

**STATE BOARD OF EDUCATION
2013 Legislative Session
103rd Legislature, First Session**

**May 6 & 7, 2013
LEGISLATIVE BILLS**

EDUCATION COMMITTEE – Board Support
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**LB 47Hearing Date: January 29, 2013 – Education Committee
.....Held In Committee**
INTRODUCED BY: Senator Ashford

ONE-LINER: Change provisions relating to career academies

SUMMARY: This bill amends last year’s LB 870 concerning career academies. It provides a funding structure for career academies that are organized on a consortia level with three or more school districts participating with a community college, publicly funded four-year college or university and at least one other public agency, private business, private-industry group or other privately funded entity. The bill also provides for an Industry Credential Assessment Fund to be created to defray the cost to graduates of a career academy of the assessment cost to obtain an industry-recognized credential.

Board: On January 28, 2013, the State Board voted to Support LB 47, with staff testimony.

**LB 410Hearing Date: February 25, 2013 – Education Committee
EDUCATION COMMITTEE PRIORITY BILL..... On Select File
NDE TECHNICAL AMENDMENT BILL**
INTRODUCED BY: Senator Sullivan

ONE-LINER: Change and eliminate provisions relating to education

SUMMARY: This is the Department of Education’s technical bill for the 2013 Session. The bill repeals obsolete education statutes and harmonizes education statutes with current practices. The subject matter of the statutes identified in the bill include provision regarding rules and regulations, kindergarten admission, enrollment option, access to school files, attendance reporting, pupil transportation, early childhood education, the Tax Equity and Educational Opportunities Support Act, educational service units, distance education reimbursement, learning community reporting, disclosure of certain records and private postsecondary schools. The bill has the Emergency Clause.

Board: On January 28, 2013, the State Board voted to Support LB 410, with staff testimony.

**LB 438Hearing Date: February 25, 2013 – Education Committee
SENATOR ADAMS PRIORITY BILL..... On General File**
INTRODUCED BY: Senator Adams

ONE-LINER: Provide for priority schools, operating councils, and community schools

SUMMARY: The bill would amend the Quality Education Accountability Act to require:

- Beginning with data from the 2013-14 school years, indicators selected by the State Board of Education for the accountability system shall be combined into a school performance score and district performance score.
- State Board shall establish levels of performance based upon school performance scores and district performance scores
- Annually, the five lowest performing schools shall be designated by the State Board as priority schools.
- If the priority school is not a community school, the State Board shall establish the operating council for the priority school.
- The State Board of Education shall appoint an intervention team for each priority school.
- The intervention team, the local school board, the operating council, and priority administrators and staff shall develop a progress plan that is approved by the State Board.
- The Commissioner of Education shall report progress of priority schools annually to the Governor, Clerk of the Legislature, and the chairperson of the Education Committee of the Legislature.
- The State Board of Education will reevaluate the progress plan for any school that remains in priority status for five consecutive years.
- Any public school may become a community school through formation of an operating council if the school board of a Class II, III, IV, or V receives a request for a school controlled by the school district to become a community school.
- The school board will establish an operating council and establish procedures for the formation and continuation of the council.
- Operating councils shall consist of not less than 3 and not more than 6 members, and shall be advisory to the school board, superintendent, and principal on all matters affecting the community school.

Board: On February 4, 2013, the State Board voted to Support LB 438, with staff testimony.

LB 495E & 495AE Hearing Date: March 19, 2013 – Education Committee
SPEAKER PRIORITY BILL Approved By Governor
LB 495AE Approved By Governor
INTRODUCED BY: Senator Sullivan

ONE-LINER: Change provisions relating to the Education Innovation Fund and early childhood grant reporting

SUMMARY: This bill authorizes the allocation of money for the Early Childhood Education Grant Program for children three to five and for the Early Childhood Education Endowment Cash Fund from lottery funds. The bill also eliminates funding from the Education Innovation fund for NDE’s longitudinal data system, NDE’s Student Leadership and Extended Learning Act, Multicultural Education, and NDE’s Certification Investigations and states intent that these be funded by the Legislature with general funds beginning in FY13-14.

For 2013-2014, \$1,750,000 would go to NDE for early childhood grants, and \$1,000,000 would go to the Early Childhood Education Endowment Cash Fund for Sixpence grants (for children birth to age three). For 2014-2015, \$1,850,000 would go to NDE for early childhood grants, and \$1,000,000 would go to the Early Childhood Education Endowment Cash Fund for Sixpence grants. For 2015-2016, 1,950,000 would go to NDE for early childhood grants, and \$1,000,000 would go to the Early Childhood Education Endowment Cash Fund for Sixpence grants.

The bill also clarifies that both NDE and the Endowment Board of Trustees must submit evaluation reports to the State Board and the Legislature each odd numbered year. This bill also requires that the Education Committee hold a hearing

about the report. Up to 5% of the total appropriation from state general funds for the Early Childhood Education Grant Program may be reserved by NDE for evaluation and technical assistance.

Board: On February 4, 2013, the State Board voted to Support LB 495, with staff testimony.

**LB 511 Hearing Date: March 19, 2013 – Education Committee
..... Indefinitely Postponed
INTRODUCED BY: Senator Scheer**

ONE-LINER: Change allocation provisions relating to the Education Innovation Fund

SUMMARY: This bill would secure funding for two separate technology focuses. The first funding focus would be around support and development of state wide services. These services would include a State LMS instance, State content repository and State Professional Development Network. This bill specifically charges the Technology Center at NDE with coordinating the development of these projects in partnership with ESUCC, NET and other pertinent partners. The second part of the bill creates a grant for schools to receive funding to support the purchase of technology. This part of the bill is very similar to what LB 566 was purposing to create.

Board: On February 4, 2013, the State Board voted to Support LB 511, with staff testimony.

