2026-27;

4 (c) A retention three grant of two thousand five hundred dollars if  
5 the teacher has signed a contract to complete such teacher's sixth  
6 complete school year of full-time employment as a teacher at a Nebraska  
7 school in school year 2023-24, 2024-25, 2025-26, or 2026-27; and

8 (d)(i) A high-need retention grant of five thousand dollars if on or  
9 after the operative date of this section a teacher:

10 (A) Obtains an endorsement in special education, mathematics,  
11 science, technology, or dual credit; and

12 (B) Signs a contract to complete a school year of full-time  
13 employment as a teacher at a Nebraska school in school year 2024-25,  
14 2025-26, or 2026-27.

15 (ii) A teacher shall only be eligible to receive one high-need  
16 retention grant.

17 Sec. 47. It is the intent of the Legislature to encourage  
18 individual schools and school districts to adopt policies incentivizing  
19 teacher recruitment and retention through policies similar to the  
20 Nebraska Teacher Recruitment and Retention Act. Teachers at schools not  
21 adopting a recruitment and retention policy shall not be prohibited from  
22 receiving a grant under the Nebraska Teacher Recruitment and Retention  
23 Act.

24 Sec. 48. It is the intent of the Legislature to use funds from the  
25 Education Future Fund to carry out the Nebraska Teacher Recruitment and  
26 Retention Act.

27 Sec. 49. The State Board of Education may adopt and promulgate  
28 rules and regulations to carry out the Nebraska Teacher Recruitment and  
29 Retention Act.

30 Sec. 50. The Nebraska Teacher Recruitment and Retention Act  
31 terminates on January 1, 2028.

1           Sec. 51. (1) For purposes of this section:

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

3           (b) Department means the State Department of Education; and

4           (c) Program means the Nebraska Paraprofessional to Teacher Program.

5           (2)(a) The department shall create and administer the Nebraska  
6 Paraprofessional to Teacher Program. The purpose of the program is to  
7 help recruit and increase the number of teachers throughout the state by  
8 utilizing individuals employed as a paraprofessional or paraeducator at a  
9 school in this state through an alternative paraprofessional  
10 certification process.

11           (b) The department may work with standard institutions of higher  
12 education as defined in section 79-807, the Department of Labor, and  
13 other entities the State Department of Education deems necessary to  
14 develop and implement the program.

15           (3) The program shall provide services and supports to assist  
16 paraprofessionals and paraeducators in this state in obtaining a  
17 certificate to teach through training opportunities and grants to  
18 paraprofessionals or paraeducators for educational expenses required to  
19 obtain a certificate to teach.

20           (4) Subject to available funds, beginning in fiscal year 2023-24, a  
21 paraprofessional or paraeducator in this state may apply to the  
22 department on a form and in a manner prescribed by the department for a  
23 grant to fund educational expenses related to training or education  
24 required to obtain a certificate to teach in this state. Such educational  
25 expenses shall include tuition, books, and other required materials for a  
26 class or training. A grant shall not exceed three thousand dollars. The  
27 department shall give priority to applications in order of filing.

28           (5) The Paraprofessional to Teacher Program Fund is created. The  
29 fund shall be administered by the department to carry out the program.  
30 The fund shall consist of money transferred by the Legislature and any  
31 gifts, grants, bequests, donations, or other contributions from public or

1 private sources. Any money in the fund available for investment shall be  
2 invested by the state investment officer pursuant to the Nebraska Capital  
3 Expansion Act and the Nebraska State Funds Investment Act.

4 (6) It is the intent of the Legislature to transfer one million  
5 dollars for fiscal year 2023-24 and each fiscal year thereafter from the  
6 Education Future Fund to the Paraprofessional to Teacher Program Fund for  
7 the purposes of carrying out the program.

8 (7) The board may adopt and promulgate rules and regulations to  
9 carry out the program.

10 Sec. 52. Section 9-812, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 9-812 (1) All money received from the operation of lottery games  
13 conducted pursuant to the State Lottery Act in Nebraska shall be credited  
14 to the State Lottery Operation Trust Fund, which fund is hereby created.  
15 All payments of the costs of establishing and maintaining the lottery  
16 games shall be made from the State Lottery Operation Cash Fund. In  
17 accordance with legislative appropriations, money for payments for  
18 expenses of the division shall be transferred from the State Lottery  
19 Operation Trust Fund to the State Lottery Operation Cash Fund, which fund  
20 is hereby created. All money necessary for the payment of lottery prizes  
21 shall be transferred from the State Lottery Operation Trust Fund to the  
22 State Lottery Prize Trust Fund, which fund is hereby created. The amount  
23 used for the payment of lottery prizes shall not be less than forty  
24 percent of the dollar amount of the lottery tickets which have been sold.

25 (2) A portion of the dollar amount of the lottery tickets which have  
26 been sold on an annualized basis shall be transferred from the State  
27 Lottery Operation Trust Fund ~~to the Education Innovation Fund, the~~  
28 ~~Nebraska Opportunity Grant Fund, the Nebraska Education Improvement Fund,~~  
29 ~~the Nebraska Environmental Trust Fund, the Nebraska State Fair Board, and~~  
30 ~~the Compulsive Gamblers Assistance Fund~~ as provided in subsection (3) of  
31 this section. The dollar amount transferred pursuant to this subsection

1 shall equal the greater of (a) the dollar amount transferred ~~to the funds~~  
2 in fiscal year 2002-03 or (b) any amount which constitutes at least  
3 twenty-two percent and no more than twenty-five percent of the dollar  
4 amount of the lottery tickets which have been sold on an annualized  
5 basis. To the extent that funds are available, the Tax Commissioner and  
6 director may authorize a transfer exceeding twenty-five percent of the  
7 dollar amount of the lottery tickets sold on an annualized basis.

8 (3) Of the money available to be transferred as provided in this  
9 subsection ~~to the Education Innovation Fund, the Nebraska Opportunity~~  
10 ~~Grant Fund, the Nebraska Education Improvement Fund, the Nebraska~~  
11 ~~Environmental Trust Fund, the Nebraska State Fair Board, and the~~  
12 ~~Compulsive Gamblers Assistance Fund:~~

13 (a) The first five hundred thousand dollars shall be transferred to  
14 the Compulsive Gamblers Assistance Fund to be used as provided in section  
15 9-1006;

16 (b) Forty-four ~~Beginning July 1, 2016, forty-four~~ and one-half  
17 percent of the money remaining after the payment of prizes and operating  
18 expenses and the initial transfer to the Compulsive Gamblers Assistance  
19 Fund shall be used for education and transferred pursuant to section 1 of  
20 this act ~~the Nebraska Education Improvement Fund;~~

21 (c) Forty-four and one-half percent of the money remaining after the  
22 payment of prizes and operating expenses and the initial transfer to the  
23 Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska  
24 Environmental Trust Fund to be used as provided in the Nebraska  
25 Environmental Trust Act;

26 (d) Ten percent of the money remaining after the payment of prizes  
27 and operating expenses and the initial transfer to the Compulsive  
28 Gamblers Assistance Fund shall be transferred to the Nebraska State Fair  
29 Board if the most populous city within the county in which the fair is  
30 located provides matching funds equivalent to ten percent of the funds  
31 available for transfer. Such matching funds may be obtained from the city

1 and any other private or public entity, except that no portion of such  
2 matching funds shall be provided by the state. If the Nebraska State Fair  
3 ceases operations, ten percent of the money remaining after the payment  
4 of prizes and operating expenses and the initial transfer to the  
5 Compulsive Gamblers Assistance Fund shall be transferred to the General  
6 Fund; and

7 (e) One percent of the money remaining after the payment of prizes  
8 and operating expenses and the initial transfer to the Compulsive  
9 Gamblers Assistance Fund shall be transferred to the Compulsive Gamblers  
10 Assistance Fund to be used as provided in section 9-1006.

11 ~~(4) The Nebraska Education Improvement Fund is created. The fund~~  
12 ~~shall consist of money transferred pursuant to subsection (3) of this~~  
13 ~~section, money transferred pursuant to section 85-1920, and any other~~  
14 ~~funds appropriated by the Legislature. The fund shall be allocated, after~~  
15 ~~actual and necessary administrative expenses, as provided in this section~~  
16 ~~for fiscal years 2016-17 through 2023-24. A portion of each allocation~~  
17 ~~may be retained by the agency to which the allocation is made or the~~  
18 ~~agency administering the fund to which the allocation is made for actual~~  
19 ~~and necessary expenses incurred by such agency for administration,~~  
20 ~~evaluation, and technical assistance related to the purposes of the~~  
21 ~~allocation, except that no amount of the allocation to the Nebraska~~  
22 ~~Opportunity Grant Fund may be used for such purposes. On or before~~  
23 ~~December 31, 2022, the Education Committee of the Legislature shall~~  
24 ~~electronically submit recommendations to the Clerk of the Legislature~~  
25 ~~regarding how the fund should be allocated to best advance the~~  
26 ~~educational priorities of the state for the five-year period beginning~~  
27 ~~with fiscal year 2024-25. For fiscal year 2016-17, an amount equal to ten~~  
28 ~~percent of the revenue allocated to the Education Innovation Fund and to~~  
29 ~~the Nebraska Opportunity Grant Fund for fiscal year 2015-16 shall be~~  
30 ~~retained in the Nebraska Education Improvement Fund.~~

31 ~~For fiscal years 2017-18 through 2023-24, an amount equal to ten~~

1 ~~percent of the revenue received by the Nebraska Education Improvement~~  
2 ~~Fund in the prior fiscal year shall be retained in the fund at all times~~  
3 ~~plus any interest earned during the current fiscal year.~~

4 ~~For fiscal years 2016-17 through 2023-24, the remainder of the fund~~  
5 ~~shall be allocated as follows:~~

6 ~~(a) One percent of the allocated funds to the Expanded Learning~~  
7 ~~Opportunity Grant Fund to carry out the Expanded Learning Opportunity~~  
8 ~~Grant Program Act;~~

9 ~~(b) Seventeen percent of the allocated funds to the Department of~~  
10 ~~Education Innovative Grant Fund to be used for competitive innovation~~  
11 ~~grants pursuant to section 79-1054;~~

12 ~~(c) Nine percent of the allocated funds to the Community College Gap~~  
13 ~~Assistance Program Fund to carry out the community college gap assistance~~  
14 ~~program;~~

15 ~~(d) Eight percent of the allocated funds to the Excellence in~~  
16 ~~Teaching Cash Fund to carry out the Excellence in Teaching Act;~~

17 ~~(e) Sixty two percent of the allocated funds to the Nebraska~~  
18 ~~Opportunity Grant Fund to carry out the Nebraska Opportunity Grant Act in~~  
19 ~~conjunction with appropriations from the General Fund; and~~

20 ~~(f) Three percent of the allocated funds to fund distance education~~  
21 ~~incentives pursuant to section 79-1337.~~

22 ~~(5)(a) On or before September 20, 2022, and on or before each~~  
23 ~~September 20 thereafter, (i) any department or agency receiving a~~  
24 ~~transfer or acting as the administrator for a fund receiving a transfer~~  
25 ~~pursuant to subsection (4) of this section, (ii) any recipient or~~  
26 ~~subsequent recipient of money from any such fund, and (iii) any service~~  
27 ~~contractor responsible for managing any portion of any such fund or any~~  
28 ~~money disbursed from any such fund on behalf of any entity shall prepare~~  
29 ~~and submit an annual report to the Auditor of Public Accounts in a manner~~  
30 ~~prescribed by the auditor for the immediately preceding July 1 through~~  
31 ~~June 30 fiscal year detailing information regarding the use of such fund~~

1 ~~of such money.~~

2 ~~(b) The Auditor of Public Accounts shall annually compile a summary~~  
3 ~~of the annual reports received pursuant to subdivision (5)(a) of this~~  
4 ~~section, any audits related to transfers pursuant to subsection (4) of~~  
5 ~~this section conducted by the Auditor of Public Accounts, and any~~  
6 ~~findings or recommendations related to such transfers into a consolidated~~  
7 ~~annual report and shall submit such consolidated annual report~~  
8 ~~electronically to the Legislature on or before January 1, 2023, and on or~~  
9 ~~before each January 1 thereafter.~~

10 ~~(c) For purposes of this subsection, recipient, subsequent~~  
11 ~~recipient, or service contractor means a nonprofit entity that expends~~  
12 ~~funds transferred pursuant to subsection (4) of this section to carry out~~  
13 ~~a state program or function, but does not include an individual who is a~~  
14 ~~direct beneficiary of such a program or function.~~

15 ~~(4) (6) Any money in the State Lottery Operation Trust Fund, the~~  
16 ~~State Lottery Operation Cash Fund, or the State Lottery Prize Trust Fund,~~  
17 ~~or the Nebraska Education Improvement Fund available for investment shall~~  
18 ~~be invested by the state investment officer pursuant to the Nebraska~~  
19 ~~Capital Expansion Act and the Nebraska State Funds Investment Act.~~

20 ~~(5) (7) Unclaimed prize money on a winning lottery ticket shall be~~  
21 ~~retained for a period of time prescribed by rules and regulations. If no~~  
22 ~~claim is made within such period, the prize money shall be used at the~~  
23 ~~discretion of the Tax Commissioner for any of the purposes prescribed in~~  
24 ~~this section.~~

25 Sec. 53. Section 9-836.01, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 9-836.01 The division may endorse and sell for profit tangible  
28 personal property related to the lottery. Any money received as profit by  
29 the division pursuant to this section shall be remitted to the State  
30 Treasurer for credit to the State Lottery Operation Trust Fund to be  
31 distributed ~~to the Nebraska Opportunity Grant Fund, the Nebraska~~

1 ~~Education Improvement Fund, the Nebraska Environmental Trust Fund, and~~  
2 ~~the Compulsive Gamblers Assistance Fund~~ pursuant to the requirements of  
3 section 9-812.

4 Sec. 54. Section 79-101, Revised Statutes Cumulative Supplement,  
5 2022, is amended to read:

6 79-101 For purposes of Chapter 79:

7 (1) School district means the territory under the jurisdiction of a  
8 single school board authorized by Chapter 79;

9 (2) School means a school under the jurisdiction of a school board  
10 authorized by Chapter 79;

11 (3) Legal voter means a registered voter as defined in section  
12 32-115 who is domiciled in a precinct or ward in which he or she is  
13 registered to vote and which precinct or ward lies in whole or in part  
14 within the boundaries of a school district for which the registered voter  
15 chooses to exercise his or her right to vote at a school district  
16 election;

17 (4) Prekindergarten programs means all early childhood programs  
18 provided for children who have not reached the age of five by the date  
19 provided in section 79-214 for kindergarten entrance;

20 (5) Elementary grades means grades kindergarten through eight,  
21 inclusive;

22 (6) High school grades means all grades above the eighth grade;

23 (7) School year means (a) for elementary grades other than  
24 kindergarten, the time equivalent to at least one thousand thirty-two  
25 instructional hours and (b) for high school grades, the time equivalent  
26 to at least one thousand eighty instructional hours;

27 (8) Instructional hour means a period of time, at least sixty  
28 minutes, which is actually used for the instruction of students;

29 (9) Teacher means any certified employee who is regularly employed  
30 for the instruction of pupils in the public schools;

31 (10) Administrator means any certified employee such as



1 superintendent, assistant superintendent, principal, assistant principal,  
2 school nurse, or other supervisory or administrative personnel who do not  
3 have as a primary duty the instruction of pupils in the public schools;

4 (11) School board means the governing body of any school district.  
5 Board of education has the same meaning as school board;

6 (12) Teach means and includes, but is not limited to, the following  
7 responsibilities: (a) The organization and management of the classroom or  
8 the physical area in which the learning experiences of pupils take place;  
9 (b) the assessment and diagnosis of the individual educational needs of  
10 the pupils; (c) the planning, selecting, organizing, prescribing, and  
11 directing of the learning experiences of pupils; (d) the planning of  
12 teaching strategies and the selection of available materials and  
13 equipment to be used; and (e) the evaluation and reporting of student  
14 progress;

15 (13) Permanent school fund means the fund described in section  
16 79-1035.01;

17 (14) Temporary school fund means the fund described in section  
18 79-1035.02;

19 (15) School lands means the lands described in section 79-1035.03.  
20 Educational lands has the same meaning as school lands;

21 (16) Community eligibility provision means the alternative to  
22 household applications for free and reduced-price meals in high-poverty  
23 schools enacted in section 104(a) of the federal Healthy, Hunger-Free  
24 Kids Act of 2010, section 11(a)(1) of the Richard B. Russell National  
25 School Lunch Act, 42 U.S.C. 1759a(a)(1), as such act and section existed  
26 on January 1, 2015, and administered by the United States Department of  
27 Agriculture; and

28 (17) Certificate, certificated, or certified, when referring to an  
29 individual holding a certificate to teach, administer, or provide special  
30 services, also includes an individual who holds a permit issued by the  
31 Commissioner of Education pursuant to sections 79-806 to 79-815 or an

1 alternative certificate to teach issued pursuant to section 74 of this  
2 act.

