

AMENDMENTS TO LB1329  
(Amendments to E & R amendments, ER105)

Introduced by Murman, 38.

1           1. Strike sections 10, 12, and 66 and insert the following new  
2 sections:

3           Sec. 8. Section 79-101, Revised Statutes Supplement, 2023, is  
4 amended to read:

5           79-101 For purposes of Chapter 79:

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

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

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

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

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

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

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

26          (8) Instructional hour means a period of time, at least sixty

1 minutes, which is actually used for the instruction of students;

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

4 (10) Administrator means any certified employee such as  
5 superintendent, assistant superintendent, principal, assistant principal,  
6 school nurse, or other supervisory or administrative personnel who do not  
7 have as a primary duty the instruction of pupils in the public schools;

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

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

19 (13) Permanent school fund means the fund described in section  
20 79-1035.01;

21 (14) Temporary school fund means the fund described in section  
22 79-1035.02;

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

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

1           (17)(a) Certificate, certificated, or certified, when referring to  
2 an individual holding a certificate to teach, administer, or provide  
3 special services, also includes an individual who holds a permit issued  
4 by the Commissioner of Education pursuant to sections 79-806 to 79-815 or  
5 an alternative certificate ~~to—teach~~ issued pursuant to section  
6 79-8,145.01.

7           (b) Certificate, certificated, or certified, when referring to an  
8 individual holding a certificate to teach, also includes an individual  
9 who is granted a certificate in accordance with the Interstate Teacher  
10 Mobility Compact and section 79-816.01.

11           The State Board of Education may adopt and promulgate rules and  
12 regulations to define school day and other appropriate units of the  
13 school calendar.

14           Sec. 11. Section 79-201, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16           79-201 (1) For purposes of this section, a child is of mandatory  
17 attendance age if the child (a) will reach six years of age prior to  
18 January 1 of the then-current school year and (b) has not reached  
19 eighteen years of age.

20           ~~(2)(a) (2)~~ Except as provided in subsection (3) of this section,  
21 every person residing in a school district within the State of Nebraska  
22 who has legal or actual charge or control of any child who is of  
23 mandatory attendance age or is enrolled in a public school shall cause  
24 such child to enroll in, if such child is not enrolled, and attend  
25 regularly a public, private, denominational, or parochial day school  
26 which meets the requirements for legal operation prescribed in Chapter  
27 79, or a school which elects pursuant to section 79-1601 not to meet  
28 accreditation or approval requirements, each day that such school is open  
29 and in session, except when excused by school authorities or when illness  
30 or severe weather conditions make attendance impossible or impracticable.

31           (b) A violation of this subsection is a Class III misdemeanor.

1 (3) Subsection (2) of this section does not apply in the case of any  
2 child who:

3 (a) Has obtained a high school diploma by meeting the graduation  
4 requirements established in section 79-729;

5 (b) Has completed the program of instruction offered by a school  
6 which elects pursuant to section 79-1601 not to meet accreditation or  
7 approval requirements;

8 (c) Has reached sixteen years of age and has been withdrawn from  
9 school pursuant to section 79-202;

10 (d)(i) Will reach six years of age prior to January 1 of the then-  
11 current school year, but will not reach seven years of age prior to  
12 January 1 of such school year, (ii) such child's parent or guardian has  
13 signed an affidavit stating that the child is participating in an  
14 education program that the parent or guardian believes will prepare the  
15 child to enter grade one for the following school year, and (iii) such  
16 affidavit has been filed by the parent or guardian with the school  
17 district in which the child resides;

18 (e)(i) Will reach six years of age prior to January 1 of the then-  
19 current school year but has not reached seven years of age, (ii) such  
20 child's parent or guardian has signed an affidavit stating that the  
21 parent or guardian intends for the child to participate in a school which  
22 has elected or will elect pursuant to section 79-1601 not to meet  
23 accreditation or approval requirements and the parent or guardian intends  
24 to provide the Commissioner of Education with a statement pursuant to  
25 subsection (3) of section 79-1601 on or before the child's seventh  
26 birthday, and (iii) such affidavit has been filed by the parent or  
27 guardian with the school district in which the child resides; or

28 (f) Will not reach six years of age prior to January 1 of the then-  
29 current school year and such child was enrolled in a public school and  
30 has discontinued the enrollment according to the policy of the school  
31 board adopted pursuant to subsection (4) of this section.

1 (4) The board shall adopt policies allowing discontinuation of the  
2 enrollment of students who will not reach six years of age prior to  
3 January 1 of the then-current school year and specifying the procedures  
4 therefor.

5 (5) Each school district that is a member of a learning community  
6 shall report to the learning community coordinating council on or before  
7 September 1 of each year for the immediately preceding school year the  
8 following information:

9 (a) All reports of violations of this section made to the attendance  
10 officer of any school in the district pursuant to section 79-209;

11 (b) The results of all investigations conducted pursuant to section  
12 79-209, including the attendance record that is the subject of the  
13 investigation and a list of services rendered in the case;

14 (c) The district's policy on excessive absenteeism; and

15 (d) Records of all notices served and reports filed pursuant to  
16 section 79-209 and the district's policy on excessive absenteeism  
17 ~~habitual truancy~~.

18 Sec. 12. Section 79-205, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 79-205 Each school district and each private, denominational, or  
21 parochial school ~~teacher in the public, private, denominational, and~~  
22 ~~parochial schools of this state~~ shall keep a record showing (1) the name,  
23 age, and address of each child enrolled. Each teacher in such school  
24 district or school shall record ~~, (2) the number and county of the school~~  
25 ~~district in which the school is located, (3) the number of days each~~  
26 pupil was present and the number of days absent, ~~and (4) the cause of~~  
27 absence. On the third day on which a ~~the~~ public, private, denominational,  
28 and parochial school is ~~schools are~~ in session at the beginning of each  
29 school year, each ~~teacher shall send to the superintendent of a school~~  
30 district and each ~~or~~ administrator of a private, denominational, or  
31 parochial ~~of the school shall compile~~ a list of the pupils enrolled in

1 such district or ~~his or her~~ school with the age, grade, and address of  
2 each pupil.