**LB 512Hearing Date: February 25, 2013 – Education Committee
.....Held In Committee
INTRODUCED BY: Senator Scheer**

ONE-LINER: Change provisions relating to academic content standards and statewide assessment and reporting

SUMMARY: This bill amends sections 79-760.01 and 79-760.02 of the Quality Education Accountability Act. The proposed amendment gives the State Board more authority to determine when and how standards should be reviewed and/or revised by altering the following language: “The State Board of Education shall develop a plan to review ~~and update~~ the standards for each subject area not less than every five years and may modify the standards as it deems appropriate.” The bill also opens up the possibility to administer assessments that may be a part of a multi-state effort with language that reads: “or administer assessment instruments that measure student knowledge relative to common academic content standards adopted by a consortium of states in particular subject areas.”

Board: On January 28, 2013, the State Board voted to Support LB 512, with staff testimony.

EDUCATION COMMITTEE – Board Opposed

**LB 116Hearing Date: January 29, 2013 – Education Committee
.....Held In Committee
INTRODUCED BY: Senator Harms**

ONE-LINER: Provide requirements for dual-enrollment courses

SUMMARY: The bill identifies that a dual-enrollment course must be comparable to a postsecondary educational institution in terms of: rigor; syllabus, textbook, and course requirements; and, student assessment. Further, it requires that the instructor possess a master's degree and at least 18 hours of graduate-level student in the content area. For career and technical education courses, the faculty requirement is the postsecondary's equivalent faculty hiring requirements. It specifies that dual-enrollment courses offered by a postsecondary educational institution approved by the Coordinating Commission for Postsecondary Education to offer such courses shall follow enrollment standards approved by the Commission and the State Department of Education – or the credits will not be transferable to public postsecondary educational institutions in Nebraska.

Board: On January 28, 2013, the State Board voted to Oppose LB 116, with staff testimony.

**LB 121Hearing Date: January 28, 2013 – Education Committee
..... Indefinitely Postponed**

INTRODUCED BY: Senator Lautenbaugh

ONE-LINER: Provide for waiver of a Nebraska certificate to administer

SUMMARY: The bill proposes changes to 79-801 which currently requires all persons holding the title of superintendent to hold a Nebraska administrative certificate; and proposes to give the State Board of Education the ability to waive the requirement of a Nebraska certificate for superintendents if requested by a local board of education.

Board: On January 28, 2013, the State Board voted to Oppose LB 121, with staff testimony.

**LB 539Hearing Date: February 5, 2013 – Education Committee
..... Indefinitely Postponed**

INTRODUCED BY: Senator Chambers

ONE-LINER: Prohibit requiring teaching experience for superintendents

SUMMARY: Proposes no school board or board of education shall require that any candidate for superintendent of schools have teaching experience. State Board of Education rules and regulation purporting to authorize school boards to include such a requirement in any contract of employment are null and void. Adds provision to 79-801 that the State Board is not authorized to require teaching experiences as a prerequisite for issuance of a certificate to administer.

Board: On January 28, 2013, the State Board voted to Oppose LB 539, with staff testimony.

**LB 593Hearing Date: February 25, 2013 – Education Committee
..... Indefinitely Postponed**

INTRODUCED BY: Senator Lautenbaugh

ONE-LINER: Adopt the Charter Schools Act

SUMMARY: The Charter Schools Act would allow the State Board of Education to establish up to five (5) public charter schools at any one time within the boundaries of a city of metropolitan size. The total combined student population could not exceed 1000 students. Any person or entity wishing to establish a charter school would be required to meet current accreditation (Rule 10) or approval (Rule 14) requirements. Required annual reports to the State Board of Education would include student achievement and financial statements. Private, denominational and parochial schools would not be eligible to establish a charter school.

A charter school could limit enrollment to specific grade levels or areas of focus. No admission fees, tuition, or student fees could be charged to students. Funds equal to per pupil cost within a resident district, times the number of students in attendance, would be transferred to the charter school from the resident district. The resident district would also be required to cover transportation costs, or provide transportation. Requirements and rights that apply to staff members within the charter school are also addressed.

Board: On January 28, 2013, the State Board voted to Oppose LB 593, with staff testimony.

EDUCATION COMMITTEE – Board Neutral

**LB 274Hearing Date: February 5, 2013 – Education Committee
..... Indefinitely Postponed**

INTRODUCED BY: Senator Nordquist

ONE-LINER: Adopt the Education Compensation Transparency Act

SUMMARY: The bill requires districts to publicly post the superintendent and ESUs to post the administrator’s salary and all fringe benefits on their respective home page websites within 30 days of the board approval of the annual operating budget or any subsequent amendments to that budget affecting these salaries. It also requires NDE to create a standard format for all local public reporting; and requires NDE to collect the reports and post the reports on NDE’s website, which could include links to every district and ESU home page.

Board: On January 28, 2013, the State Board voted to remain Neutral on LB 274, with a letter on position taken.

**LB 470Hearing Date: February 5, 2013 – Education Committee
..... On General File**

INTRODUCED BY: Senator Scheer

ONE-LINER: Adopt the Superintendent Pay Transparency Act

SUMMARY: This bill creates the Superintendent Pay Transparency Act. The Act would require a school district to identify all costs associated with a contract and/or an amendment to a contract for the superintendent of the public school. The bill would require the school district to publish a copy of the contract and/or amendment five days prior to the board of education considering the contract and/or amendment. The information may be posted on the website of the school district. The school district would file a copy of the approved contract and/or amendment with the Department of Education by the next succeeding August 1. Failure to file the documents may result in the withholding of state and local funds until the filing requirement is met. The Department of Education must post the approved contract and/or amendment on its website. This bill contains the Emergency Clause.

Board: On January 28, 2013, the State Board voted to remain Neutral on LB 470.

