

AMENDMENTS TO LB306

Introduced by Spivey, 13.

1           1. Insert the following new sections:

2           **Section 1.** Sections 1 to 6 of this act shall be known and may be  
3 cited as the Education Leave and Support Act.

4           **Sec. 2.** For purposes of the Education Leave and Support Act:

5           (1) Covered employee means a certificated employee under a  
6 collective-bargaining agreement employed by a school district;

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

8           (3) Employer means a school district subject to the requirements of  
9 the federal Family and Medical Leave Act of 1993, 29 U.S.C. 2601 et seq.;

10          (4) FMLA leave means leave taken by a covered employee under the  
11 federal Family and Medical Leave Act of 1993, 29 U.S.C. 2601 et seq.; and

12          (5) School district has the same meaning as in section 79-101.

13          **Sec. 3.** Beginning January 1, 2026, each employer shall remit  
14 quarterly to the State Treasurer thirty-five hundredths of one percent of  
15 the taxable wages paid by the employer to covered employees. Employers  
16 shall not deduct any amount remitted pursuant to this section from the  
17 wages of covered employees. The State Treasurer shall credit all amounts  
18 remitted under this section to the State Education Leave Fund.

19          **Sec. 4.** (1) The State Education Leave Fund is hereby created. The  
20 fund shall be administered by the department. Any money in the fund  
21 available for investment shall be invested by the state investment  
22 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
23 State Funds Investment Act.

24          (2) The fund shall be used to reimburse employers for the cost of  
25 hiring substitutes for covered employees for the first two weeks of a  
26 covered employee's FMLA leave and to provide any required operating and  
27 administrative expenses incurred by the department to carry out the

1 Education Leave and Support Act.

2 (3) Reimbursement under this section shall begin July 1, 2026. The  
3 department shall develop and implement procedures to:

4 (a) Accept applications for reimbursement from employers;

5 (b) Review applications in order to ensure compliance with  
6 eligibility requirements; and

7 (c) Disburse reimbursements in a timely manner.

8 (4) Reimbursement under this section shall be made in an amount not  
9 to exceed the actual daily cost to the employer of hiring a substitute  
10 for a covered employee.

11 (5) For the first two weeks of FMLA leave, any covered employee  
12 shall continue to receive full salary and benefits and shall not be  
13 required to use any accrued personal or sick leave during such period.

14 (6) The department shall electronically submit an annual report to  
15 the Legislature detailing the operating and administrative expenses,  
16 reimbursements, utilization rates, and remaining balance.

17 **Sec. 5.** (1) The Education Retention Fund is hereby created. The  
18 fund shall be administered by the department. Any money in the fund  
19 available for investment shall be invested by the state investment  
20 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
21 State Funds Investment Act.

22 (2) If the State Education Leave Fund accrues a surplus exceeding  
23 twenty percent of its projected annual needs, the department shall notify  
24 the State Treasurer, and the State Treasurer shall transfer the excess to  
25 the Education Retention Fund. Any money transferred under this section  
26 shall be used to reimburse employers for the cost of hiring substitutes  
27 to fill in for covered employees who are participating in professional  
28 development activities and for forgivable loans awarded under the Special  
29 Education Teacher Forgivable Loan Program Act.

30 **Sec. 6.** (1) Any school district that misuses reimbursments received  
31 from the State Education Leave Fund shall repay the funds in full and

1 shall be subject to penalties as prescribed by the department.

2 (2) The State Education Leave Fund shall be subject to an annual  
3 audit by the Auditor of Public Accounts.

4 **Sec. 7.** Sections 7 to 11 of this act shall be known and may be  
5 cited as the Special Education Teacher Forgivable Loan Program Act.

6 **Sec. 8.** (1) The Legislature finds that Nebraska elementary and  
7 secondary schools have had difficulty filling open and necessary job  
8 positions, including special education teachers.