3 Sec. 13. Section 79-206, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 79-206 Each superintendent ~~or administrator~~ of a school district,  
6 using upon the receipt of the list specified in section 79-205, shall (1)  
7 compare the names of the children enrolled with the last census report on  
8 file in his or her office from such district, (2) prepare a list of all  
9 children resident in such district under his or her jurisdiction who are  
10 not attending school as provided in section 79-201, and (3) transmit the  
11 list to the officer or officers in such district whose duty it is to  
12 enforce the provisions of such section.

13 Sec. 14. Section 79-207, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 79-207 Whenever any child enters or withdraws from any school after  
16 the third day in which school is in session, each ~~the~~ teacher shall  
17 transmit at once the name of such child to the superintendent as  
18 ~~specified in section 79-206~~ and the superintendent shall use such  
19 information in whatever way he or she deems necessary for the purpose of  
20 enforcing section 79-201. At the end of each week, each teacher shall  
21 report all absences and the cause of absence to the proper  
22 superintendent. At the close of each period, each teacher shall transmit  
23 to the superintendent a report showing (1) the name, age, and address of  
24 each child enrolled, (2) the number of half days each child was absent,  
25 (3) the number enrolled and the number attending on the last day of the  
26 period, and (4) the average daily attendance for the period. The  
27 provisions of this section requiring reports from each teacher shall not  
28 apply to individual teachers in schools employing more than one teacher  
29 but shall in such case apply to the head teacher, ~~principal, or~~  
30 superintendent, or administrator, who shall obtain the required  
31 information from the teachers under his or her supervision or control.

1 All reports and lists required in this section shall be as upon~~blanks~~  
2 prescribed by the Commissioner State Department~~State Department~~ of Education.

3 Sec. 15. Section 79-209, Revised Statutes Cumulative Supplement,  
4 2022, is amended to read:

5 79-209 (1) In all school districts in this state, any  
6 superintendent, principal, teacher, or member of the school board who  
7 knows of any violation of subsection (2) of section 79-201 shall within  
8 three days report such violation to the attendance officer of the school,  
9 who shall immediately investigate the case. When of his or her personal  
10 knowledge or by report or complaint from any resident of the district,  
11 the attendance officer believes that there is a violation of subsection  
12 (2) of section 79-201, the attendance officer shall immediately  
13 investigate such alleged violation.

14 (2) All school boards shall have a written policy on attendance  
15 developed and annually reviewed in collaboration with the county attorney  
16 of the county in which the principal office of the school district is  
17 located. The policy shall include a provision indicating how the school  
18 district will handle cases in which excessive absences are due to  
19 illness. The policy shall also state the circumstances and number of  
20 absences or the hourly equivalent upon which the school shall render all  
21 services to address barriers to attendance. Such services shall be  
22 provided upon twenty days of absence, and shall include, but not be  
23 limited to:

24 (a) Written Verbal or written~~Written Verbal or written~~ communication by school officials with  
25 the person or persons who have legal or actual charge or control of any  
26 child; and

27 (b) One or more meetings between, at a minimum, a school attendance  
28 officer, a school social worker, or a school administrator or his or her  
29 designee, the person who has legal or actual charge or control of the  
30 child, the person who is responsible for making educational decisions on  
31 behalf of the child if that person is someone other than the person who

1 has legal or actual charge or control of the child, and the child, when  
2 appropriate, to attempt to address the barriers to attendance. The result  
3 of the meeting or meetings shall be to develop a collaborative plan to  
4 reduce barriers identified to improve regular attendance. The plan shall  
5 include, if agreed to by the person who is responsible for making  
6 educational decisions on behalf of the child, an educational evaluation  
7 to determine whether any intellectual, academic, physical, or social-  
8 emotional barriers are contributing factors to the lack of attendance.

9 The plan shall also consider, but not be limited to:

- 10 (i) The physical, mental, or behavioral health of the child;
- 11 (ii) Educational counseling;
- 12 ~~(iii) Educational evaluation;~~
- 13 ~~(iii)~~ (iv) Referral to community agencies for economic services;
- 14 ~~(iv)~~ (v) Family or individual counseling;
- 15 ~~(v)~~ (vi) Assisting the family in working with other community  
16 services; and
- 17 ~~(vi)~~ (vii) Referral to restorative justice practices or services.

18 (3) The school may report to the county attorney of the county in  
19 which the person resides when the school has documented the efforts it  
20 has made as required by subsection (2) of this section that the  
21 collaborative plan to reduce barriers identified to improve regular  
22 attendance has not been successful and that the child has been absent  
23 more than twenty days per school year. The school shall notify the  
24 child's family in writing prior to referring the child to the county  
25 attorney. Failure by the school to document the efforts required by  
26 subsection (2) of this section is a defense to prosecution under section  
27 79-201 and to adjudication for educational neglect under subdivision (3)  
28 (a) or of section 43-247 and habitual truancy under subdivision (3)(b) of  
29 section 43-247 based upon such absences. Illness that makes attendance  
30 impossible or impracticable shall not be the basis for referral to the  
31 county attorney.

1 (4) Nothing in this section shall preclude a county attorney from  
2 being involved at any stage in the process to address excessive  
3 absenteeism.

4 Sec. 16. Section 79-210, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 79-210 ~~Any person violating the provisions of sections 79-201 to~~  
7 ~~79-209 shall be guilty of a Class III misdemeanor.~~

8 The State Board of Education may adopt and promulgate rules and  
9 regulations to carry out sections 79-201 to 79-209.