**LB 481Hearing Date: February 4, 2013 – Education Committee
.....Held In Committee**

INTRODUCED BY: Senator Lathrop

ONE-LINER: Create the Career Education Task Force

SUMMARY: This bill creates the Career Education Task Force to examine career technical education in Nebraska and report back to the Legislature.

The task force is to address the following areas:

1. The purpose, role and mission of career education programs
2. The prevalence of and need for career education programs at both the middle school and high school levels
3. The funding for career education programs, curriculum and equipment at both the middle school and high school levels and the typical costs for training facilities and programs
4. The availability of teachers of career education courses
5. The status and role of career guidance in Nebraska schools
6. The alignment of secondary career education curriculum to postsecondary career education programs' curriculum and entrance requirements
7. The types and numbers of skilled workers that Nebraska is projected to need in the short-term and long-term future
8. The role of businesses in successful career education programs
9. The role of labor organizations in successful career education programs, and
10. Any other topics related to career education as determined by the task force.

Board: On January 28, 2013, the State Board voted to remain Neutral on LB 481, with a letter from President Timm.

EDUCATION COMMITTEE – Board No Position

**LB 9Hearing Date: February 26, 2013 – Education Committee
..... Indefinitely Postponed**

INTRODUCED BY: Senator Krist

ONE-LINER: Change provisions relating to transportation for students in learning communities

SUMMARY: The bill would eliminate free transportation for students living in a learning community who transfer pursuant to open enrollment provisions and qualify for free or reduced-price lunches and live more than one mile from the school. Children attending magnet schools would also no longer be eligible for free transportation.

Board: The Board took no position on this bill.

**LB 131 Hearing Date: March 12, 2013 – Education Committee
.....Held In Committee**

INTRODUCED BY: Senator Nordquist

ONE-LINER: Adopt the Tobacco-Free Schools Act

SUMMARY: This bill seeks to prohibit the use of tobacco products by students, staff, or visitors at any time on school property or at any off-campus school-sponsored event to promote and protect the health and well-being of all students and staff of all school districts in Nebraska. This is inclusive of vehicles used by the school for the purpose of transporting students, staff, or any other persons.

Board: The Board took no position on this bill.

**LB 143 Hearing Date: March 12, 2013 – Education Committee
..... Held In Committee
INTRODUCED BY: Senator Bloomfield**

ONE-LINER: Authorize schools to adopt a child sexual abuse policy as prescribed

SUMMARY: NDE would be required to develop a model sexual abuse policy by July 1, 2014 to assist schools who may elect adoption of such a policy. If schools elect the development of a policy, the policy shall be published in an appropriate school publication and presented to students in an age appropriate educational program. Staff training would be provided as deemed appropriate by school administration.

Board: The Board took no position on this bill.

**LB 201 Hearing Date: February 19, 2013 – Education Committee
..... Held In Committee
INTRODUCED BY: Senator Haar**

ONE-LINER: Authorize emergency expenditures by school districts and educational service units

SUMMARY: This bill would provide Class I, II, III, IV or VI school boards and educational service unit boards the authority to make emergency expenditures regardless of existing statutory limitations (expenditures and/or levy limitations) and requirements in the event of a disaster or emergency. Class V school districts are excluded from this provision of law. A majority vote of the board of education or the educational service unit board is required to authorize the emergency expenditure. The vote to approve the emergency expenditures may not be made unless a city, village, county or inter-jurisdictional emergency management director under the Emergency Management Act has issued a certificate indicating the expenditures are necessary in the public interest for emergency management purposes.

Board: The Board took no position on this bill.

**LB 253 Hearing Date: February 25, 2013 – Education Committee
..... On General File
INTRODUCED BY: Senator Adams**

ONE-LINER: Correct references in school statutes

SUMMARY: This is a technical bill. It changes the name of the Bureau of Educational Research and Field Studies in the Department of Education Administration at the University of Nebraska-Lincoln to the Bureau of Educational Research and Field Services in the Department of Educational Administration.

Board: The Board took no position on this bill.

**LB 262Hearing Date: February 5, 2013 – Education Committee
..... Approved By Governor
INTRODUCED BY: Senator Cook**

ONE-LINER: Provide duties relating to sharing of student information

SUMMARY: In order to facilitate the legislation’s stated rationale that sharing student data, records and information among districts, ESUs, and NDE is “vital” to advancing education, the bill requires: (1) that districts, ESUs and the Learning Community “shall comply” whenever “applicable law permits the sharing of student data”; and (2) NDE “shall” adopt regulations providing for “a uniform sharing” of student data and records among districts, ESUs and the Learning Community.

Board: The Board took no position on this bill.

**LB 275 Hearing Date: March 12, 2013 – Education Committee
.....Held In Committee
INTRODUCED BY: Senator Nordquist**

ONE-LINER: Adopt the Nebraska Coordinated School Health Act

SUMMARY: The bill would create the Nebraska Coordinated School Health (CSH) Act by transferring \$200,000 from the Education Innovation Fund to the Nebraska CSH Fund on July 1, 2013 and July 1, 2014. This fund would be administered by the Nebraska Department of Education (NDE) to award competitive grants to school districts to establish school-based health centers (SBHC) and to administer NDE’s CSH program. Ninety percent of funds would be used for school districts to establish SBHCs and 10% of funds would be used to support NDE’s CSH program.

In order for school districts to be eligible for these grants, they would seek funding from NDE, demonstrate a relationship with a sponsoring facility, demonstrate long-term financial sustainability of the SBHC, create a School Health Center Advisory Council, and provide 50% matching funds. These matching funds could include in-kind contributions, grants, etc. Preference would be given to school districts that show one of the following: are in an area designated as a health professional shortage or as a medically underserved area or population, and/or the majority of their students are eligible for free/reduced price lunches. Funds can only be used for capital construction and start-up costs for SBHCs and not for on-going operations, administration, or service delivery. Schools could only receive funding once for the same SBHC, but could apply for and receive funding for multiple SBHCs within the same district. They could only receive such grant funding in a fiscal year. NDE will be responsible for establishing an application process consistent of application procedures and deadlines, criteria for selection and evaluation, criteria for determining the amount and duration of grants, reporting requirements, etc. and may adopt rules/regulations if needed to carry out this Act. If, within 5 years of the grant, school districts would utilize the SBHCs created under these funds for something other than the purposes outlined in the grant, they would be required to repay the Nebraska CSH Fund the entire amount plus interest on the funds until the grant is repaid.