3 The State Board of Education may adopt and promulgate rules and  
4 regulations to define school day and other appropriate units of the  
5 school calendar.

6 Sec. 55. Section 79-238, Revised Statutes Cumulative Supplement,  
7 2022, is amended to read:

8 79-238 (1)(a) (1) Except as provided in this section and sections  
9 79-235.01 and 79-240, the school board of the option school district  
10 shall adopt by resolution specific capacity standards for acceptance and  
11 rejection of applications ~~and for providing transportation for option~~  
12 ~~students.~~

13 (b) Capacity for special education services operated by an option  
14 school district shall be determined on a case-by-case basis. If an  
15 application for option enrollment received by a school district indicates  
16 that the student has an individualized education program under the  
17 federal Individuals with Disabilities Education Act, 20 U.S.C. 1400 et  
18 seq., or has been diagnosed with a disability as defined in section  
19 79-118.01, such application shall be evaluated by the director of special  
20 education services of the school district or the director's designee who  
21 shall determine if the school district and the appropriate class, grade  
22 level, or school building in such school district has the capacity to  
23 provide the applicant the appropriate services and accommodations.

24 (c) For all other students, standards ~~Standards~~ may include the  
25 capacity of a program, class, grade level, or school building ~~or the~~  
26 ~~availability of appropriate special education programs operated by the~~  
27 ~~option school district. Capacity For a school district that is not a~~  
28 ~~member of a learning community, capacity~~ shall be determined by setting a  
29 maximum number of option students that a district will accept in any  
30 program, class, grade level, or school building, based upon available  
31 staff, facilities, projected enrollment of resident students, and

1 projected number of students with which the option school district will  
2 contract based on existing contractual arrangements, ~~and availability of~~  
3 ~~appropriate special education programs.~~

4 (d) To facilitate option enrollment ~~within a learning community,~~  
5 ~~member~~ school districts shall annually (a) establish, publish, and report  
6 the a maximum capacity for each school building under such district's  
7 control pursuant to procedures, criteria, and deadlines established by  
8 the State Department of Education learning community coordinating council  
9 ~~and (b) provide a copy of the standards for acceptance and rejection of~~  
10 ~~applications and transportation policies for option students to the~~  
11 ~~learning community coordinating council.~~ Except as otherwise provided in  
12 this section, a the school board of the option school district may by  
13 resolution, prior to October 15 of each school year, declare a program, a  
14 class, or a school unavailable to option students for the next school  
15 year due to lack of capacity. Standards shall not include previous  
16 academic achievement, athletic or other extracurricular ability,  
17 disabilities, proficiency in the English language, or previous  
18 disciplinary proceedings except as provided in section 79-266.01. False  
19 or substantively misleading information submitted by a parent or guardian  
20 on an application to an option school district may be cause for the  
21 option school district to reject a previously accepted application if the  
22 rejection occurs prior to the student's attendance as an option student.

23 (2) The school board of every school district shall also adopt  
24 specific standards and conditions for acceptance or rejection of a  
25 request for release of a resident or option student submitting an  
26 application to an option school district after March 15 under subsection  
27 (1) of section 79-237. Standards shall not include that a request  
28 occurred after the deadline set forth in this subsection.

29 (3) Any option school district that is not a member of a learning  
30 community shall give first priority for enrollment to siblings of option  
31 students, except that the option school district shall not be required to

1 accept the sibling of an option student if the district is at capacity  
2 except as provided in subsection (1) of section 79-240.

3 (4) Any option school district that is in a learning community shall  
4 give first priority for enrollment to siblings of option students  
5 enrolled in the option school district, second priority for enrollment to  
6 students who have previously been enrolled in the option school district  
7 as an open enrollment student, third priority for enrollment to students  
8 who reside in the learning community and who contribute to the  
9 socioeconomic diversity of enrollment at the school building to which the  
10 student will be assigned pursuant to section 79-235, and final priority  
11 for enrollment to other students who reside in the learning community.  
12 The option school district shall not be required to accept a student  
13 meeting the priority criteria in this section if the district is at  
14 capacity as determined pursuant to subsection (1) of this section except  
15 as provided in section 79-235.01 or 79-240. For purposes of the  
16 enrollment option program, a student who contributes to the socioeconomic  
17 diversity of enrollment at a school building within a learning community  
18 means (a) a student who does not qualify for free or reduced-price  
19 lunches when, based upon the certification pursuant to section 79-2120,  
20 the school building the student will be assigned to attend either has  
21 more students qualifying for free or reduced-price lunches than the  
22 average percentage of such students in all school buildings in the  
23 learning community or provides free meals to all students pursuant to the  
24 community eligibility provision or (b) a student who qualifies for free  
25 or reduced-price lunches based on information collected voluntarily from  
26 parents and guardians pursuant to section 79-237 when, based upon the  
27 certification pursuant to section 79-2120, the school building the  
28 student will be assigned to attend has fewer students qualifying for free  
29 or reduced-price lunches than the average percentage of such students in  
30 all school buildings in the learning community and does not provide free  
31 meals to all students pursuant to the community eligibility provision.

1           Sec. 56. Section 79-239, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           79-239   (1) If an application is rejected by the option school  
4 district or if the resident school district rejects a request for release  
5 under subsection (1) of section 79-237, the rejecting school district  
6 shall provide written notification to the parent or guardian stating (a)  
7 the specific reasons for the rejection including, for students with an  
8 individualized education program under the federal Individuals with  
9 Disabilities Education Act, 20 U.S.C. 1400 et seq., or with a diagnosed  
10 disability as defined in section 79-1118.01, a description of services  
11 and accommodations required that the school district does not have the  
12 capacity to provide, and (b) the process for appealing such rejection to  
13 the State Board of Education. Such notification shall be sent by  
14 certified mail.

15           (2) The parent or legal guardian may appeal a rejection to the State  
16 Board of Education by filing a written request, together with a copy of  
17 the rejection notice, with the State Board of Education. Such request and  
18 copy of the notice must be received by the board within thirty days after  
19 the date the notification of the rejection was received by the parent or  
20 legal guardian. Such hearing shall be held in accordance with the  
21 Administrative Procedure Act and shall determine whether the procedures  
22 of sections 79-234 to 79-241 have been followed.

23           (3)(a) Beginning July 1, 2024, and on or before July 1 of each year  
24 thereafter, each school district shall provide to the State Department of  
25 Education, on forms prescribed by the department, information relating to  
26 all applications rejected by the option school district. Such information  
27 shall include, but not be limited to, (a) the number of applications  
28 rejected in each public school in such district, (b) an explanation why  
29 each application was rejected, (c) whether each application for option  
30 enrollment indicated that the student had an individualized education  
31 program under the federal Individuals with Disabilities Education Act, 20

1 U.S.C. 1400 et seq., or had been diagnosed with a disability as defined  
2 in section 79-118.01, and (d) whether information regarding the  
3 requirements of subsection (4) of section 79-238 was provided to the  
4 applicant.

5 (b) The State Department of Education shall annually compile the  
6 information received pursuant to this subsection and provide a report on  
7 such information electronically to the Legislature beginning on September  
8 1, 2024, and on or before September 1 of each year thereafter. The State  
9 Board of Education may adopt and promulgate rules and regulations to  
10 carry out this subsection.

11 Sec. 57. Section 79-244, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 79-244 The enrollment option program does not preclude a school  
14 district from contracting with other school districts, educational  
15 service units, or other state-approved entities for the provision of  
16 services. ~~A child with a disability receiving services from another~~  
17 ~~district pursuant to contract due to lack of appropriate programming in~~  
18 ~~his or her resident school district is not eligible to transfer as an~~  
19 ~~option student into the district currently providing services but is~~  
20 ~~eligible to transfer as an option student into any other district which~~  
21 ~~accepts option students and has an appropriate program.~~

22 Sec. 58. Section 79-254, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 79-254 Sections 79-254 to 79-294 and sections 59 and 60 of this act  
25 shall be known and may be cited as the Student Discipline Act.

26 Sec. 59. (1) On or before July 1, 2025, the State Department of  
27 Education shall develop and adopt a model policy relating to behavioral  
28 intervention, behavioral management, classroom management, and removal of  
29 a student from a classroom in school. The model policy shall include  
30 appropriate training for school employees on behavioral intervention,  
31 behavioral management, classroom management, and removal of a student

1 from a classroom in schools and how frequently such training shall be  
2 required.

3 (2) On or before August 1, 2025, each school district shall develop  
4 and adopt a policy consistent with or comparable to the model policy  
5 developed by the State Department of Education pursuant to subsection (1)  
6 of this section, which shall be a requirement for accreditation in  
7 accordance with section 79-703. Such policy shall be filed with the  
8 Commissioner of Education. The policy developed and adopted by a school  
9 district pursuant to this subsection shall be included with any  
10 notifications required under the Student Discipline Act.

11 (3)(a) Beginning in school year 2026-27, each school district shall  
12 ensure that any school employee who has behavioral management  
13 responsibilities participates in behavioral awareness and intervention  
14 training consistent with the school district policy developed and adopted  
15 in accordance with subsection (2) of this section. Such training shall be  
16 provided by the school district or such school district's educational  
17 service unit.

18 (b) Each school district shall, either independently, or through the  
19 educational service unit of which such school district is a member,  
20 develop and provide behavioral awareness and intervention training to  
21 employees from such school who have behavioral management  
22 responsibilities. If such training is provided by the educational service  
23 unit, such training shall be available to any educational service unit  
24 employee and any member school district employee that works in a school  
25 and has behavioral management responsibilities. Such training shall be  
26 consistent with the model policy developed by the State Department of  
27 Education pursuant to subsection (1) of this section.

28 (4) The State Board of Education may adopt and promulgate rules and  
29 regulations to carry out this section.

30 Sec. 60. (1) Except as provided in subsection (2) of this section,  
31 an elementary school shall not suspend a student in pre-kindergarten

1 through second grade. Each school district shall develop a policy to  
2 implement this section which shall include disciplinary measures inside  
3 the school as an alternative to suspension.

4 (2) An elementary school may suspend a student in pre-kindergarten  
5 through second grade if such student brings a deadly weapon as defined in  
6 section 28-109 on school grounds, in a vehicle owned, leased, or  
7 contracted by a school being used for a school purpose or in a vehicle  
8 being driven for a school purpose by a school employee or his or her  
9 designee, or at a school-sponsored activity or athletic event.

10 Sec. 61. Section 79-263, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 79-263 (1) Except as provided in section 60 of this act, each Each  
13 school district shall adopt a policy requiring the expulsion from school  
14 for a period of not less than one year of any student who is determined  
15 to have knowingly and intentionally possessed, used, or transmitted a  
16 firearm on school grounds, in a vehicle owned, leased, or contracted by a  
17 school being used for a school purpose or in a vehicle being driven for a  
18 school purpose by a school employee or his or her designee, or at a  
19 school-sponsored activity or athletic event. For purposes of this  
20 section, firearm means a firearm as defined in 18 U.S.C. 921. The policy  
21 shall authorize the superintendent or the school board or board of  
22 education to modify the expulsion requirement on an individual basis.

23 (2) Each school district shall provide annually to the State  
24 Department of Education:

25 (a) An assurance that the school district has in effect the policy  
26 required by subsection (1) of this section; and

27 (b) A description of the circumstances surrounding any expulsions  
28 imposed under the policy required by subsection (1) of this section,  
29 including:

30 (i) The name of the school concerned;

31 (ii) The number of students expelled from the school; and



1 (iii) The types of weapons concerned.

2 Sec. 62. Section 79-265, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 79-265 (1) Except as provided in section 60 of this act, the The  
5 principal may deny any student the right to attend school or to take part  
6 in any school function for a period of up to five school days on the  
7 following grounds:

8 (a) Conduct constituting grounds for expulsion as set out in the  
9 Student Discipline Act; or

10 (b) Any other violation of rules and standards of behavior adopted  
11 under the act.

12 (2) Such short-term suspension shall be made only after the  
13 principal has made an investigation of the alleged conduct or violation  
14 and has determined that such suspension is necessary to help any student,  
15 to further school purposes, or to prevent an interference with school  
16 purposes.

17 (3) Before such short-term suspension takes effect, the student  
18 shall be given oral or written notice of the charges against him or her,  
19 an explanation of the evidence the authorities have, and an opportunity  
20 to present his or her version.

21 (4) Within twenty-four hours or such additional time as is  
22 reasonably necessary following such suspension, the principal shall send  
23 a written statement to the student and his or her parent or guardian  
24 describing the student's conduct, misconduct, or violation of the rule or  
25 standard and the reasons for the action taken. The principal shall make a  
26 reasonable effort to hold a conference with the parent or guardian before  
27 or at the time the student returns to school.

28 (5) Any student who is suspended pursuant to this section may be  
29 given an opportunity to complete any classwork, including, but not  
30 limited to, examinations, missed during the period of suspension. Each  
31 public school district shall develop and adopt guidelines stating the

1 criteria school officials shall use in determining whether and to what  
2 extent such opportunity for completion will be granted to suspended  
3 students. The guidelines shall be provided to the student and parent or  
4 guardian at the time of suspension.

5 Sec. 63. Section 79-267, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 79-267 Except as provided in section 60 of this act, the The  
8 following student conduct shall constitute grounds for long-term  
9 suspension, expulsion, or mandatory reassignment, subject to the  
10 procedural provisions of the Student Discipline Act, when such activity  
11 occurs on school grounds, in a vehicle owned, leased, or contracted by a  
12 school being used for a school purpose or in a vehicle being driven for a  
13 school purpose by a school employee or by his or her designee, or at a  
14 school-sponsored activity or athletic event:

15 (1) Use of violence, force, coercion, threat, intimidation, or  
16 similar conduct in a manner that constitutes a substantial interference  
17 with school purposes;

18 (2) Willfully causing or attempting to cause substantial damage to  
19 property, stealing or attempting to steal property of substantial value,  
20 or repeated damage or theft involving property;

21 (3) Causing or attempting to cause personal injury to a school  
22 employee, to a school volunteer, or to any student. Personal injury  
23 caused by accident, self-defense, or other action undertaken on the  
24 reasonable belief that it was necessary to protect some other person  
25 shall not constitute a violation of this subdivision;

26 (4) Threatening or intimidating any student for the purpose of or  
27 with the intent of obtaining money or anything of value from such  
28 student;

29 (5) Knowingly possessing, handling, or transmitting any object or  
30 material that is ordinarily or generally considered a weapon;

31 (6) Engaging in the unlawful possession, selling, dispensing, or use

1 of a controlled substance or an imitation controlled substance, as  
2 defined in section 28-401, a substance represented to be a controlled  
3 substance, or alcoholic liquor as defined in section 53-103.02 or being  
4 under the influence of a controlled substance or alcoholic liquor;

5 (7) Public indecency as defined in section 28-806, except that this  
6 subdivision shall apply only to students at least twelve years of age but  
7 less than nineteen years of age;

8 (8) Engaging in bullying as defined in section 79-2,137;

9 (9) Sexually assaulting or attempting to sexually assault any person  
10 if a complaint has been filed by a prosecutor in a court of competent  
11 jurisdiction alleging that the student has sexually assaulted or  
12 attempted to sexually assault any person, including sexual assaults or  
13 attempted sexual assaults which occur off school grounds not at a school  
14 function, activity, or event. For purposes of this subdivision, sexual  
15 assault means sexual assault in the first degree as defined in section  
16 28-319, sexual assault in the second degree as defined in section 28-320,  
17 sexual assault of a child in the second or third degree as defined in  
18 section 28-320.01, or sexual assault of a child in the first degree as  
19 defined in section 28-319.01, as such sections now provide or may  
20 hereafter from time to time be amended;

21 (10) Engaging in any other activity forbidden by the laws of the  
22 State of Nebraska which activity constitutes a danger to other students  
23 or interferes with school purposes; or

24 (11) A repeated violation of any rules and standards validly  
25 established pursuant to section 79-262 if such violations constitute a  
26 substantial interference with school purposes.

27 It is the intent of the Legislature that alternatives to suspension  
28 or expulsion be imposed against a student who is truant, tardy, or  
29 otherwise absent from required school activities.

30 Sec. 64. Section 79-2,136, Revised Statutes Cumulative Supplement,  
31 2022, is amended to read:

1           79-2,136 (1) Each school board shall allow the part-time enrollment  
2 of students, for all courses selected by the students, who are residents  
3 of the school district pursuant to subsections (1) and (2) of section  
4 79-215 and who are also enrolled in a private, denominational, or  
5 parochial school or in a school which elects pursuant to section 79-1601  
6 not to meet accreditation or approval requirements and shall establish  
7 policies and procedures for such part-time enrollment. Such policies and  
8 procedures may include provisions permitting the part-time enrollment of  
9 such students who are not residents of such school districts to the  
10 extent permitted pursuant to section 79-215 and may require part-time  
11 students to follow school policies that apply to other students at any  
12 time the part-time student is present on school grounds or at a school-  
13 sponsored activity or athletic event. Part-time enrollment shall not  
14 entitle a student to transportation or transportation reimbursements  
15 pursuant to section 79-611. ~~Nothing in this section shall be construed to~~  
16 ~~exempt any student from the compulsory attendance provisions of sections~~  
17 ~~79-201 to 79-207.~~

18           (2) Each school board shall establish policies and procedures to  
19 allow any student who is a resident of the school district pursuant to  
20 subsection (1) or (2) of section 79-215 and who is enrolled in a school  
21 which elects pursuant to section 79-1601 not to meet accreditation or  
22 approval requirements to participate in any extracurricular activities as  
23 defined in section 79-2,126, including, but not limited to, interschool  
24 competitions, to the same extent and subject to the same requirements,  
25 conditions, and procedures as a student enrolled in a public school  
26 governed by such board, except that any school which elects pursuant to  
27 section 79-1601 not to meet accreditation or approval requirements shall  
28 set the standards for satisfactory academic performance for a student  
29 from the school to participate in extracurricular activities pursuant to  
30 this subsection and shall provide assurances of compliance with such  
31 academic standards.