9 (2) It is the intent of the Legislature to assist individuals  
10 studying to become special education teachers by supporting forgivable  
11 loans to those individuals who commit to teaching in Nebraska following  
12 their certification as a teacher with a special education endorsement.

13 **Sec. 9.** For purposes of the Special Education Teacher Forgivable  
14 Loan Program Act:

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

16 (2) Eligible institution means a not-for-profit college or  
17 university that (a) is located in Nebraska, (b) is accredited by an  
18 accrediting agency recognized by the United States Department of  
19 Education and determined to be acceptable by the State Board of  
20 Education, and (c) has a special education teacher education program;

21 (3) Eligible noncitizen means an individual who:

22 (a) Is a United States national, including a native of American  
23 Samoa or Swains Island;

24 (b) Is a lawful permanent resident with a Form I-551, I-151, or  
25 I-551C issued by the United States Government;

26 (c) Is a conditional permanent resident of the United States;

27 (d) Has an Arrival-Departure Record I-94 from the United States  
28 Citizenship and Immigration Services showing a status of Refugee, Asylum  
29 Granted, Parolee, Conditional Entrant, or Cuban-Haitian Entrant;

30 (e) Holds a T nonimmigrant status visa or is a child of an  
31 individual who holds a T-1 nonimmigrant status visa;

1       (f) Is a battered immigrant-qualified alien who is a victim of abuse  
2 by such individual's spouse or parent who is a citizen or permanent  
3 resident;

4       (g) Is a battered immigrant-qualified alien who is a child of a  
5 person designated as such under the federal Violence Against Women Act;  
6 or

7       (h) Is a citizen of the Republic of Palau, the Republic of the  
8 Marshall Islands, or the Federated States of Micronesia;

9       (4) Eligible student means an individual who:

10       (a) Is a United States citizen or an eligible noncitizen;

11       (b) Is a high school graduate or the equivalent of a high school  
12 graduate;

13       (c) Is enrolled in good standing at a state college in Nebraska or  
14 the University of Nebraska;

15       (d) Is seeking initial certification as a teacher with an  
16 endorsement in special education; and

17       (e) Has applied for federal financial aid grants and state  
18 scholarships and grants to cover tuition and fees; and

19       (5) Teacher education program means a program of study that results  
20 in obtaining a bachelor's degree, master's degree, or special education  
21 endorsement that meets the education requirements for certification  
22 pursuant to sections 79-806 to 79-816.

23       **Sec. 10.** (1) The Special Education Teacher Forgivable Loan Program  
24 is created and shall be administered by the department. Excess funds  
25 transferred to the Education Retention Fund under section 5 of this act  
26 shall be used to cover the costs of the program.

27       (2) The department may award a forgivable loan to an eligible  
28 student to pay for instate tuition, or the equivalent of instate tuition,  
29 at any eligible institution.

30       (3) The department may award up to twenty-five forgivable loans each  
31 academic year for each eligible institution.

1       (4) An eligible student who is awarded a forgivable loan under the  
2 Special Education Teacher Forgivable Loan Program shall enter into a  
3 contract with the department prior to the department dispersing any money  
4 for such loan. Such contract shall contain at least the following terms:

5       (a) The eligible student shall only be eligible to receive a loan  
6 under the program for the first five years that the eligible student is  
7 enrolled in a teacher education program;

8       (b) The loan shall only be used to pay for any tuition remaining due  
9 to the eligible institution attended by the eligible student after  
10 applying all awarded federal and state financial aid grants and  
11 scholarships;

12       (c) The eligible student shall begin teaching special education at a  
13 Nebraska elementary or secondary school within one year after graduating  
14 with a degree in education; and

15       (d) The eligible student shall teach special education at a Nebraska  
16 elementary or secondary school for:

17       (i) Five consecutive years after graduating with a degree in  
18 education; or

19       (ii) The equivalent number of years of loans received.