Board: The Board took no position on this bill.

**LB 301Hearing Date: February 19, 2013 – Education Committee
.....Held In Committee
INTRODUCED BY: Senator Carlson**

ONE-LINER: Change provisions relating to transfer of property between school districts

SUMMARY: This bill would allow a property owner that has transferred property through free holding provisions, to file a petition, before June 1, to transfer the property back to the original school district. The school board of the original school district shall approve or disapprove the re-transfer of the property on or before July 15. The county would reattach the property back to the original school district with an effective date of August 15. This bill has the Emergency Clause.

Board: The Board took no position on this bill.

**LB 323Hearing Date: February 19, 2013 – Education Committee
..... Indefinitely Postponed**

INTRODUCED BY: Senator Haar

ONE-LINER: Create the School Finance Review Committee

SUMMARY: This bill would create the School Finance Review Committee. The Committee would: (1) have 17 members; (b) serve a three-year term with the opportunity to serve an additional three-year term; (c) be required to meet a least once a year; and (d) be required to submit an electronic report to the Governor, Legislature and State Board of Education on or before July 1 of each even-numbered year the progress of the Committee in effectuating the provisions of the act. The tasks of the Committee would be to monitor the operation of the Tax Equity and Educational Opportunities Support Act (TEEOSA) and suggest needed revisions to TEEOSA. The Committee would also specifically review budget growth limitations, equalization aid, the minimum levy adjustment, and actual expenditures of school districts.

Board: The Board took no position on this bill.

**LB 332 Hearing Date: March 4, 2013 – Education Committee
.....Passed/Presented To Governor**

INTRODUCED BY: Senator Harms

ONE-LINER: Change application provisions relating to the Access College Early Scholarship Program

SUMMARY: This bill simply adds “or other official designated by the school” to school counselor in identifying who at a local school can verify and submit an application for the Access College Early Scholarship Program.

Board: The Board took no position on this bill.

**LB 365 Hearing Date: March 18, 2013 – Education Committee
.....Held In Committee**

INTRODUCED BY: Senator Avery

ONE-LINER: Require instruction in certain emergency procedures as a prerequisite to high school graduation

SUMMARY: The bill requires all students enrolled in a Nebraska public high school to complete an instructional program on first aid, cardiopulmonary resuscitation (CPR), and operation of an automated external defibrillator (AED) and successfully pass a written test on CPR and operation of an AED. The instruction program needs to be based on guideline established by the American Heart Association (AHA), the American Red Cross, or another nationally recognized program. The instruction can be taught by an educator or instructor certified in CPR and operation of an AED, a member of the AHA, American Red Cross, or an emergency care provider licensed under the Emergency Medical Services Act. School administrators can waive the requirements for a student with a disability or a student who holds a valid certificate in

any of the required areas of instruction. Instruction can include hands-on training with simulators to supplement cognitive skills training or a video presentation.

Board: The Board took no position on this bill.

LB 366 & LB 366AHearing Date: February 4, 2013 – Education Committee
SENATOR COOK PRIORITY BILL On Select File
LB 366A On Select File
INTRODUCED BY: Senator Cook

ONE-LINER: Adopt the Remedial Adult Education Innovation Act

SUMMARY: The bill proposes to utilize Education Innovation Funds for the next three fiscal years to provide educational support/services and multiple pathways for completion of high school and preparation for entry into college or the workforce. In addition, ensure that GED Testing Centers have completed necessary requirements in order to administer the new computer-based test (CBT) GED test series starting in January 2014 and to provide reimbursement to GED testing centers for enrollment and some GED testing situations.

Board: The Board took no position on this bill.

LB 367Hearing Date: February 4, 2013 – Education Committee
.....Held In Committee
INTRODUCED BY: Senator Cook

ONE-LINER: Adopt the Twenty-First Century Developmental Education Act

SUMMARY: Proposes to provide tuition funds that would flow through NDE to community colleges for the purposes of paying for 30 credit hours of developmental education for individuals who are 16 years of age or older and test below college level on the ACT Compass college-placement test. NDE would be responsible for developing rules and regulations for the application and awarding of the funds.

Board: The Board took no position on this bill.

LB 401Hearing Date: February 19, 2013 – Education Committee
.....Held In Committee
INTRODUCED BY: Senator Lautenbaugh

ONE-LINER: Adopt the School Purchasing Act

SUMMARY: This bill would require learning communities, Class IV school districts (Lincoln), Class V school districts (Omaha) or a Class III school district with a population of 50,000 or more to employ a purchasing agent that is not a member or officer of the school board.

Board: The Board took no position on this bill.

**LB 407Hearing Date: February 11, 2013 – Education Committee
EDUCATION COMMITTEE PRIORITY BILL..... On Select File
INTRODUCED BY: Senator Sullivan**

ONE-LINER: Change calculation provisions under the Tax Equity and Educational Opportunities Support Act

SUMMARY: This bill would make changes to the calculation of State Aid (TEEOSA) and budget authority for school districts. The bill would repeal the Local Choice Adjustment, the Averaging Adjustment, the Instructional Time Allowance, and the Teacher Education Allowance. The bill provides a new formula for calculating the Summer School Allowance and it would change the Local Effort Rate (LER) to \$1.03 for 2013-14 and 2014-15. The bill would change the Basic Allowable Growth Rate from 2.5% to 1.5% for the 2013-14 and the 2014-15 school fiscal years and provide an expenditure exclusion for Early Childhood Grants. The bill has the Emergency Clause.