1       (3) School board policies and procedures adopted pursuant to  
2 subsection (2) of this section (a) shall require any student  
3 participating in extracurricular activities pursuant to such subsection  
4 to be enrolled in no more and no less than five credit hours offered by  
5 the school district in any semester, (b) shall not allow any preference  
6 in the selection of a student for participation in an extracurricular  
7 activity based on such student's status as a full-time student in the  
8 school district, and (c) may require any student participating in  
9 extracurricular activities pursuant to such subsection to follow school  
10 policies that apply to other students when present on school grounds or  
11 at a school-sponsored activity or athletic event. Participation in  
12 extracurricular activities pursuant to subsection (2) of this section  
13 shall not entitle a student to transportation, except to and from  
14 practices and events to the same extent as public school students  
15 participating in such activities, or transportation reimbursement  
16 pursuant to section 79-611.

17       (4) Nothing in this section shall be construed to exempt any student  
18 from the compulsory attendance provisions of sections 79-201 to 79-210.

19       Sec. 65. Section 79-703, Revised Statutes Cumulative Supplement,  
20 2022, is amended to read:

21       79-703 (1) To ensure both equality of opportunity and quality of  
22 programs offered, all public schools in the state shall be required to  
23 meet quality and performance-based approval or accreditation standards as  
24 prescribed by the State Board of Education. Beginning August 1, 2025,  
25 accreditation standards shall require each school district to develop and  
26 adopt a policy relating to behavioral intervention, behavioral  
27 management, classroom management, and removal of a student from a  
28 classroom in accordance with section 59 of this act. The board shall  
29 establish a core curriculum standard, which shall include multicultural  
30 education and vocational education courses, for all public schools in the  
31 state. Accreditation and approval standards shall be designed to assure

1 effective schooling and quality of instructional programs regardless of  
2 school size, wealth, or geographic location. Accreditation standards for  
3 school districts that are members of a learning community shall include  
4 participation in the community achievement plan for the learning  
5 community as approved by the board. Accreditation standards for education  
6 programs in state institutions under the supervision of the Department of  
7 Health and Human Services that house juveniles shall include an annual  
8 report to the State Board of Education by the superintendent of  
9 institutional schools. The board shall recognize and encourage the  
10 maximum use of cooperative programs and may provide for approval or  
11 accreditation of programs on a cooperative basis, including the sharing  
12 of administrative and instructional staff, between school districts for  
13 the purpose of meeting the approval and accreditation requirements  
14 established pursuant to this section and section 79-318.

15 (2) The Commissioner of Education shall appoint an accreditation  
16 committee which shall be representative of the educational institutions  
17 and agencies of the state and shall include as a member the director of  
18 admissions of the University of Nebraska.

19 (3) The accreditation committee shall be responsible for: (a)  
20 Recommending appropriate standards and policies with respect to the  
21 accreditation and classification of schools; and (b) making  
22 recommendations annually to the commissioner relative to the  
23 accreditation and classification of individual schools. No school shall  
24 be considered for accreditation status which has not first fulfilled all  
25 requirements for an approved school.

26 (4) All public schools in the state, including, but not limited to,  
27 schools operated by school districts and education programs in state  
28 institutions under the supervision of the Department of Health and Human  
29 Services that house juveniles, shall be accredited.

30 (5) It is the intent of the Legislature that all public school  
31 students shall have access to all educational services required of

1 accredited schools. Such services may be provided through cooperative  
2 programs or alternative methods of delivery.

3 Sec. 66. Section 79-729, Revised Statutes Cumulative Supplement,  
4 2022, is amended to read:

5 79-729 (1) The Legislature recognizes the importance of assuring  
6 that all persons who graduate from Nebraska high schools possess certain  
7 minimum levels of knowledge, skills, and understanding. Each high school  
8 student shall complete a minimum of two hundred high school credit hours  
9 prior to graduation. At least eighty percent of the minimum credit hours  
10 shall be core curriculum courses prescribed by the State Board of  
11 Education.

12 (2) For students attending a public school:  $\tau$

13 (a) ~~Beginning~~ beginning in school year 2023-24, at least five of the  
14 minimum credit hours shall be a high school course in personal finance or  
15 financial literacy;  $\tau$  and

16 (b) ~~Beginning~~ beginning in school year ~~2027-28~~ 2026-27, at least  
17 five of the minimum credit hours shall ~~include~~ be a high school course or  
18 ~~the equivalent of a one-semester high school course in~~ computer science  
19 and technology education as required under section 79-3304.

20 (3) The State Board of Education may establish recommended statewide  
21 graduation guidelines. This section does not apply to high school  
22 students whose individualized education programs prescribe a different  
23 course of instruction. This section does not prohibit the governing board  
24 of any high school from prescribing specific graduation guidelines as  
25 long as such guidelines do not conflict with this section. For purposes  
26 of this section, high school means grades nine through twelve and credit  
27 hour shall be defined by appropriate rules and regulations of the State  
28 Board of Education but shall not be less than the amount of credit given  
29 for successful completion of a course which meets at least one period per  
30 week for at least one semester.

31 Sec. 67. Section 79-734, Revised Statutes Cumulative Supplement,

1 2022, is amended to read:

2 79-734 (1)(a) ~~(1)~~ School boards and boards of education of all  
3 classes of school districts shall purchase all textbooks, equipment, and  
4 supplies necessary for the schools of such district. The duty to make  
5 such purchases may be delegated to employees of the school district.

6 (b) ~~(2)~~ School boards and boards of education shall purchase and  
7 loan textbooks to all children who are enrolled in kindergarten to grade  
8 twelve of a public school, ~~and,~~

9 (c) School boards and boards of education may adopt rules to carry  
10 out this subsection.

11 (2)(a) Through June 30, 2024, school boards and boards of education  
12 shall purchase and loan textbooks, upon individual request, to children  
13 who are enrolled in kindergarten to grade twelve of a private school  
14 which is approved for continued legal operation under rules and  
15 regulations established by the State Board of Education pursuant to  
16 subdivision (5)(c) of section 79-318. The Legislature may appropriate  
17 funds to carry out the provisions of this subdivision ~~subsection~~. A  
18 school district is not obligated to spend any money for the purchase and  
19 loan of textbooks to children enrolled in private schools other than  
20 funds specifically appropriated by the Legislature to be distributed by  
21 the State Department of Education for the purpose of purchasing and  
22 loaning textbooks as provided in this subdivision ~~subsection~~. Textbooks  
23 loaned to children enrolled in kindergarten to grade twelve of such  
24 private schools shall be textbooks which are designated for use in the  
25 public schools of the school district in which the child resides or the  
26 school district in which the private school the child attends is located.  
27 Such textbooks shall be loaned free to such children subject to such  
28 rules and regulations as are or may be prescribed by such school boards  
29 or boards of education. The State Department of Education shall adopt and  
30 promulgate rules and regulations to carry out this subdivision ~~section~~.  
31 The rules and regulations shall include provisions for the distribution



1 of funds appropriated for textbooks. The rules and regulations shall  
2 include a deadline for applications from school districts for  
3 distribution of funds. If funds are not appropriated to cover the entire  
4 cost of applications, a pro rata reduction shall be made.—It is the  
5 intent of the Legislature that on or before October 1, 2016, the  
6 department provide to the Education Committee of the Legislature  
7 recommended changes to this subsection that reflect advances in  
8 technology and educational content for students.

9 (b) Beginning on July 1, 2024, the State Department of Education  
10 shall purchase and loan textbooks, upon individual request, to children  
11 who are enrolled in kindergarten to grade twelve of a private school  
12 which is approved for continued legal operation under rules and  
13 regulations established by the State Board of Education pursuant to  
14 subdivision (5)(c) of section 79-318. The Legislature may appropriate  
15 funds to carry out this subdivision. The State Department of Education is  
16 not obligated to spend any money for the purchase and loan of textbooks  
17 to children enrolled in private schools other than funds specifically  
18 appropriated by the Legislature. The State Department of Education may  
19 utilize up to five percent of the appropriated funds to administer this  
20 subdivision. The State Department of Education may contract with a third-  
21 party vendor to assist in carrying out this subdivision. The State Board  
22 of Education may adopt and promulgate rules and regulations to carry out  
23 this subdivision. The rules and regulations shall include a formula or  
24 standard for determining a cost-per-child allocation of funding based on  
25 the Legislature's appropriation of funding. The rules and regulations  
26 shall allow a designated agent, which may include a private school, to  
27 assist the parents or guardians of a child in the request and acquisition  
28 of textbooks pursuant to this subdivision. It is the intent of the  
29 Legislature that on or before October 1, 2028, and every five years  
30 thereafter, the State Department of Education shall electronically  
31 provide to the Education Committee of the Legislature recommended changes

1 to this subdivision that reflect advances in technology and educational  
2 content for students.

3 (3) For purposes of this section, textbook means any instructional  
4 material, including digital, electronic, or online resources, that is  
5 designated for use by an individual student in classroom instruction as  
6 the principal source of study material.

7 Sec. 68. Section 79-760.01, Revised Statutes Cumulative Supplement,  
8 2022, is amended to read:

9 79-760.01 (1) The State Board of Education shall adopt measurable  
10 academic content standards for at least the grade levels required for  
11 statewide assessment pursuant to section 79-760.03. The standards shall  
12 cover the subject areas of reading, writing, mathematics, science, and  
13 social studies.

14 (2)(a) The board shall also adopt measurable academic content  
15 standards for the following as part of the social studies standards:

16 (i) Financial literacy; and

17 (ii) Education on the Holocaust and other acts of genocide as  
18 recognized by the Congress of the United States or the United Nations as  
19 of January 1, 2022.

20 (b) On or before March 1, 2024, the The board shall also adopt  
21 measurable academic content standards for computer science and technology  
22 education under the mathematics, science, or career and technical  
23 education standards.

24 (3) Academic content standards adopted or recommended pursuant to  
25 this section shall be sufficiently clear and measurable to be used for  
26 testing student performance with respect to mastery of the content  
27 described in the state standards.

28 (4) The State Board of Education shall develop a plan to review and  
29 update standards for each subject area every seven years. The state board  
30 plan shall include a review of commonly accepted standards adopted by  
31 school districts.

1           Sec. 69. Section 79-806, Revised Statutes Cumulative Supplement,  
2   2022, is amended to read:

3           79-806 (1) The Legislature finds that and ~~declares: (a) That~~ there  
4   is an educator workforce shortage in this state and that efforts need to  
5   be made to recruit, prepare, retain, and support the teaching profession  
6   while maintaining high-quality educators in our classrooms around the  
7   state. ~~;~~

8           ~~(b) That the pool of qualified individuals for the teaching~~  
9   ~~profession has been reduced statewide, in part, due to requirements in~~  
10 ~~place as of July 21, 2022, for applicants to prove proficiency in basic~~  
11 ~~skills competency by passing a prescribed examination in reading,~~  
12 ~~writing, and mathematics before being accepted into a teacher education~~  
13 ~~program of a standard institution of higher education approved by the~~  
14 ~~State Board of Education pursuant to subdivision (5)(g) of section 79-318~~  
15 ~~or issued any certificate under sections 79-806 to 79-815 and the rules~~  
16 ~~and regulations adopted and promulgated by the board pursuant to such~~  
17 ~~sections as of July 21, 2022;~~

18           ~~(c) That candidates for certification should possess academic~~  
19 ~~competency to teach effectively and that multiple measures can~~  
20 ~~proficiently demonstrate such competency. A demonstration of basic skills~~  
21 ~~competency should not be based solely on a single assessment high-stakes~~  
22 ~~examination because such an examination does not accurately portray a~~  
23 ~~teacher candidate's general knowledge in mathematics, reading, and~~  
24 ~~writing when measured within such a testing environment; and~~

25           ~~(d) That candidates for certification, including candidates coming~~  
26 ~~to Nebraska from other states, should be able to use a portfolio of~~  
27 ~~options to demonstrate basic skills competency, such as coursework taken~~  
28 ~~to satisfy college degree requirements and college admissions~~  
29 ~~examinations.~~

30           (2) The ~~Therefore,~~ it is declared to be the purpose of sections  
31 79-806 to 79-815 is to provide more flexibility in the certification of

1 qualified educators for Nebraska schools and not to decrease any  
2 requirements for certificates to teach, provide special services, and  
3 administer in Nebraska schools.

4 Sec. 70. Section 79-807, Revised Statutes Cumulative Supplement,  
5 2022, is amended to read:

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

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

14 ~~(1) (2) Board means the State Board of Education;~~

15 ~~(2) (3) Certificate means an authorization issued by the~~  
16 ~~commissioner to an individual who meets the qualifications to engage in~~  
17 ~~teaching, providing special services, or administering in prekindergarten~~  
18 ~~through grade twelve in the elementary and secondary schools in this~~  
19 ~~state;~~

20 ~~(3) (4) Commissioner means the Commissioner of Education;~~

21 ~~(4) (5) Department means the State Department of Education;~~

22 ~~(5) (6) Human relations training means course work or employment~~  
23 ~~experiences that lead to (a) an awareness and understanding of the~~  
24 ~~values, lifestyles, contributions, and history of a pluralistic society,~~  
25 ~~(b) the ability to recognize and deal with dehumanizing biases,~~  
26 ~~including, but not limited to, sexism, racism, prejudice, and~~  
27 ~~discrimination, and an awareness of the impact such biases have on~~  
28 ~~interpersonal relations, (c) the ability to translate knowledge of human~~  
29 ~~relations into attitudes, skills, and techniques which result in~~  
30 ~~favorable experiences for students, (d) the ability to recognize the ways~~  
31 ~~in which dehumanizing biases may be reflected in instructional materials,~~

1 (e) respect for human dignity and individual rights, and (f) the ability  
2 to relate effectively to other individuals and to groups in a pluralistic  
3 society other than the applicant's own;

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

14 (7) ~~(8)~~ Special services means supportive services provided to  
15 students that do not primarily involve teaching, including, but not  
16 limited to, (a) audiology, psychology, and physical or occupational  
17 therapy, (b) the coaching of extracurricular activities, and (c) subject  
18 areas for which endorsement programs are not offered by a standard  
19 institution of higher education; and

20 (8) ~~(9)~~ Standard institution of higher education means any college  
21 or university, the teacher education programs of which are fully approved  
22 by the board or approved in another state pursuant to standards which are  
23 comparable and equivalent to those set by the board.

24 Sec. 71. Section 79-808, Revised Statutes Cumulative Supplement,  
25 2022, is amended to read:

26 79-808 (1) The board shall establish, adopt, and promulgate  
27 appropriate rules, regulations, and procedures governing the issuance,  
28 renewal, conversion, suspension, and revocation of certificates and  
29 permits to teach, provide special services, and administer based upon (a)  
30 earned college credit in humanities, social and natural sciences,  
31 mathematics, or career and technical education, (b) earned college

1 credit, or its equivalent in professional education, for particular  
2 teaching, special services, or administrative assignments, (c) criminal  
3 history record information if the applicant has not been a continuous  
4 Nebraska resident for five years immediately preceding application for  
5 the first issuance of a certificate, (d) human relations training, (e)  
6 successful teaching, administration, or provision of special services,  
7 and (f) moral, mental, and physical fitness for teaching, all in  
8 accordance with sound educational practices. Such rules, regulations, and  
9 procedures shall also provide for endorsement requirements to indicate  
10 areas of specialization on such certificates and permits. Such rules and  
11 regulations shall not require any test of basic skills.

12 (2) The board may issue a temporary certificate, valid for a period  
13 not to exceed two years, to any applicant for certification who has not  
14 completed the human relations training requirement.

15 (3) Members of any advisory committee established by the board to  
16 assist the board in teacher education and certification matters shall be  
17 reimbursed for expenses as provided in sections 81-1174 to 81-1177. Each  
18 school district which has an employee who serves as a member of such  
19 committee and which is required to hire a person to replace such member  
20 during the member's attendance at meetings or activities of the committee  
21 or any subcommittee thereof shall be reimbursed from the Certification  
22 Fund for the expense it incurs from hiring a replacement. School  
23 districts may excuse employees who serve on such advisory committees from  
24 certain duties which conflict with any advisory committee duties.