10 Sec. 18. Section 79-237, Revised Statutes Cumulative Supplement,  
11 2022, is amended to read:

12 79-237 (1) For a student to begin attendance as an option student in  
13 an option school district, the student's parent or legal guardian shall  
14 submit an application to the school board of the option school district  
15 between September 1 and March 15 for attendance during the following and  
16 subsequent school years. Except as provided in subsection (2) of this  
17 section, applications submitted after March 15 shall contain a release  
18 approval from the resident school district, or if the student is an  
19 option student at the time of such application and applying to become an  
20 option student at a subsequent option school district, a release approval  
21 from the option school district the student is attending at the time of  
22 such application, on the application form prescribed and furnished by the  
23 Commissioner State Department of Education pursuant to subsection (8) of  
24 this section. A district may not accept or approve any applications  
25 submitted after such date without such a release approval. The option  
26 school district the student is applying to attend shall provide the  
27 resident school district, and if applicable, the option school district  
28 the student is attending at the time of such application, with the name  
29 of the applicant on or before April 1 or, in the case of an application  
30 submitted after March 15, within sixty days after submission. The option  
31 school district the student is applying to attend shall notify, in

1 writing, the parent or legal guardian of the student and the resident  
2 school district, and, if applicable, the option school district the  
3 student is attending at the time of the application, whether the  
4 application is accepted or rejected on or before April 1 or, in the case  
5 of an application submitted after March 15, within sixty days after  
6 submission. ~~An option school district that is a member of a learning~~  
7 ~~community may not approve an application pursuant to this section for a~~  
8 ~~student who resides in such learning community to attend prior to school~~  
9 ~~year 2017-18.~~

10 (2) A student who relocates to a different resident school district  
11 after February 1 or whose option school district merges with another  
12 district effective after February 1 may submit an application to the  
13 school board of an option school district for attendance during the  
14 current or immediately following and subsequent school years ~~unless the~~  
15 ~~applicant is a resident of a learning community and the application is~~  
16 ~~for attendance to begin prior to school year 2017-18 in an option school~~  
17 ~~district that is also a member of such learning community.~~ Such  
18 application does not require the release approval of the resident school  
19 district or the option school district the student is attending at the  
20 time of such application. The option school district the student is  
21 applying to attend shall accept or reject such application within forty-  
22 five days.

23 (3) A parent or guardian may provide information on the application  
24 for an option school district that is a member of a learning community  
25 regarding the applicant's potential qualification for free or reduced-  
26 price lunches. Any such information provided shall be subject to  
27 verification and shall only be used for the purposes of subsection (4) of  
28 section 79-238. Nothing in this subsection requires a parent or guardian  
29 to provide such information. Determinations about an applicant's  
30 qualification for free or reduced-price lunches for purposes of  
31 subsection (4) of section 79-238 shall be based on any verified

1 information provided on the application. If no such information is  
2 provided, the student shall be presumed not to qualify for free or  
3 reduced-price lunches for the purposes of subsection (4) of section  
4 79-238.

5 (4) Applications for students who do not actually attend the option  
6 school district that the student applied to attend may be withdrawn in  
7 good standing upon mutual agreement by ~~both~~ the resident and option  
8 school districts involved.

9 (5) No option student shall attend an option school district for  
10 less than one school year unless the student relocates to a different  
11 resident school district, completes requirements for graduation prior to  
12 the end of his or her senior year, transfers to a private or parochial  
13 school, or upon mutual agreement of the resident and option school  
14 districts cancels the enrollment option and returns to the resident  
15 school district or the previous option school district the student was  
16 attending immediately prior.

17 (6) Except as provided in subsection (5) of this section or, for  
18 open enrollment option students, in section 79-235.01, the option student  
19 shall attend the option school district until graduation unless the  
20 student relocates in a different resident school district, transfers to a  
21 private or parochial school, ~~or~~ chooses to return to the resident school  
22 district, or options into a subsequent option school district, except  
23 that no student may use the enrollment option program other than as  
24 provided in section 79-234.

25 (7) In each case of cancellation pursuant to subsections (5) and (6)  
26 of this section, the student's parent or legal guardian shall provide  
27 written notification to the school board of the option school district or  
28 districts and the resident school district on forms prescribed ~~and~~  
29 ~~furnished~~ by the Commissioner of Education ~~department~~ under subsection  
30 (8) of this section in advance of such cancellation.

31 (8) The application and cancellation forms shall be prescribed ~~and~~

1 furnished by the Commissioner ~~State Department~~ of Education.

2 (9) An option student who subsequently chooses to attend a private  
3 or parochial school and who is not an open enrollment option student  
4 shall be automatically accepted to return to either the resident school  
5 district or option school district upon the completion of the grade  
6 levels offered at the private or parochial school. If such student  
7 chooses to return to the option school district, the student's parent or  
8 legal guardian shall submit another application to the school board of  
9 the option school district which shall be automatically accepted, and the  
10 deadlines prescribed in this section shall be waived.

11 Sec. 19. Section 79-238, Revised Statutes Supplement, 2023, is  
12 amended to read:

13 79-238 (1)(a) Except as provided in this section and sections  
14 79-235.01 and 79-240, the school board of the option school district  
15 shall adopt by resolution specific capacity standards for acceptance and  
16 rejection of applications.

17 (b) Capacity for special education services operated by an option  
18 school district shall be determined on a case-by-case basis. If an  
19 application for option enrollment received by a school district indicates  
20 that the student has an individualized education program under the  
21 federal Individuals with Disabilities Education Act, 20 U.S.C. 1400 et  
22 seq., or has been diagnosed with a disability as defined in section  
23 79-1118.01, such application shall be evaluated by the director of  
24 special education services of the school district or the director's  
25 designee who shall determine if the school district and the appropriate  
26 class, grade level, or school building in such school district has the  
27 capacity to provide the applicant the appropriate services and  
28 accommodations.

29 (c) For all other students, standards may include the capacity of a  
30 program, class, grade level, or school building. Capacity shall be  
31 determined by setting a maximum number of option students that a district

1 will accept in any program, class, grade level, or school building, based  
2 upon available staff, facilities, projected enrollment of resident  
3 students, and projected number of students with which the option school  
4 district will contract based on existing contractual arrangements.

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

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

26 (3) Any option school district that is not a member of a learning  
27 community shall give first priority for enrollment to siblings of option  
28 students, except that the option school district shall not be required to  
29 accept the sibling of an option student if the district is at capacity  
30 except as provided in subsection (1) of section 79-240.