Board: The Board took no position on this bill.

**LB 408EHearing Date: February 4, 2013 – Education Committee
..... Approved By Governor
INTRODUCED BY: Senator Sullivan**

ONE-LINER: Change dates and provisions relating to certification and distribution of state aid

SUMMARY: This bill would change the certification date for 2013-14 State Aid and 2013-14 Budget Authority from March 1, 2013 to June 1, 2013.

Board: The Board took no position on this bill.

**LB 409Hearing Date: February 19, 2013 – Education Committee
..... Held In Committee
INTRODUCED BY: Senator Sullivan**

ONE-LINER: Change distribution provisions for core services and educational technology funds

SUMMARY: This bill adds an additional qualifier to the calculation of the statewide student allocation. The additional qualifier looks at the amount of the adjusted valuation multiplied by the local effort rate of an educational service unit or leaning community. If this calculation is a negative number, there will be a reduction in the statewide student allocation.

Board: The Board took no position on this bill.

**LB 416Hearing Date: February 11, 2013 – Education Committee
..... Indefinitely Postponed
INTRODUCED BY: Senator Kolowski**

ONE-LINER: Change teacher education allowance provisions relative to the state aid formula

SUMMARY: This bill would repeal the teacher education allowance component of State Aid (TEEOSA) beginning with the 2014-15 certification of State Aid (TEEOSA). The bill would replace the teacher education allowance with a system to

reward teachers for taking the initiative to improve their skills and knowledge. The bill is silent on how this system would be funded and how the funds would be distributed to a specific school district or a specific teacher.

Board: The Board took no position on this bill.

**LB 460 Hearing Date: March 12, 2013 – Education Committee
..... Held In Committee
INTRODUCED BY: Senator Krist**

ONE-LINER: Require a booster meningococcal conjugate vaccine for students as prescribed

SUMMARY: This bill is related to immunizations and seeks to amend section 79-217, Revised Statutes Cumulative supplement, 2012; to change provisions relating to booster immunizations. On and after July 1, 2014, every student entering the 7th grade and at age 16 shall have a booster immunization containing meningococcal conjugate vaccine.

Board: The Board took no position on this bill.

**LB 469 Hearing Date: February 12, 2013 – Education Committee
..... Indefinitely Postponed
INTRODUCED BY: Senator Scheer**

ONE-LINER: Change an exemption to school budget lid relating to payments for a voluntary termination

SUMMARY: This bill would continue to allow any expenditure for a voluntary termination agreement to be outside of the expenditure limitation without a sunset. The school district would still be required to apply to the State Board of Education for approval to access the expenditure exclusion. The school district would be required to provide information showing the savings over a five-year period that would be generated by the voluntary termination expenditure exclusion. This bill contains the Emergency Clause.

Board: The Board took no position on this bill.

**LB 496 Hearing Date: March 19, 2013 – Education Committee
..... Indefinitely Postponed
INTRODUCED BY: Senator Sullivan**

ONE-LINER: Change provisions relating to school reorganization incentive payments

SUMMARY: This bill would establish a School District Reorganization Fund and would use the Education Innovation Fund (lottery proceeds) to provide support monies (currently incentive payments) to school districts that reorganize beginning with the 2013-14 fiscal year through the 2015-16 fiscal year. The allocation from the lottery proceeds would be \$1 million for the 2013-14, 2014-15, and 2015-16 fiscal years. There would be no sunset provision on these support payments and the total support to be paid would be \$125,000 for each of the original districts involved in the reorganization. This bill contains the Emergency Clause

Board: The Board took no position on this bill.

**LB 497 Hearing Date: March 19, 2013 – Education Committee
SENATOR SULLIVAN PRIORITY BILL..... On Select File
INTRODUCED BY: Senator Sullivan**

ONE-LINER: Change distribution and provide for a study of the Education Innovation Fund

SUMMARY: Continues to authorize expenditures for the Excellence in Teaching Act. Amounts are not changed from the current authorizing legislation (beginning in 2013-14, the amount available is reinstated to 1 million dollars). Language is added to require that no funds received as allocations from the Education Innovation Fund for ETA can be obligated for payment to be made after June 30, 2016, and that contracts need to include a clause to communicate this requirement to recipients. This additional requirement would not create a major concern for administration of the program. Currently, funds are awarded on an annual basis. For purposes of the 2015-16 award, the application process would be written/communicated to clearly disclose this requirement. The bill further creates a study, to be conducted by the Education Committee regarding the potential uses of the funds available to education from lottery proceeds. The study is to be completed by December, 2013 (Section 2).

Board: The Board took no position on this bill.

**LB 506Hearing Date: February 12, 2013 – Education Committee
..... Indefinitely Postponed
INTRODUCED BY: Senator Bolz**

ONE-LINER: Change elementary class size allowance in the state aid formula

SUMMARY: This bill would reinstate the Elementary Class Size Allowance component of State Aid (TEEOSA) for school fiscal years 2013-14 through 2015-16. A school district would qualify for the Elementary Class Size Allowance if its students in Grades K-3 spend at least 50 percent of their time in a classroom of 10 to 20 students. A school district may also qualify for this Allowance if students in Grades K-3 spend at least 50 percent of their time is in a classroom of 21 to 28 students. The classroom must have a certified teacher and instructional paraprofessional in a classroom of 21 to 28 students. The bill would also add specific information on certificated employees and paraprofessionals to the fall personnel report. This bill contains the Emergency Clause

Board: The Board took no position on this bill.