25 Sec. 72. Section 79-809, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 79-809 In addition to the requirements in section 79-808, the  
28 maximum which the board may require for the issuance of any entry-level  
29 certificate or permit shall be that the applicant (1) has a baccalaureate  
30 degree that qualifies for a certificate to teach, (2) has satisfactorily  
31 completed, within two years of the date of application, an approved

1 program at a standard institution of higher education, (3) has  
2 satisfactorily demonstrated basic skills competency, ~~(4)~~ has special  
3 education training, ~~(4)~~ ~~(5)~~ has earned college credit in an approved  
4 program, at a standard institution of higher education, for which  
5 endorsement is sought, and ~~(5)~~ ~~(6)~~ has paid a nonrefundable fee to the  
6 department as provided in section 79-810.

7 Sec. 73. Section 79-8,143, Revised Statutes Cumulative Supplement,  
8 2022, is amended to read:

9 79-8,143 Sections 79-8,143 to 79-8,145 and section 74 of this act  
10 shall be known and may be cited as the Alternative Certification for  
11 Quality Teachers Act.

12 Sec. 74. (1) In addition to certificates issued pursuant to section  
13 79-806 to 79-815, the Commissioner of Education shall, subject to  
14 subsections (2) and (3) of this section, issue an alternative certificate  
15 to teach on a full-time basis to any applicant who:

16 (a) Possess a baccalaureate degree; and

17 (b) Has successfully completed an alternative teacher certification  
18 program operated by an organization that satisfies the following  
19 criteria:

20 (i) The organization operates in at least five states;

21 (ii) The organization has operated an alternative teacher  
22 certification program for at least ten years; and

23 (iii) The program requires candidates to pass a subject area  
24 examination and the pedagogy examination, known as the professional  
25 teaching knowledge examination, to receive a certificate under such  
26 program.

27 (2) A certificate issued under this section only authorizes an  
28 individual to teach the subject and educational levels for which the  
29 individual has successfully completed an alternative teacher  
30 certification program.

31 (3) Issuance of an alternative certificate to teach pursuant to this

1 section shall be subject to a criminal history record information check  
2 pursuant to section 79-814.01 and payment of any required fees.

3 (4) An individual who receives an alternative certificate to teach  
4 pursuant to this section shall:

5 (a) Participate in a school district clinical experience for one  
6 semester in such individual's first semester of employment as a teacher  
7 pursuant to this section; and

8 (b) Be subject to the same certification criteria as an individual  
9 who completes a traditional teacher preparation program if converting the  
10 alternative certificate to teach to a standard certificate to teach.

11 Sec. 75. Section 79-8,145, Revised Statutes Cumulative Supplement,  
12 2022, is amended to read:

13 79-8,145 (1) In addition to certificates issued pursuant to sections  
14 79-806 to 79-815:

15 (a) The Commissioner of Education shall, subject to the provisions  
16 of subsection (3) of this section, grant a temporary certificate to teach  
17 on a full-time basis to any applicant who:

18 (i) Has completed a teacher education program at a standard  
19 institution of higher education as defined in section 79-807; and

20 (ii) Currently possesses a certificate to teach in good standing  
21 from another state; ~~and~~

22 (b) The commissioner may, subject to ~~the provisions of~~ subsection  
23 (3) of this section, grant a temporary certificate to teach on a full-  
24 time basis to any applicant who:

25 (i) Has earned and been awarded a baccalaureate bachelor's degree,  
26 graduate degree, or professional degree from a college or university  
27 accredited by an accrediting organization recognized by the United States  
28 Department of Education; and

29 (ii) Has ~~satisfactorily demonstrated basic skills competency and~~  
30 passed any appropriate subject area examination as designated by the  
31 State Board of Education; and -



1        (c) Beginning in fiscal year 2024-25, the commissioner shall,  
2 subject to subsection (3) of this section, grant a temporary certificate  
3 to teach on a full-time basis to any applicant who:

4        (i) Has completed two years at a college or university accredited by  
5 an accrediting organization recognized by the United States Department of  
6 Education with at least forty-eight or more semester credit hours or  
7 obtained an associate degree from such a college or university;

8        (ii) Is employed as a paraprofessional or paraeducator at an  
9 elementary school, middle school, or high school in Nebraska; and

10       (iii) Has passed any appropriate subject area examination as  
11 designated by the State Board of Education.

12       (2) Any temporary certificate to teach issued pursuant to this  
13 section shall be valid for a period not to exceed two years, during which  
14 the holder of such temporary certificate must obtain a certificate to  
15 teach pursuant to sections 79-806 to 79-815 by completing the  
16 requirements contained in such sections.

17       (3) Issuance of a temporary certificate to teach pursuant to this  
18 section shall be subject to a criminal history record information check  
19 pursuant to section 79-814.01 and payment of any required fees.

20       Sec. 76. Section 79-1054, Revised Statutes Cumulative Supplement,  
21 2022, is amended to read:

22       79-1054 (1)(a) This subsection applies until July 1, 2024.

23       (b) The State Board of Education shall establish a competitive  
24 innovation grant program with funding from the Nebraska Education  
25 Improvement Fund pursuant to section 1 of this act ~~9-812~~. Grantees shall  
26 be a school district, an educational service unit, or a combination of  
27 entities that includes at least one school district or educational  
28 service unit. For grantees that consist of a combination of entities, a  
29 participating school district or educational service unit shall be  
30 designated to act as the fiscal agent and administer the program funded  
31 by the grant. The state board shall only award grants pursuant to

1 applications that the state board deems to be sufficiently innovative and  
2 to have a high chance of success.

3 (c) An application for a grant pursuant to this subsection shall  
4 describe:

5 (i) Specific measurable objectives for improving education outcomes  
6 for early childhood students, elementary students, middle school  
7 students, or high school students or for improving the transitions  
8 between any successive stages of education or between education and the  
9 workforce;

10 (ii) The method for annually evaluating progress toward a measurable  
11 objective, with a summative evaluation of progress submitted to the state  
12 board and electronically to the Education Committee of the Legislature on  
13 or before July 1, 2019;

14 (iii) The potential for the project to be both scalable and  
15 replicable; and

16 (iv) Any cost savings that could be achieved by reductions in other  
17 programs if the funded program is successful.

18 (d) Based on evaluations received on or before July 1, 2019, for  
19 each grant, the State Board of Education shall recommend the grant  
20 project as:

21 (i) Representing a best practice;

22 (ii) A model for a state-supported program; or

23 (iii) A local issue for further study.

24 (e) On or before December 1, 2017, and on or before December 1 of  
25 each year thereafter, the state board shall electronically submit a  
26 report to the Clerk of the Legislature on all such grants, including, but  
27 not limited to, the results of the evaluations for each grant. The state  
28 board may adopt and promulgate rules and regulations to carry out this  
29 subsection, including, but not limited to, application procedures,  
30 selection procedures, and annual evaluation reporting procedures.

31 (2)(a) This subsection applies beginning July 1, 2024.

1 (b) The State Board of Education shall establish innovation grant  
2 programs in areas, including, but not limited to, (i) mental health first  
3 aid, (ii) early literacy, (iii) quality instructional materials, (iv)  
4 personalized learning through digital education, or (v) other innovation  
5 areas identified by the board. It is the intent of the Legislature that  
6 such grant programs shall be funded using lottery funds under section 1  
7 of this act 9-812. Grantees shall be a school district, an educational  
8 service unit, or a combination of entities that includes at least one  
9 school district or educational service unit.

10 (c) An application for participating in an innovation grant pursuant  
11 to this subsection shall describe:

12 (i) Specific measurable objectives for improving education outcomes  
13 for early childhood students, elementary students, middle school  
14 students, or high school students or for improving the transitions  
15 between any successive stages of education or between education and the  
16 workforce;

17 (ii) Participation in a method for annually evaluating progress  
18 toward a measurable objective, with a summative evaluation of progress  
19 submitted to the state board and electronically to the Education  
20 Committee of the Legislature on or before July 1 of each year;

21 (iii) The potential for the grant program to be both scalable and  
22 replicable; and

23 (iv) Any cost savings that could be achieved by reductions in other  
24 programs if the grant program is successful.

25 (d) Based on evaluations received on or before July 1 of each year  
26 for each grant program, the State Board of Education shall recommend the  
27 grant program as:

28 (i) Representing a best practice;

29 (ii) A model for a state-supported program; or

30 (iii) A local issue for further study.

31 (e) On or before December 1 of each year, the state board shall

1 electronically submit a report to the Clerk of the Legislature on all  
2 such grant programs, including, but not limited to, the results of the  
3 evaluations for each grant program. The state board may adopt and  
4 promulgate rules and regulations to carry out this subsection, including,  
5 but not limited to, application procedures, selection procedures, and  
6 annual evaluation reporting procedures.

7 (3)(a) This subsection applies beginning July 1, 2024.

8 (b) The State Board of Education shall establish an improvement  
9 grant program in areas including, but not limited to, (i) teacher  
10 recruitment and retention, (ii) improvement for schools and school  
11 districts, (iii) improvement in student performance in the subject areas  
12 of reading and mathematics, and (iv) other improvement areas identified  
13 by the board. Such grants shall be funded using lottery funds under  
14 section 1 of this act.

15 (c) On or before December 1 of each calendar year, the state board  
16 shall electronically submit a report to the Clerk of the Legislature on  
17 all such grant programs, including, but not limited to, the recipients of  
18 the programs and evaluations of the effectiveness of each grant program.  
19 The board may adopt and promulgate rules and regulations to carry out  
20 this subsection.

21 (4)(a) This subsection applies beginning January 1, 2024.

22 (b) For purposes of this subsection, learning platform means a  
23 three-dimensional, game-based learning platform for use by middle school  
24 and high school students.

25 (c)(i) The State Board of Education shall establish an innovation  
26 grant program to procure or purchase an annual license for learning  
27 platforms for use in schools to engage students in coursework and careers  
28 in science, technology, engineering, entrepreneurship, and mathematics.  
29 Such grants shall be funded using lottery funds pursuant to section 1 of  
30 this act.

31 (ii) The State Board of Education shall establish standards that a

1 learning platform shall meet in the subject areas of chemistry and  
2 physical science, business, and mathematics. The state board shall  
3 develop a plan related to how the state board shall prioritize the grant  
4 applications.

5 (iii) A developer may apply to the State Department of Education on  
6 forms and in a manner prescribed by the department for a grant under this  
7 subsection for a learning platform that:

8 (A) Is designed to teach information related to chemistry and  
9 physical science, business, or mathematics;

10 (B) Aligns with the standards established by the state board  
11 relating to chemistry and physical science, business, or mathematics;

12 (C) Connects such standards with real-world technologies and  
13 applications;

14 (D) Highlights science, technology, engineering, entrepreneurship,  
15 and mathematics career pathways in Nebraska; and

16 (E) Meets any additional requirements set out by the State Board of  
17 Education.

18 (iv) Any developer that receives a grant under this subsection shall  
19 provide access to and use of its learning platform to all Nebraska school  
20 districts.

21 (v) Any grant awarded pursuant to this subsection shall be awarded  
22 by July 1 of each year.

23 (d) On or before December 1 of each calendar year, the state board  
24 shall electronically submit a report to the Clerk of the Legislature on  
25 the grant program, including, but not limited to, the recipients of the  
26 program and evaluations of the effectiveness of the grant program. The  
27 State Board of Education may adopt and promulgate rules and regulations  
28 to carry out this subsection.

29 (5)(a) ~~(3)~~ The Department of Education Innovative Grant Fund is  
30 created. The fund shall be administered by the State Department of  
31 Education and shall consist of transfers pursuant to section 1 of this

1 ~~act 9-812~~, repayments of grant funds, and interest payments received in  
2 the course of administering this section. The fund shall be used to carry  
3 out this section. Any money in the fund available for investment shall be  
4 invested by the state investment officer pursuant to the Nebraska Capital  
5 Expansion Act and the Nebraska State Funds Investment Act.

6 (b) Of the ten percent of funds transferred to the fund pursuant to  
7 section 1 of this act, eight and three-fourths percent shall be used for  
8 innovation grants pursuant to subsection (4) of this section and the  
9 remaining one and one-fourth percent shall be used for innovation and  
10 improvement grants pursuant to subsections (2) and (3) of this section.

11 Sec. 77. Section 79-1104.02, Revised Statutes Cumulative Supplement,  
12 2022, is amended to read:

13 79-1104.02 (1) The Early Childhood Education Endowment Cash Fund,  
14 consisting of the interest, earnings, and proceeds from the Early  
15 Childhood Education Endowment Fund and the earnings from the private  
16 endowment created by the endowment provider, ~~funds transferred from the~~  
17 ~~Education Innovation Fund pursuant to section 9-812~~, and any additional  
18 private donations made directly thereto, shall be used exclusively to  
19 provide funds for the Early Childhood Education Grant Program for at-risk  
20 children from birth to age three as set forth in this section.

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

28 (3) Each program selected for a grant pursuant to this section may  
29 be provided a grant for up to one-half of the total budget of such  
30 program per year. Programs selected for grant awards may receive  
31 continuation grants subject to the availability of funding and the

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

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

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

14 (6) The board of trustees may issue grants to early childhood  
15 education programs entering into agreements pursuant to subsection (2) of  
16 this section with child care providers if the child care provider enrolls  
17 in the quality rating and improvement system described in the Step Up to  
18 Quality Child Care Act prior to the beginning of the initial grant  
19 period. Child care providers shall participate in training approved by  
20 the Early Childhood Training Center which is needed for participation or  
21 advancement in the quality rating and improvement system.

22 (7) The board of trustees shall require child care providers in  
23 programs receiving grants under this section to obtain a step three  
24 rating or higher on the quality scale described in section 71-1956 within  
25 three years of the starting date of the initial grant period to continue  
26 funding the program. The board of trustees shall require the child care  
27 provider to maintain a step three rating or higher on such quality scale  
28 after three years from the starting date of the initial grant period to  
29 continue funding the program.

30 (8) If a child care provider fails to achieve or maintain a step  
31 three rating or higher on the quality scale described in such section

1 after three years from the starting date of the initial grant period, the  
2 child care provider shall obtain and maintain the step three rating on  
3 such quality scale before any new or continuing grants may be issued for  
4 programs in which such child care provider participates.

5 (9) Any school district entering into agreements pursuant to  
6 subsection (2) of this section with child care providers must employ or  
7 contract with, either directly or indirectly, a program coordinator  
8 holding a certificate as defined in section 79-807.

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

14 Sec. 78. Section 79-1142, Revised Statutes Cumulative Supplement,  
15 2022, is amended to read:

16 79-1142 (1) Level I services refers to services provided to children  
17 with disabilities who require an aggregate of not more than three hours  
18 per week of special education services and support services and includes  
19 all administrative, diagnostic, consultative, and vocational-adjustment  
20 counselor services.

21 (2) The total allowable reimbursable cost for support services shall  
22 not exceed a percentage, established by the State Board of Education, of  
23 the school district's or approved cooperative's total allowable  
24 reimbursable cost for all special education programs and support  
25 services. The percentage established by the board for support services  
26 shall not exceed the difference of ten percent minus the percentage of  
27 the appropriations for special education approved by the Legislature set  
28 aside for reimbursements for support services pursuant to subsection (5)  
29 of this section.

30 (3) Except as provided in subsection (6) of this section, for For  
31 special education and support services provided in each school fiscal



1 year, the department shall reimburse each school district in the  
2 following school fiscal year a pro rata amount determined by the  
3 department. The reimbursement percentage shall be the ratio of the  
4 difference of the appropriations for special education approved by the  
5 Legislature minus the amounts set aside pursuant to subsection (5) of  
6 this section divided by the total allowable excess costs for all special  
7 education programs and support services.

8 (4) Cooperatives of school districts or educational service units  
9 shall also be eligible for reimbursement for cooperative programs  
10 pursuant to this section if such cooperatives or educational service  
11 units have complied with the reporting and approval requirements of  
12 section 79-1155 for cooperative programs which were offered in the  
13 preceding school fiscal year. The payments shall be made by the  
14 department to the school district of residence, cooperative of school  
15 districts, or educational service unit each school year in a minimum of  
16 seven payments between the fifth and twentieth day of each month  
17 beginning in December. Additional payments may be made based upon  
18 additional valid claims submitted. The State Treasurer shall, between the  
19 fifth and twentieth day of each month, notify the Director of  
20 Administrative Services of the amount of funds available in the General  
21 Fund for payment purposes. The director shall, upon receiving such  
22 certification, draw warrants against funds appropriated.