31 (4) Any option school district that is in a learning community shall

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

29 Sec. 20. Section 79-239, Revised Statutes Supplement, 2023, is  
30 amended to read:

31 79-239 (1) If an application is rejected by the option school

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

12 (2) The parent or legal guardian may appeal a rejection to the State  
13 Board of Education by filing a written request, together with a copy of  
14 the rejection notice, with the State Board of Education. Such request and  
15 copy of the notice must be received by the board within thirty days after  
16 the date the notification of the rejection was received by the parent or  
17 legal guardian. Such hearing shall be held in accordance with the  
18 Administrative Procedure Act and shall determine whether the procedures  
19 of sections 79-234 to 79-241 have been followed. Any rejection based upon  
20 capacity limitations established under section 79-238 shall be the  
21 responsibility of the school district to prove in any appeal filed with  
22 the state board.

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 prescribed  
26 by the Commissioner of Education relating to all applications rejected by  
27 the option school district. Such information shall include, but not be  
28 limited to, (a) the number of applications rejected in each public school  
29 in such district, (b) an explanation why each application was rejected,  
30 (c) whether each application for option enrollment indicated that the  
31 student had an individualized education program under the federal

1 Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., or  
2 had been identified as a student ~~diagnosed~~ with a disability as defined  
3 in section 79-1118.01, and (d) whether information regarding the  
4 requirements of subsection (4) of section 79-238 was provided to the  
5 applicant.

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

12 Sec. 64. Section 79-729, Revised Statutes Supplement, 2023, is  
13 amended to read:

14 79-729 (1) The Legislature recognizes the importance of assuring  
15 that all persons who graduate from Nebraska high schools possess certain  
16 minimum levels of knowledge, skills, and understanding. Each high school  
17 student shall complete a minimum of two hundred high school credit hours  
18 prior to graduation. At least eighty percent of the minimum credit hours  
19 shall be core curriculum courses prescribed by the State Board of  
20 Education.

21 (2) For students attending a public school:

22 (a) Beginning in school year 2023-24, at least five of the minimum  
23 credit hours shall be a high school course in personal finance or  
24 financial literacy; and

25 (b) Beginning in school year 2027-28, at least five of the minimum  
26 credit hours shall include computer science and technology education as  
27 required under section 79-3304.

28 (3)(a) Beginning in school year 2024-25, each public high school  
29 student shall complete and submit to the United States Department of  
30 Education a Free Application for Federal Student Aid prior to graduating  
31 from such high school except as otherwise provided in this subsection.

1 (b) A public high school student shall not be required to comply  
2 with subdivision (3)(a) of this section if:

3 (i) A parent or legal guardian of or a person standing in loco  
4 parentis to such student signs and submits to the school principal the  
5 appropriate form prescribed by the Commissioner of Education pursuant to  
6 subdivision (3)(c) of this section indicating that such parent, legal  
7 guardian, or person standing in loco parentis authorizes such student to  
8 decline to complete and submit a Free Application for Federal Student  
9 Aid;

10 (ii) The school principal or the school principal's designee signs  
11 ~~and submits~~ the appropriate form prescribed by the Commissioner of  
12 Education pursuant to subdivision (3)(c) of this section authorizing such  
13 student to decline to complete and submit a Free Application for Federal  
14 Student Aid for good cause as determined by the school principal or the  
15 school principal's designee; or

16 (iii) A student who is nineteen years of age or older or is an  
17 emancipated minor signs and submits the appropriate form prescribed by  
18 the Commissioner of Education pursuant to subdivision (3)(c) of this  
19 section stating that such student declines to complete and submit a Free  
20 Application for Federal Student Aid.

21 (c) The Commissioner of Education shall prescribe the forms to be  
22 used by each public high school for purposes of compliance with  
23 subdivision (3)(b) of this section. Such forms shall be made available:

24 (i) By each public high school to students, parents and legal  
25 guardians of students, and persons standing in loco parentis to students;  
26 and

27 (ii) In English, Spanish, and any other language spoken by a  
28 majority of the students enrolled in any English learner program at such  
29 public high school.

30 (d) The school principal or the school principal's designee of each  
31 public high school shall provide such compliance information to the

1 school district or governing authority for such public high school and to  
2 the State Department of Education without disclosing, for any student who  
3 has complied with the requirements of this subsection, personally  
4 identifiable information distinguishing whether such compliance was  
5 pursuant to subdivision (3)(a) or (b) of this section. Such school  
6 principal or school principal's designee shall provide separately the  
7 aggregate number of students who have not complied with this subsection,  
8 who complied pursuant to subdivision (3)(a) of this section, and who  
9 complied pursuant to subdivision (3)(b) of this section, unless otherwise  
10 prohibited by federal or state law regarding the confidentiality of  
11 student educational information.

12 (e) On or before December 31, 2025, and on or before December 31 of  
13 each year thereafter, the Commissioner of Education shall electronically  
14 submit a report with the information received by the State Department of  
15 Education pursuant to subdivision (3)(d) of this section to the Clerk of  
16 the Legislature.

17 (4) The State Board of Education may establish recommended statewide  
18 graduation guidelines.

19 (5) This section does not apply to high school students whose  
20 individualized education programs prescribe a different course of  
21 instruction.

22 (6) For purposes of this section, high school means grades nine  
23 through twelve and credit hour shall be defined by appropriate rules and  
24 regulations of the State Board of Education but shall not be less than  
25 the amount of credit given for successful completion of a course which  
26 meets at least one period per week for at least one semester.