**LB 540 Hearing Date: March 18, 2013 – Education Committee
.....Held In Committee
INTRODUCED BY: Senator Chambers**

ONE-LINER: Prohibit rules and regulations requiring teachers to lead pledge of allegiance

SUMMARY: This bill would amend 79-318 (the general statutory authority of the State Board of Education) to specify that nothing in this statute authorizes the State Board to adopt regulations requiring teachers in public schools to lead students in the Pledge of Allegiance and to nullify any such existing regulations. The Bill would similarly amend 79-724 (the Americanism statute) and 79-725 (the character education statute).

Board: The Board took no position on this bill.

**LB 566 Hearing Date: March 19, 2013 – Education Committee
..... Indefinitely Postponed**

INTRODUCED BY: Senator Karpisek

ONE-LINER: Create the Educational Technology Infrastructure Grant Program

SUMMARY: The bill creates a grant program that school districts can apply for to assist with the purchase of technology in the district. The funding for this grant program comes from the Lottery Education Innovation Fund. The Department of Education would be the fiscal and regulatory agent for this grant requiring the development of rules and process for local systems to apply for the grants.

Board: The Board took no position on this bill.

**LB 575 Hearing Date: March 18, 2013 – Education Committee
..... Held In Committee**

INTRODUCED BY: Senator Haar

ONE-LINER: Provide for professional development training for school board and learning community coordinating council members

SUMMARY: On or after January 1, 2014, all newly elected or appointed school board members and members of the learning community coordinating council will be required to participate in twelve (12) hours of professional development training specific to the responsibilities of board members. The training must be completed within 180 days of the appointments. Board members, or members of the learning community coordinating council, who have served one year or who are reelected must receive eight (8) hours of professional development per year. Areas of training include: powers and duties of school board members, public record law, education standards, financial and fiduciary duties, education law, labor law, ethics, and information specific to their district. The State Department of Education is charged with providing the professional development training, although they may approve training by other entities that may be used to fulfill the required 12 or 8 hours of professional development. A data base of all board members who have, or have not, completed the required training must be maintained by the State Department of Education, any association of school boards, and each local school board and the learning community coordinating council. This data will be used to assess who has completed the required training. If any board member has not completed the training, the State Department of Education must notify the Election Division of the Office of the Secretary of State with the names, making them ineligible for reelection or reappointment during the first election cycle following the term for which he or she did not complete the training.

Board: The Board took no position on this bill.

**LB 585Hearing Date: February 26, 2013 – Education Committee
SENATOR SMITH PRIORITY BILL Passed/Presented To Governor**

INTRODUCED BY: Senator Smith

ONE-LINER: Provide, change, and eliminate provisions relating to learning councils

SUMMARY: This bill would change the membership of a learning community council from 18 voting members (12 elected and 6 appointed) to 6 appointed voting members. The bill would change the levy authority for a learning community council to levy for early childhood education programs rather than elementary learning centers. School districts that are members of a learning community would not be required to provide free transportation for open enrollment students. The bill would allow one or more members of a learning community to establish a pathway program and provides the criteria for selecting students for a pathway program. Achievement subcouncils would not be required to

approve Poverty Plans or Limited English Proficiency (LEP) Plans for school districts that are members of a learning community. Specific duties and responsibilities for the advisory council are provided in the bill.

Board: The Board took no position on this bill.

**LB 599Hearing Date: February 12, 2013 – Education Committee
..... Indefinitely Postponed
INTRODUCED BY: Senator Sullivan**

ONE-LINER: Change exemptions relating to school budget limitations

SUMMARY: This bill would change the calculation of General Fund Operating Expenditures (GFOE) for 2014-15 and beyond. Tuition paid to other schools/entities, transportation paid to other schools/entities, and the increase in retirement contributions would be removed from the calculation of GFOE. The statutes referencing reorganization incentive payments and the School District Reorganization Fund are outright repealed. The bill would change the expenditure exclusion for the Increase in Retirement Contribution to sunset at the end of the 2013-14 school fiscal year rather than the current sunset at the end of the 2016-17 school fiscal year. The amount of the approved expenditure exclusion in 2013-14 would remain in the base calculation for budget authority for the 2014-15 school fiscal year. This bill contains the Emergency Clause.

Board: The Board took no position on this bill.

**LB 604Hearing Date: February 12, 2013 – Education Committee
..... Indefinitely Postponed
INTRODUCED BY: Senator Haar**

ONE-LINER: Change computation of the cost growth factor relating to state aid to schools

SUMMARY: This bill would change the Cost Growth Factor used in the calculation of State Aid (TEEOSA). The Cost Growth Factor for 2013-14 and beyond would be the lesser of a five-year average increase in total adjusted general fund operating expenditures or the five-year average of the cost of living index Consumer Price Index for all Urban Consumers plus one half of the difference between the two calculated averages. The Cost Growth Factor for 2013-14 is 3 percent. This bill contains the Emergency Clause.

Board: The Board took no position on this bill.

**LB 619 Hearing Date: March 12, 2013 – Education Committee
.....Held In Committee
INTRODUCED BY: Senator Haar**

ONE-LINER: Require instruction in sexual health education

SUMMARY: This bill seeks to require all public schools to provide age appropriate, medically accurate instruction in comprehensive sexuality education. It requires that NDE adopt and promulgate rules and regulations to carry out this bill, as well as develop and maintain a list of sexual health education curricula consistent with the requirements.

Board: The Board took no position on this bill.

**LB 640Hearing Date: February 11, 2013 – Education Committee
..... Indefinitely Postponed**

INTRODUCED BY: Senator Hadley

ONE-LINER: Change provisions relating to the Tax Equity and Educational Opportunities Support Act

SUMMARY: This bill would reinstate the Temporary Aid Adjustment Factor for school fiscal years 2013-14 and 2014-15. The Temporary Aid Adjustment Factor would reduce the Formula Needs of every school district by the same percentage. The Temporary Aid Adjustment Factor would also be applied to the net option funding and income tax allocation for each school district. The bill adjusts the stabilization component by reducing the percentage of the prior year’s formula need.