20       (5)(a) When an eligible student who was awarded any forgivable loan  
21 under this section graduates from an eligible institution, the department  
22 shall determine the dollar amount of forgivable loans such student  
23 received each year and the overall total dollar amount of forgivable  
24 loans paid to such eligible student.

25       (b)(i) Except as provided in subdivision (b)(ii) of this subsection,  
26 for each year after graduating from an eligible institution that an  
27 eligible student complies with the terms of the contract under this  
28 section, the department shall forgive twenty percent of the total dollar  
29 amount of forgivable loans paid to such eligible student. After the fifth  
30 consecutive year of compliance with the terms of the contract, the  
31 department shall notify the eligible student that the total amount of

1 forgivable loans provided under this section that were owed by such  
2 eligible student are forgiven.

3 (ii) For an eligible student that received less than five total  
4 years of forgivable loans pursuant to this section, for each year after  
5 graduating from an eligible institution that an eligible student complies  
6 with the terms of the contract under this section, the department shall  
7 forgive the amount of one year's worth of forgivable loans paid to such  
8 eligible student. After the eligible student complies with the terms of  
9 the contract for the number of years that the eligible student received a  
10 forgivable loan pursuant to this section, the department shall notify the  
11 eligible student that the total amount of forgivable loans provided under  
12 this section that were owed by such eligible student are forgiven.

13 (6) If an eligible student who accepted a forgivable loan under this  
14 section fails to comply with the terms of the contract described in this  
15 section, such eligible student may receive a deferment from the  
16 obligation of repayment as specified in rules and regulations adopted and  
17 promulgated under the Special Education Teacher Forgivable Loan Program  
18 Act.

19 (7) Any eligible student who accepted a forgivable loan under this  
20 section who fails to comply with the terms of the contract described in  
21 this section and who does not receive a deferment from the obligation of  
22 repayment as described in this section shall repay the remaining balance  
23 of any forgivable loan with simple interest at a rate of five percent per  
24 year. Any repayment under this section shall be remitted to the State  
25 Treasurer for credit to the General Fund.

26 (8) The department shall provide each eligible student who accepts a  
27 forgivable loan under this section with a description of the obligations  
28 of such eligible student under the terms of the contract described in  
29 this section.

30 **Sec. 11.** The State Board of Education may adopt and promulgate  
31 rules and regulations relating to the Special Education Teacher

1 Forgivable Loan Program Act.

2       **Sec. 13.** Section 79-1028.01, Reissue Revised Statutes of Nebraska,  
3 is amended to read:

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

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

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

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

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

23       (e) Expenditures to pay for employer contributions pursuant to  
24 subsection (2) of section 79-958 to the School Employees Retirement  
25 System of the State of Nebraska to the extent that such expenditures  
26 exceed the employer contributions under such subsection that would have  
27 been made at a contribution rate of seven and thirty-five hundredths  
28 percent;

29       (f) Expenditures to pay for school district contributions pursuant  
30 to subdivision (1)(c)(i) or (1)(d)(i) of section 79-9,113 to the  
31 retirement system established pursuant to the Class V School Employees

1 Retirement Act to the extent that such expenditures exceed the school  
2 district contributions under such subdivision that would have been made  
3 at a contribution rate of seven and thirty-seven hundredths percent;

4 (g) Expenditures for incentives agreed to be paid by a school  
5 district to certificated employees in exchange for a voluntary  
6 termination of employment occurring prior to July 1, 2009, occurring on  
7 or after the last day of the 2010-11 school year and prior to the first  
8 day of the 2013-14 school year, or, to the extent that a district  
9 demonstrates to the State Board of Education pursuant to subsection (3)  
10 of this section that the agreement will result in a net savings in salary  
11 and benefit costs to the school district over a five-year period,  
12 occurring on or after the first day of the 2013-14 school year and prior  
13 to September 1, 2017;