27 (7) The State Board of Education may ~~shall~~ adopt and promulgate  
28 rules and regulations as necessary to implement this section. Such rules  
29 and regulations may ~~shall~~ include, but are ~~not~~ be limited to:

30 (a) A timeline for the distribution of the Free Application for  
31 Federal Student Aid and the forms prescribed pursuant to subdivision (3)

1 (c) of this section by public high schools and for the submission of the  
2 Free Application for Federal Student Aid and the forms prescribed  
3 pursuant to subdivision (3)(c) of this section; and

4 (b) Standards regarding the information that a public high school  
5 must provide to students regarding:

6 (i) Instructions for filling out the Free Application for Federal  
7 Student Aid;

8 (ii) The options available to a student under subdivision (3)(b) of  
9 this section if a student wishes to decline to complete and submit a Free  
10 Application for Federal Student Aid; and

11 (iii) The method by which a student shall provide proof to the  
12 public high school that such student has completed and submitted the Free  
13 Application for Federal Student Aid or a form prescribed pursuant to  
14 subdivision (3)(c) of this section. ~~;~~ ~~and~~

15 ~~(c) A requirement for each public high school to report the number~~  
16 ~~of students who completed and submitted a Free Application for Federal~~  
17 ~~Student Aid and the number of students who instead submitted a form~~  
18 ~~prescribed pursuant to subdivision (3)(c) of this section.~~

19 Sec. 67. Section 79-8,145.01, Revised Statutes Supplement, 2023, is  
20 amended to read:

21 79-8,145.01 (1) In addition to certificates issued pursuant to  
22 section 79-806 to 79-815, the Commissioner of Education shall, subject to  
23 subsections (2) and (3) of this section, issue an alternative certificate  
24 to teach on a full-time basis to any applicant who:

25 (a) Possesses a baccalaureate degree; and

26 (b) Has successfully completed an alternative teacher ~~certification~~  
27 program operated by an organization that satisfies the following  
28 criteria:

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

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

1 (iii) The program requires candidates to pass a subject area  
2 examination and ~~a the pedagogy examination, known as the professional~~  
3 ~~teaching knowledge examination,~~ to receive a documentation of successful  
4 completion of certificate under such program.

5 (2) An alternative A certificate issued by the Commissioner of  
6 Education under this section only authorizes an individual to teach the  
7 subject and educational levels for which the individual has successfully  
8 completed an alternative teacher ~~certification~~ program.

9 (3) Issuance of an alternative certificate ~~to teach~~ pursuant to this  
10 section shall also be subject to any rules, regulations, or procedures  
11 established pursuant to subdivisions (1)(c) and (f) of section 79-808 and  
12 section 79-810 a criminal history record information check pursuant to  
13 section 79-814.01 and payment of any required fees.

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

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

19 (b) Be subject to the same certification criteria as an individual  
20 who completes a traditional teacher preparation program if converting the  
21 alternative certificate ~~to teach~~ to a standard certificate to teach.

22 Sec. 68. Section 79-8,150, Revised Statutes Cumulative Supplement,  
23 2022, is amended to read:

24 79-8,150 Applications prescribed by the Commissioner of Education  
25 for student loan repayment assistance must be submitted no later than  
26 June 10, 2023, and no later than June 10 of each year thereafter, ~~on a~~  
27 ~~form developed by the department.~~ The Commissioner of Education  
28 ~~department~~ shall determine whether to approve or deny each application  
29 and shall notify each applicant of such determination no later than  
30 September 10, 2023, and no later than September 10 of each year  
31 thereafter. Repayment assistance awarded under the program shall be paid,

1 in whole or in part as provided in section 79-8,151, no later than  
2 November 10, 2023, and no later than November 10 of each year thereafter.

3 Sec. 70. Section 79-1054, Revised Statutes Supplement, 2023, is  
4 amended to read:

5 79-1054 (1)(a) This subsection applies until July 1, 2024.

6 (b) The State Board of Education shall establish a competitive  
7 innovation grant program with funding from the Nebraska Education  
8 Improvement Fund pursuant to section 79-3501. Grantees shall be a school  
9 district, an educational service unit, or a combination of entities that  
10 includes at least one school district or educational service unit. For  
11 grantees that consist of a combination of entities, a participating  
12 school district or educational service unit shall be designated to act as  
13 the fiscal agent and administer the program funded by the grant. The  
14 state board shall only award grants pursuant to applications that the  
15 state board deems to be sufficiently innovative and to have a high chance  
16 of success.

17 (c) An application for a grant pursuant to this subsection shall  
18 describe:

19 (i) Specific measurable objectives for improving education outcomes  
20 for early childhood students, elementary students, middle school  
21 students, or high school students or for improving the transitions  
22 between any successive stages of education or between education and the  
23 workforce;

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

28 (iii) The potential for the project to be both scalable and  
29 replicable; and

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

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

- 4 (i) Representing a best practice;
- 5 (ii) A model for a state-supported program; or
- 6 (iii) A local issue for further study.

7 (e) On or before December 1, 2017, and on or before December 1 of  
8 each year thereafter, the state board shall electronically submit a  
9 report to the Clerk of the Legislature on all such grants, including, but  
10 not limited to, the results of the evaluations for each grant. The state  
11 board may adopt and promulgate rules and regulations to carry out this  
12 subsection, including, but not limited to, application procedures,  
13 selection procedures, and annual evaluation reporting procedures.

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

15 ~~(b) The State Board of Education shall establish innovation grant~~  
16 ~~programs in areas, including, but not limited to, (i) mental health first~~  
17 ~~aid, (ii) early literacy, (iii) quality instructional materials, (iv)~~  
18 ~~personalized learning through digital education, or (v) other innovation~~  
19 ~~areas identified by the board. It is the intent of the Legislature that~~  
20 ~~such grant programs shall be funded using lottery funds under section~~  
21 ~~79-3501. Grantees shall be a school district, an educational service~~  
22 ~~unit, or a combination of entities that includes at least one school~~  
23 ~~district or educational service unit.~~

24 ~~(c) An application for participating in an innovation grant pursuant~~  
25 ~~to this subsection shall describe:~~

26 ~~(i) Specific measurable objectives for improving education outcomes~~  
27 ~~for early childhood students, elementary students, middle school~~  
28 ~~students, or high school students or for improving the transitions~~  
29 ~~between any successive stages of education or between education and the~~  
30 ~~workforce;~~