23 (5) Residential settings described in subdivision (10)(c) of section  
24 79-215 shall be reimbursed for the educational services, including  
25 special education services and support services in an amount determined  
26 pursuant to the average per pupil cost of the service agency.  
27 Reimbursements pursuant to this section shall be made from funds set  
28 aside for such purpose within sixty days after receipt of a reimbursement  
29 request submitted in the manner required by the department and including  
30 any documentation required by the department for educational services  
31 that have been provided, except that if there are not any funds available

1 for the remainder of the state fiscal year for such reimbursements, the  
2 reimbursement shall occur within thirty days after the beginning of the  
3 immediately following state fiscal year. The department may audit any  
4 required documentation and subtract any payments made in error from  
5 future reimbursements. The department shall set aside separate amounts  
6 from the appropriations for special education approved by the Legislature  
7 for reimbursements pursuant to this subsection for students receiving  
8 special education services and for students receiving support services  
9 for each state fiscal year. The amounts set aside for each purpose shall  
10 be based on estimates of the reimbursements to be requested during the  
11 state fiscal year and shall not be less than the total amount of  
12 reimbursements requested in the prior state fiscal year plus any unpaid  
13 requests from the prior state fiscal year.

14 (6) For each school district that received a payment from the  
15 Extraordinary Increase in Special Education Expenditures Fund in the  
16 school fiscal year for which special education expenditures were  
17 reimbursed pursuant to subsection (3) of this section, an amount equal to  
18 such payment shall be subtracted from the reimbursement calculated  
19 pursuant to subsection (3) of this section and such amount shall be  
20 transferred to the Extraordinary Increase in Special Education  
21 Expenditures Fund.

22 Sec. 79. Section 79-11,160, Revised Statutes Cumulative Supplement,  
23 2022, is amended to read:

24 79-11,160 (1) The State Department of Education shall establish a  
25 mental health first aid training program for teachers and other personnel  
26 employed by a school district or an educational service unit  
27 participating in a grant under subsection (2) of section 79-1054.

28 (2) The mental health first aid training is to be delivered by  
29 trainers who are properly certified by a national organization for  
30 behavioral health to provide training meeting the requirements of this  
31 section. The program shall also provide an opportunity for teachers and

1 other designated personnel to complete the training necessary to become  
2 certified by a national organization for behavioral health to provide  
3 mental health first aid training to other teachers and designated  
4 personnel.

5 (3) Mental health first aid training shall include training on:

6 (a) The skills, resources, and knowledge necessary to assist  
7 students in crisis to connect with appropriate local mental health care  
8 services;

9 (b) Mental health resources, including the location of local  
10 community mental health centers; and

11 (c) Action plans and protocols for referral to such resources.

12 (4) A recipient of mental health first aid training shall also  
13 receive instruction in preparation to:

14 (a) Safely de-escalate crisis situations;

15 (b) Recognize the signs and symptoms of mental illness, including  
16 such psychiatric conditions as major clinical depression and anxiety  
17 disorders; and

18 (c) Timely refer a student to mental health services in the early  
19 stages of the development of a mental disorder to avoid subsequent  
20 behavioral health care and to enhance the effectiveness of mental health  
21 services. Except as provided in section 43-2101, any such referral shall  
22 be approved by the student's parent or guardian.

23 (5) It is the intent of the Legislature that the mental health first  
24 aid training program under this section shall be funded using lottery  
25 funds under section 1 of this act 9-812.

26 Sec. 80. Section 79-1337, Revised Statutes Cumulative Supplement,  
27 2022, is amended to read:

28 79-1337 (1) For fiscal years 2007-08 through 2028-29 ~~2023-24~~, the  
29 State Department of Education shall provide distance education incentives  
30 to school districts and educational service units for qualified distance  
31 education courses coordinated through the Educational Service Unit

1 Coordinating Council as provided in this section. ~~Through fiscal year~~  
2 ~~2015-16, funding for such distance education incentives shall come from~~  
3 ~~the Education Innovation Fund.~~ For fiscal years 2016-17 through 2023-24,  
4 funding for such distance education incentives shall come from the  
5 Nebraska Education Improvement Fund. For fiscal years 2024-25 through  
6 2028-29, funding for such distance education incentives shall come from  
7 transfers pursuant to section 1 of this act.

8 (2) School districts and educational service units shall apply for  
9 incentives annually through calendar year 2028 ~~2023~~ to the department on  
10 or before August 1 on a form specified by the department. The application  
11 shall:

12 (a) For school districts, specify (i) the qualified distance  
13 education courses which were received by students in the membership of  
14 the district in the then-current school fiscal year and which were not  
15 taught by a teacher employed by the school district and (ii) for each  
16 such course (A) the number of students in the membership of the district  
17 who received the course, (B) the educational entity employing the  
18 teacher, and (C) whether the course was a two-way interactive video  
19 distance education course; and

20 (b) For school districts and educational service units, specify (i)  
21 the qualified distance education courses which were received by students  
22 in the membership of another educational entity in the then-current  
23 school fiscal year and which were taught by a teacher employed by the  
24 school district or educational service unit, (ii) for each such course  
25 for school districts, the number of students in the membership of the  
26 district who received the course, and (iii) for each such course (A) the  
27 other educational entities in which students received the course and how  
28 many students received the course at such educational entities, (B) any  
29 school district that is sparse or very sparse as such terms are defined  
30 in section 79-1003 that had at least one student in the membership who  
31 received the course, and (C) whether the course was a two-way interactive

1 video distance education course.

2 (3) On or before September 1 of each year through calendar year 2028  
3 ~~2023~~, the department shall certify the incentives for each school  
4 district and educational service unit which shall be paid on or before  
5 October 1 of such year. The incentives for each district shall be  
6 calculated as follows:

7 (a) Each district shall receive distance education units for each  
8 qualified distance education course as follows:

9 (i) One distance education unit for each qualified distance  
10 education course received as reported pursuant to subdivision (2)(a) of  
11 this section if the course was a two-way interactive video distance  
12 education course;

13 (ii) One distance education unit for each qualified distance  
14 education course sent as reported pursuant to subdivision (2)(b) of this  
15 section if the course was not received by at least one student who was in  
16 the membership of another school district which was sparse or very  
17 sparse;

18 (iii) One distance education unit for each qualified distance  
19 education course sent as reported pursuant to subdivision (2)(b) of this  
20 section if the course was received by at least one student who was in the  
21 membership of another school district which was sparse or very sparse,  
22 but the course was not a two-way interactive video distance education  
23 course; and

24 (iv) Two distance education units for each qualified distance  
25 education course sent as reported pursuant to subdivision (2)(b) of this  
26 section if the course was received by at least one student who was in the  
27 membership of another school district which was sparse or very sparse and  
28 the course was a two-way interactive video distance education course;

29 (b)(i) For fiscal years through fiscal year 2023-24, the ~~(b)~~ The  
30 difference of the amount available for distribution pursuant to  
31 subdivision (4)(c)(vi) ~~(4)(f)~~ of section 1 of this act ~~9-812~~ in the

1 Nebraska Education Improvement Fund on the August 1 when the applications  
2 were due shall be divided by the number of distance education units to  
3 determine the incentive per distance education unit, except that the  
4 incentive per distance education unit shall not equal an amount greater  
5 than one thousand dollars; and

6 (ii) For fiscal years 2024-25 through 2028-29, the difference of the  
7 amount transferred pursuant to subdivision (2)(e) of section 1 of this  
8 act on the August 1 when the applications were due shall be divided by  
9 the number of distance education units to determine the incentive per  
10 distance education unit, except that the incentive per distance education  
11 unit shall not equal an amount greater than one thousand dollars; and

12 (c) The incentives for each school district shall equal the number  
13 of distance education units calculated for the school district multiplied  
14 by the incentive per distance education unit.

15 (4) If there are additional funds available for distribution after  
16 incentives calculated pursuant to subsections (1) through (3) of this  
17 section, school districts and educational service units may qualify for  
18 additional incentives for elementary distance education courses. Such  
19 incentives shall be calculated for sending and receiving school districts  
20 and educational service units as follows:

21 (a) The per-hour incentives shall equal the funds available for  
22 distribution after incentives calculated pursuant to subsections (1)  
23 through (3) of this section divided by the sum of the hours of elementary  
24 distance education courses sent or received for each school district and  
25 educational service unit submitting an application, except that the per-  
26 hour incentives shall not be greater than ten dollars; and

27 (b) The elementary distance education incentives for each school  
28 district and educational service unit shall equal the per-hour incentive  
29 multiplied by the hours of elementary distance education courses sent or  
30 received by the school district or educational service unit.

31 (5) The department may verify any or all application information

1 using annual curriculum reports and may request such verification from  
2 the council.

3 (6) On or before October 1 of each year through calendar year 2028  
4 ~~2023~~, a school district or educational service unit may appeal the denial  
5 of incentives for any course by the department to the State Board of  
6 Education. The board shall allow a representative of the school district  
7 or educational service unit an opportunity to present information  
8 concerning the appeal to the board at the November board meeting. If the  
9 board finds that the course meets the requirements of this section, the  
10 department shall pay the district from the Nebraska Education Improvement  
11 Fund as soon as practical in an amount for which the district or  
12 educational service unit should have qualified based on the incentive per  
13 distance education unit used in the original certification of incentives  
14 pursuant to this section.

15 (7) The State Board of Education shall adopt and promulgate rules  
16 and regulations to carry out this section.

17 Sec. 81. Section 79-2110, Revised Statutes Cumulative Supplement,  
18 2022, is amended to read:

19 79-2110 (1)(a) Each diversity plan shall provide for open enrollment  
20 in all school buildings in the learning community for school years prior  
21 to school year 2017-18, subject to specific limitations necessary to  
22 bring about diverse enrollments in each school building in the learning  
23 community. Such limitations, for school buildings other than focus  
24 schools and programs other than focus programs, shall include giving  
25 preference at each school building first to siblings of students who will  
26 be enrolled as continuing students in such school building or program for  
27 the first school year for which enrollment is sought in such school  
28 building and then to students that contribute to the socioeconomic  
29 diversity of enrollment at each building and may include establishing  
30 zone limitations in which students may access several schools other than  
31 their home attendance area school. Notwithstanding the limitations

1 necessary to bring about diversity, open enrollment shall include  
2 providing access to students who do not contribute to the socioeconomic  
3 diversity of a school building, if, subsequent to the open enrollment  
4 selection process that is subject to limitations necessary to bring about  
5 diverse enrollments, capacity remains in a school building. In such a  
6 case, students who have applied to attend such school building shall be  
7 selected to attend such school building on a random basis up to the  
8 remaining capacity of such building. A student who has otherwise been  
9 disqualified from the school building pursuant to the school district's  
10 code of conduct or related school discipline rules shall not be eligible  
11 for open enrollment pursuant to this section. Any student who attended a  
12 particular school building in the prior school year and who is seeking  
13 education in the grades offered in such school building shall be allowed  
14 to continue attending such school building as a continuing open  
15 enrollment student through school year 2016-17.

16 (b) To facilitate the open enrollment provisions of this subsection,  
17 each school year each member school district in a learning community  
18 shall establish a maximum capacity for each school building under such  
19 district's control pursuant to procedures and criteria established by the  
20 State Department of Education learning community coordinating council.  
21 Each member school district shall also establish attendance areas for  
22 each school building under the district's control, except that the school  
23 board shall not establish attendance areas for focus schools or focus  
24 programs. The attendance areas shall be established such that all of the  
25 territory of the school district is within an attendance area for each  
26 grade. Students residing in a school district shall be allowed to attend  
27 a school building in such school district.

28 (c) For purposes of this section and sections 79-238 and 79-611,  
29 student who contributes to the socioeconomic diversity of enrollment  
30 means (i) a student who does not qualify for free or reduced-price  
31 lunches when, based upon the certification pursuant to section 79-2120,



1 the school building the student will attend either has more students  
2 qualifying for free or reduced-price lunches than the average percentage  
3 of such students in all school buildings in the learning community or  
4 provides free meals to all students pursuant to the community eligibility  
5 provision or (ii) a student who qualifies for free or reduced-price  
6 lunches based on information collected from parents and guardians when,  
7 based upon the certification pursuant to section 79-2120, the school  
8 building the student will attend has fewer students qualifying for free  
9 or reduced-price lunches than the average percentage of such students in  
10 all school buildings in the learning community and does not provide free  
11 meals to all students pursuant to the community eligibility provision.

12 (2)(a) On or before March 15 of each year prior to 2017, a parent or  
13 guardian of a student residing in a member school district in a learning  
14 community may submit an application to any school district in the  
15 learning community on behalf of a student who is applying to attend a  
16 school building for the following school year that is not in an  
17 attendance area where the applicant resides or a focus school, focus  
18 program, or magnet school as such terms are defined in section 79-769. On  
19 or before April 1 of each year beginning with the year immediately  
20 following the year in which the initial coordinating council for the  
21 learning community takes office, the school district shall accept or  
22 reject such applications based on the capacity of the school building,  
23 the eligibility of the applicant for the school building or program, the  
24 number of such applicants that will be accepted for a given school  
25 building, and whether or not the applicant contributes to the  
26 socioeconomic diversity of the school or program to which he or she has  
27 applied and for which he or she is eligible. The school district shall  
28 notify such parent or guardian in writing of the acceptance or rejection.

29 (b) A student may not apply to attend a school building in the  
30 learning community for any grades that are offered by another school  
31 building for which the student had previously applied and been accepted

1 pursuant to this section, absent a hardship exception as established by  
2 the individual school district. On or before September 1 of each year  
3 prior to 2017, each school district shall provide to the learning  
4 community coordinating council a complete and accurate report of all  
5 applications received, including the number of students who applied at  
6 each grade level at each building, the number of students accepted at  
7 each grade level at each building, the number of such students that  
8 contributed to the socioeconomic diversity that applied and were  
9 accepted, the number of applicants denied and the rationales for denial,  
10 and other such information as requested by the learning community  
11 coordinating council.

12 (3) Each diversity plan may include establishment of one or more  
13 focus schools or focus programs and the involvement of every member  
14 school district in one or more pathways across member school districts.  
15 Enrollment in each focus school or focus program shall be designed to  
16 reflect the socioeconomic diversity of the learning community as a whole.  
17 School district selection of students for focus schools or focus programs  
18 shall be on a random basis from two pools of applicants, those who  
19 qualify for free and reduced-price lunches and those who do not qualify  
20 for free and reduced-price lunches. The percentage of students selected  
21 for focus schools from the pool of applicants who qualify for free and  
22 reduced-price lunches shall be as nearly equal as possible to the  
23 percentage of the student body of the learning community who qualify for  
24 free and reduced-price lunches. The percentage of students selected for  
25 focus schools from the pool of applicants who do not qualify for free and  
26 reduced-price lunches shall be as nearly equal as possible to the  
27 percentage of the student body of the learning community who do not  
28 qualify for free and reduced-price lunches. If more capacity exists in a  
29 focus school or program than the number of applicants for such focus  
30 school or program that contribute to the socioeconomic diversity of the  
31 focus school or program, the school district shall randomly select

1 applicants up to the number of applicants that will be accepted for such  
2 building. A student who will complete the grades offered at a focus  
3 program, focus school, or magnet school that is part of a pathway shall  
4 be allowed to attend the focus program, focus school, or magnet school  
5 offering the next grade level as part of the pathway as a continuing  
6 student. A student who completes the grades offered at a focus program,  
7 focus school, or magnet school shall be allowed to attend a school  
8 offering the next grade level in the school district responsible for the  
9 focus program, focus school, or magnet school as a continuing student. A  
10 student who attended a program or school in the school year immediately  
11 preceding the first school year for which the program or school will  
12 operate as a focus program or focus school approved by the learning  
13 community and meeting the requirements of section 79-769 and who has not  
14 completed the grades offered at the focus program or focus school shall  
15 be a continuing student in the program or school. For school year  
16 2016-17, students attending a focus program or focus school outside of  
17 the school district shall be considered open enrollment students and, for  
18 school year 2017-18 and each school year thereafter, students attending a  
19 focus program or focus school shall be considered option enrollment  
20 students.

21 (4) On or before February 15 of each year, a parent or guardian of a  
22 student who is currently attending a school building or program, except a  
23 magnet school, focus school, or focus program, outside of the school  
24 district where the student resides and who will complete the grades  
25 offered at such school building prior to the following school year shall  
26 provide notice, on a form provided by the school district, to the school  
27 board of the school district containing such school building (a) for  
28 years prior to 2017, if such student will attend another school building  
29 within such district as a continuing student and which school building  
30 such student would prefer to attend or (b) for 2017 and each year  
31 thereafter, if such student will apply to enroll as an option student in

1 another school building within such district and which school building  
2 such student would prefer to attend. On or before March 1, such school  
3 board shall provide a notice to such parent or guardian stating which  
4 school building or buildings the student shall be allowed to attend in  
5 such school district as a continuing student or an option student for the  
6 following school year. If the student resides within the school district,  
7 the notice shall include the school building offering the grade the  
8 student will be entering for the following school year in the attendance  
9 area where the student resides. This subsection shall not apply to focus  
10 schools or programs.

11 (5) Prior to the beginning of school year 2017-18, a parent or  
12 guardian of a student who moves to a new residence in the learning  
13 community after April 1 may apply directly to a school board within the  
14 learning community within ninety days after moving for the student to  
15 attend a school building outside of the attendance area where the student  
16 resides. Such school board shall accept or reject such application within  
17 fifteen days after receiving the application, based on the number of  
18 applications and qualifications pursuant to subsection (2) or (3) of this  
19 section for all other students.