14 (h) Expenditures by a school district with budgeted expenditures  
15 otherwise equal to the budget authority for the general fund budget of  
16 expenditures for such school district as calculated pursuant to section  
17 79-1023 for such school fiscal year for current and future qualified  
18 voluntary termination incentives for certificated teachers pursuant to  
19 subsection (3) of section 79-8,142 that are not otherwise included in an  
20 exclusion pursuant to this subsection;

21 (i) Expenditures by a school district with budgeted expenditures  
22 otherwise equal to the budget authority for the general fund budget of  
23 expenditures for such school district as calculated pursuant to section  
24 79-1023 for such school fiscal year for seventy-five percent of  
25 incentives agreed to be paid to certificated employees in exchange for a  
26 voluntary termination of employment occurring between September 1, 2017,  
27 and August 31, 2018, as a result of a collective-bargaining agreement in  
28 force and effect on September 1, 2017, that are not otherwise included in  
29 an exclusion pursuant to this subsection;

30 (j) Expenditures by a school district with budgeted expenditures  
31 otherwise equal to the budget authority for the general fund budget of



1 expenditures for such school district as calculated pursuant to section  
2 79-1023 for such school fiscal year for fifty percent of incentives  
3 agreed to be paid to certificated employees in exchange for a voluntary  
4 termination of employment occurring between September 1, 2018, and August  
5 31, 2019, as a result of a collective-bargaining agreement in force and  
6 effect on September 1, 2017, that are not otherwise included in an  
7 exclusion pursuant to this subsection;

8 (k) Expenditures by a school district with budgeted expenditures  
9 otherwise equal to the budget authority for the general fund budget of  
10 expenditures for such school district as calculated pursuant to section  
11 79-1023 for such school fiscal year for twenty-five percent of incentives  
12 agreed to be paid to certificated employees in exchange for a voluntary  
13 termination of employment occurring between September 1, 2019, and August  
14 31, 2020, as a result of a collective-bargaining agreement in force and  
15 effect on September 1, 2017, that are not otherwise included in an  
16 exclusion pursuant to this subsection;

17 (l) The special education budget of expenditures;

18 (m) Expenditures of special grant funds; and

19 (n) Expenditures of funds received as federal impact aid pursuant to  
20 20 U.S.C. 7701 to 7714, as such sections existed on January 1, 2016, due  
21 to a district having land within its boundaries that is federal property  
22 classified as Indian lands under 20 U.S.C. 7713(7), as such section  
23 existed on January 1, 2016, and funds received as impact aid due to  
24 children in attendance who resided on Indian lands in accordance with 20  
25 U.S.C. 7703(a)(1)(C), as such section existed on January 1, 2016; and -

26 (o) Beginning with school fiscal year 2025-26, expenditures to remit  
27 thirty-five hundredths of one percent of the taxable wages paid by an  
28 employer to covered employees under the Education Leave and Support Act  
29 and remitted quarterly to the State Treasurer pursuant to the State  
30 Education Leave Fund.

31 (2) For each school fiscal year, a school district may exceed its

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

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

17 (b) Expenditures for new elementary attendance sites in the first  
18 year of operation or the first year of operation after being closed for  
19 at least one school year if such elementary attendance site will most  
20 likely qualify for the elementary site allowance in the immediately  
21 following school fiscal year as determined by the state board;

22 (c) For the first school fiscal year for which early childhood  
23 education membership is included in formula students for the calculation  
24 of state aid, expenditures for early childhood education equal to the  
25 amount the school district received in early childhood education grants  
26 pursuant to section 79-1103 for the prior school fiscal year, increased  
27 by the basic allowable growth rate; and

28 (d) For school fiscal year 2013-14, an amount not to exceed two  
29 percent over the previous school year if such increase is approved by a  
30 seventy-five percent majority vote of the school board of such district.

31 (3) The state board shall approve, deny, or modify the amount

- 1 allowed for any exclusions to the budget authority for the general fund
- 2 budget of expenditures pursuant to this section.
- 3 2. Renumber the remaining sections and correct internal references
- 4 and the repealer accordingly.