31 ~~(ii) Participation in a method for annually evaluating progress~~

1 ~~toward a measurable objective, with a summative evaluation of progress~~  
2 ~~submitted to the state board and electronically to the Education~~  
3 ~~Committee of the Legislature on or before July 1 of each year;~~

4 ~~(iii) The potential for the grant program to be both scalable and~~  
5 ~~replicable; and~~

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

8 ~~(d) Based on evaluations received on or before July 1 of each year~~  
9 ~~for each grant program, the State Board of Education shall recommend the~~  
10 ~~grant program as:~~

11 ~~(i) Representing a best practice;~~

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

13 ~~(iii) A local issue for further study.~~

14 ~~(e) On or before December 1 of each year, the state board shall~~  
15 ~~electronically submit a report to the Clerk of the Legislature on all~~  
16 ~~such grant programs, including, but not limited to, the results of the~~  
17 ~~evaluations for each grant program. The state board may adopt and~~  
18 ~~promulgate rules and regulations to carry out this subsection, including,~~  
19 ~~but not limited to, application procedures, selection procedures, and~~  
20 ~~annual evaluation reporting procedures.~~

21 ~~(2)(a) (3)(a) This subsection applies beginning July 1, 2024.~~

22 (b) The State Board of Education shall establish an improvement  
23 grant program in areas including, but not limited to, (i) teacher  
24 recruitment and retention, (ii) improvement for schools and school  
25 districts, (iii) improvement in student performance in the subject areas  
26 of reading and mathematics, and (iv) other improvement areas identified  
27 by the state board. Such grants shall be funded using lottery funds under  
28 section 79-3501.

29 (c) On or before December 1 of each calendar year, the state board  
30 shall electronically submit a report to the Clerk of the Legislature on  
31 all such grant programs, including, but not limited to, the recipients of

1 the programs and evaluations of the effectiveness of each grant program.  
2 The state board may adopt and promulgate rules and regulations to carry  
3 out this subsection.

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

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

8 (c)(i) The State Board of Education shall establish a ~~an innovation~~  
9 grant program to procure or purchase an annual license for learning  
10 platforms for use in schools to engage students in coursework and careers  
11 in science, technology, engineering, ~~entrepreneurship,~~ and mathematics.  
12 Such grants shall be funded using lottery funds pursuant to section  
13 79-3501.

14 (ii) The State Board of Education shall establish standards that a  
15 learning platform shall meet in the subject areas of chemistry, ~~and~~  
16 physical science, ~~business,~~ and mathematics. The state board shall  
17 develop the criteria to a plan related to how the state board shall  
18 prioritize the grant applications.

19 (iii) A developer may apply to the Commissioner ~~State Department~~ of  
20 Education ~~on forms~~ and in a manner prescribed by the state board  
21 ~~department~~ for a grant under this subsection for a learning platform  
22 that:

23 (A) Is designed to teach information related to chemistry, ~~and~~  
24 physical science, ~~business,~~ or mathematics;

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

27 (C) Connects such standards with real-world technologies and  
28 applications;

29 (D) Highlights science, technology, engineering, ~~entrepreneurship,~~  
30 and mathematics career pathways in Nebraska; and

31 (E) Meets any additional requirements set out by the State Board of

1 Education.

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

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

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

13 (4)(a) ~~(5)(a)~~ The State Department of Education Improvement  
14 ~~Innovative~~ Grant Fund is created. The fund shall be administered by the  
15 State Department of Education and shall consist of transfers pursuant to  
16 section 79-3501, repayments of grant funds, and interest payments  
17 received in the course of administering this section. The fund shall be  
18 used to carry out this section. Any money in the fund available for  
19 investment shall be invested by the state investment officer pursuant to  
20 the Nebraska Capital Expansion Act and the Nebraska State Funds  
21 Investment Act.

22 (b) Of the ten percent of funds transferred to the fund pursuant to  
23 section 79-3501, eight and three-fourths percent shall be used for  
24 improvement innovation grants pursuant to subsection (3) ~~(4)~~ of this  
25 section and the remaining one and one-fourth percent shall be used for  
26 ~~innovation and improvement~~ grants pursuant to subsection ~~subsections~~ (2)  
27 ~~and (3)~~ of this section.

28 Sec. 77. Section 79-10,141, Revised Statutes Cumulative Supplement,  
29 2022, is amended to read:

30 79-10,141 (1) Because children are susceptible to hunger in the  
31 summertime, resulting in negative health effects, the Legislature

1 intends, as a state nutrition and health policy, that the State of  
2 Nebraska's participation in the Summer Food Service Program of the United  
3 States Department of Agriculture be strengthened where it is needed to  
4 provide adequate nutrition for children.

5 (2) To encourage participation and utilization of the Summer Food  
6 Service Program, the department shall:

7 (a) Provide information to sponsors concerning the benefits and  
8 availability of the Summer Food Service Program; and

9 (b) Award grants of up to fifteen thousand dollars on a competitive  
10 basis to sponsors approved by the department. Grants awarded under this  
11 section may be used for nonrecurring expenses incurred in initiating or  
12 expanding services under the Summer Food Service Program, including, but  
13 not limited to, the acquisition of equipment, salaries of staff, training  
14 of staff in new capacities, outreach efforts to publicize new or expanded  
15 services under the Summer Food Service Program, minor alterations to  
16 accommodate new equipment, computer point-of-service systems for food  
17 service, transportation costs associated with food delivery to  
18 accommodate rural noncongregate meal service, and the purchase of  
19 vehicles for transporting food to sites. Funds may be expended up to the  
20 full cost of a qualifying expense incurred by a sponsor in initiating or  
21 expanding the services under the Summer Food Service Program, and if the  
22 funds are expended solely for the benefit of child nutrition programs  
23 administered by the department, no proration of the expense shall be  
24 required. Funds shall not be used for food, computers, except point-of-  
25 service systems, or capital outlay. The total amount of grants awarded  
26 under this section shall be limited to one hundred thousand dollars per  
27 fiscal year.