The bill would change the calculation of Basic Funding for school with 900 or more formula students. The school with the highest and the school with the lowest adjusted general fund operating expenditures per formula student would be eliminated from the 20-school district array. Currently the two school districts with the highest and the two school districts with the lowest adjusted general fund operating expenditures per formula student are eliminated from the 20-school district array. School districts with 900 or more formula students with basic funding less than the average basic funding for all school districts in its array would receive an additional percentage increase in basic funding if the school district has a general fund levy of at least \$1.02. This is another form of the averaging adjustment. This bill contains the Emergency Clause.

Board: The Board took no position on this bill.

**LB 645Hearing Date: February 11, 2013 – Education Committee
..... Indefinitely Postponed**

INTRODUCED BY: Senator Haar

ONE-LINER: Change teacher education allowance and fall personnel report provisions

SUMMARY: This bill would change the calculation of the Teacher Education Allowance component in State Aid (TEEOSA) for school fiscal year 2013-14 and each year thereafter. The weighting factors for a certificated teacher would increase from 1.0 for a baccalaureate degree and teaching in his/her endorsed field to a maximum of 1.45 for holding a doctorate degree. The bill would provide the amount of the statewide Teacher Education Allowance cannot exceed \$25 million. The bill would also add to the data collected on the Fall Personnel Report to provide the Department with the necessary data to calculate the Teacher Education Allowance using the new factors.

Board: The Board took no position on this bill.

OTHER LEGISLATION

**LB 125EHearing Date: January 24, 2013 – Government Committee
..... Approved By Governor**

INTRODUCED BY: Senator Lautenbaugh

ONE-LINER: Change provisions relating to boards of education of Class V school districts

SUMMARY: The bill would amend several sections of statutes to reduce the number of board members for a Class V School District from twelve (12) to nine (9), to provide for an election of these board members during the primary and general election for officers of a city of the metropolitan class beginning in 2013, and to provide that no person shall be eligible to serve as board member of a Class V school district for four (4) years next after the expiration of two (2) consecutive terms on the board. The bill also contains the emergency clause.

Board: The Board took no position on this bill.

**LB 224Hearing Date: February 1, 2013 – Government Committee
SENATOR PIRSCH PRIORITY BILL On General File
INTRODUCED BY: Senator Janssen**

ONE-LINER: Provide veterans preference for public contracts as prescribed

SUMMARY: The bill states that when a “public contract” is advertised for bids and is awarded to the lowest responsible bidder, a preference for a “resident disabled veteran shall be allowed.”

Board: The Board took no position on this bill.

**LB 242Hearing Date: February 11, 2013 – Executive Board
EXECUTIVE BOARD PRIORITY BILL..... On Final Reading**

INTRODUCED BY: Senator Howard

ONE-LINER: Change provisions relating to adoption of administrative rules and regulations

SUMMARY: Whenever an agency has not “promulgated” regulations within three years after the enactment of legislation that requires the adoption of regulations, this bill provides that the legislative committee have “subject matter jurisdiction over the matters included in the legislation” to hold a public hearing to “determine the reason that such rules and regulations have not been enacted.”

Board: The Board took no position on this bill.

**LB 263EHearing Date: February 20, 2013 – Retirement Committee
RETIREMENT COMMITTEE PRIORITY BILL..... Passed/Presented To Governor
INTRODUCED BY: Retirement Committee**

ONE-LINER: Change provisions relating to government retirement systems

SUMMARY: The bill:

- Adds definitions for retirement application and retirement date;
- Specifies that permanent part-time employees who are 18 or older may participate in the retirement system within the first 30 days of employment;
- Clarifies employer contributions;
- Stipulates that funds forfeited by employees who terminate before vesting will be used to either pay fund expenses or reduce employer contributions related to the defined contribution benefit; and

- Allows for the waiver of required minimum distributions for 2009 per 401(a)(9)(H) of the Internal Revenue Code for both plan participants and beneficiaries.

Board: The Board took no position on this bill.

**LB 276 Hearing Date: March 14, 2013 – Health & Human Services Committee
 SENATOR KOLOWSKI PRIORITY BILL.....Held In Committee
 INTRODUCED BY: Senator Nordquist**

ONE-LINER: Change reimbursement provisions under the Early Intervention Act and require a Medicaid state plan amendment

SUMMARY: The bill provides for direct Medicaid payment to school district and ESUs by the Department of Health and Human Services (DHHS) for the following additional special education related services: audiology, counseling, psychology, behavioral services, nursing, nutrition, personal assistance, social-work, transportation, and vision services (currently speech therapy (ST), physical therapy (PT) and occupational therapy (OT) are directly reimbursed). DHHS will not receive funding from NDE for annual claims exceeding 3 million dollars for these additional services. Any amount certified to the state budget administrator in excess of 3 million dollars shall be adjusted proportionally in relation to the amount of federal Medicaid funds paid to school districts and ESUs.

Board: The Board took no position on this bill.

**LB 363 & LB 363AHearing Date: February 6, 2013 – Government Committee
 On Final Reading
 LB 363A On Final Reading
 INTRODUCED BY: Senator Avery**

ONE-LINER: Change provisions relating to access to public records

SUMMARY: The bill adds that a government entity is not required to produce public records that already are available to the public on-line so long as the requestor has “reasonable access” to the Web. The bill proposes to add some clarifications/restrictions to what can be used to figure costs of reproduction by government entities when charging and/or estimating that for public records requests. Finally, the bill adds a provision that provides a public records requestor has a ten day timeline to respond to the government agency’s cost estimate and statement of its position on the request.

Board: The Board took no position on this bill.