20 (6) A parent or guardian of a student who wishes to change school  
21 buildings for emergency or hardship reasons may apply directly to a  
22 school board within the learning community at any time for the student to  
23 attend a school building outside of the attendance area where the student  
24 resides. Such application shall state the emergency or hardship and shall  
25 be kept confidential by the school board. Such school board shall accept  
26 or reject such application within fifteen days after receiving the  
27 application. Applications shall only be accepted if an emergency or  
28 hardship was presented which justifies an exemption from the procedures  
29 in subsection (4) of this section based on the judgment of such school  
30 board, and such acceptance shall not exceed the number of applications  
31 that will be accepted for the school year pursuant to subsection (2) or

1 (3) of this section for such building.

2 (7) Each student attending a school building in the resident school  
3 district as an open enrollment student for any part of school year  
4 2016-17 shall be allowed to continue attending such school building  
5 without submitting an additional application unless the student has  
6 completed the grades offered in such school building or has been expelled  
7 and is disqualified pursuant to section 79-266.01.

8 Sec. 82. Section 79-2304, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 79-2304 (1) It is the intent of the Legislature to appropriate seven  
11 hundred fifty thousand dollars from the General Fund for fiscal years  
12 2013-14 and 2014-15, and any amount determined by the Legislature for any  
13 fiscal year thereafter, to the State Department of Education. Such funds  
14 shall be used by the department to provide assistance to institutions  
15 that offer high school equivalency programs and for expanding services  
16 and programs to support the completion of the general educational  
17 development program. Each such institution shall offer to eligible  
18 individuals adult dropout recovery services, including recruitment and  
19 learning plan development, and provide proactive coaching and mentoring  
20 to such individuals, culminating in qualification for a high school  
21 diploma. For purposes of this section, eligible individuals include  
22 adults and out-of-school youths sixteen years of age or older who are not  
23 enrolled or required to be enrolled in secondary school under state law  
24 and who have not previously earned a high school diploma or diploma of  
25 high school equivalency. Assistance shall be provided based on  
26 participation in an institution's high school equivalency program as  
27 follows:

28 (a) Each such institution shall receive one assistance payment for  
29 each participant who enrolled in its high school equivalency program in  
30 the most recently completed fiscal year;

31 (b) Each such institution shall receive one assistance payment for

1 each enrolled participant who took an initial examination for a diploma  
2 of high school equivalency in the most recently completed fiscal year;  
3 and

4 (c) Each such institution shall receive one assistance payment for  
5 each participant not enrolled in the institution's high school  
6 equivalency program who took the examination for a diploma of high school  
7 equivalency in the most recently completed fiscal year.

8 (2) An institution shall receive ~~no~~ additional assistance for any  
9 enrolled participant who failed his or her initial examination for a  
10 diploma of high school equivalency and requires additional training and  
11 testing.

12 Sec. 83. Section 79-2308, Revised Statutes Cumulative Supplement,  
13 2022, is amended to read:

14 79-2308 (1) The State Department of Education shall provide for  
15 grants to any entity offering a high school equivalency program, ~~which~~  
16 ~~entity is not an institution.~~ Grants pursuant to this section shall be  
17 awarded to applicants which meet the requirements of section 79-2304.

18 (2) The High School Equivalency Grant Fund is created. Any money in  
19 the fund available for investment shall be invested by the state  
20 investment officer pursuant to the Nebraska Capital Expansion Act and the  
21 Nebraska State Funds Investment Act.

22 ~~(3) It is the intent of the Legislature to transfer four hundred~~  
23 ~~thousand dollars from the Job Training Cash Fund to the High School~~  
24 ~~Equivalency Grant Fund to carry out the purposes of subsection (1) of~~  
25 ~~this section.~~

26 Sec. 84. Section 79-2506, Revised Statutes Cumulative Supplement,  
27 2022, is amended to read:

28 79-2506 (1) The department shall establish an application process  
29 and timeline pursuant to which partner organizations may submit proposals  
30 for a grant under the Expanded Learning Opportunity Grant Program. Each  
31 proposal shall include:

1 (a) A grant planning period;

2 (b) An agreement to participate in periodic evaluations of the  
3 expanded learning opportunity program, to be specified by the department;

4 (c) Evidence that the proposed expanded learning opportunity program  
5 will be coordinated or contracted with existing programs;

6 (d) A plan to coordinate and use a combination of local, state,  
7 philanthropic, and federal funding sources, including, but not limited  
8 to, funding available through the federal No Child Left Behind Act of  
9 2001, 20 U.S.C. 6301 et seq., as such act and sections existed on January  
10 1, 2015, funds allocated pursuant to section 1 of this act ~~9-812~~, and  
11 funds from any other source designated or appropriated for purposes of  
12 the program. Funding provided by the Expanded Learning Opportunity Grant  
13 Program shall be matched on a one-to-one basis by community or partner  
14 contributions;

15 (e) A plan to use sliding-fee scales and the funding sources  
16 included in subdivision (d) of this subsection;

17 (f) An advisory body which includes families and community members;

18 (g) Appropriately qualified staff;

19 (h) An appropriate child-to-staff ratio;

20 (i) Compliance with minimum health and safety standards;

21 (j) A strong family development and support component, recognizing  
22 the central role of parents in their children's development; and

23 (k) Developmentally and culturally appropriate practices and  
24 assessments.

25 (2) The proposal shall demonstrate how the expanded learning  
26 opportunity program will provide participating students with academic  
27 enrichment and expanded learning opportunities that are high quality,  
28 based on proven methods, if appropriate, and designed to complement  
29 students' regular academic programs. Such activities shall include two or  
30 more of the following:

31 (a) Core education subjects of reading, writing, mathematics, and

1 science;

2 (b) Academic enrichment learning programs, including provision of  
3 additional assistance to students to allow the students to improve their  
4 academic achievement;

5 (c) Science, technology, engineering, and mathematics (STEM)  
6 education;

7 (d) Sign language, foreign language, and social studies instruction;

8 (e) Remedial education activities;

9 (f) Tutoring services, including, but not limited to, tutoring  
10 services provided by senior citizen volunteers;

11 (g) Arts and music education;

12 (h) Entrepreneurial education programs;

13 (i) Telecommunications and technology education programs;

14 (j) Programs for English language learners that emphasize language  
15 skills and academic achievement;

16 (k) Mentoring programs;

17 (l) Recreational activities;

18 (m) Expanded library service hours;

19 (n) Programs that provide assistance to students who have been  
20 truant, suspended, or expelled to allow such students to improve their  
21 academic achievement;

22 (o) Drug abuse prevention and violence prevention programs;

23 (p) Character education programs;

24 (q) Health and nutritional services;

25 (r) Behavioral health counseling services; and

26 (s) Programs that promote parental involvement and family literacy.

27 (3) A proposal shall: (a) Demonstrate specifically how its  
28 activities are expected to improve student academic achievement; (b)  
29 demonstrate that its activities will be provided by organizations in  
30 partnership with the school that have experience or the promise of  
31 success in providing educational and related activities that will



1 complement and enhance the academic performance, achievement, and  
2 positive development of the students; and (c) demonstrate that the  
3 expanded learning opportunity program aligns with the school district  
4 learning objectives and behavioral codes. Nothing in this subsection  
5 shall be construed to require an expanded learning opportunity program to  
6 provide academic services in specific subject areas.

7 (4) The department shall make an effort to fund expanded learning  
8 opportunity programs in both rural and urban areas of the state. The  
9 department shall award grants to proposals that offer a broad array of  
10 services, programs, and activities.

11 Sec. 85. Section 79-2510, Revised Statutes Cumulative Supplement,  
12 2022, is amended to read:

13 79-2510 (1) The Expanded Learning Opportunity Grant Fund is created.  
14 The fund shall be administered by the department and shall consist of  
15 transfers pursuant to section 1 of this act ~~9-812~~, repayments of grant  
16 funds, and interest payments received in the course of administering the  
17 Expanded Learning Opportunity Grant Program Act. The fund shall be used  
18 to carry out the Expanded Learning Opportunity Grant Program Act. Any  
19 money in the fund available for investment shall be invested by the state  
20 investment officer pursuant to the Nebraska Capital Expansion Act and the  
21 Nebraska State Funds Investment Act.

22 (2) The State Board of Education, in consultation with the  
23 department, may adopt and promulgate rules and regulations to carry out  
24 the Expanded Learning Opportunity Grant Program Act.

25 Sec. 86. Section 79-3106, Revised Statutes Cumulative Supplement,  
26 2022, is amended to read:

27 79-3106 (1) It is the intent of the Legislature that federal funds  
28 shall be used to implement the School Safety and Security Reporting  
29 System Act for fiscal years 2021-22, 2022-23, and 2023-24. The  
30 Commissioner of Education shall electronically report data, a cost-  
31 benefit analysis, and a funding recommendation regarding the continued

1 viability of the Safe2HelpNE report line to the Appropriations Committee  
2 of the Legislature and the Education Committee of the Legislature on or  
3 before January 5, 2024.

4 (2) It is the intent of the Legislature to appropriate eight hundred  
5 seventy thousand dollars from the General Fund for fiscal year 2024-25  
6 and each fiscal year thereafter to the State Department of Education to  
7 carry out the School Safety and Security Reporting System Act.

8 Sec. 87. Section 79-3304, Revised Statutes Cumulative Supplement,  
9 2022, is amended to read:

10 79-3304 Beginning with school year 2025-26 ~~2024-25~~, each school  
11 district, ~~in consultation with the State Department of Education,~~ shall  
12 include computer science and technology education aligned to the academic  
13 content standards adopted pursuant to section 79-760.02 in the  
14 instructional program of its elementary, ~~and middle, and high schools.~~  
15 Beginning ~~, as appropriate, and beginning~~ in school year 2027-28 ~~2026-27~~,  
16 each school district shall require each student attending a public school  
17 to complete at least five high one five-credit high school credit hours  
18 course or the equivalent of a one-semester high school course in computer  
19 science and technology education prior to graduation. Such requirement  
20 may be completed through a single course or combination of high school  
21 courses that cover the computer science and technology academic content  
22 standards, and such courses ~~Such computer science and technology~~  
23 ~~education course offered by a school district~~ may be made available in a  
24 traditional classroom setting, a blended-learning environment, or an  
25 online-based or other technology-based format ~~that is tailored to meet~~  
26 ~~the need of each participating student.~~

27 Sec. 88. Section 79-3305, Revised Statutes Cumulative Supplement,  
28 2022, is amended to read:

29 79-3305 On or before December 1, 2026 ~~2025~~, and on or before  
30 December 1 of each year thereafter, in order to promote and support  
31 computer science and technology education, each school district shall

1 provide an annual computer science and technology education status report  
2 to its school board and the State Department of Education, including, but  
3 not limited to, student progress on the ~~in~~ computer science and  
4 technology courses and other district-determined measures of computer  
5 science and technology education progress from the previous school year.

6 Sec. 89. Section 81-145, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 81-145 As used in sections 81-145 to 81-162, unless the context  
9 otherwise requires:

10 (1) Materiel division means ~~shall mean~~ the head of the division of  
11 the state government charged with the administration of sections 81-145  
12 to 81-162 and 81-1118 to 81-1118.06, which division shall be a part of  
13 and subject to the supervision of the office of the Director of  
14 Administrative Services;

15 (2) Personal property includes ~~shall include~~ all materials,  
16 supplies, furniture, equipment, printing, stationery, automotive and road  
17 equipment, and other chattels, goods, wares, and merchandise whatsoever;

18 (3) Using agencies means and includes ~~shall mean and include~~ all  
19 officers of the state, departments, bureaus, boards, commissions,  
20 councils, and institutions receiving legislative appropriations, except  
21 that using agencies does not include the University of Nebraska and the  
22 Nebraska state colleges; and

23 (4) Lease or contract means ~~shall mean~~ an agreement entered into by  
24 the state or using agency with another party whereby, for a stated  
25 consideration, the state or using agency is to receive the personal  
26 property or use thereof furnished by the other party.

27 Sec. 90. Section 81-161.04, Revised Statutes Cumulative Supplement,  
28 2022, is amended to read:

29 81-161.04 (1) Whenever any using agency has any personal property  
30 for which it no longer has any need or use, it shall notify the materiel  
31 division in writing setting forth a description of the property and the

1 approximate length of time that the property has been in the possession  
2 of the using agency. The materiel division shall appraise the property  
3 and notify all other using agencies of the state that the materiel  
4 division has the property for sale and that the property can be bought at  
5 the appraised price. No property will be sold until first offered to  
6 using agencies as provided by this section unless the property is  
7 unusable. If the materiel division fails to receive an offer from any  
8 using agency, it may sell or dispose of the property by any method which  
9 is most advantageous to the State of Nebraska, including auction, sealed  
10 bid, private or public sale, or trade-in for other property, with  
11 priorities given to the other political subdivisions. All sales shall be  
12 made in the name of the State of Nebraska. The materiel division shall  
13 charge an administrative fee for the disposition of surplus property.  
14 Such administrative fee shall be a percentage of the amount of the sale  
15 of the surplus property. In the event surplus property is determined to  
16 have no market value, the materiel administrator may waive the  
17 administrative fee.

18 (2) Except as otherwise provided in this subsection, the proceeds of  
19 such ~~the~~ sales shall be deposited with the State Treasurer and credited  
20 to the General Fund unless the using agency certifies to the materiel  
21 division that the property was purchased in part or in total from either  
22 cash accounts or federal funds or from a percentage of such accounts or  
23 funds, in which case the proceeds of the sale to that extent shall be  
24 credited to the cash or federal account in the percentage used in  
25 originally purchasing the property. The cost of selling surplus property  
26 shall be deducted from the proceeds of the surplus property sold. The  
27 proceeds received from the sale of passenger-carrying motor vehicles  
28 originally purchased with money from the General Fund, other than  
29 passenger-carrying motor vehicles used by the Nebraska State Patrol, less  
30 selling costs, shall be deposited in the state treasury and credited by  
31 the State Treasurer to the Transportation Services Bureau Revolving Fund.

1 The proceeds received from the sale of passenger-carrying motor vehicles  
2 used by the Nebraska State Patrol, less selling costs, shall be deposited  
3 in the state treasury and credited by the State Treasurer to the Nebraska  
4 State Patrol Vehicle Replacement Cash Fund. The proceeds received from  
5 the sale of micrographic equipment, ~~other than that of the University of~~  
6 ~~Nebraska and state colleges~~, less selling costs, shall be deposited in  
7 the state treasury and credited by the State Treasurer to the Records  
8 Management Micrographics Services Revolving Fund. The proceeds received  
9 from the sale of aircraft, less selling costs, shall be deposited in the  
10 state treasury and credited by the State Treasurer to the Aeronautics  
11 Cash Fund.

12 Sec. 91. Section 81-1118, Revised Statutes Cumulative Supplement,  
13 2022, is amended to read:

14 81-1118 The materiel division of the Department of Administrative  
15 Services is hereby established and shall be managed by the materiel  
16 administrator.

17 There are hereby established the following seven branches of the  
18 materiel division of the Department of Administrative Services which  
19 shall have the following duties, powers, and responsibilities:

20 (1) The office supplies bureau shall be responsible for providing  
21 office supplies, paper, and forms to using agencies;

22 (2) Central mail shall be responsible for all mailing operations,  
23 transportation of material, tracking shipments, and making freight  
24 claims;

25 (3) The print shop shall be responsible for specifications and for  
26 receiving bids and placing orders to the lowest and best commercial  
27 bidder for all printing and reproduction operations for the state. The  
28 print shop shall also be responsible for coordinating all existing  
29 printing and reproduction operations of the state;

30 (4) Copy services shall be responsible for the purchasing and  
31 placement of all copier requirements;

1           (5) The state purchasing bureau shall be responsible for all  
2 purchases by all state agencies other than the University of Nebraska and  
3 the Nebraska state colleges. The materiel division shall administer the  
4 public notice and bidding procedures and any other areas designated by  
5 the Director of Administrative Services to carry out the lease or  
6 purchase of personal property. All purchases of and contracts for  
7 materials, supplies, or equipment and all leases of personal property  
8 shall be made in the following manner except in emergencies approved by  
9 the Governor:

10           (a) By a competitive formal sealed bidding process through the  
11 materiel division in all cases in which the purchases are of estimated  
12 value exceeding fifty thousand dollars;

13           (b) By a competitive informal bidding process through the materiel  
14 division in all cases in which the purchases are of estimated value equal  
15 to or exceeding twenty-five thousand dollars but equal to or less than  
16 fifty thousand dollars;

17           (c) By unrestricted open market purchases through the materiel  
18 division in all cases in which purchases are of estimated value of less  
19 than twenty-five thousand dollars;

20           (d) All requisitions for whatever purpose coming to the state  
21 purchasing bureau shall be in conformance with the approved budget of the  
22 requisitioning department or agency;

23           (e) All contracts for purchases and leases shall be bid as a single  
24 whole item. In no case shall contracts be divided or fractionated in  
25 order to produce several contracts which are of an estimated value below  
26 that required for competitive bidding; and

27           (f) No contract for purchase or lease shall be amended to extend the  
28 duration of the contract for a period of more than fifty percent of the  
29 initial contract term. Following the adoption of any amendment to extend  
30 the contract for a period of fifty percent or less of the initial  
31 contract term, no further extensions of the original contract shall be

1 permitted. This subdivision (f) does not prohibit the exercise of any  
2 renewal option expressly provided in the original contract;

3 (6) The state recycling office shall be responsible for the  
4 administration and operation of the State Government Recycling Management  
5 Act; and

6 (7) State surplus property shall be responsible for the disposition  
7 of the state's surplus property and the maintenance of all inventory  
8 records.