28 (3) In awarding grants under this section, the department shall give  
29 preference in the following order of priority to:

30 (a) Sponsors located within the boundaries of school districts in  
31 which fifty percent or more of the students apply and qualify for free

1 and reduced-price lunches or located within the boundaries of a census  
2 tract in which fifty percent or more of the children fall under the  
3 poverty threshold as defined by the United States Department of  
4 Agriculture;

5 (b) Sponsors in which health or education activities are emphasized;  
6 and

7 (c) Sponsors that participate in the Summer Food Service Program at  
8 the time of grant application.

9 (4) Sponsors may apply for grants under this section by:

10 (a) Submitting to the department a plan to start or expand services  
11 under the Summer Food Service Program;

12 (b) Agreeing to operate the Summer Food Service Program for a period  
13 of not less than two years; and

14 (c) Assuring that the expenditure of funds from state and local  
15 resources for the maintenance of other child nutrition programs  
16 administered by the department shall not be diminished as a result of  
17 grants received under this section.

18 Sec. 78. Section 79-10,150, Revised Statutes Supplement, 2023, is  
19 amended to read:

20 79-10,150 (1) On or before January 15 of each school fiscal year, a  
21 school district with expected special education expenditures that total  
22 (a) at least fifty thousand dollars annually or (b) one-half percent or  
23 more of such school district's annual budget, whichever is greater, may  
24 submit an application as prescribed by the Commissioner State Department  
25 of Education to the State Department of Education department for a  
26 payment from the Education Future Fund to cover an extraordinary increase  
27 in special education expenditures pursuant to the requirements of this  
28 section. Such application shall include the special education  
29 expenditures of the applicant school district as of the immediately  
30 preceding December 31 for the school fiscal year in which the application  
31 is submitted.

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

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

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

20 Sec. 79. Section 79-1107, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 79-1107 For purposes of sections 79-1106 to 79-1108.03:

23 (1) Approved accelerated or differentiated curriculum programs means  
24 academic programs that serve the educational needs of learners with high  
25 ability developed and approved under section 79-1108;

26 (2) Department means the State Department of Education; and

27 (3) Learner with high ability means a student that performs, or has  
28 the capacity to perform, at greater levels in one or more domains of  
29 instruction in comparison to individuals of the same age, educational  
30 experience, or environment ~~who gives evidence of high performance~~  
31 ~~capability in such areas as intellectual, creative, or artistic capacity~~

1 ~~or in specific academic fields~~ and who requires accelerated or  
2 differentiated curriculum programs in order to develop those abilities  
3 ~~capabilities~~ fully.

4 Sec. 80. Section 79-1108.02, Revised Statutes Cumulative Supplement,  
5 2022, is amended to read:

6 79-1108.02 (1) The department shall, annually on or before October  
7 15, distribute funds appropriated for purposes of this section to (a)  
8 local systems as defined in section 79-1003 or (b) a combination of  
9 school districts ~~annually on or before October 15~~. The funds distributed  
10 pursuant to this section shall be distributed based on a pro rata share  
11 of the eligible costs submitted in grant applications.

12 (2) Local systems or combinations of school districts may apply to  
13 the department for base funds and matching funds pursuant to this section  
14 to be spent on approved accelerated or differentiated curriculum  
15 programs. Each eligible local system or combination of school districts  
16 shall receive one-tenth of one percent of the appropriation as base funds  
17 plus a pro rata share of the remainder of the appropriation based on  
18 identified students participating in an accelerated or differentiated  
19 curriculum program, up to ten percent of the prior year's fall membership  
20 as defined in section 79-1003, as matching funds. Eligible local systems  
21 or combinations of school districts shall:

22 (a) Provide an approved accelerated or differentiated curriculum  
23 program for students identified as learners with high ability;

24 (b) Provide funds from other sources for the approved accelerated or  
25 differentiated curriculum program greater than or equal to fifty percent  
26 of the matching funds received pursuant to this subsection;

27 (c) Provide an accounting of the funds received pursuant to this  
28 section, funds required by subdivision (b) of this subsection, and the  
29 total cost of the program on or before August 1 of the year following the  
30 receipt of funds in a manner prescribed by the department, not to exceed  
31 one report per year; and

1 (d) Provide data regarding the academic progress of students  
2 participating in the accelerated or differentiated curriculum program in  
3 a manner prescribed by the department, not to exceed one report per year.

4 If a local system or combination of school districts will not be  
5 providing the necessary matching funds pursuant to subdivision (b) of  
6 this subsection, the local system or combination of school districts  
7 shall request a reduction in the amount received pursuant to this  
8 subsection such that the local system or combination of school districts  
9 will be in compliance with such subdivision. Local systems or  
10 combinations of school districts not complying with the requirements of  
11 this subsection shall ~~not~~ be ineligible for grant funds eligible local  
12 systems in the following year.

13 Sec. 81. Section 79-1108.03, Reissue Revised Statutes of Nebraska,  
14 is amended to read:

15 79-1108.03 The State Board of Education shall adopt and promulgate  
16 rules and regulations to implement sections 79-1105 to 79-1108.03,  
17 including criteria for the approval of accelerated or differentiated  
18 curriculum programs, consistent methods for identification of learners  
19 with high ability, and data requirements for measuring academic progress  
20 of students participating in the accelerated or differentiated curriculum  
21 programs.

22 Sec. 82. Section 79-11,159, Revised Statutes Cumulative Supplement,  
23 2022, is amended to read:

24 79-11,159 (1) On or before August 1, 2023, each school district  
25 shall designate one or more behavioral health points of contact for each  
26 school building or other division as determined by the school district. A  
27 behavioral health point of contact may be an administrator, a school  
28 nurse, a school psychologist, or another designated person affiliated  
29 with such school building or other division. Each behavioral health point  
30 of contact shall have knowledge of community behavioral health service  
31 providers and other resources available for students and families.