**LB 429 & LB 429AHearing Date: February 8, 2013 – Government Committee
 SENATOR CRAWFORD PRIORITY BILL On Final Reading
 LB 429A On Final Reading
 INTRODUCED BY: Senator Crawford**

ONE-LINER: Require disclosure of state contracts

SUMMARY: This bill would require the Department of Administrative Services to post a copy of each contract or subcontract, funded with state funds, and any related documents on its website. The bill also would require the State

Treasurer to provide a link on its website to the contracting information on the website of the Department of Administrative Services.

Board: The Board took no position on this bill.

**LB 483 & 483A..... Hearing Date: February 22, 2013 – Judiciary Committee
SPEAKER PRIORITY BILL..... On Select File
LB 483A On Select File
INTRODUCED BY: Senator Bolz**

ONE-LINER: Provide for a reentry planning program in adult correctional facilities

SUMMARY: This bill adds to the statutorily mandated uses of the Reentry Cash Fund by requiring all Nebraska adult correctional facilities provide an evidence based program of parent education, early literacy, relationship skills development and reentry planning which will involve family members of incarcerated parents prior to their release.

Board: The Board took no position on this bill.

**LB 500 Hearing Date: February 26, 2013 – Transportation Committee
..... Passed/Presented To Governor
INTRODUCED BY: Senator Brasch**

ONE-LINER: Change school bus operation provisions

SUMMARY: This bill would prohibit the operator of a school bus from loading or unloading of pupils outside of the corporate limits of any city or village or on any part of the state highway system within the corporate limits of a city of village if the operator does not have at least 400 feet of clear vision in either direction of travel.

Board: The Board took no position on this bill.

**LB 505 Hearing Date: February 26, 2013 – Banking Committee
SENATOR COASH PRIORITY BILL Held In Committee
INTRODUCED BY: Senator Coash**

ONE-LINER: Provide requirement for insurance coverage of autism spectrum disorders

SUMMARY: The bill was introduced to establish insurance requirements for coverage of services for individuals with an autism spectrum disorder. The bill would require insurance coverage for screening, diagnosis, and treatment of an autism spectrum disorder in an individual under twenty-one years of age. Treatment could include applied behavior analysis or other evidenced based care and would be limited to a \$70,000 per year maximum benefit for three years. After three years a treatment the maximum coverage amount would reduce to \$20,000 until the individual reaches twenty-one years of age.

Board: The Board took no position on this bill.

LB 507 & LB 507AHearing Date: February 20, 2013 – HHS Committee
SENATOR BOLZ PRIORITY BILL On Select File
LB 507A On Select File
INTRODUCED BY: Senator Campbell

ONE-LINER: Adopt the Step Up to Quality Child Care Act

SUMMARY: This bill requires NDE and the Department of Health and Human Services to collaborate with community and statewide partners to develop, implement, and provide oversight for a quality rating and improvement system (QRIS) for child care and early childhood education programs. The bill phases in required participation of licensed child care programs receiving significant amounts of child care subsidy dollars. For all other early education and care programs, including those operated by schools and Head Start programs, the bill **allows** but **does not require** participation in the QRIS. This bill also requires NDE to create the Nebraska Early Childhood Professional Record System.

Board: The Board took no position on this bill.

LB 510Hearing Date: February 6, 2013 – Government Committee
..... Approved By Governor
INTRODUCED BY: Senator Scheer

ONE-LINER: Change Open Meeting Act telephone conference call provisions and authorization for videoconferencing and teleconferencing

SUMMARY: This Bill would amend the Open Meetings laws to permit the ESU Coordinating Council to hold meetings by videoconferencing.

Board: The Board took no position on this bill.

LB 553E & 553AEHearing Date: February 6, 2013 – Retirement Committee
RETIREMENT COMMITTEE PRIORITY BILL..... On Final Reading
LB 553AE On Final Reading
INTRODUCED BY: Senator Nordquist

ONE-LINER: Change provisions relating to school employee retirement

SUMMARY: The following changes would be made to the School Retirement Plan

- Benefits for participants on or after July 1, 2013 would be based on the highest salaries for five years rather than the current three years.
- Actuarial basis would be changed from “level dollar” to “level percentage of salary.”
- A specific state contribution rate to the Annuity Reserve Fund would be replaced with a percentage of salary basis.
- The employee contribution rate would be updated as of September 1, 2013 to an unspecified percentage of compensation.
- The State would increase supplemental contributions to the School Plan from 1% to 2% of the compensation of School Plan members and would contribute an extra 1% of the Class V School Plan.

Board: The Board took no position on this bill.

**LB 556Hearing Date: February 14, 2013 – Health & Human Services Committee
SENATOR MCGILL PRIORITY BILL..... On General File
INTRODUCED BY: Senator McGill**

ONE-LINER: Provide for telehealth services for children, change the medical assistance program, and provide duties for the Department of Health and Human Services

SUMMARY: The bill seeks to amend sections 68-911 and 71-8506, Reissue Revised Statutes of NE, and section 79-214, Revised Statutes Cumulative Supplement, 2012; to provide for telehealth services (both medical and behavioral) for children through the public schools; to provide behavioral health screenings as part of the physical examinations now required of students; to provide for implementation and development teams; and change provisions relating to the medical assistance program.

Board: The Board took no position on this bill.

**LB 561Hearing Date: March 7, 2013 – Judiciary Committee
JUDICIARY COMMITTEE PRIORITY BILL..... On Select File
INTRODUCED BY: Senator Ashford**

ONE-LINER: State findings and intent for changes to the juvenile justice system and a funding mechanism

SUMMARY: Under the provision of this proposed statute, Geneva North and Kearney West, two juvenile offender centers that house adjudicated girls and boys respectively, would be closed; and they state would move to a treatment-based system. The resources would be reallocated to community based programs. Both of the existing facilities, which have been in operation since the 1890's, in addition to providing treatment also presently have fully accredited schools that annually grant diplomas from approximately five to fifteen student per year.

Board: The Board took no position on this bill.