9 Nothing in this section shall be construed to require that works of  
10 art must be procured through the materiel division.

11 Sec. 92. Section 81-1118.02, Reissue Revised Statutes of Nebraska,  
12 is amended to read:

13 81-1118.02 (1) Except as otherwise provided in subsection (4) of  
14 this section, each ~~Each~~ executive, department, commission, or other state  
15 agency, and including the Supreme Court, ~~the Board of Regents of the~~  
16 ~~University of Nebraska, and the Board of Trustees of the Nebraska State~~  
17 ~~Colleges,~~ shall annually make or cause to be made an inventory of all  
18 property, including furniture and equipment, belonging to the State of  
19 Nebraska and in the possession, custody, or control of any executive,  
20 department, commission, or other state agency. The inventory shall  
21 include property in the possession, custody, or control of each  
22 executive, department, commission, or other state agency as of June 30  
23 and shall be completed and filed with the materiel administrator by  
24 August 31 of each year.

25 (2) If any of the property of the state, referred to in subsection  
26 (1) of this section, is lost, destroyed, or unaccounted for by the  
27 negligence or carelessness of the executive, department, commission, or  
28 other state agency, the administrator shall, with the advice of the  
29 Attorney General, take the proper steps to recover such state property or  
30 the reasonable value thereof from the executive, department, commission,  
31 or other state agency charged with the same and from the person bonding

1 such executive, department, commission, or other state agency, if any.

2 (3) Each such executive, department, commission, or other state  
3 agency shall indelibly tag, mark, or stamp all such property belonging to  
4 the State of Nebraska, with the following: Property of the State of  
5 Nebraska. In the inventory required by subsection (1) of this section,  
6 each such executive, department, commission, or other state agency shall  
7 state positively that each item of such property has been so tagged,  
8 marked, or stamped.

9 (4) This section does not apply to the Board of Regents of the  
10 University of Nebraska or the Board of Trustees of the Nebraska State  
11 Colleges.

12 Sec. 93. Section 84-304, Revised Statutes Cumulative Supplement,  
13 2022, is amended to read:

14 84-304 It shall be the duty of the Auditor of Public Accounts:

15 (1) To give information electronically to the Legislature, whenever  
16 required, upon any subject relating to the fiscal affairs of the state or  
17 with regard to any duty of his or her office;

18 (2) To furnish offices for himself or herself and all fuel, lights,  
19 books, blanks, forms, paper, and stationery required for the proper  
20 discharge of the duties of his or her office;

21 (3)(a) To examine or cause to be examined, at such time as he or she  
22 shall determine, books, accounts, vouchers, records, and expenditures of  
23 all state officers, state bureaus, state boards, state commissioners, the  
24 state library, societies and associations supported by the state, state  
25 institutions, state colleges, and the University of Nebraska, except when  
26 required to be performed by other officers or persons. Such examinations  
27 shall be done in accordance with generally accepted government auditing  
28 standards for financial audits and attestation engagements set forth in  
29 Government Auditing Standards (2011 Revision for audit periods ending  
30 before June 30, 2020, or 2018 Revision for audit periods ending on or  
31 after June 30, 2020), published by the Comptroller General of the United



1 States, Government Accountability Office, and except as provided in  
2 subdivision (11) of this section, subdivision (16) of section 50-1205,  
3 and section 84-322, shall not include performance audits, whether  
4 conducted pursuant to attestation engagements or performance audit  
5 standards as set forth in Government Auditing Standards (2018 Revision),  
6 published by the Comptroller General of the United States, Government  
7 Accountability Office.

8 (b) Any entity, excluding the state colleges and the University of  
9 Nebraska, that is audited or examined pursuant to subdivision (3)(a) of  
10 this section and that is the subject of a comment and recommendation in a  
11 management letter or report issued by the Auditor of Public Accounts  
12 shall, on or before six months after the issuance of such letter or  
13 report, provide to the Auditor of Public Accounts a detailed written  
14 description of any corrective action taken or to be taken in response to  
15 the comment and recommendation. The Auditor of Public Accounts may  
16 investigate and evaluate the corrective action. The Auditor of Public  
17 Accounts shall then electronically submit a report of any findings of  
18 such investigation and evaluation to the Governor, the appropriate  
19 standing committee of the Legislature, and the Appropriations Committee  
20 of the Legislature. The Auditor of Public Accounts shall also ensure that  
21 the report is delivered to the Appropriations Committee for entry into  
22 the record during the committee's budget hearing process;

23 (4)(a) To examine or cause to be examined, at the expense of the  
24 political subdivision, when the Auditor of Public Accounts determines  
25 such examination necessary or when requested by the political  
26 subdivision, the books, accounts, vouchers, records, and expenditures of  
27 any agricultural association formed under Chapter 2, article 20, any  
28 county agricultural society, any joint airport authority formed under the  
29 Joint Airport Authorities Act, any city or county airport authority, any  
30 bridge commission created pursuant to section 39-868, any cemetery  
31 district, any community redevelopment authority or limited community

1 redevelopment authority established under the Community Development Law,  
2 any development district, any drainage district, any health district, any  
3 local public health department as defined in section 71-1626, any  
4 historical society, any hospital authority or district, any county  
5 hospital, any housing agency as defined in section 71-1575, any  
6 irrigation district, any county or municipal library, any community  
7 mental health center, any railroad transportation safety district, any  
8 rural water district, any township, Wyuka Cemetery, the Educational  
9 Service Unit Coordinating Council, any entity created pursuant to the  
10 Interlocal Cooperation Act, any educational service unit, any village,  
11 any service contractor or subrecipient of state or federal funds, any  
12 political subdivision with the authority to levy a property tax or a  
13 toll, or any entity created pursuant to the Joint Public Agency Act.

14 For purposes of this subdivision, service contractor or subrecipient  
15 means any nonprofit entity that expends state or federal funds to carry  
16 out a state or federal program or function, but it does not include an  
17 individual who is a direct beneficiary of such a program or function or a  
18 licensed health care provider or facility receiving direct payment for  
19 medical services provided for a specific individual.

20 (b) The Auditor of Public Accounts may waive the audit requirement  
21 of subdivision (4)(a) of this section upon the submission by the  
22 political subdivision of a written request in a form prescribed by the  
23 auditor. The auditor shall notify the political subdivision in writing of  
24 the approval or denial of the request for a waiver.

25 (c) Through December 31, 2017, the Auditor of Public Accounts may  
26 conduct audits under this subdivision for purposes of sections 2-3228,  
27 12-101, 13-2402, 14-567, 14-1805.01, 14-2111, 16-1017, 16-1037, 19-3501,  
28 23-1118, 23-3526, 71-1631.02, and 79-987.

29 (d) Beginning on May 24, 2017, the Auditor of Public Accounts may  
30 conduct audits under this subdivision for purposes of sections 13-2402,  
31 14-567, 14-1805.01, 14-2111, 15-1017, 16-1017, 16-1037, 18-814,

1 71-1631.02, and 79-987 and shall prescribe the form for the annual  
2 reports required in each of such sections. Such annual reports shall be  
3 published annually on the website of the Auditor of Public Accounts;

4 (5) To report promptly to the Governor and the appropriate standing  
5 committee of the Legislature the fiscal condition shown by such  
6 examinations conducted by the auditor, including any irregularities or  
7 misconduct of officers or employees, any misappropriation or misuse of  
8 public funds or property, and any improper system or method of  
9 bookkeeping or condition of accounts. The report submitted to the  
10 committee shall be submitted electronically. In addition, if, in the  
11 normal course of conducting an audit in accordance with subdivision (3)  
12 of this section, the auditor discovers any potential problems related to  
13 the effectiveness, efficiency, or performance of state programs, he or  
14 she shall immediately report them electronically to the Legislative  
15 Performance Audit Committee which may investigate the issue further,  
16 report it electronically to the appropriate standing committee of the  
17 Legislature, or both;

18 (6)(a) To examine or cause to be examined the books, accounts,  
19 vouchers, records, and expenditures of a fire protection district. The  
20 expense of the examination shall be paid by the political subdivision.

21 (b) Whenever the expenditures of a fire protection district are one  
22 hundred fifty thousand dollars or less per fiscal year, the fire  
23 protection district shall be audited no more than once every five years  
24 except as directed by the board of directors of the fire protection  
25 district or unless the auditor receives a verifiable report from a third  
26 party indicating any irregularities or misconduct of officers or  
27 employees of the fire protection district, any misappropriation or misuse  
28 of public funds or property, or any improper system or method of  
29 bookkeeping or condition of accounts of the fire protection district. In  
30 the absence of such a report, the auditor may waive the five-year audit  
31 requirement upon the submission of a written request by the fire

1 protection district in a form prescribed by the auditor. The auditor  
2 shall notify the fire protection district in writing of the approval or  
3 denial of a request for waiver of the five-year audit requirement. Upon  
4 approval of the request for waiver of the five-year audit requirement, a  
5 new five-year audit period shall begin.

6 (c) Whenever the expenditures of a fire protection district exceed  
7 one hundred fifty thousand dollars in a fiscal year, the auditor may  
8 waive the audit requirement upon the submission of a written request by  
9 the fire protection district in a form prescribed by the auditor. The  
10 auditor shall notify the fire protection district in writing of the  
11 approval or denial of a request for waiver. Upon approval of the request  
12 for waiver, a new five-year audit period shall begin for the fire  
13 protection district if its expenditures are one hundred fifty thousand  
14 dollars or less per fiscal year in subsequent years;

15 (7) To appoint two or more assistant deputies (a) whose entire time  
16 shall be devoted to the service of the state as directed by the auditor,  
17 (b) who shall be certified public accountants with at least five years'  
18 experience, (c) who shall be selected without regard to party affiliation  
19 or to place of residence at the time of appointment, (d) who shall  
20 promptly report to the auditor the fiscal condition shown by each  
21 examination, including any irregularities or misconduct of officers or  
22 employees, any misappropriation or misuse of public funds or property,  
23 and any improper system or method of bookkeeping or condition of  
24 accounts, and it shall be the duty of the auditor to file promptly with  
25 the Governor a duplicate of such report, and (e) who shall qualify by  
26 taking an oath which shall be filed in the office of the Secretary of  
27 State;

28 (8) To conduct audits and related activities for state agencies,  
29 political subdivisions of this state, or grantees of federal funds  
30 disbursed by a receiving agency on a contractual or other basis for  
31 reimbursement to assure proper accounting by all such agencies, political

1 subdivisions, and grantees for funds appropriated by the Legislature and  
2 federal funds disbursed by any receiving agency. The auditor may contract  
3 with any political subdivision to perform the audit of such political  
4 subdivision required by or provided for in section 23-1608 or 79-1229 or  
5 this section and charge the political subdivision for conducting the  
6 audit. The fees charged by the auditor for conducting audits on a  
7 contractual basis shall be in an amount sufficient to pay the cost of the  
8 audit. The fees remitted to the auditor for such audits and services  
9 shall be deposited in the Auditor of Public Accounts Cash Fund;

10 (9)(a) To examine or cause to be examined the books, accounts,  
11 vouchers, and records related to any money transferred pursuant to  
12 subsection (2) or (4) of section 1 of this act ~~9-812~~, any fund receiving  
13 any such transfer, or any subsequent transfer or expenditure of such  
14 money when the Auditor of Public Accounts determines such examination  
15 necessary or when requested by (i) any department or agency receiving any  
16 such transfer or acting as the administrator for a fund receiving any  
17 such transfer, (ii) any recipient or subsequent recipient of money  
18 disbursed from any such fund, or (iii) any service contractor responsible  
19 for managing, on behalf of any entity, any portion of any such fund or  
20 any money disbursed from any such fund.

21 (b) Any examination pursuant to subdivision (9)(a) of this section  
22 shall be made at the expense of the department or agency, recipient or  
23 subsequent recipient, or service contractor whose books, accounts,  
24 vouchers, or records are being examined.

25 (c) For purposes of this subdivision, recipient, subsequent  
26 recipient, or service contractor means a nonprofit entity that expends  
27 funds transferred pursuant to subsection (2) or (4) of section 1 of this  
28 act ~~9-812~~ to carry out a state program or function, but does not include  
29 an individual who is a direct beneficiary of such a program or function.

30 (d) The Auditor of Public Accounts shall prescribe the form for the  
31 annual reports required in subsection (6) ~~(5)~~ of section 1 of this act

1 9-812. Such annual reports shall be published on the website of the  
2 Auditor of Public Accounts;

3 (10) To develop and maintain an annual budget and actual financial  
4 information reporting system for political subdivisions that is  
5 accessible online by the public;

6 (11) When authorized, to conduct joint audits with the Legislative  
7 Performance Audit Committee as described in section 50-1205;

8 (12) Unless otherwise specifically provided, to assess the interest  
9 rate on delinquent payments of any fees for audits and services owing to  
10 the Auditor of Public Accounts at a rate of fourteen percent per annum  
11 from the date of billing unless paid within thirty days after the date of  
12 billing. For an entity created pursuant to the Interlocal Cooperation Act  
13 or the Joint Public Agency Act, any participating public agencies shall  
14 be jointly and severally liable for the fees and interest owed if such  
15 entity is defunct or unable to pay; and

16 (13) In consultation with statewide associations representing (a)  
17 counties and (b) cities and villages, to approve annual continuing  
18 education programs for county treasurers, city treasurers, and village  
19 treasurers as required by sections 14-553, 15-317, 16-318, 17-606, and  
20 23-1601. The cost of attending such programs shall be at the expense of  
21 the county, city, or village. The auditor shall maintain records of  
22 program attendance and notify each county board, city council, or village  
23 board of trustees if its treasurer has not completed such program  
24 attendance. The auditor shall inform the Attorney General and the county  
25 attorney of the county in which a treasurer is located if such treasurer  
26 has not completed a required annual continuing education program.

27 Sec. 94. Section 85-102, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 85-102 The object of the University of Nebraska ~~such institution~~  
30 shall be to afford to the inhabitants of this state the means of  
31 acquiring a thorough knowledge of the various branches of literature,

1 science and arts.

2 Sec. 95. Section 85-328, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 85-328 The State College Capitol Improvement Facility Fee Fund is  
5 created. Revenue credited to the fund shall include amounts generated  
6 through assessment of a capital improvement facilities fee under the  
7 authority of the Board of Trustees of the Nebraska State Colleges.  
8 Amounts accumulated in the fund are authorized to be expended for the  
9 purpose of paying the cost of capital improvement projects approved by  
10 the board of trustees for any facilities on campuses or lands owned or  
11 controlled by the board, except that no such amounts shall be expended  
12 for capital improvement projects relating to facilities from which  
13 revenue is derived and pledged for the retirement of revenue bonds issued  
14 under ~~the provisions of~~ sections 85-403 to 85-411. All money accruing to  
15 the fund is appropriated to the board of trustees and shall be used for  
16 capital improvement projects authorized by the board. No expenditure may  
17 be made from the fund without prior approval by a resolution of the board  
18 of trustees. Any money in the fund available for investment shall be  
19 invested by the state investment officer pursuant to the Nebraska Capital  
20 Expansion Act and the Nebraska State Funds Investment Act. All revenue,  
21 fund balances, and expenditures shall be recorded in the Nebraska State  
22 Accounting System.

23 Sec. 96. Section 85-502.01, Revised Statutes Cumulative Supplement,  
24 2022, is amended to read:

25 85-502.01 (1) A person who enrolls in a public college or university  
26 in this state and who is (a) a veteran as defined in Title 38 of the  
27 United States Code and was discharged or released from a period of not  
28 fewer than ninety days of service in the active military, naval, ~~or~~ air,  
29 or space service, (b) a spouse or dependent of such a veteran, or (c) an  
30 eligible recipient entitled to (i) educational assistance as provided in  
31 38 U.S.C. 3319 while the transferor is on active duty in the uniformed

1 services, (ii) educational assistance ~~or~~ as provided in 38 U.S.C. 3311(b)  
2 (8), (iii) 3311(b)(9), ~~as such sections existed on January 1, 2019, or~~  
3 ~~(d) entitled to rehabilitation as provided in pursuant to~~ 38 U.S.C.  
4 3102(a), or (iv) educational assistance as provided in 38 U.S.C. 3510, as  
5 such sections ~~section~~ existed on January 1, 2023 ~~2019~~, shall be  
6 considered a resident student notwithstanding ~~the provisions of~~ section  
7 85-502 if the person is registered to vote in Nebraska and demonstrates  
8 objective evidence of intent to be a resident of Nebraska, except that a  
9 person who is under eighteen years of age is not required to register to  
10 vote in Nebraska.