1 (2) On or before August 1, 2023, and on or before each August 1  
2 thereafter, the State Department of Education, in consultation with the  
3 Division of Behavioral Health of the Department of Health and Human  
4 Services, shall provide each school district with a registry of state and  
5 local behavioral health resources available to work with students and  
6 families by geographic area. The registry shall be updated at least  
7 annually and include resources for both school-based services and  
8 services accessible by students' families outside of school.

9 (3) Each behavioral health point of contact shall coordinate access  
10 to community behavioral health services for students and families and  
11 facilitate access to services during the school day at the school the  
12 student attends. Except as provided in section 43-2101, such facilitation  
13 shall be approved by the student's parent or guardian. In addition, the  
14 behavioral health point of contact shall also be responsible for the  
15 duties set forth in section 79-3603.

16 (4) Before the beginning of school year 2023-24, and before the  
17 beginning of each school year thereafter, each school district shall  
18 report the designated behavioral health points of contact to the State  
19 Department of Education.

20 Sec. 84. (1) The School Emergency Response Mapping Fund is created.  
21 The fund shall be administered by the State Department of Education and  
22 consist of any money transferred by the Legislature and any gifts,  
23 grants, or bequests. The department shall use the money in the fund for  
24 grants related to facilitating the implementation of mapping data in  
25 accordance with section 83 of this act. Any funds available for  
26 investment shall be invested by the state investment officer pursuant to  
27 the Nebraska Capital Expansion Act and the Nebraska State Funds  
28 Investment Act.

29 (2) It is the intent of the Legislature to transfer five hundred  
30 twenty-five thousand dollars from the General Fund to the School  
31 Emergency Response Mapping Fund for fiscal year 2024-25 for the purpose

1 of providing such grants.

2 Sec. 87. Section 79-3501, Revised Statutes Supplement, 2023, is  
3 amended to read:

4 79-3501 (1) For fiscal years through fiscal year 2023-24, the money  
5 available to be used for education pursuant to subdivision (3)(b) of  
6 section 9-812 shall be transferred to the Nebraska Education Improvement  
7 Fund.

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

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

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

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

15 (d) Ten percent to the State Department of Education Improvement  
16 Innovative Grant Fund;

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

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

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

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

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

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

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

29 (4)(a) The Nebraska Education Improvement Fund is created. The fund  
30 shall consist of money transferred pursuant to subsection (1) of this  
31 section and any other funds transferred by the Legislature. The fund

1 shall be allocated, after actual and necessary administrative expenses,  
2 as provided in this subsection for fiscal years 2016-17 through 2023-24.  
3 A portion of each allocation for fiscal year 2023-24 may be retained by  
4 the agency to which the allocation is made or the agency administering  
5 the fund to which the allocation is made for actual and necessary  
6 expenses incurred by such agency for administration, evaluation, and  
7 technical assistance related to the purposes of the allocation, except  
8 that no amount of the allocation to the Nebraska Opportunity Grant Fund  
9 may be used for such purposes.

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

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

19 (i) One percent of the allocated funds to the Expanded Learning  
20 Opportunity Grant Fund to carry out the Expanded Learning Opportunity  
21 Grant Program Act;

22 (ii) Seventeen percent of the allocated funds to the State  
23 Department of Education Improvement Innovative Grant Fund to be used for  
24 competitive innovation grants pursuant to section 79-1054;

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

28 (iv) Eight percent of the allocated funds to the Excellence in  
29 Teaching Cash Fund to carry out the Excellence in Teaching Act;

30 (v) Sixty-two percent of the allocated funds to the Nebraska  
31 Opportunity Grant Fund to carry out the Nebraska Opportunity Grant Act in

1 conjunction with appropriations from the General Fund; and

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

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

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

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

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

27 (b) The Auditor of Public Accounts shall annually compile a summary  
28 of the annual reports received pursuant to subdivision (6)(a) of this  
29 section, any audits related to transfers pursuant to subsection (2) or  
30 (4) of this section conducted by the Auditor of Public Accounts, and any  
31 findings or recommendations related to such transfers into a consolidated

1 annual report and shall submit such consolidated annual report  
2 electronically to the Legislature on or before January 1, 2023, and on or  
3 before each January 1 thereafter.

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

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

15 Sec. 88. Section 79-3602, Revised Statutes Supplement, 2023, is  
16 amended to read:

17 79-3602 (1)(a) Beginning in school year 2024-25, the Educational  
18 Service Unit Coordinating Council shall (i) ensure annual behavioral  
19 awareness training is available statewide and (ii) develop, implement,  
20 and administer an ongoing statewide teacher support system.

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

31 (c) Behavioral awareness training shall include, but not be limited

1 to, evidence-based training on a continuum that includes:

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

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

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

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

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

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

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

28 Sec. 89. Section 79-3703, Revised Statutes Supplement, 2023, is  
29 amended to read:

30 79-3703 (1) The State Department of Education shall develop and  
31 administer the College Pathway Program to provide grants on or after July

1 1, 2024, to eligible providers to provide services in accordance with  
2 subsection (2) of this section to underrepresented and low-income  
3 students in high school and postsecondary education.

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

11 (a) Assistance and tutorials which help students in completing  
12 applications for a college or university, including applying for aid  
13 through the Free Application for Federal Student Aid or other  
14 scholarships;

15 (b) Assistance and materials which help students take the  
16 appropriate high school classes in an area or field of study a student is  
17 interested in and any classes necessary for a student to gain acceptance  
18 at a postsecondary institution or complete the requirements and take the  
19 appropriate postsecondary education classes to receive an associate  
20 degree or a baccalaureate degree; and

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

23 (3) Eligible providers may apply to the State Department of  
24 Education for a grant ~~on forms~~ and in a manner prescribed by the  
25 Commissioner of Education department.

26 Sec. 96. The following section is outright repealed: Section  
27 79-11,160, Revised Statutes Supplement, 2023.

28 2. On page 70, line 25, strike "School Safety and Security Fund" and  
29 insert "School Emergency Response Mapping Fund".

30 3. Renumber the remaining sections and correct internal references  
31 and the repealer accordingly.