11 (2) For purposes of this section, objective evidence of intent to be  
12 a resident of Nebraska includes a Nebraska driver's license, a Nebraska  
13 state identification card, a Nebraska motor vehicle registration, or  
14 documentation that the individual is registered to vote in Nebraska.

15 Sec. 97. Section 85-601, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 85-601 It shall be grounds for the dismissal of any member of the  
18 faculty or administrative staff employed by, or the expulsion of any  
19 student attending, the University of Nebraska or any community college  
20 ~~any public institution of higher education~~ in this state to use or assist  
21 others in any way in the use of force or to counsel, recommend, or urge  
22 the use of force or the threat of force or the seizure of property under  
23 the control of such institution, or by any act or action not sanctioned  
24 by law to prevent the faculty, administrative officers, employees, or  
25 students in such institution from engaging in their normal duties in  
26 connection with the operation of the institution or pursuing their  
27 studies at such institution.

28 Sec. 98. Section 85-602, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 85-602 No person shall be dismissed or expelled under ~~the provisions~~  
31 ~~of~~ section 85-601 until such person ~~he~~ has been accorded a public hearing



1 under rules and regulations for the administration of sections 85-601 to  
2 85-605 established by the governing body ~~of the institution~~. Notice of  
3 such hearing and a formal written statement of the charges against such  
4 person ~~him~~ shall be served by either registered or certified mail, sent  
5 to such person's ~~his~~ current address as shown on the records of the  
6 University of Nebraska or community college ~~institution~~, at least twenty  
7 days before the date set for hearing. Such person ~~He~~ shall be entitled to  
8 file a written response to such charges, to be present in person and by  
9 counsel at the hearing, and to testify and produce other witnesses on his  
10 or her behalf.

11 Sec. 99. Section 85-603, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 85-603 Dismissal or expulsion of any person under ~~the provisions of~~  
14 section 85-601 shall be by written order, which shall contain findings of  
15 fact upon which dismissal or expulsion is based, and shall be signed by  
16 an authorized agent of the governing body. The order shall be entered  
17 within thirty days after the hearing, shall state its effective date, and  
18 shall be served by either registered or certified mail, return receipt  
19 requested, sent to such person's ~~his~~ current address as shown on the  
20 records of the University of Nebraska or community college ~~institution~~.

21 Sec. 100. Section 85-604, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 85-604 Each ~~The~~ governing body ~~of each public institution of higher~~  
24 ~~education in this state~~ shall adopt rules and regulations for the  
25 administration of ~~the provisions of~~ sections 85-601 to 85-605.

26 Sec. 101. Section 85-605, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 85-605 For purposes of sections 85-601 to 85-605, (1) dismissal does  
29 ~~shall~~ not include the failure to renew a probationary appointment of any  
30 faculty member or administrative staff member and (2) governing body  
31 means the Board of Regents of the University of Nebraska or the Community

1 ~~College Board of Governors, as applicable public institution of higher~~  
2 ~~education shall include the University of Nebraska, the state colleges,~~  
3 ~~and the community colleges.~~

4 Sec. 102. Section 85-1412, Revised Statutes Cumulative Supplement,  
5 2022, is amended to read:

6 85-1412 The commission shall have the following additional powers  
7 and duties:

8 (1) Conduct surveys and studies as may be necessary to undertake the  
9 coordination function of the commission pursuant to section 85-1403 and  
10 request information from governing boards and appropriate administrators  
11 of public institutions and other governmental agencies for research  
12 projects. All public institutions and governmental agencies receiving  
13 state funds shall comply with reasonable requests for information under  
14 this subdivision. Public institutions may comply with such requests  
15 pursuant to section 85-1417;

16 (2) Recommend to the Legislature and the Governor legislation it  
17 deems necessary or appropriate to improve postsecondary education in  
18 Nebraska and any other legislation it deems appropriate to change the  
19 role and mission provisions in sections 85-917 to 85-966.01. The  
20 recommendations submitted to the Legislature shall be submitted  
21 electronically;

22 (3) Establish any advisory committees as may be necessary to  
23 undertake the coordination function of the commission pursuant to section  
24 85-1403 or to solicit input from affected parties such as students,  
25 faculty, governing boards, administrators of the public institutions,  
26 administrators of the private nonprofit institutions of postsecondary  
27 education and proprietary institutions in the state, and community and  
28 business leaders regarding the coordination function of the commission;

29 (4) Participate in or designate an employee or employees to  
30 participate in any committee which may be created to prepare a  
31 coordinated plan for the delivery of educational programs and services in

1 Nebraska through the telecommunications system;

2 (5) Seek a close liaison with the State Board of Education and the  
3 State Department of Education in recognition of the need for close  
4 coordination of activities between elementary and secondary education and  
5 postsecondary education;

6 (6) Administer the Integrated Postsecondary Education Data System or  
7 other information system or systems to provide the commission with  
8 timely, comprehensive, and meaningful information pertinent to the  
9 exercise of its duties. The information system shall be designed to  
10 provide comparable data on each public institution. The commission shall  
11 also administer the uniform information system prescribed in sections  
12 85-1421 to 85-1427 known as the Nebraska Educational Data System. Public  
13 institutions shall supply the appropriate data for the information system  
14 or systems required by the commission;

15 (7) Administer (a) the Access College Early Scholarship Program Act,  
16 (b) the Community College Aid Act, (c) the Door to College Scholarship  
17 Act and the Door to College Scholarship Fund, (d) the Nebraska Community  
18 College Student Performance and Occupational Education Grant Fund under  
19 the direction of the Nebraska Community College Student Performance and  
20 Occupational Education Grant Committee, (e) ~~(d)~~ the Nebraska Opportunity  
21 Grant Act and the Nebraska Opportunity Grant Fund, (f) ~~(e)~~ the  
22 Postsecondary Institution Act, (g) ~~and (f)~~ the community college gap  
23 assistance program and the Community College Gap Assistance Program Fund,  
24 and (h) the Excellence in Teaching Act and the Excellence in Teaching  
25 Cash Fund;

26 (8) Accept and administer loans, grants, and programs from the  
27 federal or state government and from other sources, public and private,  
28 for carrying out any of its functions, including the administration of  
29 privately endowed scholarship programs. Such loans and grants shall not  
30 be expended for any other purposes than those for which the loans and  
31 grants were provided. The commission shall determine eligibility for such

1 loans, grants, and programs, and such loans and grants shall not be  
2 expended unless approved by the Governor;

3 (9) On or before December 1 of each even-numbered year, submit to  
4 the Legislature and the Governor a report of its objectives and  
5 activities and any new private colleges in Nebraska and the  
6 implementation of any recommendations of the commission for the preceding  
7 two calendar years. The report submitted to the Legislature shall be  
8 submitted electronically;

9 (10) Provide staff support for interstate compacts on postsecondary  
10 education; and

11 (11) Request inclusion of the commission in any existing grant  
12 review process and information system.

13 Sec. 103. Section 85-1906, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 85-1906 (1) Eligible postsecondary educational institution means a  
16 public or private postsecondary educational institution:

17 (a) ~~(1)~~ Located in Nebraska;

18 (b) ~~(2)~~ Primarily engaged in the instruction of students;

19 (c) ~~(3)~~ Satisfying the provisions of Nebraska law relating to the  
20 approval and licensure of schools, colleges, and universities and  
21 maintaining accreditation by an accrediting organization recognized by  
22 the United States Department of Education;

23 (d) ~~(4)~~ Offering courses of instruction in regularly scheduled  
24 classes to regularly enrolled undergraduate students who reside in  
25 Nebraska and have received high school diplomas or their equivalent; and

26 (e) ~~(5)~~ Which has adopted, and has available for inspection, award  
27 refund and repayment policies.

28 (2) For a postsecondary educational institution not eligible prior  
29 to the operative date of this section, for purposes of this section,  
30 located in Nebraska means such eligible postsecondary educational  
31 institution:

1       (a) Has established a physical location in this state where students  
2 may receive instruction; and

3       (b) Maintains an administrative office in this state for the  
4 purposes of enrolling students, providing information to students about  
5 the institution, and providing student support services.

6       Sec. 104. Section 85-1907, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8       85-1907 Eligible student means an undergraduate student who:

9       (1) Is enrolled in an eligible postsecondary educational  
10 institution;

11       (2)(a) For award years through award year 2023-24, has ~~(2)~~ Has  
12 applied for federal financial aid through the Free Application for  
13 Federal Student Aid for the applicable award year and has an expected  
14 family contribution which is equal to or less than one hundred ten  
15 percent of the maximum expected family contribution to qualify for a  
16 Federal Pell Grant in that award year; and

17       (b) For award year 2024-25 and each award year thereafter, has  
18 applied for federal financial aid through the Free Application for  
19 Federal Student Aid for the applicable award year and has a student aid  
20 index which is equal to or less than one hundred ten percent of the  
21 maximum student aid index to qualify for a Federal Pell Grant in that  
22 award year;

23       (3) Is a resident student who is domiciled in Nebraska as provided  
24 by section 85-502; and

25       (4) Complies with all other provisions of the Nebraska Opportunity  
26 Grant Act and its rules and regulations.

27       Sec. 105. Section 85-1920, Revised Statutes Cumulative Supplement,  
28 2022, is amended to read:

29       85-1920 The Nebraska Opportunity Grant Fund is created. Money in the  
30 fund shall include amounts transferred pursuant to section 1 of this act  
31 from the State Lottery Operation Trust Fund pursuant to section 9-812

1 ~~until June 30, 2016, or, until June 30, 2024,~~ the Nebraska Education  
2 Improvement Fund ~~pursuant to section 9-812 until June 30, 2024.~~ All  
3 amounts accruing to the Nebraska Opportunity Grant Fund shall be used to  
4 carry out the Nebraska Opportunity Grant Act. Any money in the fund  
5 available for investment shall be invested by the state investment  
6 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
7 State Funds Investment Act.

8       Sec. 106. Section 85-2009, Revised Statutes Cumulative Supplement,  
9 2022, is amended to read:

10       85-2009 (1) The Community College Gap Assistance Program Fund is  
11 created. The fund shall be under the direction of the committee and shall  
12 be administered by the Coordinating Commission for Postsecondary  
13 Education. The fund shall consist of money received pursuant to section 1  
14 of this act ~~9-812~~, any other money received by the state in the form of  
15 grants or gifts from nonfederal sources, such other amounts as may be  
16 transferred or otherwise accrue to the fund, and any investment income  
17 earned on the fund. The fund shall be used to carry out the community  
18 college gap assistance program pursuant to the Community College Gap  
19 Assistance Program Act. Any money in the fund available for investment  
20 shall be invested by the state investment officer pursuant to the  
21 Nebraska Capital Expansion Act and the Nebraska State Funds Investment  
22 Act.

23       (2) In addition to community college gap assistance awarded to  
24 students, money in the fund may also be used by the committee:

25       (a) To establish application and funding procedures; and

26       (b) To assist other eligible institutions as specified in contracts  
27 entered into pursuant to subsection (4) of section 85-2010 in defraying  
28 the costs of direct staff support services, including, but not limited  
29 to, marketing, outreach, applications, interviews, and assessments  
30 related to the community college gap assistance program.

31       (3) Each community college may use up to ten percent of any money

1 received from the fund to defray the costs of direct staff support  
2 services, including, but not limited to, marketing, outreach,  
3 applications, interviews, and assessments.

4 Sec. 107. (1) On or before October 1, 2023, the State Department of  
5 Education, the Department of Health and Human Services, the Office of  
6 Probation Administration, and the State Court Administrator shall enter  
7 into a memorandum of understanding for the sharing of data relevant to  
8 students who are under the jurisdiction of the juvenile court. The  
9 purpose for the sharing of data is to provide systems-wide coordination  
10 to improve educational opportunities, outcomes, and to facilitate service  
11 coordination for such students. The memorandum shall include the intent  
12 for the State Department of Education to contract with an outside  
13 consultant with expertise in the education of court-involved students to  
14 assist in the development of such policies and procedures.

15 (2) The consultant shall provide recommendations addressing issues  
16 that include, but need not be limited to, the following:

17 (a) Identifying and defining the population of students whose data  
18 should be collected and shared;

19 (b) Defining the specific types of data to be collected and shared;

20 (c) Identifying shared data systems;

21 (d) Identifying the entities and persons for which the data should  
22 be accessible;

23 (e) Identifying both federal and state legal responsibilities and  
24 confidentiality parameters; and

25 (f) Developing a uniform approach for the transfer of educational  
26 credits.

27 (3) The development of such policies and procedures for the sharing  
28 of data shall be collaborative and shall include input from the  
29 appropriate entities including, but not limited to, the State Department  
30 of Education, the Department of Health and Human Services, the Office of  
31 Probation Administration, the State Court Administrator, the juvenile

1 court system, the superintendent of schools for the youth and  
2 rehabilitation centers, public school districts, educators, and court-  
3 involved students and their parents. The consultant shall provide a draft  
4 report containing the recommendations described in subsection (2) of this  
5 section to the appropriate agency representatives and to the Commissioner  
6 of Education, the chief executive officer of the Department of Health and  
7 Human Services, and the Chief Justice of the Supreme Court on or before  
8 September 1, 2024.

9 (4) The State Department of Education shall complete a final report  
10 detailing the recommendations of the consultant and any policies and  
11 procedures that are being considered for adoption by the State Department  
12 of Education, the Department of Health and Human Services, the Office of  
13 Probation Administration, and the State Court Administrator. The report  
14 shall be delivered electronically to the Chief Justice of the Supreme  
15 Court, the Governor, and the Clerk of the Legislature on or before  
16 December 1, 2024.

17 Sec. 108. The Revisor of Statutes shall assign sections 13 to 38 of  
18 this act within Chapter 85.

19 Sec. 109. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 28, 29,  
20 30, 31, 32, 33, 34, 35, 36, 37, 38, 52, 53, 59, 65, 76, 77, 79, 80, 84,  
21 85, 86, 93, 96, 102, 105, 106, 111, and 115 of this act become operative  
22 on July 1, 2023. Sections 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24,  
23 25, 26, 27, 112, and 116 of this act become operative on July 1, 2024.  
24 Sections 54, 55, 56, 57, 58, 60, 61, 62, 63, 64, 66, 67, 68, 69, 70, 71,  
25 72, 73, 74, 75, 81, 87, 88, 89, 90, 91, 92, 94, 95, 97, 98, 99, 100, 101,  
26 103, 104, and 113 of this act become operative three calendar months  
27 after the adjournment of this legislative session. The other sections of  
28 this act become operative on their effective date.

29 Sec. 110. If any section in this act or any part of any section is  
30 declared invalid or unconstitutional, the declaration shall not affect  
31 the validity or constitutionality of the remaining portions.



1           Sec. 111. Original sections 9-812 and 9-836.01, Reissue Revised  
2 Statutes of Nebraska, and sections 79-703, 79-1054, 79-1104.02,  
3 79-11,160, 79-1337, 79-2506, 79-2510, 79-3106, 84-304, 85-502.01,  
4 85-1412, 85-1920, and 85-2009, Revised Statutes Cumulative Supplement,  
5 2022, are repealed.

6           Sec. 112. Original sections 79-8,132, 79-8,135, 79-8,138, 79-8,139,  
7 and 79-8,140, Reissue Revised Statutes of Nebraska, and sections  
8 79-8,133, 79-8,134, 79-8,137, 79-8,137.01, 79-8,137.02, 79-8,137.03,  
9 79-8,137.04, and 79-8,137.05, Revised Statutes Cumulative Supplement,  
10 2022, are repealed.

11           Sec. 113. Original sections 79-239, 79-244, 79-254, 79-263, 79-265,  
12 79-267, 79-809, 81-145, 81-1118.02, 85-102, 85-328, 85-601, 85-602,  
13 85-603, 85-604, 85-605, 85-1906, and 85-1907, Reissue Revised Statutes of  
14 Nebraska, and sections 79-101, 79-238, 79-2,136, 79-729, 79-734,  
15 79-760.01, 79-806, 79-807, 79-808, 79-8,143, 79-8,145, 79-2110, 79-3304,  
16 79-3305, 81-161.04, and 81-1118, Revised Statutes Cumulative Supplement,  
17 2022, are repealed.

18           Sec. 114. Original section 79-2304, Reissue Revised Statutes of  
19 Nebraska, and sections 79-1142 and 79-2308, Revised Statutes Cumulative  
20 Supplement, 2022, are repealed.

21           Sec. 115. The following sections are outright repealed: Sections  
22 50-425, 50-426, 50-427, and 50-428, Reissue Revised Statutes of Nebraska.

23           Sec. 116. The following sections are outright repealed: Sections  
24 79-8,124, 79-8,125, 79-8,126, 79-8,127, 79-8,128, 79-8,129, 79-8,130, and  
25 79-8,131, Reissue Revised Statutes of Nebraska.

26           Sec. 117. Since an emergency exists, this act takes effect when  
27 passed and approved according to law.